

As Introduced

136th General Assembly

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H. B. No. 1033

Representative Manning

Cosponsors: Representatives Newman, Abrams, John, Miller, K., Brennan, Salvo

To enact section 2921.26 of the Revised Code to
prohibit unlawful dissemination of a peace
officer's personally identifying information.

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

Section 1. That section 2921.26 of the Revised Code be
enacted to read as follows:

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Sec. 2921.26. (A) As used in this section:

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(1) "Disseminate" means electronically publishing,
posting, or otherwise disclosing information to a public
internet site or public forum.

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(2) "Family or household member" means any of the
following:

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(a) Any of the following who is residing with or has
resided with the peace officer:

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(i) A spouse, a person living as a spouse, or a former
spouse of the peace officer;

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

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(iii) A parent or a child of a spouse, person living as a 19
spouse, or former spouse of the peace officer, or another person 20
related by consanguinity or affinity to a spouse, person living 21
as a spouse, or former spouse of the peace officer. 22

(b) The natural parent of any child of whom the peace 23
officer is the other natural parent or is the putative other 24
natural parent. 25

(3) "Law enforcement agency" means a government entity 26
that employs peace officers to perform law enforcement duties. 27

(4) "Peace officer" has the same meaning as in section 28
2935.01 of the Revised Code. 29

(5) "Personally identifying information" means information 30
that identifies or reasonably can be used to identify an 31
individual, including any of the following: 32

(a) Social security number or other government issued 33
identifier; 34

(b) Date of birth; 35

(c) Home or physical address; 36

(d) Electronic mail address or telephone number; 37

(e) Financial account number or credit or debit card 38
number; 39

(f) Biometric, health, or medical data, or insurance 40
information; 41

(g) School or employment locations. 42

(B) (1) 43

Except as provided in division (B) (2) of this section, no 44

person shall intentionally disseminate a peace officer's 45
personally identifying information if all of the following 46
apply: 47

(a) The personally identifying information is disseminated 48
with the intent to harm or harass the peace officer whose 49
information is being disseminated or with reckless disregard 50
that the peace officer would be reasonably likely to suffer 51
death or bodily injury or to become a victim of a violation of 52
section 2903.211 of the Revised Code. 53

(b) The dissemination of the personally identifying 54
information causes the peace officer whose information is 55
disseminated to suffer significant economic injury or emotional 56
distress or to fear serious bodily injury or death of the peace 57
officer or a family or household member of the peace officer. 58

(c) The personally identifying information is disseminated 59
with the intent to cause the peace officer whose information is 60
disseminated to suffer a substantial life disruption. 61

(d) The peace officer whose personally identifying 62
information is disseminated is identifiable from the 63
disseminated personally identifying information itself. 64

(2) This section does not apply to any of the following: 65

(a) The dissemination of a peace officer's personally 66
identifying information in connection with the reporting of 67
criminal activity to an employee of a law enforcement agency, or 68
in connection with any lawfully authorized investigative, 69
protective, or intelligence activity of any law enforcement 70
agency or of an intelligence agency of the United States if the 71
person making the report reasonably believes the alleged 72
criminal activity occurred or the existing investigative, 73

protective, or intelligence activity is legitimate; 74

(b) The dissemination of a peace officer's personally 75
identifying information for the purposes of, or in connection 76
with, the reporting of conduct reasonably believed to be 77
unlawful; 78

(c) The dissemination of a peace officer's personally 79
identifying information in connection with activity protected by 80
the United States Constitution or the state constitution 81
pertaining to speech, press, assembly, protest, and petition, as 82
well as the provision of personally identifying information to 83
the press. 84

(C) Whoever violates this section is guilty of unlawful 85
dissemination of a peace officer's personally identifying 86
information, a felony of the third degree. 87

(D) Nothing in this section shall be construed to impose 88
liability on a broadband internet access service provider, a 89
telecommunications service provider, an interconnected VoIP 90
provider, or a mobile service provider as defined in 47 U.S.C. 91
153, a commercial mobile service provider as defined in 47 92
U.S.C. 332(d), or a cable operator as defined in 47 U.S.C. 522, 93
when acting in its capacity as a provider of those services. 94