

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 158

Senator Wilson

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

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 19
exploitation are occurring; 20

(B) Methods for reporting elder fraud or financial 21
exploitation including a list of agencies that handle those 22
reports; 23

(C) Services and resources that may be available to 24
prevent or remedy elder fraud or financial exploitation. 25

Sec. 173.95. (A) The director of aging, the director of 26
commerce, and the director of job and family services, in 27
consultation with county departments of job and family services, 28
adult protective services agencies, the Ohio bankers league, the 29
community bankers association of Ohio, and the Ohio credit union 30
league, shall work together to develop best practices and 31
standards for preventing elder fraud and financial exploitation 32
and to provide education on the subject. 33

(B) The director of job and family services shall work 34
with county departments of job and family services, adult 35
protective service agencies, and county prosecutors to ensure 36
that services and resources are available to victims of elder 37
fraud and exploitation. 38

(C) The director of aging, the director of commerce, and 39
the director of job and family services shall create a report of 40
the best practices and standards developed under division (A) of 41
this section and shall provide a copy of that report to the 42
governor, the president and minority leader of the senate, and 43
the speaker and minority leader of the house of representatives 44
not later than December 1, 2018. 45

Sec. 2913.02. (A) No person, with purpose to deprive the 46
owner of property or services, shall knowingly obtain or exert 47

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 197
person other than the issuer. 198

(B) No person, with purpose to defraud, shall do any of 199
the following: 200

(1) Obtain control over a credit card as security for a 201
debt; 202

(2) Obtain property or services by the use of a credit 203
card, in one or more transactions, knowing or having reasonable 204
cause to believe that the card has expired or been revoked, or 205
was obtained, is retained, or is being used in violation of law; 206

(3) Furnish property or services upon presentation of a 207
credit card, knowing that the card is being used in violation of 208
law; 209

(4) Represent or cause to be represented to the issuer of 210
a credit card that property or services have been furnished, 211
knowing that the representation is false. 212

(C) No person, with purpose to violate this section, shall 213
receive, possess, control, or dispose of a credit card. 214

(D) (1) Whoever violates this section is guilty of misuse 215
of credit cards. 216

(2) Except as otherwise provided in division (D) (4) of 217
this section, a violation of division (A), (B) (1), or (C) of 218
this section is a misdemeanor of the first degree. 219

(3) Except as otherwise provided in this division or 220
division (D) (4) of this section, a violation of division (B) (2), 221
(3), or (4) of this section is a misdemeanor of the first 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 285
that the person knows to have been forged. 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 289
be an identification card, knowing it to have been forged. 290

As used in this division, "identification card" means a 291
card that includes personal information or characteristics of an 292
individual, a purpose of which is to establish the identity of 293
the bearer described on the card, whether the words "identity," 294
"identification," "identification card," or other similar words 295
appear on the card. 296

(C) (1) (a) Whoever violates division (A) of this section is 297
guilty of forgery. 298

(b) Except as otherwise provided in this division or 299
division (C) (1) (c) of this section and subject to division (C) 300
(1) (d) of this section, forgery is a felony of the fifth degree. 301
If property or services are involved in the offense or the 302
victim suffers a loss, forgery is one of the following: 303

(i) If the value of the property or services or the loss 304
to the victim is seven thousand five hundred dollars or more and 305
is less than one hundred fifty thousand dollars, a felony of the 306
fourth degree; 307

(ii) If the value of the property or services or the loss 308
to the victim is one hundred fifty thousand dollars or more, a 309
felony of the third degree. 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.

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

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

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

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

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

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

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

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 639
an agency of either, or is operated not for profit in this state 640
and is licensed or registered, if required, pursuant to law by 641
the appropriate department of the state, county, or municipality 642
in which it furnishes services; or is operated for profit in 643
this state, meets all the requirements specified in divisions 644
(A) (5) (a) to (d) of this section, and is certified under Title 645
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 646
U.S.C. 301, as amended. 647

(6) "Home health service" means the following items and 648
services, provided, except as provided in division (A) (6) (g) of 649
this section, on a visiting basis in a place of residence used 650
as the patient's home: 651

(a) Nursing care provided by or under the supervision of a 652
registered professional nurse; 653

(b) Physical, occupational, or speech therapy ordered by 654
the patient's attending physician; 655

(c) Medical social services performed by or under the 656
supervision of a qualified medical or psychiatric social worker 657
and under the direction of the patient's attending physician; 658

(d) Personal health care of the patient performed by aides 659
in accordance with the orders of a doctor of medicine or 660
osteopathy and under the supervision of a registered 661
professional nurse; 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~~71~~ any senior service provider~~71~~ any peace officer~~71~~ 695
coroner~~71~~ member of the clergy~~71~~ any employee of a community 696
mental health facility~~71~~ 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