

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 20**

**Representative Swearingen**

**Cosponsors: Representatives Schmidt, Brennan, Seitz, Miller, K., LaRe, Loychik,  
Hillyer**

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**A BILL**

To amend sections 109.42, 109.572, 109.88, 901.511, 1  
2137.14, 2909.07, 2913.01, 2913.04, 2913.05, 2  
2913.49, 2919.25, 2919.251, 2919.26, 2921.22, 3  
2923.04, 2923.129, 2927.12, 2933.51, 3712.09, 4  
3721.121, 3750.09, 3751.04, and 5503.101 and to 5  
enact sections 2913.86, 2913.87, 2913.88, 6  
2913.89, 2913.90, 2913.91, 2913.92, 2913.93, and 7  
2913.94 of the Revised Code to enact the Ohio 8  
Computer Crimes Act. 9

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

**Section 1.** That sections 109.42, 109.572, 109.88, 901.511, 10  
2137.14, 2909.07, 2913.01, 2913.04, 2913.05, 2913.49, 2919.25, 11  
2919.251, 2919.26, 2921.22, 2923.04, 2923.129, 2927.12, 2933.51, 12  
3712.09, 3721.121, 3750.09, 3751.04, and 5503.101 be amended and 13  
sections 2913.86, 2913.87, 2913.88, 2913.89, 2913.90, 2913.91, 14  
2913.92, 2913.93, and 2913.94 of the Revised Code be enacted to 15  
read as follows: 16

**Sec. 109.42.** (A) The attorney general shall prepare and 17  
have printed a pamphlet that contains a compilation of all 18

statutes relative to victim's rights in which the attorney 19  
general lists and explains the statutes in the form of a 20  
victim's bill of rights. The attorney general shall distribute 21  
the pamphlet to all sheriffs, marshals, municipal corporation 22  
and township police departments, constables, and other law 23  
enforcement agencies, to all prosecuting attorneys, city 24  
directors of law, village solicitors, and other similar chief 25  
legal officers of municipal corporations, and to organizations 26  
that represent or provide services for victims of crime. The 27  
victim's bill of rights set forth in the pamphlet shall contain 28  
a description of all of the rights of victims that are provided 29  
for in Chapter 2930. or in any other section of the Revised Code 30  
and shall include, but not be limited to, all of the following: 31

(1) The right of a victim or a victim's representative to 32  
attend a proceeding before a grand jury, in a juvenile case, or 33  
in a criminal case pursuant to a subpoena without being 34  
discharged from the victim's or representative's employment, 35  
having the victim's or representative's employment terminated, 36  
having the victim's or representative's pay decreased or 37  
withheld, or otherwise being punished, penalized, or threatened 38  
as a result of time lost from regular employment because of the 39  
victim's or representative's attendance at the proceeding 40  
pursuant to the subpoena, as set forth in section 2151.211, 41  
2930.18, 2939.121, or 2945.451 of the Revised Code; 42

(2) The potential availability pursuant to section 43  
2151.359 or 2152.61 of the Revised Code of a forfeited 44  
recognizance to pay damages caused by a child when the 45  
delinquency of the child or child's violation of probation or 46  
community control is found to be proximately caused by the 47  
failure of the child's parent or guardian to subject the child 48  
to reasonable parental authority or to faithfully discharge the 49

conditions of probation or community control;	50
(3) The availability of awards of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code for injuries caused by criminal offenses;	51 52 53
(4) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.06 of the Revised Code, notice of the date, time, and place of the trial or delinquency proceeding in the case or, if there will not be a trial or delinquency proceeding, information from the prosecutor, as defined in section 2930.01 of the Revised Code, regarding the disposition of the case;	54 55 56 57 58 59 60
(5) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the name of the person charged with the violation, the case or docket number assigned to the charge, and a telephone number or numbers that can be called to obtain information about the disposition of the case;	61 62 63 64 65 66 67
(6) The right of the victim in certain criminal or juvenile cases or of the victim's representative pursuant to section 2930.13 or 2930.14 of the Revised Code, subject to any reasonable terms set by the court as authorized under section 2930.14 of the Revised Code, to make a statement about the victimization and, if applicable, a statement relative to the sentencing or disposition of the offender;	68 69 70 71 72 73 74
(7) The opportunity to obtain a court order, pursuant to section 2945.04 of the Revised Code, to prevent or stop the commission of the offense of intimidation of a crime victim or witness or an offense against the person or property of the	75 76 77 78

complainant, or of the complainant's ward or child; 79

(8) The right of the victim in certain criminal or 80  
juvenile cases or a victim's representative pursuant to sections 81  
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 82  
Code to receive notice of a pending motion for judicial release, 83  
release pursuant to section 2967.19 of the Revised Code, or 84  
other early release of the person who committed the offense 85  
against the victim, to make an oral or written statement at the 86  
court hearing on the motion, and to be notified of the court's 87  
decision on the motion; 88

(9) The right of the victim in certain criminal or 89  
juvenile cases or a victim's representative pursuant to section 90  
2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised 91  
Code to receive notice of any pending commutation, pardon, 92  
parole, transitional control, discharge, other form of 93  
authorized release, post-release control, or supervised release 94  
for the person who committed the offense against the victim or 95  
any application for release of that person and to send a written 96  
statement relative to the victimization and the pending action 97  
to the adult parole authority or the release authority of the 98  
department of youth services; 99

(10) The right of the victim to bring a civil action 100  
pursuant to sections 2969.01 to 2969.06 of the Revised Code to 101  
obtain money from the offender's profit fund; 102

(11) The right, pursuant to section 3109.09 of the Revised 103  
Code, to maintain a civil action to recover compensatory damages 104  
not exceeding ten thousand dollars and costs from the parent of 105  
a minor who willfully damages property through the commission of 106  
an act that would be a theft offense, as defined in section 107  
2913.01 of the Revised Code, if committed by an adult; 108

(12) The right, pursuant to section 3109.10 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully and maliciously assaults a person;	109 110 111 112
(13) The possibility of receiving restitution from an offender or a delinquent child pursuant to section 2152.20, 2929.18, or 2929.28 of the Revised Code;	113 114 115
(14) The right of the victim in certain criminal or juvenile cases or a victim's representative, pursuant to section 2930.16 of the Revised Code, to receive notice of the escape from confinement or custody of the person who committed the offense, to receive that notice from the custodial agency of the person at the victim's last address or telephone number provided to the custodial agency, and to receive notice that, if either the victim's address or telephone number changes, it is in the victim's interest to provide the new address or telephone number to the custodial agency;	116 117 118 119 120 121 122 123 124 125
(15) The right of a victim of domestic violence, including domestic violence in a dating relationship as defined in section 3113.31 of the Revised Code, to seek the issuance of a civil protection order pursuant to that section, the right of a victim of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, <u>2913.88</u> , or 2919.22 of the Revised Code, a violation of a substantially similar municipal ordinance, or an offense of violence who is a family or household member of the offender at the time of the offense to seek the issuance of a temporary protection order pursuant to section 2919.26 of the Revised Code, and the right of both types of victims to be accompanied by a victim advocate during court proceedings;	126 127 128 129 130 131 132 133 134 135 136 137
(16) The right of a victim of a sexually oriented offense	138

or of a child-victim oriented offense that is committed by a 139  
person who is convicted of, pleads guilty to, or is adjudicated 140  
a delinquent child for committing the offense and who is in a 141  
category specified in division (B) of section 2950.10 of the 142  
Revised Code to receive, pursuant to that section, notice that 143  
the person has registered with a sheriff under section 2950.04, 144  
2950.041, or 2950.05 of the Revised Code and notice of the 145  
person's name, the person's residence that is registered, and 146  
the offender's school, institution of higher education, or place 147  
of employment address or addresses that are registered, the 148  
person's photograph, and a summary of the manner in which the 149  
victim must make a request to receive the notice. As used in 150  
this division, "sexually oriented offense" and "child-victim 151  
oriented offense" have the same meanings as in section 2950.01 152  
of the Revised Code. 153

(17) The right of a victim of certain sexually violent 154  
offenses committed by an offender who also is convicted of or 155  
pleads guilty to a sexually violent predator specification and 156  
who is sentenced to a prison term pursuant to division (A) (3) of 157  
section 2971.03 of the Revised Code, of a victim of a violation 158  
of division (A) (1) (b) of section 2907.02 of the Revised Code 159  
committed on or after January 2, 2007, by an offender who is 160  
sentenced for the violation pursuant to division (B) (1) (a), (b), 161  
or (c) of section 2971.03 of the Revised Code, of a victim of an 162  
attempted rape committed on or after January 2, 2007, by an 163  
offender who also is convicted of or pleads guilty to a 164  
specification of the type described in section 2941.1418, 165  
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 166  
the violation pursuant to division (B) (2) (a), (b), or (c) of 167  
section 2971.03 of the Revised Code, and of a victim of an 168  
offense that is described in division (B) (3) (a), (b), (c), or 169

(d) of section 2971.03 of the Revised Code and is committed by 170  
an offender who is sentenced pursuant to one of those divisions 171  
to receive, pursuant to section 2930.16 of the Revised Code, 172  
notice of a hearing to determine whether to modify the 173  
requirement that the offender serve the entire prison term in a 174  
state correctional facility, whether to continue, revise, or 175  
revoke any existing modification of that requirement, or whether 176  
to terminate the prison term. As used in this division, 177  
"sexually violent offense" and "sexually violent predator 178  
specification" have the same meanings as in section 2971.01 of 179  
the Revised Code. 180

(B) (1) (a) Subject to division (B) (1) (c) of this section, a 181  
prosecuting attorney, assistant prosecuting attorney, city 182  
director of law, assistant city director of law, village 183  
solicitor, assistant village solicitor, or similar chief legal 184  
officer of a municipal corporation or an assistant of any of 185  
those officers who prosecutes an offense committed in this 186  
state, upon first contact with the victim of the offense, the 187  
victim's family, or the victim's dependents, shall give the 188  
victim, the victim's family, or the victim's dependents a copy 189  
of the pamphlet prepared pursuant to division (A) of this 190  
section and explain, upon request, the information in the 191  
pamphlet to the victim, the victim's family, or the victim's 192  
dependents. 193

(b) Subject to division (B) (1) (c) of this section, a law 194  
enforcement agency that investigates an offense or delinquent 195  
act committed in this state shall give the victim of the offense 196  
or delinquent act, the victim's family, or the victim's 197  
dependents a copy of the pamphlet prepared pursuant to division 198  
(A) of this section at one of the following times: 199

(i) Upon first contact with the victim, the victim's 200  
family, or the victim's dependents; 201

(ii) If the offense or delinquent act is an offense of 202  
violence, if the circumstances of the offense or delinquent act 203  
and the condition of the victim, the victim's family, or the 204  
victim's dependents indicate that the victim, the victim's 205  
family, or the victim's dependents will not be able to 206  
understand the significance of the pamphlet upon first contact 207  
with the agency, and if the agency anticipates that it will have 208  
an additional contact with the victim, the victim's family, or 209  
the victim's dependents, upon the agency's second contact with 210  
the victim, the victim's family, or the victim's dependents. 211

If the agency does not give the victim, the victim's 212  
family, or the victim's dependents a copy of the pamphlet upon 213  
first contact with them and does not have a second contact with 214  
the victim, the victim's family, or the victim's dependents, the 215  
agency shall mail a copy of the pamphlet to the victim, the 216  
victim's family, or the victim's dependents at their last known 217  
address. 218

(c) In complying on and after December 9, 1994, with the 219  
duties imposed by division (B) (1) (a) or (b) of this section, an 220  
official or a law enforcement agency shall use copies of the 221  
pamphlet that are in the official's or agency's possession on 222  
December 9, 1994, until the official or agency has distributed 223  
all of those copies. After the official or agency has 224  
distributed all of those copies, the official or agency shall 225  
use only copies of the pamphlet that contain at least the 226  
information described in divisions (A) (1) to (17) of this 227  
section. 228

(2) The failure of a law enforcement agency or of a 229



prosecuting attorney, assistant prosecuting attorney, city 230  
director of law, assistant city director of law, village 231  
solicitor, assistant village solicitor, or similar chief legal 232  
officer of a municipal corporation or an assistant to any of 233  
those officers to give, as required by division (B)(1) of this 234  
section, the victim of an offense or delinquent act, the 235  
victim's family, or the victim's dependents a copy of the 236  
pamphlet prepared pursuant to division (A) of this section does 237  
not give the victim, the victim's family, the victim's 238  
dependents, or a victim's representative any rights under 239  
section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 240  
2969.06, 3109.09, or 3109.10 of the Revised Code or under any 241  
other provision of the Revised Code and does not affect any 242  
right under those sections. 243

(3) A law enforcement agency, a prosecuting attorney or 244  
assistant prosecuting attorney, or a city director of law, 245  
assistant city director of law, village solicitor, assistant 246  
village solicitor, or similar chief legal officer of a municipal 247  
corporation that distributes a copy of the pamphlet prepared 248  
pursuant to division (A) of this section shall not be required 249  
to distribute a copy of an information card or other printed 250  
material provided by the clerk of the court of claims pursuant 251  
to section 2743.71 of the Revised Code. 252

(C) The cost of printing and distributing the pamphlet 253  
prepared pursuant to division (A) of this section shall be paid 254  
out of the reparations fund, created pursuant to section 255  
2743.191 of the Revised Code, in accordance with division (D) of 256  
that section. 257

(D) As used in this section: 258

(1) "Victim's representative" has the same meaning as in 259

section 2930.01 of the Revised Code;	260
(2) "Victim advocate" has the same meaning as in section 2919.26 of the Revised Code.	261 262
<b>Sec. 109.572.</b> (A) (1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:	263 264 265 266 267 268 269 270 271 272 273
(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been	274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289

committed prior to that date, or a violation of section 2925.11 290  
of the Revised Code that is not a minor drug possession offense; 291

(b) A violation of an existing or former law of this 292  
state, any other state, or the United States that is 293  
substantially equivalent to any of the offenses listed in 294  
division (A) (1) (a) of this section; 295

(c) If the request is made pursuant to section 3319.39 of 296  
the Revised Code for an applicant who is a teacher, any offense 297  
specified under section 9.79 of the Revised Code or in section 298  
3319.31 of the Revised Code. 299

(2) On receipt of a request pursuant to section 3712.09 or 300  
3721.121 of the Revised Code, a completed form prescribed 301  
pursuant to division (C) (1) of this section, and a set of 302  
fingerprint impressions obtained in the manner described in 303  
division (C) (2) of this section, the superintendent of the 304  
bureau of criminal identification and investigation shall 305  
conduct a criminal records check with respect to any person who 306  
has applied for employment in a position for which a criminal 307  
records check is required by those sections. The superintendent 308  
shall conduct the criminal records check in the manner described 309  
in division (B) of this section to determine whether any 310  
information exists that indicates that the person who is the 311  
subject of the request previously has been convicted of or 312  
pleaded guilty to any of the following: 313

(a) A violation of section 2903.01, 2903.02, 2903.03, 314  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 315  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 316  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 317  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 318  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 319

2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2913.87 to 320  
2913.92, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 321  
2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 322  
Revised Code; 323

(b) An existing or former law of this state, any other 324  
state, or the United States that is substantially equivalent to 325  
any of the offenses listed in division (A) (2) (a) of this 326  
section. 327

(3) On receipt of a request pursuant to section 173.27, 328  
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 329  
5123.081, or 5123.169 of the Revised Code, a completed form 330  
prescribed pursuant to division (C) (1) of this section, and a 331  
set of fingerprint impressions obtained in the manner described 332  
in division (C) (2) of this section, the superintendent of the 333  
bureau of criminal identification and investigation shall 334  
conduct a criminal records check of the person for whom the 335  
request is made. The superintendent shall conduct the criminal 336  
records check in the manner described in division (B) of this 337  
section to determine whether any information exists that 338  
indicates that the person who is the subject of the request 339  
previously has been convicted of, has pleaded guilty to, or 340  
(except in the case of a request pursuant to section 5164.34, 341  
5164.341, or 5164.342 of the Revised Code) has been found 342  
eligible for intervention in lieu of conviction for any of the 343  
following, regardless of the date of the conviction, the date of 344  
entry of the guilty plea, or (except in the case of a request 345  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 346  
Revised Code) the date the person was found eligible for 347  
intervention in lieu of conviction: 348

(a) A violation of section 959.13, 959.131, 2903.01, 349

2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13,	350
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341,	351
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33,	352
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	353
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31,	354
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,	355
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	356
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	357
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	358
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	359
2913.49, 2913.51, <u>2913.87 to 2913.92</u> , 2917.01, 2917.02, 2917.03,	360
2917.31, 2919.12, 2919.121, 2919.123, 2919.124, 2919.22,	361
2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 2921.13,	362
2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 2921.36,	363
2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161,	364
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04,	365
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14,	366
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56,	367
2927.12, or 3716.11 of the Revised Code;	368
(b) Felonious sexual penetration in violation of former	369
section 2907.12 of the Revised Code;	370
(c) A violation of section 2905.04 of the Revised Code as	371
it existed prior to July 1, 1996;	372
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	373
the Revised Code when the underlying offense that is the object	374
of the conspiracy, attempt, or complicity is one of the offenses	375
listed in divisions (A) (3) (a) to (c) of this section;	376
(e) A violation of an existing or former municipal	377
ordinance or law of this state, any other state, or the United	378
States that is substantially equivalent to any of the offenses	379

listed in divisions (A) (3) (a) to (d) of this section. 380

(4) On receipt of a request pursuant to section 2151.86 or 381  
2151.904 of the Revised Code, a completed form prescribed 382  
pursuant to division (C) (1) of this section, and a set of 383  
fingerprint impressions obtained in the manner described in 384  
division (C) (2) of this section, the superintendent of the 385  
bureau of criminal identification and investigation shall 386  
conduct a criminal records check in the manner described in 387  
division (B) of this section to determine whether any 388  
information exists that indicates that the person who is the 389  
subject of the request previously has been convicted of or 390  
pleaded guilty to any of the following: 391

(a) A violation of section 959.13, 2903.01, 2903.02, 392  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 393  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 394  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 395  
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 396  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 397  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 398  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 399  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 400  
2927.12, or 3716.11 of the Revised Code, a violation of section 401  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 402  
a violation of section 2919.23 of the Revised Code that would 403  
have been a violation of section 2905.04 of the Revised Code as 404  
it existed prior to July 1, 1996, had the violation been 405  
committed prior to that date, a violation of section 2925.11 of 406  
the Revised Code that is not a minor drug possession offense, 407  
two or more OVI or OVUAC violations committed within the three 408  
years immediately preceding the submission of the application or 409  
petition that is the basis of the request, or felonious sexual 410

penetration in violation of former section 2907.12 of the Revised Code;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A) (4) (a) of this section.

(5) Upon receipt of a request pursuant to section 5104.013 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.87 to 2913.92, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05,

2925.06, or 3716.11 of the Revised Code, felonious sexual 441  
penetration in violation of former section 2907.12 of the 442  
Revised Code, a violation of section 2905.04 of the Revised Code 443  
as it existed prior to July 1, 1996, a violation of section 444  
2919.23 of the Revised Code that would have been a violation of 445  
section 2905.04 of the Revised Code as it existed prior to July 446  
1, 1996, had the violation been committed prior to that date, a 447  
violation of section 2925.11 of the Revised Code that is not a 448  
minor drug possession offense, a violation of section 2923.02 or 449  
2923.03 of the Revised Code that relates to a crime specified in 450  
this division, or a second violation of section 4511.19 of the 451  
Revised Code within five years of the date of application for 452  
licensure or certification. 453

(b) A violation of an existing or former law of this 454  
state, any other state, or the United States that is 455  
substantially equivalent to any of the offenses or violations 456  
described in division (A) (5) (a) of this section. 457

(6) Upon receipt of a request pursuant to section 5153.111 458  
of the Revised Code, a completed form prescribed pursuant to 459  
division (C) (1) of this section, and a set of fingerprint 460  
impressions obtained in the manner described in division (C) (2) 461  
of this section, the superintendent of the bureau of criminal 462  
identification and investigation shall conduct a criminal 463  
records check in the manner described in division (B) of this 464  
section to determine whether any information exists that 465  
indicates that the person who is the subject of the request 466  
previously has been convicted of or pleaded guilty to any of the 467  
following: 468

(a) A violation of section 2903.01, 2903.02, 2903.03, 469  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 470



2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 471  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 472  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 473  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 474  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 475  
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 476  
Code, felonious sexual penetration in violation of former 477  
section 2907.12 of the Revised Code, a violation of section 478  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 479  
a violation of section 2919.23 of the Revised Code that would 480  
have been a violation of section 2905.04 of the Revised Code as 481  
it existed prior to July 1, 1996, had the violation been 482  
committed prior to that date, or a violation of section 2925.11 483  
of the Revised Code that is not a minor drug possession offense; 484

(b) A violation of an existing or former law of this 485  
state, any other state, or the United States that is 486  
substantially equivalent to any of the offenses listed in 487  
division (A) (6) (a) of this section. 488

(7) On receipt of a request for a criminal records check 489  
from an individual pursuant to section 4749.03 or 4749.06 of the 490  
Revised Code, accompanied by a completed copy of the form 491  
prescribed in division (C) (1) of this section and a set of 492  
fingerprint impressions obtained in a manner described in 493  
division (C) (2) of this section, the superintendent of the 494  
bureau of criminal identification and investigation shall 495  
conduct a criminal records check in the manner described in 496  
division (B) of this section to determine whether any 497  
information exists indicating that the person who is the subject 498  
of the request has been convicted of or pleaded guilty to any 499  
criminal offense in this state or in any other state. If the 500  
individual indicates that a firearm will be carried in the 501

course of business, the superintendent shall require information 502  
from the federal bureau of investigation as described in 503  
division (B) (2) of this section. Subject to division (F) of this 504  
section, the superintendent shall report the findings of the 505  
criminal records check and any information the federal bureau of 506  
investigation provides to the director of public safety. 507

(8) On receipt of a request pursuant to section 1321.37, 508  
1321.53, or 4763.05 of the Revised Code, a completed form 509  
prescribed pursuant to division (C) (1) of this section, and a 510  
set of fingerprint impressions obtained in the manner described 511  
in division (C) (2) of this section, the superintendent of the 512  
bureau of criminal identification and investigation shall 513  
conduct a criminal records check with respect to any person who 514  
has applied for a license, permit, or certification from the 515  
department of commerce or a division in the department. The 516  
superintendent shall conduct the criminal records check in the 517  
manner described in division (B) of this section to determine 518  
whether any information exists that indicates that the person 519  
who is the subject of the request previously has been convicted 520  
of or pleaded guilty to any criminal offense in this state, any 521  
other state, or the United States. 522

(9) On receipt of a request for a criminal records check 523  
from the treasurer of state under section 113.041 of the Revised 524  
Code or from an individual under section 928.03, 4701.08, 525  
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 526  
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 527  
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 528  
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 529  
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 530  
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 531  
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 532

Code, accompanied by a completed form prescribed under division 533  
(C) (1) of this section and a set of fingerprint impressions 534  
obtained in the manner described in division (C) (2) of this 535  
section, the superintendent of the bureau of criminal 536  
identification and investigation shall conduct a criminal 537  
records check in the manner described in division (B) of this 538  
section to determine whether any information exists that 539  
indicates that the person who is the subject of the request has 540  
been convicted of or pleaded guilty to any criminal offense in 541  
this state or any other state. Subject to division (F) of this 542  
section, the superintendent shall send the results of a check 543  
requested under section 113.041 of the Revised Code to the 544  
treasurer of state and shall send the results of a check 545  
requested under any of the other listed sections to the 546  
licensing board specified by the individual in the request. 547

(10) On receipt of a request pursuant to section 124.74, 548  
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 549  
Code, a completed form prescribed pursuant to division (C) (1) of 550  
this section, and a set of fingerprint impressions obtained in 551  
the manner described in division (C) (2) of this section, the 552  
superintendent of the bureau of criminal identification and 553  
investigation shall conduct a criminal records check in the 554  
manner described in division (B) of this section to determine 555  
whether any information exists that indicates that the person 556  
who is the subject of the request previously has been convicted 557  
of or pleaded guilty to any criminal offense under any existing 558  
or former law of this state, any other state, or the United 559  
States. 560

(11) On receipt of a request for a criminal records check 561  
from an appointing or licensing authority under section 3772.07 562  
of the Revised Code, a completed form prescribed under division 563

(C) (1) of this section, and a set of fingerprint impressions 564  
obtained in the manner prescribed in division (C) (2) of this 565  
section, the superintendent of the bureau of criminal 566  
identification and investigation shall conduct a criminal 567  
records check in the manner described in division (B) of this 568  
section to determine whether any information exists that 569  
indicates that the person who is the subject of the request 570  
previously has been convicted of or pleaded guilty or no contest 571  
to any offense under any existing or former law of this state, 572  
any other state, or the United States that makes the person 573  
ineligible for appointment or retention under section 3772.07 of 574  
the Revised Code or that is a disqualifying offense as defined 575  
in that section or substantially equivalent to a disqualifying 576  
offense, as applicable. 577

(12) On receipt of a request pursuant to section 2151.33 578  
or 2151.412 of the Revised Code, a completed form prescribed 579  
pursuant to division (C) (1) of this section, and a set of 580  
fingerprint impressions obtained in the manner described in 581  
division (C) (2) of this section, the superintendent of the 582  
bureau of criminal identification and investigation shall 583  
conduct a criminal records check with respect to any person for 584  
whom a criminal records check is required under that section. 585  
The superintendent shall conduct the criminal records check in 586  
the manner described in division (B) of this section to 587  
determine whether any information exists that indicates that the 588  
person who is the subject of the request previously has been 589  
convicted of or pleaded guilty to any of the following: 590

(a) A violation of section 2903.01, 2903.02, 2903.03, 591  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 592  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 593  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 594

2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 595  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 596  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2913.87 to 597  
2913.92, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 598  
2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 599  
Revised Code; 600

(b) An existing or former law of this state, any other 601  
state, or the United States that is substantially equivalent to 602  
any of the offenses listed in division (A)(12)(a) of this 603  
section. 604

(13) On receipt of a request pursuant to section 3796.12 605  
of the Revised Code, a completed form prescribed pursuant to 606  
division (C)(1) of this section, and a set of fingerprint 607  
impressions obtained in a manner described in division (C)(2) of 608  
this section, the superintendent of the bureau of criminal 609  
identification and investigation shall conduct a criminal 610  
records check in the manner described in division (B) of this 611  
section to determine whether any information exists that 612  
indicates that the person who is the subject of the request 613  
previously has been convicted of or pleaded guilty to the 614  
following: 615

(a) A disqualifying offense as specified in rules adopted 616  
under section 9.79 and division (B)(2)(b) of section 3796.03 of 617  
the Revised Code if the person who is the subject of the request 618  
is an administrator or other person responsible for the daily 619  
operation of, or an owner or prospective owner, officer or 620  
prospective officer, or board member or prospective board member 621  
of, an entity seeking a license from the department of commerce 622  
under Chapter 3796. of the Revised Code; 623

(b) A disqualifying offense as specified in rules adopted 624

under section 9.79 and division (B) (2) (b) of section 3796.04 of 625  
the Revised Code if the person who is the subject of the request 626  
is an administrator or other person responsible for the daily 627  
operation of, or an owner or prospective owner, officer or 628  
prospective officer, or board member or prospective board member 629  
of, an entity seeking a license from the state board of pharmacy 630  
under Chapter 3796. of the Revised Code. 631

(14) On receipt of a request required by section 3796.13 632  
of the Revised Code, a completed form prescribed pursuant to 633  
division (C) (1) of this section, and a set of fingerprint 634  
impressions obtained in a manner described in division (C) (2) of 635  
this section, the superintendent of the bureau of criminal 636  
identification and investigation shall conduct a criminal 637  
records check in the manner described in division (B) of this 638  
section to determine whether any information exists that 639  
indicates that the person who is the subject of the request 640  
previously has been convicted of or pleaded guilty to the 641  
following: 642

(a) A disqualifying offense as specified in rules adopted 643  
under division (B) (8) (a) of section 3796.03 of the Revised Code 644  
if the person who is the subject of the request is seeking 645  
employment with an entity licensed by the department of commerce 646  
under Chapter 3796. of the Revised Code; 647

(b) A disqualifying offense as specified in rules adopted 648  
under division (B) (14) (a) of section 3796.04 of the Revised Code 649  
if the person who is the subject of the request is seeking 650  
employment with an entity licensed by the state board of 651  
pharmacy under Chapter 3796. of the Revised Code. 652

(15) On receipt of a request pursuant to section 4768.06 653  
of the Revised Code, a completed form prescribed under division 654

(C) (1) of this section, and a set of fingerprint impressions 655  
obtained in the manner described in division (C) (2) of this 656  
section, the superintendent of the bureau of criminal 657  
identification and investigation shall conduct a criminal 658  
records check in the manner described in division (B) of this 659  
section to determine whether any information exists indicating 660  
that the person who is the subject of the request has been 661  
convicted of or pleaded guilty to any criminal offense in this 662  
state or in any other state. 663

(16) On receipt of a request pursuant to division (B) of 664  
section 4764.07 or division (A) of section 4735.143 of the 665  
Revised Code, a completed form prescribed under division (C) (1) 666  
of this section, and a set of fingerprint impressions obtained 667  
in the manner described in division (C) (2) of this section, the 668  
superintendent of the bureau of criminal identification and 669  
investigation shall conduct a criminal records check in the 670  
manner described in division (B) of this section to determine 671  
whether any information exists indicating that the person who is 672  
the subject of the request has been convicted of or pleaded 673  
guilty to any criminal offense in any state or the United 674  
States. 675

(17) On receipt of a request for a criminal records check 676  
under section 147.022 of the Revised Code, a completed form 677  
prescribed under division (C) (1) of this section, and a set of 678  
fingerprint impressions obtained in the manner prescribed in 679  
division (C) (2) of this section, the superintendent of the 680  
bureau of criminal identification and investigation shall 681  
conduct a criminal records check in the manner described in 682  
division (B) of this section to determine whether any 683  
information exists that indicates that the person who is the 684  
subject of the request previously has been convicted of or 685

pleaded guilty or no contest to any criminal offense under any 686  
existing or former law of this state, any other state, or the 687  
United States. 688

(18) Upon receipt of a request pursuant to division (F) of 689  
section 2915.081 or division (E) of section 2915.082 of the 690  
Revised Code, a completed form prescribed under division (C) (1) 691  
of this section, and a set of fingerprint impressions obtained 692  
in the manner described in division (C) (2) of this section, the 693  
superintendent of the bureau of criminal identification and 694  
investigation shall conduct a criminal records check in the 695  
manner described in division (B) of this section to determine 696  
whether any information exists indicating that the person who is 697  
the subject of the request has been convicted of or pleaded 698  
guilty or no contest to any offense that is a violation of 699  
Chapter 2915. of the Revised Code or to any offense under any 700  
existing or former law of this state, any other state, or the 701  
United States that is substantially equivalent to such an 702  
offense. 703

(19) On receipt of a request pursuant to section 3775.03 704  
of the Revised Code, a completed form prescribed under division 705  
(C) (1) of this section, and a set of fingerprint impressions 706  
obtained in the manner described in division (C) (2) of this 707  
section, the superintendent of the bureau of criminal 708  
identification and investigation shall conduct a criminal 709  
records check in the manner described in division (B) of this 710  
section and shall request information from the federal bureau of 711  
investigation to determine whether any information exists 712  
indicating that the person who is the subject of the request has 713  
been convicted of any offense under any existing or former law 714  
of this state, any other state, or the United States that is a 715  
disqualifying offense as defined in section 3772.07 of the 716



Revised Code. 717

(B) Subject to division (F) of this section, the 718  
superintendent shall conduct any criminal records check to be 719  
conducted under this section as follows: 720

(1) The superintendent shall review or cause to be 721  
reviewed any relevant information gathered and compiled by the 722  
bureau under division (A) of section 109.57 of the Revised Code 723  
that relates to the person who is the subject of the criminal 724  
records check, including, if the criminal records check was 725  
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 726  
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 727  
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 728  
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 729  
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 730  
4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 731  
5123.169, or 5153.111 of the Revised Code, any relevant 732  
information contained in records that have been sealed under 733  
section 2953.32 of the Revised Code; 734

(2) If the request received by the superintendent asks for 735  
information from the federal bureau of investigation, the 736  
superintendent shall request from the federal bureau of 737  
investigation any information it has with respect to the person 738  
who is the subject of the criminal records check, including 739  
fingerprint-based checks of national crime information databases 740  
as described in 42 U.S.C. 671 if the request is made pursuant to 741  
section 2151.86 or 5104.013 of the Revised Code or if any other 742  
Revised Code section requires fingerprint-based checks of that 743  
nature, and shall review or cause to be reviewed any information 744  
the superintendent receives from that bureau. If a request under 745  
section 3319.39 of the Revised Code asks only for information 746

from the federal bureau of investigation, the superintendent 747  
shall not conduct the review prescribed by division (B) (1) of 748  
this section. 749

(3) The superintendent or the superintendent's designee 750  
may request criminal history records from other states or the 751  
federal government pursuant to the national crime prevention and 752  
privacy compact set forth in section 109.571 of the Revised 753  
Code. 754

(4) The superintendent shall include in the results of the 755  
criminal records check a list or description of the offenses 756  
listed or described in the relevant provision of division (A) of 757  
this section. The superintendent shall exclude from the results 758  
any information the dissemination of which is prohibited by 759  
federal law. 760

(5) The superintendent shall send the results of the 761  
criminal records check to the person to whom it is to be sent 762  
not later than the following number of days after the date the 763  
superintendent receives the request for the criminal records 764  
check, the completed form prescribed under division (C) (1) of 765  
this section, and the set of fingerprint impressions obtained in 766  
the manner described in division (C) (2) of this section: 767

(a) If the superintendent is required by division (A) of 768  
this section (other than division (A) (3) of this section) to 769  
conduct the criminal records check, thirty; 770

(b) If the superintendent is required by division (A) (3) 771  
of this section to conduct the criminal records check, sixty. 772

(C) (1) The superintendent shall prescribe a form to obtain 773  
the information necessary to conduct a criminal records check 774  
from any person for whom a criminal records check is to be 775

conducted under this section. The form that the superintendent 776  
prescribes pursuant to this division may be in a tangible 777  
format, in an electronic format, or in both tangible and 778  
electronic formats. 779

(2) The superintendent shall prescribe standard impression 780  
sheets to obtain the fingerprint impressions of any person for 781  
whom a criminal records check is to be conducted under this 782  
section. Any person for whom a records check is to be conducted 783  
under this section shall obtain the fingerprint impressions at a 784  
county sheriff's office, municipal police department, or any 785  
other entity with the ability to make fingerprint impressions on 786  
the standard impression sheets prescribed by the superintendent. 787  
The office, department, or entity may charge the person a 788  
reasonable fee for making the impressions. The standard 789  
impression sheets the superintendent prescribes pursuant to this 790  
division may be in a tangible format, in an electronic format, 791  
or in both tangible and electronic formats. 792

(3) Subject to division (D) of this section, the 793  
superintendent shall prescribe and charge a reasonable fee for 794  
providing a criminal records check under this section. The 795  
person requesting the criminal records check shall pay the fee 796  
prescribed pursuant to this division. In the case of a request 797  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 798  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 799  
fee shall be paid in the manner specified in that section. 800

(4) The superintendent of the bureau of criminal 801  
identification and investigation may prescribe methods of 802  
forwarding fingerprint impressions and information necessary to 803  
conduct a criminal records check, which methods shall include, 804  
but not be limited to, an electronic method. 805

(D) The results of a criminal records check conducted 806  
under this section, other than a criminal records check 807  
specified in division (A) (7) of this section, are valid for the 808  
person who is the subject of the criminal records check for a 809  
period of one year from the date upon which the superintendent 810  
completes the criminal records check. If during that period the 811  
superintendent receives another request for a criminal records 812  
check to be conducted under this section for that person, the 813  
superintendent shall provide the results from the previous 814  
criminal records check of the person at a lower fee than the fee 815  
prescribed for the initial criminal records check. 816

(E) When the superintendent receives a request for 817  
information from a registered private provider, the 818  
superintendent shall proceed as if the request was received from 819  
a school district board of education under section 3319.39 of 820  
the Revised Code. The superintendent shall apply division (A) (1) 821  
(c) of this section to any such request for an applicant who is 822  
a teacher. 823

(F) (1) Subject to division (F) (2) of this section, all 824  
information regarding the results of a criminal records check 825  
conducted under this section that the superintendent reports or 826  
sends under division (A) (7) or (9) of this section to the 827  
director of public safety, the treasurer of state, or the 828  
person, board, or entity that made the request for the criminal 829  
records check shall relate to the conviction of the subject 830  
person, or the subject person's plea of guilty to, a criminal 831  
offense. 832

(2) Division (F) (1) of this section does not limit, 833  
restrict, or preclude the superintendent's release of 834  
information that relates to the arrest of a person who is 835

eighteen years of age or older, to an adjudication of a child as 836  
a delinquent child, or to a criminal conviction of a person 837  
under eighteen years of age in circumstances in which a release 838  
of that nature is authorized under division (E) (2), (3), or (4) 839  
of section 109.57 of the Revised Code pursuant to a rule adopted 840  
under division (E) (1) of that section. 841

(G) As used in this section: 842

(1) "Criminal records check" means any criminal records 843  
check conducted by the superintendent of the bureau of criminal 844  
identification and investigation in accordance with division (B) 845  
of this section. 846

(2) "Minor drug possession offense" has the same meaning 847  
as in section 2925.01 of the Revised Code. 848

(3) "OVI or OVUAC violation" means a violation of section 849  
4511.19 of the Revised Code or a violation of an existing or 850  
former law of this state, any other state, or the United States 851  
that is substantially equivalent to section 4511.19 of the 852  
Revised Code. 853

(4) "Registered private provider" means a nonpublic school 854  
or entity registered with the superintendent of public 855  
instruction under section 3310.41 of the Revised Code to 856  
participate in the autism scholarship program or section 3310.58 857  
of the Revised Code to participate in the Jon Peterson special 858  
needs scholarship program. 859

**Sec. 109.88.** (A) If the attorney general has reasonable 860  
cause to believe that a person or enterprise has engaged in, is 861  
engaging in, or is preparing to engage in a violation of any 862  
provision of section 2913.04 ~~or~~, 2913.05, or 2913.87 to 2913.92 863  
of the Revised Code, the attorney general may investigate the 864

alleged violation. 865

(B) For purposes of an investigation under division (A) of 866  
this section, the attorney general may issue subpoenas and 867  
subpoenas duces tecum. The attorney general may compel the 868  
attendance of witnesses and the production of records and papers 869  
of all kinds and descriptions that are relevant to the 870  
investigation, including, but not limited to, any books, 871  
accounts, documents, and memoranda pertaining to the subject of 872  
the investigation. Upon the failure of any person to comply with 873  
any subpoena or subpoena duces tecum issued by the attorney 874  
general under this section, the attorney general may apply to 875  
the court of common pleas in Franklin county or in any county in 876  
which an element of the crime occurred for a contempt order as 877  
in the case of disobedience of the requirements of a subpoena 878  
issued from the court of common pleas or a refusal to testify on 879  
a subpoena. A subpoena or subpoena duces tecum issued by the 880  
attorney general under this section to a provider of electronic 881  
communication services or remote computing services shall be 882  
subject to the limitations set forth in the "Electronic 883  
Communications Privacy Act of 1986," 18 U.S.C. 2703. 884

(C) Any information gathered by the attorney general 885  
during the course of the investigation that is in the possession 886  
of the attorney general, a prosecuting attorney, a law 887  
enforcement agency, or a special prosecutor is a confidential 888  
law enforcement investigatory record for purposes of section 889  
149.43 of the Revised Code. No provision contained in this 890  
section affects or limits any right of discovery granted to any 891  
person under the Revised Code, the Rules of Criminal Procedure, 892  
or the Rules of Juvenile Procedure. 893

(D) In order to initiate a criminal proceeding under this 894

section, the attorney general shall first present in writing any 895  
evidence of a violation of section 2913.04 or 2913.05 of the 896  
Revised Code to the prosecuting attorney of a county in which 897  
the action may be brought. If within forty-five days the 898  
prosecuting attorney has not presented the case to a grand jury, 899  
the attorney general may prosecute the case with all of the 900  
rights, privileges, and powers conferred by law on a prosecuting 901  
attorney, including the power to appear before a grand jury, to 902  
interrogate witnesses before a grand jury, and to handle a case 903  
that comes out of a grand jury to its procedural conclusion, 904  
including an indictment, plea, trial, sentencing, diversion, and 905  
appeal. These powers of the attorney general shall be in 906  
addition to any other applicable powers of the attorney general. 907

**Sec. 901.511.** (A) As used in this section: 908

(1) "Agricultural product" means any of the following 909  
items that is produced for testing or research in the context of 910  
a product development program in conjunction or coordination 911  
with a private research facility, a university, or any federal, 912  
state, or local governmental agency or that is produced for 913  
personal, commercial, pharmaceutical, or educational purposes: 914  
field crop or field crop product; timber or timber product; 915  
forestry product; livestock or livestock product; meat or meat 916  
product; milk or dairy product; poultry or poultry product; 917  
equine animal; wool; fruit or vegetable crop; aquacultural 918  
product; algacultural product; horticultural crop, including 919  
plant materials grown in a greenhouse, nursery stock grown 920  
inside or outside of a container, ornamental grass, turf grass, 921  
ornamental trees, ornamental shrubs, or flowers; sod; mushrooms; 922  
viticultural product; apicultural product; tobacco; pasture; 923  
wild animal or domestic deer, as "wild animal" and "domestic 924  
deer" are defined in section 1531.01 of the Revised Code; 925

monitored captive deer, captive deer with status, or captive 926  
deer with certified chronic wasting disease status as defined in 927  
section 943.01 of the Revised Code; or any combination of those 928  
items. 929

(2) "Algacultural product" means algal paste, algal 930  
powder, or dried algae that is comprised primarily of algal 931  
biomass. 932

(3) "Equipment" means any implement, machinery, real or 933  
personal property, building, or structure that is used in the 934  
production, growing, harvesting, or housing of any agricultural 935  
product. "Equipment" also includes any laboratory, research, 936  
product, samples, supplies, or fixed equipment that is used to 937  
test, develop, or analyze the process of producing, growing, or 938  
maintaining any agricultural product. 939

(4) "Material support or resources" means currency, 940  
payment instruments, other financial securities, financial 941  
services, lodging, training, safehouses, false documentation or 942  
identification, communications equipment, facilities, weapons, 943  
lethal substances, explosives, personnel, transportation, and 944  
other physical assets, except medicine or religious materials. 945

(5) "Payment instrument" means a check, draft, money 946  
order, traveler's check, cashier's check, teller's check, or 947  
other instrument or order for the transmission or payment of 948  
money regardless of whether the item in question is negotiable. 949

(6) "Specified offense" means either of the following: 950

(a) A violation of section 2909.02, 2909.03, 2909.05, 951  
2909.06, 2909.07, 2911.13, 2911.21, 2913.02, 2913.04, ~~or~~ 952  
2913.42, or 2913.87 to 2913.92 of the Revised Code; 953

(b) An attempt to commit, complicity in committing, or a 954



conspiracy to commit an offense listed in division (A) (5) (a) of this section.	955 956
(B) No person shall commit a specified offense involving any agricultural product or equipment with the intent to do any of the following:	957 958 959
(1) Intimidate or coerce a civilian population;	960
(2) Influence the policy of any government by intimidation or coercion;	961 962
(3) Affect the conduct of any government;	963
(4) Interrupt or interfere with agricultural production, agricultural research, or equipment for purposes of disrupting or influencing, through intimidation or other means, consumer confidence or agricultural production methods.	964 965 966 967
Division (B) of this section does not apply to the practice of veterinary medicine by a person who has been issued a valid license, temporary permit, or registration certificate to practice veterinary medicine under Chapter 4741. of the Revised Code. As used in this division, "practice of veterinary medicine" has the same meaning as in section 4741.01 of the Revised Code.	968 969 970 971 972 973 974
(C) No person shall raise, solicit, collect, donate, or provide any material support or resources with the purpose that the material support or resources will be used in whole or in part to plan, prepare, carry out, or aid in either a violation of division (B) of this section or in the concealment of, or an escape from, a violation of that division.	975 976 977 978 979 980
(D) (1) In addition to the penalties established in section 901.99 of the Revised Code for a violation of this section, the	981 982

court may require any person who violates this section to pay 983  
the victim of the offense an amount up to triple the value of 984  
the agricultural product or equipment that was the subject of 985  
the violation. 986

(2) In ordering restitution under division (D)(1) of this 987  
section, the court shall consider as part of the value of the 988  
agricultural product or equipment the market value of the 989  
agricultural product or equipment prior to the violation and the 990  
production, research, testing, replacement, and development 991  
costs directly related to the agricultural product or equipment 992  
that was the subject of the violation. 993

(E) The enactment of this section is not intended to 994  
require the prosecution exclusively under this section of an 995  
act, series of acts, or course of behavior that could be 996  
prosecuted either under this section or under another section of 997  
the Revised Code. One or more acts, series of acts, or courses 998  
of behavior that may be prosecuted either under this section or 999  
under another section of the Revised Code may be prosecuted 1000  
under this section, the other section, or both sections. 1001

**Sec. 2137.14.** (A) The legal duties imposed on a fiduciary 1002  
charged with managing tangible property apply to the management 1003  
of digital assets, including all of the following: 1004

(1) The duty of care; 1005

(2) The duty of loyalty; 1006

(3) The duty of confidentiality. 1007

(B) All of the following apply to a fiduciary's or 1008  
designated recipient's authority with respect to a digital asset 1009  
of a user: 1010

(1) Except as otherwise provided in section 2137.03 of the Revised Code, it is subject to the applicable terms of service. 1011  
1012

(2) It is subject to other applicable laws, including copyright law. 1013  
1014

(3) In the case of a fiduciary, it is limited by the scope of the fiduciary's duties. 1015  
1016

(4) It may not be used to impersonate the user. 1017

(C) A fiduciary with authority over the property of a decedent, ward, principal, or settlor has the right to access any digital asset in which the decedent, ward, principal, or settlor had a right or interest and that is not held by a custodian or subject to a terms-of-service agreement. 1018  
1019  
1020  
1021  
1022

(D) A fiduciary acting within the scope of the fiduciary's duties is an authorized user of the property of the decedent, ward, principal, or settlor for the purpose of applicable computer fraud and unauthorized computer access laws, including section ~~2913.04~~2913.87 of the Revised Code. 1023  
1024  
1025  
1026  
1027

(E) Both of the following apply to a fiduciary with authority over the tangible, personal property of a decedent, ward, principal, or settlor: 1028  
1029  
1030

(1) The fiduciary has the right to access the property and any digital asset stored in it. 1031  
1032

(2) The fiduciary is an authorized user for the purpose of computer fraud and unauthorized computer access laws, including section ~~2913.04~~2913.87 of the Revised Code. 1033  
1034  
1035

(F) A custodian may disclose information in an account to a fiduciary of the user when the information is required to terminate an account used to access digital assets licensed to 1036  
1037  
1038

the user. 1039

(G) A fiduciary of a user may request a custodian to 1040  
terminate the user's account. A request for termination shall be 1041  
in writing, in either physical or electronic form, and 1042  
accompanied by all of the following: 1043

(1) If the user is deceased, a copy of the death 1044  
certificate of the user; 1045

(2) A copy of the instrument giving the fiduciary 1046  
authority over the account, as follows: 1047

(a) For a personal representative, a copy of the letter of 1048  
appointment of the personal representative, the entry appointing 1049  
a commissioner under division (E) of section 2113.03 of the 1050  
Revised Code, or the entry granting summary release from 1051  
administration under division (E) of section 2113.031 of the 1052  
Revised Code; 1053

(b) For an agent, a copy of the power of attorney; 1054

(c) For a trustee, either a copy of the trust instrument 1055  
and a certification by the trustee, under penalty of perjury, 1056  
that the trust exists and the trustee is a currently acting 1057  
trustee of the trust or a certification of the trust under 1058  
section 5810.13 of the Revised Code; or 1059

(d) For a guardian, a copy of the court order giving the 1060  
guardian authority over the ward. 1061

(3) If requested by the custodian, any of the following: 1062

(a) A number, username, address, or other unique 1063  
subscriber or account identifier assigned by the custodian to 1064  
identify the user's account; 1065

(b) Evidence linking the account to the user;	1066
(c) A finding by the court that the user had a specific account with the custodian, identifiable by the information specified in division (G) (3) (a) of this section.	1067 1068 1069
<b>Sec. 2909.07.</b> (A) No person shall:	1070
(1) Without privilege to do so, knowingly move, deface, damage, destroy, or otherwise improperly tamper with either of the following:	1071 1072 1073
(a) The property of another;	1074
(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:	1075 1076 1077
(i) The residential real property is subject to a mortgage.	1078 1079
(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.	1080 1081 1082 1083 1084
(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;	1085 1086 1087 1088 1089
(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;	1090 1091 1092 1093

(4) Without privilege to do so, knowingly move, deface, 1094  
damage, destroy, or otherwise improperly tamper with any safety 1095  
device, the property of another, or the property of the offender 1096  
when required or placed for the safety of others, so as to 1097  
destroy or diminish its effectiveness or availability for its 1098  
intended purpose; 1099

(5) With purpose to interfere with the use or enjoyment of 1100  
the property of another, set a fire on the land of another or 1101  
place personal property that has been set on fire on the land of 1102  
another, which fire or personal property is outside and apart 1103  
from any building, other structure, or personal property that is 1104  
on that land; 1105

~~(6) Without privilege to do so, and with intent to impair 1106  
the functioning of any computer, computer system, computer 1107  
network, computer software, or computer program, knowingly do 1108  
any of the following: 1109~~

~~(a) In any manner or by any means, including, but not 1110  
limited to, computer hacking, alter, damage, destroy, or modify 1111  
a computer, computer system, computer network, computer 1112  
software, or computer program or data contained in a computer, 1113  
computer system, computer network, computer software, or 1114  
computer program; 1115~~

~~(b) Introduce a computer contaminant into a computer, 1116  
computer system, computer network, computer software, or 1117  
computer program. 1118~~

~~(7) Without privilege to do so, knowingly destroy or 1119  
improperly tamper with a critical infrastructure facility. 1120~~

(B) As used in this section: 1121

(1) "Safety device" means any fire extinguisher, fire 1122

hose, or fire axe, or any fire escape, emergency exit, or 1123  
emergency escape equipment, or any life line, life-saving ring, 1124  
life preserver, or life boat or raft, or any alarm, light, 1125  
flare, signal, sign, or notice intended to warn of danger or 1126  
emergency, or intended for other safety purposes, or any guard 1127  
railing or safety barricade, or any traffic sign or signal, or 1128  
any railroad grade crossing sign, signal, or gate, or any first 1129  
aid or survival equipment, or any other device, apparatus, or 1130  
equipment intended for protecting or preserving the safety of 1131  
persons or property. 1132

(2) "Critical infrastructure facility" has the same 1133  
meaning as in section 2911.21 of the Revised Code. 1134

(3) "Improperly tamper" means to change the physical 1135  
location or the physical condition of the property. 1136

(C) (1) Whoever violates this section is guilty of criminal 1137  
mischief, ~~and shall be punished as provided in division (C) (2),~~ 1138  
~~(3), or (4) of this section.~~ 1139

(2) Except as otherwise provided in this division, 1140  
criminal mischief committed in violation of division (A) (1), 1141  
(2), (3), (4), or (5) of this section is a misdemeanor of the 1142  
third degree. Except as otherwise provided in this division, if 1143  
the violation ~~of division (A) (1), (2), (3), (4), or (5) of this~~ 1144  
~~section~~ creates a risk of physical harm to any person, criminal 1145  
mischief ~~committed in violation of division (A) (1), (2), (3),~~ 1146  
~~(4), or (5) of this section~~ is a misdemeanor of the first 1147  
degree. If the property involved in the violation ~~of division~~ 1148  
~~(A) (1), (2), (3), (4), or (5) of this section~~ is an aircraft, an 1149  
aircraft engine, propeller, appliance, spare part, fuel, 1150  
lubricant, hydraulic fluid, any other equipment, implement, or 1151  
material used or intended to be used in the operation of an 1152

aircraft, or any cargo carried or intended to be carried in an 1153  
aircraft, criminal mischief ~~committed in violation of division~~ 1154  
~~(A) (1), (2), (3), (4), or (5) of this section~~ is one of the 1155  
following: 1156

(a) If the violation creates a risk of physical harm to 1157  
any person, except as otherwise provided in division (C) (2) (b) 1158  
of this section, criminal mischief ~~committed in violation of~~ 1159  
~~division (A) (1), (2), (3), (4), or (5) of this section~~ is a 1160  
felony of the fifth degree. 1161

(b) If the violation creates a substantial risk of 1162  
physical harm to any person or if the property involved in a 1163  
violation of this section is an occupied aircraft, criminal 1164  
mischief ~~committed in violation of division (A) (1), (2), (3),~~ 1165  
~~(4), or (5) of this section~~ is a felony of the fourth degree. 1166

(3) ~~Except as otherwise provided in this division,~~ 1167  
~~criminal mischief committed in violation of division (A) (6) of~~ 1168  
~~this section is a misdemeanor of the first degree. Except as~~ 1169  
~~otherwise provided in this division, if the value of the~~ 1170  
~~computer, computer system, computer network, computer software,~~ 1171  
~~computer program, or data involved in the violation of division~~ 1172  
~~(A) (6) of this section or the loss to the victim resulting from~~ 1173  
~~the violation is one thousand dollars or more and less than ten~~ 1174  
~~thousand dollars, or if the computer, computer system, computer~~ 1175  
~~network, computer software, computer program, or data involved~~ 1176  
~~in the violation of division (A) (6) of this section is used or~~ 1177  
~~intended to be used in the operation of an aircraft and the~~ 1178  
~~violation creates a risk of physical harm to any person,~~ 1179  
~~criminal mischief committed in violation of division (A) (6) of~~ 1180  
~~this section is a felony of the fifth degree. If the value of~~ 1181  
~~the computer, computer system, computer network, computer~~ 1182



~~software, computer program, or data involved in the violation of~~ 1183  
~~division (A) (6) of this section or the loss to the victim~~ 1184  
~~resulting from the violation is ten thousand dollars or more, or~~ 1185  
~~if the computer, computer system, computer network, computer~~ 1186  
~~software, computer program, or data involved in the violation of~~ 1187  
~~division (A) (6) of this section is used or intended to be used~~ 1188  
~~in the operation of an aircraft and the violation creates a~~ 1189  
~~substantial risk of physical harm to any person or the aircraft~~ 1190  
~~in question is an occupied aircraft, criminal mischief committed~~ 1191  
~~in violation of division (A) (6) of this section is a felony of~~ 1192  
~~the fourth degree.~~ 1193

~~(4)~~ Criminal mischief committed in violation of division 1194  
~~(A) (7)~~ (A) (6) of this section is a felony of the third degree. 1195

**Sec. 2913.01.** As used in this chapter, unless the context 1196  
requires that a term be given a different meaning: 1197

(A) "Deception" means knowingly deceiving another or 1198  
causing another to be deceived by any false or misleading 1199  
representation, by withholding information, by preventing 1200  
another from acquiring information, or by any other conduct, 1201  
act, or omission that creates, confirms, or perpetuates a false 1202  
impression in another, including a false impression as to law, 1203  
value, state of mind, or other objective or subjective fact. 1204

(B) "Defraud" means to knowingly obtain, by deception, 1205  
some benefit for oneself or another, or to knowingly cause, by 1206  
deception, some detriment to another. 1207

(C) "Deprive" means to do any of the following: 1208

(1) Withhold property of another permanently, or for a 1209  
period that appropriates a substantial portion of its value or 1210  
use, or with purpose to restore it only upon payment of a reward 1211

or other consideration; 1212

(2) Dispose of property so as to make it unlikely that the 1213  
owner will recover it; 1214

(3) Accept, use, or appropriate money, property, or 1215  
services, with purpose not to give proper consideration in 1216  
return for the money, property, or services, and without 1217  
reasonable justification or excuse for not giving proper 1218  
consideration. 1219

(D) "Owner" means, unless the context requires a different 1220  
meaning, any person, other than the actor, who is the owner of, 1221  
who has possession or control of, or who has any license or 1222  
interest in property or services, even though the ownership, 1223  
possession, control, license, or interest is unlawful. 1224

(E) "Services" include labor, personal services, 1225  
professional services, rental services, public utility services 1226  
including wireless service as defined in division (F)(1) of 1227  
section 128.01 of the Revised Code, common carrier services, and 1228  
food, drink, transportation, entertainment, and cable television 1229  
services and, for purposes of section 2913.04 of the Revised 1230  
Code, include cable services as defined in that section. 1231

(F) "Writing" means any computer software, document, 1232  
letter, memorandum, note, paper, plate, data, film, or other 1233  
thing having in or upon it any written, typewritten, or printed 1234  
matter, and any token, stamp, seal, credit card, badge, 1235  
trademark, label, or other symbol of value, right, privilege, 1236  
license, or identification. 1237

(G) "Forge" means to fabricate or create, in whole or in 1238  
part and by any means, any spurious writing, or to make, 1239  
execute, alter, complete, reproduce, or otherwise purport to 1240

authenticate any writing, when the writing in fact is not 1241  
authenticated by that conduct. 1242

(H) "Utter" means to issue, publish, transfer, use, put or 1243  
send into circulation, deliver, or display. 1244

(I) "Coin machine" means any mechanical or electronic 1245  
device designed to do both of the following: 1246

(1) Receive a coin, bill, or token made for that purpose; 1247

(2) In return for the insertion or deposit of a coin, 1248  
bill, or token, automatically dispense property, provide a 1249  
service, or grant a license. 1250

(J) "Slug" means an object that, by virtue of its size, 1251  
shape, composition, or other quality, is capable of being 1252  
inserted or deposited in a coin machine as an improper 1253  
substitute for a genuine coin, bill, or token made for that 1254  
purpose. 1255

(K) "Theft offense" means any of the following: 1256

(1) A violation of section 2911.01, 2911.02, 2911.11, 1257  
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 1258  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 1259  
2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 1260  
2913.47, 2913.48, former section 2913.47 or 2913.48, or section 1261  
2913.51, 2913.87 to 2913.92, 2915.05, or 2921.41 of the Revised 1262  
Code; 1263

(2) A violation of an existing or former municipal 1264  
ordinance or law of this or any other state, or of the United 1265  
States, substantially equivalent to any section listed in 1266  
division (K) (1) of this section or a violation of section 1267  
2913.41, 2913.81, or 2915.06 of the Revised Code as it existed 1268

prior to July 1, 1996; 1269

(3) An offense under an existing or former municipal 1270  
ordinance or law of this or any other state, or of the United 1271  
States, involving robbery, burglary, breaking and entering, 1272  
theft, embezzlement, wrongful conversion, forgery, 1273  
counterfeiting, deceit, or fraud; 1274

(4) A conspiracy or attempt to commit, or complicity in 1275  
committing, any offense under division (K) (1), (2), or (3) of 1276  
this section. 1277

(L) "Computer services" includes, but is not limited to, 1278  
the use of a computer system, computer network, computer 1279  
program, data that is prepared for computer use, or data that is 1280  
contained within a computer system or computer network. 1281

(M) "Computer" means an electronic device that performs 1282  
logical, arithmetic, and memory functions by the manipulation of 1283  
electronic or magnetic impulses. "Computer" includes, but is not 1284  
limited to, all input, output, processing, storage, computer 1285  
program, or communication facilities that are connected, or 1286  
related, in a computer system or network to an electronic device 1287  
of that nature. 1288

(N) "Computer system" means a computer and related 1289  
devices, whether connected or unconnected, including, but not 1290  
limited to, data input, output, and storage devices, data 1291  
communications links, and computer programs and data that make 1292  
the system capable of performing specified special purpose data 1293  
processing tasks. 1294

(O) "Computer network" means a set of related and remotely 1295  
connected computers and communication facilities that includes 1296  
more than one computer system that has the capability to 1297

transmit among the connected computers and communication 1298  
facilities through the use of computer facilities. 1299

(P) "Computer program" means an ordered set of data 1300  
representing coded instructions or statements that, when 1301  
executed by a computer, cause the computer to process data. 1302

(Q) "Computer software" means computer programs, 1303  
procedures, and other documentation associated with the 1304  
operation of a computer system. 1305

(R) "Data" means a representation of information, 1306  
knowledge, facts, concepts, or instructions that are being or 1307  
have been prepared in a formalized manner and that are intended 1308  
for use in a computer, computer system, or computer network. For 1309  
purposes of section 2913.47 of the Revised Code, "data" has the 1310  
additional meaning set forth in division (A) of that section. 1311

(S) "Cable television service" means any services provided 1312  
by or through the facilities of any cable television system or 1313  
other similar closed circuit coaxial cable communications 1314  
system, or any microwave or similar transmission service used in 1315  
connection with any cable television system or other similar 1316  
closed circuit coaxial cable communications system. 1317

(T) "Gain access" means to approach, instruct, communicate 1318  
with, store data in, retrieve data from, or otherwise make use 1319  
of any resources of a computer, computer system, or computer 1320  
network, or any cable service or cable system both as defined in 1321  
section 2913.04 of the Revised Code. 1322

(U) "Credit card" includes, but is not limited to, a card, 1323  
code, device, or other means of access to a customer's account 1324  
for the purpose of obtaining money, property, labor, or services 1325  
on credit, or for initiating an electronic fund transfer at a 1326

point-of-sale terminal, an automated teller machine, or a cash 1327  
dispensing machine. It also includes a county procurement card 1328  
issued under section 301.29 of the Revised Code. 1329

(V) "Electronic fund transfer" has the same meaning as in 1330  
92 Stat. 3728, 15 U.S.C.A. 1693a, as amended. 1331

(W) "Rented property" means personal property in which the 1332  
right of possession and use of the property is for a short and 1333  
possibly indeterminate term in return for consideration; the 1334  
rentee generally controls the duration of possession of the 1335  
property, within any applicable minimum or maximum term; and the 1336  
amount of consideration generally is determined by the duration 1337  
of possession of the property. 1338

(X) "Telecommunication" means the origination, emission, 1339  
dissemination, transmission, or reception of data, images, 1340  
signals, sounds, or other intelligence or equivalence of 1341  
intelligence of any nature over any communications system by any 1342  
method, including, but not limited to, a fiber optic, 1343  
electronic, magnetic, optical, digital, or analog method. 1344

(Y) "Telecommunications device" means any instrument, 1345  
equipment, machine, or other device that facilitates 1346  
telecommunication, including, but not limited to, a computer, 1347  
computer network, computer chip, computer circuit, scanner, 1348  
telephone, cellular telephone, pager, personal communications 1349  
device, transponder, receiver, radio, modem, or device that 1350  
enables the use of a modem. 1351

(Z) "Telecommunications service" means the providing, 1352  
allowing, facilitating, or generating of any form of 1353  
telecommunication through the use of a telecommunications device 1354  
over a telecommunications system. 1355

(AA) "Counterfeit telecommunications device" means a 1356  
telecommunications device that, alone or with another 1357  
telecommunications device, has been altered, constructed, 1358  
manufactured, or programmed to acquire, intercept, receive, or 1359  
otherwise facilitate the use of a telecommunications service or 1360  
information service without the authority or consent of the 1361  
provider of the telecommunications service or information 1362  
service. "Counterfeit telecommunications device" includes, but 1363  
is not limited to, a clone telephone, clone microchip, tumbler 1364  
telephone, or tumbler microchip; a wireless scanning device 1365  
capable of acquiring, intercepting, receiving, or otherwise 1366  
facilitating the use of telecommunications service or 1367  
information service without immediate detection; or a device, 1368  
equipment, hardware, or software designed for, or capable of, 1369  
altering or changing the electronic serial number in a wireless 1370  
telephone. 1371

(BB) (1) "Information service" means, subject to division 1372  
(BB) (2) of this section, the offering of a capability for 1373  
generating, acquiring, storing, transforming, processing, 1374  
retrieving, utilizing, or making available information via 1375  
telecommunications, including, but not limited to, electronic 1376  
publishing. 1377

(2) "Information service" does not include any use of a 1378  
capability of a type described in division (BB) (1) of this 1379  
section for the management, control, or operation of a 1380  
telecommunications system or the management of a 1381  
telecommunications service. 1382

(CC) "Elderly person" means a person who is sixty-five 1383  
years of age or older. 1384

(DD) "Disabled adult" means a person who is eighteen years 1385

of age or older and has some impairment of body or mind that 1386  
makes the person unable to work at any substantially 1387  
remunerative employment that the person otherwise would be able 1388  
to perform and that will, with reasonable probability, continue 1389  
for a period of at least twelve months without any present 1390  
indication of recovery from the impairment, or who is eighteen 1391  
years of age or older and has been certified as permanently and 1392  
totally disabled by an agency of this state or the United States 1393  
that has the function of so classifying persons. 1394

(EE) "Firearm" and "dangerous ordnance" have the same 1395  
meanings as in section 2923.11 of the Revised Code. 1396

(FF) "Motor vehicle" has the same meaning as in section 1397  
4501.01 of the Revised Code. 1398

(GG) "Dangerous drug" has the same meaning as in section 1399  
4729.01 of the Revised Code. 1400

(HH) "Drug abuse offense" has the same meaning as in 1401  
section 2925.01 of the Revised Code. 1402

(II) (1) "Computer hacking" means any of the following: 1403

(a) Gaining access or attempting to gain access to all or 1404  
part of a computer, computer system, or a computer network 1405  
without express or implied authorization with the intent to 1406  
defraud or with intent to commit a crime; 1407

(b) Misusing computer or network services including, but 1408  
not limited to, mail transfer programs, file transfer programs, 1409  
proxy servers, and web servers by performing functions not 1410  
authorized by the owner of the computer, computer system, or 1411  
computer network or other person authorized to give consent. As 1412  
used in this division, "misuse of computer and network services" 1413  
includes, but is not limited to, the unauthorized use of any of 1414



the following: 1415

(i) Mail transfer programs to send mail to persons other 1416  
than the authorized users of that computer or computer network; 1417

(ii) File transfer program proxy services or proxy servers 1418  
to access other computers, computer systems, or computer 1419  
networks; 1420

(iii) Web servers to redirect users to other web pages or 1421  
web servers. 1422

(c) (i) Subject to division (II) (1) (c) (ii) of this section, 1423  
using a group of computer programs commonly known as "port 1424  
scanners" or "probes" to intentionally access any computer, 1425  
computer system, or computer network without the permission of 1426  
the owner of the computer, computer system, or computer network 1427  
or other person authorized to give consent. The group of 1428  
computer programs referred to in this division includes, but is 1429  
not limited to, those computer programs that use a computer 1430  
network to access a computer, computer system, or another 1431  
computer network to determine any of the following: the presence 1432  
or types of computers or computer systems on a network; the 1433  
computer network's facilities and capabilities; the availability 1434  
of computer or network services; the presence or versions of 1435  
computer software including, but not limited to, operating 1436  
systems, computer services, or computer contaminants; the 1437  
presence of a known computer software deficiency that can be 1438  
used to gain unauthorized access to a computer, computer system, 1439  
or computer network; or any other information about a computer, 1440  
computer system, or computer network not necessary for the 1441  
normal and lawful operation of the computer initiating the 1442  
access. 1443

(ii) The group of computer programs referred to in 1444  
division (II) (1) (c) (i) of this section does not include standard 1445  
computer software used for the normal operation, administration, 1446  
management, and test of a computer, computer system, or computer 1447  
network including, but not limited to, domain name services, 1448  
mail transfer services, and other operating system services, 1449  
computer programs commonly called "ping," "tcpdump," and 1450  
"traceroute" and other network monitoring and management 1451  
computer software, and computer programs commonly known as 1452  
"nslookup" and "whois" and other systems administration computer 1453  
software. 1454

(d) The intentional use of a computer, computer system, or 1455  
a computer network in a manner that exceeds any right or 1456  
permission granted by the owner of the computer, computer 1457  
system, or computer network or other person authorized to give 1458  
consent. 1459

(2) "Computer hacking" does not include the introduction 1460  
of a computer contaminant, as defined in section 2909.01 of the 1461  
Revised Code, into a computer, computer system, computer 1462  
program, or computer network. 1463

(JJ) "Police dog or horse" has the same meaning as in 1464  
section 2921.321 of the Revised Code. 1465

(KK) "Anhydrous ammonia" is a compound formed by the 1466  
combination of two gaseous elements, nitrogen and hydrogen, in 1467  
the manner described in this division. Anhydrous ammonia is one 1468  
part nitrogen to three parts hydrogen (NH<sub>3</sub>). Anhydrous ammonia 1469  
by weight is fourteen parts nitrogen to three parts hydrogen, 1470  
which is approximately eighty-two per cent nitrogen to eighteen 1471  
per cent hydrogen. 1472

(LL) "Assistance dog" has the same meaning as in section 1473  
955.011 of the Revised Code. 1474

(MM) "Federally licensed firearms dealer" has the same 1475  
meaning as in section 5502.63 of the Revised Code. 1476

(NN) "Active duty service member" means any member of the 1477  
armed forces of the United States performing active duty under 1478  
title 10 of the United States Code. 1479

**Sec. 2913.04.** (A) No person shall knowingly use or operate 1480  
the property of another without the consent of the owner or 1481  
person authorized to give consent. 1482

(B) No person, in any manner and by any means, including, 1483  
but not limited to, computer hacking, shall knowingly gain 1484  
access to, attempt to gain access to, or cause access to be 1485  
gained to any ~~computer, computer system, computer network,~~ cable 1486  
service, cable system, telecommunications device, 1487  
telecommunications service, or information service without the 1488  
consent of, or beyond the scope of the express or implied 1489  
consent of, the owner of the ~~computer, computer system, computer~~ 1490  
~~network,~~ cable service, cable system, telecommunications device, 1491  
telecommunications service, or information service or other 1492  
person authorized to give consent. 1493

(C) Except as permitted under section 5503.101 of the 1494  
Revised Code, no person shall knowingly gain access to, attempt 1495  
to gain access to, cause access to be granted to, or disseminate 1496  
information gained from access to the law enforcement automated 1497  
database system created pursuant to section 5503.10 of the 1498  
Revised Code without the consent of, or beyond the scope of the 1499  
express or implied consent of, the chair of the law enforcement 1500  
automated data system steering committee. 1501

(D) No person shall knowingly gain access to, attempt to  
gain access to, cause access to be granted to, or disseminate  
information gained from access to the Ohio law enforcement  
gateway established and operated pursuant to division (C) (1) of  
section 109.57 of the Revised Code without the consent of, or  
beyond the scope of the express or implied consent of, the  
superintendent of the bureau of criminal identification and  
investigation.

(E) The affirmative defenses contained in division (C) of  
section 2913.03 of the Revised Code are affirmative defenses to  
a charge under this section.

(F) (1) Whoever violates division (A) of this section is  
guilty of unauthorized use of property.

(2) Except as otherwise provided in division (F) (3) or (4)  
of this section, unauthorized use of property is a misdemeanor  
of the fourth degree.

(3) Except as otherwise provided in division (F) (4) of  
this section, if unauthorized use of property is committed for  
the purpose of devising or executing a scheme to defraud or to  
obtain property or services, unauthorized use of property is  
whichever of the following is applicable:

(a) Except as otherwise provided in division (F) (3) (b),  
(c), or (d) of this section, a misdemeanor of the first degree.

(b) If the value of the property or services or the loss  
to the victim is one thousand dollars or more and is less than  
seven thousand five hundred dollars, a felony of the fifth  
degree.

(c) If the value of the property or services or the loss  
to the victim is seven thousand five hundred dollars or more and

is less than one hundred fifty thousand dollars, a felony of the 1531  
fourth degree. 1532

(d) If the value of the property or services or the loss 1533  
to the victim is one hundred fifty thousand dollars or more, a 1534  
felony of the third degree. 1535

(4) If the victim of the offense is an elderly person or 1536  
disabled adult, unauthorized use of property is whichever of the 1537  
following is applicable: 1538

(a) Except as otherwise provided in division (F) (4) (b), 1539  
(c), or (d) of this section, a felony of the fifth degree; 1540

(b) If the value of the property or services or loss to 1541  
the victim is one thousand dollars or more and is less than 1542  
seven thousand five hundred dollars, a felony of the fourth 1543  
degree; 1544

(c) If the value of the property or services or loss to 1545  
the victim is seven thousand five hundred dollars or more and is 1546  
less than thirty-seven thousand five hundred dollars, a felony 1547  
of the third degree; 1548

(d) If the value of the property or services or loss to 1549  
the victim is thirty-seven thousand five hundred dollars or 1550  
more, a felony of the second degree. 1551

(G) (1) Whoever violates division (B) of this section is 1552  
guilty of unauthorized use of ~~computer, cable,~~ or 1553  
telecommunication property, and shall be punished as provided in 1554  
division (G) (2), (3), or (4) of this section. 1555

(2) Except as otherwise provided in division (G) (3) or (4) 1556  
of this section, unauthorized use of ~~computer, cable,~~ or 1557  
telecommunication property is a felony of the fifth degree. 1558

(3) Except as otherwise provided in division (G) (4) of 1559  
this section, if unauthorized use of ~~computer, cable,~~ or 1560  
telecommunication property is committed for the purpose of 1561  
devising or executing a scheme to defraud or to obtain property 1562  
or services, for obtaining money, property, or services by false 1563  
or fraudulent pretenses, or for committing any other criminal 1564  
offense, unauthorized use of ~~computer, cable,~~ or 1565  
telecommunication property is whichever of the following is 1566  
applicable: 1567

(a) Except as otherwise provided in division (G) (3) (b) of 1568  
this section, if the value of the property or services involved 1569  
or the loss to the victim is seven thousand five hundred dollars 1570  
or more and less than one hundred fifty thousand dollars, a 1571  
felony of the fourth degree; 1572

(b) If the value of the property or services involved or 1573  
the loss to the victim is one hundred fifty thousand dollars or 1574  
more, a felony of the third degree. 1575

(4) If the victim of the offense is an elderly person or 1576  
disabled adult, unauthorized use of ~~computer, cable,~~ or 1577  
telecommunication property is whichever of the following is 1578  
applicable: 1579

(a) Except as otherwise provided in division (G) (4) (b), 1580  
(c), or (d) of this section, a felony of the fifth degree; 1581

(b) If the value of the property or services or loss to 1582  
the victim is one thousand dollars or more and is less than 1583  
seven thousand five hundred dollars, a felony of the fourth 1584  
degree; 1585

(c) If the value of the property or services or loss to 1586  
the victim is seven thousand five hundred dollars or more and is 1587

less than thirty-seven thousand five hundred dollars, a felony 1588  
of the third degree; 1589

(d) If the value of the property or services or loss to 1590  
the victim is thirty-seven thousand five hundred dollars or 1591  
more, a felony of the second degree. 1592

(H) Whoever violates division (C) of this section is 1593  
guilty of unauthorized use of the law enforcement automated 1594  
database system, a felony of the fifth degree. 1595

(I) Whoever violates division (D) of this section is 1596  
guilty of unauthorized use of the Ohio law enforcement gateway, 1597  
a felony of the fifth degree. 1598

(J) As used in this section: 1599

(1) "Cable operator" means any person or group of persons 1600  
that does either of the following: 1601

(a) Provides cable service over a cable system and 1602  
directly or through one or more affiliates owns a significant 1603  
interest in that cable system; 1604

(b) Otherwise controls or is responsible for, through any 1605  
arrangement, the management and operation of a cable system. 1606

(2) "Cable service" means any of the following: 1607

(a) The one-way transmission to subscribers of video 1608  
programming or of information that a cable operator makes 1609  
available to all subscribers generally; 1610

(b) Subscriber interaction, if any, that is required for 1611  
the selection or use of video programming or of information that 1612  
a cable operator makes available to all subscribers generally, 1613  
both as described in division (J) (2) (a) of this section; 1614

(c) Any cable television service. 1615

(3) "Cable system" means any facility, consisting of a set 1616  
of closed transmission paths and associated signal generation, 1617  
reception, and control equipment that is designed to provide 1618  
cable service that includes video programming and that is 1619  
provided to multiple subscribers within a community. "Cable 1620  
system" does not include any of the following: 1621

(a) Any facility that serves only to retransmit the 1622  
television signals of one or more television broadcast stations; 1623

(b) Any facility that serves subscribers without using any 1624  
public right-of-way; 1625

(c) Any facility of a common carrier that, under 47 1626  
U.S.C.A. 522(7) (c), is excluded from the term "cable system" as 1627  
defined in 47 U.S.C.A. 522(7); 1628

(d) Any open video system that complies with 47 U.S.C.A. 1629  
573; 1630

(e) Any facility of any electric utility used solely for 1631  
operating its electric utility system. 1632

(K) No person shall plead guilty to or be convicted of 1633  
violating both this section and section 2913.87 of the Revised 1634  
Code for the same underlying action. 1635

**Sec. 2913.05.** (A) No person, having devised a scheme to 1636  
defraud, shall knowingly disseminate, transmit, or cause to be 1637  
disseminated or transmitted by means of a wire, radio, 1638  
satellite, telecommunication, telecommunications device, 1639  
telecommunications service, or voice over internet protocol 1640  
service any writing, data, sign, signal, picture, sound, or 1641  
image with purpose to execute or otherwise further the scheme to 1642



defraud. 1643

(B) No person, with the intent to defraud, cause harm, or 1644  
wrongfully obtain anything of value, shall knowingly cause, 1645  
directly or indirectly, any caller identification service to 1646  
transmit or display misleading or inaccurate caller 1647  
identification information in connection with any 1648  
telecommunication service or voice over internet protocol 1649  
service. 1650

(C) Divisions (A) and (B) of this section do not apply to 1651  
any of the following: 1652

(1) A person who uses a telephone number that is 1653  
identified as "unknown" or "blocked" or who leaves a message and 1654  
includes the person's true identity; 1655

(2) Any lawfully authorized investigative, protective, or 1656  
intelligence activity of a law enforcement agency of the United 1657  
States, a state, a county, or a political subdivision of a 1658  
state; 1659

(3) Any activity engaged in pursuant to a court order that 1660  
specifically authorizes the use of caller identification 1661  
manipulation. 1662

(D) If an offender commits a violation of division (A) or 1663  
(B) of this section and the violation occurs as part of a course 1664  
of conduct involving other violations of division (A) or (B) of 1665  
this section or violations of, attempts to violate, conspiracies 1666  
to violate, or complicity in violations of section 2913.02, 1667  
2913.04, 2913.11, 2913.21, 2913.31, 2913.42, 2913.43, 2913.87 to 1668  
2913.92, or 2921.13 of the Revised Code, the court, in 1669  
determining the degree of the offense pursuant to division (E) 1670  
of this section, may aggregate the value of the benefit obtained 1671

by the offender or of the detriment to the victim of the fraud 1672  
in the violations involved in that course of conduct. The course 1673  
of conduct may involve one victim or more than one victim. 1674

(E) (1) Whoever violates this section is guilty of 1675  
telecommunications fraud. Except as otherwise provided in this 1676  
division, telecommunications fraud is a felony of the fifth 1677  
degree. If the value of the benefit obtained by the offender or 1678  
of the detriment to the victim of the fraud is one thousand 1679  
dollars or more but less than seven thousand five hundred 1680  
dollars, telecommunications fraud is a felony of the fourth 1681  
degree. If the value of the benefit obtained by the offender or 1682  
of the detriment to the victim of the fraud is seven thousand 1683  
five hundred dollars or more but less than one hundred fifty 1684  
thousand dollars, telecommunications fraud is a felony of the 1685  
third degree. If the value of the benefit obtained by the 1686  
offender or of the detriment to the victims of the fraud is one 1687  
hundred fifty thousand dollars or more but less than one million 1688  
dollars, telecommunications fraud is a felony of the second 1689  
degree. If the value of the benefit obtained by the offender or 1690  
of the detriment to the victims of the fraud is one million 1691  
dollars or more, telecommunications fraud is a felony of the 1692  
first degree. 1693

(2) If the victim of a violation of this section is an 1694  
elderly person, disabled adult, active duty service member, or 1695  
spouse of an active duty service member, telecommunications 1696  
fraud is a felony of the fourth degree. 1697

(F) As used in this section, "voice over internet protocol 1698  
service" has the same meaning as in section 4927.01 of the 1699  
Revised Code. 1700

**Sec. 2913.49.** (A) As used in this section, "personal 1701

identifying information" includes, but is not limited to, the 1702  
following: the name, address, telephone number, driver's 1703  
license, driver's license number, commercial driver's license, 1704  
commercial driver's license number, state identification card, 1705  
state identification card number, social security card, social 1706  
security number, birth certificate, place of employment, 1707  
employee identification number, mother's maiden name, demand 1708  
deposit account number, savings account number, money market 1709  
account number, mutual fund account number, other financial 1710  
account number, personal identification number, password, or 1711  
credit card number of a living or dead individual. 1712

(B) No person, without the express or implied consent of 1713  
the other person, shall use, obtain, or possess any personal 1714  
identifying information of another person with intent to do 1715  
either of the following: 1716

(1) Hold the person out to be the other person; 1717

(2) Represent the other person's personal identifying 1718  
information as the person's own personal identifying 1719  
information. 1720

(C) No person shall create, obtain, possess, or use the 1721  
personal identifying information of any person with the intent 1722  
to aid or abet another person in violating division (B) of this 1723  
section. 1724

(D) No person, with intent to defraud, shall permit 1725  
another person to use the person's own personal identifying 1726  
information. 1727

(E) No person who is permitted to use another person's 1728  
personal identifying information as described in division (D) of 1729  
this section shall use, obtain, or possess the other person's 1730

personal identifying information with intent to defraud any 1731  
person by doing any act identified in division (B) (1) or (2) of 1732  
this section. 1733

(F) (1) It is an affirmative defense to a charge under 1734  
division (B) of this section that the person using the personal 1735  
identifying information is acting in accordance with a legally 1736  
recognized guardianship or conservatorship or as a trustee or 1737  
fiduciary. 1738

(2) It is an affirmative defense to a charge under 1739  
division (B), (C), (D), or (E) of this section that either of 1740  
the following applies: 1741

(a) The person or entity using, obtaining, possessing, or 1742  
creating the personal identifying information or permitting it 1743  
to be used is a law enforcement agency, authorized fraud 1744  
personnel, or a representative of or attorney for a law 1745  
enforcement agency or authorized fraud personnel and is using, 1746  
obtaining, possessing, or creating the personal identifying 1747  
information or permitting it to be used, with prior consent 1748  
given as specified in this division, in a bona fide 1749  
investigation, an information security evaluation, a pretext 1750  
calling evaluation, or a similar matter. The prior consent 1751  
required under this division shall be given by the person whose 1752  
personal identifying information is being used, obtained, 1753  
possessed, or created or is being permitted to be used or, if 1754  
the person whose personal identifying information is being used, 1755  
obtained, possessed, or created or is being permitted to be used 1756  
is deceased, by that deceased person's executor, or a member of 1757  
that deceased person's family, or that deceased person's 1758  
attorney. The prior consent required under this division may be 1759  
given orally or in writing by the person whose personal 1760

identifying information is being used, obtained, possessed, or 1761  
created or is being permitted to be used or that person's 1762  
executor, or family member, or attorney. 1763

(b) The personal identifying information was obtained, 1764  
possessed, used, created, or permitted to be used for a lawful 1765  
purpose, provided that division (F) (2) (b) of this section does 1766  
not apply if the person or entity using, obtaining, possessing, 1767  
or creating the personal identifying information or permitting 1768  
it to be used is a law enforcement agency, authorized fraud 1769  
personnel, or a representative of or attorney for a law 1770  
enforcement agency or authorized fraud personnel that is using, 1771  
obtaining, possessing, or creating the personal identifying 1772  
information or permitting it to be used in an investigation, an 1773  
information security evaluation, a pretext calling evaluation, 1774  
or similar matter. 1775

(G) It is not a defense to a charge under this section 1776  
that the person whose personal identifying information was 1777  
obtained, possessed, used, created, or permitted to be used was 1778  
deceased at the time of the offense. 1779

(H) (1) If an offender commits a violation of division (B), 1780  
(D), or (E) of this section and the violation occurs as part of 1781  
a course of conduct involving other violations of division (B), 1782  
(D), or (E) of this section or violations of, attempts to 1783  
violate, conspiracies to violate, or complicity in violations of 1784  
division (C) of this section or section 2913.02, 2913.04, 1785  
2913.11, 2913.21, 2913.31, 2913.42, 2913.43, 2913.87 to 2913.92, 1786  
or 2921.13 of the Revised Code, the court, in determining the 1787  
degree of the offense pursuant to division (I) of this section, 1788  
may aggregate all credit, property, or services obtained or 1789  
sought to be obtained by the offender and all debts or other 1790

legal obligations avoided or sought to be avoided by the 1791  
offender in the violations involved in that course of conduct. 1792  
The course of conduct may involve one victim or more than one 1793  
victim. 1794

(2) If an offender commits a violation of division (C) of 1795  
this section and the violation occurs as part of a course of 1796  
conduct involving other violations of division (C) of this 1797  
section or violations of, attempts to violate, conspiracies to 1798  
violate, or complicity in violations of division (B), (D), or 1799  
(E) of this section or section 2913.02, 2913.04, 2913.11, 1800  
2913.21, 2913.31, 2913.42, 2913.43, 2913.87 to 2913.92, or 1801  
2921.13 of the Revised Code, the court, in determining the 1802  
degree of the offense pursuant to division (I) of this section, 1803  
may aggregate all credit, property, or services obtained or 1804  
sought to be obtained by the person aided or abetted and all 1805  
debts or other legal obligations avoided or sought to be avoided 1806  
by the person aided or abetted in the violations involved in 1807  
that course of conduct. The course of conduct may involve one 1808  
victim or more than one victim. 1809

(I) (1) Whoever violates this section is guilty of identity 1810  
fraud. 1811

(2) Except as otherwise provided in this division or 1812  
division (I) (3) of this section, identity fraud is a felony of 1813  
the fifth degree. If the value of the credit, property, 1814  
services, debt, or other legal obligation involved in the 1815  
violation or course of conduct is one thousand dollars or more 1816  
and is less than seven thousand five hundred dollars, except as 1817  
otherwise provided in division (I) (3) of this section, identity 1818  
fraud is a felony of the fourth degree. If the value of the 1819  
credit, property, services, debt, or other legal obligation 1820

involved in the violation or course of conduct is seven thousand 1821  
five hundred dollars or more and is less than one hundred fifty 1822  
thousand dollars, except as otherwise provided in division (I) 1823  
(3) of this section, identity fraud is a felony of the third 1824  
degree. If the value of the credit, property, services, debt, or 1825  
other legal obligation involved in the violation or course of 1826  
conduct is one hundred fifty thousand dollars or more, except as 1827  
otherwise provided in division (I)(3) of this section, identity 1828  
fraud is a felony of the second degree. 1829

(3) If the victim of the offense is an elderly person, 1830  
disabled adult, active duty service member, or spouse of an 1831  
active duty service member, a violation of this section is 1832  
identity fraud against a person in a protected class. Except as 1833  
otherwise provided in this division, identity fraud against a 1834  
person in a protected class is a felony of the fourth degree. If 1835  
the value of the credit, property, services, debt, or other 1836  
legal obligation involved in the violation or course of conduct 1837  
is one thousand dollars or more and is less than seven thousand 1838  
five hundred dollars, identity fraud against a person in a 1839  
protected class is a felony of the third degree. If the value of 1840  
the credit, property, services, debt, or other legal obligation 1841  
involved in the violation or course of conduct is seven thousand 1842  
five hundred dollars or more and is less than one hundred fifty 1843  
thousand dollars, identity fraud against a person in a protected 1844  
class is a felony of the second degree. If the value of the 1845  
credit, property, services, debt, or other legal obligation 1846  
involved in the violation or course of conduct is one hundred 1847  
fifty thousand dollars or more, identity fraud against a person 1848  
in a protected class is a felony of the first degree. If the 1849  
victim of the offense is an elderly person, in addition to any 1850  
other penalty imposed for the offense, the offender shall be 1851

required to pay full restitution to the victim and to pay a fine 1852  
of up to fifty thousand dollars. The clerk of court shall 1853  
forward all fines collected under division (I) (3) of this 1854  
section to the county department of job and family services to 1855  
be used for the reporting and investigation of elder abuse, 1856  
neglect, and exploitation or for the provision or arrangement of 1857  
protective services under sections 5101.61 to 5101.71 of the 1858  
Revised Code. 1859

(J) In addition to the penalties described in division (I) 1860  
of this section, anyone injured in person or property by a 1861  
violation of division (B), (D), or (E) of this section who is 1862  
the owner of the identifying information involved in that 1863  
violation has a civil action against the offender pursuant to 1864  
section 2307.60 of the Revised Code. That person may also bring 1865  
a civil action to enjoin or restrain future acts that would 1866  
constitute a violation of division (B), (D), or (E) of this 1867  
section. 1868

Sec. 2913.86. As used in sections 2913.86 to 2913.93 of 1869  
the Revised Code: 1870

(A) "Computer service" includes a data processing service, 1871  
a storage function, an internet service, an electronic mail 1872  
service, an electronic message service, web site access, an 1873  
internet-based electronic gaming service, and any other similar 1874  
computer system, computer network, or internet-based service. 1875

(B) "Electronic record" has the same meaning as in section 1876  
1306.01 of the Revised Code. 1877

(C) "Malware" means a set of computer instructions that is 1878  
designed or used to modify, damage, destroy, disable, deny, or 1879  
degrade access to; gain access to; functionally impair; or 1880



record or transmit information within a computer, computer 1881  
system, or computer network without the authorization of the 1882  
owner or other person authorized to give consent. 1883

(D) "State" and "political subdivision" have the same 1884  
meanings as in section 2744.01 of the Revised Code. 1885

**Sec. 2913.87.** (A) No person shall knowingly and without 1886  
authorization gain access to or cause access to be gained to a 1887  
computer, computer system, or computer network when either of 1888  
the following applies: 1889

(1) The access is gained or caused to be gained with the 1890  
intent to commit a crime in violation of state law. 1891

(2) The computer, computer system, or computer network is 1892  
maintained by the state or a political subdivision. 1893

(B) No person shall knowingly and without authorization 1894  
gain access to or cause access to be gained to a computer, 1895  
computer system, or computer network under circumstances not 1896  
constituting a violation of division (A) of this section. 1897

(C) (1) Whoever violates division (A) or (B) of this 1898  
section is guilty of computer trespass. 1899

(2) Except as provided in division (C) (3), (4), or (5) of 1900  
this section: 1901

(a) A violation of division (A) of this section is a 1902  
felony of the fourth degree. 1903

(b) A violation of division (B) of this section is a 1904  
felony of the fifth degree. 1905

(3) Except as provided in division (C) (5) of this section, 1906  
if the computer, computer system, or computer network involved 1907

in the violation of division (A) or (B) of this section is used 1908  
or intended to be used in the operation of an aircraft and the 1909  
violation creates a substantial risk of physical harm to any 1910  
person or the aircraft in question is an occupied aircraft, then 1911  
the violation is a felony of the third degree. 1912

(4) Except as provided in division (C) (5) of this section, 1913  
if a person commits computer trespass for the purpose of doing 1914  
any of the following, and the value of the property or services 1915  
involved or the loss to the victim is one hundred fifty thousand 1916  
dollars or more, then the violation is a felony of the third 1917  
degree: 1918

(a) Devising or executing a scheme to defraud or to obtain 1919  
property or services; 1920

(b) Obtaining money, property, or services by false or 1921  
fraudulent pretenses; 1922

(c) Committing any other criminal offense. 1923

(5) (a) If the offender acted recklessly with regard to the 1924  
status of the victim of the offense as an elderly person or 1925  
disabled adult, and the value of the property or services or 1926  
loss to the victim is seven thousand five hundred dollars or 1927  
more and less than thirty-seven thousand five hundred dollars, 1928  
then the violation is a felony of the third degree. 1929

(b) If the offender acted recklessly with regard to the 1930  
status of the victim of the offense as an elderly person or 1931  
disabled adult, and the value of the property or services or 1932  
loss to the victim is thirty-seven thousand five hundred dollars 1933  
or more, then the violation is a felony of the second degree. 1934

(D) A person commits a separate violation of this section 1935  
with regard to each computer trespass in violation of division 1936

(A) or (B) of this section. 1937

**Sec. 2913.88.** (A) No person shall knowingly and without 1938  
authorization cause the transmission of data, a computer 1939  
program, or an electronic command that interrupts or suspends 1940  
access to or use of a computer network or computer service with 1941  
the intent to impair the functioning of a computer network or 1942  
computer service. 1943

(B) Whoever violates this section is guilty of electronic 1944  
computer service interference, a felony of the fourth degree. 1945

**Sec. 2913.89.** (A) When any of the following applies, no 1946  
person shall knowingly and without authorization alter data as 1947  
it travels between two computer systems over an open or unsecure 1948  
network or introduce malware into any electronic data, computer, 1949  
computer system, or computer network: 1950

(1) The person intended to devise or execute a scheme to 1951  
defraud, deceive, or extort. 1952

(2) The person intended to commit any other crime in 1953  
violation of a state law. 1954

(3) The person intended to wrongfully control or obtain 1955  
property or wrongfully gain access to electronic data. 1956

(4) The electronic data, computer, computer system, or 1957  
computer network is maintained by the state or a political 1958  
subdivision. 1959

(B) Whoever violates this section is guilty of electronic 1960  
data tampering, a felony of the fourth degree. 1961

**Sec. 2913.90.** (A) No person shall knowingly and without 1962  
authorization alter data as it travels between two computer 1963  
systems over an open or unsecure network or introduce malware 1964

into any electronic data, computer, computer system, or computer network under circumstances not constituting a violation of section 2913.89 of the Revised Code. 1965  
1966  
1967

(B) Whoever violates this section is guilty of electronic data manipulation, a felony of the fourth degree. 1968  
1969

**Sec. 2913.91.** (A) No person shall knowingly and without authorization obtain electronic data with the intent to do either of the following: 1970  
1971  
1972

(1) Devise or execute any scheme to defraud, deceive, extort, or commit any crime in violation of state law; 1973  
1974

(2) Wrongfully control or obtain property or wrongfully gain access to electronic data. 1975  
1976

(B) Whoever violates this section is guilty of electronic data theft, a felony of the fourth degree. 1977  
1978

**Sec. 2913.92.** (A) No person shall knowingly and without authorization make or cause to be made a display, use, disclosure, or copy of data residing in, communicated by, or produced by a computer, computer system, or computer network. 1979  
1980  
1981  
1982

(B) No person shall knowingly and without authorization disclose a password, identifying code, personal identification number, or other confidential information that is used as a means of access to a computer, computer system, computer network, or computer service. 1983  
1984  
1985  
1986  
1987

(C) Whoever violates this section is guilty of unauthorized data disclosure, a felony of the fourth degree. 1988  
1989

**Sec. 2913.93.** (A) In addition to any other civil remedy available, the owner or lessee of any electronic data, computer, computer system, or computer network who suffers damage or loss 1990  
1991  
1992

by reason of a violation of any provision of sections 2913.87 to 1993  
2913.92 of the Revised Code may bring a civil action against a 1994  
person who violates such a provision for compensatory damages 1995  
and injunctive or other equitable relief pursuant to section 1996  
2307.60 of the Revised Code. Compensatory damages shall include 1997  
any cost reasonably and necessarily incurred by the owner or 1998  
lessee to verify that the electronic data, computer, computer 1999  
system, or computer network, was not altered, damaged, or 2000  
deleted by the violation. 2001

(B) In any action brought pursuant to division (A) of this 2002  
section, the court may award reasonable attorney's fees to the 2003  
owner or lessee who suffered the damage or loss. 2004

(C) No action may be brought pursuant to division (A) of 2005  
this section unless it is initiated within two years of the date 2006  
of the act complained of or the date of the discovery of the 2007  
damage, whichever is later. 2008

**Sec. 2913.94.** (A) Sections 2913.87 to 2913.92 of the 2009  
Revised Code shall not be construed to prohibit actions by a 2010  
person within the scope of the person's lawful employment. For 2011  
purposes of this section, a person acts within the scope of the 2012  
person's lawful employment when the person performs acts that 2013  
are reasonably necessary to the performance of the person's work 2014  
assignments or duties. 2015

(B) A person does not violate sections 2913.87 to 2913.92 2016  
of the Revised Code if the person mistakenly goes beyond the 2017  
scope of the person's lawful employment. 2018

**Sec. 2919.25.** (A) No person shall knowingly cause or 2019  
attempt to cause physical harm to a family or household member. 2020

(B) No person shall recklessly cause serious physical harm 2021

to a family or household member. 2022

(C) No person, by threat of force, shall knowingly cause a 2023  
family or household member to believe that the offender will 2024  
cause imminent physical harm to the family or household member. 2025

(D) (1) Whoever violates this section is guilty of domestic 2026  
violence, and the court shall sentence the offender as provided 2027  
in divisions (D) (2) to (6) of this section. 2028

(2) Except as otherwise provided in divisions (D) (3) to 2029  
(5) of this section, a violation of division (C) of this section 2030  
is a misdemeanor of the fourth degree, and a violation of 2031  
division (A) or (B) of this section is a misdemeanor of the 2032  
first degree. 2033

(3) Except as otherwise provided in division (D) (4) of 2034  
this section, if the offender previously has pleaded guilty to 2035  
or been convicted of domestic violence, a violation of an 2036  
existing or former municipal ordinance or law of this or any 2037  
other state or the United States that is substantially similar 2038  
to domestic violence, a violation of section 2903.14, 2909.06, 2039  
2909.07, 2911.12, 2911.211, 2913.88, or 2919.22 of the Revised 2040  
Code if the victim of the violation was a family or household 2041  
member at the time of the violation, a violation of an existing 2042  
or former municipal ordinance or law of this or any other state 2043  
or the United States that is substantially similar to any of 2044  
those sections if the victim of the violation was a family or 2045  
household member at the time of the commission of the violation, 2046  
or any offense of violence if the victim of the offense was a 2047  
family or household member at the time of the commission of the 2048  
offense, a violation of division (A) or (B) of this section is a 2049  
felony of the fourth degree, and, if the offender knew that the 2050  
victim of the violation was pregnant at the time of the 2051

violation, the court shall impose a mandatory prison term on the 2052  
offender pursuant to division (D)(6) of this section, and a 2053  
violation of division (C) of this section is a misdemeanor of 2054  
the second degree. 2055

(4) If the offender previously has pleaded guilty to or 2056  
been convicted of two or more offenses of domestic violence or 2057  
two or more violations or offenses of the type described in 2058  
division (D)(3) of this section involving a person who was a 2059  
family or household member at the time of the violations or 2060  
offenses, a violation of division (A) or (B) of this section is 2061  
a felony of the third degree, and, if the offender knew that the 2062  
victim of the violation was pregnant at the time of the 2063  
violation, the court shall impose a mandatory prison term on the 2064  
offender pursuant to division (D)(6) of this section, and a 2065  
violation of division (C) of this section is a misdemeanor of 2066  
the first degree. 2067

(5) Except as otherwise provided in division (D)(3) or (4) 2068  
of this section, if the offender knew that the victim of the 2069  
violation was pregnant at the time of the violation, a violation 2070  
of division (A) or (B) of this section is a felony of the fifth 2071  
degree, and the court shall impose a mandatory prison term on 2072  
the offender pursuant to division (D)(6) of this section, and a 2073  
violation of division (C) of this section is a misdemeanor of 2074  
the third degree. 2075

(6) If division (D)(3), (4), or (5) of this section 2076  
requires the court that sentences an offender for a violation of 2077  
division (A) or (B) of this section to impose a mandatory prison 2078  
term on the offender pursuant to this division, the court shall 2079  
impose the mandatory prison term as follows: 2080

(a) If the violation of division (A) or (B) of this 2081

section is a felony of the fourth or fifth degree, except as 2082  
otherwise provided in division (D) (6) (b) or (c) of this section, 2083  
the court shall impose a mandatory prison term on the offender 2084  
of at least six months. 2085

(b) If the violation of division (A) or (B) of this 2086  
section is a felony of the fifth degree and the offender, in 2087  
committing the violation, caused serious physical harm to the 2088  
pregnant woman's unborn or caused the termination of the 2089  
pregnant woman's pregnancy, the court shall impose a mandatory 2090  
prison term on the offender of twelve months. 2091

(c) If the violation of division (A) or (B) of this 2092  
section is a felony of the fourth degree and the offender, in 2093  
committing the violation, caused serious physical harm to the 2094  
pregnant woman's unborn or caused the termination of the 2095  
pregnant woman's pregnancy, the court shall impose a mandatory 2096  
prison term on the offender of at least twelve months. 2097

(d) If the violation of division (A) or (B) of this 2098  
section is a felony of the third degree, except as otherwise 2099  
provided in division (D) (6) (e) of this section and 2100  
notwithstanding the range of definite prison terms prescribed in 2101  
division (A) (3) of section 2929.14 of the Revised Code for a 2102  
felony of the third degree, the court shall impose a mandatory 2103  
prison term on the offender of either a definite term of six 2104  
months or one of the prison terms prescribed in division (A) (3) 2105  
(b) of section 2929.14 of the Revised Code for felonies of the 2106  
third degree. 2107

(e) If the violation of division (A) or (B) of this 2108  
section is a felony of the third degree and the offender, in 2109  
committing the violation, caused serious physical harm to the 2110  
pregnant woman's unborn or caused the termination of the 2111



pregnant woman's pregnancy, notwithstanding the range of 2112  
definite prison terms prescribed in division (A) (3) of section 2113  
2929.14 of the Revised Code for a felony of the third degree, 2114  
the court shall impose a mandatory prison term on the offender 2115  
of either a definite term of one year or one of the prison terms 2116  
prescribed in division (A) (3) (b) of section 2929.14 of the 2117  
Revised Code for felonies of the third degree. 2118

(E) Notwithstanding any provision of law to the contrary, 2119  
no court or unit of state or local government shall charge any 2120  
fee, cost, deposit, or money in connection with the filing of 2121  
charges against a person alleging that the person violated this 2122  
section or a municipal ordinance substantially similar to this 2123  
section or in connection with the prosecution of any charges so 2124  
filed. 2125

(F) As used in this section and sections 2919.251 and 2126  
2919.26 of the Revised Code: 2127

(1) "Family or household member" means any of the 2128  
following: 2129

(a) Any of the following who is residing or has resided 2130  
with the offender: 2131

(i) A spouse, a person living as a spouse, or a former 2132  
spouse of the offender; 2133

(ii) A parent, a foster parent, or a child of the 2134  
offender, or another person related by consanguinity or affinity 2135  
to the offender; 2136

(iii) A parent or a child of a spouse, person living as a 2137  
spouse, or former spouse of the offender, or another person 2138  
related by consanguinity or affinity to a spouse, person living 2139  
as a spouse, or former spouse of the offender. 2140

(b) The natural parent of any child of whom the offender 2141  
is the other natural parent or is the putative other natural 2142  
parent. 2143

(2) "Person living as a spouse" means a person who is 2144  
living or has lived with the offender in a common law marital 2145  
relationship, who otherwise is cohabiting with the offender, or 2146  
who otherwise has cohabited with the offender within five years 2147  
prior to the date of the alleged commission of the act in 2148  
question. 2149

(3) "Pregnant woman's unborn" has the same meaning as 2150  
"such other person's unborn," as set forth in section 2903.09 of 2151  
the Revised Code, as it relates to the pregnant woman. Division 2152  
(C) of that section applies regarding the use of the term in 2153  
this section, except that the second and third sentences of 2154  
division (C)(1) of that section shall be construed for purposes 2155  
of this section as if they included a reference to this section 2156  
in the listing of Revised Code sections they contain. 2157

(4) "Termination of the pregnant woman's pregnancy" has 2158  
the same meaning as "unlawful termination of another's 2159  
pregnancy," as set forth in section 2903.09 of the Revised Code, 2160  
as it relates to the pregnant woman. Division (C) of that 2161  
section applies regarding the use of the term in this section, 2162  
except that the second and third sentences of division (C)(1) of 2163  
that section shall be construed for purposes of this section as 2164  
if they included a reference to this section in the listing of 2165  
Revised Code sections they contain. 2166

**Sec. 2919.251.** (A) Subject to division (D) of this 2167  
section, a person who is charged with the commission of any 2168  
offense of violence shall appear before the court for the 2169  
setting of bail if the alleged victim of the offense charged was 2170

a family or household member at the time of the offense and if 2171  
any of the following applies: 2172

(1) The person charged, at the time of the alleged 2173  
offense, was subject to the terms of a protection order issued 2174  
or consent agreement approved pursuant to section 2919.26 or 2175  
3113.31 of the Revised Code or previously was convicted of or 2176  
pleaded guilty to a violation of section 2919.25 of the Revised 2177  
Code or a violation of section 2919.27 of the Revised Code 2178  
involving a protection order or consent agreement of that type, 2179  
a violation of an existing or former municipal ordinance or law 2180  
of this or any other state or the United States that is 2181  
substantially similar to either section, a violation of section 2182  
2909.06, 2909.07, 2911.12, ~~or 2911.211,~~ or 2913.88 of the 2183  
Revised Code if the victim of the violation was a family or 2184  
household member at the time of the violation, a violation of an 2185  
existing or former municipal ordinance or law of this or any 2186  
other state or the United States that is substantially similar 2187  
to any of those sections if the victim of the violation was a 2188  
family or household member at the time of the commission of the 2189  
violation, or any offense of violence if the victim of the 2190  
offense was a family or household member at the time of the 2191  
offense; 2192

(2) The arresting officer indicates in a police report or 2193  
other document accompanying the complaint any of the following: 2194

(a) That the arresting officer observed on the alleged 2195  
victim objective manifestations of physical harm that the 2196  
arresting officer reasonably believes are a result of the 2197  
alleged offense; 2198

(b) That the arresting officer reasonably believes that 2199  
the person had on the person's person at the time of the alleged 2200

offense a deadly weapon or dangerous ordnance; 2201

(c) That the arresting officer reasonably believes that 2202  
the person presents a credible threat of serious physical harm 2203  
to the alleged victim or to any other person if released on bail 2204  
before trial. 2205

(B) To the extent that information about any of the 2206  
following is available to the court, the court shall consider 2207  
all of the following, in addition to any other circumstances 2208  
considered by the court and notwithstanding any provisions to 2209  
the contrary contained in Criminal Rule 46, before setting bail 2210  
for a person who appears before the court pursuant to division 2211  
(A) of this section: 2212

(1) Whether the person has a history of domestic violence 2213  
or a history of other violent acts; 2214

(2) The mental health of the person; 2215

(3) Whether the person has a history of violating the 2216  
orders of any court or governmental entity; 2217

(4) Whether the person is potentially a threat to any 2218  
other person; 2219

(5) Whether the person has access to deadly weapons or a 2220  
history of using deadly weapons; 2221

(6) Whether the person has a history of abusing alcohol or 2222  
any controlled substance; 2223

(7) The severity of the alleged violence that is the basis 2224  
of the offense, including but not limited to, the duration of 2225  
the alleged violent incident, and whether the alleged violent 2226  
incident involved serious physical injury, sexual assault, 2227  
strangulation, abuse during the alleged victim's pregnancy, 2228

abuse of pets, or forcible entry to gain access to the alleged 2229  
victim; 2230

(8) Whether a separation of the person from the alleged 2231  
victim or a termination of the relationship between the person 2232  
and the alleged victim has recently occurred or is pending; 2233

(9) Whether the person has exhibited obsessive or 2234  
controlling behaviors toward the alleged victim, including but 2235  
not limited to, stalking, surveillance, or isolation of the 2236  
alleged victim; 2237

(10) Whether the person has expressed suicidal or 2238  
homicidal ideations; 2239

(11) Any information contained in the complaint and any 2240  
police reports, affidavits, or other documents accompanying the 2241  
complaint. 2242

(C) Any court that has jurisdiction over charges alleging 2243  
the commission of an offense of violence in circumstances in 2244  
which the alleged victim of the offense was a family or 2245  
household member at the time of the offense may set a schedule 2246  
for bail to be used in cases involving those offenses. The 2247  
schedule shall require that a judge consider all of the factors 2248  
listed in division (B) of this section and may require judges to 2249  
set bail at a certain level if the history of the alleged 2250  
offender or the circumstances of the alleged offense meet 2251  
certain criteria in the schedule. 2252

(D) (1) Upon the court's own motion or the motion of a 2253  
party and upon any terms that the court may direct, a court may 2254  
permit a person who is required to appear before it by division 2255  
(A) of this section to appear by video conferencing equipment. 2256

(2) If in the opinion of the court the appearance in 2257

person or by video conferencing equipment of a person who is 2258  
charged with a misdemeanor and who is required to appear before 2259  
the court by division (A) of this section is not practicable, 2260  
the court may waive the appearance and release the person on 2261  
bail in accordance with the court's schedule for bail set under 2262  
division (C) of this section or, if the court has not set a 2263  
schedule for bail under that division, on one or both of the 2264  
following types of bail in an amount set by the court: 2265

(a) A bail bond secured by a deposit of ten per cent of 2266  
the amount of the bond in cash; 2267

(b) A surety bond, a bond secured by real estate or 2268  
securities as allowed by law, or the deposit of cash, at the 2269  
option of the person. 2270

(3) Division (A) of this section does not create a right 2271  
in a person to appear before the court for the setting of bail 2272  
or prohibit a court from requiring any person charged with an 2273  
offense of violence who is not described in that division from 2274  
appearing before the court for the setting of bail. 2275

(E) As used in this section: 2276

(1) "Controlled substance" has the same meaning as in 2277  
section 3719.01 of the Revised Code. 2278

(2) "Dangerous ordnance" and "deadly weapon" have the same 2279  
meanings as in section 2923.11 of the Revised Code. 2280

**Sec. 2919.26.** (A) (1) Upon the filing of a complaint that 2281  
alleges a violation of section 2909.06, 2909.07, 2911.12, ~~or~~ 2282  
2911.211, 2913.88, 2913.89, or 2913.90 of the Revised Code if 2283  
the alleged victim of the violation was a family or household 2284  
member at the time of the violation, a violation of a municipal 2285  
ordinance that is substantially similar to any of those sections 2286

if the alleged victim of the violation was a family or household member at the time of the violation, any offense of violence if the alleged victim of the offense was a family or household member at the time of the commission of the offense, or any sexually oriented offense if the alleged victim of the offense was a family or household member at the time of the commission of the offense, the complainant, the alleged victim, or a family or household member of an alleged victim may file, or, if in an emergency the alleged victim is unable to file, a person who made an arrest for the alleged violation or offense under section 2935.03 of the Revised Code may file on behalf of the alleged victim, a motion that requests the issuance of a temporary protection order as a pretrial condition of release of the alleged offender, in addition to any bail set under Criminal Rule 46. The motion shall be filed with the clerk of the court that has jurisdiction of the case at any time after the filing of the complaint.

(2) For purposes of section 2930.09 of the Revised Code, all stages of a proceeding arising out of a complaint alleging the commission of a violation, offense of violence, or sexually oriented offense described in division (A)(1) of this section, including all proceedings on a motion for a temporary protection order, are critical stages of the case, and a victim may be accompanied by a victim advocate or another person to provide support to the victim as provided in that section.

(B) The motion shall be prepared on a form that is provided by the clerk of the court, which form shall be substantially as follows:

"MOTION FOR TEMPORARY PROTECTION ORDER 2315

\_\_\_\_\_ Court 2316

Name and address of court 2317

State of Ohio 2318

v. No. \_\_\_\_\_ 2319

\_\_\_\_\_ 2320

Name of Defendant 2321

(name of person), moves the court to issue a temporary 2322  
protection order containing terms designed to ensure the safety 2323  
and protection of the complainant, alleged victim, and other 2324  
family or household members, in relation to the named defendant, 2325  
pursuant to its authority to issue such an order under section 2326  
2919.26 of the Revised Code. 2327

A complaint, a copy of which has been attached to this 2328  
motion, has been filed in this court charging the named 2329  
defendant with \_\_\_\_\_ (name of the specified 2330  
violation, the offense of violence, or sexually oriented offense 2331  
charged) in circumstances in which the victim was a family or 2332  
household member in violation of (section of the Revised Code 2333  
designating the specified violation, offense of violence, or 2334  
sexually oriented offense charged), or charging the named 2335  
defendant with a violation of a municipal ordinance that is 2336  
substantially similar to \_\_\_\_\_ (section of 2337  
the Revised Code designating the specified violation, offense of 2338  
violence, or sexually oriented offense charged) involving a 2339  
family or household member. 2340

I understand that I must appear before the court, at a 2341  
time set by the court within twenty-four hours after the filing 2342  
of this motion, for a hearing on the motion or that, if I am 2343  
unable to appear because of hospitalization or a medical 2344  
condition resulting from the offense alleged in the complaint, a 2345



person who can provide information about my need for a temporary 2346  
protection order must appear before the court in lieu of my 2347  
appearing in court. I understand that any temporary protection 2348  
order granted pursuant to this motion is a pretrial condition of 2349  
release and is effective only until the disposition of the 2350  
criminal proceeding arising out of the attached complaint, or 2351  
the issuance of a civil protection order or the approval of a 2352  
consent agreement, arising out of the same activities as those 2353  
that were the basis of the complaint, under section 3113.31 of 2354  
the Revised Code. 2355

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Signature of person 2356  
2357  
(or signature of the arresting officer who filed the motion on 2358  
behalf of the alleged victim) 2359

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Address of person (or office address of the arresting officer 2360  
who filed the motion on behalf of the alleged victim)" 2361  
2362

(C) (1) As soon as possible after the filing of a motion 2363  
that requests the issuance of a temporary protection order, but 2364  
not later than twenty-four hours after the filing of the motion, 2365  
the court shall conduct a hearing to determine whether to issue 2366  
the order. The person who requested the order shall appear 2367  
before the court and provide the court with the information that 2368  
it requests concerning the basis of the motion. If the person 2369  
who requested the order is unable to appear and if the court 2370  
finds that the failure to appear is because of the person's 2371  
hospitalization or medical condition resulting from the offense 2372  
alleged in the complaint, another person who is able to provide 2373  
the court with the information it requests may appear in lieu of 2374

the person who requested the order. If the court finds that the safety and protection of the complainant, alleged victim, or any other family or household member of the alleged victim may be impaired by the continued presence of the alleged offender, the court may issue a temporary protection order, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant, alleged victim, or the family or household member, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant, alleged victim, or the family or household member. The court may include within a protection order issued under this section a term requiring that the alleged offender not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the complainant, alleged victim, or any other family or household member of the alleged victim, and may include within the order a term authorizing the complainant, alleged victim, or other family or household member of the alleged victim to remove a companion animal owned by the complainant, alleged victim, or other family or household member from the possession of the alleged offender.

(2) (a) If the court issues a temporary protection order that includes a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant, the alleged victim, or the family or household member, the order shall state clearly that the order cannot be waived or nullified by an invitation to the alleged offender from the complainant, alleged victim, or family or household member to enter the residence, school, business, or place of employment or by the alleged offender's entry into one of those places otherwise upon the consent of the complainant,

alleged victim, or family or household member. 2406

(b) Division (C) (2) (a) of this section does not limit any 2407  
discretion of a court to determine that an alleged offender 2408  
charged with a violation of section 2919.27 of the Revised Code, 2409  
with a violation of a municipal ordinance substantially 2410  
equivalent to that section, or with contempt of court, which 2411  
charge is based on an alleged violation of a temporary 2412  
protection order issued under this section, did not commit the 2413  
violation or was not in contempt of court. 2414

(D) (1) Upon the filing of a complaint that alleges a 2415  
violation of section 2909.06, 2909.07, 2911.12, ~~or~~ 2911.211, 2416  
2913.88, 2913.89, or 2913.90 of the Revised Code if the alleged 2417  
victim of the violation was a family or household member at the 2418  
time of the violation, a violation of a municipal ordinance that 2419  
is substantially similar to any of those sections if the alleged 2420  
victim of the violation was a family or household member at the 2421  
time of the violation, any offense of violence if the alleged 2422  
victim of the offense was a family or household member at the 2423  
time of the commission of the offense, or any sexually oriented 2424  
offense if the alleged victim of the offense was a family or 2425  
household member at the time of the commission of the offense, 2426  
the court, upon its own motion, may issue a temporary protection 2427  
order as a pretrial condition of release if it finds that the 2428  
safety and protection of the complainant, alleged victim, or 2429  
other family or household member of the alleged offender may be 2430  
impaired by the continued presence of the alleged offender. 2431

(2) If the court issues a temporary protection order under 2432  
this section as an ex parte order, it shall conduct, as soon as 2433  
possible after the issuance of the order, a hearing in the 2434  
presence of the alleged offender not later than the next day on 2435

which the court is scheduled to conduct business after the day 2436  
on which the alleged offender was arrested or at the time of the 2437  
appearance of the alleged offender pursuant to summons to 2438  
determine whether the order should remain in effect, be 2439  
modified, or be revoked. The hearing shall be conducted under 2440  
the standards set forth in division (C) of this section. 2441

(3) An order issued under this section shall contain only 2442  
those terms authorized in orders issued under division (C) of 2443  
this section. 2444

(4) If a municipal court or a county court issues a 2445  
temporary protection order under this section and if, subsequent 2446  
to the issuance of the order, the alleged offender who is the 2447  
subject of the order is bound over to the court of common pleas 2448  
for prosecution of a felony arising out of the same activities 2449  
as those that were the basis of the complaint upon which the 2450  
order is based, notwithstanding the fact that the order was 2451  
issued by a municipal court or county court, the order shall 2452  
remain in effect, as though it were an order of the court of 2453  
common pleas, while the charges against the alleged offender are 2454  
pending in the court of common pleas, for the period of time 2455  
described in division (E)(2) of this section, and the court of 2456  
common pleas has exclusive jurisdiction to modify the order 2457  
issued by the municipal court or county court. This division 2458  
applies when the alleged offender is bound over to the court of 2459  
common pleas as a result of the person waiving a preliminary 2460  
hearing on the felony charge, as a result of the municipal court 2461  
or county court having determined at a preliminary hearing that 2462  
there is probable cause to believe that the felony has been 2463  
committed and that the alleged offender committed it, as a 2464  
result of the alleged offender having been indicted for the 2465  
felony, or in any other manner. 2466

(E) A temporary protection order that is issued as a	2467
pretrial condition of release under this section:	2468
(1) Is in addition to, but shall not be construed as a	2469
part of, any bail set under Criminal Rule 46;	2470
(2) Is effective only until the occurrence of either of	2471
the following:	2472
(a) The disposition, by the court that issued the order	2473
or, in the circumstances described in division (D) (4) of this	2474
section, by the court of common pleas to which the alleged	2475
offender is bound over for prosecution, of the criminal	2476
proceeding arising out of the complaint upon which the order is	2477
based;	2478
(b) The issuance of a protection order or the approval of	2479
a consent agreement, arising out of the same activities as those	2480
that were the basis of the complaint upon which the order is	2481
based, under section 3113.31 of the Revised Code.	2482
(3) Shall not be construed as a finding that the alleged	2483
offender committed the alleged offense, and shall not be	2484
introduced as evidence of the commission of the offense at the	2485
trial of the alleged offender on the complaint upon which the	2486
order is based.	2487
(F) A person who meets the criteria for bail under	2488
Criminal Rule 46 and who, if required to do so pursuant to that	2489
rule, executes or posts bond or deposits cash or securities as	2490
bail, shall not be held in custody pending a hearing before the	2491
court on a motion requesting a temporary protection order.	2492
(G) (1) A copy of any temporary protection order that is	2493
issued under this section shall be issued by the court to the	2494
complainant, to the alleged victim, to the person who requested	2495

the order, to the defendant, and to all law enforcement agencies 2496  
that have jurisdiction to enforce the order. The court shall 2497  
direct that a copy of the order be delivered to the defendant on 2498  
the same day that the order is entered. If a municipal court or 2499  
a county court issues a temporary protection order under this 2500  
section and if, subsequent to the issuance of the order, the 2501  
defendant who is the subject of the order is bound over to the 2502  
court of common pleas for prosecution as described in division 2503  
(D) (4) of this section, the municipal court or county court 2504  
shall direct that a copy of the order be delivered to the court 2505  
of common pleas to which the defendant is bound over. 2506

(2) Upon the issuance of a protection order under this 2507  
section, the court shall provide the parties to the order with 2508  
the following notice orally or by form: 2509

"NOTICE 2510

As a result of this protection order, it may be unlawful 2511  
for you to possess or purchase a firearm, including a rifle, 2512  
pistol, or revolver, or ammunition pursuant to federal law under 2513  
18 U.S.C. 922(g) (8) for the duration of this order. If you have 2514  
any questions whether this law makes it illegal for you to 2515  
possess or purchase a firearm or ammunition, you should consult 2516  
an attorney." 2517

(3) All law enforcement agencies shall establish and 2518  
maintain an index for the temporary protection orders delivered 2519  
to the agencies pursuant to division (G) (1) of this section. 2520  
With respect to each order delivered, each agency shall note on 2521  
the index, the date and time of the receipt of the order by the 2522  
agency. 2523

(4) A complainant, alleged victim, or other person who 2524

obtains a temporary protection order under this section may 2525  
provide notice of the issuance of the temporary protection order 2526  
to the judicial and law enforcement officials in any county 2527  
other than the county in which the order is issued by 2528  
registering that order in the other county in accordance with 2529  
division (N) of section 3113.31 of the Revised Code and filing a 2530  
copy of the registered protection order with a law enforcement 2531  
agency in the other county in accordance with that division. 2532

(5) Any officer of a law enforcement agency shall enforce 2533  
a temporary protection order issued by any court in this state 2534  
in accordance with the provisions of the order, including 2535  
removing the defendant from the premises, regardless of whether 2536  
the order is registered in the county in which the officer's 2537  
agency has jurisdiction as authorized by division (G) (4) of this 2538  
section. 2539

(H) Upon a violation of a temporary protection order, the 2540  
court may issue another temporary protection order, as a 2541  
pretrial condition of release, that modifies the terms of the 2542  
order that was violated. 2543

(I) (1) As used in divisions (I) (1) and (2) of this 2544  
section, "defendant" means a person who is alleged in a 2545  
complaint to have committed a violation, offense of violence, or 2546  
sexually oriented offense of the type described in division (A) 2547  
of this section. 2548

(2) If a complaint is filed that alleges that a person 2549  
committed a violation, offense of violence, or sexually oriented 2550  
offense of the type described in division (A) of this section, 2551  
the court may not issue a temporary protection order under this 2552  
section that requires the complainant, the alleged victim, or 2553  
another family or household member of the defendant to do or 2554

refrain from doing an act that the court may require the 2555  
defendant to do or refrain from doing under a temporary 2556  
protection order unless both of the following apply: 2557

(a) The defendant has filed a separate complaint that 2558  
alleges that the complainant, alleged victim, or other family or 2559  
household member in question who would be required under the 2560  
order to do or refrain from doing the act committed a violation 2561  
or offense of violence of the type described in division (A) of 2562  
this section. 2563

(b) The court determines that both the complainant, 2564  
alleged victim, or other family or household member in question 2565  
who would be required under the order to do or refrain from 2566  
doing the act and the defendant acted primarily as aggressors, 2567  
that neither the complainant, alleged victim, or other family or 2568  
household member in question who would be required under the 2569  
order to do or refrain from doing the act nor the defendant 2570  
acted primarily in self-defense, and, in accordance with the 2571  
standards and criteria of this section as applied in relation to 2572  
the separate complaint filed by the defendant, that it should 2573  
issue the order to require the complainant, alleged victim, or 2574  
other family or household member in question to do or refrain 2575  
from doing the act. 2576

(J) (1) Subject to division (J) (2) of this section and 2577  
regardless of whether a protection order is issued or a consent 2578  
agreement is approved by a court of another county or a court of 2579  
another state, no court or unit of state or local government 2580  
shall charge the movant any fee, cost, deposit, or money in 2581  
connection with the filing of a motion pursuant to this section, 2582  
in connection with the filing, issuance, registration, 2583  
modification, enforcement, dismissal, withdrawal, or service of 2584



a protection order, consent agreement, or witness subpoena or 2585  
for obtaining a certified copy of a protection order or consent 2586  
agreement. 2587

(2) Regardless of whether a protection order is issued or 2588  
a consent agreement is approved pursuant to this section, if the 2589  
defendant is convicted the court may assess costs against the 2590  
defendant in connection with the filing, issuance, registration, 2591  
modification, enforcement, dismissal, withdrawal, or service of 2592  
a protection order, consent agreement, or witness subpoena or 2593  
for obtaining a certified copy of a protection order or consent 2594  
agreement. 2595

(K) As used in this section: 2596

(1) "Companion animal" has the same meaning as in section 2597  
959.131 of the Revised Code. 2598

(2) "Sexually oriented offense" has the same meaning as in 2599  
section 2950.01 of the Revised Code. 2600

(3) "Victim advocate" means a person who provides support 2601  
and assistance for a victim of an offense during court 2602  
proceedings. 2603

**Sec. 2921.22.** (A) (1) Except as provided in division (A) (2) 2604  
of this section, no person, knowing that a felony has been or is 2605  
being committed, shall knowingly fail to report such information 2606  
to law enforcement authorities. 2607

(2) No person, knowing that a violation of section 2913.87 2608  
or division (B) of section 2913.04 of the Revised Code has been, 2609  
or is being committed or that the person has received 2610  
information derived from such a violation, shall knowingly fail 2611  
to report the violation to law enforcement authorities. 2612

(B) Except for conditions that are within the scope of 2613  
division (E) of this section, no person giving aid to a sick or 2614  
injured person shall negligently fail to report to law 2615  
enforcement authorities any gunshot or stab wound treated or 2616  
observed by the person, or any serious physical harm to persons 2617  
that the person knows or has reasonable cause to believe 2618  
resulted from an offense of violence. 2619

(C) No person who discovers the body or acquires the first 2620  
knowledge of the death of a person shall fail to report the 2621  
death immediately to a physician or advanced practice registered 2622  
nurse whom the person knows to be treating the deceased for a 2623  
condition from which death at such time would not be unexpected, 2624  
or to a law enforcement officer, an ambulance service, an 2625  
emergency squad, or the coroner in a political subdivision in 2626  
which the body is discovered, the death is believed to have 2627  
occurred, or knowledge concerning the death is obtained. For 2628  
purposes of this division, "advanced practice registered nurse" 2629  
does not include a certified registered nurse anesthetist. 2630

(D) No person shall fail to provide upon request of the 2631  
person to whom a report required by division (C) of this section 2632  
was made, or to any law enforcement officer who has reasonable 2633  
cause to assert the authority to investigate the circumstances 2634  
surrounding the death, any facts within the person's knowledge 2635  
that may have a bearing on the investigation of the death. 2636

(E) (1) As used in this division, "burn injury" means any 2637  
of the following: 2638

(a) Second or third degree burns; 2639

(b) Any burns to the upper respiratory tract or laryngeal 2640  
edema due to the inhalation of superheated air; 2641

(c) Any burn injury or wound that may result in death; 2642

(d) Any physical harm to persons caused by or as the 2643  
result of the use of fireworks, novelties and trick noisemakers, 2644  
and wire sparklers, as each is defined by section 3743.01 of the 2645  
Revised Code. 2646

(2) No physician, nurse, physician assistant, or limited 2647  
practitioner who, outside a hospital, sanitarium, or other 2648  
medical facility, attends or treats a person who has sustained a 2649  
burn injury that is inflicted by an explosion or other 2650  
incendiary device or that shows evidence of having been 2651  
inflicted in a violent, malicious, or criminal manner shall fail 2652  
to report the burn injury immediately to the local arson, or 2653  
fire and explosion investigation, bureau, if there is a bureau 2654  
of this type in the jurisdiction in which the person is attended 2655  
or treated, or otherwise to local law enforcement authorities. 2656

(3) No manager, superintendent, or other person in charge 2657  
of a hospital, sanitarium, or other medical facility in which a 2658  
person is attended or treated for any burn injury that is 2659  
inflicted by an explosion or other incendiary device or that 2660  
shows evidence of having been inflicted in a violent, malicious, 2661  
or criminal manner shall fail to report the burn injury 2662  
immediately to the local arson, or fire and explosion 2663  
investigation, bureau, if there is a bureau of this type in the 2664  
jurisdiction in which the person is attended or treated, or 2665  
otherwise to local law enforcement authorities. 2666

(4) No person who is required to report any burn injury 2667  
under division (E) (2) or (3) of this section shall fail to file, 2668  
within three working days after attending or treating the 2669  
victim, a written report of the burn injury with the office of 2670  
the state fire marshal. The report shall comply with the uniform 2671

standard developed by the state fire marshal pursuant to 2672  
division (A) (15) of section 3737.22 of the Revised Code. 2673

(5) Anyone participating in the making of reports under 2674  
division (E) of this section or anyone participating in a 2675  
judicial proceeding resulting from the reports is immune from 2676  
any civil or criminal liability that otherwise might be incurred 2677  
or imposed as a result of such actions. Notwithstanding section 2678  
4731.22 of the Revised Code, the physician-patient relationship 2679  
or advanced practice registered nurse-patient relationship is 2680  
not a ground for excluding evidence regarding a person's burn 2681  
injury or the cause of the burn injury in any judicial 2682  
proceeding resulting from a report submitted under division (E) 2683  
of this section. 2684

(F) (1) Any doctor of medicine or osteopathic medicine, 2685  
hospital intern or resident, nurse, psychologist, social worker, 2686  
independent social worker, social work assistant, licensed 2687  
professional clinical counselor, licensed professional 2688  
counselor, independent marriage and family therapist, or 2689  
marriage and family therapist who knows or has reasonable cause 2690  
to believe that a patient or client has been the victim of 2691  
domestic violence, as defined in section 3113.31 of the Revised 2692  
Code, shall note that knowledge or belief and the basis for it 2693  
in the patient's or client's records. 2694

(2) Notwithstanding section 4731.22 of the Revised Code, 2695  
the physician-patient privilege or advanced practice registered 2696  
nurse-patient privilege shall not be a ground for excluding any 2697  
information regarding the report containing the knowledge or 2698  
belief noted under division (F) (1) of this section, and the 2699  
information may be admitted as evidence in accordance with the 2700  
Rules of Evidence. 2701

(G) Divisions (A) and (D) of this section do not require 2702  
disclosure of information, when any of the following applies: 2703

(1) The information is privileged by reason of the 2704  
relationship between attorney and client; physician and patient; 2705  
advanced practice registered nurse and patient; licensed 2706  
psychologist or licensed school psychologist and client; 2707  
licensed professional clinical counselor, licensed professional 2708  
counselor, independent social worker, social worker, independent 2709  
marriage and family therapist, or marriage and family therapist 2710  
and client; member of the clergy, rabbi, minister, or priest and 2711  
any person communicating information confidentially to the 2712  
member of the clergy, rabbi, minister, or priest for a religious 2713  
counseling purpose of a professional character; husband and 2714  
wife; or a communications assistant and those who are a party to 2715  
a telecommunications relay service call. 2716

(2) The information would tend to incriminate a member of 2717  
the actor's immediate family. 2718

(3) Disclosure of the information would amount to 2719  
revealing a news source, privileged under section 2739.04 or 2720  
2739.12 of the Revised Code. 2721

(4) Disclosure of the information would amount to 2722  
disclosure by a member of the ordained clergy of an organized 2723  
religious body of a confidential communication made to that 2724  
member of the clergy in that member's capacity as a member of 2725  
the clergy by a person seeking the aid or counsel of that member 2726  
of the clergy. 2727

(5) Disclosure would amount to revealing information 2728  
acquired by the actor in the course of the actor's duties in 2729  
connection with a bona fide program of treatment or services for 2730

drug dependent persons or persons in danger of drug dependence, 2731  
which program is maintained or conducted by a hospital, clinic, 2732  
person, agency, or community addiction services provider whose 2733  
alcohol and drug addiction services are certified pursuant to 2734  
section 5119.36 of the Revised Code. 2735

(6) Disclosure would amount to revealing information 2736  
acquired by the actor in the course of the actor's duties in 2737  
connection with a bona fide program for providing counseling 2738  
services to victims of crimes that are violations of section 2739  
2907.02 or 2907.05 of the Revised Code or to victims of 2740  
felonious sexual penetration in violation of former section 2741  
2907.12 of the Revised Code. As used in this division, 2742  
"counseling services" include services provided in an informal 2743  
setting by a person who, by education or experience, is 2744  
competent to provide those services. 2745

(H) No disclosure of information pursuant to this section 2746  
gives rise to any liability or recrimination for a breach of 2747  
privilege or confidence. 2748

(I) Whoever violates division (A) or (B) of this section 2749  
is guilty of failure to report a crime. Violation of division 2750  
(A) (1) of this section is a misdemeanor of the fourth degree. 2751  
Violation of division (A) (2) or (B) of this section is a 2752  
misdemeanor of the second degree. 2753

(J) Whoever violates division (C) or (D) of this section 2754  
is guilty of failure to report knowledge of a death, a 2755  
misdemeanor of the fourth degree. 2756

(K) (1) Whoever negligently violates division (E) of this 2757  
section is guilty of a minor misdemeanor. 2758

(2) Whoever knowingly violates division (E) of this 2759

section is guilty of a misdemeanor of the second degree.	2760
(L) As used in this section, "nurse" includes an advanced practice registered nurse, registered nurse, and licensed practical nurse.	2761 2762 2763
<b>Sec. 2923.04.</b> (A) As used in this section:	2764
(1) "Compensation" means money, thing of value, or financial benefit. "Compensation" does not include bail, fines, or court costs.	2765 2766 2767
(2) "Critical infrastructure facility" has the same meaning as in section 2911.21 of the Revised Code.	2768 2769
(3) "Organization" has the same meaning as in section 2901.23 of the Revised Code.	2770 2771
(B) No organization shall knowingly direct, authorize, facilitate, or encourage a person to commit any of the following offenses or provide compensation to a person for committing any of the following offenses:	2772 2773 2774 2775
(1) Criminal mischief in violation of division <del>(A) (7)</del> <u>(A) (6)</u> of section 2909.07 of the Revised Code;	2776 2777
(2) Criminal trespass in violation of division (A) (5) of section 2911.21 of the Revised Code;	2778 2779
(3) Aggravated trespass in violation of division (A) (2) of section 2911.211 of the Revised Code;	2780 2781
(4) Telecommunications harassment in violation of division (A) (4) of section 2917.21 of the Revised Code that involves a threat of damage to or destruction of a critical infrastructure facility;	2782 2783 2784 2785
(5) Making false alarms in violation of division (A) (4) of	2786

section 2917.32 of the Revised Code. 2787

(C) Whoever violates this section is guilty of improper 2788  
organizational involvement with a critical infrastructure 2789  
facility. Notwithstanding section 2929.31 of the Revised Code, 2790  
improper organizational involvement with a critical 2791  
infrastructure facility shall be punished as follows: 2792

(1) A violation of division (B)(1) of this section shall 2793  
be punished with a fine that is ten times the maximum fine that 2794  
can be imposed on an individual for a violation of division ~~(A)~~ 2795  
~~(7)~~ (A)(6) of section 2909.07 of the Revised Code; 2796

(2) A violation of division (B)(2) of this section shall 2797  
be punished with a fine that is ten times the maximum fine that 2798  
can be imposed on an individual for a violation of division (A) 2799  
(5) of section 2911.21 of the Revised Code; 2800

(3) A violation of division (B)(3) of this section shall 2801  
be punished with a fine that is ten times the maximum fine that 2802  
can be imposed on an individual for a violation of division (A) 2803  
(2) of section 2911.211 of the Revised Code; 2804

(4) A violation of division (B)(4) of this section shall 2805  
be punished with a fine that is ten times the maximum fine that 2806  
can be imposed on an individual for a violation of division (A) 2807  
(4) of section 2917.21 that involves a threat of damage to or 2808  
destruction of a critical infrastructure facility; 2809

(5) A violation of division (B)(5) of this section shall 2810  
be punished with a fine that is ten times the maximum fine that 2811  
can be imposed on an individual for a violation of division (A) 2812  
(4) of section 2917.32 of the Revised Code. 2813

**Sec. 2923.129.** (A)(1) If a sheriff, the superintendent of 2814  
the bureau of criminal identification and investigation, the 2815



employees of the bureau, the Ohio peace officer training 2816  
commission, or the employees of the commission make a good faith 2817  
effort in performing the duties imposed upon the sheriff, the 2818  
superintendent, the bureau's employees, the commission, or the 2819  
commission's employees by sections 109.731, 311.41, and 2923.124 2820  
to 2923.1213 of the Revised Code, in addition to the personal 2821  
immunity provided by section 9.86 of the Revised Code or 2822  
division (A) (6) of section 2744.03 of the Revised Code and the 2823  
governmental immunity of sections 2744.02 and 2744.03 of the 2824  
Revised Code and in addition to any other immunity possessed by 2825  
the bureau, the commission, and their employees, the sheriff, 2826  
the sheriff's office, the county in which the sheriff has 2827  
jurisdiction, the bureau, the superintendent of the bureau, the 2828  
bureau's employees, the commission, and the commission's 2829  
employees are immune from liability in a civil action for 2830  
injury, death, or loss to person or property that allegedly was 2831  
caused by or related to any of the following: 2832

(a) The issuance, renewal, suspension, or revocation of a 2833  
concealed handgun license; 2834

(b) The failure to issue, renew, suspend, or revoke a 2835  
concealed handgun license; 2836

(c) Any action or misconduct with a handgun committed by a 2837  
licensee. 2838

(2) Any action of a sheriff relating to the issuance, 2839  
renewal, suspension, or revocation of a concealed handgun 2840  
license shall be considered to be a governmental function for 2841  
purposes of Chapter 2744. of the Revised Code. 2842

(3) An entity that or instructor who provides a competency 2843  
certification of a type described in division (B) (3) of section 2844

2923.125 of the Revised Code is immune from civil liability that 2845  
might otherwise be incurred or imposed for any death or any 2846  
injury or loss to person or property that is caused by or 2847  
related to a person to whom the entity or instructor has issued 2848  
the competency certificate if all of the following apply: 2849

(a) The alleged liability of the entity or instructor 2850  
relates to the training provided in the course, class, or 2851  
program covered by the competency certificate. 2852

(b) The entity or instructor makes a good faith effort in 2853  
determining whether the person has satisfactorily completed the 2854  
course, class, or program and makes a good faith effort in 2855  
assessing the person in the competency examination conducted 2856  
pursuant to division (G) (2) of section 2923.125 of the Revised 2857  
Code. 2858

(c) The entity or instructor did not issue the competency 2859  
certificate with malicious purpose, in bad faith, or in a wanton 2860  
or reckless manner. 2861

(4) An entity that or instructor who, prior to March 27, 2862  
2013, provides a renewed competency certification of a type 2863  
described in division (G) (4) of section 2923.125 of the Revised 2864  
Code as it existed prior to March 27, 2013, is immune from civil 2865  
liability that might otherwise be incurred or imposed for any 2866  
death or any injury or loss to person or property that is caused 2867  
by or related to a person to whom the entity or instructor has 2868  
issued the renewed competency certificate if all of the 2869  
following apply: 2870

(a) The entity or instructor makes a good faith effort in 2871  
assessing the person in the physical demonstrations or the 2872  
competency examination conducted pursuant to division (G) (4) of 2873

section 2923.125 of the Revised Code as it existed prior to 2874  
March 27, 2013. 2875

(b) The entity or instructor did not issue the renewed 2876  
competency certificate with malicious purpose, in bad faith, or 2877  
in a wanton or reckless manner. 2878

(B) Notwithstanding section 149.43 of the Revised Code, 2879  
the records that a sheriff keeps relative to the issuance, 2880  
renewal, suspension, or revocation of a concealed handgun 2881  
license, including, but not limited to, completed applications 2882  
for the issuance or renewal of a license, completed affidavits 2883  
submitted regarding an application for a license on a temporary 2884  
emergency basis, reports of criminal records checks and 2885  
incompetency records checks under section 311.41 of the Revised 2886  
Code, and applicants' social security numbers and fingerprints 2887  
that are obtained under division (A) of section 311.41 of the 2888  
Revised Code, are confidential and are not public records. No 2889  
person shall release or otherwise disseminate records that are 2890  
confidential under this division unless required to do so 2891  
pursuant to a court order. 2892

(C) Each sheriff shall report to the Ohio peace officer 2893  
training commission the number of concealed handgun licenses 2894  
that the sheriff issued, renewed, suspended, revoked, or denied 2895  
under section 2923.125 of the Revised Code during the previous 2896  
quarter of the calendar year, the number of applications for 2897  
those licenses for which processing was suspended in accordance 2898  
with division (D) (3) of section 2923.125 of the Revised Code 2899  
during the previous quarter of the calendar year, and the number 2900  
of concealed handgun licenses on a temporary emergency basis 2901  
that the sheriff issued, suspended, revoked, or denied under 2902  
section 2923.1213 of the Revised Code during the previous 2903

quarter of the calendar year. The sheriff shall not include in 2904  
the report the name or any other identifying information of an 2905  
applicant or licensee. The sheriff shall report that information 2906  
in a manner that permits the commission to maintain the 2907  
statistics described in division (C) of section 109.731 of the 2908  
Revised Code and to timely prepare the statistical report 2909  
described in that division. The information that is received by 2910  
the commission under this division is a public record kept by 2911  
the commission for the purposes of section 149.43 of the Revised 2912  
Code. 2913

(D) Law enforcement agencies may use the information a 2914  
sheriff makes available through the use of the law enforcement 2915  
automated data system pursuant to division (H) of section 2916  
2923.125 or division (B) (2) or (D) of section 2923.1213 of the 2917  
Revised Code for law enforcement purposes only. The information 2918  
is confidential and is not a public record. Except as provided 2919  
in section 5503.101 of the Revised Code, a person who releases 2920  
or otherwise disseminates this information obtained through the 2921  
law enforcement automated data system in a manner not described 2922  
in this division is guilty of a violation of ~~section~~ sections 2923  
2913.04, 2913.87, 2913.91, and 2913.92 of the Revised Code. 2924

(E) Whoever violates division (B) of this section is 2925  
guilty of illegal release of confidential concealed handgun 2926  
license records, a felony of the fifth degree. In addition to 2927  
any penalties imposed under Chapter 2929. of the Revised Code 2928  
for a violation of division (B) of this section or a violation 2929  
of section 2913.04, 2913.87, 2913.91, or 2913.92 of the Revised 2930  
Code described in division (D) of this section, if the offender 2931  
is a sheriff, an employee of a sheriff, or any other public 2932  
officer or employee, and if the violation was willful and 2933  
deliberate, the offender shall be subject to a civil fine of one 2934

thousand dollars. Any person who is harmed by a violation of 2935  
division (B) or (C) of this section or a violation of section 2936  
2913.04, 2913.87, 2913.91, or 2913.92 of the Revised Code 2937  
described in division (D) of this section has a private cause of 2938  
action against the offender for any injury, death, or loss to 2939  
person or property that is a proximate result of the violation 2940  
and may recover court costs and attorney's fees related to the 2941  
action. 2942

**Sec. 2927.12.** (A) No person shall violate section 2903.21, 2943  
2903.22, 2909.06, ~~or~~ 2909.07, or 2913.88, or division (A) (3), 2944  
(4), or (5) of section 2917.21 of the Revised Code by reason of 2945  
the race, color, religion, or national origin of another person 2946  
or group of persons. 2947

(B) Whoever violates this section is guilty of ethnic 2948  
intimidation. Ethnic intimidation is an offense of the next 2949  
higher degree than the offense the commission of which is a 2950  
necessary element of ethnic intimidation. 2951

**Sec. 2933.51.** As used in sections 2933.51 to 2933.66 of 2952  
the Revised Code: 2953

(A) "Wire communication" means an aural transfer that is 2954  
made in whole or in part through the use of facilities for the 2955  
transmission of communications by the aid of wires or similar 2956  
methods of connecting the point of origin of the communication 2957  
and the point of reception of the communication, including the 2958  
use of a method of connecting the point of origin and the point 2959  
of reception of the communication in a switching station, if the 2960  
facilities are furnished or operated by a person engaged in 2961  
providing or operating the facilities for the transmission of 2962  
communications. "Wire communication" includes an electronic 2963  
storage of a wire communication. 2964

(B) "Oral communication" means an oral communication 2965  
uttered by a person exhibiting an expectation that the 2966  
communication is not subject to interception under circumstances 2967  
justifying that expectation. "Oral communication" does not 2968  
include an electronic communication. 2969

(C) "Intercept" means the aural or other acquisition of 2970  
the contents of any wire, oral, or electronic communication 2971  
through the use of an interception device. 2972

(D) "Interception device" means an electronic, mechanical, 2973  
or other device or apparatus that can be used to intercept a 2974  
wire, oral, or electronic communication. "Interception device" 2975  
does not mean any of the following: 2976

(1) A telephone or telegraph instrument, equipment, or 2977  
facility, or any of its components, if the instrument, 2978  
equipment, facility, or component is any of the following: 2979

(a) Furnished to the subscriber or user by a provider of 2980  
wire or electronic communication service in the ordinary course 2981  
of its business and being used by the subscriber or user in the 2982  
ordinary course of its business; 2983

(b) Furnished by a subscriber or user for connection to 2984  
the facilities of a provider of wire or electronic communication 2985  
service and used in the ordinary course of that subscriber's or 2986  
user's business; 2987

(c) Being used by a provider of wire or electronic 2988  
communication service in the ordinary course of its business or 2989  
by an investigative or law enforcement officer in the ordinary 2990  
course of the officer's duties that do not involve the 2991  
interception of wire, oral, or electronic communications. 2992

(2) A hearing aid or similar device being used to correct 2993

subnormal hearing to not better than normal. 2994

(E) "Investigative officer" means any of the following: 2995

(1) An officer of this state or a political subdivision of 2996  
this state, who is empowered by law to conduct investigations or 2997  
to make arrests for a designated offense; 2998

(2) A person described in divisions (A) (11) (a) and (b) of 2999  
section 2901.01 of the Revised Code; 3000

(3) An attorney authorized by law to prosecute or 3001  
participate in the prosecution of a designated offense; 3002

(4) A secret service officer appointed pursuant to section 3003  
309.07 of the Revised Code; 3004

(5) An officer of the United States, a state, or a 3005  
political subdivision of a state who is authorized to conduct 3006  
investigations pursuant to the "Electronic Communications 3007  
Privacy Act of 1986," 100 Stat. 1848-1857, 18 U.S.C. 2510-2521 3008  
(1986), as amended. 3009

(F) "Interception warrant" means a court order that 3010  
authorizes the interception of wire, oral, or electronic 3011  
communications and that is issued pursuant to sections 2933.53 3012  
to 2933.56 of the Revised Code. 3013

(G) "Contents," when used with respect to a wire, oral, or 3014  
electronic communication, includes any information concerning 3015  
the substance, purport, or meaning of the communication. 3016

(H) "Communications common carrier" means a person who is 3017  
engaged as a common carrier for hire in intrastate, interstate, 3018  
or foreign communications by wire, radio, or radio transmission 3019  
of energy. "Communications common carrier" does not include, to 3020  
the extent that the person is engaged in radio broadcasting, a 3021

person engaged in radio broadcasting. 3022

(I) "Designated offense" means any of the following: 3023

(1) A felony violation of section 1315.53, 1315.55, 3024  
2903.01, 2903.02, 2903.11, 2905.01, 2905.02, 2905.11, 2905.22, 3025  
2905.32, 2907.02, 2907.21, 2907.22, 2909.02, 2909.03, 2909.04, 3026  
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 3027  
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.04, 2913.42, 3028  
2913.51, 2913.87 to 2913.92, 2915.02, 2915.03, 2917.01, 2917.02, 3029  
2921.02, 2921.03, 2921.04, 2921.32, 2921.34, 2923.20, 2923.32, 3030  
2925.03, 2925.04, 2925.05, or 2925.06 or of division (B) of 3031  
section 2915.05 or of division (E) or (G) of section 3772.99 of 3032  
the Revised Code; 3033

(2) A violation of section 2919.23 of the Revised Code 3034  
that, had it occurred prior to July 1, 1996, would have been a 3035  
violation of section 2905.04 of the Revised Code as it existed 3036  
prior to that date; 3037

(3) A felony violation of section 2925.11 of the Revised 3038  
Code that is not a minor drug possession offense, as defined in 3039  
section 2925.01 of the Revised Code; 3040

(4) Complicity in the commission of a felony violation of 3041  
a section listed in division (I) (1), (2), or (3) of this 3042  
section; 3043

(5) An attempt to commit, or conspiracy in the commission 3044  
of, a felony violation of a section listed in division (I) (1), 3045  
(2), or (3) of this section, if the attempt or conspiracy is 3046  
punishable by a term of imprisonment of more than one year. 3047

(J) "Aggrieved person" means a person who was a party to 3048  
an intercepted wire, oral, or electronic communication or a 3049  
person against whom the interception of the communication was 3050



directed. 3051

(K) "Person" means a person, as defined in section 1.59 of 3052  
the Revised Code, or a governmental officer, employee, or 3053  
entity. 3054

(L) "Special need" means a showing that a licensed 3055  
physician, licensed practicing psychologist, attorney, 3056  
practicing cleric, journalist, or either spouse is personally 3057  
engaging in continuing criminal activity, was engaged in 3058  
continuing criminal activity over a period of time, or is 3059  
committing, has committed, or is about to commit, a designated 3060  
offense, or a showing that specified public facilities are being 3061  
regularly used by someone who is personally engaging in 3062  
continuing criminal activity, was engaged in continuing criminal 3063  
activity over a period of time, or is committing, has committed, 3064  
or is about to commit, a designated offense. 3065

(M) "Journalist" means a person engaged in, connected 3066  
with, or employed by, any news media, including a newspaper, 3067  
magazine, press association, news agency, or wire service, a 3068  
radio or television station, or a similar media, for the purpose 3069  
of gathering, processing, transmitting, compiling, editing, or 3070  
disseminating news for the general public. 3071

(N) "Electronic communication" means a transfer of a sign, 3072  
signal, writing, image, sound, datum, or intelligence of any 3073  
nature that is transmitted in whole or in part by a wire, radio, 3074  
electromagnetic, photoelectronic, or photo-optical system. 3075  
"Electronic communication" does not mean any of the following: 3076

(1) A wire or oral communication; 3077

(2) A communication made through a tone-only paging 3078  
device; 3079

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

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

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

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

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

(1) Scrambled or encrypted;

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

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

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

(5) Transmitted on a frequency allocated under part 25, 3108  
subpart D, E, or F of part 74, or part 94 of the Rules of the 3109  
Federal Communications Commission, as those provisions existed 3110  
on July 1, 1996, unless, in the case of a communication 3111  
transmitted on a frequency allocated under part 74 that is not 3112  
exclusively allocated to broadcast auxiliary services, the 3113  
communication is a two-way voice communication by radio. 3114

(S) "Electronic storage" means a temporary, intermediate 3115  
storage of a wire or electronic communication that is incidental 3116  
to the electronic transmission of the communication, and a 3117  
storage of a wire or electronic communication by an electronic 3118  
communication service for the purpose of backup protection of 3119  
the communication. 3120

(T) "Aural transfer" means a transfer containing the human 3121  
voice at a point between and including the point of origin and 3122  
the point of reception. 3123

(U) "Pen register" means a device that records or decodes 3124  
electronic impulses that identify the numbers dialed, pulsed, or 3125  
otherwise transmitted on telephone lines to which the device is 3126  
attached. 3127

(V) "Trap and trace device" means a device that captures 3128  
the incoming electronic or other impulses that identify the 3129  
originating number of an instrument or device from which a wire 3130  
communication or electronic communication was transmitted but 3131  
that does not intercept the contents of the wire communication 3132  
or electronic communication. 3133

(W) "Judge of a court of common pleas" means a judge of 3134  
that court who is elected or appointed as a judge of general 3135  
jurisdiction or as a judge who exercises both general 3136

jurisdiction and probate, domestic relations, or juvenile 3137  
jurisdiction. "Judge of a court of common pleas" does not mean a 3138  
judge of that court who is elected or appointed specifically as 3139  
a probate, domestic relations, or juvenile judge. 3140

**Sec. 3712.09.** (A) As used in this section: 3141

(1) "Applicant" means a person who is under final 3142  
consideration for employment with a hospice care program or 3143  
pediatric respite care program in a full-time, part-time, or 3144  
temporary position that involves providing direct care to an 3145  
older adult or pediatric respite care patient. "Applicant" does 3146  
not include a person who provides direct care as a volunteer 3147  
without receiving or expecting to receive any form of 3148  
remuneration other than reimbursement for actual expenses. 3149

(2) "Criminal records check" has the same meaning as in 3150  
section 109.572 of the Revised Code. 3151

(3) "Older adult" means a person age sixty or older. 3152

(B) (1) Except as provided in division (I) of this section, 3153  
the chief administrator of a hospice care program or pediatric 3154  
respite care program shall request that the superintendent of 3155  
the bureau of criminal identification and investigation conduct 3156  
a criminal records check of each applicant. If an applicant for 3157  
whom a criminal records check request is required under this 3158  
division does not present proof of having been a resident of 3159  
this state for the five-year period immediately prior to the 3160  
date the criminal records check is requested or provide evidence 3161  
that within that five-year period the superintendent has 3162  
requested information about the applicant from the federal 3163  
bureau of investigation in a criminal records check, the chief 3164  
administrator shall request that the superintendent obtain 3165

information from the federal bureau of investigation as part of 3166  
the criminal records check of the applicant. Even if an 3167  
applicant for whom a criminal records check request is required 3168  
under this division presents proof of having been a resident of 3169  
this state for the five-year period, the chief administrator may 3170  
request that the superintendent include information from the 3171  
federal bureau of investigation in the criminal records check. 3172

(2) A person required by division (B) (1) of this section 3173  
to request a criminal records check shall do both of the 3174  
following: 3175

(a) Provide to each applicant for whom a criminal records 3176  
check request is required under that division a copy of the form 3177  
prescribed pursuant to division (C) (1) of section 109.572 of the 3178  
Revised Code and a standard fingerprint impression sheet 3179  
prescribed pursuant to division (C) (2) of that section, and 3180  
obtain the completed form and impression sheet from the 3181  
applicant; 3182

(b) Forward the completed form and impression sheet to the 3183  
superintendent of the bureau of criminal identification and 3184  
investigation. 3185

(3) An applicant provided the form and fingerprint 3186  
impression sheet under division (B) (2) (a) of this section who 3187  
fails to complete the form or provide fingerprint impressions 3188  
shall not be employed in any position for which a criminal 3189  
records check is required by this section. 3190

(C) (1) Except as provided in rules adopted by the director 3191  
of health in accordance with division (F) of this section and 3192  
subject to division (C) (2) of this section, no hospice care 3193  
program or pediatric respite care program shall employ a person 3194

in a position that involves providing direct care to an older 3195  
adult or pediatric respite care patient if the person has been 3196  
convicted of or pleaded guilty to any of the following: 3197

(a) A violation of section 2903.01, 2903.02, 2903.03, 3198  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3199  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3200  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3201  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 3202  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 3203  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2913.87 to 3204  
2913.92, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 3205  
2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 3206  
Revised Code. 3207

(b) A violation of an existing or former law of this 3208  
state, any other state, or the United States that is 3209  
substantially equivalent to any of the offenses listed in 3210  
division (C)(1)(a) of this section. 3211

(2)(a) A hospice care program or pediatric respite care 3212  
program may employ conditionally an applicant for whom a 3213  
criminal records check request is required under division (B) of 3214  
this section prior to obtaining the results of a criminal 3215  
records check regarding the individual, provided that the 3216  
program shall request a criminal records check regarding the 3217  
individual in accordance with division (B)(1) of this section 3218  
not later than five business days after the individual begins 3219  
conditional employment. In the circumstances described in 3220  
division (I)(2) of this section, a hospice care program or 3221  
pediatric respite care program may employ conditionally an 3222  
applicant who has been referred to the hospice care program or 3223  
pediatric respite care program by an employment service that 3224

supplies full-time, part-time, or temporary staff for positions 3225  
involving the direct care of older adults or pediatric respite 3226  
care patients and for whom, pursuant to that division, a 3227  
criminal records check is not required under division (B) of 3228  
this section. 3229

(b) A hospice care program or pediatric respite care 3230  
program that employs an individual conditionally under authority 3231  
of division (C) (2) (a) of this section shall terminate the 3232  
individual's employment if the results of the criminal records 3233  
check requested under division (B) of this section or described 3234  
in division (I) (2) of this section, other than the results of 3235  
any request for information from the federal bureau of 3236  
investigation, are not obtained within the period ending thirty 3237  
days after the date the request is made. Regardless of when the 3238  
results of the criminal records check are obtained, if the 3239  
results indicate that the individual has been convicted of or 3240  
pleaded guilty to any of the offenses listed or described in 3241  
division (C) (1) of this section, the program shall terminate the 3242  
individual's employment unless the program chooses to employ the 3243  
individual pursuant to division (F) of this section. Termination 3244  
of employment under this division shall be considered just cause 3245  
for discharge for purposes of division (D) (2) of section 4141.29 3246  
of the Revised Code if the individual makes any attempt to 3247  
deceive the program about the individual's criminal record. 3248

(D) (1) Each hospice care program or pediatric respite care 3249  
program shall pay to the bureau of criminal identification and 3250  
investigation the fee prescribed pursuant to division (C) (3) of 3251  
section 109.572 of the Revised Code for each criminal records 3252  
check conducted pursuant to a request made under division (B) of 3253  
this section. 3254

(2) A hospice care program or pediatric respite care program may charge an applicant a fee not exceeding the amount the program pays under division (D) (1) of this section. A program may collect a fee only if both of the following apply:

(a) The program notifies the person at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the person will not be considered for employment;

(b) The medicaid program does not reimburse the program the fee it pays under division (D) (1) of this section.

(E) The report of a criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The individual who is the subject of the criminal records check or the individual's representative;

(2) The chief administrator of the program requesting the criminal records check or the administrator's representative;

(3) The administrator of any other facility, agency, or program that provides direct care to older adults or pediatric respite care patients that is owned or operated by the same entity that owns or operates the hospice care program or pediatric respite care program;

(4) A court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment of the applicant or dealing with employment or unemployment benefits of the applicant;



(5) Any person to whom the report is provided pursuant to, 3283  
and in accordance with, division (I) (1) or (2) of this section. 3284

(F) The director of health shall adopt rules in accordance 3285  
with Chapter 119. of the Revised Code to implement this section. 3286  
The rules shall specify circumstances under which a hospice care 3287  
program or pediatric respite care program may employ a person 3288  
who has been convicted of or pleaded guilty to an offense listed 3289  
or described in division (C) (1) of this section but meets 3290  
personal character standards set by the director. 3291

(G) The chief administrator of a hospice care program or 3292  
pediatric respite care program shall inform each individual, at 3293  
the time of initial application for a position that involves 3294  
providing direct care to an older adult or pediatric respite 3295  
care patient, that the individual is required to provide a set 3296  
of fingerprint impressions and that a criminal records check is 3297  
required to be conducted if the individual comes under final 3298  
consideration for employment. 3299

(H) In a tort or other civil action for damages that is 3300  
brought as the result of an injury, death, or loss to person or 3301  
property caused by an individual who a hospice care program or 3302  
pediatric respite care program employs in a position that 3303  
involves providing direct care to older adults or pediatric 3304  
respite care patients, all of the following shall apply: 3305

(1) If the program employed the individual in good faith 3306  
and reasonable reliance on the report of a criminal records 3307  
check requested under this section, the program shall not be 3308  
found negligent solely because of its reliance on the report, 3309  
even if the information in the report is determined later to 3310  
have been incomplete or inaccurate; 3311

(2) If the program employed the individual in good faith 3312  
on a conditional basis pursuant to division (C)(2) of this 3313  
section, the program shall not be found negligent solely because 3314  
it employed the individual prior to receiving the report of a 3315  
criminal records check requested under this section; 3316

(3) If the program in good faith employed the individual 3317  
according to the personal character standards established in 3318  
rules adopted under division (F) of this section, the program 3319  
shall not be found negligent solely because the individual prior 3320  
to being employed had been convicted of or pleaded guilty to an 3321  
offense listed or described in division (C)(1) of this section. 3322

(I)(1) The chief administrator of a hospice care program 3323  
or pediatric respite care program is not required to request 3324  
that the superintendent of the bureau of criminal identification 3325  
and investigation conduct a criminal records check of an 3326  
applicant if the applicant has been referred to the program by 3327  
an employment service that supplies full-time, part-time, or 3328  
temporary staff for positions involving the direct care of older 3329  
adults or pediatric respite care patients and both of the 3330  
following apply: 3331

(a) The chief administrator receives from the employment 3332  
service or the applicant a report of the results of a criminal 3333  
records check regarding the applicant that has been conducted by 3334  
the superintendent within the one-year period immediately 3335  
preceding the applicant's referral; 3336

(b) The report of the criminal records check demonstrates 3337  
that the person has not been convicted of or pleaded guilty to 3338  
an offense listed or described in division (C)(1) of this 3339  
section, or the report demonstrates that the person has been 3340  
convicted of or pleaded guilty to one or more of those offenses, 3341

but the hospice care program or pediatric respite care program 3342  
chooses to employ the individual pursuant to division (F) of 3343  
this section. 3344

(2) The chief administrator of a hospice care program or 3345  
pediatric respite care program is not required to request that 3346  
the superintendent of the bureau of criminal identification and 3347  
investigation conduct a criminal records check of an applicant 3348  
and may employ the applicant conditionally as described in this 3349  
division, if the applicant has been referred to the program by 3350  
an employment service that supplies full-time, part-time, or 3351  
temporary staff for positions involving the direct care of older 3352  
adults or pediatric respite care patients and if the chief 3353  
administrator receives from the employment service or the 3354  
applicant a letter from the employment service that is on the 3355  
letterhead of the employment service, dated, and signed by a 3356  
supervisor or another designated official of the employment 3357  
service and that states that the employment service has 3358  
requested the superintendent to conduct a criminal records check 3359  
regarding the applicant, that the requested criminal records 3360  
check will include a determination of whether the applicant has 3361  
been convicted of or pleaded guilty to any offense listed or 3362  
described in division (C)(1) of this section, that, as of the 3363  
date set forth on the letter, the employment service had not 3364  
received the results of the criminal records check, and that, 3365  
when the employment service receives the results of the criminal 3366  
records check, it promptly will send a copy of the results to 3367  
the hospice care program or pediatric respite care program. If a 3368  
hospice care program or pediatric respite care program employs 3369  
an applicant conditionally in accordance with this division, the 3370  
employment service, upon its receipt of the results of the 3371  
criminal records check, promptly shall send a copy of the 3372

results to the hospice care program or pediatric respite care 3373  
program, and division (C) (2) (b) of this section applies 3374  
regarding the conditional employment. 3375

**Sec. 3721.121.** (A) As used in this section: 3376

(1) "Adult day-care program" means a program operated 3377  
pursuant to rules adopted by the director of health under 3378  
section 3721.04 of the Revised Code and provided by and on the 3379  
same site as homes licensed under this chapter. 3380

(2) "Applicant" means a person who is under final 3381  
consideration for employment with a home or adult day-care 3382  
program in a full-time, part-time, or temporary position that 3383  
involves providing direct care to an older adult. "Applicant" 3384  
does not include a person who provides direct care as a 3385  
volunteer without receiving or expecting to receive any form of 3386  
remuneration other than reimbursement for actual expenses. 3387

(3) "Community-based long-term care services provider" 3388  
means a provider as defined in section 173.39 of the Revised 3389  
Code. 3390

(4) "Criminal records check" has the same meaning as in 3391  
section 109.572 of the Revised Code. 3392

(5) "Home" means a home as defined in section 3721.10 of 3393  
the Revised Code. 3394

(6) "Older adult" means a person age sixty or older. 3395

(B) (1) Except as provided in division (I) of this section, 3396  
the chief administrator of a home or adult day-care program 3397  
shall request that the superintendent of the bureau of criminal 3398  
identification and investigation conduct a criminal records 3399  
check of each applicant. If an applicant for whom a criminal 3400

records check request is required under this division does not 3401  
present proof of having been a resident of this state for the 3402  
five-year period immediately prior to the date the criminal 3403  
records check is requested or provide evidence that within that 3404  
five-year period the superintendent has requested information 3405  
about the applicant from the federal bureau of investigation in 3406  
a criminal records check, the chief administrator shall request 3407  
that the superintendent obtain information from the federal 3408  
bureau of investigation as part of the criminal records check of 3409  
the applicant. Even if an applicant for whom a criminal records 3410  
check request is required under this division presents proof of 3411  
having been a resident of this state for the five-year period, 3412  
the chief administrator may request that the superintendent 3413  
include information from the federal bureau of investigation in 3414  
the criminal records check. 3415

(2) A person required by division (B) (1) of this section 3416  
to request a criminal records check shall do both of the 3417  
following: 3418

(a) Provide to each applicant for whom a criminal records 3419  
check request is required under that division a copy of the form 3420  
prescribed pursuant to division (C) (1) of section 109.572 of the 3421  
Revised Code and a standard fingerprint impression sheet 3422  
prescribed pursuant to division (C) (2) of that section, and 3423  
obtain the completed form and impression sheet from the 3424  
applicant; 3425

(b) Forward the completed form and impression sheet to the 3426  
superintendent of the bureau of criminal identification and 3427  
investigation. 3428

(3) An applicant provided the form and fingerprint 3429  
impression sheet under division (B) (2) (a) of this section who 3430

fails to complete the form or provide fingerprint impressions 3431  
shall not be employed in any position for which a criminal 3432  
records check is required by this section. 3433

(C) (1) Except as provided in rules adopted by the director 3434  
of health in accordance with division (F) of this section and 3435  
subject to division (C) (2) of this section, no home or adult 3436  
day-care program shall employ a person in a position that 3437  
involves providing direct care to an older adult if the person 3438  
has been convicted of or pleaded guilty to any of the following: 3439

(a) A violation of section 2903.01, 2903.02, 2903.03, 3440  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3441  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3442  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3443  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 3444  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 3445  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2913.87 to 3446  
2913.92, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 3447  
2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 3448  
Revised Code. 3449

(b) A violation of an existing or former law of this 3450  
state, any other state, or the United States that is 3451  
substantially equivalent to any of the offenses listed in 3452  
division (C) (1) (a) of this section. 3453

(2) (a) A home or an adult day-care program may employ 3454  
conditionally an applicant for whom a criminal records check 3455  
request is required under division (B) of this section prior to 3456  
obtaining the results of a criminal records check regarding the 3457  
individual, provided that the home or program shall request a 3458  
criminal records check regarding the individual in accordance 3459  
with division (B) (1) of this section not later than five 3460

business days after the individual begins conditional 3461  
employment. In the circumstances described in division (I) (2) of 3462  
this section, a home or adult day-care program may employ 3463  
conditionally an applicant who has been referred to the home or 3464  
adult day-care program by an employment service that supplies 3465  
full-time, part-time, or temporary staff for positions involving 3466  
the direct care of older adults and for whom, pursuant to that 3467  
division, a criminal records check is not required under 3468  
division (B) of this section. 3469

(b) A home or adult day-care program that employs an 3470  
individual conditionally under authority of division (C) (2) (a) 3471  
of this section shall terminate the individual's employment if 3472  
the results of the criminal records check requested under 3473  
division (B) of this section or described in division (I) (2) of 3474  
this section, other than the results of any request for 3475  
information from the federal bureau of investigation, are not 3476  
obtained within the period ending thirty days after the date the 3477  
request is made. Regardless of when the results of the criminal 3478  
records check are obtained, if the results indicate that the 3479  
individual has been convicted of or pleaded guilty to any of the 3480  
offenses listed or described in division (C) (1) of this section, 3481  
the home or program shall terminate the individual's employment 3482  
unless the home or program chooses to employ the individual 3483  
pursuant to division (F) of this section. Termination of 3484  
employment under this division shall be considered just cause 3485  
for discharge for purposes of division (D) (2) of section 4141.29 3486  
of the Revised Code if the individual makes any attempt to 3487  
deceive the home or program about the individual's criminal 3488  
record. 3489

(D) (1) Each home or adult day-care program shall pay to 3490  
the bureau of criminal identification and investigation the fee 3491

prescribed pursuant to division (C) (3) of section 109.572 of the Revised Code for each criminal records check conducted pursuant to a request made under division (B) of this section.

(2) A home or adult day-care program may charge an applicant a fee not exceeding the amount the home or program pays under division (D) (1) of this section. A home or program may collect a fee only if both of the following apply:

(a) The home or program notifies the person at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the person will not be considered for employment;

(b) The medicaid program does not reimburse the home or program the fee it pays under division (D) (1) of this section.

(E) The report of any criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The individual who is the subject of the criminal records check or the individual's representative;

(2) The chief administrator of the home or program requesting the criminal records check or the administrator's representative;

(3) The administrator of any other facility, agency, or program that provides direct care to older adults that is owned or operated by the same entity that owns or operates the home or program;

(4) A court, hearing officer, or other necessary



individual involved in a case dealing with a denial of 3520  
employment of the applicant or dealing with employment or 3521  
unemployment benefits of the applicant; 3522

(5) Any person to whom the report is provided pursuant to, 3523  
and in accordance with, division (I)(1) or (2) of this section; 3524

(6) The board of nursing for purposes of accepting and 3525  
processing an application for a medication aide certificate 3526  
issued under Chapter 4723. of the Revised Code; 3527

(7) The director of aging or the director's designee if 3528  
the criminal records check is requested by the chief 3529  
administrator of a home that is also a community-based long-term 3530  
care services provider. 3531

(F) In accordance with section 3721.11 of the Revised 3532  
Code, the director of health shall adopt rules to implement this 3533  
section. The rules shall specify circumstances under which a 3534  
home or adult day-care program may employ a person who has been 3535  
convicted of or pleaded guilty to an offense listed or described 3536  
in division (C)(1) of this section but meets personal character 3537  
standards set by the director. 3538

(G) The chief administrator of a home or adult day-care 3539  
program shall inform each individual, at the time of initial 3540  
application for a position that involves providing direct care 3541  
to an older adult, that the individual is required to provide a 3542  
set of fingerprint impressions and that a criminal records check 3543  
is required to be conducted if the individual comes under final 3544  
consideration for employment. 3545

(H) In a tort or other civil action for damages that is 3546  
brought as the result of an injury, death, or loss to person or 3547  
property caused by an individual who a home or adult day-care 3548

program employs in a position that involves providing direct 3549  
care to older adults, all of the following shall apply: 3550

(1) If the home or program employed the individual in good 3551  
faith and reasonable reliance on the report of a criminal 3552  
records check requested under this section, the home or program 3553  
shall not be found negligent solely because of its reliance on 3554  
the report, even if the information in the report is determined 3555  
later to have been incomplete or inaccurate; 3556

(2) If the home or program employed the individual in good 3557  
faith on a conditional basis pursuant to division (C) (2) of this 3558  
section, the home or program shall not be found negligent solely 3559  
because it employed the individual prior to receiving the report 3560  
of a criminal records check requested under this section; 3561

(3) If the home or program in good faith employed the 3562  
individual according to the personal character standards 3563  
established in rules adopted under division (F) of this section, 3564  
the home or program shall not be found negligent solely because 3565  
the individual prior to being employed had been convicted of or 3566  
pleaded guilty to an offense listed or described in division (C) 3567  
(1) of this section. 3568

(I) (1) The chief administrator of a home or adult day-care 3569  
program is not required to request that the superintendent of 3570  
the bureau of criminal identification and investigation conduct 3571  
a criminal records check of an applicant if the applicant has 3572  
been referred to the home or program by an employment service 3573  
that supplies full-time, part-time, or temporary staff for 3574  
positions involving the direct care of older adults and both of 3575  
the following apply: 3576

(a) The chief administrator receives from the employment 3577

service or the applicant a report of the results of a criminal 3578  
records check regarding the applicant that has been conducted by 3579  
the superintendent within the one-year period immediately 3580  
preceding the applicant's referral; 3581

(b) The report of the criminal records check demonstrates 3582  
that the person has not been convicted of or pleaded guilty to 3583  
an offense listed or described in division (C)(1) of this 3584  
section, or the report demonstrates that the person has been 3585  
convicted of or pleaded guilty to one or more of those offenses, 3586  
but the home or adult day-care program chooses to employ the 3587  
individual pursuant to division (F) of this section. 3588

(2) The chief administrator of a home or adult day-care 3589  
program is not required to request that the superintendent of 3590  
the bureau of criminal identification and investigation conduct 3591  
a criminal records check of an applicant and may employ the 3592  
applicant conditionally as described in this division, if the 3593  
applicant has been referred to the home or program by an 3594  
employment service that supplies full-time, part-time, or 3595  
temporary staff for positions involving the direct care of older 3596  
adults and if the chief administrator receives from the 3597  
employment service or the applicant a letter from the employment 3598  
service that is on the letterhead of the employment service, 3599  
dated, and signed by a supervisor or another designated official 3600  
of the employment service and that states that the employment 3601  
service has requested the superintendent to conduct a criminal 3602  
records check regarding the applicant, that the requested 3603  
criminal records check will include a determination of whether 3604  
the applicant has been convicted of or pleaded guilty to any 3605  
offense listed or described in division (C)(1) of this section, 3606  
that, as of the date set forth on the letter, the employment 3607  
service had not received the results of the criminal records 3608

check, and that, when the employment service receives the 3609  
results of the criminal records check, it promptly will send a 3610  
copy of the results to the home or adult day-care program. If a 3611  
home or adult day-care program employs an applicant 3612  
conditionally in accordance with this division, the employment 3613  
service, upon its receipt of the results of the criminal records 3614  
check, promptly shall send a copy of the results to the home or 3615  
adult day-care program, and division (C) (2) (b) of this section 3616  
applies regarding the conditional employment. 3617

**Sec. 3750.09.** (A) Except as otherwise provided in division 3618  
(E) of this section, any person who is required to provide 3619  
information to the emergency response commission, the local 3620  
emergency planning committee of the emergency planning district 3621  
in which a facility owned or operated by the person is located, 3622  
or the fire department having jurisdiction over the facility, 3623  
under the reporting requirements in sections 3750.04, 3750.05, 3624  
3750.07, or 3750.08 of the Revised Code or the rules adopted 3625  
under division (B) (1) (d) or (e) of section 3750.02 of the 3626  
Revised Code, may withhold from submission to the commission, 3627  
committee, fire department, or any other person the specific 3628  
chemical identity, including the chemical name and other 3629  
specific identification, of an extremely hazardous substance or 3630  
hazardous chemical identified or listed by rules adopted under 3631  
division (B) (1) (a) or (b) of section 3750.02 of the Revised Code 3632  
on the grounds that the information constitutes a trade secret 3633  
if either of the following conditions is met: 3634

(1) (a) At the time of submitting the information sought to 3635  
be classified as a trade secret, the owner or operator of the 3636  
facility submits a claim for protection of that information as a 3637  
trade secret pursuant to rules adopted under division (B) (2) (d) 3638  
of section 3750.02 of the Revised Code and submits a copy of the 3639

required report that indicates that such a claim has been filed 3640  
and contains the generic class or category of the chemical 3641  
identity in place of the specific chemical identity and that is 3642  
accompanied by a copy of the substantiation supporting the trade 3643  
secret claim that was submitted to the administrator of the 3644  
United States environmental protection agency. The owner or 3645  
operator may withhold from the copy of the substantiation 3646  
submitted to the commission, committee, or fire department the 3647  
specific chemical identity claimed to be a trade secret and 3648  
information identified as confidential business information in 3649  
rules adopted under division (B) (1) (h) of section 3750.02 of the 3650  
Revised Code. 3651

(b) A determination of the claim remains pending pursuant 3652  
to those rules. 3653

(2) It has been determined pursuant to those rules that a 3654  
trade secret exists. 3655

(B) Except as otherwise provided in division (E) of this 3656  
section, any person who is required to provide information to 3657  
the commission, the local emergency planning committee of the 3658  
emergency planning district in which a facility owned or 3659  
operated by the person is located, or the fire department having 3660  
jurisdiction over the facility, under the reporting requirements 3661  
in section 3750.04, 3750.05, 3750.07, or 3750.08 of the Revised 3662  
Code or the rules adopted under division (B) (1) (d) or (e) of 3663  
section 3750.02 of the Revised Code may withhold from submission 3664  
to the committee, fire department, or any other person the 3665  
specific chemical identity, including the chemical name or other 3666  
specific identification, of an extremely hazardous substance or 3667  
hazardous chemical identified or listed in rules adopted under 3668  
division (C) (5) of section 3750.02 of the Revised Code on the 3669

grounds that the information constitutes a trade secret if 3670  
either of the following conditions is met: 3671

(1) (a) At the time of submitting the information sought to 3672  
be classified as a trade secret, the owner or operator of the 3673  
facility submits a claim to the commission for protection of 3674  
that information as a trade secret pursuant to rules adopted 3675  
under division (B) (5) of section 3750.02 of the Revised Code 3676  
along with the report that the owner or operator is required to 3677  
submit to the commission and submits to the committee or fire 3678  
department a copy of the required report that indicates that 3679  
such a claim has been filed with the commission and that 3680  
contains the generic class or category of the chemical identity 3681  
in place of the specific chemical identity and that is 3682  
accompanied by a copy of the substantiation supporting the trade 3683  
secret claim that was submitted to the commission. The owner may 3684  
withhold from the copy of the substantiation submitted to the 3685  
committee or fire department the specific chemical identity 3686  
claimed to be a trade secret and information identified as 3687  
confidential business information in rules adopted under 3688  
division (B) (1) (h) of section 3750.02 of the Revised Code. 3689

(b) A determination of the claim remains pending pursuant 3690  
to those rules and division (B) (14) of that section. 3691

(2) It has been determined pursuant to those rules and 3692  
division (B) (14) of that section that a trade secret exists. 3693

(C) No person shall withhold the specific identity of a 3694  
chemical on the grounds that it is a trade secret: 3695

(1) From any report enumerated in division (A) or (B) of 3696  
this section, if it has been determined pursuant to rules 3697  
adopted under division (B) (2) (d) of section 3750.02 of the 3698

Revised Code, or pursuant to division (B) (14) and rules adopted 3699  
under division (B) (5) of that section, that no trade secret 3700  
exists; 3701

(2) In any notification of a release required by section 3702  
3750.06 of the Revised Code; 3703

(3) When required to provide the specific chemical 3704  
identity to a health professional, physician, or nurse pursuant 3705  
to division (E) of this section. 3706

(D) The governor may, pursuant to section 322 of the 3707  
"Emergency Planning and Community Right-To-Know Act of 1986," 3708  
100 Stat. 1747, 42 U.S.C.A. 11042, request the administrator of 3709  
the United States environmental protection agency to provide 3710  
specific chemical identities that are claimed or have been 3711  
determined to be trade secret information or the 3712  
substantiations, explanations, or supplemental information 3713  
supporting trade secret protection claims submitted to or 3714  
determined by the administrator pursuant to that section and 3715  
rules adopted under division (B) (2) (d) of section 3750.02 of the 3716  
Revised Code regarding facilities located in this state that are 3717  
subject to this chapter. The governor shall not make available 3718  
to any member of the commission or committee who is not also an 3719  
officer or employee of the state or a political subdivision any 3720  
information claimed or determined to be a trade secret or 3721  
confidential business information obtained under this division 3722  
or pursuant to rules adopted under division (B) (5) of section 3723  
3750.02 of the Revised Code. Any trade secret and confidential 3724  
business information obtained under this division or pursuant to 3725  
rules adopted under division (B) (5) of that section shall be 3726  
protected from unauthorized disclosure in accordance with rules 3727  
adopted under division (B) (1) (i) of that section. 3728

(E) (1) The owner or operator of a facility that is subject 3729  
to section 3750.07 or 3750.08 of the Revised Code shall provide 3730  
the specific chemical identity of an extremely hazardous 3731  
substance or hazardous chemical, if the specific chemical 3732  
identity is known, to any health professional who submits to the 3733  
owner or operator a written request and statement of need for 3734  
the specific chemical identity. The written statement of need 3735  
shall be a statement of the health professional that the health 3736  
professional has a reasonable basis to believe that all of the 3737  
following conditions pertain to the request: 3738

(a) The information is needed for purposes of diagnosis or 3739  
treatment of an individual; 3740

(b) The individual being diagnosed or treated has been 3741  
exposed to the chemical concerned; 3742

(c) Knowledge of the specific chemical identity of the 3743  
chemical will assist in diagnosis and treatment. 3744

An owner or operator to whom such a written request and 3745  
statement of need is submitted shall provide the requested 3746  
information to the health professional promptly after receiving 3747  
the request and statement of need, subject to division (E) (4) of 3748  
this section. 3749

(2) The owner or operator of a facility that is subject to 3750  
section 3750.07 or 3750.08 of the Revised Code shall provide a 3751  
copy of a material safety data sheet or emergency and hazardous 3752  
chemical inventory form that contains the specific chemical 3753  
identity of an extremely hazardous substance or hazardous 3754  
chemical, if the specific chemical identity is known, to any 3755  
treating physician or nurse who requests that information if the 3756  
physician or nurse determines that all of the following 3757



conditions pertain to the request: 3758

(a) A medical emergency exists; 3759

(b) The specific chemical identity of the chemical 3760  
concerned is necessary for or will assist in emergency or first 3761  
aid diagnosis or treatment; 3762

(c) The individual being diagnosed or treated has been 3763  
exposed to the chemical concerned. 3764

The owner or operator shall provide the requested 3765  
information to the physician or nurse immediately upon receiving 3766  
such a request. The owner or operator shall not require any such 3767  
treating physician or nurse to provide a written confidentiality 3768  
agreement or statement of need as a precondition for disclosure 3769  
of a specific chemical identity under this division; however, 3770  
the owner or operator may require the treating physician or 3771  
nurse to provide a written confidentiality agreement under 3772  
division (E) (4) of this section and a statement setting forth 3773  
the conditions listed in divisions (E) (2) (a) to (c) of this 3774  
section as soon after the request is made as circumstances 3775  
permit. 3776

(3) The owner or operator of a facility that is subject to 3777  
section 3750.07 or 3750.08 of the Revised Code shall provide the 3778  
specific chemical identity of an extremely hazardous substance 3779  
or hazardous chemical, if the specific chemical identity is 3780  
known, to any health professional, including, without 3781  
limitation, a physician, toxicologist, or epidemiologist, who is 3782  
either employed by or under contract with a political 3783  
subdivision and who submits to the owner or operator a written 3784  
request for the information, a written statement of need for the 3785  
information that meets the requirements of division (E) (3) of 3786

this section, and a written confidentiality agreement under 3787  
division (E)(4) of this section. The owner or operator shall 3788  
promptly after receipt of the written request, statement of 3789  
need, and confidentiality agreement provide the requested 3790  
information to the local health professional who requested it. 3791

The written statement of need for a specific chemical 3792  
identity required by division (E)(3) of this section shall 3793  
describe with reasonable detail one or more of the following 3794  
health needs for the information: 3795

(a) To assess exposure of persons living in a local 3796  
community to the hazards of the chemical concerned; 3797

(b) To conduct or assess sampling to determine exposure 3798  
levels of various population groups to the chemical concerned; 3799

(c) To conduct periodic medical surveillance of population 3800  
groups exposed to the chemical concerned; 3801

(d) To provide medical treatment to individuals or 3802  
population groups exposed to the chemical concerned; 3803

(e) To conduct studies to determine the health effects of 3804  
exposure to the chemical concerned; 3805

(f) To conduct studies to aid in the identification of a 3806  
chemical that may reasonably be anticipated to cause an observed 3807  
health effect. 3808

(4) Any person who obtains information under division (E) 3809  
(1) or (3) of this section shall, as a precondition for 3810  
receiving that information, enter into a written confidentiality 3811  
agreement with the owner or operator of the facility from whom 3812  
the information was requested that the person will not use the 3813  
information for any purpose other than the health needs asserted 3814

in the statement of need provided thereunder, except as 3815  
otherwise may be authorized by the terms of the agreement or by 3816  
the person providing the information. 3817

(F) (1) A member of the commission, officer or employee of 3818  
the environmental protection agency, member or employee of a 3819  
committee, or officer or employee of a fire department shall not 3820  
request the owner or operator of a facility subject to this 3821  
chapter to submit to the member, officer, or employee a trade 3822  
secret claim or copy thereof; report required by section 3823  
3750.04, 3750.05, 3750.07, or 3750.08 of the Revised Code; 3824  
substantiation of a trade secret claim or copy thereof or 3825  
explanation or supporting information pertaining to a trade 3826  
secret claim or copy thereof, that contains any information 3827  
claimed or determined to be a trade secret pursuant to rules 3828  
adopted under division (B) (2) (d) of section 3750.02 of the 3829  
Revised Code or identified as confidential business information 3830  
by rules adopted under division (B) (1) (h) of section 3750.02 of 3831  
the Revised Code. If any such member, officer, or employee knows 3832  
or has reason to believe that any such trade secret claim, 3833  
report, substantiation, or explanation or supporting information 3834  
pertaining to a trade secret claim contains any such 3835  
information, the member, officer, or employee immediately shall 3836  
return it to the owner or operator of the facility who submitted 3837  
it without reading it and shall request the owner or operator to 3838  
submit the appropriate report or substantiation that does not 3839  
contain the information claimed or determined to be a trade 3840  
secret or so identified as confidential business information. 3841

(2) A member of the commission who is not also an employee 3842  
of the state or a political subdivision, member or employee of a 3843  
committee, or officer or employee of a fire department shall not 3844  
request the owner or operator of a facility subject to this 3845

chapter to submit to the member, officer, or employee a trade 3846  
secret claim or copy thereof; report required by section 3847  
3750.04, 3750.05, 3750.07, or 3750.08 of the Revised Code; 3848  
substantiation of a trade secret claim; or explanation or 3849  
supporting information pertaining to a trade secret claim or 3850  
copy thereof, that contains any information claimed or 3851  
determined to be a trade secret pursuant to division (B)(14) of 3852  
section 3750.02 of the Revised Code and rules adopted under 3853  
division (B)(5) of that section or any information identified as 3854  
confidential business information by rules adopted under 3855  
division (B)(1)(h) of that section that pertains to such a 3856  
claim. If any such member, officer, or employee knows or has 3857  
reason to believe that any such trade secret claim, report, 3858  
substantiation, or explanation or supporting information 3859  
pertaining to any such trade secret claim contains any such 3860  
information, the member, officer, or employee immediately shall 3861  
return it to the owner or operator of the facility who submitted 3862  
it without reading it and shall request the owner or operator to 3863  
submit the appropriate report or substantiation that does not 3864  
contain the information so claimed or determined to be a trade 3865  
secret or so identified as confidential business information. 3866

(G) No member of the commission or designee of a member of 3867  
the commission, officer or employee of the environmental 3868  
protection agency, member or employee of a committee, health 3869  
professional, physician, nurse, or other person who receives 3870  
information claimed or determined to be a trade secret pursuant 3871  
to rules adopted under division (B)(2)(d) of section 3750.02 of 3872  
the Revised Code or pursuant to division (B)(14) of that section 3873  
and rules adopted under division (B)(5) of that section, or who 3874  
receives confidential business information identified in rules 3875  
adopted under division (B)(1)(h) of section 3750.02 of the 3876

Revised Code shall release the information to any person not 3877  
authorized to have that information under division (C) of this 3878  
section or rules adopted under division (B) (1) (i) of that 3879  
section. A violation of this division is not also a violation of 3880  
section 2913.02 ~~or, 2913.04, 2913.87, 2913.91, or 2913.92~~ of the 3881  
Revised Code. 3882

**Sec. 3751.04.** (A) Except as otherwise provided in division 3883  
(D) of this section, any person required to provide information 3884  
under section 3751.03 of the Revised Code may withhold from 3885  
submission the specific chemical identity, including the 3886  
chemical name and other specific identification, of the toxic 3887  
chemical on the grounds that the information constitutes a trade 3888  
secret if either of the following conditions is met: 3889

(1) (a) At the time of submitting the information sought to 3890  
be classified as a trade secret, the owner or operator of the 3891  
facility submits a claim for protection of that information as a 3892  
trade secret pursuant to regulations promulgated by the 3893  
administrator of the United States environmental protection 3894  
agency under EPCRA, and submits a copy of the required toxic 3895  
chemical release form that indicates that such a claim has been 3896  
filed and contains the generic class or category of the identity 3897  
in place of the identity. 3898

(b) A determination of the claim remains pending pursuant 3899  
to those regulations. 3900

(2) It has been determined by the administrator pursuant 3901  
to those regulations that a trade secret exists. 3902

(B) No person shall withhold the specific identity of a 3903  
toxic chemical on the grounds that the information is a trade 3904  
secret in either of the following instances: 3905

(1) From any toxic chemical release form if it has been 3906  
determined by the administrator pursuant to regulations 3907  
promulgated under EPCRA that no trade secret exists; 3908

(2) When required to provide the specific chemical 3909  
identity to a health professional, physician, or nurse pursuant 3910  
to division (D) of this section. 3911

(C) The governor may, pursuant to EPCRA, request the 3912  
administrator of the United States environmental protection 3913  
agency to provide specific chemical identities that are claimed 3914  
or have been determined to be trade secret information or the 3915  
explanations and supplemental information supporting trade 3916  
secret protection claims regarding facilities located in this 3917  
state that are subject to this chapter. The governor shall not 3918  
make any trade secret or confidential information obtained under 3919  
this division available to any member of the emergency planning 3920  
commission created in section 3750.02 of the Revised Code or to 3921  
any member of a local emergency planning committee of an 3922  
emergency planning district established under section 3750.03 of 3923  
the Revised Code who is not also an officer or employee of the 3924  
state or a political subdivision. Any trade secret or 3925  
confidential business information obtained under this division 3926  
shall be protected from unauthorized disclosure. 3927

(D) (1) The owner or operator of a facility that is subject 3928  
to section 3751.03 of the Revised Code shall provide the 3929  
specific chemical identity of a toxic chemical, if the specific 3930  
chemical identity is known, to any health professional who 3931  
submits to the owner or operator a written request and statement 3932  
of need for the specific chemical identity. The written 3933  
statement of need shall be a statement of the health 3934  
professional that the health professional has a reasonable basis 3935

to believe that all of the following conditions pertain to the request: 3936  
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(a) The information is needed for purposes of diagnosis or treatment of an individual; 3938  
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(b) The individual being diagnosed or treated has been exposed to the chemical concerned; 3940  
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(c) Knowledge of the specific chemical identity of the chemical will assist in diagnosis and treatment. 3942  
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An owner or operator to whom such a written request and statement of need is submitted shall provide the requested information to the health professional promptly after receiving the request and statement of need, subject to division (D) (4) of this section. 3944  
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(2) The owner or operator of a facility that is subject to section 3751.03 of the Revised Code shall provide a copy of a toxic chemical release form that contains the specific chemical identity of a toxic chemical, if the specific chemical identity is known, to any treating physician or nurse who requests that information if the physician or nurse determines that all of the following conditions pertain to the request: 3949  
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(a) A medical emergency exists; 3956

(b) The specific chemical identity of the chemical concerned is necessary for or will assist in emergency or first aid diagnosis or treatment; 3957  
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3959

(c) The individual being diagnosed or treated has been exposed to the chemical concerned. 3960  
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The owner or operator shall provide the requested information to the physician or nurse immediately upon receiving 3962  
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such a request. The owner or operator shall not require any such 3964  
treating physician or nurse to provide a written confidentiality 3965  
agreement or statement of need as a precondition for disclosure 3966  
of a specific chemical identity under this division; however, 3967  
the owner or operator may require the treating physician or 3968  
nurse to provide a written confidentiality agreement under 3969  
division (D) (4) of this section and a statement setting forth 3970  
the conditions listed in divisions (D) (2) (a) to (c) of this 3971  
section as soon after the disclosure is made as circumstances 3972  
permit. 3973

(3) The owner or operator of a facility that is subject to 3974  
section 3751.03 of the Revised Code shall provide the specific 3975  
chemical identity of a toxic chemical, if the specific chemical 3976  
identity is known, to any health professional, including, 3977  
without limitation, a physician, toxicologist, or 3978  
epidemiologist, who is either employed by or under contract with 3979  
a political subdivision and who submits to the owner or operator 3980  
a written request for the information, a written statement of 3981  
need for the information that meets the requirements of division 3982  
(D) (3) of this section, and a written confidentiality agreement 3983  
under division (D) (4) of this section. The owner or operator 3984  
shall promptly after receipt of the written request, statement 3985  
of need, and confidentiality agreement provide the requested 3986  
information to the local health professional who requested it. 3987

The written statement of need for a specific chemical 3988  
identity required by division (D) (3) of this section shall 3989  
describe with reasonable detail one or more of the following 3990  
health needs for the information: 3991

(a) To assess exposure of persons living in a local 3992  
community to the hazards of the chemical concerned; 3993



(b) To conduct or assess sampling to determine exposure levels of various population groups to the chemical concerned;	3994 3995
(c) To conduct periodic medical surveillance of population groups exposed to the chemical concerned;	3996 3997
(d) To provide medical treatment to individuals or population groups exposed to the chemical concerned;	3998 3999
(e) To conduct studies to determine the health effects of exposure to the chemical concerned;	4000 4001
(f) To conduct studies to aid in the identification of a chemical that may reasonably be anticipated to cause an observed health effect.	4002 4003 4004
(4) Any person who obtains information under division (D) (1) or (3) of this section shall, as a precondition for receiving that information, enter into a written confidentiality agreement with the owner or operator of the facility from whom the information was requested that the person will not use the information for any purpose other than the health needs asserted in the statement of need provided thereunder, except as otherwise may be authorized by the terms of the agreement or by the person providing the information.	4005 4006 4007 4008 4009 4010 4011 4012 4013
(E) An officer or employee of the environmental protection agency shall not request the owner or operator of a facility subject to this chapter to submit to the officer or employee a trade secret claim, toxic chemical release form required by section 3751.03 of the Revised Code, substantiation of a trade secret claim, or explanation or supporting information or copy thereof pertaining to a trade secret claim, that contains any information claimed or determined to be a trade secret or identified as confidential business information under EPCRA. If	4014 4015 4016 4017 4018 4019 4020 4021 4022

any officer or employee of the agency knows or has reason to 4023  
believe that a trade secret claim, toxic chemical release form, 4024  
substantiation, or explanation or supporting information 4025  
pertaining to a trade secret claim contains any such 4026  
information, the officer or employee immediately shall return it 4027  
to the owner or operator of the facility who submitted it 4028  
without reading it and shall request the owner or operator to 4029  
submit the appropriate report or substantiation that does not 4030  
contain the information claimed or determined to be a trade 4031  
secret or so identified as confidential business information. 4032

(F) No officer or employee of the environmental protection 4033  
agency, health professional, physician, nurse, or other person 4034  
who receives information claimed or determined to be a trade 4035  
secret or identified as confidential business information by 4036  
regulations promulgated by the administrator under EPCRA shall 4037  
release any information so classified or identified to any 4038  
person not authorized to have that information under division 4039  
(C) of this section. A violation of this division is not also a 4040  
violation of section 2913.02 ~~or~~, 2913.04, 2913.87, 2913.91, or 4041  
2913.92 of the Revised Code. 4042

**Sec. 5503.101.** (A) Notwithstanding any section of the 4043  
Revised Code or rule of procedure to the contrary, a defendant's 4044  
traffic or criminal record contained in the law enforcement 4045  
automated data system, also known as LEADS, may be disclosed to 4046  
the defendant and the defendant's counsel when formally 4047  
requested pursuant to the rules of discovery in a traffic or 4048  
criminal case. 4049

(B) Copies of information obtained from the law 4050  
enforcement automated data system pursuant to division (A) of 4051  
this section may be provided to the defendant and the 4052

defendant's counsel when formally requested pursuant to the 4053  
rules of discovery in a traffic or criminal case. 4054

(C) Upon a motion made by a prosecutor, the court hearing 4055  
a traffic or criminal case may order the redaction from 4056  
information to be disclosed or provided pursuant to division (A) 4057  
or (B) of this section pursuant to the rules of discovery in the 4058  
case of the residential address, date of birth, social security 4059  
number, and photograph of any witness, law enforcement officer, 4060  
or prosecutor. 4061

(D) Notwithstanding section 2913.04, 2913.87, 2913.91, 4062  
2913.92, or 2923.129 of the Revised Code, no prosecutor or 4063  
person assisting a prosecutor in providing discovery shall be 4064  
held civilly or criminally liable for disclosing information 4065  
from the law enforcement automated data system in the manner 4066  
authorized by this section. 4067

(E) The superintendent of the state highway patrol or any 4068  
person employed by the superintendent to carry out the purposes 4069  
of section 5503.10 of the Revised Code shall not sanction or 4070  
deny access to the law enforcement automated data system to any 4071  
person or entity because that person or entity provided 4072  
discovery information in the manner authorized by this section. 4073

(F) The defendant's counsel may disclose, copy, and 4074  
provide to the defendant any information about the defendant's 4075  
own traffic or criminal record obtained by discovery from the 4076  
law enforcement automated data system. 4077

(G) The fact that information sought in discovery is 4078  
contained in the law enforcement automated data system shall not 4079  
be cited or accepted as a reason for denying discovery to the 4080  
defendant of the defendant's own traffic or criminal record. 4081

**Section 2.** That existing sections 109.42, 109.572, 109.88, 4082  
901.511, 2137.14, 2909.07, 2913.01, 2913.04, 2913.05, 2913.49, 4083  
2919.25, 2919.251, 2919.26, 2921.22, 2923.04, 2923.129, 2927.12, 4084  
2933.51, 3712.09, 3721.121, 3750.09, 3751.04, and 5503.101 of 4085  
the Revised Code are hereby repealed. 4086

**Section 3.** The General Assembly, applying the principle 4087  
stated in division (B) of section 1.52 of the Revised Code that 4088  
amendments are to be harmonized if reasonably capable of 4089  
simultaneous operation, finds that the following sections, 4090  
presented in this act as composites of the sections as amended 4091  
by the acts indicated, are the resulting versions of the 4092  
sections in effect prior to the effective date of the sections 4093  
as presented in this act: 4094

Section 109.42 of the Revised Code as amended by both H.B. 4095  
1 and S.B. 201 of the 132nd General Assembly. 4096

Section 901.511 of the Revised Code as amended by both 4097  
H.B. 276 and H.B. 389 of the 129th General Assembly. 4098

Section 2921.22 of the Revised Code as amended by both 4099  
H.B. 216 and S.B. 319 of the 131st General Assembly. 4100