

**As Passed by the Senate**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**S. B. No. 33**

**Senator Hoagland**

**Cosponsors: Senators Peterson, Coley, Terhar, Wilson, Huffman, M., Rulli,  
Brenner, Burke, Eklund, Gavarone, Hackett, Huffman, S., McColley, O'Brien,  
Roegner, Schuring, Uecker**

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**A BILL**

To amend sections 2909.07, 2909.10, 2911.21, 1  
2911.211, 2917.21, and 2917.32 and to enact 2  
section 2307.67 of the Revised Code to modify 3  
certain criminal offenses with respect to 4  
critical infrastructure facilities and to impose 5  
fines and civil liability for damage to a 6  
critical infrastructure facility. 7

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

**Section 1.** That sections 2909.07, 2909.10, 2911.21, 8  
2911.211, 2917.21, and 2917.32 be amended and section 2307.67 of 9  
the Revised Code be enacted to read as follows: 10

**Sec. 2307.67.** (A) As used in this section: 11

(1) "Critical infrastructure facility" has the same 12  
meaning as in section 2911.21 of the Revised Code. 13

(2) "Organization" has the same meaning as in section 14  
2901.23 of the Revised Code. 15

(B) An owner or operator of a critical infrastructure 16

facility may elect to commence a civil action under division (A) 17  
of section 2307.60 or section 2307.61 of the Revised Code or 18  
under this section against any person who willfully causes 19  
damage to the critical infrastructure facility. The plaintiff 20  
may recover compensatory damages equal to the replacement value 21  
of the property that was damaged. The plaintiff also may recover 22  
reasonable attorney's fees, court costs, and other reasonable 23  
expenses incurred in maintaining the civil action under this 24  
section. 25

(C) A person or organization that compensates a person for 26  
causing damage to a critical infrastructure facility or pays the 27  
person's fines or damages in a civil action may be held 28  
vicariously liable for any judgment the plaintiff obtains 29  
against the person who damaged the critical infrastructure 30  
facility. 31

(D) In a civil action to recover damages under this 32  
section, the trier of fact may determine that the defendant 33  
willfully caused damage to the critical infrastructure facility, 34  
regardless of whether the defendant has been charged with any 35  
related criminal offense, has pleaded guilty to or been 36  
convicted of a criminal offense, or has been adjudicated a 37  
delinquent child in connection with the property damage. 38

(E) This section does not affect any criminal prosecution 39  
or any action to obtain a delinquent child adjudication in 40  
connection with the property damage. 41

**Sec. 2909.07.** (A) No person shall: 42

(1) Without privilege to do so, knowingly move, deface, 43  
damage, destroy, or otherwise improperly tamper with either of 44  
the following: 45

(a) The property of another;	46
(b) One's own residential real property with the purpose to decrease the value of or enjoyment of the residential real property, if both of the following apply:	47 48 49
(i) The residential real property is subject to a mortgage.	50 51
(ii) The person has been served with a summons and complaint in a pending residential mortgage loan foreclosure action relating to that real property. As used in this division, "pending" includes the time between judgment entry and confirmation of sale.	52 53 54 55 56
(2) With purpose to interfere with the use or enjoyment of property of another, employ a tear gas device, stink bomb, smoke generator, or other device releasing a substance that is harmful or offensive to persons exposed or that tends to cause public alarm;	57 58 59 60 61
(3) Without privilege to do so, knowingly move, deface, damage, destroy, or otherwise improperly tamper with a bench mark, triangulation station, boundary marker, or other survey station, monument, or marker;	62 63 64 65
(4) Without privilege to do so, knowingly move, deface, damage, destroy, or otherwise improperly tamper with any safety device, the property of another, or the property of the offender when required or placed for the safety of others, so as to destroy or diminish its effectiveness or availability for its intended purpose;	66 67 68 69 70 71
(5) With purpose to interfere with the use or enjoyment of the property of another, set a fire on the land of another or place personal property that has been set on fire on the land of	72 73 74

another, which fire or personal property is outside and apart 75  
from any building, other structure, or personal property that is 76  
on that land; 77

(6) Without privilege to do so, and with intent to impair 78  
the functioning of any computer, computer system, computer 79  
network, computer software, or computer program, knowingly do 80  
any of the following: 81

(a) In any manner or by any means, including, but not 82  
limited to, computer hacking, alter, damage, destroy, or modify 83  
a computer, computer system, computer network, computer 84  
software, or computer program or data contained in a computer, 85  
computer system, computer network, computer software, or 86  
computer program; 87

(b) Introduce a computer contaminant into a computer, 88  
computer system, computer network, computer software, or 89  
computer program. 90

(7) Without privilege to do so, knowingly destroy or 91  
improperly tamper with a critical infrastructure facility. 92

(B) As used in this section: 93

(1) "safety-Safety device" means any fire extinguisher, 94  
fire hose, or fire axe, or any fire escape, emergency exit, or 95  
emergency escape equipment, or any life line, life-saving ring, 96  
life preserver, or life boat or raft, or any alarm, light, 97  
flare, signal, sign, or notice intended to warn of danger or 98  
emergency, or intended for other safety purposes, or any guard 99  
railing or safety barricade, or any traffic sign or signal, or 100  
any railroad grade crossing sign, signal, or gate, or any first 101  
aid or survival equipment, or any other device, apparatus, or 102  
equipment intended for protecting or preserving the safety of 103

persons or property. 104

(2) "Critical infrastructure facility" has the same 105  
meaning as in section 2911.21 of the Revised Code. 106

(3) "Organization" has the same meaning as in section 107  
2901.23 of the Revised Code. 108

(C) (1) Whoever violates this section is guilty of criminal 109  
mischief, and shall be punished as provided in division (C) (2), 110  
~~or (3), or (4)~~ of this section. 111

(2) Except as otherwise provided in this division, 112  
criminal mischief committed in violation of division (A) (1), 113  
(2), (3), (4), or (5) of this section is a misdemeanor of the 114  
third degree. Except as otherwise provided in this division, if 115  
the violation of division (A) (1), (2), (3), (4), or (5) of this 116  
section creates a risk of physical harm to any person, criminal 117  
mischief committed in violation of division (A) (1), (2), (3), 118  
(4), or (5) of this section is a misdemeanor of the first 119  
degree. If the property involved in the violation of division 120  
(A) (1), (2), (3), (4), or (5) of this section is an aircraft, an 121  
aircraft engine, propeller, appliance, spare part, fuel, 122  
lubricant, hydraulic fluid, any other equipment, implement, or 123  
material used or intended to be used in the operation of an 124  
aircraft, or any cargo carried or intended to be carried in an 125  
aircraft, criminal mischief committed in violation of division 126  
(A) (1), (2), (3), (4), or (5) of this section is one of the 127  
following: 128

(a) If the violation creates a risk of physical harm to 129  
any person, except as otherwise provided in division (C) (2) (b) 130  
of this section, criminal mischief committed in violation of 131  
division (A) (1), (2), (3), (4), or (5) of this section is a 132

felony of the fifth degree.	133
(b) If the violation creates a substantial risk of	134
physical harm to any person or if the property involved in a	135
violation of this section is an occupied aircraft, criminal	136
mischief committed in violation of division (A) (1), (2), (3),	137
(4), or (5) of this section is a felony of the fourth degree.	138
(3) Except as otherwise provided in this division,	139
criminal mischief committed in violation of division (A) (6) of	140
this section is a misdemeanor of the first degree. Except as	141
otherwise provided in this division, if the value of the	142
computer, computer system, computer network, computer software,	143
computer program, or data involved in the violation of division	144
(A) (6) of this section or the loss to the victim resulting from	145
the violation is one thousand dollars or more and less than ten	146
thousand dollars, or if the computer, computer system, computer	147
network, computer software, computer program, or data involved	148
in the violation of division (A) (6) of this section is used or	149
intended to be used in the operation of an aircraft and the	150
violation creates a risk of physical harm to any person,	151
criminal mischief committed in violation of division (A) (6) of	152
this section is a felony of the fifth degree. If the value of	153
the computer, computer system, computer network, computer	154
software, computer program, or data involved in the violation of	155
division (A) (6) of this section or the loss to the victim	156
resulting from the violation is ten thousand dollars or more, or	157
if the computer, computer system, computer network, computer	158
software, computer program, or data involved in the violation of	159
division (A) (6) of this section is used or intended to be used	160
in the operation of an aircraft and the violation creates a	161
substantial risk of physical harm to any person or the aircraft	162
in question is an occupied aircraft, criminal mischief committed	163

in violation of division (A) (6) of this section is a felony of 164  
the fourth degree. 165

(4) Criminal mischief committed in violation of division 166  
(A) (7) of this section is a felony of the third degree. 167  
Notwithstanding section 2929.31 of the Revised Code, any 168  
organization found guilty of complicity in a violation of that 169  
division under section 2923.03 of the Revised Code shall be 170  
punished with a fine that is ten times the maximum fine that can 171  
be imposed on an individual for a felony of the third degree. 172

**Sec. 2909.10.** (A) No person shall knowingly, and by any 173  
means, drop or throw any object at, onto, or in the path of, any 174  
railroad rail, railroad track, locomotive, engine, railroad car, 175  
or other vehicle of a railroad company while such vehicle is on 176  
a railroad track. 177

(B) No person, without privilege to do so, shall climb 178  
upon or into any locomotive, engine, railroad car, or other 179  
vehicle of a railroad company when it is on a railroad track. 180

(C) No person, without privilege to do so, shall disrupt, 181  
delay, or prevent the operation of any train or other vehicle of 182  
a railroad company while such vehicle is on a railroad track. 183

~~(D) No person, without privilege to do so, shall knowingly 184~~  
~~enter or remain on the land or premises of a railroad company. 185~~

~~(E) Whoever violates division (A) of this section is 186~~  
guilty of railroad vandalism. Whoever violates division (B) of 187  
this section is guilty of criminal trespass on a locomotive, 188  
engine, railroad car, or other railroad vehicle. Whoever 189  
violates division (C) of this section is guilty of interference 190  
with the operation of a train. 191

Except as otherwise provided in this division, railroad 192

vandalism; criminal trespass on a locomotive, engine, railroad 193  
car, or other railroad vehicle; and interference with the 194  
operation of a train each is a misdemeanor of the first degree. 195  
Except as otherwise provided in this division, if the violation 196  
of division (A), (B), or (C) of this section causes serious 197  
physical harm to property or creates a substantial risk of 198  
physical harm to any person, the violation is a felony of the 199  
fourth degree. Except as otherwise provided in this division, if 200  
the violation of division (A), (B), or (C) of this section 201  
causes physical harm to any person, the violation is a felony of 202  
the third degree. If the violation of division (A), (B), or (C) 203  
of this section causes serious physical harm to any person, the 204  
violation is a felony of the second degree. 205

~~(F) Whoever violates division (D) of this section is 206  
guilty of criminal trespass on the land or premises of a 207  
railroad company, a misdemeanor of the fourth degree. 208~~

**Sec. 2911.21.** (A) No person, without privilege to do so, 209  
shall do any of the following: 210

(1) Knowingly enter or remain on the land or premises of 211  
another; 212

(2) Knowingly enter or remain on the land or premises of 213  
another, the use of which is lawfully restricted to certain 214  
persons, purposes, modes, or hours, when the offender knows the 215  
offender is in violation of any such restriction or is reckless 216  
in that regard; 217

(3) Recklessly enter or remain on the land or premises of 218  
another, as to which notice against unauthorized access or 219  
presence is given by actual communication to the offender, or in 220  
a manner prescribed by law, or by posting in a manner reasonably 221

calculated to come to the attention of potential intruders, or 222  
by fencing or other enclosure manifestly designed to restrict 223  
access; 224

(4) Being on the land or premises of another, negligently 225  
fail or refuse to leave upon being notified by signage posted in 226  
a conspicuous place or otherwise being notified to do so by the 227  
owner or occupant, or the agent or servant of either; 228

(5) Knowingly enter or remain on a critical infrastructure 229  
facility. 230

(B) It is no defense to a charge under this section that 231  
the land or premises involved was owned, controlled, or in 232  
custody of a public agency. 233

(C) It is no defense to a charge under this section that 234  
the offender was authorized to enter or remain on the land or 235  
premises involved, when such authorization was secured by 236  
deception. 237

(D) (1) Whoever violates this section is guilty of criminal 238  
trespass. Criminal trespass in violation of division (A) (1), 239  
(2), (3), or (4) of this section is a misdemeanor of the fourth 240  
degree. Criminal trespass in violation of division (A) (5) of 241  
this section is a misdemeanor of the first degree. 242  
Notwithstanding section 2929.31 of the Revised Code, any 243  
organization found guilty of complicity in a violation of 244  
division (A) (5) of this section under section 2923.03 of the 245  
Revised Code shall be punished with a fine that is ten times the 246  
maximum fine that can be imposed on an individual for a 247  
misdemeanor of the first degree. 248

(2) Notwithstanding section 2929.28 of the Revised Code, 249  
if the person, in committing the violation of this section, used 250

a snowmobile, off-highway motorcycle, or all-purpose vehicle, 251  
the court shall impose a fine of two times the usual amount 252  
imposed for the violation. 253

(3) If an offender previously has been convicted of or 254  
pleaded guilty to two or more violations of this section or a 255  
substantially equivalent municipal ordinance, and the offender, 256  
in committing each violation, used a snowmobile, off-highway 257  
motorcycle, or all-purpose vehicle, the court, in addition to or 258  
independent of all other penalties imposed for the violation, 259  
may impound the certificate of registration of that snowmobile 260  
or off-highway motorcycle or the certificate of registration and 261  
license plate of that all-purpose vehicle for not less than 262  
sixty days. In such a case, section 4519.47 of the Revised Code 263  
applies. 264

(E) Notwithstanding any provision of the Revised Code, if 265  
the offender, in committing the violation of this section, used 266  
an all-purpose vehicle, the clerk of the court shall pay the 267  
fine imposed pursuant to this section to the state recreational 268  
vehicle fund created by section 4519.11 of the Revised Code. 269

(F) As used in this section: 270

(1) "All-purpose vehicle," "off-highway motorcycle," and 271  
"snowmobile" have the same meanings as in section 4519.01 of the 272  
Revised Code. 273

(2) "Land or premises" includes any land, building, 274  
structure, or place belonging to, controlled by, or in custody 275  
of another, and any separate enclosure or room, or portion 276  
thereof. 277

(3) "Organization" has the same meaning as in section 278  
2901.23 of the Revised Code. 279

<u>(4) "Production operation," "well," and "well pad" have</u>	280
<u>the same meanings as in section 1509.01 of the Revised Code.</u>	281
<u>(5) "Critical infrastructure facility" means:</u>	282
<u>(a) One of the following, if completely enclosed by a</u>	283
<u>fence or other physical barrier that is obviously designed to</u>	284
<u>exclude intruders, or if clearly marked with signs that are</u>	285
<u>reasonably likely to come to the attention of potential</u>	286
<u>intruders and that indicate entry is forbidden without site</u>	287
<u>authorization:</u>	288
<u>(i) A petroleum or alumina refinery;</u>	289
<u>(ii) An electric generating facility, substation,</u>	290
<u>switching station, electrical control center, or electric</u>	291
<u>transmission and distribution lines and associated equipment;</u>	292
<u>(iii) A chemical, polymer, or rubber manufacturing</u>	293
<u>facility;</u>	294
<u>(iv) A water intake structure, water treatment facility,</u>	295
<u>waste water facility, drainage facility, water management</u>	296
<u>facility, or any similar water or sewage treatment system and</u>	297
<u>its water and sewage piping;</u>	298
<u>(v) A natural gas company facility or interstate natural</u>	299
<u>gas pipeline, including a pipeline interconnection, a natural</u>	300
<u>gas compressor station and associated facilities, city gate or</u>	301
<u>town border station, metering station, above-ground piping,</u>	302
<u>regulator station, valve site, delivery station, fabricated</u>	303
<u>assembly, or any other part of a natural gas storage facility</u>	304
<u>involved in the gathering, storage, transmission, or</u>	305
<u>distribution of gas;</u>	306
<u>(vi) A telecommunications central switching office or</u>	307

remote switching facility or an equivalent network facility that 308  
serves a similar purpose; 309

(vii) Wireline or wireless telecommunications 310  
infrastructure, including telecommunications towers and 311  
telephone poles and lines, including fiber optic lines; 312

(viii) A port, trucking terminal, or other freight 313  
transportation facility; 314

(ix) A gas processing plant, including a plant used in the 315  
processing, treatment, or fractionation of natural gas or 316  
natural gas liquids; 317

(x) A transmission facility used by a federally licensed 318  
radio or television station; 319

(xi) A steel-making facility that uses an electric arc 320  
furnace to make steel; 321

(xii) A facility identified and regulated by the United 322  
States department of homeland security's chemical facility anti- 323  
terrorism standards program under 6 C.F.R. part 27; 324

(xiii) A dam that is regulated by the state or federal 325  
government; 326

(xiv) A crude oil or refined products storage and 327  
distribution facility, including valve sites, pipeline 328  
interconnections, pump station, metering station, below- or 329  
above-ground pipeline, or piping and truck loading or off- 330  
loading facility; 331

(xv) A video service network and broadband infrastructure, 332  
including associated buildings and facilities, video service 333  
headends, towers, utility poles, and utility lines such as fiber 334  
optic lines. As used in this division, "video service network" 335

<u>has the same meaning as in section 1332.21 of the Revised Code.</u>	336
<u>(xvi) Any above-ground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, or other storage facility;</u>	337
<u>(xvii) Any above-ground portion of a well, well pad, or production operation;</u>	338
<u>(xviii) A laydown area or construction site for pipe and other equipment intended for use on an interstate or intrastate natural gas or crude oil pipeline;</u>	339
<u>(xix) Any mining operation, including any processing equipment, batching operation, or support facility for that mining operation.</u>	340
<u>(b) With respect to a video service network or broadband or wireless telecommunications infrastructure, the above-ground portion of a facility installed in a public right-of-way on a utility pole or in a conduit;</u>	341
<u>(c) Any railroad property;</u>	342
<u>(d) An electronic asset of any of the following:</u>	343
<u>(i) An electric light company that is a public utility under section 4905.02 of the Revised Code;</u>	344
<u>(ii) An electric cooperative, as defined in section 4928.01 of the Revised Code;</u>	345
<u>(iii) A municipal electric utility, as defined in section 4928.01 of the Revised Code;</u>	346
<u>(iv) A natural gas company that is a public utility under section 4905.02 of the Revised Code;</u>	347
<u>(v) A telephone company that is a public utility under section 4905.02 of the Revised Code;</u>	348
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(vi) A video service provider, including a cable operator, 363  
as those terms are defined in section 1332.21 of the Revised 364  
Code. 365

(6) "Electronic asset" includes, but is not limited to, 366  
the hardware, software, and data of a programmable electronic 367  
device; all communications, operations, and customer data 368  
networks; and the contents of those data networks. 369

**Sec. 2911.211.** (A) (1) No person shall enter or remain on 370  
the land or premises of another with purpose to commit on that 371  
land or those premises a misdemeanor, the elements of which 372  
involve causing physical harm to another person or causing 373  
another person to believe that the offender will cause physical 374  
harm to ~~him~~ that person. 375

(2) No person shall enter or remain on a critical 376  
infrastructure facility with purpose to destroy or tamper with 377  
the facility. 378

(B) Whoever violates this section is guilty of aggravated 379  
trespass<sup>7</sup>. Aggravated trespass in violation of division (A) (1) 380  
of this section is a misdemeanor of the first degree. Aggravated 381  
trespass in violation of division (A) (2) of this section is a 382  
felony of the third degree. Notwithstanding section 2929.31 of 383  
the Revised Code, any organization found guilty of complicity in 384  
a violation of division (A) (2) of this section under section 385  
2923.03 of the Revised Code shall be punished with a fine that 386  
is ten times the maximum fine that can be imposed on an 387  
individual for a felony of the third degree. 388

(C) As used in this section: 389

(1) "Critical infrastructure facility" has the same 390  
meaning as in section 2911.21 of the Revised Code. 391

(2) "Organization" has the same meaning as in section 392  
2901.23 of the Revised Code. 393

**Sec. 2917.21.** (A) No person shall knowingly make or cause 394  
to be made a telecommunication, or knowingly permit a 395  
telecommunication to be made from a telecommunications device 396  
under the person's control, to another, if the caller does any 397  
of the following: 398

(1) Makes the telecommunication with purpose to harass, 399  
intimidate, or abuse any person at the premises to which the 400  
telecommunication is made, whether or not actual communication 401  
takes place between the caller and a recipient; 402

(2) Describes, suggests, requests, or proposes that the 403  
caller, the recipient of the telecommunication, or any other 404  
person engage in sexual activity, and the recipient or another 405  
person at the premises to which the telecommunication is made 406  
has requested, in a previous telecommunication or in the 407  
immediate telecommunication, that the caller not make a 408  
telecommunication to the recipient or to the premises to which 409  
the telecommunication is made; 410

(3) During the telecommunication, violates section 2903.21 411  
of the Revised Code; 412

(4) Knowingly states to the recipient of the 413  
telecommunication that the caller intends to cause damage to or 414  
destroy public or private property, and the recipient, any 415  
member of the recipient's family, or any other person who 416  
resides at the premises to which the telecommunication is made 417  
owns, leases, resides, or works in, will at the time of the 418  
destruction or damaging be near or in, has the responsibility of 419  
protecting, or insures the property that will be destroyed or 420

damaged;	421
(5) Knowingly makes the telecommunication to the recipient	422
of the telecommunication, to another person at the premises to	423
which the telecommunication is made, or to those premises, and	424
the recipient or another person at those premises previously has	425
told the caller not to make a telecommunication to those	426
premises or to any persons at those premises;	427
(6) Knowingly makes any comment, request, suggestion, or	428
proposal to the recipient of the telecommunication that is	429
threatening, intimidating, menacing, coercive, or obscene with	430
the intent to abuse, threaten, or harass the recipient;	431
(7) Without a lawful business purpose, knowingly	432
interrupts the telecommunication service of any person;	433
(8) Without a lawful business purpose, knowingly transmits	434
to any person, regardless of whether the telecommunication is	435
heard in its entirety, any file, document, or other	436
communication that prevents that person from using the person's	437
telephone service or electronic communication device;	438
(9) Knowingly makes any false statement concerning the	439
death, injury, illness, disfigurement, reputation, indecent	440
conduct, or criminal conduct of the recipient of the	441
telecommunication or family or household member of the recipient	442
with purpose to abuse, threaten, intimidate, or harass the	443
recipient;	444
(10) Knowingly incites another person through a	445
telecommunication or other means to harass or participate in the	446
harassment of a person;	447
(11) Knowingly alarms the recipient by making a	448
telecommunication without a lawful purpose at an hour or hours	449

known to be inconvenient to the recipient and in an offensive or 450  
repetitive manner. 451

(B) (1) No person shall make or cause to be made a 452  
telecommunication, or permit a telecommunication to be made from 453  
a telecommunications device under the person's control, with 454  
purpose to abuse, threaten, or harass another person. 455

(2) No person shall knowingly post a text or audio 456  
statement or an image on an internet web site or web page for 457  
the purpose of abusing, threatening, or harassing another 458  
person. 459

(C) (1) Whoever violates this section is guilty of 460  
telecommunications harassment. 461

(2) A violation of division (A) (1), (2), (3), (5), (6), 462  
(7), (8), (9), (10), or (11) or (B) of this section is a 463  
misdemeanor of the first degree on a first offense and a felony 464  
of the fifth degree on each subsequent offense. 465

(3) Except as otherwise provided in division (C) (3) of 466  
this section, a violation of division (A) (4) of this section is 467  
a misdemeanor of the first degree on a first offense and a 468  
felony of the fifth degree on each subsequent offense. If a 469  
violation of division (A) (4) of this section results in economic 470  
harm of one thousand dollars or more but less than seven 471  
thousand five hundred dollars, telecommunications harassment is 472  
a felony of the fifth degree. If a violation of division (A) (4) 473  
of this section results in economic harm of seven thousand five 474  
hundred dollars or more but less than one hundred fifty thousand 475  
dollars, telecommunications harassment is a felony of the fourth 476  
degree. If a violation of division (A) (4) of this section 477  
results in economic harm of one hundred fifty thousand dollars 478

or more, telecommunications harassment is a felony of the third 479  
degree. 480

(4) Notwithstanding section 2929.31 of the Revised Code, 481  
if any organization is found guilty of complicity under section 482  
2923.03 of the Revised Code in a violation of division (A) (4) of 483  
this section that involves a threat of damage to or destruction 484  
of a critical infrastructure facility, the organization shall be 485  
punished with a fine that is ten times the maximum fine that can 486  
be imposed on an individual for the violation of division (A) (4) 487  
of this section. 488

(D) No cause of action may be asserted in any court of 489  
this state against any provider of a telecommunications service, 490  
interactive computer service as defined in section 230 of Title 491  
47 of the United States Code, or information service, or against 492  
any officer, employee, or agent of a telecommunication service, 493  
interactive computer service as defined in section 230 of Title 494  
47 of the United States Code, or information service, for any 495  
injury, death, or loss to person or property that allegedly 496  
arises out of the provider's, officer's, employee's, or agent's 497  
provision of information, facilities, or assistance in 498  
accordance with the terms of a court order that is issued in 499  
relation to the investigation or prosecution of an alleged 500  
violation of this section. A provider of a telecommunications 501  
service, interactive computer service as defined in section 230 502  
of Title 47 of the United States Code, or information service, 503  
or an officer, employee, or agent of a telecommunications 504  
service, interactive computer service as defined in section 230 505  
of Title 47 of the United States Code, or information service, 506  
is immune from any civil or criminal liability for injury, 507  
death, or loss to person or property that allegedly arises out 508  
of the provider's, officer's, employee's, or agent's provision 509

of information, facilities, or assistance in accordance with the 510  
terms of a court order that is issued in relation to the 511  
investigation or prosecution of an alleged violation of this 512  
section. 513

(E) (1) This section does not apply to a person solely 514  
because the person provided access or connection to or from an 515  
electronic method of remotely transferring information not under 516  
that person's control, including having provided capabilities 517  
that are incidental to providing access or connection to or from 518  
the electronic method of remotely transferring the information, 519  
and that do not include the creation of the content of the 520  
material that is the subject of the access or connection. In 521  
addition, any person providing access or connection to or from 522  
an electronic method of remotely transferring information not 523  
under that person's control shall not be liable for any action 524  
voluntarily taken in good faith to block the receipt or 525  
transmission through its service of any information that the 526  
person believes is, or will be sent, in violation of this 527  
section. 528

(2) Division (E) (1) of this section does not create an 529  
affirmative duty for any person providing access or connection 530  
to or from an electronic method of remotely transferring 531  
information not under that person's control to block the receipt 532  
or transmission through its service of any information that it 533  
believes is, or will be sent, in violation of this section 534  
except as otherwise provided by law. 535

(3) Division (E) (1) of this section does not apply to a 536  
person who conspires with a person actively involved in the 537  
creation or knowing distribution of material in violation of 538  
this section or who knowingly advertises the availability of 539

material of that nature. 540

(4) A provider or user of an interactive computer service, 541  
as defined in section 230 of Title 47 of the United States Code, 542  
shall neither be treated as the publisher or speaker of any 543  
information provided by another information content provider, as 544  
defined in section 230 of Title 47 of the United States Code, 545  
nor held civilly or criminally liable for the creation or 546  
development of information provided by another information 547  
content provider, as defined in section 230 of Title 47 of the 548  
United States Code. Nothing in this division shall be construed 549  
to protect a person from liability to the extent that the person 550  
developed or created any content in violation of this section. 551

(F) Divisions (A) (5) to (11) and (B) (2) of this section do 552  
not apply to a person who, while employed or contracted by a 553  
newspaper, magazine, press association, news agency, news wire 554  
service, cable channel or cable operator, or radio or television 555  
station, is gathering, processing, transmitting, compiling, 556  
editing, or disseminating information for the general public 557  
within the scope of the person's employment in that capacity or 558  
the person's contractual authority in that capacity. 559

(G) As used in this section: 560

(1) "Critical infrastructure facility" has the same 561  
meaning as in section 2911.21 of the Revised Code. 562

(2) "Economic harm" means all direct, incidental, and 563  
consequential pecuniary harm suffered by a victim as a result of 564  
criminal conduct. "Economic harm" includes, but is not limited 565  
to, all of the following: 566

(a) All wages, salaries, or other compensation lost as a 567  
result of the criminal conduct; 568

(b) The cost of all wages, salaries, or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;	569 570 571
(c) The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;	572 573
(d) The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.	574 575
<del>(2)</del> <u>(3)</u> "Caller" means the person described in division (A) of this section who makes or causes to be made a telecommunication or who permits a telecommunication to be made from a telecommunications device under that person's control.	576 577 578 579
<del>(3)</del> <u>(4)</u> "Telecommunication" and "telecommunications device" have the same meanings as in section 2913.01 of the Revised Code.	580 581 582
<del>(4)</del> <u>(5)</u> "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.	583 584
<del>(5)</del> <u>(6)</u> "Family or household member" means any of the following:	585 586
(a) Any of the following who is residing or has resided with the recipient of the telecommunication against whom the act prohibited in division (A) (9) of this section is committed:	587 588 589
(i) A spouse, a person living as a spouse, or a former spouse of the recipient;	590 591
(ii) A parent, a foster parent, or a child of the recipient, or another person related by consanguinity or affinity to the recipient;	592 593 594
(iii) A parent or a child of a spouse, person living as a	595

spouse, or former spouse of the recipient, or another person 596  
related by consanguinity or affinity to a spouse, person living 597  
as a spouse, or former spouse of the recipient. 598

(b) The natural parent of any child of whom the recipient 599  
of the telecommunication against whom the act prohibited in 600  
division (A) (9) of this section is committed is the other 601  
natural parent or is the putative other natural parent. 602

~~(6)~~(7) "Person living as a spouse" means a person who is 603  
living or has lived with the recipient of the telecommunication 604  
against whom the act prohibited in division (A) (9) of this 605  
section is committed in a common law marital relationship, who 606  
otherwise is cohabiting with the recipient, or who otherwise has 607  
cohabited with the recipient within five years prior to the date 608  
of the alleged commission of the act in question. 609

~~(7)~~(8) "Cable operator" has the same meaning as in 610  
section 1332.21 of the Revised Code. 611

(H) Nothing in this section prohibits a person from making 612  
a telecommunication to a debtor that is in compliance with the 613  
"Fair Debt Collection Practices Act," 91 Stat. 874 (1977), 15 614  
U.S.C. 1692, as amended, or the "Telephone Consumer Protection 615  
Act," 105 Stat. 2395 (1991), 47 U.S.C. 227, as amended. 616

**Sec. 2917.32.** (A) No person shall do any of the following: 617

(1) Initiate or circulate a report or warning of an 618  
alleged or impending fire, explosion, crime, or other 619  
catastrophe, knowing that the report or warning is false and 620  
likely to cause public inconvenience or alarm; 621

(2) Knowingly cause a false alarm of fire or other 622  
emergency to be transmitted to or within any organization, 623  
public or private, for dealing with emergencies involving a risk 624

of physical harm to persons or property; 625

(3) Report to any law enforcement agency an alleged 626  
offense or other incident within its concern, knowing that such 627  
offense did not occur; 628

(4) Initiate or circulate a report or warning of an 629  
alleged or impending fire, explosion, crime, or other 630  
catastrophe, knowing that the report or warning is false and 631  
likely to impede the operation of a critical infrastructure 632  
facility. 633

(B) This section does not apply to any person conducting 634  
an authorized fire or emergency drill. 635

(C) (1) Whoever violates this section is guilty of making 636  
false alarms. 637

(2) Except as otherwise provided in division (C) (3), (4), 638  
(5), or (6) of this section, making false alarms is a 639  
misdemeanor of the first degree. 640

(3) Except as otherwise provided in division (C) (4) of 641  
this section, if a violation of this section results in economic 642  
harm of one thousand dollars or more but less than seven 643  
thousand five hundred dollars, making false alarms is a felony 644  
of the fifth degree. 645

(4) If a violation of this section pertains to a 646  
purported, threatened, or actual use of a weapon of mass 647  
destruction, making false alarms is a felony of the third 648  
degree. 649

(5) If a violation of this section results in economic 650  
harm of seven thousand five hundred dollars or more but less 651  
than one hundred fifty thousand dollars and if division (C) (4) 652

of this section does not apply, making false alarms is a felony 653  
of the fourth degree. 654

(6) If a violation of this section results in economic 655  
harm of one hundred fifty thousand dollars or more, making false 656  
alarms is a felony of the third degree. 657

(D) Notwithstanding section 2929.31 of the Revised Code, 658  
any organization found guilty of complicity under section 659  
2923.03 of the Revised Code in a violation of division (A) (4) of 660  
this section shall be punished with a fine that is ten times the 661  
maximum fine that can be imposed on an individual for the 662  
violation of division (A) (4) of this section. 663

(E) (1) It is not a defense to a charge under this section 664  
that pertains to a purported or threatened use of a weapon of 665  
mass destruction that the offender did not possess or have the 666  
ability to use a weapon of mass destruction or that what was 667  
represented to be a weapon of mass destruction was not a weapon 668  
of mass destruction. 669

(2) Any act that is a violation of this section and any 670  
other section of the Revised Code may be prosecuted under this 671  
section, the other section, or both sections. 672

~~(E)~~ (F) As used in this section, ~~"economic":~~ 673

(1) "Critical infrastructure facility" has the same 674  
meaning as in section 2911.21 of the Revised Code. 675

(2) "Economic harm" and "weapon of mass destruction" have 676  
the same meanings as in section 2917.31 of the Revised Code. 677

**Section 2.** That existing sections 2909.07, 2909.10, 678  
2911.21, 2911.211, 2917.21, and 2917.32 of the Revised Code are 679  
hereby repealed. 680