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**135th General Assembly**

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**Sub. H. B. No. 531**

**Representatives Lear, Lorenz**

**Cosponsors: Representatives Brennan, Johnson, Williams, Click, Robb Blasdel, Richardson, Dean, Abrams, LaRe, Miller, K., Abdullahi, Barhorst, Bird, Blackshear, Brent, Brewer, Brown, Callender, Carruthers, Claggett, Cross, Cutrona, Daniels, Dell'Aquila, Demetriou, Denson, Dobos, Edwards, Forhan, Fowler Arthur, Gross, Hall, Hillyer, Hoops, Jarrells, John, Jones, Kick, King, Lampton, Lipps, Liston, Loychik, Mathews, Miller, A., Miller, M., Mohamed, Patton, Pavliga, Peterson, Piccolantonio, Plummer, Ray, Rogers, Schmidt, Sims, Somani, Stein, Swearingen, Sweeney, Upchurch, White, Whitted, Young, T.**

**Senators Manning, Antonio, Brenner, Chavez, Cirino, Craig, Cutrona, DeMora, Dolan, Gavarone, Ingram, Johnson, Kunze, Landis, Reineke, Reynolds, Roegner, Romanchuk, Schaffer, Wilkin, Wilson**

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**A BILL**

To amend sections 2137.15, 2905.11, 2929.12, and 1  
2933.51 and to enact sections 2905.111 and 2  
2933.523 of the Revised Code to enact Braden's 3  
Law to prohibit sexual extortion and to require 4  
service providers to comply with search warrants 5  
and interception warrants for electronic 6  
information. 7

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

**Section 1.** That sections 2137.15, 2905.11, 2929.12, and 8  
2933.51 be amended and sections 2905.111 and 2933.523 of the 9  
Revised Code be enacted to read as follows: 10

**Sec. 2137.15.** (A) Not later than sixty days after receipt 11

of the information required under sections 2137.06 to 2137.13 of 12  
the Revised Code, a custodian shall comply with a request under 13  
this chapter from a fiduciary or designated recipient to 14  
disclose digital assets or terminate an account. If the 15  
custodian fails to comply, the fiduciary or designated recipient 16  
may apply to the court for an order directing compliance. If the 17  
deceased user was less than eighteen years of age at the time of 18  
death and the request under this chapter was initiated by a 19  
parent or legal custodian or guardian at the time of the 20  
deceased user's death, or the fiduciary of the estate of that 21  
deceased user, the court shall determine and adjudicate the 22  
application for a court order within thirty days after 23  
submission. 24

(B) An order under division (A) of this section directing 25  
compliance shall contain a finding that compliance is not in 26  
violation of 18 U.S.C. 2702, as amended. 27

(C) A custodian may notify the user that a request for 28  
disclosure or to terminate an account was made under this 29  
chapter. 30

(D) A custodian may deny a request under this chapter from 31  
a fiduciary or designated recipient for disclosure of digital 32  
assets or to terminate an account if the custodian is aware of 33  
any lawful access to the account following the receipt of the 34  
fiduciary's request. 35

(E) Nothing in this chapter limits a custodian's ability 36  
to obtain, or to require a guardian, agent, or designated 37  
recipient requesting disclosure or termination under this 38  
chapter to obtain, a court order that does all of the following: 39

(1) Specifies that an account belongs to the ward or 40

principal; 41

(2) Specifies that there is sufficient consent from the 42  
ward or principal to support the requested disclosure; and 43

(3) Contains a finding required by law other than this 44  
chapter. 45

(F) ~~A~~ If a court finds that a custodian failed to comply 46  
with a court order issued under division (A) of this section, 47  
the court shall impose a civil penalty on the custodian as 48  
follows: 49

(1) Up to one thousand dollars for each of the first sixty 50  
days the operator failed to comply with the order; 51

(2) In addition to the civil penalty required by division 52  
(F) (1) of this section, up to five thousand dollars for each 53  
subsequent day the operator failed to comply with the order, 54  
commencing with the sixty-first day and ending with the 55  
ninetieth day; 56

(3) In addition to the civil penalties required by 57  
divisions (F) (1) and (2) of this section, up to ten thousand 58  
dollars for each subsequent day the operator failed to comply 59  
with the order, commencing with the ninety-first day. 60

(G) Any civil penalty that is imposed under division (F) 61  
of this section shall be deposited into the consumer protection 62  
enforcement fund created under section 1345.51 of the Revised 63  
Code. 64

(H) Except as otherwise provided under division (F) of 65  
this section, a custodian and its officers, employees, and 66  
agents are immune from liability for an act or omission done in 67  
good faith in compliance with this chapter. 68

<u>Sec. 2905.11. (A) As used in this section and section</u>	69
<u>2905.111 of the Revised Code:</u>	70
<u>(1) "Elderly person" and "disabled adult" have the same</u>	71
<u>meanings as in section 2913.01 of the Revised Code.</u>	72
<u>(2) "Information service" and "telecommunications service"</u>	73
<u>have the same meanings as in the "Telecommunications Act of</u>	74
<u>1996," 47 U.S.C. 153, as amended.</u>	75
<u>(3) "Interactive computer service" has the same meaning as</u>	76
<u>in the "Telecommunications Act of 1996," 47 U.S.C. 230, as</u>	77
<u>amended.</u>	78
<u>(4) "Nudity," "sexual activity," and "sexual excitement"</u>	79
<u>have the same meanings as in section 2907.01 of the Revised</u>	80
<u>Code.</u>	81
<u>(5) "Private images" means images of sexual activity,</u>	82
<u>masturbation, sexual excitement, nudity, bestiality, extreme or</u>	83
<u>bizarre violence, cruelty, or brutality, or human bodily</u>	84
<u>functions of elimination.</u>	85
<u>(6) "Threat" includes a direct threat and a threat by</u>	86
<u>innuendo.</u>	87
<u>(B) No person, with purpose to obtain any valuable thing</u>	88
<u>or valuable benefit or to induce another to do an unlawful act,</u>	89
<u>shall do any of the following:</u>	90
<u>(1) Threaten to commit any felony;</u>	91
<u>(2) Threaten to commit any offense of violence;</u>	92
<u>(3) Violate section 2903.21 or 2903.22 of the Revised</u>	93
<u>Code;</u>	94
<u>(4) Utter or threaten any calumny against any person;</u>	95

(5) Expose or threaten to expose any matter tending to 96  
subject any person to hatred, contempt, or ridicule, or to 97  
damage any person's personal or business repute, or to impair 98  
any person's credit. 99

~~(B)~~ (C) Whoever violates division (B) of this section is 100  
guilty of extortion, a felony of the third degree. 101

~~(C) As used in this section, "threat" includes a direct-~~ 102  
~~threat and a threat by innuendo~~ (D) No person, with purpose to do 103  
any of the following, shall threaten to release, exhibit, or 104  
distribute the private images of another: 105

(1) Compel or attempt to compel the other person, against 106  
the other person's will, to perform any act or refrain from 107  
performing any act; 108

(2) Induce the other person to commit an offense; 109

(3) Obtain additional private images from the other 110  
person; 111

(4) Obtain anything of value from the other person. 112

(E) Whoever violates division (D) of this section is 113  
guilty of sexual extortion. The penalty for the offense shall be 114  
determined as follows: 115

(1) Except as otherwise provided in division (E) (2) or (3) 116  
of this section, sexual extortion is a felony of the third 117  
degree. 118

(2) Except as otherwise provided in division (E) (3) of 119  
this section, if the offender previously has been convicted of 120  
or pleaded guilty to a violation of division (D) of this section 121  
or if the offense involves sexual extortion of a person under 122  
the age of eighteen, an elderly person, or a disabled adult, 123

sexual extortion is a felony of the second degree. 124

(3) If the offender has previously been convicted of or 125  
pleaded guilty to two or more violations of division (D) of this 126  
section or if the offender has previously been convicted of or 127  
pleaded guilty to an offense involving sexual extortion of a 128  
person under the age of eighteen, an elderly person, or a 129  
disabled adult and the offender knows or has reason to know that 130  
the person is under the age of eighteen, an elderly person, or a 131  
disabled adult, sexual extortion is a felony of the first 132  
degree. 133

(F) A prosecution for a violation of division (D) of this 134  
section does not preclude a prosecution of a violation of 135  
division (B) of this section. One or more acts, a series of 136  
acts, or a course of behavior that can be prosecuted under 137  
division (D) of this section or division (B) of this section may 138  
be prosecuted under division (D) of this section, division (B) 139  
of this section, or both divisions. However, if an offender is 140  
convicted of or pleads guilty to a violation of division (D) of 141  
this section and also is convicted of or pleads guilty to a 142  
violation of division (B) of this section based on the same 143  
conduct involving the same victim that was the basis of the 144  
violation of division (D) of this section, the two offenses are 145  
allied offenses of similar import under section 2941.25 of the 146  
Revised Code. 147

(G) (1) No person shall assert a cause of action in any 148  
court of this state against any provider of an information 149  
service, an interactive computer service, or a 150  
telecommunications service, or against any agent, employee, or 151  
officer of such provider, for any injury, death, or loss to 152  
person or property that allegedly arises out of the provider's, 153

officer's, employee's, or agent's provision of information, 154  
facilities, or assistance in accordance with the terms of a 155  
court order that is issued in relation to the investigation or 156  
prosecution of an alleged violation of division (D) of this 157  
section. 158

(2) A provider of an information service, an interactive 159  
computer service, or a telecommunications service, or any agent, 160  
employee, or officer of such provider, is immune from any civil 161  
or criminal liability for injury, death, or loss to person or 162  
property that allegedly arises out of the provider's, officer's, 163  
employee's, or agent's provision of information, facilities, or 164  
assistance in accordance with the terms of a court order that is 165  
issued in relation to the investigation or prosecution of an 166  
alleged violation of division (D) of this section. 167

(H) (1) (a) A person shall not be considered to have 168  
violated division (D) of this section solely for providing 169  
access or connection to or from an electronic method of remotely 170  
transferring information not under that person's control, 171  
including having provided capabilities that are incidental to 172  
providing access or connection to or from the electronic method 173  
of remotely transferring the information and that do not include 174  
the creation of the content of the material that is the subject 175  
of the access or connection. 176

(b) Any person providing access or connection to or from 177  
an electronic method of remotely transferring information not 178  
under that person's control shall not be liable for any action 179  
voluntarily taken in good faith to block the receipt or 180  
transmission through its service of any information that the 181  
person believes is, or will be, sent in violation of division 182  
(D) of this section. 183

(2) Division (H) (1) of this section does not create an 184  
affirmative duty for any person providing access or connection 185  
to or from an electronic method of remotely transferring 186  
information not under that person's control to block the receipt 187  
or transmission through its service of any information that it 188  
believes is, or will be sent, in violation of division (D) of 189  
this section, except as otherwise provided by law. 190

(3) Division (H) (1) of this section does not apply to a 191  
person who conspires with another person actively involved in 192  
the creation or knowing distribution of material in violation of 193  
division (D) of this section, or who knowingly advertises the 194  
availability of material of that nature. 195

(4) (a) A provider or user of an interactive computer 196  
service shall neither be treated as the publisher nor speaker of 197  
any information provided by another information content 198  
provider, nor shall such a person be held civilly or criminally 199  
liable for the creation or development of information provided 200  
by another information content provider. 201

(b) Nothing in division (H) (4) (a) of this section shall be 202  
construed as protecting a person from liability to the extent 203  
that the person developed or created any content in violation of 204  
division (D) of this section. 205

**Sec. 2905.111.** Notwithstanding any provision of the 206  
Revised Code to the contrary, no person shall be convicted of an 207  
offense, and no child shall be adjudicated a delinquent child, 208  
for disseminating private images of that person or child to 209  
another person as a direct and proximate result of a violation 210  
of division (D) of section 2905.11 of the Revised Code in which 211  
the person or child was a victim. 212

**Sec. 2929.12.** (A) Unless otherwise required by section 213  
2929.13 or 2929.14 of the Revised Code, a court that imposes a 214  
sentence under this chapter upon an offender for a felony has 215  
discretion to determine the most effective way to comply with 216  
the purposes and principles of sentencing set forth in section 217  
2929.11 of the Revised Code. In exercising that discretion, the 218  
court shall consider the factors set forth in divisions (B) and 219  
(C) of this section relating to the seriousness of the conduct, 220  
the factors provided in divisions (D) and (E) of this section 221  
relating to the likelihood of the offender's recidivism, and the 222  
factors set forth in division (F) of this section pertaining to 223  
the offender's service in the armed forces of the United States 224  
and, in addition, may consider any other factors that are 225  
relevant to achieving those purposes and principles of 226  
sentencing. 227

(B) The sentencing court shall consider all of the 228  
following that apply regarding the offender, the offense, or the 229  
victim, and any other relevant factors, as indicating that the 230  
offender's conduct is more serious than conduct normally 231  
constituting the offense: 232

(1) The physical or mental injury suffered by the victim 233  
of the offense due to the conduct of the offender was 234  
exacerbated because of the physical or mental condition or age 235  
of the victim. 236

(2) The victim of the offense suffered serious physical, 237  
psychological, or economic harm, including serious physical harm 238  
the victim caused to the victim's self, as a result of the 239  
offense. 240

(3) The victim died by suicide as a result of the offense. 241

(4) The offender held a public office or position of trust 242  
in the community, and the offense related to that office or 243  
position. 244

~~(4)~~(5) The offender's occupation, elected office, or 245  
profession obliged the offender to prevent the offense or bring 246  
others committing it to justice. 247

~~(5)~~(6) The offender's professional reputation or 248  
occupation, elected office, or profession was used to facilitate 249  
the offense or is likely to influence the future conduct of 250  
others. 251

~~(6)~~(7) The offender's relationship with the victim 252  
facilitated the offense. 253

~~(7)~~(8) The offender committed the offense for hire or as a 254  
part of an organized criminal activity. 255

~~(8)~~(9) In committing the offense, the offender was 256  
motivated by prejudice based on race, ethnic background, gender, 257  
sexual orientation, or religion. 258

~~(9)~~(10) If the offense is a violation of section 2919.25 259  
or a violation of section 2903.11, 2903.12, or 2903.13 of the 260  
Revised Code involving a person who was a family or household 261  
member at the time of the violation, the offender committed the 262  
offense in the vicinity of one or more children who are not 263  
victims of the offense, and the offender or the victim of the 264  
offense is a parent, guardian, custodian, or person in loco 265  
parentis of one or more of those children. 266

(C) The sentencing court shall consider all of the 267  
following that apply regarding the offender, the offense, or the 268  
victim, and any other relevant factors, as indicating that the 269  
offender's conduct is less serious than conduct normally 270

constituting the offense:	271
(1) The victim induced or facilitated the offense.	272
(2) In committing the offense, the offender acted under strong provocation.	273 274
(3) In committing the offense, the offender did not cause or expect to cause physical harm to any person or property.	275 276
(4) There are substantial grounds to mitigate the offender's conduct, although the grounds are not enough to constitute a defense.	277 278 279
(D) The sentencing court shall consider all of the following that apply regarding the offender, and any other relevant factors, as factors indicating that the offender is likely to commit future crimes:	280 281 282 283
(1) At the time of committing the offense, the offender was under release from confinement before trial or sentencing; was under a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code; was under post-release control pursuant to section 2967.28 or any other provision of the Revised Code for an earlier offense or had been unfavorably terminated from post-release control for a prior offense pursuant to division (B) of section 2967.16 or section 2929.141 of the Revised Code; was under transitional control in connection with a prior offense; or had absconded from the offender's approved community placement resulting in the offender's removal from the transitional control program under section 2967.26 of the Revised Code.	284 285 286 287 288 289 290 291 292 293 294 295 296
(2) The offender previously was adjudicated a delinquent child pursuant to Chapter 2151. of the Revised Code prior to January 1, 2002, or pursuant to Chapter 2152. of the Revised	297 298 299

Code, or the offender has a history of criminal convictions.	300
(3) The offender has not been rehabilitated to a	301
satisfactory degree after previously being adjudicated a	302
delinquent child pursuant to Chapter 2151. of the Revised Code	303
prior to January 1, 2002, or pursuant to Chapter 2152. of the	304
Revised Code, or the offender has not responded favorably to	305
sanctions previously imposed for criminal convictions.	306
(4) The offender has demonstrated a pattern of drug or	307
alcohol abuse that is related to the offense, and the offender	308
refuses to acknowledge that the offender has demonstrated that	309
pattern, or the offender refuses treatment for the drug or	310
alcohol abuse.	311
(5) The offender shows no genuine remorse for the offense.	312
(E) The sentencing court shall consider all of the	313
following that apply regarding the offender, and any other	314
relevant factors, as factors indicating that the offender is not	315
likely to commit future crimes:	316
(1) Prior to committing the offense, the offender had not	317
been adjudicated a delinquent child.	318
(2) Prior to committing the offense, the offender had not	319
been convicted of or pleaded guilty to a criminal offense.	320
(3) Prior to committing the offense, the offender had led	321
a law-abiding life for a significant number of years.	322
(4) The offense was committed under circumstances not	323
likely to recur.	324
(5) The offender shows genuine remorse for the offense.	325
(F) The sentencing court shall consider the offender's	326

military service record and whether the offender has an 327  
emotional, mental, or physical condition that is traceable to 328  
the offender's service in the armed forces of the United States 329  
and that was a contributing factor in the offender's commission 330  
of the offense or offenses. 331

**Sec. 2933.51.** As used in sections 2933.51 to 2933.66 of 332  
the Revised Code: 333

(A) "Wire communication" means an aural transfer that is 334  
made in whole or in part through the use of facilities for the 335  
transmission of communications by the aid of wires or similar 336  
methods of connecting the point of origin of the communication 337  
and the point of reception of the communication, including the 338  
use of a method of connecting the point of origin and the point 339  
of reception of the communication in a switching station, if the 340  
facilities are furnished or operated by a person engaged in 341  
providing or operating the facilities for the transmission of 342  
communications. "Wire communication" includes an electronic 343  
storage of a wire communication. 344

(B) "Oral communication" means an oral communication 345  
uttered by a person exhibiting an expectation that the 346  
communication is not subject to interception under circumstances 347  
justifying that expectation. "Oral communication" does not 348  
include an electronic communication. 349

(C) "Intercept" means the aural or other acquisition of 350  
the contents of any wire, oral, or electronic communication 351  
through the use of an interception device. 352

(D) "Interception device" means an electronic, mechanical, 353  
or other device or apparatus that can be used to intercept a 354  
wire, oral, or electronic communication. "Interception device" 355

does not mean any of the following:	356
(1) A telephone or telegraph instrument, equipment, or facility, or any of its components, if the instrument, equipment, facility, or component is any of the following:	357
(a) Furnished to the subscriber or user by a provider of wire or electronic communication service in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business;	358
(b) Furnished by a subscriber or user for connection to the facilities of a provider of wire or electronic communication service and used in the ordinary course of that subscriber's or user's business;	359
(c) Being used by a provider of wire or electronic communication service in the ordinary course of its business or by an investigative or law enforcement officer in the ordinary course of the officer's duties that do not involve the interception of wire, oral, or electronic communications.	360
(2) A hearing aid or similar device being used to correct subnormal hearing to not better than normal.	361
(E) "Investigative officer" means any of the following:	362
(1) An officer of this state or a political subdivision of this state, who is empowered by law to conduct investigations or to make arrests for a designated offense;	363
(2) A person described in divisions (A) (11) (a) and (b) of section 2901.01 of the Revised Code;	364
(3) An attorney authorized by law to prosecute or participate in the prosecution of a designated offense;	365
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(4) A secret service officer appointed pursuant to section 309.07 of the Revised Code;	383 384
(5) An officer of the United States, a state, or a political subdivision of a state who is authorized to conduct investigations pursuant to the "Electronic Communications Privacy Act of 1986," 100 Stat. 1848-1857, 18 U.S.C. 2510-2521 (1986), as amended.	385 386 387 388 389
(F) "Interception warrant" means a court order that authorizes the interception of wire, oral, or electronic communications and that is issued pursuant to sections 2933.53 to 2933.56 of the Revised Code.	390 391 392 393
(G) "Contents," when used with respect to a wire, oral, or electronic communication, includes any information concerning the substance, purport, or meaning of the communication.	394 395 396
(H) "Communications common carrier" means a person who is engaged as a common carrier for hire in intrastate, interstate, or foreign communications by wire, radio, or radio transmission of energy. "Communications common carrier" does not include, to the extent that the person is engaged in radio broadcasting, a person engaged in radio broadcasting.	397 398 399 400 401 402
(I) "Designated offense" means any of the following:	403
(1) A felony violation of section 1315.53, 1315.55, 2903.01, 2903.02, 2903.11, 2905.01, 2905.02, 2905.11, 2905.22, 2905.32, 2907.02, 2907.21, 2907.22, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.04, 2913.42, 2913.51, 2915.02, 2915.03, 2917.01, 2917.02, 2921.02, 2921.03, 2921.04, 2921.32, 2921.34, 2923.20, 2923.32, 2925.03, 2925.04, 2925.05, or 2925.06 or of division (B) of section 2915.05 or of	404 405 406 407 408 409 410 411

division (E) or (G) of section 3772.99 of the Revised Code; 412

(2) A violation of section 2919.23 of the Revised Code 413  
that, had it occurred prior to July 1, 1996, would have been a 414  
violation of section 2905.04 of the Revised Code as it existed 415  
prior to that date; 416

(3) A felony violation of section 2925.11 of the Revised 417  
Code that is not a minor drug possession offense, as defined in 418  
section 2925.01 of the Revised Code; 419

(4) Complicity in the commission of a felony violation of 420  
a section listed in division (I)(1), (2), or (3) of this 421  
section; 422

(5) An attempt to commit, or conspiracy in the commission 423  
of, a felony violation of a section listed in division (I)(1), 424  
(2), or (3) of this section, if the attempt or conspiracy is 425  
punishable by a term of imprisonment of more than one year. 426

(J) "Aggrieved person" means a person who was a party to 427  
an intercepted wire, oral, or electronic communication or a 428  
person against whom the interception of the communication was 429  
directed. 430

(K) "Person" means a person, as defined in section 1.59 of 431  
the Revised Code, or a governmental officer, employee, or 432  
entity. 433

(L) "Special need" means a showing that a licensed 434  
physician, licensed practicing psychologist, attorney, 435  
practicing cleric, journalist, or either spouse is personally 436  
engaging in continuing criminal activity, was engaged in 437  
continuing criminal activity over a period of time, or is 438  
committing, has committed, or is about to commit, a designated 439  
offense, or a showing that specified public facilities are being 440

regularly used by someone who is personally engaging in 441  
continuing criminal activity, was engaged in continuing criminal 442  
activity over a period of time, or is committing, has committed, 443  
or is about to commit, a designated offense. 444

(M) "Journalist" means a person engaged in, connected 445  
with, or employed by, any news media, including a newspaper, 446  
magazine, press association, news agency, or wire service, a 447  
radio or television station, or a similar media, for the purpose 448  
of gathering, processing, transmitting, compiling, editing, or 449  
disseminating news for the general public. 450

(N) "Electronic communication" means a transfer of a sign, 451  
signal, writing, image, sound, datum, or intelligence of any 452  
nature that is transmitted in whole or in part by a wire, radio, 453  
electromagnetic, photoelectronic, or photo-optical system. 454  
"Electronic communication" does not mean any of the following: 455

(1) A wire or oral communication; 456

(2) A communication made through a tone-only paging 457  
device; 458

(3) A communication from an electronic or mechanical 459  
tracking device that permits the tracking of the movement of a 460  
person or object. 461

(O) "User" means a person or entity that uses an 462  
electronic communication service and is duly authorized by the 463  
provider of the service to engage in the use of the electronic 464  
communication service. 465

(P) "Electronic communications system" means a wire, 466  
radio, electromagnetic, photoelectronic, or photo-optical 467  
facility for the transmission of electronic communications, and 468  
a computer facility or related electronic equipment for the 469

electronic storage of electronic communications. 470

(Q) "Electronic communication service" means a service 471  
that provides to users of the service the ability to send or 472  
receive wire or electronic communications. 473

(R) "Readily accessible to the general public" means, with 474  
respect to a radio communication, that the communication is none 475  
of the following: 476

(1) Scrambled or encrypted; 477

(2) Transmitted using a modulation technique, the 478  
essential parameters of which have been withheld from the public 479  
with the intention of preserving the privacy of the 480  
communication; 481

(3) Carried on a subcarrier or other signal subsidiary to 482  
a radio transmission; 483

(4) Transmitted over a communications system provided by a 484  
communications common carrier, unless the communication is a 485  
tone-only paging system communication; 486

(5) Transmitted on a frequency allocated under part 25, 487  
subpart D, E, or F of part 74, or part 94 of the Rules of the 488  
Federal Communications Commission, as those provisions existed 489  
on July 1, 1996, unless, in the case of a communication 490  
transmitted on a frequency allocated under part 74 that is not 491  
exclusively allocated to broadcast auxiliary services, the 492  
communication is a two-way voice communication by radio. 493

(S) "Electronic storage" means a temporary, intermediate 494  
storage of a wire or electronic communication that is incidental 495  
to the electronic transmission of the communication, and a 496  
storage of a wire or electronic communication by an electronic 497

communication service for the purpose of backup protection of 498  
the communication. 499

(T) "Aural transfer" means a transfer containing the human 500  
voice at a point between and including the point of origin and 501  
the point of reception. 502

(U) "Pen register" means a device that records or decodes 503  
electronic impulses that identify the numbers dialed, pulsed, or 504  
otherwise transmitted on telephone lines to which the device is 505  
attached. 506

(V) "Trap and trace device" means a device that captures 507  
the incoming electronic or other impulses that identify the 508  
originating number of an instrument or device from which a wire 509  
communication or electronic communication was transmitted but 510  
that does not intercept the contents of the wire communication 511  
or electronic communication. 512

(W) "Judge of a court of common pleas" means a judge of 513  
that court who is elected or appointed as a judge of general 514  
jurisdiction or as a judge who exercises both general 515  
jurisdiction and probate, domestic relations, or juvenile 516  
jurisdiction. "Judge of a court of common pleas" does not mean a 517  
judge of that court who is elected or appointed specifically as 518  
a probate, domestic relations, or juvenile judge. 519

(X) "Electronic user data" means any data or records that 520  
are stored, collected, used, or safeguarded by a service or 521  
program that stores electronic data. This includes data stored 522  
on a computer, computer network, or computer system. 523

(Y) "Remote computing service" means the provision of 524  
computer storage or processing services to the public through an 525  
electronic communication service. 526

Sec. 2933.523. (A) A provider of an electronic 527  
communication service or a provider of remote computing service 528  
operating in the state shall comply with any court-issued search 529  
warrant or interception warrant issued for wire communications, 530  
electronic communications, an electronic communications system, 531  
or other electronic storage or data storage, regardless of 532  
whether user data is held at a location within the state or at a 533  
location in another state. 534

(B) A court may issue an order under this section on a 535  
service provider that is a corporation or entity that is 536  
incorporated or organized in this state, or a company or 537  
business entity doing business in this state under a contract or 538  
terms of a service agreement with a state resident. The service 539  
provider shall produce all information sought, as required by 540  
the court order. 541

**Section 2.** That existing sections 2137.15, 2905.11, 542  
2929.12, and 2933.51 of the Revised Code are hereby repealed. 543

**Section 3.** Sections 2137.15, 2905.11, and 2905.111 of the 544  
Revised Code as amended or enacted by this act shall be known as 545  
Braden's Law. 546