

**As Introduced**

**133rd General Assembly  
Regular Session  
2019-2020**

**S. B. No. 52**

**Senator Gavarone**

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**A BILL**

To amend sections 3505.21, 5502.11, 5923.01, 1  
5923.03, 5923.12, 5923.37, and 5924.01 and to 2  
enact sections 111.09, 3505.331, 5922.01, 3  
5922.02, 5922.03, 5922.04, 5922.05, 5922.06, 4  
5922.07, and 5922.08 of the Revised Code to 5  
create the civilian cyber security reserve 6  
forces, to make the Secretary of State a member 7  
of the Homeland Security Advisory Council, to 8  
require the Secretary of State to appoint a 9  
chief information security officer, to require 10  
the boards of elections to audit election 11  
results, and to make an appropriation. 12

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

**Section 1.** That sections 3505.21, 5502.011, 5923.01, 13  
5923.03, 5923.12, 5923.37, and 5924.01 be amended and sections 14  
111.09, 3505.331, 5922.01, 5922.02, 5922.03, 5922.04, 5922.05, 15  
5922.06, 5922.07, and 5922.08 of the Revised Code be enacted to 16  
read as follows: 17

**Sec. 111.09.** The secretary of state shall appoint a chief 18  
information security officer to advise the secretary of state on 19

matters of information security and to perform other duties as 20  
assigned by the secretary of state. 21

**Sec. 3505.21.** (A) As used in this section~~7~~: 22

(1) "during-During the casting of the ballots" includes 23  
any of the following: 24

~~(1)-(a)~~ Any time during which a board of elections permits 25  
an elector to vote an absent voter's ballot in person at the 26  
office of the board; 27

~~(2)-(b)~~ Any time ballots may be cast in a precinct polling 28  
place on the day of an election; 29

~~(3)-(c)~~ Any time during which a board of elections 30  
processes absent voter's ballots before the time for counting 31  
those ballots. 32

(2) "During the counting of the ballots" includes any time 33  
during which the election officials count and tally ballots, 34  
make the official canvass of election returns, or conduct an 35  
audit of the official results of an election. 36

(B) At any primary, special, or general election, any 37  
political party supporting candidates to be voted upon at such 38  
election and any group of five or more candidates may appoint to 39  
the board of elections or to any of the precincts in the county 40  
or city one person, a qualified elector, who shall serve as 41  
observer for such party or such candidates during the casting of 42  
the ballots and during the counting of the ballots; provided 43  
that separate observers may be appointed to serve during the 44  
casting and during the counting of the ballots. No candidate, no 45  
uniformed peace officer as defined by section 2935.01 of the 46  
Revised Code, no uniformed state highway patrol trooper, no 47  
uniformed member of any fire department, no uniformed member of 48

the armed services, no uniformed member of the organized 49  
militia, no person wearing any other uniform, and no person 50  
carrying a firearm or other deadly weapon shall serve as an 51  
observer, nor shall any candidate be represented by more than 52  
one observer at any one precinct or at the board of elections 53  
except that a candidate who is a member of a party controlling 54  
committee, as defined in section 3517.03 of the Revised Code, 55  
may serve as an observer. 56

(C) Any political party or group of candidates appointing 57  
observers shall notify the board of elections of the names and 58  
addresses of its appointees and the precincts at which they 59  
shall serve or that they will serve at the board of elections. 60  
Notification of observers appointed to serve on the day of an 61  
election shall take place not less than eleven days before the 62  
day of the election on forms prescribed by the secretary of 63  
state and may be amended by filing an amendment with the board 64  
of elections at any time until four p.m. of the day before the 65  
election. Notification of observers appointed to serve at the 66  
office of the board during the time absent voter's ballots may 67  
be cast in person or during the time in which the board 68  
processes absent voter's ballots before the time for counting 69  
those ballots shall take place not less than eleven days before 70  
absent voter's ballots are required to be ready for use pursuant 71  
to section 3509.01 of the Revised Code on forms prescribed by 72  
the secretary of state and may be amended by filing an amendment 73  
with the board of elections at any time until four p.m. of the 74  
day before the observer is appointed to serve. The observer 75  
serving on behalf of a political party shall be appointed in 76  
writing by the chairperson and secretary of the respective 77  
controlling party committee. Observers serving for any five or 78  
more candidates shall have their certificates signed by those 79

candidates. Observers appointed to a precinct may file their 80  
certificates of appointment with the voting location manager of 81  
the precinct at the meeting on the evening prior to the 82  
election, or with the voting location manager of the precinct on 83  
the day of the election. Observers appointed to the office of 84  
the board to observe the casting of absent voter's ballots in 85  
person prior to the day of the election or the processing of 86  
absent voter's ballots before the time for counting those 87  
ballots may file their certificates with the director of the 88  
board of elections the day before or on the day that the 89  
observers are scheduled to serve at the office of the board. 90

Upon the filing of a certificate, the person named as 91  
observer in the certificate shall be permitted to be in and 92  
about the applicable polling place during the casting of the 93  
ballots and shall be permitted to watch every proceeding of the 94  
precinct election officials from the time of the opening until 95  
the closing of the polls. The observer also may inspect the 96  
counting of all ballots in the polling place or board of 97  
elections from the time of the closing of the polls until the 98  
counting is completed and the final returns are certified and 99  
signed. Observers appointed to serve at the board of elections 100  
on the day of an election under this section may observe at the 101  
board of elections and may observe at any precinct in the 102  
county. The precinct election officials shall protect such 103  
observers in all of the rights and privileges granted to them by 104  
Title XXXV of the Revised Code. 105

(D) No persons other than the precinct election officials, 106  
the observers, a police officer, other persons who are detailed 107  
to any precinct on request of the board of elections, or the 108  
secretary of state or the secretary of state's legal 109  
representative shall be admitted to the polling place, or any 110

room in which a board of elections is counting ballots, after 111  
the closing of the polls until the counting, certifying, and 112  
signing of the final returns of each election have been 113  
completed. 114

(E) Not later than four p.m. of the twentieth day prior to 115  
an election at which questions are to be submitted to a vote of 116  
the people, any committee that in good faith advocates or 117  
opposes a measure may file a petition with the board of any 118  
county asking that the petitioners be recognized as the 119  
committee entitled to appoint observers to the count at the 120  
election. If more than one committee alleging themselves to 121  
advocate or oppose the same measure file such a petition, the 122  
board shall decide and announce by registered mail to each 123  
committee not less than twelve days immediately preceding the 124  
election which committee is recognized as being entitled to 125  
appoint observers. The decision shall not be final, but any 126  
aggrieved party may institute mandamus proceedings in the court 127  
of common pleas of the county in which the board has 128  
jurisdiction to compel the precinct election officials to accept 129  
the appointees of such aggrieved party. Any such recognized 130  
committee may appoint an observer to the count in each precinct. 131  
Committees appointing observers shall notify the board of 132  
elections of the names and addresses of its appointees and the 133  
precincts at which they shall serve. Notification shall take 134  
place not less than eleven days before the election on forms 135  
prescribed by the secretary of state and may be amended by 136  
filing an amendment with the board of elections at any time 137  
until four p.m. on the day before the election. A person so 138  
appointed shall file the person's certificate of appointment 139  
with the voting location manager in the precinct in which the 140  
person has been appointed to serve. Observers shall file their 141

certificates before the polls are closed. In no case shall more  
than six observers be appointed for any one election in any one  
precinct. If more than three questions are to be voted on, the  
committees which have appointed observers may agree upon not to  
exceed six observers, and the precinct election officials shall  
appoint such observers. If such committees fail to agree, the  
precinct election officials shall appoint six observers from the  
appointees so certified, in such manner that each side of the  
several questions shall be represented.

(F) No person shall serve as an observer at any precinct  
or at the board of elections unless the board of elections of  
the county in which such observer is to serve has first been  
notified of the name, address, and location at which such  
observer is to serve. Notification to the board of elections  
shall be given by the political party, group of candidates, or  
committee appointing such observer as prescribed in this  
section. No such observers shall receive any compensation from  
the county, municipal corporation, or township, and they shall  
take the following oath, to be administered by one of the  
precinct election officials:

"You do solemnly swear that you will faithfully and  
impartially discharge the duties as an official observer,  
assigned by law; that you will not cause any delay to persons  
offering to vote; and that you will not disclose or communicate  
to any person how any elector has voted at such election."

Sec. 3505.331. (A) After declaring the official results of  
the elections, as described in section 3505.33 of the Revised  
Code, the board of elections shall audit those results in  
accordance with this section. Except as otherwise provided in  
this division, the board shall begin the audit not earlier than

six business days after it declares the official results and 172  
shall complete the audit not later than the twenty-first day 173  
after it declares the official results. If the board conducts a 174  
recount, the board shall begin the audit immediately after the 175  
board certifies the results of the recount and shall complete 176  
the audit not later than the fourteenth day after it certifies 177  
the results of the recount. 178

(B) The board shall conduct the audit in accordance with 179  
procedures prescribed by the secretary of state, which shall 180  
require all of the following: 181

(1) The board shall audit not less than three contested 182  
rates, questions, or issues, as directed by the secretary of 183  
state. If fewer than three contested rates, questions, or issues 184  
appear on the ballot at the election, then the board shall audit 185  
every contested rate, question, and issue. In any election, 186  
every contested rate, question, or issue shall be eligible to be 187  
audited. 188

(2) Every ballot that was included in the canvass of the 189  
election returns shall be eligible to be audited, including 190  
regular ballots cast on the day of the election, absent voter's 191  
ballots, and provisional ballots. 192

(3) The board shall conduct the audit using either a risk- 193  
limiting audit protocol in accordance with division (B) (3) (a) of 194  
this section or a percentage-based audit protocol in accordance 195  
with division (B) (3) (b) of this section. 196

(a) A risk-limiting audit protocol shall use statistical 197  
methods to limit to acceptable levels the risk of certifying an 198  
incorrect outcome for a particular rate, question, or issue. The 199  
protocol shall require bipartisan teams of election officials to 200

physically examine and hand count randomly sampled ballots and 201  
to continue the hand counting until the results of the hand 202  
count provide sufficiently strong evidence that a hand count of 203  
all of the ballots would confirm the election result declared 204  
under section 3505.33 of the Revised Code or until all of the 205  
ballots have been hand counted, whichever occurs first. 206

(b) (i) A percentage-based audit protocol shall require 207  
bipartisan teams of election officials to physically examine and 208  
hand count a number of randomly sampled ballots equal to a given 209  
percentage of the total number of ballots cast in the county at 210  
that election, as prescribed by the secretary of state. After 211  
the election officials complete the initial audit, the board 212  
shall calculate the per cent accuracy rate of each audited race, 213  
question, or issue by dividing the sum of any discrepancies for 214  
the race, question, or issue discovered during the audit by the 215  
total number of ballots audited for the race, question, or issue 216  
and subtracting the resulting number from one. 217

(ii) If the per cent accuracy rate for an audited race, 218  
question, or issue is less than the acceptable per cent accuracy 219  
rate prescribed by the secretary of state, the board shall 220  
escalate the audit of that race, question, or issue by requiring 221  
bipartisan teams of election officials to physically examine and 222  
hand count a second set of randomly sampled ballots equal to a 223  
given percentage of the total number of ballots cast in the 224  
county at that election, as prescribed by the secretary of 225  
state. The second set of ballots shall not include any ballots 226  
that were included in the first set of audited ballots. After 227  
the election officials have counted the second set of ballots, 228  
the board shall calculate the combined per cent accuracy rate 229  
for both audited sets of ballots for that race, question, or 230  
issue. 231



(C) (1) The board shall give public notice of the times and 232  
places for preparing for and conducting the audit in accordance 233  
with section 121.22 of the Revised Code. Subject to division (C) 234  
(2) of this section, at all times while the board prepares for 235  
and conducts the audit, the board shall permit observers 236  
appointed under section 3505.21 of the Revised Code, 237  
representatives of the news media, and members of the general 238  
public to observe the audit and to inspect public records that 239  
are relevant to the audit. 240

(2) (a) No person other than a member of the board or a 241  
designated employee of the board shall be permitted to handle a 242  
ballot. 243

(b) If the board determines that it is necessary to limit 244  
the number of persons who may observe the audit because of 245  
physical space or other practical constraints, the board may 246  
limit the number of members of the general public who may be 247  
present, in accordance with procedures prescribed by the 248  
secretary of state. The board shall not prevent any observer 249  
appointed under section 3505.21 of the Revised Code or any 250  
representative of the news media from observing the audit. 251

(D) (1) Not later than five days after completing the 252  
audit, the board shall certify the results of the audit to the 253  
secretary of state in the form and by the method prescribed by 254  
the secretary of state. The secretary of state shall make the 255  
results of the audit available to the public on the secretary of 256  
state's official web site. 257

(2) If the board conducted a percentage-based audit and 258  
was required to escalate the audit of a race, question, or issue 259  
under division (B) (3) (b) (ii) of this section, and the combined 260  
per cent accuracy rate for that race, question, or issue is less 261

than the acceptable combined per cent accuracy rate prescribed 262  
by the secretary of state, the secretary of state may require 263  
the board to order bipartisan teams of election officials to 264  
physically examine and hand count all ballots cast for that 265  
race, question, or issue. The requirements of division (C) of 266  
this section apply to any full hand count conducted under this 267  
division. 268

(3) If the results of the completed audit or the results 269  
of any full hand count ordered under division (D) (2) of this 270  
section indicate that the canvass or the previously declared 271  
official election results must be amended, the board promptly 272  
shall amend the canvass or issue an amended declaration of the 273  
official results, as applicable. 274

(E) As used in this section: 275

(1) "Ballot" means either a paper ballot or the relevant 276  
entry on a voter verified paper audit trail. 277

(2) "Voter verified paper audit trail" has the same 278  
meaning as in section 3506.01 of the Revised Code. 279

**Sec. 5502.011.** (A) As used in this section, "department of 280  
public safety" and "department" include all divisions within the 281  
department of public safety. 282

(B) The director of public safety is the chief executive 283  
and administrative officer of the department. The director may 284  
establish policies governing the department, the performance of 285  
its employees and officers, the conduct of its business, and the 286  
custody, use, and preservation of departmental records, papers, 287  
books, documents, and property. The director also may authorize 288  
and approve investigations to be conducted by any of the 289  
department's divisions. Whenever the Revised Code imposes a duty 290

upon or requires an action of the department, the director may 291  
perform the action or duty in the name of the department or 292  
direct such performance to be performed by the director's 293  
designee. 294

(C) In addition to any other duties enumerated in the 295  
Revised Code, the director or the director's designee shall do 296  
all of the following: 297

(1) Administer and direct the performance of the duties of 298  
the department; 299

(2) Pursuant to Chapter 119. of the Revised Code, approve, 300  
adopt, and prescribe such forms and rules as are necessary to 301  
carry out the duties of the department; 302

(3) On behalf of the department and in addition to any 303  
authority the Revised Code otherwise grants to the department, 304  
have the authority and responsibility for approving and entering 305  
into contracts, agreements, and other business arrangements; 306

(4) Make appointments for the department as needed to 307  
comply with requirements of the Revised Code; 308

(5) Approve employment actions of the department, 309  
including appointments, promotions, discipline, investigations, 310  
and terminations; 311

(6) Accept, hold, and use, for the benefit of the 312  
department, any gift, donation, bequest, or devise, and may 313  
agree to and perform all conditions of the gift, donation, 314  
bequest, or devise, that are not contrary to law; 315

(7) Apply for, allocate, disburse, and account for grants 316  
made available under federal law or from other federal, state, 317  
or private sources; 318

(8) Develop a list of disqualifying offenses for licensure 319  
as a private investigator or a security guard provider pursuant 320  
to sections 4749.03, 4749.04, 4749.10, and 4776.10 of the 321  
Revised Code; 322

(9) Do all other acts necessary or desirable to carry out 323  
this chapter. 324

(D) (1) The director of public safety may assess a 325  
reasonable fee, plus the amount of any charge or fee passed on 326  
from a financial institution, on a drawer or indorser for each 327  
of the following: 328

(a) A check, draft, or money order that is returned or 329  
dishonored; 330

(b) An automatic bank transfer that is declined, due to 331  
insufficient funds or for any other reason; 332

(c) Any financial transaction device that is returned or 333  
dishonored for any reason. 334

(2) The director shall deposit any fee collected under 335  
this division in an appropriate fund as determined by the 336  
director based on the tax, fee, or fine being paid. 337

(3) As used in this division, "financial transaction 338  
device" has the same meaning as in section 113.40 of the Revised 339  
Code. 340

(E) (1) The director shall establish a homeland security 341  
advisory council to advise the director on homeland security, 342  
including homeland security funding efforts. ~~The~~ 343

(2) The advisory council shall include, but not be limited- 344  
to, state consist of the following members, who shall serve 345  
without compensation: 346

(a) The secretary of state;

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(b) State and local government officials, appointed by the  
director, who have homeland security or emergency management  
responsibilities and who represent first responders. The  
director shall appoint the;

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(c) Any other members of the council, who shall serve  
without compensation, appointed by the director.

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**Sec. 5922.01.** The governor shall organize and maintain  
within this state, on a reserve basis, civilian cyber security  
reserve forces capable of being expanded and trained to educate  
and protect state, county, and local governmental agencies,  
critical infrastructure, including election systems, businesses,  
and citizens of this state from cyber attacks. In the case of an  
emergency proclaimed by the governor, or caused by illicit  
actors or imminent danger, the governor, as commander-in-chief,  
shall expand the reserve as the exigency of the occasion  
requires.

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The reserve shall be a part of the Ohio organized militia  
under the adjutant general's department. The reserve shall be  
known as the Ohio cyber reserve. The adjutant general shall  
establish and revise, in the name of the governor, the rates of  
pay for reserve members when called to state active duty. While  
performing any drill or training, reserve members shall serve in  
an unpaid volunteer status. When called to state active duty by  
the governor, reserve members shall function as civilian members  
of the Ohio organized militia.

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**Sec. 5922.02.** The governor may adopt rules consistent with  
the provisions of law governing the membership, organization,  
administration, equipment, and maintenance of the Ohio cyber

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reserve. A copy of the rules shall be available to the public in 376  
the adjutant general's office. 377

**Sec. 5922.03.** The governor may requisition from the United 378  
States department of defense, for the use of the Ohio cyber 379  
reserve, equipment that may be in the possession and can be 380  
furnished by the department, and make available to the reserve 381  
the facilities of state armories and equipment and other state 382  
premises and property that may be available. 383

**Sec. 5922.04.** Sections 5922.02 to 5922.08 of the Revised 384  
Code do not authorize the Ohio cyber reserve, or any part 385  
thereof, to be called or ordered into the military service of 386  
the United States. The reserve may become a civilian component 387  
of the Ohio national guard. 388

**Sec. 5922.05.** No person shall be accepted into the Ohio 389  
cyber reserve who is not a United States citizen or a legal 390  
permanent resident, or who has been expelled or dishonorably 391  
discharged from the armed forces as defined in section 5903.01 392  
of the Revised Code. All persons shall be subject to an 393  
appropriate background check, in accordance with rules adopted 394  
by the governor and adjutant general, before admittance into the 395  
reserve. 396

**Sec. 5922.06.** Whenever the Ohio cyber reserve, or any part 397  
thereof, is ordered out for active service by the governor, the 398  
Ohio code of military justice shall be in full force in respect 399  
to those forces. 400

**Sec. 5922.07.** The governor may accept the resignation of 401  
any Ohio cyber reserve member at any time. Reserve members serve 402  
at the pleasure of the governor and may be removed from the 403  
reserve in accordance with rules adopted under section 5922.02 404

of the Revised Code. 405

The governor may require reimbursement for training, 406  
equipment, and uniforms if an Ohio cyber reserve member does not 407  
serve the full term of the member's membership agreement and the 408  
inability to serve out the term of the membership agreement was 409  
not due to disability or a similar disabling medical condition. 410

**Sec. 5922.08.** The governor, as commander-in-chief of the 411  
Ohio organized militia, may order individuals or units of the 412  
Ohio cyber reserve to state active duty to perform duty or 413  
training as the governor determines necessary. 414

When ordered by the governor to perform duty or training 415  
under this section or section 5923.21 of the Revised Code, 416  
members of the Ohio cyber reserve shall have the same 417  
protections afforded by the "Servicemembers Civil Relief Act," 418  
Pub. L. No. 108-189, 50 U.S.C. 3901-4043, and by the "Uniformed 419  
Services Employment and Reemployment Rights Act," 108 Stat. 420  
3149, 38 U.S.C. 4301-4333. 421

**Sec. 5923.01.** (A) The Ohio organized militia consists of 422  
all citizens of the state who are not permanently handicapped, 423  
as handicapped is defined in section 4112.01 of the Revised 424  
Code, who are more than seventeen years, and not more than 425  
sixty-seven years, of age unless exempted as provided in section 426  
5923.02 of the Revised Code, and who are members of one of the 427  
following: 428

(1) The Ohio national guard; 429

(2) The Ohio naval militia; 430

(3) The Ohio military reserve; 431

(4) The Ohio cyber reserve. 432

(B) The Ohio national guard, including both the Ohio air 433  
national guard and the Ohio army national guard, the Ohio naval 434  
militia, ~~and~~ the Ohio military reserve, and the Ohio cyber 435  
reserve are known collectively as the Ohio organized militia. 436

(C) The Ohio naval militia and the Ohio military reserve 437  
are known collectively as the state defense forces. 438

(D) The unorganized militia consists of those citizens of 439  
the state as described in division (A) of this section who are 440  
not members of the Ohio organized militia. 441

(E) No troops shall be maintained in time of peace other 442  
than as authorized and prescribed under the "Act of August 10, 443  
1956," 70A Stat. 596, 32 U.S.C.A. 101 to 716. This limitation 444  
does not affect the right of the state to the use of its 445  
organized militia within its borders in time of peace as 446  
prescribed by the laws of this state. This section does not 447  
prevent the organization and maintenance of police. 448

**Sec. 5923.03.** (A) The Ohio national guard consists of the 449  
members of the Ohio organized militia who are enlisted, 450  
commissioned, or warranted in the Ohio national guard, all as 451  
prescribed by publications of the department of the army or air 452  
force and the national guard bureau for the national guard as 453  
prescribed by Chapter 5919. of the Revised Code. 454

(B) The Ohio military reserve consists of the members of 455  
the Ohio organized militia who are enlisted, commissioned, or 456  
warranted in the Ohio military reserve as prescribed by Chapter 457  
5920. of Revised Code. 458

(C) The Ohio naval militia consists of the members of the 459  
Ohio organized militia who are enlisted, commissioned, or 460  
warranted in the Ohio naval militia as prescribed by Chapter 461



5921. of the Revised Code. 462

(D) The Ohio cyber reserve consists of the members of the 463  
Ohio organized militia who are civilian volunteers under Chapter 464  
5922. of the Revised Code. 465

**Sec. 5923.12.** When ordered to state active duty by the 466  
governor, for which duty federal basic pay and allowances are 467  
not authorized, members of the organized militia of Ohio shall 468  
receive the same pay and allowances for each day's service as is 469  
provided for commissioned officers, warrant officers, 470  
noncommissioned officers, and enlisted personnel of like grade 471  
and longevity in the armed forces of the United States, together 472  
with the necessary transportation, housing, and subsistence 473  
allowances as prescribed by the United States department of 474  
defense pay manual, or an amount not less than seventy-five 475  
dollars per day as base pay for each day's duty performed, 476  
whichever is greater. 477

Notwithstanding any other provision of law, Ohio cyber 478  
reserve members shall receive a rate of pay determined and 479  
provided by rule by the adjutant general, in the name of the 480  
governor. 481

When ordered by the governor to perform training or duty 482  
under this section or section 5919.29 of the Revised Code, 483  
members of the Ohio national guard shall have the protections 484  
afforded to persons on federal active duty by "The 485  
Servicemembers Civil Relief Act," 117 Stat. 2835, 50 U.S.C.A. 486  
App. 501. 487

**Sec. 5923.37.** (A) No member of the organized militia 488  
ordered to state active duty shall be liable in negligence for 489  
any act performed within the scope of ~~his military~~ the member's 490

duties. Any action alleging that such a militia member's conduct 491  
was outside the scope of ~~his~~ the member's employment, was 492  
malicious, was in bad faith, or was wanton or reckless shall 493  
first be filed against the state in the court of claims under 494  
section 2743.02 of the Revised Code. 495

(B) Any member of the organized militia rendering medical, 496  
nursing, or dental care, or assisting in rendering such care, 497  
after being ordered to state active duty shall be deemed an 498  
officer or employee of the state under section 109.36 of the 499  
Revised Code. 500

(C) Any member of the organized militia ordered to state 501  
active duty under section 5923.22 of the ~~revised~~ Revised Code or 502  
ordered to duty under section 5919.29 of the Revised Code who is 503  
qualified to perform on federal active duty under Title 10, 504  
United States Code, in a particular profession, discipline, or 505  
skill as a health care provider shall be exempt from the 506  
statutes, regulations, and licensing requirements otherwise in 507  
force under the laws of this state, with respect to ~~his~~ the 508  
member's profession, specialty, or skill at such times as ~~he~~ the 509  
member is serving in any military status, duly authorized under 510  
the laws of this state or of the United States, or both, and is 511  
performing ~~his~~ the member's profession, specialty, or skill 512  
under regulations prescribed by the executive authority of the 513  
United States or of this state, and is functioning within the 514  
scope of ~~his~~ the member's employment. 515

**Sec. 5924.01.** As used in Chapter 5924. of the Revised Code 516  
unless the context otherwise requires: 517

(A) "Organized militia" means the Ohio national guard, the 518  
Ohio naval militia, ~~and the Ohio military reserve,~~ and the Ohio 519  
cyber reserve. 520

(B) "Officer" means commissioned or warrant officer.	521
(C) "Commissioned officer" includes a commissioned warrant officer.	522 523
(D) "Commanding officer" includes only commissioned or warrant officers in command of a unit.	524 525
(E) "Superior commissioned officer" means a commissioned officer superior in rank or command.	526 527
(F) "Enlisted member" means a person in an enlisted grade.	528
(G) "Grade" means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulation.	529 530 531
(H) "Rank" means the order of precedence among members of the armed forces.	532 533
(I) "State active duty" means full-time duty in the active military service of the state under a proclamation of the governor issued pursuant to authority vested in the governor by law, and while going to and returning from such duty.	534 535 536 537
(J) "Duty status other than state active duty" means any other types of duty and while going to and returning from such duty.	538 539 540
(K) "Military court" means a court-martial, a court of inquiry, or a provost court.	541 542
(L) "Military judge" means an official of a general or special court-martial who is a commissioned officer, who has been duly certified to be qualified for duty as a military judge by the state judge advocate, and who has been properly detailed in accordance with section 5924.26 of the Revised Code.	543 544 545 546 547

(M) "Law specialist" means a commissioned officer of the 548  
organized naval militia of the state designated for special 549  
duty. 550

(N) "Legal officer" means any commissioned officer of the 551  
organized naval militia of the state designated to perform legal 552  
duties for a command. 553

(O) "State judge advocate" means the commissioned officer 554  
responsible for supervising the administration of military 555  
justice in the organized militia. 556

(P) "Accuser" means a person who reports an offense 557  
subject to trial by court-martial and who signs and swears to 558  
charges, any person who directs that charges nominally be signed 559  
and sworn to by another, or any other person who has an interest 560  
other than an official interest in the prosecution of the 561  
accused. 562

(Q) "Military" refers to any or all of the armed forces. 563

(R) "Convening authority" includes, in addition to the 564  
person who convened the court, a commissioned officer commanding 565  
for the time being, or a successor in command. 566

(S) "May" is used in a permissive sense. The words "no 567  
person may ....." mean that no person is required, 568  
authorized, or permitted to do the act prescribed. 569

(T) "Shall" is used in an imperative sense. 570

(U) "Code" means the Ohio code of military justice, as set 571  
forth in Chapter 5924. of the Revised Code. 572

(V) "Trial counsel" means the prosecuting attorney in a 573  
general or special court-martial. 574

(W) "Detention facility" means any place that is owned or 575  
operated by a municipal corporation, by a county, or by one or 576  
more municipal corporations, counties, or both and that is used 577  
for the confinement of persons charged with or convicted of any 578  
crime in this state or another state or under the laws of the 579  
United States. 580

(X) "Examiner" has the same meaning as in division (A) (2) 581  
(a) of section 2945.37 of the Revised Code. 582

(Y) "Nonsecured status," "unsupervised, off-grounds 583  
movement," "trial visit," "conditional release," and "licensed 584  
clinical psychologist" have the same meanings as in section 585  
2945.37 of the Revised Code. 586

**Section 2.** That existing sections 3505.21, 5502.011, 587  
5923.01, 5923.03, 5923.12, 5923.37, and 5924.01 of the Revised 588  
Code are hereby repealed. 589

**Section 3.** All items in this section are hereby 590  
appropriated as designated out of any moneys in the state 591  
treasury to the credit of the designated fund. For all 592  
appropriations made in this act, those in the first column are 593  
for fiscal year 2018 and those in the second column are for 594  
fiscal year 2019. The appropriations made in this act are in 595  
addition to any other appropriations made for the FY 2018-FY 596  
2019 biennium. 597

ADJ ADJUTANT GENERAL 598

General Revenue Fund 599

GRF 745503 Ohio Cyber Reserve	\$0	\$100,000	600
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TOTAL GRF General Revenue Fund	\$0	\$100,000	601
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TOTAL ALL BUDGET FUND GROUPS	\$0	\$100,000	602
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OHIO CYBER RESERVE				603
Of the foregoing appropriation item 745503, Ohio Cyber				604
Reserve, \$50,000 in fiscal year 2019 shall be used to pay the				605
costs incurred by the Adjutant General's Department to operate				606
the Ohio Cyber Reserve in accordance with section 5922.01 of the				607
Revised Code.				608
<b>Section 4.</b> All items in this section are hereby				609
appropriated as designated out of any moneys in the state				610
treasury to the credit of the designated fund. For all				611
appropriations made in this act, those in the first column are				612
for fiscal year 2020 and those in the second column are for				613
fiscal year 2021. The appropriations made in this act are in				614
addition to any other appropriations made for the FY 2020-FY				615
2021 biennium.				616
ADJ ADJUTANT GENERAL				617
General Revenue Fund				618
GRF 745503 Ohio Cyber Reserve	\$550,000	\$0		619
TOTAL GRF General Revenue Fund	\$550,000	\$0		620
TOTAL ALL BUDGET FUND GROUPS	\$550,000	\$0		621
OHIO CYBER RESERVE				622
The foregoing appropriation item 745503, Ohio Cyber				623
Reserve, shall be used to pay the costs incurred by the Adjutant				624
General's Department to operate the Ohio Cyber Reserve in				625
accordance with section 5922.01 of the Revised Code.				626
<b>Section 5.</b> Within the limits set forth in this act, the				627
Director of Budget and Management shall establish accounts				628
indicating the source and amount of funds for each appropriation				629
made in this act, and shall determine the form and manner in				630

which appropriation accounts shall be maintained. Expenditures 631  
from appropriations contained in Section 3 of this act shall be 632  
accounted for as though made in Am. Sub. H.B. 49 of the 132nd 633  
General Assembly. Expenditures from appropriations contained in 634  
Section 4 of this act shall be accounted for as though made in 635  
the main operating appropriations act of the 133rd General 636  
Assembly. 637

The appropriations made in Section 3 of this act are 638  
subject to all provisions of Am. Sub. H.B. 49 of the 132nd 639  
General Assembly that are generally applicable to such 640  
appropriations. The appropriations made in Section 4 this act 641  
are subject to all provisions of the main operating 642  
appropriations act of the 133rd General Assembly that are 643  
generally applicable to such appropriations. 644