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133rd General Assembly

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Sub. H. B. No. 368

Representative Baldrige

Cosponsors: Representatives Becker, Carfagna, Keller, Lang, Romanchuk, Plummer, Leland, Butler, Crossman, Cupp, Galonski, Manning, D., Rogers, Smith, T., West, Fraizer, Holmes, A., Kick, Koehler, Miller, J., Richardson, Scherer, Stein, Strahorn

A BILL

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

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

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

Sec. 109.42. (A) The attorney general shall prepare and 17
have printed a pamphlet that contains a compilation of all 18
statutes relative to victim's rights in which the attorney 19
general lists and explains the statutes in the form of a 20
victim's bill of rights. The attorney general shall distribute 21
the pamphlet to all sheriffs, marshals, municipal corporation 22
and township police departments, constables, and other law 23
enforcement agencies, to all prosecuting attorneys, city 24
directors of law, village solicitors, and other similar chief 25
legal officers of municipal corporations, and to organizations 26
that represent or provide services for victims of crime. The 27
victim's bill of rights set forth in the pamphlet shall contain 28
a description of all of the rights of victims that are provided 29
for in Chapter 2930. or in any other section of the Revised Code 30
and shall include, but not be limited to, all of the following: 31

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

(2) The potential availability pursuant to section 43
2151.359 or 2152.61 of the Revised Code of a forfeited 44
recognizance to pay damages caused by a child when the 45
delinquency of the child or child's violation of probation or 46
community control is found to be proximately caused by the 47

failure of the child's parent or guardian to subject the child 48
to reasonable parental authority or to faithfully discharge the 49
conditions of probation or community control; 50

(3) The availability of awards of reparations pursuant to 51
sections 2743.51 to 2743.72 of the Revised Code for injuries 52
caused by criminal offenses; 53

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

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

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

(7) The opportunity to obtain a court order, pursuant to 75
section 2945.04 of the Revised Code, to prevent or stop the 76

commission of the offense of intimidation of a crime victim or 77
witness or an offense against the person or property of the 78
complainant, or of the complainant's ward or child; 79

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

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

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

(11) The right, pursuant to section 3109.09 of the Revised 103
Code, to maintain a civil action to recover compensatory damages 104
not exceeding ten thousand dollars and costs from the parent of 105
a minor who willfully damages property through the commission of 106

an act that would be a theft offense, as defined in section 107
2913.01 of the Revised Code, if committed by an adult; 108

(12) The right, pursuant to section 3109.10 of the Revised 109
Code, to maintain a civil action to recover compensatory damages 110
not exceeding ten thousand dollars and costs from the parent of 111
a minor who willfully and maliciously assaults a person; 112

(13) The possibility of receiving restitution from an 113
offender or a delinquent child pursuant to section 2152.20, 114
2929.18, or 2929.28 of the Revised Code; 115

(14) The right of the victim in certain criminal or 116
juvenile cases or a victim's representative, pursuant to section 117
2930.16 of the Revised Code, to receive notice of the escape 118
from confinement or custody of the person who committed the 119
offense, to receive that notice from the custodial agency of the 120
person at the victim's last address or telephone number provided 121
to the custodial agency, and to receive notice that, if either 122
the victim's address or telephone number changes, it is in the 123
victim's interest to provide the new address or telephone number 124
to the custodial agency; 125

(15) The right of a victim of domestic violence, including 126
domestic violence in a dating relationship as defined in section 127
3113.31 of the Revised Code, to seek the issuance of a civil 128
protection order pursuant to that section, the right of a victim 129
of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 130
2911.211, 2913.88, or 2919.22 of the Revised Code, a violation 131
of a substantially similar municipal ordinance, or an offense of 132
violence who is a family or household member of the offender at 133
the time of the offense to seek the issuance of a temporary 134
protection order pursuant to section 2919.26 of the Revised 135
Code, and the right of both types of victims to be accompanied 136

by a victim advocate during court proceedings; 137

(16) The right of a victim of a sexually oriented offense 138
or of a child-victim oriented offense that is committed by a 139
person who is convicted of, pleads guilty to, or is adjudicated 140
a delinquent child for committing the offense and who is in a 141
category specified in division (B) of section 2950.10 of the 142
Revised Code to receive, pursuant to that section, notice that 143
the person has registered with a sheriff under section 2950.04, 144
2950.041, or 2950.05 of the Revised Code and notice of the 145
person's name, the person's residence that is registered, and 146
the offender's school, institution of higher education, or place 147
of employment address or addresses that are registered, the 148
person's photograph, and a summary of the manner in which the 149
victim must make a request to receive the notice. As used in 150
this division, "sexually oriented offense" and "child-victim 151
oriented offense" have the same meanings as in section 2950.01 152
of the Revised Code. 153

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

section 2971.03 of the Revised Code, and of a victim of an 168
offense that is described in division (B) (3) (a), (b), (c), or 169
(d) of section 2971.03 of the Revised Code and is committed by 170
an offender who is sentenced pursuant to one of those divisions 171
to receive, pursuant to section 2930.16 of the Revised Code, 172
notice of a hearing to determine whether to modify the 173
requirement that the offender serve the entire prison term in a 174
state correctional facility, whether to continue, revise, or 175
revoke any existing modification of that requirement, or whether 176
to terminate the prison term. As used in this division, 177
"sexually violent offense" and "sexually violent predator 178
specification" have the same meanings as in section 2971.01 of 179
the Revised Code. 180

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

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

(A) of this section at one of the following times: 199

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

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

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

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

(2) The failure of a law enforcement agency or of a prosecuting attorney, assistant prosecuting attorney, city director of law, assistant city director of law, village solicitor, assistant village solicitor, or similar chief legal officer of a municipal corporation or an assistant to any of those officers to give, as required by division (B)(1) of this section, the victim of an offense or delinquent act, the victim's family, or the victim's dependents a copy of the pamphlet prepared pursuant to division (A) of this section does not give the victim, the victim's family, the victim's dependents, or a victim's representative any rights under section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 of the Revised Code or under any other provision of the Revised Code and does not affect any right under those sections.

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

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

(D) As used in this section:

(1) "Victim's representative" has the same meaning as in 259
section 2930.01 of the Revised Code; 260

(2) "Victim advocate" has the same meaning as in section 261
2919.26 of the Revised Code. 262

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 274
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 275
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 276
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 277
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 278
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 279
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 280
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 281
sexual penetration in violation of former section 2907.12 of the 282
Revised Code, a violation of section 2905.04 of the Revised Code 283
as it existed prior to July 1, 1996, a violation of section 284
2919.23 of the Revised Code that would have been a violation of 285
section 2905.04 of the Revised Code as it existed prior to July 286
1, 1996, had the violation been committed prior to that date, or 287
a violation of section 2925.11 of the Revised Code that is not a 288

minor drug possession offense; 289

(b) A violation of an existing or former law of this 290
state, any other state, or the United States that is 291
substantially equivalent to any of the offenses listed in 292
division (A) (1) (a) of this section; 293

(c) If the request is made pursuant to section 3319.39 of 294
the Revised Code for an applicant who is a teacher, any offense 295
specified in section 3319.31 of the Revised Code. 296

(2) On receipt of a request pursuant to section 3712.09 or 297
3721.121 of the Revised Code, a completed form prescribed 298
pursuant to division (C) (1) of this section, and a set of 299
fingerprint impressions obtained in the manner described in 300
division (C) (2) of this section, the superintendent of the 301
bureau of criminal identification and investigation shall 302
conduct a criminal records check with respect to any person who 303
has applied for employment in a position for which a criminal 304
records check is required by those sections. The superintendent 305
shall conduct the criminal records check in the manner described 306
in division (B) of this section to determine whether any 307
information exists that indicates that the person who is the 308
subject of the request previously has been convicted of or 309
pleaded guilty to any of the following: 310

(a) A violation of section 2903.01, 2903.02, 2903.03, 311
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 312
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 313
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 314
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 315
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 316
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2913.87 to 317
2913.92, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 318

2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 319
Revised Code; 320

(b) An existing or former law of this state, any other 321
state, or the United States that is substantially equivalent to 322
any of the offenses listed in division (A)(2)(a) of this 323
section. 324

(3) On receipt of a request pursuant to section 173.27, 325
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 326
5123.081, or 5123.169 of the Revised Code, a completed form 327
prescribed pursuant to division (C)(1) of this section, and a 328
set of fingerprint impressions obtained in the manner described 329
in division (C)(2) of this section, the superintendent of the 330
bureau of criminal identification and investigation shall 331
conduct a criminal records check of the person for whom the 332
request is made. The superintendent shall conduct the criminal 333
records check in the manner described in division (B) of this 334
section to determine whether any information exists that 335
indicates that the person who is the subject of the request 336
previously has been convicted of, has pleaded guilty to, or 337
(except in the case of a request pursuant to section 5164.34, 338
5164.341, or 5164.342 of the Revised Code) has been found 339
eligible for intervention in lieu of conviction for any of the 340
following, regardless of the date of the conviction, the date of 341
entry of the guilty plea, or (except in the case of a request 342
pursuant to section 5164.34, 5164.341, or 5164.342 of the 343
Revised Code) the date the person was found eligible for 344
intervention in lieu of conviction: 345

(a) A violation of section 959.13, 959.131, 2903.01, 346
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 347
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 348

2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 349
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 350
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 351
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 352
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 353
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 354
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 355
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 356
2913.49, 2913.51, 2913.87 to 2913.92, 2917.01, 2917.02, 2917.03, 357
2917.31, 2919.12, 2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 358
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 359
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 360
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 361
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 362
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22, 363
2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 364
of the Revised Code; 365

(b) Felonious sexual penetration in violation of former 366
section 2907.12 of the Revised Code; 367

(c) A violation of section 2905.04 of the Revised Code as 368
it existed prior to July 1, 1996; 369

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 370
the Revised Code when the underlying offense that is the object 371
of the conspiracy, attempt, or complicity is one of the offenses 372
listed in divisions (A) (3) (a) to (c) of this section; 373

(e) A violation of an existing or former municipal 374
ordinance or law of this state, any other state, or the United 375
States that is substantially equivalent to any of the offenses 376
listed in divisions (A) (3) (a) to (d) of this section. 377

(4) On receipt of a request pursuant to section 2151.86 or 378
2151.904 of the Revised Code, a completed form prescribed 379
pursuant to division (C)(1) of this section, and a set of 380
fingerprint impressions obtained in the manner described in 381
division (C)(2) of this section, the superintendent of the 382
bureau of criminal identification and investigation shall 383
conduct a criminal records check in the manner described in 384
division (B) of this section to determine whether any 385
information exists that indicates that the person who is the 386
subject of the request previously has been convicted of or 387
pleaded guilty to any of the following: 388

(a) A violation of section 959.13, 2903.01, 2903.02, 389
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 390
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 391
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 392
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 393
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 394
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 395
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 396
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 397
2927.12, or 3716.11 of the Revised Code, a violation of section 398
2905.04 of the Revised Code as it existed prior to July 1, 1996, 399
a violation of section 2919.23 of the Revised Code that would 400
have been a violation of section 2905.04 of the Revised Code as 401
it existed prior to July 1, 1996, had the violation been 402
committed prior to that date, a violation of section 2925.11 of 403
the Revised Code that is not a minor drug possession offense, 404
two or more OVI or OVUAC violations committed within the three 405
years immediately preceding the submission of the application or 406
petition that is the basis of the request, or felonious sexual 407
penetration in violation of former section 2907.12 of the 408

Revised Code; 409

(b) A violation of an existing or former law of this 410
state, any other state, or the United States that is 411
substantially equivalent to any of the offenses listed in 412
division (A) (4) (a) of this section. 413

(5) Upon receipt of a request pursuant to section 5104.013 414
of the Revised Code, a completed form prescribed pursuant to 415
division (C) (1) of this section, and a set of fingerprint 416
impressions obtained in the manner described in division (C) (2) 417
of this section, the superintendent of the bureau of criminal 418
identification and investigation shall conduct a criminal 419
records check in the manner described in division (B) of this 420
section to determine whether any information exists that 421
indicates that the person who is the subject of the request has 422
been convicted of or pleaded guilty to any of the following: 423

(a) A violation of section 2151.421, 2903.01, 2903.02, 424
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 425
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 426
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 427
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 428
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 429
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 430
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 431
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 432
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 433
2913.48, 2913.49, 2913.87 to 2913.92, 2917.01, 2917.02, 2917.03, 434
2917.31, 2919.12, 2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 435
2921.03, 2921.11, 2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 436
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 437
2925.06, or 3716.11 of the Revised Code, felonious sexual 438

penetration in violation of former section 2907.12 of the 439
Revised Code, a violation of section 2905.04 of the Revised Code 440
as it existed prior to July 1, 1996, a violation of section 441
2919.23 of the Revised Code that would have been a violation of 442
section 2905.04 of the Revised Code as it existed prior to July 443
1, 1996, had the violation been committed prior to that date, a 444
violation of section 2925.11 of the Revised Code that is not a 445
minor drug possession offense, a violation of section 2923.02 or 446
2923.03 of the Revised Code that relates to a crime specified in 447
this division, or a second violation of section 4511.19 of the 448
Revised Code within five years of the date of application for 449
licensure or certification. 450

(b) A violation of an existing or former law of this 451
state, any other state, or the United States that is 452
substantially equivalent to any of the offenses or violations 453
described in division (A) (5) (a) of this section. 454

(6) Upon receipt of a request pursuant to section 5153.111 455
of the Revised Code, a completed form prescribed pursuant to 456
division (C) (1) of this section, and a set of fingerprint 457
impressions obtained in the manner described in division (C) (2) 458
of this section, the superintendent of the bureau of criminal 459
identification and investigation shall conduct a criminal 460
records check in the manner described in division (B) of this 461
section to determine whether any information exists that 462
indicates that the person who is the subject of the request 463
previously has been convicted of or pleaded guilty to any of the 464
following: 465

(a) A violation of section 2903.01, 2903.02, 2903.03, 466
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 467
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 468

2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 469
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 470
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 471
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 472
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 473
Code, felonious sexual penetration in violation of former 474
section 2907.12 of the Revised Code, a violation of section 475
2905.04 of the Revised Code as it existed prior to July 1, 1996, 476
a violation of section 2919.23 of the Revised Code that would 477
have been a violation of section 2905.04 of the Revised Code as 478
it existed prior to July 1, 1996, had the violation been 479
committed prior to that date, or a violation of section 2925.11 480
of the Revised Code that is not a minor drug possession offense; 481

(b) A violation of an existing or former law of this 482
state, any other state, or the United States that is 483
substantially equivalent to any of the offenses listed in 484
division (A) (6) (a) of this section. 485

(7) On receipt of a request for a criminal records check 486
from an individual pursuant to section 4749.03 or 4749.06 of the 487
Revised Code, accompanied by a completed copy of the form 488
prescribed in division (C) (1) of this section and a set of 489
fingerprint impressions obtained in a manner described in 490
division (C) (2) of this section, the superintendent of the 491
bureau of criminal identification and investigation shall 492
conduct a criminal records check in the manner described in 493
division (B) of this section to determine whether any 494
information exists indicating that the person who is the subject 495
of the request has been convicted of or pleaded guilty to a 496
felony in this state or in any other state. If the individual 497
indicates that a firearm will be carried in the course of 498
business, the superintendent shall require information from the 499

federal bureau of investigation as described in division (B) (2) 500
of this section. Subject to division (F) of this section, the 501
superintendent shall report the findings of the criminal records 502
check and any information the federal bureau of investigation 503
provides to the director of public safety. 504

(8) On receipt of a request pursuant to section 1321.37, 505
1321.53, or 4763.05 of the Revised Code, a completed form 506
prescribed pursuant to division (C) (1) of this section, and a 507
set of fingerprint impressions obtained in the manner described 508
in division (C) (2) of this section, the superintendent of the 509
bureau of criminal identification and investigation shall 510
conduct a criminal records check with respect to any person who 511
has applied for a license, permit, or certification from the 512
department of commerce or a division in the department. The 513
superintendent shall conduct the criminal records check in the 514
manner described in division (B) of this section to determine 515
whether any information exists that indicates that the person 516
who is the subject of the request previously has been convicted 517
of or pleaded guilty to any of the following: a violation of 518
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 519
Revised Code; any other criminal offense involving theft, 520
receiving stolen property, embezzlement, forgery, fraud, passing 521
bad checks, money laundering, or drug trafficking, or any 522
criminal offense involving money or securities, as set forth in 523
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 524
the Revised Code; or any existing or former law of this state, 525
any other state, or the United States that is substantially 526
equivalent to those offenses. 527

(9) On receipt of a request for a criminal records check 528
from the treasurer of state under section 113.041 of the Revised 529
Code or from an individual under section 928.03, 4701.08, 530

4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 531
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 532
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 533
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 534
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 535
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 536
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 537
Code, accompanied by a completed form prescribed under division 538
(C) (1) of this section and a set of fingerprint impressions 539
obtained in the manner described in division (C) (2) of this 540
section, the superintendent of the bureau of criminal 541
identification and investigation shall conduct a criminal 542
records check in the manner described in division (B) of this 543
section to determine whether any information exists that 544
indicates that the person who is the subject of the request has 545
been convicted of or pleaded guilty to any criminal offense in 546
this state or any other state. Subject to division (F) of this 547
section, the superintendent shall send the results of a check 548
requested under section 113.041 of the Revised Code to the 549
treasurer of state and shall send the results of a check 550
requested under any of the other listed sections to the 551
licensing board specified by the individual in the request. 552

(10) On receipt of a request pursuant to section 124.74, 553
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 554
Code, a completed form prescribed pursuant to division (C) (1) of 555
this section, and a set of fingerprint impressions obtained in 556
the manner described in division (C) (2) of this section, the 557
superintendent of the bureau of criminal identification and 558
investigation shall conduct a criminal records check in the 559
manner described in division (B) of this section to determine 560
whether any information exists that indicates that the person 561

who is the subject of the request previously has been convicted 562
of or pleaded guilty to any criminal offense under any existing 563
or former law of this state, any other state, or the United 564
States. 565

(11) On receipt of a request for a criminal records check 566
from an appointing or licensing authority under section 3772.07 567
of the Revised Code, a completed form prescribed under division 568
(C) (1) of this section, and a set of fingerprint impressions 569
obtained in the manner prescribed in division (C) (2) of this 570
section, the superintendent of the bureau of criminal 571
identification and investigation shall conduct a criminal 572
records check in the manner described in division (B) of this 573
section to determine whether any information exists that 574
indicates that the person who is the subject of the request 575
previously has been convicted of or pleaded guilty or no contest 576
to any offense under any existing or former law of this state, 577
any other state, or the United States that is a disqualifying 578
offense as defined in section 3772.07 of the Revised Code or 579
substantially equivalent to such an offense. 580

(12) On receipt of a request pursuant to section 2151.33 581
or 2151.412 of the Revised Code, a completed form prescribed 582
pursuant to division (C) (1) of this section, and a set of 583
fingerprint impressions obtained in the manner described in 584
division (C) (2) of this section, the superintendent of the 585
bureau of criminal identification and investigation shall 586
conduct a criminal records check with respect to any person for 587
whom a criminal records check is required under that section. 588
The superintendent shall conduct the criminal records check in 589
the manner described in division (B) of this section to 590
determine whether any information exists that indicates that the 591
person who is the subject of the request previously has been 592

convicted of or pleaded guilty to any of the following: 593

(a) A violation of section 2903.01, 2903.02, 2903.03, 594
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 595
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 596
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 597
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 598
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 599
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2913.87 to 600
2913.92, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 601
2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 602
Revised Code; 603

(b) An existing or former law of this state, any other 604
state, or the United States that is substantially equivalent to 605
any of the offenses listed in division (A) (12) (a) of this 606
section. 607

(13) On receipt of a request pursuant to section 3796.12 608
of the Revised Code, a completed form prescribed pursuant to 609
division (C) (1) of this section, and a set of fingerprint 610
impressions obtained in a manner described in division (C) (2) of 611
this section, the superintendent of the bureau of criminal 612
identification and investigation shall conduct a criminal 613
records check in the manner described in division (B) of this 614
section to determine whether any information exists that 615
indicates that the person who is the subject of the request 616
previously has been convicted of or pleaded guilty to the 617
following: 618

(a) A disqualifying offense as specified in rules adopted 619
under division (B) (2) (b) of section 3796.03 of the Revised Code 620
if the person who is the subject of the request is an 621
administrator or other person responsible for the daily 622

operation of, or an owner or prospective owner, officer or 623
prospective officer, or board member or prospective board member 624
of, an entity seeking a license from the department of commerce 625
under Chapter 3796. of the Revised Code; 626

(b) A disqualifying offense as specified in rules adopted 627
under division (B) (2) (b) of section 3796.04 of the Revised Code 628
if the person who is the subject of the request is an 629
administrator or other person responsible for the daily 630
operation of, or an owner or prospective owner, officer or 631
prospective officer, or board member or prospective board member 632
of, an entity seeking a license from the state board of pharmacy 633
under Chapter 3796. of the Revised Code. 634

(14) On receipt of a request required by section 3796.13 635
of the Revised Code, a completed form prescribed pursuant to 636
division (C) (1) of this section, and a set of fingerprint 637
impressions obtained in a manner described in division (C) (2) of 638
this section, the superintendent of the bureau of criminal 639
identification and investigation shall conduct a criminal 640
records check in the manner described in division (B) of this 641
section to determine whether any information exists that 642
indicates that the person who is the subject of the request 643
previously has been convicted of or pleaded guilty to the 644
following: 645

(a) A disqualifying offense as specified in rules adopted 646
under division (B) (8) (a) of section 3796.03 of the Revised Code 647
if the person who is the subject of the request is seeking 648
employment with an entity licensed by the department of commerce 649
under Chapter 3796. of the Revised Code; 650

(b) A disqualifying offense as specified in rules adopted 651
under division (B) (14) (a) of section 3796.04 of the Revised Code 652

if the person who is the subject of the request is seeking 653
employment with an entity licensed by the state board of 654
pharmacy under Chapter 3796. of the Revised Code. 655

(15) On receipt of a request pursuant to section 4768.06 656
of the Revised Code, a completed form prescribed under division 657
(C) (1) of this section, and a set of fingerprint impressions 658
obtained in the manner described in division (C) (2) of this 659
section, the superintendent of the bureau of criminal 660
identification and investigation shall conduct a criminal 661
records check in the manner described in division (B) of this 662
section to determine whether any information exists indicating 663
that the person who is the subject of the request has been 664
convicted of or pleaded guilty to a felony in this state or in 665
any other state. 666

(16) On receipt of a request pursuant to division (B) of 667
section 4764.07 or division (A) of section 4735.143 of the 668
Revised Code, a completed form prescribed under division (C) (1) 669
of this section, and a set of fingerprint impressions obtained 670
in the manner described in division (C) (2) of this section, the 671
superintendent of the bureau of criminal identification and 672
investigation shall conduct a criminal records check in the 673
manner described in division (B) of this section to determine 674
whether any information exists indicating that the person who is 675
the subject of the request has been convicted of or pleaded 676
guilty to any crime of moral turpitude, a felony, or an 677
equivalent offense in any other state or the United States. 678

(17) On receipt of a request for a criminal records check 679
under section 147.022 of the Revised Code, a completed form 680
prescribed under division (C) (1) of this section, and a set of 681
fingerprint impressions obtained in the manner prescribed in 682

division (C) (2) of this section, the superintendent of the 683
bureau of criminal identification and investigation shall 684
conduct a criminal records check in the manner described in 685
division (B) of this section to determine whether any 686
information exists that indicates that the person who is the 687
subject of the request previously has been convicted of or 688
pleaded guilty or no contest to any disqualifying offense, as 689
defined in section 147.011 of the Revised Code, or to any 690
offense under any existing or former law of this state, any 691
other state, or the United States that is substantially 692
equivalent to such a disqualifying offense. 693

(B) Subject to division (F) of this section, the 694
superintendent shall conduct any criminal records check to be 695
conducted under this section as follows: 696

(1) The superintendent shall review or cause to be 697
reviewed any relevant information gathered and compiled by the 698
bureau under division (A) of section 109.57 of the Revised Code 699
that relates to the person who is the subject of the criminal 700
records check, including, if the criminal records check was 701
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 702
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 703
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 704
3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 705
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 706
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 707
5153.111 of the Revised Code, any relevant information contained 708
in records that have been sealed under section 2953.32 of the 709
Revised Code; 710

(2) If the request received by the superintendent asks for 711
information from the federal bureau of investigation, the 712

superintendent shall request from the federal bureau of 713
investigation any information it has with respect to the person 714
who is the subject of the criminal records check, including 715
fingerprint-based checks of national crime information databases 716
as described in 42 U.S.C. 671 if the request is made pursuant to 717
section 2151.86 or 5104.013 of the Revised Code or if any other 718
Revised Code section requires fingerprint-based checks of that 719
nature, and shall review or cause to be reviewed any information 720
the superintendent receives from that bureau. If a request under 721
section 3319.39 of the Revised Code asks only for information 722
from the federal bureau of investigation, the superintendent 723
shall not conduct the review prescribed by division (B)(1) of 724
this section. 725

(3) The superintendent or the superintendent's designee 726
may request criminal history records from other states or the 727
federal government pursuant to the national crime prevention and 728
privacy compact set forth in section 109.571 of the Revised 729
Code. 730

(4) The superintendent shall include in the results of the 731
criminal records check a list or description of the offenses 732
listed or described in division (A)(1), (2), (3), (4), (5), (6), 733
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 734
of this section, whichever division requires the superintendent 735
to conduct the criminal records check. The superintendent shall 736
exclude from the results any information the dissemination of 737
which is prohibited by federal law. 738

(5) The superintendent shall send the results of the 739
criminal records check to the person to whom it is to be sent 740
not later than the following number of days after the date the 741
superintendent receives the request for the criminal records 742

check, the completed form prescribed under division (C)(1) of 743
this section, and the set of fingerprint impressions obtained in 744
the manner described in division (C)(2) of this section: 745

(a) If the superintendent is required by division (A) of 746
this section (other than division (A)(3) of this section) to 747
conduct the criminal records check, thirty; 748

(b) If the superintendent is required by division (A)(3) 749
of this section to conduct the criminal records check, sixty. 750

(C)(1) The superintendent shall prescribe a form to obtain 751
the information necessary to conduct a criminal records check 752
from any person for whom a criminal records check is to be 753
conducted under this section. The form that the superintendent 754
prescribes pursuant to this division may be in a tangible 755
format, in an electronic format, or in both tangible and 756
electronic formats. 757

(2) The superintendent shall prescribe standard impression 758
sheets to obtain the fingerprint impressions of any person for 759
whom a criminal records check is to be conducted under this 760
section. Any person for whom a records check is to be conducted 761
under this section shall obtain the fingerprint impressions at a 762
county sheriff's office, municipal police department, or any 763
other entity with the ability to make fingerprint impressions on 764
the standard impression sheets prescribed by the superintendent. 765
The office, department, or entity may charge the person a 766
reasonable fee for making the impressions. The standard 767
impression sheets the superintendent prescribes pursuant to this 768
division may be in a tangible format, in an electronic format, 769
or in both tangible and electronic formats. 770

(3) Subject to division (D) of this section, the 771

superintendent shall prescribe and charge a reasonable fee for 772
providing a criminal records check under this section. The 773
person requesting the criminal records check shall pay the fee 774
prescribed pursuant to this division. In the case of a request 775
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 776
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 777
fee shall be paid in the manner specified in that section. 778

(4) The superintendent of the bureau of criminal 779
identification and investigation may prescribe methods of 780
forwarding fingerprint impressions and information necessary to 781
conduct a criminal records check, which methods shall include, 782
but not be limited to, an electronic method. 783

(D) The results of a criminal records check conducted 784
under this section, other than a criminal records check 785
specified in division (A) (7) of this section, are valid for the 786
person who is the subject of the criminal records check for a 787
period of one year from the date upon which the superintendent 788
completes the criminal records check. If during that period the 789
superintendent receives another request for a criminal records 790
check to be conducted under this section for that person, the 791
superintendent shall provide the results from the previous 792
criminal records check of the person at a lower fee than the fee 793
prescribed for the initial criminal records check. 794

(E) When the superintendent receives a request for 795
information from a registered private provider, the 796
superintendent shall proceed as if the request was received from 797
a school district board of education under section 3319.39 of 798
the Revised Code. The superintendent shall apply division (A) (1) 799
(c) of this section to any such request for an applicant who is 800
a teacher. 801

(F) (1) Subject to division (F) (2) of this section, all 802
information regarding the results of a criminal records check 803
conducted under this section that the superintendent reports or 804
sends under division (A) (7) or (9) of this section to the 805
director of public safety, the treasurer of state, or the 806
person, board, or entity that made the request for the criminal 807
records check shall relate to the conviction of the subject 808
person, or the subject person's plea of guilty to, a criminal 809
offense. 810

(2) Division (F) (1) of this section does not limit, 811
restrict, or preclude the superintendent's release of 812
information that relates to the arrest of a person who is 813
eighteen years of age or older, to an adjudication of a child as 814
a delinquent child, or to a criminal conviction of a person 815
under eighteen years of age in circumstances in which a release 816
of that nature is authorized under division (E) (2), (3), or (4) 817
of section 109.57 of the Revised Code pursuant to a rule adopted 818
under division (E) (1) of that section. 819

(G) As used in this section: 820

(1) "Criminal records check" means any criminal records 821
check conducted by the superintendent of the bureau of criminal 822
identification and investigation in accordance with division (B) 823
of this section. 824

(2) "Minor drug possession offense" has the same meaning 825
as in section 2925.01 of the Revised Code. 826

(3) "OVI or OVUAC violation" means a violation of section 827
4511.19 of the Revised Code or a violation of an existing or 828
former law of this state, any other state, or the United States 829
that is substantially equivalent to section 4511.19 of the 830

Revised Code. 831

(4) "Registered private provider" means a nonpublic school 832
or entity registered with the superintendent of public 833
instruction under section 3310.41 of the Revised Code to 834
participate in the autism scholarship program or section 3310.58 835
of the Revised Code to participate in the Jon Peterson special 836
needs scholarship program. 837

Sec. 109.88. (A) If the attorney general has reasonable 838
cause to believe that a person or enterprise has engaged in, is 839
engaging in, or is preparing to engage in a violation of any 840
provision of section 2913.04 ~~or~~, 2913.05, or 2913.87 to 2913.92 841
of the Revised Code, the attorney general may investigate the 842
alleged violation. 843

(B) For purposes of an investigation under division (A) of 844
this section, the attorney general may issue subpoenas and 845
subpoenas duces tecum. The attorney general may compel the 846
attendance of witnesses and the production of records and papers 847
of all kinds and descriptions that are relevant to the 848
investigation, including, but not limited to, any books, 849
accounts, documents, and memoranda pertaining to the subject of 850
the investigation. Upon the failure of any person to comply with 851
any subpoena or subpoena duces tecum issued by the attorney 852
general under this section, the attorney general may apply to 853
the court of common pleas in Franklin county or in any county in 854
which an element of the crime occurred for a contempt order as 855
in the case of disobedience of the requirements of a subpoena 856
issued from the court of common pleas or a refusal to testify on 857
a subpoena. A subpoena or subpoena duces tecum issued by the 858
attorney general under this section to a provider of electronic 859
communication services or remote computing services shall be 860

subject to the limitations set forth in the "Electronic 861
Communications Privacy Act of 1986," 18 U.S.C. 2703. 862

(C) Any information gathered by the attorney general 863
during the course of the investigation that is in the possession 864
of the attorney general, a prosecuting attorney, a law 865
enforcement agency, or a special prosecutor is a confidential 866
law enforcement investigatory record for purposes of section 867
149.43 of the Revised Code. No provision contained in this 868
section affects or limits any right of discovery granted to any 869
person under the Revised Code, the Rules of Criminal Procedure, 870
or the Rules of Juvenile Procedure. 871

Sec. 901.511. (A) As used in this section: 872

(1) "Agricultural product" means any of the following 873
items that is produced for testing or research in the context of 874
a product development program in conjunction or coordination 875
with a private research facility, a university, or any federal, 876
state, or local governmental agency or that is produced for 877
personal, commercial, pharmaceutical, or educational purposes: 878
field crop or field crop product; timber or timber product; 879
forestry product; livestock or livestock product; meat or meat 880
product; milk or dairy product; poultry or poultry product; 881
equine animal; wool; fruit or vegetable crop; aquacultural 882
product; algacultural product; horticultural crop, including 883
plant materials grown in a greenhouse, nursery stock grown 884
inside or outside of a container, ornamental grass, turf grass, 885
ornamental trees, ornamental shrubs, or flowers; sod; mushrooms; 886
viticultural product; apicultural product; tobacco; pasture; 887
wild animal or domestic deer, as "wild animal" and "domestic 888
deer" are defined in section 1531.01 of the Revised Code; 889
monitored captive deer, captive deer with status, or captive 890

deer with certified chronic wasting disease status as defined in 891
section 943.01 of the Revised Code; or any combination of those 892
items. 893

(2) "Algacultural product" means algal paste, algal 894
powder, or dried algae that is comprised primarily of algal 895
biomass. 896

(3) "Equipment" means any implement, machinery, real or 897
personal property, building, or structure that is used in the 898
production, growing, harvesting, or housing of any agricultural 899
product. "Equipment" also includes any laboratory, research, 900
product, samples, supplies, or fixed equipment that is used to 901
test, develop, or analyze the process of producing, growing, or 902
maintaining any agricultural product. 903

(4) "Material support or resources" means currency, 904
payment instruments, other financial securities, financial 905
services, lodging, training, safehouses, false documentation or 906
identification, communications equipment, facilities, weapons, 907
lethal substances, explosives, personnel, transportation, and 908
other physical assets, except medicine or religious materials. 909

(5) "Payment instrument" means a check, draft, money 910
order, traveler's check, cashier's check, teller's check, or 911
other instrument or order for the transmission or payment of 912
money regardless of whether the item in question is negotiable. 913

(6) "Specified offense" means either of the following: 914

(a) A violation of section 2909.02, 2909.03, 2909.05, 915
2909.06, 2909.07, 2911.13, 2911.21, 2913.02, 2913.04, ~~or~~ 916
2913.42, or 2913.87 to 2913.92 of the Revised Code; 917

(b) An attempt to commit, complicity in committing, or a 918
conspiracy to commit an offense listed in division (A) (5) (a) of 919

this section. 920

(B) No person shall commit a specified offense involving 921
any agricultural product or equipment with the intent to do any 922
of the following: 923

(1) Intimidate or coerce a civilian population; 924

(2) Influence the policy of any government by intimidation 925
or coercion; 926

(3) Affect the conduct of any government; 927

(4) Interrupt or interfere with agricultural production, 928
agricultural research, or equipment for purposes of disrupting 929
or influencing, through intimidation or other means, consumer 930
confidence or agricultural production methods. 931

Division (B) of this section does not apply to the 932
practice of veterinary medicine by a person who has been issued 933
a valid license, temporary permit, or registration certificate 934
to practice veterinary medicine under Chapter 4741. of the 935
Revised Code. As used in this division, "practice of veterinary 936
medicine" has the same meaning as in section 4741.01 of the 937
Revised Code. 938

(C) No person shall raise, solicit, collect, donate, or 939
provide any material support or resources with the purpose that 940
the material support or resources will be used in whole or in 941
part to plan, prepare, carry out, or aid in either a violation 942
of division (B) of this section or in the concealment of, or an 943
escape from, a violation of that division. 944

(D) (1) In addition to the penalties established in section 945
901.99 of the Revised Code for a violation of this section, the 946
court may require any person who violates this section to pay 947

the victim of the offense an amount up to triple the value of 948
the agricultural product or equipment that was the subject of 949
the violation. 950

(2) In ordering restitution under division (D)(1) of this 951
section, the court shall consider as part of the value of the 952
agricultural product or equipment the market value of the 953
agricultural product or equipment prior to the violation and the 954
production, research, testing, replacement, and development 955
costs directly related to the agricultural product or equipment 956
that was the subject of the violation. 957

(E) The enactment of this section is not intended to 958
require the prosecution exclusively under this section of an 959
act, series of acts, or course of behavior that could be 960
prosecuted either under this section or under another section of 961
the Revised Code. One or more acts, series of acts, or courses 962
of behavior that may be prosecuted either under this section or 963
under another section of the Revised Code may be prosecuted 964
under this section, the other section, or both sections. 965

Sec. 2137.14. (A) The legal duties imposed on a fiduciary 966
charged with managing tangible property apply to the management 967
of digital assets, including all of the following: 968

(1) The duty of care; 969

(2) The duty of loyalty; 970

(3) The duty of confidentiality. 971

(B) All of the following apply to a fiduciary's or 972
designated recipient's authority with respect to a digital asset 973
of a user: 974

(1) Except as otherwise provided in section 2137.03 of the 975

Revised Code, it is subject to the applicable terms of service. 976

(2) It is subject to other applicable laws, including 977
copyright law. 978

(3) In the case of a fiduciary, it is limited by the scope 979
of the fiduciary's duties. 980

(4) It may not be used to impersonate the user. 981

(C) A fiduciary with authority over the property of a 982
decedent, ward, principal, or settlor has the right to access 983
any digital asset in which the decedent, ward, principal, or 984
settlor had a right or interest and that is not held by a 985
custodian or subject to a terms-of-service agreement. 986

(D) A fiduciary acting within the scope of the fiduciary's 987
duties is an authorized user of the property of the decedent, 988
ward, principal, or settlor for the purpose of applicable 989
computer fraud and unauthorized computer access laws, including 990
section ~~2913.04~~2913.87 of the Revised Code. 991

(E) Both of the following apply to a fiduciary with 992
authority over the tangible, personal property of a decedent, 993
ward, principal, or settlor: 994

(1) The fiduciary has the right to access the property and 995
any digital asset stored in it. 996

(2) The fiduciary is an authorized user for the purpose of 997
computer fraud and unauthorized computer access laws, including 998
section ~~2913.04~~2913.87 of the Revised Code. 999

(F) A custodian may disclose information in an account to 1000
a fiduciary of the user when the information is required to 1001
terminate an account used to access digital assets licensed to 1002
the user. 1003

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

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

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

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

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

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

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

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

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

(b) Evidence linking the account to the user;

(c) A finding by the court that the user had a specific 1031
account with the custodian, identifiable by the information 1032
specified in division (G) (3) (a) of this section. 1033

Sec. 2909.07. (A) No person shall: 1034

(1) Without privilege to do so, knowingly move, deface, 1035
damage, destroy, or otherwise improperly tamper with either of 1036
the following: 1037

(a) The property of another; 1038

(b) One's own residential real property with the purpose 1039
to decrease the value of or enjoyment of the residential real 1040
property, if both of the following apply: 1041

(i) The residential real property is subject to a 1042
mortgage. 1043

(ii) The person has been served with a summons and 1044
complaint in a pending residential mortgage loan foreclosure 1045
action relating to that real property. As used in this division, 1046
"pending" includes the time between judgment entry and 1047
confirmation of sale. 1048

(2) With purpose to interfere with the use or enjoyment of 1049
property of another, employ a tear gas device, stink bomb, smoke 1050
generator, or other device releasing a substance that is harmful 1051
or offensive to persons exposed or that tends to cause public 1052
alarm; 1053

(3) Without privilege to do so, knowingly move, deface, 1054
damage, destroy, or otherwise improperly tamper with a bench 1055
mark, triangulation station, boundary marker, or other survey 1056
station, monument, or marker; 1057

(4) Without privilege to do so, knowingly move, deface, 1058

damage, destroy, or otherwise improperly tamper with any safety 1059
device, the property of another, or the property of the offender 1060
when required or placed for the safety of others, so as to 1061
destroy or diminish its effectiveness or availability for its 1062
intended purpose; 1063

(5) With purpose to interfere with the use or enjoyment of 1064
the property of another, set a fire on the land of another or 1065
place personal property that has been set on fire on the land of 1066
another, which fire or personal property is outside and apart 1067
from any building, other structure, or personal property that is 1068
on that land; 1069

~~(6) Without privilege to do so, and with intent to impair 1070
the functioning of any computer, computer system, computer 1071
network, computer software, or computer program, knowingly do 1072
any of the following: 1073~~

~~(a) In any manner or by any means, including, but not 1074
limited to, computer hacking, alter, damage, destroy, or modify 1075
a computer, computer system, computer network, computer 1076
software, or computer program or data contained in a computer, 1077
computer system, computer network, computer software, or 1078
computer program; 1079~~

~~(b) Introduce a computer contaminant into a computer, 1080
computer system, computer network, computer software, or 1081
computer program. 1082~~

(B) As used in this section, "safety device" means any 1083
fire extinguisher, fire hose, or fire axe, or any fire escape, 1084
emergency exit, or emergency escape equipment, or any life line, 1085
life-saving ring, life preserver, or life boat or raft, or any 1086
alarm, light, flare, signal, sign, or notice intended to warn of 1087

danger or emergency, or intended for other safety purposes, or 1088
any guard railing or safety barricade, or any traffic sign or 1089
signal, or any railroad grade crossing sign, signal, or gate, or 1090
any first aid or survival equipment, or any other device, 1091
apparatus, or equipment intended for protecting or preserving 1092
the safety of persons or property. 1093

(C) ~~(1)~~ Whoever violates this section is guilty of criminal 1094
mischief, ~~and shall be punished as provided in division (C) (2) or~~ 1095
~~(3) of this section.~~ 1096

~~(2)~~ Except as otherwise provided in this division, 1097
criminal mischief ~~committed in violation of division (A) (1),~~ 1098
~~(2), (3), (4), or (5) of this section~~ is a misdemeanor of the 1099
third degree. Except as otherwise provided in this division, if 1100
the violation ~~of division (A) (1), (2), (3), (4), or (5) of this~~ 1101
~~section~~ creates a risk of physical harm to any person, criminal 1102
mischief ~~committed in violation of division (A) (1), (2), (3),~~ 1103
~~(4), or (5) of this section~~ is a misdemeanor of the first 1104
degree. If the property involved in the violation ~~of division~~ 1105
~~(A) (1), (2), (3), (4), or (5) of this section~~ is an aircraft, an 1106
aircraft engine, propeller, appliance, spare part, fuel, 1107
lubricant, hydraulic fluid, any other equipment, implement, or 1108
material used or intended to be used in the operation of an 1109
aircraft, or any cargo carried or intended to be carried in an 1110
aircraft, criminal mischief ~~committed in violation of division~~ 1111
~~(A) (1), (2), (3), (4), or (5) of this section~~ is one of the 1112
following: 1113

~~(a)~~ (1) If the violation creates a risk of physical harm 1114
to any person, except as otherwise provided in division (C) (2) 1115
~~(b)~~ of this section, criminal mischief ~~committed in violation of~~ 1116
~~division (A) (1), (2), (3), (4), or (5) of this section~~ is a 1117

felony of the fifth degree. 1118

~~(b) (2)~~ If the violation creates a substantial risk of 1119
physical harm to any person or if the property involved in a 1120
violation of this section is an occupied aircraft, criminal 1121
mischief committed in violation of division (A) (1), (2), (3), 1122
~~(4), or (5) of this section is a felony of the fourth degree.~~ 1123

~~(3) Except as otherwise provided in this division,~~ 1124
~~criminal mischief committed in violation of division (A) (6) of~~ 1125
~~this section is a misdemeanor of the first degree. Except as~~ 1126
~~otherwise provided in this division, if the value of the~~ 1127
~~computer, computer system, computer network, computer software,~~ 1128
~~computer program, or data involved in the violation of division~~ 1129
~~(A) (6) of this section or the loss to the victim resulting from~~ 1130
~~the violation is one thousand dollars or more and less than ten~~ 1131
~~thousand dollars, or if the computer, computer system, computer~~ 1132
~~network, computer software, computer program, or data involved~~ 1133
~~in the violation of division (A) (6) of this section is used or~~ 1134
~~intended to be used in the operation of an aircraft and the~~ 1135
~~violation creates a risk of physical harm to any person,~~ 1136
~~criminal mischief committed in violation of division (A) (6) of~~ 1137
~~this section is a felony of the fifth degree. If the value of~~ 1138
~~the computer, computer system, computer network, computer~~ 1139
~~software, computer program, or data involved in the violation of~~ 1140
~~division (A) (6) of this section or the loss to the victim~~ 1141
~~resulting from the violation is ten thousand dollars or more, or~~ 1142
~~if the computer, computer system, computer network, computer~~ 1143
~~software, computer program, or data involved in the violation of~~ 1144
~~division (A) (6) of this section is used or intended to be used~~ 1145
~~in the operation of an aircraft and the violation creates a~~ 1146
~~substantial risk of physical harm to any person or the aircraft~~ 1147
~~in question is an occupied aircraft, criminal mischief committed~~ 1148

~~in violation of division (A) (6) of this section is a felony of~~ 1149
~~the fourth degree.~~ 1150

Sec. 2913.01. As used in this chapter, unless the context 1151
requires that a term be given a different meaning: 1152

(A) "Deception" means knowingly deceiving another or 1153
causing another to be deceived by any false or misleading 1154
representation, by withholding information, by preventing 1155
another from acquiring information, or by any other conduct, 1156
act, or omission that creates, confirms, or perpetuates a false 1157
impression in another, including a false impression as to law, 1158
value, state of mind, or other objective or subjective fact. 1159

(B) "Defraud" means to knowingly obtain, by deception, 1160
some benefit for oneself or another, or to knowingly cause, by 1161
deception, some detriment to another. 1162

(C) "Deprive" means to do any of the following: 1163

(1) Withhold property of another permanently, or for a 1164
period that appropriates a substantial portion of its value or 1165
use, or with purpose to restore it only upon payment of a reward 1166
or other consideration; 1167

(2) Dispose of property so as to make it unlikely that the 1168
owner will recover it; 1169

(3) Accept, use, or appropriate money, property, or 1170
services, with purpose not to give proper consideration in 1171
return for the money, property, or services, and without 1172
reasonable justification or excuse for not giving proper 1173
consideration. 1174

(D) "Owner" means, unless the context requires a different 1175
meaning, any person, other than the actor, who is the owner of, 1176

who has possession or control of, or who has any license or 1177
interest in property or services, even though the ownership, 1178
possession, control, license, or interest is unlawful. 1179

(E) "Services" include labor, personal services, 1180
professional services, rental services, public utility services 1181
including wireless service as defined in division (F)(1) of 1182
section 128.01 of the Revised Code, common carrier services, and 1183
food, drink, transportation, entertainment, and cable television 1184
services and, for purposes of section 2913.04 of the Revised 1185
Code, include cable services as defined in that section. 1186

(F) "Writing" means any computer software, document, 1187
letter, memorandum, note, paper, plate, data, film, or other 1188
thing having in or upon it any written, typewritten, or printed 1189
matter, and any token, stamp, seal, credit card, badge, 1190
trademark, label, or other symbol of value, right, privilege, 1191
license, or identification. 1192

(G) "Forge" means to fabricate or create, in whole or in 1193
part and by any means, any spurious writing, or to make, 1194
execute, alter, complete, reproduce, or otherwise purport to 1195
authenticate any writing, when the writing in fact is not 1196
authenticated by that conduct. 1197

(H) "Utter" means to issue, publish, transfer, use, put or 1198
send into circulation, deliver, or display. 1199

(I) "Coin machine" means any mechanical or electronic 1200
device designed to do both of the following: 1201

(1) Receive a coin, bill, or token made for that purpose; 1202

(2) In return for the insertion or deposit of a coin, 1203
bill, or token, automatically dispense property, provide a 1204
service, or grant a license. 1205

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

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

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

(2) A violation of an existing or former municipal ordinance or law of this or any other state, or of the United States, substantially equivalent to any section listed in division (K) (1) of this section or a violation of section 2913.41, 2913.81, or 2915.06 of the Revised Code as it existed prior to July 1, 1996;

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

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

(L) "Computer services" includes, but is not limited to, the use of a computer system, computer network, computer

program, data that is prepared for computer use, or data that is 1235
contained within a computer system or computer network. 1236

(M) "Computer" means an electronic device that performs 1237
logical, arithmetic, and memory functions by the manipulation of 1238
electronic or magnetic impulses. "Computer" includes, but is not 1239
limited to, all input, output, processing, storage, computer 1240
program, or communication facilities that are connected, or 1241
related, in a computer system or network to an electronic device 1242
of that nature. 1243

(N) "Computer system" means a computer and related 1244
devices, whether connected or unconnected, including, but not 1245
limited to, data input, output, and storage devices, data 1246
communications links, and computer programs and data that make 1247
the system capable of performing specified special purpose data 1248
processing tasks. 1249

(O) "Computer network" means a set of related and remotely 1250
connected computers and communication facilities that includes 1251
more than one computer system that has the capability to 1252
transmit among the connected computers and communication 1253
facilities through the use of computer facilities. 1254

(P) "Computer program" means an ordered set of data 1255
representing coded instructions or statements that, when 1256
executed by a computer, cause the computer to process data. 1257

(Q) "Computer software" means computer programs, 1258
procedures, and other documentation associated with the 1259
operation of a computer system. 1260

(R) "Data" means a representation of information, 1261
knowledge, facts, concepts, or instructions that are being or 1262
have been prepared in a formalized manner and that are intended 1263

for use in a computer, computer system, or computer network. For 1264
purposes of section 2913.47 of the Revised Code, "data" has the 1265
additional meaning set forth in division (A) of that section. 1266

(S) "Cable television service" means any services provided 1267
by or through the facilities of any cable television system or 1268
other similar closed circuit coaxial cable communications 1269
system, or any microwave or similar transmission service used in 1270
connection with any cable television system or other similar 1271
closed circuit coaxial cable communications system. 1272

(T) "Gain access" means to approach, instruct, communicate 1273
with, store data in, retrieve data from, or otherwise make use 1274
of any resources of a computer, computer system, or computer 1275
network, or any cable service or cable system both as defined in 1276
section 2913.04 of the Revised Code. 1277

(U) "Credit card" includes, but is not limited to, a card, 1278
code, device, or other means of access to a customer's account 1279
for the purpose of obtaining money, property, labor, or services 1280
on credit, or for initiating an electronic fund transfer at a 1281
point-of-sale terminal, an automated teller machine, or a cash 1282
dispensing machine. It also includes a county procurement card 1283
issued under section 301.29 of the Revised Code. 1284

(V) "Electronic fund transfer" has the same meaning as in 1285
92 Stat. 3728, 15 U.S.C.A. 1693a, as amended. 1286

(W) "Rented property" means personal property in which the 1287
right of possession and use of the property is for a short and 1288
possibly indeterminate term in return for consideration; the 1289
rentee generally controls the duration of possession of the 1290
property, within any applicable minimum or maximum term; and the 1291
amount of consideration generally is determined by the duration 1292

of possession of the property. 1293

(X) "Telecommunication" means the origination, emission, 1294
dissemination, transmission, or reception of data, images, 1295
signals, sounds, or other intelligence or equivalence of 1296
intelligence of any nature over any communications system by any 1297
method, including, but not limited to, a fiber optic, 1298
electronic, magnetic, optical, digital, or analog method. 1299

(Y) "Telecommunications device" means any instrument, 1300
equipment, machine, or other device that facilitates 1301
telecommunication, including, but not limited to, a computer, 1302
computer network, computer chip, computer circuit, scanner, 1303
telephone, cellular telephone, pager, personal communications 1304
device, transponder, receiver, radio, modem, or device that 1305
enables the use of a modem. 1306

(Z) "Telecommunications service" means the providing, 1307
allowing, facilitating, or generating of any form of 1308
telecommunication through the use of a telecommunications device 1309
over a telecommunications system. 1310

(AA) "Counterfeit telecommunications device" means a 1311
telecommunications device that, alone or with another 1312
telecommunications device, has been altered, constructed, 1313
manufactured, or programmed to acquire, intercept, receive, or 1314
otherwise facilitate the use of a telecommunications service or 1315
information service without the authority or consent of the 1316
provider of the telecommunications service or information 1317
service. "Counterfeit telecommunications device" includes, but 1318
is not limited to, a clone telephone, clone microchip, tumbler 1319
telephone, or tumbler microchip; a wireless scanning device 1320
capable of acquiring, intercepting, receiving, or otherwise 1321
facilitating the use of telecommunications service or 1322

information service without immediate detection; or a device, 1323
equipment, hardware, or software designed for, or capable of, 1324
altering or changing the electronic serial number in a wireless 1325
telephone. 1326

(BB) (1) "Information service" means, subject to division 1327
(BB) (2) of this section, the offering of a capability for 1328
generating, acquiring, storing, transforming, processing, 1329
retrieving, utilizing, or making available information via 1330
telecommunications, including, but not limited to, electronic 1331
publishing. 1332

(2) "Information service" does not include any use of a 1333
capability of a type described in division (BB) (1) of this 1334
section for the management, control, or operation of a 1335
telecommunications system or the management of a 1336
telecommunications service. 1337

(CC) "Elderly person" means a person who is sixty-five 1338
years of age or older. 1339

(DD) "Disabled adult" means a person who is eighteen years 1340
of age or older and has some impairment of body or mind that 1341
makes the person unable to work at any substantially 1342
remunerative employment that the person otherwise would be able 1343
to perform and that will, with reasonable probability, continue 1344
for a period of at least twelve months without any present 1345
indication of recovery from the impairment, or who is eighteen 1346
years of age or older and has been certified as permanently and 1347
totally disabled by an agency of this state or the United States 1348
that has the function of so classifying persons. 1349

(EE) "Firearm" and "dangerous ordnance" have the same 1350
meanings as in section 2923.11 of the Revised Code. 1351

(FF) "Motor vehicle" has the same meaning as in section 1352
4501.01 of the Revised Code. 1353

(GG) "Dangerous drug" has the same meaning as in section 1354
4729.01 of the Revised Code. 1355

(HH) "Drug abuse offense" has the same meaning as in 1356
section 2925.01 of the Revised Code. 1357

(II) (1) "Computer hacking" means any of the following: 1358

(a) Gaining access or attempting to gain access to all or 1359
part of a computer, computer system, or a computer network 1360
without express or implied authorization with the intent to 1361
defraud or with intent to commit a crime; 1362

(b) Misusing computer or network services including, but 1363
not limited to, mail transfer programs, file transfer programs, 1364
proxy servers, and web servers by performing functions not 1365
authorized by the owner of the computer, computer system, or 1366
computer network or other person authorized to give consent. As 1367
used in this division, "misuse of computer and network services" 1368
includes, but is not limited to, the unauthorized use of any of 1369
the following: 1370

(i) Mail transfer programs to send mail to persons other 1371
than the authorized users of that computer or computer network; 1372

(ii) File transfer program proxy services or proxy servers 1373
to access other computers, computer systems, or computer 1374
networks; 1375

(iii) Web servers to redirect users to other web pages or 1376
web servers. 1377

(c) (i) Subject to division (II) (1) (c) (ii) of this section, 1378
using a group of computer programs commonly known as "port 1379

scanners" or "probes" to intentionally access any computer, 1380
computer system, or computer network without the permission of 1381
the owner of the computer, computer system, or computer network 1382
or other person authorized to give consent. The group of 1383
computer programs referred to in this division includes, but is 1384
not limited to, those computer programs that use a computer 1385
network to access a computer, computer system, or another 1386
computer network to determine any of the following: the presence 1387
or types of computers or computer systems on a network; the 1388
computer network's facilities and capabilities; the availability 1389
of computer or network services; the presence or versions of 1390
computer software including, but not limited to, operating 1391
systems, computer services, or computer contaminants; the 1392
presence of a known computer software deficiency that can be 1393
used to gain unauthorized access to a computer, computer system, 1394
or computer network; or any other information about a computer, 1395
computer system, or computer network not necessary for the 1396
normal and lawful operation of the computer initiating the 1397
access. 1398

(ii) The group of computer programs referred to in 1399
division (II)(1)(c)(i) of this section does not include standard 1400
computer software used for the normal operation, administration, 1401
management, and test of a computer, computer system, or computer 1402
network including, but not limited to, domain name services, 1403
mail transfer services, and other operating system services, 1404
computer programs commonly called "ping," "tcpdump," and 1405
"traceroute" and other network monitoring and management 1406
computer software, and computer programs commonly known as 1407
"nslookup" and "whois" and other systems administration computer 1408
software. 1409

(d) The intentional use of a computer, computer system, or 1410

a computer network in a manner that exceeds any right or 1411
permission granted by the owner of the computer, computer 1412
system, or computer network or other person authorized to give 1413
consent. 1414

(2) "Computer hacking" does not include the introduction 1415
of a computer contaminant, as defined in section 2909.01 of the 1416
Revised Code, into a computer, computer system, computer 1417
program, or computer network. 1418

(JJ) "Police dog or horse" has the same meaning as in 1419
section 2921.321 of the Revised Code. 1420

(KK) "Anhydrous ammonia" is a compound formed by the 1421
combination of two gaseous elements, nitrogen and hydrogen, in 1422
the manner described in this division. Anhydrous ammonia is one 1423
part nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia 1424
by weight is fourteen parts nitrogen to three parts hydrogen, 1425
which is approximately eighty-two per cent nitrogen to eighteen 1426
per cent hydrogen. 1427

(LL) "Assistance dog" has the same meaning as in section 1428
955.011 of the Revised Code. 1429

(MM) "Federally licensed firearms dealer" has the same 1430
meaning as in section 5502.63 of the Revised Code. 1431

(NN) "Active duty service member" means any member of the 1432
armed forces of the United States performing active duty under 1433
title 10 of the United States Code. 1434

Sec. 2913.04. (A) No person shall knowingly use or operate 1435
the property of another without the consent of the owner or 1436
person authorized to give consent. 1437

(B) No person, in any manner and by any means, including, 1438

but not limited to, computer hacking, shall knowingly gain 1439
access to, attempt to gain access to, or cause access to be 1440
gained to any ~~computer, computer system, computer network,~~ cable 1441
service, cable system, telecommunications device, 1442
telecommunications service, or information service without the 1443
consent of, or beyond the scope of the express or implied 1444
consent of, the owner of the ~~computer, computer system, computer-~~ 1445
~~network,~~ cable service, cable system, telecommunications device, 1446
telecommunications service, or information service or other 1447
person authorized to give consent. 1448

(C) Except as permitted under section 5503.101 of the 1449
Revised Code, no person shall knowingly gain access to, attempt 1450
to gain access to, cause access to be granted to, or disseminate 1451
information gained from access to the law enforcement automated 1452
database system created pursuant to section 5503.10 of the 1453
Revised Code without the consent of, or beyond the scope of the 1454
express or implied consent of, the chair of the law enforcement 1455
automated data system steering committee. 1456

(D) No person shall knowingly gain access to, attempt to 1457
gain access to, cause access to be granted to, or disseminate 1458
information gained from access to the Ohio law enforcement 1459
gateway established and operated pursuant to division (C)(1) of 1460
section 109.57 of the Revised Code without the consent of, or 1461
beyond the scope of the express or implied consent of, the 1462
superintendent of the bureau of criminal identification and 1463
investigation. 1464

(E) The affirmative defenses contained in division (C) of 1465
section 2913.03 of the Revised Code are affirmative defenses to 1466
a charge under this section. 1467

(F)(1) Whoever violates division (A) of this section is 1468

guilty of unauthorized use of property. 1469

(2) Except as otherwise provided in division (F) (3) or (4) 1470
of this section, unauthorized use of property is a misdemeanor 1471
of the fourth degree. 1472

(3) Except as otherwise provided in division (F) (4) of 1473
this section, if unauthorized use of property is committed for 1474
the purpose of devising or executing a scheme to defraud or to 1475
obtain property or services, unauthorized use of property is 1476
whichever of the following is applicable: 1477

(a) Except as otherwise provided in division (F) (3) (b), 1478
(c), or (d) of this section, a misdemeanor of the first degree. 1479

(b) If the value of the property or services or the loss 1480
to the victim is one thousand dollars or more and is less than 1481
seven thousand five hundred dollars, a felony of the fifth 1482
degree. 1483

(c) If the value of the property or services or the loss 1484
to the victim is seven thousand five hundred dollars or more and 1485
is less than one hundred fifty thousand dollars, a felony of the 1486
fourth degree. 1487

(d) If the value of the property or services or the loss 1488
to the victim is one hundred fifty thousand dollars or more, a 1489
felony of the third degree. 1490

(4) If the victim of the offense is an elderly person or 1491
disabled adult, unauthorized use of property is whichever of the 1492
following is applicable: 1493

(a) Except as otherwise provided in division (F) (4) (b), 1494
(c), or (d) of this section, a felony of the fifth degree; 1495

(b) If the value of the property or services or loss to 1496

the victim is one thousand dollars or more and is less than 1497
seven thousand five hundred dollars, a felony of the fourth 1498
degree; 1499

(c) If the value of the property or services or loss to 1500
the victim is seven thousand five hundred dollars or more and is 1501
less than thirty-seven thousand five hundred dollars, a felony 1502
of the third degree; 1503

(d) If the value of the property or services or loss to 1504
the victim is thirty-seven thousand five hundred dollars or 1505
more, a felony of the second degree. 1506

(G) (1) Whoever violates division (B) of this section is 1507
guilty of unauthorized use of ~~computer, cable,~~ or 1508
telecommunication property, and shall be punished as provided in 1509
division (G) (2), (3), or (4) of this section. 1510

(2) Except as otherwise provided in division (G) (3) or (4) 1511
of this section, unauthorized use of ~~computer, cable,~~ or 1512
telecommunication property is a felony of the fifth degree. 1513

(3) Except as otherwise provided in division (G) (4) of 1514
this section, if unauthorized use of ~~computer, cable,~~ or 1515
telecommunication property is committed for the purpose of 1516
devising or executing a scheme to defraud or to obtain property 1517
or services, for obtaining money, property, or services by false 1518
or fraudulent pretenses, or for committing any other criminal 1519
offense, unauthorized use of ~~computer, cable,~~ or 1520
telecommunication property is whichever of the following is 1521
applicable: 1522

(a) Except as otherwise provided in division (G) (3) (b) of 1523
this section, if the value of the property or services involved 1524
or the loss to the victim is seven thousand five hundred dollars 1525

or more and less than one hundred fifty thousand dollars, a 1526
felony of the fourth degree; 1527

(b) If the value of the property or services involved or 1528
the loss to the victim is one hundred fifty thousand dollars or 1529
more, a felony of the third degree. 1530

(4) If the victim of the offense is an elderly person or 1531
disabled adult, unauthorized use of ~~computer, cable,~~ or 1532
telecommunication property is whichever of the following is 1533
applicable: 1534

(a) Except as otherwise provided in division (G) (4) (b), 1535
(c), or (d) of this section, a felony of the fifth degree; 1536

(b) If the value of the property or services or loss to 1537
the victim is one thousand dollars or more and is less than 1538
seven thousand five hundred dollars, a felony of the fourth 1539
degree; 1540

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

(d) If the value of the property or services or loss to 1545
the victim is thirty-seven thousand five hundred dollars or 1546
more, a felony of the second degree. 1547

(H) Whoever violates division (C) of this section is 1548
guilty of unauthorized use of the law enforcement automated 1549
database system, a felony of the fifth degree. 1550

(I) Whoever violates division (D) of this section is 1551
guilty of unauthorized use of the Ohio law enforcement gateway, 1552
a felony of the fifth degree. 1553

- (J) As used in this section: 1554
- (1) "Cable operator" means any person or group of persons 1555
that does either of the following: 1556
- (a) Provides cable service over a cable system and 1557
directly or through one or more affiliates owns a significant 1558
interest in that cable system; 1559
- (b) Otherwise controls or is responsible for, through any 1560
arrangement, the management and operation of a cable system. 1561
- (2) "Cable service" means any of the following: 1562
- (a) The one-way transmission to subscribers of video 1563
programming or of information that a cable operator makes 1564
available to all subscribers generally; 1565
- (b) Subscriber interaction, if any, that is required for 1566
the selection or use of video programming or of information that 1567
a cable operator makes available to all subscribers generally, 1568
both as described in division (J) (2) (a) of this section; 1569
- (c) Any cable television service. 1570
- (3) "Cable system" means any facility, consisting of a set 1571
of closed transmission paths and associated signal generation, 1572
reception, and control equipment that is designed to provide 1573
cable service that includes video programming and that is 1574
provided to multiple subscribers within a community. "Cable 1575
system" does not include any of the following: 1576
- (a) Any facility that serves only to retransmit the 1577
television signals of one or more television broadcast stations; 1578
- (b) Any facility that serves subscribers without using any 1579
public right-of-way; 1580

(c) Any facility of a common carrier that, under 47 1581
U.S.C.A. 522(7)(c), is excluded from the term "cable system" as 1582
defined in 47 U.S.C.A. 522(7); 1583

(d) Any open video system that complies with 47 U.S.C.A. 1584
573; 1585

(e) Any facility of any electric utility used solely for 1586
operating its electric utility system. 1587

(K) No person shall plead guilty to or be convicted of 1588
violating both this section and section 2913.87 of the Revised 1589
Code for the same underlying action. 1590

Sec. 2913.05. (A) No person, having devised a scheme to 1591
defraud, shall knowingly disseminate, transmit, or cause to be 1592
disseminated or transmitted by means of a wire, radio, 1593
satellite, telecommunication, telecommunications device, or 1594
telecommunications service any writing, data, sign, signal, 1595
picture, sound, or image with purpose to execute or otherwise 1596
further the scheme to defraud. 1597

(B) If an offender commits a violation of division (A) of 1598
this section and the violation occurs as part of a course of 1599
conduct involving other violations of division (A) of this 1600
section or violations of, attempts to violate, conspiracies to 1601
violate, or complicity in violations of section 2913.02, 1602
2913.04, 2913.11, 2913.21, 2913.31, 2913.42, 2913.43, 2913.87 to 1603
2913.92, or 2921.13 of the Revised Code, the court, in 1604
determining the degree of the offense pursuant to division (C) 1605
of this section, may aggregate the value of the benefit obtained 1606
by the offender or of the detriment to the victim of the fraud 1607
in the violations involved in that course of conduct. The course 1608
of conduct may involve one victim or more than one victim. 1609

(C) Whoever violates this section is guilty of 1610
telecommunications fraud. Except as otherwise provided in this 1611
division, telecommunications fraud is a felony of the fifth 1612
degree. If the value of the benefit obtained by the offender or 1613
of the detriment to the victim of the fraud is one thousand 1614
dollars or more but less than seven thousand five hundred 1615
dollars, telecommunications fraud is a felony of the fourth 1616
degree. If the value of the benefit obtained by the offender or 1617
of the detriment to the victim of the fraud is seven thousand 1618
five hundred dollars or more but less than one hundred fifty 1619
thousand dollars, telecommunications fraud is a felony of the 1620
third degree. If the value of the benefit obtained by the 1621
offender or of the detriment to the victims of the fraud is one 1622
hundred fifty thousand dollars or more but less than one million 1623
dollars, telecommunications fraud is a felony of the second 1624
degree. If the value of the benefit obtained by the offender or 1625
of the detriment to the victims of the fraud is one million 1626
dollars or more, telecommunications fraud is a felony of the 1627
first degree. 1628

Sec. 2913.49. (A) As used in this section, "personal 1629
identifying information" includes, but is not limited to, the 1630
following: the name, address, telephone number, driver's 1631
license, driver's license number, commercial driver's license, 1632
commercial driver's license number, state identification card, 1633
state identification card number, social security card, social 1634
security number, birth certificate, place of employment, 1635
employee identification number, mother's maiden name, demand 1636
deposit account number, savings account number, money market 1637
account number, mutual fund account number, other financial 1638
account number, personal identification number, password, or 1639
credit card number of a living or dead individual. 1640

(B) No person, without the express or implied consent of 1641
the other person, shall use, obtain, or possess any personal 1642
identifying information of another person with intent to do 1643
either of the following: 1644

(1) Hold the person out to be the other person; 1645

(2) Represent the other person's personal identifying 1646
information as the person's own personal identifying 1647
information. 1648

(C) No person shall create, obtain, possess, or use the 1649
personal identifying information of any person with the intent 1650
to aid or abet another person in violating division (B) of this 1651
section. 1652

(D) No person, with intent to defraud, shall permit 1653
another person to use the person's own personal identifying 1654
information. 1655

(E) No person who is permitted to use another person's 1656
personal identifying information as described in division (D) of 1657
this section shall use, obtain, or possess the other person's 1658
personal identifying information with intent to defraud any 1659
person by doing any act identified in division (B) (1) or (2) of 1660
this section. 1661

(F) (1) It is an affirmative defense to a charge under 1662
division (B) of this section that the person using the personal 1663
identifying information is acting in accordance with a legally 1664
recognized guardianship or conservatorship or as a trustee or 1665
fiduciary. 1666

(2) It is an affirmative defense to a charge under 1667
division (B), (C), (D), or (E) of this section that either of 1668
the following applies: 1669

(a) The person or entity using, obtaining, possessing, or 1670
creating the personal identifying information or permitting it 1671
to be used is a law enforcement agency, authorized fraud 1672
personnel, or a representative of or attorney for a law 1673
enforcement agency or authorized fraud personnel and is using, 1674
obtaining, possessing, or creating the personal identifying 1675
information or permitting it to be used, with prior consent 1676
given as specified in this division, in a bona fide 1677
investigation, an information security evaluation, a pretext 1678
calling evaluation, or a similar matter. The prior consent 1679
required under this division shall be given by the person whose 1680
personal identifying information is being used, obtained, 1681
possessed, or created or is being permitted to be used or, if 1682
the person whose personal identifying information is being used, 1683
obtained, possessed, or created or is being permitted to be used 1684
is deceased, by that deceased person's executor, or a member of 1685
that deceased person's family, or that deceased person's 1686
attorney. The prior consent required under this division may be 1687
given orally or in writing by the person whose personal 1688
identifying information is being used, obtained, possessed, or 1689
created or is being permitted to be used or that person's 1690
executor, or family member, or attorney. 1691

(b) The personal identifying information was obtained, 1692
possessed, used, created, or permitted to be used for a lawful 1693
purpose, provided that division (F)(2)(b) of this section does 1694
not apply if the person or entity using, obtaining, possessing, 1695
or creating the personal identifying information or permitting 1696
it to be used is a law enforcement agency, authorized fraud 1697
personnel, or a representative of or attorney for a law 1698
enforcement agency or authorized fraud personnel that is using, 1699
obtaining, possessing, or creating the personal identifying 1700

information or permitting it to be used in an investigation, an 1701
information security evaluation, a pretext calling evaluation, 1702
or similar matter. 1703

(G) It is not a defense to a charge under this section 1704
that the person whose personal identifying information was 1705
obtained, possessed, used, created, or permitted to be used was 1706
deceased at the time of the offense. 1707

(H) (1) If an offender commits a violation of division (B), 1708
(D), or (E) of this section and the violation occurs as part of 1709
a course of conduct involving other violations of division (B), 1710
(D), or (E) of this section or violations of, attempts to 1711
violate, conspiracies to violate, or complicity in violations of 1712
division (C) of this section or section 2913.02, 2913.04, 1713
2913.11, 2913.21, 2913.31, 2913.42, 2913.43, 2913.87 to 2913.92, 1714
or 2921.13 of the Revised Code, the court, in determining the 1715
degree of the offense pursuant to division (I) of this section, 1716
may aggregate all credit, property, or services obtained or 1717
sought to be obtained by the offender and all debts or other 1718
legal obligations avoided or sought to be avoided by the 1719
offender in the violations involved in that course of conduct. 1720
The course of conduct may involve one victim or more than one 1721
victim. 1722

(2) If an offender commits a violation of division (C) of 1723
this section and the violation occurs as part of a course of 1724
conduct involving other violations of division (C) of this 1725
section or violations of, attempts to violate, conspiracies to 1726
violate, or complicity in violations of division (B), (D), or 1727
(E) of this section or section 2913.02, 2913.04, 2913.11, 1728
2913.21, 2913.31, 2913.42, 2913.43, 2913.87 to 2913.92, or 1729
2921.13 of the Revised Code, the court, in determining the 1730

degree of the offense pursuant to division (I) of this section, 1731
may aggregate all credit, property, or services obtained or 1732
sought to be obtained by the person aided or abetted and all 1733
debts or other legal obligations avoided or sought to be avoided 1734
by the person aided or abetted in the violations involved in 1735
that course of conduct. The course of conduct may involve one 1736
victim or more than one victim. 1737

(I) (1) Whoever violates this section is guilty of identity 1738
fraud. 1739

(2) Except as otherwise provided in this division or 1740
division (I) (3) of this section, identity fraud is a felony of 1741
the fifth degree. If the value of the credit, property, 1742
services, debt, or other legal obligation involved in the 1743
violation or course of conduct is one thousand dollars or more 1744
and is less than seven thousand five hundred dollars, except as 1745
otherwise provided in division (I) (3) of this section, identity 1746
fraud is a felony of the fourth degree. If the value of the 1747
credit, property, services, debt, or other legal obligation 1748
involved in the violation or course of conduct is seven thousand 1749
five hundred dollars or more and is less than one hundred fifty 1750
thousand dollars, except as otherwise provided in division (I) 1751
(3) of this section, identity fraud is a felony of the third 1752
degree. If the value of the credit, property, services, debt, or 1753
other legal obligation involved in the violation or course of 1754
conduct is one hundred fifty thousand dollars or more, except as 1755
otherwise provided in division (I) (3) of this section, identity 1756
fraud is a felony of the second degree. 1757

(3) If the victim of the offense is an elderly person, 1758
disabled adult, active duty service member, or spouse of an 1759
active duty service member, a violation of this section is 1760

identity fraud against a person in a protected class. Except as 1761
otherwise provided in this division, identity fraud against a 1762
person in a protected class is a felony of the fourth degree. If 1763
the value of the credit, property, services, debt, or other 1764
legal obligation involved in the violation or course of conduct 1765
is one thousand dollars or more and is less than seven thousand 1766
five hundred dollars, identity fraud against a person in a 1767
protected class is a felony of the third degree. If the value of 1768
the credit, property, services, debt, or other legal obligation 1769
involved in the violation or course of conduct is seven thousand 1770
five hundred dollars or more and is less than one hundred fifty 1771
thousand dollars, identity fraud against a person in a protected 1772
class is a felony of the second degree. If the value of the 1773
credit, property, services, debt, or other legal obligation 1774
involved in the violation or course of conduct is one hundred 1775
fifty thousand dollars or more, identity fraud against a person 1776
in a protected class is a felony of the first degree. If the 1777
victim of the offense is an elderly person, in addition to any 1778
other penalty imposed for the offense, the offender shall be 1779
required to pay full restitution to the victim and to pay a fine 1780
of up to fifty thousand dollars. The clerk of court shall 1781
forward all fines collected under division (I)(3) of this 1782
section to the county department of job and family services to 1783
be used for the reporting and investigation of elder abuse, 1784
neglect, and exploitation or for the provision or arrangement of 1785
protective services under sections 5101.61 to 5101.71 of the 1786
Revised Code. 1787

(J) In addition to the penalties described in division (I) 1788
of this section, anyone injured in person or property by a 1789
violation of division (B), (D), or (E) of this section who is 1790
the owner of the identifying information involved in that 1791

violation has a civil action against the offender pursuant to 1792
section 2307.60 of the Revised Code. That person may also bring 1793
a civil action to enjoin or restrain future acts that would 1794
constitute a violation of division (B), (D), or (E) of this 1795
section. 1796

Sec. 2913.86. As used in sections 2913.86 to 2913.93 of 1797
the Revised Code: 1798

(A) "Computer service" includes a data processing service, 1799
a storage function, an internet service, an electronic mail 1800
service, an electronic message service, web site access, an 1801
internet-based electronic gaming service, and any other similar 1802
computer system, computer network, or internet-based service. 1803

(B) "Electronic record" has the same meaning as in section 1804
1306.01 of the Revised Code. 1805

(C) "Malware" means a set of computer instructions that is 1806
designed or used to modify, damage, destroy, disable, deny, or 1807
degrade access to; gain access to; functionally impair; or 1808
record or transmit information within a computer, computer 1809
system, or computer network without the authorization of the 1810
owner or other person authorized to give consent. 1811

(D) "State" and "political subdivision" have the same 1812
meanings as in section 2744.01 of the Revised Code. 1813

Sec. 2913.87. (A) No person shall knowingly and without 1814
authorization gain access to, attempt to gain access to, or 1815
cause access to be gained to a computer, computer system, or 1816
computer network when either of the following applies: 1817

(1) The access is gained, attempted to be gained, or 1818
caused to be gained with the intent to commit a crime in 1819
violation of state law. 1820

(2) The computer, computer system, or computer network is 1821
maintained by the state or a political subdivision. 1822

(B) No person shall knowingly and without authorization 1823
gain access to, attempt to gain access to, or cause access to be 1824
gained to a computer, computer system, or computer network under 1825
circumstances not constituting a violation of division (A) of 1826
this section. 1827

(C) (1) Whoever violates division (A) or (B) of this 1828
section is guilty of computer trespass. 1829

(2) Except as provided in division (C) (3), (4), or (5) of 1830
this section: 1831

(a) A violation of division (A) of this section is a 1832
felony of the fourth degree. 1833

(b) A violation of division (B) of this section is a 1834
felony of the fifth degree. 1835

(3) Except as provided in division (C) (5) of this section, 1836
if the computer, computer system, or computer network involved 1837
in the violation of division (A) or (B) of this section is used 1838
or intended to be used in the operation of an aircraft and the 1839
violation creates a substantial risk of physical harm to any 1840
person or the aircraft in question is an occupied aircraft, then 1841
the violation is a felony of the third degree. 1842

(4) Except as provided in division (C) (5) of this section, 1843
if a person commits computer trespass for the purpose of doing 1844
any of the following, and the value of the property or services 1845
involved or the loss to the victim is one hundred fifty thousand 1846
dollars or more, then the violation is a felony of the third 1847
degree: 1848

(a) Devising or executing a scheme to defraud or to obtain 1849
property or services; 1850

(b) Obtaining money, property, or services by false or 1851
fraudulent pretenses; 1852

(c) Committing any other criminal offense. 1853

(5) (a) If the offender acted recklessly with regard to the 1854
status of the victim of the offense as an elderly person or 1855
disabled adult, and the value of the property or services or 1856
loss to the victim is seven thousand five hundred dollars or 1857
more and less than thirty-seven thousand five hundred dollars, 1858
then the violation is a felony of the third degree. 1859

(b) If the offender acted recklessly with regard to the 1860
status of the victim of the offense as an elderly person or 1861
disabled adult, and the value of the property or services or 1862
loss to the victim is thirty-seven thousand five hundred dollars 1863
or more, then the violation is a felony of the second degree. 1864

(D) A person commits a separate violation of this section 1865
with regard to each computer trespass in violation of division 1866
(A) or (B) of this section. 1867

Sec. 2913.88. (A) No person shall knowingly and without 1868
authorization cause or attempt to cause the transmission of 1869
data, a computer program, or an electronic command that 1870
interrupts or suspends access to or use of a computer network or 1871
computer service with the intent to impair the functioning of a 1872
computer network or computer service. 1873

(B) Whoever violates this section is guilty of electronic 1874
computer service interference, a felony of the fourth degree. 1875

Sec. 2913.89. (A) When any of the following applies, no 1876

person shall knowingly and without authorization alter or 1877
attempt to alter data as it travels between two computer systems 1878
over an open or unsecure network or introduce or attempt to 1879
introduce malware into any electronic data, computer, computer 1880
system, or computer network: 1881

(1) The person intended to devise or execute a scheme to 1882
defraud, deceive, or extort. 1883

(2) The person intended to commit any other crime in 1884
violation of a state law. 1885

(3) The person intended to wrongfully control or obtain 1886
property or wrongfully gain access to electronic data. 1887

(4) The electronic data, computer, computer system, or 1888
computer network is maintained by the state or a political 1889
subdivision. 1890

(B) Whoever violates this section is guilty of electronic 1891
data tampering, a felony of the third degree. 1892

Sec. 2913.90. (A) No person shall knowingly and without 1893
authorization alter or attempt to alter data as it travels 1894
between two computer systems over an open or unsecure network or 1895
introduce or attempt to introduce malware into any electronic 1896
data, computer, computer system, or computer network under 1897
circumstances not constituting a violation of section 2913.89 of 1898
the Revised Code. 1899

(B) Whoever violates this section is guilty of electronic 1900
data manipulation, a felony of the fourth degree. 1901

Sec. 2913.91. (A) No person shall knowingly and without 1902
authorization obtain or attempt to obtain electronic data with 1903
the intent to do either of the following: 1904

(1) Devise or execute any scheme to defraud, deceive, 1905
extort, or commit any crime in violation of state law; 1906

(2) Wrongfully control or obtain property or wrongfully 1907
gain access to electronic data. 1908

(B) Whoever violates this section is guilty of electronic 1909
data theft, a felony of the third degree. 1910

Sec. 2913.92. (A) No person shall knowingly and without 1911
authorization make, attempt to make, or cause to be made a 1912
display, use, disclosure, or copy of data residing in, 1913
communicated by, or produced by a computer, computer system, or 1914
computer network. 1915

(B) No person shall knowingly and without authorization 1916
disclose or attempt to disclose a password, identifying code, 1917
personal identification number, or other confidential 1918
information that is used as a means of access to a computer, 1919
computer system, computer network, or computer service. 1920

(C) Whoever violates this section is guilty of 1921
unauthorized data disclosure, a felony of the third degree. 1922

Sec. 2913.93. (A) In addition to any other civil remedy 1923
available, the owner or lessee of any electronic data, computer, 1924
computer system, or computer network who suffers damage or loss 1925
by reason of a violation of any provision of sections 2913.87 to 1926
2913.92 of the Revised Code may bring a civil action against a 1927
person convicted of violating any provision of sections 2913.87 1928
to 2913.92 of the Revised Code for compensatory damages and 1929
injunctive or other equitable relief. Compensatory damages shall 1930
include any cost reasonably and necessarily incurred by the 1931
owner or lessee to verify that the electronic data, computer, 1932
computer system, or computer network, was not altered, damaged, 1933

or deleted by the violation. 1934

(B) In any action brought pursuant to division (A) of this 1935
section, the court may award reasonable attorney's fees to the 1936
owner or lessee who suffered the damage or loss. 1937

(C) No action may be brought pursuant to division (A) of 1938
this section unless it is initiated within two years of the date 1939
of the act complained of or the date of the discovery of the 1940
damage, whichever is later. 1941

Sec. 2913.94. (A) Sections 2913.87 to 2913.92 of the 1942
Revised Code shall not be construed to prohibit actions by a 1943
person within the scope of the person's lawful employment. For 1944
purposes of this section, a person acts within the scope of the 1945
person's lawful employment when the person performs acts that 1946
are reasonably necessary to the performance of the person's work 1947
assignments or duties. 1948

(B) A person does not violate sections 2913.87 to 2913.92 1949
of the Revised Code if the person mistakenly goes beyond the 1950
scope of the person's lawful employment. 1951

Sec. 2919.25. (A) No person shall knowingly cause or 1952
attempt to cause physical harm to a family or household member. 1953

(B) No person shall recklessly cause serious physical harm 1954
to a family or household member. 1955

(C) No person, by threat of force, shall knowingly cause a 1956
family or household member to believe that the offender will 1957
cause imminent physical harm to the family or household member. 1958

(D) (1) Whoever violates this section is guilty of domestic 1959
violence, and the court shall sentence the offender as provided 1960
in divisions (D) (2) to (6) of this section. 1961

(2) Except as otherwise provided in divisions (D) (3) to 1962
(5) of this section, a violation of division (C) of this section 1963
is a misdemeanor of the fourth degree, and a violation of 1964
division (A) or (B) of this section is a misdemeanor of the 1965
first degree. 1966

(3) Except as otherwise provided in division (D) (4) of 1967
this section, if the offender previously has pleaded guilty to 1968
or been convicted of domestic violence, a violation of an 1969
existing or former municipal ordinance or law of this or any 1970
other state or the United States that is substantially similar 1971
to domestic violence, a violation of section 2903.14, 2909.06, 1972
2909.07, 2911.12, 2911.211, 2913.88, or 2919.22 of the Revised 1973
Code if the victim of the violation was a family or household 1974
member at the time of the violation, a violation of an existing 1975
or former municipal ordinance or law of this or any other state 1976
or the United States that is substantially similar to any of 1977
those sections if the victim of the violation was a family or 1978
household member at the time of the commission of the violation, 1979
or any offense of violence if the victim of the offense was a 1980
family or household member at the time of the commission of the 1981
offense, a violation of division (A) or (B) of this section is a 1982
felony of the fourth degree, and, if the offender knew that the 1983
victim of the violation was pregnant at the time of the 1984
violation, the court shall impose a mandatory prison term on the 1985
offender pursuant to division (D) (6) of this section, and a 1986
violation of division (C) of this section is a misdemeanor of 1987
the second degree. 1988

(4) If the offender previously has pleaded guilty to or 1989
been convicted of two or more offenses of domestic violence or 1990
two or more violations or offenses of the type described in 1991
division (D) (3) of this section involving a person who was a 1992

family or household member at the time of the violations or 1993
offenses, a violation of division (A) or (B) of this section is 1994
a felony of the third degree, and, if the offender knew that the 1995
victim of the violation was pregnant at the time of the 1996
violation, the court shall impose a mandatory prison term on the 1997
offender pursuant to division (D) (6) of this section, and a 1998
violation of division (C) of this section is a misdemeanor of 1999
the first degree. 2000

(5) Except as otherwise provided in division (D) (3) or (4) 2001
of this section, if the offender knew that the victim of the 2002
violation was pregnant at the time of the violation, a violation 2003
of division (A) or (B) of this section is a felony of the fifth 2004
degree, and the court shall impose a mandatory prison term on 2005
the offender pursuant to division (D) (6) of this section, and a 2006
violation of division (C) of this section is a misdemeanor of 2007
the third degree. 2008

(6) If division (D) (3), (4), or (5) of this section 2009
requires the court that sentences an offender for a violation of 2010
division (A) or (B) of this section to impose a mandatory prison 2011
term on the offender pursuant to this division, the court shall 2012
impose the mandatory prison term as follows: 2013

(a) If the violation of division (A) or (B) of this 2014
section is a felony of the fourth or fifth degree, except as 2015
otherwise provided in division (D) (6) (b) or (c) of this section, 2016
the court shall impose a mandatory prison term on the offender 2017
of at least six months. 2018

(b) If the violation of division (A) or (B) of this 2019
section is a felony of the fifth degree and the offender, in 2020
committing the violation, caused serious physical harm to the 2021
pregnant woman's unborn or caused the termination of the 2022

pregnant woman's pregnancy, the court shall impose a mandatory
prison term on the offender of twelve months.

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

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

(e) If the violation of division (A) or (B) of this
section is a felony of the third degree and the offender, in
committing the violation, caused serious physical harm to the
pregnant woman's unborn or caused the termination of the
pregnant woman's pregnancy, notwithstanding the range of
definite prison terms prescribed in division (A)(3) of section
2929.14 of the Revised Code for a felony of the third degree,
the court shall impose a mandatory prison term on the offender
of either a definite term of one year or one of the prison terms
prescribed in division (A)(3)(b) of section 2929.14 of the
Revised Code for felonies of the third degree.

(E) Notwithstanding any provision of law to the contrary,

no court or unit of state or local government shall charge any 2053
fee, cost, deposit, or money in connection with the filing of 2054
charges against a person alleging that the person violated this 2055
section or a municipal ordinance substantially similar to this 2056
section or in connection with the prosecution of any charges so 2057
filed. 2058

(F) As used in this section and sections 2919.251 and 2059
2919.26 of the Revised Code: 2060

(1) "Family or household member" means any of the 2061
following: 2062

(a) Any of the following who is residing or has resided 2063
with the offender: 2064

(i) A spouse, a person living as a spouse, or a former 2065
spouse of the offender; 2066

(ii) A parent, a foster parent, or a child of the 2067
offender, or another person related by consanguinity or affinity 2068
to the offender; 2069

(iii) A parent or a child of a spouse, person living as a 2070
spouse, or former spouse of the offender, or another person 2071
related by consanguinity or affinity to a spouse, person living 2072
as a spouse, or former spouse of the offender. 2073

(b) The natural parent of any child of whom the offender 2074
is the other natural parent or is the putative other natural 2075
parent. 2076

(2) "Person living as a spouse" means a person who is 2077
living or has lived with the offender in a common law marital 2078
relationship, who otherwise is cohabiting with the offender, or 2079
who otherwise has cohabited with the offender within five years 2080

prior to the date of the alleged commission of the act in 2081
question. 2082

(3) "Pregnant woman's unborn" has the same meaning as 2083
"such other person's unborn," as set forth in section 2903.09 of 2084
the Revised Code, as it relates to the pregnant woman. Division 2085
(C) of that section applies regarding the use of the term in 2086
this section, except that the second and third sentences of 2087
division (C)(1) of that section shall be construed for purposes 2088
of this section as if they included a reference to this section 2089
in the listing of Revised Code sections they contain. 2090

(4) "Termination of the pregnant woman's pregnancy" has 2091
the same meaning as "unlawful termination of another's 2092
pregnancy," as set forth in section 2903.09 of the Revised Code, 2093
as it relates to the pregnant woman. Division (C) of that 2094
section applies regarding the use of the term in this section, 2095
except that the second and third sentences of division (C)(1) of 2096
that section shall be construed for purposes of this section as 2097
if they included a reference to this section in the listing of 2098
Revised Code sections they contain. 2099

Sec. 2919.251. (A) Subject to division (D) of this 2100
section, a person who is charged with the commission of any 2101
offense of violence shall appear before the court for the 2102
setting of bail if the alleged victim of the offense charged was 2103
a family or household member at the time of the offense and if 2104
any of the following applies: 2105

(1) The person charged, at the time of the alleged 2106
offense, was subject to the terms of a protection order issued 2107
or consent agreement approved pursuant to section 2919.26 or 2108
3113.31 of the Revised Code or previously was convicted of or 2109
pleaded guilty to a violation of section 2919.25 of the Revised 2110

Code or a violation of section 2919.27 of the Revised Code 2111
involving a protection order or consent agreement of that type, 2112
a violation of an existing or former municipal ordinance or law 2113
of this or any other state or the United States that is 2114
substantially similar to either section, a violation of section 2115
2909.06, 2909.07, 2911.12, ~~or 2911.211,~~ or 2913.88 of the 2116
Revised Code if the victim of the violation was a family or 2117
household member at the time of the violation, a violation of an 2118
existing or former municipal ordinance or law of this or any 2119
other state or the United States that is substantially similar 2120
to any of those sections if the victim of the violation was a 2121
family or household member at the time of the commission of the 2122
violation, or any offense of violence if the victim of the 2123
offense was a family or household member at the time of the 2124
offense; 2125

(2) The arresting officer indicates in a police report or 2126
other document accompanying the complaint any of the following: 2127

(a) That the arresting officer observed on the alleged 2128
victim objective manifestations of physical harm that the 2129
arresting officer reasonably believes are a result of the 2130
alleged offense; 2131

(b) That the arresting officer reasonably believes that 2132
the person had on the person's person at the time of the alleged 2133
offense a deadly weapon or dangerous ordnance; 2134

(c) That the arresting officer reasonably believes that 2135
the person presents a credible threat of serious physical harm 2136
to the alleged victim or to any other person if released on bail 2137
before trial. 2138

(B) To the extent that information about any of the 2139

following is available to the court, the court shall consider 2140
all of the following, in addition to any other circumstances 2141
considered by the court and notwithstanding any provisions to 2142
the contrary contained in Criminal Rule 46, before setting bail 2143
for a person who appears before the court pursuant to division 2144
(A) of this section: 2145

(1) Whether the person has a history of domestic violence 2146
or a history of other violent acts; 2147

(2) The mental health of the person; 2148

(3) Whether the person has a history of violating the 2149
orders of any court or governmental entity; 2150

(4) Whether the person is potentially a threat to any 2151
other person; 2152

(5) Whether the person has access to deadly weapons or a 2153
history of using deadly weapons; 2154

(6) Whether the person has a history of abusing alcohol or 2155
any controlled substance; 2156

(7) The severity of the alleged violence that is the basis 2157
of the offense, including but not limited to, the duration of 2158
the alleged violent incident, and whether the alleged violent 2159
incident involved serious physical injury, sexual assault, 2160
strangulation, abuse during the alleged victim's pregnancy, 2161
abuse of pets, or forcible entry to gain access to the alleged 2162
victim; 2163

(8) Whether a separation of the person from the alleged 2164
victim or a termination of the relationship between the person 2165
and the alleged victim has recently occurred or is pending; 2166

(9) Whether the person has exhibited obsessive or 2167

controlling behaviors toward the alleged victim, including but 2168
not limited to, stalking, surveillance, or isolation of the 2169
alleged victim; 2170

(10) Whether the person has expressed suicidal or 2171
homicidal ideations; 2172

(11) Any information contained in the complaint and any 2173
police reports, affidavits, or other documents accompanying the 2174
complaint. 2175

(C) Any court that has jurisdiction over charges alleging 2176
the commission of an offense of violence in circumstances in 2177
which the alleged victim of the offense was a family or 2178
household member at the time of the offense may set a schedule 2179
for bail to be used in cases involving those offenses. The 2180
schedule shall require that a judge consider all of the factors 2181
listed in division (B) of this section and may require judges to 2182
set bail at a certain level if the history of the alleged 2183
offender or the circumstances of the alleged offense meet 2184
certain criteria in the schedule. 2185

(D) (1) Upon the court's own motion or the motion of a 2186
party and upon any terms that the court may direct, a court may 2187
permit a person who is required to appear before it by division 2188
(A) of this section to appear by video conferencing equipment. 2189

(2) If in the opinion of the court the appearance in 2190
person or by video conferencing equipment of a person who is 2191
charged with a misdemeanor and who is required to appear before 2192
the court by division (A) of this section is not practicable, 2193
the court may waive the appearance and release the person on 2194
bail in accordance with the court's schedule for bail set under 2195
division (C) of this section or, if the court has not set a 2196

schedule for bail under that division, on one or both of the 2197
following types of bail in an amount set by the court: 2198

(a) A bail bond secured by a deposit of ten per cent of 2199
the amount of the bond in cash; 2200

(b) A surety bond, a bond secured by real estate or 2201
securities as allowed by law, or the deposit of cash, at the 2202
option of the person. 2203

(3) Division (A) of this section does not create a right 2204
in a person to appear before the court for the setting of bail 2205
or prohibit a court from requiring any person charged with an 2206
offense of violence who is not described in that division from 2207
appearing before the court for the setting of bail. 2208

(E) As used in this section: 2209

(1) "Controlled substance" has the same meaning as in 2210
section 3719.01 of the Revised Code. 2211

(2) "Dangerous ordnance" and "deadly weapon" have the same 2212
meanings as in section 2923.11 of the Revised Code. 2213

Sec. 2919.26. (A) (1) Upon the filing of a complaint that 2214
alleges a violation of section 2909.06, 2909.07, 2911.12, ~~or~~ 2215
2911.211, 2913.88, 2913.89, or 2913.90 of the Revised Code if 2216
the alleged victim of the violation was a family or household 2217
member at the time of the violation, a violation of a municipal 2218
ordinance that is substantially similar to any of those sections 2219
if the alleged victim of the violation was a family or household 2220
member at the time of the violation, any offense of violence if 2221
the alleged victim of the offense was a family or household 2222
member at the time of the commission of the offense, or any 2223
sexually oriented offense if the alleged victim of the offense 2224
was a family or household member at the time of the commission 2225

of the offense, the complainant, the alleged victim, or a family 2226
or household member of an alleged victim may file, or, if in an 2227
emergency the alleged victim is unable to file, a person who 2228
made an arrest for the alleged violation or offense under 2229
section 2935.03 of the Revised Code may file on behalf of the 2230
alleged victim, a motion that requests the issuance of a 2231
temporary protection order as a pretrial condition of release of 2232
the alleged offender, in addition to any bail set under Criminal 2233
Rule 46. The motion shall be filed with the clerk of the court 2234
that has jurisdiction of the case at any time after the filing 2235
of the complaint. 2236

(2) For purposes of section 2930.09 of the Revised Code, 2237
all stages of a proceeding arising out of a complaint alleging 2238
the commission of a violation, offense of violence, or sexually 2239
oriented offense described in division (A)(1) of this section, 2240
including all proceedings on a motion for a temporary protection 2241
order, are critical stages of the case, and a victim may be 2242
accompanied by a victim advocate or another person to provide 2243
support to the victim as provided in that section. 2244

(B) The motion shall be prepared on a form that is 2245
provided by the clerk of the court, which form shall be 2246
substantially as follows: 2247

"MOTION FOR TEMPORARY PROTECTION ORDER 2248

_____ Court 2249

Name and address of court 2250

State of Ohio 2251

v. No. _____ 2252

_____ 2253

Name of Defendant 2254

(name of person), moves the court to issue a temporary 2255
protection order containing terms designed to ensure the safety 2256
and protection of the complainant, alleged victim, and other 2257
family or household members, in relation to the named defendant, 2258
pursuant to its authority to issue such an order under section 2259
2919.26 of the Revised Code. 2260

A complaint, a copy of which has been attached to this 2261
motion, has been filed in this court charging the named 2262
defendant with _____ (name of the specified 2263
violation, the offense of violence, or sexually oriented offense 2264
charged) in circumstances in which the victim was a family or 2265
household member in violation of (section of the Revised Code 2266
designating the specified violation, offense of violence, or 2267
sexually oriented offense charged), or charging the named 2268
defendant with a violation of a municipal ordinance that is 2269
substantially similar to _____ (section of 2270
the Revised Code designating the specified violation, offense of 2271
violence, or sexually oriented offense charged) involving a 2272
family or household member. 2273

I understand that I must appear before the court, at a 2274
time set by the court within twenty-four hours after the filing 2275
of this motion, for a hearing on the motion or that, if I am 2276
unable to appear because of hospitalization or a medical 2277
condition resulting from the offense alleged in the complaint, a 2278
person who can provide information about my need for a temporary 2279
protection order must appear before the court in lieu of my 2280
appearing in court. I understand that any temporary protection 2281
order granted pursuant to this motion is a pretrial condition of 2282
release and is effective only until the disposition of the 2283

criminal proceeding arising out of the attached complaint, or 2284
the issuance of a civil protection order or the approval of a 2285
consent agreement, arising out of the same activities as those 2286
that were the basis of the complaint, under section 3113.31 of 2287
the Revised Code. 2288

2289
Signature of person 2290

(or signature of the arresting officer who filed the motion on 2291
behalf of the alleged victim) 2292

2293
Address of person (or office address of the arresting officer 2294
who filed the motion on behalf of the alleged victim)" 2295

(C) (1) As soon as possible after the filing of a motion 2296
that requests the issuance of a temporary protection order, but 2297
not later than twenty-four hours after the filing of the motion, 2298
the court shall conduct a hearing to determine whether to issue 2299
the order. The person who requested the order shall appear 2300
before the court and provide the court with the information that 2301
it requests concerning the basis of the motion. If the person 2302
who requested the order is unable to appear and if the court 2303
finds that the failure to appear is because of the person's 2304
hospitalization or medical condition resulting from the offense 2305
alleged in the complaint, another person who is able to provide 2306
the court with the information it requests may appear in lieu of 2307
the person who requested the order. If the court finds that the 2308
safety and protection of the complainant, alleged victim, or any 2309
other family or household member of the alleged victim may be 2310
impaired by the continued presence of the alleged offender, the 2311
court may issue a temporary protection order, as a pretrial 2312

condition of release, that contains terms designed to ensure the 2313
safety and protection of the complainant, alleged victim, or the 2314
family or household member, including a requirement that the 2315
alleged offender refrain from entering the residence, school, 2316
business, or place of employment of the complainant, alleged 2317
victim, or the family or household member. The court may include 2318
within a protection order issued under this section a term 2319
requiring that the alleged offender not remove, damage, hide, 2320
harm, or dispose of any companion animal owned or possessed by 2321
the complainant, alleged victim, or any other family or 2322
household member of the alleged victim, and may include within 2323
the order a term authorizing the complainant, alleged victim, or 2324
other family or household member of the alleged victim to remove 2325
a companion animal owned by the complainant, alleged victim, or 2326
other family or household member from the possession of the 2327
alleged offender. 2328

(2) (a) If the court issues a temporary protection order 2329
that includes a requirement that the alleged offender refrain 2330
from entering the residence, school, business, or place of 2331
employment of the complainant, the alleged victim, or the family 2332
or household member, the order shall state clearly that the 2333
order cannot be waived or nullified by an invitation to the 2334
alleged offender from the complainant, alleged victim, or family 2335
or household member to enter the residence, school, business, or 2336
place of employment or by the alleged offender's entry into one 2337
of those places otherwise upon the consent of the complainant, 2338
alleged victim, or family or household member. 2339

(b) Division (C) (2) (a) of this section does not limit any 2340
discretion of a court to determine that an alleged offender 2341
charged with a violation of section 2919.27 of the Revised Code, 2342
with a violation of a municipal ordinance substantially 2343

equivalent to that section, or with contempt of court, which 2344
charge is based on an alleged violation of a temporary 2345
protection order issued under this section, did not commit the 2346
violation or was not in contempt of court. 2347

(D) (1) Upon the filing of a complaint that alleges a 2348
violation of section 2909.06, 2909.07, 2911.12, ~~or 2911.211,~~ 2349
2913.88, 2913.89, or 2913.90 of the Revised Code if the alleged 2350
victim of the violation was a family or household member at the 2351
time of the violation, a violation of a municipal ordinance that 2352
is substantially similar to any of those sections if the alleged 2353
victim of the violation was a family or household member at the 2354
time of the violation, any offense of violence if the alleged 2355
victim of the offense was a family or household member at the 2356
time of the commission of the offense, or any sexually oriented 2357
offense if the alleged victim of the offense was a family or 2358
household member at the time of the commission of the offense, 2359
the court, upon its own motion, may issue a temporary protection 2360
order as a pretrial condition of release if it finds that the 2361
safety and protection of the complainant, alleged victim, or 2362
other family or household member of the alleged offender may be 2363
impaired by the continued presence of the alleged offender. 2364

(2) If the court issues a temporary protection order under 2365
this section as an ex parte order, it shall conduct, as soon as 2366
possible after the issuance of the order, a hearing in the 2367
presence of the alleged offender not later than the next day on 2368
which the court is scheduled to conduct business after the day 2369
on which the alleged offender was arrested or at the time of the 2370
appearance of the alleged offender pursuant to summons to 2371
determine whether the order should remain in effect, be 2372
modified, or be revoked. The hearing shall be conducted under 2373
the standards set forth in division (C) of this section. 2374

(3) An order issued under this section shall contain only 2375
those terms authorized in orders issued under division (C) of 2376
this section. 2377

(4) If a municipal court or a county court issues a 2378
temporary protection order under this section and if, subsequent 2379
to the issuance of the order, the alleged offender who is the 2380
subject of the order is bound over to the court of common pleas 2381
for prosecution of a felony arising out of the same activities 2382
as those that were the basis of the complaint upon which the 2383
order is based, notwithstanding the fact that the order was 2384
issued by a municipal court or county court, the order shall 2385
remain in effect, as though it were an order of the court of 2386
common pleas, while the charges against the alleged offender are 2387
pending in the court of common pleas, for the period of time 2388
described in division (E) (2) of this section, and the court of 2389
common pleas has exclusive jurisdiction to modify the order 2390
issued by the municipal court or county court. This division 2391
applies when the alleged offender is bound over to the court of 2392
common pleas as a result of the person waiving a preliminary 2393
hearing on the felony charge, as a result of the municipal court 2394
or county court having determined at a preliminary hearing that 2395
there is probable cause to believe that the felony has been 2396
committed and that the alleged offender committed it, as a 2397
result of the alleged offender having been indicted for the 2398
felony, or in any other manner. 2399

(E) A temporary protection order that is issued as a 2400
pretrial condition of release under this section: 2401

(1) Is in addition to, but shall not be construed as a 2402
part of, any bail set under Criminal Rule 46; 2403

(2) Is effective only until the occurrence of either of 2404

the following: 2405

(a) The disposition, by the court that issued the order 2406
or, in the circumstances described in division (D) (4) of this 2407
section, by the court of common pleas to which the alleged 2408
offender is bound over for prosecution, of the criminal 2409
proceeding arising out of the complaint upon which the order is 2410
based; 2411

(b) The issuance of a protection order or the approval of 2412
a consent agreement, arising out of the same activities as those 2413
that were the basis of the complaint upon which the order is 2414
based, under section 3113.31 of the Revised Code. 2415

(3) Shall not be construed as a finding that the alleged 2416
offender committed the alleged offense, and shall not be 2417
introduced as evidence of the commission of the offense at the 2418
trial of the alleged offender on the complaint upon which the 2419
order is based. 2420

(F) A person who meets the criteria for bail under 2421
Criminal Rule 46 and who, if required to do so pursuant to that 2422
rule, executes or posts bond or deposits cash or securities as 2423
bail, shall not be held in custody pending a hearing before the 2424
court on a motion requesting a temporary protection order. 2425

(G) (1) A copy of any temporary protection order that is 2426
issued under this section shall be issued by the court to the 2427
complainant, to the alleged victim, to the person who requested 2428
the order, to the defendant, and to all law enforcement agencies 2429
that have jurisdiction to enforce the order. The court shall 2430
direct that a copy of the order be delivered to the defendant on 2431
the same day that the order is entered. If a municipal court or 2432
a county court issues a temporary protection order under this 2433

section and if, subsequent to the issuance of the order, the
defendant who is the subject of the order is bound over to the
court of common pleas for prosecution as described in division
(D) (4) of this section, the municipal court or county court
shall direct that a copy of the order be delivered to the court
of common pleas to which the defendant is bound over.

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

"NOTICE

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

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

(4) A complainant, alleged victim, or other person who
obtains a temporary protection order under this section may
provide notice of the issuance of the temporary protection order
to the judicial and law enforcement officials in any county
other than the county in which the order is issued by
registering that order in the other county in accordance with

division (N) of section 3113.31 of the Revised Code and filing a 2463
copy of the registered protection order with a law enforcement 2464
agency in the other county in accordance with that division. 2465

(5) Any officer of a law enforcement agency shall enforce 2466
a temporary protection order issued by any court in this state 2467
in accordance with the provisions of the order, including 2468
removing the defendant from the premises, regardless of whether 2469
the order is registered in the county in which the officer's 2470
agency has jurisdiction as authorized by division (G) (4) of this 2471
section. 2472

(H) Upon a violation of a temporary protection order, the 2473
court may issue another temporary protection order, as a 2474
pretrial condition of release, that modifies the terms of the 2475
order that was violated. 2476

(I) (1) As used in divisions (I) (1) and (2) of this 2477
section, "defendant" means a person who is alleged in a 2478
complaint to have committed a violation, offense of violence, or 2479
sexually oriented offense of the type described in division (A) 2480
of this section. 2481

(2) If a complaint is filed that alleges that a person 2482
committed a violation, offense of violence, or sexually oriented 2483
offense of the type described in division (A) of this section, 2484
the court may not issue a temporary protection order under this 2485
section that requires the complainant, the alleged victim, or 2486
another family or household member of the defendant to do or 2487
refrain from doing an act that the court may require the 2488
defendant to do or refrain from doing under a temporary 2489
protection order unless both of the following apply: 2490

(a) The defendant has filed a separate complaint that 2491

alleges that the complainant, alleged victim, or other family or 2492
household member in question who would be required under the 2493
order to do or refrain from doing the act committed a violation 2494
or offense of violence of the type described in division (A) of 2495
this section. 2496

(b) The court determines that both the complainant, 2497
alleged victim, or other family or household member in question 2498
who would be required under the order to do or refrain from 2499
doing the act and the defendant acted primarily as aggressors, 2500
that neither the complainant, alleged victim, or other family or 2501
household member in question who would be required under the 2502
order to do or refrain from doing the act nor the defendant 2503
acted primarily in self-defense, and, in accordance with the 2504
standards and criteria of this section as applied in relation to 2505
the separate complaint filed by the defendant, that it should 2506
issue the order to require the complainant, alleged victim, or 2507
other family or household member in question to do or refrain 2508
from doing the act. 2509

(J) (1) Subject to division (J) (2) of this section and 2510
regardless of whether a protection order is issued or a consent 2511
agreement is approved by a court of another county or a court of 2512
another state, no court or unit of state or local government 2513
shall charge the movant any fee, cost, deposit, or money in 2514
connection with the filing of a motion pursuant to this section, 2515
in connection with the filing, issuance, registration, 2516
modification, enforcement, dismissal, withdrawal, or service of 2517
a protection order, consent agreement, or witness subpoena or 2518
for obtaining a certified copy of a protection order or consent 2519
agreement. 2520

(2) Regardless of whether a protection order is issued or 2521

a consent agreement is approved pursuant to this section, if the 2522
defendant is convicted the court may assess costs against the 2523
defendant in connection with the filing, issuance, registration, 2524
modification, enforcement, dismissal, withdrawal, or service of 2525
a protection order, consent agreement, or witness subpoena or 2526
for obtaining a certified copy of a protection order or consent 2527
agreement. 2528

(K) As used in this section: 2529

(1) "Companion animal" has the same meaning as in section 2530
959.131 of the Revised Code. 2531

(2) "Sexually oriented offense" has the same meaning as in 2532
section 2950.01 of the Revised Code. 2533

(3) "Victim advocate" means a person who provides support 2534
and assistance for a victim of an offense during court 2535
proceedings. 2536

Sec. 2921.22. (A) (1) Except as provided in division (A) (2) 2537
of this section, no person, knowing that a felony has been or is 2538
being committed, shall knowingly fail to report such information 2539
to law enforcement authorities. 2540

(2) No person, knowing that a violation of section 2913.87 2541
or division (B) of section 2913.04 of the Revised Code has been, 2542
or is being committed or that the person has received 2543
information derived from such a violation, shall knowingly fail 2544
to report the violation to law enforcement authorities. 2545

(B) Except for conditions that are within the scope of 2546
division (E) of this section, no person giving aid to a sick or 2547
injured person shall negligently fail to report to law 2548
enforcement authorities any gunshot or stab wound treated or 2549
observed by the person, or any serious physical harm to persons 2550

that the person knows or has reasonable cause to believe 2551
resulted from an offense of violence. 2552

(C) No person who discovers the body or acquires the first 2553
knowledge of the death of a person shall fail to report the 2554
death immediately to a physician or advanced practice registered 2555
nurse whom the person knows to be treating the deceased for a 2556
condition from which death at such time would not be unexpected, 2557
or to a law enforcement officer, an ambulance service, an 2558
emergency squad, or the coroner in a political subdivision in 2559
which the body is discovered, the death is believed to have 2560
occurred, or knowledge concerning the death is obtained. For 2561
purposes of this division, "advanced practice registered nurse" 2562
does not include a certified registered nurse anesthetist. 2563

(D) No person shall fail to provide upon request of the 2564
person to whom a report required by division (C) of this section 2565
was made, or to any law enforcement officer who has reasonable 2566
cause to assert the authority to investigate the circumstances 2567
surrounding the death, any facts within the person's knowledge 2568
that may have a bearing on the investigation of the death. 2569

(E) (1) As used in this division, "burn injury" means any 2570
of the following: 2571

(a) Second or third degree burns; 2572

(b) Any burns to the upper respiratory tract or laryngeal 2573
edema due to the inhalation of superheated air; 2574

(c) Any burn injury or wound that may result in death; 2575

(d) Any physical harm to persons caused by or as the 2576
result of the use of fireworks, novelties and trick noisemakers, 2577
and wire sparklers, as each is defined by section 3743.01 of the 2578
Revised Code. 2579

(2) No physician, nurse, physician assistant, or limited 2580
practitioner who, outside a hospital, sanitarium, or other 2581
medical facility, attends or treats a person who has sustained a 2582
burn injury that is inflicted by an explosion or other 2583
incendiary device or that shows evidence of having been 2584
inflicted in a violent, malicious, or criminal manner shall fail 2585
to report the burn injury immediately to the local arson, or 2586
fire and explosion investigation, bureau, if there is a bureau 2587
of this type in the jurisdiction in which the person is attended 2588
or treated, or otherwise to local law enforcement authorities. 2589

(3) No manager, superintendent, or other person in charge 2590
of a hospital, sanitarium, or other medical facility in which a 2591
person is attended or treated for any burn injury that is 2592
inflicted by an explosion or other incendiary device or that 2593
shows evidence of having been inflicted in a violent, malicious, 2594
or criminal manner shall fail to report the burn injury 2595
immediately to the local arson, or fire and explosion 2596
investigation, bureau, if there is a bureau of this type in the 2597
jurisdiction in which the person is attended or treated, or 2598
otherwise to local law enforcement authorities. 2599

(4) No person who is required to report any burn injury 2600
under division (E) (2) or (3) of this section shall fail to file, 2601
within three working days after attending or treating the 2602
victim, a written report of the burn injury with the office of 2603
the state fire marshal. The report shall comply with the uniform 2604
standard developed by the state fire marshal pursuant to 2605
division (A) (15) of section 3737.22 of the Revised Code. 2606

(5) Anyone participating in the making of reports under 2607
division (E) of this section or anyone participating in a 2608
judicial proceeding resulting from the reports is immune from 2609

any civil or criminal liability that otherwise might be incurred 2610
or imposed as a result of such actions. Notwithstanding section 2611
4731.22 of the Revised Code, the physician-patient relationship 2612
or advanced practice registered nurse-patient relationship is 2613
not a ground for excluding evidence regarding a person's burn 2614
injury or the cause of the burn injury in any judicial 2615
proceeding resulting from a report submitted under division (E) 2616
of this section. 2617

(F) (1) Any doctor of medicine or osteopathic medicine, 2618
hospital intern or resident, nurse, psychologist, social worker, 2619
independent social worker, social work assistant, licensed 2620
professional clinical counselor, licensed professional 2621
counselor, independent marriage and family therapist, or 2622
marriage and family therapist who knows or has reasonable cause 2623
to believe that a patient or client has been the victim of 2624
domestic violence, as defined in section 3113.31 of the Revised 2625
Code, shall note that knowledge or belief and the basis for it 2626
in the patient's or client's records. 2627

(2) Notwithstanding section 4731.22 of the Revised Code, 2628
the physician-patient privilege or advanced practice registered 2629
nurse-patient privilege shall not be a ground for excluding any 2630
information regarding the report containing the knowledge or 2631
belief noted under division (F) (1) of this section, and the 2632
information may be admitted as evidence in accordance with the 2633
Rules of Evidence. 2634

(G) Divisions (A) and (D) of this section do not require 2635
disclosure of information, when any of the following applies: 2636

(1) The information is privileged by reason of the 2637
relationship between attorney and client; physician and patient; 2638
advanced practice registered nurse and patient; licensed 2639

psychologist or licensed school psychologist and client; 2640
licensed professional clinical counselor, licensed professional 2641
counselor, independent social worker, social worker, independent 2642
marriage and family therapist, or marriage and family therapist 2643
and client; member of the clergy, rabbi, minister, or priest and 2644
any person communicating information confidentially to the 2645
member of the clergy, rabbi, minister, or priest for a religious 2646
counseling purpose of a professional character; husband and 2647
wife; or a communications assistant and those who are a party to 2648
a telecommunications relay service call. 2649

(2) The information would tend to incriminate a member of 2650
the actor's immediate family. 2651

(3) Disclosure of the information would amount to 2652
revealing a news source, privileged under section 2739.04 or 2653
2739.12 of the Revised Code. 2654

(4) Disclosure of the information would amount to 2655
disclosure by a member of the ordained clergy of an organized 2656
religious body of a confidential communication made to that 2657
member of the clergy in that member's capacity as a member of 2658
the clergy by a person seeking the aid or counsel of that member 2659
of the clergy. 2660

(5) Disclosure would amount to revealing information 2661
acquired by the actor in the course of the actor's duties in 2662
connection with a bona fide program of treatment or services for 2663
drug dependent persons or persons in danger of drug dependence, 2664
which program is maintained or conducted by a hospital, clinic, 2665
person, agency, or community addiction services provider whose 2666
alcohol and drug addiction services are certified pursuant to 2667
section 5119.36 of the Revised Code. 2668

(6) Disclosure would amount to revealing information 2669
acquired by the actor in the course of the actor's duties in 2670
connection with a bona fide program for providing counseling 2671
services to victims of crimes that are violations of section 2672
2907.02 or 2907.05 of the Revised Code or to victims of 2673
felonious sexual penetration in violation of former section 2674
2907.12 of the Revised Code. As used in this division, 2675
"counseling services" include services provided in an informal 2676
setting by a person who, by education or experience, is 2677
competent to provide those services. 2678

(H) No disclosure of information pursuant to this section 2679
gives rise to any liability or recrimination for a breach of 2680
privilege or confidence. 2681

(I) Whoever violates division (A) or (B) of this section 2682
is guilty of failure to report a crime. Violation of division 2683
(A) (1) of this section is a misdemeanor of the fourth degree. 2684
Violation of division (A) (2) or (B) of this section is a 2685
misdemeanor of the second degree. 2686

(J) Whoever violates division (C) or (D) of this section 2687
is guilty of failure to report knowledge of a death, a 2688
misdemeanor of the fourth degree. 2689

(K) (1) Whoever negligently violates division (E) of this 2690
section is guilty of a minor misdemeanor. 2691

(2) Whoever knowingly violates division (E) of this 2692
section is guilty of a misdemeanor of the second degree. 2693

(L) As used in this section, "nurse" includes an advanced 2694
practice registered nurse, registered nurse, and licensed 2695
practical nurse. 2696

Sec. 2923.129. (A) (1) If a sheriff, the superintendent of 2697

the bureau of criminal identification and investigation, the 2698
employees of the bureau, the Ohio peace officer training 2699
commission, or the employees of the commission make a good faith 2700
effort in performing the duties imposed upon the sheriff, the 2701
superintendent, the bureau's employees, the commission, or the 2702
commission's employees by sections 109.731, 311.41, and 2923.124 2703
to 2923.1213 of the Revised Code, in addition to the personal 2704
immunity provided by section 9.86 of the Revised Code or 2705
division (A) (6) of section 2744.03 of the Revised Code and the 2706
governmental immunity of sections 2744.02 and 2744.03 of the 2707
Revised Code and in addition to any other immunity possessed by 2708
the bureau, the commission, and their employees, the sheriff, 2709
the sheriff's office, the county in which the sheriff has 2710
jurisdiction, the bureau, the superintendent of the bureau, the 2711
bureau's employees, the commission, and the commission's 2712
employees are immune from liability in a civil action for 2713
injury, death, or loss to person or property that allegedly was 2714
caused by or related to any of the following: 2715

(a) The issuance, renewal, suspension, or revocation of a 2716
concealed handgun license; 2717

(b) The failure to issue, renew, suspend, or revoke a 2718
concealed handgun license; 2719

(c) Any action or misconduct with a handgun committed by a 2720
licensee. 2721

(2) Any action of a sheriff relating to the issuance, 2722
renewal, suspension, or revocation of a concealed handgun 2723
license shall be considered to be a governmental function for 2724
purposes of Chapter 2744. of the Revised Code. 2725

(3) An entity that or instructor who provides a competency 2726

certification of a type described in division (B) (3) of section 2727
2923.125 of the Revised Code is immune from civil liability that 2728
might otherwise be incurred or imposed for any death or any 2729
injury or loss to person or property that is caused by or 2730
related to a person to whom the entity or instructor has issued 2731
the competency certificate if all of the following apply: 2732

(a) The alleged liability of the entity or instructor 2733
relates to the training provided in the course, class, or 2734
program covered by the competency certificate. 2735

(b) The entity or instructor makes a good faith effort in 2736
determining whether the person has satisfactorily completed the 2737
course, class, or program and makes a good faith effort in 2738
assessing the person in the competency examination conducted 2739
pursuant to division (G) (2) of section 2923.125 of the Revised 2740
Code. 2741

(c) The entity or instructor did not issue the competency 2742
certificate with malicious purpose, in bad faith, or in a wanton 2743
or reckless manner. 2744

(4) An entity that or instructor who, prior to March 27, 2745
2013, provides a renewed competency certification of a type 2746
described in division (G) (4) of section 2923.125 of the Revised 2747
Code as it existed prior to March 27, 2013, is immune from civil 2748
liability that might otherwise be incurred or imposed for any 2749
death or any injury or loss to person or property that is caused 2750
by or related to a person to whom the entity or instructor has 2751
issued the renewed competency certificate if all of the 2752
following apply: 2753

(a) The entity or instructor makes a good faith effort in 2754
assessing the person in the physical demonstrations or the 2755

competency examination conducted pursuant to division (G)(4) of 2756
section 2923.125 of the Revised Code as it existed prior to 2757
March 27, 2013. 2758

(b) The entity or instructor did not issue the renewed 2759
competency certificate with malicious purpose, in bad faith, or 2760
in a wanton or reckless manner. 2761

(B) Notwithstanding section 149.43 of the Revised Code, 2762
the records that a sheriff keeps relative to the issuance, 2763
renewal, suspension, or revocation of a concealed handgun 2764
license, including, but not limited to, completed applications 2765
for the issuance or renewal of a license, completed affidavits 2766
submitted regarding an application for a license on a temporary 2767
emergency basis, reports of criminal records checks and 2768
incompetency records checks under section 311.41 of the Revised 2769
Code, and applicants' social security numbers and fingerprints 2770
that are obtained under division (A) of section 311.41 of the 2771
Revised Code, are confidential and are not public records. No 2772
person shall release or otherwise disseminate records that are 2773
confidential under this division unless required to do so 2774
pursuant to a court order. 2775

(C) Each sheriff shall report to the Ohio peace officer 2776
training commission the number of concealed handgun licenses 2777
that the sheriff issued, renewed, suspended, revoked, or denied 2778
under section 2923.125 of the Revised Code during the previous 2779
quarter of the calendar year, the number of applications for 2780
those licenses for which processing was suspended in accordance 2781
with division (D)(3) of section 2923.125 of the Revised Code 2782
during the previous quarter of the calendar year, and the number 2783
of concealed handgun licenses on a temporary emergency basis 2784
that the sheriff issued, suspended, revoked, or denied under 2785

section 2923.1213 of the Revised Code during the previous 2786
quarter of the calendar year. The sheriff shall not include in 2787
the report the name or any other identifying information of an 2788
applicant or licensee. The sheriff shall report that information 2789
in a manner that permits the commission to maintain the 2790
statistics described in division (C) of section 109.731 of the 2791
Revised Code and to timely prepare the statistical report 2792
described in that division. The information that is received by 2793
the commission under this division is a public record kept by 2794
the commission for the purposes of section 149.43 of the Revised 2795
Code. 2796

(D) Law enforcement agencies may use the information a 2797
sheriff makes available through the use of the law enforcement 2798
automated data system pursuant to division (H) of section 2799
2923.125 or division (B) (2) or (D) of section 2923.1213 of the 2800
Revised Code for law enforcement purposes only. The information 2801
is confidential and is not a public record. Except as provided 2802
in section 5503.101 of the Revised Code, a person who releases 2803
or otherwise disseminates this information obtained through the 2804
law enforcement automated data system in a manner not described 2805
in this division is guilty of a violation of ~~section~~ sections 2806
2913.04, 2913.87, 2913.91, and 2913.92 of the Revised Code. 2807

(E) Whoever violates division (B) of this section is 2808
guilty of illegal release of confidential concealed handgun 2809
license records, a felony of the fifth degree. In addition to 2810
any penalties imposed under Chapter 2929. of the Revised Code 2811
for a violation of division (B) of this section or a violation 2812
of section 2913.04, 2913.87, 2913.91, or 2913.92 of the Revised 2813
Code described in division (D) of this section, if the offender 2814
is a sheriff, an employee of a sheriff, or any other public 2815
officer or employee, and if the violation was willful and 2816

deliberate, the offender shall be subject to a civil fine of one 2817
thousand dollars. Any person who is harmed by a violation of 2818
division (B) or (C) of this section or a violation of section 2819
2913.04, 2913.87, 2913.91, or 2913.92 of the Revised Code 2820
described in division (D) of this section has a private cause of 2821
action against the offender for any injury, death, or loss to 2822
person or property that is a proximate result of the violation 2823
and may recover court costs and attorney's fees related to the 2824
action. 2825

Sec. 2927.12. (A) No person shall violate section 2903.21, 2826
2903.22, 2909.06, ~~or~~ 2909.07, or 2913.88, or division (A) (3), 2827
(4), or (5) of section 2917.21 of the Revised Code by reason of 2828
the race, color, religion, or national origin of another person 2829
or group of persons. 2830

(B) Whoever violates this section is guilty of ethnic 2831
intimidation. Ethnic intimidation is an offense of the next 2832
higher degree than the offense the commission of which is a 2833
necessary element of ethnic intimidation. 2834

Sec. 2933.51. As used in sections 2933.51 to 2933.66 of 2835
the Revised Code: 2836

(A) "Wire communication" means an aural transfer that is 2837
made in whole or in part through the use of facilities for the 2838
transmission of communications by the aid of wires or similar 2839
methods of connecting the point of origin of the communication 2840
and the point of reception of the communication, including the 2841
use of a method of connecting the point of origin and the point 2842
of reception of the communication in a switching station, if the 2843
facilities are furnished or operated by a person engaged in 2844
providing or operating the facilities for the transmission of 2845
communications. "Wire communication" includes an electronic 2846

storage of a wire communication. 2847

(B) "Oral communication" means an oral communication 2848
uttered by a person exhibiting an expectation that the 2849
communication is not subject to interception under circumstances 2850
justifying that expectation. "Oral communication" does not 2851
include an electronic communication. 2852

(C) "Intercept" means the aural or other acquisition of 2853
the contents of any wire, oral, or electronic communication 2854
through the use of an interception device. 2855

(D) "Interception device" means an electronic, mechanical, 2856
or other device or apparatus that can be used to intercept a 2857
wire, oral, or electronic communication. "Interception device" 2858
does not mean any of the following: 2859

(1) A telephone or telegraph instrument, equipment, or 2860
facility, or any of its components, if the instrument, 2861
equipment, facility, or component is any of the following: 2862

(a) Furnished to the subscriber or user by a provider of 2863
wire or electronic communication service in the ordinary course 2864
of its business and being used by the subscriber or user in the 2865
ordinary course of its business; 2866

(b) Furnished by a subscriber or user for connection to 2867
the facilities of a provider of wire or electronic communication 2868
service and used in the ordinary course of that subscriber's or 2869
user's business; 2870

(c) Being used by a provider of wire or electronic 2871
communication service in the ordinary course of its business or 2872
by an investigative or law enforcement officer in the ordinary 2873
course of the officer's duties that do not involve the 2874
interception of wire, oral, or electronic communications. 2875

(2) A hearing aid or similar device being used to correct 2876
subnormal hearing to not better than normal. 2877

(E) "Investigative officer" means any of the following: 2878

(1) An officer of this state or a political subdivision of 2879
this state, who is empowered by law to conduct investigations or 2880
to make arrests for a designated offense; 2881

(2) A person described in divisions (A) (11) (a) and (b) of 2882
section 2901.01 of the Revised Code; 2883

(3) An attorney authorized by law to prosecute or 2884
participate in the prosecution of a designated offense; 2885

(4) A secret service officer appointed pursuant to section 2886
309.07 of the Revised Code; 2887

(5) An officer of the United States, a state, or a 2888
political subdivision of a state who is authorized to conduct 2889
investigations pursuant to the "Electronic Communications 2890
Privacy Act of 1986," 100 Stat. 1848-1857, 18 U.S.C. 2510-2521 2891
(1986), as amended. 2892

(F) "Interception warrant" means a court order that 2893
authorizes the interception of wire, oral, or electronic 2894
communications and that is issued pursuant to sections 2933.53 2895
to 2933.56 of the Revised Code. 2896

(G) "Contents," when used with respect to a wire, oral, or 2897
electronic communication, includes any information concerning 2898
the substance, purport, or meaning of the communication. 2899

(H) "Communications common carrier" means a person who is 2900
engaged as a common carrier for hire in intrastate, interstate, 2901
or foreign communications by wire, radio, or radio transmission 2902
of energy. "Communications common carrier" does not include, to 2903

the extent that the person is engaged in radio broadcasting, a 2904
person engaged in radio broadcasting. 2905

(I) "Designated offense" means any of the following: 2906

(1) A felony violation of section 1315.53, 1315.55, 2907
2903.01, 2903.02, 2903.11, 2905.01, 2905.02, 2905.11, 2905.22, 2908
2905.32, 2907.02, 2907.21, 2907.22, 2909.02, 2909.03, 2909.04, 2909
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2910
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.04, 2913.42, 2911
2913.51, 2913.87 to 2913.92, 2915.02, 2915.03, 2917.01, 2917.02, 2912
2921.02, 2921.03, 2921.04, 2921.32, 2921.34, 2923.20, 2923.32, 2913
2925.03, 2925.04, 2925.05, or 2925.06 or of division (B) of 2914
section 2915.05 or of division (E) or (G) of section 3772.99 of 2915
the Revised Code; 2916

(2) A violation of section 2919.23 of the Revised Code 2917
that, had it occurred prior to July 1, 1996, would have been a 2918
violation of section 2905.04 of the Revised Code as it existed 2919
prior to that date; 2920

(3) A felony violation of section 2925.11 of the Revised 2921
Code that is not a minor drug possession offense, as defined in 2922
section 2925.01 of the Revised Code; 2923

(4) Complicity in the commission of a felony violation of 2924
a section listed in division (I)(1), (2), or (3) of this 2925
section; 2926

(5) An attempt to commit, or conspiracy in the commission 2927
of, a felony violation of a section listed in division (I)(1), 2928
(2), or (3) of this section, if the attempt or conspiracy is 2929
punishable by a term of imprisonment of more than one year. 2930

(J) "Aggrieved person" means a person who was a party to 2931
an intercepted wire, oral, or electronic communication or a 2932

person against whom the interception of the communication was 2933
directed. 2934

(K) "Person" means a person, as defined in section 1.59 of 2935
the Revised Code, or a governmental officer, employee, or 2936
entity. 2937

(L) "Special need" means a showing that a licensed 2938
physician, licensed practicing psychologist, attorney, 2939
practicing cleric, journalist, or either spouse is personally 2940
engaging in continuing criminal activity, was engaged in 2941
continuing criminal activity over a period of time, or is 2942
committing, has committed, or is about to commit, a designated 2943
offense, or a showing that specified public facilities are being 2944
regularly used by someone who is personally engaging in 2945
continuing criminal activity, was engaged in continuing criminal 2946
activity over a period of time, or is committing, has committed, 2947
or is about to commit, a designated offense. 2948

(M) "Journalist" means a person engaged in, connected 2949
with, or employed by, any news media, including a newspaper, 2950
magazine, press association, news agency, or wire service, a 2951
radio or television station, or a similar media, for the purpose 2952
of gathering, processing, transmitting, compiling, editing, or 2953
disseminating news for the general public. 2954

(N) "Electronic communication" means a transfer of a sign, 2955
signal, writing, image, sound, datum, or intelligence of any 2956
nature that is transmitted in whole or in part by a wire, radio, 2957
electromagnetic, photoelectronic, or photo-optical system. 2958
"Electronic communication" does not mean any of the following: 2959

(1) A wire or oral communication; 2960

(2) A communication made through a tone-only paging 2961

device; 2962

(3) A communication from an electronic or mechanical 2963
tracking device that permits the tracking of the movement of a 2964
person or object. 2965

(O) "User" means a person or entity that uses an 2966
electronic communication service and is duly authorized by the 2967
provider of the service to engage in the use of the electronic 2968
communication service. 2969

(P) "Electronic communications system" means a wire, 2970
radio, electromagnetic, photoelectronic, or photo-optical 2971
facility for the transmission of electronic communications, and 2972
a computer facility or related electronic equipment for the 2973
electronic storage of electronic communications. 2974

(Q) "Electronic communication service" means a service 2975
that provides to users of the service the ability to send or 2976
receive wire or electronic communications. 2977

(R) "Readily accessible to the general public" means, with 2978
respect to a radio communication, that the communication is none 2979
of the following: 2980

(1) Scrambled or encrypted; 2981

(2) Transmitted using a modulation technique, the 2982
essential parameters of which have been withheld from the public 2983
with the intention of preserving the privacy of the 2984
communication; 2985

(3) Carried on a subcarrier or other signal subsidiary to 2986
a radio transmission; 2987

(4) Transmitted over a communications system provided by a 2988
communications common carrier, unless the communication is a 2989

tone-only paging system communication; 2990

(5) Transmitted on a frequency allocated under part 25, 2991
subpart D, E, or F of part 74, or part 94 of the Rules of the 2992
Federal Communications Commission, as those provisions existed 2993
on July 1, 1996, unless, in the case of a communication 2994
transmitted on a frequency allocated under part 74 that is not 2995
exclusively allocated to broadcast auxiliary services, the 2996
communication is a two-way voice communication by radio. 2997

(S) "Electronic storage" means a temporary, intermediate 2998
storage of a wire or electronic communication that is incidental 2999
to the electronic transmission of the communication, and a 3000
storage of a wire or electronic communication by an electronic 3001
communication service for the purpose of backup protection of 3002
the communication. 3003

(T) "Aural transfer" means a transfer containing the human 3004
voice at a point between and including the point of origin and 3005
the point of reception. 3006

(U) "Pen register" means a device that records or decodes 3007
electronic impulses that identify the numbers dialed, pulsed, or 3008
otherwise transmitted on telephone lines to which the device is 3009
attached. 3010

(V) "Trap and trace device" means a device that captures 3011
the incoming electronic or other impulses that identify the 3012
originating number of an instrument or device from which a wire 3013
communication or electronic communication was transmitted but 3014
that does not intercept the contents of the wire communication 3015
or electronic communication. 3016

(W) "Judge of a court of common pleas" means a judge of 3017
that court who is elected or appointed as a judge of general 3018

jurisdiction or as a judge who exercises both general 3019
jurisdiction and probate, domestic relations, or juvenile 3020
jurisdiction. "Judge of a court of common pleas" does not mean a 3021
judge of that court who is elected or appointed specifically as 3022
a probate, domestic relations, or juvenile judge. 3023

Sec. 3712.09. (A) As used in this section: 3024

(1) "Applicant" means a person who is under final 3025
consideration for employment with a hospice care program or 3026
pediatric respite care program in a full-time, part-time, or 3027
temporary position that involves providing direct care to an 3028
older adult or pediatric respite care patient. "Applicant" does 3029
not include a person who provides direct care as a volunteer 3030
without receiving or expecting to receive any form of 3031
remuneration other than reimbursement for actual expenses. 3032

(2) "Criminal records check" has the same meaning as in 3033
section 109.572 of the Revised Code. 3034

(3) "Older adult" means a person age sixty or older. 3035

(B) (1) Except as provided in division (I) of this section, 3036
the chief administrator of a hospice care program or pediatric 3037
respite care program shall request that the superintendent of 3038
the bureau of criminal identification and investigation conduct 3039
a criminal records check of each applicant. If an applicant for 3040
whom a criminal records check request is required under this 3041
division does not present proof of having been a resident of 3042
this state for the five-year period immediately prior to the 3043
date the criminal records check is requested or provide evidence 3044
that within that five-year period the superintendent has 3045
requested information about the applicant from the federal 3046
bureau of investigation in a criminal records check, the chief 3047

administrator shall request that the superintendent obtain 3048
information from the federal bureau of investigation as part of 3049
the criminal records check of the applicant. Even if an 3050
applicant for whom a criminal records check request is required 3051
under this division presents proof of having been a resident of 3052
this state for the five-year period, the chief administrator may 3053
request that the superintendent include information from the 3054
federal bureau of investigation in the criminal records check. 3055

(2) A person required by division (B) (1) of this section 3056
to request a criminal records check shall do both of the 3057
following: 3058

(a) Provide to each applicant for whom a criminal records 3059
check request is required under that division a copy of the form 3060
prescribed pursuant to division (C) (1) of section 109.572 of the 3061
Revised Code and a standard fingerprint impression sheet 3062
prescribed pursuant to division (C) (2) of that section, and 3063
obtain the completed form and impression sheet from the 3064
applicant; 3065

(b) Forward the completed form and impression sheet to the 3066
superintendent of the bureau of criminal identification and 3067
investigation. 3068

(3) An applicant provided the form and fingerprint 3069
impression sheet under division (B) (2) (a) of this section who 3070
fails to complete the form or provide fingerprint impressions 3071
shall not be employed in any position for which a criminal 3072
records check is required by this section. 3073

(C) (1) Except as provided in rules adopted by the director 3074
of health in accordance with division (F) of this section and 3075
subject to division (C) (2) of this section, no hospice care 3076

program or pediatric respite care program shall employ a person 3077
in a position that involves providing direct care to an older 3078
adult or pediatric respite care patient if the person has been 3079
convicted of or pleaded guilty to any of the following: 3080

(a) A violation of section 2903.01, 2903.02, 2903.03, 3081
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3082
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3083
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3084
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 3085
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 3086
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2913.87 to 3087
2913.92, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 3088
2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 3089
Revised Code. 3090

(b) A violation of an existing or former law of this 3091
state, any other state, or the United States that is 3092
substantially equivalent to any of the offenses listed in 3093
division (C)(1)(a) of this section. 3094

(2)(a) A hospice care program or pediatric respite care 3095
program may employ conditionally an applicant for whom a 3096
criminal records check request is required under division (B) of 3097
this section prior to obtaining the results of a criminal 3098
records check regarding the individual, provided that the 3099
program shall request a criminal records check regarding the 3100
individual in accordance with division (B)(1) of this section 3101
not later than five business days after the individual begins 3102
conditional employment. In the circumstances described in 3103
division (I)(2) of this section, a hospice care program or 3104
pediatric respite care program may employ conditionally an 3105
applicant who has been referred to the hospice care program or 3106

pediatric respite care program by an employment service that 3107
supplies full-time, part-time, or temporary staff for positions 3108
involving the direct care of older adults or pediatric respite 3109
care patients and for whom, pursuant to that division, a 3110
criminal records check is not required under division (B) of 3111
this section. 3112

(b) A hospice care program or pediatric respite care 3113
program that employs an individual conditionally under authority 3114
of division (C) (2) (a) of this section shall terminate the 3115
individual's employment if the results of the criminal records 3116
check requested under division (B) of this section or described 3117
in division (I) (2) of this section, other than the results of 3118
any request for information from the federal bureau of 3119
investigation, are not obtained within the period ending thirty 3120
days after the date the request is made. Regardless of when the 3121
results of the criminal records check are obtained, if the 3122
results indicate that the individual has been convicted of or 3123
pleaded guilty to any of the offenses listed or described in 3124
division (C) (1) of this section, the program shall terminate the 3125
individual's employment unless the program chooses to employ the 3126
individual pursuant to division (F) of this section. Termination 3127
of employment under this division shall be considered just cause 3128
for discharge for purposes of division (D) (2) of section 4141.29 3129
of the Revised Code if the individual makes any attempt to 3130
deceive the program about the individual's criminal record. 3131

(D) (1) Each hospice care program or pediatric respite care 3132
program shall pay to the bureau of criminal identification and 3133
investigation the fee prescribed pursuant to division (C) (3) of 3134
section 109.572 of the Revised Code for each criminal records 3135
check conducted pursuant to a request made under division (B) of 3136
this section. 3137

(2) A hospice care program or pediatric respite care 3138
program may charge an applicant a fee not exceeding the amount 3139
the program pays under division (D) (1) of this section. A 3140
program may collect a fee only if both of the following apply: 3141

(a) The program notifies the person at the time of initial 3142
application for employment of the amount of the fee and that, 3143
unless the fee is paid, the person will not be considered for 3144
employment; 3145

(b) The medicaid program does not reimburse the program 3146
the fee it pays under division (D) (1) of this section. 3147

(E) The report of a criminal records check conducted 3148
pursuant to a request made under this section is not a public 3149
record for the purposes of section 149.43 of the Revised Code 3150
and shall not be made available to any person other than the 3151
following: 3152

(1) The individual who is the subject of the criminal 3153
records check or the individual's representative; 3154

(2) The chief administrator of the program requesting the 3155
criminal records check or the administrator's representative; 3156

(3) The administrator of any other facility, agency, or 3157
program that provides direct care to older adults or pediatric 3158
respite care patients that is owned or operated by the same 3159
entity that owns or operates the hospice care program or 3160
pediatric respite care program; 3161

(4) A court, hearing officer, or other necessary 3162
individual involved in a case dealing with a denial of 3163
employment of the applicant or dealing with employment or 3164
unemployment benefits of the applicant; 3165

(5) Any person to whom the report is provided pursuant to, 3166
and in accordance with, division (I) (1) or (2) of this section. 3167

(F) The director of health shall adopt rules in accordance 3168
with Chapter 119. of the Revised Code to implement this section. 3169
The rules shall specify circumstances under which a hospice care 3170
program or pediatric respite care program may employ a person 3171
who has been convicted of or pleaded guilty to an offense listed 3172
or described in division (C) (1) of this section but meets 3173
personal character standards set by the director. 3174

(G) The chief administrator of a hospice care program or 3175
pediatric respite care program shall inform each individual, at 3176
the time of initial application for a position that involves 3177
providing direct care to an older adult or pediatric respite 3178
care patient, that the individual is required to provide a set 3179
of fingerprint impressions and that a criminal records check is 3180
required to be conducted if the individual comes under final 3181
consideration for employment. 3182

(H) In a tort or other civil action for damages that is 3183
brought as the result of an injury, death, or loss to person or 3184
property caused by an individual who a hospice care program or 3185
pediatric respite care program employs in a position that 3186
involves providing direct care to older adults or pediatric 3187
respite care patients, all of the following shall apply: 3188

(1) If the program employed the individual in good faith 3189
and reasonable reliance on the report of a criminal records 3190
check requested under this section, the program shall not be 3191
found negligent solely because of its reliance on the report, 3192
even if the information in the report is determined later to 3193
have been incomplete or inaccurate; 3194

(2) If the program employed the individual in good faith 3195
on a conditional basis pursuant to division (C) (2) of this 3196
section, the program shall not be found negligent solely because 3197
it employed the individual prior to receiving the report of a 3198
criminal records check requested under this section; 3199

(3) If the program in good faith employed the individual 3200
according to the personal character standards established in 3201
rules adopted under division (F) of this section, the program 3202
shall not be found negligent solely because the individual prior 3203
to being employed had been convicted of or pleaded guilty to an 3204
offense listed or described in division (C) (1) of this section. 3205

(I) (1) The chief administrator of a hospice care program 3206
or pediatric respite care program is not required to request 3207
that the superintendent of the bureau of criminal identification 3208
and investigation conduct a criminal records check of an 3209
applicant if the applicant has been referred to the program by 3210
an employment service that supplies full-time, part-time, or 3211
temporary staff for positions involving the direct care of older 3212
adults or pediatric respite care patients and both of the 3213
following apply: 3214

(a) The chief administrator receives from the employment 3215
service or the applicant a report of the results of a criminal 3216
records check regarding the applicant that has been conducted by 3217
the superintendent within the one-year period immediately 3218
preceding the applicant's referral; 3219

(b) The report of the criminal records check demonstrates 3220
that the person has not been convicted of or pleaded guilty to 3221
an offense listed or described in division (C) (1) of this 3222
section, or the report demonstrates that the person has been 3223
convicted of or pleaded guilty to one or more of those offenses, 3224

but the hospice care program or pediatric respite care program 3225
chooses to employ the individual pursuant to division (F) of 3226
this section. 3227

(2) The chief administrator of a hospice care program or 3228
pediatric respite care program is not required to request that 3229
the superintendent of the bureau of criminal identification and 3230
investigation conduct a criminal records check of an applicant 3231
and may employ the applicant conditionally as described in this 3232
division, if the applicant has been referred to the program by 3233
an employment service that supplies full-time, part-time, or 3234
temporary staff for positions involving the direct care of older 3235
adults or pediatric respite care patients and if the chief 3236
administrator receives from the employment service or the 3237
applicant a letter from the employment service that is on the 3238
letterhead of the employment service, dated, and signed by a 3239
supervisor or another designated official of the employment 3240
service and that states that the employment service has 3241
requested the superintendent to conduct a criminal records check 3242
regarding the applicant, that the requested criminal records 3243
check will include a determination of whether the applicant has 3244
been convicted of or pleaded guilty to any offense listed or 3245
described in division (C)(1) of this section, that, as of the 3246
date set forth on the letter, the employment service had not 3247
received the results of the criminal records check, and that, 3248
when the employment service receives the results of the criminal 3249
records check, it promptly will send a copy of the results to 3250
the hospice care program or pediatric respite care program. If a 3251
hospice care program or pediatric respite care program employs 3252
an applicant conditionally in accordance with this division, the 3253
employment service, upon its receipt of the results of the 3254
criminal records check, promptly shall send a copy of the 3255

results to the hospice care program or pediatric respite care 3256
program, and division (C) (2) (b) of this section applies 3257
regarding the conditional employment. 3258

Sec. 3721.121. (A) As used in this section: 3259

(1) "Adult day-care program" means a program operated 3260
pursuant to rules adopted by the director of health under 3261
section 3721.04 of the Revised Code and provided by and on the 3262
same site as homes licensed under this chapter. 3263

(2) "Applicant" means a person who is under final 3264
consideration for employment with a home or adult day-care 3265
program in a full-time, part-time, or temporary position that 3266
involves providing direct care to an older adult. "Applicant" 3267
does not include a person who provides direct care as a 3268
volunteer without receiving or expecting to receive any form of 3269
remuneration other than reimbursement for actual expenses. 3270

(3) "Community-based long-term care services provider" 3271
means a provider as defined in section 173.39 of the Revised 3272
Code. 3273

(4) "Criminal records check" has the same meaning as in 3274
section 109.572 of the Revised Code. 3275

(5) "Home" means a home as defined in section 3721.10 of 3276
the Revised Code. 3277

(6) "Older adult" means a person age sixty or older. 3278

(B) (1) Except as provided in division (I) of this section, 3279
the chief administrator of a home or adult day-care program 3280
shall request that the superintendent of the bureau of criminal 3281
identification and investigation conduct a criminal records 3282
check of each applicant. If an applicant for whom a criminal 3283

records check request is required under this division does not 3284
present proof of having been a resident of this state for the 3285
five-year period immediately prior to the date the criminal 3286
records check is requested or provide evidence that within that 3287
five-year period the superintendent has requested information 3288
about the applicant from the federal bureau of investigation in 3289
a criminal records check, the chief administrator shall request 3290
that the superintendent obtain information from the federal 3291
bureau of investigation as part of the criminal records check of 3292
the applicant. Even if an applicant for whom a criminal records 3293
check request is required under this division presents proof of 3294
having been a resident of this state for the five-year period, 3295
the chief administrator may request that the superintendent 3296
include information from the federal bureau of investigation in 3297
the criminal records check. 3298

(2) A person required by division (B)(1) of this section 3299
to request a criminal records check shall do both of the 3300
following: 3301

(a) Provide to each applicant for whom a criminal records 3302
check request is required under that division a copy of the form 3303
prescribed pursuant to division (C)(1) of section 109.572 of the 3304
Revised Code and a standard fingerprint impression sheet 3305
prescribed pursuant to division (C)(2) of that section, and 3306
obtain the completed form and impression sheet from the 3307
applicant; 3308

(b) Forward the completed form and impression sheet to the 3309
superintendent of the bureau of criminal identification and 3310
investigation. 3311

(3) An applicant provided the form and fingerprint 3312
impression sheet under division (B)(2)(a) of this section who 3313

fails to complete the form or provide fingerprint impressions 3314
shall not be employed in any position for which a criminal 3315
records check is required by this section. 3316

(C) (1) Except as provided in rules adopted by the director 3317
of health in accordance with division (F) of this section and 3318
subject to division (C) (2) of this section, no home or adult 3319
day-care program shall employ a person in a position that 3320
involves providing direct care to an older adult if the person 3321
has been convicted of or pleaded guilty to any of the following: 3322

(a) A violation of section 2903.01, 2903.02, 2903.03, 3323
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3324
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3325
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3326
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 3327
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 3328
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2913.87 to 3329
2913.92, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 3330
2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 3331
Revised Code. 3332

(b) A violation of an existing or former law of this 3333
state, any other state, or the United States that is 3334
substantially equivalent to any of the offenses listed in 3335
division (C) (1) (a) of this section. 3336

(2) (a) A home or an adult day-care program may employ 3337
conditionally an applicant for whom a criminal records check 3338
request is required under division (B) of this section prior to 3339
obtaining the results of a criminal records check regarding the 3340
individual, provided that the home or program shall request a 3341
criminal records check regarding the individual in accordance 3342
with division (B) (1) of this section not later than five 3343

business days after the individual begins conditional 3344
employment. In the circumstances described in division (I) (2) of 3345
this section, a home or adult day-care program may employ 3346
conditionally an applicant who has been referred to the home or 3347
adult day-care program by an employment service that supplies 3348
full-time, part-time, or temporary staff for positions involving 3349
the direct care of older adults and for whom, pursuant to that 3350
division, a criminal records check is not required under 3351
division (B) of this section. 3352

(b) A home or adult day-care program that employs an 3353
individual conditionally under authority of division (C) (2) (a) 3354
of this section shall terminate the individual's employment if 3355
the results of the criminal records check requested under 3356
division (B) of this section or described in division (I) (2) of 3357
this section, other than the results of any request for 3358
information from the federal bureau of investigation, are not 3359
obtained within the period ending thirty days after the date the 3360
request is made. Regardless of when the results of the criminal 3361
records check are obtained, if the results indicate that the 3362
individual has been convicted of or pleaded guilty to any of the 3363
offenses listed or described in division (C) (1) of this section, 3364
the home or program shall terminate the individual's employment 3365
unless the home or program chooses to employ the individual 3366
pursuant to division (F) of this section. Termination of 3367
employment under this division shall be considered just cause 3368
for discharge for purposes of division (D) (2) of section 4141.29 3369
of the Revised Code if the individual makes any attempt to 3370
deceive the home or program about the individual's criminal 3371
record. 3372

(D) (1) Each home or adult day-care program shall pay to 3373
the bureau of criminal identification and investigation the fee 3374

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

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

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

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

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

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

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

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

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

individual involved in a case dealing with a denial of 3403
employment of the applicant or dealing with employment or 3404
unemployment benefits of the applicant; 3405

(5) Any person to whom the report is provided pursuant to, 3406
and in accordance with, division (I)(1) or (2) of this section; 3407

(6) The board of nursing for purposes of accepting and 3408
processing an application for a medication aide certificate 3409
issued under Chapter 4723. of the Revised Code; 3410

(7) The director of aging or the director's designee if 3411
the criminal records check is requested by the chief 3412
administrator of a home that is also a community-based long-term 3413
care services provider. 3414

(F) In accordance with section 3721.11 of the Revised 3415
Code, the director of health shall adopt rules to implement this 3416
section. The rules shall specify circumstances under which a 3417
home or adult day-care program may employ a person who has been 3418
convicted of or pleaded guilty to an offense listed or described 3419
in division (C)(1) of this section but meets personal character 3420
standards set by the director. 3421

(G) The chief administrator of a home or adult day-care 3422
program shall inform each individual, at the time of initial 3423
application for a position that involves providing direct care 3424
to an older adult, that the individual is required to provide a 3425
set of fingerprint impressions and that a criminal records check 3426
is required to be conducted if the individual comes under final 3427
consideration for employment. 3428

(H) In a tort or other civil action for damages that is 3429
brought as the result of an injury, death, or loss to person or 3430
property caused by an individual who a home or adult day-care 3431

program employs in a position that involves providing direct 3432
care to older adults, all of the following shall apply: 3433

(1) If the home or program employed the individual in good 3434
faith and reasonable reliance on the report of a criminal 3435
records check requested under this section, the home or program 3436
shall not be found negligent solely because of its reliance on 3437
the report, even if the information in the report is determined 3438
later to have been incomplete or inaccurate; 3439

(2) If the home or program employed the individual in good 3440
faith on a conditional basis pursuant to division (C) (2) of this 3441
section, the home or program shall not be found negligent solely 3442
because it employed the individual prior to receiving the report 3443
of a criminal records check requested under this section; 3444

(3) If the home or program in good faith employed the 3445
individual according to the personal character standards 3446
established in rules adopted under division (F) of this section, 3447
the home or program shall not be found negligent solely because 3448
the individual prior to being employed had been convicted of or 3449
pleaded guilty to an offense listed or described in division (C) 3450
(1) of this section. 3451

(I) (1) The chief administrator of a home or adult day-care 3452
program is not required to request that the superintendent of 3453
the bureau of criminal identification and investigation conduct 3454
a criminal records check of an applicant if the applicant has 3455
been referred to the home or program by an employment service 3456
that supplies full-time, part-time, or temporary staff for 3457
positions involving the direct care of older adults and both of 3458
the following apply: 3459

(a) The chief administrator receives from the employment 3460

service or the applicant a report of the results of a criminal 3461
records check regarding the applicant that has been conducted by 3462
the superintendent within the one-year period immediately 3463
preceding the applicant's referral; 3464

(b) The report of the criminal records check demonstrates 3465
that the person has not been convicted of or pleaded guilty to 3466
an offense listed or described in division (C)(1) of this 3467
section, or the report demonstrates that the person has been 3468
convicted of or pleaded guilty to one or more of those offenses, 3469
but the home or adult day-care program chooses to employ the 3470
individual pursuant to division (F) of this section. 3471

(2) The chief administrator of a home or adult day-care 3472
program is not required to request that the superintendent of 3473
the bureau of criminal identification and investigation conduct 3474
a criminal records check of an applicant and may employ the 3475
applicant conditionally as described in this division, if the 3476
applicant has been referred to the home or program by an 3477
employment service that supplies full-time, part-time, or 3478
temporary staff for positions involving the direct care of older 3479
adults and if the chief administrator receives from the 3480
employment service or the applicant a letter from the employment 3481
service that is on the letterhead of the employment service, 3482
dated, and signed by a supervisor or another designated official 3483
of the employment service and that states that the employment 3484
service has requested the superintendent to conduct a criminal 3485
records check regarding the applicant, that the requested 3486
criminal records check will include a determination of whether 3487
the applicant has been convicted of or pleaded guilty to any 3488
offense listed or described in division (C)(1) of this section, 3489
that, as of the date set forth on the letter, the employment 3490
service had not received the results of the criminal records 3491

check, and that, when the employment service receives the 3492
results of the criminal records check, it promptly will send a 3493
copy of the results to the home or adult day-care program. If a 3494
home or adult day-care program employs an applicant 3495
conditionally in accordance with this division, the employment 3496
service, upon its receipt of the results of the criminal records 3497
check, promptly shall send a copy of the results to the home or 3498
adult day-care program, and division (C) (2) (b) of this section 3499
applies regarding the conditional employment. 3500

Sec. 3750.09. (A) Except as otherwise provided in division 3501
(E) of this section, any person who is required to provide 3502
information to the emergency response commission, the local 3503
emergency planning committee of the emergency planning district 3504
in which a facility owned or operated by the person is located, 3505
or the fire department having jurisdiction over the facility, 3506
under the reporting requirements in sections 3750.04, 3750.05, 3507
3750.07, or 3750.08 of the Revised Code or the rules adopted 3508
under division (B) (1) (d) or (e) of section 3750.02 of the 3509
Revised Code, may withhold from submission to the commission, 3510
committee, fire department, or any other person the specific 3511
chemical identity, including the chemical name and other 3512
specific identification, of an extremely hazardous substance or 3513
hazardous chemical identified or listed by rules adopted under 3514
division (B) (1) (a) or (b) of section 3750.02 of the Revised Code 3515
on the grounds that the information constitutes a trade secret 3516
if either of the following conditions is met: 3517

(1) (a) At the time of submitting the information sought to 3518
be classified as a trade secret, the owner or operator of the 3519
facility submits a claim for protection of that information as a 3520
trade secret pursuant to rules adopted under division (B) (2) (d) 3521
of section 3750.02 of the Revised Code and submits a copy of the 3522

required report that indicates that such a claim has been filed 3523
and contains the generic class or category of the chemical 3524
identity in place of the specific chemical identity and that is 3525
accompanied by a copy of the substantiation supporting the trade 3526
secret claim that was submitted to the administrator of the 3527
United States environmental protection agency. The owner or 3528
operator may withhold from the copy of the substantiation 3529
submitted to the commission, committee, or fire department the 3530
specific chemical identity claimed to be a trade secret and 3531
information identified as confidential business information in 3532
rules adopted under division (B) (1) (h) of section 3750.02 of the 3533
Revised Code. 3534

(b) A determination of the claim remains pending pursuant 3535
to those rules. 3536

(2) It has been determined pursuant to those rules that a 3537
trade secret exists. 3538

(B) Except as otherwise provided in division (E) of this 3539
section, any person who is required to provide information to 3540
the commission, the local emergency planning committee of the 3541
emergency planning district in which a facility owned or 3542
operated by the person is located, or the fire department having 3543
jurisdiction over the facility, under the reporting requirements 3544
in section 3750.04, 3750.05, 3750.07, or 3750.08 of the Revised 3545
Code or the rules adopted under division (B) (1) (d) or (e) of 3546
section 3750.02 of the Revised Code may withhold from submission 3547
to the committee, fire department, or any other person the 3548
specific chemical identity, including the chemical name or other 3549
specific identification, of an extremely hazardous substance or 3550
hazardous chemical identified or listed in rules adopted under 3551
division (C) (5) of section 3750.02 of the Revised Code on the 3552

grounds that the information constitutes a trade secret if 3553
either of the following conditions is met: 3554

(1) (a) At the time of submitting the information sought to 3555
be classified as a trade secret, the owner or operator of the 3556
facility submits a claim to the commission for protection of 3557
that information as a trade secret pursuant to rules adopted 3558
under division (B) (5) of section 3750.02 of the Revised Code 3559
along with the report that the owner or operator is required to 3560
submit to the commission and submits to the committee or fire 3561
department a copy of the required report that indicates that 3562
such a claim has been filed with the commission and that 3563
contains the generic class or category of the chemical identity 3564
in place of the specific chemical identity and that is 3565
accompanied by a copy of the substantiation supporting the trade 3566
secret claim that was submitted to the commission. The owner may 3567
withhold from the copy of the substantiation submitted to the 3568
committee or fire department the specific chemical identity 3569
claimed to be a trade secret and information identified as 3570
confidential business information in rules adopted under 3571
division (B) (1) (h) of section 3750.02 of the Revised Code. 3572

(b) A determination of the claim remains pending pursuant 3573
to those rules and division (B) (14) of that section. 3574

(2) It has been determined pursuant to those rules and 3575
division (B) (14) of that section that a trade secret exists. 3576

(C) No person shall withhold the specific identity of a 3577
chemical on the grounds that it is a trade secret: 3578

(1) From any report enumerated in division (A) or (B) of 3579
this section, if it has been determined pursuant to rules 3580
adopted under division (B) (2) (d) of section 3750.02 of the 3581

Revised Code, or pursuant to division (B)(14) and rules adopted 3582
under division (B)(5) of that section, that no trade secret 3583
exists; 3584

(2) In any notification of a release required by section 3585
3750.06 of the Revised Code; 3586

(3) When required to provide the specific chemical 3587
identity to a health professional, physician, or nurse pursuant 3588
to division (E) of this section. 3589

(D) The governor may, pursuant to section 322 of the 3590
"Emergency Planning and Community Right-To-Know Act of 1986," 3591
100 Stat. 1747, 42 U.S.C.A. 11042, request the administrator of 3592
the United States environmental protection agency to provide 3593
specific chemical identities that are claimed or have been 3594
determined to be trade secret information or the 3595
substantiations, explanations, or supplemental information 3596
supporting trade secret protection claims submitted to or 3597
determined by the administrator pursuant to that section and 3598
rules adopted under division (B)(2)(d) of section 3750.02 of the 3599
Revised Code regarding facilities located in this state that are 3600
subject to this chapter. The governor shall not make available 3601
to any member of the commission or committee who is not also an 3602
officer or employee of the state or a political subdivision any 3603
information claimed or determined to be a trade secret or 3604
confidential business information obtained under this division 3605
or pursuant to rules adopted under division (B)(5) of section 3606
3750.02 of the Revised Code. Any trade secret and confidential 3607
business information obtained under this division or pursuant to 3608
rules adopted under division (B)(5) of that section shall be 3609
protected from unauthorized disclosure in accordance with rules 3610
adopted under division (B)(1)(i) of that section. 3611

(E) (1) The owner or operator of a facility that is subject 3612
to section 3750.07 or 3750.08 of the Revised Code shall provide 3613
the specific chemical identity of an extremely hazardous 3614
substance or hazardous chemical, if the specific chemical 3615
identity is known, to any health professional who submits to the 3616
owner or operator a written request and statement of need for 3617
the specific chemical identity. The written statement of need 3618
shall be a statement of the health professional that the health 3619
professional has a reasonable basis to believe that all of the 3620
following conditions pertain to the request: 3621

(a) The information is needed for purposes of diagnosis or 3622
treatment of an individual; 3623

(b) The individual being diagnosed or treated has been 3624
exposed to the chemical concerned; 3625

(c) Knowledge of the specific chemical identity of the 3626
chemical will assist in diagnosis and treatment. 3627

An owner or operator to whom such a written request and 3628
statement of need is submitted shall provide the requested 3629
information to the health professional promptly after receiving 3630
the request and statement of need, subject to division (E) (4) of 3631
this section. 3632

(2) The owner or operator of a facility that is subject to 3633
section 3750.07 or 3750.08 of the Revised Code shall provide a 3634
copy of a material safety data sheet or emergency and hazardous 3635
chemical inventory form that contains the specific chemical 3636
identity of an extremely hazardous substance or hazardous 3637
chemical, if the specific chemical identity is known, to any 3638
treating physician or nurse who requests that information if the 3639
physician or nurse determines that all of the following 3640

conditions pertain to the request: 3641

(a) A medical emergency exists; 3642

(b) The specific chemical identity of the chemical 3643
concerned is necessary for or will assist in emergency or first 3644
aid diagnosis or treatment; 3645

(c) The individual being diagnosed or treated has been 3646
exposed to the chemical concerned. 3647

The owner or operator shall provide the requested 3648
information to the physician or nurse immediately upon receiving 3649
such a request. The owner or operator shall not require any such 3650
treating physician or nurse to provide a written confidentiality 3651
agreement or statement of need as a precondition for disclosure 3652
of a specific chemical identity under this division; however, 3653
the owner or operator may require the treating physician or 3654
nurse to provide a written confidentiality agreement under 3655
division (E) (4) of this section and a statement setting forth 3656
the conditions listed in divisions (E) (2) (a) to (c) of this 3657
section as soon after the request is made as circumstances 3658
permit. 3659

(3) The owner or operator of a facility that is subject to 3660
section 3750.07 or 3750.08 of the Revised Code shall provide the 3661
specific chemical identity of an extremely hazardous substance 3662
or hazardous chemical, if the specific chemical identity is 3663
known, to any health professional, including, without 3664
limitation, a physician, toxicologist, or epidemiologist, who is 3665
either employed by or under contract with a political 3666
subdivision and who submits to the owner or operator a written 3667
request for the information, a written statement of need for the 3668
information that meets the requirements of division (E) (3) of 3669

this section, and a written confidentiality agreement under 3670
division (E) (4) of this section. The owner or operator shall 3671
promptly after receipt of the written request, statement of 3672
need, and confidentiality agreement provide the requested 3673
information to the local health professional who requested it. 3674

The written statement of need for a specific chemical 3675
identity required by division (E) (3) of this section shall 3676
describe with reasonable detail one or more of the following 3677
health needs for the information: 3678

(a) To assess exposure of persons living in a local 3679
community to the hazards of the chemical concerned; 3680

(b) To conduct or assess sampling to determine exposure 3681
levels of various population groups to the chemical concerned; 3682

(c) To conduct periodic medical surveillance of population 3683
groups exposed to the chemical concerned; 3684

(d) To provide medical treatment to individuals or 3685
population groups exposed to the chemical concerned; 3686

(e) To conduct studies to determine the health effects of 3687
exposure to the chemical concerned; 3688

(f) To conduct studies to aid in the identification of a 3689
chemical that may reasonably be anticipated to cause an observed 3690
health effect. 3691

(4) Any person who obtains information under division (E) 3692
(1) or (3) of this section shall, as a precondition for 3693
receiving that information, enter into a written confidentiality 3694
agreement with the owner or operator of the facility from whom 3695
the information was requested that the person will not use the 3696
information for any purpose other than the health needs asserted 3697

in the statement of need provided thereunder, except as 3698
otherwise may be authorized by the terms of the agreement or by 3699
the person providing the information. 3700

(F) (1) A member of the commission, officer or employee of 3701
the environmental protection agency, member or employee of a 3702
committee, or officer or employee of a fire department shall not 3703
request the owner or operator of a facility subject to this 3704
chapter to submit to the member, officer, or employee a trade 3705
secret claim or copy thereof; report required by section 3706
3750.04, 3750.05, 3750.07, or 3750.08 of the Revised Code; 3707
substantiation of a trade secret claim or copy thereof or 3708
explanation or supporting information pertaining to a trade 3709
secret claim or copy thereof, that contains any information 3710
claimed or determined to be a trade secret pursuant to rules 3711
adopted under division (B) (2) (d) of section 3750.02 of the 3712
Revised Code or identified as confidential business information 3713
by rules adopted under division (B) (1) (h) of section 3750.02 of 3714
the Revised Code. If any such member, officer, or employee knows 3715
or has reason to believe that any such trade secret claim, 3716
report, substantiation, or explanation or supporting information 3717
pertaining to a trade secret claim contains any such 3718
information, the member, officer, or employee immediately shall 3719
return it to the owner or operator of the facility who submitted 3720
it without reading it and shall request the owner or operator to 3721
submit the appropriate report or substantiation that does not 3722
contain the information claimed or determined to be a trade 3723
secret or so identified as confidential business information. 3724

(2) A member of the commission who is not also an employee 3725
of the state or a political subdivision, member or employee of a 3726
committee, or officer or employee of a fire department shall not 3727
request the owner or operator of a facility subject to this 3728

chapter to submit to the member, officer, or employee a trade 3729
secret claim or copy thereof; report required by section 3730
3750.04, 3750.05, 3750.07, or 3750.08 of the Revised Code; 3731
substantiation of a trade secret claim; or explanation or 3732
supporting information pertaining to a trade secret claim or 3733
copy thereof, that contains any information claimed or 3734
determined to be a trade secret pursuant to division (B) (14) of 3735
section 3750.02 of the Revised Code and rules adopted under 3736
division (B) (5) of that section or any information identified as 3737
confidential business information by rules adopted under 3738
division (B) (1) (h) of that section that pertains to such a 3739
claim. If any such member, officer, or employee knows or has 3740
reason to believe that any such trade secret claim, report, 3741
substantiation, or explanation or supporting information 3742
pertaining to any such trade secret claim contains any such 3743
information, the member, officer, or employee immediately shall 3744
return it to the owner or operator of the facility who submitted 3745
it without reading it and shall request the owner or operator to 3746
submit the appropriate report or substantiation that does not 3747
contain the information so claimed or determined to be a trade 3748
secret or so identified as confidential business information. 3749

(G) No member of the commission or designee of a member of 3750
the commission, officer or employee of the environmental 3751
protection agency, member or employee of a committee, health 3752
professional, physician, nurse, or other person who receives 3753
information claimed or determined to be a trade secret pursuant 3754
to rules adopted under division (B) (2) (d) of section 3750.02 of 3755
the Revised Code or pursuant to division (B) (14) of that section 3756
and rules adopted under division (B) (5) of that section, or who 3757
receives confidential business information identified in rules 3758
adopted under division (B) (1) (h) of section 3750.02 of the 3759

Revised Code shall release the information to any person not 3760
authorized to have that information under division (C) of this 3761
section or rules adopted under division (B) (1) (i) of that 3762
section. A violation of this division is not also a violation of 3763
section 2913.02~~or~~, 2913.04, 2913.87, 2913.91, or 2913.92 of the 3764
Revised Code. 3765

Sec. 3751.04. (A) Except as otherwise provided in division 3766
(D) of this section, any person required to provide information 3767
under section 3751.03 of the Revised Code may withhold from 3768
submission the specific chemical identity, including the 3769
chemical name and other specific identification, of the toxic 3770
chemical on the grounds that the information constitutes a trade 3771
secret if either of the following conditions is met: 3772

(1) (a) At the time of submitting the information sought to 3773
be classified as a trade secret, the owner or operator of the 3774
facility submits a claim for protection of that information as a 3775
trade secret pursuant to regulations promulgated by the 3776
administrator of the United States environmental protection 3777
agency under EPCRA, and submits a copy of the required toxic 3778
chemical release form that indicates that such a claim has been 3779
filed and contains the generic class or category of the identity 3780
in place of the identity. 3781

(b) A determination of the claim remains pending pursuant 3782
to those regulations. 3783

(2) It has been determined by the administrator pursuant 3784
to those regulations that a trade secret exists. 3785

(B) No person shall withhold the specific identity of a 3786
toxic chemical on the grounds that the information is a trade 3787
secret in either of the following instances: 3788

(1) From any toxic chemical release form if it has been 3789
determined by the administrator pursuant to regulations 3790
promulgated under EPCRA that no trade secret exists; 3791

(2) When required to provide the specific chemical 3792
identity to a health professional, physician, or nurse pursuant 3793
to division (D) of this section. 3794

(C) The governor may, pursuant to EPCRA, request the 3795
administrator of the United States environmental protection 3796
agency to provide specific chemical identities that are claimed 3797
or have been determined to be trade secret information or the 3798
explanations and supplemental information supporting trade 3799
secret protection claims regarding facilities located in this 3800
state that are subject to this chapter. The governor shall not 3801
make any trade secret or confidential information obtained under 3802
this division available to any member of the emergency planning 3803
commission created in section 3750.02 of the Revised Code or to 3804
any member of a local emergency planning committee of an 3805
emergency planning district established under section 3750.03 of 3806
the Revised Code who is not also an officer or employee of the 3807
state or a political subdivision. Any trade secret or 3808
confidential business information obtained under this division 3809
shall be protected from unauthorized disclosure. 3810

(D) (1) The owner or operator of a facility that is subject 3811
to section 3751.03 of the Revised Code shall provide the 3812
specific chemical identity of a toxic chemical, if the specific 3813
chemical identity is known, to any health professional who 3814
submits to the owner or operator a written request and statement 3815
of need for the specific chemical identity. The written 3816
statement of need shall be a statement of the health 3817
professional that the health professional has a reasonable basis 3818

to believe that all of the following conditions pertain to the 3819
request: 3820

(a) The information is needed for purposes of diagnosis or 3821
treatment of an individual; 3822

(b) The individual being diagnosed or treated has been 3823
exposed to the chemical concerned; 3824

(c) Knowledge of the specific chemical identity of the 3825
chemical will assist in diagnosis and treatment. 3826

An owner or operator to whom such a written request and 3827
statement of need is submitted shall provide the requested 3828
information to the health professional promptly after receiving 3829
the request and statement of need, subject to division (D) (4) of 3830
this section. 3831

(2) The owner or operator of a facility that is subject to 3832
section 3751.03 of the Revised Code shall provide a copy of a 3833
toxic chemical release form that contains the specific chemical 3834
identity of a toxic chemical, if the specific chemical identity 3835
is known, to any treating physician or nurse who requests that 3836
information if the physician or nurse determines that all of the 3837
following conditions pertain to the request: 3838

(a) A medical emergency exists; 3839

(b) The specific chemical identity of the chemical 3840
concerned is necessary for or will assist in emergency or first 3841
aid diagnosis or treatment; 3842

(c) The individual being diagnosed or treated has been 3843
exposed to the chemical concerned. 3844

The owner or operator shall provide the requested 3845
information to the physician or nurse immediately upon receiving 3846

such a request. The owner or operator shall not require any such 3847
treating physician or nurse to provide a written confidentiality 3848
agreement or statement of need as a precondition for disclosure 3849
of a specific chemical identity under this division; however, 3850
the owner or operator may require the treating physician or 3851
nurse to provide a written confidentiality agreement under 3852
division (D) (4) of this section and a statement setting forth 3853
the conditions listed in divisions (D) (2) (a) to (c) of this 3854
section as soon after the disclosure is made as circumstances 3855
permit. 3856

(3) The owner or operator of a facility that is subject to 3857
section 3751.03 of the Revised Code shall provide the specific 3858
chemical identity of a toxic chemical, if the specific chemical 3859
identity is known, to any health professional, including, 3860
without limitation, a physician, toxicologist, or 3861
epidemiologist, who is either employed by or under contract with 3862
a political subdivision and who submits to the owner or operator 3863
a written request for the information, a written statement of 3864
need for the information that meets the requirements of division 3865
(D) (3) of this section, and a written confidentiality agreement 3866
under division (D) (4) of this section. The owner or operator 3867
shall promptly after receipt of the written request, statement 3868
of need, and confidentiality agreement provide the requested 3869
information to the local health professional who requested it. 3870

The written statement of need for a specific chemical 3871
identity required by division (D) (3) of this section shall 3872
describe with reasonable detail one or more of the following 3873
health needs for the information: 3874

(a) To assess exposure of persons living in a local 3875
community to the hazards of the chemical concerned; 3876

(b) To conduct or assess sampling to determine exposure 3877
levels of various population groups to the chemical concerned; 3878

(c) To conduct periodic medical surveillance of population 3879
groups exposed to the chemical concerned; 3880

(d) To provide medical treatment to individuals or 3881
population groups exposed to the chemical concerned; 3882

(e) To conduct studies to determine the health effects of 3883
exposure to the chemical concerned; 3884

(f) To conduct studies to aid in the identification of a 3885
chemical that may reasonably be anticipated to cause an observed 3886
health effect. 3887

(4) Any person who obtains information under division (D) 3888
(1) or (3) of this section shall, as a precondition for 3889
receiving that information, enter into a written confidentiality 3890
agreement with the owner or operator of the facility from whom 3891
the information was requested that the person will not use the 3892
information for any purpose other than the health needs asserted 3893
in the statement of need provided thereunder, except as 3894
otherwise may be authorized by the terms of the agreement or by 3895
the person providing the information. 3896

(E) An officer or employee of the environmental protection 3897
agency shall not request the owner or operator of a facility 3898
subject to this chapter to submit to the officer or employee a 3899
trade secret claim, toxic chemical release form required by 3900
section 3751.03 of the Revised Code, substantiation of a trade 3901
secret claim, or explanation or supporting information or copy 3902
thereof pertaining to a trade secret claim, that contains any 3903
information claimed or determined to be a trade secret or 3904
identified as confidential business information under EPCRA. If 3905

any officer or employee of the agency knows or has reason to 3906
believe that a trade secret claim, toxic chemical release form, 3907
substantiation, or explanation or supporting information 3908
pertaining to a trade secret claim contains any such 3909
information, the officer or employee immediately shall return it 3910
to the owner or operator of the facility who submitted it 3911
without reading it and shall request the owner or operator to 3912
submit the appropriate report or substantiation that does not 3913
contain the information claimed or determined to be a trade 3914
secret or so identified as confidential business information. 3915

(F) No officer or employee of the environmental protection 3916
agency, health professional, physician, nurse, or other person 3917
who receives information claimed or determined to be a trade 3918
secret or identified as confidential business information by 3919
regulations promulgated by the administrator under EPCRA shall 3920
release any information so classified or identified to any 3921
person not authorized to have that information under division 3922
(C) of this section. A violation of this division is not also a 3923
violation of section 2913.02 ~~or~~, 2913.04, 2913.87, 2913.91, or 3924
2913.92 of the Revised Code. 3925

Sec. 5503.101. (A) Notwithstanding any section of the 3926
Revised Code or rule of procedure to the contrary, a defendant's 3927
traffic or criminal record contained in the law enforcement 3928
automated data system, also known as LEADS, may be disclosed to 3929
the defendant and the defendant's counsel when formally 3930
requested pursuant to the rules of discovery in a traffic or 3931
criminal case. 3932

(B) Copies of information obtained from the law 3933
enforcement automated data system pursuant to division (A) of 3934
this section may be provided to the defendant and the 3935

defendant's counsel when formally requested pursuant to the 3936
rules of discovery in a traffic or criminal case. 3937

(C) Upon a motion made by a prosecutor, the court hearing 3938
a traffic or criminal case may order the redaction from 3939
information to be disclosed or provided pursuant to division (A) 3940
or (B) of this section pursuant to the rules of discovery in the 3941
case of the residential address, date of birth, social security 3942
number, and photograph of any witness, law enforcement officer, 3943
or prosecutor. 3944

(D) Notwithstanding section 2913.04, 2913.87, 2913.91, 3945
2913.92, or 2923.129 of the Revised Code, no prosecutor or 3946
person assisting a prosecutor in providing discovery shall be 3947
held civilly or criminally liable for disclosing information 3948
from the law enforcement automated data system in the manner 3949
authorized by this section. 3950

(E) The superintendent of the state highway patrol or any 3951
person employed by the superintendent to carry out the purposes 3952
of section 5503.10 of the Revised Code shall not sanction or 3953
deny access to the law enforcement automated data system to any 3954
person or entity because that person or entity provided 3955
discovery information in the manner authorized by this section. 3956

(F) The defendant's counsel may disclose, copy, and 3957
provide to the defendant any information about the defendant's 3958
own traffic or criminal record obtained by discovery from the 3959
law enforcement automated data system. 3960

(G) The fact that information sought in discovery is 3961
contained in the law enforcement automated data system shall not 3962
be cited or accepted as a reason for denying discovery to the 3963
defendant of the defendant's own traffic or criminal record. 3964

Section 2. That existing sections 109.42, 109.572, 109.88, 3965
901.511, 2137.14, 2909.07, 2913.01, 2913.04, 2913.05, 2913.49, 3966
2919.25, 2919.251, 2919.26, 2921.22, 2923.129, 2927.12, 2933.51, 3967
3712.09, 3721.121, 3750.09, 3751.04, and 5503.101 of the Revised 3968
Code are hereby repealed. 3969

Section 3. The General Assembly, applying the principle 3970
stated in division (B) of section 1.52 of the Revised Code that 3971
amendments are to be harmonized if reasonably capable of 3972
simultaneous operation, finds that the following sections, 3973
presented in this act as composites of the sections as amended 3974
by the acts indicated, are the resulting versions of the 3975
sections in effect prior to the effective date of the sections 3976
as presented in this act: 3977

Section 109.42 of the Revised Code as amended by both H.B. 3978
1 and S.B. 201 of the 132nd General Assembly. 3979

Section 109.572 of the Revised Code as amended by both 3980
H.B. 166 and S.B. 57 of the 133rd General Assembly. 3981

Section 901.511 of the Revised Code as amended by both 3982
H.B. 276 and H.B. 389 of the 129th General Assembly. 3983

Section 2921.22 of the Revised Code as amended by both 3984
H.B. 216 and S.B. 319 of the 131st General Assembly. 3985