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134th General Assembly

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2021-2022

H. B. No. 116

Representative Baldrige

Cosponsors: Representatives Young, T., Seitz, Schmidt, Richardson, Hoops, Lipps, LaRe, Carfagna, Ghanbari, Leland, Boyd, Brent, Carruthers, Click, Cross, Crossman, Fraizer, Grendell, Gross, Hillyer, Holmes, Jarrells, Jones, Koehler, Lanese, Lightbody, Miller, A., Miller, J., Miller, K., Pavliga, Plummer, Russo, Sheehy, Smith, K., Smith, M., Sobecki, Swearingen, West, White, Wilkin

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
2923.04, 2923.129, 2927.12, 2933.51, 3712.09, 4
3721.121, 3750.09, 3751.04, and 5503.101 and to 5
enact sections 2913.86, 2913.87, 2913.88, 6
2913.89, 2913.90, 2913.91, 2913.92, 2913.93, and 7
2913.94 of the Revised Code to enact the Ohio 8
Computer Crimes Act and to amend the version of 9
section 109.572 of the Revised Code that is 10
scheduled to take effect October 9, 2021, to 11
continue the provisions of this act on and after 12
that date. 13

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

Section 1. That sections 109.42, 109.572, 109.88, 901.511, 14
2137.14, 2909.07, 2913.01, 2913.04, 2913.05, 2913.49, 2919.25, 15
2919.251, 2919.26, 2921.22, 2923.04, 2923.129, 2927.12, 2933.51, 16

3712.09, 3721.121, 3750.09, 3751.04, and 5503.101 be amended and 17
sections 2913.86, 2913.87, 2913.88, 2913.89, 2913.90, 2913.91, 18
2913.92, 2913.93, and 2913.94 of the Revised Code be enacted to 19
read as follows: 20

Sec. 109.42. (A) The attorney general shall prepare and 21
have printed a pamphlet that contains a compilation of all 22
statutes relative to victim's rights in which the attorney 23
general lists and explains the statutes in the form of a 24
victim's bill of rights. The attorney general shall distribute 25
the pamphlet to all sheriffs, marshals, municipal corporation 26
and township police departments, constables, and other law 27
enforcement agencies, to all prosecuting attorneys, city 28
directors of law, village solicitors, and other similar chief 29
legal officers of municipal corporations, and to organizations 30
that represent or provide services for victims of crime. The 31
victim's bill of rights set forth in the pamphlet shall contain 32
a description of all of the rights of victims that are provided 33
for in Chapter 2930. or in any other section of the Revised Code 34
and shall include, but not be limited to, all of the following: 35

(1) The right of a victim or a victim's representative to 36
attend a proceeding before a grand jury, in a juvenile case, or 37
in a criminal case pursuant to a subpoena without being 38
discharged from the victim's or representative's employment, 39
having the victim's or representative's employment terminated, 40
having the victim's or representative's pay decreased or 41
withheld, or otherwise being punished, penalized, or threatened 42
as a result of time lost from regular employment because of the 43
victim's or representative's attendance at the proceeding 44
pursuant to the subpoena, as set forth in section 2151.211, 45
2930.18, 2939.121, or 2945.451 of the Revised Code; 46

(2) The potential availability pursuant to section 47
2151.359 or 2152.61 of the Revised Code of a forfeited 48
recognizance to pay damages caused by a child when the 49
delinquency of the child or child's violation of probation or 50
community control is found to be proximately caused by the 51
failure of the child's parent or guardian to subject the child 52
to reasonable parental authority or to faithfully discharge the 53
conditions of probation or community control; 54

(3) The availability of awards of reparations pursuant to 55
sections 2743.51 to 2743.72 of the Revised Code for injuries 56
caused by criminal offenses; 57

(4) The right of the victim in certain criminal or 58
juvenile cases or a victim's representative to receive, pursuant 59
to section 2930.06 of the Revised Code, notice of the date, 60
time, and place of the trial or delinquency proceeding in the 61
case or, if there will not be a trial or delinquency proceeding, 62
information from the prosecutor, as defined in section 2930.01 63
of the Revised Code, regarding the disposition of the case; 64

(5) The right of the victim in certain criminal or 65
juvenile cases or a victim's representative to receive, pursuant 66
to section 2930.04, 2930.05, or 2930.06 of the Revised Code, 67
notice of the name of the person charged with the violation, the 68
case or docket number assigned to the charge, and a telephone 69
number or numbers that can be called to obtain information about 70
the disposition of the case; 71

(6) The right of the victim in certain criminal or 72
juvenile cases or of the victim's representative pursuant to 73
section 2930.13 or 2930.14 of the Revised Code, subject to any 74
reasonable terms set by the court as authorized under section 75
2930.14 of the Revised Code, to make a statement about the 76

victimization and, if applicable, a statement relative to the 77
sentencing or disposition of the offender; 78

(7) The opportunity to obtain a court order, pursuant to 79
section 2945.04 of the Revised Code, to prevent or stop the 80
commission of the offense of intimidation of a crime victim or 81
witness or an offense against the person or property of the 82
complainant, or of the complainant's ward or child; 83

(8) The right of the victim in certain criminal or 84
juvenile cases or a victim's representative pursuant to sections 85
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 86
Code to receive notice of a pending motion for judicial release, 87
release pursuant to section 2967.19 of the Revised Code, or 88
other early release of the person who committed the offense 89
against the victim, to make an oral or written statement at the 90
court hearing on the motion, and to be notified of the court's 91
decision on the motion; 92

(9) The right of the victim in certain criminal or 93
juvenile cases or a victim's representative pursuant to section 94
2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised 95
Code to receive notice of any pending commutation, pardon, 96
parole, transitional control, discharge, other form of 97
authorized release, post-release control, or supervised release 98
for the person who committed the offense against the victim or 99
any application for release of that person and to send a written 100
statement relative to the victimization and the pending action 101
to the adult parole authority or the release authority of the 102
department of youth services; 103

(10) The right of the victim to bring a civil action 104
pursuant to sections 2969.01 to 2969.06 of the Revised Code to 105
obtain money from the offender's profit fund; 106

(11) The right, pursuant to section 3109.09 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully damages property through the commission of an act that would be a theft offense, as defined in section 2913.01 of the Revised Code, if committed by an adult;

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

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

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

(15) The right of a victim of domestic violence, including domestic violence in a dating relationship as defined in section 3113.31 of the Revised Code, to seek the issuance of a civil protection order pursuant to that section, the right of a victim of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, 2913.88, or 2919.22 of the Revised Code, a violation of a substantially similar municipal ordinance, or an offense of

violence who is a family or household member of the offender at 137
the time of the offense to seek the issuance of a temporary 138
protection order pursuant to section 2919.26 of the Revised 139
Code, and the right of both types of victims to be accompanied 140
by a victim advocate during court proceedings; 141

(16) The right of a victim of a sexually oriented offense 142
or of a child-victim oriented offense that is committed by a 143
person who is convicted of, pleads guilty to, or is adjudicated 144
a delinquent child for committing the offense and who is in a 145
category specified in division (B) of section 2950.10 of the 146
Revised Code to receive, pursuant to that section, notice that 147
the person has registered with a sheriff under section 2950.04, 148
2950.041, or 2950.05 of the Revised Code and notice of the 149
person's name, the person's residence that is registered, and 150
the offender's school, institution of higher education, or place 151
of employment address or addresses that are registered, the 152
person's photograph, and a summary of the manner in which the 153
victim must make a request to receive the notice. As used in 154
this division, "sexually oriented offense" and "child-victim 155
oriented offense" have the same meanings as in section 2950.01 156
of the Revised Code. 157

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

offender who also is convicted of or pleads guilty to a 168
specification of the type described in section 2941.1418, 169
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 170
the violation pursuant to division (B) (2) (a), (b), or (c) of 171
section 2971.03 of the Revised Code, and of a victim of an 172
offense that is described in division (B) (3) (a), (b), (c), or 173
(d) of section 2971.03 of the Revised Code and is committed by 174
an offender who is sentenced pursuant to one of those divisions 175
to receive, pursuant to section 2930.16 of the Revised Code, 176
notice of a hearing to determine whether to modify the 177
requirement that the offender serve the entire prison term in a 178
state correctional facility, whether to continue, revise, or 179
revoke any existing modification of that requirement, or whether 180
to terminate the prison term. As used in this division, 181
"sexually violent offense" and "sexually violent predator 182
specification" have the same meanings as in section 2971.01 of 183
the Revised Code. 184

(B) (1) (a) Subject to division (B) (1) (c) of this section, a 185
prosecuting attorney, assistant prosecuting attorney, city 186
director of law, assistant city director of law, village 187
solicitor, assistant village solicitor, or similar chief legal 188
officer of a municipal corporation or an assistant of any of 189
those officers who prosecutes an offense committed in this 190
state, upon first contact with the victim of the offense, the 191
victim's family, or the victim's dependents, shall give the 192
victim, the victim's family, or the victim's dependents a copy 193
of the pamphlet prepared pursuant to division (A) of this 194
section and explain, upon request, the information in the 195
pamphlet to the victim, the victim's family, or the victim's 196
dependents. 197

(b) Subject to division (B) (1) (c) of this section, a law 198

enforcement agency that investigates an offense or delinquent 199
act committed in this state shall give the victim of the offense 200
or delinquent act, the victim's family, or the victim's 201
dependents a copy of the pamphlet prepared pursuant to division 202
(A) of this section at one of the following times: 203

(i) Upon first contact with the victim, the victim's 204
family, or the victim's dependents; 205

(ii) If the offense or delinquent act is an offense of 206
violence, if the circumstances of the offense or delinquent act 207
and the condition of the victim, the victim's family, or the 208
victim's dependents indicate that the victim, the victim's 209
family, or the victim's dependents will not be able to 210
understand the significance of the pamphlet upon first contact 211
with the agency, and if the agency anticipates that it will have 212
an additional contact with the victim, the victim's family, or 213
the victim's dependents, upon the agency's second contact with 214
the victim, the victim's family, or the victim's dependents. 215

If the agency does not give the victim, the victim's 216
family, or the victim's dependents a copy of the pamphlet upon 217
first contact with them and does not have a second contact with 218
the victim, the victim's family, or the victim's dependents, the 219
agency shall mail a copy of the pamphlet to the victim, the 220
victim's family, or the victim's dependents at their last known 221
address. 222

(c) In complying on and after December 9, 1994, with the 223
duties imposed by division (B) (1) (a) or (b) of this section, an 224
official or a law enforcement agency shall use copies of the 225
pamphlet that are in the official's or agency's possession on 226
December 9, 1994, until the official or agency has distributed 227
all of those copies. After the official or agency has 228

distributed all of those copies, the official or agency shall 229
use only copies of the pamphlet that contain at least the 230
information described in divisions (A) (1) to (17) of this 231
section. 232

(2) The failure of a law enforcement agency or of a 233
prosecuting attorney, assistant prosecuting attorney, city 234
director of law, assistant city director of law, village 235
solicitor, assistant village solicitor, or similar chief legal 236
officer of a municipal corporation or an assistant to any of 237
those officers to give, as required by division (B) (1) of this 238
section, the victim of an offense or delinquent act, the 239
victim's family, or the victim's dependents a copy of the 240
pamphlet prepared pursuant to division (A) of this section does 241
not give the victim, the victim's family, the victim's 242
dependents, or a victim's representative any rights under 243
section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 244
2969.06, 3109.09, or 3109.10 of the Revised Code or under any 245
other provision of the Revised Code and does not affect any 246
right under those sections. 247

(3) A law enforcement agency, a prosecuting attorney or 248
assistant prosecuting attorney, or a city director of law, 249
assistant city director of law, village solicitor, assistant 250
village solicitor, or similar chief legal officer of a municipal 251
corporation that distributes a copy of the pamphlet prepared 252
pursuant to division (A) of this section shall not be required 253
to distribute a copy of an information card or other printed 254
material provided by the clerk of the court of claims pursuant 255
to section 2743.71 of the Revised Code. 256

(C) The cost of printing and distributing the pamphlet 257
prepared pursuant to division (A) of this section shall be paid 258

out of the reparations fund, created pursuant to section	259
2743.191 of the Revised Code, in accordance with division (D) of	260
that section.	261
(D) As used in this section:	262
(1) "Victim's representative" has the same meaning as in	263
section 2930.01 of the Revised Code;	264
(2) "Victim advocate" has the same meaning as in section	265
2919.26 of the Revised Code.	266
Sec. 109.572. (A) (1) Upon receipt of a request pursuant to	267
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised	268
Code, a completed form prescribed pursuant to division (C) (1) of	269
this section, and a set of fingerprint impressions obtained in	270
the manner described in division (C) (2) of this section, the	271
superintendent of the bureau of criminal identification and	272
investigation shall conduct a criminal records check in the	273
manner described in division (B) of this section to determine	274
whether any information exists that indicates that the person	275
who is the subject of the request previously has been convicted	276
of or pleaded guilty to any of the following:	277
(a) A violation of section 2903.01, 2903.02, 2903.03,	278
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,	279
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,	280
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,	281
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323,	282
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24,	283
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04,	284
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious	285
sexual penetration in violation of former section 2907.12 of the	286
Revised Code, a violation of section 2905.04 of the Revised Code	287

as it existed prior to July 1, 1996, a violation of section 288
2919.23 of the Revised Code that would have been a violation of 289
section 2905.04 of the Revised Code as it existed prior to July 290
1, 1996, had the violation been committed prior to that date, or 291
a violation of section 2925.11 of the Revised Code that is not a 292
minor drug possession offense; 293

(b) A violation of an existing or former law of this 294
state, any other state, or the United States that is 295
substantially equivalent to any of the offenses listed in 296
division (A) (1) (a) of this section; 297

(c) If the request is made pursuant to section 3319.39 of 298
the Revised Code for an applicant who is a teacher, any offense 299
specified in section 3319.31 of the Revised Code. 300

(2) On receipt of a request pursuant to section 3712.09 or 301
3721.121 of the Revised Code, a completed form prescribed 302
pursuant to division (C) (1) of this section, and a set of 303
fingerprint impressions obtained in the manner described in 304
division (C) (2) of this section, the superintendent of the 305
bureau of criminal identification and investigation shall 306
conduct a criminal records check with respect to any person who 307
has applied for employment in a position for which a criminal 308
records check is required by those sections. The superintendent 309
shall conduct the criminal records check in the manner described 310
in division (B) of this section to determine whether any 311
information exists that indicates that the person who is the 312
subject of the request previously has been convicted of or 313
pleaded guilty to any of the following: 314

(a) A violation of section 2903.01, 2903.02, 2903.03, 315
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 316
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 317

2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 318
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 319
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 320
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2913.87 to 321
2913.92, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 322
2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 323
Revised Code; 324

(b) An existing or former law of this state, any other 325
state, or the United States that is substantially equivalent to 326
any of the offenses listed in division (A) (2) (a) of this 327
section. 328

(3) On receipt of a request pursuant to section 173.27, 329
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 330
5123.081, or 5123.169 of the Revised Code, a completed form 331
prescribed pursuant to division (C) (1) of this section, and a 332
set of fingerprint impressions obtained in the manner described 333
in division (C) (2) of this section, the superintendent of the 334
bureau of criminal identification and investigation shall 335
conduct a criminal records check of the person for whom the 336
request is made. The superintendent shall conduct the criminal 337
records check in the manner described in division (B) of this 338
section to determine whether any information exists that 339
indicates that the person who is the subject of the request 340
previously has been convicted of, has pleaded guilty to, or 341
(except in the case of a request pursuant to section 5164.34, 342
5164.341, or 5164.342 of the Revised Code) has been found 343
eligible for intervention in lieu of conviction for any of the 344
following, regardless of the date of the conviction, the date of 345
entry of the guilty plea, or (except in the case of a request 346
pursuant to section 5164.34, 5164.341, or 5164.342 of the 347
Revised Code) the date the person was found eligible for 348

intervention in lieu of conviction:	349
(a) A violation of section 959.13, 959.131, 2903.01,	350
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13,	351
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341,	352
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33,	353
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	354
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31,	355
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,	356
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	357
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	358
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	359
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	360
2913.49, 2913.51, <u>2913.87 to 2913.92</u> , 2917.01, 2917.02, 2917.03,	361
2917.31, 2919.12, 2919.121, 2919.123, 2919.124, 2919.22,	362
2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 2921.13,	363
2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 2921.36,	364
2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161,	365
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04,	366
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14,	367
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56,	368
2927.12, or 3716.11 of the Revised Code;	369
(b) Felonious sexual penetration in violation of former	370
section 2907.12 of the Revised Code;	371
(c) A violation of section 2905.04 of the Revised Code as	372
it existed prior to July 1, 1996;	373
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	374
the Revised Code when the underlying offense that is the object	375
of the conspiracy, attempt, or complicity is one of the offenses	376
listed in divisions (A) (3) (a) to (c) of this section;	377

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

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

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense,

two or more OVI or OVUAC violations committed within the three 409
years immediately preceding the submission of the application or 410
petition that is the basis of the request, or felonious sexual 411
penetration in violation of former section 2907.12 of the 412
Revised Code; 413

(b) A violation of an existing or former law of this 414
state, any other state, or the United States that is 415
substantially equivalent to any of the offenses listed in 416
division (A)(4)(a) of this section. 417

(5) Upon receipt of a request pursuant to section 5104.013 418
of the Revised Code, a completed form prescribed pursuant to 419
division (C)(1) of this section, and a set of fingerprint 420
impressions obtained in the manner described in division (C)(2) 421
of this section, the superintendent of the bureau of criminal 422
identification and investigation shall conduct a criminal 423
records check in the manner described in division (B) of this 424
section to determine whether any information exists that 425
indicates that the person who is the subject of the request has 426
been convicted of or pleaded guilty to any of the following: 427

(a) A violation of section 2151.421, 2903.01, 2903.02, 428
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 429
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 430
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 431
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 432
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 433
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 434
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 435
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 436
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 437
2913.48, 2913.49, 2913.87 to 2913.92, 2917.01, 2917.02, 2917.03, 438

2917.31, 2919.12, 2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 439
2921.03, 2921.11, 2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 440
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 441
2925.06, or 3716.11 of the Revised Code, felonious sexual 442
penetration in violation of former section 2907.12 of the 443
Revised Code, a violation of section 2905.04 of the Revised Code 444
as it existed prior to July 1, 1996, a violation of section 445
2919.23 of the Revised Code that would have been a violation of 446
section 2905.04 of the Revised Code as it existed prior to July 447
1, 1996, had the violation been committed prior to that date, a 448
violation of section 2925.11 of the Revised Code that is not a 449
minor drug possession offense, a violation of section 2923.02 or 450
2923.03 of the Revised Code that relates to a crime specified in 451
this division, or a second violation of section 4511.19 of the 452
Revised Code within five years of the date of application for 453
licensure or certification. 454

(b) A violation of an existing or former law of this 455
state, any other state, or the United States that is 456
substantially equivalent to any of the offenses or violations 457
described in division (A) (5) (a) of this section. 458

(6) Upon receipt of a request pursuant to section 5153.111 459
of the Revised Code, a completed form prescribed pursuant to 460
division (C) (1) of this section, and a set of fingerprint 461
impressions obtained in the manner described in division (C) (2) 462
of this section, the superintendent of the bureau of criminal 463
identification and investigation shall conduct a criminal 464
records check in the manner described in division (B) of this 465
section to determine whether any information exists that 466
indicates that the person who is the subject of the request 467
previously has been convicted of or pleaded guilty to any of the 468
following: 469

(a) A violation of section 2903.01, 2903.02, 2903.03, 470
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 471
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 472
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 473
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 474
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 475
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 476
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 477
Code, felonious sexual penetration in violation of former 478
section 2907.12 of the Revised Code, a violation of section 479
2905.04 of the Revised Code as it existed prior to July 1, 1996, 480
a violation of section 2919.23 of the Revised Code that would 481
have been a violation of section 2905.04 of the Revised Code as 482
it existed prior to July 1, 1996, had the violation been 483
committed prior to that date, or a violation of section 2925.11 484
of the Revised Code that is not a minor drug possession offense; 485

(b) A violation of an existing or former law of this 486
state, any other state, or the United States that is 487
substantially equivalent to any of the offenses listed in 488
division (A) (6) (a) of this section. 489

(7) On receipt of a request for a criminal records check 490
from an individual pursuant to section 4749.03 or 4749.06 of the 491
Revised Code, accompanied by a completed copy of the form 492
prescribed in division (C) (1) of this section and a set of 493
fingerprint impressions obtained in a manner described in 494
division (C) (2) of this section, the superintendent of the 495
bureau of criminal identification and investigation shall 496
conduct a criminal records check in the manner described in 497
division (B) of this section to determine whether any 498
information exists indicating that the person who is the subject 499
of the request has been convicted of or pleaded guilty to a 500

felony in this state or in any other state. If the individual 501
indicates that a firearm will be carried in the course of 502
business, the superintendent shall require information from the 503
federal bureau of investigation as described in division (B) (2) 504
of this section. Subject to division (F) of this section, the 505
superintendent shall report the findings of the criminal records 506
check and any information the federal bureau of investigation 507
provides to the director of public safety. 508

(8) On receipt of a request pursuant to section 1321.37, 509
1321.53, or 4763.05 of the Revised Code, a completed form 510
prescribed pursuant to division (C) (1) of this section, and a 511
set of fingerprint impressions obtained in the manner described 512
in division (C) (2) of this section, the superintendent of the 513
bureau of criminal identification and investigation shall 514
conduct a criminal records check with respect to any person who 515
has applied for a license, permit, or certification from the 516
department of commerce or a division in the department. The 517
superintendent shall conduct the criminal records check in the 518
manner described in division (B) of this section to determine 519
whether any information exists that indicates that the person 520
who is the subject of the request previously has been convicted 521
of or pleaded guilty to any of the following: a violation of 522
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 523
Revised Code; any other criminal offense involving theft, 524
receiving stolen property, embezzlement, forgery, fraud, passing 525
bad checks, money laundering, or drug trafficking, or any 526
criminal offense involving money or securities, as set forth in 527
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 528
the Revised Code; or any existing or former law of this state, 529
any other state, or the United States that is substantially 530
equivalent to those offenses. 531

(9) On receipt of a request for a criminal records check 532
from the treasurer of state under section 113.041 of the Revised 533
Code or from an individual under section 928.03, 4701.08, 534
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 535
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 536
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 537
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 538
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 539
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 540
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 541
Code, accompanied by a completed form prescribed under division 542
(C) (1) of this section and a set of fingerprint impressions 543
obtained in the manner described in division (C) (2) of this 544
section, the superintendent of the bureau of criminal 545
identification and investigation shall conduct a criminal 546
records check in the manner described in division (B) of this 547
section to determine whether any information exists that 548
indicates that the person who is the subject of the request has 549
been convicted of or pleaded guilty to any criminal offense in 550
this state or any other state. Subject to division (F) of this 551
section, the superintendent shall send the results of a check 552
requested under section 113.041 of the Revised Code to the 553
treasurer of state and shall send the results of a check 554
requested under any of the other listed sections to the 555
licensing board specified by the individual in the request. 556

(10) On receipt of a request pursuant to section 124.74, 557
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 558
Code, a completed form prescribed pursuant to division (C) (1) of 559
this section, and a set of fingerprint impressions obtained in 560
the manner described in division (C) (2) of this section, the 561
superintendent of the bureau of criminal identification and 562

investigation shall conduct a criminal records check in the 563
manner described in division (B) of this section to determine 564
whether any information exists that indicates that the person 565
who is the subject of the request previously has been convicted 566
of or pleaded guilty to any criminal offense under any existing 567
or former law of this state, any other state, or the United 568
States. 569

(11) On receipt of a request for a criminal records check 570
from an appointing or licensing authority under section 3772.07 571
of the Revised Code, a completed form prescribed under division 572
(C)(1) of this section, and a set of fingerprint impressions 573
obtained in the manner prescribed in division (C)(2) of this 574
section, the superintendent of the bureau of criminal 575
identification and investigation shall conduct a criminal 576
records check in the manner described in division (B) of this 577
section to determine whether any information exists that 578
indicates that the person who is the subject of the request 579
previously has been convicted of or pleaded guilty or no contest 580
to any offense under any existing or former law of this state, 581
any other state, or the United States that is a disqualifying 582
offense as defined in section 3772.07 of the Revised Code or 583
substantially equivalent to such an offense. 584

(12) On receipt of a request pursuant to section 2151.33 585
or 2151.412 of the Revised Code, a completed form prescribed 586
pursuant to division (C)(1) of this section, and a set of 587
fingerprint impressions obtained in the manner described in 588
division (C)(2) of this section, the superintendent of the 589
bureau of criminal identification and investigation shall 590
conduct a criminal records check with respect to any person for 591
whom a criminal records check is required under that section. 592
The superintendent shall conduct the criminal records check in 593

the manner described in division (B) of this section to 594
determine whether any information exists that indicates that the 595
person who is the subject of the request previously has been 596
convicted of or pleaded guilty to any of the following: 597

(a) A violation of section 2903.01, 2903.02, 2903.03, 598
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 599
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 600
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 601
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 602
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 603
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2913.87 to 604
2913.92, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 605
2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 606
Revised Code; 607

(b) An existing or former law of this state, any other 608
state, or the United States that is substantially equivalent to 609
any of the offenses listed in division (A)(12)(a) of this 610
section. 611

(13) On receipt of a request pursuant to section 3796.12 612
of the Revised Code, a completed form prescribed pursuant to 613
division (C)(1) of this section, and a set of fingerprint 614
impressions obtained in a manner described in division (C)(2) of 615
this section, the superintendent of the bureau of criminal 616
identification and investigation shall conduct a criminal 617
records check in the manner described in division (B) of this 618
section to determine whether any information exists that 619
indicates that the person who is the subject of the request 620
previously has been convicted of or pleaded guilty to the 621
following: 622

(a) A disqualifying offense as specified in rules adopted 623

under division (B) (2) (b) of section 3796.03 of the Revised Code 624
if the person who is the subject of the request is an 625
administrator or other person responsible for the daily 626
operation of, or an owner or prospective owner, officer or 627
prospective officer, or board member or prospective board member 628
of, an entity seeking a license from the department of commerce 629
under Chapter 3796. of the Revised Code; 630

(b) A disqualifying offense as specified in rules adopted 631
under division (B) (2) (b) of section 3796.04 of the Revised Code 632
if the person who is the subject of the request is an 633
administrator or other person responsible for the daily 634
operation of, or an owner or prospective owner, officer or 635
prospective officer, or board member or prospective board member 636
of, an entity seeking a license from the state board of pharmacy 637
under Chapter 3796. of the Revised Code. 638

(14) On receipt of a request required by section 3796.13 639
of the Revised Code, a completed form prescribed pursuant to 640
division (C) (1) of this section, and a set of fingerprint 641
impressions obtained in a manner described in division (C) (2) of 642
this section, the superintendent of the bureau of criminal 643
identification and investigation shall conduct a criminal 644
records check in the manner described in division (B) of this 645
section to determine whether any information exists that 646
indicates that the person who is the subject of the request 647
previously has been convicted of or pleaded guilty to the 648
following: 649

(a) A disqualifying offense as specified in rules adopted 650
under division (B) (8) (a) of section 3796.03 of the Revised Code 651
if the person who is the subject of the request is seeking 652
employment with an entity licensed by the department of commerce 653

under Chapter 3796. of the Revised Code; 654

(b) A disqualifying offense as specified in rules adopted 655
under division (B) (14) (a) of section 3796.04 of the Revised Code 656
if the person who is the subject of the request is seeking 657
employment with an entity licensed by the state board of 658
pharmacy under Chapter 3796. of the Revised Code. 659

(15) On receipt of a request pursuant to section 4768.06 660
of the Revised Code, a completed form prescribed under division 661
(C) (1) of this section, and a set of fingerprint impressions 662
obtained in the manner described in division (C) (2) of this 663
section, the superintendent of the bureau of criminal 664
identification and investigation shall conduct a criminal 665
records check in the manner described in division (B) of this 666
section to determine whether any information exists indicating 667
that the person who is the subject of the request has been 668
convicted of or pleaded guilty to a felony in this state or in 669
any other state. 670

(16) On receipt of a request pursuant to division (B) of 671
section 4764.07 or division (A) of section 4735.143 of the 672
Revised Code, a completed form prescribed under division (C) (1) 673
of this section, and a set of fingerprint impressions obtained 674
in the manner described in division (C) (2) of this section, the 675
superintendent of the bureau of criminal identification and 676
investigation shall conduct a criminal records check in the 677
manner described in division (B) of this section to determine 678
whether any information exists indicating that the person who is 679
the subject of the request has been convicted of or pleaded 680
guilty to any crime of moral turpitude, a felony, or an 681
equivalent offense in any other state or the United States. 682

(17) On receipt of a request for a criminal records check 683

under section 147.022 of the Revised Code, a completed form 684
prescribed under division (C)(1) of this section, and a set of 685
fingerprint impressions obtained in the manner prescribed in 686
division (C)(2) of this section, the superintendent of the 687
bureau of criminal identification and investigation shall 688
conduct a criminal records check in the manner described in 689
division (B) of this section to determine whether any 690
information exists that indicates that the person who is the 691
subject of the request previously has been convicted of or 692
pleaded guilty or no contest to any disqualifying offense, as 693
defined in section 147.011 of the Revised Code, or to any 694
offense under any existing or former law of this state, any 695
other state, or the United States that is substantially 696
equivalent to such a disqualifying offense. 697

(B) Subject to division (F) of this section, the 698
superintendent shall conduct any criminal records check to be 699
conducted under this section as follows: 700

(1) The superintendent shall review or cause to be 701
reviewed any relevant information gathered and compiled by the 702
bureau under division (A) of section 109.57 of the Revised Code 703
that relates to the person who is the subject of the criminal 704
records check, including, if the criminal records check was 705
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 706
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 707
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 708
3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 709
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 710
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 711
5153.111 of the Revised Code, any relevant information contained 712
in records that have been sealed under section 2953.32 of the 713
Revised Code; 714

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

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

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

(5) The superintendent shall send the results of the criminal records check to the person to whom it is to be sent

not later than the following number of days after the date the 745
superintendent receives the request for the criminal records 746
check, the completed form prescribed under division (C) (1) of 747
this section, and the set of fingerprint impressions obtained in 748
the manner described in division (C) (2) of this section: 749

(a) If the superintendent is required by division (A) of 750
this section (other than division (A) (3) of this section) to 751
conduct the criminal records check, thirty; 752

(b) If the superintendent is required by division (A) (3) 753
of this section to conduct the criminal records check, sixty. 754

(C) (1) The superintendent shall prescribe a form to obtain 755
the information necessary to conduct a criminal records check 756
from any person for whom a criminal records check is to be 757
conducted under this section. The form that the superintendent 758
prescribes pursuant to this division may be in a tangible 759
format, in an electronic format, or in both tangible and 760
electronic formats. 761

(2) The superintendent shall prescribe standard impression 762
sheets to obtain the fingerprint impressions of any person for 763
whom a criminal records check is to be conducted under this 764
section. Any person for whom a records check is to be conducted 765
under this section shall obtain the fingerprint impressions at a 766
county sheriff's office, municipal police department, or any 767
other entity with the ability to make fingerprint impressions on 768
the standard impression sheets prescribed by the superintendent. 769
The office, department, or entity may charge the person a 770
reasonable fee for making the impressions. The standard 771
impression sheets the superintendent prescribes pursuant to this 772
division may be in a tangible format, in an electronic format, 773
or in both tangible and electronic formats. 774

(3) Subject to division (D) of this section, the 775
superintendent shall prescribe and charge a reasonable fee for 776
providing a criminal records check under this section. The 777
person requesting the criminal records check shall pay the fee 778
prescribed pursuant to this division. In the case of a request 779
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 780
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 781
fee shall be paid in the manner specified in that section. 782

(4) The superintendent of the bureau of criminal 783
identification and investigation may prescribe methods of 784
forwarding fingerprint impressions and information necessary to 785
conduct a criminal records check, which methods shall include, 786
but not be limited to, an electronic method. 787

(D) The results of a criminal records check conducted 788
under this section, other than a criminal records check 789
specified in division (A)(7) of this section, are valid for the 790
person who is the subject of the criminal records check for a 791
period of one year from the date upon which the superintendent 792
completes the criminal records check. If during that period the 793
superintendent receives another request for a criminal records 794
check to be conducted under this section for that person, the 795
superintendent shall provide the results from the previous 796
criminal records check of the person at a lower fee than the fee 797
prescribed for the initial criminal records check. 798

(E) When the superintendent receives a request for 799
information from a registered private provider, the 800
superintendent shall proceed as if the request was received from 801
a school district board of education under section 3319.39 of 802
the Revised Code. The superintendent shall apply division (A)(1) 803
(c) of this section to any such request for an applicant who is 804

a teacher. 805

(F) (1) Subject to division (F) (2) of this section, all 806
information regarding the results of a criminal records check 807
conducted under this section that the superintendent reports or 808
sends under division (A) (7) or (9) of this section to the 809
director of public safety, the treasurer of state, or the 810
person, board, or entity that made the request for the criminal 811
records check shall relate to the conviction of the subject 812
person, or the subject person's plea of guilty to, a criminal 813
offense. 814

(2) Division (F) (1) of this section does not limit, 815
restrict, or preclude the superintendent's release of 816
information that relates to the arrest of a person who is 817
eighteen years of age or older, to an adjudication of a child as 818
a delinquent child, or to a criminal conviction of a person 819
under eighteen years of age in circumstances in which a release 820
of that nature is authorized under division (E) (2), (3), or (4) 821
of section 109.57 of the Revised Code pursuant to a rule adopted 822
under division (E) (1) of that section. 823

(G) As used in this section: 824

(1) "Criminal records check" means any criminal records 825
check conducted by the superintendent of the bureau of criminal 826
identification and investigation in accordance with division (B) 827
of this section. 828

(2) "Minor drug possession offense" has the same meaning 829
as in section 2925.01 of the Revised Code. 830

(3) "OVI or OVUAC violation" means a violation of section 831
4511.19 of the Revised Code or a violation of an existing or 832
former law of this state, any other state, or the United States 833

that is substantially equivalent to section 4511.19 of the Revised Code.

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

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

(B) For purposes of an investigation under division (A) of this section, the attorney general may issue subpoenas and subpoenas duces tecum. The attorney general may compel the attendance of witnesses and the production of records and papers of all kinds and descriptions that are relevant to the investigation, including, but not limited to, any books, accounts, documents, and memoranda pertaining to the subject of the investigation. Upon the failure of any person to comply with any subpoena or subpoena duces tecum issued by the attorney general under this section, the attorney general may apply to the court of common pleas in Franklin county or in any county in which an element of the crime occurred for a contempt order as in the case of disobedience of the requirements of a subpoena issued from the court of common pleas or a refusal to testify on a subpoena. A subpoena or subpoena duces tecum issued by the attorney general under this section to a provider of electronic

communication services or remote computing services shall be 864
subject to the limitations set forth in the "Electronic 865
Communications Privacy Act of 1986," 18 U.S.C. 2703. 866

(C) Any information gathered by the attorney general 867
during the course of the investigation that is in the possession 868
of the attorney general, a prosecuting attorney, a law 869
enforcement agency, or a special prosecutor is a confidential 870
law enforcement investigatory record for purposes of section 871
149.43 of the Revised Code. No provision contained in this 872
section affects or limits any right of discovery granted to any 873
person under the Revised Code, the Rules of Criminal Procedure, 874
or the Rules of Juvenile Procedure. 875

Sec. 901.511. (A) As used in this section: 876

(1) "Agricultural product" means any of the following 877
items that is produced for testing or research in the context of 878
a product development program in conjunction or coordination 879
with a private research facility, a university, or any federal, 880
state, or local governmental agency or that is produced for 881
personal, commercial, pharmaceutical, or educational purposes: 882
field crop or field crop product; timber or timber product; 883
forestry product; livestock or livestock product; meat or meat 884
product; milk or dairy product; poultry or poultry product; 885
equine animal; wool; fruit or vegetable crop; aquacultural 886
product; algacultural product; horticultural crop, including 887
plant materials grown in a greenhouse, nursery stock grown 888
inside or outside of a container, ornamental grass, turf grass, 889
ornamental trees, ornamental shrubs, or flowers; sod; mushrooms; 890
viticultural product; apicultural product; tobacco; pasture; 891
wild animal or domestic deer, as "wild animal" and "domestic 892
deer" are defined in section 1531.01 of the Revised Code; 893

monitored captive deer, captive deer with status, or captive 894
deer with certified chronic wasting disease status as defined in 895
section 943.01 of the Revised Code; or any combination of those 896
items. 897

(2) "Algacultural product" means algal paste, algal 898
powder, or dried algae that is comprised primarily of algal 899
biomass. 900

(3) "Equipment" means any implement, machinery, real or 901
personal property, building, or structure that is used in the 902
production, growing, harvesting, or housing of any agricultural 903
product. "Equipment" also includes any laboratory, research, 904
product, samples, supplies, or fixed equipment that is used to 905
test, develop, or analyze the process of producing, growing, or 906
maintaining any agricultural product. 907

(4) "Material support or resources" means currency, 908
payment instruments, other financial securities, financial 909
services, lodging, training, safehouses, false documentation or 910
identification, communications equipment, facilities, weapons, 911
lethal substances, explosives, personnel, transportation, and 912
other physical assets, except medicine or religious materials. 913

(5) "Payment instrument" means a check, draft, money 914
order, traveler's check, cashier's check, teller's check, or 915
other instrument or order for the transmission or payment of 916
money regardless of whether the item in question is negotiable. 917

(6) "Specified offense" means either of the following: 918

(a) A violation of section 2909.02, 2909.03, 2909.05, 919
2909.06, 2909.07, 2911.13, 2911.21, 2913.02, 2913.04, ~~or~~ 920
2913.42, or 2913.87 to 2913.92 of the Revised Code; 921

(b) An attempt to commit, complicity in committing, or a 922

conspiracy to commit an offense listed in division (A) (5) (a) of this section.	923 924
(B) No person shall commit a specified offense involving any agricultural product or equipment with the intent to do any of the following:	925 926 927
(1) Intimidate or coerce a civilian population;	928
(2) Influence the policy of any government by intimidation or coercion;	929 930
(3) Affect the conduct of any government;	931
(4) Interrupt or interfere with agricultural production, agricultural research, or equipment for purposes of disrupting or influencing, through intimidation or other means, consumer confidence or agricultural production methods.	932 933 934 935
Division (B) of this section does not apply to the practice of veterinary medicine by a person who has been issued a valid license, temporary permit, or registration certificate to practice veterinary medicine under Chapter 4741. of the Revised Code. As used in this division, "practice of veterinary medicine" has the same meaning as in section 4741.01 of the Revised Code.	936 937 938 939 940 941 942
(C) No person shall raise, solicit, collect, donate, or provide any material support or resources with the purpose that the material support or resources will be used in whole or in part to plan, prepare, carry out, or aid in either a violation of division (B) of this section or in the concealment of, or an escape from, a violation of that division.	943 944 945 946 947 948
(D) (1) In addition to the penalties established in section 901.99 of the Revised Code for a violation of this section, the	949 950

court may require any person who violates this section to pay 951
the victim of the offense an amount up to triple the value of 952
the agricultural product or equipment that was the subject of 953
the violation. 954

(2) In ordering restitution under division (D)(1) of this 955
section, the court shall consider as part of the value of the 956
agricultural product or equipment the market value of the 957
agricultural product or equipment prior to the violation and the 958
production, research, testing, replacement, and development 959
costs directly related to the agricultural product or equipment 960
that was the subject of the violation. 961

(E) The enactment of this section is not intended to 962
require the prosecution exclusively under this section of an 963
act, series of acts, or course of behavior that could be 964
prosecuted either under this section or under another section of 965
the Revised Code. One or more acts, series of acts, or courses 966
of behavior that may be prosecuted either under this section or 967
under another section of the Revised Code may be prosecuted 968
under this section, the other section, or both sections. 969

Sec. 2137.14. (A) The legal duties imposed on a fiduciary 970
charged with managing tangible property apply to the management 971
of digital assets, including all of the following: 972

(1) The duty of care; 973

(2) The duty of loyalty; 974

(3) The duty of confidentiality. 975

(B) All of the following apply to a fiduciary's or 976
designated recipient's authority with respect to a digital asset 977
of a user: 978

(1) Except as otherwise provided in section 2137.03 of the Revised Code, it is subject to the applicable terms of service.	979 980
(2) It is subject to other applicable laws, including copyright law.	981 982
(3) In the case of a fiduciary, it is limited by the scope of the fiduciary's duties.	983 984
(4) It may not be used to impersonate the user.	985
(C) A fiduciary with authority over the property of a decedent, ward, principal, or settlor has the right to access any digital asset in which the decedent, ward, principal, or settlor had a right or interest and that is not held by a custodian or subject to a terms-of-service agreement.	986 987 988 989 990
(D) A fiduciary acting within the scope of the fiduciary's duties is an authorized user of the property of the decedent, ward, principal, or settlor for the purpose of applicable computer fraud and unauthorized computer access laws, including section 2913.04 <u>2913.87</u> of the Revised Code.	991 992 993 994 995
(E) Both of the following apply to a fiduciary with authority over the tangible, personal property of a decedent, ward, principal, or settlor:	996 997 998
(1) The fiduciary has the right to access the property and any digital asset stored in it.	999 1000
(2) The fiduciary is an authorized user for the purpose of computer fraud and unauthorized computer access laws, including section 2913.04 <u>2913.87</u> of the Revised Code.	1001 1002 1003
(F) A custodian may disclose information in an account to a fiduciary of the user when the information is required to terminate an account used to access digital assets licensed to	1004 1005 1006

the user. 1007

(G) A fiduciary of a user may request a custodian to 1008
terminate the user's account. A request for termination shall be 1009
in writing, in either physical or electronic form, and 1010
accompanied by all of the following: 1011

(1) If the user is deceased, a copy of the death 1012
certificate of the user; 1013

(2) A copy of the instrument giving the fiduciary 1014
authority over the account, as follows: 1015

(a) For a personal representative, a copy of the letter of 1016
appointment of the personal representative, the entry appointing 1017
a commissioner under division (E) of section 2113.03 of the 1018
Revised Code, or the entry granting summary release from 1019
administration under division (E) of section 2113.031 of the 1020
Revised Code; 1021

(b) For an agent, a copy of the power of attorney; 1022

(c) For a trustee, either a copy of the trust instrument 1023
and a certification by the trustee, under penalty of perjury, 1024
that the trust exists and the trustee is a currently acting 1025
trustee of the trust or a certification of the trust under 1026
section 5810.13 of the Revised Code; or 1027

(d) For a guardian, a copy of the court order giving the 1028
guardian authority over the ward. 1029

(3) If requested by the custodian, any of the following: 1030

(a) A number, username, address, or other unique 1031
subscriber or account identifier assigned by the custodian to 1032
identify the user's account; 1033

(b) Evidence linking the account to the user;	1034
(c) A finding by the court that the user had a specific	1035
account with the custodian, identifiable by the information	1036
specified in division (G) (3) (a) of this section.	1037
Sec. 2909.07. (A) No person shall:	1038
(1) Without privilege to do so, knowingly move, deface,	1039
damage, destroy, or otherwise improperly tamper with either of	1040
the following:	1041
(a) The property of another;	1042
(b) One's own residential real property with the purpose	1043
to decrease the value of or enjoyment of the residential real	1044
property, if both of the following apply:	1045
(i) The residential real property is subject to a	1046
mortgage.	1047
(ii) The person has been served with a summons and	1048
complaint in a pending residential mortgage loan foreclosure	1049
action relating to that real property. As used in this division,	1050
"pending" includes the time between judgment entry and	1051
confirmation of sale.	1052
(2) With purpose to interfere with the use or enjoyment of	1053
property of another, employ a tear gas device, stink bomb, smoke	1054
generator, or other device releasing a substance that is harmful	1055
or offensive to persons exposed or that tends to cause public	1056
alarm;	1057
(3) Without privilege to do so, knowingly move, deface,	1058
damage, destroy, or otherwise improperly tamper with a bench	1059
mark, triangulation station, boundary marker, or other survey	1060
station, monument, or marker;	1061

(4) Without privilege to do so, knowingly move, deface, 1062
damage, destroy, or otherwise improperly tamper with any safety 1063
device, the property of another, or the property of the offender 1064
when required or placed for the safety of others, so as to 1065
destroy or diminish its effectiveness or availability for its 1066
intended purpose; 1067

(5) With purpose to interfere with the use or enjoyment of 1068
the property of another, set a fire on the land of another or 1069
place personal property that has been set on fire on the land of 1070
another, which fire or personal property is outside and apart 1071
from any building, other structure, or personal property that is 1072
on that land; 1073

~~(6) Without privilege to do so, and with intent to impair 1074
the functioning of any computer, computer system, computer 1075
network, computer software, or computer program, knowingly do 1076
any of the following: 1077~~

~~(a) In any manner or by any means, including, but not 1078
limited to, computer hacking, alter, damage, destroy, or modify 1079
a computer, computer system, computer network, computer 1080
software, or computer program or data contained in a computer, 1081
computer system, computer network, computer software, or 1082
computer program; 1083~~

~~(b) Introduce a computer contaminant into a computer, 1084
computer system, computer network, computer software, or 1085
computer program. 1086~~

~~(7) Without privilege to do so, knowingly destroy or 1087
improperly tamper with a critical infrastructure facility. 1088~~

(B) As used in this section: 1089

(1) "Safety device" means any fire extinguisher, fire 1090

hose, or fire axe, or any fire escape, emergency exit, or 1091
emergency escape equipment, or any life line, life-saving ring, 1092
life preserver, or life boat or raft, or any alarm, light, 1093
flare, signal, sign, or notice intended to warn of danger or 1094
emergency, or intended for other safety purposes, or any guard 1095
railing or safety barricade, or any traffic sign or signal, or 1096
any railroad grade crossing sign, signal, or gate, or any first 1097
aid or survival equipment, or any other device, apparatus, or 1098
equipment intended for protecting or preserving the safety of 1099
persons or property. 1100

(2) "Critical infrastructure facility" has the same 1101
meaning as in section 2911.21 of the Revised Code. 1102

(3) "Improperly tamper" means to change the physical 1103
location or the physical condition of the property. 1104

(C) (1) Whoever violates this section is guilty of criminal 1105
mischief, ~~and shall be punished as provided in division (C) (2),~~ 1106
~~(3), or (4) of this section.~~ 1107

(2) Except as otherwise provided in this division, 1108
criminal mischief committed in violation of division (A) (1), 1109
(2), (3), (4), or (5) of this section is a misdemeanor of the 1110
third degree. Except as otherwise provided in this division, if 1111
the violation ~~of division (A) (1), (2), (3), (4), or (5) of this~~ 1112
~~section~~ creates a risk of physical harm to any person, criminal 1113
mischief ~~committed in violation of division (A) (1), (2), (3),~~ 1114
~~(4), or (5) of this section~~ is a misdemeanor of the first 1115
degree. If the property involved in the violation ~~of division~~ 1116
~~(A) (1), (2), (3), (4), or (5) of this section~~ is an aircraft, an 1117
aircraft engine, propeller, appliance, spare part, fuel, 1118
lubricant, hydraulic fluid, any other equipment, implement, or 1119
material used or intended to be used in the operation of an 1120

aircraft, or any cargo carried or intended to be carried in an 1121
aircraft, criminal mischief ~~committed in violation of division~~ 1122
~~(A) (1), (2), (3), (4), or (5) of this section~~ is one of the 1123
following: 1124

(a) If the violation creates a risk of physical harm to 1125
any person, except as otherwise provided in division (C) (2) (b) 1126
of this section, criminal mischief ~~committed in violation of~~ 1127
~~division (A) (1), (2), (3), (4), or (5) of this section~~ is a 1128
felony of the fifth degree. 1129

(b) If the violation creates a substantial risk of 1130
physical harm to any person or if the property involved in a 1131
violation of this section is an occupied aircraft, criminal 1132
mischief ~~committed in violation of division (A) (1), (2), (3),~~ 1133
~~(4), or (5) of this section~~ is a felony of the fourth degree. 1134

(3) ~~Except as otherwise provided in this division,~~ 1135
~~criminal mischief committed in violation of division (A) (6) of~~ 1136
~~this section is a misdemeanor of the first degree. Except as~~ 1137
~~otherwise provided in this division, if the value of the~~ 1138
~~computer, computer system, computer network, computer software,~~ 1139
~~computer program, or data involved in the violation of division~~ 1140
~~(A) (6) of this section or the loss to the victim resulting from~~ 1141
~~the violation is one thousand dollars or more and less than ten~~ 1142
~~thousand dollars, or if the computer, computer system, computer~~ 1143
~~network, computer software, computer program, or data involved~~ 1144
~~in the violation of division (A) (6) of this section is used or~~ 1145
~~intended to be used in the operation of an aircraft and the~~ 1146
~~violation creates a risk of physical harm to any person,~~ 1147
~~criminal mischief committed in violation of division (A) (6) of~~ 1148
~~this section is a felony of the fifth degree. If the value of~~ 1149
~~the computer, computer system, computer network, computer~~ 1150

~~software, computer program, or data involved in the violation of~~ 1151
~~division (A) (6) of this section or the loss to the victim~~ 1152
~~resulting from the violation is ten thousand dollars or more, or~~ 1153
~~if the computer, computer system, computer network, computer~~ 1154
~~software, computer program, or data involved in the violation of~~ 1155
~~division (A) (6) of this section is used or intended to be used~~ 1156
~~in the operation of an aircraft and the violation creates a~~ 1157
~~substantial risk of physical harm to any person or the aircraft~~ 1158
~~in question is an occupied aircraft, criminal mischief committed~~ 1159
~~in violation of division (A) (6) of this section is a felony of~~ 1160
~~the fourth degree.~~ 1161

~~(4)~~ Criminal mischief committed in violation of division 1162
~~(A) (7)~~ (A) (6) of this section is a felony of the third degree. 1163

Sec. 2913.01. As used in this chapter, unless the context 1164
requires that a term be given a different meaning: 1165

(A) "Deception" means knowingly deceiving another or 1166
causing another to be deceived by any false or misleading 1167
representation, by withholding information, by preventing 1168
another from acquiring information, or by any other conduct, 1169
act, or omission that creates, confirms, or perpetuates a false 1170
impression in another, including a false impression as to law, 1171
value, state of mind, or other objective or subjective fact. 1172

(B) "Defraud" means to knowingly obtain, by deception, 1173
some benefit for oneself or another, or to knowingly cause, by 1174
deception, some detriment to another. 1175

(C) "Deprive" means to do any of the following: 1176

(1) Withhold property of another permanently, or for a 1177
period that appropriates a substantial portion of its value or 1178
use, or with purpose to restore it only upon payment of a reward 1179

or other consideration; 1180

(2) Dispose of property so as to make it unlikely that the 1181
owner will recover it; 1182

(3) Accept, use, or appropriate money, property, or 1183
services, with purpose not to give proper consideration in 1184
return for the money, property, or services, and without 1185
reasonable justification or excuse for not giving proper 1186
consideration. 1187

(D) "Owner" means, unless the context requires a different 1188
meaning, any person, other than the actor, who is the owner of, 1189
who has possession or control of, or who has any license or 1190
interest in property or services, even though the ownership, 1191
possession, control, license, or interest is unlawful. 1192

(E) "Services" include labor, personal services, 1193
professional services, rental services, public utility services 1194
including wireless service as defined in division (F)(1) of 1195
section 128.01 of the Revised Code, common carrier services, and 1196
food, drink, transportation, entertainment, and cable television 1197
services and, for purposes of section 2913.04 of the Revised 1198
Code, include cable services as defined in that section. 1199

(F) "Writing" means any computer software, document, 1200
letter, memorandum, note, paper, plate, data, film, or other 1201
thing having in or upon it any written, typewritten, or printed 1202
matter, and any token, stamp, seal, credit card, badge, 1203
trademark, label, or other symbol of value, right, privilege, 1204
license, or identification. 1205

(G) "Forge" means to fabricate or create, in whole or in 1206
part and by any means, any spurious writing, or to make, 1207
execute, alter, complete, reproduce, or otherwise purport to 1208

authenticate any writing, when the writing in fact is not 1209
authenticated by that conduct. 1210

(H) "Utter" means to issue, publish, transfer, use, put or 1211
send into circulation, deliver, or display. 1212

(I) "Coin machine" means any mechanical or electronic 1213
device designed to do both of the following: 1214

(1) Receive a coin, bill, or token made for that purpose; 1215

(2) In return for the insertion or deposit of a coin, 1216
bill, or token, automatically dispense property, provide a 1217
service, or grant a license. 1218

(J) "Slug" means an object that, by virtue of its size, 1219
shape, composition, or other quality, is capable of being 1220
inserted or deposited in a coin machine as an improper 1221
substitute for a genuine coin, bill, or token made for that 1222
purpose. 1223

(K) "Theft offense" means any of the following: 1224

(1) A violation of section 2911.01, 2911.02, 2911.11, 1225
2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 1226
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 1227
2913.33, 2913.34, 2913.40, 2913.42, 2913.43, 2913.44, 2913.45, 1228
2913.47, 2913.48, former section 2913.47 or 2913.48, or section 1229
2913.51, 2913.87 to 2913.92, 2915.05, or 2921.41 of the Revised 1230
Code; 1231

(2) A violation of an existing or former municipal 1232
ordinance or law of this or any other state, or of the United 1233
States, substantially equivalent to any section listed in 1234
division (K) (1) of this section or a violation of section 1235
2913.41, 2913.81, or 2915.06 of the Revised Code as it existed 1236

prior to July 1, 1996; 1237

(3) An offense under an existing or former municipal 1238
ordinance or law of this or any other state, or of the United 1239
States, involving robbery, burglary, breaking and entering, 1240
theft, embezzlement, wrongful conversion, forgery, 1241
counterfeiting, deceit, or fraud; 1242

(4) A conspiracy or attempt to commit, or complicity in 1243
committing, any offense under division (K) (1), (2), or (3) of 1244
this section. 1245

(L) "Computer services" includes, but is not limited to, 1246
the use of a computer system, computer network, computer 1247
program, data that is prepared for computer use, or data that is 1248
contained within a computer system or computer network. 1249

(M) "Computer" means an electronic device that performs 1250
logical, arithmetic, and memory functions by the manipulation of 1251
electronic or magnetic impulses. "Computer" includes, but is not 1252
limited to, all input, output, processing, storage, computer 1253
program, or communication facilities that are connected, or 1254
related, in a computer system or network to an electronic device 1255
of that nature. 1256

(N) "Computer system" means a computer and related 1257
devices, whether connected or unconnected, including, but not 1258
limited to, data input, output, and storage devices, data 1259
communications links, and computer programs and data that make 1260
the system capable of performing specified special purpose data 1261
processing tasks. 1262

(O) "Computer network" means a set of related and remotely 1263
connected computers and communication facilities that includes 1264
more than one computer system that has the capability to 1265

transmit among the connected computers and communication 1266
facilities through the use of computer facilities. 1267

(P) "Computer program" means an ordered set of data 1268
representing coded instructions or statements that, when 1269
executed by a computer, cause the computer to process data. 1270

(Q) "Computer software" means computer programs, 1271
procedures, and other documentation associated with the 1272
operation of a computer system. 1273

(R) "Data" means a representation of information, 1274
knowledge, facts, concepts, or instructions that are being or 1275
have been prepared in a formalized manner and that are intended 1276
for use in a computer, computer system, or computer network. For 1277
purposes of section 2913.47 of the Revised Code, "data" has the 1278
additional meaning set forth in division (A) of that section. 1279

(S) "Cable television service" means any services provided 1280
by or through the facilities of any cable television system or 1281
other similar closed circuit coaxial cable communications 1282
system, or any microwave or similar transmission service used in 1283
connection with any cable television system or other similar 1284
closed circuit coaxial cable communications system. 1285

(T) "Gain access" means to approach, instruct, communicate 1286
with, store data in, retrieve data from, or otherwise make use 1287
of any resources of a computer, computer system, or computer 1288
network, or any cable service or cable system both as defined in 1289
section 2913.04 of the Revised Code. 1290

(U) "Credit card" includes, but is not limited to, a card, 1291
code, device, or other means of access to a customer's account 1292
for the purpose of obtaining money, property, labor, or services 1293
on credit, or for initiating an electronic fund transfer at a 1294

point-of-sale terminal, an automated teller machine, or a cash 1295
dispensing machine. It also includes a county procurement card 1296
issued under section 301.29 of the Revised Code. 1297

(V) "Electronic fund transfer" has the same meaning as in 1298
92 Stat. 3728, 15 U.S.C.A. 1693a, as amended. 1299

(W) "Rented property" means personal property in which the 1300
right of possession and use of the property is for a short and 1301
possibly indeterminate term in return for consideration; the 1302
rentee generally controls the duration of possession of the 1303
property, within any applicable minimum or maximum term; and the 1304
amount of consideration generally is determined by the duration 1305
of possession of the property. 1306

(X) "Telecommunication" means the origination, emission, 1307
dissemination, transmission, or reception of data, images, 1308
signals, sounds, or other intelligence or equivalence of 1309
intelligence of any nature over any communications system by any 1310
method, including, but not limited to, a fiber optic, 1311
electronic, magnetic, optical, digital, or analog method. 1312

(Y) "Telecommunications device" means any instrument, 1313
equipment, machine, or other device that facilitates 1314
telecommunication, including, but not limited to, a computer, 1315
computer network, computer chip, computer circuit, scanner, 1316
telephone, cellular telephone, pager, personal communications 1317
device, transponder, receiver, radio, modem, or device that 1318
enables the use of a modem. 1319

(Z) "Telecommunications service" means the providing, 1320
allowing, facilitating, or generating of any form of 1321
telecommunication through the use of a telecommunications device 1322
over a telecommunications system. 1323

(AA) "Counterfeit telecommunications device" means a 1324
telecommunications device that, alone or with another 1325
telecommunications device, has been altered, constructed, 1326
manufactured, or programmed to acquire, intercept, receive, or 1327
otherwise facilitate the use of a telecommunications service or 1328
information service without the authority or consent of the 1329
provider of the telecommunications service or information 1330
service. "Counterfeit telecommunications device" includes, but 1331
is not limited to, a clone telephone, clone microchip, tumbler 1332
telephone, or tumbler microchip; a wireless scanning device 1333
capable of acquiring, intercepting, receiving, or otherwise 1334
facilitating the use of telecommunications service or 1335
information service without immediate detection; or a device, 1336
equipment, hardware, or software designed for, or capable of, 1337
altering or changing the electronic serial number in a wireless 1338
telephone. 1339

(BB) (1) "Information service" means, subject to division 1340
(BB) (2) of this section, the offering of a capability for 1341
generating, acquiring, storing, transforming, processing, 1342
retrieving, utilizing, or making available information via 1343
telecommunications, including, but not limited to, electronic 1344
publishing. 1345

(2) "Information service" does not include any use of a 1346
capability of a type described in division (BB) (1) of this 1347
section for the management, control, or operation of a 1348
telecommunications system or the management of a 1349
telecommunications service. 1350

(CC) "Elderly person" means a person who is sixty-five 1351
years of age or older. 1352

(DD) "Disabled adult" means a person who is eighteen years 1353

of age or older and has some impairment of body or mind that 1354
makes the person unable to work at any substantially 1355
remunerative employment that the person otherwise would be able 1356
to perform and that will, with reasonable probability, continue 1357
for a period of at least twelve months without any present 1358
indication of recovery from the impairment, or who is eighteen 1359
years of age or older and has been certified as permanently and 1360
totally disabled by an agency of this state or the United States 1361
that has the function of so classifying persons. 1362

(EE) "Firearm" and "dangerous ordnance" have the same 1363
meanings as in section 2923.11 of the Revised Code. 1364

(FF) "Motor vehicle" has the same meaning as in section 1365
4501.01 of the Revised Code. 1366

(GG) "Dangerous drug" has the same meaning as in section 1367
4729.01 of the Revised Code. 1368

(HH) "Drug abuse offense" has the same meaning as in 1369
section 2925.01 of the Revised Code. 1370

(II) (1) "Computer hacking" means any of the following: 1371

(a) Gaining access or attempting to gain access to all or 1372
part of a computer, computer system, or a computer network 1373
without express or implied authorization with the intent to 1374
defraud or with intent to commit a crime; 1375

(b) Misusing computer or network services including, but 1376
not limited to, mail transfer programs, file transfer programs, 1377
proxy servers, and web servers by performing functions not 1378
authorized by the owner of the computer, computer system, or 1379
computer network or other person authorized to give consent. As 1380
used in this division, "misuse of computer and network services" 1381
includes, but is not limited to, the unauthorized use of any of 1382

the following: 1383

(i) Mail transfer programs to send mail to persons other 1384
than the authorized users of that computer or computer network; 1385

(ii) File transfer program proxy services or proxy servers 1386
to access other computers, computer systems, or computer 1387
networks; 1388

(iii) Web servers to redirect users to other web pages or 1389
web servers. 1390

(c) (i) Subject to division (II) (1) (c) (ii) of this section, 1391
using a group of computer programs commonly known as "port 1392
scanners" or "probes" to intentionally access any computer, 1393
computer system, or computer network without the permission of 1394
the owner of the computer, computer system, or computer network 1395
or other person authorized to give consent. The group of 1396
computer programs referred to in this division includes, but is 1397
not limited to, those computer programs that use a computer 1398
network to access a computer, computer system, or another 1399
computer network to determine any of the following: the presence 1400
or types of computers or computer systems on a network; the 1401
computer network's facilities and capabilities; the availability 1402
of computer or network services; the presence or versions of 1403
computer software including, but not limited to, operating 1404
systems, computer services, or computer contaminants; the 1405
presence of a known computer software deficiency that can be 1406
used to gain unauthorized access to a computer, computer system, 1407
or computer network; or any other information about a computer, 1408
computer system, or computer network not necessary for the 1409
normal and lawful operation of the computer initiating the 1410
access. 1411

(ii) The group of computer programs referred to in 1412
division (II) (1) (c) (i) of this section does not include standard 1413
computer software used for the normal operation, administration, 1414
management, and test of a computer, computer system, or computer 1415
network including, but not limited to, domain name services, 1416
mail transfer services, and other operating system services, 1417
computer programs commonly called "ping," "tcpdump," and 1418
"traceroute" and other network monitoring and management 1419
computer software, and computer programs commonly known as 1420
"nslookup" and "whois" and other systems administration computer 1421
software. 1422

(d) The intentional use of a computer, computer system, or 1423
a computer network in a manner that exceeds any right or 1424
permission granted by the owner of the computer, computer 1425
system, or computer network or other person authorized to give 1426
consent. 1427

(2) "Computer hacking" does not include the introduction 1428
of a computer contaminant, as defined in section 2909.01 of the 1429
Revised Code, into a computer, computer system, computer 1430
program, or computer network. 1431

(JJ) "Police dog or horse" has the same meaning as in 1432
section 2921.321 of the Revised Code. 1433

(KK) "Anhydrous ammonia" is a compound formed by the 1434
combination of two gaseous elements, nitrogen and hydrogen, in 1435
the manner described in this division. Anhydrous ammonia is one 1436
part nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia 1437
by weight is fourteen parts nitrogen to three parts hydrogen, 1438
which is approximately eighty-two per cent nitrogen to eighteen 1439
per cent hydrogen. 1440

(LL) "Assistance dog" has the same meaning as in section 1441
955.011 of the Revised Code. 1442

(MM) "Federally licensed firearms dealer" has the same 1443
meaning as in section 5502.63 of the Revised Code. 1444

(NN) "Active duty service member" means any member of the 1445
armed forces of the United States performing active duty under 1446
title 10 of the United States Code. 1447

Sec. 2913.04. (A) No person shall knowingly use or operate 1448
the property of another without the consent of the owner or 1449
person authorized to give consent. 1450

(B) No person, in any manner and by any means, including, 1451
but not limited to, computer hacking, shall knowingly gain 1452
access to, attempt to gain access to, or cause access to be 1453
gained to any ~~computer, computer system, computer network,~~ cable 1454
service, cable system, telecommunications device, 1455
telecommunications service, or information service without the 1456
consent of, or beyond the scope of the express or implied 1457
consent of, the owner of the ~~computer, computer system, computer~~ 1458
~~network,~~ cable service, cable system, telecommunications device, 1459
telecommunications service, or information service or other 1460
person authorized to give consent. 1461

(C) Except as permitted under section 5503.101 of the 1462
Revised Code, no person shall knowingly gain access to, attempt 1463
to gain access to, cause access to be granted to, or disseminate 1464
information gained from access to the law enforcement automated 1465
database system created pursuant to section 5503.10 of the 1466
Revised Code without the consent of, or beyond the scope of the 1467
express or implied consent of, the chair of the law enforcement 1468
automated data system steering committee. 1469

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

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

(F) (1) Whoever violates division (A) of this section is
guilty of unauthorized use of property.

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

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

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

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

(c) If the value of the property or services or the loss
to the victim is seven thousand five hundred dollars or more and

is less than one hundred fifty thousand dollars, a felony of the 1499
fourth degree. 1500

(d) If the value of the property or services or the loss 1501
to the victim is one hundred fifty thousand dollars or more, a 1502
felony of the third degree. 1503

(4) If the victim of the offense is an elderly person or 1504
disabled adult, unauthorized use of property is whichever of the 1505
following is applicable: 1506

(a) Except as otherwise provided in division (F) (4) (b), 1507
(c), or (d) of this section, a felony of the fifth degree; 1508

(b) If the value of the property or services or loss to 1509
the victim is one thousand dollars or more and is less than 1510
seven thousand five hundred dollars, a felony of the fourth 1511
degree; 1512

(c) If the value of the property or services or loss to 1513
the victim is seven thousand five hundred dollars or more and is 1514
less than thirty-seven thousand five hundred dollars, a felony 1515
of the third degree; 1516

(d) If the value of the property or services or loss to 1517
the victim is thirty-seven thousand five hundred dollars or 1518
more, a felony of the second degree. 1519

(G) (1) Whoever violates division (B) of this section is 1520
guilty of unauthorized use of ~~computer, cable,~~ or 1521
telecommunication property, and shall be punished as provided in 1522
division (G) (2), (3), or (4) of this section. 1523

(2) Except as otherwise provided in division (G) (3) or (4) 1524
of this section, unauthorized use of ~~computer, cable,~~ or 1525
telecommunication property is a felony of the fifth degree. 1526

(3) Except as otherwise provided in division (G) (4) of 1527
this section, if unauthorized use of ~~computer, cable,~~ or 1528
telecommunication property is committed for the purpose of 1529
devising or executing a scheme to defraud or to obtain property 1530
or services, for obtaining money, property, or services by false 1531
or fraudulent pretenses, or for committing any other criminal 1532
offense, unauthorized use of ~~computer, cable,~~ or 1533
telecommunication property is whichever of the following is 1534
applicable: 1535

(a) Except as otherwise provided in division (G) (3) (b) of 1536
this section, if the value of the property or services involved 1537
or the loss to the victim is seven thousand five hundred dollars 1538
or more and less than one hundred fifty thousand dollars, a 1539
felony of the fourth degree; 1540

(b) If the value of the property or services involved or 1541
the loss to the victim is one hundred fifty thousand dollars or 1542
more, a felony of the third degree. 1543

(4) If the victim of the offense is an elderly person or 1544
disabled adult, unauthorized use of ~~computer, cable,~~ or 1545
telecommunication property is whichever of the following is 1546
applicable: 1547

(a) Except as otherwise provided in division (G) (4) (b), 1548
(c), or (d) of this section, a felony of the fifth degree; 1549

(b) If the value of the property or services or loss to 1550
the victim is one thousand dollars or more and is less than 1551
seven thousand five hundred dollars, a felony of the fourth 1552
degree; 1553

(c) If the value of the property or services or loss to 1554
the victim is seven thousand five hundred dollars or more and is 1555

less than thirty-seven thousand five hundred dollars, a felony 1556
of the third degree; 1557

(d) If the value of the property or services or loss to 1558
the victim is thirty-seven thousand five hundred dollars or 1559
more, a felony of the second degree. 1560

(H) Whoever violates division (C) of this section is 1561
guilty of unauthorized use of the law enforcement automated 1562
database system, a felony of the fifth degree. 1563

(I) Whoever violates division (D) of this section is 1564
guilty of unauthorized use of the Ohio law enforcement gateway, 1565
a felony of the fifth degree. 1566

(J) As used in this section: 1567

(1) "Cable operator" means any person or group of persons 1568
that does either of the following: 1569

(a) Provides cable service over a cable system and 1570
directly or through one or more affiliates owns a significant 1571
interest in that cable system; 1572

(b) Otherwise controls or is responsible for, through any 1573
arrangement, the management and operation of a cable system. 1574

(2) "Cable service" means any of the following: 1575

(a) The one-way transmission to subscribers of video 1576
programming or of information that a cable operator makes 1577
available to all subscribers generally; 1578

(b) Subscriber interaction, if any, that is required for 1579
the selection or use of video programming or of information that 1580
a cable operator makes available to all subscribers generally, 1581
both as described in division (J) (2) (a) of this section; 1582

(c) Any cable television service.	1583
(3) "Cable system" means any facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service that includes video programming and that is provided to multiple subscribers within a community. "Cable system" does not include any of the following:	1584 1585 1586 1587 1588 1589
(a) Any facility that serves only to retransmit the television signals of one or more television broadcast stations;	1590 1591
(b) Any facility that serves subscribers without using any public right-of-way;	1592 1593
(c) Any facility of a common carrier that, under 47 U.S.C.A. 522(7) (c), is excluded from the term "cable system" as defined in 47 U.S.C.A. 522(7);	1594 1595 1596
(d) Any open video system that complies with 47 U.S.C.A. 573;	1597 1598
(e) Any facility of any electric utility used solely for operating its electric utility system.	1599 1600
<u>(K) No person shall plead guilty to or be convicted of violating both this section and section 2913.87 of the Revised Code for the same underlying action.</u>	1601 1602 1603
Sec. 2913.05. (A) No person, having devised a scheme to defraud, shall knowingly disseminate, transmit, or cause to be disseminated or transmitted by means of a wire, radio, satellite, telecommunication, telecommunications device, or telecommunications service any writing, data, sign, signal, picture, sound, or image with purpose to execute or otherwise further the scheme to defraud.	1604 1605 1606 1607 1608 1609 1610

(B) If an offender commits a violation of division (A) of 1611
this section and the violation occurs as part of a course of 1612
conduct involving other violations of division (A) of this 1613
section or violations of, attempts to violate, conspiracies to 1614
violate, or complicity in violations of section 2913.02, 1615
2913.04, 2913.11, 2913.21, 2913.31, 2913.42, 2913.43, 2913.87 to 1616
2913.92, or 2921.13 of the Revised Code, the court, in 1617
determining the degree of the offense pursuant to division (C) 1618
of this section, may aggregate the value of the benefit obtained 1619
by the offender or of the detriment to the victim of the fraud 1620
in the violations involved in that course of conduct. The course 1621
of conduct may involve one victim or more than one victim. 1622

(C) Whoever violates this section is guilty of 1623
telecommunications fraud. Except as otherwise provided in this 1624
division, telecommunications fraud is a felony of the fifth 1625
degree. If the value of the benefit obtained by the offender or 1626
of the detriment to the victim of the fraud is one thousand 1627
dollars or more but less than seven thousand five hundred 1628
dollars, telecommunications fraud is a felony of the fourth 1629
degree. If the value of the benefit obtained by the offender or 1630
of the detriment to the victim of the fraud is seven thousand 1631
five hundred dollars or more but less than one hundred fifty 1632
thousand dollars, telecommunications fraud is a felony of the 1633
third degree. If the value of the benefit obtained by the 1634
offender or of the detriment to the victims of the fraud is one 1635
hundred fifty thousand dollars or more but less than one million 1636
dollars, telecommunications fraud is a felony of the second 1637
degree. If the value of the benefit obtained by the offender or 1638
of the detriment to the victims of the fraud is one million 1639
dollars or more, telecommunications fraud is a felony of the 1640
first degree. 1641

Sec. 2913.49. (A) As used in this section, "personal 1642
identifying information" includes, but is not limited to, the 1643
following: the name, address, telephone number, driver's 1644
license, driver's license number, commercial driver's license, 1645
commercial driver's license number, state identification card, 1646
state identification card number, social security card, social 1647
security number, birth certificate, place of employment, 1648
employee identification number, mother's maiden name, demand 1649
deposit account number, savings account number, money market 1650
account number, mutual fund account number, other financial 1651
account number, personal identification number, password, or 1652
credit card number of a living or dead individual. 1653

(B) No person, without the express or implied consent of 1654
the other person, shall use, obtain, or possess any personal 1655
identifying information of another person with intent to do 1656
either of the following: 1657

(1) Hold the person out to be the other person; 1658

(2) Represent the other person's personal identifying 1659
information as the person's own personal identifying 1660
information. 1661

(C) No person shall create, obtain, possess, or use the 1662
personal identifying information of any person with the intent 1663
to aid or abet another person in violating division (B) of this 1664
section. 1665

(D) No person, with intent to defraud, shall permit 1666
another person to use the person's own personal identifying 1667
information. 1668

(E) No person who is permitted to use another person's 1669
personal identifying information as described in division (D) of 1670

this section shall use, obtain, or possess the other person's 1671
personal identifying information with intent to defraud any 1672
person by doing any act identified in division (B) (1) or (2) of 1673
this section. 1674

(F) (1) It is an affirmative defense to a charge under 1675
division (B) of this section that the person using the personal 1676
identifying information is acting in accordance with a legally 1677
recognized guardianship or conservatorship or as a trustee or 1678
fiduciary. 1679

(2) It is an affirmative defense to a charge under 1680
division (B), (C), (D), or (E) of this section that either of 1681
the following applies: 1682

(a) The person or entity using, obtaining, possessing, or 1683
creating the personal identifying information or permitting it 1684
to be used is a law enforcement agency, authorized fraud 1685
personnel, or a representative of or attorney for a law 1686
enforcement agency or authorized fraud personnel and is using, 1687
obtaining, possessing, or creating the personal identifying 1688
information or permitting it to be used, with prior consent 1689
given as specified in this division, in a bona fide 1690
investigation, an information security evaluation, a pretext 1691
calling evaluation, or a similar matter. The prior consent 1692
required under this division shall be given by the person whose 1693
personal identifying information is being used, obtained, 1694
possessed, or created or is being permitted to be used or, if 1695
the person whose personal identifying information is being used, 1696
obtained, possessed, or created or is being permitted to be used 1697
is deceased, by that deceased person's executor, or a member of 1698
that deceased person's family, or that deceased person's 1699
attorney. The prior consent required under this division may be 1700

given orally or in writing by the person whose personal 1701
identifying information is being used, obtained, possessed, or 1702
created or is being permitted to be used or that person's 1703
executor, or family member, or attorney. 1704

(b) The personal identifying information was obtained, 1705
possessed, used, created, or permitted to be used for a lawful 1706
purpose, provided that division (F) (2) (b) of this section does 1707
not apply if the person or entity using, obtaining, possessing, 1708
or creating the personal identifying information or permitting 1709
it to be used is a law enforcement agency, authorized fraud 1710
personnel, or a representative of or attorney for a law 1711
enforcement agency or authorized fraud personnel that is using, 1712
obtaining, possessing, or creating the personal identifying 1713
information or permitting it to be used in an investigation, an 1714
information security evaluation, a pretext calling evaluation, 1715
or similar matter. 1716

(G) It is not a defense to a charge under this section 1717
that the person whose personal identifying information was 1718
obtained, possessed, used, created, or permitted to be used was 1719
deceased at the time of the offense. 1720

(H) (1) If an offender commits a violation of division (B), 1721
(D), or (E) of this section and the violation occurs as part of 1722
a course of conduct involving other violations of division (B), 1723
(D), or (E) of this section or violations of, attempts to 1724
violate, conspiracies to violate, or complicity in violations of 1725
division (C) of this section or section 2913.02, 2913.04, 1726
2913.11, 2913.21, 2913.31, 2913.42, 2913.43, 2913.87 to 2913.92, 1727
or 2921.13 of the Revised Code, the court, in determining the 1728
degree of the offense pursuant to division (I) of this section, 1729
may aggregate all credit, property, or services obtained or 1730

sought to be obtained by the offender and all debts or other 1731
legal obligations avoided or sought to be avoided by the 1732
offender in the violations involved in that course of conduct. 1733
The course of conduct may involve one victim or more than one 1734
victim. 1735

(2) If an offender commits a violation of division (C) of 1736
this section and the violation occurs as part of a course of 1737
conduct involving other violations of division (C) of this 1738
section or violations of, attempts to violate, conspiracies to 1739
violate, or complicity in violations of division (B), (D), or 1740
(E) of this section or section 2913.02, 2913.04, 2913.11, 1741
2913.21, 2913.31, 2913.42, 2913.43, 2913.87 to 2913.92, or 1742
2921.13 of the Revised Code, the court, in determining the 1743
degree of the offense pursuant to division (I) of this section, 1744
may aggregate all credit, property, or services obtained or 1745
sought to be obtained by the person aided or abetted and all 1746
debts or other legal obligations avoided or sought to be avoided 1747
by the person aided or abetted in the violations involved in 1748
that course of conduct. The course of conduct may involve one 1749
victim or more than one victim. 1750

(I) (1) Whoever violates this section is guilty of identity 1751
fraud. 1752

(2) Except as otherwise provided in this division or 1753
division (I) (3) of this section, identity fraud is a felony of 1754
the fifth degree. If the value of the credit, property, 1755
services, debt, or other legal obligation involved in the 1756
violation or course of conduct is one thousand dollars or more 1757
and is less than seven thousand five hundred dollars, except as 1758
otherwise provided in division (I) (3) of this section, identity 1759
fraud is a felony of the fourth degree. If the value of the 1760

credit, property, services, debt, or other legal obligation 1761
involved in the violation or course of conduct is seven thousand 1762
five hundred dollars or more and is less than one hundred fifty 1763
thousand dollars, except as otherwise provided in division (I) 1764
(3) of this section, identity fraud is a felony of the third 1765
degree. If the value of the credit, property, services, debt, or 1766
other legal obligation involved in the violation or course of 1767
conduct is one hundred fifty thousand dollars or more, except as 1768
otherwise provided in division (I)(3) of this section, identity 1769
fraud is a felony of the second degree. 1770

(3) If the victim of the offense is an elderly person, 1771
disabled adult, active duty service member, or spouse of an 1772
active duty service member, a violation of this section is 1773
identity fraud against a person in a protected class. Except as 1774
otherwise provided in this division, identity fraud against a 1775
person in a protected class is a felony of the fourth degree. If 1776
the value of the credit, property, services, debt, or other 1777
legal obligation involved in the violation or course of conduct 1778
is one thousand dollars or more and is less than seven thousand 1779
five hundred dollars, identity fraud against a person in a 1780
protected class is a felony of the third degree. If the value of 1781
the credit, property, services, debt, or other legal obligation 1782
involved in the violation or course of conduct is seven thousand 1783
five hundred dollars or more and is less than one hundred fifty 1784
thousand dollars, identity fraud against a person in a protected 1785
class is a felony of the second degree. If the value of the 1786
credit, property, services, debt, or other legal obligation 1787
involved in the violation or course of conduct is one hundred 1788
fifty thousand dollars or more, identity fraud against a person 1789
in a protected class is a felony of the first degree. If the 1790
victim of the offense is an elderly person, in addition to any 1791

other penalty imposed for the offense, the offender shall be 1792
required to pay full restitution to the victim and to pay a fine 1793
of up to fifty thousand dollars. The clerk of court shall 1794
forward all fines collected under division (I)(3) of this 1795
section to the county department of job and family services to 1796
be used for the reporting and investigation of elder abuse, 1797
neglect, and exploitation or for the provision or arrangement of 1798
protective services under sections 5101.61 to 5101.71 of the 1799
Revised Code. 1800

(J) In addition to the penalties described in division (I) 1801
of this section, anyone injured in person or property by a 1802
violation of division (B), (D), or (E) of this section who is 1803
the owner of the identifying information involved in that 1804
violation has a civil action against the offender pursuant to 1805
section 2307.60 of the Revised Code. That person may also bring 1806
a civil action to enjoin or restrain future acts that would 1807
constitute a violation of division (B), (D), or (E) of this 1808
section. 1809

Sec. 2913.86. As used in sections 2913.86 to 2913.93 of 1810
the Revised Code: 1811

(A) "Computer service" includes a data processing service, 1812
a storage function, an internet service, an electronic mail 1813
service, an electronic message service, web site access, an 1814
internet-based electronic gaming service, and any other similar 1815
computer system, computer network, or internet-based service. 1816

(B) "Electronic record" has the same meaning as in section 1817
1306.01 of the Revised Code. 1818

(C) "Malware" means a set of computer instructions that is 1819
designed or used to modify, damage, destroy, disable, deny, or 1820

degrade access to; gain access to; functionally impair; or 1821
record or transmit information within a computer, computer 1822
system, or computer network without the authorization of the 1823
owner or other person authorized to give consent. 1824

(D) "State" and "political subdivision" have the same 1825
meanings as in section 2744.01 of the Revised Code. 1826

Sec. 2913.87. (A) No person shall knowingly and without 1827
authorization gain access to, attempt to gain access to, or 1828
cause access to be gained to a computer, computer system, or 1829
computer network when either of the following applies: 1830

(1) The access is gained, attempted to be gained, or 1831
caused to be gained with the intent to commit a crime in 1832
violation of state law. 1833

(2) The computer, computer system, or computer network is 1834
maintained by the state or a political subdivision. 1835

(B) No person shall knowingly and without authorization 1836
gain access to, attempt to gain access to, or cause access to be 1837
gained to a computer, computer system, or computer network under 1838
circumstances not constituting a violation of division (A) of 1839
this section. 1840

(C) (1) Whoever violates division (A) or (B) of this 1841
section is guilty of computer trespass. 1842

(2) Except as provided in division (C) (3), (4), or (5) of 1843
this section: 1844

(a) A violation of division (A) of this section is a 1845
felony of the fourth degree. 1846

(b) A violation of division (B) of this section is a 1847
felony of the fifth degree. 1848

(3) Except as provided in division (C) (5) of this section, 1849
if the computer, computer system, or computer network involved 1850
in the violation of division (A) or (B) of this section is used 1851
or intended to be used in the operation of an aircraft and the 1852
violation creates a substantial risk of physical harm to any 1853
person or the aircraft in question is an occupied aircraft, then 1854
the violation is a felony of the third degree. 1855

(4) Except as provided in division (C) (5) of this section, 1856
if a person commits computer trespass for the purpose of doing 1857
any of the following, and the value of the property or services 1858
involved or the loss to the victim is one hundred fifty thousand 1859
dollars or more, then the violation is a felony of the third 1860
degree: 1861

(a) Devising or executing a scheme to defraud or to obtain 1862
property or services; 1863

(b) Obtaining money, property, or services by false or 1864
fraudulent pretenses; 1865

(c) Committing any other criminal offense. 1866

(5) (a) If the offender acted recklessly with regard to the 1867
status of the victim of the offense as an elderly person or 1868
disabled adult, and the value of the property or services or 1869
loss to the victim is seven thousand five hundred dollars or 1870
more and less than thirty-seven thousand five hundred dollars, 1871
then the violation is a felony of the third degree. 1872

(b) If the offender acted recklessly with regard to the 1873
status of the victim of the offense as an elderly person or 1874
disabled adult, and the value of the property or services or 1875
loss to the victim is thirty-seven thousand five hundred dollars 1876
or more, then the violation is a felony of the second degree. 1877

(D) A person commits a separate violation of this section 1878
with regard to each computer trespass in violation of division 1879
(A) or (B) of this section. 1880

Sec. 2913.88. (A) No person shall knowingly and without 1881
authorization cause or attempt to cause the transmission of 1882
data, a computer program, or an electronic command that 1883
interrupts or suspends access to or use of a computer network or 1884
computer service with the intent to impair the functioning of a 1885
computer network or computer service. 1886

(B) Whoever violates this section is guilty of electronic 1887
computer service interference, a felony of the fourth degree. 1888

Sec. 2913.89. (A) When any of the following applies, no 1889
person shall knowingly and without authorization alter or 1890
attempt to alter data as it travels between two computer systems 1891
over an open or unsecure network or introduce or attempt to 1892
introduce malware into any electronic data, computer, computer 1893
system, or computer network: 1894

(1) The person intended to devise or execute a scheme to 1895
defraud, deceive, or extort. 1896

(2) The person intended to commit any other crime in 1897
violation of a state law. 1898

(3) The person intended to wrongfully control or obtain 1899
property or wrongfully gain access to electronic data. 1900

(4) The electronic data, computer, computer system, or 1901
computer network is maintained by the state or a political 1902
subdivision. 1903

(B) Whoever violates this section is guilty of electronic 1904
data tampering, a felony of the third degree. 1905

Sec. 2913.90. (A) No person shall knowingly and without 1906
authorization alter or attempt to alter data as it travels 1907
between two computer systems over an open or unsecure network or 1908
introduce or attempt to introduce malware into any electronic 1909
data, computer, computer system, or computer network under 1910
circumstances not constituting a violation of section 2913.89 of 1911
the Revised Code. 1912

(B) Whoever violates this section is guilty of electronic 1913
data manipulation, a felony of the fourth degree. 1914

Sec. 2913.91. (A) No person shall knowingly and without 1915
authorization obtain or attempt to obtain electronic data with 1916
the intent to do either of the following: 1917

(1) Devise or execute any scheme to defraud, deceive, 1918
extort, or commit any crime in violation of state law; 1919

(2) Wrongfully control or obtain property or wrongfully 1920
gain access to electronic data. 1921

(B) Whoever violates this section is guilty of electronic 1922
data theft, a felony of the third degree. 1923

Sec. 2913.92. (A) No person shall knowingly and without 1924
authorization make, attempt to make, or cause to be made a 1925
display, use, disclosure, or copy of data residing in, 1926
communicated by, or produced by a computer, computer system, or 1927
computer network. 1928

(B) No person shall knowingly and without authorization 1929
disclose or attempt to disclose a password, identifying code, 1930
personal identification number, or other confidential 1931
information that is used as a means of access to a computer, 1932
computer system, computer network, or computer service. 1933

(C) Whoever violates this section is guilty of 1934
unauthorized data disclosure, a felony of the third degree. 1935

Sec. 2913.93. (A) In addition to any other civil remedy 1936
available, the owner or lessee of any electronic data, computer, 1937
computer system, or computer network who suffers damage or loss 1938
by reason of a violation of any provision of sections 2913.87 to 1939
2913.92 of the Revised Code may bring a civil action against a 1940
person who violates such a provision for compensatory damages 1941
and injunctive or other equitable relief pursuant to section 1942
2307.60 of the Revised Code. Compensatory damages shall include 1943
any cost reasonably and necessarily incurred by the owner or 1944
lessee to verify that the electronic data, computer, computer 1945
system, or computer network, was not altered, damaged, or 1946
deleted by the violation. 1947

(B) In any action brought pursuant to division (A) of this 1948
section, the court may award reasonable attorney's fees to the 1949
owner or lessee who suffered the damage or loss. 1950

(C) No action may be brought pursuant to division (A) of 1951
this section unless it is initiated within two years of the date 1952
of the act complained of or the date of the discovery of the 1953
damage, whichever is later. 1954

Sec. 2913.94. (A) Sections 2913.87 to 2913.92 of the 1955
Revised Code shall not be construed to prohibit actions by a 1956
person within the scope of the person's lawful employment. For 1957
purposes of this section, a person acts within the scope of the 1958
person's lawful employment when the person performs acts that 1959
are reasonably necessary to the performance of the person's work 1960
assignments or duties. 1961

(B) A person does not violate sections 2913.87 to 2913.92 1962

of the Revised Code if the person mistakenly goes beyond the 1963
scope of the person's lawful employment. 1964

Sec. 2919.25. (A) No person shall knowingly cause or 1965
attempt to cause physical harm to a family or household member. 1966

(B) No person shall recklessly cause serious physical harm 1967
to a family or household member. 1968

(C) No person, by threat of force, shall knowingly cause a 1969
family or household member to believe that the offender will 1970
cause imminent physical harm to the family or household member. 1971

(D) (1) Whoever violates this section is guilty of domestic 1972
violence, and the court shall sentence the offender as provided 1973
in divisions (D) (2) to (6) of this section. 1974

(2) Except as otherwise provided in divisions (D) (3) to 1975
(5) of this section, a violation of division (C) of this section 1976
is a misdemeanor of the fourth degree, and a violation of 1977
division (A) or (B) of this section is a misdemeanor of the 1978
first degree. 1979

(3) Except as otherwise provided in division (D) (4) of 1980
this section, if the offender previously has pleaded guilty to 1981
or been convicted of domestic violence, a violation of an 1982
existing or former municipal ordinance or law of this or any 1983
other state or the United States that is substantially similar 1984
to domestic violence, a violation of section 2903.14, 2909.06, 1985
2909.07, 2911.12, 2911.211, 2913.88, or 2919.22 of the Revised 1986
Code if the victim of the violation was a family or household 1987
member at the time of the violation, a violation of an existing 1988
or former municipal ordinance or law of this or any other state 1989
or the United States that is substantially similar to any of 1990
those sections if the victim of the violation was a family or 1991

household member at the time of the commission of the violation, 1992
or any offense of violence if the victim of the offense was a 1993
family or household member at the time of the commission of the 1994
offense, a violation of division (A) or (B) of this section is a 1995
felony of the fourth degree, and, if the offender knew that the 1996
victim of the violation was pregnant at the time of the 1997
violation, the court shall impose a mandatory prison term on the 1998
offender pursuant to division (D)(6) of this section, and a 1999
violation of division (C) of this section is a misdemeanor of 2000
the second degree. 2001

(4) If the offender previously has pleaded guilty to or 2002
been convicted of two or more offenses of domestic violence or 2003
two or more violations or offenses of the type described in 2004
division (D)(3) of this section involving a person who was a 2005
family or household member at the time of the violations or 2006
offenses, a violation of division (A) or (B) of this section is 2007
a felony of the third degree, and, if the offender knew that the 2008
victim of the violation was pregnant at the time of the 2009
violation, the court shall impose a mandatory prison term on the 2010
offender pursuant to division (D)(6) of this section, and a 2011
violation of division (C) of this section is a misdemeanor of 2012
the first degree. 2013

(5) Except as otherwise provided in division (D)(3) or (4) 2014
of this section, if the offender knew that the victim of the 2015
violation was pregnant at the time of the violation, a violation 2016
of division (A) or (B) of this section is a felony of the fifth 2017
degree, and the court shall impose a mandatory prison term on 2018
the offender pursuant to division (D)(6) of this section, and a 2019
violation of division (C) of this section is a misdemeanor of 2020
the third degree. 2021

(6) If division (D) (3), (4), or (5) of this section 2022
requires the court that sentences an offender for a violation of 2023
division (A) or (B) of this section to impose a mandatory prison 2024
term on the offender pursuant to this division, the court shall 2025
impose the mandatory prison term as follows: 2026

(a) If the violation of division (A) or (B) of this 2027
section is a felony of the fourth or fifth degree, except as 2028
otherwise provided in division (D) (6) (b) or (c) of this section, 2029
the court shall impose a mandatory prison term on the offender 2030
of at least six months. 2031

(b) If the violation of division (A) or (B) of this 2032
section is a felony of the fifth degree and the offender, in 2033
committing the violation, caused serious physical harm to the 2034
pregnant woman's unborn or caused the termination of the 2035
pregnant woman's pregnancy, the court shall impose a mandatory 2036
prison term on the offender of twelve months. 2037

(c) If the violation of division (A) or (B) of this 2038
section is a felony of the fourth degree and the offender, in 2039
committing the violation, caused serious physical harm to the 2040
pregnant woman's unborn or caused the termination of the 2041
pregnant woman's pregnancy, the court shall impose a mandatory 2042
prison term on the offender of at least twelve months. 2043

(d) If the violation of division (A) or (B) of this 2044
section is a felony of the third degree, except as otherwise 2045
provided in division (D) (6) (e) of this section and 2046
notwithstanding the range of definite prison terms prescribed in 2047
division (A) (3) of section 2929.14 of the Revised Code for a 2048
felony of the third degree, the court shall impose a mandatory 2049
prison term on the offender of either a definite term of six 2050
months or one of the prison terms prescribed in division (A) (3) 2051

(b) of section 2929.14 of the Revised Code for felonies of the 2052
third degree. 2053

(e) If the violation of division (A) or (B) of this 2054
section is a felony of the third degree and the offender, in 2055
committing the violation, caused serious physical harm to the 2056
pregnant woman's unborn or caused the termination of the 2057
pregnant woman's pregnancy, notwithstanding the range of 2058
definite prison terms prescribed in division (A) (3) of section 2059
2929.14 of the Revised Code for a felony of the third degree, 2060
the court shall impose a mandatory prison term on the offender 2061
of either a definite term of one year or one of the prison terms 2062
prescribed in division (A) (3) (b) of section 2929.14 of the 2063
Revised Code for felonies of the third degree. 2064

(E) Notwithstanding any provision of law to the contrary, 2065
no court or unit of state or local government shall charge any 2066
fee, cost, deposit, or money in connection with the filing of 2067
charges against a person alleging that the person violated this 2068
section or a municipal ordinance substantially similar to this 2069
section or in connection with the prosecution of any charges so 2070
filed. 2071

(F) As used in this section and sections 2919.251 and 2072
2919.26 of the Revised Code: 2073

(1) "Family or household member" means any of the 2074
following: 2075

(a) Any of the following who is residing or has resided 2076
with the offender: 2077

(i) A spouse, a person living as a spouse, or a former 2078
spouse of the offender; 2079

(ii) A parent, a foster parent, or a child of the 2080

offender, or another person related by consanguinity or affinity 2081
to the offender; 2082

(iii) A parent or a child of a spouse, person living as a 2083
spouse, or former spouse of the offender, or another person 2084
related by consanguinity or affinity to a spouse, person living 2085
as a spouse, or former spouse of the offender. 2086

(b) The natural parent of any child of whom the offender 2087
is the other natural parent or is the putative other natural 2088
parent. 2089

(2) "Person living as a spouse" means a person who is 2090
living or has lived with the offender in a common law marital 2091
relationship, who otherwise is cohabiting with the offender, or 2092
who otherwise has cohabited with the offender within five years 2093
prior to the date of the alleged commission of the act in 2094
question. 2095

(3) "Pregnant woman's unborn" has the same meaning as 2096
"such other person's unborn," as set forth in section 2903.09 of 2097
the Revised Code, as it relates to the pregnant woman. Division 2098
(C) of that section applies regarding the use of the term in 2099
this section, except that the second and third sentences of 2100
division (C) (1) of that section shall be construed for purposes 2101
of this section as if they included a reference to this section 2102
in the listing of Revised Code sections they contain. 2103

(4) "Termination of the pregnant woman's pregnancy" has 2104
the same meaning as "unlawful termination of another's 2105
pregnancy," as set forth in section 2903.09 of the Revised Code, 2106
as it relates to the pregnant woman. Division (C) of that 2107
section applies regarding the use of the term in this section, 2108
except that the second and third sentences of division (C) (1) of 2109

that section shall be construed for purposes of this section as 2110
if they included a reference to this section in the listing of 2111
Revised Code sections they contain. 2112

Sec. 2919.251. (A) Subject to division (D) of this 2113
section, a person who is charged with the commission of any 2114
offense of violence shall appear before the court for the 2115
setting of bail if the alleged victim of the offense charged was 2116
a family or household member at the time of the offense and if 2117
any of the following applies: 2118

(1) The person charged, at the time of the alleged 2119
offense, was subject to the terms of a protection order issued 2120
or consent agreement approved pursuant to section 2919.26 or 2121
3113.31 of the Revised Code or previously was convicted of or 2122
pleaded guilty to a violation of section 2919.25 of the Revised 2123
Code or a violation of section 2919.27 of the Revised Code 2124
involving a protection order or consent agreement of that type, 2125
a violation of an existing or former municipal ordinance or law 2126
of this or any other state or the United States that is 2127
substantially similar to either section, a violation of section 2128
2909.06, 2909.07, 2911.12, ~~or~~ 2911.211, or 2913.88 of the 2129
Revised Code if the victim of the violation was a family or 2130
household member at the time of the violation, a violation of an 2131
existing or former municipal ordinance or law of this or any 2132
other state or the United States that is substantially similar 2133
to any of those sections if the victim of the violation was a 2134
family or household member at the time of the commission of the 2135
violation, or any offense of violence if the victim of the 2136
offense was a family or household member at the time of the 2137
offense; 2138

(2) The arresting officer indicates in a police report or 2139

other document accompanying the complaint any of the following:	2140
(a) That the arresting officer observed on the alleged	2141
victim objective manifestations of physical harm that the	2142
arresting officer reasonably believes are a result of the	2143
alleged offense;	2144
(b) That the arresting officer reasonably believes that	2145
the person had on the person's person at the time of the alleged	2146
offense a deadly weapon or dangerous ordnance;	2147
(c) That the arresting officer reasonably believes that	2148
the person presents a credible threat of serious physical harm	2149
to the alleged victim or to any other person if released on bail	2150
before trial.	2151
(B) To the extent that information about any of the	2152
following is available to the court, the court shall consider	2153
all of the following, in addition to any other circumstances	2154
considered by the court and notwithstanding any provisions to	2155
the contrary contained in Criminal Rule 46, before setting bail	2156
for a person who appears before the court pursuant to division	2157
(A) of this section:	2158
(1) Whether the person has a history of domestic violence	2159
or a history of other violent acts;	2160
(2) The mental health of the person;	2161
(3) Whether the person has a history of violating the	2162
orders of any court or governmental entity;	2163
(4) Whether the person is potentially a threat to any	2164
other person;	2165
(5) Whether the person has access to deadly weapons or a	2166
history of using deadly weapons;	2167

(6) Whether the person has a history of abusing alcohol or any controlled substance;	2168 2169
(7) The severity of the alleged violence that is the basis of the offense, including but not limited to, the duration of the alleged violent incident, and whether the alleged violent incident involved serious physical injury, sexual assault, strangulation, abuse during the alleged victim's pregnancy, abuse of pets, or forcible entry to gain access to the alleged victim;	2170 2171 2172 2173 2174 2175 2176
(8) Whether a separation of the person from the alleged victim or a termination of the relationship between the person and the alleged victim has recently occurred or is pending;	2177 2178 2179
(9) Whether the person has exhibited obsessive or controlling behaviors toward the alleged victim, including but not limited to, stalking, surveillance, or isolation of the alleged victim;	2180 2181 2182 2183
(10) Whether the person has expressed suicidal or homicidal ideations;	2184 2185
(11) Any information contained in the complaint and any police reports, affidavits, or other documents accompanying the complaint.	2186 2187 2188
(C) Any court that has jurisdiction over charges alleging the commission of an offense of violence in circumstances in which the alleged victim of the offense was a family or household member at the time of the offense may set a schedule for bail to be used in cases involving those offenses. The schedule shall require that a judge consider all of the factors listed in division (B) of this section and may require judges to set bail at a certain level if the history of the alleged	2189 2190 2191 2192 2193 2194 2195 2196

offender or the circumstances of the alleged offense meet 2197
certain criteria in the schedule. 2198

(D) (1) Upon the court's own motion or the motion of a 2199
party and upon any terms that the court may direct, a court may 2200
permit a person who is required to appear before it by division 2201
(A) of this section to appear by video conferencing equipment. 2202

(2) If in the opinion of the court the appearance in 2203
person or by video conferencing equipment of a person who is 2204
charged with a misdemeanor and who is required to appear before 2205
the court by division (A) of this section is not practicable, 2206
the court may waive the appearance and release the person on 2207
bail in accordance with the court's schedule for bail set under 2208
division (C) of this section or, if the court has not set a 2209
schedule for bail under that division, on one or both of the 2210
following types of bail in an amount set by the court: 2211

(a) A bail bond secured by a deposit of ten per cent of 2212
the amount of the bond in cash; 2213

(b) A surety bond, a bond secured by real estate or 2214
securities as allowed by law, or the deposit of cash, at the 2215
option of the person. 2216

(3) Division (A) of this section does not create a right 2217
in a person to appear before the court for the setting of bail 2218
or prohibit a court from requiring any person charged with an 2219
offense of violence who is not described in that division from 2220
appearing before the court for the setting of bail. 2221

(E) As used in this section: 2222

(1) "Controlled substance" has the same meaning as in 2223
section 3719.01 of the Revised Code. 2224

(2) "Dangerous ordnance" and "deadly weapon" have the same 2225
meanings as in section 2923.11 of the Revised Code. 2226

Sec. 2919.26. (A) (1) Upon the filing of a complaint that 2227
alleges a violation of section 2909.06, 2909.07, 2911.12, ~~or~~ 2228
2911.211, 2913.88, 2913.89, or 2913.90 of the Revised Code if 2229
the alleged victim of the violation was a family or household 2230
member at the time of the violation, a violation of a municipal 2231
ordinance that is substantially similar to any of those sections 2232
if the alleged victim of the violation was a family or household 2233
member at the time of the violation, any offense of violence if 2234
the alleged victim of the offense was a family or household 2235
member at the time of the commission of the offense, or any 2236
sexually oriented offense if the alleged victim of the offense 2237
was a family or household member at the time of the commission 2238
of the offense, the complainant, the alleged victim, or a family 2239
or household member of an alleged victim may file, or, if in an 2240
emergency the alleged victim is unable to file, a person who 2241
made an arrest for the alleged violation or offense under 2242
section 2935.03 of the Revised Code may file on behalf of the 2243
alleged victim, a motion that requests the issuance of a 2244
temporary protection order as a pretrial condition of release of 2245
the alleged offender, in addition to any bail set under Criminal 2246
Rule 46. The motion shall be filed with the clerk of the court 2247
that has jurisdiction of the case at any time after the filing 2248
of the complaint. 2249

(2) For purposes of section 2930.09 of the Revised Code, 2250
all stages of a proceeding arising out of a complaint alleging 2251
the commission of a violation, offense of violence, or sexually 2252
oriented offense described in division (A) (1) of this section, 2253
including all proceedings on a motion for a temporary protection 2254
order, are critical stages of the case, and a victim may be 2255

accompanied by a victim advocate or another person to provide 2256
support to the victim as provided in that section. 2257

(B) The motion shall be prepared on a form that is 2258
provided by the clerk of the court, which form shall be 2259
substantially as follows: 2260

"MOTION FOR TEMPORARY PROTECTION ORDER 2261

_____ Court 2262

Name and address of court 2263

State of Ohio 2264

v. No. _____ 2265

_____ 2266

Name of Defendant 2267

(name of person), moves the court to issue a temporary 2268
protection order containing terms designed to ensure the safety 2269
and protection of the complainant, alleged victim, and other 2270
family or household members, in relation to the named defendant, 2271
pursuant to its authority to issue such an order under section 2272
2919.26 of the Revised Code. 2273

A complaint, a copy of which has been attached to this 2274
motion, has been filed in this court charging the named 2275
defendant with _____ (name of the specified 2276
violation, the offense of violence, or sexually oriented offense 2277
charged) in circumstances in which the victim was a family or 2278
household member in violation of (section of the Revised Code 2279
designating the specified violation, offense of violence, or 2280
sexually oriented offense charged), or charging the named 2281
defendant with a violation of a municipal ordinance that is 2282

substantially similar to _____ (section of 2283
the Revised Code designating the specified violation, offense of 2284
violence, or sexually oriented offense charged) involving a 2285
family or household member. 2286

I understand that I must appear before the court, at a 2287
time set by the court within twenty-four hours after the filing 2288
of this motion, for a hearing on the motion or that, if I am 2289
unable to appear because of hospitalization or a medical 2290
condition resulting from the offense alleged in the complaint, a 2291
person who can provide information about my need for a temporary 2292
protection order must appear before the court in lieu of my 2293
appearing in court. I understand that any temporary protection 2294
order granted pursuant to this motion is a pretrial condition of 2295
release and is effective only until the disposition of the 2296
criminal proceeding arising out of the attached complaint, or 2297
the issuance of a civil protection order or the approval of a 2298
consent agreement, arising out of the same activities as those 2299
that were the basis of the complaint, under section 3113.31 of 2300
the Revised Code. 2301

_____ 2302

Signature of person 2303

(or signature of the arresting officer who filed the motion on 2304
behalf of the alleged victim) 2305

_____ 2306

Address of person (or office address of the arresting officer 2307
who filed the motion on behalf of the alleged victim)" 2308

(C) (1) As soon as possible after the filing of a motion 2309
that requests the issuance of a temporary protection order, but 2310
not later than twenty-four hours after the filing of the motion, 2311

the court shall conduct a hearing to determine whether to issue 2312
the order. The person who requested the order shall appear 2313
before the court and provide the court with the information that 2314
it requests concerning the basis of the motion. If the person 2315
who requested the order is unable to appear and if the court 2316
finds that the failure to appear is because of the person's 2317
hospitalization or medical condition resulting from the offense 2318
alleged in the complaint, another person who is able to provide 2319
the court with the information it requests may appear in lieu of 2320
the person who requested the order. If the court finds that the 2321
safety and protection of the complainant, alleged victim, or any 2322
other family or household member of the alleged victim may be 2323
impaired by the continued presence of the alleged offender, the 2324
court may issue a temporary protection order, as a pretrial 2325
condition of release, that contains terms designed to ensure the 2326
safety and protection of the complainant, alleged victim, or the 2327
family or household member, including a requirement that the 2328
alleged offender refrain from entering the residence, school, 2329
business, or place of employment of the complainant, alleged 2330
victim, or the family or household member. The court may include 2331
within a protection order issued under this section a term 2332
requiring that the alleged offender not remove, damage, hide, 2333
harm, or dispose of any companion animal owned or possessed by 2334
the complainant, alleged victim, or any other family or 2335
household member of the alleged victim, and may include within 2336
the order a term authorizing the complainant, alleged victim, or 2337
other family or household member of the alleged victim to remove 2338
a companion animal owned by the complainant, alleged victim, or 2339
other family or household member from the possession of the 2340
alleged offender. 2341

(2) (a) If the court issues a temporary protection order 2342

that includes a requirement that the alleged offender refrain 2343
from entering the residence, school, business, or place of 2344
employment of the complainant, the alleged victim, or the family 2345
or household member, the order shall state clearly that the 2346
order cannot be waived or nullified by an invitation to the 2347
alleged offender from the complainant, alleged victim, or family 2348
or household member to enter the residence, school, business, or 2349
place of employment or by the alleged offender's entry into one 2350
of those places otherwise upon the consent of the complainant, 2351
alleged victim, or family or household member. 2352

(b) Division (C) (2) (a) of this section does not limit any 2353
discretion of a court to determine that an alleged offender 2354
charged with a violation of section 2919.27 of the Revised Code, 2355
with a violation of a municipal ordinance substantially 2356
equivalent to that section, or with contempt of court, which 2357
charge is based on an alleged violation of a temporary 2358
protection order issued under this section, did not commit the 2359
violation or was not in contempt of court. 2360

(D) (1) Upon the filing of a complaint that alleges a 2361
violation of section 2909.06, 2909.07, 2911.12, ~~or~~ 2911.211, 2362
2913.88, 2913.89, or 2913.90 of the Revised Code if the alleged 2363
victim of the violation was a family or household member at the 2364
time of the violation, a violation of a municipal ordinance that 2365
is substantially similar to any of those sections if the alleged 2366
victim of the violation was a family or household member at the 2367
time of the violation, any offense of violence if the alleged 2368
victim of the offense was a family or household member at the 2369
time of the commission of the offense, or any sexually oriented 2370
offense if the alleged victim of the offense was a family or 2371
household member at the time of the commission of the offense, 2372
the court, upon its own motion, may issue a temporary protection 2373

order as a pretrial condition of release if it finds that the safety and protection of the complainant, alleged victim, or other family or household member of the alleged offender may be impaired by the continued presence of the alleged offender.

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

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

(4) If a municipal court or a county court issues a temporary protection order under this section and if, subsequent to the issuance of the order, the alleged offender who is the subject of the order is bound over to the court of common pleas for prosecution of a felony arising out of the same activities as those that were the basis of the complaint upon which the order is based, notwithstanding the fact that the order was issued by a municipal court or county court, the order shall remain in effect, as though it were an order of the court of common pleas, while the charges against the alleged offender are pending in the court of common pleas, for the period of time described in division (E) (2) of this section, and the court of common pleas has exclusive jurisdiction to modify the order

issued by the municipal court or county court. This division 2404
applies when the alleged offender is bound over to the court of 2405
common pleas as a result of the person waiving a preliminary 2406
hearing on the felony charge, as a result of the municipal court 2407
or county court having determined at a preliminary hearing that 2408
there is probable cause to believe that the felony has been 2409
committed and that the alleged offender committed it, as a 2410
result of the alleged offender having been indicted for the 2411
felony, or in any other manner. 2412

(E) A temporary protection order that is issued as a 2413
pretrial condition of release under this section: 2414

(1) Is in addition to, but shall not be construed as a 2415
part of, any bail set under Criminal Rule 46; 2416

(2) Is effective only until the occurrence of either of 2417
the following: 2418

(a) The disposition, by the court that issued the order 2419
or, in the circumstances described in division (D)(4) of this 2420
section, by the court of common pleas to which the alleged 2421
offender is bound over for prosecution, of the criminal 2422
proceeding arising out of the complaint upon which the order is 2423
based; 2424

(b) The issuance of a protection order or the approval of 2425
a consent agreement, arising out of the same activities as those 2426
that were the basis of the complaint upon which the order is 2427
based, under section 3113.31 of the Revised Code. 2428

(3) Shall not be construed as a finding that the alleged 2429
offender committed the alleged offense, and shall not be 2430
introduced as evidence of the commission of the offense at the 2431
trial of the alleged offender on the complaint upon which the 2432

order is based. 2433

(F) A person who meets the criteria for bail under 2434
Criminal Rule 46 and who, if required to do so pursuant to that 2435
rule, executes or posts bond or deposits cash or securities as 2436
bail, shall not be held in custody pending a hearing before the 2437
court on a motion requesting a temporary protection order. 2438

(G) (1) A copy of any temporary protection order that is 2439
issued under this section shall be issued by the court to the 2440
complainant, to the alleged victim, to the person who requested 2441
the order, to the defendant, and to all law enforcement agencies 2442
that have jurisdiction to enforce the order. The court shall 2443
direct that a copy of the order be delivered to the defendant on 2444
the same day that the order is entered. If a municipal court or 2445
a county court issues a temporary protection order under this 2446
section and if, subsequent to the issuance of the order, the 2447
defendant who is the subject of the order is bound over to the 2448
court of common pleas for prosecution as described in division 2449
(D) (4) of this section, the municipal court or county court 2450
shall direct that a copy of the order be delivered to the court 2451
of common pleas to which the defendant is bound over. 2452

(2) Upon the issuance of a protection order under this 2453
section, the court shall provide the parties to the order with 2454
the following notice orally or by form: 2455

"NOTICE 2456

As a result of this protection order, it may be unlawful 2457
for you to possess or purchase a firearm, including a rifle, 2458
pistol, or revolver, or ammunition pursuant to federal law under 2459
18 U.S.C. 922(g)(8) for the duration of this order. If you have 2460
any questions whether this law makes it illegal for you to 2461

possess or purchase a firearm or ammunition, you should consult an attorney." 2462
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(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. 2464
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(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 copy of the registered protection order with a law enforcement agency in the other county in accordance with that division. 2470
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(5) Any officer of a law enforcement agency shall enforce a temporary protection order issued by any court in this state in accordance with the provisions of the order, including removing the defendant from the premises, regardless of whether the order is registered in the county in which the officer's agency has jurisdiction as authorized by division (G)(4) of this section. 2479
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(H) Upon a violation of a temporary protection order, the court may issue another temporary protection order, as a pretrial condition of release, that modifies the terms of the order that was violated. 2486
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(I)(1) As used in divisions (I)(1) and (2) of this 2490

section, "defendant" means a person who is alleged in a 2491
complaint to have committed a violation, offense of violence, or 2492
sexually oriented offense of the type described in division (A) 2493
of this section. 2494

(2) If a complaint is filed that alleges that a person 2495
committed a violation, offense of violence, or sexually oriented 2496
offense of the type described in division (A) of this section, 2497
the court may not issue a temporary protection order under this 2498
section that requires the complainant, the alleged victim, or 2499
another family or household member of the defendant to do or 2500
refrain from doing an act that the court may require the 2501
defendant to do or refrain from doing under a temporary 2502
protection order unless both of the following apply: 2503

(a) The defendant has filed a separate complaint that 2504
alleges that the complainant, alleged victim, or other family or 2505
household member in question who would be required under the 2506
order to do or refrain from doing the act committed a violation 2507
or offense of violence of the type described in division (A) of 2508
this section. 2509

(b) The court determines that both the complainant, 2510
alleged victim, or other family or household member in question 2511
who would be required under the order to do or refrain from 2512
doing the act and the defendant acted primarily as aggressors, 2513
that neither the complainant, alleged victim, or other family or 2514
household member in question who would be required under the 2515
order to do or refrain from doing the act nor the defendant 2516
acted primarily in self-defense, and, in accordance with the 2517
standards and criteria of this section as applied in relation to 2518
the separate complaint filed by the defendant, that it should 2519
issue the order to require the complainant, alleged victim, or 2520

other family or household member in question to do or refrain 2521
from doing the act. 2522

(J) (1) Subject to division (J) (2) of this section and 2523
regardless of whether a protection order is issued or a consent 2524
agreement is approved by a court of another county or a court of 2525
another state, no court or unit of state or local government 2526
shall charge the movant any fee, cost, deposit, or money in 2527
connection with the filing of a motion pursuant to this section, 2528
in connection with the filing, issuance, registration, 2529
modification, enforcement, dismissal, withdrawal, or service of 2530
a protection order, consent agreement, or witness subpoena or 2531
for obtaining a certified copy of a protection order or consent 2532
agreement. 2533

(2) Regardless of whether a protection order is issued or 2534
a consent agreement is approved pursuant to this section, if the 2535
defendant is convicted the court may assess costs against the 2536
defendant in connection with the filing, issuance, registration, 2537
modification, enforcement, dismissal, withdrawal, or service of 2538
a protection order, consent agreement, or witness subpoena or 2539
for obtaining a certified copy of a protection order or consent 2540
agreement. 2541

(K) As used in this section: 2542

(1) "Companion animal" has the same meaning as in section 2543
959.131 of the Revised Code. 2544

(2) "Sexually oriented offense" has the same meaning as in 2545
section 2950.01 of the Revised Code. 2546

(3) "Victim advocate" means a person who provides support 2547
and assistance for a victim of an offense during court 2548
proceedings. 2549

Sec. 2921.22. (A) (1) Except as provided in division (A) (2) 2550
of this section, no person, knowing that a felony has been or is 2551
being committed, shall knowingly fail to report such information 2552
to law enforcement authorities. 2553

(2) No person, knowing that a violation of section 2913.87 2554
or division (B) of section 2913.04 of the Revised Code has been, 2555
or is being committed or that the person has received 2556
information derived from such a violation, shall knowingly fail 2557
to report the violation to law enforcement authorities. 2558

(B) Except for conditions that are within the scope of 2559
division (E) of this section, no person giving aid to a sick or 2560
injured person shall negligently fail to report to law 2561
enforcement authorities any gunshot or stab wound treated or 2562
observed by the person, or any serious physical harm to persons 2563
that the person knows or has reasonable cause to believe 2564
resulted from an offense of violence. 2565

(C) No person who discovers the body or acquires the first 2566
knowledge of the death of a person shall fail to report the 2567
death immediately to a physician or advanced practice registered 2568
nurse whom the person knows to be treating the deceased for a 2569
condition from which death at such time would not be unexpected, 2570
or to a law enforcement officer, an ambulance service, an 2571
emergency squad, or the coroner in a political subdivision in 2572
which the body is discovered, the death is believed to have 2573
occurred, or knowledge concerning the death is obtained. For 2574
purposes of this division, "advanced practice registered nurse" 2575
does not include a certified registered nurse anesthetist. 2576

(D) No person shall fail to provide upon request of the 2577
person to whom a report required by division (C) of this section 2578
was made, or to any law enforcement officer who has reasonable 2579

cause to assert the authority to investigate the circumstances 2580
surrounding the death, any facts within the person's knowledge 2581
that may have a bearing on the investigation of the death. 2582

(E) (1) As used in this division, "burn injury" means any 2583
of the following: 2584

(a) Second or third degree burns; 2585

(b) Any burns to the upper respiratory tract or laryngeal 2586
edema due to the inhalation of superheated air; 2587

(c) Any burn injury or wound that may result in death; 2588

(d) Any physical harm to persons caused by or as the 2589
result of the use of fireworks, novelties and trick noisemakers, 2590
and wire sparklers, as each is defined by section 3743.01 of the 2591
Revised Code. 2592

(2) No physician, nurse, physician assistant, or limited 2593
practitioner who, outside a hospital, sanitarium, or other 2594
medical facility, attends or treats a person who has sustained a 2595
burn injury that is inflicted by an explosion or other 2596
incendiary device or that shows evidence of having been 2597
inflicted in a violent, malicious, or criminal manner shall fail 2598
to report the burn injury immediately to the local arson, or 2599
fire and explosion investigation, bureau, if there is a bureau 2600
of this type in the jurisdiction in which the person is attended 2601
or treated, or otherwise to local law enforcement authorities. 2602

(3) No manager, superintendent, or other person in charge 2603
of a hospital, sanitarium, or other medical facility in which a 2604
person is attended or treated for any burn injury that is 2605
inflicted by an explosion or other incendiary device or that 2606
shows evidence of having been inflicted in a violent, malicious, 2607
or criminal manner shall fail to report the burn injury 2608

immediately to the local arson, or fire and explosion 2609
investigation, bureau, if there is a bureau of this type in the 2610
jurisdiction in which the person is attended or treated, or 2611
otherwise to local law enforcement authorities. 2612

(4) No person who is required to report any burn injury 2613
under division (E) (2) or (3) of this section shall fail to file, 2614
within three working days after attending or treating the 2615
victim, a written report of the burn injury with the office of 2616
the state fire marshal. The report shall comply with the uniform 2617
standard developed by the state fire marshal pursuant to 2618
division (A) (15) of section 3737.22 of the Revised Code. 2619

(5) Anyone participating in the making of reports under 2620
division (E) of this section or anyone participating in a 2621
judicial proceeding resulting from the reports is immune from 2622
any civil or criminal liability that otherwise might be incurred 2623
or imposed as a result of such actions. Notwithstanding section 2624
4731.22 of the Revised Code, the physician-patient relationship 2625
or advanced practice registered nurse-patient relationship is 2626
not a ground for excluding evidence regarding a person's burn 2627
injury or the cause of the burn injury in any judicial 2628
proceeding resulting from a report submitted under division (E) 2629
of this section. 2630

(F) (1) Any doctor of medicine or osteopathic medicine, 2631
hospital intern or resident, nurse, psychologist, social worker, 2632
independent social worker, social work assistant, licensed 2633
professional clinical counselor, licensed professional 2634
counselor, independent marriage and family therapist, or 2635
marriage and family therapist who knows or has reasonable cause 2636
to believe that a patient or client has been the victim of 2637
domestic violence, as defined in section 3113.31 of the Revised 2638

Code, shall note that knowledge or belief and the basis for it 2639
in the patient's or client's records. 2640

(2) Notwithstanding section 4731.22 of the Revised Code, 2641
the physician-patient privilege or advanced practice registered 2642
nurse-patient privilege shall not be a ground for excluding any 2643
information regarding the report containing the knowledge or 2644
belief noted under division (F)(1) of this section, and the 2645
information may be admitted as evidence in accordance with the 2646
Rules of Evidence. 2647

(G) Divisions (A) and (D) of this section do not require 2648
disclosure of information, when any of the following applies: 2649

(1) The information is privileged by reason of the 2650
relationship between attorney and client; physician and patient; 2651
advanced practice registered nurse and patient; licensed 2652
psychologist or licensed school psychologist and client; 2653
licensed professional clinical counselor, licensed professional 2654
counselor, independent social worker, social worker, independent 2655
marriage and family therapist, or marriage and family therapist 2656
and client; member of the clergy, rabbi, minister, or priest and 2657
any person communicating information confidentially to the 2658
member of the clergy, rabbi, minister, or priest for a religious 2659
counseling purpose of a professional character; husband and 2660
wife; or a communications assistant and those who are a party to 2661
a telecommunications relay service call. 2662

(2) The information would tend to incriminate a member of 2663
the actor's immediate family. 2664

(3) Disclosure of the information would amount to 2665
revealing a news source, privileged under section 2739.04 or 2666
2739.12 of the Revised Code. 2667

(4) Disclosure of the information would amount to 2668
disclosure by a member of the ordained clergy of an organized 2669
religious body of a confidential communication made to that 2670
member of the clergy in that member's capacity as a member of 2671
the clergy by a person seeking the aid or counsel of that member 2672
of the clergy. 2673

(5) Disclosure would amount to revealing information 2674
acquired by the actor in the course of the actor's duties in 2675
connection with a bona fide program of treatment or services for 2676
drug dependent persons or persons in danger of drug dependence, 2677
which program is maintained or conducted by a hospital, clinic, 2678
person, agency, or community addiction services provider whose 2679
alcohol and drug addiction services are certified pursuant to 2680
section 5119.36 of the Revised Code. 2681

(6) Disclosure would amount to revealing information 2682
acquired by the actor in the course of the actor's duties in 2683
connection with a bona fide program for providing counseling 2684
services to victims of crimes that are violations of section 2685
2907.02 or 2907.05 of the Revised Code or to victims of 2686
felonious sexual penetration in violation of former section 2687
2907.12 of the Revised Code. As used in this division, 2688
"counseling services" include services provided in an informal 2689
setting by a person who, by education or experience, is 2690
competent to provide those services. 2691

(H) No disclosure of information pursuant to this section 2692
gives rise to any liability or recrimination for a breach of 2693
privilege or confidence. 2694

(I) Whoever violates division (A) or (B) of this section 2695
is guilty of failure to report a crime. Violation of division 2696
(A) (1) of this section is a misdemeanor of the fourth degree. 2697

Violation of division (A) (2) or (B) of this section is a misdemeanor of the second degree.	2698 2699
(J) Whoever violates division (C) or (D) of this section is guilty of failure to report knowledge of a death, a misdemeanor of the fourth degree.	2700 2701 2702
(K) (1) Whoever negligently violates division (E) of this section is guilty of a minor misdemeanor.	2703 2704
(2) Whoever knowingly violates division (E) of this section is guilty of a misdemeanor of the second degree.	2705 2706
(L) As used in this section, "nurse" includes an advanced practice registered nurse, registered nurse, and licensed practical nurse.	2707 2708 2709
Sec. 2923.04. (A) As used in this section:	2710
(1) "Compensation" means money, thing of value, or financial benefit. "Compensation" does not include bail, fines, or court costs.	2711 2712 2713
(2) "Critical infrastructure facility" has the same meaning as in section 2911.21 of the Revised Code.	2714 2715
(3) "Organization" has the same meaning as in section 2901.23 of the Revised Code.	2716 2717
(B) No organization shall knowingly direct, authorize, facilitate, or encourage a person to commit any of the following offenses or provide compensation to a person for committing any of the following offenses:	2718 2719 2720 2721
(1) Criminal mischief in violation of division (A) (7) <u>(A)</u> <u>(6)</u> of section 2909.07 of the Revised Code;	2722 2723
(2) Criminal trespass in violation of division (A) (5) of	2724

section 2911.21 of the Revised Code;	2725
(3) Aggravated trespass in violation of division (A) (2) of section 2911.211 of the Revised Code;	2726 2727
(4) Telecommunications harassment in violation of division (A) (4) of section 2917.21 of the Revised Code that involves a threat of damage to or destruction of a critical infrastructure facility;	2728 2729 2730 2731
(5) Making false alarms in violation of division (A) (4) of section 2917.32 of the Revised Code.	2732 2733
(C) Whoever violates this section is guilty of improper organizational involvement with a critical infrastructure facility. Notwithstanding section 2929.31 of the Revised Code, improper organizational involvement with a critical infrastructure facility shall be punished as follows:	2734 2735 2736 2737 2738
(1) A violation of division (B) (1) of this section shall be punished with a fine that is ten times the maximum fine that can be imposed on an individual for a violation of division (A) (7) <u>(A) (6)</u> of section 2909.07 of the Revised Code;	2739 2740 2741 2742
(2) A violation of division (B) (2) of this section shall be punished with a fine that is ten times the maximum fine that can be imposed on an individual for a violation of division (A) (5) of section 2911.21 of the Revised Code;	2743 2744 2745 2746
(3) A violation of division (B) (3) of this section shall be punished with a fine that is ten times the maximum fine that can be imposed on an individual for a violation of division (A) (2) of section 2911.211 of the Revised Code;	2747 2748 2749 2750
(4) A violation of division (B) (4) of this section shall be punished with a fine that is ten times the maximum fine that	2751 2752

can be imposed on an individual for a violation of division (A) 2753
(4) of section 2917.21 that involves a threat of damage to or 2754
destruction of a critical infrastructure facility; 2755

(5) A violation of division (B)(5) of this section shall 2756
be punished with a fine that is ten times the maximum fine that 2757
can be imposed on an individual for a violation of division (A) 2758
(4) of section 2917.32 of the Revised Code. 2759

Sec. 2923.129. (A) (1) If a sheriff, the superintendent of 2760
the bureau of criminal identification and investigation, the 2761
employees of the bureau, the Ohio peace officer training 2762
commission, or the employees of the commission make a good faith 2763
effort in performing the duties imposed upon the sheriff, the 2764
superintendent, the bureau's employees, the commission, or the 2765
commission's employees by sections 109.731, 311.41, and 2923.124 2766
to 2923.1213 of the Revised Code, in addition to the personal 2767
immunity provided by section 9.86 of the Revised Code or 2768
division (A)(6) of section 2744.03 of the Revised Code and the 2769
governmental immunity of sections 2744.02 and 2744.03 of the 2770
Revised Code and in addition to any other immunity possessed by 2771
the bureau, the commission, and their employees, the sheriff, 2772
the sheriff's office, the county in which the sheriff has 2773
jurisdiction, the bureau, the superintendent of the bureau, the 2774
bureau's employees, the commission, and the commission's 2775
employees are immune from liability in a civil action for 2776
injury, death, or loss to person or property that allegedly was 2777
caused by or related to any of the following: 2778

(a) The issuance, renewal, suspension, or revocation of a 2779
concealed handgun license; 2780

(b) The failure to issue, renew, suspend, or revoke a 2781
concealed handgun license; 2782

(c) Any action or misconduct with a handgun committed by a licensee.	2783 2784
(2) Any action of a sheriff relating to the issuance, renewal, suspension, or revocation of a concealed handgun license shall be considered to be a governmental function for purposes of Chapter 2744. of the Revised Code.	2785 2786 2787 2788
(3) An entity that or instructor who provides a competency certification of a type described in division (B) (3) of section 2923.125 of the Revised Code is immune from civil liability that might otherwise be incurred or imposed for any death or any injury or loss to person or property that is caused by or related to a person to whom the entity or instructor has issued the competency certificate if all of the following apply:	2789 2790 2791 2792 2793 2794 2795
(a) The alleged liability of the entity or instructor relates to the training provided in the course, class, or program covered by the competency certificate.	2796 2797 2798
(b) The entity or instructor makes a good faith effort in determining whether the person has satisfactorily completed the course, class, or program and makes a good faith effort in assessing the person in the competency examination conducted pursuant to division (G) (2) of section 2923.125 of the Revised Code.	2799 2800 2801 2802 2803 2804
(c) The entity or instructor did not issue the competency certificate with malicious purpose, in bad faith, or in a wanton or reckless manner.	2805 2806 2807
(4) An entity that or instructor who, prior to March 27, 2013, provides a renewed competency certification of a type described in division (G) (4) of section 2923.125 of the Revised Code as it existed prior to March 27, 2013, is immune from civil	2808 2809 2810 2811

liability that might otherwise be incurred or imposed for any 2812
death or any injury or loss to person or property that is caused 2813
by or related to a person to whom the entity or instructor has 2814
issued the renewed competency certificate if all of the 2815
following apply: 2816

(a) The entity or instructor makes a good faith effort in 2817
assessing the person in the physical demonstrations or the 2818
competency examination conducted pursuant to division (G) (4) of 2819
section 2923.125 of the Revised Code as it existed prior to 2820
March 27, 2013. 2821

(b) The entity or instructor did not issue the renewed 2822
competency certificate with malicious purpose, in bad faith, or 2823
in a wanton or reckless manner. 2824

(B) Notwithstanding section 149.43 of the Revised Code, 2825
the records that a sheriff keeps relative to the issuance, 2826
renewal, suspension, or revocation of a concealed handgun 2827
license, including, but not limited to, completed applications 2828
for the issuance or renewal of a license, completed affidavits 2829
submitted regarding an application for a license on a temporary 2830
emergency basis, reports of criminal records checks and 2831
incompetency records checks under section 311.41 of the Revised 2832
Code, and applicants' social security numbers and fingerprints 2833
that are obtained under division (A) of section 311.41 of the 2834
Revised Code, are confidential and are not public records. No 2835
person shall release or otherwise disseminate records that are 2836
confidential under this division unless required to do so 2837
pursuant to a court order. 2838

(C) Each sheriff shall report to the Ohio peace officer 2839
training commission the number of concealed handgun licenses 2840
that the sheriff issued, renewed, suspended, revoked, or denied 2841

under section 2923.125 of the Revised Code during the previous 2842
quarter of the calendar year, the number of applications for 2843
those licenses for which processing was suspended in accordance 2844
with division (D) (3) of section 2923.125 of the Revised Code 2845
during the previous quarter of the calendar year, and the number 2846
of concealed handgun licenses on a temporary emergency basis 2847
that the sheriff issued, suspended, revoked, or denied under 2848
section 2923.1213 of the Revised Code during the previous 2849
quarter of the calendar year. The sheriff shall not include in 2850
the report the name or any other identifying information of an 2851
applicant or licensee. The sheriff shall report that information 2852
in a manner that permits the commission to maintain the 2853
statistics described in division (C) of section 109.731 of the 2854
Revised Code and to timely prepare the statistical report 2855
described in that division. The information that is received by 2856
the commission under this division is a public record kept by 2857
the commission for the purposes of section 149.43 of the Revised 2858
Code. 2859

(D) Law enforcement agencies may use the information a 2860
sheriff makes available through the use of the law enforcement 2861
automated data system pursuant to division (H) of section 2862
2923.125 or division (B) (2) or (D) of section 2923.1213 of the 2863
Revised Code for law enforcement purposes only. The information 2864
is confidential and is not a public record. Except as provided 2865
in section 5503.101 of the Revised Code, a person who releases 2866
or otherwise disseminates this information obtained through the 2867
law enforcement automated data system in a manner not described 2868
in this division is guilty of a violation of ~~section~~ sections 2869
2913.04, 2913.87, 2913.91, and 2913.92 of the Revised Code. 2870

(E) Whoever violates division (B) of this section is 2871
guilty of illegal release of confidential concealed handgun 2872

license records, a felony of the fifth degree. In addition to 2873
any penalties imposed under Chapter 2929. of the Revised Code 2874
for a violation of division (B) of this section or a violation 2875
of section 2913.04, 2913.87, 2913.91, or 2913.92 of the Revised 2876
Code described in division (D) of this section, if the offender 2877
is a sheriff, an employee of a sheriff, or any other public 2878
officer or employee, and if the violation was willful and 2879
deliberate, the offender shall be subject to a civil fine of one 2880
thousand dollars. Any person who is harmed by a violation of 2881
division (B) or (C) of this section or a violation of section 2882
2913.04, 2913.87, 2913.91, or 2913.92 of the Revised Code 2883
described in division (D) of this section has a private cause of 2884
action against the offender for any injury, death, or loss to 2885
person or property that is a proximate result of the violation 2886
and may recover court costs and attorney's fees related to the 2887
action. 2888

Sec. 2927.12. (A) No person shall violate section 2903.21, 2889
2903.22, 2909.06, ~~or~~ 2909.07, or 2913.88, or division (A) (3), 2890
(4), or (5) of section 2917.21 of the Revised Code by reason of 2891
the race, color, religion, or national origin of another person 2892
or group of persons. 2893

(B) Whoever violates this section is guilty of ethnic 2894
intimidation. Ethnic intimidation is an offense of the next 2895
higher degree than the offense the commission of which is a 2896
necessary element of ethnic intimidation. 2897

Sec. 2933.51. As used in sections 2933.51 to 2933.66 of 2898
the Revised Code: 2899

(A) "Wire communication" means an aural transfer that is 2900
made in whole or in part through the use of facilities for the 2901
transmission of communications by the aid of wires or similar 2902

methods of connecting the point of origin of the communication 2903
and the point of reception of the communication, including the 2904
use of a method of connecting the point of origin and the point 2905
of reception of the communication in a switching station, if the 2906
facilities are furnished or operated by a person engaged in 2907
providing or operating the facilities for the transmission of 2908
communications. "Wire communication" includes an electronic 2909
storage of a wire communication. 2910

(B) "Oral communication" means an oral communication 2911
uttered by a person exhibiting an expectation that the 2912
communication is not subject to interception under circumstances 2913
justifying that expectation. "Oral communication" does not 2914
include an electronic communication. 2915

(C) "Intercept" means the aural or other acquisition of 2916
the contents of any wire, oral, or electronic communication 2917
through the use of an interception device. 2918

(D) "Interception device" means an electronic, mechanical, 2919
or other device or apparatus that can be used to intercept a 2920
wire, oral, or electronic communication. "Interception device" 2921
does not mean any of the following: 2922

(1) A telephone or telegraph instrument, equipment, or 2923
facility, or any of its components, if the instrument, 2924
equipment, facility, or component is any of the following: 2925

(a) Furnished to the subscriber or user by a provider of 2926
wire or electronic communication service in the ordinary course 2927
of its business and being used by the subscriber or user in the 2928
ordinary course of its business; 2929

(b) Furnished by a subscriber or user for connection to 2930
the facilities of a provider of wire or electronic communication 2931

service and used in the ordinary course of that subscriber's or 2932
user's business; 2933

(c) Being used by a provider of wire or electronic 2934
communication service in the ordinary course of its business or 2935
by an investigative or law enforcement officer in the ordinary 2936
course of the officer's duties that do not involve the 2937
interception of wire, oral, or electronic communications. 2938

(2) A hearing aid or similar device being used to correct 2939
subnormal hearing to not better than normal. 2940

(E) "Investigative officer" means any of the following: 2941

(1) An officer of this state or a political subdivision of 2942
this state, who is empowered by law to conduct investigations or 2943
to make arrests for a designated offense; 2944

(2) A person described in divisions (A) (11) (a) and (b) of 2945
section 2901.01 of the Revised Code; 2946

(3) An attorney authorized by law to prosecute or 2947
participate in the prosecution of a designated offense; 2948

(4) A secret service officer appointed pursuant to section 2949
309.07 of the Revised Code; 2950

(5) An officer of the United States, a state, or a 2951
political subdivision of a state who is authorized to conduct 2952
investigations pursuant to the "Electronic Communications 2953
Privacy Act of 1986," 100 Stat. 1848-1857, 18 U.S.C. 2510-2521 2954
(1986), as amended. 2955

(F) "Interception warrant" means a court order that 2956
authorizes the interception of wire, oral, or electronic 2957
communications and that is issued pursuant to sections 2933.53 2958
to 2933.56 of the Revised Code. 2959

(G) "Contents," when used with respect to a wire, oral, or 2960
electronic communication, includes any information concerning 2961
the substance, purport, or meaning of the communication. 2962

(H) "Communications common carrier" means a person who is 2963
engaged as a common carrier for hire in intrastate, interstate, 2964
or foreign communications by wire, radio, or radio transmission 2965
of energy. "Communications common carrier" does not include, to 2966
the extent that the person is engaged in radio broadcasting, a 2967
person engaged in radio broadcasting. 2968

(I) "Designated offense" means any of the following: 2969

(1) A felony violation of section 1315.53, 1315.55, 2970
2903.01, 2903.02, 2903.11, 2905.01, 2905.02, 2905.11, 2905.22, 2971
2905.32, 2907.02, 2907.21, 2907.22, 2909.02, 2909.03, 2909.04, 2972
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2973
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.04, 2913.42, 2974
2913.51, 2913.87 to 2913.92, 2915.02, 2915.03, 2917.01, 2917.02, 2975
2921.02, 2921.03, 2921.04, 2921.32, 2921.34, 2923.20, 2923.32, 2976
2925.03, 2925.04, 2925.05, or 2925.06 or of division (B) of 2977
section 2915.05 or of division (E) or (G) of section 3772.99 of 2978
the Revised Code; 2979

(2) A violation of section 2919.23 of the Revised Code 2980
that, had it occurred prior to July 1, 1996, would have been a 2981
violation of section 2905.04 of the Revised Code as it existed 2982
prior to that date; 2983

(3) A felony violation of section 2925.11 of the Revised 2984
Code that is not a minor drug possession offense, as defined in 2985
section 2925.01 of the Revised Code; 2986

(4) Complicity in the commission of a felony violation of 2987
a section listed in division (I) (1), (2), or (3) of this 2988

section; 2989

(5) An attempt to commit, or conspiracy in the commission 2990
of, a felony violation of a section listed in division (I) (1), 2991
(2), or (3) of this section, if the attempt or conspiracy is 2992
punishable by a term of imprisonment of more than one year. 2993

(J) "Aggrieved person" means a person who was a party to 2994
an intercepted wire, oral, or electronic communication or a 2995
person against whom the interception of the communication was 2996
directed. 2997

(K) "Person" means a person, as defined in section 1.59 of 2998
the Revised Code, or a governmental officer, employee, or 2999
entity. 3000

(L) "Special need" means a showing that a licensed 3001
physician, licensed practicing psychologist, attorney, 3002
practicing cleric, journalist, or either spouse is personally 3003
engaging in continuing criminal activity, was engaged in 3004
continuing criminal activity over a period of time, or is 3005
committing, has committed, or is about to commit, a designated 3006
offense, or a showing that specified public facilities are being 3007
regularly used by someone who is personally engaging in 3008
continuing criminal activity, was engaged in continuing criminal 3009
activity over a period of time, or is committing, has committed, 3010
or is about to commit, a designated offense. 3011

(M) "Journalist" means a person engaged in, connected 3012
with, or employed by, any news media, including a newspaper, 3013
magazine, press association, news agency, or wire service, a 3014
radio or television station, or a similar media, for the purpose 3015
of gathering, processing, transmitting, compiling, editing, or 3016
disseminating news for the general public. 3017

(N) "Electronic communication" means a transfer of a sign, 3018
signal, writing, image, sound, datum, or intelligence of any 3019
nature that is transmitted in whole or in part by a wire, radio, 3020
electromagnetic, photoelectronic, or photo-optical system. 3021

"Electronic communication" does not mean any of the following: 3022

(1) A wire or oral communication; 3023

(2) A communication made through a tone-only paging 3024
device; 3025

(3) A communication from an electronic or mechanical 3026
tracking device that permits the tracking of the movement of a 3027
person or object. 3028

(O) "User" means a person or entity that uses an 3029
electronic communication service and is duly authorized by the 3030
provider of the service to engage in the use of the electronic 3031
communication service. 3032

(P) "Electronic communications system" means a wire, 3033
radio, electromagnetic, photoelectronic, or photo-optical 3034
facility for the transmission of electronic communications, and 3035
a computer facility or related electronic equipment for the 3036
electronic storage of electronic communications. 3037

(Q) "Electronic communication service" means a service 3038
that provides to users of the service the ability to send or 3039
receive wire or electronic communications. 3040

(R) "Readily accessible to the general public" means, with 3041
respect to a radio communication, that the communication is none 3042
of the following: 3043

(1) Scrambled or encrypted; 3044

(2) Transmitted using a modulation technique, the 3045

essential parameters of which have been withheld from the public 3046
with the intention of preserving the privacy of the 3047
communication; 3048

(3) Carried on a subcarrier or other signal subsidiary to 3049
a radio transmission; 3050

(4) Transmitted over a communications system provided by a 3051
communications common carrier, unless the communication is a 3052
tone-only paging system communication; 3053

(5) Transmitted on a frequency allocated under part 25, 3054
subpart D, E, or F of part 74, or part 94 of the Rules of the 3055
Federal Communications Commission, as those provisions existed 3056
on July 1, 1996, unless, in the case of a communication 3057
transmitted on a frequency allocated under part 74 that is not 3058
exclusively allocated to broadcast auxiliary services, the 3059
communication is a two-way voice communication by radio. 3060

(S) "Electronic storage" means a temporary, intermediate 3061
storage of a wire or electronic communication that is incidental 3062
to the electronic transmission of the communication, and a 3063
storage of a wire or electronic communication by an electronic 3064
communication service for the purpose of backup protection of 3065
the communication. 3066

(T) "Aural transfer" means a transfer containing the human 3067
voice at a point between and including the point of origin and 3068
the point of reception. 3069

(U) "Pen register" means a device that records or decodes 3070
electronic impulses that identify the numbers dialed, pulsed, or 3071
otherwise transmitted on telephone lines to which the device is 3072
attached. 3073

(V) "Trap and trace device" means a device that captures 3074

the incoming electronic or other impulses that identify the 3075
originating number of an instrument or device from which a wire 3076
communication or electronic communication was transmitted but 3077
that does not intercept the contents of the wire communication 3078
or electronic communication. 3079

(W) "Judge of a court of common pleas" means a judge of 3080
that court who is elected or appointed as a judge of general 3081
jurisdiction or as a judge who exercises both general 3082
jurisdiction and probate, domestic relations, or juvenile 3083
jurisdiction. "Judge of a court of common pleas" does not mean a 3084
judge of that court who is elected or appointed specifically as 3085
a probate, domestic relations, or juvenile judge. 3086

Sec. 3712.09. (A) As used in this section: 3087

(1) "Applicant" means a person who is under final 3088
consideration for employment with a hospice care program or 3089
pediatric respite care program in a full-time, part-time, or 3090
temporary position that involves providing direct care to an 3091
older adult or pediatric respite care patient. "Applicant" does 3092
not include a person who provides direct care as a volunteer 3093
without receiving or expecting to receive any form of 3094
remuneration other than reimbursement for actual expenses. 3095

(2) "Criminal records check" has the same meaning as in 3096
section 109.572 of the Revised Code. 3097

(3) "Older adult" means a person age sixty or older. 3098

(B) (1) Except as provided in division (I) of this section, 3099
the chief administrator of a hospice care program or pediatric 3100
respite care program shall request that the superintendent of 3101
the bureau of criminal identification and investigation conduct 3102
a criminal records check of each applicant. If an applicant for 3103

whom a criminal records check request is required under this 3104
division does not present proof of having been a resident of 3105
this state for the five-year period immediately prior to the 3106
date the criminal records check is requested or provide evidence 3107
that within that five-year period the superintendent has 3108
requested information about the applicant from the federal 3109
bureau of investigation in a criminal records check, the chief 3110
administrator shall request that the superintendent obtain 3111
information from the federal bureau of investigation as part of 3112
the criminal records check of the applicant. Even if an 3113
applicant for whom a criminal records check request is required 3114
under this division presents proof of having been a resident of 3115
this state for the five-year period, the chief administrator may 3116
request that the superintendent include information from the 3117
federal bureau of investigation in the criminal records check. 3118

(2) A person required by division (B) (1) of this section 3119
to request a criminal records check shall do both of the 3120
following: 3121

(a) Provide to each applicant for whom a criminal records 3122
check request is required under that division a copy of the form 3123
prescribed pursuant to division (C) (1) of section 109.572 of the 3124
Revised Code and a standard fingerprint impression sheet 3125
prescribed pursuant to division (C) (2) of that section, and 3126
obtain the completed form and impression sheet from the 3127
applicant; 3128

(b) Forward the completed form and impression sheet to the 3129
superintendent of the bureau of criminal identification and 3130
investigation. 3131

(3) An applicant provided the form and fingerprint 3132
impression sheet under division (B) (2) (a) of this section who 3133

fails to complete the form or provide fingerprint impressions 3134
shall not be employed in any position for which a criminal 3135
records check is required by this section. 3136

(C) (1) Except as provided in rules adopted by the director 3137
of health in accordance with division (F) of this section and 3138
subject to division (C) (2) of this section, no hospice care 3139
program or pediatric respite care program shall employ a person 3140
in a position that involves providing direct care to an older 3141
adult or pediatric respite care patient if the person has been 3142
convicted of or pleaded guilty to any of the following: 3143

(a) A violation of section 2903.01, 2903.02, 2903.03, 3144
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3145
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3146
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3147
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 3148
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 3149
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2913.87 to 3150
2913.92, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 3151
2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 3152
Revised Code. 3153

(b) A violation of an existing or former law of this 3154
state, any other state, or the United States that is 3155
substantially equivalent to any of the offenses listed in 3156
division (C) (1) (a) of this section. 3157

(2) (a) A hospice care program or pediatric respite care 3158
program may employ conditionally an applicant for whom a 3159
criminal records check request is required under division (B) of 3160
this section prior to obtaining the results of a criminal 3161
records check regarding the individual, provided that the 3162
program shall request a criminal records check regarding the 3163

individual in accordance with division (B) (1) of this section 3164
not later than five business days after the individual begins 3165
conditional employment. In the circumstances described in 3166
division (I) (2) of this section, a hospice care program or 3167
pediatric respite care program may employ conditionally an 3168
applicant who has been referred to the hospice care program or 3169
pediatric respite care program by an employment service that 3170
supplies full-time, part-time, or temporary staff for positions 3171
involving the direct care of older adults or pediatric respite 3172
care patients and for whom, pursuant to that division, a 3173
criminal records check is not required under division (B) of 3174
this section. 3175

(b) A hospice care program or pediatric respite care 3176
program that employs an individual conditionally under authority 3177
of division (C) (2) (a) of this section shall terminate the 3178
individual's employment if the results of the criminal records 3179
check requested under division (B) of this section or described 3180
in division (I) (2) of this section, other than the results of 3181
any request for information from the federal bureau of 3182
investigation, are not obtained within the period ending thirty 3183
days after the date the request is made. Regardless of when the 3184
results of the criminal records check are obtained, if the 3185
results indicate that the individual has been convicted of or 3186
pleaded guilty to any of the offenses listed or described in 3187
division (C) (1) of this section, the program shall terminate the 3188
individual's employment unless the program chooses to employ the 3189
individual pursuant to division (F) of this section. Termination 3190
of employment under this division shall be considered just cause 3191
for discharge for purposes of division (D) (2) of section 4141.29 3192
of the Revised Code if the individual makes any attempt to 3193
deceive the program about the individual's criminal record. 3194

(D) (1) Each hospice care program or pediatric respite care program shall pay to the bureau of criminal identification and investigation the fee 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 hospice care program or pediatric respite care program may charge an applicant a fee not exceeding the amount the program pays under division (D) (1) of this section. A program may collect a fee only if both of the following apply:

(a) The 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 program the fee it pays under division (D) (1) of this section.

(E) The report of a 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 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 or pediatric respite care patients that is owned or operated by the same entity that owns or operates the hospice care program or

pediatric respite care program; 3224

(4) A court, hearing officer, or other necessary 3225
individual involved in a case dealing with a denial of 3226
employment of the applicant or dealing with employment or 3227
unemployment benefits of the applicant; 3228

(5) Any person to whom the report is provided pursuant to, 3229
and in accordance with, division (I)(1) or (2) of this section. 3230

(F) The director of health shall adopt rules in accordance 3231
with Chapter 119. of the Revised Code to implement this section. 3232
The rules shall specify circumstances under which a hospice care 3233
program or pediatric respite care program may employ a person 3234
who has been convicted of or pleaded guilty to an offense listed 3235
or described in division (C)(1) of this section but meets 3236
personal character standards set by the director. 3237

(G) The chief administrator of a hospice care program or 3238
pediatric respite care program shall inform each individual, at 3239
the time of initial application for a position that involves 3240
providing direct care to an older adult or pediatric respite 3241
care patient, that the individual is required to provide a set 3242
of fingerprint impressions and that a criminal records check is 3243
required to be conducted if the individual comes under final 3244
consideration for employment. 3245

(H) In a tort or other civil action for damages that is 3246
brought as the result of an injury, death, or loss to person or 3247
property caused by an individual who a hospice care program or 3248
pediatric respite care program employs in a position that 3249
involves providing direct care to older adults or pediatric 3250
respite care patients, all of the following shall apply: 3251

(1) If the program employed the individual in good faith 3252

and reasonable reliance on the report of a criminal records 3253
check requested under this section, the program shall not be 3254
found negligent solely because of its reliance on the report, 3255
even if the information in the report is determined later to 3256
have been incomplete or inaccurate; 3257

(2) If the program employed the individual in good faith 3258
on a conditional basis pursuant to division (C) (2) of this 3259
section, the program shall not be found negligent solely because 3260
it employed the individual prior to receiving the report of a 3261
criminal records check requested under this section; 3262

(3) If the program in good faith employed the individual 3263
according to the personal character standards established in 3264
rules adopted under division (F) of this section, the program 3265
shall not be found negligent solely because the individual prior 3266
to being employed had been convicted of or pleaded guilty to an 3267
offense listed or described in division (C) (1) of this section. 3268

(I) (1) The chief administrator of a hospice care program 3269
or pediatric respite care program is not required to request 3270
that the superintendent of the bureau of criminal identification 3271
and investigation conduct a criminal records check of an 3272
applicant if the applicant has been referred to the program by 3273
an employment service that supplies full-time, part-time, or 3274
temporary staff for positions involving the direct care of older 3275
adults or pediatric respite care patients and both of the 3276
following apply: 3277

(a) The chief administrator receives from the employment 3278
service or the applicant a report of the results of a criminal 3279
records check regarding the applicant that has been conducted by 3280
the superintendent within the one-year period immediately 3281
preceding the applicant's referral; 3282

(b) The report of the criminal records check demonstrates 3283
that the person has not been convicted of or pleaded guilty to 3284
an offense listed or described in division (C)(1) of this 3285
section, or the report demonstrates that the person has been 3286
convicted of or pleaded guilty to one or more of those offenses, 3287
but the hospice care program or pediatric respite care program 3288
chooses to employ the individual pursuant to division (F) of 3289
this section. 3290

(2) The chief administrator of a hospice care program or 3291
pediatric respite care program is not required to request that 3292
the superintendent of the bureau of criminal identification and 3293
investigation conduct a criminal records check of an applicant 3294
and may employ the applicant conditionally as described in this 3295
division, if the applicant has been referred to the program by 3296
an employment service that supplies full-time, part-time, or 3297
temporary staff for positions involving the direct care of older 3298
adults or pediatric respite care patients and if the chief 3299
administrator receives from the employment service or the 3300
applicant a letter from the employment service that is on the 3301
letterhead of the employment service, dated, and signed by a 3302
supervisor or another designated official of the employment 3303
service and that states that the employment service has 3304
requested the superintendent to conduct a criminal records check 3305
regarding the applicant, that the requested criminal records 3306
check will include a determination of whether the applicant has 3307
been convicted of or pleaded guilty to any offense listed or 3308
described in division (C)(1) of this section, that, as of the 3309
date set forth on the letter, the employment service had not 3310
received the results of the criminal records check, and that, 3311
when the employment service receives the results of the criminal 3312
records check, it promptly will send a copy of the results to 3313

the hospice care program or pediatric respite care program. If a 3314
hospice care program or pediatric respite care program employs 3315
an applicant conditionally in accordance with this division, the 3316
employment service, upon its receipt of the results of the 3317
criminal records check, promptly shall send a copy of the 3318
results to the hospice care program or pediatric respite care 3319
program, and division (C) (2) (b) of this section applies 3320
regarding the conditional employment. 3321

Sec. 3721.121. (A) As used in this section: 3322

(1) "Adult day-care program" means a program operated 3323
pursuant to rules adopted by the director of health under 3324
section 3721.04 of the Revised Code and provided by and on the 3325
same site as homes licensed under this chapter. 3326

(2) "Applicant" means a person who is under final 3327
consideration for employment with a home or adult day-care 3328
program in a full-time, part-time, or temporary position that 3329
involves providing direct care to an older adult. "Applicant" 3330
does not include a person who provides direct care as a 3331
volunteer without receiving or expecting to receive any form of 3332
remuneration other than reimbursement for actual expenses. 3333

(3) "Community-based long-term care services provider" 3334
means a provider as defined in section 173.39 of the Revised 3335
Code. 3336

(4) "Criminal records check" has the same meaning as in 3337
section 109.572 of the Revised Code. 3338

(5) "Home" means a home as defined in section 3721.10 of 3339
the Revised Code. 3340

(6) "Older adult" means a person age sixty or older. 3341

(B) (1) Except as provided in division (I) of this section, 3342
the chief administrator of a home or adult day-care program 3343
shall request that the superintendent of the bureau of criminal 3344
identification and investigation conduct a criminal records 3345
check of each applicant. If an applicant for whom a criminal 3346
records check request is required under this division does not 3347
present proof of having been a resident of this state for the 3348
five-year period immediately prior to the date the criminal 3349
records check is requested or provide evidence that within that 3350
five-year period the superintendent has requested information 3351
about the applicant from the federal bureau of investigation in 3352
a criminal records check, the chief administrator shall request 3353
that the superintendent obtain information from the federal 3354
bureau of investigation as part of the criminal records check of 3355
the applicant. Even if an applicant for whom a criminal records 3356
check request is required under this division presents proof of 3357
having been a resident of this state for the five-year period, 3358
the chief administrator may request that the superintendent 3359
include information from the federal bureau of investigation in 3360
the criminal records check. 3361

(2) A person required by division (B) (1) of this section 3362
to request a criminal records check shall do both of the 3363
following: 3364

(a) Provide to each applicant for whom a criminal records 3365
check request is required under that division a copy of the form 3366
prescribed pursuant to division (C) (1) of section 109.572 of the 3367
Revised Code and a standard fingerprint impression sheet 3368
prescribed pursuant to division (C) (2) of that section, and 3369
obtain the completed form and impression sheet from the 3370
applicant; 3371

(b) Forward the completed form and impression sheet to the 3372
superintendent of the bureau of criminal identification and 3373
investigation. 3374

(3) An applicant provided the form and fingerprint 3375
impression sheet under division (B) (2) (a) of this section who 3376
fails to complete the form or provide fingerprint impressions 3377
shall not be employed in any position for which a criminal 3378
records check is required by this section. 3379

(C) (1) Except as provided in rules adopted by the director 3380
of health in accordance with division (F) of this section and 3381
subject to division (C) (2) of this section, no home or adult 3382
day-care program shall employ a person in a position that 3383
involves providing direct care to an older adult if the person 3384
has been convicted of or pleaded guilty to any of the following: 3385

(a) A violation of section 2903.01, 2903.02, 2903.03, 3386
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3387
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3388
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3389
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 3390
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 3391
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2913.87 to 3392
2913.92, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 3393
2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 3394
Revised Code. 3395

(b) A violation of an existing or former law of this 3396
state, any other state, or the United States that is 3397
substantially equivalent to any of the offenses listed in 3398
division (C) (1) (a) of this section. 3399

(2) (a) A home or an adult day-care program may employ 3400

conditionally an applicant for whom a criminal records check 3401
request is required under division (B) of this section prior to 3402
obtaining the results of a criminal records check regarding the 3403
individual, provided that the home or program shall request a 3404
criminal records check regarding the individual in accordance 3405
with division (B)(1) of this section not later than five 3406
business days after the individual begins conditional 3407
employment. In the circumstances described in division (I)(2) of 3408
this section, a home or adult day-care program may employ 3409
conditionally an applicant who has been referred to the home or 3410
adult day-care program by an employment service that supplies 3411
full-time, part-time, or temporary staff for positions involving 3412
the direct care of older adults and for whom, pursuant to that 3413
division, a criminal records check is not required under 3414
division (B) of this section. 3415

(b) A home or adult day-care program that employs an 3416
individual conditionally under authority of division (C)(2)(a) 3417
of this section shall terminate the individual's employment if 3418
the results of the criminal records check requested under 3419
division (B) of this section or described in division (I)(2) of 3420
this section, other than the results of any request for 3421
information from the federal bureau of investigation, are not 3422
obtained within the period ending thirty days after the date the 3423
request is made. Regardless of when the results of the criminal 3424
records check are obtained, if the results indicate that the 3425
individual has been convicted of or pleaded guilty to any of the 3426
offenses listed or described in division (C)(1) of this section, 3427
the home or program shall terminate the individual's employment 3428
unless the home or program chooses to employ the individual 3429
pursuant to division (F) of this section. Termination of 3430
employment under this division shall be considered just cause 3431

for discharge for purposes of division (D) (2) of section 4141.29 3432
of the Revised Code if the individual makes any attempt to 3433
deceive the home or program about the individual's criminal 3434
record. 3435

(D) (1) Each home or adult day-care program shall pay to 3436
the bureau of criminal identification and investigation the fee 3437
prescribed pursuant to division (C) (3) of section 109.572 of the 3438
Revised Code for each criminal records check conducted pursuant 3439
to a request made under division (B) of this section. 3440

(2) A home or adult day-care program may charge an 3441
applicant a fee not exceeding the amount the home or program 3442
pays under division (D) (1) of this section. A home or program 3443
may collect a fee only if both of the following apply: 3444

(a) The home or program notifies the person at the time of 3445
initial application for employment of the amount of the fee and 3446
that, unless the fee is paid, the person will not be considered 3447
for employment; 3448

(b) The medicaid program does not reimburse the home or 3449
program the fee it pays under division (D) (1) of this section. 3450

(E) The report of any criminal records check conducted 3451
pursuant to a request made under this section is not a public 3452
record for the purposes of section 149.43 of the Revised Code 3453
and shall not be made available to any person other than the 3454
following: 3455

(1) The individual who is the subject of the criminal 3456
records check or the individual's representative; 3457

(2) The chief administrator of the home or program 3458
requesting the criminal records check or the administrator's 3459
representative; 3460

(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 employment of the applicant or dealing with employment or unemployment benefits of the applicant;

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

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

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

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

(G) The chief administrator of a home or adult day-care program shall inform each individual, at the time of initial application for a position that involves providing direct care to an older adult, that the individual is required to provide a set of fingerprint impressions and that a criminal records check

is required to be conducted if the individual comes under final 3490
consideration for employment. 3491

(H) In a tort or other civil action for damages that is 3492
brought as the result of an injury, death, or loss to person or 3493
property caused by an individual who a home or adult day-care 3494
program employs in a position that involves providing direct 3495
care to older adults, all of the following shall apply: 3496

(1) If the home or program employed the individual in good 3497
faith and reasonable reliance on the report of a criminal 3498
records check requested under this section, the home or program 3499
shall not be found negligent solely because of its reliance on 3500
the report, even if the information in the report is determined 3501
later to have been incomplete or inaccurate; 3502

(2) If the home or program employed the individual in good 3503
faith on a conditional basis pursuant to division (C) (2) of this 3504
section, the home or program shall not be found negligent solely 3505
because it employed the individual prior to receiving the report 3506
of a criminal records check requested under this section; 3507

(3) If the home or program in good faith employed the 3508
individual according to the personal character standards 3509
established in rules adopted under division (F) of this section, 3510
the home or program shall not be found negligent solely because 3511
the individual prior to being employed had been convicted of or 3512
pleaded guilty to an offense listed or described in division (C) 3513
(1) of this section. 3514

(I) (1) The chief administrator of a home or adult day-care 3515
program is not required to request that the superintendent of 3516
the bureau of criminal identification and investigation conduct 3517
a criminal records check of an applicant if the applicant has 3518

been referred to the home or program by an employment service 3519
that supplies full-time, part-time, or temporary staff for 3520
positions involving the direct care of older adults and both of 3521
the following apply: 3522

(a) The chief administrator receives from the employment 3523
service or the applicant a report of the results of a criminal 3524
records check regarding the applicant that has been conducted by 3525
the superintendent within the one-year period immediately 3526
preceding the applicant's referral; 3527

(b) The report of the criminal records check demonstrates 3528
that the person has not been convicted of or pleaded guilty to 3529
an offense listed or described in division (C)(1) of this 3530
section, or the report demonstrates that the person has been 3531
convicted of or pleaded guilty to one or more of those offenses, 3532
but the home or adult day-care program chooses to employ the 3533
individual pursuant to division (F) of this section. 3534

(2) The chief administrator of a home or adult day-care 3535
program is not required to request that the superintendent of 3536
the bureau of criminal identification and investigation conduct 3537
a criminal records check of an applicant and may employ the 3538
applicant conditionally as described in this division, if the 3539
applicant has been referred to the home or program by an 3540
employment service that supplies full-time, part-time, or 3541
temporary staff for positions involving the direct care of older 3542
adults and if the chief administrator receives from the 3543
employment service or the applicant a letter from the employment 3544
service that is on the letterhead of the employment service, 3545
dated, and signed by a supervisor or another designated official 3546
of the employment service and that states that the employment 3547
service has requested the superintendent to conduct a criminal 3548

records check regarding the applicant, that the requested 3549
criminal records check will include a determination of whether 3550
the applicant has been convicted of or pleaded guilty to any 3551
offense listed or described in division (C) (1) of this section, 3552
that, as of the date set forth on the letter, the employment 3553
service had not received the results of the criminal records 3554
check, and that, when the employment service receives the 3555
results of the criminal records check, it promptly will send a 3556
copy of the results to the home or adult day-care program. If a 3557
home or adult day-care program employs an applicant 3558
conditionally in accordance with this division, the employment 3559
service, upon its receipt of the results of the criminal records 3560
check, promptly shall send a copy of the results to the home or 3561
adult day-care program, and division (C) (2) (b) of this section 3562
applies regarding the conditional employment. 3563

Sec. 3750.09. (A) Except as otherwise provided in division 3564
(E) of this section, any person who is required to provide 3565
information to the emergency response commission, the local 3566
emergency planning committee of the emergency planning district 3567
in which a facility owned or operated by the person is located, 3568
or the fire department having jurisdiction over the facility, 3569
under the reporting requirements in sections 3750.04, 3750.05, 3570
3750.07, or 3750.08 of the Revised Code or the rules adopted 3571
under division (B) (1) (d) or (e) of section 3750.02 of the 3572
Revised Code, may withhold from submission to the commission, 3573
committee, fire department, or any other person the specific 3574
chemical identity, including the chemical name and other 3575
specific identification, of an extremely hazardous substance or 3576
hazardous chemical identified or listed by rules adopted under 3577
division (B) (1) (a) or (b) of section 3750.02 of the Revised Code 3578
on the grounds that the information constitutes a trade secret 3579

if either of the following conditions is met: 3580

(1) (a) At the time of submitting the information sought to 3581
be classified as a trade secret, the owner or operator of the 3582
facility submits a claim for protection of that information as a 3583
trade secret pursuant to rules adopted under division (B) (2) (d) 3584
of section 3750.02 of the Revised Code and submits a copy of the 3585
required report that indicates that such a claim has been filed 3586
and contains the generic class or category of the chemical 3587
identity in place of the specific chemical identity and that is 3588
accompanied by a copy of the substantiation supporting the trade 3589
secret claim that was submitted to the administrator of the 3590
United States environmental protection agency. The owner or 3591
operator may withhold from the copy of the substantiation 3592
submitted to the commission, committee, or fire department the 3593
specific chemical identity claimed to be a trade secret and 3594
information identified as confidential business information in 3595
rules adopted under division (B) (1) (h) of section 3750.02 of the 3596
Revised Code. 3597

(b) A determination of the claim remains pending pursuant 3598
to those rules. 3599

(2) It has been determined pursuant to those rules that a 3600
trade secret exists. 3601

(B) Except as otherwise provided in division (E) of this 3602
section, any person who is required to provide information to 3603
the commission, the local emergency planning committee of the 3604
emergency planning district in which a facility owned or 3605
operated by the person is located, or the fire department having 3606
jurisdiction over the facility, under the reporting requirements 3607
in section 3750.04, 3750.05, 3750.07, or 3750.08 of the Revised 3608
Code or the rules adopted under division (B) (1) (d) or (e) of 3609

section 3750.02 of the Revised Code may withhold from submission 3610
to the committee, fire department, or any other person the 3611
specific chemical identity, including the chemical name or other 3612
specific identification, of an extremely hazardous substance or 3613
hazardous chemical identified or listed in rules adopted under 3614
division (C) (5) of section 3750.02 of the Revised Code on the 3615
grounds that the information constitutes a trade secret if 3616
either of the following conditions is met: 3617

(1) (a) At the time of submitting the information sought to 3618
be classified as a trade secret, the owner or operator of the 3619
facility submits a claim to the commission for protection of 3620
that information as a trade secret pursuant to rules adopted 3621
under division (B) (5) of section 3750.02 of the Revised Code 3622
along with the report that the owner or operator is required to 3623
submit to the commission and submits to the committee or fire 3624
department a copy of the required report that indicates that 3625
such a claim has been filed with the commission and that 3626
contains the generic class or category of the chemical identity 3627
in place of the specific chemical identity and that is 3628
accompanied by a copy of the substantiation supporting the trade 3629
secret claim that was submitted to the commission. The owner may 3630
withhold from the copy of the substantiation submitted to the 3631
committee or fire department the specific chemical identity 3632
claimed to be a trade secret and information identified as 3633
confidential business information in rules adopted under 3634
division (B) (1) (h) of section 3750.02 of the Revised Code. 3635

(b) A determination of the claim remains pending pursuant 3636
to those rules and division (B) (14) of that section. 3637

(2) It has been determined pursuant to those rules and 3638
division (B) (14) of that section that a trade secret exists. 3639

(C) No person shall withhold the specific identity of a 3640
chemical on the grounds that it is a trade secret: 3641

(1) From any report enumerated in division (A) or (B) of 3642
this section, if it has been determined pursuant to rules 3643
adopted under division (B) (2) (d) of section 3750.02 of the 3644
Revised Code, or pursuant to division (B) (14) and rules adopted 3645
under division (B) (5) of that section, that no trade secret 3646
exists; 3647

(2) In any notification of a release required by section 3648
3750.06 of the Revised Code; 3649

(3) When required to provide the specific chemical 3650
identity to a health professional, physician, or nurse pursuant 3651
to division (E) of this section. 3652

(D) The governor may, pursuant to section 322 of the 3653
"Emergency Planning and Community Right-To-Know Act of 1986," 3654
100 Stat. 1747, 42 U.S.C.A. 11042, request the administrator of 3655
the United States environmental protection agency to provide 3656
specific chemical identities that are claimed or have been 3657
determined to be trade secret information or the 3658
substantiations, explanations, or supplemental information 3659
supporting trade secret protection claims submitted to or 3660
determined by the administrator pursuant to that section and 3661
rules adopted under division (B) (2) (d) of section 3750.02 of the 3662
Revised Code regarding facilities located in this state that are 3663
subject to this chapter. The governor shall not make available 3664
to any member of the commission or committee who is not also an 3665
officer or employee of the state or a political subdivision any 3666
information claimed or determined to be a trade secret or 3667
confidential business information obtained under this division 3668
or pursuant to rules adopted under division (B) (5) of section 3669

3750.02 of the Revised Code. Any trade secret and confidential 3670
business information obtained under this division or pursuant to 3671
rules adopted under division (B) (5) of that section shall be 3672
protected from unauthorized disclosure in accordance with rules 3673
adopted under division (B) (1) (i) of that section. 3674

(E) (1) The owner or operator of a facility that is subject 3675
to section 3750.07 or 3750.08 of the Revised Code shall provide 3676
the specific chemical identity of an extremely hazardous 3677
substance or hazardous chemical, if the specific chemical 3678
identity is known, to any health professional who submits to the 3679
owner or operator a written request and statement of need for 3680
the specific chemical identity. The written statement of need 3681
shall be a statement of the health professional that the health 3682
professional has a reasonable basis to believe that all of the 3683
following conditions pertain to the request: 3684

(a) The information is needed for purposes of diagnosis or 3685
treatment of an individual; 3686

(b) The individual being diagnosed or treated has been 3687
exposed to the chemical concerned; 3688

(c) Knowledge of the specific chemical identity of the 3689
chemical will assist in diagnosis and treatment. 3690

An owner or operator to whom such a written request and 3691
statement of need is submitted shall provide the requested 3692
information to the health professional promptly after receiving 3693
the request and statement of need, subject to division (E) (4) of 3694
this section. 3695

(2) The owner or operator of a facility that is subject to 3696
section 3750.07 or 3750.08 of the Revised Code shall provide a 3697
copy of a material safety data sheet or emergency and hazardous 3698

chemical inventory form that contains the specific chemical 3699
identity of an extremely hazardous substance or hazardous 3700
chemical, if the specific chemical identity is known, to any 3701
treating physician or nurse who requests that information if the 3702
physician or nurse determines that all of the following 3703
conditions pertain to the request: 3704

(a) A medical emergency exists; 3705

(b) The specific chemical identity of the chemical 3706
concerned is necessary for or will assist in emergency or first 3707
aid diagnosis or treatment; 3708

(c) The individual being diagnosed or treated has been 3709
exposed to the chemical concerned. 3710

The owner or operator shall provide the requested 3711
information to the physician or nurse immediately upon receiving 3712
such a request. The owner or operator shall not require any such 3713
treating physician or nurse to provide a written confidentiality 3714
agreement or statement of need as a precondition for disclosure 3715
of a specific chemical identity under this division; however, 3716
the owner or operator may require the treating physician or 3717
nurse to provide a written confidentiality agreement under 3718
division (E) (4) of this section and a statement setting forth 3719
the conditions listed in divisions (E) (2) (a) to (c) of this 3720
section as soon after the request is made as circumstances 3721
permit. 3722

(3) The owner or operator of a facility that is subject to 3723
section 3750.07 or 3750.08 of the Revised Code shall provide the 3724
specific chemical identity of an extremely hazardous substance 3725
or hazardous chemical, if the specific chemical identity is 3726
known, to any health professional, including, without 3727

limitation, a physician, toxicologist, or epidemiologist, who is 3728
either employed by or under contract with a political 3729
subdivision and who submits to the owner or operator a written 3730
request for the information, a written statement of need for the 3731
information that meets the requirements of division (E) (3) of 3732
this section, and a written confidentiality agreement under 3733
division (E) (4) of this section. The owner or operator shall 3734
promptly after receipt of the written request, statement of 3735
need, and confidentiality agreement provide the requested 3736
information to the local health professional who requested it. 3737

The written statement of need for a specific chemical 3738
identity required by division (E) (3) of this section shall 3739
describe with reasonable detail one or more of the following 3740
health needs for the information: 3741

(a) To assess exposure of persons living in a local 3742
community to the hazards of the chemical concerned; 3743

(b) To conduct or assess sampling to determine exposure 3744
levels of various population groups to the chemical concerned; 3745

(c) To conduct periodic medical surveillance of population 3746
groups exposed to the chemical concerned; 3747

(d) To provide medical treatment to individuals or 3748
population groups exposed to the chemical concerned; 3749

(e) To conduct studies to determine the health effects of 3750
exposure to the chemical concerned; 3751

(f) To conduct studies to aid in the identification of a 3752
chemical that may reasonably be anticipated to cause an observed 3753
health effect. 3754

(4) Any person who obtains information under division (E) 3755

(1) or (3) of this section shall, as a precondition for 3756
receiving that information, enter into a written confidentiality 3757
agreement with the owner or operator of the facility from whom 3758
the information was requested that the person will not use the 3759
information for any purpose other than the health needs asserted 3760
in the statement of need provided thereunder, except as 3761
otherwise may be authorized by the terms of the agreement or by 3762
the person providing the information. 3763

(F) (1) A member of the commission, officer or employee of 3764
the environmental protection agency, member or employee of a 3765
committee, or officer or employee of a fire department shall not 3766
request the owner or operator of a facility subject to this 3767
chapter to submit to the member, officer, or employee a trade 3768
secret claim or copy thereof; report required by section 3769
3750.04, 3750.05, 3750.07, or 3750.08 of the Revised Code; 3770
substantiation of a trade secret claim or copy thereof or 3771
explanation or supporting information pertaining to a trade 3772
secret claim or copy thereof, that contains any information 3773
claimed or determined to be a trade secret pursuant to rules 3774
adopted under division (B) (2) (d) of section 3750.02 of the 3775
Revised Code or identified as confidential business information 3776
by rules adopted under division (B) (1) (h) of section 3750.02 of 3777
the Revised Code. If any such member, officer, or employee knows 3778
or has reason to believe that any such trade secret claim, 3779
report, substantiation, or explanation or supporting information 3780
pertaining to a trade secret claim contains any such 3781
information, the member, officer, or employee immediately shall 3782
return it to the owner or operator of the facility who submitted 3783
it without reading it and shall request the owner or operator to 3784
submit the appropriate report or substantiation that does not 3785
contain the information claimed or determined to be a trade 3786

secret or so identified as confidential business information. 3787

(2) A member of the commission who is not also an employee 3788
of the state or a political subdivision, member or employee of a 3789
committee, or officer or employee of a fire department shall not 3790
request the owner or operator of a facility subject to this 3791
chapter to submit to the member, officer, or employee a trade 3792
secret claim or copy thereof; report required by section 3793
3750.04, 3750.05, 3750.07, or 3750.08 of the Revised Code; 3794
substantiation of a trade secret claim; or explanation or 3795
supporting information pertaining to a trade secret claim or 3796
copy thereof, that contains any information claimed or 3797
determined to be a trade secret pursuant to division (B) (14) of 3798
section 3750.02 of the Revised Code and rules adopted under 3799
division (B) (5) of that section or any information identified as 3800
confidential business information by rules adopted under 3801
division (B) (1) (h) of that section that pertains to such a 3802
claim. If any such member, officer, or employee knows or has 3803
reason to believe that any such trade secret claim, report, 3804
substantiation, or explanation or supporting information 3805
pertaining to any such trade secret claim contains any such 3806
information, the member, officer, or employee immediately shall 3807
return it to the owner or operator of the facility who submitted 3808
it without reading it and shall request the owner or operator to 3809
submit the appropriate report or substantiation that does not 3810
contain the information so claimed or determined to be a trade 3811
secret or so identified as confidential business information. 3812

(G) No member of the commission or designee of a member of 3813
the commission, officer or employee of the environmental 3814
protection agency, member or employee of a committee, health 3815
professional, physician, nurse, or other person who receives 3816
information claimed or determined to be a trade secret pursuant 3817

to rules adopted under division (B) (2) (d) of section 3750.02 of 3818
the Revised Code or pursuant to division (B) (14) of that section 3819
and rules adopted under division (B) (5) of that section, or who 3820
receives confidential business information identified in rules 3821
adopted under division (B) (1) (h) of section 3750.02 of the 3822
Revised Code shall release the information to any person not 3823
authorized to have that information under division (C) of this 3824
section or rules adopted under division (B) (1) (i) of that 3825
section. A violation of this division is not also a violation of 3826
section 2913.02 ~~or, 2913.04, 2913.87, 2913.91, or 2913.92~~ of the 3827
Revised Code. 3828

Sec. 3751.04. (A) Except as otherwise provided in division 3829
(D) of this section, any person required to provide information 3830
under section 3751.03 of the Revised Code may withhold from 3831
submission the specific chemical identity, including the 3832
chemical name and other specific identification, of the toxic 3833
chemical on the grounds that the information constitutes a trade 3834
secret if either of the following conditions is met: 3835

(1) (a) At the time of submitting the information sought to 3836
be classified as a trade secret, the owner or operator of the 3837
facility submits a claim for protection of that information as a 3838
trade secret pursuant to regulations promulgated by the 3839
administrator of the United States environmental protection 3840
agency under EPCRA, and submits a copy of the required toxic 3841
chemical release form that indicates that such a claim has been 3842
filed and contains the generic class or category of the identity 3843
in place of the identity. 3844

(b) A determination of the claim remains pending pursuant 3845
to those regulations. 3846

(2) It has been determined by the administrator pursuant 3847

to those regulations that a trade secret exists. 3848

(B) No person shall withhold the specific identity of a 3849
toxic chemical on the grounds that the information is a trade 3850
secret in either of the following instances: 3851

(1) From any toxic chemical release form if it has been 3852
determined by the administrator pursuant to regulations 3853
promulgated under EPCRA that no trade secret exists; 3854

(2) When required to provide the specific chemical 3855
identity to a health professional, physician, or nurse pursuant 3856
to division (D) of this section. 3857

(C) The governor may, pursuant to EPCRA, request the 3858
administrator of the United States environmental protection 3859
agency to provide specific chemical identities that are claimed 3860
or have been determined to be trade secret information or the 3861
explanations and supplemental information supporting trade 3862
secret protection claims regarding facilities located in this 3863
state that are subject to this chapter. The governor shall not 3864
make any trade secret or confidential information obtained under 3865
this division available to any member of the emergency planning 3866
commission created in section 3750.02 of the Revised Code or to 3867
any member of a local emergency planning committee of an 3868
emergency planning district established under section 3750.03 of 3869
the Revised Code who is not also an officer or employee of the 3870
state or a political subdivision. Any trade secret or 3871
confidential business information obtained under this division 3872
shall be protected from unauthorized disclosure. 3873

(D) (1) The owner or operator of a facility that is subject 3874
to section 3751.03 of the Revised Code shall provide the 3875
specific chemical identity of a toxic chemical, if the specific 3876

chemical identity is known, to any health professional who 3877
submits to the owner or operator a written request and statement 3878
of need for the specific chemical identity. The written 3879
statement of need shall be a statement of the health 3880
professional that the health professional has a reasonable basis 3881
to believe that all of the following conditions pertain to the 3882
request: 3883

(a) The information is needed for purposes of diagnosis or 3884
treatment of an individual; 3885

(b) The individual being diagnosed or treated has been 3886
exposed to the chemical concerned; 3887

(c) Knowledge of the specific chemical identity of the 3888
chemical will assist in diagnosis and treatment. 3889

An owner or operator to whom such a written request and 3890
statement of need is submitted shall provide the requested 3891
information to the health professional promptly after receiving 3892
the request and statement of need, subject to division (D) (4) of 3893
this section. 3894

(2) The owner or operator of a facility that is subject to 3895
section 3751.03 of the Revised Code shall provide a copy of a 3896
toxic chemical release form that contains the specific chemical 3897
identity of a toxic chemical, if the specific chemical identity 3898
is known, to any treating physician or nurse who requests that 3899
information if the physician or nurse determines that all of the 3900
following conditions pertain to the request: 3901

(a) A medical emergency exists; 3902

(b) The specific chemical identity of the chemical 3903
concerned is necessary for or will assist in emergency or first 3904
aid diagnosis or treatment; 3905

(c) The individual being diagnosed or treated has been 3906
exposed to the chemical concerned. 3907

The owner or operator shall provide the requested 3908
information to the physician or nurse immediately upon receiving 3909
such a request. The owner or operator shall not require any such 3910
treating physician or nurse to provide a written confidentiality 3911
agreement or statement of need as a precondition for disclosure 3912
of a specific chemical identity under this division; however, 3913
the owner or operator may require the treating physician or 3914
nurse to provide a written confidentiality agreement under 3915
division (D) (4) of this section and a statement setting forth 3916
the conditions listed in divisions (D) (2) (a) to (c) of this 3917
section as soon after the disclosure is made as circumstances 3918
permit. 3919

(3) The owner or operator of a facility that is subject to 3920
section 3751.03 of the Revised Code shall provide the specific 3921
chemical identity of a toxic chemical, if the specific chemical 3922
identity is known, to any health professional, including, 3923
without limitation, a physician, toxicologist, or 3924
epidemiologist, who is either employed by or under contract with 3925
a political subdivision and who submits to the owner or operator 3926
a written request for the information, a written statement of 3927
need for the information that meets the requirements of division 3928
(D) (3) of this section, and a written confidentiality agreement 3929
under division (D) (4) of this section. The owner or operator 3930
shall promptly after receipt of the written request, statement 3931
of need, and confidentiality agreement provide the requested 3932
information to the local health professional who requested it. 3933

The written statement of need for a specific chemical 3934
identity required by division (D) (3) of this section shall 3935

describe with reasonable detail one or more of the following 3936
health needs for the information: 3937

(a) To assess exposure of persons living in a local 3938
community to the hazards of the chemical concerned; 3939

(b) To conduct or assess sampling to determine exposure 3940
levels of various population groups to the chemical concerned; 3941

(c) To conduct periodic medical surveillance of population 3942
groups exposed to the chemical concerned; 3943

(d) To provide medical treatment to individuals or 3944
population groups exposed to the chemical concerned; 3945

(e) To conduct studies to determine the health effects of 3946
exposure to the chemical concerned; 3947

(f) To conduct studies to aid in the identification of a 3948
chemical that may reasonably be anticipated to cause an observed 3949
health effect. 3950

(4) Any person who obtains information under division (D) 3951
(1) or (3) of this section shall, as a precondition for 3952
receiving that information, enter into a written confidentiality 3953
agreement with the owner or operator of the facility from whom 3954
the information was requested that the person will not use the 3955
information for any purpose other than the health needs asserted 3956
in the statement of need provided thereunder, except as 3957
otherwise may be authorized by the terms of the agreement or by 3958
the person providing the information. 3959

(E) An officer or employee of the environmental protection 3960
agency shall not request the owner or operator of a facility 3961
subject to this chapter to submit to the officer or employee a 3962
trade secret claim, toxic chemical release form required by 3963

section 3751.03 of the Revised Code, substantiation of a trade 3964
secret claim, or explanation or supporting information or copy 3965
thereof pertaining to a trade secret claim, that contains any 3966
information claimed or determined to be a trade secret or 3967
identified as confidential business information under EPCRA. If 3968
any officer or employee of the agency knows or has reason to 3969
believe that a trade secret claim, toxic chemical release form, 3970
substantiation, or explanation or supporting information 3971
pertaining to a trade secret claim contains any such 3972
information, the officer or employee immediately shall return it 3973
to the owner or operator of the facility who submitted it 3974
without reading it and shall request the owner or operator to 3975
submit the appropriate report or substantiation that does not 3976
contain the information claimed or determined to be a trade 3977
secret or so identified as confidential business information. 3978

(F) No officer or employee of the environmental protection 3979
agency, health professional, physician, nurse, or other person 3980
who receives information claimed or determined to be a trade 3981
secret or identified as confidential business information by 3982
regulations promulgated by the administrator under EPCRA shall 3983
release any information so classified or identified to any 3984
person not authorized to have that information under division 3985
(C) of this section. A violation of this division is not also a 3986
violation of section 2913.02 ~~or, 2913.04, 2913.87, 2913.91, or~~ 3987
2913.92 of the Revised Code. 3988

Sec. 5503.101. (A) Notwithstanding any section of the 3989
Revised Code or rule of procedure to the contrary, a defendant's 3990
traffic or criminal record contained in the law enforcement 3991
automated data system, also known as LEADS, may be disclosed to 3992
the defendant and the defendant's counsel when formally 3993
requested pursuant to the rules of discovery in a traffic or 3994

criminal case. 3995

(B) Copies of information obtained from the law 3996
enforcement automated data system pursuant to division (A) of 3997
this section may be provided to the defendant and the 3998
defendant's counsel when formally requested pursuant to the 3999
rules of discovery in a traffic or criminal case. 4000

(C) Upon a motion made by a prosecutor, the court hearing 4001
a traffic or criminal case may order the redaction from 4002
information to be disclosed or provided pursuant to division (A) 4003
or (B) of this section pursuant to the rules of discovery in the 4004
case of the residential address, date of birth, social security 4005
number, and photograph of any witness, law enforcement officer, 4006
or prosecutor. 4007

(D) Notwithstanding section 2913.04, 2913.87, 2913.91, 4008
2913.92, or 2923.129 of the Revised Code, no prosecutor or 4009
person assisting a prosecutor in providing discovery shall be 4010
held civilly or criminally liable for disclosing information 4011
from the law enforcement automated data system in the manner 4012
authorized by this section. 4013

(E) The superintendent of the state highway patrol or any 4014
person employed by the superintendent to carry out the purposes 4015
of section 5503.10 of the Revised Code shall not sanction or 4016
deny access to the law enforcement automated data system to any 4017
person or entity because that person or entity provided 4018
discovery information in the manner authorized by this section. 4019

(F) The defendant's counsel may disclose, copy, and 4020
provide to the defendant any information about the defendant's 4021
own traffic or criminal record obtained by discovery from the 4022
law enforcement automated data system. 4023

(G) The fact that information sought in discovery is 4024
contained in the law enforcement automated data system shall not 4025
be cited or accepted as a reason for denying discovery to the 4026
defendant of the defendant's own traffic or criminal record. 4027

Section 2. That existing sections 109.42, 109.572, 109.88, 4028
901.511, 2137.14, 2909.07, 2913.01, 2913.04, 2913.05, 2913.49, 4029
2919.25, 2919.251, 2919.26, 2921.22, 2923.04, 2923.129, 2927.12, 4030
2933.51, 3712.09, 3721.121, 3750.09, 3751.04, and 5503.101 of 4031
the Revised Code are hereby repealed. 4032

Section 3. That the version of section 109.572 of the 4033
Revised Code that is scheduled to take effect October 9, 2021, 4034
be amended to read as follows: 4035

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 4036
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 4037
Code, a completed form prescribed pursuant to division (C) (1) of 4038
this section, and a set of fingerprint impressions obtained in 4039
the manner described in division (C) (2) of this section, the 4040
superintendent of the bureau of criminal identification and 4041
investigation shall conduct a criminal records check in the 4042
manner described in division (B) of this section to determine 4043
whether any information exists that indicates that the person 4044
who is the subject of the request previously has been convicted 4045
of or pleaded guilty to any of the following: 4046

(a) A violation of section 2903.01, 2903.02, 2903.03, 4047
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 4048
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 4049
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 4050
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 4051
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 4052
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 4053

2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 4054
sexual penetration in violation of former section 2907.12 of the 4055
Revised Code, a violation of section 2905.04 of the Revised Code 4056
as it existed prior to July 1, 1996, a violation of section 4057
2919.23 of the Revised Code that would have been a violation of 4058
section 2905.04 of the Revised Code as it existed prior to July 4059
1, 1996, had the violation been committed prior to that date, or 4060
a violation of section 2925.11 of the Revised Code that is not a 4061
minor drug possession offense; 4062

(b) A violation of an existing or former law of this 4063
state, any other state, or the United States that is 4064
substantially equivalent to any of the offenses listed in 4065
division (A)(1)(a) of this section; 4066

(c) If the request is made pursuant to section 3319.39 of 4067
the Revised Code for an applicant who is a teacher, any offense 4068
specified under section 9.79 of the Revised Code or in section 4069
3319.31 of the Revised Code. 4070

(2) On receipt of a request pursuant to section 3712.09 or 4071
3721.121 of the Revised Code, a completed form prescribed 4072
pursuant to division (C)(1) of this section, and a set of 4073
fingerprint impressions obtained in the manner described in 4074
division (C)(2) of this section, the superintendent of the 4075
bureau of criminal identification and investigation shall 4076
conduct a criminal records check with respect to any person who 4077
has applied for employment in a position for which a criminal 4078
records check is required by those sections. The superintendent 4079
shall conduct the criminal records check in the manner described 4080
in division (B) of this section to determine whether any 4081
information exists that indicates that the person who is the 4082
subject of the request previously has been convicted of or 4083

pleaded guilty to any of the following: 4084

(a) A violation of section 2903.01, 2903.02, 2903.03, 4085
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 4086
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 4087
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 4088
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 4089
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 4090
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2913.87 to 4091
2913.92, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 4092
2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 4093
Revised Code; 4094

(b) An existing or former law of this state, any other 4095
state, or the United States that is substantially equivalent to 4096
any of the offenses listed in division (A) (2) (a) of this 4097
section. 4098

(3) On receipt of a request pursuant to section 173.27, 4099
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 4100
or 5123.081 of the Revised Code, a completed form prescribed 4101
pursuant to division (C) (1) of this section, and a set of 4102
fingerprint impressions obtained in the manner described in 4103
division (C) (2) of this section, the superintendent of the 4104
bureau of criminal identification and investigation shall 4105
conduct a criminal records check of the person for whom the 4106
request is made. The superintendent shall conduct the criminal 4107
records check in the manner described in division (B) of this 4108
section to determine whether any information exists that 4109
indicates that the person who is the subject of the request 4110
previously has been convicted of, has pleaded guilty to, or 4111
(except in the case of a request pursuant to section 5164.34, 4112
5164.341, or 5164.342 of the Revised Code) has been found 4113

eligible for intervention in lieu of conviction for any of the 4114
following, regardless of the date of the conviction, the date of 4115
entry of the guilty plea, or (except in the case of a request 4116
pursuant to section 5164.34, 5164.341, or 5164.342 of the 4117
Revised Code) the date the person was found eligible for 4118
intervention in lieu of conviction: 4119

(a) A violation of section 959.13, 959.131, 2903.01, 4120
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 4121
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 4122
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 4123
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 4124
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 4125
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 4126
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 4127
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 4128
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 4129
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 4130
2913.49, 2913.51, 2913.87 to 2913.92, 2917.01, 2917.02, 2917.03, 4131
2917.31, 2919.12, 2919.121, 2919.123, 2919.124, 2919.22, 4132
2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 4133
2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 4134
2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 4135
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 4136
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 4137
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 4138
2927.12, or 3716.11 of the Revised Code; 4139

(b) Felonious sexual penetration in violation of former 4140
section 2907.12 of the Revised Code; 4141

(c) A violation of section 2905.04 of the Revised Code as 4142
it existed prior to July 1, 1996; 4143

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 4144
the Revised Code when the underlying offense that is the object 4145
of the conspiracy, attempt, or complicity is one of the offenses 4146
listed in divisions (A) (3) (a) to (c) of this section; 4147

(e) A violation of an existing or former municipal 4148
ordinance or law of this state, any other state, or the United 4149
States that is substantially equivalent to any of the offenses 4150
listed in divisions (A) (3) (a) to (d) of this section. 4151

(4) On receipt of a request pursuant to section 2151.86 or 4152
2151.904 of the Revised Code, a completed form prescribed 4153
pursuant to division (C) (1) of this section, and a set of 4154
fingerprint impressions obtained in the manner described in 4155
division (C) (2) of this section, the superintendent of the 4156
bureau of criminal identification and investigation shall 4157
conduct a criminal records check in the manner described in 4158
division (B) of this section to determine whether any 4159
information exists that indicates that the person who is the 4160
subject of the request previously has been convicted of or 4161
pleaded guilty to any of the following: 4162

(a) A violation of section 959.13, 2903.01, 2903.02, 4163
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 4164
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 4165
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 4166
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 4167
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 4168
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 4169
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 4170
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 4171
2927.12, or 3716.11 of the Revised Code, a violation of section 4172
2905.04 of the Revised Code as it existed prior to July 1, 1996, 4173

a violation of section 2919.23 of the Revised Code that would 4174
have been a violation of section 2905.04 of the Revised Code as 4175
it existed prior to July 1, 1996, had the violation been 4176
committed prior to that date, a violation of section 2925.11 of 4177
the Revised Code that is not a minor drug possession offense, 4178
two or more OVI or OVUAC violations committed within the three 4179
years immediately preceding the submission of the application or 4180
petition that is the basis of the request, or felonious sexual 4181
penetration in violation of former section 2907.12 of the 4182
Revised Code; 4183

(b) A violation of an existing or former law of this 4184
state, any other state, or the United States that is 4185
substantially equivalent to any of the offenses listed in 4186
division (A)(4)(a) of this section. 4187

(5) Upon receipt of a request pursuant to section 5104.013 4188
of the Revised Code, a completed form prescribed pursuant to 4189
division (C)(1) of this section, and a set of fingerprint 4190
impressions obtained in the manner described in division (C)(2) 4191
of this section, the superintendent of the bureau of criminal 4192
identification and investigation shall conduct a criminal 4193
records check in the manner described in division (B) of this 4194
section to determine whether any information exists that 4195
indicates that the person who is the subject of the request has 4196
been convicted of or pleaded guilty to any of the following: 4197

(a) A violation of section 2151.421, 2903.01, 2903.02, 4198
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 4199
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 4200
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 4201
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 4202
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 4203

2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 4204
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 4205
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 4206
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 4207
2913.48, 2913.49, 2913.87 to 2913.92, 2917.01, 2917.02, 2917.03, 4208
2917.31, 2919.12, 2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 4209
2921.03, 2921.11, 2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 4210
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 4211
2925.06, or 3716.11 of the Revised Code, felonious sexual 4212
penetration in violation of former section 2907.12 of the 4213
Revised Code, a violation of section 2905.04 of the Revised Code 4214
as it existed prior to July 1, 1996, a violation of section 4215
2919.23 of the Revised Code that would have been a violation of 4216
section 2905.04 of the Revised Code as it existed prior to July 4217
1, 1996, had the violation been committed prior to that date, a 4218
violation of section 2925.11 of the Revised Code that is not a 4219
minor drug possession offense, a violation of section 2923.02 or 4220
2923.03 of the Revised Code that relates to a crime specified in 4221
this division, or a second violation of section 4511.19 of the 4222
Revised Code within five years of the date of application for 4223
licensure or certification. 4224

(b) A violation of an existing or former law of this 4225
state, any other state, or the United States that is 4226
substantially equivalent to any of the offenses or violations 4227
described in division (A) (5) (a) of this section. 4228

(6) Upon receipt of a request pursuant to section 5153.111 4229
of the Revised Code, a completed form prescribed pursuant to 4230
division (C) (1) of this section, and a set of fingerprint 4231
impressions obtained in the manner described in division (C) (2) 4232
of this section, the superintendent of the bureau of criminal 4233
identification and investigation shall conduct a criminal 4234

records check in the manner described in division (B) of this 4235
section to determine whether any information exists that 4236
indicates that the person who is the subject of the request 4237
previously has been convicted of or pleaded guilty to any of the 4238
following: 4239

(a) A violation of section 2903.01, 2903.02, 2903.03, 4240
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 4241
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 4242
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 4243
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 4244
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 4245
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 4246
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 4247
Code, felonious sexual penetration in violation of former 4248
section 2907.12 of the Revised Code, a violation of section 4249
2905.04 of the Revised Code as it existed prior to July 1, 1996, 4250
a violation of section 2919.23 of the Revised Code that would 4251
have been a violation of section 2905.04 of the Revised Code as 4252
it existed prior to July 1, 1996, had the violation been 4253
committed prior to that date, or a violation of section 2925.11 4254
of the Revised Code that is not a minor drug possession offense; 4255

(b) A violation of an existing or former law of this 4256
state, any other state, or the United States that is 4257
substantially equivalent to any of the offenses listed in 4258
division (A) (6) (a) of this section. 4259

(7) On receipt of a request for a criminal records check 4260
from an individual pursuant to section 4749.03 or 4749.06 of the 4261
Revised Code, accompanied by a completed copy of the form 4262
prescribed in division (C) (1) of this section and a set of 4263
fingerprint impressions obtained in a manner described in 4264

division (C) (2) of this section, the superintendent of the 4265
bureau of criminal identification and investigation shall 4266
conduct a criminal records check in the manner described in 4267
division (B) of this section to determine whether any 4268
information exists indicating that the person who is the subject 4269
of the request has been convicted of or pleaded guilty to any 4270
criminal offense in this state or in any other state. If the 4271
individual indicates that a firearm will be carried in the 4272
course of business, the superintendent shall require information 4273
from the federal bureau of investigation as described in 4274
division (B) (2) of this section. Subject to division (F) of this 4275
section, the superintendent shall report the findings of the 4276
criminal records check and any information the federal bureau of 4277
investigation provides to the director of public safety. 4278

(8) On receipt of a request pursuant to section 1321.37, 4279
1321.53, or 4763.05 of the Revised Code, a completed form 4280
prescribed pursuant to division (C) (1) of this section, and a 4281
set of fingerprint impressions obtained in the manner described 4282
in division (C) (2) of this section, the superintendent of the 4283
bureau of criminal identification and investigation shall 4284
conduct a criminal records check with respect to any person who 4285
has applied for a license, permit, or certification from the 4286
department of commerce or a division in the department. The 4287
superintendent shall conduct the criminal records check in the 4288
manner described in division (B) of this section to determine 4289
whether any information exists that indicates that the person 4290
who is the subject of the request previously has been convicted 4291
of or pleaded guilty to any criminal offense in this state, any 4292
other state, or the United States. 4293

(9) On receipt of a request for a criminal records check 4294
from the treasurer of state under section 113.041 of the Revised 4295

Code or from an individual under section 928.03, 4701.08, 4296
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4297
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4298
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 4299
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 4300
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4301
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4302
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 4303
Code, accompanied by a completed form prescribed under division 4304
(C) (1) of this section and a set of fingerprint impressions 4305
obtained in the manner described in division (C) (2) of this 4306
section, the superintendent of the bureau of criminal 4307
identification and investigation shall conduct a criminal 4308
records check in the manner described in division (B) of this 4309
section to determine whether any information exists that 4310
indicates that the person who is the subject of the request has 4311
been convicted of or pleaded guilty to any criminal offense in 4312
this state or any other state. Subject to division (F) of this 4313
section, the superintendent shall send the results of a check 4314
requested under section 113.041 of the Revised Code to the 4315
treasurer of state and shall send the results of a check 4316
requested under any of the other listed sections to the 4317
licensing board specified by the individual in the request. 4318

(10) On receipt of a request pursuant to section 124.74, 4319
718.131, 1121.23, 1315.141, 1733.47, 1761.26, or 5123.169 of the 4320
Revised Code, a completed form prescribed pursuant to division 4321
(C) (1) of this section, and a set of fingerprint impressions 4322
obtained in the manner described in division (C) (2) of this 4323
section, the superintendent of the bureau of criminal 4324
identification and investigation shall conduct a criminal 4325
records check in the manner described in division (B) of this 4326

section to determine whether any information exists that 4327
indicates that the person who is the subject of the request 4328
previously has been convicted of or pleaded guilty to any 4329
criminal offense under any existing or former law of this state, 4330
any other state, or the United States. 4331

(11) On receipt of a request for a criminal records check 4332
from an appointing or licensing authority under section 3772.07 4333
of the Revised Code, a completed form prescribed under division 4334
(C) (1) of this section, and a set of fingerprint impressions 4335
obtained in the manner prescribed in division (C) (2) of this 4336
section, the superintendent of the bureau of criminal 4337
identification and investigation shall conduct a criminal 4338
records check in the manner described in division (B) of this 4339
section to determine whether any information exists that 4340
indicates that the person who is the subject of the request 4341
previously has been convicted of or pleaded guilty or no contest 4342
to any offense under any existing or former law of this state, 4343
any other state, or the United States that is a disqualifying 4344
offense as defined in section 3772.07 of the Revised Code or 4345
substantially equivalent to such an offense. 4346

(12) On receipt of a request pursuant to section 2151.33 4347
or 2151.412 of the Revised Code, a completed form prescribed 4348
pursuant to division (C) (1) of this section, and a set of 4349
fingerprint impressions obtained in the manner described in 4350
division (C) (2) of this section, the superintendent of the 4351
bureau of criminal identification and investigation shall 4352
conduct a criminal records check with respect to any person for 4353
whom a criminal records check is required under that section. 4354
The superintendent shall conduct the criminal records check in 4355
the manner described in division (B) of this section to 4356
determine whether any information exists that indicates that the 4357

person who is the subject of the request previously has been 4358
convicted of or pleaded guilty to any of the following: 4359

(a) A violation of section 2903.01, 2903.02, 2903.03, 4360
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 4361
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 4362
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 4363
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 4364
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 4365
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2913.87 to 4366
2913.92, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 4367
2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 4368
Revised Code; 4369

(b) An existing or former law of this state, any other 4370
state, or the United States that is substantially equivalent to 4371
any of the offenses listed in division (A)(12)(a) of this 4372
section. 4373

(13) On receipt of a request pursuant to section 3796.12 4374
of the Revised Code, a completed form prescribed pursuant to 4375
division (C)(1) of this section, and a set of fingerprint 4376
impressions obtained in a manner described in division (C)(2) of 4377
this section, the superintendent of the bureau of criminal 4378
identification and investigation shall conduct a criminal 4379
records check in the manner described in division (B) of this 4380
section to determine whether any information exists that 4381
indicates that the person who is the subject of the request 4382
previously has been convicted of or pleaded guilty to the 4383
following: 4384

(a) A disqualifying offense as specified in rules adopted 4385
under section 9.79 and division (B)(2)(b) of section 3796.03 of 4386
the Revised Code if the person who is the subject of the request 4387

is an administrator or other person responsible for the daily 4388
operation of, or an owner or prospective owner, officer or 4389
prospective officer, or board member or prospective board member 4390
of, an entity seeking a license from the department of commerce 4391
under Chapter 3796. of the Revised Code; 4392

(b) A disqualifying offense as specified in rules adopted 4393
under section 9.79 and division (B) (2) (b) of section 3796.04 of 4394
the Revised Code if the person who is the subject of the request 4395
is an administrator or other person responsible for the daily 4396
operation of, or an owner or prospective owner, officer or 4397
prospective officer, or board member or prospective board member 4398
of, an entity seeking a license from the state board of pharmacy 4399
under Chapter 3796. of the Revised Code. 4400

(14) On receipt of a request required by section 3796.13 4401
of the Revised Code, a completed form prescribed pursuant to 4402
division (C) (1) of this section, and a set of fingerprint 4403
impressions obtained in a manner described in division (C) (2) of 4404
this section, the superintendent of the bureau of criminal 4405
identification and investigation shall conduct a criminal 4406
records check in the manner described in division (B) of this 4407
section to determine whether any information exists that 4408
indicates that the person who is the subject of the request 4409
previously has been convicted of or pleaded guilty to the 4410
following: 4411

(a) A disqualifying offense as specified in rules adopted 4412
under division (B) (8) (a) of section 3796.03 of the Revised Code 4413
if the person who is the subject of the request is seeking 4414
employment with an entity licensed by the department of commerce 4415
under Chapter 3796. of the Revised Code; 4416

(b) A disqualifying offense as specified in rules adopted 4417

under division (B) (14) (a) of section 3796.04 of the Revised Code 4418
if the person who is the subject of the request is seeking 4419
employment with an entity licensed by the state board of 4420
pharmacy under Chapter 3796. of the Revised Code. 4421

(15) On receipt of a request pursuant to section 4768.06 4422
of the Revised Code, a completed form prescribed under division 4423
(C) (1) of this section, and a set of fingerprint impressions 4424
obtained in the manner described in division (C) (2) of this 4425
section, the superintendent of the bureau of criminal 4426
identification and investigation shall conduct a criminal 4427
records check in the manner described in division (B) of this 4428
section to determine whether any information exists indicating 4429
that the person who is the subject of the request has been 4430
convicted of or pleaded guilty to any criminal offense in this 4431
state or in any other state. 4432

(16) On receipt of a request pursuant to division (B) of 4433
section 4764.07 or division (A) of section 4735.143 of the 4434
Revised Code, a completed form prescribed under division (C) (1) 4435
of this section, and a set of fingerprint impressions obtained 4436
in the manner described in division (C) (2) of this section, the 4437
superintendent of the bureau of criminal identification and 4438
investigation shall conduct a criminal records check in the 4439
manner described in division (B) of this section to determine 4440
whether any information exists indicating that the person who is 4441
the subject of the request has been convicted of or pleaded 4442
guilty to any criminal offense in any state or the United 4443
States. 4444

(17) On receipt of a request for a criminal records check 4445
under section 147.022 of the Revised Code, a completed form 4446
prescribed under division (C) (1) of this section, and a set of 4447

fingerprint impressions obtained in the manner prescribed in 4448
division (C)(2) of this section, the superintendent of the 4449
bureau of criminal identification and investigation shall 4450
conduct a criminal records check in the manner described in 4451
division (B) of this section to determine whether any 4452
information exists that indicates that the person who is the 4453
subject of the request previously has been convicted of or 4454
pleaded guilty or no contest to any criminal offense under any 4455
existing or former law of this state, any other state, or the 4456
United States. 4457

(B) Subject to division (F) of this section, the 4458
superintendent shall conduct any criminal records check to be 4459
conducted under this section as follows: 4460

(1) The superintendent shall review or cause to be 4461
reviewed any relevant information gathered and compiled by the 4462
bureau under division (A) of section 109.57 of the Revised Code 4463
that relates to the person who is the subject of the criminal 4464
records check, including, if the criminal records check was 4465
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 4466
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 4467
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 4468
3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4469
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 4470
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 4471
5153.111 of the Revised Code, any relevant information contained 4472
in records that have been sealed under section 2953.32 of the 4473
Revised Code; 4474

(2) If the request received by the superintendent asks for 4475
information from the federal bureau of investigation, the 4476
superintendent shall request from the federal bureau of 4477

investigation any information it has with respect to the person 4478
who is the subject of the criminal records check, including 4479
fingerprint-based checks of national crime information databases 4480
as described in 42 U.S.C. 671 if the request is made pursuant to 4481
section 2151.86 or 5104.013 of the Revised Code or if any other 4482
Revised Code section requires fingerprint-based checks of that 4483
nature, and shall review or cause to be reviewed any information 4484
the superintendent receives from that bureau. If a request under 4485
section 3319.39 of the Revised Code asks only for information 4486
from the federal bureau of investigation, the superintendent 4487
shall not conduct the review prescribed by division (B) (1) of 4488
this section. 4489

(3) The superintendent or the superintendent's designee 4490
may request criminal history records from other states or the 4491
federal government pursuant to the national crime prevention and 4492
privacy compact set forth in section 109.571 of the Revised 4493
Code. 4494

(4) The superintendent shall include in the results of the 4495
criminal records check a list or description of the offenses 4496
listed or described in division (A) (1), (2), (3), (4), (5), (6), 4497
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 4498
of this section, whichever division requires the superintendent 4499
to conduct the criminal records check. The superintendent shall 4500
exclude from the results any information the dissemination of 4501
which is prohibited by federal law. 4502

(5) The superintendent shall send the results of the 4503
criminal records check to the person to whom it is to be sent 4504
not later than the following number of days after the date the 4505
superintendent receives the request for the criminal records 4506
check, the completed form prescribed under division (C) (1) of 4507

this section, and the set of fingerprint impressions obtained in 4508
the manner described in division (C) (2) of this section: 4509

(a) If the superintendent is required by division (A) of 4510
this section (other than division (A) (3) of this section) to 4511
conduct the criminal records check, thirty; 4512

(b) If the superintendent is required by division (A) (3) 4513
of this section to conduct the criminal records check, sixty. 4514

(C) (1) The superintendent shall prescribe a form to obtain 4515
the information necessary to conduct a criminal records check 4516
from any person for whom a criminal records check is to be 4517
conducted under this section. The form that the superintendent 4518
prescribes pursuant to this division may be in a tangible 4519
format, in an electronic format, or in both tangible and 4520
electronic formats. 4521

(2) The superintendent shall prescribe standard impression 4522
sheets to obtain the fingerprint impressions of any person for 4523
whom a criminal records check is to be conducted under this 4524
section. Any person for whom a records check is to be conducted 4525
under this section shall obtain the fingerprint impressions at a 4526
county sheriff's office, municipal police department, or any 4527
other entity with the ability to make fingerprint impressions on 4528
the standard impression sheets prescribed by the superintendent. 4529
The office, department, or entity may charge the person a 4530
reasonable fee for making the impressions. The standard 4531
impression sheets the superintendent prescribes pursuant to this 4532
division may be in a tangible format, in an electronic format, 4533
or in both tangible and electronic formats. 4534

(3) Subject to division (D) of this section, the 4535
superintendent shall prescribe and charge a reasonable fee for 4536

providing a criminal records check under this section. The 4537
person requesting the criminal records check shall pay the fee 4538
prescribed pursuant to this division. In the case of a request 4539
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 4540
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 4541
fee shall be paid in the manner specified in that section. 4542

(4) The superintendent of the bureau of criminal 4543
identification and investigation may prescribe methods of 4544
forwarding fingerprint impressions and information necessary to 4545
conduct a criminal records check, which methods shall include, 4546
but not be limited to, an electronic method. 4547

(D) The results of a criminal records check conducted 4548
under this section, other than a criminal records check 4549
specified in division (A) (7) of this section, are valid for the 4550
person who is the subject of the criminal records check for a 4551
period of one year from the date upon which the superintendent 4552
completes the criminal records check. If during that period the 4553
superintendent receives another request for a criminal records 4554
check to be conducted under this section for that person, the 4555
superintendent shall provide the results from the previous 4556
criminal records check of the person at a lower fee than the fee 4557
prescribed for the initial criminal records check. 4558

(E) When the superintendent receives a request for 4559
information from a registered private provider, the 4560
superintendent shall proceed as if the request was received from 4561
a school district board of education under section 3319.39 of 4562
the Revised Code. The superintendent shall apply division (A) (1) 4563
(c) of this section to any such request for an applicant who is 4564
a teacher. 4565

(F) (1) Subject to division (F) (2) of this section, all 4566

information regarding the results of a criminal records check 4567
conducted under this section that the superintendent reports or 4568
sends under division (A) (7) or (9) of this section to the 4569
director of public safety, the treasurer of state, or the 4570
person, board, or entity that made the request for the criminal 4571
records check shall relate to the conviction of the subject 4572
person, or the subject person's plea of guilty to, a criminal 4573
offense. 4574

(2) Division (F) (1) of this section does not limit, 4575
restrict, or preclude the superintendent's release of 4576
information that relates to the arrest of a person who is 4577
eighteen years of age or older, to an adjudication of a child as 4578
a delinquent child, or to a criminal conviction of a person 4579
under eighteen years of age in circumstances in which a release 4580
of that nature is authorized under division (E) (2), (3), or (4) 4581
of section 109.57 of the Revised Code pursuant to a rule adopted 4582
under division (E) (1) of that section. 4583

(G) As used in this section: 4584

(1) "Criminal records check" means any criminal records 4585
check conducted by the superintendent of the bureau of criminal 4586
identification and investigation in accordance with division (B) 4587
of this section. 4588

(2) "Minor drug possession offense" has the same meaning 4589
as in section 2925.01 of the Revised Code. 4590

(3) "OVI or OVUAC violation" means a violation of section 4591
4511.19 of the Revised Code or a violation of an existing or 4592
former law of this state, any other state, or the United States 4593
that is substantially equivalent to section 4511.19 of the 4594
Revised Code. 4595

(4) "Registered private provider" means a nonpublic school 4596
or entity registered with the superintendent of public 4597
instruction under section 3310.41 of the Revised Code to 4598
participate in the autism scholarship program or section 3310.58 4599
of the Revised Code to participate in the Jon Peterson special 4600
needs scholarship program. 4601

Section 4. That the version of section 109.572 of the 4602
Revised Code that is scheduled to take effect October 9, 2021, 4603
is hereby repealed. 4604

Section 5. Sections 3 and 4 of this act take effect 4605
October 9, 2021. 4606

Section 6. The General Assembly, applying the principle 4607
stated in division (B) of section 1.52 of the Revised Code that 4608
amendments are to be harmonized if reasonably capable of 4609
simultaneous operation, finds that the following sections, 4610
presented in this act as composites of the sections as amended 4611
by the acts indicated, are the resulting versions of the 4612
sections in effect prior to the effective date of the sections 4613
as presented in this act: 4614

Section 109.42 of the Revised Code as amended by both H.B. 4615
1 and S.B. 201 of the 132nd General Assembly. 4616

The version of section 109.572 of the Revised Code 4617
effective October 9, 2021, as amended by both H.B. 263 and S.B. 4618
260 of the 133rd General Assembly. 4619

Section 901.511 of the Revised Code as amended by both 4620
H.B. 276 and H.B. 389 of the 129th General Assembly. 4621

Section 2921.22 of the Revised Code as amended by both 4622
H.B. 216 and S.B. 319 of the 131st General Assembly. 4623