

LSC 126 0121-5

**126th General Assembly
Regular Session
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Sub. S. B. No. 9

A BILL

To amend sections 2901.13, 2909.21, 2923.31, 2933.51, 1
4507.08, 4561.17, 4561.18, 4561.22, 4931.49, 2
5502.011, 5502.03, 5502.28, and 5502.41, and to 3
enact sections 9.63, 2909.26, 2909.27, 2909.28, 4
2909.29, 2909.30, 2909.31, 2909.32, 2909.33, 5
2909.34, 2921.29, 2935.033, 3750.22, 4563.30, and 6
5502.012 of the Revised Code to establish 7
requirements for state and local compliance with 8
federal homeland security authorities and laws 9
pertaining to terrorism and homeland security; to 10
create criminal offenses for specified acts 11
carried out in support of terrorism; to provide a 12
20-year limitation period for certain 13
terrorism-related offenses; to establish 14
notification requirements regarding illegal aliens 15
convicted of a felony or in custody of the 16
Department of Rehabilitation and Correction; to 17
require individuals to show identification or 18
provide personal information in specified 19
situations; to limit licensing, employing, and 20
doing business with persons who have provided 21
material assistance to an organization on the 22
United States Department of State Terrorist 23
Exclusion List; to expand the definition of 24
"corrupt activity" under the Corrupt Activity Law 25
to include the bill's terrorism-related offenses 26

and animal and ecological terrorism; to include 27
the bill's terrorism-related offenses as 28
"designated offenses" for which an interception 29
warrant may be issued under the Communications 30
Interception Law; to clarify the authority of Ohio 31
peace officers and personnel in the Department of 32
Public Safety to assist federal law enforcement 33
officers; to prohibit the reinstatement of a 34
suspended driver's license to a person who is the 35
subject of an active arrest warrant; to amend 36
specified aspects of the 9-1-1 law; to provide for 37
the establishment of a homeland security advisory 38
council; to designate the National Incident 39
Management System as the standard procedure for 40
incident management within the state; to provide 41
security-related measures for public-use and 42
private-use airports; and to expand the homeland 43
security duties of the Department of Public 44
Safety. 45

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

Section 1. That sections 2901.13, 2909.21, 2923.31, 2933.51, 46
4507.08, 4561.17, 4561.18, 4561.22, 4931.49, 5502.011, 5502.03, 47
5502.28, and 5502.41 be amended and sections 9.63, 2909.26, 48
2909.27, 2909.28, 2909.29, 2909.30, 2909.31, 2909.32, 2909.33, 49
2909.34, 2921.29, 2935.033, 3750.22, 4563.30, and 5502.012 of the 50
Revised Code be enacted to read as follows: 51

Sec. 9.63. (A) Notwithstanding any law, ordinance, or 52
collective bargaining contract to the contrary, no state or local 53
employee shall unreasonably fail to comply with any lawful request 54
for assistance made by any federal authorities carrying out the 55

provisions of the USA Patriot Act, any federal immigration or 56
terrorism investigation, or any executive order of the president 57
of the United States pertaining to homeland security, to the 58
extent that the request is consistent with the doctrine of 59
federalism. 60

(B) No municipal corporation shall enact an ordinance, 61
policy, directive, rule, or resolution that would materially 62
hinder or prevent local employees from complying with the USA 63
Patriot Act or any executive order of the president of the United 64
States pertaining to homeland security or from cooperating with 65
state or federal immigration services and terrorism 66
investigations. 67

(C)(1) Any municipal corporation that enacts any ordinance, 68
policy, directive, rule, or resolution that division (B) of this 69
section prohibits is ineligible to receive any homeland security 70
funding available from the state. 71

(2) Whenever the director of public safety determines that a 72
municipal corporation has enacted any ordinance, policy, 73
directive, rule, or resolution that division (B) of this section 74
prohibits, the director shall certify that the municipal 75
corporation is ineligible to receive any homeland security funding 76
from the state and shall notify the general assembly of that 77
ineligibility. That municipal corporation shall remain ineligible 78
to receive any homeland security funding from the state until the 79
director certifies that the ordinance, policy, directive, rule, or 80
resolution has been repealed. 81

(D)(1) If a state or local employee states disagreement with, 82
or a critical opinion of, the USA Patriot Act, any federal 83
immigration or terrorism policy, or any executive order of the 84
president of the United States pertaining to homeland security, 85
the statement of disagreement with or critical opinion of the act 86

or order is not sufficient to qualify for purposes of this section
as unreasonable noncompliance with a request for assistance of the
type division (A) of this section describes.

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(2) Any municipal corporation ordinance, policy, directive,
rule, or resolution that states disagreement with, or a critical
opinion of, any state or federal immigration or terrorism policy,
the USA Patriot Act, or any executive order of the president of
the United States pertaining to homeland security is not
sufficient to qualify as a "material hindrance or prevention" of
local employees from cooperating with federal immigration services
and terrorism investigations or from complying with the USA
Patriot Act or any executive order of the president of the United
States pertaining to homeland security for purposes of divisions
(B), (C), and (D) of this section.

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(E) As used in this section, "USA Patriot Act" means the
"Uniting and Strengthening America by Providing Appropriate Tools
Required to Intercept and Obstruct Terrorism (USA Patriot Act) Act
of 2001," Pub. L. No. 107-056, 115 Stat. 272, as amended.

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Sec. 2901.13. (A)(1) Except as provided in division (A)(2)
~~or~~, (3), or (4) of this section or as otherwise provided in this
section, a prosecution shall be barred unless it is commenced
within the following periods after an offense is committed:

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(a) For a felony, six years;

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(b) For a misdemeanor other than a minor misdemeanor, two
years;

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(c) For a minor misdemeanor, six months.

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(2) There is no period of limitation for the prosecution of a
violation of section 2903.01 or 2903.02 of the Revised Code.

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(3) Except as otherwise provided in divisions (B) to (H) of
this section, a prosecution of any of the following offenses shall

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be barred unless it is commenced within twenty years after the
offense is committed:

(a) A violation of section 2903.03, 2903.04, 2905.01,
2907.02, 2907.03, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22,
2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01,
2911.02, 2911.11, 2911.12, or 2917.02 of the Revised Code, a
violation of section 2903.11 or 2903.12 of the Revised Code if the
victim is a peace officer, a violation of section 2903.13 of the
Revised Code that is a felony, or a violation of former section
2907.12 of the Revised Code;

(b) A conspiracy to commit, attempt to commit, or complicity
in committing a violation set forth in division (A)(3)(a) of this
section.

(B) If the period of limitation provided in division (A)(1)
or (3) of this section has expired, prosecution shall be commenced
for an offense of which an element is fraud or breach of a
fiduciary duty, within one year after discovery of the offense
either by an aggrieved person, or by the aggrieved person's legal
representative who is not a party to the offense.

(C) If the period of limitation provided in division (A)(1)
or (3) of this section has expired, prosecution shall be commenced
for an offense involving misconduct in office by a public servant
as defined in section 2921.01 of the Revised Code, at any time
while the accused remains a public servant, or within two years
thereafter.

(D) An offense is committed when every element of the offense
occurs. In the case of an offense of which an element is a
continuing course of conduct, the period of limitation does not
begin to run until such course of conduct or the accused's
accountability for it terminates, whichever occurs first.

(E) A prosecution is commenced on the date an indictment is

returned or an information filed, or on the date a lawful arrest
without a warrant is made, or on the date a warrant, summons,
citation, or other process is issued, whichever occurs first. A
prosecution is not commenced by the return of an indictment or the
filing of an information unless reasonable diligence is exercised
to issue and execute process on the same. A prosecution is not
commenced upon issuance of a warrant, summons, citation, or other
process, unless reasonable diligence is exercised to execute the
same.

(F) The period of limitation shall not run during any time
when the corpus delicti remains undiscovered.

(G) The period of limitation shall not run during any time
when the accused purposely avoids prosecution. Proof that the
accused departed this state or concealed the accused's identity or
whereabouts is prima-facie evidence of the accused's purpose to
avoid prosecution.

(H) The period of limitation shall not run during any time a
prosecution against the accused based on the same conduct is
pending in this state, even though the indictment, information, or
process which commenced the prosecution is quashed or the
proceedings thereon are set aside or reversed on appeal.

(I) As used in this section, "peace officer" has the same
meaning as in section 2935.01 of the Revised Code.

Sec. 2909.21. As used in sections 2909.21 to ~~2909.25~~ 2909.34
of the Revised Code:

(A) "Act of terrorism" means an act that is committed within
or outside the territorial jurisdiction of this state or the
United States, that constitutes a specified offense if committed
in this state or constitutes an offense in any jurisdiction within
or outside the territorial jurisdiction of the United States

containing all of the essential elements of a specified offense, 178
and that is intended to do one or more of the following: 179

(1) Intimidate or coerce a civilian population; 180

(2) Influence the policy of any government by intimidation or 181
coercion; 182

(3) Affect the conduct of any government by the act that 183
constitutes the offense. 184

(B) "Biological agent," "delivery system," "toxin," and 185
"vector" have the same meanings as in section 2917.33 of the 186
Revised Code. 187

(C) "Biological weapon" means any biological agent, toxin, 188
vector, or delivery system or combination of any biological agent 189
or agents, any toxin or toxins, any vector or vectors, and any 190
delivery system or systems. 191

(D) "Chemical weapon" means any one or more of the following: 192

(1) Any toxic chemical or precursor of a toxic chemical that 193
is listed in Schedule 1, Schedule 2, or Schedule 3 of the 194
international "Convention on the Prohibition of the Development, 195
Production, Stockpiling and Use of Chemical Weapons and on their 196
Destruction (CWC)," as entered into force on April 29, 1997; 197

(2) A device specifically designed to cause death or other 198
harm through the toxic properties of a toxic chemical or 199
precursor identified in division (D)(1) of this section that 200
would be created or released as a result of the employment of that 201
device; 202

(3) Any equipment specifically designed for use directly in 203
connection with the employment of devices identified in division 204
(D)(2) of this section; 205

(E) "Radiological or nuclear weapon" means any device that is 206
designed to create or release radiation or radioactivity at a 207

<u>level that is dangerous to human life or in order to cause serious</u>	208
<u>physical harm to persons as a result of the radiation or</u>	209
<u>radioactivity created or released.</u>	210
<u>(F) "Explosive device" has the same meaning as in section</u>	211
<u>2923.11 of the Revised Code.</u>	212
<u>(G) "Key component of a binary or multicomponent chemical</u>	213
<u>system" means the precursor that plays the most important role in</u>	214
<u>determining the toxic properties of the final product and reacts</u>	215
<u>rapidly with other chemicals in the binary or multicomponent</u>	216
<u>chemical system.</u>	217
<u>(H) "Material assistance" means any of the following:</u>	218
<u>(1) Membership in an organization on the United States</u>	219
<u>department of state terrorist exclusion list;</u>	220
<u>(2) Use of the person's position of prominence within any</u>	221
<u>country to persuade others to support an organization on the</u>	222
<u>United States department of state terrorist exclusion list;</u>	223
<u>(3) Knowingly soliciting funds or other things of value for</u>	224
<u>an organization on the United States department of state terrorist</u>	225
<u>exclusion list;</u>	226
<u>(4) Solicitation of any individual for membership in an</u>	227
<u>organization on the United States department of state terrorist</u>	228
<u>exclusion list;</u>	229
<u>(5) Commission of an act that the person knows, or reasonably</u>	230
<u>should have known, affords material support or resources to an</u>	231
<u>organization on the United States department of state terrorist</u>	232
<u>exclusion list;</u>	233
<u>(6) Hiring or compensating a person known by the person</u>	234
<u>hiring or providing the compensation to be a member of an</u>	235
<u>organization on the United States department of state terrorist</u>	236
<u>exclusion list or a person known by the person hiring or providing</u>	237

the compensation to be engaged in planning, assisting, or carrying out an act of terrorism. 238
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(I) "Material support or resources" means currency, payment instruments, other financial securities, funds, transfer of funds, financial services, communications, lodging, training, ~~safehouses~~ safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials. 240
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~~(C)~~(J) "Payment instrument" means a check, draft, money order, traveler's check, cashier's check, teller's check, or other instrument or order for the transmission or payment of money, regardless of whether the item in question is negotiable. 247
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(K) "Peace officer" and "prosecutor" have the same meanings as in section 2935.01 of the Revised Code. 251
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(L) "Precursor" means any chemical reactant that takes part at any stage in the production by whatever method of a toxic chemical, including any key component of a binary or multicomponent chemical system. 253
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~~(D)~~(M) "Response costs" means all costs a political subdivision incurs as a result of, or in making any response to, a threat of a specified offense made as described in section 2909.23 of the Revised Code or a specified offense committed as described in section 2909.24 of the Revised Code, including, but not limited to, all costs so incurred by any law enforcement officers, firefighters, rescue personnel, or emergency medical services personnel of the political subdivision and all costs so incurred by the political subdivision that relate to laboratory testing or hazardous material cleanup. 257
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~~(E)~~(N) "Specified offense" means any of the following: 267

(1) A felony offense of violence, a violation of section 268
2909.04, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 269
2909.29, or 2927.24 of the Revised Code, ~~or~~ a felony of the first 270
degree that is not a violation of any provision in Chapter 2925. 271
or 3719. of the Revised Code; 272

(2) An attempt to commit, complicity in committing, or a 273
conspiracy to commit an offense listed in division ~~(E)~~(N)(1) of 274
this section. 275

(O) "Toxic chemical" means any chemical that through its 276
chemical action on life processes can cause death or serious 277
physical harm to persons or animals, regardless of its origin or 278
of its method of production and regardless of whether it is 279
produced in facilities, in munitions, or elsewhere. 280

(P) "United States department of state terrorist exclusion 281
list" means the list compiled by the United States secretary of 282
state, in consultation with or upon the request of the United 283
States attorney general, that designates terrorist organizations 284
for immigration purposes, as authorized by the "Uniting and 285
Strengthening America by Providing Appropriate Tools Required to 286
Intercept and Obstruct Terrorism (USA Patriot Act) Act of 2001," 287
Pub. L. No. 107-056, 115 Stat. 272, as amended. 288

(Q) "Hazardous radioactive substance" means any substance or 289
item that releases or is designed to release radiation or 290
radioactivity at a level dangerous to human life. 291

Sec. 2909.26. (A) No person shall knowingly possess any 292
chemical weapon, biological weapon, radiological or nuclear 293
weapon, or explosive device with the intent to use it to cause 294
serious physical harm or death to another person. 295

(B) No person shall knowingly possess any chemical weapon, 296
biological weapon, radiological or nuclear weapon, or explosive 297

<u>device with intent to use the weapon to do any of the following:</u>	298
<u>(1) Intimidate or coerce a civilian population;</u>	299
<u>(2) Influence the policy of any government by intimidation or coercion;</u>	300 301
<u>(3) Affect the conduct of any government by murder, assassination, or kidnapping.</u>	302 303
<u>(C) Whoever violates this section is guilty of criminal possession of a chemical weapon, biological weapon, radiological or nuclear weapon, or explosive device. A violation of division (A) of this section is a felony of the third degree. A violation of division (B) of this section is a felony of the second degree.</u>	304 305 306 307 308
<u>(D) This section does not apply when the items described in division (A) of this section are possessed for a purpose related to the performance of official duties related to any military purpose of the United States and any law enforcement purpose, including any domestic riot control purpose.</u>	309 310 311 312 313
<u>Sec. 2909.27. (A) No person shall recklessly use, deploy, release, or cause to be used, deployed, or released any chemical weapon, biological weapon, radiological or nuclear weapon, or explosive device that creates a risk of death or serious physical harm to another person not a participant in the offense.</u>	314 315 316 317 318
<u>(B) No person shall knowingly use, deploy, release, or cause to be used, deployed, or released any chemical weapon, biological weapon, radiological or nuclear weapon, or explosive device with any of the following intentions:</u>	319 320 321 322
<u>(1) The intent to do any of the following:</u>	323
<u>(a) Intimidate or coerce a civilian population;</u>	324
<u>(b) Influence the policy of any government by intimidation or coercion;</u>	325 326

(c) Affect the conduct of any government by murder, assassination, or kidnapping. 327
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(2) The intent to cause either of the following: 329

(a) Serious physical harm to, or the death of, more than two persons who are not participants in the offense; 330
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(b) Serious physical harm to, or the death of, another person who is not a participant in the offense. 332
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(C) Whoever violates this section is guilty of criminal use of a chemical weapon, biological weapon, radiological or nuclear weapon, or explosive device. A violation of division (A) of this section is a felony of the second degree. A violation of division (B) of this section is a felony of the first degree. 334
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(D)(1) Division (A) of this section does not apply to any person who uses any of the following: 339
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(a) Any household product that is generally available for sale to consumers in this state in the quantity and concentration available for sale to those consumers; 341
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(b) A self-defense spray; 344

(c) A chemical weapon that the person possesses solely for a purpose not prohibited under this section if the type and quantity is consistent with that purpose; 345
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(d) A biological agent, toxin, or delivery system the person possesses solely for protective, bona fide research, or other peaceful purposes. 348
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(2) For purposes of this division, "a purpose not prohibited under this section" means any of the following: 351
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(a) Any peaceful purpose related to an industrial, agricultural, research, medical, or pharmaceutical activity or other peaceful activity; 353
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(b) Any purpose directly related to protection against toxic chemicals and to protection against chemical weapons; 356
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(c) Any military purpose of the United States that is not connected with the use of a chemical weapon or that is not dependent on the use of the toxic or poisonous properties of the chemical weapon to cause death or other harm, when related to the performance of official duties; 358
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(d) Any law enforcement purpose, including any domestic riot control purpose, when related to the performance of official duties. 363
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Sec. 2909.28. (A) No person, with the intent to manufacture a chemical weapon, biological weapon, radiological or nuclear weapon, or explosive device, shall knowingly assemble or possess one or more toxins, toxic chemicals, precursors of toxic chemicals, vectors, biological agents, or hazardous radioactive substances, including, but not limited to, those listed by the department of public safety in rules adopted pursuant to division (C) of section 5502.012 of the Revised Code, that may be used to manufacture a chemical weapon, biological weapon, radiological or nuclear weapon, or explosive device. 366
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(B) In a prosecution under this section, it is not necessary to allege or prove that the offender assembled or possessed all chemicals or substances necessary to manufacture a chemical weapon, biological weapon, radiological or nuclear weapon, or explosive device. The assembly or possession of a single chemical or substance, with the intent to use that chemical or substance in the manufacture of a chemical weapon, biological weapon, radiological or nuclear weapon, or explosive device, is sufficient to violate this section. 376
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(C) Whoever violates this section is guilty of illegal 385

assembly or possession of chemicals or substances for the 386
manufacture of a chemical weapon, biological weapon, radiological 387
or nuclear weapon, or explosive device, which is a felony of the 388
fourth degree. 389

(D) This section does not apply when the items described in 390
division (A) of this section are assembled or possessed for a 391
purpose related to the performance of official duties related to 392
any military purpose of the United States and any law enforcement 393
purpose, including any domestic riot control purpose. 394

Sec. 2909.29. (A) No person, knowing that property is the 395
proceeds of an act of terrorism or a monetary instrument given, 396
received, or intended to be used in support of an act of 397
terrorism, shall conduct or attempt to conduct any transaction 398
involving that property with the intent to do any of the 399
following: 400

(1) Commit or further the commission of criminal activity; 401

(2) Conceal or disguise the nature, location, source, 402
ownership, or control of either the proceeds of an act of 403
terrorism or a monetary instrument given, received, or intended to 404
be used to support an act of terrorism; 405

(3) Conceal or disguise the intent to avoid a transaction 406
reporting requirement under section 1315.53 of the Revised Code or 407
federal law. 408

(B) No person shall transport, transmit, or transfer monetary 409
instruments that represent either the proceeds of an act of 410
terrorism or a monetary instrument given, received, or intended to 411
be used in support of an act of terrorism with the intent to do 412
any of the following: 413

(1) Commit or further the commission of criminal activity; 414

(2) Conceal or disguise the nature, location, source, 415

ownership, or control of either the proceeds of an act of 416
terrorism or a monetary instrument given, received, or intended to 417
be used to support an act of terrorism; 418

(3) Conceal or disguise the intent to avoid a transaction 419
reporting requirement under section 1315.53 of the Revised Code or 420
federal law. 421

(C)(1) Whoever violates this section is guilty of money 422
laundering in support of terrorism, which is a misdemeanor of the 423
first degree, except as otherwise provided in this division. 424

(2)(a) A violation of division (A)(1) of this section is a 425
felony of the fifth degree if the total value of the property or 426
monetary instrument involved in the transaction equals or exceeds 427
one thousand dollars and is less than five thousand dollars. 428

(b) A violation of division (A)(2), (A)(3), (B)(1), (B)(2), 429
or (B)(3) of this section is a felony of the fifth degree if the 430
total value of the property or monetary instrument involved in the 431
transaction equals or exceeds two thousand dollars and is less 432
than five thousand dollars. 433

(3) Money laundering in support of terrorism is a felony of 434
the fourth degree if the total value of the property or monetary 435
instrument involved in the transaction equals or exceeds five 436
thousand dollars and is less than twenty-five thousand dollars. 437

(4) Money laundering in support of terrorism is a felony of 438
the third degree if the total value of the property or monetary 439
instrument involved in the transaction equals or exceeds 440
twenty-five thousand dollars and is less than seventy-five 441
thousand dollars. 442

(5) Money laundering in support of terrorism is a felony of 443
the second degree if the total value of the property or monetary 444
instrument involved in the transaction equals or exceeds 445

seventy-five thousand dollars.

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Sec. 2909.30. (A) Any prosecutor or judge of a court of record shall notify the immigration and customs enforcement section of the United States department of homeland security when a suspected alien has been convicted of or pleaded guilty to a felony.

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(B) The department of rehabilitation and correction monthly shall compile a list of suspected aliens who are serving a prison term and suspected aliens who have been arrested and detained for whom the department is responsible. The list shall include whether parole of any person on the list is a possibility and whether any other change in status is forthcoming. The department shall provide a copy of the list to the immigration and customs enforcement section of the United States department of homeland security for the section to determine whether it wishes custody of the suspected alien. If the immigration and customs enforcement section indicates it wishes custody, the department of rehabilitation and correction is responsible for the suspected alien until the section takes custody.

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(C) The department of rehabilitation and correction, pursuant to a valid detainer lodged against an alien who is not legally present in the United States and who has been convicted of or pleaded guilty to a felony, shall transfer that alien to the custody of the immigration and enforcement section of the United States department of homeland security upon completion of the alien's prison term.

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(D) As used in this section, "alien" means an individual who is not a citizen of the United States.

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Sec. 2909.31. (A) No person entering an airport, train station, port, or other critical transportation infrastructure

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site shall refuse to show identification when requested by a law enforcement officer when there is a threat to security and the law enforcement officer is requiring identification of all persons entering the site.

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(B)(1) A law enforcement officer may prevent any person who refuses to show identification when asked under the circumstances described in division (A) of this section from entering the critical transportation infrastructure site and may detain that person as necessary to prevent the person from entering the site.

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(2) This division does not limit or affect any other authority an officer has under law to detain a person for any other reason or for any other length of time and does not limit or affect any authority an officer has under law to arrest a person.

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Sec. 2909.32. (A)(1) The director of public safety shall adopt rules in accordance with Chapter 119. of the Revised Code to identify licenses the state issues for which a holder with a connection to a terrorist organization would present a potential risk to the residents of this state. The rules shall not identify a renewable driver's license or permit as a license of this nature if the applicant for the license, permit, or renewal is a resident of this state.

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(2)(a) The director shall develop a questionnaire for agencies to use to identify whether an applicant for a license or the renewal of a license has provided material assistance to an organization listed in the United States department of state terrorist exclusion list. The questionnaire shall be substantially in the form and of the same content as set forth in division (A)(2)(b) of this section. The director shall make the questionnaire available to each issuing agency of a license the director identifies pursuant to division (A)(1) of this section, along with a then-current copy of the United States department of

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state terrorist exclusion list. 507

(b) The questionnaire this section requires shall be 508
substantially as follows and shall include the following questions 509
and the associated spaces for answering the questions: 510

"QUESTIONNAIRE, REGARDING MATERIAL ASSISTANCE 511
TO TERRORIST ORGANIZATION 512

(1) Are you a member of an organization on the U.S. 513
Department of State Terrorist Exclusion List? Yes; No 514

(2) Have you used any position of prominence you have within 515
any country to persuade others to support an organization on the 516
U.S. Department of State Terrorist Exclusion List? Yes; No 517
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(3) Have you knowingly solicited funds or other things of 519
value for an organization on the U.S. Department of State 520
Terrorist Exclusion List? Yes; No 521

(4) Have you solicited any individual for membership in an 522
organization on the U.S. Department of State Terrorist Exclusion 523
List? Yes; No 524

(5) Have you committed an act that you know, or reasonably 525
should have known, affords "material support or resources" (see 526
below) to an organization on the U.S. Department of State 527
Terrorist Exclusion List? Yes; No 528

(6) Have you hired or compensated a person you knew to be a 529
member of an organization on the U.S. Department of State 530
Terrorist Exclusion List or a person you knew to be engaged in 531
planning, assisting, or carrying out an act of terrorism? Yes 532
.....; No 533

For purposes of this questionnaire, "material support or 534
resources" means currency, payment instruments, other financial 535
securities, funds, transfer of funds, and financial services that 536

are in excess of one hundred dollars, as well as communications, 537
lodging, training, safe houses, false documentation or 538
identification, communications equipment, facilities, weapons, 539
lethal substances, explosives, personnel, transportation, and 540
other physical assets, except medicine or religious materials." 541

(B)(1) Any agency that issues a license the director 542
identifies pursuant to division (A)(1) of this section shall 543
include with the agency's application form a copy of the 544
questionnaire the director develops pursuant to this section and a 545
then-current copy of the terrorist exclusion list. The agency 546
shall inform applicants that they must truthfully answer each 547
question on the questionnaire. 548

(2) Any person provided a questionnaire pursuant to this 549
section shall answer each question on the questionnaire and shall 550
attach the completed questionnaire to the application for the 551
license or the license renewal. 552

(C)(1) Any answer of "yes" to any question on a questionnaire 553
an agency provides pursuant to this section shall serve for 554
purposes of this section as a disclosure that the applicant has 555
provided material assistance to an organization listed on the 556
terrorist exclusion list. 557

(2) Any person who discloses the provision of material 558
assistance to any organization on the terrorist exclusion list 559
shall be denied the license or the renewal of the license unless 560
the department of public safety reinstates the application 561
pursuant to division (D) of this section. 562

(D) The department of public safety, upon an applicant's 563
request, shall review within thirty days of that request an 564
application for any license or renewal that was denied under 565
division (C) of this section. The department shall reinstate the 566
license application for good cause if it determines, pursuant to 567

guidelines the department adopts by rule under Chapter 119. of the
Revised Code, all of the following:

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(1) That one of the following is true for the time period
commencing on the date ten years prior to the application for the
license and ending on the date the department conducts the review:

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(a) That the applicant did not provide material assistance to
any organization listed on the terrorist exclusion list or to any
organization that was involved in any activity or conduct that
would have merited inclusion on that list had it been in existence
at the time;

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(b) That the applicant provided assistance to an organization
that was on the list at the time of the application, but at the
time of the assistance the organization was not on the list or
would not have merited inclusion on the list had it been in
existence at the time;

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(c) That the applicant provided material assistance but it
was not reasonable, at the time of the assistance, for the
applicant to know the organization was on the list or that the
organization would have merited inclusion on the list.

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(2) That the applicant is unlikely in the future to provide
material assistance to any organization on the terrorist exclusion
list;

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(3) That the applicant does not pose a risk to the residents
of this state.

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(E) The failure of an applicant for a license to complete and
attach a questionnaire as this section requires, the failure to
disclose material assistance to an organization on the terrorist
exclusion list, or the making of false statements regarding
material assistance to an organization the applicant knew or
should have known was on the terrorist exclusion list, shall

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result in the denial of the application and in the revocation of
the license.

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(F) The failure of an applicant for a license to disclose, as
this section requires, the provision of material assistance to an
organization on the terrorist exclusion list or knowingly making
false statements regarding material assistance to an organization
on that list is a felony of the fifth degree.

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(G) An issuing agency shall notify the department of public
safety if it denies an application for a license or the renewal of
a license, because the applicant disclosed the provision of
material assistance to an organization listed on the terrorist
exclusion list.

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Sec. 2909.33. (A)(1) The director of public safety shall
develop a questionnaire for the state, any instrumentality of the
state, and any political subdivision of the state to use to
determine whether any person, company, affiliated group, or
organization, or person who holds, owns, or otherwise has a
controlling interest in a company, affiliated group, or
organization, has provided material assistance to an organization
listed on the United States department of state terrorist
exclusion list. The questionnaire shall be substantially in the
same format and of the same content as set forth in division
(A)(2)(b) of section 2909.32 of the Revised Code.

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(2) The director shall make the questionnaire available to
the state, instrumentalities of the state, and political
subdivisions of the state, along with a then-current copy of the
United States department of state terrorist exclusion list. The
director may adopt rules that govern the preparation of the
questionnaire and the distribution of the questionnaire and
terrorist exclusion list.

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(3) The director shall adopt rules under which any person may 628
file a completed copy of the questionnaire with the department of 629
public safety to be precertified as not providing material 630
assistance to an organization on the terrorist exclusion list. The 631
rules shall specify that precertification shall be effective for a 632
period of three years. The rules shall provide a mechanism under 633
which the state, an instrumentality of the state, or a political 634
subdivision of the state may determine whether any person is 635
precertified pursuant to this section. 636

(B) Any person who is provided a questionnaire pursuant to 637
this section shall complete that questionnaire. Any answer of 638
"yes" to any of the questions on the questionnaire shall serve for 639
purposes of this section as a disclosure of the provision of 640
material assistance to an organization that is listed on the 641
terrorist exclusion list. 642

(C) Any person, company, affiliated group, or organization, 643
and any person who holds, owns, or otherwise has a controlling 644
interest in a company, affiliated group, or organization that 645
conducts any business with or receives funding in an aggregate 646
amount greater than one hundred thousand dollars annually from the 647
state, any instrumentality of the state, and any political 648
subdivision of the state, not including any amount of a personal 649
benefit, prior to entering into a contract to conduct business or 650
receive funding, shall certify that it does not provide material 651
assistance to any organization on the United States department of 652
state terrorist exclusion list. The certification may be made by 653
completing the questionnaire described in division (A) of this 654
section. Any person may precertify pursuant to division (A)(3) of 655
this section. 656

(D)(1) The state, an instrumentality of the state, or a 657
political subdivision of the state shall conduct no business with 658
or provide any funding to any person, company, affiliated group or 659

organization, or any person who has a controlling interest in a 660
company, affiliated group, or organization unless that person, 661
company, affiliated group, or organization is certified as 662
division (C) of this section requires. The state, instrumentality, 663
or subdivision shall provide the questionnaire developed pursuant 664
to division (A) of this section, along with a then-current copy of 665
the terrorist exclusion list, to any person, company, affiliated 666
group, or organization that is not precertified and for which 667
certification is required. If a contract is entered into pursuant 668
to competitive bidding or another competitive process, the state, 669
instrumentality, or subdivision need provide the questionnaire and 670
list only to the person selected and only if that person is not 671
precertified. 672

(2) No person, company, affiliated group or organization, or 673
any person who holds, owns, or otherwise has a controlling 674
interest in a company, affiliated group, or organization shall 675
enter into a contract to conduct business with or receive funding 676
from the state, an instrumentality of the state, or a political 677
subdivision of the state unless it is certified as division (C) of 678
this section requires. 679

(E) The department of public safety shall review within 680
thirty days of the request of any person, company, affiliated 681
group, or organization that disclosed the provision of material 682
assistance to an organization listed on the terrorist exclusion 683
list, whether the prohibitions against doing business or receiving 684
funding set forth in divisions (D)(1) and (D)(2) of this section 685
should apply. The department shall order that the prohibitions do 686
not apply if it determines pursuant to guidelines it adopts by 687
rule under Chapter 119. of the Revised Code, all of the following: 688

(1) That one of the following is true for the time period 689
commencing on the date ten years prior to the time the 690
questionnaire was filled out and ending on the date the department 691

conducts the review: 692

(a) The person, company, affiliated group, or organization 693
did not provide material assistance to any organization listed on 694
the terrorist exclusion list or to any organization that was 695
involved in any activity or conduct that would have merited 696
inclusion on that list had it existed at the time; 697

(b) That the person, company, affiliated group, or 698
organization provided assistance to an organization that was on 699
the list at the time the questionnaire was filled out, but at the 700
time the assistance was provided, the organization was not on the 701
list or would not have merited inclusion on the list had it 702
existed at the time; 703

(c) That the person, company, affiliated group, or 704
organization provided material assistance, but it was not 705
reasonable for it to know at the time it provided the assistance 706
that the organization was on the terrorist exclusion list or that 707
the organization would have merited inclusion on the list had it 708
existed at the time. 709

(2) That it is unlikely in the future that the person, 710
company, affiliated group, or organization will provide material 711
assistance to any organization on the terrorist exclusion list; 712

(3) The person, company, affiliated group, or organization 713
does not pose a risk to the residents of this state. 714

(F) Any person, company, affiliated group, or organization 715
that did not provide material assistance at the time a 716
questionnaire was answered, but starts providing material 717
assistance to an organization on the terrorist exclusion list 718
during the course of doing business with or receiving funding from 719
the state, an instrumentality of the state, or a subdivision of 720
the state, is prohibited from entering into additional contracts 721
to do business with or receive funding from the state, any 722

instrumentality, or any subdivision for a period of ten years 723
after the provision of material assistance is discovered. 724

(G) Any person, company, affiliated group, or organization 725
that provides a false certification pursuant to this section is 726
permanently banned from conducting business with or receiving 727
funding from the state, an instrumentality of the state, or a 728
political subdivision of the state and is guilty of a misdemeanor 729
of the first degree. 730

(H) The following transactions are not, for purposes of this 731
section, "conducting business" or "providing funding" and this 732
section does not apply to the following types of transactions: 733

(1) An investment in a company that is publicly traded in any 734
United States market; 735

(2) An investment that is traded on a foreign market where 736
United States investors regularly make investments; 737

(3) An investment that is made through an agent who has a 738
fiduciary responsibility to the investor; 739

(4) An investment in public agency debt; 740

(5) An investment in derivatives that are regulated by a 741
government agency. 742

(I) As used in this section, "personal benefit" means money, 743
goods, services, pensions, disability and survivor benefits, or 744
other things of value provided by the United States, the state, or 745
a political subdivision of the state to which the recipient is 746
entitled by reason of age, medical condition, or a financial need 747
that is established by an act of congress or by regulations 748
adopted pursuant to an act of congress. 749

Sec. 2909.34. (A)(1) The director of public safety shall 750
develop a questionnaire for the state, instrumentalities of the 751

state, and political subdivisions of the state to use to determine whether any potential employee has provided material assistance to an organization listed on the United States department of state terrorist exclusion list. The questionnaire shall be substantially in the same format and of the same content as set forth in division (A)(2)(b) of section 2909.32 of the Revised Code.

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(2) The director shall make the questionnaire available to the state, instrumentalities of the state, and political subdivisions of the state, along with a then-current copy of the United States department of state terrorist exclusion list. The director may adopt rules that govern the preparation and distribution of the questionnaire and the terrorist exclusion list.

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(B) Any person who is provided a questionnaire pursuant to this section shall complete the questionnaire. Any answer of "yes" to any of the questions on the questionnaire shall serve for purposes of this section as a disclosure of the provision of material assistance to an organization that is listed on the terrorist exclusion list.

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(C) The state, a state instrumentality, or a political subdivision of the state shall provide each person who is under final consideration for employment with a copy of the questionnaire and a then-current copy of the terrorist exclusion list. The state, instrumentality, or subdivision shall not employ any person who discloses the provision of material assistance to an organization that is listed on the terrorist exclusion list.

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(D) The department of public safety, upon the request of any person who has been denied employment under division (C) of this section, shall review within thirty days of the request to determine if the denial of employment should be voided. The department shall void that denial if it determines pursuant to

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guidelines it adopts by rule under Chapter 119. of the Revised Code, all of the following:

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(1) That one of the following is true for the time period commencing on the date ten years prior to the time the questionnaire was filled out and ending on the date the department conducts the review:

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(a) The person did not provide material assistance to any organization listed on the terrorist exclusion list or to any organization that was involved in any activity or conduct that would have merited inclusion on that list had it existed at the time;

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(b) That the person provided assistance to an organization that was on the list at the time the questionnaire was filled out, but at the time the assistance was provided, the organization was not on the list or would not have merited inclusion on the list had it existed at the time;

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(c) That the person provided material assistance, but it was not reasonable for it to know at the time it provided the assistance that the organization was on the terrorist exclusion list or that the organization would have merited inclusion on the list had it existed at the time.

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(2) That it is unlikely in the future that the person will provide material assistance to any organization on the terrorist exclusion list;

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(3) The person does not pose a risk to the residents of the state.

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Sec. 2921.29. (A) No person who is in a public place shall refuse to disclose the person's name, address, or date of birth, when requested by a law enforcement officer who reasonably suspects either of the following:

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(1) The person is committing, has committed, or is about to commit a criminal offense. 813
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(2) The person witnessed any of the following: 815

(a) An offense of violence that would constitute a felony under the laws of this state; 816
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(b) A felony offense that causes or results in, or creates a substantial risk of, serious physical harm to another person or to property; 818
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(c) Any attempt or conspiracy to commit, or complicity in committing, any offense identified in division (A)(2)(a) or (b) of this section; 821
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(d) Any conduct reasonably indicating that any offense identified in division (A)(2)(a) or (b) of this section or any attempt, conspiracy, or complicity described in division (A)(2)(c) of this section has been, is being, or is about to be committed. 824
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(B) Whoever violates this section is guilty of failure to disclose one's personal information, a misdemeanor of the fourth degree. 828
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(C) Nothing in this section requires a person to answer any questions beyond that person's name, address, or date of birth. Nothing in this section authorizes a law enforcement officer to arrest a person for not providing any information beyond that person's name, address, or date of birth. 831
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(D) It is not a violation of this section to refuse to answer a question that would reveal a person's age or date of birth if age is an element of the crime that the person is suspected of committing. 836
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Sec. 2923.31. As used in sections 2923.31 to 2923.36 of the Revised Code: 840
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(A) "Beneficial interest" means any of the following:	842
(1) The interest of a person as a beneficiary under a trust	843
in which the trustee holds title to personal or real property;	844
(2) The interest of a person as a beneficiary under any other	845
trust arrangement under which any other person holds title to	846
personal or real property for the benefit of such person;	847
(3) The interest of a person under any other form of express	848
fiduciary arrangement under which any other person holds title to	849
personal or real property for the benefit of such person.	850
"Beneficial interest" does not include the interest of a	851
stockholder in a corporation or the interest of a partner in	852
either a general or limited partnership.	853
(B) "Costs of investigation and prosecution" and "costs of	854
investigation and litigation" mean all of the costs incurred by	855
the state or a county or municipal corporation under sections	856
2923.31 to 2923.36 of the Revised Code in the prosecution and	857
investigation of any criminal action or in the litigation and	858
investigation of any civil action, and includes, but is not	859
limited to, the costs of resources and personnel.	860
(C) "Enterprise" includes any individual, sole	861
proprietorship, partnership, limited partnership, corporation,	862
trust, union, government agency, or other legal entity, or any	863
organization, association, or group of persons associated in fact	864
although not a legal entity. "Enterprise" includes illicit as well	865
as licit enterprises.	866
(D) "Innocent person" includes any bona fide purchaser of	867
property that is allegedly involved in a violation of section	868
2923.32 of the Revised Code, including any person who establishes	869
a valid claim to or interest in the property in accordance with	870
division (E) of section 2923.32 of the Revised Code, and any	871

victim of an alleged violation of that section or of any 872
underlying offense involved in an alleged violation of that 873
section. 874

(E) "Pattern of corrupt activity" means two or more incidents 875
of corrupt activity, whether or not there has been a prior 876
conviction, that are related to the affairs of the same 877
enterprise, are not isolated, and are not so closely related to 878
each other and connected in time and place that they constitute a 879
single event. 880

At least one of the incidents forming the pattern shall occur 881
on or after January 1, 1986. Unless any incident was an aggravated 882
murder or murder, the last of the incidents forming the pattern 883
shall occur within six years after the commission of any prior 884
incident forming the pattern, excluding any period of imprisonment 885
served by any person engaging in the corrupt activity. 886

For the purposes of the criminal penalties that may be 887
imposed pursuant to section 2923.32 of the Revised Code, at least 888
one of the incidents forming the pattern shall constitute a felony 889
under the laws of this state in existence at the time it was 890
committed or, if committed in violation of the laws of the United 891
States or of any other state, shall constitute a felony under the 892
law of the United States or the other state and would be a 893
criminal offense under the law of this state if committed in this 894
state. 895

(F) "Pecuniary value" means money, a negotiable instrument, a 896
commercial interest, or anything of value, as defined in section 897
1.03 of the Revised Code, or any other property or service that 898
has a value in excess of one hundred dollars. 899

(G) "Person" means any person, as defined in section 1.59 of 900
the Revised Code, and any governmental officer, employee, or 901
entity. 902

(H) "Personal property" means any personal property, any interest in personal property, or any right, including, but not limited to, bank accounts, debts, corporate stocks, patents, or copyrights. Personal property and any beneficial interest in personal property are deemed to be located where the trustee of the property, the personal property, or the instrument evidencing the right is located.

(I) "Corrupt activity" means engaging in, attempting to engage in, conspiring to engage in, or soliciting, coercing, or intimidating another person to engage in any of the following:

(1) Conduct defined as "racketeering activity" under the "Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended;

(2) Conduct constituting any of the following:

(a) A violation of section 1315.55, 1322.02, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 2905.11, 2905.22, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 2913.06, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; division (F)(1)(a), (b), or (c) of section 1315.53; division (A)(1) or (2) of section 1707.042; division (B), (C)(4), (D), (E), or (F) of section 1707.44; division (A)(1) or (2) of section 2923.20; division (J)(1) of section 4712.02; section 4719.02, 4719.05, or 4719.06; division (C), (D), or (E) of section 4719.07; section 4719.08; or division (A) of section 4719.09 of the Revised Code.

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 3769.19 of the Revised Code as it existed prior to July 1, 1996, any violation of section 2915.02 of the Revised Code that occurs on or after July 1, 1996, and that, had it occurred prior to that

date, would have been a violation of section 3769.11 of the Revised Code as it existed prior to that date, or any violation of section 2915.05 of the Revised Code that occurs on or after July 1, 1996, and that, had it occurred prior to that date, would have been a violation of section 3769.15, 3769.16, or 3769.19 of the Revised Code as it existed prior to that date.

(c) Any violation of section 2907.21, 2907.22, 2907.31, 2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 of the Revised Code, any violation of section 2925.11 of the Revised Code that is a felony of the first, second, third, or fourth degree and that occurs on or after July 1, 1996, any violation of section 2915.02 of the Revised Code that occurred prior to July 1, 1996, any violation of section 2915.02 of the Revised Code that occurs on or after July 1, 1996, and that, had it occurred prior to that date, would not have been a violation of section 3769.11 of the Revised Code as it existed prior to that date, any violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996, or any violation of division (B) of section 2915.05 of the Revised Code as it exists on and after July 1, 1996, when the proceeds of the violation, the payments made in the violation, the amount of a claim for payment or for any other benefit that is false or deceptive and that is involved in the violation, or the value of the contraband or other property illegally possessed, sold, or purchased in the violation exceeds five hundred dollars, or any combination of violations described in division (I)(2)(c) of this section when the total proceeds of the combination of violations, payments made in the combination of violations, amount of the claims for payment or for other benefits that is false or deceptive and that is involved in the combination of violations, or value of the contraband or other property illegally possessed, sold, or purchased in the combination of

violations exceeds five hundred dollars; 966

(d) Any violation of section 5743.112 of the Revised Code 967
when the amount of unpaid tax exceeds one hundred dollars; 968

(e) Any violation or combination of violations of section 969
2907.32 of the Revised Code involving any material or performance 970
containing a display of bestiality or of sexual conduct, as 971
defined in section 2907.01 of the Revised Code, that is explicit 972
and depicted with clearly visible penetration of the genitals or 973
clearly visible penetration by the penis of any orifice when the 974
total proceeds of the violation or combination of violations, the 975
payments made in the violation or combination of violations, or 976
the value of the contraband or other property illegally possessed, 977
sold, or purchased in the violation or combination of violations 978
exceeds five hundred dollars; 979

(f) Any combination of violations described in division 980
(I)(2)(c) of this section and violations of section 2907.32 of the 981
Revised Code involving any material or performance containing a 982
display of bestiality or of sexual conduct, as defined in section 983
2907.01 of the Revised Code, that is explicit and depicted with 984
clearly visible penetration of the genitals or clearly visible 985
penetration by the penis of any orifice when the total proceeds of 986
the combination of violations, payments made in the combination of 987
violations, amount of the claims for payment or for other benefits 988
that is false or deceptive and that is involved in the combination 989
of violations, or value of the contraband or other property 990
illegally possessed, sold, or purchased in the combination of 991
violations exceeds five hundred dollars. 992

(3) Conduct constituting a violation of any law of any state 993
other than this state that is substantially similar to the conduct 994
described in division (I)(2) of this section, provided the 995
defendant was convicted of the conduct in a criminal proceeding in 996

the other state;	997
<u>(4) Animal or ecological terrorism.</u>	998
(J) "Real property" means any real property or any interest in real property, including, but not limited to, any lease of, or mortgage upon, real property. Real property and any beneficial interest in it is deemed to be located where the real property is located.	999 1000 1001 1002 1003
(K) "Trustee" means any of the following:	1004
(1) Any person acting as trustee under a trust in which the trustee holds title to personal or real property;	1005 1006
(2) Any person who holds title to personal or real property for which any other person has a beneficial interest;	1007 1008
(3) Any successor trustee.	1009
"Trustee" does not include an assignee or trustee for an insolvent debtor or an executor, administrator, administrator with the will annexed, testamentary trustee, guardian, or committee, appointed by, under the control of, or accountable to a court.	1010 1011 1012 1013
(L) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted in violation of any federal or state law relating to the business of gambling activity or relating to the business of lending money at an usurious rate unless the creditor proves, by a preponderance of the evidence, that the usurious rate was not intentionally set and that it resulted from a good faith error by the creditor, notwithstanding the maintenance of procedures that were adopted by the creditor to avoid an error of that nature.	1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024
<u>(M) "Animal activity" means any activity that involves the use of animals or animal parts, including, but not limited to,</u>	1025 1026

hunting, fishing, trapping, traveling, camping, the production, 1027
preparation, or processing of food or food products, clothing or 1028
garment manufacturing, medical research, other research, 1029
entertainment, recreation, agriculture, biotechnology, or service 1030
activity that involves the use of animals or animal parts. 1031

(N) "Animal facility" means a vehicle, building, structure, 1032
nature preserve, or other premises in which an animal is lawfully 1033
kept, handled, housed, exhibited, bred, or offered for sale, 1034
including, but not limited to, a zoo, rodeo, circus, amusement 1035
park, hunting preserve, or premises in which a horse or dog event 1036
is held. 1037

(O) "Animal or ecological terrorism" means the commission of 1038
any felony that involves causing or creating a substantial risk of 1039
physical harm to any property of another, the use of a deadly 1040
weapon or dangerous ordnance, or purposely, knowingly, or 1041
recklessly causing serious physical harm to property and that 1042
involves an intent to obstruct, impede, or deter any person from 1043
participating in a lawful animal activity, from mining, foresting, 1044
harvesting, gathering, or processing natural resources, or from 1045
being lawfully present in or on an animal facility or research 1046
facility. 1047

(P) "Research facility" means a place, laboratory, 1048
institution, medical care facility, government facility, or public 1049
or private educational institution in which a scientific test, 1050
experiment, or investigation involving the use of animals or other 1051
living organisms is lawfully carried out, conducted, or attempted. 1052

Sec. 2933.51. As used in sections 2933.51 to 2933.66 of the 1053
Revised Code: 1054

(A) "Wire communication" means an aural transfer that is made 1055
in whole or in part through the use of facilities for the 1056

transmission of communications by the aid of wires or similar 1057
methods of connecting the point of origin of the communication and 1058
the point of reception of the communication, including the use of 1059
a method of connecting the point of origin and the point of 1060
reception of the communication in a switching station, if the 1061
facilities are furnished or operated by a person engaged in 1062
providing or operating the facilities for the transmission of 1063
communications. "Wire communication" includes an electronic 1064
storage of a wire communication. 1065

(B) "Oral communication" means an oral communication uttered 1066
by a person exhibiting an expectation that the communication is 1067
not subject to interception under circumstances justifying that 1068
expectation. "Oral communication" does not include an electronic 1069
communication. 1070

(C) "Intercept" means the aural or other acquisition of the 1071
contents of any wire, oral, or electronic communication through 1072
the use of an interception device. 1073

(D) "Interception device" means an electronic, mechanical, or 1074
other device or apparatus that can be used to intercept a wire, 1075
oral, or electronic communication. "Interception device" does not 1076
mean any of the following: 1077

(1) A telephone or telegraph instrument, equipment, or 1078
facility, or any of its components, if the instrument, equipment, 1079
facility, or component is any of the following: 1080

(a) Furnished to the subscriber or user by a provider of wire 1081
or electronic communication service in the ordinary course of its 1082
business and being used by the subscriber or user in the ordinary 1083
course of its business; 1084

(b) Furnished by a subscriber or user for connection to the 1085
facilities of a provider of wire or electronic communication 1086
service and used in the ordinary course of that subscriber's or 1087

user's business; 1088

(c) Being used by a provider of wire or electronic 1089
communication service in the ordinary course of its business or by 1090
an investigative or law enforcement officer in the ordinary course 1091
of the officer's duties that do not involve the interception of 1092
wire, oral, or electronic communications. 1093

(2) A hearing aid or similar device being used to correct 1094
subnormal hearing to not better than normal. 1095

(E) "Investigative officer" means any of the following: 1096

(1) An officer of this state or a political subdivision of 1097
this state, who is empowered by law to conduct investigations or 1098
to make arrests for a designated offense; 1099

(2) A person described in divisions (A)(11)(a) and (b) of 1100
section 2901.01 of the Revised Code; 1101

(3) An attorney authorized by law to prosecute or participate 1102
in the prosecution of a designated offense; 1103

(4) A secret service officer appointed pursuant to section 1104
309.07 of the Revised Code; 1105

(5) An officer of the United States, a state, or a political 1106
subdivision of a state who is authorized to conduct investigations 1107
pursuant to the "Electronic Communications Privacy Act of 1986," 1108
100 Stat. 1848-1857, 18 U.S.C. 2510-2521 (1986), as amended. 1109

(F) "Interception warrant" means a court order that 1110
authorizes the interception of wire, oral, or electronic 1111
communications and that is issued pursuant to sections 2933.53 to 1112
2933.56 of the Revised Code. 1113

(G) "Contents," when used with respect to a wire, oral, or 1114
electronic communication, includes any information concerning the 1115
substance, purport, or meaning of the communication. 1116

(H) "Communications common carrier" means a person who is 1117
engaged as a common carrier for hire in intrastate, interstate, or 1118
foreign communications by wire, radio, or radio transmission of 1119
energy. "Communications common carrier" does not include, to the 1120
extent that the person is engaged in radio broadcasting, a person 1121
engaged in radio broadcasting. 1122

(I) "Designated offense" means any of the following: 1123

(1) A felony violation of section 1315.53, 1315.55, 2903.01, 1124
2903.02, 2903.11, 2905.01, 2905.02, 2905.11, 2905.22, 2907.02, 1125
2907.21, 2907.22, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 1126
2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 1127
2911.11, 2911.12, 2913.02, 2913.04, 2913.42, 2913.51, 2915.02, 1128
2915.03, 2917.01, 2917.02, 2921.02, 2921.03, 2921.04, 2921.32, 1129
2921.34, 2923.20, 2923.32, 2925.03, 2925.04, 2925.05, or 2925.06 1130
or of division (B) of section 2915.05 of the Revised Code; 1131

(2) A violation of section 2919.23 of the Revised Code that, 1132
had it occurred prior to July 1, 1996, would have been a violation 1133
of section 2905.04 of the Revised Code as it existed prior to that 1134
date; 1135

(3) A felony violation of section 2925.11 of the Revised Code 1136
that is not a minor drug possession offense, as defined in section 1137
2925.01 of the Revised Code; 1138

(4) Complicity in the commission of a felony violation of a 1139
section listed in division (I)(1), (2), or (3) of this section; 1140

(5) An attempt to commit, or conspiracy in the commission of, 1141
a felony violation of a section listed in division (I)(1), (2), or 1142
(3) of this section, if the attempt or conspiracy is punishable by 1143
a term of imprisonment of more than one year. 1144

(J) "Aggrieved person" means a person who was a party to an 1145
intercepted wire, oral, or electronic communication or a person 1146

against whom the interception of the communication was directed. 1147

(K) "Person" means a person, as defined in section 1.59 of 1148
the Revised Code, or a governmental officer, employee, or entity. 1149

(L) "Special need" means a showing that a licensed physician, 1150
licensed practicing psychologist, attorney, practicing cleric, 1151
journalist, or either spouse is personally engaging in continuing 1152
criminal activity, was engaged in continuing criminal activity 1153
over a period of time, or is committing, has committed, or is 1154
about to commit, a designated offense, or a showing that specified 1155
public facilities are being regularly used by someone who is 1156
personally engaging in continuing criminal activity, was engaged 1157
in continuing criminal activity over a period of time, or is 1158
committing, has committed, or is about to commit, a designated 1159
offense. 1160

(M) "Journalist" means a person engaged in, connected with, 1161
or employed by, any news media, including a newspaper, magazine, 1162
press association, news agency, or wire service, a radio or 1163
television station, or a similar media, for the purpose of 1164
gathering, processing, transmitting, compiling, editing, or 1165
disseminating news for the general public. 1166

(N) "Electronic communication" means a transfer of a sign, 1167
signal, writing, image, sound, datum, or intelligence of any 1168
nature that is transmitted in whole or in part by a wire, radio, 1169
electromagnetic, photoelectronic, or photo-optical system. 1170
"Electronic communication" does not mean any of the following: 1171

(1) A wire or oral communication; 1172

(2) A communication made through a tone-only paging device; 1173

(3) A communication from an electronic or mechanical tracking 1174
device that permits the tracking of the movement of a person or 1175
object. 1176

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

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

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

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

(1) Scrambled or encrypted;

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

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

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

(5) Transmitted on a frequency allocated under part 25, subpart D, E, or F of part 74, or part 94 of the Rules of the Federal Communications Commission, as those provisions existed on July 1, 1996, unless, in the case of a communication transmitted on a frequency allocated under part 74 that is not exclusively allocated to broadcast auxiliary services, the communication is a

two-way voice communication by radio. 1207

(S) "Electronic storage" means a temporary, intermediate 1208
storage of a wire or electronic communication that is incidental 1209
to the electronic transmission of the communication, and a storage 1210
of a wire or electronic communication by an electronic 1211
communication service for the purpose of backup protection of the 1212
communication. 1213

(T) "Aural transfer" means a transfer containing the human 1214
voice at a point between and including the point of origin and the 1215
point of reception. 1216

(U) "Pen register" means a device that records or decodes 1217
electronic impulses that identify the numbers dialed, pulsed, or 1218
otherwise transmitted on telephone lines to which the device is 1219
attached. 1220

(V) "Trap and trace device" means a device that captures the 1221
incoming electronic or other impulses that identify the 1222
originating number of an instrument or device from which a wire 1223
communication or electronic communication was transmitted but that 1224
does not intercept the contents of the wire communication or 1225
electronic communication. 1226

(W) "Judge of a court of common pleas" means a judge of that 1227
court who is elected or appointed as a judge of general 1228
jurisdiction or as a judge who exercises both general jurisdiction 1229
and probate, domestic relations, or juvenile jurisdiction. "Judge 1230
of a court of common pleas" does not mean a judge of that court 1231
who is elected or appointed specifically as a probate, domestic 1232
relations, or juvenile judge. 1233

Sec. 2935.033. (A) Any peace officer may render assistance to 1234
any federal law enforcement officer who has arrest authority under 1235
the "Uniting and Strengthening America by Providing Appropriate 1236

Tools Required to Intercept and Obstruct Terrorism (USA Patriot Act) Act of 2001," Pub. L. No. 107-056, 115 Stat. 272, as amended, if both of the following apply: 1237
1238
1239

(1) There is a threat of imminent physical danger to the federal law enforcement officer, a threat of physical harm to another person, or any other serious emergency situation present. 1240
1241
1242

(2) Either the federal law enforcement officer requests emergency assistance or it appears that the federal law enforcement officer is unable to request assistance, and the circumstances reasonably indicate that assistance is appropriate. 1243
1244
1245
1246

(B) "Federal law enforcement officer" has the same meaning as in section 9.88 of the Revised Code. 1247
1248

Sec. 3750.22. (A)(1) The owner or operator of a facility where chemicals are produced, or the owner or operator of any other facility or business of any type, may provide a copy of any vulnerability assessment of the facility or business or of any other security-sensitive information developed regarding the facility or business to any of the following: 1249
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1251
1252
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1254

(a) The local emergency planning committee of the emergency planning district in which the facility or business is located; 1255
1256

(b) The fire department with jurisdiction over the facility or business; 1257
1258

(c) The sheriff of the county in which the facility or business is located; 1259
1260

(d) The chief of police of any municipal corporation with jurisdiction over the facility or business; 1261
1262

(e) Any state agency involved in the development of plans to protect businesses of any type against terrorist attack including the Ohio department of public safety, the Ohio highway patrol, the 1263
1264
1265

office of homeland security, and the emergency management agency. 1266

(2) A local emergency planning committee, fire department, 1267
sheriff, or chief of police, or other public office that receives 1268
a vulnerability assessment or other security-sensitive information 1269
pursuant to division (A)(1) of this section may provide a copy of 1270
that assessment or information to any local emergency planning 1271
committee, fire department, sheriff, or chief of police, or other 1272
public office described in division (A)(1) of this section but 1273
shall not share that vulnerability assessment or 1274
security-sensitive information with any other public or private 1275
office unless required to do so by federal or state law. 1276

(B)(1) Any vulnerability assessment or other 1277
security-sensitive information a public office receives pursuant 1278
to division (A) of this section is not a public record under 1279
section 149.43 of the Revised Code and that assessment or 1280
information is not subject to the mandatory disclosure 1281
requirements of section 149.43 of the Revised Code. 1282

(2) This section shall not be construed to exempt any owner 1283
or operator of a facility where chemicals are produced or the 1284
owner or operator of any other facility or business of any type 1285
from providing information contained in a vulnerability assessment 1286
or other security-sensitive information to the public when the 1287
provision of that information otherwise is required by federal or 1288
state law. 1289

Sec. 4507.08. (A) No probationary license shall be issued to 1290
any person under the age of eighteen who has been adjudicated an 1291
unruly or delinquent child or a juvenile traffic offender for 1292
having committed any act that if committed by an adult would be a 1293
drug abuse offense, as defined in section 2925.01 of the Revised 1294
Code, a violation of division (B) of section 2917.11, or a 1295
violation of division (A) of section 4511.19 of the Revised Code, 1296

unless the person has been required by the court to attend a drug 1297
abuse or alcohol abuse education, intervention, or treatment 1298
program specified by the court and has satisfactorily completed 1299
the program. 1300

(B) No temporary instruction permit or driver's license shall 1301
be issued to any person whose license has been suspended, during 1302
the period for which the license was suspended, nor to any person 1303
whose license has been canceled, under Chapter 4510. or any other 1304
provision of the Revised Code. 1305

(C) No temporary instruction permit or driver's license shall 1306
be issued to any person whose commercial driver's license is 1307
suspended under Chapter 4510. or any other provision of the 1308
Revised Code during the period of the suspension. 1309

No temporary instruction permit or driver's license shall be 1310
issued to any person when issuance is prohibited by division (A) 1311
of section 4507.091 of the Revised Code. 1312

(D) No temporary instruction permit or driver's license shall 1313
be issued to, or retained by, any of the following persons: 1314

(1) Any person who is an alcoholic, or is addicted to the use 1315
of controlled substances to the extent that the use constitutes an 1316
impairment to the person's ability to operate a motor vehicle with 1317
the required degree of safety; 1318

(2) Any person who is under the age of eighteen and has been 1319
adjudicated an unruly or delinquent child or a juvenile traffic 1320
offender for having committed any act that if committed by an 1321
adult would be a drug abuse offense, as defined in section 2925.01 1322
of the Revised Code, a violation of division (B) of section 1323
2917.11, or a violation of division (A) of section 4511.19 of the 1324
Revised Code, unless the person has been required by the court to 1325
attend a drug abuse or alcohol abuse education, intervention, or 1326

treatment program specified by the court and has satisfactorily
completed the program; 1327
1328

(3) Any person who, in the opinion of the registrar, is 1329
afflicted with or suffering from a physical or mental disability 1330
or disease that prevents the person from exercising reasonable and 1331
ordinary control over a motor vehicle while operating the vehicle 1332
upon the highways, except that a restricted license effective for 1333
six months may be issued to any person otherwise qualified who is 1334
or has been subject to any condition resulting in episodic 1335
impairment of consciousness or loss of muscular control and whose 1336
condition, in the opinion of the registrar, is dormant or is 1337
sufficiently under medical control that the person is capable of 1338
exercising reasonable and ordinary control over a motor vehicle. A 1339
restricted license effective for six months shall be issued to any 1340
person who otherwise is qualified and who is subject to any 1341
condition that causes episodic impairment of consciousness or a 1342
loss of muscular control if the person presents a statement from a 1343
licensed physician that the person's condition is under effective 1344
medical control and the period of time for which the control has 1345
been continuously maintained, unless, thereafter, a medical 1346
examination is ordered and, pursuant thereto, cause for denial is 1347
found. 1348

A person to whom a six-month restricted license has been 1349
issued shall give notice of the person's medical condition to the 1350
registrar on forms provided by the registrar and signed by the 1351
licensee's physician. The notice shall be sent to the registrar 1352
six months after the issuance of the license. Subsequent 1353
restricted licenses issued to the same individual shall be 1354
effective for six months. 1355

(4) Any person who is unable to understand highway warnings 1356
or traffic signs or directions given in the English language; 1357

(5) Any person making an application whose driver's license 1358
or driving privileges are under cancellation, revocation, or 1359
suspension in the jurisdiction where issued or any other 1360
jurisdiction, until the expiration of one year after the license 1361
was canceled or revoked or until the period of suspension ends. 1362
Any person whose application is denied under this division may 1363
file a petition in the municipal court or county court in whose 1364
jurisdiction the person resides agreeing to pay the cost of the 1365
proceedings and alleging that the conduct involved in the offense 1366
that resulted in suspension, cancellation, or revocation in the 1367
foreign jurisdiction would not have resulted in a suspension, 1368
cancellation, or revocation had the offense occurred in this 1369
state. If the petition is granted, the petitioner shall notify the 1370
registrar by a certified copy of the court's findings and a 1371
license shall not be denied under this division. 1372

(6) Any person who is under a class one or two suspension 1373
imposed for a violation of section 2903.04, 2903.06, or 2903.08 of 1374
the Revised Code or whose driver's or commercial driver's license 1375
or permit was permanently revoked prior to ~~the effective date of~~ 1376
~~this amendment~~ January 1, 2004, for a substantially equivalent 1377
violation pursuant to section 4507.16 of the Revised Code; 1378

(7) Any person who is not a resident or temporary resident of 1379
this state. 1380

(E) No person whose driver's license or permit has been 1381
suspended under Chapter 4510. of the Revised Code or any other 1382
provision of the Revised Code shall have driving privileges 1383
reinstated if the registrar determines that a warrant has been 1384
issued in this state or any other state for the person's arrest 1385
and that warrant is an active warrant. 1386

Sec. 4561.17. ~~For the purpose of providing~~ (A) To provide 1387
revenue for ~~paying the expenses of~~ administering sections 4561.17 1388

to 4561.22 of the Revised Code relative to the registration of 1389
aircraft, for the surveying of and the establishment, checking, 1390
maintenance, and repair of aviation air marking and of air 1391
navigation facilities, for the acquiring, maintaining, and 1392
repairing of equipment necessary ~~therefor~~ for those purposes, and 1393
for the cost of ~~the creation~~ creating and ~~distribution of~~ 1394
distributing Ohio aeronautical charts and Ohio airport and landing 1395
field directories, an annual license tax is hereby levied upon all 1396
aircraft based in this state for which an aircraft worthiness 1397
certificate issued by the federal aviation administration is in 1398
effect except the following: 1399

~~(A)~~(1) Aircraft owned by the United States or any territory 1400
~~thereof of the United States;~~ 1401

~~(B)~~(2) Aircraft owned by any foreign government; 1402

~~(C)~~(3) Aircraft owned by any state or any political 1403
subdivision ~~thereof~~ of a state; 1404

~~(D)~~(4) Aircraft operated under a certificate of convenience 1405
and necessity issued by the civil aeronautics board or any 1406
successor ~~thereto~~ to that board; 1407

~~(E) Aircraft owned by any nonresident of this state whether 1408
such owner is an individual, partnership, or corporation, provided 1409
such owner has complied with all the laws in regard to the 1410
licensing of aircraft in the state of his residence;~~ 1411

~~(F)~~(5) Aircraft owned by aircraft manufacturers or aircraft 1412
engine manufacturers and operated only for purposes of testing, 1413
delivery, or demonstration; 1414

~~(G)~~(6) Aircraft operated for hire over regularly scheduled 1415
routes within the state. 1416

~~Such~~ (B) The license tax this section requires shall be at 1417
the rates specified in section 4561.18 of the Revised Code, and 1418

shall be paid to and collected by the director of transportation 1419
at the time of making application as provided in ~~such~~ that 1420
section. 1421

Sec. 4561.18. (A) The owner of any aircraft that is based in 1422
this state and that is not of a type specified in divisions (A)(1) 1423
to (6) of section 4561.17 of the Revised Code, shall register that 1424
aircraft with the department of transportation pursuant to this 1425
section. 1426

(B) Applications for the licensing and registration of 1427
aircraft shall be made and signed by the owner ~~thereof upon on~~ 1428
forms ~~prepared by~~ the department of transportation ~~and prepares.~~ 1429
The forms shall contain a description of the aircraft, including 1430
its federal registration number, the airport or other place at 1431
which the aircraft is based, and ~~such any~~ other information ~~as is~~ 1432
~~required by~~ the department requires. 1433

~~Applications~~ (C)(1) Registration forms shall be filed with 1434
the director of transportation ~~during the month of January~~ 1435
annually at the time the director specifies and shall be renewed 1436
according to the standard renewal procedure of sections 4745.01 to 1437
4745.03 of the Revised Code. ~~Application~~ If the airport or other 1438
place at which the aircraft is based changes, the owner shall 1439
update the registration by filing a new form with the office of 1440
aviation. 1441

(2) Application for the registration of any aircraft not 1442
previously registered in this state, ~~if such aircraft that~~ is 1443
acquired or becomes subject to ~~such the~~ license tax subsequent to 1444
the last day of January in any year, shall be made for the balance 1445
of the year in which the ~~same~~ aircraft is acquired, within 1446
forty-eight hours after ~~such the~~ acquisition or after becoming 1447
subject to ~~such the~~ license tax. ~~Each such application~~ 1448

(D) Each registration form shall be accompanied by the proper 1449

license tax, which, for aircraft other than gliders, shall be at 1450
the annual rate of one hundred dollars per aircraft. The license 1451
tax for gliders shall be three dollars annually. 1452

~~Such~~ (E) The department of transportation shall maintain all 1453
registrations filed with it under this section and shall develop a 1454
program to track and enforce the registration of aircraft based in 1455
this state. 1456

(F) The taxes this section requires are in lieu of all other 1457
taxes on or with respect to ownership of ~~such~~ an aircraft. 1458

(G) The director of transportation may impose a fine of not 1459
more than five hundred dollars on an owner of an aircraft required 1460
to be registered under this section and that the owner does not 1461
register, and shall require the owner to register the aircraft 1462
within the time the director specifies. The director may impose a 1463
separate fine for each aircraft that the owner fails to register, 1464
and may impose a separate fine for each registration period during 1465
which the owner fails to register the aircraft. 1466

Sec. 4561.22. (A) No owner or operator of an aircraft shall 1467
violate sections 4561.17 to 4561.20 of the Revised Code. 1468

(B) ~~Whoever~~ Except as otherwise provided in division (G) of 1469
section 4561.18 of the Revised Code, whoever violates this section 1470
shall be fined not more than ~~one~~ five hundred dollars, ~~imprisoned~~ 1471
~~not more than thirty days, or both.~~ 1472

Sec. 4563.30. (A) As used in this section: 1473

(1) "Aircraft" has the same meaning as in section 4561.01 of 1474
the Revised Code. 1475

(2) "Airport" has the same meaning as in section 4561.01 of 1476
the Revised Code except that it does not include any airport 1477
operated by a multi-state authority or any airport with scheduled 1478

commercial air carrier service. 1479

(3) "Private-use airport" means an airport used exclusively 1480
by the owner of the airport and by persons the owner authorizes. 1481

(4) "Public-use airport" means an airport available for use 1482
by the general public without the prior approval of the owner or 1483
operator except as federal law or regulation require. 1484

(5) "Sensitive site" means an area that would be considered a 1485
key asset or critical infrastructure of the United States, 1486
including, but not limited to, military installations, nuclear and 1487
chemical plants, centers of government, monuments and iconic 1488
structures, and international ports. 1489

(B) Notwithstanding any provision of the Revised Code to the 1490
contrary, the department of public safety and the department of 1491
transportation shall adopt rules regarding the security of 1492
public-use and private-use airports. The rules shall include, but 1493
not be limited to, provisions that do the following: 1494

(1) Require all public-use and private-use airports located 1495
in whole or in part in this state to register biennially with the 1496
department of transportation; 1497

(2) Require all public-use airports located in whole or in 1498
part in this state, and all private-use airports located in whole 1499
or in part in this state that are located within thirty nautical 1500
miles of either a metropolitan population of at least one hundred 1501
thousand persons or a sensitive site and that have ten or more 1502
based aircraft, a runway length more than eighteen hundred feet, 1503
and more than ten thousand annual aircraft operations, to prepare 1504
a written security plan that is consistent with the most recent 1505
security guidelines for general aviation airports published by the 1506
United States transportation security administration; 1507

(3) Require all aircraft owners or pilots to secure their 1508

aircraft; 1509

(4) Require all persons who rent an aircraft to present 1510
government-issued identification, in addition to any pilot's 1511
license, to the person who rents them the aircraft; 1512

(5) Require all public-use airports located in whole or in 1513
part in this state, and all private use airports located in whole 1514
or in part in this state when appropriate, to do all of the 1515
following: 1516

(a) Develop a written list of emergency contacts and 1517
telephones; 1518

(b) Restrict access to aircraft keys by unlicensed persons; 1519

(c) Require pilots, including those renting aircraft, to 1520
operate pursuant to F.A.R. 61.3 regarding pilot identification; 1521

(d) Create an emergency locator map that identifies runways, 1522
ramp areas, fence lines, gates, hydrants, emergency shelters, 1523
buildings, and hazardous material sites; 1524

(e) Familiarize local law enforcement agencies with the 1525
airport and consult with them in the airport's development of 1526
security procedures. 1527

(6) Address or govern the security of public-use and 1528
private-use airports located in whole or in part in this state in 1529
any other manner that the department of public safety and the 1530
department of transportation jointly determine to be necessary. 1531

(C) The security plan described in division (B)(2) of this 1532
section and the emergency locator map described in division 1533
(B)(5)(d) of this section shall prominently display the following 1534
statement: "This document may contain information that, if 1535
disclosed, could endanger the life or safety of the public; 1536
therefore, this document is to be maintained and used in a manner 1537
that preserves the confidentiality of the information it contains 1538

in a manner consistent with law." 1539

(D) Each public-use and private-use airport located in whole 1540
or in part in this state shall provide a copy of its registration 1541
described in division (B)(1) of this section, and when applicable, 1542
a copy of its security plan and emergency locater map to the 1543
department of public safety, to the department of transportation, 1544
to the sheriff of the county in which the airport is located in 1545
whole or in part, and, if the airport is located in whole or in 1546
part in a municipal corporation, to the chief of police of each 1547
municipal corporation in which it is wholly or partly located. 1548
Copies of registrations, emergency locater maps, and security 1549
plans that are in the possession of the department of public 1550
safety, the office of aviation, a sheriff, or a chief of police 1551
and that were provided under this division are not public records 1552
under section 149.43 of the Revised Code and are not subject to 1553
mandatory disclosure under that section. 1554

(E) This section shall not be construed to replace or 1555
supersede airport security standards the United States department 1556
of homeland security and the transportation security 1557
administration require, or safety standards the United States 1558
department of transportation and the federal aviation 1559
administration require. 1560

Sec. 4931.49. (A)(1) The state, the state highway patrol, or 1561
a subdivision participating in a 9-1-1 system established under 1562
sections 4931.40 to 4931.70 of the Revised Code and any officer, 1563
agent, employee, or independent contractor of the state, the state 1564
highway patrol, or such a participating subdivision is not liable 1565
in damages in a civil action for injuries, death, or loss to 1566
persons or property arising from any act or omission, except 1567
willful or wanton misconduct, in connection with developing, 1568
adopting, or approving any final plan or any agreement made under 1569

section 4931.48 of the Revised Code or otherwise bringing into 1570
operation the 9-1-1 system pursuant to sections 4931.40 to 4931.70 1571
of the Revised Code. 1572

(2) The Ohio 9-1-1 council, the wireless 9-1-1 advisory 1573
board, and any member of that council or board are not liable in 1574
damages in a civil action for injuries, death, or loss to persons 1575
or property arising from any act or omission, except willful or 1576
wanton misconduct, in connection with the development or operation 1577
of a 9-1-1 system established under sections 4931.40 to 4931.70 of 1578
the Revised Code. 1579

(B) Except as otherwise provided in section 4765.49 of the 1580
Revised Code, an individual who gives emergency instructions 1581
through a 9-1-1 system established under sections 4931.40 to 1582
4931.70 of the Revised Code, and the principals for whom the 1583
person acts, including both employers and independent contractors, 1584
public and private, and an individual who follows emergency 1585
instructions and the principals for whom that person acts, 1586
including both employers and independent contractors, public and 1587
private, are not liable in damages in a civil action for injuries, 1588
death, or loss to persons or property arising from the issuance or 1589
following of emergency instructions, except where the issuance or 1590
following of the instructions constitutes willful or wanton 1591
misconduct. 1592

(C) Except for willful or wanton misconduct, a telephone 1593
company, and any other installer, maintainer, or provider, through 1594
the sale or otherwise, of customer premises equipment, and their 1595
respective officers, directors, employees, agents, and suppliers 1596
are not liable in damages in a civil action for injuries, death, 1597
or loss to persons or property incurred by any person resulting 1598
from ~~such~~ any of the following: 1599

(1) Such an entity's or its officers', directors', 1600
employees', agents', or suppliers' participation in or acts or 1601

omissions in connection with participating in or developing, 1602
maintaining, or operating a 9-1-1 system, whether that system is 1603
established pursuant to sections 4931.40 to 4931.70 of the Revised 1604
Code or otherwise in accordance with schedules regarding 9-1-1 1605
systems filed with the public utilities commission pursuant to 1606
section 4905.30 of the Revised Code by a telephone company that is 1607
a wireline service provider; 1608

(2) Such an entity's or its officers', directors', 1609
employees', agents', or suppliers' provision of assistance to a 1610
public utility, municipal utility, or state or local government as 1611
authorized by divisions (F)(4) and (5) of this section. 1612

(D) No person shall knowingly use the telephone number of a 1613
9-1-1 system established under sections 4931.40 to 4931.70 of the 1614
Revised Code to report an emergency if the person knows that no 1615
emergency exists. 1616

(E) No person shall knowingly use a 9-1-1 system for a 1617
purpose other than obtaining emergency service. 1618

(F) No person shall disclose or use any information 1619
concerning telephone numbers, addresses, or names obtained from 1620
the data base that serves the public safety answering point of a 1621
9-1-1 system established under sections 4931.40 to 4931.70 of the 1622
Revised Code, except for any of the following purposes or under 1623
any of the following circumstances: 1624

(1) For the purpose of the 9-1-1 system; 1625

(2) For the purpose of responding to an emergency call to an 1626
emergency service provider; 1627

(3) In the circumstance of the inadvertent disclosure of such 1628
information due solely to technology of the wireline telephone 1629
network portion of the 9-1-1 system not allowing access to the 1630
data base to be restricted to 9-1-1 specific answering lines at a 1631
public safety answering point; 1632

(4) In the circumstance of ~~assistance~~ access to a data base 1633
being given by a telephone company that is a wireline service 1634
provider to a public utility or municipal utility in handling 1635
customer calls in times of public emergency or service outages. 1636
The charge, terms, and conditions for the disclosure or use of 1637
such information for the purpose of such ~~assistance~~ access to a 1638
data base shall be subject to the jurisdiction of the public 1639
utilities commission. 1640

(5) In the circumstance of access to a data base given by a 1641
telephone company that is a wireline service provider to a state 1642
and local government in warning of a public emergency, as 1643
determined by the public utilities commission. The charge, terms, 1644
and conditions for the disclosure or use of such information for 1645
the purpose of such access to a data base shall be subject to the 1646
jurisdiction of the public utilities commission. 1647

Sec. 5502.011. (A) As used in this section, "department of 1648
public safety" and "department" include all divisions within the 1649
department of public safety. 1650

(B) The director of the department of public safety is the 1651
chief executive and administrative officer of the department. The 1652
director may establish policies governing the department, the 1653
performance of its employees and officers, the conduct of its 1654
business, and the custody, use, and preservation of departmental 1655
records, papers, books, documents, and property. The director also 1656
may authorize and approve investigations to be conducted by any of 1657
the department's divisions. Whenever the Revised Code imposes a 1658
duty upon or requires an action of the department, the director 1659
may perform the action or duty in the name of the department or 1660
direct such performance to be performed by the director's 1661
designee. 1662

(C) In addition to any other duties enumerated in the Revised 1663

Code, the director or the director's designee shall do all of the following: 1664
1665

(1) Administer and direct the performance of the duties of the department; 1666
1667

(2) Pursuant to Chapter 119. of the Revised Code, approve, adopt, and prescribe such forms and rules as are necessary to carry out the duties of the department; 1668
1669
1670

(3) On behalf of the department and in addition to any authority the Revised Code otherwise grants to the department, have the authority and responsibility for approving and entering into contracts, agreements, and other business arrangements; 1671
1672
1673
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(4) Make appointments for the department as needed to comply with requirements of the Revised Code; 1675
1676

(5) Approve employment actions of the department, including appointments, promotions, discipline, investigations, and terminations; 1677
1678
1679

(6) Accept, hold, and use, for the benefit of the department, any gift, donation, bequest, or devise, and may agree to and perform all conditions of the gift, donation, bequest, or devise, that are not contrary to law; 1680
1681
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1683

(7) Do all other acts necessary or desirable to carry out this chapter. 1684
1685

(D)(1) The director of public safety may assess a reasonable fee, plus the amount of any charge or fee passed on from a financial institution, on a drawer or indorser for each of the following: 1686
1687
1688
1689

(a) A check, draft, or money order that is returned or dishonored; 1690
1691

(b) An automatic bank transfer that is declined, due to insufficient funds or for any other reason; 1692
1693

(c) Any financial transaction device that is returned or 1694
dishonored for any reason. 1695

(2) The director shall deposit any fee collected under this 1696
division in an appropriate fund as determined by the director 1697
based on the tax, fee, or fine being paid. 1698

(3) As used in this division, "financial transaction device" 1699
has the same meaning as in section 113.40 of the Revised Code. 1700

(E) The director shall establish a homeland security advisory 1701
council to advise the director on homeland security, including 1702
homeland security funding efforts. The advisory council shall 1703
include, but not be limited to, state and local government 1704
officials who have homeland security or emergency management 1705
responsibilities and who represent first responders. The director 1706
shall appoint the members of the council, who shall serve without 1707
compensation. 1708

Sec. 5502.012. The department of public safety shall do all 1709
of the following: 1710

(A) Adopt rules in accordance with Chapter 119. of the 1711
Revised Code as required by section 2909.32 of the Revised Code 1712
that identify licenses issued by the state for which the holder of 1713
any of the identified licenses may present a potential risk or 1714
threat to public safety if the applicant for the license has 1715
connections to a terrorist organization. In no case shall the 1716
rules identify a driver's license or permit as a license of that 1717
nature if the applicant for the license or permit, or for renewal 1718
of the license or permit, is a resident of this state; this 1719
applies to temporary residents of this state who apply for 1720
nonrenewable licenses. 1721

(B) Adopt rules, jointly with the office of aviation of the 1722
department of transportation and in accordance with Chapter 119. 1723

of the Revised Code, regarding the security of public-use and 1724
private-use airports in accordance with section 4563.30 of the 1725
Revised Code; 1726

(C) Adopt rules in accordance with Chapter 119. of the 1727
Revised Code and for purposes of section 2909.28 of the Revised 1728
Code identifying a list of toxins, toxic chemicals, precursors of 1729
toxic chemicals, vectors, biological agents, and hazardous 1730
radioactive substances and their components that could be used 1731
alone or in combination for the manufacture of a chemical weapon, 1732
biological weapon, radiological or nuclear weapon, or explosive 1733
device. 1734

Sec. 5502.03. (A) There is hereby created in the department 1735
of public safety a division of homeland security. It is the intent 1736
of the general assembly that the creation of the division of 1737
homeland security of the department of public safety by this 1738
amendment does not result in an increase of funding appropriated 1739
to the department. 1740

(B)~~(1)~~ The division shall ~~coordinate~~ do all of the following: 1741

(1) Coordinate all homeland security activities of all state 1742
agencies and ~~shall~~ be the liaison between state agencies and local 1743
entities for the purposes of communicating homeland security 1744
funding and policy initiatives; 1745

(2) Collect, analyze, maintain, and disseminate information 1746
to support local, state, and federal law enforcement agencies, 1747
other government agencies, and private organizations in detecting, 1748
detering, preventing, preparing for, responding to, and 1749
recovering from threatened or actual terrorist events. The 1750
information the division obtains pursuant to this section is not a 1751
public record pursuant to section 149.43 of the Revised Code. 1752

(3) Coordinate efforts of state and local governments and 1753

private organizations to enhance the security and protection of 1754
critical infrastructure and key assets in this state; 1755

(4) Develop and coordinate policies, protocols, and 1756
strategies that may be used to prevent, detect, prepare for, 1757
respond to, and recover from terrorist acts or threats; 1758

(5) Develop, update, and coordinate the implementation of an 1759
Ohio homeland security strategic plan that will guide state and 1760
local governments in the achievement of homeland security in this 1761
state. 1762

(C) The director of public safety shall appoint an executive 1763
director, who shall be head of the division of homeland security 1764
and who regularly shall advise the governor and the director on 1765
matters pertaining to homeland security. The executive director 1766
shall serve at the pleasure of the director of public safety. To 1767
carry out the duties assigned under this section, the executive 1768
director, subject to the direction and control of the director of 1769
public safety, may appoint and maintain necessary staff and may 1770
enter into any necessary agreements. 1771

(D) Except as otherwise provided by law, nothing in this 1772
section shall be construed to give the director of public safety 1773
or the executive director of the division of homeland security 1774
authority over the incident management structure or 1775
responsibilities of local emergency response personnel. 1776

Sec. 5502.28. (A) In carrying out sections 5502.21 to 5502.51 1777
of the Revised Code, the governor shall utilize the services, 1778
equipment, supplies, and facilities of existing agencies of the 1779
state and of political subdivisions to the maximum extent 1780
practicable, and the officers and personnel of all such agencies 1781
shall cooperate with and extend such services, equipment, 1782
supplies, and facilities to the governor and to the executive 1783

director of the emergency management agency upon request. 1784

(B) Every agency for emergency management established 1785
pursuant to sections 5502.21 to 5502.51 of the Revised Code and 1786
every political subdivision that has established a program for 1787
emergency management under section 5502.271 of the Revised Code, 1788
and the officers thereof, shall execute and enforce any emergency 1789
management orders and rules issued or adopted by the director of 1790
public safety. 1791

(C) The national incident management system (NIMS) is hereby 1792
adopted as the standard procedure for incident management in this 1793
state. All departments, agencies, and political subdivisions 1794
within the state shall utilize the system for incident management. 1795

Sec. 5502.41. (A) As used in this section: 1796

(1) "Countywide emergency management agency" means a 1797
countywide emergency management agency established under section 1798
5502.26 of the Revised Code. 1799

(2) "Participating political subdivision" means each 1800
political subdivision in this state except a political subdivision 1801
that enacts, by appropriate legislation signed by its chief 1802
executive, a declaration not to participate in the intrastate 1803
mutual aid program created by this section and that provides a 1804
copy of the legislation to the emergency management agency and to 1805
the countywide emergency management agency, regional authority for 1806
emergency management, or program for emergency management within 1807
the political subdivision, which is responsible for emergency 1808
management in the political subdivision. 1809

(3) "Program for emergency management within a political 1810
subdivision" means a program for emergency management created by a 1811
political subdivision under section 5502.271 of the Revised Code. 1812

(4) "Regional authority for emergency management" means a 1813

regional authority for emergency management established under 1814
section 5502.27 of the Revised Code. 1815

(B) There is hereby created the intrastate mutual aid program 1816
to be known as "the intrastate mutual aid compact" to complement 1817
existing mutual aid agreements in the event of a disaster that 1818
results in a formal declaration of emergency by a participating 1819
political subdivision. The program shall provide for mutual 1820
assistance among the participating political subdivisions in 1821
response to and recovery from any disaster that results in a 1822
formal declaration of emergency by a participating political 1823
subdivision; shall provide for mutual cooperation among the 1824
participating political subdivisions in conducting 1825
disaster-related exercises, testing, or other training activities 1826
using the services, equipment, supplies, materials, personnel, and 1827
other resources of the participating political subdivisions to 1828
simulate the provision of mutual aid; and shall embody a method by 1829
which a participating political subdivision may seek assistance in 1830
the event of a formally declared emergency, which resolves many of 1831
the common issues facing political subdivisions at the time of a 1832
formally declared emergency and will ensure, to the extent 1833
possible, eligibility for available state and federal disaster 1834
funding. 1835

(C) Each countywide emergency management agency, regional 1836
authority for emergency management, and program for emergency 1837
management within a political subdivision, which is responsible 1838
for emergency management in a participating political subdivision 1839
shall, as part of its program for emergency management under 1840
sections 5502.22, 5502.26, 5502.27, and 5502.271 of the Revised 1841
Code, as applicable, and in coordination with all departments, 1842
divisions, boards, commissions, agencies, and other 1843
instrumentalities of, and having emergency response functions 1844
within, each participating political subdivision served by that 1845

agency, authority, or program, establish procedures or plans that,
to the extent possible, accomplish both of the following:

(1) Identify hazards that potentially could affect the
participating political subdivisions served by that agency,
authority, or program;

(2) Identify and inventory the current services, equipment,
supplies, personnel, and other resources related to response and
recovery activities of the participating political subdivisions
served by that agency, authority, or program.

(D)(1) Within one year after ~~the effective date of this~~
~~section~~ December 23, 2002, the executive director of the emergency
management agency shall coordinate with the countywide emergency
management agencies, regional authorities for emergency
management, and programs for emergency management within a
political subdivision, which are responsible for emergency
management in participating political subdivisions, in identifying
and formulating appropriate procedures or plans to resolve
resource shortfalls, as part of their respective programs for
emergency management under sections 5502.22, 5502.26, 5502.27, and
5502.271 of the Revised Code, as applicable.

(2) During and after the formulation of the procedures or
plans to resolve resource shortfalls, there shall be ongoing
consultation and coordination among the executive director of the
emergency management agency; the countywide emergency management
agencies, regional authorities for emergency management, and
programs for emergency management within a political subdivision,
which are responsible for emergency management in participating
political subdivisions; and all departments, divisions, boards,
commissions, agencies, and other instrumentalities of, and having
emergency response functions within, each participating political
subdivision, regarding this section, local procedures and plans,

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and the resolution of the resource shortfalls. 1877

(E) Participating political subdivisions may request 1878
assistance of other participating political subdivisions in 1879
response to and recovery from a disaster during formally declared 1880
emergencies or in disaster-related exercises, testing, or other 1881
training activities. Requests for assistance shall be made through 1882
the emergency management agency or an official designated by the 1883
chief executive of the participating political subdivision from 1884
which the assistance is requested. Requests may be verbal or in 1885
writing. If verbal, the request shall be confirmed in writing 1886
within seventy-two hours after the verbal request is made. 1887
Requests shall provide the following information: 1888

(1) A description of the disaster; 1889

(2) A description of the assistance needed; 1890

(3) An estimate of the length of time the assistance will be 1891
needed; 1892

(4) The specific place and time for staging of the assistance 1893
and a point of contact at that location. 1894

(F) A participating political subdivision's obligation to 1895
provide assistance in response to and recovery from a disaster or 1896
in disaster-related exercises, testing, or other training 1897
activities under this section is subject to the following 1898
conditions: 1899

(1) A participating political subdivision requesting 1900
assistance must have either declared a state of emergency by 1901
resolution of its chief executive or scheduled disaster-related 1902
exercises, testing, or other training activities. 1903

(2) A responding participating political subdivision may 1904
withhold resources necessary to provide for its own protection. 1905

(3) Personnel of a responding participating political 1906

subdivision shall continue under their local command and control 1907
structure, but shall be under the operational control of the 1908
appropriate officials within the incident management system of the 1909
participating political subdivision receiving assistance. 1910

(4) Responding law enforcement officers acting pursuant to 1911
this section have the same authority to enforce the law as when 1912
acting within the territory of their regular employment. 1913

(G)(1) Nothing in this section alters the duties and 1914
responsibilities of emergency response personnel. 1915

(2) This section does not preclude a participating political 1916
subdivision from entering into a mutual aid or other agreement 1917
with another political subdivision, and does not affect any other 1918
agreement to which a participating political subdivision may be a 1919
party, or any request for assistance that may be made, under any 1920
other section of the Revised Code, including, but not limited to, 1921
any mutual aid arrangement under this chapter, any fire protection 1922
or emergency medical services contract under section 9.60 of the 1923
Revised Code, sheriffs' requests for assistance to preserve the 1924
public peace and protect persons and property under section 311.07 1925
of the Revised Code, agreements for mutual aid in police 1926
protection under section 737.04 of the Revised Code, and mutual 1927
aid agreements among emergency planning districts for hazardous 1928
substances or chemicals response under sections 3750.02 and 1929
3750.03 of the Revised Code. 1930

(H)(1) Personnel of a responding participating political 1931
subdivision who suffer injury or death in the course of, and 1932
arising out of, their employment while rendering assistance to 1933
another participating political subdivision under this section are 1934
entitled to all applicable benefits under Chapters 4121. and 4123. 1935
of the Revised Code. 1936

(2) Personnel of a responding participating political 1937

subdivision shall be considered, while rendering assistance in 1938
another participating political subdivision under this section, to 1939
be agents of the participating political subdivision receiving the 1940
assistance for purposes of tort liability and immunity from tort 1941
liability under the law of this state. 1942

(3)(a) A responding participating political subdivision and 1943
the personnel of that political subdivision, while rendering 1944
assistance, or while in route to or from rendering assistance, in 1945
another participating political subdivision under this section, 1946
shall be deemed to be exercising governmental functions as defined 1947
in section 2744.01 of the Revised Code, shall have the defenses to 1948
and immunities from civil liability provided in sections 2744.02 1949
and 2744.03 of the Revised Code, and shall be entitled to all 1950
applicable limitations on recoverable damages under section 1951
2744.05 of the Revised Code. 1952

(b) A participating political subdivision requesting 1953
assistance and the personnel of that political subdivision, while 1954
requesting or receiving assistance from any other participating 1955
political subdivisions under this section, shall be deemed to be 1956
exercising governmental functions as defined in section 2744.01 of 1957
the Revised Code, shall have the defenses to and immunities from 1958
civil liability provided in sections 2744.02 and 2744.03 of the 1959
Revised Code, and shall be entitled to all applicable limitations 1960
on recoverable damages under section 2744.05 of the Revised Code. 1961

(I) If a person holds a license, certificate, or other permit 1962
issued by a participating political subdivision evidencing 1963
qualification in a professional, mechanical, or other skill, and 1964
if the assistance of that person is asked for by a participating 1965
political subdivision receiving assistance under this section, the 1966
person shall be deemed to be licensed or certified in or permitted 1967
by the participating political subdivision receiving the 1968
assistance to render the assistance, subject to any limitations 1969

and conditions the chief executive of the participating political
subdivision receiving the assistance may prescribe by executive
order or otherwise.

(J) Except as otherwise provided in this division, any
participating political subdivision rendering assistance in
another participating political subdivision under this section
shall be reimbursed by the participating political subdivision
receiving the assistance for any loss or damage to, or expense
incurred in the operation of, any equipment used in rendering the
assistance, for any expense incurred in the provision of any
service used in rendering the assistance, and for all other costs
incurred in responding to the request for assistance. However, a
participating political subdivision rendering assistance may
assume in whole or in part the loss, damage, expense, or costs, or
may loan the equipment or donate the service to the participating
political subdivision receiving the assistance without charge or
cost; any two or more participating political subdivisions may
enter into agreements establishing a different allocation of loss,
damage, expense, or costs among themselves; and expenses incurred
under division (H)(1) of this section are not reimbursable under
this division. To avoid duplication of payments, insurance
proceeds available to cover any loss or damage to equipment of a
participating political subdivision rendering assistance shall be
considered in the reimbursement by the participating political
subdivision receiving the assistance.

Section 2. That existing sections 2901.13, 2909.21, 2923.31,
2933.51, 4507.08, 4561.17, 4561.18, 4561.22, 4931.49, 5502.011,
5502.03, 5502.28, and 5502.41 of the Revised Code are hereby
repealed.