

**As Passed by the Senate**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. S. B. No. 158**

**Senator Wilson**

**Cosponsors: Senators Terhar, Coley, Gardner, Eklund, Hottinger, Manning, O'Brien, Balderson, Beagle, Brown, Burke, Dolan, Hackett, Hoagland, Huffman, Jordan, Kunze, LaRose, Lehner, Oelslager, Peterson, Skindell, Sykes, Tavares, Thomas, Uecker, Williams, Yuko**

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**A BILL**

To amend sections 2913.02, 2913.21, 2913.31, 1  
2913.43, 2913.49, and 5101.621; to enact 2  
sections 109.67 and 173.95 of the Revised Code; 3  
and to amend the version of section 5101.63 of 4  
the Revised Code that is scheduled to take 5  
effect on September 29, 2018, to develop best 6  
practices and educational opportunities to 7  
combat elder fraud and exploitation and to fine 8  
and require full restitution from offenders who 9  
are found guilty of certain fraud-related crimes 10  
against the elderly. 11

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

**Section 1.** That sections 2913.02, 2913.21, 2913.31, 12  
2913.43, 2913.49, and 5101.621 be amended and sections 109.67 13  
and 173.95 of the Revised Code be enacted to read as follows: 14

**Sec. 109.67.** The attorney general shall distribute at 15  
least six public awareness publications each year that provide 16

general information on elder fraud and financial exploitation of 17  
the elderly. The awareness publications must include information 18  
on all of the following: 19

(A) Warning signs that may signal that fraud or financial 20  
exploitation are occurring; 21

(B) Methods for reporting elder fraud or financial 22  
exploitation including a list of agencies that handle those 23  
reports; 24

(C) Services and resources that may be available to 25  
prevent or remedy elder fraud or financial exploitation. 26

**Sec. 173.95.** (A) The director of aging, the director of 27  
commerce, the director of job and family services, and the 28  
attorney general or the attorney general's designee, in 29  
consultation with county departments of job and family services, 30  
adult protective services agencies, the Ohio bankers league, the 31  
community bankers association of Ohio, and the Ohio credit union 32  
league, shall work together to do all of the following: 33

(1) Develop best practices and standards for preventing 34  
elder fraud and financial exploitation; 35

(2) Provide education on elder fraud and financial 36  
exploitation; 37

(3) Ensure that victims of elder fraud and exploitation 38  
have access to available services and resources. 39

(B) The director of aging, the director of commerce, and 40  
the director of job and family services shall create a report of 41  
the best practices and standards developed under division (A) (1) 42  
of this section and shall provide a copy of that report to the 43  
governor, the president and minority leader of the senate, and 44

the speaker and minority leader of the house of representatives 45  
not later than December 1, 2018. 46

**Sec. 2913.02.** (A) No person, with purpose to deprive the 47  
owner of property or services, shall knowingly obtain or exert 48  
control over either the property or services in any of the 49  
following ways: 50

(1) Without the consent of the owner or person authorized 51  
to give consent; 52

(2) Beyond the scope of the express or implied consent of 53  
the owner or person authorized to give consent; 54

(3) By deception; 55

(4) By threat; 56

(5) By intimidation. 57

(B)(1) Whoever violates this section is guilty of theft. 58

(2) Except as otherwise provided in this division or 59  
division (B)(3), (4), (5), (6), (7), (8), or (9) of this 60  
section, a violation of this section is petty theft, a 61  
misdemeanor of the first degree. If the value of the property or 62  
services stolen is one thousand dollars or more and is less than 63  
seven thousand five hundred dollars or if the property stolen is 64  
any of the property listed in section 2913.71 of the Revised 65  
Code, a violation of this section is theft, a felony of the 66  
fifth degree. If the value of the property or services stolen is 67  
seven thousand five hundred dollars or more and is less than one 68  
hundred fifty thousand dollars, a violation of this section is 69  
grand theft, a felony of the fourth degree. If the value of the 70  
property or services stolen is one hundred fifty thousand 71  
dollars or more and is less than seven hundred fifty thousand 72

dollars, a violation of this section is aggravated theft, a 73  
felony of the third degree. If the value of the property or 74  
services is seven hundred fifty thousand dollars or more and is 75  
less than one million five hundred thousand dollars, a violation 76  
of this section is aggravated theft, a felony of the second 77  
degree. If the value of the property or services stolen is one 78  
million five hundred thousand dollars or more, a violation of 79  
this section is aggravated theft of one million five hundred 80  
thousand dollars or more, a felony of the first degree. 81

(3) Except as otherwise provided in division (B) (4), (5), 82  
(6), (7), (8), or (9) of this section, if the victim of the 83  
offense is an elderly person, disabled adult, active duty 84  
service member, or spouse of an active duty service member, a 85  
violation of this section is theft from a person in a protected 86  
class, and division (B) (3) of this section applies. Except as 87  
otherwise provided in this division, theft from a person in a 88  
protected class is a felony of the fifth degree. If the value of 89  
the property or services stolen is one thousand dollars or more 90  
and is less than seven thousand five hundred dollars, theft from 91  
a person in a protected class is a felony of the fourth degree. 92  
If the value of the property or services stolen is seven 93  
thousand five hundred dollars or more and is less than thirty- 94  
seven thousand five hundred dollars, theft from a person in a 95  
protected class is a felony of the third degree. If the value of 96  
the property or services stolen is thirty-seven thousand five 97  
hundred dollars or more and is less than one hundred fifty 98  
thousand dollars, theft from a person in a protected class is a 99  
felony of the second degree. If the value of the property or 100  
services stolen is one hundred fifty thousand dollars or more, 101  
theft from a person in a protected class is a felony of the 102  
first degree. If the victim of the offense is an elderly person, 103

in addition to any other penalty imposed for the offense, the 104  
offender shall be required to pay full restitution to the victim 105  
and to pay a fine of up to fifty thousand dollars. The clerk of 106  
court shall forward all fines collected under division (B) (3) of 107  
this section to the county department of job and family services 108  
to be used for the reporting and investigation of elder abuse, 109  
neglect, and exploitation or for the provision or arrangement of 110  
protective services under sections 5101.61 to 5101.71 of the 111  
Revised Code. 112

(4) If the property stolen is a firearm or dangerous 113  
ordnance, a violation of this section is grand theft. Except as 114  
otherwise provided in this division, grand theft when the 115  
property stolen is a firearm or dangerous ordnance is a felony 116  
of the third degree, and there is a presumption in favor of the 117  
court imposing a prison term for the offense. If the firearm or 118  
dangerous ordnance was stolen from a federally licensed firearms 119  
dealer, grand theft when the property stolen is a firearm or 120  
dangerous ordnance is a felony of the first degree. The offender 121  
shall serve a prison term imposed for grand theft when the 122  
property stolen is a firearm or dangerous ordnance consecutively 123  
to any other prison term or mandatory prison term previously or 124  
subsequently imposed upon the offender. 125

(5) If the property stolen is a motor vehicle, a violation 126  
of this section is grand theft of a motor vehicle, a felony of 127  
the fourth degree. 128

(6) If the property stolen is any dangerous drug, a 129  
violation of this section is theft of drugs, a felony of the 130  
fourth degree, or, if the offender previously has been convicted 131  
of a felony drug abuse offense, a felony of the third degree. 132

(7) If the property stolen is a police dog or horse or an 133

assistance dog and the offender knows or should know that the 134  
property stolen is a police dog or horse or an assistance dog, a 135  
violation of this section is theft of a police dog or horse or 136  
an assistance dog, a felony of the third degree. 137

(8) If the property stolen is anhydrous ammonia, a 138  
violation of this section is theft of anhydrous ammonia, a 139  
felony of the third degree. 140

(9) Except as provided in division (B)(2) of this section 141  
with respect to property with a value of seven thousand five 142  
hundred dollars or more and division (B)(3) of this section with 143  
respect to property with a value of one thousand dollars or 144  
more, if the property stolen is a special purpose article as 145  
defined in section 4737.04 of the Revised Code or is a bulk 146  
merchandise container as defined in section 4737.012 of the 147  
Revised Code, a violation of this section is theft of a special 148  
purpose article or articles or theft of a bulk merchandise 149  
container or containers, a felony of the fifth degree. 150

(10) In addition to the penalties described in division 151  
(B)(2) of this section, if the offender committed the violation 152  
by causing a motor vehicle to leave the premises of an 153  
establishment at which gasoline is offered for retail sale 154  
without the offender making full payment for gasoline that was 155  
dispensed into the fuel tank of the motor vehicle or into 156  
another container, the court may do one of the following: 157

(a) Unless division (B)(10)(b) of this section applies, 158  
suspend for not more than six months the offender's driver's 159  
license, probationary driver's license, commercial driver's 160  
license, temporary instruction permit, or nonresident operating 161  
privilege; 162

(b) If the offender's driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege has previously been suspended pursuant to division (B) (10) (a) of this section, impose a class seven suspension of the offender's license, permit, or privilege from the range specified in division (A) (7) of section 4510.02 of the Revised Code, provided that the suspension shall be for at least six months.

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

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

(C) The sentencing court that suspends an offender's license, permit, or nonresident operating privilege under division (B) (10) of this section may grant the offender limited

driving privileges during the period of the suspension in	193
accordance with Chapter 4510. of the Revised Code.	194
<b>Sec. 2913.21.</b> (A) No person shall do any of the following:	195
(1) Practice deception for the purpose of procuring the	196
issuance of a credit card, when a credit card is issued in	197
actual reliance thereon;	198
(2) Knowingly buy or sell a credit card from or to a	199
person other than the issuer.	200
(B) No person, with purpose to defraud, shall do any of	201
the following:	202
(1) Obtain control over a credit card as security for a	203
debt;	204
(2) Obtain property or services by the use of a credit	205
card, in one or more transactions, knowing or having reasonable	206
cause to believe that the card has expired or been revoked, or	207
was obtained, is retained, or is being used in violation of law;	208
(3) Furnish property or services upon presentation of a	209
credit card, knowing that the card is being used in violation of	210
law;	211
(4) Represent or cause to be represented to the issuer of	212
a credit card that property or services have been furnished,	213
knowing that the representation is false.	214
(C) No person, with purpose to violate this section, shall	215
receive, possess, control, or dispose of a credit card.	216
(D) (1) Whoever violates this section is guilty of misuse	217
of credit cards.	218
(2) Except as otherwise provided in division (D) (4) of	219



this section, a violation of division (A), (B) (1), or (C) of 220  
this section is a misdemeanor of the first degree. 221

(3) Except as otherwise provided in this division or 222  
division (D) (4) of this section, a violation of division (B) (2), 223  
(3), or (4) of this section is a misdemeanor of the first 224  
degree. If the cumulative retail value of the property and 225  
services involved in one or more violations of division (B) (2), 226  
(3), or (4) of this section, which violations involve one or 227  
more credit card accounts and occur within a period of ninety 228  
consecutive days commencing on the date of the first violation, 229  
is one thousand dollars or more and is less than seven thousand 230  
five hundred dollars, misuse of credit cards in violation of any 231  
of those divisions is a felony of the fifth degree. If the 232  
cumulative retail value of the property and services involved in 233  
one or more violations of division (B) (2), (3), or (4) of this 234  
section, which violations involve one or more credit card 235  
accounts and occur within a period of ninety consecutive days 236  
commencing on the date of the first violation, is seven thousand 237  
five hundred dollars or more and is less than one hundred fifty 238  
thousand dollars, misuse of credit cards in violation of any of 239  
those divisions is a felony of the fourth degree. If the 240  
cumulative retail value of the property and services involved in 241  
one or more violations of division (B) (2), (3), or (4) of this 242  
section, which violations involve one or more credit card 243  
accounts and occur within a period of ninety consecutive days 244  
commencing on the date of the first violation, is one hundred 245  
fifty thousand dollars or more, misuse of credit cards in 246  
violation of any of those divisions is a felony of the third 247  
degree. 248

(4) If the victim of the offense is an elderly person or 249  
disabled adult, and if the offense involves a violation of 250

division (B) (1) or (2) of this section, division (D) (4) of this 251  
section applies. Except as otherwise provided in division (D) (4) 252  
of this section, a violation of division (B) (1) or (2) of this 253  
section is a felony of the fifth degree. If the debt for which 254  
the card is held as security or the cumulative retail value of 255  
the property or services involved in the violation is one 256  
thousand dollars or more and is less than seven thousand five 257  
hundred dollars, a violation of either of those divisions is a 258  
felony of the fourth degree. If the debt for which the card is 259  
held as security or the cumulative retail value of the property 260  
or services involved in the violation is seven thousand five 261  
hundred dollars or more and is less than thirty-seven thousand 262  
five hundred dollars, a violation of either of those divisions 263  
is a felony of the third degree. If the debt for which the card 264  
is held as security or the cumulative retail value of the 265  
property or services involved in the violation is thirty-seven 266  
thousand five hundred dollars or more, a violation of either of 267  
those divisions is a felony of the second degree. In addition to 268  
any other penalty imposed under division (D) (4) of this section, 269  
the offender shall be required to pay full restitution to the 270  
victim and to pay a fine of up to fifty thousand dollars. The 271  
clerk of court shall forward all fines collected under division 272  
(D) (4) of this section to the county department of job and 273  
family services to be used for the reporting and investigation 274  
of elder abuse, neglect, and exploitation or for the provision 275  
or arrangement of protective services under sections 5101.61 to 276  
5101.71 of the Revised Code. 277

**Sec. 2913.31.** (A) No person, with purpose to defraud, or 278  
knowing that the person is facilitating a fraud, shall do any of 279  
the following: 280

(1) Forge any writing of another without the other 281

person's authority;	282
(2) Forge any writing so that it purports to be genuine	283
when it actually is spurious, or to be the act of another who	284
did not authorize that act, or to have been executed at a time	285
or place or with terms different from what in fact was the case,	286
or to be a copy of an original when no such original existed;	287
(3) Utter, or possess with purpose to utter, any writing	288
that the person knows to have been forged.	289
(B) No person shall knowingly do either of the following:	290
(1) Forge an identification card;	291
(2) Sell or otherwise distribute a card that purports to	292
be an identification card, knowing it to have been forged.	293
As used in this division, "identification card" means a	294
card that includes personal information or characteristics of an	295
individual, a purpose of which is to establish the identity of	296
the bearer described on the card, whether the words "identity,"	297
"identification," "identification card," or other similar words	298
appear on the card.	299
(C) (1) (a) Whoever violates division (A) of this section is	300
guilty of forgery.	301
(b) Except as otherwise provided in this division or	302
division (C) (1) (c) <u>of this section and subject to division (C)</u>	303
<u>(1) (d)</u> of this section, forgery is a felony of the fifth degree.	304
If property or services are involved in the offense or the	305
victim suffers a loss, forgery is one of the following:	306
(i) If the value of the property or services or the loss	307
to the victim is seven thousand five hundred dollars or more and	308
is less than one hundred fifty thousand dollars, a felony of the	309

fourth degree; 310

(ii) If the value of the property or services or the loss 311  
to the victim is one hundred fifty thousand dollars or more, a 312  
felony of the third degree. 313

(c) If the victim of the offense is an elderly person or 314  
disabled adult, division (C) (1) (c) of this section applies to 315  
the forgery. Except as otherwise provided in division (C) (1) (c) 316  
of this section, forgery is a felony of the fifth degree. If 317  
property or services are involved in the offense or if the 318  
victim suffers a loss, forgery is one of the following: 319

(i) If the value of the property or services or the loss 320  
to the victim is one thousand dollars or more and is less than 321  
seven thousand five hundred dollars, a felony of the fourth 322  
degree; 323

(ii) If the value of the property or services or the loss 324  
to the victim is seven thousand five hundred dollars or more and 325  
is less than thirty-seven thousand five hundred dollars, a 326  
felony of the third degree; 327

(iii) If the value of the property or services or the loss 328  
to the victim is thirty-seven thousand five hundred dollars or 329  
more, a felony of the second degree. 330

(d) If the victim of the offense is an elderly person, 331  
division (C) (1) (d) of this section applies to the forgery. In 332  
addition to any other penalty imposed for the offense under 333  
division (C) (1) (c) of this section, the offender shall be 334  
required to pay full restitution to the victim and to pay a fine 335  
of up to fifty thousand dollars. The clerk of court shall 336  
forward all fines collected under division (C) (1) (d) of this 337  
section to the county department of job and family services to 338

be used for the reporting and investigation of elder abuse, 339  
neglect, and exploitation or for the provision or arrangement of 340  
protective services under sections 5101.61 to 5101.71 of the 341  
Revised Code. 342

(2) (a) Whoever violates division (B) of this section is 343  
guilty of forging identification cards or selling or 344  
distributing forged identification cards. Except as otherwise 345  
provided in this division, forging identification cards or 346  
selling or distributing forged identification cards is a 347  
misdemeanor of the first degree. If the offender previously has 348  
been convicted of a violation of division (B) of this section, 349  
forging identification cards or selling or distributing forged 350  
identification cards is a misdemeanor of the first degree and, 351  
in addition, the court shall impose upon the offender a fine of 352  
not less than two hundred fifty dollars. 353

(b) If the victim of a violation of division (B) of this 354  
section is an elderly person, division (C) (2) (b) of this section 355  
applies to the offense. In addition to any other penalty imposed 356  
for the offense under division (C) (2) (a) of this section, 357  
whoever violates division (B) of this section shall be required 358  
to pay full restitution to the victim and to pay a fine of up to 359  
fifty thousand dollars. The clerk of court shall forward all 360  
finances collected under division (C) (2) (b) of this section to the 361  
county department of job and family services to be used for the 362  
reporting and investigation of elder abuse, neglect, and 363  
exploitation or for the provision or arrangement of protective 364  
services under sections 5101.61 to 5101.71 of the Revised Code. 365

**Sec. 2913.43.** (A) No person, by deception, shall cause 366  
another to execute any writing that disposes of or encumbers 367  
property, or by which a pecuniary obligation is incurred. 368

(B) (1) Whoever violates this section is guilty of securing 369  
writings by deception. 370

(2) Except as otherwise provided in this division or 371  
division (B) (3) of this section, securing writings by deception 372  
is a misdemeanor of the first degree. If the value of the 373  
property or the obligation involved is one thousand dollars or 374  
more and less than seven thousand five hundred dollars, securing 375  
writings by deception is a felony of the fifth degree. If the 376  
value of the property or the obligation involved is seven 377  
thousand five hundred dollars or more and is less than one 378  
hundred fifty thousand dollars, securing writings by deception 379  
is a felony of the fourth degree. If the value of the property 380  
or the obligation involved is one hundred fifty thousand dollars 381  
or more, securing writings by deception is a felony of the third 382  
degree. 383

(3) If the victim of the offense is an elderly person, 384  
disabled adult, active duty service member, or spouse of an 385  
active duty service member, division (B) (3) of this section 386  
applies. Except as otherwise provided in division (B) (3) of this 387  
section, securing writings by deception is a felony of the fifth 388  
degree. If the value of the property or obligation involved is 389  
one thousand dollars or more and is less than seven thousand 390  
five hundred dollars, securing writings by deception is a felony 391  
of the fourth degree. If the value of the property or obligation 392  
involved is seven thousand five hundred dollars or more and is 393  
less than thirty-seven thousand five hundred dollars, securing 394  
writings by deception is a felony of the third degree. If the 395  
value of the property or obligation involved is thirty-seven 396  
thousand five hundred dollars or more, securing writings by 397  
deception is a felony of the second degree. If the victim of the 398  
offense is an elderly person, in addition to any other penalty 399

imposed for the offense, the offender shall be required to pay 400  
full restitution to the victim and to pay a fine of up to fifty 401  
thousand dollars. The clerk of court shall forward all fines 402  
collected under division (B)(3) of this section to the county 403  
department of job and family services to be used for the 404  
reporting and investigation of elder abuse, neglect, and 405  
exploitation or for the provision or arrangement of protective 406  
services under sections 5101.61 to 5101.71 of the Revised Code. 407

**Sec. 2913.49.** (A) As used in this section, "personal 408  
identifying information" includes, but is not limited to, the 409  
following: the name, address, telephone number, driver's 410  
license, driver's license number, commercial driver's license, 411  
commercial driver's license number, state identification card, 412  
state identification card number, social security card, social 413  
security number, birth certificate, place of employment, 414  
employee identification number, mother's maiden name, demand 415  
deposit account number, savings account number, money market 416  
account number, mutual fund account number, other financial 417  
account number, personal identification number, password, or 418  
credit card number of a living or dead individual. 419

(B) No person, without the express or implied consent of 420  
the other person, shall use, obtain, or possess any personal 421  
identifying information of another person with intent to do 422  
either of the following: 423

(1) Hold the person out to be the other person; 424

(2) Represent the other person's personal identifying 425  
information as the person's own personal identifying 426  
information. 427

(C) No person shall create, obtain, possess, or use the 428

personal identifying information of any person with the intent 429  
to aid or abet another person in violating division (B) of this 430  
section. 431

(D) No person, with intent to defraud, shall permit 432  
another person to use the person's own personal identifying 433  
information. 434

(E) No person who is permitted to use another person's 435  
personal identifying information as described in division (D) of 436  
this section shall use, obtain, or possess the other person's 437  
personal identifying information with intent to defraud any 438  
person by doing any act identified in division (B) (1) or (2) of 439  
this section. 440

(F) (1) It is an affirmative defense to a charge under 441  
division (B) of this section that the person using the personal 442  
identifying information is acting in accordance with a legally 443  
recognized guardianship or conservatorship or as a trustee or 444  
fiduciary. 445

(2) It is an affirmative defense to a charge under 446  
division (B), (C), (D), or (E) of this section that either of 447  
the following applies: 448

(a) The person or entity using, obtaining, possessing, or 449  
creating the personal identifying information or permitting it 450  
to be used is a law enforcement agency, authorized fraud 451  
personnel, or a representative of or attorney for a law 452  
enforcement agency or authorized fraud personnel and is using, 453  
obtaining, possessing, or creating the personal identifying 454  
information or permitting it to be used, with prior consent 455  
given as specified in this division, in a bona fide 456  
investigation, an information security evaluation, a pretext 457



calling evaluation, or a similar matter. The prior consent 458  
required under this division shall be given by the person whose 459  
personal identifying information is being used, obtained, 460  
possessed, or created or is being permitted to be used or, if 461  
the person whose personal identifying information is being used, 462  
obtained, possessed, or created or is being permitted to be used 463  
is deceased, by that deceased person's executor, or a member of 464  
that deceased person's family, or that deceased person's 465  
attorney. The prior consent required under this division may be 466  
given orally or in writing by the person whose personal 467  
identifying information is being used, obtained, possessed, or 468  
created or is being permitted to be used or that person's 469  
executor, or family member, or attorney. 470

(b) The personal identifying information was obtained, 471  
possessed, used, created, or permitted to be used for a lawful 472  
purpose, provided that division (F) (2) (b) of this section does 473  
not apply if the person or entity using, obtaining, possessing, 474  
or creating the personal identifying information or permitting 475  
it to be used is a law enforcement agency, authorized fraud 476  
personnel, or a representative of or attorney for a law 477  
enforcement agency or authorized fraud personnel that is using, 478  
obtaining, possessing, or creating the personal identifying 479  
information or permitting it to be used in an investigation, an 480  
information security evaluation, a pretext calling evaluation, 481  
or similar matter. 482

(G) It is not a defense to a charge under this section 483  
that the person whose personal identifying information was 484  
obtained, possessed, used, created, or permitted to be used was 485  
deceased at the time of the offense. 486

(H) (1) If an offender commits a violation of division (B), 487

(D), or (E) of this section and the violation occurs as part of 488  
a course of conduct involving other violations of division (B), 489  
(D), or (E) of this section or violations of, attempts to 490  
violate, conspiracies to violate, or complicity in violations of 491  
division (C) of this section or section 2913.02, 2913.04, 492  
2913.11, 2913.21, 2913.31, 2913.42, 2913.43, or 2921.13 of the 493  
Revised Code, the court, in determining the degree of the 494  
offense pursuant to division (I) of this section, may aggregate 495  
all credit, property, or services obtained or sought to be 496  
obtained by the offender and all debts or other legal 497  
obligations avoided or sought to be avoided by the offender in 498  
the violations involved in that course of conduct. The course of 499  
conduct may involve one victim or more than one victim. 500

(2) If an offender commits a violation of division (C) of 501  
this section and the violation occurs as part of a course of 502  
conduct involving other violations of division (C) of this 503  
section or violations of, attempts to violate, conspiracies to 504  
violate, or complicity in violations of division (B), (D), or 505  
(E) of this section or section 2913.02, 2913.04, 2913.11, 506  
2913.21, 2913.31, 2913.42, 2913.43, or 2921.13 of the Revised 507  
Code, the court, in determining the degree of the offense 508  
pursuant to division (I) of this section, may aggregate all 509  
credit, property, or services obtained or sought to be obtained 510  
by the person aided or abetted and all debts or other legal 511  
obligations avoided or sought to be avoided by the person aided 512  
or abetted in the violations involved in that course of conduct. 513  
The course of conduct may involve one victim or more than one 514  
victim. 515

(I) (1) Whoever violates this section is guilty of identity 516  
fraud. 517

(2) Except as otherwise provided in this division or 518  
division (I)(3) of this section, identity fraud is a felony of 519  
the fifth degree. If the value of the credit, property, 520  
services, debt, or other legal obligation involved in the 521  
violation or course of conduct is one thousand dollars or more 522  
and is less than seven thousand five hundred dollars, except as 523  
otherwise provided in division (I)(3) of this section, identity 524  
fraud is a felony of the fourth degree. If the value of the 525  
credit, property, services, debt, or other legal obligation 526  
involved in the violation or course of conduct is seven thousand 527  
five hundred dollars or more and is less than one hundred fifty 528  
thousand dollars, except as otherwise provided in division (I) 529  
(3) of this section, identity fraud is a felony of the third 530  
degree. If the value of the credit, property, services, debt, or 531  
other legal obligation involved in the violation or course of 532  
conduct is one hundred fifty thousand dollars or more, except as 533  
otherwise provided in division (I)(3) of this section, identity 534  
fraud is a felony of the second degree. 535

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

five hundred dollars or more and is less than one hundred fifty 549  
thousand dollars, identity fraud against a person in a protected 550  
class is a felony of the second degree. If the value of the 551  
credit, property, services, debt, or other legal obligation 552  
involved in the violation or course of conduct is one hundred 553  
fifty thousand dollars or more, identity fraud against a person 554  
in a protected class is a felony of the first degree. If the 555  
victim of the offense is an elderly person, in addition to any 556  
other penalty imposed for the offense, the offender shall be 557  
required to pay full restitution to the victim and to pay a fine 558  
of up to fifty thousand dollars. The clerk of court shall 559  
forward all fines collected under division (I)(3) of this 560  
section to the county department of job and family services to 561  
be used for the reporting and investigation of elder abuse, 562  
neglect, and exploitation or for the provision or arrangement of 563  
protective services under sections 5101.61 to 5101.71 of the 564  
Revised Code. 565

(J) In addition to the penalties described in division (I) 566  
of this section, anyone injured in person or property by a 567  
violation of division (B), (D), or (E) of this section who is 568  
the owner of the identifying information involved in that 569  
violation has a civil action against the offender pursuant to 570  
section 2307.60 of the Revised Code. That person may also bring 571  
a civil action to enjoin or restrain future acts that would 572  
constitute a violation of division (B), (D), or (E) of this 573  
section. 574

**Sec. 5101.621.** (A) Each county department of job and 575  
family services shall prepare a memorandum of understanding that 576  
is signed by all of the following: 577

(1) The director of the county department of job and 578

family services;	579
(2) If the county department has entered into an interagency agreement with a local agency pursuant to section 5101.622 of the Revised Code, the director of the local agency;	580 581 582
(3) The county peace officer;	583
(4) <del>All</del> <u>The chief municipal peace officers officer of the largest municipality within the county;</u>	584 585
(5) Other law enforcement officers handling adult abuse, neglect, and exploitation cases in the county;	586 587
(6) The prosecuting attorney of the county;	588
(7) The coroner of the county.	589
(B) The memorandum of understanding shall set forth the procedures to be followed by the persons listed in division (A) of this section in the execution of their respective responsibilities related to cases of adult abuse, neglect, and exploitation. The memorandum of understanding shall establish all of the following:	590 591 592 593 594 595
(1) An interdisciplinary team to coordinate efforts related to the prevention, reporting, and treatment of abuse, neglect, and exploitation of adults;	596 597 598
(2) The roles and responsibilities for handling cases that have been referred by the county department to another agency pursuant to section 5101.611 of the Revised Code;	599 600 601
(3) The roles and responsibilities for filing criminal charges against persons alleged to have abused, neglected, or exploited adults.	602 603 604
Failure to follow the procedure set forth in the	605

memorandum of understanding is not grounds for, and shall not 606  
result in, the dismissal of any charge or complaint arising from 607  
a report of abuse, neglect, or exploitation or the suppression 608  
of any evidence obtained as a result of a report of abuse, 609  
neglect, or exploitation and does not give any rights or grounds 610  
for appeal or post-conviction relief to any person. 611

(C) The memorandum of understanding may, in addition, be 612  
signed by any of the following persons who are also members of 613  
the interdisciplinary team described in division (B)(1) of this 614  
section: 615

(1) A representative of the area agency on aging, as 616  
defined in section 173.14 of the Revised Code; 617

(2) The regional long-term care ombudsman; 618

(3) A representative of the board of alcohol, drug 619  
addiction, and mental health services; 620

(4) A representative of the board of health of a city or 621  
general health district; 622

(5) A representative of the county board of developmental 623  
disabilities; 624

(6) A representative of a victim assistance program; 625

(7) A representative of a local housing authority; 626

(8) Any other person whose participation furthers the 627  
goals of the memorandum of understanding. 628

**Section 2.** That existing sections 2913.02, 2913.21, 629  
2913.31, 2913.43, 2913.49, and 5101.621 of the Revised Code are 630  
hereby repealed. 631

**Section 3.** That the version of section 5101.63 of the 632

Revised Code that is scheduled to take effect on September 29, 633  
2018, be amended to read as follows: 634

**Sec. 5101.63.** (A) (1) Any individual listed in division (A) 635  
(2) of this section having reasonable cause to believe that an 636  
adult is being abused, neglected, or exploited, or is in a 637  
condition which is the result of abuse, neglect, or exploitation 638  
shall immediately report such belief to the county department of 639  
job and family services. 640

(2) All of the following are subject to division (A) (1) of 641  
this section: 642

(a) An attorney admitted to the practice of law in this 643  
state; 644

(b) An individual authorized under Chapter 4731. of the 645  
Revised Code to practice medicine and surgery, osteopathic 646  
medicine and surgery, or podiatric medicine and surgery; 647

(c) An individual licensed under Chapter 4734. of the 648  
Revised Code as a chiropractor; 649

(d) An individual licensed under Chapter 4715. of the 650  
Revised Code as a dentist; 651

(e) An individual licensed under Chapter 4723. of the 652  
Revised Code as a registered nurse or licensed practical nurse; 653

(f) An individual licensed under Chapter 4732. of the 654  
Revised Code as a psychologist; 655

(g) An individual licensed under Chapter 4757. of the 656  
Revised Code as a social worker, independent social worker, 657  
professional counselor, professional clinical counselor, 658  
marriage and family therapist, or independent marriage and 659  
family therapist; 660

(h) An individual licensed under Chapter 4729. of the Revised Code as a pharmacist;	661 662
(i) An individual holding a certificate to practice as a dialysis technician issued under Chapter 4723. of the Revised Code;	663 664 665
(j) An employee of a home health agency, as defined in section 3701.881 of the Revised Code;	666 667
(k) An employee of an outpatient health facility;	668
(l) An employee of a hospital, as defined in section 3727.01 of the Revised Code;	669 670
(m) An employee of a hospital or public hospital, as defined in section 5122.01 of the Revised Code;	671 672
(n) An employee of a nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;	673 674
(o) An employee of a residential facility licensed under section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;	675 676 677 678
(p) An employee of a health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	679 680 681 682
(q) An employee of a community mental health agency, as defined in section 5122.01 of the Revised Code;	683 684
(r) An agent of a county humane society organized under section 1717.05 of the Revised Code;	685 686
(s) An individual who is a firefighter for a lawfully	687



constituted fire department;	688
(t) An individual who is an ambulance driver for an emergency medical service organization, as defined in section 4765.01 of the Revised Code;	689 690 691
(u) A first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic, as those terms are defined in section 4765.01 of the Revised Code;	692 693 694
(v) An official employed by a local building department to conduct inspections of houses and other residential buildings;	695 696
(w) A peace officer;	697
(x) A coroner;	698
(y) A member of the clergy;	699
(z) An individual who holds a certificate issued under Chapter 4701. of the Revised Code as a certified public accountant or is registered under that chapter as a public accountant;	700 701 702 703
(aa) An individual licensed under Chapter 4735. of the Revised Code as a real estate broker or real estate salesperson;	704 705
(bb) An individual appointed and commissioned under section 147.01 of the Revised Code as a notary public;	706 707
(cc) An employee of a bank, savings bank, savings and loan association, or credit union organized under the laws of this state, another state, or the United States;	708 709 710
(dd) <del>An A dealer, investment adviser, as defined in section 1707.01 sales person, or investment advisor</del> <u>representative licensed under Chapter 1707. of the Revised Code;</u>	711 712 713
(ee) A financial planner accredited by a national	714

accreditation agency; 715

(ff) Any other individual who is a senior service 716  
provider, other than a representative of the office of the state 717  
long-term care ombudsman program as defined in section 173.14 of 718  
the Revised Code. 719

(B) Any person having reasonable cause to believe that an 720  
adult has suffered abuse, neglect, or exploitation may report, 721  
or cause a report to be made of such belief to the county 722  
department of job and family services. 723

This division applies to a representative of the office of 724  
the state long-term care ombudsman program only to the extent 725  
permitted by federal law. 726

(C) The reports made under this section shall be made 727  
orally or in writing except that oral reports shall be followed 728  
by a written report if a written report is requested by the 729  
department. Written reports shall include: 730

(1) The name, address, and approximate age of the adult 731  
who is the subject of the report; 732

(2) The name and address of the individual responsible for 733  
the adult's care, if any individual is, and if the individual is 734  
known; 735

(3) The nature and extent of the alleged abuse, neglect, 736  
or exploitation of the adult; 737

(4) The basis of the reporter's belief that the adult has 738  
been abused, neglected, or exploited. 739

(D) Any person with reasonable cause to believe that an 740  
adult is suffering abuse, neglect, or exploitation who makes a 741  
report pursuant to this section or who testifies in any 742

administrative or judicial proceeding arising from such a 743  
report, or any employee of the state or any of its subdivisions 744  
who is discharging responsibilities under section 5101.65 of the 745  
Revised Code shall be immune from civil or criminal liability on 746  
account of such investigation, report, or testimony, except 747  
liability for perjury, unless the person has acted in bad faith 748  
or with malicious purpose. 749

(E) No employer or any other person with the authority to 750  
do so shall do any of the following as a result of an employee's 751  
having filed a report under this section: 752

(1) Discharge, demote, transfer, or prepare a negative 753  
work performance evaluation; 754

(2) Reduce benefits, pay, or work privileges; 755

(3) Take any other action detrimental to an employee or in 756  
any way retaliate against the employee. 757

(F) The written or oral report provided for in this 758  
section and the investigatory report provided for in section 759  
5101.65 of the Revised Code are confidential and are not public 760  
records, as defined in section 149.43 of the Revised Code. In 761  
accordance with rules adopted by the department of job and 762  
family services, information contained in the report shall upon 763  
request be made available to the adult who is the subject of the 764  
report and to legal counsel for the adult. If it determines that 765  
there is a risk of harm to a person who makes a report under 766  
this section or to the adult who is the subject of the report, 767  
the county department of job and family services may redact the 768  
name and identifying information related to the person who made 769  
the report. 770

(G) The county department of job and family services shall 771

be available to receive the written or oral report provided for 772  
in this section twenty-four hours a day and seven days a week. 773

**Section 4.** That the existing version of section 5101.63 of 774  
the Revised Code that is scheduled to take effect on September 775  
29, 2018, is hereby repealed. 776

**Section 5.** Sections 3 and 4 of this act take effect on 777  
September 29, 2018. 778