

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 368

Representative Baldrige

Cosponsors: Representatives Becker, Carfagna, Keller, Lang, Romanchuk

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, and 2913.93 of the 7
Revised Code to enact the Ohio Computer Crimes 8
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
and 2913.93 of the Revised Code be enacted to read as follows: 15

Sec. 109.42. (A) The attorney general shall prepare and 16
have printed a pamphlet that contains a compilation of all 17
statutes relative to victim's rights in which the attorney 18

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

(1) The right of a victim or a victim's representative to 31
attend a proceeding before a grand jury, in a juvenile case, or 32
in a criminal case pursuant to a subpoena without being 33
discharged from the victim's or representative's employment, 34
having the victim's or representative's employment terminated, 35
having the victim's or representative's pay decreased or 36
withheld, or otherwise being punished, penalized, or threatened 37
as a result of time lost from regular employment because of the 38
victim's or representative's attendance at the proceeding 39
pursuant to the subpoena, as set forth in section 2151.211, 40
2930.18, 2939.121, or 2945.451 of the Revised Code; 41

(2) The potential availability pursuant to section 42
2151.359 or 2152.61 of the Revised Code of a forfeited 43
recognizance to pay damages caused by a child when the 44
delinquency of the child or child's violation of probation or 45
community control is found to be proximately caused by the 46
failure of the child's parent or guardian to subject the child 47
to reasonable parental authority or to faithfully discharge the 48
conditions of probation or community control; 49

(3) The availability of awards of reparations pursuant to 50
sections 2743.51 to 2743.72 of the Revised Code for injuries 51
caused by criminal offenses; 52

(4) The right of the victim in certain criminal or 53
juvenile cases or a victim's representative to receive, pursuant 54
to section 2930.06 of the Revised Code, notice of the date, 55
time, and place of the trial or delinquency proceeding in the 56
case or, if there will not be a trial or delinquency proceeding, 57
information from the prosecutor, as defined in section 2930.01 58
of the Revised Code, regarding the disposition of the case; 59

(5) The right of the victim in certain criminal or 60
juvenile cases or a victim's representative to receive, pursuant 61
to section 2930.04, 2930.05, or 2930.06 of the Revised Code, 62
notice of the name of the person charged with the violation, the 63
case or docket number assigned to the charge, and a telephone 64
number or numbers that can be called to obtain information about 65
the disposition of the case; 66

(6) The right of the victim in certain criminal or 67
juvenile cases or of the victim's representative pursuant to 68
section 2930.13 or 2930.14 of the Revised Code, subject to any 69
reasonable terms set by the court as authorized under section 70
2930.14 of the Revised Code, to make a statement about the 71
victimization and, if applicable, a statement relative to the 72
sentencing or disposition of the offender; 73

(7) The opportunity to obtain a court order, pursuant to 74
section 2945.04 of the Revised Code, to prevent or stop the 75
commission of the offense of intimidation of a crime victim or 76
witness or an offense against the person or property of the 77
complainant, or of the complainant's ward or child; 78

(8) The right of the victim in certain criminal or 79
juvenile cases or a victim's representative pursuant to sections 80
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 81
Code to receive notice of a pending motion for judicial release, 82
release pursuant to section 2967.19 of the Revised Code, or 83
other early release of the person who committed the offense 84
against the victim, to make an oral or written statement at the 85
court hearing on the motion, and to be notified of the court's 86
decision on the motion; 87

(9) The right of the victim in certain criminal or 88
juvenile cases or a victim's representative pursuant to section 89
2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised 90
Code to receive notice of any pending commutation, pardon, 91
parole, transitional control, discharge, other form of 92
authorized release, post-release control, or supervised release 93
for the person who committed the offense against the victim or 94
any application for release of that person and to send a written 95
statement relative to the victimization and the pending action 96
to the adult parole authority or the release authority of the 97
department of youth services; 98

(10) The right of the victim to bring a civil action 99
pursuant to sections 2969.01 to 2969.06 of the Revised Code to 100
obtain money from the offender's profit fund; 101

(11) The right, pursuant to section 3109.09 of the Revised 102
Code, to maintain a civil action to recover compensatory damages 103
not exceeding ten thousand dollars and costs from the parent of 104
a minor who willfully damages property through the commission of 105
an act that would be a theft offense, as defined in section 106
2913.01 of the Revised Code, if committed by an adult; 107

(12) The right, pursuant to section 3109.10 of the Revised 108

Code, to maintain a civil action to recover compensatory damages 109
not exceeding ten thousand dollars and costs from the parent of 110
a minor who willfully and maliciously assaults a person; 111

(13) The possibility of receiving restitution from an 112
offender or a delinquent child pursuant to section 2152.20, 113
2929.18, or 2929.28 of the Revised Code; 114

(14) The right of the victim in certain criminal or 115
juvenile cases or a victim's representative, pursuant to section 116
2930.16 of the Revised Code, to receive notice of the escape 117
from confinement or custody of the person who committed the 118
offense, to receive that notice from the custodial agency of the 119
person at the victim's last address or telephone number provided 120
to the custodial agency, and to receive notice that, if either 121
the victim's address or telephone number changes, it is in the 122
victim's interest to provide the new address or telephone number 123
to the custodial agency; 124

(15) The right of a victim of domestic violence, including 125
domestic violence in a dating relationship as defined in section 126
3113.31 of the Revised Code, to seek the issuance of a civil 127
protection order pursuant to that section, the right of a victim 128
of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 129
2911.211, 2913.88, or 2919.22 of the Revised Code, a violation 130
of a substantially similar municipal ordinance, or an offense of 131
violence who is a family or household member of the offender at 132
the time of the offense to seek the issuance of a temporary 133
protection order pursuant to section 2919.26 of the Revised 134
Code, and the right of both types of victims to be accompanied 135
by a victim advocate during court proceedings; 136

(16) The right of a victim of a sexually oriented offense 137
or of a child-victim oriented offense that is committed by a 138

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

(17) The right of a victim of certain sexually violent 153
offenses committed by an offender who also is convicted of or 154
pleads guilty to a sexually violent predator specification and 155
who is sentenced to a prison term pursuant to division (A) (3) of 156
section 2971.03 of the Revised Code, of a victim of a violation 157
of division (A) (1) (b) of section 2907.02 of the Revised Code 158
committed on or after January 2, 2007, by an offender who is 159
sentenced for the violation pursuant to division (B) (1) (a), (b), 160
or (c) of section 2971.03 of the Revised Code, of a victim of an 161
attempted rape committed on or after January 2, 2007, by an 162
offender who also is convicted of or pleads guilty to a 163
specification of the type described in section 2941.1418, 164
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 165
the violation pursuant to division (B) (2) (a), (b), or (c) of 166
section 2971.03 of the Revised Code, and of a victim of an 167
offense that is described in division (B) (3) (a), (b), (c), or 168
(d) of section 2971.03 of the Revised Code and is committed by 169

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

(B) (1) (a) Subject to division (B) (1) (c) of this section, a 180
prosecuting attorney, assistant prosecuting attorney, city 181
director of law, assistant city director of law, village 182
solicitor, assistant village solicitor, or similar chief legal 183
officer of a municipal corporation or an assistant of any of 184
those officers who prosecutes an offense committed in this 185
state, upon first contact with the victim of the offense, the 186
victim's family, or the victim's dependents, shall give the 187
victim, the victim's family, or the victim's dependents a copy 188
of the pamphlet prepared pursuant to division (A) of this 189
section and explain, upon request, the information in the 190
pamphlet to the victim, the victim's family, or the victim's 191
dependents. 192

(b) Subject to division (B) (1) (c) of this section, a law 193
enforcement agency that investigates an offense or delinquent 194
act committed in this state shall give the victim of the offense 195
or delinquent act, the victim's family, or the victim's 196
dependents a copy of the pamphlet prepared pursuant to division 197
(A) of this section at one of the following times: 198

(i) Upon first contact with the victim, the victim's 199

family, or the victim's dependents; 200

(ii) If the offense or delinquent act is an offense of 201
violence, if the circumstances of the offense or delinquent act 202
and the condition of the victim, the victim's family, or the 203
victim's dependents indicate that the victim, the victim's 204
family, or the victim's dependents will not be able to 205
understand the significance of the pamphlet upon first contact 206
with the agency, and if the agency anticipates that it will have 207
an additional contact with the victim, the victim's family, or 208
the victim's dependents, upon the agency's second contact with 209
the victim, the victim's family, or the victim's dependents. 210

If the agency does not give the victim, the victim's 211
family, or the victim's dependents a copy of the pamphlet upon 212
first contact with them and does not have a second contact with 213
the victim, the victim's family, or the victim's dependents, the 214
agency shall mail a copy of the pamphlet to the victim, the 215
victim's family, or the victim's dependents at their last known 216
address. 217

(c) In complying on and after December 9, 1994, with the 218
duties imposed by division (B) (1) (a) or (b) of this section, an 219
official or a law enforcement agency shall use copies of the 220
pamphlet that are in the official's or agency's possession on 221
December 9, 1994, until the official or agency has distributed 222
all of those copies. After the official or agency has 223
distributed all of those copies, the official or agency shall 224
use only copies of the pamphlet that contain at least the 225
information described in divisions (A) (1) to (17) of this 226
section. 227

(2) The failure of a law enforcement agency or of a 228
prosecuting attorney, assistant prosecuting attorney, city 229

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

(3) A law enforcement agency, a prosecuting attorney or 243
assistant prosecuting attorney, or a city director of law, 244
assistant city director of law, village solicitor, assistant 245
village solicitor, or similar chief legal officer of a municipal 246
corporation that distributes a copy of the pamphlet prepared 247
pursuant to division (A) of this section shall not be required 248
to distribute a copy of an information card or other printed 249
material provided by the clerk of the court of claims pursuant 250
to section 2743.71 of the Revised Code. 251

(C) The cost of printing and distributing the pamphlet 252
prepared pursuant to division (A) of this section shall be paid 253
out of the reparations fund, created pursuant to section 254
2743.191 of the Revised Code, in accordance with division (D) of 255
that section. 256

(D) As used in this section: 257

(1) "Victim's representative" has the same meaning as in 258
section 2930.01 of the Revised Code; 259

(2) "Victim advocate" has the same meaning as in section 260
2919.26 of the Revised Code. 261

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 262
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 263
Code, a completed form prescribed pursuant to division (C) (1) of 264
this section, and a set of fingerprint impressions obtained in 265
the manner described in division (C) (2) of this section, the 266
superintendent of the bureau of criminal identification and 267
investigation shall conduct a criminal records check in the 268
manner described in division (B) of this section to determine 269
whether any information exists that indicates that the person 270
who is the subject of the request previously has been convicted 271
of or pleaded guilty to any of the following: 272

(a) A violation of section 2903.01, 2903.02, 2903.03, 273
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 274
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 275
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 276
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 277
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 278
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 279
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 280
sexual penetration in violation of former section 2907.12 of the 281
Revised Code, a violation of section 2905.04 of the Revised Code 282
as it existed prior to July 1, 1996, a violation of section 283
2919.23 of the Revised Code that would have been a violation of 284
section 2905.04 of the Revised Code as it existed prior to July 285
1, 1996, had the violation been committed prior to that date, or 286
a violation of section 2925.11 of the Revised Code that is not a 287
minor drug possession offense; 288

(b) A violation of an existing or former law of this 289

state, any other state, or the United States that is 290
substantially equivalent to any of the offenses listed in 291
division (A) (1) (a) of this section; 292

(c) If the request is made pursuant to section 3319.39 of 293
the Revised Code for an applicant who is a teacher, any offense 294
specified in section 3319.31 of the Revised Code. 295

(2) On receipt of a request pursuant to section 3712.09 or 296
3721.121 of the Revised Code, a completed form prescribed 297
pursuant to division (C) (1) of this section, and a set of 298
fingerprint impressions obtained in the manner described in 299
division (C) (2) of this section, the superintendent of the 300
bureau of criminal identification and investigation shall 301
conduct a criminal records check with respect to any person who 302
has applied for employment in a position for which a criminal 303
records check is required by those sections. The superintendent 304
shall conduct the criminal records check in the manner described 305
in division (B) of this section to determine whether any 306
information exists that indicates that the person who is the 307
subject of the request previously has been convicted of or 308
pleaded guilty to any of the following: 309

(a) A violation of section 2903.01, 2903.02, 2903.03, 310
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 311
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 312
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 313
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 314
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 315
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2913.87 to 316
2913.92, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 317
2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 318
Revised Code; 319

(b) An existing or former law of this state, any other 320
state, or the United States that is substantially equivalent to 321
any of the offenses listed in division (A) (2) (a) of this 322
section. 323

(3) On receipt of a request pursuant to section 173.27, 324
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 325
5123.081, or 5123.169 of the Revised Code, a completed form 326
prescribed pursuant to division (C) (1) of this section, and a 327
set of fingerprint impressions obtained in the manner described 328
in division (C) (2) of this section, the superintendent of the 329
bureau of criminal identification and investigation shall 330
conduct a criminal records check of the person for whom the 331
request is made. The superintendent shall conduct the criminal 332
records check in the manner described in division (B) of this 333
section to determine whether any information exists that 334
indicates that the person who is the subject of the request 335
previously has been convicted of, has pleaded guilty to, or 336
(except in the case of a request pursuant to section 5164.34, 337
5164.341, or 5164.342 of the Revised Code) has been found 338
eligible for intervention in lieu of conviction for any of the 339
following, regardless of the date of the conviction, the date of 340
entry of the guilty plea, or (except in the case of a request 341
pursuant to section 5164.34, 5164.341, or 5164.342 of the 342
Revised Code) the date the person was found eligible for 343
intervention in lieu of conviction: 344

(a) A violation of section 959.13, 959.131, 2903.01, 345
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 346
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 347
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 348
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 349
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 350

2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,	351
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	352
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	353
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	354
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	355
2913.49, 2913.51, <u>2913.87 to 2913.92</u> , 2917.01, 2917.02, 2917.03,	356
2917.31, 2919.12, 2919.121, 2919.123, 2919.22, 2919.23, 2919.24,	357
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24,	358
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12,	359
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21,	360
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05,	361
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22,	362
2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11	363
of the Revised Code;	364
(b) Felonious sexual penetration in violation of former	365
section 2907.12 of the Revised Code;	366
(c) A violation of section 2905.04 of the Revised Code as	367
it existed prior to July 1, 1996;	368
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	369
the Revised Code when the underlying offense that is the object	370
of the conspiracy, attempt, or complicity is one of the offenses	371
listed in divisions (A) (3) (a) to (c) of this section;	372
(e) A violation of an existing or former municipal	373
ordinance or law of this state, any other state, or the United	374
States that is substantially equivalent to any of the offenses	375
listed in divisions (A) (3) (a) to (d) of this section.	376
(4) On receipt of a request pursuant to section 2151.86 of	377
the Revised Code, a completed form prescribed pursuant to	378
division (C) (1) of this section, and a set of fingerprint	379

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

(a) A violation of section 959.13, 2903.01, 2903.02, 388
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 389
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 390
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 391
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 392
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 393
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 394
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 395
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 396
2927.12, or 3716.11 of the Revised Code, a violation of section 397
2905.04 of the Revised Code as it existed prior to July 1, 1996, 398
a violation of section 2919.23 of the Revised Code that would 399
have been a violation of section 2905.04 of the Revised Code as 400
it existed prior to July 1, 1996, had the violation been 401
committed prior to that date, a violation of section 2925.11 of 402
the Revised Code that is not a minor drug possession offense, 403
two or more OVI or OVUAC violations committed within the three 404
years immediately preceding the submission of the application or 405
petition that is the basis of the request, or felonious sexual 406
penetration in violation of former section 2907.12 of the 407
Revised Code; 408

(b) A violation of an existing or former law of this 409
state, any other state, or the United States that is 410

substantially equivalent to any of the offenses listed in 411
division (A)(4)(a) of this section. 412

(5) Upon receipt of a request pursuant to section 5104.013 413
of the Revised Code, a completed form prescribed pursuant to 414
division (C)(1) of this section, and a set of fingerprint 415
impressions obtained in the manner described in division (C)(2) 416
of this section, the superintendent of the bureau of criminal 417
identification and investigation shall conduct a criminal 418
records check in the manner described in division (B) of this 419
section to determine whether any information exists that 420
indicates that the person who is the subject of the request has 421
been convicted of or pleaded guilty to any of the following: 422

(a) A violation of section 2151.421, 2903.01, 2903.02, 423
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 424
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 425
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 426
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 427
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 428
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 429
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 430
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 431
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 432
2913.48, 2913.49, 2913.87 to 2913.92, 2917.01, 2917.02, 2917.03, 433
2917.31, 2919.12, 2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 434
2921.03, 2921.11, 2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 435
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 436
2925.06, or 3716.11 of the Revised Code, felonious sexual 437
penetration in violation of former section 2907.12 of the 438
Revised Code, a violation of section 2905.04 of the Revised Code 439
as it existed prior to July 1, 1996, a violation of section 440
2919.23 of the Revised Code that would have been a violation of 441

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

(b) A violation of an existing or former law of this 450
state, any other state, or the United States that is 451
substantially equivalent to any of the offenses or violations 452
described in division (A) (5) (a) of this section. 453

(6) Upon receipt of a request pursuant to section 5153.111 454
of the Revised Code, a completed form prescribed pursuant to 455
division (C) (1) of this section, and a set of fingerprint 456
impressions obtained in the manner described in division (C) (2) 457
of this section, the superintendent of the bureau of criminal 458
identification and investigation shall conduct a criminal 459
records check in the manner described in division (B) of this 460
section to determine whether any information exists that 461
indicates that the person who is the subject of the request 462
previously has been convicted of or pleaded guilty to any of the 463
following: 464

(a) A violation of section 2903.01, 2903.02, 2903.03, 465
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 466
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 467
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 468
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 469
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 470
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 471

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 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(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)(6)(a) of this section.

(7) On receipt of a request for a criminal records check from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a 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 indicating that the person who is the subject of the request has been convicted of or pleaded guilty to a felony in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. Subject to division (F) of this section, the superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation

provides to the director of public safety. 503

(8) On receipt of a request pursuant to section 1321.37, 504
1321.53, or 4763.05 of the Revised Code, a completed form 505
prescribed pursuant to division (C)(1) of this section, and a 506
set of fingerprint impressions obtained in the manner described 507
in division (C)(2) of this section, the superintendent of the 508
bureau of criminal identification and investigation shall 509
conduct a criminal records check with respect to any person who 510
has applied for a license, permit, or certification from the 511
department of commerce or a division in the department. The 512
superintendent shall conduct the criminal records check in the 513
manner described in division (B) of this section to determine 514
whether any information exists that indicates that the person 515
who is the subject of the request previously has been convicted 516
of or pleaded guilty to any of the following: a violation of 517
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 518
Revised Code; any other criminal offense involving theft, 519
receiving stolen property, embezzlement, forgery, fraud, passing 520
bad checks, money laundering, or drug trafficking, or any 521
criminal offense involving money or securities, as set forth in 522
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 523
the Revised Code; or any existing or former law of this state, 524
any other state, or the United States that is substantially 525
equivalent to those offenses. 526

(9) On receipt of a request for a criminal records check 527
from the treasurer of state under section 113.041 of the Revised 528
Code or from an individual under section 4701.08, 4715.101, 529
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 530
4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 531
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 532
4734.202, 4740.061, 4741.10, 4747.051, 4753.061, 4755.70, 533

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

(10) On receipt of a request pursuant to section 124.74, 552
1121.23, 1315.141, 1733.47, or 1761.26 of the Revised Code, a 553
completed form prescribed pursuant to division (C)(1) of this 554
section, and a set of fingerprint impressions obtained in the 555
manner described in division (C)(2) of this section, the 556
superintendent of the bureau of criminal identification and 557
investigation shall conduct a criminal records check in the 558
manner described in division (B) of this section to determine 559
whether any information exists that indicates that the person 560
who is the subject of the request previously has been convicted 561
of or pleaded guilty to any criminal offense under any existing 562
or former law of this state, any other state, or the United 563
States. 564

(11) On receipt of a request for a criminal records check 565
from an appointing or licensing authority under section 3772.07 566
of the Revised Code, a completed form prescribed under division 567
(C) (1) of this section, and a set of fingerprint impressions 568
obtained in the manner prescribed in division (C) (2) of this 569
section, the superintendent of the bureau of criminal 570
identification and investigation shall conduct a criminal 571
records check in the manner described in division (B) of this 572
section to determine whether any information exists that 573
indicates that the person who is the subject of the request 574
previously has been convicted of or pleaded guilty or no contest 575
to any offense under any existing or former law of this state, 576
any other state, or the United States that is a disqualifying 577
offense as defined in section 3772.07 of the Revised Code or 578
substantially equivalent to such an offense. 579

(12) On receipt of a request pursuant to section 2151.33 580
or 2151.412 of the Revised Code, a completed form prescribed 581
pursuant to division (C) (1) of this section, and a set of 582
fingerprint impressions obtained in the manner described in 583
division (C) (2) of this section, the superintendent of the 584
bureau of criminal identification and investigation shall 585
conduct a criminal records check with respect to any person for 586
whom a criminal records check is required under that section. 587
The superintendent shall conduct the criminal records check in 588
the manner described in division (B) of this section to 589
determine whether any information exists that indicates that the 590
person who is the subject of the request previously has been 591
convicted of or pleaded guilty to any of the following: 592

(a) A violation of section 2903.01, 2903.02, 2903.03, 593
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 594
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 595

2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 596
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 597
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 598
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2913.87 to 599
2913.92, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 600
2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 601
Revised Code; 602

(b) An existing or former law of this state, any other 603
state, or the United States that is substantially equivalent to 604
any of the offenses listed in division (A) (12) (a) of this 605
section. 606

(13) On receipt of a request pursuant to section 3796.12 607
of the Revised Code, a completed form prescribed pursuant to 608
division (C) (1) of this section, and a set of fingerprint 609
impressions obtained in a manner described in division (C) (2) of 610
this section, the superintendent of the bureau of criminal 611
identification and investigation shall conduct a criminal 612
records check in the manner described in division (B) of this 613
section to determine whether any information exists that 614
indicates that the person who is the subject of the request 615
previously has been convicted of or pleaded guilty to the 616
following: 617

(a) A disqualifying offense as specified in rules adopted 618
under division (B) (2) (b) of section 3796.03 of the Revised Code 619
if the person who is the subject of the request is an 620
administrator or other person responsible for the daily 621
operation of, or an owner or prospective owner, officer or 622
prospective officer, or board member or prospective board member 623
of, an entity seeking a license from the department of commerce 624
under Chapter 3796. of the Revised Code; 625

(b) A disqualifying offense as specified in rules adopted 626
under division (B) (2) (b) of section 3796.04 of the Revised Code 627
if the person who is the subject of the request is an 628
administrator or other person responsible for the daily 629
operation of, or an owner or prospective owner, officer or 630
prospective officer, or board member or prospective board member 631
of, an entity seeking a license from the state board of pharmacy 632
under Chapter 3796. of the Revised Code. 633

(14) On receipt of a request required by section 3796.13 634
of the Revised Code, a completed form prescribed pursuant to 635
division (C) (1) of this section, and a set of fingerprint 636
impressions obtained in a manner described in division (C) (2) of 637
this section, the superintendent of the bureau of criminal 638
identification and investigation shall conduct a criminal 639
records check in the manner described in division (B) of this 640
section to determine whether any information exists that 641
indicates that the person who is the subject of the request 642
previously has been convicted of or pleaded guilty to the 643
following: 644

(a) A disqualifying offense as specified in rules adopted 645
under division (B) (8) (a) of section 3796.03 of the Revised Code 646
if the person who is the subject of the request is seeking 647
employment with an entity licensed by the department of commerce 648
under Chapter 3796. of the Revised Code; 649

(b) A disqualifying offense as specified in rules adopted 650
under division (B) (14) (a) of section 3796.04 of the Revised Code 651
if the person who is the subject of the request is seeking 652
employment with an entity licensed by the state board of 653
pharmacy under Chapter 3796. of the Revised Code. 654

(15) On receipt of a request pursuant to section 4768.06 655

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

(16) On receipt of a request pursuant to division (B) of 666
section 4764.07 of the Revised Code, a completed form prescribed 667
under division (C) (1) of this section, and a set of fingerprint 668
impressions obtained in the manner described in division (C) (2) 669
of this section, the superintendent of the bureau of criminal 670
identification and investigation shall conduct a criminal 671
records check in the manner described in division (B) of this 672
section to determine whether any information exists indicating 673
that the person who is the subject of the request has been 674
convicted of or pleaded guilty to any crime of moral turpitude, 675
a felony, or an equivalent offense in any other state or the 676
United States. 677

(17) On receipt of a request for a criminal records check 678
under section 147.022 of the Revised Code, a completed form 679
prescribed under division (C) (1) of this section, and a set of 680
fingerprint impressions obtained in the manner prescribed in 681
division (C) (2) of this section, the superintendent of the 682
bureau of criminal identification and investigation shall 683
conduct a criminal records check in the manner described in 684
division (B) of this section to determine whether any 685
information exists that indicates that the person who is the 686

subject of the request previously has been convicted of or 687
pleaded guilty or no contest to any disqualifying offense, as 688
defined in section 147.011 of the Revised Code, or to any 689
offense under any existing or former law of this state, any 690
other state, or the United States that is substantially 691
equivalent to such a disqualifying offense. 692

(B) Subject to division (F) of this section, the 693
superintendent shall conduct any criminal records check to be 694
conducted under this section as follows: 695

(1) The superintendent shall review or cause to be 696
reviewed any relevant information gathered and compiled by the 697
bureau under division (A) of section 109.57 of the Revised Code 698
that relates to the person who is the subject of the criminal 699
records check, including, if the criminal records check was 700
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 701
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 702
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 703
3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 704
4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 705
5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of 706
the Revised Code, any relevant information contained in records 707
that have been sealed under section 2953.32 of the Revised Code; 708

(2) If the request received by the superintendent asks for 709
information from the federal bureau of investigation, the 710
superintendent shall request from the federal bureau of 711
investigation any information it has with respect to the person 712
who is the subject of the criminal records check, including 713
fingerprint-based checks of national crime information databases 714
as described in 42 U.S.C. 671 if the request is made pursuant to 715
section 2151.86 or 5104.013 of the Revised Code or if any other 716

Revised Code section requires fingerprint-based checks of that 717
nature, and shall review or cause to be reviewed any information 718
the superintendent receives from that bureau. If a request under 719
section 3319.39 of the Revised Code asks only for information 720
from the federal bureau of investigation, the superintendent 721
shall not conduct the review prescribed by division (B) (1) of 722
this section. 723

(3) The superintendent or the superintendent's designee 724
may request criminal history records from other states or the 725
federal government pursuant to the national crime prevention and 726
privacy compact set forth in section 109.571 of the Revised 727
Code. 728

(4) The superintendent shall include in the results of the 729
criminal records check a list or description of the offenses 730
listed or described in division (A) (1), (2), (3), (4), (5), (6), 731
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 732
of this section, whichever division requires the superintendent 733
to conduct the criminal records check. The superintendent shall 734
exclude from the results any information the dissemination of 735
which is prohibited by federal law. 736

(5) The superintendent shall send the results of the 737
criminal records check to the person to whom it is to be sent 738
not later than the following number of days after the date the 739
superintendent receives the request for the criminal records 740
check, the completed form prescribed under division (C) (1) of 741
this section, and the set of fingerprint impressions obtained in 742
the manner described in division (C) (2) of this section: 743

(a) If the superintendent is required by division (A) of 744
this section (other than division (A) (3) of this section) to 745
conduct the criminal records check, thirty; 746

(b) If the superintendent is required by division (A) (3) 747
of this section to conduct the criminal records check, sixty. 748

(C) (1) The superintendent shall prescribe a form to obtain 749
the information necessary to conduct a criminal records check 750
from any person for whom a criminal records check is to be 751
conducted under this section. The form that the superintendent 752
prescribes pursuant to this division may be in a tangible 753
format, in an electronic format, or in both tangible and 754
electronic formats. 755

(2) The superintendent shall prescribe standard impression 756
sheets to obtain the fingerprint impressions of any person for 757
whom a criminal records check is to be conducted under this 758
section. Any person for whom a records check is to be conducted 759
under this section shall obtain the fingerprint impressions at a 760
county sheriff's office, municipal police department, or any 761
other entity with the ability to make fingerprint impressions on 762
the standard impression sheets prescribed by the superintendent. 763
The office, department, or entity may charge the person a 764
reasonable fee for making the impressions. The standard 765
impression sheets the superintendent prescribes pursuant to this 766
division may be in a tangible format, in an electronic format, 767
or in both tangible and electronic formats. 768

(3) Subject to division (D) of this section, the 769
superintendent shall prescribe and charge a reasonable fee for 770
providing a criminal records check under this section. The 771
person requesting the criminal records check shall pay the fee 772
prescribed pursuant to this division. In the case of a request 773
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 774
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 775
fee shall be paid in the manner specified in that section. 776

(4) The superintendent of the bureau of criminal 777
identification and investigation may prescribe methods of 778
forwarding fingerprint impressions and information necessary to 779
conduct a criminal records check, which methods shall include, 780
but not be limited to, an electronic method. 781

(D) The results of a criminal records check conducted 782
under this section, other than a criminal records check 783
specified in division (A) (7) of this section, are valid for the 784
person who is the subject of the criminal records check for a 785
period of one year from the date upon which the superintendent 786
completes the criminal records check. If during that period the 787
superintendent receives another request for a criminal records 788
check to be conducted under this section for that person, the 789
superintendent shall provide the results from the previous 790
criminal records check of the person at a lower fee than the fee 791
prescribed for the initial criminal records check. 792

(E) When the superintendent receives a request for 793
information from a registered private provider, the 794
superintendent shall proceed as if the request was received from 795
a school district board of education under section 3319.39 of 796
the Revised Code. The superintendent shall apply division (A) (1) 797
(c) of this section to any such request for an applicant who is 798
a teacher. 799

(F) (1) Subject to division (F) (2) of this section, all 800
information regarding the results of a criminal records check 801
conducted under this section that the superintendent reports or 802
sends under division (A) (7) or (9) of this section to the 803
director of public safety, the treasurer of state, or the 804
person, board, or entity that made the request for the criminal 805
records check shall relate to the conviction of the subject 806

person, or the subject person's plea of guilty to, a criminal 807
offense. 808

(2) Division (F) (1) of this section does not limit, 809
restrict, or preclude the superintendent's release of 810
information that relates to the arrest of a person who is 811
eighteen years of age or older, to an adjudication of a child as 812
a delinquent child, or to a criminal conviction of a person 813
under eighteen years of age in circumstances in which a release 814
of that nature is authorized under division (E) (2), (3), or (4) 815
of section 109.57 of the Revised Code pursuant to a rule adopted 816
under division (E) (1) of that section. 817

(G) As used in this section: 818

(1) "Criminal records check" means any criminal records 819
check conducted by the superintendent of the bureau of criminal 820
identification and investigation in accordance with division (B) 821
of this section. 822

(2) "Minor drug possession offense" has the same meaning 823
as in section 2925.01 of the Revised Code. 824

(3) "OVI or OVUAC violation" means a violation of section 825
4511.19 of the Revised Code or a violation of an existing or 826
former law of this state, any other state, or the United States 827
that is substantially equivalent to section 4511.19 of the 828
Revised Code. 829

(4) "Registered private provider" means a nonpublic school 830
or entity registered with the superintendent of public 831
instruction under section 3310.41 of the Revised Code to 832
participate in the autism scholarship program or section 3310.58 833
of the Revised Code to participate in the Jon Peterson special 834
needs scholarship program. 835

Sec. 109.88. (A) If the attorney general has reasonable 836
cause to believe that a person or enterprise has engaged in, is 837
engaging in, or is preparing to engage in a violation of any 838
provision of section 2913.04 ~~or~~, 2913.05, or 2913.87 to 2913.92 839
of the Revised Code, the attorney general may investigate the 840
alleged violation. 841

(B) For purposes of an investigation under division (A) of 842
this section, the attorney general may issue subpoenas and 843
subpoenas duces tecum. The attorney general may compel the 844
attendance of witnesses and the production of records and papers 845
of all kinds and descriptions that are relevant to the 846
investigation, including, but not limited to, any books, 847
accounts, documents, and memoranda pertaining to the subject of 848
the investigation. Upon the failure of any person to comply with 849
any subpoena or subpoena duces tecum issued by the attorney 850
general under this section, the attorney general may apply to 851
the court of common pleas in Franklin county or in any county in 852
which an element of the crime occurred for a contempt order as 853
in the case of disobedience of the requirements of a subpoena 854
issued from the court of common pleas or a refusal to testify on 855
a subpoena. A subpoena or subpoena duces tecum issued by the 856
attorney general under this section to a provider of electronic 857
communication services or remote computing services shall be 858
subject to the limitations set forth in the "Electronic 859
Communications Privacy Act of 1986," 18 U.S.C. 2703. 860

(C) Any information gathered by the attorney general 861
during the course of the investigation that is in the possession 862
of the attorney general, a prosecuting attorney, a law 863
enforcement agency, or a special prosecutor is a confidential 864
law enforcement investigatory record for purposes of section 865
149.43 of the Revised Code. No provision contained in this 866

section affects or limits any right of discovery granted to any 867
person under the Revised Code, the Rules of Criminal Procedure, 868
or the Rules of Juvenile Procedure. 869

Sec. 901.511. (A) As used in this section: 870

(1) "Agricultural product" means any of the following 871
items that is produced for testing or research in the context of 872
a product development program in conjunction or coordination 873
with a private research facility, a university, or any federal, 874
state, or local governmental agency or that is produced for 875
personal, commercial, pharmaceutical, or educational purposes: 876
field crop or field crop product; timber or timber product; 877
forestry product; livestock or livestock product; meat or meat 878
product; milk or dairy product; poultry or poultry product; 879
equine animal; wool; fruit or vegetable crop; aquacultural 880
product; algacultural product; horticultural crop, including 881
plant materials grown in a greenhouse, nursery stock grown 882
inside or outside of a container, ornamental grass, turf grass, 883
ornamental trees, ornamental shrubs, or flowers; sod; mushrooms; 884
viticultural product; apicultural product; tobacco; pasture; 885
wild animal or domestic deer, as "wild animal" and "domestic 886
deer" are defined in section 1531.01 of the Revised Code; 887
monitored captive deer, captive deer with status, or captive 888
deer with certified chronic wasting disease status as defined in 889
section 943.01 of the Revised Code; or any combination of those 890
items. 891

(2) "Algacultural product" means algal paste, algal 892
powder, or dried algae that is comprised primarily of algal 893
biomass. 894

(3) "Equipment" means any implement, machinery, real or 895
personal property, building, or structure that is used in the 896

production, growing, harvesting, or housing of any agricultural 897
product. "Equipment" also includes any laboratory, research, 898
product, samples, supplies, or fixed equipment that is used to 899
test, develop, or analyze the process of producing, growing, or 900
maintaining any agricultural product. 901

(4) "Material support or resources" means currency, 902
payment instruments, other financial securities, financial 903
services, lodging, training, safehouses, false documentation or 904
identification, communications equipment, facilities, weapons, 905
lethal substances, explosives, personnel, transportation, and 906
other physical assets, except medicine or religious materials. 907

(5) "Payment instrument" means a check, draft, money 908
order, traveler's check, cashier's check, teller's check, or 909
other instrument or order for the transmission or payment of 910
money regardless of whether the item in question is negotiable. 911

(6) "Specified offense" means either of the following: 912

(a) A violation of section 2909.02, 2909.03, 2909.05, 913
2909.06, 2909.07, 2911.13, 2911.21, 2913.02, 2913.04, ~~or~~ 914
2913.42, or 2913.87 to 2913.92 of the Revised Code; 915

(b) An attempt to commit, complicity in committing, or a 916
conspiracy to commit an offense listed in division (A) (5) (a) of 917
this section. 918

(B) No person shall commit a specified offense involving 919
any agricultural product or equipment with the intent to do any 920
of the following: 921

(1) Intimidate or coerce a civilian population; 922

(2) Influence the policy of any government by intimidation 923
or coercion; 924

(3) Affect the conduct of any government;	925
(4) Interrupt or interfere with agricultural production,	926
agricultural research, or equipment for purposes of disrupting	927
or influencing, through intimidation or other means, consumer	928
confidence or agricultural production methods.	929
Division (B) of this section does not apply to the	930
practice of veterinary medicine by a person who has been issued	931
a valid license, temporary permit, or registration certificate	932
to practice veterinary medicine under Chapter 4741. of the	933
Revised Code. As used in this division, "practice of veterinary	934
medicine" has the same meaning as in section 4741.01 of the	935
Revised Code.	936
(C) No person shall raise, solicit, collect, donate, or	937
provide any material support or resources with the purpose that	938
the material support or resources will be used in whole or in	939
part to plan, prepare, carry out, or aid in either a violation	940
of division (B) of this section or in the concealment of, or an	941
escape from, a violation of that division.	942
(D) (1) In addition to the penalties established in section	943
901.99 of the Revised Code for a violation of this section, the	944
court may require any person who violates this section to pay	945
the victim of the offense an amount up to triple the value of	946
the agricultural product or equipment that was the subject of	947
the violation.	948
(2) In ordering restitution under division (D) (1) of this	949
section, the court shall consider as part of the value of the	950
agricultural product or equipment the market value of the	951
agricultural product or equipment prior to the violation and the	952
production, research, testing, replacement, and development	953

costs directly related to the agricultural product or equipment 954
that was the subject of the violation. 955

(E) The enactment of this section is not intended to 956
require the prosecution exclusively under this section of an 957
act, series of acts, or course of behavior that could be 958
prosecuted either under this section or under another section of 959
the Revised Code. One or more acts, series of acts, or courses 960
of behavior that may be prosecuted either under this section or 961
under another section of the Revised Code may be prosecuted 962
under this section, the other section, or both sections. 963

Sec. 2137.14. (A) The legal duties imposed on a fiduciary 964
charged with managing tangible property apply to the management 965
of digital assets, including all of the following: 966

- (1) The duty of care; 967
- (2) The duty of loyalty; 968
- (3) The duty of confidentiality. 969

(B) All of the following apply to a fiduciary's or 970
designated recipient's authority with respect to a digital asset 971
of a user: 972

(1) Except as otherwise provided in section 2137.03 of the 973
Revised Code, it is subject to the applicable terms of service. 974

(2) It is subject to other applicable laws, including 975
copyright law. 976

(3) In the case of a fiduciary, it is limited by the scope 977
of the fiduciary's duties. 978

(4) It may not be used to impersonate the user. 979

(C) A fiduciary with authority over the property of a 980

decedent, ward, principal, or settlor has the right to access 981
any digital asset in which the decedent, ward, principal, or 982
settlor had a right or interest and that is not held by a 983
custodian or subject to a terms-of-service agreement. 984

(D) A fiduciary acting within the scope of the fiduciary's 985
duties is an authorized user of the property of the decedent, 986
ward, principal, or settlor for the purpose of applicable 987
computer fraud and unauthorized computer access laws, including 988
section ~~2913.04~~2913.87 of the Revised Code. 989

(E) Both of the following apply to a fiduciary with 990
authority over the tangible, personal property of a decedent, 991
ward, principal, or settlor: 992

(1) The fiduciary has the right to access the property and 993
any digital asset stored in it. 994

(2) The fiduciary is an authorized user for the purpose of 995
computer fraud and unauthorized computer access laws, including 996
section ~~2913.04~~2913.87 of the Revised Code. 997

(F) A custodian may disclose information in an account to 998
a fiduciary of the user when the information is required to 999
terminate an account used to access digital assets licensed to 1000
the user. 1001

(G) A fiduciary of a user may request a custodian to 1002
terminate the user's account. A request for termination shall be 1003
in writing, in either physical or electronic form, and 1004
accompanied by all of the following: 1005

(1) If the user is deceased, a copy of the death 1006
certificate of the user; 1007

(2) A copy of the instrument giving the fiduciary 1008

authority over the account, as follows: 1009

(a) For a personal representative, a copy of the letter of 1010
appointment of the personal representative, the entry appointing 1011
a commissioner under division (E) of section 2113.03 of the 1012
Revised Code, or the entry granting summary release from 1013
administration under division (E) of section 2113.031 of the 1014
Revised Code; 1015

(b) For an agent, a copy of the power of attorney; 1016

(c) For a trustee, either a copy of the trust instrument 1017
and a certification by the trustee, under penalty of perjury, 1018
that the trust exists and the trustee is a currently acting 1019
trustee of the trust or a certification of the trust under 1020
section 5810.13 of the Revised Code; or 1021

(d) For a guardian, a copy of the court order giving the 1022
guardian authority over the ward. 1023

(3) If requested by the custodian, any of the following: 1024

(a) A number, username, address, or other unique 1025
subscriber or account identifier assigned by the custodian to 1026
identify the user's account; 1027

(b) Evidence linking the account to the user; 1028

(c) A finding by the court that the user had a specific 1029
account with the custodian, identifiable by the information 1030
specified in division (G) (3) (a) of this section. 1031

Sec. 2909.07. (A) No person shall: 1032

(1) Without privilege to do so, knowingly move, deface, 1033
damage, destroy, or otherwise improperly tamper with either of 1034
the following: 1035

(a) The property of another;	1036
(b) One's own residential real property with the purpose to decrease the value of or enjoyment of the residential real property, if both of the following apply:	1037 1038 1039
(i) The residential real property is subject to a mortgage.	1040 1041
(ii) The person has been served with a summons and complaint in a pending residential mortgage loan foreclosure action relating to that real property. As used in this division, "pending" includes the time between judgment entry and confirmation of sale.	1042 1043 1044 1045 1046
(2) With purpose to interfere with the use or enjoyment of property of another, employ a tear gas device, stink bomb, smoke generator, or other device releasing a substance that is harmful or offensive to persons exposed or that tends to cause public alarm;	1047 1048 1049 1050 1051
(3) Without privilege to do so, knowingly move, deface, damage, destroy, or otherwise improperly tamper with a bench mark, triangulation station, boundary marker, or other survey station, monument, or marker;	1052 1053 1054 1055
(4) Without privilege to do so, knowingly move, deface, damage, destroy, or otherwise improperly tamper with any safety device, the property of another, or the property of the offender when required or placed for the safety of others, so as to destroy or diminish its effectiveness or availability for its intended purpose;	1056 1057 1058 1059 1060 1061
(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	1062 1063 1064

another, which fire or personal property is outside and apart 1065
from any building, other structure, or personal property that is 1066
on that land + 1067

~~(6) Without privilege to do so, and with intent to impair 1068
the functioning of any computer, computer system, computer 1069
network, computer software, or computer program, knowingly do 1070
any of the following: 1071~~

~~(a) In any manner or by any means, including, but not 1072
limited to, computer hacking, alter, damage, destroy, or modify 1073
a computer, computer system, computer network, computer 1074
software, or computer program or data contained in a computer, 1075
computer system, computer network, computer software, or 1076
computer program; 1077~~

~~(b) Introduce a computer contaminant into a computer, 1078
computer system, computer network, computer software, or 1079
computer program. 1080~~

(B) As used in this section, "safety device" means any 1081
fire extinguisher, fire hose, or fire axe, or any fire escape, 1082
emergency exit, or emergency escape equipment, or any life line, 1083
life-saving ring, life preserver, or life boat or raft, or any 1084
alarm, light, flare, signal, sign, or notice intended to warn of 1085
danger or emergency, or intended for other safety purposes, or 1086
any guard railing or safety barricade, or any traffic sign or 1087
signal, or any railroad grade crossing sign, signal, or gate, or 1088
any first aid or survival equipment, or any other device, 1089
apparatus, or equipment intended for protecting or preserving 1090
the safety of persons or property. 1091

(C) ~~(1) Whoever violates this section is guilty of criminal 1092
mischief, and shall be punished as provided in division (C) (2) 1093~~

~~or (3) of this section.~~ 1094

~~(2) Except as otherwise provided in this division,~~ 1095
~~criminal mischief committed in violation of division (A) (1),~~ 1096
~~(2), (3), (4), or (5) of this section is a misdemeanor of the~~ 1097
third degree. Except as otherwise provided in this division, if 1098
the violation ~~of division (A) (1), (2), (3), (4), or (5) of this~~ 1099
~~section~~ creates a risk of physical harm to any person, criminal 1100
mischief ~~committed in violation of division (A) (1), (2), (3),~~ 1101
~~(4), or (5) of this section~~ is a misdemeanor of the first 1102
degree. If the property involved in the violation ~~of division~~ 1103
~~(A) (1), (2), (3), (4), or (5) of this section~~ is an aircraft, an 1104
aircraft engine, propeller, appliance, spare part, fuel, 1105
lubricant, hydraulic fluid, any other equipment, implement, or 1106
material used or intended to be used in the operation of an 1107
aircraft, or any cargo carried or intended to be carried in an 1108
aircraft, criminal mischief ~~committed in violation of division~~ 1109
~~(A) (1), (2), (3), (4), or (5) of this section~~ is one of the 1110
following: 1111

~~(a) (1)~~ If the violation creates a risk of physical harm 1112
to any person, except as otherwise provided in division (C) (2) 1113
~~(b)~~ of this section, criminal mischief ~~committed in violation of~~ 1114
~~division (A) (1), (2), (3), (4), or (5) of this section~~ is a 1115
felony of the fifth degree. 1116

~~(b) (2)~~ If the violation creates a substantial risk of 1117
physical harm to any person or if the property involved in a 1118
violation of this section is an occupied aircraft, criminal 1119
mischief ~~committed in violation of division (A) (1), (2), (3),~~ 1120
~~(4), or (5) of this section~~ is a felony of the fourth degree. 1121

~~(3) Except as otherwise provided in this division,~~ 1122
~~criminal mischief committed in violation of division (A) (6) of~~ 1123

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

Sec. 2913.01. As used in this chapter, unless the context 1149
requires that a term be given a different meaning: 1150

(A) "Deception" means knowingly deceiving another or 1151
causing another to be deceived by any false or misleading 1152
representation, by withholding information, by preventing 1153
another from acquiring information, or by any other conduct, 1154

act, or omission that creates, confirms, or perpetuates a false 1155
impression in another, including a false impression as to law, 1156
value, state of mind, or other objective or subjective fact. 1157

(B) "Defraud" means to knowingly obtain, by deception, 1158
some benefit for oneself or another, or to knowingly cause, by 1159
deception, some detriment to another. 1160

(C) "Deprive" means to do any of the following: 1161

(1) Withhold property of another permanently, or for a 1162
period that appropriates a substantial portion of its value or 1163
use, or with purpose to restore it only upon payment of a reward 1164
or other consideration; 1165

(2) Dispose of property so as to make it unlikely that the 1166
owner will recover it; 1167

(3) Accept, use, or appropriate money, property, or 1168
services, with purpose not to give proper consideration in 1169
return for the money, property, or services, and without 1170
reasonable justification or excuse for not giving proper 1171
consideration. 1172

(D) "Owner" means, unless the context requires a different 1173
meaning, any person, other than the actor, who is the owner of, 1174
who has possession or control of, or who has any license or 1175
interest in property or services, even though the ownership, 1176
possession, control, license, or interest is unlawful. 1177

(E) "Services" include labor, personal services, 1178
professional services, rental services, public utility services 1179
including wireless service as defined in division (F) (1) of 1180
section 128.01 of the Revised Code, common carrier services, and 1181
food, drink, transportation, entertainment, and cable television 1182
services and, for purposes of section 2913.04 of the Revised 1183

Code, include cable services as defined in that section. 1184

(F) "Writing" means any computer software, document, 1185
letter, memorandum, note, paper, plate, data, film, or other 1186
thing having in or upon it any written, typewritten, or printed 1187
matter, and any token, stamp, seal, credit card, badge, 1188
trademark, label, or other symbol of value, right, privilege, 1189
license, or identification. 1190

(G) "Forge" means to fabricate or create, in whole or in 1191
part and by any means, any spurious writing, or to make, 1192
execute, alter, complete, reproduce, or otherwise purport to 1193
authenticate any writing, when the writing in fact is not 1194
authenticated by that conduct. 1195

(H) "Utter" means to issue, publish, transfer, use, put or 1196
send into circulation, deliver, or display. 1197

(I) "Coin machine" means any mechanical or electronic 1198
device designed to do both of the following: 1199

(1) Receive a coin, bill, or token made for that purpose; 1200

(2) In return for the insertion or deposit of a coin, 1201
bill, or token, automatically dispense property, provide a 1202
service, or grant a license. 1203

(J) "Slug" means an object that, by virtue of its size, 1204
shape, composition, or other quality, is capable of being 1205
inserted or deposited in a coin machine as an improper 1206
substitute for a genuine coin, bill, or token made for that 1207
purpose. 1208

(K) "Theft offense" means any of the following: 1209

(1) A violation of section 2911.01, 2911.02, 2911.11, 1210
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 1211

2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 1212
2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 1213
2913.47, 2913.48, former section 2913.47 or 2913.48, or section 1214
2913.51, 2913.87 to 2913.92, 2915.05, or 2921.41 of the Revised 1215
Code; 1216

(2) A violation of an existing or former municipal 1217
ordinance or law of this or any other state, or of the United 1218
States, substantially equivalent to any section listed in 1219
division (K) (1) of this section or a violation of section 1220
2913.41, 2913.81, or 2915.06 of the Revised Code as it existed 1221
prior to July 1, 1996; 1222

(3) An offense under an existing or former municipal 1223
ordinance or law of this or any other state, or of the United 1224
States, involving robbery, burglary, breaking and entering, 1225
theft, embezzlement, wrongful conversion, forgery, 1226
counterfeiting, deceit, or fraud; 1227

(4) A conspiracy or attempt to commit, or complicity in 1228
committing, any offense under division (K) (1), (2), or (3) of 1229
this section. 1230

(L) "Computer services" includes, but is not limited to, 1231
the use of a computer system, computer network, computer 1232
program, data that is prepared for computer use, or data that is 1233
contained within a computer system or computer network. 1234

(M) "Computer" means an electronic device that performs 1235
logical, arithmetic, and memory functions by the manipulation of 1236
electronic or magnetic impulses. "Computer" includes, but is not 1237
limited to, all input, output, processing, storage, computer 1238
program, or communication facilities that are connected, or 1239
related, in a computer system or network to an electronic device 1240

of that nature. 1241

(N) "Computer system" means a computer and related 1242
devices, whether connected or unconnected, including, but not 1243
limited to, data input, output, and storage devices, data 1244
communications links, and computer programs and data that make 1245
the system capable of performing specified special purpose data 1246
processing tasks. 1247

(O) "Computer network" means a set of related and remotely 1248
connected computers and communication facilities that includes 1249
more than one computer system that has the capability to 1250
transmit among the connected computers and communication 1251
facilities through the use of computer facilities. 1252

(P) "Computer program" means an ordered set of data 1253
representing coded instructions or statements that, when 1254
executed by a computer, cause the computer to process data. 1255

(Q) "Computer software" means computer programs, 1256
procedures, and other documentation associated with the 1257
operation of a computer system. 1258

(R) "Data" means a representation of information, 1259
knowledge, facts, concepts, or instructions that are being or 1260
have been prepared in a formalized manner and that are intended 1261
for use in a computer, computer system, or computer network. For 1262
purposes of section 2913.47 of the Revised Code, "data" has the 1263
additional meaning set forth in division (A) of that section. 1264

(S) "Cable television service" means any services provided 1265
by or through the facilities of any cable television system or 1266
other similar closed circuit coaxial cable communications 1267
system, or any microwave or similar transmission service used in 1268
connection with any cable television system or other similar 1269

closed circuit coaxial cable communications system. 1270

(T) "Gain access" means to approach, instruct, communicate 1271
with, store data in, retrieve data from, or otherwise make use 1272
of any resources of a computer, computer system, or computer 1273
network, or any cable service or cable system both as defined in 1274
section 2913.04 of the Revised Code. 1275

(U) "Credit card" includes, but is not limited to, a card, 1276
code, device, or other means of access to a customer's account 1277
for the purpose of obtaining money, property, labor, or services 1278
on credit, or for initiating an electronic fund transfer at a 1279
point-of-sale terminal, an automated teller machine, or a cash 1280
dispensing machine. It also includes a county procurement card 1281
issued under section 301.29 of the Revised Code. 1282

(V) "Electronic fund transfer" has the same meaning as in 1283
92 Stat. 3728, 15 U.S.C.A. 1693a, as amended. 1284

(W) "Rented property" means personal property in which the 1285
right of possession and use of the property is for a short and 1286
possibly indeterminate term in return for consideration; the 1287
rentee generally controls the duration of possession of the 1288
property, within any applicable minimum or maximum term; and the 1289
amount of consideration generally is determined by the duration 1290
of possession of the property. 1291

(X) "Telecommunication" means the origination, emission, 1292
dissemination, transmission, or reception of data, images, 1293
signals, sounds, or other intelligence or equivalence of 1294
intelligence of any nature over any communications system by any 1295
method, including, but not limited to, a fiber optic, 1296
electronic, magnetic, optical, digital, or analog method. 1297

(Y) "Telecommunications device" means any instrument, 1298

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

(Z) "Telecommunications service" means the providing, 1305
allowing, facilitating, or generating of any form of 1306
telecommunication through the use of a telecommunications device 1307
over a telecommunications system. 1308

(AA) "Counterfeit telecommunications device" means a 1309
telecommunications device that, alone or with another 1310
telecommunications device, has been altered, constructed, 1311
manufactured, or programmed to acquire, intercept, receive, or 1312
otherwise facilitate the use of a telecommunications service or 1313
information service without the authority or consent of the 1314
provider of the telecommunications service or information 1315
service. "Counterfeit telecommunications device" includes, but 1316
is not limited to, a clone telephone, clone microchip, tumbler 1317
telephone, or tumbler microchip; a wireless scanning device 1318
capable of acquiring, intercepting, receiving, or otherwise 1319
facilitating the use of telecommunications service or 1320
information service without immediate detection; or a device, 1321
equipment, hardware, or software designed for, or capable of, 1322
altering or changing the electronic serial number in a wireless 1323
telephone. 1324

(BB) (1) "Information service" means, subject to division 1325
(BB) (2) of this section, the offering of a capability for 1326
generating, acquiring, storing, transforming, processing, 1327
retrieving, utilizing, or making available information via 1328

telecommunications, including, but not limited to, electronic publishing. 1329
1330

(2) "Information service" does not include any use of a capability of a type described in division (BB)(1) of this section for the management, control, or operation of a telecommunications system or the management of a telecommunications service. 1331
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(CC) "Elderly person" means a person who is sixty-five years of age or older. 1336
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(DD) "Disabled adult" means a person who is eighteen years of age or older and has some impairment of body or mind that makes the person unable to work at any substantially remunerative employment that the person otherwise would be able to perform and that will, with reasonable probability, continue for a period of at least twelve months without any present indication of recovery from the impairment, or who is eighteen years of age or older and has been certified as permanently and totally disabled by an agency of this state or the United States that has the function of so classifying persons. 1338
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(EE) "Firearm" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code. 1348
1349

(FF) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code. 1350
1351

(GG) "Dangerous drug" has the same meaning as in section 4729.01 of the Revised Code. 1352
1353

(HH) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code. 1354
1355

(II)(1) "Computer hacking" means any of the following: 1356

(a) Gaining access or attempting to gain access to all or 1357
part of a computer, computer system, or a computer network 1358
without express or implied authorization with the intent to 1359
defraud or with intent to commit a crime; 1360

(b) Misusing computer or network services including, but 1361
not limited to, mail transfer programs, file transfer programs, 1362
proxy servers, and web servers by performing functions not 1363
authorized by the owner of the computer, computer system, or 1364
computer network or other person authorized to give consent. As 1365
used in this division, "misuse of computer and network services" 1366
includes, but is not limited to, the unauthorized use of any of 1367
the following: 1368

(i) Mail transfer programs to send mail to persons other 1369
than the authorized users of that computer or computer network; 1370

(ii) File transfer program proxy services or proxy servers 1371
to access other computers, computer systems, or computer 1372
networks; 1373

(iii) Web servers to redirect users to other web pages or 1374
web servers. 1375

(c) (i) Subject to division (II) (1) (c) (ii) of this section, 1376
using a group of computer programs commonly known as "port 1377
scanners" or "probes" to intentionally access any computer, 1378
computer system, or computer network without the permission of 1379
the owner of the computer, computer system, or computer network 1380
or other person authorized to give consent. The group of 1381
computer programs referred to in this division includes, but is 1382
not limited to, those computer programs that use a computer 1383
network to access a computer, computer system, or another 1384
computer network to determine any of the following: the presence 1385

or types of computers or computer systems on a network; the 1386
computer network's facilities and capabilities; the availability 1387
of computer or network services; the presence or versions of 1388
computer software including, but not limited to, operating 1389
systems, computer services, or computer contaminants; the 1390
presence of a known computer software deficiency that can be 1391
used to gain unauthorized access to a computer, computer system, 1392
or computer network; or any other information about a computer, 1393
computer system, or computer network not necessary for the 1394
normal and lawful operation of the computer initiating the 1395
access. 1396

(ii) The group of computer programs referred to in 1397
division (II) (1) (c) (i) of this section does not include standard 1398
computer software used for the normal operation, administration, 1399
management, and test of a computer, computer system, or computer 1400
network including, but not limited to, domain name services, 1401
mail transfer services, and other operating system services, 1402
computer programs commonly called "ping," "tcpdump," and 1403
"traceroute" and other network monitoring and management 1404
computer software, and computer programs commonly known as 1405
"nslookup" and "whois" and other systems administration computer 1406
software. 1407

(d) The intentional use of a computer, computer system, or 1408
a computer network in a manner that exceeds any right or 1409
permission granted by the owner of the computer, computer 1410
system, or computer network or other person authorized to give 1411
consent. 1412

(2) "Computer hacking" does not include the introduction 1413
of a computer contaminant, as defined in section 2909.01 of the 1414
Revised Code, into a computer, computer system, computer 1415

program, or computer network. 1416

(JJ) "Police dog or horse" has the same meaning as in 1417
section 2921.321 of the Revised Code. 1418

(KK) "Anhydrous ammonia" is a compound formed by the 1419
combination of two gaseous elements, nitrogen and hydrogen, in 1420
the manner described in this division. Anhydrous ammonia is one 1421
part nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia 1422
by weight is fourteen parts nitrogen to three parts hydrogen, 1423
which is approximately eighty-two per cent nitrogen to eighteen 1424
per cent hydrogen. 1425

(LL) "Assistance dog" has the same meaning as in section 1426
955.011 of the Revised Code. 1427

(MM) "Federally licensed firearms dealer" has the same 1428
meaning as in section 5502.63 of the Revised Code. 1429

(NN) "Active duty service member" means any member of the 1430
armed forces of the United States performing active duty under 1431
title 10 of the United States Code. 1432

Sec. 2913.04. (A) No person shall knowingly use or operate 1433
the property of another without the consent of the owner or 1434
person authorized to give consent. 1435

(B) No person, in any manner and by any means, including, 1436
but not limited to, computer hacking, shall knowingly gain 1437
access to, attempt to gain access to, or cause access to be 1438
gained to any ~~computer, computer system, computer network,~~ cable 1439
service, cable system, telecommunications device, 1440
telecommunications service, or information service without the 1441
consent of, or beyond the scope of the express or implied 1442
consent of, the owner of the ~~computer, computer system, computer~~ 1443
~~network,~~ cable service, cable system, telecommunications device, 1444

telecommunications service, or information service or other 1445
person authorized to give consent. 1446

(C) Except as permitted under section 5503.101 of the 1447
Revised Code, no person shall knowingly gain access to, attempt 1448
to gain access to, cause access to be granted to, or disseminate 1449
information gained from access to the law enforcement automated 1450
database system created pursuant to section 5503.10 of the 1451
Revised Code without the consent of, or beyond the scope of the 1452
express or implied consent of, the chair of the law enforcement 1453
automated data system steering committee. 1454

(D) No person shall knowingly gain access to, attempt to 1455
gain access to, cause access to be granted to, or disseminate 1456
information gained from access to the Ohio law enforcement 1457
gateway established and operated pursuant to division (C) (1) of 1458
section 109.57 of the Revised Code without the consent of, or 1459
beyond the scope of the express or implied consent of, the 1460
superintendent of the bureau of criminal identification and 1461
investigation. 1462

(E) The affirmative defenses contained in division (C) of 1463
section 2913.03 of the Revised Code are affirmative defenses to 1464
a charge under this section. 1465

(F) (1) Whoever violates division (A) of this section is 1466
guilty of unauthorized use of property. 1467

(2) Except as otherwise provided in division (F) (3) or (4) 1468
of this section, unauthorized use of property is a misdemeanor 1469
of the fourth degree. 1470

(3) Except as otherwise provided in division (F) (4) of 1471
this section, if unauthorized use of property is committed for 1472
the purpose of devising or executing a scheme to defraud or to 1473

obtain property or services, unauthorized use of property is 1474
whichever of the following is applicable: 1475

(a) Except as otherwise provided in division (F) (3) (b), 1476
(c), or (d) of this section, a misdemeanor of the first degree. 1477

(b) If the value of the property or services or the loss 1478
to the victim is one thousand dollars or more and is less than 1479
seven thousand five hundred dollars, a felony of the fifth 1480
degree. 1481

(c) If the value of the property or services or the loss 1482
to the victim is seven thousand five hundred dollars or more and 1483
is less than one hundred fifty thousand dollars, a felony of the 1484
fourth degree. 1485

(d) If the value of the property or services or the loss 1486
to the victim is one hundred fifty thousand dollars or more, a 1487
felony of the third degree. 1488

(4) If the victim of the offense is an elderly person or 1489
disabled adult, unauthorized use of property is whichever of the 1490
following is applicable: 1491

(a) Except as otherwise provided in division (F) (4) (b), 1492
(c), or (d) of this section, a felony of the fifth degree; 1493

(b) If the value of the property or services or loss to 1494
the victim is one thousand dollars or more and is less than 1495
seven thousand five hundred dollars, a felony of the fourth 1496
degree; 1497

(c) If the value of the property or services or loss to 1498
the victim is seven thousand five hundred dollars or more and is 1499
less than thirty-seven thousand five hundred dollars, a felony 1500
of the third degree; 1501

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

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

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

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

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

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

(4) If the victim of the offense is an elderly person or disabled adult, unauthorized use of ~~computer, cable,~~ or

telecommunication property is whichever of the following is applicable: 1531
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(a) Except as otherwise provided in division (G) (4) (b), (c), or (d) of this section, a felony of the fifth degree; 1533
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(b) If the value of the property or services or loss to the victim is one thousand dollars or more and is less than seven thousand five hundred dollars, a felony of the fourth degree; 1535
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(c) If the value of the property or services or loss to the victim is seven thousand five hundred dollars or more and is less than thirty-seven thousand five hundred dollars, a felony of the third degree; 1539
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(d) If the value of the property or services or loss to the victim is thirty-seven thousand five hundred dollars or more, a felony of the second degree. 1543
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(H) Whoever violates division (C) of this section is guilty of unauthorized use of the law enforcement automated database system, a felony of the fifth degree. 1546
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(I) Whoever violates division (D) of this section is guilty of unauthorized use of the Ohio law enforcement gateway, a felony of the fifth degree. 1549
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(J) As used in this section: 1552

(1) "Cable operator" means any person or group of persons that does either of the following: 1553
1554

(a) Provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in that cable system; 1555
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- (b) Otherwise controls or is responsible for, through any arrangement, the management and operation of a cable system. 1558
1559
- (2) "Cable service" means any of the following: 1560
- (a) The one-way transmission to subscribers of video programming or of information that a cable operator makes available to all subscribers generally; 1561
1562
1563
- (b) Subscriber interaction, if any, that is required for the selection or use of video programming or of information that a cable operator makes available to all subscribers generally, both as described in division (J) (2) (a) of this section; 1564
1565
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- (c) Any cable television service. 1568
- (3) "Cable system" means any facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service that includes video programming and that is provided to multiple subscribers within a community. "Cable system" does not include any of the following: 1569
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- (a) Any facility that serves only to retransmit the television signals of one or more television broadcast stations; 1575
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- (b) Any facility that serves subscribers without using any public right-of-way; 1577
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- (c) Any facility of a common carrier that, under 47 U.S.C.A. 522(7) (c), is excluded from the term "cable system" as defined in 47 U.S.C.A. 522(7); 1579
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- (d) Any open video system that complies with 47 U.S.C.A. 573; 1582
1583
- (e) Any facility of any electric utility used solely for 1584

operating its electric utility system. 1585

(K) No person shall plead guilty to or be convicted of 1586
violating both this section and section 2913.87 of the Revised 1587
Code for the same underlying action. 1588

Sec. 2913.05. (A) No person, having devised a scheme to 1589
defraud, shall knowingly disseminate, transmit, or cause to be 1590
disseminated or transmitted by means of a wire, radio, 1591
satellite, telecommunication, telecommunications device, or 1592
telecommunications service any writing, data, sign, signal, 1593
picture, sound, or image with purpose to execute or otherwise 1594
further the scheme to defraud. 1595

(B) If an offender commits a violation of division (A) of 1596
this section and the violation occurs as part of a course of 1597
conduct involving other violations of division (A) of this 1598
section or violations of, attempts to violate, conspiracies to 1599
violate, or complicity in violations of section 2913.02, 1600
2913.04, 2913.11, 2913.21, 2913.31, 2913.42, 2913.43, 2913.87 to 1601
2913.92, or 2921.13 of the Revised Code, the court, in 1602
determining the degree of the offense pursuant to division (C) 1603
of this section, may aggregate the value of the benefit obtained 1604
by the offender or of the detriment to the victim of the fraud 1605
in the violations involved in that course of conduct. The course 1606
of conduct may involve one victim or more than one victim. 1607

(C) Whoever violates this section is guilty of 1608
telecommunications fraud. Except as otherwise provided in this 1609
division, telecommunications fraud is a felony of the fifth 1610
degree. If the value of the benefit obtained by the offender or 1611
of the detriment to the victim of the fraud is one thousand 1612
dollars or more but less than seven thousand five hundred 1613
dollars, telecommunications fraud is a felony of the fourth 1614

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

Sec. 2913.49. (A) As used in this section, "personal 1627
identifying information" includes, but is not limited to, the 1628
following: the name, address, telephone number, driver's 1629
license, driver's license number, commercial driver's license, 1630
commercial driver's license number, state identification card, 1631
state identification card number, social security card, social 1632
security number, birth certificate, place of employment, 1633
employee identification number, mother's maiden name, demand 1634
deposit account number, savings account number, money market 1635
account number, mutual fund account number, other financial 1636
account number, personal identification number, password, or 1637
credit card number of a living or dead individual. 1638

(B) No person, without the express or implied consent of 1639
the other person, shall use, obtain, or possess any personal 1640
identifying information of another person with intent to do 1641
either of the following: 1642

(1) Hold the person out to be the other person; 1643

(2) Represent the other person's personal identifying 1644

information as the person's own personal identifying 1645
information. 1646

(C) No person shall create, obtain, possess, or use the 1647
personal identifying information of any person with the intent 1648
to aid or abet another person in violating division (B) of this 1649
section. 1650

(D) No person, with intent to defraud, shall permit 1651
another person to use the person's own personal identifying 1652
information. 1653

(E) No person who is permitted to use another person's 1654
personal identifying information as described in division (D) of 1655
this section shall use, obtain, or possess the other person's 1656
personal identifying information with intent to defraud any 1657
person by doing any act identified in division (B)(1) or (2) of 1658
this section. 1659

(F)(1) It is an affirmative defense to a charge under 1660
division (B) of this section that the person using the personal 1661
identifying information is acting in accordance with a legally 1662
recognized guardianship or conservatorship or as a trustee or 1663
fiduciary. 1664

(2) It is an affirmative defense to a charge under 1665
division (B), (C), (D), or (E) of this section that either of 1666
the following applies: 1667

(a) The person or entity using, obtaining, possessing, or 1668
creating the personal identifying information or permitting it 1669
to be used is a law enforcement agency, authorized fraud 1670
personnel, or a representative of or attorney for a law 1671
enforcement agency or authorized fraud personnel and is using, 1672
obtaining, possessing, or creating the personal identifying 1673

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

(b) The personal identifying information was obtained, 1690
possessed, used, created, or permitted to be used for a lawful 1691
purpose, provided that division (F) (2) (b) of this section does 1692
not apply if the person or entity using, obtaining, possessing, 1693
or creating the personal identifying information or permitting 1694
it to be used is a law enforcement agency, authorized fraud 1695
personnel, or a representative of or attorney for a law 1696
enforcement agency or authorized fraud personnel that is using, 1697
obtaining, possessing, or creating the personal identifying 1698
information or permitting it to be used in an investigation, an 1699
information security evaluation, a pretext calling evaluation, 1700
or similar matter. 1701

(G) It is not a defense to a charge under this section 1702
that the person whose personal identifying information was 1703
obtained, possessed, used, created, or permitted to be used was 1704

deceased at the time of the offense. 1705

(H) (1) If an offender commits a violation of division (B), 1706
(D), or (E) of this section and the violation occurs as part of 1707
a course of conduct involving other violations of division (B), 1708
(D), or (E) of this section or violations of, attempts to 1709
violate, conspiracies to violate, or complicity in violations of 1710
division (C) of this section or section 2913.02, 2913.04, 1711
2913.11, 2913.21, 2913.31, 2913.42, 2913.43, 2913.87 to 2913.92, 1712
or 2921.13 of the Revised Code, the court, in determining the 1713
degree of the offense pursuant to division (I) of this section, 1714
may aggregate all credit, property, or services obtained or 1715
sought to be obtained by the offender and all debts or other 1716
legal obligations avoided or sought to be avoided by the 1717
offender in the violations involved in that course of conduct. 1718
The course of conduct may involve one victim or more than one 1719
victim. 1720

(2) If an offender commits a violation of division (C) of 1721
this section and the violation occurs as part of a course of 1722
conduct involving other violations of division (C) of this 1723
section or violations of, attempts to violate, conspiracies to 1724
violate, or complicity in violations of division (B), (D), or 1725
(E) of this section or section 2913.02, 2913.04, 2913.11, 1726
2913.21, 2913.31, 2913.42, 2913.43, 2913.87 to 2913.92, or 1727
2921.13 of the Revised Code, the court, in determining the 1728
degree of the offense pursuant to division (I) of this section, 1729
may aggregate all credit, property, or services obtained or 1730
sought to be obtained by the person aided or abetted and all 1731
debts or other legal obligations avoided or sought to be avoided 1732
by the person aided or abetted in the violations involved in 1733
that course of conduct. The course of conduct may involve one 1734
victim or more than one victim. 1735

(I) (1) Whoever violates this section is guilty of identity fraud. 1736
1737

(2) Except as otherwise provided in this division or 1738
division (I) (3) of this section, identity fraud is a felony of 1739
the fifth degree. If the value of the credit, property, 1740
services, debt, or other legal obligation involved in the 1741
violation or course of conduct is one thousand dollars or more 1742
and is less than seven thousand five hundred dollars, except as 1743
otherwise provided in division (I) (3) of this section, identity 1744
fraud is a felony of the fourth degree. If the value of the 1745
credit, property, services, debt, or other legal obligation 1746
involved in the violation or course of conduct is seven thousand 1747
five hundred dollars or more and is less than one hundred fifty 1748
thousand dollars, except as otherwise provided in division (I) 1749
(3) of this section, identity fraud is a felony of the third 1750
degree. If the value of the credit, property, services, debt, or 1751
other legal obligation involved in the violation or course of 1752
conduct is one hundred fifty thousand dollars or more, except as 1753
otherwise provided in division (I) (3) of this section, identity 1754
fraud is a felony of the second degree. 1755

(3) If the victim of the offense is an elderly person, 1756
disabled adult, active duty service member, or spouse of an 1757
active duty service member, a violation of this section is 1758
identity fraud against a person in a protected class. Except as 1759
otherwise provided in this division, identity fraud against a 1760
person in a protected class is a felony of the fourth degree. If 1761
the value of the credit, property, services, debt, or other 1762
legal obligation involved in the violation or course of conduct 1763
is one thousand dollars or more and is less than seven thousand 1764
five hundred dollars, identity fraud against a person in a 1765
protected class is a felony of the third degree. If the value of 1766

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

(J) In addition to the penalties described in division (I) 1786
of this section, anyone injured in person or property by a 1787
violation of division (B), (D), or (E) of this section who is 1788
the owner of the identifying information involved in that 1789
violation has a civil action against the offender pursuant to 1790
section 2307.60 of the Revised Code. That person may also bring 1791
a civil action to enjoin or restrain future acts that would 1792
constitute a violation of division (B), (D), or (E) of this 1793
section. 1794

Sec. 2913.86. As used in sections 2913.86 to 2913.93 of 1795
the Revised Code: 1796

(A) "Data services" includes data processing, storage functions, internet services, electronic mail services, electronic message services, web site access, internet-based electronic gaming services, and other similar computer system, computer network, and internet-based services. 1797
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(B) "Electronic record" has the same meaning as in section 1306.01 of the Revised Code. 1802
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(C) "Malware" means a set of computer instructions that is designed or used to modify, damage, destroy, disable, deny, or degrade access to; gain access to; functionally impair; or record or transmit information within a computer, computer system, or computer network without the authorization of the owner or other person authorized to give consent. 1804
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(D) "State" and "political subdivision" have the same meanings as in section 2744.01 of the Revised Code. 1810
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(E) "Voice over internet protocol service" has the same meaning as in section 4927.01 of the Revised Code. 1812
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Sec. 2913.87. (A) No person shall knowingly gain access to a computer, computer system, or computer network without authorization when either of the following applies: 1814
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(1) The access is gained with the intent to commit a crime in violation of state law. 1817
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(2) The person acts with malicious purpose or in bad faith and the computer, computer system, or computer network is maintained by the state or a political subdivision. 1819
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(B) No person shall knowingly, and with malicious purpose or in bad faith, gain access to a computer, computer system, or computer network without authorization under circumstances not 1822
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constituting a violation of division (A) of this section. 1825

(C) (1) Whoever violates division (A) or (B) of this section is guilty of computer trespass. 1826
1827

(2) Except as provided in division (C) (3) of this section: 1828

(a) A violation of division (A) of this section is a felony of the fourth degree. 1829
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(b) A violation of division (B) of this section is a felony of the fifth degree. 1831
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(3) If the computer, computer system, or computer network involved in the violation of division (A) or (B) of this section is used or intended to be used in the operation of an aircraft and the violation creates a substantial risk of physical harm to any person or the aircraft in question is an occupied aircraft, then the violation is a felony of the third degree. 1833
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(D) A person commits a separate violation of this section with regard to each computer trespass in violation of division (A) or (B) of this section. 1839
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(E) No person shall plead guilty to or be convicted of violating both this section and section 2913.04 of the Revised Code for the same underlying action. 1842
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Sec. 2913.88. (A) No person shall knowingly, and with malicious purpose or in bad faith, cause the transmission of data, a computer program, or an electronic command that interrupts or suspends access to or use of a computer network or data service without authorization and with the intent to impair the functioning of a computer network or data service. 1845
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(B) Whoever violates this section is guilty of electronic data service interference, a felony of the fourth degree. 1851
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Sec. 2913.89. (A) When any of the following applies, no 1853
person shall knowingly and without authorization alter data as 1854
it travels between two computer systems over an open or unsecure 1855
network or introduce malware into any electronic data, computer, 1856
computer system, or computer network: 1857

(1) The person intended to devise or execute a scheme to 1858
defraud, deceive, or extort. 1859

(2) The person intended to commit any other crime in 1860
violation of a state law. 1861

(3) The person intended to wrongfully control or obtain 1862
property or wrongfully gain access to electronic data. 1863

(4) The person acts with malicious purpose or in bad faith 1864
and the electronic data, computer, computer system, or computer 1865
network is maintained by the state or a political subdivision. 1866

(B) Whoever violates this section is guilty of electronic 1867
data tampering, a felony of the third degree. 1868

Sec. 2913.90. (A) No person shall knowingly, without 1869
authorization, and with malicious purpose or in bad faith, alter 1870
data as it travels between two computer systems over an open or 1871
unsecure network or introduce malware into any electronic data, 1872
computer, computer system, or computer network under 1873
circumstances not constituting a violation of section 2913.89 of 1874
the Revised Code. 1875

(B) Whoever violates this section is guilty of electronic 1876
data manipulation, a felony of the fourth degree. 1877

Sec. 2913.91. (A) No person shall knowingly obtain 1878
electronic data without authorization and with the intent to do 1879
either of the following: 1880

(1) Devise or execute any scheme to defraud, deceive, extort, or commit any crime in violation of state law; 1881
1882

(2) Wrongfully control or obtain property or wrongfully gain access to electronic data. 1883
1884

(B) Whoever violates this section is guilty of electronic data theft, a felony of the third degree. 1885
1886

Sec. 2913.92. (A) No person shall knowingly, and with malicious purpose or in bad faith, make or cause to be made an unauthorized display, use, disclosure, or copy of data residing in, communicated by, or produced by a computer, computer system, or computer network. 1887
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(B) No person shall knowingly, and with malicious purpose or in bad faith, disclose a password, identifying code, personal identification number, or other confidential information that is used as a means of access to a computer, computer system, computer network, or data service without authorization. 1892
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(C) Whoever violates this section is guilty of unauthorized data disclosure, a felony of the third degree. 1897
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Sec. 2913.93. (A) In addition to any other civil remedy available, the owner or lessee of any electronic data, computer, computer system, or computer network who suffers damage or loss by reason of a violation of any provision of sections 2913.87 to 2913.92 of the Revised Code may bring a civil action against a person convicted of violating any provision of sections 2913.87 to 2913.92 of the Revised Code for compensatory damages and injunctive or other equitable relief. Compensatory damages shall include any cost reasonably and necessarily incurred by the owner or lessee to verify that the electronic data, computer, computer system, or computer network, was not altered, damaged, 1899
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or deleted by the violation. 1910

(B) In any action brought pursuant to division (A) of this section, the court may award reasonable attorney's fees to the owner or lessee who suffered the damage or loss. 1911
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(C) No action may be brought pursuant to division (A) of this section unless it is initiated within two years of the date of the act complained of or the date of the discovery of the damage, whichever is later. 1914
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Sec. 2919.25. (A) No person shall knowingly cause or attempt to cause physical harm to a family or household member. 1918
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(B) No person shall recklessly cause serious physical harm to a family or household member. 1920
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(C) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member. 1922
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(D) (1) Whoever violates this section is guilty of domestic violence, and the court shall sentence the offender as provided in divisions (D) (2) to (6) of this section. 1925
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(2) Except as otherwise provided in divisions (D) (3) to (5) of this section, a violation of division (C) of this section is a misdemeanor of the fourth degree, and a violation of division (A) or (B) of this section is a misdemeanor of the first degree. 1928
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(3) Except as otherwise provided in division (D) (4) of this section, if the offender previously has pleaded guilty to or been convicted of domestic violence, 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 1933
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to domestic violence, a violation of section 2903.14, 2909.06, 1938
2909.07, 2911.12, 2911.211, 2913.88, or 2919.22 of the Revised 1939
Code if the victim of the violation was a family or household 1940
member at the time of the violation, a violation of an existing 1941
or former municipal ordinance or law of this or any other state 1942
or the United States that is substantially similar to any of 1943
those sections if the victim of the violation was a family or 1944
household member at the time of the commission of the violation, 1945
or any offense of violence if the victim of the offense was a 1946
family or household member at the time of the commission of the 1947
offense, a violation of division (A) or (B) of this section is a 1948
felony of the fourth degree, and, if the offender knew that the 1949
victim of the violation was pregnant at the time of the 1950
violation, the court shall impose a mandatory prison term on the 1951
offender pursuant to division (D) (6) of this section, and a 1952
violation of division (C) of this section is a misdemeanor of 1953
the second degree. 1954

(4) If the offender previously has pleaded guilty to or 1955
been convicted of two or more offenses of domestic violence or 1956
two or more violations or offenses of the type described in 1957
division (D) (3) of this section involving a person who was a 1958
family or household member at the time of the violations or 1959
offenses, a violation of division (A) or (B) of this section is 1960
a felony of the third degree, and, if the offender knew that the 1961
victim of the violation was pregnant at the time of the 1962
violation, the court shall impose a mandatory prison term on the 1963
offender pursuant to division (D) (6) of this section, and a 1964
violation of division (C) of this section is a misdemeanor of 1965
the first degree. 1966

(5) Except as otherwise provided in division (D) (3) or (4) 1967
of this section, if the offender knew that the victim of the 1968

violation was pregnant at the time of the violation, a violation 1969
of division (A) or (B) of this section is a felony of the fifth 1970
degree, and the court shall impose a mandatory prison term on 1971
the offender pursuant to division (D) (6) of this section, and a 1972
violation of division (C) of this section is a misdemeanor of 1973
the third degree. 1974

(6) If division (D) (3), (4), or (5) of this section 1975
requires the court that sentences an offender for a violation of 1976
division (A) or (B) of this section to impose a mandatory prison 1977
term on the offender pursuant to this division, the court shall 1978
impose the mandatory prison term as follows: 1979

(a) If the violation of division (A) or (B) of this 1980
section is a felony of the fourth or fifth degree, except as 1981
otherwise provided in division (D) (6) (b) or (c) of this section, 1982
the court shall impose a mandatory prison term on the offender 1983
of at least six months. 1984

(b) If the violation of division (A) or (B) of this 1985
section is a felony of the fifth degree and the offender, in 1986
committing the violation, caused serious physical harm to the 1987
pregnant woman's unborn or caused the termination of the 1988
pregnant woman's pregnancy, the court shall impose a mandatory 1989
prison term on the offender of twelve months. 1990

(c) If the violation of division (A) or (B) of this 1991
section is a felony of the fourth degree and the offender, in 1992
committing the violation, caused serious physical harm to the 1993
pregnant woman's unborn or caused the termination of the 1994
pregnant woman's pregnancy, the court shall impose a mandatory 1995
prison term on the offender of at least twelve months. 1996

(d) If the violation of division (A) or (B) of this 1997

section is a felony of the third degree, except as otherwise 1998
provided in division (D) (6) (e) of this section and 1999
notwithstanding the range of definite prison terms prescribed in 2000
division (A) (3) of section 2929.14 of the Revised Code for a 2001
felony of the third degree, the court shall impose a mandatory 2002
prison term on the offender of either a definite term of six 2003
months or one of the prison terms prescribed in division (A) (3) 2004
(b) of section 2929.14 of the Revised Code for felonies of the 2005
third degree. 2006

(e) If the violation of division (A) or (B) of this 2007
section is a felony of the third degree and the offender, in 2008
committing the violation, caused serious physical harm to the 2009
pregnant woman's unborn or caused the termination of the 2010
pregnant woman's pregnancy, notwithstanding the range of 2011
definite prison terms prescribed in division (A) (3) of section 2012
2929.14 of the Revised Code for a felony of the third degree, 2013
the court shall impose a mandatory prison term on the offender 2014
of either a definite term of one year or one of the prison terms 2015
prescribed in division (A) (3) (b) of section 2929.14 of the 2016
Revised Code for felonies of the third degree. 2017

(E) Notwithstanding any provision of law to the contrary, 2018
no court or unit of state or local government shall charge any 2019
fee, cost, deposit, or money in connection with the filing of 2020
charges against a person alleging that the person violated this 2021
section or a municipal ordinance substantially similar to this 2022
section or in connection with the prosecution of any charges so 2023
filed. 2024

(F) As used in this section and sections 2919.251 and 2025
2919.26 of the Revised Code: 2026

(1) "Family or household member" means any of the 2027

following:	2028
(a) Any of the following who is residing or has resided with the offender:	2029 2030
(i) A spouse, a person living as a spouse, or a former spouse of the offender;	2031 2032
(ii) A parent, a foster parent, or a child of the offender, or another person related by consanguinity or affinity to the offender;	2033 2034 2035
(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.	2036 2037 2038 2039
(b) The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.	2040 2041 2042
(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.	2043 2044 2045 2046 2047 2048
(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.	2049 2050 2051 2052 2053 2054 2055 2056

(4) "Termination of the pregnant woman's pregnancy" has 2057
the same meaning as "unlawful termination of another's 2058
pregnancy," as set forth in section 2903.09 of the Revised Code, 2059
as it relates to the pregnant woman. Division (C) of that 2060
section applies regarding the use of the term in this section, 2061
except that the second and third sentences of division (C)(1) of 2062
that section shall be construed for purposes of this section as 2063
if they included a reference to this section in the listing of 2064
Revised Code sections they contain. 2065

Sec. 2919.251. (A) Subject to division (D) of this 2066
section, a person who is charged with the commission of any 2067
offense of violence shall appear before the court for the 2068
setting of bail if the alleged victim of the offense charged was 2069
a family or household member at the time of the offense and if 2070
any of the following applies: 2071

(1) The person charged, at the time of the alleged 2072
offense, was subject to the terms of a protection order issued 2073
or consent agreement approved pursuant to section 2919.26 or 2074
3113.31 of the Revised Code or previously was convicted of or 2075
pleaded guilty to a violation of section 2919.25 of the Revised 2076
Code or a violation of section 2919.27 of the Revised Code 2077
involving a protection order or consent agreement of that type, 2078
a violation of an existing or former municipal ordinance or law 2079
of this or any other state or the United States that is 2080
substantially similar to either section, a violation of section 2081
2909.06, 2909.07, 2911.12, ~~or 2911.211,~~ or 2913.88 of the 2082
Revised Code if the victim of the violation was a family or 2083
household member at the time of the violation , a violation of 2084
an existing or former municipal ordinance or law of this or any 2085
other state or the United States that is substantially similar 2086
to any of those sections if the victim of the violation was a 2087

family or household member at the time of the commission of the 2088
violation, or any offense of violence if the victim of the 2089
offense was a family or household member at the time of the 2090
offense; 2091

(2) The arresting officer indicates in a police report or 2092
other document accompanying the complaint any of the following: 2093

(a) That the arresting officer observed on the alleged 2094
victim objective manifestations of physical harm that the 2095
arresting officer reasonably believes are a result of the 2096
alleged offense; 2097

(b) That the arresting officer reasonably believes that 2098
the person had on the person's person at the time of the alleged 2099
offense a deadly weapon or dangerous ordnance; 2100

(c) That the arresting officer reasonably believes that 2101
the person presents a credible threat of serious physical harm 2102
to the alleged victim or to any other person if released on bail 2103
before trial. 2104

(B) To the extent that information about any of the 2105
following is available to the court, the court shall consider 2106
all of the following, in addition to any other circumstances 2107
considered by the court and notwithstanding any provisions to 2108
the contrary contained in Criminal Rule 46, before setting bail 2109
for a person who appears before the court pursuant to division 2110
(A) of this section: 2111

(1) Whether the person has a history of domestic violence 2112
or a history of other violent acts; 2113

(2) The mental health of the person; 2114

(3) Whether the person has a history of violating the 2115

orders of any court or governmental entity;	2116
(4) Whether the person is potentially a threat to any other person;	2117 2118
(5) Whether the person has access to deadly weapons or a history of using deadly weapons;	2119 2120
(6) Whether the person has a history of abusing alcohol or any controlled substance;	2121 2122
(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;	2123 2124 2125 2126 2127 2128 2129
(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;	2130 2131 2132
(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;	2133 2134 2135 2136
(10) Whether the person has expressed suicidal or homicidal ideations;	2137 2138
(11) Any information contained in the complaint and any police reports, affidavits, or other documents accompanying the complaint.	2139 2140 2141
(C) Any court that has jurisdiction over charges alleging the commission of an offense of violence in circumstances in	2142 2143

which the alleged victim of the offense was a family or 2144
household member at the time of the offense may set a schedule 2145
for bail to be used in cases involving those offenses. The 2146
schedule shall require that a judge consider all of the factors 2147
listed in division (B) of this section and may require judges to 2148
set bail at a certain level if the history of the alleged 2149
offender or the circumstances of the alleged offense meet 2150
certain criteria in the schedule. 2151

(D) (1) Upon the court's own motion or the motion of a 2152
party and upon any terms that the court may direct, a court may 2153
permit a person who is required to appear before it by division 2154
(A) of this section to appear by video conferencing equipment. 2155

(2) If in the opinion of the court the appearance in 2156
person or by video conferencing equipment of a person who is 2157
charged with a misdemeanor and who is required to appear before 2158
the court by division (A) of this section is not practicable, 2159
the court may waive the appearance and release the person on 2160
bail in accordance with the court's schedule for bail set under 2161
division (C) of this section or, if the court has not set a 2162
schedule for bail under that division, on one or both of the 2163
following types of bail in an amount set by the court: 2164

(a) A bail bond secured by a deposit of ten per cent of 2165
the amount of the bond in cash; 2166

(b) A surety bond, a bond secured by real estate or 2167
securities as allowed by law, or the deposit of cash, at the 2168
option of the person. 2169

(3) Division (A) of this section does not create a right 2170
in a person to appear before the court for the setting of bail 2171
or prohibit a court from requiring any person charged with an 2172

offense of violence who is not described in that division from 2173
appearing before the court for the setting of bail. 2174

(E) As used in this section: 2175

(1) "Controlled substance" has the same meaning as in 2176
section 3719.01 of the Revised Code. 2177

(2) "Dangerous ordnance" and "deadly weapon" have the same 2178
meanings as in section 2923.11 of the Revised Code. 2179

Sec. 2919.26. (A) (1) Upon the filing of a complaint that 2180
alleges a violation of section 2909.06, 2909.07, 2911.12, ~~or~~ 2181
2911.211, 2913.88, 2913.89, or 2913.90 of the Revised Code if 2182
the alleged victim of the violation was a family or household 2183
member at the time of the violation, a violation of a municipal 2184
ordinance that is substantially similar to any of those sections 2185
if the alleged victim of the violation was a family or household 2186
member at the time of the violation, any offense of violence if 2187
the alleged victim of the offense was a family or household 2188
member at the time of the commission of the offense, or any 2189
sexually oriented offense if the alleged victim of the offense 2190
was a family or household member at the time of the commission 2191
of the offense, the complainant, the alleged victim, or a family 2192
or household member of an alleged victim may file, or, if in an 2193
emergency the alleged victim is unable to file, a person who 2194
made an arrest for the alleged violation or offense under 2195
section 2935.03 of the Revised Code may file on behalf of the 2196
alleged victim, a motion that requests the issuance of a 2197
temporary protection order as a pretrial condition of release of 2198
the alleged offender, in addition to any bail set under Criminal 2199
Rule 46. The motion shall be filed with the clerk of the court 2200
that has jurisdiction of the case at any time after the filing 2201
of the complaint. 2202

(2) For purposes of section 2930.09 of the Revised Code, 2203
all stages of a proceeding arising out of a complaint alleging 2204
the commission of a violation, offense of violence, or sexually 2205
oriented offense described in division (A)(1) of this section, 2206
including all proceedings on a motion for a temporary protection 2207
order, are critical stages of the case, and a victim may be 2208
accompanied by a victim advocate or another person to provide 2209
support to the victim as provided in that section. 2210

(B) The motion shall be prepared on a form that is 2211
provided by the clerk of the court, which form shall be 2212
substantially as follows: 2213

"MOTION FOR TEMPORARY PROTECTION ORDER 2214

..... Court 2215

Name and address of court 2216

State of Ohio 2217

v. No. 2218

..... 2219

Name of Defendant 2220

(name of person), moves the court to issue a temporary protection order 2221
containing terms designed to ensure the safety and protection of the 2222
complainant, alleged victim, and other family or household members, in 2223
relation to the named defendant, pursuant to its authority to issue such 2224
an order under section 2919.26 of the Revised Code. 2225

A complaint, a copy of which has been attached to this 2226
motion, has been filed in this court charging the named 2227
defendant with (name of the specified 2228
violation, the offense of violence, or sexually oriented offense 2229

charged) in circumstances in which the victim was a family or 2230
household member in violation of (section of the Revised Code 2231
designating the specified violation, offense of violence, or 2232
sexually oriented offense charged), or charging the named 2233
defendant with a violation of a municipal ordinance that is 2234
substantially similar to (section of 2235
the Revised Code designating the specified violation, offense of 2236
violence, or sexually oriented offense charged) involving a 2237
family or household member. 2238

I understand that I must appear before the court, at a 2239
time set by the court within twenty-four hours after the filing 2240
of this motion, for a hearing on the motion or that, if I am 2241
unable to appear because of hospitalization or a medical 2242
condition resulting from the offense alleged in the complaint, a 2243
person who can provide information about my need for a temporary 2244
protection order must appear before the court in lieu of my 2245
appearing in court. I understand that any temporary protection 2246
order granted pursuant to this motion is a pretrial condition of 2247
release and is effective only until the disposition of the 2248
criminal proceeding arising out of the attached complaint, or 2249
the issuance of a civil protection order or the approval of a 2250
consent agreement, arising out of the same activities as those 2251
that were the basis of the complaint, under section 3113.31 of 2252
the Revised Code. 2253

..... 2254

Signature of person 2255

(or signature of the arresting officer who filed the motion on behalf of 2256
the alleged victim) 2257

..... 2258

Address of person (or office address of the arresting officer who filed 2259
the motion on behalf of the alleged victim)" 2260

(C) (1) As soon as possible after the filing of a motion 2261
that requests the issuance of a temporary protection order, but 2262
not later than twenty-four hours after the filing of the motion, 2263
the court shall conduct a hearing to determine whether to issue 2264
the order. The person who requested the order shall appear 2265
before the court and provide the court with the information that 2266
it requests concerning the basis of the motion. If the person 2267
who requested the order is unable to appear and if the court 2268
finds that the failure to appear is because of the person's 2269
hospitalization or medical condition resulting from the offense 2270
alleged in the complaint, another person who is able to provide 2271
the court with the information it requests may appear in lieu of 2272
the person who requested the order. If the court finds that the 2273
safety and protection of the complainant, alleged victim, or any 2274
other family or household member of the alleged victim may be 2275
impaired by the continued presence of the alleged offender, the 2276
court may issue a temporary protection order, as a pretrial 2277
condition of release, that contains terms designed to ensure the 2278
safety and protection of the complainant, alleged victim, or the 2279
family or household member, including a requirement that the 2280
alleged offender refrain from entering the residence, school, 2281
business, or place of employment of the complainant, alleged 2282
victim, or the family or household member. The court may include 2283
within a protection order issued under this section a term 2284
requiring that the alleged offender not remove, damage, hide, 2285
harm, or dispose of any companion animal owned or possessed by 2286
the complainant, alleged victim, or any other family or 2287
household member of the alleged victim, and may include within 2288
the order a term authorizing the complainant, alleged victim, or 2289

other family or household member of the alleged victim to remove 2290
a companion animal owned by the complainant, alleged victim, or 2291
other family or household member from the possession of the 2292
alleged offender. 2293

(2) (a) If the court issues a temporary protection order 2294
that includes a requirement that the alleged offender refrain 2295
from entering the residence, school, business, or place of 2296
employment of the complainant, the alleged victim, or the family 2297
or household member, the order shall state clearly that the 2298
order cannot be waived or nullified by an invitation to the 2299
alleged offender from the complainant, alleged victim, or family 2300
or household member to enter the residence, school, business, or 2301
place of employment or by the alleged offender's entry into one 2302
of those places otherwise upon the consent of the complainant, 2303
alleged victim, or family or household member. 2304

(b) Division (C) (2) (a) of this section does not limit any 2305
discretion of a court to determine that an alleged offender 2306
charged with a violation of section 2919.27 of the Revised Code, 2307
with a violation of a municipal ordinance substantially 2308
equivalent to that section, or with contempt of court, which 2309
charge is based on an alleged violation of a temporary 2310
protection order issued under this section, did not commit the 2311
violation or was not in contempt of court. 2312

(D) (1) Upon the filing of a complaint that alleges a 2313
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of 2314
the Revised Code if the alleged victim of the violation was a 2315
family or household member at the time of the violation, a 2316
violation of a municipal ordinance that is substantially similar 2317
to any of those sections if the alleged victim of the violation 2318
was a family or household member at the time of the violation, 2319

any offense of violence if the alleged victim of the offense was 2320
a family or household member at the time of the commission of 2321
the offense, or any sexually oriented offense if the alleged 2322
victim of the offense was a family or household member at the 2323
time of the commission of the offense, the court, upon its own 2324
motion, may issue a temporary protection order as a pretrial 2325
condition of release if it finds that the safety and protection 2326
of the complainant, alleged victim, or other family or household 2327
member of the alleged offender may be impaired by the continued 2328
presence of the alleged offender. 2329

(2) If the court issues a temporary protection order under 2330
this section as an ex parte order, it shall conduct, as soon as 2331
possible after the issuance of the order, a hearing in the 2332
presence of the alleged offender not later than the next day on 2333
which the court is scheduled to conduct business after the day 2334
on which the alleged offender was arrested or at the time of the 2335
appearance of the alleged offender pursuant to summons to 2336
determine whether the order should remain in effect, be 2337
modified, or be revoked. The hearing shall be conducted under 2338
the standards set forth in division (C) of this section. 2339

(3) An order issued under this section shall contain only 2340
those terms authorized in orders issued under division (C) of 2341
this section. 2342

(4) If a municipal court or a county court issues a 2343
temporary protection order under this section and if, subsequent 2344
to the issuance of the order, the alleged offender who is the 2345
subject of the order is bound over to the court of common pleas 2346
for prosecution of a felony arising out of the same activities 2347
as those that were the basis of the complaint upon which the 2348
order is based, notwithstanding the fact that the order was 2349

issued by a municipal court or county court, the order shall 2350
remain in effect, as though it were an order of the court of 2351
common pleas, while the charges against the alleged offender are 2352
pending in the court of common pleas, for the period of time 2353
described in division (E) (2) of this section, and the court of 2354
common pleas has exclusive jurisdiction to modify the order 2355
issued by the municipal court or county court. This division 2356
applies when the alleged offender is bound over to the court of 2357
common pleas as a result of the person waiving a preliminary 2358
hearing on the felony charge, as a result of the municipal court 2359
or county court having determined at a preliminary hearing that 2360
there is probable cause to believe that the felony has been 2361
committed and that the alleged offender committed it, as a 2362
result of the alleged offender having been indicted for the 2363
felony, or in any other manner. 2364

(E) A temporary protection order that is issued as a 2365
pretrial condition of release under this section: 2366

(1) Is in addition to, but shall not be construed as a 2367
part of, any bail set under Criminal Rule 46; 2368

(2) Is effective only until the occurrence of either of 2369
the following: 2370

(a) The disposition, by the court that issued the order 2371
or, in the circumstances described in division (D) (4) of this 2372
section, by the court of common pleas to which the alleged 2373
offender is bound over for prosecution, of the criminal 2374
proceeding arising out of the complaint upon which the order is 2375
based; 2376

(b) The issuance of a protection order or the approval of 2377
a consent agreement, arising out of the same activities as those 2378

that were the basis of the complaint upon which the order is 2379
based, under section 3113.31 of the Revised Code. 2380

(3) Shall not be construed as a finding that the alleged 2381
offender committed the alleged offense, and shall not be 2382
introduced as evidence of the commission of the offense at the 2383
trial of the alleged offender on the complaint upon which the 2384
order is based. 2385

(F) A person who meets the criteria for bail under 2386
Criminal Rule 46 and who, if required to do so pursuant to that 2387
rule, executes or posts bond or deposits cash or securities as 2388
bail, shall not be held in custody pending a hearing before the 2389
court on a motion requesting a temporary protection order. 2390

(G) (1) A copy of any temporary protection order that is 2391
issued under this section shall be issued by the court to the 2392
complainant, to the alleged victim, to the person who requested 2393
the order, to the defendant, and to all law enforcement agencies 2394
that have jurisdiction to enforce the order. The court shall 2395
direct that a copy of the order be delivered to the defendant on 2396
the same day that the order is entered. If a municipal court or 2397
a county court issues a temporary protection order under this 2398
section and if, subsequent to the issuance of the order, the 2399
defendant who is the subject of the order is bound over to the 2400
court of common pleas for prosecution as described in division 2401
(D) (4) of this section, the municipal court or county court 2402
shall direct that a copy of the order be delivered to the court 2403
of common pleas to which the defendant is bound over. 2404

(2) Upon the issuance of a protection order under this 2405
section, the court shall provide the parties to the order with 2406
the following notice orally or by form: 2407

"NOTICE 2408

As a result of this protection order, it may be unlawful 2409
for you to possess or purchase a firearm, including a rifle, 2410
pistol, or revolver, or ammunition pursuant to federal law under 2411
18 U.S.C. 922(g)(8) for the duration of this order. If you have 2412
any questions whether this law makes it illegal for you to 2413
possess or purchase a firearm or ammunition, you should consult 2414
an attorney." 2415

(3) All law enforcement agencies shall establish and 2416
maintain an index for the temporary protection orders delivered 2417
to the agencies pursuant to division (G)(1) of this section. 2418
With respect to each order delivered, each agency shall note on 2419
the index, the date and time of the receipt of the order by the 2420
agency. 2421

(4) A complainant, alleged victim, or other person who 2422
obtains a temporary protection order under this section may 2423
provide notice of the issuance of the temporary protection order 2424
to the judicial and law enforcement officials in any county 2425
other than the county in which the order is issued by 2426
registering that order in the other county in accordance with 2427
division (N) of section 3113.31 of the Revised Code and filing a 2428
copy of the registered protection order with a law enforcement 2429
agency in the other county in accordance with that division. 2430

(5) Any officer of a law enforcement agency shall enforce 2431
a temporary protection order issued by any court in this state 2432
in accordance with the provisions of the order, including 2433
removing the defendant from the premises, regardless of whether 2434
the order is registered in the county in which the officer's 2435
agency has jurisdiction as authorized by division (G)(4) of this 2436
section. 2437

(H) Upon a violation of a temporary protection order, the 2438
court may issue another temporary protection order, as a 2439
pretrial condition of release, that modifies the terms of the 2440
order that was violated. 2441

(I) (1) As used in divisions (I) (1) and (2) of this 2442
section, "defendant" means a person who is alleged in a 2443
complaint to have committed a violation, offense of violence, or 2444
sexually oriented offense of the type described in division (A) 2445
of this section. 2446

(2) If a complaint is filed that alleges that a person 2447
committed a violation, offense of violence, or sexually oriented 2448
offense of the type described in division (A) of this section, 2449
the court may not issue a temporary protection order under this 2450
section that requires the complainant, the alleged victim, or 2451
another family or household member of the defendant to do or 2452
refrain from doing an act that the court may require the 2453
defendant to do or refrain from doing under a temporary 2454
protection order unless both of the following apply: 2455

(a) The defendant has filed a separate complaint that 2456
alleges that the complainant, alleged victim, or other family or 2457
household member in question who would be required under the 2458
order to do or refrain from doing the act committed a violation 2459
or offense of violence of the type described in division (A) of 2460
this section. 2461

(b) The court determines that both the complainant, 2462
alleged victim, or other family or household member in question 2463
who would be required under the order to do or refrain from 2464
doing the act and the defendant acted primarily as aggressors, 2465
that neither the complainant, alleged victim, or other family or 2466
household member in question who would be required under the 2467

order to do or refrain from doing the act nor the defendant 2468
acted primarily in self-defense, and, in accordance with the 2469
standards and criteria of this section as applied in relation to 2470
the separate complaint filed by the defendant, that it should 2471
issue the order to require the complainant, alleged victim, or 2472
other family or household member in question to do or refrain 2473
from doing the act. 2474

(J) (1) Subject to division (J) (2) of this section and 2475
regardless of whether a protection order is issued or a consent 2476
agreement is approved by a court of another county or a court of 2477
another state, no court or unit of state or local government 2478
shall charge the movant any fee, cost, deposit, or money in 2479
connection with the filing of a motion pursuant to this section, 2480
in connection with the filing, issuance, registration, 2481
modification, enforcement, dismissal, withdrawal, or service of 2482
a protection order, consent agreement, or witness subpoena or 2483
for obtaining a certified copy of a protection order or consent 2484
agreement. 2485

(2) Regardless of whether a protection order is issued or 2486
a consent agreement is approved pursuant to this section, if the 2487
defendant is convicted the court may assess costs against the 2488
defendant in connection with the filing, issuance, registration, 2489
modification, enforcement, dismissal, withdrawal, or service of 2490
a protection order, consent agreement, or witness subpoena or 2491
for obtaining a certified copy of a protection order or consent 2492
agreement. 2493

(K) As used in this section: 2494

(1) "Companion animal" has the same meaning as in section 2495
959.131 of the Revised Code. 2496

(2) "Sexually oriented offense" has the same meaning as in 2497
section 2950.01 of the Revised Code. 2498

(3) "Victim advocate" means a person who provides support 2499
and assistance for a victim of an offense during court 2500
proceedings. 2501

Sec. 2921.22. (A) (1) Except as provided in division (A) (2) 2502
of this section, no person, knowing that a felony has been or is 2503
being committed, shall knowingly fail to report such information 2504
to law enforcement authorities. 2505

(2) No person, knowing that a violation of section 2913.87 2506
or division (B) of section 2913.04 of the Revised Code has been, 2507
or is being committed or that the person has received 2508
information derived from such a violation, shall knowingly fail 2509
to report the violation to law enforcement authorities. 2510

(B) Except for conditions that are within the scope of 2511
division (E) of this section, no person giving aid to a sick or 2512
injured person shall negligently fail to report to law 2513
enforcement authorities any gunshot or stab wound treated or 2514
observed by the person, or any serious physical harm to persons 2515
that the person knows or has reasonable cause to believe 2516
resulted from an offense of violence. 2517

(C) No person who discovers the body or acquires the first 2518
knowledge of the death of a person shall fail to report the 2519
death immediately to a physician or advanced practice registered 2520
nurse whom the person knows to be treating the deceased for a 2521
condition from which death at such time would not be unexpected, 2522
or to a law enforcement officer, an ambulance service, an 2523
emergency squad, or the coroner in a political subdivision in 2524
which the body is discovered, the death is believed to have 2525

occurred, or knowledge concerning the death is obtained. For 2526
purposes of this division, "advanced practice registered nurse" 2527
does not include a certified registered nurse anesthetist. 2528

(D) No person shall fail to provide upon request of the 2529
person to whom a report required by division (C) of this section 2530
was made, or to any law enforcement officer who has reasonable 2531
cause to assert the authority to investigate the circumstances 2532
surrounding the death, any facts within the person's knowledge 2533
that may have a bearing on the investigation of the death. 2534

(E) (1) As used in this division, "burn injury" means any 2535
of the following: 2536

(a) Second or third degree burns; 2537

(b) Any burns to the upper respiratory tract or laryngeal 2538
edema due to the inhalation of superheated air; 2539

(c) Any burn injury or wound that may result in death; 2540

(d) Any physical harm to persons caused by or as the 2541
result of the use of fireworks, novelties and trick noisemakers, 2542
and wire sparklers, as each is defined by section 3743.01 of the 2543
Revised Code. 2544

(2) No physician, nurse, physician assistant, or limited 2545
practitioner who, outside a hospital, sanitarium, or other 2546
medical facility, attends or treats a person who has sustained a 2547
burn injury that is inflicted by an explosion or other 2548
incendiary device or that shows evidence of having been 2549
inflicted in a violent, malicious, or criminal manner shall fail 2550
to report the burn injury immediately to the local arson, or 2551
fire and explosion investigation, bureau, if there is a bureau 2552
of this type in the jurisdiction in which the person is attended 2553
or treated, or otherwise to local law enforcement authorities. 2554

(3) No manager, superintendent, or other person in charge 2555
of a hospital, sanitarium, or other medical facility in which a 2556
person is attended or treated for any burn injury that is 2557
inflicted by an explosion or other incendiary device or that 2558
shows evidence of having been inflicted in a violent, malicious, 2559
or criminal manner shall fail to report the burn injury 2560
immediately to the local arson, or fire and explosion 2561
investigation, bureau, if there is a bureau of this type in the 2562
jurisdiction in which the person is attended or treated, or 2563
otherwise to local law enforcement authorities. 2564

(4) No person who is required to report any burn injury 2565
under division (E) (2) or (3) of this section shall fail to file, 2566
within three working days after attending or treating the 2567
victim, a written report of the burn injury with the office of 2568
the state fire marshal. The report shall comply with the uniform 2569
standard developed by the state fire marshal pursuant to 2570
division (A) (15) of section 3737.22 of the Revised Code. 2571

(5) Anyone participating in the making of reports under 2572
division (E) of this section or anyone participating in a 2573
judicial proceeding resulting from the reports is immune from 2574
any civil or criminal liability that otherwise might be incurred 2575
or imposed as a result of such actions. Notwithstanding section 2576
4731.22 of the Revised Code, the physician-patient relationship 2577
or advanced practice registered nurse-patient relationship is 2578
not a ground for excluding evidence regarding a person's burn 2579
injury or the cause of the burn injury in any judicial 2580
proceeding resulting from a report submitted under division (E) 2581
of this section. 2582

(F) (1) Any doctor of medicine or osteopathic medicine, 2583
hospital intern or resident, nurse, psychologist, social worker, 2584

independent social worker, social work assistant, licensed 2585
professional clinical counselor, licensed professional 2586
counselor, independent marriage and family therapist, or 2587
marriage and family therapist who knows or has reasonable cause 2588
to believe that a patient or client has been the victim of 2589
domestic violence, as defined in section 3113.31 of the Revised 2590
Code, shall note that knowledge or belief and the basis for it 2591
in the patient's or client's records. 2592

(2) Notwithstanding section 4731.22 of the Revised Code, 2593
the physician-patient privilege or advanced practice registered 2594
nurse-patient privilege shall not be a ground for excluding any 2595
information regarding the report containing the knowledge or 2596
belief noted under division (F)(1) of this section, and the 2597
information may be admitted as evidence in accordance with the 2598
Rules of Evidence. 2599

(G) Divisions (A) and (D) of this section do not require 2600
disclosure of information, when any of the following applies: 2601

(1) The information is privileged by reason of the 2602
relationship between attorney and client; physician and patient; 2603
advanced practice registered nurse and patient; licensed 2604
psychologist or licensed school psychologist and client; 2605
licensed professional clinical counselor, licensed professional 2606
counselor, independent social worker, social worker, independent 2607
marriage and family therapist, or marriage and family therapist 2608
and client; member of the clergy, rabbi, minister, or priest and 2609
any person communicating information confidentially to the 2610
member of the clergy, rabbi, minister, or priest for a religious 2611
counseling purpose of a professional character; husband and 2612
wife; or a communications assistant and those who are a party to 2613
a telecommunications relay service call. 2614

(2) The information would tend to incriminate a member of 2615
the actor's immediate family. 2616

(3) Disclosure of the information would amount to 2617
revealing a news source, privileged under section 2739.04 or 2618
2739.12 of the Revised Code. 2619

(4) Disclosure of the information would amount to 2620
disclosure by a member of the ordained clergy of an organized 2621
religious body of a confidential communication made to that 2622
member of the clergy in that member's capacity as a member of 2623
the clergy by a person seeking the aid or counsel of that member 2624
of the clergy. 2625

(5) Disclosure would amount to revealing information 2626
acquired by the actor in the course of the actor's duties in 2627
connection with a bona fide program of treatment or services for 2628
drug dependent persons or persons in danger of drug dependence, 2629
which program is maintained or conducted by a hospital, clinic, 2630
person, agency, or community addiction services provider whose 2631
alcohol and drug addiction services are certified pursuant to 2632
section 5119.36 of the Revised Code. 2633

(6) Disclosure would amount to revealing information 2634
acquired by the actor in the course of the actor's duties in 2635
connection with a bona fide program for providing counseling 2636
services to victims of crimes that are violations of section 2637
2907.02 or 2907.05 of the Revised Code or to victims of 2638
felonious sexual penetration in violation of former section 2639
2907.12 of the Revised Code. As used in this division, 2640
"counseling services" include services provided in an informal 2641
setting by a person who, by education or experience, is 2642
competent to provide those services. 2643

(H) No disclosure of information pursuant to this section 2644
gives rise to any liability or recrimination for a breach of 2645
privilege or confidence. 2646

(I) Whoever violates division (A) or (B) of this section 2647
is guilty of failure to report a crime. Violation of division 2648
(A) (1) of this section is a misdemeanor of the fourth degree. 2649
Violation of division (A) (2) or (B) of this section is a 2650
misdemeanor of the second degree. 2651

(J) Whoever violates division (C) or (D) of this section 2652
is guilty of failure to report knowledge of a death, a 2653
misdemeanor of the fourth degree. 2654

(K) (1) Whoever negligently violates division (E) of this 2655
section is guilty of a minor misdemeanor. 2656

(2) Whoever knowingly violates division (E) of this 2657
section is guilty of a misdemeanor of the second degree. 2658

(L) As used in this section, "nurse" includes an advanced 2659
practice registered nurse, registered nurse, and licensed 2660
practical nurse. 2661

Sec. 2923.129. (A) (1) If a sheriff, the superintendent of 2662
the bureau of criminal identification and investigation, the 2663
employees of the bureau, the Ohio peace officer training 2664
commission, or the employees of the commission make a good faith 2665
effort in performing the duties imposed upon the sheriff, the 2666
superintendent, the bureau's employees, the commission, or the 2667
commission's employees by sections 109.731, 311.41, and 2923.124 2668
to 2923.1213 of the Revised Code, in addition to the personal 2669
immunity provided by section 9.86 of the Revised Code or 2670
division (A) (6) of section 2744.03 of the Revised Code and the 2671
governmental immunity of sections 2744.02 and 2744.03 of the 2672

Revised Code and in addition to any other immunity possessed by 2673
the bureau, the commission, and their employees, the sheriff, 2674
the sheriff's office, the county in which the sheriff has 2675
jurisdiction, the bureau, the superintendent of the bureau, the 2676
bureau's employees, the commission, and the commission's 2677
employees are immune from liability in a civil action for 2678
injury, death, or loss to person or property that allegedly was 2679
caused by or related to any of the following: 2680

(a) The issuance, renewal, suspension, or revocation of a 2681
concealed handgun license; 2682

(b) The failure to issue, renew, suspend, or revoke a 2683
concealed handgun license; 2684

(c) Any action or misconduct with a handgun committed by a 2685
licensee. 2686

(2) Any action of a sheriff relating to the issuance, 2687
renewal, suspension, or revocation of a concealed handgun 2688
license shall be considered to be a governmental function for 2689
purposes of Chapter 2744. of the Revised Code. 2690

(3) An entity that or instructor who provides a competency 2691
certification of a type described in division (B) (3) of section 2692
2923.125 of the Revised Code is immune from civil liability that 2693
might otherwise be incurred or imposed for any death or any 2694
injury or loss to person or property that is caused by or 2695
related to a person to whom the entity or instructor has issued 2696
the competency certificate if all of the following apply: 2697

(a) The alleged liability of the entity or instructor 2698
relates to the training provided in the course, class, or 2699
program covered by the competency certificate. 2700

(b) The entity or instructor makes a good faith effort in 2701

determining whether the person has satisfactorily completed the 2702
course, class, or program and makes a good faith effort in 2703
assessing the person in the competency examination conducted 2704
pursuant to division (G) (2) of section 2923.125 of the Revised 2705
Code. 2706

(c) The entity or instructor did not issue the competency 2707
certificate with malicious purpose, in bad faith, or in a wanton 2708
or reckless manner. 2709

(4) An entity that or instructor who, prior to March 27, 2710
2013, provides a renewed competency certification of a type 2711
described in division (G) (4) of section 2923.125 of the Revised 2712
Code as it existed prior to March 27, 2013, is immune from civil 2713
liability that might otherwise be incurred or imposed for any 2714
death or any injury or loss to person or property that is caused 2715
by or related to a person to whom the entity or instructor has 2716
issued the renewed competency certificate if all of the 2717
following apply: 2718

(a) The entity or instructor makes a good faith effort in 2719
assessing the person in the physical demonstrations or the 2720
competency examination conducted pursuant to division (G) (4) of 2721
section 2923.125 of the Revised Code as it existed prior to 2722
March 27, 2013. 2723

(b) The entity or instructor did not issue the renewed 2724
competency certificate with malicious purpose, in bad faith, or 2725
in a wanton or reckless manner. 2726

(B) Notwithstanding section 149.43 of the Revised Code, 2727
the records that a sheriff keeps relative to the issuance, 2728
renewal, suspension, or revocation of a concealed handgun 2729
license, including, but not limited to, completed applications 2730

for the issuance or renewal of a license, completed affidavits 2731
submitted regarding an application for a license on a temporary 2732
emergency basis, reports of criminal records checks and 2733
incompetency records checks under section 311.41 of the Revised 2734
Code, and applicants' social security numbers and fingerprints 2735
that are obtained under division (A) of section 311.41 of the 2736
Revised Code, are confidential and are not public records. No 2737
person shall release or otherwise disseminate records that are 2738
confidential under this division unless required to do so 2739
pursuant to a court order. 2740

(C) Each sheriff shall report to the Ohio peace officer 2741
training commission the number of concealed handgun licenses 2742
that the sheriff issued, renewed, suspended, revoked, or denied 2743
under section 2923.125 of the Revised Code during the previous 2744
quarter of the calendar year, the number of applications for 2745
those licenses for which processing was suspended in accordance 2746
with division (D) (3) of section 2923.125 of the Revised Code 2747
during the previous quarter of the calendar year, and the number 2748
of concealed handgun licenses on a temporary emergency basis 2749
that the sheriff issued, suspended, revoked, or denied under 2750
section 2923.1213 of the Revised Code during the previous 2751
quarter of the calendar year. The sheriff shall not include in 2752
the report the name or any other identifying information of an 2753
applicant or licensee. The sheriff shall report that information 2754
in a manner that permits the commission to maintain the 2755
statistics described in division (C) of section 109.731 of the 2756
Revised Code and to timely prepare the statistical report 2757
described in that division. The information that is received by 2758
the commission under this division is a public record kept by 2759
the commission for the purposes of section 149.43 of the Revised 2760
Code. 2761

(D) Law enforcement agencies may use the information a 2762
sheriff makes available through the use of the law enforcement 2763
automated data system pursuant to division (H) of section 2764
2923.125 or division (B) (2) or (D) of section 2923.1213 of the 2765
Revised Code for law enforcement purposes only. The information 2766
is confidential and is not a public record. Except as provided 2767
in section 5503.101 of the Revised Code, a person who releases 2768
or otherwise disseminates this information obtained through the 2769
law enforcement automated data system in a manner not described 2770
in this division is guilty of a violation of ~~section~~sections 2771
2913.04, 2913.87, 2913.91, and 2913.92 of the Revised Code. 2772

(E) Whoever violates division (B) of this section is 2773
guilty of illegal release of confidential concealed handgun 2774
license records, a felony of the fifth degree. In addition to 2775
any penalties imposed under Chapter 2929. of the Revised Code 2776
for a violation of division (B) of this section or a violation 2777
of section 2913.04, 2913.87, 2913.91, or 2913.92 of the Revised 2778
Code described in division (D) of this section, if the offender 2779
is a sheriff, an employee of a sheriff, or any other public 2780
officer or employee, and if the violation was willful and 2781
deliberate, the offender shall be subject to a civil fine of one 2782
thousand dollars. Any person who is harmed by a violation of 2783
division (B) or (C) of this section or a violation of section 2784
2913.04, 2913.87, 2913.91, or 2913.92 of the Revised Code 2785
described in division (D) of this section has a private cause of 2786
action against the offender for any injury, death, or loss to 2787
person or property that is a proximate result of the violation 2788
and may recover court costs and attorney's fees related to the 2789
action. 2790

Sec. 2927.12. (A) No person shall violate section 2903.21, 2791
2903.22, 2909.06, ~~or~~ 2909.07, or 2913.88, or division (A) (3), 2792

(4), or (5) of section 2917.21 of the Revised Code by reason of 2793
the race, color, religion, or national origin of another person 2794
or group of persons. 2795

(B) Whoever violates this section is guilty of ethnic 2796
intimidation. Ethnic intimidation is an offense of the next 2797
higher degree than the offense the commission of which is a 2798
necessary element of ethnic intimidation. 2799

Sec. 2933.51. As used in sections 2933.51 to 2933.66 of 2800
the Revised Code: 2801

(A) "Wire communication" means an aural transfer that is 2802
made in whole or in part through the use of facilities for the 2803
transmission of communications by the aid of wires or similar 2804
methods of connecting the point of origin of the communication 2805
and the point of reception of the communication, including the 2806
use of a method of connecting the point of origin and the point 2807
of reception of the communication in a switching station, if the 2808
facilities are furnished or operated by a person engaged in 2809
providing or operating the facilities for the transmission of 2810
communications. "Wire communication" includes an electronic 2811
storage of a wire communication. 2812

(B) "Oral communication" means an oral communication 2813
uttered by a person exhibiting an expectation that the 2814
communication is not subject to interception under circumstances 2815
justifying that expectation. "Oral communication" does not 2816
include an electronic communication. 2817

(C) "Intercept" means the aural or other acquisition of 2818
the contents of any wire, oral, or electronic communication 2819
through the use of an interception device. 2820

(D) "Interception device" means an electronic, mechanical, 2821

or other device or apparatus that can be used to intercept a 2822
wire, oral, or electronic communication. "Interception device" 2823
does not mean any of the following: 2824

(1) A telephone or telegraph instrument, equipment, or 2825
facility, or any of its components, if the instrument, 2826
equipment, facility, or component is any of the following: 2827

(a) Furnished to the subscriber or user by a provider of 2828
wire or electronic communication service in the ordinary course 2829
of its business and being used by the subscriber or user in the 2830
ordinary course of its business; 2831

(b) Furnished by a subscriber or user for connection to 2832
the facilities of a provider of wire or electronic communication 2833
service and used in the ordinary course of that subscriber's or 2834
user's business; 2835

(c) Being used by a provider of wire or electronic 2836
communication service in the ordinary course of its business or 2837
by an investigative or law enforcement officer in the ordinary 2838
course of the officer's duties that do not involve the 2839
interception of wire, oral, or electronic communications. 2840

(2) A hearing aid or similar device being used to correct 2841
subnormal hearing to not better than normal. 2842

(E) "Investigative officer" means any of the following: 2843

(1) An officer of this state or a political subdivision of 2844
this state, who is empowered by law to conduct investigations or 2845
to make arrests for a designated offense; 2846

(2) A person described in divisions (A) (11) (a) and (b) of 2847
section 2901.01 of the Revised Code; 2848

(3) An attorney authorized by law to prosecute or 2849

participate in the prosecution of a designated offense; 2850

(4) A secret service officer appointed pursuant to section 2851
309.07 of the Revised Code; 2852

(5) An officer of the United States, a state, or a 2853
political subdivision of a state who is authorized to conduct 2854
investigations pursuant to the "Electronic Communications 2855
Privacy Act of 1986," 100 Stat. 1848-1857, 18 U.S.C. 2510-2521 2856
(1986), as amended. 2857

(F) "Interception warrant" means a court order that 2858
authorizes the interception of wire, oral, or electronic 2859
communications and that is issued pursuant to sections 2933.53 2860
to 2933.56 of the Revised Code. 2861

(G) "Contents," when used with respect to a wire, oral, or 2862
electronic communication, includes any information concerning 2863
the substance, purport, or meaning of the communication. 2864

(H) "Communications common carrier" means a person who is 2865
engaged as a common carrier for hire in intrastate, interstate, 2866
or foreign communications by wire, radio, or radio transmission 2867
of energy. "Communications common carrier" does not include, to 2868
the extent that the person is engaged in radio broadcasting, a 2869
person engaged in radio broadcasting. 2870

(I) "Designated offense" means any of the following: 2871

(1) A felony violation of section 1315.53, 1315.55, 2872
2903.01, 2903.02, 2903.11, 2905.01, 2905.02, 2905.11, 2905.22, 2873
2905.32, 2907.02, 2907.21, 2907.22, 2909.02, 2909.03, 2909.04, 2874
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2875
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.04, 2913.42, 2876
2913.51, 2913.87 to 2913.92, 2915.02, 2915.03, 2917.01, 2917.02, 2877
2921.02, 2921.03, 2921.04, 2921.32, 2921.34, 2923.20, 2923.32, 2878

2925.03, 2925.04, 2925.05, or 2925.06 or of division (B) of 2879
section 2915.05 or of division (E) or (G) of section 3772.99 of 2880
the Revised Code; 2881

(2) A violation of section 2919.23 of the Revised Code 2882
that, had it occurred prior to July 1, 1996, would have been a 2883
violation of section 2905.04 of the Revised Code as it existed 2884
prior to that date; 2885

(3) A felony violation of section 2925.11 of the Revised 2886
Code that is not a minor drug possession offense, as defined in 2887
section 2925.01 of the Revised Code; 2888

(4) Complicity in the commission of a felony violation of 2889
a section listed in division (I) (1), (2), or (3) of this 2890
section; 2891

(5) An attempt to commit, or conspiracy in the commission 2892
of, a felony violation of a section listed in division (I) (1), 2893
(2), or (3) of this section, if the attempt or conspiracy is 2894
punishable by a term of imprisonment of more than one year. 2895

(J) "Aggrieved person" means a person who was a party to 2896
an intercepted wire, oral, or electronic communication or a 2897
person against whom the interception of the communication was 2898
directed. 2899

(K) "Person" means a person, as defined in section 1.59 of 2900
the Revised Code, or a governmental officer, employee, or 2901
entity. 2902

(L) "Special need" means a showing that a licensed 2903
physician, licensed practicing psychologist, attorney, 2904
practicing cleric, journalist, or either spouse is personally 2905
engaging in continuing criminal activity, was engaged in 2906
continuing criminal activity over a period of time, or is 2907

committing, has committed, or is about to commit, a designated 2908
offense, or a showing that specified public facilities are being 2909
regularly used by someone who is personally engaging in 2910
continuing criminal activity, was engaged in continuing criminal 2911
activity over a period of time, or is committing, has committed, 2912
or is about to commit, a designated offense. 2913

(M) "Journalist" means a person engaged in, connected 2914
with, or employed by, any news media, including a newspaper, 2915
magazine, press association, news agency, or wire service, a 2916
radio or television station, or a similar media, for the purpose 2917
of gathering, processing, transmitting, compiling, editing, or 2918
disseminating news for the general public. 2919

(N) "Electronic communication" means a transfer of a sign, 2920
signal, writing, image, sound, datum, or intelligence of any 2921
nature that is transmitted in whole or in part by a wire, radio, 2922
electromagnetic, photoelectronic, or photo-optical system. 2923

"Electronic communication" does not mean any of the following: 2924

(1) A wire or oral communication; 2925

(2) A communication made through a tone-only paging 2926
device; 2927

(3) A communication from an electronic or mechanical 2928
tracking device that permits the tracking of the movement of a 2929
person or object. 2930

(O) "User" means a person or entity that uses an 2931
electronic communication service and is duly authorized by the 2932
provider of the service to engage in the use of the electronic 2933
communication service. 2934

(P) "Electronic communications system" means a wire, 2935
radio, electromagnetic, photoelectronic, or photo-optical 2936

facility for the transmission of electronic communications, and 2937
a computer facility or related electronic equipment for the 2938
electronic storage of electronic communications. 2939

(Q) "Electronic communication service" means a service 2940
that provides to users of the service the ability to send or 2941
receive wire or electronic communications. 2942

(R) "Readily accessible to the general public" means, with 2943
respect to a radio communication, that the communication is none 2944
of the following: 2945

(1) Scrambled or encrypted; 2946

(2) Transmitted using a modulation technique, the 2947
essential parameters of which have been withheld from the public 2948
with the intention of preserving the privacy of the 2949
communication; 2950

(3) Carried on a subcarrier or other signal subsidiary to 2951
a radio transmission; 2952

(4) Transmitted over a communications system provided by a 2953
communications common carrier, unless the communication is a 2954
tone-only paging system communication; 2955

(5) Transmitted on a frequency allocated under part 25, 2956
subpart D, E, or F of part 74, or part 94 of the Rules of the 2957
Federal Communications Commission, as those provisions existed 2958
on July 1, 1996, unless, in the case of a communication 2959
transmitted on a frequency allocated under part 74 that is not 2960
exclusively allocated to broadcast auxiliary services, the 2961
communication is a two-way voice communication by radio. 2962

(S) "Electronic storage" means a temporary, intermediate 2963
storage of a wire or electronic communication that is incidental 2964

to the electronic transmission of the communication, and a 2965
storage of a wire or electronic communication by an electronic 2966
communication service for the purpose of backup protection of 2967
the communication. 2968

(T) "Aural transfer" means a transfer containing the human 2969
voice at a point between and including the point of origin and 2970
the point of reception. 2971

(U) "Pen register" means a device that records or decodes 2972
electronic impulses that identify the numbers dialed, pulsed, or 2973
otherwise transmitted on telephone lines to which the device is 2974
attached. 2975

(V) "Trap and trace device" means a device that captures 2976
the incoming electronic or other impulses that identify the 2977
originating number of an instrument or device from which a wire 2978
communication or electronic communication was transmitted but 2979
that does not intercept the contents of the wire communication 2980
or electronic communication. 2981

(W) "Judge of a court of common pleas" means a judge of 2982
that court who is elected or appointed as a judge of general 2983
jurisdiction or as a judge who exercises both general 2984
jurisdiction and probate, domestic relations, or juvenile 2985
jurisdiction. "Judge of a court of common pleas" does not mean a 2986
judge of that court who is elected or appointed specifically as 2987
a probate, domestic relations, or juvenile judge. 2988

Sec. 3712.09. (A) As used in this section: 2989

(1) "Applicant" means a person who is under final 2990
consideration for employment with a hospice care program or 2991
pediatric respite care program in a full-time, part-time, or 2992
temporary position that involves providing direct care to an 2993

older adult or pediatric respite care patient. "Applicant" does 2994
not include a person who provides direct care as a volunteer 2995
without receiving or expecting to receive any form of 2996
remuneration other than reimbursement for actual expenses. 2997

(2) "Criminal records check" has the same meaning as in 2998
section 109.572 of the Revised Code. 2999

(3) "Older adult" means a person age sixty or older. 3000

(B) (1) Except as provided in division (I) of this section, 3001
the chief administrator of a hospice care program or pediatric 3002
respite care program shall request that the superintendent of 3003
the bureau of criminal identification and investigation conduct 3004
a criminal records check of each applicant. If an applicant for 3005
whom a criminal records check request is required under this 3006
division does not present proof of having been a resident of 3007
this state for the five-year period immediately prior to the 3008
date the criminal records check is requested or provide evidence 3009
that within that five-year period the superintendent has 3010
requested information about the applicant from the federal 3011
bureau of investigation in a criminal records check, the chief 3012
administrator shall request that the superintendent obtain 3013
information from the federal bureau of investigation as part of 3014
the criminal records check of the applicant. Even if an 3015
applicant for whom a criminal records check request is required 3016
under this division presents proof of having been a resident of 3017
this state for the five-year period, the chief administrator may 3018
request that the superintendent include information from the 3019
federal bureau of investigation in the criminal records check. 3020

(2) A person required by division (B) (1) of this section 3021
to request a criminal records check shall do both of the 3022
following: 3023

(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. 3054
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(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. 3056
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(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. 3060
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(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 3078
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any request for information from the federal bureau of 3084
investigation, are not obtained within the period ending thirty 3085
days after the date the request is made. Regardless of when the 3086
results of the criminal records check are obtained, if the 3087
results indicate that the individual has been convicted of or 3088
pleaded guilty to any of the offenses listed or described in 3089
division (C) (1) of this section, the program shall terminate the 3090
individual's employment unless the program chooses to employ the 3091
individual pursuant to division (F) of this section. Termination 3092
of employment under this division shall be considered just cause 3093
for discharge for purposes of division (D) (2) of section 4141.29 3094
of the Revised Code if the individual makes any attempt to 3095
deceive the program about the individual's criminal record. 3096

(D) (1) Each hospice care program or pediatric respite care 3097
program shall pay to the bureau of criminal identification and 3098
investigation the fee prescribed pursuant to division (C) (3) of 3099
section 109.572 of the Revised Code for each criminal records 3100
check conducted pursuant to a request made under division (B) of 3101
this section. 3102

(2) A hospice care program or pediatric respite care 3103
program may charge an applicant a fee not exceeding the amount 3104
the program pays under division (D) (1) of this section. A 3105
program may collect a fee only if both of the following apply: 3106

(a) The program notifies the person at the time of initial 3107
application for employment of the amount of the fee and that, 3108
unless the fee is paid, the person will not be considered for 3109
employment; 3110

(b) The medicaid program does not reimburse the program 3111
the fee it pays under division (D) (1) of this section. 3112

(E) The report of a criminal records check conducted 3113
pursuant to a request made under this section is not a public 3114
record for the purposes of section 149.43 of the Revised Code 3115
and shall not be made available to any person other than the 3116
following: 3117

(1) The individual who is the subject of the criminal 3118
records check or the individual's representative; 3119

(2) The chief administrator of the program requesting the 3120
criminal records check or the administrator's representative; 3121

(3) The administrator of any other facility, agency, or 3122
program that provides direct care to older adults or pediatric 3123
respite care patients that is owned or operated by the same 3124
entity that owns or operates the hospice care program or 3125
pediatric respite care program; 3126

(4) A court, hearing officer, or other necessary 3127
individual involved in a case dealing with a denial of 3128
employment of the applicant or dealing with employment or 3129
unemployment benefits of the applicant; 3130

(5) Any person to whom the report is provided pursuant to, 3131
and in accordance with, division (I)(1) or (2) of this section. 3132

(F) The director of health shall adopt rules in accordance 3133
with Chapter 119. of the Revised Code to implement this section. 3134
The rules shall specify circumstances under which a hospice care 3135
program or pediatric respite care program may employ a person 3136
who has been convicted of or pleaded guilty to an offense listed 3137
or described in division (C)(1) of this section but meets 3138
personal character standards set by the director. 3139

(G) The chief administrator of a hospice care program or 3140
pediatric respite care program shall inform each individual, at 3141

the time of initial application for a position that involves 3142
providing direct care to an older adult or pediatric respite 3143
care patient, that the individual is required to provide a set 3144
of fingerprint impressions and that a criminal records check is 3145
required to be conducted if the individual comes under final 3146
consideration for employment. 3147

(H) In a tort or other civil action for damages that is 3148
brought as the result of an injury, death, or loss to person or 3149
property caused by an individual who a hospice care program or 3150
pediatric respite care program employs in a position that 3151
involves providing direct care to older adults or pediatric 3152
respite care patients, all of the following shall apply: 3153

(1) If the program employed the individual in good faith 3154
and reasonable reliance on the report of a criminal records 3155
check requested under this section, the program shall not be 3156
found negligent solely because of its reliance on the report, 3157
even if the information in the report is determined later to 3158
have been incomplete or inaccurate; 3159

(2) If the program employed the individual in good faith 3160
on a conditional basis pursuant to division (C) (2) of this 3161
section, the program shall not be found negligent solely because 3162
it employed the individual prior to receiving the report of a 3163
criminal records check requested under this section; 3164

(3) If the program in good faith employed the individual 3165
according to the personal character standards established in 3166
rules adopted under division (F) of this section, the program 3167
shall not be found negligent solely because the individual prior 3168
to being employed had been convicted of or pleaded guilty to an 3169
offense listed or described in division (C) (1) of this section. 3170

(I) (1) The chief administrator of a hospice care program 3171
or pediatric respite care program is not required to request 3172
that the superintendent of the bureau of criminal identification 3173
and investigation conduct a criminal records check of an 3174
applicant if the applicant has been referred to the program by 3175
an employment service that supplies full-time, part-time, or 3176
temporary staff for positions involving the direct care of older 3177
adults or pediatric respite care patients and both of the 3178
following apply: 3179

(a) The chief administrator receives from the employment 3180
service or the applicant a report of the results of a criminal 3181
records check regarding the applicant that has been conducted by 3182
the superintendent within the one-year period immediately 3183
preceding the applicant's referral; 3184

(b) The report of the criminal records check demonstrates 3185
that the person has not been convicted of or pleaded guilty to 3186
an offense listed or described in division (C) (1) of this 3187
section, or the report demonstrates that the person has been 3188
convicted of or pleaded guilty to one or more of those offenses, 3189
but the hospice care program or pediatric respite care program 3190
chooses to employ the individual pursuant to division (F) of 3191
this section. 3192

(2) The chief administrator of a hospice care program or 3193
pediatric respite care program is not required to request that 3194
the superintendent of the bureau of criminal identification and 3195
investigation conduct a criminal records check of an applicant 3196
and may employ the applicant conditionally as described in this 3197
division, 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 if the chief 3201
administrator receives from the employment service or the 3202
applicant a letter from the employment service that is on the 3203
letterhead of the employment service, dated, and signed by a 3204
supervisor or another designated official of the employment 3205
service and that states that the employment service has 3206
requested the superintendent to conduct a criminal records check 3207
regarding the applicant, that the requested criminal records 3208
check will include a determination of whether the applicant has 3209
been convicted of or pleaded guilty to any offense listed or 3210
described in division (C) (1) of this section, that, as of the 3211
date set forth on the letter, the employment service had not 3212
received the results of the criminal records check, and that, 3213
when the employment service receives the results of the criminal 3214
records check, it promptly will send a copy of the results to 3215
the hospice care program or pediatric respite care program. If a 3216
hospice care program or pediatric respite care program employs 3217
an applicant conditionally in accordance with this division, the 3218
employment service, upon its receipt of the results of the 3219
criminal records check, promptly shall send a copy of the 3220
results to the hospice care program or pediatric respite care 3221
program, and division (C) (2) (b) of this section applies 3222
regarding the conditional employment. 3223

Sec. 3721.121. (A) As used in this section: 3224

(1) "Adult day-care program" means a program operated 3225
pursuant to rules adopted by the director of health under 3226
section 3721.04 of the Revised Code and provided by and on the 3227
same site as homes licensed under this chapter. 3228

(2) "Applicant" means a person who is under final 3229
consideration for employment with a home or adult day-care 3230

program in a full-time, part-time, or temporary position that 3231
involves providing direct care to an older adult. "Applicant" 3232
does not include a person who provides direct care as a 3233
volunteer without receiving or expecting to receive any form of 3234
remuneration other than reimbursement for actual expenses. 3235

(3) "Community-based long-term care services provider" 3236
means a provider as defined in section 173.39 of the Revised 3237
Code. 3238

(4) "Criminal records check" has the same meaning as in 3239
section 109.572 of the Revised Code. 3240

(5) "Home" means a home as defined in section 3721.10 of 3241
the Revised Code. 3242

(6) "Older adult" means a person age sixty or older. 3243

(B) (1) Except as provided in division (I) of this section, 3244
the chief administrator of a home or adult day-care program 3245
shall request that the superintendent of the bureau of criminal 3246
identification and investigation conduct a criminal records 3247
check of each applicant. If an applicant for whom a criminal 3248
records check request is required under this division does not 3249
present proof of having been a resident of this state for the 3250
five-year period immediately prior to the date the criminal 3251
records check is requested or provide evidence that within that 3252
five-year period the superintendent has requested information 3253
about the applicant from the federal bureau of investigation in 3254
a criminal records check, the chief administrator shall request 3255
that the superintendent obtain information from the federal 3256
bureau of investigation as part of the criminal records check of 3257
the applicant. Even if an applicant for whom a criminal records 3258
check request is required under this division presents proof of 3259

having been a resident of this state for the five-year period, 3260
the chief administrator may request that the superintendent 3261
include information from the federal bureau of investigation in 3262
the criminal records check. 3263

(2) A person required by division (B)(1) of this section 3264
to request a criminal records check shall do both of the 3265
following: 3266

(a) Provide to each applicant for whom a criminal records 3267
check request is required under that division a copy of the form 3268
prescribed pursuant to division (C)(1) of section 109.572 of the 3269
Revised Code and a standard fingerprint impression sheet 3270
prescribed pursuant to division (C)(2) of that section, and 3271
obtain the completed form and impression sheet from the 3272
applicant; 3273

(b) Forward the completed form and impression sheet to the 3274
superintendent of the bureau of criminal identification and 3275
investigation. 3276

(3) An applicant provided the form and fingerprint 3277
impression sheet under division (B)(2)(a) of this section who 3278
fails to complete the form or provide fingerprint impressions 3279
shall not be employed in any position for which a criminal 3280
records check is required by this section. 3281

(C)(1) Except as provided in rules adopted by the director 3282
of health in accordance with division (F) of this section and 3283
subject to division (C)(2) of this section, no home or adult 3284
day-care program shall employ a person in a position that 3285
involves providing direct care to an older adult if the person 3286
has been convicted of or pleaded guilty to any of the following: 3287

(a) A violation of section 2903.01, 2903.02, 2903.03, 3288

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3289
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3290
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3291
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 3292
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 3293
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2913.87 to 3294
2913.92, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 3295
2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 3296
Revised Code. 3297

(b) A violation of an existing or former law of this 3298
state, any other state, or the United States that is 3299
substantially equivalent to any of the offenses listed in 3300
division (C) (1) (a) of this section. 3301

(2) (a) A home or an adult day-care program may employ 3302
conditionally an applicant for whom a criminal records check 3303
request is required under division (B) of this section prior to 3304
obtaining the results of a criminal records check regarding the 3305
individual, provided that the home or program shall request a 3306
criminal records check regarding the individual in accordance 3307
with division (B) (1) of this section not later than five 3308
business days after the individual begins conditional 3309
employment. In the circumstances described in division (I) (2) of 3310
this section, a home or adult day-care program may employ 3311
conditionally an applicant who has been referred to the home or 3312
adult day-care program by an employment service that supplies 3313
full-time, part-time, or temporary staff for positions involving 3314
the direct care of older adults and for whom, pursuant to that 3315
division, a criminal records check is not required under 3316
division (B) of this section. 3317

(b) A home or adult day-care program that employs an 3318

individual conditionally under authority of division (C) (2) (a) 3319
of this section shall terminate the individual's employment if 3320
the results of the criminal records check requested under 3321
division (B) of this section or described in division (I) (2) of 3322
this section, other than the results of any request for 3323
information from the federal bureau of investigation, are not 3324
obtained within the period ending thirty days after the date the 3325
request is made. Regardless of when the results of the criminal 3326
records check are obtained, if the results indicate that the 3327
individual has been convicted of or pleaded guilty to any of the 3328
offenses listed or described in division (C) (1) of this section, 3329
the home or program shall terminate the individual's employment 3330
unless the home or program chooses to employ the individual 3331
pursuant to division (F) of this section. Termination of 3332
employment under this division shall be considered just cause 3333
for discharge for purposes of division (D) (2) of section 4141.29 3334
of the Revised Code if the individual makes any attempt to 3335
deceive the home or program about the individual's criminal 3336
record. 3337

(D) (1) Each home or adult day-care program shall pay to 3338
the bureau of criminal identification and investigation the fee 3339
prescribed pursuant to division (C) (3) of section 109.572 of the 3340
Revised Code for each criminal records check conducted pursuant 3341
to a request made under division (B) of this section. 3342

(2) A home or adult day-care program may charge an 3343
applicant a fee not exceeding the amount the home or program 3344
pays under division (D) (1) of this section. A home or program 3345
may collect a fee only if both of the following apply: 3346

(a) The home or program notifies the person at the time of 3347
initial application for employment of the amount of the fee and 3348

that, unless the fee is paid, the person will not be considered 3349
for employment; 3350

(b) The medicaid program does not reimburse the home or 3351
program the fee it pays under division (D)(1) of this section. 3352

(E) The report of any criminal records check conducted 3353
pursuant to a request made under this section is not a public 3354
record for the purposes of section 149.43 of the Revised Code 3355
and shall not be made available to any person other than the 3356
following: 3357

(1) The individual who is the subject of the criminal 3358
records check or the individual's representative; 3359

(2) The chief administrator of the home or program 3360
requesting the criminal records check or the administrator's 3361
representative; 3362

(3) The administrator of any other facility, agency, or 3363
program that provides direct care to older adults that is owned 3364
or operated by the same entity that owns or operates the home or 3365
program; 3366

(4) A court, hearing officer, or other necessary 3367
individual involved in a case dealing with a denial of 3368
employment of the applicant or dealing with employment or 3369
unemployment benefits of the applicant; 3370

(5) Any person to whom the report is provided pursuant to, 3371
and in accordance with, division (I)(1) or (2) of this section; 3372

(6) The board of nursing for purposes of accepting and 3373
processing an application for a medication aide certificate 3374
issued under Chapter 4723. of the Revised Code; 3375

(7) The director of aging or the director's designee if 3376

the criminal records check is requested by the chief 3377
administrator of a home that is also a community-based long-term 3378
care services provider. 3379

(F) In accordance with section 3721.11 of the Revised 3380
Code, the director of health shall adopt rules to implement this 3381
section. The rules shall specify circumstances under which a 3382
home or adult day-care program may employ a person who has been 3383
convicted of or pleaded guilty to an offense listed or described 3384
in division (C) (1) of this section but meets personal character 3385
standards set by the director. 3386

(G) The chief administrator of a home or adult day-care 3387
program shall inform each individual, at the time of initial 3388
application for a position that involves providing direct care 3389
to an older adult, that the individual is required to provide a 3390
set of fingerprint impressions and that a criminal records check 3391
is required to be conducted if the individual comes under final 3392
consideration for employment. 3393

(H) In a tort or other civil action for damages that is 3394
brought as the result of an injury, death, or loss to person or 3395
property caused by an individual who a home or adult day-care 3396
program employs in a position that involves providing direct 3397
care to older adults, all of the following shall apply: 3398

(1) If the home or program employed the individual in good 3399
faith and reasonable reliance on the report of a criminal 3400
records check requested under this section, the home or program 3401
shall not be found negligent solely because of its reliance on 3402
the report, even if the information in the report is determined 3403
later to have been incomplete or inaccurate; 3404

(2) If the home or program employed the individual in good 3405

faith on a conditional basis pursuant to division (C) (2) of this 3406
section, the home or program shall not be found negligent solely 3407
because it employed the individual prior to receiving the report 3408
of a criminal records check requested under this section; 3409

(3) If the home or program in good faith employed the 3410
individual according to the personal character standards 3411
established in rules adopted under division (F) of this section, 3412
the home or program shall not be found negligent solely because 3413
the individual prior to being employed had been convicted of or 3414
pleaded guilty to an offense listed or described in division (C) 3415
(1) of this section. 3416

(I) (1) The chief administrator of a home or adult day-care 3417
program is not required to request that the superintendent of 3418
the bureau of criminal identification and investigation conduct 3419
a criminal records check of an applicant if the applicant has 3420
been referred to the home or program by an employment service 3421
that supplies full-time, part-time, or temporary staff for 3422
positions involving the direct care of older adults and both of 3423
the following apply: 3424

(a) The chief administrator receives from the employment 3425
service or the applicant a report of the results of a criminal 3426
records check regarding the applicant that has been conducted by 3427
the superintendent within the one-year period immediately 3428
preceding the applicant's referral; 3429

(b) The report of the criminal records check demonstrates 3430
that the person has not been convicted of or pleaded guilty to 3431
an offense listed or described in division (C) (1) of this 3432
section, or the report demonstrates that the person has been 3433
convicted of or pleaded guilty to one or more of those offenses, 3434
but the home or adult day-care program chooses to employ the 3435

individual pursuant to division (F) of this section. 3436

(2) The chief administrator of a home or adult day-care 3437
program is not required to request that the superintendent of 3438
the bureau of criminal identification and investigation conduct 3439
a criminal records check of an applicant and may employ the 3440
applicant conditionally as described in this division, if the 3441
applicant has been referred to the home or program by an 3442
employment service that supplies full-time, part-time, or 3443
temporary staff for positions involving the direct care of older 3444
adults and if the chief administrator receives from the 3445
employment service or the applicant a letter from the employment 3446
service that is on the letterhead of the employment service, 3447
dated, and signed by a supervisor or another designated official 3448
of the employment service and that states that the employment 3449
service has requested the superintendent to conduct a criminal 3450
records check regarding the applicant, that the requested 3451
criminal records check will include a determination of whether 3452
the applicant has been convicted of or pleaded guilty to any 3453
offense listed or described in division (C)(1) of this section, 3454
that, as of the date set forth on the letter, the employment 3455
service had not received the results of the criminal records 3456
check, and that, when the employment service receives the 3457
results of the criminal records check, it promptly will send a 3458
copy of the results to the home or adult day-care program. If a 3459
home or adult day-care program employs an applicant 3460
conditionally in accordance with this division, the employment 3461
service, upon its receipt of the results of the criminal records 3462
check, promptly shall send a copy of the results to the home or 3463
adult day-care program, and division (C)(2)(b) of this section 3464
applies regarding the conditional employment. 3465

Sec. 3750.09. (A) Except as otherwise provided in division 3466

(E) of this section, any person who is required to provide 3467
information to the emergency response commission, the local 3468
emergency planning committee of the emergency planning district 3469
in which a facility owned or operated by the person is located, 3470
or the fire department having jurisdiction over the facility, 3471
under the reporting requirements in sections 3750.04, 3750.05, 3472
3750.07, or 3750.08 of the Revised Code or the rules adopted 3473
under division (B)(1)(d) or (e) of section 3750.02 of the 3474
Revised Code, may withhold from submission to the commission, 3475
committee, fire department, or any other person the specific 3476
chemical identity, including the chemical name and other 3477
specific identification, of an extremely hazardous substance or 3478
hazardous chemical identified or listed by rules adopted under 3479
division (B)(1)(a) or (b) of section 3750.02 of the Revised Code 3480
on the grounds that the information constitutes a trade secret 3481
if either of the following conditions is met: 3482

(1)(a) At the time of submitting the information sought to 3483
be classified as a trade secret, the owner or operator of the 3484
facility submits a claim for protection of that information as a 3485
trade secret pursuant to rules adopted under division (B)(2)(d) 3486
of section 3750.02 of the Revised Code and submits a copy of the 3487
required report that indicates that such a claim has been filed 3488
and contains the generic class or category of the chemical 3489
identity in place of the specific chemical identity and that is 3490
accompanied by a copy of the substantiation supporting the trade 3491
secret claim that was submitted to the administrator of the 3492
United States environmental protection agency. The owner or 3493
operator may withhold from the copy of the substantiation 3494
submitted to the commission, committee, or fire department the 3495
specific chemical identity claimed to be a trade secret and 3496
information identified as confidential business information in 3497

rules adopted under division (B) (1) (h) of section 3750.02 of the Revised Code. 3498
3499

(b) A determination of the claim remains pending pursuant to those rules. 3500
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(2) It has been determined pursuant to those rules that a trade secret exists. 3502
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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: 3504
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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 3520
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such a claim has been filed with the commission and that 3528
contains the generic class or category of the chemical identity 3529
in place of the specific chemical identity and that is 3530
accompanied by a copy of the substantiation supporting the trade 3531
secret claim that was submitted to the commission. The owner may 3532
withhold from the copy of the substantiation submitted to the 3533
committee or fire department the specific chemical identity 3534
claimed to be a trade secret and information identified as 3535
confidential business information in rules adopted under 3536
division (B) (1) (h) of section 3750.02 of the Revised Code. 3537

(b) A determination of the claim remains pending pursuant 3538
to those rules and division (B) (14) of that section. 3539

(2) It has been determined pursuant to those rules and 3540
division (B) (14) of that section that a trade secret exists. 3541

(C) No person shall withhold the specific identity of a 3542
chemical on the grounds that it is a trade secret: 3543

(1) From any report enumerated in division (A) or (B) of 3544
this section, if it has been determined pursuant to rules 3545
adopted under division (B) (2) (d) of section 3750.02 of the 3546
Revised Code, or pursuant to division (B) (14) and rules adopted 3547
under division (B) (5) of that section, that no trade secret 3548
exists; 3549

(2) In any notification of a release required by section 3550
3750.06 of the Revised Code; 3551

(3) When required to provide the specific chemical 3552
identity to a health professional, physician, or nurse pursuant 3553
to division (E) of this section. 3554

(D) The governor may, pursuant to section 322 of the 3555
"Emergency Planning and Community Right-To-Know Act of 1986," 3556

100 Stat. 1747, 42 U.S.C.A. 11042, request the administrator of 3557
the United States environmental protection agency to provide 3558
specific chemical identities that are claimed or have been 3559
determined to be trade secret information or the 3560
substantiations, explanations, or supplemental information 3561
supporting trade secret protection claims submitted to or 3562
determined by the administrator pursuant to that section and 3563
rules adopted under division (B) (2) (d) of section 3750.02 of the 3564
Revised Code regarding facilities located in this state that are 3565
subject to this chapter. The governor shall not make available 3566
to any member of the commission or committee who is not also an 3567
officer or employee of the state or a political subdivision any 3568
information claimed or determined to be a trade secret or 3569
confidential business information obtained under this division 3570
or pursuant to rules adopted under division (B) (5) of section 3571
3750.02 of the Revised Code. Any trade secret and confidential 3572
business information obtained under this division or pursuant to 3573
rules adopted under division (B) (5) of that section shall be 3574
protected from unauthorized disclosure in accordance with rules 3575
adopted under division (B) (1) (i) of that section. 3576

(E) (1) The owner or operator of a facility that is subject 3577
to section 3750.07 or 3750.08 of the Revised Code shall provide 3578
the specific chemical identity of an extremely hazardous 3579
substance or hazardous chemical, if the specific chemical 3580
identity is known, to any health professional who submits to the 3581
owner or operator a written request and statement of need for 3582
the specific chemical identity. The written statement of need 3583
shall be a statement of the health professional that the health 3584
professional has a reasonable basis to believe that all of the 3585
following conditions pertain to the request: 3586

(a) The information is needed for purposes of diagnosis or 3587

treatment of an individual; 3588

(b) The individual being diagnosed or treated has been 3589
exposed to the chemical concerned; 3590

(c) Knowledge of the specific chemical identity of the 3591
chemical will assist in diagnosis and treatment. 3592

An owner or operator to whom such a written request and 3593
statement of need is submitted shall provide the requested 3594
information to the health professional promptly after receiving 3595
the request and statement of need, subject to division (E)(4) of 3596
this section. 3597

(2) The owner or operator of a facility that is subject to 3598
section 3750.07 or 3750.08 of the Revised Code shall provide a 3599
copy of a material safety data sheet or emergency and hazardous 3600
chemical inventory form that contains the specific chemical 3601
identity of an extremely hazardous substance or hazardous 3602
chemical, if the specific chemical identity is known, to any 3603
treating physician or nurse who requests that information if the 3604
physician or nurse determines that all of the following 3605
conditions pertain to the request: 3606

(a) A medical emergency exists; 3607

(b) The specific chemical identity of the chemical 3608
concerned is necessary for or will assist in emergency or first 3609
aid diagnosis or treatment; 3610

(c) The individual being diagnosed or treated has been 3611
exposed to the chemical concerned. 3612

The owner or operator shall provide the requested 3613
information to the physician or nurse immediately upon receiving 3614
such a request. The owner or operator shall not require any such 3615

treating physician or nurse to provide a written confidentiality 3616
agreement or statement of need as a precondition for disclosure 3617
of a specific chemical identity under this division; however, 3618
the owner or operator may require the treating physician or 3619
nurse to provide a written confidentiality agreement under 3620
division (E) (4) of this section and a statement setting forth 3621
the conditions listed in divisions (E) (2) (a) to (c) of this 3622
section as soon after the request is made as circumstances 3623
permit. 3624

(3) The owner or operator of a facility that is subject to 3625
section 3750.07 or 3750.08 of the Revised Code shall provide the 3626
specific chemical identity of an extremely hazardous substance 3627
or hazardous chemical, if the specific chemical identity is 3628
known, to any health professional, including, without 3629
limitation, a physician, toxicologist, or epidemiologist, who is 3630
either employed by or under contract with a political 3631
subdivision and who submits to the owner or operator a written 3632
request for the information, a written statement of need for the 3633
information that meets the requirements of division (E) (3) of 3634
this section, and a written confidentiality agreement under 3635
division (E) (4) of this section. The owner or operator shall 3636
promptly after receipt of the written request, statement of 3637
need, and confidentiality agreement provide the requested 3638
information to the local health professional who requested it. 3639

The written statement of need for a specific chemical 3640
identity required by division (E) (3) of this section shall 3641
describe with reasonable detail one or more of the following 3642
health needs for the information: 3643

(a) To assess exposure of persons living in a local 3644
community to the hazards of the chemical concerned; 3645

(b) To conduct or assess sampling to determine exposure 3646
levels of various population groups to the chemical concerned; 3647

(c) To conduct periodic medical surveillance of population 3648
groups exposed to the chemical concerned; 3649

(d) To provide medical treatment to individuals or 3650
population groups exposed to the chemical concerned; 3651

(e) To conduct studies to determine the health effects of 3652
exposure to the chemical concerned; 3653

(f) To conduct studies to aid in the identification of a 3654
chemical that may reasonably be anticipated to cause an observed 3655
health effect. 3656

(4) Any person who obtains information under division (E) 3657
(1) or (3) of this section shall, as a precondition for 3658
receiving that information, enter into a written confidentiality 3659
agreement with the owner or operator of the facility from whom 3660
the information was requested that the person will not use the 3661
information for any purpose other than the health needs asserted 3662
in the statement of need provided thereunder, except as 3663
otherwise may be authorized by the terms of the agreement or by 3664
the person providing the information. 3665

(F) (1) A member of the commission, officer or employee of 3666
the environmental protection agency, member or employee of a 3667
committee, or officer or employee of a fire department shall not 3668
request the owner or operator of a facility subject to this 3669
chapter to submit to the member, officer, or employee a trade 3670
secret claim or copy thereof; report required by section 3671
3750.04, 3750.05, 3750.07, or 3750.08 of the Revised Code; 3672
substantiation of a trade secret claim or copy thereof or 3673
explanation or supporting information pertaining to a trade 3674

secret claim or copy thereof, that contains any information 3675
claimed or determined to be a trade secret pursuant to rules 3676
adopted under division (B) (2) (d) of section 3750.02 of the 3677
Revised Code or identified as confidential business information 3678
by rules adopted under division (B) (1) (h) of section 3750.02 of 3679
the Revised Code. If any such member, officer, or employee knows 3680
or has reason to believe that any such trade secret claim, 3681
report, substantiation, or explanation or supporting information 3682
pertaining to a trade secret claim contains any such 3683
information, the member, officer, or employee immediately shall 3684
return it to the owner or operator of the facility who submitted 3685
it without reading it and shall request the owner or operator to 3686
submit the appropriate report or substantiation that does not 3687
contain the information claimed or determined to be a trade 3688
secret or so identified as confidential business information. 3689

(2) A member of the commission who is not also an employee 3690
of the state or a political subdivision, member or employee of a 3691
committee, or officer or employee of a fire department shall not 3692
request the owner or operator of a facility subject to this 3693
chapter to submit to the member, officer, or employee a trade 3694
secret claim or copy thereof; report required by section 3695
3750.04, 3750.05, 3750.07, or 3750.08 of the Revised Code; 3696
substantiation of a trade secret claim; or explanation or 3697
supporting information pertaining to a trade secret claim or 3698
copy thereof, that contains any information claimed or 3699
determined to be a trade secret pursuant to division (B) (14) of 3700
section 3750.02 of the Revised Code and rules adopted under 3701
division (B) (5) of that section or any information identified as 3702
confidential business information by rules adopted under 3703
division (B) (1) (h) of that section that pertains to such a 3704
claim. If any such member, officer, or employee knows or has 3705

reason to believe that any such trade secret claim, report, 3706
substantiation, or explanation or supporting information 3707
pertaining to any such trade secret claim contains any such 3708
information, the member, officer, or employee immediately shall 3709
return it to the owner or operator of the facility who submitted 3710
it without reading it and shall request the owner or operator to 3711
submit the appropriate report or substantiation that does not 3712
contain the information so claimed or determined to be a trade 3713
secret or so identified as confidential business information. 3714

(G) No member of the commission or designee of a member of 3715
the commission, officer or employee of the environmental 3716
protection agency, member or employee of a committee, health 3717
professional, physician, nurse, or other person who receives 3718
information claimed or determined to be a trade secret pursuant 3719
to rules adopted under division (B) (2) (d) of section 3750.02 of 3720
the Revised Code or pursuant to division (B) (14) of that section 3721
and rules adopted under division (B) (5) of that section, or who 3722
receives confidential business information identified in rules 3723
adopted under division (B) (1) (h) of section 3750.02 of the 3724
Revised Code shall release the information to any person not 3725
authorized to have that information under division (C) of this 3726
section or rules adopted under division (B) (1) (i) of that 3727
section. A violation of this division is not also a violation of 3728
section 2913.02 ~~or~~, 2913.04, 2913.87, 2913.91, or 2913.92 of the 3729
Revised Code. 3730

Sec. 3751.04. (A) Except as otherwise provided in division 3731
(D) of this section, any person required to provide information 3732
under section 3751.03 of the Revised Code may withhold from 3733
submission the specific chemical identity, including the 3734
chemical name and other specific identification, of the toxic 3735
chemical on the grounds that the information constitutes a trade 3736

secret if either of the following conditions is met: 3737

(1) (a) At the time of submitting the information sought to 3738
be classified as a trade secret, the owner or operator of the 3739
facility submits a claim for protection of that information as a 3740
trade secret pursuant to regulations promulgated by the 3741
administrator of the United States environmental protection 3742
agency under EPCRA, and submits a copy of the required toxic 3743
chemical release form that indicates that such a claim has been 3744
filed and contains the generic class or category of the identity 3745
in place of the identity. 3746

(b) A determination of the claim remains pending pursuant 3747
to those regulations. 3748

(2) It has been determined by the administrator pursuant 3749
to those regulations that a trade secret exists. 3750

(B) No person shall withhold the specific identity of a 3751
toxic chemical on the grounds that the information is a trade 3752
secret in either of the following instances: 3753

(1) From any toxic chemical release form if it has been 3754
determined by the administrator pursuant to regulations 3755
promulgated under EPCRA that no trade secret exists; 3756

(2) When required to provide the specific chemical 3757
identity to a health professional, physician, or nurse pursuant 3758
to division (D) of this section. 3759

(C) The governor may, pursuant to EPCRA, request the 3760
administrator of the United States environmental protection 3761
agency to provide specific chemical identities that are claimed 3762
or have been determined to be trade secret information or the 3763
explanations and supplemental information supporting trade 3764
secret protection claims regarding facilities located in this 3765

state that are subject to this chapter. The governor shall not 3766
make any trade secret or confidential information obtained under 3767
this division available to any member of the emergency planning 3768
commission created in section 3750.02 of the Revised Code or to 3769
any member of a local emergency planning committee of an 3770
emergency planning district established under section 3750.03 of 3771
the Revised Code who is not also an officer or employee of the 3772
state or a political subdivision. Any trade secret or 3773
confidential business information obtained under this division 3774
shall be protected from unauthorized disclosure. 3775

(D) (1) The owner or operator of a facility that is subject 3776
to section 3751.03 of the Revised Code shall provide the 3777
specific chemical identity of a toxic chemical, if the specific 3778
chemical identity is known, to any health professional who 3779
submits to the owner or operator a written request and statement 3780
of need for the specific chemical identity. The written 3781
statement of need shall be a statement of the health 3782
professional that the health professional has a reasonable basis 3783
to believe that all of the following conditions pertain to the 3784
request: 3785

(a) The information is needed for purposes of diagnosis or 3786
treatment of an individual; 3787

(b) The individual being diagnosed or treated has been 3788
exposed to the chemical concerned; 3789

(c) Knowledge of the specific chemical identity of the 3790
chemical will assist in diagnosis and treatment. 3791

An owner or operator to whom such a written request and 3792
statement of need is submitted shall provide the requested 3793
information to the health professional promptly after receiving 3794

the request and statement of need, subject to division (D) (4) of 3795
this section. 3796

(2) The owner or operator of a facility that is subject to 3797
section 3751.03 of the Revised Code shall provide a copy of a 3798
toxic chemical release form that contains the specific chemical 3799
identity of a toxic chemical, if the specific chemical identity 3800
is known, to any treating physician or nurse who requests that 3801
information if the physician or nurse determines that all of the 3802
following conditions pertain to the request: 3803

(a) A medical emergency exists; 3804

(b) The specific chemical identity of the chemical 3805
concerned is necessary for or will assist in emergency or first 3806
aid diagnosis or treatment; 3807

(c) The individual being diagnosed or treated has been 3808
exposed to the chemical concerned. 3809

The owner or operator shall provide the requested 3810
information to the physician or nurse immediately upon receiving 3811
such a request. The owner or operator shall not require any such 3812
treating physician or nurse to provide a written confidentiality 3813
agreement or statement of need as a precondition for disclosure 3814
of a specific chemical identity under this division; however, 3815
the owner or operator may require the treating physician or 3816
nurse to provide a written confidentiality agreement under 3817
division (D) (4) of this section and a statement setting forth 3818
the conditions listed in divisions (D) (2) (a) to (c) of this 3819
section as soon after the disclosure is made as circumstances 3820
permit. 3821

(3) The owner or operator of a facility that is subject to 3822
section 3751.03 of the Revised Code shall provide the specific 3823

chemical identity of a toxic chemical, if the specific chemical 3824
identity is known, to any health professional, including, 3825
without limitation, a physician, toxicologist, or 3826
epidemiologist, who is either employed by or under contract with 3827
a political subdivision and who submits to the owner or operator 3828
a written request for the information, a written statement of 3829
need for the information that meets the requirements of division 3830
(D) (3) of this section, and a written confidentiality agreement 3831
under division (D) (4) of this section. The owner or operator 3832
shall promptly after receipt of the written request, statement 3833
of need, and confidentiality agreement provide the requested 3834
information to the local health professional who requested it. 3835

The written statement of need for a specific chemical 3836
identity required by division (D) (3) of this section shall 3837
describe with reasonable detail one or more of the following 3838
health needs for the information: 3839

(a) To assess exposure of persons living in a local 3840
community to the hazards of the chemical concerned; 3841

(b) To conduct or assess sampling to determine exposure 3842
levels of various population groups to the chemical concerned; 3843

(c) To conduct periodic medical surveillance of population 3844
groups exposed to the chemical concerned; 3845

(d) To provide medical treatment to individuals or 3846
population groups exposed to the chemical concerned; 3847

(e) To conduct studies to determine the health effects of 3848
exposure to the chemical concerned; 3849

(f) To conduct studies to aid in the identification of a 3850
chemical that may reasonably be anticipated to cause an observed 3851
health effect. 3852

(4) Any person who obtains information under division (D) 3853
(1) or (3) of this section shall, as a precondition for 3854
receiving that information, enter into a written confidentiality 3855
agreement with the owner or operator of the facility from whom 3856
the information was requested that the person will not use the 3857
information for any purpose other than the health needs asserted 3858
in the statement of need provided thereunder, except as 3859
otherwise may be authorized by the terms of the agreement or by 3860
the person providing the information. 3861

(E) An officer or employee of the environmental protection 3862
agency shall not request the owner or operator of a facility 3863
subject to this chapter to submit to the officer or employee a 3864
trade secret claim, toxic chemical release form required by 3865
section 3751.03 of the Revised Code, substantiation of a trade 3866
secret claim, or explanation or supporting information or copy 3867
thereof pertaining to a trade secret claim, that contains any 3868
information claimed or determined to be a trade secret or 3869
identified as confidential business information under EPCRA. If 3870
any officer or employee of the agency knows or has reason to 3871
believe that a trade secret claim, toxic chemical release form, 3872
substantiation, or explanation or supporting information 3873
pertaining to a trade secret claim contains any such 3874
information, the officer or employee immediately shall return it 3875
to the owner or operator of the facility who submitted it 3876
without reading it and shall request the owner or operator to 3877
submit the appropriate report or substantiation that does not 3878
contain the information claimed or determined to be a trade 3879
secret or so identified as confidential business information. 3880

(F) No officer or employee of the environmental protection 3881
agency, health professional, physician, nurse, or other person 3882
who receives information claimed or determined to be a trade 3883

secret or identified as confidential business information by 3884
regulations promulgated by the administrator under EPCRA shall 3885
release any information so classified or identified to any 3886
person not authorized to have that information under division 3887
(C) of this section. A violation of this division is not also a 3888
violation of section 2913.02 ~~or, 2913.04, 2913.87, 2913.91, or~~ 3889
2913.92 of the Revised Code. 3890

Sec. 5503.101. (A) Notwithstanding any section of the 3891
Revised Code or rule of procedure to the contrary, a defendant's 3892
traffic or criminal record contained in the law enforcement 3893
automated data system, also known as LEADS, may be disclosed to 3894
the defendant and the defendant's counsel when formally 3895
requested pursuant to the rules of discovery in a traffic or 3896
criminal case. 3897

(B) Copies of information obtained from the law 3898
enforcement automated data system pursuant to division (A) of 3899
this section may be provided to the defendant and the 3900
defendant's counsel when formally requested pursuant to the 3901
rules of discovery in a traffic or criminal case. 3902

(C) Upon a motion made by a prosecutor, the court hearing 3903
a traffic or criminal case may order the redaction from 3904
information to be disclosed or provided pursuant to division (A) 3905
or (B) of this section pursuant to the rules of discovery in the 3906
case of the residential address, date of birth, social security 3907
number, and photograph of any witness, law enforcement officer, 3908
or prosecutor. 3909

(D) Notwithstanding section 2913.04, 2913.87, 2913.91, 3910
2913.92, or 2923.129 of the Revised Code, no prosecutor or 3911
person assisting a prosecutor in providing discovery shall be 3912
held civilly or criminally liable for disclosing information 3913

from the law enforcement automated data system in the manner 3914
authorized by this section. 3915

(E) The superintendent of the state highway patrol or any 3916
person employed by the superintendent to carry out the purposes 3917
of section 5503.10 of the Revised Code shall not sanction or 3918
deny access to the law enforcement automated data system to any 3919
person or entity because that person or entity provided 3920
discovery information in the manner authorized by this section. 3921

(F) The defendant's counsel may disclose, copy, and 3922
provide to the defendant any information about the defendant's 3923
own traffic or criminal record obtained by discovery from the 3924
law enforcement automated data system. 3925

(G) The fact that information sought in discovery is 3926
contained in the law enforcement automated data system shall not 3927
be cited or accepted as a reason for denying discovery to the 3928
defendant of the defendant's own traffic or criminal record. 3929

Section 2. That existing sections 109.42, 109.572, 109.88, 3930
901.511, 2137.14, 2909.07, 2913.01, 2913.04, 2913.05, 2913.49, 3931
2919.25, 2919.251, 2919.26, 2921.22, 2923.129, 2927.12, 2933.51, 3932
3712.09, 3721.121, 3750.09, 3751.04, and 5503.101 of the Revised 3933
Code are hereby repealed. 3934

Section 3. The General Assembly, applying the principle 3935
stated in division (B) of section 1.52 of the Revised Code that 3936
amendments are to be harmonized if reasonably capable of 3937
simultaneous operation, finds that the following sections, 3938
presented in this act as composites of the sections as amended 3939
by the acts indicated, are the resulting versions of the 3940
sections in effect prior to the effective date of the sections 3941
as presented in this act: 3942

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.	3943 3944
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.	3945 3946 3947 3948
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.	3949 3950
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.	3951 3952