

S. B. No. 100  
As Introduced

\_\_\_\_\_ moved to amend as follows:

In line 135, delete "," and insert ."

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(1) Except as otherwise provided in division (E) (2) of this section, illegal use of a tracking device or application is

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After line 136, insert:

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"(2) Illegal use of a tracking device or application is a felony of the fourth degree if any of the following applies:

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(a) The offender previously has been convicted of or pleaded guilty to a violation of this section or section 2903.211 of the Revised Code.

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(b) At the time of the commission of the offense, the offender was the subject of a protection order issued under section 2903.213 or 2903.214 of the Revised Code, regardless of whether the person to be protected under the order is the victim of the offense or another person.

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(c) Prior to committing the offense, the offender had been

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determined to represent a substantial risk of physical harm to 17  
others as manifested by evidence of then-recent homicidal or 18  
other violent behavior, evidence of then-recent threats that 19  
placed another in reasonable fear of violent behavior and 20  
serious physical harm, or other evidence of then-present 21  
dangerousness. 22

(d) The offender has a history of violence toward the 23  
victim or a history of other violent acts towards the victim." 24

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS 25

**Penalty enhancement** 26

**R.C. 2903.216** 27

Enhances the penalty for illegal use of a tracking device 28  
or application from a first degree misdemeanor to a fourth 29  
degree felony if certain circumstances apply. 30