

**As Reported by the Senate Judiciary Committee**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Am. 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**

**Senators Coley, Eklund**

**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)–~~ 1095  
~~or (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 (NH<sub>3</sub>). 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 who violates such a provision for compensatory damages 1928  
and injunctive or other equitable relief pursuant to section 1929  
2307.60 of the Revised Code. Compensatory damages shall include 1930  
any cost reasonably and necessarily incurred by the owner or 1931  
lessee to verify that the electronic data, computer, computer 1932  
system, or computer network, was not altered, damaged, or 1933

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 practitioner who, outside a hospital, sanitarium, or other medical facility, attends or treats a person who has sustained a burn injury that is inflicted by an explosion or other incendiary device or that shows evidence of having been inflicted in a violent, malicious, or criminal manner shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

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

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

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

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 subnormal hearing to not better than normal. 2876  
2877

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

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

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

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

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

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

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

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

(H) "Communications common carrier" means a person who is engaged as a common carrier for hire in intrastate, interstate, or foreign communications by wire, radio, or radio transmission of energy. "Communications common carrier" does not include, to 2900  
2901  
2902  
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  
authorized to have that information under division (C) of this  
section or rules adopted under division (B) (1) (i) of that  
section. A violation of this division is not also a violation of  
section 2913.02 ~~or~~, 2913.04, 2913.87, 2913.91, or 2913.92 of the  
Revised Code.

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

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

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

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

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

(1) From any toxic chemical release form if it has been 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  
treating physician or nurse to provide a written confidentiality  
agreement or statement of need as a precondition for disclosure  
of a specific chemical identity under this division; however,  
the owner or operator may require the treating physician or  
nurse to provide a written confidentiality agreement under  
division (D) (4) of this section and a statement setting forth  
the conditions listed in divisions (D) (2) (a) to (c) of this  
section as soon after the disclosure is made as circumstances  
permit.

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

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

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

(b) To conduct or assess sampling to determine exposure 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