

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 158**

**Senator Wilson**

**Cosponsors: Senators Terhar, Coley, Gardner, Eklund, Hottinger, Manning**

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**A BILL**

To amend sections 2913.02, 2913.21, 2913.31, 1  
2913.43, 2913.49, and 5101.61 and to enact 2  
sections 109.67 and 173.95 of the Revised Code 3  
to develop best practices and educational 4  
opportunities to combat elder fraud and 5  
exploitation and to fine and require full 6  
restitution from offenders who are found guilty 7  
of certain fraud-related crimes against the 8  
elderly. 9

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

**Section 1.** That sections 2913.02, 2913.21, 2913.31, 10  
2913.43, 2913.49, and 5101.61 be amended and sections 109.67 and 11  
173.95 of the Revised Code be enacted to read as follows: 12

**Sec. 109.67.** The attorney general shall publish at least 13  
six public service announcements each year that provide general 14  
information on elder fraud and financial exploitation of the 15  
elderly. The announcements may be created by the attorney 16  
general or by trade groups and must provide general information 17  
on all of the following: 18

(A) Warning signs that may signal that fraud or financial exploitation are occurring; 19  
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(B) Methods for reporting elder fraud or financial exploitation including a list of agencies that handle those reports; 21  
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(C) Services and resources that may be available to prevent or remedy elder fraud or financial exploitation. 24  
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**Sec. 173.95.** (A) The director of aging, the director of commerce, and the director of job and family services, in consultation with county departments of job and family services, adult protective services agencies, the Ohio bankers league, the community bankers association of Ohio, and the Ohio credit union league, shall work together to develop best practices and standards for preventing elder fraud and financial exploitation and to provide education on the subject. 26  
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(B) The director of job and family services shall work with county departments of job and family services, adult protective service agencies, and county prosecutors to ensure that services and resources are available to victims of elder fraud and exploitation. 34  
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(C) The director of aging, the director of commerce, and the director of job and family services shall create a report of the best practices and standards developed under division (A) of this section and shall provide a copy of that report to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives not later than December 1, 2018. 39  
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**Sec. 2913.02.** (A) No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert 46  
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control over either the property or services in any of the	48
following ways:	49
(1) Without the consent of the owner or person authorized	50
to give consent;	51
(2) Beyond the scope of the express or implied consent of	52
the owner or person authorized to give consent;	53
(3) By deception;	54
(4) By threat;	55
(5) By intimidation.	56
(B) (1) Whoever violates this section is guilty of theft.	57
(2) Except as otherwise provided in this division or	58
division (B) (3), (4), (5), (6), (7), (8), or (9) of this	59
section, a violation of this section is petty theft, a	60
misdemeanor of the first degree. If the value of the property or	61
services stolen is one thousand dollars or more and is less than	62
seven thousand five hundred dollars or if the property stolen is	63
any of the property listed in section 2913.71 of the Revised	64
Code, a violation of this section is theft, a felony of the	65
fifth degree. If the value of the property or services stolen is	66
seven thousand five hundred dollars or more and is less than one	67
hundred fifty thousand dollars, a violation of this section is	68
grand theft, a felony of the fourth degree. If the value of the	69
property or services stolen is one hundred fifty thousand	70
dollars or more and is less than seven hundred fifty thousand	71
dollars, a violation of this section is aggravated theft, a	72
felony of the third degree. If the value of the property or	73
services is seven hundred fifty thousand dollars or more and is	74
less than one million five hundred thousand dollars, a violation	75
of this section is aggravated theft, a felony of the second	76

degree. If the value of the property or services stolen is one 77  
million five hundred thousand dollars or more, a violation of 78  
this section is aggravated theft of one million five hundred 79  
thousand dollars or more, a felony of the first degree. 80

(3) Except as otherwise provided in division (B)(4), (5), 81  
(6), (7), (8), or (9) of this section, if the victim of the 82  
offense is an elderly person, disabled adult, active duty 83  
service member, or spouse of an active duty service member, a 84  
violation of this section is theft from a person in a protected 85  
class, and division (B)(3) of this section applies. Except as 86  
otherwise provided in this division, theft from a person in a 87  
protected class is a felony of the fifth degree. If the value of 88  
the property or services stolen is one thousand dollars or more 89  
and is less than seven thousand five hundred dollars, theft from 90  
a person in a protected class is a felony of the fourth degree. 91  
If the value of the property or services stolen is seven 92  
thousand five hundred dollars or more and is less than thirty- 93  
seven thousand five hundred dollars, theft from a person in a 94  
protected class is a felony of the third degree. If the value of 95  
the property or services stolen is thirty-seven thousand five 96  
hundred dollars or more and is less than one hundred fifty 97  
thousand dollars, theft from a person in a protected class is a 98  
felony of the second degree. If the value of the property or 99  
services stolen is one hundred fifty thousand dollars or more, 100  
theft from a person in a protected class is a felony of the 101  
first degree. If the victim of the offense is an elderly person, 102  
in addition to any other penalty imposed for the offense, the 103  
offender shall be required to pay full restitution to the victim 104  
and to pay a fine of up to fifty thousand dollars. The clerk of 105  
court shall forward all fines collected under division (B)(3) of 106  
this section to the county department of job and family services 107

to be used for the reporting and investigation of elder abuse 108  
and exploitation under sections 5101.61 to 5101.62 of the 109  
Revised Code. 110

(4) If the property stolen is a firearm or dangerous 111  
ordnance, a violation of this section is grand theft. Except as 112  
otherwise provided in this division, grand theft when the 113  
property stolen is a firearm or dangerous ordnance is a felony 114  
of the third degree, and there is a presumption in favor of the 115  
court imposing a prison term for the offense. If the firearm or 116  
dangerous ordnance was stolen from a federally licensed firearms 117  
dealer, grand theft when the property stolen is a firearm or 118  
dangerous ordnance is a felony of the first degree. The offender 119  
shall serve a prison term imposed for grand theft when the 120  
property stolen is a firearm or dangerous ordnance consecutively 121  
to any other prison term or mandatory prison term previously or 122  
subsequently imposed upon the offender. 123

(5) If the property stolen is a motor vehicle, a violation 124  
of this section is grand theft of a motor vehicle, a felony of 125  
the fourth degree. 126

(6) If the property stolen is any dangerous drug, a 127  
violation of this section is theft of drugs, a felony of the 128  
fourth degree, or, if the offender previously has been convicted 129  
of a felony drug abuse offense, a felony of the third degree. 130

(7) If the property stolen is a police dog or horse or an 131  
assistance dog and the offender knows or should know that the 132  
property stolen is a police dog or horse or an assistance dog, a 133  
violation of this section is theft of a police dog or horse or 134  
an assistance dog, a felony of the third degree. 135

(8) If the property stolen is anhydrous ammonia, a 136

violation of this section is theft of anhydrous ammonia, a 137  
felony of the third degree. 138

(9) Except as provided in division (B)(2) of this section 139  
with respect to property with a value of seven thousand five 140  
hundred dollars or more and division (B)(3) of this section with 141  
respect to property with a value of one thousand dollars or 142  
more, if the property stolen is a special purpose article as 143  
defined in section 4737.04 of the Revised Code or is a bulk 144  
merchandise container as defined in section 4737.012 of the 145  
Revised Code, a violation of this section is theft of a special 146  
purpose article or articles or theft of a bulk merchandise 147  
container or containers, a felony of the fifth degree. 148

(10) In addition to the penalties described in division 149  
(B)(2) of this section, if the offender committed the violation 150  
by causing a motor vehicle to leave the premises of an 151  
establishment at which gasoline is offered for retail sale 152  
without the offender making full payment for gasoline that was 153  
dispensed into the fuel tank of the motor vehicle or into 154  
another container, the court may do one of the following: 155

(a) Unless division (B)(10)(b) of this section applies, 156  
suspend for not more than six months the offender's driver's 157  
license, probationary driver's license, commercial driver's 158  
license, temporary instruction permit, or nonresident operating 159  
privilege; 160

(b) If the offender's driver's license, probationary 161  
driver's license, commercial driver's license, temporary 162  
instruction permit, or nonresident operating privilege has 163  
previously been suspended pursuant to division (B)(10)(a) of 164  
this section, impose a class seven suspension of the offender's 165  
license, permit, or privilege from the range specified in 166

division (A) (7) of section 4510.02 of the Revised Code, provided 167  
that the suspension shall be for at least six months. 168

(c) The court, in lieu of suspending the offender's 169  
driver's or commercial driver's license, probationary driver's 170  
license, temporary instruction permit, or nonresident operating 171  
privilege pursuant to division (B) (10) (a) or (b) of this 172  
section, instead may require the offender to perform community 173  
service for a number of hours determined by the court. 174

(11) In addition to the penalties described in division 175  
(B) (2) of this section, if the offender committed the violation 176  
by stealing rented property or rental services, the court may 177  
order that the offender make restitution pursuant to section 178  
2929.18 or 2929.28 of the Revised Code. Restitution may include, 179  
but is not limited to, the cost of repairing or replacing the 180  
stolen property, or the cost of repairing the stolen property 181  
and any loss of revenue resulting from deprivation of the 182  
property due to theft of rental services that is less than or 183  
equal to the actual value of the property at the time it was 184  
rented. Evidence of intent to commit theft of rented property or 185  
rental services shall be determined pursuant to the provisions 186  
of section 2913.72 of the Revised Code. 187

(C) The sentencing court that suspends an offender's 188  
license, permit, or nonresident operating privilege under 189  
division (B) (10) of this section may grant the offender limited 190  
driving privileges during the period of the suspension in 191  
accordance with Chapter 4510. of the Revised Code. 192

**Sec. 2913.21.** (A) No person shall do any of the following: 193

(1) Practice deception for the purpose of procuring the 194  
issuance of a credit card, when a credit card is issued in 195

actual reliance thereon;	196
(2) Knowingly buy or sell a credit card from or to a person other than the issuer.	197 198
(B) No person, with purpose to defraud, shall do any of the following:	199 200
(1) Obtain control over a credit card as security for a debt;	201 202
(2) Obtain property or services by the use of a credit card, in one or more transactions, knowing or having reasonable cause to believe that the card has expired or been revoked, or was obtained, is retained, or is being used in violation of law;	203 204 205 206
(3) Furnish property or services upon presentation of a credit card, knowing that the card is being used in violation of law;	207 208 209
(4) Represent or cause to be represented to the issuer of a credit card that property or services have been furnished, knowing that the representation is false.	210 211 212
(C) No person, with purpose to violate this section, shall receive, possess, control, or dispose of a credit card.	213 214
(D) (1) Whoever violates this section is guilty of misuse of credit cards.	215 216
(2) Except as otherwise provided in division (D) (4) of this section, a violation of division (A), (B) (1), or (C) of this section is a misdemeanor of the first degree.	217 218 219
(3) Except as otherwise provided in this division or division (D) (4) of this section, a violation of division (B) (2), (3), or (4) of this section is a misdemeanor of the first	220 221 222



degree. If the cumulative retail value of the property and 223  
services involved in one or more violations of division (B) (2), 224  
(3), or (4) of this section, which violations involve one or 225  
more credit card accounts and occur within a period of ninety 226  
consecutive days commencing on the date of the first violation, 227  
is one thousand dollars or more and is less than seven thousand 228  
five hundred dollars, misuse of credit cards in violation of any 229  
of those divisions is a felony of the fifth degree. If the 230  
cumulative retail value of the property and services involved in 231  
one or more violations of division (B) (2), (3), or (4) of this 232  
section, which violations involve one or more credit card 233  
accounts and occur within a period of ninety consecutive days 234  
commencing on the date of the first violation, is seven thousand 235  
five hundred dollars or more and is less than one hundred fifty 236  
thousand dollars, misuse of credit cards in violation of any of 237  
those divisions is a felony of the fourth degree. If the 238  
cumulative retail value of the property and services involved in 239  
one or more violations of division (B) (2), (3), or (4) of this 240  
section, which violations involve one or more credit card 241  
accounts and occur within a period of ninety consecutive days 242  
commencing on the date of the first violation, is one hundred 243  
fifty thousand dollars or more, misuse of credit cards in 244  
violation of any of those divisions is a felony of the third 245  
degree. 246

(4) If the victim of the offense is an elderly person or 247  
disabled adult, and if the offense involves a violation of 248  
division (B) (1) or (2) of this section, division (D) (4) of this 249  
section applies. Except as otherwise provided in division (D) (4) 250  
of this section, a violation of division (B) (1) or (2) of this 251  
section is a felony of the fifth degree. If the debt for which 252  
the card is held as security or the cumulative retail value of 253

the property or services involved in the violation is one 254  
thousand dollars or more and is less than seven thousand five 255  
hundred dollars, a violation of either of those divisions is a 256  
felony of the fourth degree. If the debt for which the card is 257  
held as security or the cumulative retail value of the property 258  
or services involved in the violation is seven thousand five 259  
hundred dollars or more and is less than thirty-seven thousand 260  
five hundred dollars, a violation of either of those divisions 261  
is a felony of the third degree. If the debt for which the card 262  
is held as security or the cumulative retail value of the 263  
property or services involved in the violation is thirty-seven 264  
thousand five hundred dollars or more, a violation of either of 265  
those divisions is a felony of the second degree. In addition to 266  
any other penalty imposed under division (D) (4) of this section, 267  
the offender shall be required to pay full restitution to the 268  
victim and to pay a fine of up to fifty thousand dollars. The 269  
clerk of court shall forward all fines collected under division 270  
(D) (4) of this section to the county department of job and 271  
family services to be used for the reporting and investigation 272  
of elder abuse and exploitation under sections 5101.61 to 273  
5101.62 of the Revised Code. 274

**Sec. 2913.31.** (A) No person, with purpose to defraud, or 275  
knowing that the person is facilitating a fraud, shall do any of 276  
the following: 277

(1) Forge any writing of another without the other 278  
person's authority; 279

(2) Forge any writing so that it purports to be genuine 280  
when it actually is spurious, or to be the act of another who 281  
did not authorize that act, or to have been executed at a time 282  
or place or with terms different from what in fact was the case, 283

or to be a copy of an original when no such original existed;	284
(3) Utter, or possess with purpose to utter, any writing that the person knows to have been forged.	285 286
(B) No person shall knowingly do either of the following:	287
(1) Forge an identification card;	288
(2) Sell or otherwise distribute a card that purports to be an identification card, knowing it to have been forged.	289 290
As used in this division, "identification card" means a card that includes personal information or characteristics of an individual, a purpose of which is to establish the identity of the bearer described on the card, whether the words "identity," "identification," "identification card," or other similar words appear on the card.	291 292 293 294 295 296
(C) (1) (a) Whoever violates division (A) of this section is guilty of forgery.	297 298
(b) Except as otherwise provided in this division or division (C) (1) (c) <u>of this section and subject to division (C)</u> <u>(1) (d)</u> of this section, forgery is a felony of the fifth degree. If property or services are involved in the offense or the victim suffers a loss, forgery is one of the following:	299 300 301 302 303
(i) 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 fourth degree;	304 305 306 307
(ii) If the value of the property or services or the loss to the victim is one hundred fifty thousand dollars or more, a felony of the third degree.	308 309 310

(c) If the victim of the offense is an elderly person or disabled adult, division (C) (1) (c) of this section applies to the forgery. Except as otherwise provided in division (C) (1) (c) of this section, forgery is a felony of the fifth degree. If property or services are involved in the offense or if the victim suffers a loss, forgery is one of the following:

(i) 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 fourth degree;

(ii) 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 thirty-seven thousand five hundred dollars, a felony of the third degree;

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

(d) If the victim of the offense is an elderly person, division (C) (1) (d) of this section applies to the forgery. In addition to any other penalty imposed for the offense under division (C) (1) (c) of this section, the offender shall be required to pay full restitution to the victim and to pay a fine of up to fifty thousand dollars. The clerk of court shall forward all fines collected under division (C) (1) (d) of this section to the county department of job and family services to be used for the reporting and investigation of elder abuse and exploitation under sections 5101.61 to 5101.62 of the Revised Code.

(2) (a) Whoever violates division (B) of this section is

guilty of forging identification cards or selling or 340  
distributing forged identification cards. Except as otherwise 341  
provided in this division, forging identification cards or 342  
selling or distributing forged identification cards is a 343  
misdemeanor of the first degree. If the offender previously has 344  
been convicted of a violation of division (B) of this section, 345  
forging identification cards or selling or distributing forged 346  
identification cards is a misdemeanor of the first degree and, 347  
in addition, the court shall impose upon the offender a fine of 348  
not less than two hundred fifty dollars. 349

(b) If the victim of a violation of division (B) of this 350  
section is an elderly person, division (C) (2) (b) of this section 351  
applies to the offense. In addition to any other penalty imposed 352  
for the offense under division (C) (2) (a) of this section, 353  
whoever violates division (B) of this section shall be required 354  
to pay full restitution to the victim and to pay a fine of up to 355  
fifty thousand dollars. The clerk of court shall forward all 356  
finances collected under division (C) (2) (b) of this section to the 357  
county department of job and family services to be used for the 358  
reporting and investigation of elder abuse and exploitation 359  
under sections 5101.61 to 5101.62 of the Revised Code. 360

**Sec. 2913.43.** (A) No person, by deception, shall cause 361  
another to execute any writing that disposes of or encumbers 362  
property, or by which a pecuniary obligation is incurred. 363

(B) (1) Whoever violates this section is guilty of securing 364  
writings by deception. 365

(2) Except as otherwise provided in this division or 366  
division (B) (3) of this section, securing writings by deception 367  
is a misdemeanor of the first degree. If the value of the 368  
property or the obligation involved is one thousand dollars or 369

more and less than seven thousand five hundred dollars, securing 370  
writings by deception is a felony of the fifth degree. If the 371  
value of the property or the obligation involved is seven 372  
thousand five hundred dollars or more and is less than one 373  
hundred fifty thousand dollars, securing writings by deception 374  
is a felony of the fourth degree. If the value of the property 375  
or the obligation involved is one hundred fifty thousand dollars 376  
or more, securing writings by deception is a felony of the third 377  
degree. 378

(3) If the victim of the offense is an elderly person, 379  
disabled adult, active duty service member, or spouse of an 380  
active duty service member, division (B)(3) of this section 381  
applies. Except as otherwise provided in division (B)(3) of this 382  
section, securing writings by deception is a felony of the fifth 383  
degree. If the value of the property or obligation involved is 384  
one thousand dollars or more and is less than seven thousand 385  
five hundred dollars, securing writings by deception is a felony 386  
of the fourth degree. If the value of the property or obligation 387  
involved is seven thousand five hundred dollars or more and is 388  
less than thirty-seven thousand five hundred dollars, securing 389  
writings by deception is a felony of the third degree. If the 390  
value of the property or obligation involved is thirty-seven 391  
thousand five hundred dollars or more, securing writings by 392  
deception is a felony of the second degree. If the victim of the 393  
offense is an elderly person, in addition to any other penalty 394  
imposed for the offense, the offender shall be required to pay 395  
full restitution to the victim and to pay a fine of up to fifty 396  
thousand dollars. The clerk of court shall forward all fines 397  
collected under division (B)(3) of this section to the county 398  
department of job and family services to be used for the 399  
reporting and investigation of elder abuse and exploitation 400

under sections 5101.61 to 5101.62 of the Revised Code. 401

**Sec. 2913.49.** (A) As used in this section, "personal 402  
identifying information" includes, but is not limited to, the 403  
following: the name, address, telephone number, driver's 404  
license, driver's license number, commercial driver's license, 405  
commercial driver's license number, state identification card, 406  
state identification card number, social security card, social 407  
security number, birth certificate, place of employment, 408  
employee identification number, mother's maiden name, demand 409  
deposit account number, savings account number, money market 410  
account number, mutual fund account number, other financial 411  
account number, personal identification number, password, or 412  
credit card number of a living or dead individual. 413

(B) No person, without the express or implied consent of 414  
the other person, shall use, obtain, or possess any personal 415  
identifying information of another person with intent to do 416  
either of the following: 417

(1) Hold the person out to be the other person; 418

(2) Represent the other person's personal identifying 419  
information as the person's own personal identifying 420  
information. 421

(C) No person shall create, obtain, possess, or use the 422  
personal identifying information of any person with the intent 423  
to aid or abet another person in violating division (B) of this 424  
section. 425

(D) No person, with intent to defraud, shall permit 426  
another person to use the person's own personal identifying 427  
information. 428

(E) No person who is permitted to use another person's 429

personal identifying information as described in division (D) of 430  
this section shall use, obtain, or possess the other person's 431  
personal identifying information with intent to defraud any 432  
person by doing any act identified in division (B) (1) or (2) of 433  
this section. 434

(F) (1) It is an affirmative defense to a charge under 435  
division (B) of this section that the person using the personal 436  
identifying information is acting in accordance with a legally 437  
recognized guardianship or conservatorship or as a trustee or 438  
fiduciary. 439

(2) It is an affirmative defense to a charge under 440  
division (B), (C), (D), or (E) of this section that either of 441  
the following applies: 442

(a) The person or entity using, obtaining, possessing, or 443  
creating the personal identifying information or permitting it 444  
to be used is a law enforcement agency, authorized fraud 445  
personnel, or a representative of or attorney for a law 446  
enforcement agency or authorized fraud personnel and is using, 447  
obtaining, possessing, or creating the personal identifying 448  
information or permitting it to be used, with prior consent 449  
given as specified in this division, in a bona fide 450  
investigation, an information security evaluation, a pretext 451  
calling evaluation, or a similar matter. The prior consent 452  
required under this division shall be given by the person whose 453  
personal identifying information is being used, obtained, 454  
possessed, or created or is being permitted to be used or, if 455  
the person whose personal identifying information is being used, 456  
obtained, possessed, or created or is being permitted to be used 457  
is deceased, by that deceased person's executor, or a member of 458  
that deceased person's family, or that deceased person's 459



attorney. The prior consent required under this division may be 460  
given orally or in writing by the person whose personal 461  
identifying information is being used, obtained, possessed, or 462  
created or is being permitted to be used or that person's 463  
executor, or family member, or attorney. 464

(b) The personal identifying information was obtained, 465  
possessed, used, created, or permitted to be used for a lawful 466  
purpose, provided that division (F) (2) (b) of this section does 467  
not apply if the person or entity using, obtaining, possessing, 468  
or creating the personal identifying information or permitting 469  
it to be used is a law enforcement agency, authorized fraud 470  
personnel, or a representative of or attorney for a law 471  
enforcement agency or authorized fraud personnel that is using, 472  
obtaining, possessing, or creating the personal identifying 473  
information or permitting it to be used in an investigation, an 474  
information security evaluation, a pretext calling evaluation, 475  
or similar matter. 476

(G) It is not a defense to a charge under this section 477  
that the person whose personal identifying information was 478  
obtained, possessed, used, created, or permitted to be used was 479  
deceased at the time of the offense. 480

(H) (1) If an offender commits a violation of division (B), 481  
(D), or (E) of this section and the violation occurs as part of 482  
a course of conduct involving other violations of division (B), 483  
(D), or (E) of this section or violations of, attempts to 484  
violate, conspiracies to violate, or complicity in violations of 485  
division (C) of this section or section 2913.02, 2913.04, 486  
2913.11, 2913.21, 2913.31, 2913.42, 2913.43, or 2921.13 of the 487  
Revised Code, the court, in determining the degree of the 488  
offense pursuant to division (I) of this section, may aggregate 489

all credit, property, or services obtained or sought to be 490  
obtained by the offender and all debts or other legal 491  
obligations avoided or sought to be avoided by the offender in 492  
the violations involved in that course of conduct. The course of 493  
conduct may involve one victim or more than one victim. 494

(2) If an offender commits a violation of division (C) of 495  
this section and the violation occurs as part of a course of 496  
conduct involving other violations of division (C) of this 497  
section or violations of, attempts to violate, conspiracies to 498  
violate, or complicity in violations of division (B), (D), or 499  
(E) of this section or section 2913.02, 2913.04, 2913.11, 500  
2913.21, 2913.31, 2913.42, 2913.43, or 2921.13 of the Revised 501  
Code, the court, in determining the degree of the offense 502  
pursuant to division (I) of this section, may aggregate all 503  
credit, property, or services obtained or sought to be obtained 504  
by the person aided or abetted and all debts or other legal 505  
obligations avoided or sought to be avoided by the person aided 506  
or abetted in the violations involved in that course of conduct. 507  
The course of conduct may involve one victim or more than one 508  
victim. 509

(I)(1) Whoever violates this section is guilty of identity 510  
fraud. 511

(2) Except as otherwise provided in this division or 512  
division (I)(3) of this section, identity fraud is a felony of 513  
the fifth degree. If the value of the credit, property, 514  
services, debt, or other legal obligation involved in the 515  
violation or course of conduct is one thousand dollars or more 516  
and is less than seven thousand five hundred dollars, except as 517  
otherwise provided in division (I)(3) of this section, identity 518  
fraud is a felony of the fourth degree. If the value of the 519

credit, property, services, debt, or other legal obligation 520  
involved in the violation or course of conduct is seven thousand 521  
five hundred dollars or more and is less than one hundred fifty 522  
thousand dollars, except as otherwise provided in division (I) 523  
(3) of this section, identity fraud is a felony of the third 524  
degree. If the value of the credit, property, services, debt, or 525  
other legal obligation involved in the violation or course of 526  
conduct is one hundred fifty thousand dollars or more, except as 527  
otherwise provided in division (I)(3) of this section, identity 528  
fraud is a felony of the second degree. 529

(3) If the victim of the offense is an elderly person, 530  
disabled adult, active duty service member, or spouse of an 531  
active duty service member, a violation of this section is 532  
identity fraud against a person in a protected class. Except as 533  
otherwise provided in this division, identity fraud against a 534  
person in a protected class is a felony of the fourth degree. If 535  
the value of the credit, property, services, debt, or other 536  
legal obligation involved in the violation or course of conduct 537  
is one thousand dollars or more and is less than seven thousand 538  
five hundred dollars, identity fraud against a person in a 539  
protected class is a felony of the third degree. If the value of 540  
the credit, property, services, debt, or other legal obligation 541  
involved in the violation or course of conduct is seven thousand 542  
five hundred dollars or more and is less than one hundred fifty 543  
thousand dollars, identity fraud against a person in a protected 544  
class is a felony of the second degree. If the value of the 545  
credit, property, services, debt, or other legal obligation 546  
involved in the violation or course of conduct is one hundred 547  
fifty thousand dollars or more, identity fraud against a person 548  
in a protected class is a felony of the first degree. If the 549  
victim of the offense is an elderly person, in addition to any 550

other penalty imposed for the offense, the offender shall be 551  
required to pay full restitution to the victim and to pay a fine 552  
of up to fifty thousand dollars. The clerk of court shall 553  
forward all fines collected under division (I)(3) of this 554  
section to the county department of job and family services to 555  
be used for the reporting and investigation of elder abuse and 556  
exploitation under sections 5101.61 to 5101.62 of the Revised 557  
Code. 558

(J) In addition to the penalties described in division (I) 559  
of this section, anyone injured in person or property by a 560  
violation of division (B), (D), or (E) of this section who is 561  
the owner of the identifying information involved in that 562  
violation has a civil action against the offender pursuant to 563  
section 2307.60 of the Revised Code. That person may also bring 564  
a civil action to enjoin or restrain future acts that would 565  
constitute a violation of division (B), (D), or (E) of this 566  
section. 567

**Sec. 5101.61.** (A) As used in this section: 568

(1) "Senior service provider" means any person who 569  
provides care or services to a person who is an adult as defined 570  
in division (B) of section 5101.60 of the Revised Code. 571

(2) "Ambulatory health facility" means a nonprofit, public 572  
or proprietary freestanding organization or a unit of such an 573  
agency or organization that: 574

(a) Provides preventive, diagnostic, therapeutic, 575  
rehabilitative, or palliative items or services furnished to an 576  
outpatient or ambulatory patient, by or under the direction of a 577  
physician or dentist in a facility which is not a part of a 578  
hospital, but which is organized and operated to provide medical 579

care to outpatients;	580
(b) Has health and medical care policies which are	581
developed with the advice of, and with the provision of review	582
of such policies, an advisory committee of professional	583
personnel, including one or more physicians, one or more	584
dentists, if dental care is provided, and one or more registered	585
nurses;	586
(c) Has a medical director, a dental director, if dental	587
care is provided, and a nursing director responsible for the	588
execution of such policies, and has physicians, dentists,	589
nursing, and ancillary staff appropriate to the scope of	590
services provided;	591
(d) Requires that the health care and medical care of	592
every patient be under the supervision of a physician, provides	593
for medical care in a case of emergency, has in effect a written	594
agreement with one or more hospitals and other centers or	595
clinics, and has an established patient referral system to other	596
resources, and a utilization review plan and program;	597
(e) Maintains clinical records on all patients;	598
(f) Provides nursing services and other therapeutic	599
services in accordance with programs and policies, with such	600
services supervised by a registered professional nurse, and has	601
a registered professional nurse on duty at all times of clinical	602
operations;	603
(g) Provides approved methods and procedures for the	604
dispensing and administration of drugs and biologicals;	605
(h) Has established an accounting and record keeping	606
system to determine reasonable and allowable costs;	607

(i) "Ambulatory health facilities" also includes an 608  
alcoholism treatment facility approved by the joint commission 609  
on accreditation of healthcare organizations as an alcoholism 610  
treatment facility or certified by the department of mental 611  
health and addiction services, and such facility shall comply 612  
with other provisions of this division not inconsistent with 613  
such accreditation or certification. 614

(3) "Community mental health facility" means a facility 615  
which provides community mental health services and is included 616  
in the comprehensive mental health plan for the alcohol, drug 617  
addiction, and mental health service district in which it is 618  
located. 619

(4) "Community mental health service" means services, 620  
other than inpatient services, provided by a community mental 621  
health facility. 622

(5) "Home health agency" means an institution or a 623  
distinct part of an institution operated in this state which: 624

(a) Is primarily engaged in providing home health 625  
services; 626

(b) Has home health policies which are established by a 627  
group of professional personnel, including one or more duly 628  
licensed doctors of medicine or osteopathy and one or more 629  
registered professional nurses, to govern the home health 630  
services it provides and which includes a requirement that every 631  
patient must be under the care of a duly licensed doctor of 632  
medicine or osteopathy; 633

(c) Is under the supervision of a duly licensed doctor of 634  
medicine or doctor of osteopathy or a registered professional 635  
nurse who is responsible for the execution of such home health 636

policies;	637
(d) Maintains comprehensive records on all patients;	638
(e) Is operated by the state, a political subdivision, or an agency of either, or is operated not for profit in this state and is licensed or registered, if required, pursuant to law by the appropriate department of the state, county, or municipality in which it furnishes services; or is operated for profit in this state, meets all the requirements specified in divisions (A) (5) (a) to (d) of this section, and is certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.	639 640 641 642 643 644 645 646 647
(6) "Home health service" means the following items and services, provided, except as provided in division (A) (6) (g) of this section, on a visiting basis in a place of residence used as the patient's home:	648 649 650 651
(a) Nursing care provided by or under the supervision of a registered professional nurse;	652 653
(b) Physical, occupational, or speech therapy ordered by the patient's attending physician;	654 655
(c) Medical social services performed by or under the supervision of a qualified medical or psychiatric social worker and under the direction of the patient's attending physician;	656 657 658
(d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse;	659 660 661 662
(e) Medical supplies and the use of medical appliances;	663
(f) Medical services of interns and residents-in-training	664

under an approved teaching program of a nonprofit hospital and 665  
under the direction and supervision of the patient's attending 666  
physician; 667

(g) Any of the foregoing items and services which: 668

(i) Are provided on an outpatient basis under arrangements 669  
made by the home health agency at a hospital or skilled nursing 670  
facility; 671

(ii) Involve the use of equipment of such a nature that 672  
the items and services cannot readily be made available to the 673  
patient in the patient's place of residence, or which are 674  
furnished at the hospital or skilled nursing facility while the 675  
patient is there to receive any item or service involving the 676  
use of such equipment. 677

Any attorney~~;~~ physician~~;~~ osteopath~~;~~ podiatrist~~;~~ 678  
chiropractor~~;~~ dentist~~;~~ psychologist~~;~~ certified public 679  
accountant; public accountant; financial planner accredited by a 680  
nationally recognized accreditation agency; notary public; real 681  
estate broker; real estate salesperson; any dealer, investment 682  
adviser, salesperson, or investment adviser representative 683  
licensed under Chapter 1707. of the Revised Code; any employee 684  
of a bank, savings and loan association, savings bank, or credit 685  
union; any employee of a hospital as defined in section 3701.01 686  
of the Revised Code~~;~~ any nurse licensed under Chapter 4723. of 687  
the Revised Code~~;~~ any employee of an ambulatory health 688  
facility~~;~~ any employee of a home health agency~~;~~ any employee 689  
of a residential facility licensed under section 5119.34 of the 690  
Revised Code that provides accommodations, supervision, and 691  
personal care services for three to sixteen unrelated adults~~;~~ 692  
any employee of a nursing home, residential care facility, or 693  
home for the aging, as defined in section 3721.01 of the Revised 694



Code~~TI~~ any senior service provider~~TI~~ any peace officer~~TI~~ 695  
coroner~~TI~~ member of the clergy~~TI~~ any employee of a community 696  
mental health facility~~TI~~ and any person engaged in professional 697  
counseling, social work, or marriage and family therapy having 698  
reasonable cause to believe that an adult is being abused, 699  
neglected, or exploited, or is in a condition which is the 700  
result of abuse, neglect, or exploitation shall immediately 701  
report such belief to the county department of job and family 702  
services. This section does not apply to employees of any 703  
hospital or public hospital as defined in section 5122.01 of the 704  
Revised Code. 705

(B) Any person having reasonable cause to believe that an 706  
adult has suffered abuse, neglect, or exploitation may report, 707  
or cause reports to be made of such belief to the department. 708

(C) The reports made under this section shall be made 709  
orally or in writing except that oral reports shall be followed 710  
by a written report if a written report is requested by the 711  
department. Written reports shall include: 712

(1) The name, address, and approximate age of the adult 713  
who is the subject of the report; 714

(2) The name and address of the individual responsible for 715  
the adult's care, if any individual is, and if the individual is 716  
known; 717

(3) The nature and extent of the alleged abuse, neglect, 718  
or exploitation of the adult; 719

(4) The basis of the reporter's belief that the adult has 720  
been abused, neglected, or exploited. 721

(D) Any person with reasonable cause to believe that an 722  
adult is suffering abuse, neglect, or exploitation who makes a 723

report pursuant to this section or who testifies in any 724  
administrative or judicial proceeding arising from such a 725  
report, or any employee of the state or any of its subdivisions 726  
who is discharging responsibilities under section 5101.62 of the 727  
Revised Code shall be immune from civil or criminal liability on 728  
account of such investigation, report, or testimony, except 729  
liability for perjury, unless the person has acted in bad faith 730  
or with malicious purpose. 731

(E) No employer or any other person with the authority to 732  
do so shall discharge, demote, transfer, prepare a negative work 733  
performance evaluation, or reduce benefits, pay, or work 734  
privileges, or take any other action detrimental to an employee 735  
or in any way retaliate against an employee as a result of the 736  
employee's having filed a report under this section. 737

(F) The written or oral report provided for in this 738  
section and the investigatory report provided for in section 739  
5101.62 of the Revised Code are confidential and are not public 740  
records, as defined in section 149.43 of the Revised Code. In 741  
accordance with rules adopted by the department of job and 742  
family services, information contained in the report shall upon 743  
request be made available to the adult who is the subject of the 744  
report and to legal counsel for the adult. 745

(G) The county department of job and family services shall 746  
be available to receive the written or oral report provided for 747  
in this section twenty-four hours a day and seven days a week. 748

**Section 2.** That existing sections 2913.02, 2913.21, 749  
2913.31, 2913.43, 2913.49, and 5101.61 of the Revised Code are 750  
hereby repealed. 751