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S. B. No. 33

Senator Hoagland

**Cosponsors: Senators Peterson, Coley, Terhar, Wilson, Huffman, M., Rulli,
Brenner, Burke, Eklund, Gavarone, Hackett, Huffman, S., McColley, O'Brien,
Roegner, Schuring, Uecker**

A BILL

To amend sections 2909.07, 2909.10, 2911.21, 1
2911.211, 2917.21, and 2917.32 and to enact 2
section 2307.67 of the Revised Code to modify 3
certain criminal offenses with respect to 4
critical infrastructure facilities and to impose 5
fines and civil liability for damage to a 6
critical infrastructure facility. 7

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

Section 1. That sections 2909.07, 2909.10, 2911.21, 8
2911.211, 2917.21, and 2917.32 be amended and section 2307.67 of 9
the Revised Code be enacted to read as follows: 10

Sec. 2307.67. (A) As used in this section: 11

(1) "Critical infrastructure facility" has the same 12
meaning as in section 2911.21 of the Revised Code. 13

(2) "Organization" has the same meaning as in section 14
2901.23 of the Revised Code. 15

(B) An owner or operator of a critical infrastructure 16

facility may elect to commence a civil action under division (A) 17
of section 2307.60 or section 2307.61 of the Revised Code or 18
under this section against any person who willfully causes 19
damage to the critical infrastructure facility. The plaintiff 20
may recover compensatory damages equal to the replacement value 21
of the property that was damaged. The plaintiff also may recover 22
reasonable attorney's fees, court costs, and other reasonable 23
expenses incurred in maintaining the civil action under this 24
section. 25

(C) A person or organization that compensates a person for 26
causing damage to a critical infrastructure facility or pays the 27
person's fines or damages in a civil action may be held 28
vicariously liable for any judgment the plaintiff obtains 29
against the person who damaged the critical infrastructure 30
facility. 31

(D) In a civil action to recover damages under this 32
section, the trier of fact may determine that the defendant 33
willfully caused damage to the critical infrastructure facility, 34
regardless of whether the defendant has been charged with any 35
related criminal offense, has pleaded guilty to or been 36
convicted of a criminal offense, or has been adjudicated a 37
delinquent child in connection with the property damage. 38

(E) This section does not affect any criminal prosecution 39
or any action to obtain a delinquent child adjudication in 40
connection with the property damage. 41

Sec. 2909.07. (A) No person shall: 42

(1) Without privilege to do so, knowingly move, deface, 43
damage, destroy, or otherwise improperly tamper with either of 44
the following: 45

(a) The property of another;	46
(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:	47 48 49
(i) The residential real property is subject to a mortgage.	50 51
(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.	52 53 54 55 56
(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;	57 58 59 60 61
(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;	62 63 64 65
(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;	66 67 68 69 70 71
(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	72 73 74

another, which fire or personal property is outside and apart 75
from any building, other structure, or personal property that is 76
on that land; 77

(6) Without privilege to do so, and with intent to impair 78
the functioning of any computer, computer system, computer 79
network, computer software, or computer program, knowingly do 80
any of the following: 81

(a) In any manner or by any means, including, but not 82
limited to, computer hacking, alter, damage, destroy, or modify 83
a computer, computer system, computer network, computer 84
software, or computer program or data contained in a computer, 85
computer system, computer network, computer software, or 86
computer program; 87

(b) Introduce a computer contaminant into a computer, 88
computer system, computer network, computer software, or 89
computer program. 90

(7) Without privilege to do so, knowingly destroy or 91
improperly tamper with a critical infrastructure facility. 92

(B) As used in this section: 93

(1) "safety-Safety device" means any fire extinguisher, 94
fire hose, or fire axe, or any fire escape, emergency exit, or 95
emergency escape equipment, or any life line, life-saving ring, 96
life preserver, or life boat or raft, or any alarm, light, 97
flare, signal, sign, or notice intended to warn of danger or 98
emergency, or intended for other safety purposes, or any guard 99
railing or safety barricade, or any traffic sign or signal, or 100
any railroad grade crossing sign, signal, or gate, or any first 101
aid or survival equipment, or any other device, apparatus, or 102
equipment intended for protecting or preserving the safety of 103

persons or property. 104

(2) "Critical infrastructure facility" has the same 105
meaning as in section 2911.21 of the Revised Code. 106

(3) "Organization" has the same meaning as in section 107
2901.23 of the Revised Code. 108

(C) (1) Whoever violates this section is guilty of criminal 109
mischief, and shall be punished as provided in division (C) (2), 110
~~or (3), or (4)~~ of this section. 111

(2) Except as otherwise provided in this division, 112
criminal mischief committed in violation of division (A) (1), 113
(2), (3), (4), or (5) of this section is a misdemeanor of the 114
third degree. Except as otherwise provided in this division, if 115
the violation of division (A) (1), (2), (3), (4), or (5) of this 116
section creates a risk of physical harm to any person, criminal 117
mischief committed in violation of division (A) (1), (2), (3), 118
(4), or (5) of this section is a misdemeanor of the first 119
degree. If the property involved in the violation of division 120
(A) (1), (2), (3), (4), or (5) of this section is an aircraft, an 121
aircraft engine, propeller, appliance, spare part, fuel, 122
lubricant, hydraulic fluid, any other equipment, implement, or 123
material used or intended to be used in the operation of an 124
aircraft, or any cargo carried or intended to be carried in an 125
aircraft, criminal mischief committed in violation of division 126
(A) (1), (2), (3), (4), or (5) of this section is one of the 127
following: 128

(a) If the violation creates a risk of physical harm to 129
any person, except as otherwise provided in division (C) (2) (b) 130
of this section, criminal mischief committed in violation of 131
division (A) (1), (2), (3), (4), or (5) of this section is a 132

felony of the fifth degree.	133
(b) If the violation creates a substantial risk of	134
physical harm to any person or if the property involved in a	135
violation of this section is an occupied aircraft, criminal	136
mischief committed in violation of division (A) (1), (2), (3),	137
(4), or (5) of this section is a felony of the fourth degree.	138
(3) Except as otherwise provided in this division,	139
criminal mischief committed in violation of division (A) (6) of	140
this section is a misdemeanor of the first degree. Except as	141
otherwise provided in this division, if the value of the	142
computer, computer system, computer network, computer software,	143
computer program, or data involved in the violation of division	144
(A) (6) of this section or the loss to the victim resulting from	145
the violation is one thousand dollars or more and less than ten	146
thousand dollars, or if the computer, computer system, computer	147
network, computer software, computer program, or data involved	148
in the violation of division (A) (6) of this section is used or	149
intended to be used in the operation of an aircraft and the	150
violation creates a risk of physical harm to any person,	151
criminal mischief committed in violation of division (A) (6) of	152
this section is a felony of the fifth degree. If the value of	153
the computer, computer system, computer network, computer	154
software, computer program, or data involved in the violation of	155
division (A) (6) of this section or the loss to the victim	156
resulting from the violation is ten thousand dollars or more, or	157
if the computer, computer system, computer network, computer	158
software, computer program, or data involved in the violation of	159
division (A) (6) of this section is used or intended to be used	160
in the operation of an aircraft and the violation creates a	161
substantial risk of physical harm to any person or the aircraft	162
in question is an occupied aircraft, criminal mischief committed	163

in violation of division (A) (6) of this section is a felony of 164
the fourth degree. 165

(4) Criminal mischief committed in violation of division 166
(A) (7) of this section is a felony of the third degree. 167
Notwithstanding section 2929.31 of the Revised Code, any 168
organization found guilty of complicity in a violation of that 169
division under section 2923.03 of the Revised Code shall be 170
punished with a fine that is ten times the maximum fine that can 171
be imposed on an individual for a felony of the third degree. 172

Sec. 2909.10. (A) No person shall knowingly, and by any 173
means, drop or throw any object at, onto, or in the path of, any 174
railroad rail, railroad track, locomotive, engine, railroad car, 175
or other vehicle of a railroad company while such vehicle is on 176
a railroad track. 177

(B) No person, without privilege to do so, shall climb 178
upon or into any locomotive, engine, railroad car, or other 179
vehicle of a railroad company when it is on a railroad track. 180

(C) No person, without privilege to do so, shall disrupt, 181
delay, or prevent the operation of any train or other vehicle of 182
a railroad company while such vehicle is on a railroad track. 183

~~(D) No person, without privilege to do so, shall knowingly 184~~
~~enter or remain on the land or premises of a railroad company. 185~~

~~(E) Whoever violates division (A) of this section is 186~~
guilty of railroad vandalism. Whoever violates division (B) of 187
this section is guilty of criminal trespass on a locomotive, 188
engine, railroad car, or other railroad vehicle. Whoever 189
violates division (C) of this section is guilty of interference 190
with the operation of a train. 191

Except as otherwise provided in this division, railroad 192

vandalism; criminal trespass on a locomotive, engine, railroad 193
car, or other railroad vehicle; and interference with the 194
operation of a train each is a misdemeanor of the first degree. 195
Except as otherwise provided in this division, if the violation 196
of division (A), (B), or (C) of this section causes serious 197
physical harm to property or creates a substantial risk of 198
physical harm to any person, the violation is a felony of the 199
fourth degree. Except as otherwise provided in this division, if 200
the violation of division (A), (B), or (C) of this section 201
causes physical harm to any person, the violation is a felony of 202
the third degree. If the violation of division (A), (B), or (C) 203
of this section causes serious physical harm to any person, the 204
violation is a felony of the second degree. 205

~~(F) Whoever violates division (D) of this section is 206
guilty of criminal trespass on the land or premises of a 207
railroad company, a misdemeanor of the fourth degree. 208~~

Sec. 2911.21. (A) No person, without privilege to do so, 209
shall do any of the following: 210

(1) Knowingly enter or remain on the land or premises of 211
another; 212

(2) Knowingly enter or remain on the land or premises of 213
another, the use of which is lawfully restricted to certain 214
persons, purposes, modes, or hours, when the offender knows the 215
offender is in violation of any such restriction or is reckless 216
in that regard; 217

(3) Recklessly enter or remain on the land or premises of 218
another, as to which notice against unauthorized access or 219
presence is given by actual communication to the offender, or in 220
a manner prescribed by law, or by posting in a manner reasonably 221

calculated to come to the attention of potential intruders, or 222
by fencing or other enclosure manifestly designed to restrict 223
access; 224

(4) Being on the land or premises of another, negligently 225
fail or refuse to leave upon being notified by signage posted in 226
a conspicuous place or otherwise being notified to do so by the 227
owner or occupant, or the agent or servant of either; 228

(5) Knowingly enter or remain on a critical infrastructure 229
facility. 230

(B) It is no defense to a charge under this section that 231
the land or premises involved was owned, controlled, or in 232
custody of a public agency. 233

(C) It is no defense to a charge under this section that 234
the offender was authorized to enter or remain on the land or 235
premises involved, when such authorization was secured by 236
deception. 237

(D) (1) Whoever violates this section is guilty of criminal 238
trespass. Criminal trespass in violation of division (A) (1), 239
(2), (3), or (4) of this section is a misdemeanor of the fourth 240
degree. Criminal trespass in violation of division (A) (5) of 241
this section is a misdemeanor of the first degree. 242
Notwithstanding section 2929.31 of the Revised Code, any 243
organization found guilty of complicity in a violation of 244
division (A) (5) of this section under section 2923.03 of the 245
Revised Code shall be punished with a fine that is ten times the 246
maximum fine that can be imposed on an individual for a 247
misdemeanor of the first degree. 248

(2) Notwithstanding section 2929.28 of the Revised Code, 249
if the person, in committing the violation of this section, used 250

a snowmobile, off-highway motorcycle, or all-purpose vehicle, 251
the court shall impose a fine of two times the usual amount 252
imposed for the violation. 253

(3) If an offender previously has been convicted of or 254
pleaded guilty to two or more violations of this section or a 255
substantially equivalent municipal ordinance, and the offender, 256
in committing each violation, used a snowmobile, off-highway 257
motorcycle, or all-purpose vehicle, the court, in addition to or 258
independent of all other penalties imposed for the violation, 259
may impound the certificate of registration of that snowmobile 260
or off-highway motorcycle or the certificate of registration and 261
license plate of that all-purpose vehicle for not less than 262
sixty days. In such a case, section 4519.47 of the Revised Code 263
applies. 264

(E) Notwithstanding any provision of the Revised Code, if 265
the offender, in committing the violation of this section, used 266
an all-purpose vehicle, the clerk of the court shall pay the 267
fine imposed pursuant to this section to the state recreational 268
vehicle fund created by section 4519.11 of the Revised Code. 269

(F) As used in this section: 270

(1) "All-purpose vehicle," "off-highway motorcycle," and 271
"snowmobile" have the same meanings as in section 4519.01 of the 272
Revised Code. 273

(2) "Land or premises" includes any land, building, 274
structure, or place belonging to, controlled by, or in custody 275
of another, and any separate enclosure or room, or portion 276
thereof. 277

(3) "Organization" has the same meaning as in section 278
2901.23 of the Revised Code. 279

<u>(4) "Production operation," "well," and "well pad" have</u>	280
<u>the same meanings as in section 1509.01 of the Revised Code.</u>	281
<u>(5) "Critical infrastructure facility" means:</u>	282
<u>(a) One of the following, if completely enclosed by a</u>	283
<u>fence or other physical barrier that is obviously designed to</u>	284
<u>exclude intruders, or if clearly marked with signs that are</u>	285
<u>reasonably likely to come to the attention of potential</u>	286
<u>intruders and that indicate entry is forbidden without site</u>	287
<u>authorization:</u>	288
<u>(i) A petroleum or alumina refinery;</u>	289
<u>(ii) An electric generating facility, substation,</u>	290
<u>switching station, electrical control center, or electric</u>	291
<u>transmission and distribution lines and associated equipment;</u>	292
<u>(iii) A chemical, polymer, or rubber manufacturing</u>	293
<u>facility;</u>	294
<u>(iv) A water intake structure, water treatment facility,</u>	295
<u>waste water facility, drainage facility, water management</u>	296
<u>facility, or any similar water or sewage treatment system and</u>	297
<u>its water and sewage piping;</u>	298
<u>(v) A natural gas company facility or interstate natural</u>	299
<u>gas pipeline, including a pipeline interconnection, a natural</u>	300
<u>gas compressor station and associated facilities, city gate or</u>	301
<u>town border station, metering station, above-ground piping,</u>	302
<u>regulator station, valve site, delivery station, fabricated</u>	303
<u>assembly, or any other part of a natural gas storage facility</u>	304
<u>involved in the gathering, storage, transmission, or</u>	305
<u>distribution of gas;</u>	306
<u>(vi) A telecommunications central switching office or</u>	307

remote switching facility or an equivalent network facility that 308
serves a similar purpose; 309

(vii) Wireline or wireless telecommunications 310
infrastructure, including telecommunications towers and 311
telephone poles and lines, including fiber optic lines; 312

(viii) A port, trucking terminal, or other freight 313
transportation facility; 314

(ix) A gas processing plant, including a plant used in the 315
processing, treatment, or fractionation of natural gas or 316
natural gas liquids; 317

(x) A transmission facility used by a federally licensed 318
radio or television station; 319

(xi) A steel-making facility that uses an electric arc 320
furnace to make steel; 321

(xii) A facility identified and regulated by the United 322
States department of homeland security's chemical facility anti- 323
terrorism standards program under 6 C.F.R. part 27; 324

(xiii) A dam that is regulated by the state or federal 325
government; 326

(xiv) A crude oil or refined products storage and 327
distribution facility, including valve sites, pipeline 328
interconnections, pump station, metering station, below- or 329
above-ground pipeline, or piping and truck loading or off- 330
loading facility; 331

(xv) A video service network and broadband infrastructure, 332
including associated buildings and facilities, video service 333
headends, towers, utility poles, and utility lines such as fiber 334
optic lines. As used in this division, "video service network" 335

<u>has the same meaning as in section 1332.21 of the Revised Code.</u>	336
<u>(xvi) Any above-ground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, or other storage facility;</u>	337
<u>(xvii) Any above-ground portion of a well, well pad, or production operation;</u>	338
<u>(xviii) A laydown area or construction site for pipe and other equipment intended for use on an interstate or intrastate natural gas or crude oil pipeline;</u>	339
<u>(xix) Any mining operation, including any processing equipment, batching operation, or support facility for that mining operation.</u>	340
<u>(b) With respect to a video service network or broadband or wireless telecommunications infrastructure, the above-ground portion of a facility installed in a public right-of-way on a utility pole or in a conduit;</u>	341
<u>(c) Any railroad property;</u>	342
<u>(d) An electronic asset of any of the following:</u>	343
<u>(i) An electric light company that is a public utility under section 4905.02 of the Revised Code;</u>	344
<u>(ii) An electric cooperative, as defined in section 4928.01 of the Revised Code;</u>	345
<u>(iii) A municipal electric utility, as defined in section 4928.01 of the Revised Code;</u>	346
<u>(iv) A natural gas company that is a public utility under section 4905.02 of the Revised Code;</u>	347
<u>(v) A telephone company that is a public utility under section 4905.02 of the Revised Code;</u>	348
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(vi) A video service provider, including a cable operator, 363
as those terms are defined in section 1332.21 of the Revised 364
Code. 365

(6) "Electronic asset" includes, but is not limited to, 366
the hardware, software, and data of a programmable electronic 367
device; all communications, operations, and customer data 368
networks; and the contents of those data networks. 369

Sec. 2911.211. (A) (1) No person shall enter or remain on 370
the land or premises of another with purpose to commit on that 371
land or those premises a misdemeanor, the elements of which 372
involve causing physical harm to another person or causing 373
another person to believe that the offender will cause physical 374
harm to ~~him~~ that person. 375

(2) No person shall enter or remain on a critical 376
infrastructure facility with purpose to destroy or tamper with 377
the facility. 378

(B) Whoever violates this section is guilty of aggravated 379
trespass⁷. Aggravated trespass in violation of division (A) (1) 380
of this section is a misdemeanor of the first degree. Aggravated 381
trespass in violation of division (A) (2) of this section is a 382
felony of the third degree. Notwithstanding section 2929.31 of 383
the Revised Code, any organization found guilty of complicity in 384
a violation of division (A) (2) of this section under section 385
2923.03 of the Revised Code shall be punished with a fine that 386
is ten times the maximum fine that can be imposed on an 387
individual for a felony of the third degree. 388

(C) As used in this section: 389

(1) "Critical infrastructure facility" has the same 390
meaning as in section 2911.21 of the Revised Code. 391

(2) "Organization" has the same meaning as in section 392
2901.23 of the Revised Code. 393

Sec. 2917.21. (A) No person shall knowingly make or cause 394
to be made a telecommunication, or knowingly permit a 395
telecommunication to be made from a telecommunications device 396
under the person's control, to another, if the caller does any 397
of the following: 398

(1) Makes the telecommunication with purpose to harass, 399
intimidate, or abuse any person at the premises to which the 400
telecommunication is made, whether or not actual communication 401
takes place between the caller and a recipient; 402

(2) Describes, suggests, requests, or proposes that the 403
caller, the recipient of the telecommunication, or any other 404
person engage in sexual activity, and the recipient or another 405
person at the premises to which the telecommunication is made 406
has requested, in a previous telecommunication or in the 407
immediate telecommunication, that the caller not make a 408
telecommunication to the recipient or to the premises to which 409
the telecommunication is made; 410

(3) During the telecommunication, violates section 2903.21 411
of the Revised Code; 412

(4) Knowingly states to the recipient of the 413
telecommunication that the caller intends to cause damage to or 414
destroy public or private property, and the recipient, any 415
member of the recipient's family, or any other person who 416
resides at the premises to which the telecommunication is made 417
owns, leases, resides, or works in, will at the time of the 418
destruction or damaging be near or in, has the responsibility of 419
protecting, or insures the property that will be destroyed or 420

damaged;	421
(5) Knowingly makes the telecommunication to the recipient	422
of the telecommunication, to another person at the premises to	423
which the telecommunication is made, or to those premises, and	424
the recipient or another person at those premises previously has	425
told the caller not to make a telecommunication to those	426
premises or to any persons at those premises;	427
(6) Knowingly makes any comment, request, suggestion, or	428
proposal to the recipient of the telecommunication that is	429
threatening, intimidating, menacing, coercive, or obscene with	430
the intent to abuse, threaten, or harass the recipient;	431
(7) Without a lawful business purpose, knowingly	432
interrupts the telecommunication service of any person;	433
(8) Without a lawful business purpose, knowingly transmits	434
to any person, regardless of whether the telecommunication is	435
heard in its entirety, any file, document, or other	436
communication that prevents that person from using the person's	437
telephone service or electronic communication device;	438
(9) Knowingly makes any false statement concerning the	439
death, injury, illness, disfigurement, reputation, indecent	440
conduct, or criminal conduct of the recipient of the	441
telecommunication or family or household member of the recipient	442
with purpose to abuse, threaten, intimidate, or harass the	443
recipient;	444
(10) Knowingly incites another person through a	445
telecommunication or other means to harass or participate in the	446
harassment of a person;	447
(11) Knowingly alarms the recipient by making a	448
telecommunication without a lawful purpose at an hour or hours	449

known to be inconvenient to the recipient and in an offensive or repetitive manner. 450
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(B) (1) No person shall make or cause to be made a telecommunication, or permit a telecommunication to be made from a telecommunications device under the person's control, with purpose to abuse, threaten, or harass another person. 452
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(2) No person shall knowingly post a text or audio statement or an image on an internet web site or web page for the purpose of abusing, threatening, or harassing another person. 456
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(C) (1) Whoever violates this section is guilty of telecommunications harassment. 460
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(2) A violation of division (A) (1), (2), (3), (5), (6), (7), (8), (9), (10), or (11) or (B) of this section is a misdemeanor of the first degree on a first offense and a felony of the fifth degree on each subsequent offense. 462
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(3) Except as otherwise provided in division (C) (3) of this section, a violation of division (A) (4) of this section is a misdemeanor of the first degree on a first offense and a felony of the fifth degree on each subsequent offense. If a violation of division (A) (4) of this section results in economic harm of one thousand dollars or more but less than seven thousand five hundred dollars, telecommunications harassment is a felony of the fifth degree. If a violation of division (A) (4) of this section results in economic harm of seven thousand five hundred dollars or more but less than one hundred fifty thousand dollars, telecommunications harassment is a felony of the fourth degree. If a violation of division (A) (4) of this section results in economic harm of one hundred fifty thousand dollars 466
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or more, telecommunications harassment is a felony of the third 479
degree. 480

(4) Notwithstanding section 2929.31 of the Revised Code, 481
if any organization is found guilty of complicity under section 482
2923.03 of the Revised Code in a violation of division (A) (4) of 483
this section that involves a threat of damage to or destruction 484
of a critical infrastructure facility, the organization shall be 485
punished with a fine that is ten times the maximum fine that can 486
be imposed on an individual for the violation of division (A) (4) 487
of this section. 488

(D) No cause of action may be asserted in any court of 489
this state against any provider of a telecommunications service, 490
interactive computer service as defined in section 230 of Title 491
47 of the United States Code, or information service, or against 492
any officer, employee, or agent of a telecommunication service, 493
interactive computer service as defined in section 230 of Title 494
47 of the United States Code, or information service, for any 495
injury, death, or loss to person or property that allegedly 496
arises out of the provider's, officer's, employee's, or agent's 497
provision of information, facilities, or assistance in 498
accordance with the terms of a court order that is issued in 499
relation to the investigation or prosecution of an alleged 500
violation of this section. A provider of a telecommunications 501
service, interactive computer service as defined in section 230 502
of Title 47 of the United States Code, or information service, 503
or an officer, employee, or agent of a telecommunications 504
service, interactive computer service as defined in section 230 505
of Title 47 of the United States Code, or information service, 506
is immune from any civil or criminal liability for injury, 507
death, or loss to person or property that allegedly arises out 508
of the provider's, officer's, employee's, or agent's provision 509

of information, facilities, or assistance in accordance with the 510
terms of a court order that is issued in relation to the 511
investigation or prosecution of an alleged violation of this 512
section. 513

(E) (1) This section does not apply to a person solely 514
because the person provided access or connection to or from an 515
electronic method of remotely transferring information not under 516
that person's control, including having provided capabilities 517
that are incidental to providing access or connection to or from 518
the electronic method of remotely transferring the information, 519
and that do not include the creation of the content of the 520
material that is the subject of the access or connection. In 521
addition, any person providing access or connection to or from 522
an electronic method of remotely transferring information not 523
under that person's control shall not be liable for any action 524
voluntarily taken in good faith to block the receipt or 525
transmission through its service of any information that the 526
person believes is, or will be sent, in violation of this 527
section. 528

(2) Division (E) (1) of this section does not create an 529
affirmative duty for any person providing access or connection 530
to or from an electronic method of remotely transferring 531
information not under that person's control to block the receipt 532
or transmission through its service of any information that it 533
believes is, or will be sent, in violation of this section 534
except as otherwise provided by law. 535

(3) Division (E) (1) of this section does not apply to a 536
person who conspires with a person actively involved in the 537
creation or knowing distribution of material in violation of 538
this section or who knowingly advertises the availability of 539

material of that nature. 540

(4) A provider or user of an interactive computer service, 541
as defined in section 230 of Title 47 of the United States Code, 542
shall neither be treated as the publisher or speaker of any 543
information provided by another information content provider, as 544
defined in section 230 of Title 47 of the United States Code, 545
nor held civilly or criminally liable for the creation or 546
development of information provided by another information 547
content provider, as defined in section 230 of Title 47 of the 548
United States Code. Nothing in this division shall be construed 549
to protect a person from liability to the extent that the person 550
developed or created any content in violation of this section. 551

(F) Divisions (A) (5) to (11) and (B) (2) of this section do 552
not apply to a person who, while employed or contracted by a 553
newspaper, magazine, press association, news agency, news wire 554
service, cable channel or cable operator, or radio or television 555
station, is gathering, processing, transmitting, compiling, 556
editing, or disseminating information for the general public 557
within the scope of the person's employment in that capacity or 558
the person's contractual authority in that capacity. 559

(G) As used in this section: 560

(1) "Critical infrastructure facility" has the same 561
meaning as in section 2911.21 of the Revised Code. 562

(2) "Economic harm" means all direct, incidental, and 563
consequential pecuniary harm suffered by a victim as a result of 564
criminal conduct. "Economic harm" includes, but is not limited 565
to, all of the following: 566

(a) All wages, salaries, or other compensation lost as a 567
result of the criminal conduct; 568

(b) The cost of all wages, salaries, or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;	569 570 571
(c) The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;	572 573
(d) The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.	574 575
(2) <u>(3)</u> "Caller" means the person described in division (A) of this section who makes or causes to be made a telecommunication or who permits a telecommunication to be made from a telecommunications device under that person's control.	576 577 578 579
(3) <u>(4)</u> "Telecommunication" and "telecommunications device" have the same meanings as in section 2913.01 of the Revised Code.	580 581 582
(4) <u>(5)</u> "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.	583 584
(5) <u>(6)</u> "Family or household member" means any of the following:	585 586
(a) Any of the following who is residing or has resided with the recipient of the telecommunication against whom the act prohibited in division (A) (9) of this section is committed:	587 588 589
(i) A spouse, a person living as a spouse, or a former spouse of the recipient;	590 591
(ii) A parent, a foster parent, or a child of the recipient, or another person related by consanguinity or affinity to the recipient;	592 593 594
(iii) A parent or a child of a spouse, person living as a	595

spouse, or former spouse of the recipient, or another person 596
related by consanguinity or affinity to a spouse, person living 597
as a spouse, or former spouse of the recipient. 598

(b) The natural parent of any child of whom the recipient 599
of the telecommunication against whom the act prohibited in 600
division (A) (9) of this section is committed is the other 601
natural parent or is the putative other natural parent. 602

~~(6)~~(7) "Person living as a spouse" means a person who is 603
living or has lived with the recipient of the telecommunication 604
against whom the act prohibited in division (A) (9) of this 605
section is committed in a common law marital relationship, who 606
otherwise is cohabiting with the recipient, or who otherwise has 607
cohabited with the recipient within five years prior to the date 608
of the alleged commission of the act in question. 609

~~(7)~~(8) "Cable operator" has the same meaning as in 610
section 1332.21 of the Revised Code. 611

(H) Nothing in this section prohibits a person from making 612
a telecommunication to a debtor that is in compliance with the 613
"Fair Debt Collection Practices Act," 91 Stat. 874 (1977), 15 614
U.S.C. 1692, as amended, or the "Telephone Consumer Protection 615
Act," 105 Stat. 2395 (1991), 47 U.S.C. 227, as amended. 616

Sec. 2917.32. (A) No person shall do any of the following: 617

(1) Initiate or circulate a report or warning of an 618
alleged or impending fire, explosion, crime, or other 619
catastrophe, knowing that the report or warning is false and 620
likely to cause public inconvenience or alarm; 621

(2) Knowingly cause a false alarm of fire or other 622
emergency to be transmitted to or within any organization, 623
public or private, for dealing with emergencies involving a risk 624

of physical harm to persons or property; 625

(3) Report to any law enforcement agency an alleged 626
offense or other incident within its concern, knowing that such 627
offense did not occur; 628

(4) Initiate or circulate a report or warning of an 629
alleged or impending fire, explosion, crime, or other 630
catastrophe, knowing that the report or warning is false and 631
likely to impede the operation of a critical infrastructure 632
facility. 633

(B) This section does not apply to any person conducting 634
an authorized fire or emergency drill. 635

(C) (1) Whoever violates this section is guilty of making 636
false alarms. 637

(2) Except as otherwise provided in division (C) (3), (4), 638
(5), or (6) of this section, making false alarms is a 639
misdemeanor of the first degree. 640

(3) Except as otherwise provided in division (C) (4) of 641
this section, if a violation of this section results in economic 642
harm of one thousand dollars or more but less than seven 643
thousand five hundred dollars, making false alarms is a felony 644
of the fifth degree. 645

(4) If a violation of this section pertains to a 646
purported, threatened, or actual use of a weapon of mass 647
destruction, making false alarms is a felony of the third 648
degree. 649

(5) If a violation of this section results in economic 650
harm of seven thousand five hundred dollars or more but less 651
than one hundred fifty thousand dollars and if division (C) (4) 652

of this section does not apply, making false alarms is a felony 653
of the fourth degree. 654

(6) If a violation of this section results in economic 655
harm of one hundred fifty thousand dollars or more, making false 656
alarms is a felony of the third degree. 657

(D) Notwithstanding section 2929.31 of the Revised Code, 658
any organization found guilty of complicity under section 659
2923.03 of the Revised Code in a violation of division (A) (4) of 660
this section shall be punished with a fine that is ten times the 661
maximum fine that can be imposed on an individual for the 662
violation of division (A) (4) of this section. 663

(E) (1) It is not a defense to a charge under this section 664
that pertains to a purported or threatened use of a weapon of 665
mass destruction that the offender did not possess or have the 666
ability to use a weapon of mass destruction or that what was 667
represented to be a weapon of mass destruction was not a weapon 668
of mass destruction. 669

(2) Any act that is a violation of this section and any 670
other section of the Revised Code may be prosecuted under this 671
section, the other section, or both sections. 672

~~(E)~~ (F) As used in this section, ~~"economic":~~ 673

(1) "Critical infrastructure facility" has the same 674
meaning as in section 2911.21 of the Revised Code. 675

(2) "Economic harm" and "weapon of mass destruction" have 676
the same meanings as in section 2917.31 of the Revised Code. 677

Section 2. That existing sections 2909.07, 2909.10, 678
2911.21, 2911.211, 2917.21, and 2917.32 of the Revised Code are 679
hereby repealed. 680