

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**

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 51
sections 2743.51 to 2743.72 of the Revised Code for injuries 52
caused by criminal offenses; 53

(4) The right of the victim in certain criminal or 54
juvenile cases or a victim's representative to receive, pursuant 55
to section 2930.06 of the Revised Code, notice of the date, 56
time, and place of the trial or delinquency proceeding in the 57
case or, if there will not be a trial or delinquency proceeding, 58
information from the prosecutor, as defined in section 2930.01 59
of the Revised Code, regarding the disposition of the case; 60

(5) The right of the victim in certain criminal or 61
juvenile cases or a victim's representative to receive, pursuant 62
to section 2930.04, 2930.05, or 2930.06 of the Revised Code, 63
notice of the name of the person charged with the violation, the 64
case or docket number assigned to the charge, and a telephone 65
number or numbers that can be called to obtain information about 66
the disposition of the case; 67

(6) The right of the victim in certain criminal or 68
juvenile cases or of the victim's representative pursuant to 69
section 2930.13 or 2930.14 of the Revised Code, subject to any 70
reasonable terms set by the court as authorized under section 71
2930.14 of the Revised Code, to make a statement about the 72
victimization and, if applicable, a statement relative to the 73
sentencing or disposition of the offender; 74

(7) The opportunity to obtain a court order, pursuant to 75
section 2945.04 of the Revised Code, to prevent or stop the 76
commission of the offense of intimidation of a crime victim or 77
witness or an offense against the person or property of the 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;

(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;

(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;

(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, 2913.88, 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;

(16) The right of a victim of a sexually oriented offense

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 261
2919.26 of the Revised Code. 262

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 263
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 264
Code, a completed form prescribed pursuant to division (C) (1) of 265
this section, and a set of fingerprint impressions obtained in 266
the manner described in division (C) (2) of this section, the 267
superintendent of the bureau of criminal identification and 268
investigation shall conduct a criminal records check in the 269
manner described in division (B) of this section to determine 270
whether any information exists that indicates that the person 271
who is the subject of the request previously has been convicted 272
of or pleaded guilty to any of the following: 273

(a) A violation of section 2903.01, 2903.02, 2903.03, 274
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 275
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 276
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 277
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 278
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 279
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 280
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 281
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 282
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 283
of the Revised Code, felonious sexual penetration in violation 284
of former section 2907.12 of the Revised Code, a violation of 285
section 2905.04 of the Revised Code as it existed prior to July 286
1, 1996, a violation of section 2919.23 of the Revised Code that 287
would have been a violation of section 2905.04 of the Revised 288
Code as it existed prior to July 1, 1996, had the violation been 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, 2913.87 to 2913.92, 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 411
Revised Code; 412

(b) A violation of an existing or former law of this 413
state, any other state, or the United States that is 414
substantially equivalent to any of the offenses listed in 415
division (A) (4) (a) of this section. 416

(5) Upon receipt of a request pursuant to section 5104.013 417
of the Revised Code, a completed form prescribed pursuant to 418
division (C) (1) of this section, and a set of fingerprint 419
impressions obtained in the manner described in division (C) (2) 420
of this section, the superintendent of the bureau of criminal 421
identification and investigation shall conduct a criminal 422
records check in the manner described in division (B) of this 423
section to determine whether any information exists that 424
indicates that the person who is the subject of the request has 425
been convicted of or pleaded guilty to any of the following: 426

(a) A violation of section 2151.421, 2903.01, 2903.02, 427
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 428
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 429
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 430
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 431
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 432
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 433
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 434
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 435
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 436
2913.48, 2913.49, 2913.87 to 2913.92, 2917.01, 2917.02, 2917.03, 437
2917.31, 2919.12, 2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 438
2921.03, 2921.11, 2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 439
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 440

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 955
this section. 956

(B) No person shall commit a specified offense involving 957
any agricultural product or equipment with the intent to do any 958
of the following: 959

(1) Intimidate or coerce a civilian population; 960

(2) Influence the policy of any government by intimidation 961
or coercion; 962

(3) Affect the conduct of any government; 963

(4) Interrupt or interfere with agricultural production, 964
agricultural research, or equipment for purposes of disrupting 965
or influencing, through intimidation or other means, consumer 966
confidence or agricultural production methods. 967

Division (B) of this section does not apply to the 968
practice of veterinary medicine by a person who has been issued 969
a valid license, temporary permit, or registration certificate 970
to practice veterinary medicine under Chapter 4741. of the 971
Revised Code. As used in this division, "practice of veterinary 972
medicine" has the same meaning as in section 4741.01 of the 973
Revised Code. 974

(C) No person shall raise, solicit, collect, donate, or 975
provide any material support or resources with the purpose that 976
the material support or resources will be used in whole or in 977
part to plan, prepare, carry out, or aid in either a violation 978
of division (B) of this section or in the concealment of, or an 979
escape from, a violation of that division. 980

(D) (1) In addition to the penalties established in section 981
901.99 of the Revised Code for a violation of this section, the 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.

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

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

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

(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.

(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.

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

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

(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.

(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

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 1067
account with the custodian, identifiable by the information 1068
specified in division (G) (3) (a) of this section. 1069

Sec. 2909.07. (A) No person shall: 1070

(1) Without privilege to do so, knowingly move, deface, 1071
damage, destroy, or otherwise improperly tamper with either of 1072
the following: 1073

(a) The property of another; 1074

(b) One's own residential real property with the purpose 1075
to decrease the value of or enjoyment of the residential real 1076
property, if both of the following apply: 1077

(i) The residential real property is subject to a 1078
mortgage. 1079

(ii) The person has been served with a summons and 1080
complaint in a pending residential mortgage loan foreclosure 1081
action relating to that real property. As used in this division, 1082
"pending" includes the time between judgment entry and 1083
confirmation of sale. 1084

(2) With purpose to interfere with the use or enjoyment of 1085
property of another, employ a tear gas device, stink bomb, smoke 1086
generator, or other device releasing a substance that is harmful 1087
or offensive to persons exposed or that tends to cause public 1088
alarm; 1089

(3) Without privilege to do so, knowingly move, deface, 1090
damage, destroy, or otherwise improperly tamper with a bench 1091
mark, triangulation station, boundary marker, or other survey 1092
station, monument, or marker; 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 (NH₃). 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 1965
network under circumstances not constituting a violation of 1966
section 2913.89 of the Revised Code. 1967

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

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

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

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

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

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

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

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

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

_____ Court

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

2356
Signature of person 2357

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

2360
Address of person (or office address of the arresting officer 2361
who filed the motion on behalf of the alleged victim)" 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 2761
practice registered nurse, registered nurse, and licensed 2762
practical nurse. 2763

Sec. 2923.04. (A) As used in this section: 2764

(1) "Compensation" means money, thing of value, or 2765
financial benefit. "Compensation" does not include bail, fines, 2766
or court costs. 2767

(2) "Critical infrastructure facility" has the same 2768
meaning as in section 2911.21 of the Revised Code. 2769

(3) "Organization" has the same meaning as in section 2770
2901.23 of the Revised Code. 2771

(B) No organization shall knowingly direct, authorize, 2772
facilitate, or encourage a person to commit any of the following 2773
offenses or provide compensation to a person for committing any 2774
of the following offenses: 2775

(1) Criminal mischief in violation of division ~~(A) (7)~~ (A) 2776
(6) of section 2909.07 of the Revised Code; 2777

(2) Criminal trespass in violation of division (A) (5) of 2778
section 2911.21 of the Revised Code; 2779

(3) Aggravated trespass in violation of division (A) (2) of 2780
section 2911.211 of the Revised Code; 2781

(4) Telecommunications harassment in violation of division 2782
(A) (4) of section 2917.21 of the Revised Code that involves a 2783
threat of damage to or destruction of a critical infrastructure 2784
facility; 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 3255
program may charge an applicant a fee not exceeding the amount 3256
the program pays under division (D) (1) of this section. A 3257
program may collect a fee only if both of the following apply: 3258

(a) The program notifies the person at the time of initial 3259
application for employment of the amount of the fee and that, 3260
unless the fee is paid, the person will not be considered for 3261
employment; 3262

(b) The medicaid program does not reimburse the program 3263
the fee it pays under division (D) (1) of this section. 3264

(E) The report of a criminal records check conducted 3265
pursuant to a request made under this section is not a public 3266
record for the purposes of section 149.43 of the Revised Code 3267
and shall not be made available to any person other than the 3268
following: 3269

(1) The individual who is the subject of the criminal 3270
records check or the individual's representative; 3271

(2) The chief administrator of the program requesting the 3272
criminal records check or the administrator's representative; 3273

(3) The administrator of any other facility, agency, or 3274
program that provides direct care to older adults or pediatric 3275
respite care patients that is owned or operated by the same 3276
entity that owns or operates the hospice care program or 3277
pediatric respite care program; 3278

(4) A court, hearing officer, or other necessary 3279
individual involved in a case dealing with a denial of 3280
employment of the applicant or dealing with employment or 3281
unemployment benefits of the applicant; 3282

(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
authorized to have that information under division (C) of this
section or rules adopted under division (B) (1) (i) of that
section. A violation of this division is not also a violation of
section 2913.02~~or, 2913.04, 2913.87, 2913.91, or 2913.92~~ of the
Revised Code.

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

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

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

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

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

(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 3936
request: 3937

(a) The information is needed for purposes of diagnosis or 3938
treatment of an individual; 3939

(b) The individual being diagnosed or treated has been 3940
exposed to the chemical concerned; 3941

(c) Knowledge of the specific chemical identity of the 3942
chemical will assist in diagnosis and treatment. 3943

An owner or operator to whom such a written request and 3944
statement of need is submitted shall provide the requested 3945
information to the health professional promptly after receiving 3946
the request and statement of need, subject to division (D) (4) of 3947
this section. 3948

(2) The owner or operator of a facility that is subject to 3949
section 3751.03 of the Revised Code shall provide a copy of a 3950
toxic chemical release form that contains the specific chemical 3951
identity of a toxic chemical, if the specific chemical identity 3952
is known, to any treating physician or nurse who requests that 3953
information if the physician or nurse determines that all of the 3954
following conditions pertain to the request: 3955

(a) A medical emergency exists; 3956

(b) The specific chemical identity of the chemical 3957
concerned is necessary for or will assist in emergency or first 3958
aid diagnosis or treatment; 3959

(c) The individual being diagnosed or treated has been 3960
exposed to the chemical concerned. 3961

The owner or operator shall provide the requested 3962
information to the physician or nurse immediately upon receiving 3963

such a request. The owner or operator shall not require any such
treating physician or nurse to provide a written confidentiality
agreement or statement of need as a precondition for disclosure
of a specific chemical identity under this division; however,
the owner or operator may require the treating physician or
nurse to provide a written confidentiality agreement under
division (D) (4) of this section and a statement setting forth
the conditions listed in divisions (D) (2) (a) to (c) of this
section as soon after the disclosure is made as circumstances
permit.

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

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

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

(b) To conduct or assess sampling to determine exposure 3994
levels of various population groups to the chemical concerned; 3995

(c) To conduct periodic medical surveillance of population 3996
groups exposed to the chemical concerned; 3997

(d) To provide medical treatment to individuals or 3998
population groups exposed to the chemical concerned; 3999

(e) To conduct studies to determine the health effects of 4000
exposure to the chemical concerned; 4001

(f) To conduct studies to aid in the identification of a 4002
chemical that may reasonably be anticipated to cause an observed 4003
health effect. 4004

(4) Any person who obtains information under division (D) 4005
(1) or (3) of this section shall, as a precondition for 4006
receiving that information, enter into a written confidentiality 4007
agreement with the owner or operator of the facility from whom 4008
the information was requested that the person will not use the 4009
information for any purpose other than the health needs asserted 4010
in the statement of need provided thereunder, except as 4011
otherwise may be authorized by the terms of the agreement or by 4012
the person providing the information. 4013

(E) An officer or employee of the environmental protection 4014
agency shall not request the owner or operator of a facility 4015
subject to this chapter to submit to the officer or employee a 4016
trade secret claim, toxic chemical release form required by 4017
section 3751.03 of the Revised Code, substantiation of a trade 4018
secret claim, or explanation or supporting information or copy 4019
thereof pertaining to a trade secret claim, that contains any 4020
information claimed or determined to be a trade secret or 4021
identified as confidential business information under EPCRA. If 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