

**As Reported by the Senate Judiciary Committee**

**136th General Assembly**

**Regular Session**

**2025-2026**

**Sub. S. B. No. 163**

**Senators Blessing, Johnson**

**Cosponsors: Senators DeMora, Ingram**



To amend sections 1345.51, 2907.321, 2907.322,  
2907.323, and 2913.49 and to enact sections  
1349.13 and 1349.14 of the Revised Code to  
require AI-generated products to have a  
watermark, to prohibit simulated child  
pornography, and to prohibit identity fraud  
using a replica of a person.

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

**Section 1.** That sections 1345.51, 2907.321, 2907.322,  
2907.323, and 2913.49 be amended and sections 1349.13 and  
1349.14 of the Revised Code be enacted to read as follows:

**Sec. 1345.51.** There is hereby created in the state  
treasury the consumer protection enforcement fund. The fund  
shall include civil penalties ordered pursuant to divisions (A)  
and (D) of section 1345.07 of the Revised Code and paid as  
provided in division (G) of that section, all civil penalties  
ordered pursuant to division (F) of section 1349.13 of the  
Revised Code, all civil penalties assessed under division (A) of  
section 1349.192 of the Revised Code, all costs awarded to the  
attorney general and all penalties imposed under section 4549.48  
of the Revised Code, and all money unclaimed under section

4549.50 of the Revised Code. The money in the consumer 21  
protection enforcement fund shall be used for the sole purpose 22  
of paying expenses incurred by the consumer protection section 23  
of the office of the attorney general. 24

Sec. 1349.13. (A) As used in this section and section 25  
1349.14 of the Revised Code: 26

(1) (a) "Covered provider" means a person or entity that 27  
creates, codes, or otherwise produces a generative artificial 28  
intelligence system that is publicly accessible by consumers 29  
within the state for personal use. 30

(b) "Covered provider" does not include business-to- 31  
business use of generative artificial intelligence systems for a 32  
purpose not otherwise prohibited by law. 33

(2) "Generative artificial intelligence system" means an 34  
artificial intelligence system that can generate derived 35  
synthetic content, including text, images, video, and audio that 36  
emulates the structure and characteristics of the system's 37  
input. 38

(3) "Provenance data" means information that is embedded 39  
or attached to help determine the origin of digitally generated 40  
content and its history of modification. 41

(4) "Watermark" means a visible signal embedded within a 42  
generative artificial intelligence system generated image or 43  
video that clearly attributes the creation of such product to a 44  
generative artificial intelligence system. 45

(B) (1) Generative artificial intelligence systems shall be 46  
programmed to provide a distinctive watermark on any generative 47  
artificial intelligence system generated image or video that 48  
informs the user that the particular image or video was 49

generated using a generative artificial intelligence system. 50

(2) A covered provider shall include provenance data in 51  
any content created by the covered provider's generative 52  
artificial intelligence system. 53

(C) No person shall knowingly and with the intent to 54  
deceive a third party remove a watermark required by this 55  
section with the purpose of concealing that the product was 56  
generated using a generative artificial intelligence system. 57

(D) No person shall knowingly and with the intent to 58  
deceive a third party distribute content fully generated by a 59  
generative artificial intelligence system with false information 60  
about the authenticity of the content. 61

(E) Any person aggrieved by a violation of divisions (B) 62  
to (D) this section has and may commence a civil action against 63  
the violator for damages that result from the violation if both 64  
of the following are met: 65

(1) The person files a complaint with the attorney general 66  
requesting that the attorney general file an action under 67  
division (F) of this section against the violator. 68

(2) The attorney general does not file an action against 69  
the violator within six months after the date the person files 70  
the complaint. 71

(F) In addition to the civil action authorized under 72  
division (E) of this section, the attorney general may commence 73  
a civil action against a person that violates divisions (B) to 74  
(D) of this section for injunctive relief and, in the case of a 75  
person that violates division (C) of this section, a civil 76  
penalty of up to ten thousand dollars. All civil penalties 77  
collected under this division shall be deposited to the consumer 78

protection enforcement fund created by section 1345.51 of the 79  
Revised Code. 80

**Sec. 1349.14.** (A) (1) The attorney general may investigate 81  
reasonable allegations that a person has violated divisions (B) 82  
to (D) of section 1349.13 of the Revised Code. 83

(2) For this purpose, the attorney general may administer 84  
oaths, subpoena witnesses, adduce evidence, and require the 85  
production of relevant matter for the purposes of an 86  
investigation under this section. 87

If matter that the attorney general requires to be 88  
produced is located outside the state, the attorney general may 89  
designate representatives, including officials of the state in 90  
which the matter is located, to inspect the matter on the 91  
attorney general's behalf, and the attorney general may respond 92  
to similar requests from officials of other states. The person 93  
subpoenaed may make the matter available to the attorney general 94  
at a convenient location within the state or pay the reasonable 95  
and necessary expenses for the attorney general or the attorney 96  
general's representative to examine the matter at the place 97  
where it is located, provided that expenses shall not be charged 98  
to a party not subsequently found to have engaged in an act or 99  
practice violative of divisions (B) to (D) of section 1349.13 of 100  
the Revised Code. 101

(B) Within twenty days after a subpoena is served, a 102  
person subpoenaed under this section may file a motion to extend 103  
the return day, or to modify or quash the subpoena, stating good 104  
cause, in the court of common pleas of Franklin county or any 105  
other county in this state. 106

(C) A person subpoenaed under this section shall comply 107

with the terms of the subpoena, unless the parties agree to 108  
modify the terms of the subpoena or unless the court has 109  
modified or quashed the subpoena, extended the return day of the 110  
subpoena, or issued any other order with respect to the subpoena 111  
prior to its return day. 112

If a person fails without lawful excuse to obey a subpoena 113  
or to produce relevant matter, the attorney general may apply to 114  
the court of common pleas of Franklin county or any other county 115  
in this state for an order compelling compliance. 116

(D) The attorney general may request that an individual 117  
who refuses to testify or to produce relevant matter on the 118  
ground that the testimony or matter may incriminate the 119  
individual be ordered by the court to provide the testimony or 120  
matter. With the exception of a prosecution under this section, 121  
an individual who complies with a court order to provide 122  
testimony or matter, after asserting a privilege against self- 123  
incrimination to which the individual is entitled by law, shall 124  
not be subjected to a criminal proceeding or to a civil penalty 125  
or forfeiture on the basis of the testimony or matter required 126  
to be disclosed or testimony or matter discovered through that 127  
testimony or matter. 128

(E) The attorney general may: 129

(1) During an investigation under this section, afford, in 130  
a manner considered appropriate to the attorney general, a 131  
covered provider an opportunity to cease and desist from any 132  
suspected violation. The attorney general may suspend such an 133  
investigation during the time period that the attorney general 134  
permits the covered provider to cease and desist; however, the 135  
suspension of the investigation or the affording of an 136  
opportunity to cease and desist shall not prejudice or prohibit 137

any further investigation by the attorney general under this 138  
section. 139

(2) Terminate an investigation under this section upon 140  
acceptance of a written assurance of voluntary compliance from a 141  
covered provider who is suspected of a violation of divisions 142  
(B) to (D) of section 1349.13 of the Revised Code. 143

Acceptance of an assurance may be conditioned upon an 144  
undertaking to reimburse or to take other appropriate corrective 145  
action with respect to identifiable individuals damaged by an 146  
alleged violation of divisions (B) to (D) of section 1349.13 of 147  
the Revised Code. An assurance of compliance given by a provider 148  
is not evidence of violation of divisions (B) to (D) of section 149  
1349.13 of the Revised Code. The attorney general may, at any 150  
time, reopen an investigation terminated by the acceptance of an 151  
assurance of voluntary compliance if the attorney general 152  
believes that further proceedings are in the public interest. 153  
Evidence of a violation of an assurance of voluntary compliance 154  
is prima facie evidence of an act or practice in violation of 155  
divisions (B) to (D) of section 1349.13 of the Revised Code, if 156  
presented after the violation in an action brought under this 157  
chapter. An assurance of voluntary compliance may be filed with 158  
the court and if approved by the court, entered as a consent 159  
judgment. 160

(F) The procedures available to the attorney general under 161  
this section are cumulative and concurrent, and the exercise of 162  
one procedure by the attorney general does not preclude or 163  
require the exercise of any other procedure. 164

**Sec. 2907.321.** (A) No person, with knowledge of the 165  
character of the material or performance involved, shall do any 166  
of the following: 167

(1) Create, reproduce, or publish any obscene material 168  
that has a minor, a depiction of a purported minor, or an 169  
impaired person as one of its participants or portrayed 170  
observers; 171

(2) Promote or advertise for sale or dissemination; sell, 172  
deliver, disseminate, display, exhibit, present, rent, or 173  
provide; or offer or agree to sell, deliver, disseminate, 174  
display, exhibit, present, rent, or provide, any obscene 175  
material that has a minor, a depiction of a purported minor, or 176  
an impaired person as one of its participants or portrayed 177  
observers; 178

(3) Create, direct, or produce an obscene performance that 179  
has a minor, a depiction of a purported minor, or an impaired 180  
person as one of its participants; 181

(4) Advertise or promote for presentation, present, or 182  
participate in presenting an obscene performance that has a 183  
minor, a depiction of a purported minor, or an impaired person 184  
as one of its participants; 185

(5) Buy, procure, possess, or control any obscene 186  
material, that has a minor, a depiction of a purported minor, or 187  
an impaired person as one of its participants; 188

(6) Bring or cause to be brought into this state any 189  
obscene material that has a minor, a depiction of a purported 190  
minor, or an impaired person as one of its participants or 191  
portrayed observers. 192

(B) (1) This section does not apply to any material or 193  
performance that is sold, disseminated, displayed, possessed, 194  
controlled, brought or caused to be brought into this state, or 195  
presented for a bona fide medical, scientific, educational, 196

religious, governmental, judicial, or other proper purpose, by 197  
or to a physician, psychologist, sociologist, scientist, 198  
teacher, person pursuing bona fide studies or research, 199  
librarian, member of the clergy, prosecutor, judge, or other 200  
person having a proper interest in the material or performance. 201

(2) Mistake of age is not a defense to a charge under this 202  
section. 203

(3) In a prosecution under this section, the trier of fact 204  
may infer that a person in the material or performance involved 205  
is a minor, a depiction of a purported minor, or an impaired 206  
person if the material or performance, through its title, text, 207  
visual representation, or otherwise, represents or depicts the 208  
person as a minor, a depiction of a purported minor, or an 209  
impaired person. 210

(C) Whoever violates this section is guilty of pandering 211  
obscenity involving a minor, a depiction of a purported minor, 212  
or an impaired person. If the offense involves a minor or a 213  
depiction of a purported minor, a violation of division (A) (1), 214  
(2), (3), (4), or (6) of this section is a felony of the second 215  
degree. If the offense involves an impaired person, a violation 216  
of division (A) (1), (2), (3), (4), or (6) of this section is a 217  
felony of the third degree. A violation of division (A) (5) —of 218  
this section is a felony of the fourth degree. —If the offender 219  
previously has been convicted of or pleaded guilty to a 220  
violation of this section or section 2907.322 or 2907.323 of the 221  
Revised Code, pandering obscenity involving a minor, a depiction 222  
of a purported minor, or an impaired person in violation of 223  
division (A) (5) of this section is a felony of the third degree. 224

(D) As used in this section and sections 2907.322 and 225  
2907.323 of the Revised Code, ~~"impaired":~~ 226

(1) "Artificially generated depiction" means a visual 227  
depiction of an actual person that was created or edited by 228  
artificial intelligence or other computer-generated means and 229  
that a reasonable person would believe depicts or represents an 230  
actual person who is identifiable by the person's face, 231  
likeness, or other distinguishing characteristic. 232

(2) "Depiction of a purported minor" means a visual 233  
representation that appears to depict an actual minor that a 234  
reasonable person would believe depicts or represents an actual 235  
minor but may or may not depict an actual minor. 236

(3) "Impaired person" means a person whose ability to 237  
resist or consent is substantially impaired because of a mental 238  
or physical condition or because of advanced age, and the 239  
offender knows or has reasonable cause to believe that the other 240  
person's ability to resist or consent is substantially impaired 241  
because of a mental or physical condition or because of advanced 242  
age. 243

**Sec. 2907.322.** (A) No person, with knowledge of the 244  
character of the material or performance involved, shall do any 245  
of the following: 246

(1) Create, record, photograph, film, develop, reproduce, 247  
or publish any material that shows a minor, an artificially 248  
generated depiction of a minor, or an impaired person 249  
participating or engaging in sexual activity, masturbation, or 250  
bestiality; 251

(2) Advertise for sale or dissemination, sell, distribute, 252  
transport, disseminate, exhibit, or display any material that 253  
shows a minor, an artificially generated depiction of a minor, 254  
or an impaired person participating or engaging in sexual 255

activity, masturbation, or bestiality;	256
(3) Create, direct, or produce a performance that shows a	257
minor, <u>an artificially generated depiction of a minor, or an</u>	258
impaired person participating or engaging in sexual activity,	259
masturbation, or bestiality;	260
(4) Advertise for presentation, present, or participate in	261
presenting a performance that shows a minor, <u>an artificially</u>	262
<u>generated depiction of a minor, or an</u> impaired person	263
participating or engaging in sexual activity, masturbation, or	264
bestiality;	265
(5) Knowingly solicit, receive, purchase, exchange,	266
possess, or control any material that shows a minor, <u>an</u>	267
<u>artificially generated depiction of a minor, or an</u> impaired	268
person participating or engaging in sexual activity,	269
masturbation, or bestiality;	270
(6) Bring or cause to be brought into this state any	271
material that shows a minor, <u>an artificially generated depiction</u>	272
<u>of a minor, or an</u> impaired person participating or engaging in	273
sexual activity, masturbation, or bestiality;	274
(7) Bring, cause to be brought, or finance the bringing of	275
any minor or impaired person into or across this state with the	276
intent that the minor or impaired person engage in sexual	277
activity, masturbation, or bestiality in a performance or for	278
the purpose of producing material containing a visual	279
representation depicting the minor, <u>artificially generated</u>	280
<u>depiction of the minor, or</u> impaired person engaged in sexual	281
activity, masturbation, or bestiality.	282
(B) (1) This section does not apply to any material or	283
performance that is sold, disseminated, displayed, possessed,	284

controlled, brought or caused to be brought into this state, or 285  
presented for a bona fide medical, scientific, educational, 286  
religious, governmental, judicial, or other proper purpose, by 287  
or to a physician, psychologist, sociologist, scientist, 288  
teacher, person pursuing bona fide studies or research, 289  
librarian, member of the clergy, prosecutor, judge, or other 290  
person having a proper interest in the material or performance. 291

(2) Mistake of age is not a defense to a charge under this 292  
section. 293

(3) In a prosecution under this section, the trier of fact 294  
may infer that a person in the material or performance involved 295  
is a minor, an artificially generated depiction of a minor, or 296  
an impaired person if the material or performance, through its 297  
title, text, visual representation, or otherwise, represents or 298  
depicts the person as a minor, an artificially generated 299  
depiction of a minor, or an impaired person. 300

(C) Whoever violates this section is guilty of pandering 301  
sexually oriented matter involving a minor, an artificially 302  
generated depiction of a minor, or an impaired person. If the 303  
offense involves a minor or an artificially generated depiction 304  
of a minor, a violation of division (A) (1), (2), (3), (4), (6), 305  
or (7) of this section is a felony of the second degree. If the 306  
offense involves an impaired person, a violation of division (A) 307  
(1), (2), (3), (4), (6), or (7) of this section is a felony of 308  
the third degree. Violation of division (A) (5) of this section 309  
is a felony of the fourth degree. If the offender previously has 310  
been convicted of or pleaded guilty to a violation of this 311  
section or section 2907.321 or 2907.323 of the Revised Code, 312  
pandering sexually oriented matter involving a minor, an 313  
artificially generated depiction of a minor, or an impaired 314

person in violation of division (A) (5) of this section is a 315  
felony of the third degree. 316

**Sec. 2907.323.** (A) No person shall do any of the 317  
following: 318

(1) Photograph any minor or impaired person who is not the 319  
person's child or ward in a state of nudity, or create, direct, 320  
produce, or transfer any material or performance that shows the 321  
minor, artificially generated depiction of the minor, or 322  
impaired person in a state of nudity, unless both of the 323  
following apply: 324

(a) The material or performance is, or is to be, sold, 325  
disseminated, displayed, possessed, controlled, brought or 326  
caused to be brought into this state, or presented for a bona 327  
fide artistic, medical, scientific, educational, religious, 328  
governmental, judicial, or other proper purpose, by or to a 329  
physician, psychologist, sociologist, scientist, teacher, person 330  
pursuing bona fide studies or research, librarian, member of the 331  
clergy, prosecutor, judge, or other person having a proper 332  
interest in the material or performance; 333

(b) The minor's or impaired person's parents, guardian, or 334  
custodian consents in writing to the photographing of the minor 335  
or impaired person, to the use of the minor, artificially 336  
generated depiction of the minor, or impaired person in the 337  
material or performance, or to the transfer of the material and 338  
to the specific manner in which the material or performance is 339  
to be used. 340

(2) Consent to the photographing of the person's child or 341  
ward who is a minor or impaired person, or photograph the 342  
person's child or ward who is a minor or impaired person, in a 343

state of nudity or consent to the use of the person's child or 344  
ward who is a minor, an artificially generated depiction of the 345  
minor, or an impaired person in a state of nudity in any 346  
material or performance, or use or transfer a material or 347  
performance of that nature, unless the material or performance 348  
is sold, disseminated, displayed, possessed, controlled, brought 349  
or caused to be brought into this state, or presented for a bona 350  
fide artistic, medical, scientific, educational, religious, 351  
governmental, judicial, or other proper purpose, by or to a 352  
physician, psychologist, sociologist, scientist, teacher, person 353  
pursuing bona fide studies or research, librarian, member of the 354  
clergy, prosecutor, judge, or other person having a proper 355  
interest in the material or performance; 356

(3) Possess or view any material or performance that shows 357  
a minor, an artificially generated depiction of a minor, or an 358  
impaired person who is not the person's child or ward in a state 359  
of nudity, unless one of the following applies: 360

(a) The material or performance is sold, disseminated, 361  
displayed, possessed, controlled, brought or caused to be 362  
brought into this state, or presented for a bona fide artistic, 363  
medical, scientific, educational, religious, governmental, 364  
judicial, or other proper purpose, by or to a physician, 365  
psychologist, sociologist, scientist, teacher, person pursuing 366  
bona fide studies or research, librarian, member of the clergy, 367  
prosecutor, judge, or other person having a proper interest in 368  
the material or performance. 369

(b) The person knows that the minor's or impaired person's 370  
parents, guardian, or custodian has consented in writing to the 371  
photographing or use of the minor, artificially generated 372  
depiction of the minor, or impaired person in a state of nudity 373

and to the manner in which the material or performance is used 374  
or transferred. 375

(B) Whoever violates this section is guilty of illegal use 376  
of a minor, an artificially generated depiction of a minor, or 377  
an impaired person in a nudity-oriented material or performance. 378  
If the offense involves a minor or an artificially generated 379  
depiction of a minor, whoever violates division (A) (1) or (2) of 380  
this section is guilty of a felony of the second degree. If the 381  
offense involves an impaired person, whoever violates division 382  
(A) (1) or (2) of this section is guilty of a felony of the third 383  
degree. Except as otherwise provided in this division, whoever 384  
violates division (A) (3) of this section is guilty of a felony 385  
of the fifth degree. If the offender previously has been 386  
convicted of or pleaded guilty to a violation of this section or 387  
section 2907.321 or 2907.322 of the Revised Code, illegal use of 388  
a minor, an artificially generated depiction of a minor, or an 389  
impaired person in a nudity-oriented material or performance in 390  
violation of division (A) (3) of this section is a felony of the 391  
fourth degree. If the offender who commits a violation of 392  
division (A) (1) or (2) of this section that involves a minor or 393  
an artificially generated depiction of a minor also is convicted 394  
of or pleads guilty to a specification as described in section 395  
2941.1422 of the Revised Code that was included in the 396  
indictment, count in the indictment, or information charging the 397  
offense, the court shall sentence the offender to a mandatory 398  
prison term as provided in division (B) (7) of section 2929.14 of 399  
the Revised Code and shall order the offender to make 400  
restitution as provided in division (B) (8) of section 2929.18 of 401  
the Revised Code. 402

**Sec. 2913.49.** (A) As used in this section, ~~"personal":~~ 403

(1) "Personal identifying information" includes, but is not limited to, the following: the name, address, telephone number, driver's license, driver's license number, commercial driver's license, commercial driver's license number, state identification card, state identification card number, social security card, social security number, birth certificate, place of employment, employee identification number, mother's maiden name, demand deposit account number, savings account number, money market account number, mutual fund account number, other financial account number, personal identification number, password, or credit card number of a living or dead individual.

(2) "Replica of a person's persona" or "replica" means a modified or fabricated version of an individual's voice, photograph, image, likeness, or distinctive appearance that is created or presented in a manner that it appears to be the individual's authentic persona. The term includes the modifications and fabrications produced in whole or in part by generative artificial intelligence systems.

(3) "Generative artificial intelligence system" has the same meaning as in section 1349.13 of the Revised Code.

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

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

(2) Represent the other person's personal identifying information as the person's own personal identifying information.

(C) No person shall create, obtain, possess, or use the

personal identifying information of any person with the intent 433  
to aid or abet another person in violating division (B) of this 434  
section. 435

(D) No person, with intent to defraud, shall permit 436  
another person to use the person's own personal identifying 437  
information or a replica of the person's persona. 438

(E) No person who is permitted to use another person's 439  
personal identifying information as described in division (D) of 440  
this section shall use, obtain, or possess the other person's 441  
personal identifying information with intent to defraud any 442  
person by doing any act identified in division (B) (1) or (2) of 443  
this section. 444

~~(F) (1)~~ (F) No person shall create or use a replica of a 445  
person's persona in order to knowingly or intentionally induce 446  
any other person to make a financial decision or extend credit 447  
to any person in reliance on the replica without the express 448  
consent of the individual whose persona is replicated. 449

(G) No person shall create or use a replica with the 450  
intent to damage any person's or entity's reputation, including 451  
the reputation of the individual whose persona is replicated. 452

(H) No person shall create, use, or disseminate a replica 453  
of a person's persona who is not a minor or impaired person in a 454  
manner that depicts the individual whose persona is replicated 455  
in a state of nudity, engaging in sexual activity, or in any 456  
obscene material without the consent of the individual whose 457  
persona is replicated. 458

(I) No person shall create, use, or disseminate a replica 459  
of a person's persona for the purposes of violating or 460  
attempting to violate section 2905.05 of the Revised Code. 461

(J) (1) It is an affirmative defense to a charge under 462  
division (B) of this section that the person using the personal 463  
identifying information is acting in accordance with a legally 464  
recognized guardianship or conservatorship or as a trustee or 465  
fiduciary. 466

(2) It is an affirmative defense to a charge under 467  
division (B), (C), (D), or (E) of this section that either of 468  
the following applies: 469

(a) The person or entity using, obtaining, possessing, or 470  
creating the personal identifying information or replica, or 471  
permitting it to be used, is a law enforcement agency, 472  
authorized fraud personnel, or a representative of or attorney 473  
for a law enforcement agency or authorized fraud personnel and 474  
is using, obtaining, possessing, or creating the personal 475  
identifying information or replica, or permitting it to be used, 476  
with prior consent given as specified in this division, in a 477  
bona fide investigation, an information security evaluation, a 478  
pretext calling evaluation, or a similar matter. The prior 479  
consent required under this division shall be given by the 480  
person whose personal identifying information or replica is 481  
being used, obtained, possessed, or created or is being 482  
permitted to be used or, if the person whose personal 483  
identifying information or replica is being used, obtained, 484  
possessed, or created or is being permitted to be used is 485  
deceased, by that deceased person's executor, or a member of 486  
that deceased person's family, or that deceased person's 487  
attorney. The prior consent required under this division may be 488  
given orally or in writing by the person whose personal 489  
identifying information or replica is being used, obtained, 490  
possessed, or created or is being permitted to be used or that 491  
person's executor, or family member, or attorney. 492

(b) The personal identifying information or replica was 493  
obtained, possessed, used, created, or permitted to be used for 494  
a lawful purpose, provided that division ~~(F) (2) (b)~~ (J) (2) (b) of 495  
this section does not apply if the person or entity using, 496  
obtaining, possessing, or creating the personal identifying 497  
information or replica, or permitting it to be used, is a law 498  
enforcement agency, authorized fraud personnel, or a 499  
representative of or attorney for a law enforcement agency or 500  
authorized fraud personnel that is using, obtaining, possessing, 501  
or creating the personal identifying information or replica, or 502  
permitting it to be used, in an investigation, an information 503  
security evaluation, a pretext calling evaluation, or similar 504  
matter. 505

~~(G)~~ (K) It is not a defense to a charge under this section 506  
that the person whose personal identifying information or 507  
replica was obtained, possessed, used, created, or permitted to 508  
be used was deceased at the time of the offense. 509

~~(H) (1)~~ (L) (1) If an offender commits a violation of 510  
division (B), (D), or (E) of this section and the violation 511  
occurs as part of a course of conduct involving other violations 512  
of division (B), (D), or (E) of this section or violations of, 513  
attempts to violate, conspiracies to violate, or complicity in 514  
violations of division (C) of this section or section 2913.02, 515  
2913.04, 2913.11, 2913.21, 2913.31, 2913.42, 2913.43, or 2921.13 516  
of the Revised Code, the court, in determining the degree of the 517  
offense pursuant to division ~~(I)~~ (M) of this section, may 518  
aggregate all credit, property, or services obtained or sought 519  
to be obtained by the offender and all debts or other legal 520  
obligations avoided or sought to be avoided by the offender in 521  
the violations involved in that course of conduct. The course of 522  
conduct may involve one victim or more than one victim. 523

(2) If an offender commits a violation of division (C) of 524  
this section and the violation occurs as part of a course of 525  
conduct involving other violations of division (C) of this 526  
section or violations of, attempts to violate, conspiracies to 527  
violate, or complicity in violations of division (B), (D), or 528  
(E) of this section or section 2913.02, 2913.04, 2913.11, 529  
2913.21, 2913.31, 2913.42, 2913.43, or 2921.13 of the Revised 530  
Code, the court, in determining the degree of the offense 531  
pursuant to division ~~(I)~~(M) of this section, may aggregate all 532  
credit, property, or services obtained or sought to be obtained 533  
by the person aided or abetted and all debts or other legal 534  
obligations avoided or sought to be avoided by the person aided 535  
or abetted in the violations involved in that course of conduct. 536  
The course of conduct may involve one victim or more than one 537  
victim. 538

~~(I)(1)~~(M)(1) Whoever violates this section is guilty of 539  
identity fraud. 540

(2) Except as otherwise provided in this division or 541  
division ~~(I)(3)~~(M)(3) of this section, identity fraud is a 542  
felony of the fifth degree. If the value of the credit, 543  
property, services, debt, or other legal obligation involved in 544  
the violation or course of conduct is one thousand dollars or 545  
more and is less than seven thousand five hundred dollars, 546  
except as otherwise provided in division ~~(I)(3)~~(M)(3) of this 547  
section, identity fraud is a felony of the fourth degree. If the 548  
value of the credit, property, services, debt, or other legal 549  
obligation involved in the violation or course of conduct is 550  
seven thousand five hundred dollars or more and is less than one 551  
hundred fifty thousand dollars, except as otherwise provided in 552  
division ~~(I)(3)~~(M)(3) of this section, identity fraud is a 553  
felony of the third degree. If the value of the credit, 554

property, services, debt, or other legal obligation involved in 555  
the violation or course of conduct is one hundred fifty thousand 556  
dollars or more, except as otherwise provided in division ~~(I) (3)~~ 557  
(M) (3) of this section, identity fraud is a felony of the second 558  
degree. 559

(3) If the victim of the offense is a minor, an elderly 560  
person, disabled adult, active duty service member, or spouse of 561  
an active duty service member, a violation of this section is 562  
identity fraud against a person in a protected class. Except as 563  
otherwise provided in this division, identity fraud against a 564  
person in a protected class is a felony of the fourth degree. If 565  
the value of the credit, property, services, debt, or other 566  
legal obligation involved in the violation or course of conduct 567  
is one thousand dollars or more and is less than seven thousand 568  
five hundred dollars, identity fraud against a person in a 569  
protected class is a felony of the third degree. If the value of 570  
the credit, property, services, debt, or other legal obligation 571  
involved in the violation or course of conduct is seven thousand 572  
five hundred dollars or more and is less than one hundred fifty 573  
thousand dollars, identity fraud against a person in a protected 574  
class is a felony of the second degree. If the value of the 575  
credit, property, services, debt, or other legal obligation 576  
involved in the violation or course of conduct is one hundred 577  
fifty thousand dollars or more, identity fraud against a person 578  
in a protected class is a felony of the first degree. If the 579  
victim of the offense is an elderly person, in addition to any 580  
other penalty imposed for the offense, the offender shall be 581  
required to pay full restitution to the victim and to pay a fine 582  
of up to fifty thousand dollars. The clerk of court shall 583  
forward all fines collected under this division ~~(I) (3) of this~~ 584  
~~section~~ to the county department of job and family services to 585

be used for the reporting and investigation of elder abuse, 586  
neglect, and exploitation or for the provision or arrangement of 587  
protective services under sections 5101.61 to 5101.71 of the 588  
Revised Code. 589

~~(J)~~ (N) In addition to the penalties described in division 590  
~~(I)~~ (M) of this section, anyone injured in person or property by 591  
a violation of division (B), (D), or (E) of this section who is 592  
the owner of the identifying information involved, or whose 593  
persona is replicated, in that violation has a civil action 594  
against the offender pursuant to section 2307.60 of the Revised 595  
Code. That person may also bring a civil action to enjoin or 596  
restrain future acts that would constitute a violation of 597  
division (B), (D), or (E) of this section. 598

(O) In addition to the penalties described in division (M) 599  
of this section, any person injured in person or property by a 600  
violation of division (H) of this section by a replica of the 601  
person's persona has a civil action against the offender 602  
pursuant to section 2307.66 of the Revised Code. 603

(P) This section does not apply to any information service 604  
or system provider that provides or enables computer access by 605  
multiple users to a computer server for libraries or educational 606  
institutions, including a service or system that provides access 607  
to the internet. 608

(Q) This section does not apply to the provider or 609  
developer of any technology used in the creation of a replica of 610  
a person's persona, unless the provider or developer is the same 611  
entity committing a violation of this section. 612

**Section 2.** That existing sections 1345.51, 2907.321, 613  
2907.322, 2907.323, and 2913.49 of the Revised Code are hereby 614

repealed.

615