

**LSC 126 0121-4**

**126th General Assembly  
Regular Session  
2005-2006**

**Sub. S. B. No. 9**

---

**A BILL**

To amend sections 2901.13, 2909.21, 2923.31, 2933.51, 1  
2935.03, 4507.08, 4561.99, 4931.49, and 5502.03, 2  
and to enact sections 9.63, 2909.26, 2909.27, 3  
2909.28, 2909.29, 2909.30, 2909.31, 2909.32, 4  
2909.33, 2909.34, 2921.29, 3750.22, 4561.26, 5  
4563.30, and 5502.012 of the Revised Code to bar 6  
state and local employees from unreasonably 7  
failing to comply with certain requests for 8  
assistance by federal authorities regarding 9  
homeland security; to restrict municipal 10  
ordinances and other enactments from materially 11  
hindering or preventing compliance with 12  
immigration or terrorism investigations or with 13  
federal laws or orders pertaining to terrorism or 14  
homeland security; to create the offenses of 15  
criminal possession of a chemical weapon, 16  
biological weapon, radiological or nuclear weapon, 17  
or explosive device, criminal use of a chemical 18  
weapon, biological weapon, radiological or nuclear 19  
weapon, or explosive device, illegal assembly or 20  
possession of chemicals for the manufacture of a 21  
chemical weapon, biological weapon, radiological 22  
or nuclear weapon, or explosive device, and money 23  
laundering in support of terrorism; to provide a 24  
20-year limitations period for certain 25  
terrorism-related offenses; to require prosecutors 26

and judges to notify federal immigration 27  
authorities when an illegal alien is convicted of 28  
a felony; to provide for the transfer pursuant to 29  
a valid detainer from the Department of 30  
Rehabilitation and Correction to federal 31  
immigration authorities of an illegal alien in the 32  
Department's custody upon completion of the 33  
alien's prison term; to require persons in or near 34  
a critical transportation infrastructure site to 35  
show identification when requested by a law 36  
enforcement officer in specified circumstances; to 37  
require applicants for certain specified licenses 38  
to disclose through a questionnaire any material 39  
assistance they have provided to an organization 40  
on the United States Department of State Terrorist 41  
Exclusion List and generally restrict the issuance 42  
of the licenses to applicants who disclose any 43  
such material assistance; to generally prohibit 44  
the state or a political subdivision of the state 45  
from conducting business with any person, company, 46  
or others that provide, and from employing any 47  
person that provides, material assistance to any 48  
organization on the United States Department of 49  
State Terrorist Exclusion List; to require a 50  
person in a public place to provide the person's 51  
name and other identifying information to a law 52  
enforcement officer when the officer has 53  
reasonable suspicion that either the person is or 54  
has been engaged in criminal activity or the 55  
person has witnessed a felony offense of violence; 56  
to include the terrorism-related offenses enacted 57  
in the bill and animal and ecological terrorism as 58  
"corrupt activity" under the Corrupt Activity Law; 59

to include the terrorism-related offenses enacted 60  
in the bill as "designated offenses" for which an 61  
interception warrant may be issued under the 62  
Communications Interception Law; to clarify the 63  
authority of Ohio peace officers and Department of 64  
Public Safety personnel to assist federal law 65  
enforcement officers in certain circumstances; to 66  
prohibit the reinstatement of a suspended driver's 67  
license to a person who is the subject of an 68  
active arrest warrant; to authorize emergency 69  
notification through the reverse-911 database; to 70  
provide certain security-related measures 71  
regarding public-use and private-use airports; and 72  
to expand the homeland security duties of the 73  
Department of Public Safety. 74

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

**Section 1.** That sections 2901.13, 2909.21, 2923.31, 2933.51, 75  
2935.03, 4507.08, 4561.99, 4931.49, and 5502.03 be amended and 76  
sections 9.63, 2909.26, 2909.27, 2909.28, 2909.29, 2909.30, 77  
2909.31, 2909.32, 2909.33, 2909.34, 2921.29, 3750.22, 4561.26, 78  
4563.30, and 5502.012 of the Revised Code be enacted to read as 79  
follows: 80

**Sec. 9.63.** (A) Notwithstanding any law, ordinance, or 81  
collective bargaining contract to the contrary, no state or local 82  
employee shall unreasonably fail to comply with any lawful request 83  
for assistance made by any federal authorities carrying out the 84  
provisions of the USA Patriot Act, any federal immigration or 85  
terrorism investigation, or any executive order of the president 86  
of the United States pertaining to homeland security, to the 87  
extent that the request is consistent with the doctrine of 88

federalism. 89

(B) No municipal corporation shall enact an ordinance, 90  
policy, directive, rule, or resolution that would materially 91  
hinder or prevent local employees from complying with the USA 92  
Patriot Act or any executive order of the president of the United 93  
States pertaining to homeland security or from cooperating with 94  
state or federal immigration services and terrorism 95  
investigations. 96

(C)(1) Any municipal corporation that enacts any ordinance, 97  
policy, directive, rule, or resolution that materially hinders or 98  
prevents local employees from complying with the USA Patriot Act 99  
or any executive order of the president of the United States 100  
pertaining to homeland security or that materially hinders or 101  
prevents local employees from cooperating with state or federal 102  
immigration services or terrorism investigations shall be 103  
ineligible to receive any homeland security funding available from 104  
the state. 105

(2) Whenever the director of public safety determines that a 106  
municipal corporation has enacted any ordinance, policy, 107  
directive, rule, or resolution that materially hinders or prevents 108  
local employees from complying with the USA Patriot Act or any 109  
executive order of the president of the United States pertaining 110  
to homeland security or from cooperating with state or federal 111  
immigration services or terrorism investigations, the director 112  
shall certify that the municipal corporation is ineligible to 113  
receive any homeland security funding from the state and shall 114  
notify the general assembly of that ineligibility. That municipal 115  
corporation shall remain ineligible to receive any homeland 116  
security funding from the state until the director certifies that 117  
the ordinance, policy, directive, rule, or resolution has been 118  
repealed. 119

(D)(1) If a local employee states disagreement with, or a critical opinion of, the USA Patriot Act, any federal immigration or terrorism policy, or any executive order of the president of the United States pertaining to homeland security, the statement of disagreement with or critical opinion of the Act or order is not sufficient to qualify for purposes of division (A) of this section as unreasonable noncompliance with a request for assistance made by any federal authorities carrying out the provisions of the USA Patriot Act, any federal immigration or terrorism investigation, or any executive order of the president of the United States pertaining to homeland security.

(2) If a municipal corporation enacts an 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, the statement of the disagreement with, or the critical opinion of, the policy, Act, or order is not sufficient to qualify for purposes of divisions (B), (C), and (D) of this section 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.

(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.

**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:	151
(a) For a felony, six years;	152
(b) For a misdemeanor other than a minor misdemeanor, two years;	153 154
(c) For a minor misdemeanor, six months.	155
(2) There is no period of limitation for the prosecution of a violation of section 2903.01 or 2903.02 of the Revised Code.	156 157
(3) Except as otherwise provided in divisions (B) to (H) of this section, a prosecution of any of the following offenses shall be barred unless it is commenced within twenty years after the offense is committed:	158 159 160 161
(a) A violation of section 2903.03, 2903.04, 2905.01, 2907.02, 2907.03, 2907.04, 2907.05, 2907.21, 2909.02, <u>2909.22,</u> <u>2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29,</u> 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;	162 163 164 165 166 167 168 169
(b) A conspiracy to commit, attempt to commit, or complicity in committing a violation set forth in division (A)(3)(a) of this section.	170 171 172
(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.	173 174 175 176 177 178
(C) If the period of limitation provided in division (A)(1) or (3) of this section has expired, prosecution shall be commenced	179 180

for an offense involving misconduct in office by a public servant 181  
as defined in section 2921.01 of the Revised Code, at any time 182  
while the accused remains a public servant, or within two years 183  
thereafter. 184

(D) An offense is committed when every element of the offense 185  
occurs. In the case of an offense of which an element is a 186  
continuing course of conduct, the period of limitation does not 187  
begin to run until such course of conduct or the accused's 188  
accountability for it terminates, whichever occurs first. 189

(E) A prosecution is commenced on the date an indictment is 190  
returned or an information filed, or on the date a lawful arrest 191  
without a warrant is made, or on the date a warrant, summons, 192  
citation, or other process is issued, whichever occurs first. A 193  
prosecution is not commenced by the return of an indictment or the 194  
filing of an information unless reasonable diligence is exercised 195  
to issue and execute process on the same. A prosecution is not 196  
commenced upon issuance of a warrant, summons, citation, or other 197  
process, unless reasonable diligence is exercised to execute the 198  
same. 199

(F) The period of limitation shall not run during any time 200  
when the corpus delicti remains undiscovered. 201

(G) The period of limitation shall not run during any time 202  
when the accused purposely avoids prosecution. Proof that the 203  
accused departed this state or concealed the accused's identity or 204  
whereabouts is prima-facie evidence of the accused's purpose to 205  
avoid prosecution. 206

(H) The period of limitation shall not run during any time a 207  
prosecution against the accused based on the same conduct is 208  
pending in this state, even though the indictment, information, or 209  
process which commenced the prosecution is quashed or the 210  
proceedings thereon are set aside or reversed on appeal. 211

(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, and that is intended to do one or more of the following:

(1) Intimidate or coerce a civilian population;

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

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

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

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

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

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

(2) A device specifically designed to cause death or other 241  
harm through the toxic properties of a toxic chemical or 242  
precursor identified in division (D)(1) of this section that 243  
would be created or released as a result of the employment of that 244  
device; 245

(3) Any equipment specifically designed for use directly in 246  
connection with the employment of devices identified in division 247  
(D)(2) of this section; 248

(E) "Radiological or nuclear weapon" means any device that is 249  
designed to create or release radiation or radioactivity at a 250  
level that is dangerous to human life or in order to cause serious 251  
physical harm to persons as a result of the radiation or 252  
radioactivity created or released. 253

(F) "Explosive device" has the same meaning as in section 254  
2923.11 of the Revised Code. 255

(G) "Key component of a binary or multicomponent chemical 256  
system" means the precursor that plays the most important role in 257  
determining the toxic properties of the final product and reacts 258  
rapidly with other chemicals in the binary or multicomponent 259  
chemical system. 260

(H) "Material assistance" means any of the following: 261

(1) Membership in an organization on the United States 262  
department of state terrorist exclusion list; 263

(2) Use of the person's position of prominence within any 264  
country to persuade others to support an organization on the 265  
United States department of state terrorist exclusion list; 266

(3) Knowingly soliciting funds or other things of value for 267  
an organization on the United States department of state terrorist 268  
exclusion list; 269

(4) Solicitation of any individual for membership in an 270

<u>organization on the United States department of state terrorist</u>	271
<u>exclusion list;</u>	272
<u>(5) Commission of an act that the person knows, or reasonably</u>	273
<u>should have known, affords material support or resources to an</u>	274
<u>organization on the United States department of state terrorist</u>	275
<u>exclusion list;</u>	276
<u>(6) Hiring or compensating a person known to be a member of</u>	277
<u>an organization on the United States department of state terrorist</u>	278
<u>exclusion list or a person known to be engaged in planning,</u>	279
<u>assisting, or carrying out an act of terrorism.</u>	280
<u>(I) "Material support or resources" means currency, payment</u>	281
<u>instruments, other financial securities, funds, transfer of funds,</u>	282
<u>financial services, communications, lodging, training, safehouses</u>	283
<u>safe houses, false documentation or identification, communications</u>	284
<u>equipment, facilities, weapons, lethal substances, explosives,</u>	285
<u>personnel, transportation, and other physical assets, except</u>	286
<u>medicine or religious materials.</u>	287
<u>(C)(J) "Payment instrument" means a check, draft, money</u>	288
<u>order, traveler's check, cashier's check, teller's check, or other</u>	289
<u>instrument or order for the transmission or payment of money,</u>	290
<u>regardless of whether the item in question is negotiable.</u>	291
<u>(K) "Peace officer" and "prosecutor" have the same meanings</u>	292
<u>as in section 2935.01 of the Revised Code.</u>	293
<u>(L) "Precursor" means any chemical reactant that takes part</u>	294
<u>at any stage in the production by whatever method of a toxic</u>	295
<u>chemical, including any key component of a binary or</u>	296
<u>multicomponent chemical system.</u>	297
<u>(D)(M) "Response costs" means all costs a political</u>	298
<u>subdivision incurs as a result of, or in making any response to, a</u>	299
<u>threat of a specified offense made as described in section 2909.23</u>	300

of the Revised Code or a specified offense committed as described 301  
in section 2909.24 of the Revised Code, including, but not limited 302  
to, all costs so incurred by any law enforcement officers, 303  
firefighters, rescue personnel, or emergency medical services 304  
personnel of the political subdivision and all costs so incurred 305  
by the political subdivision that relate to laboratory testing or 306  
hazardous material cleanup. 307

~~(E)~~(N) "Specified offense" means any of the following: 308

(1) A felony offense of violence, a violation of section 309  
2909.04, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 310  
2909.29, or 2927.24 of the Revised Code, ~~or~~ a felony of the first 311  
degree that is not a violation of any provision in Chapter 2925. 312  
or 3719. of the Revised Code; 313

(2) An attempt to commit, complicity in committing, or a 314  
conspiracy to commit an offense listed in division ~~(E)~~(N)(1) of 315  
this section. 316

(O) "Toxic chemical" means any chemical that through its 317  
chemical action on life processes can cause death or serious 318  
physical harm to persons or animals, regardless of its origin or 319  
of its method of production and regardless of whether it is 320  
produced in facilities, in munitions, or elsewhere. 321

(P) "United States department of state terrorist exclusion 322  
list" means the list compiled by the United States secretary of 323  
state, in consultation with or upon the request of the United 324  
States attorney general, that designates terrorist organizations 325  
for immigration purposes, as authorized by the "Uniting and 326  
Strengthening America by Providing Appropriate Tools Required to 327  
Intercept and Obstruct Terrorism (USA Patriot Act) Act of 2001," 328  
Pub. L. No. 107-056, 115 Stat. 272, as amended. 329

(Q) "Hazardous radioactive substance" means any substance or 330  
item that releases or is designed to release radiation or 331

radioactivity at a level dangerous to human life.

332

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

333

334

335

336

337

338

(B) No person shall knowingly possess any chemical weapon,  
biological weapon, radiological or nuclear weapon, or explosive  
device with intent to use the weapon to do any of the following:

339

340

341

(1) Intimidate or coerce a civilian population;

342

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

343

344

(3) Affect the conduct of any government by murder,  
assassination, or kidnapping.

345

346

(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.

347

348

349

350

351

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.

352

353

354

355

356

(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  
the intent to do any of the following:

357

358

359

360

<u>(1) Intimidate or coerce a civilian population;</u>	361
<u>(2) Influence the policy of any government by intimidation or coercion;</u>	362 363
<u>(3) Affect the conduct of any government by murder, assassination, or kidnapping.</u>	364 365
<u>(C) 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 intent to cause either of the following:</u>	366 367 368 369
<u>(1) Serious physical harm to, or the death of, more than two persons who are not participants in the offense;</u>	370 371
<u>(2) Serious physical harm to, or the death of, another person who is not a participant in the offense.</u>	372 373
<u>(D) 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) or (C) of this section is a felony of the first degree.</u>	374 375 376 377 378
<u>(E)(1) Division (A)(1) of this section does not apply to any person who uses any of the following:</u>	379 380
<u>(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;</u>	381 382 383
<u>(b) A self-defense spray;</u>	384
<u>(c) A chemical weapon used solely for a purpose not prohibited under this section if the type and quantity is consistent with that purpose;</u>	385 386 387
<u>(d) A biological agent, toxin, or delivery system used solely for protective, bona fide research, or other peaceful purposes.</u>	388 389

(2) For purposes of division (E)(1) of this section, "a purpose not prohibited under this section" means any of the following: 390  
391  
392

(a) Any peaceful purpose related to an industrial, agricultural, research, medical, or pharmaceutical activity or other peaceful activity; 393  
394  
395

(b) Any purpose directly related to protection against toxic chemicals and to protection against chemical weapons; 396  
397

(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; 398  
399  
400  
401

(d) Any law enforcement purpose, including any domestic riot control purpose. 402  
403

**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.** 404  
405  
406  
407  
408  
409  
410  
411  
412  
413

(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, with the intent to manufacture a chemical weapon, biological weapon, radiological or 414  
415  
416  
417  
418  
419

nuclear weapon, or explosive device, of a single chemical or 420  
substance that may be used in the manufacture of a chemical 421  
weapon, biological weapon, radiological or nuclear weapon, or 422  
explosive device is sufficient to violate this section. 423

(C) Whoever violates this section is guilty of illegal 424  
assembly or possession of chemicals or substances for the 425  
manufacture of a chemical weapon, biological weapon, radiological 426  
or nuclear weapon, or explosive device. Illegal assembly or 427  
possession of chemicals or substances for the manufacture of a 428  
chemical weapon, biological weapon, radiological or nuclear 429  
weapon, or explosive device is a felony of the fourth degree. 430

**Sec. 2909.29.** (A) No person, knowing that the property 431  
involved in the transaction is the proceeds of an act of terrorism 432  
or a monetary instrument given, received, or intended to be used 433  
in support of an act of terrorism, shall conduct or attempt to 434  
conduct one or more transactions with either of the following: 435

(1) The intent to commit or further the commission of 436  
criminal activity; 437

(2) The intent to conceal or disguise the nature, the 438  
location, the source, the ownership, or the control of either the 439  
proceeds of an act of terrorism or a monetary instrument given, 440  
received, or intended to be used to support an act of terrorism or 441  
the intent to avoid a transaction reporting requirement under 442  
section 1315.53 of the Revised Code or federal law. 443

(B) No person shall transport, transmit, or transfer on one 444  
or more occasion monetary instruments that represent either the 445  
proceeds of an act of terrorism or a monetary instrument given, 446  
received, or intended to be used in support of an act of terrorism 447  
with either of the following: 448

(1) The intent to commit or further the commission of 449

criminal activity; 450

(2) The intent to conceal or disguise the nature, the 451  
location, the source, the ownership, or the control of either the 452  
proceeds of an act of terrorism or a monetary instrument given, 453  
received, or intended to be used to support an act of terrorism or 454  
the intent to avoid a transaction reporting requirement under 455  
section 1315.53 of the Revised Code or federal law. 456

(C)(1) Whoever violates this section is guilty of money 457  
laundering in support of terrorism, and, except as otherwise 458  
provided in division (C)(2), (3), (4), or (5) of this section, 459  
money laundering in support of terrorism is a misdemeanor of the 460  
first degree. 461

(2) A violation of division (A)(1) of this section is a 462  
felony of the fifth degree if the total value of the property 463  
involved in the transaction or transactions equals or exceeds one 464  
thousand dollars and is less than five thousand dollars. A 465  
violation of division (A)(2), (B)(1), or (B)(2) of this section is 466  
a felony of the fifth degree if the total value of the property 467  
involved in the transaction or transactions or monetary instrument 468  
or instruments equals or exceeds two thousand dollars and is less 469  
than five thousand dollars. 470

(3) Money laundering in support of terrorism is a felony of 471  
the fourth degree if the total value of the property involved in 472  
the transaction or transactions or monetary instrument or 473  
instruments equals or exceeds five thousand dollars and is less 474  
than twenty-five thousand dollars. 475

(4) Money laundering in support of terrorism is a felony of 476  
the third degree if the total value of the property involved in 477  
the transaction or transactions or monetary instrument or 478  
instruments equals or exceeds twenty-five thousand dollars and is 479  
less than seventy-five thousand dollars. 480

(5) Money laundering in support of terrorism is a felony of 481  
the second degree if the total value of the property involved in 482  
the transaction or transactions or monetary instrument or 483  
instruments equals or exceeds seventy-five thousand dollars. 484

**Sec. 2909.30.** (A) Any prosecutor or judge of a court of 485  
record shall notify the immigration and customs enforcement 486  
section of the United States department of homeland security when 487  
an alien who is not legally present in the United States has been 488  
convicted of or pleaded guilty to a felony. 489

(B) If the department of rehabilitation and correction has 490  
custody of an alien who is serving a prison term, at least ninety 491  
days before releasing the alien from the department's custody upon 492  
completion of the term or for any other reason or not later than 493  
ten days after learning that the alien is to be released from the 494  
department's custody, whichever is later, the department shall 495  
contact the immigration and customs enforcement section of the 496  
United States department of homeland security and inquire as to 497  
whether the section wishes custody of the alien to be transferred 498  
to the section. 499

(C) The department of rehabilitation and correction, pursuant 500  
to a valid detainer lodged against the alien, shall transfer any 501  
alien who is not legally present in the United States and has been 502  
convicted of or pleaded guilty to a felony to the custody of the 503  
immigration and customs enforcement section of the United States 504  
department of homeland security upon completion of that alien's 505  
prison term. 506

(D) As used in this section, "alien" means an individual who 507  
is not a citizen of the United States. 508

**Sec. 2909.31.** (A) No person who is in or near an airport, 509  
train station, port, or other critical transportation 510

infrastructure site shall refuse to show identification when 511  
requested by a law enforcement officer under circumstances in 512  
which the law enforcement officer is requiring identification of 513  
all similarly situated people. 514

(B) If a person refuses to show identification under the 515  
circumstances described in division (A) of this section, the law 516  
enforcement officer may detain that person at the location or its 517  
immediate vicinity for the purpose of determining the person's 518  
name, address, and date of birth. This division does not limit or 519  
affect any other authority that the officer may have under law to 520  
detain the person for any other reason or for any other length of 521  
time and does not limit or affect any authority that the officer 522  
may have under law to arrest the person. 523

**Sec. 2909.32.** (A)(1) The director of public safety shall 524  
adopt rules in accordance with Chapter 119. of the Revised Code 525  
identifying licenses issued by the state for which the holder of 526  
any of the identified licenses would present a potential risk to 527  
the residents of the state if the applicant has a connection to a 528  
terrorist organization. In no case shall the rules identify a 529  
driver's license or permit as a license of that nature if the 530  
applicant for the license or permit, or for renewal of the license 531  
or permit, is a resident of this state; this restriction does not 532  
apply regarding nonrenewable licenses and temporary residents of 533  
this state who apply for nonrenewable licenses. 534

(2)(a) The director of public safety shall develop a 535  
questionnaire to be used for purposes of this section by 536  
applicants for any license or for renewal of any license 537  
identified by the director pursuant to division (A)(1) of this 538  
section to indicate whether they have provided material assistance 539  
to an organization that is listed on the United States department 540  
of state terrorist exclusion list. The questionnaire shall be 541

substantially in the form set forth in division (A)(2)(b) of this 542  
section and shall be made available to each issuing agency of a 543  
license identified by the director pursuant to division (A)(1) of 544  
this section. The director also shall make available to each 545  
issuing agency of a license identified by the director pursuant to 546  
division (A)(1) of this section a then-current copy of the United 547  
States department of state terrorist exclusion list. Each 548  
applicant for a license identified by the director pursuant to 549  
division (A)(1) of this section shall complete the questionnaire, 550  
and any answer of "yes" to any of the questions shall serve for 551  
purposes of this section as a disclosure by the applicant that the 552  
applicant has provided material assistance to an organization that 553  
is listed on the United States department of state terrorist 554  
exclusion list. 555

(b) The questionnaire required under division (A)(2)(a) of 556  
this section shall be substantially as follows and shall include 557  
the following questions and the associated spaces for answering 558  
the questions: 559

"QUESTIONNAIRE, REGARDING MATERIAL ASSISTANCE 560  
TO TERRORIST ORGANIZATION 561

(1) Are you a member of an organization on the U.S. 562  
Department of State Terrorist Exclusion List? Yes .....; No ..... 563

(2) Have you used any position of prominence you have within 564  
any country to persuade others to support an organization on the 565  
U.S. Department of State Terrorist Exclusion List? Yes .....; No 566  
..... 567

(3) Have you knowingly solicited funds or other things of 568  
value for an organization on the U.S. Department of State 569  
Terrorist Exclusion List? Yes .....; No ..... 570

(4) Have you solicited any individual for membership in an 571  
organization on the U.S. Department of State Terrorist Exclusion 572

<u>List? Yes .....; No .....</u>	573
<u>(5) Have you committed an act that you know, or reasonably</u>	574
<u>should have known, affords "material support or resources" (see</u>	575
<u>below) to an organization on the U.S. Department of State</u>	576
<u>Terrorist Exclusion List? Yes .....; No .....</u>	577
<u>(6) Have you hired or compensated a person known to be a</u>	578
<u>member of an organization on the U.S. Department of State</u>	579
<u>Terrorist Exclusion List or a person known to be engaged in</u>	580
<u>planning, assisting, or carrying out an act of terrorism? Yes</u>	581
<u>.....; No .....</u>	582
<u>For purposes of question 5 on this questionnaire, "material</u>	583
<u>support or resources" means currency, payment instruments, other</u>	584
<u>financial securities, funds, transfer of funds, financial</u>	585
<u>services, communications, lodging, training, safe houses, false</u>	586
<u>documentation or identification, communications equipment,</u>	587
<u>facilities, weapons, lethal substances, explosives, personnel,</u>	588
<u>transportation, and other physical assets, except medicine or</u>	589
<u>religious materials."</u>	590
<u>(B) All applicants for any license or for renewal of any</u>	591
<u>license identified by the director of public safety pursuant to</u>	592
<u>division (A)(1) of this section shall answer each question on the</u>	593
<u>questionnaire developed by the director of public safety under</u>	594
<u>division (A)(2) of this section and shall attach the completed</u>	595
<u>questionnaire to the application for the license or for renewal of</u>	596
<u>the license that the person submits. Any answer of "yes" to any of</u>	597
<u>the questions shall serve for purposes of this section as a</u>	598
<u>disclosure by the applicant that the applicant has provided</u>	599
<u>material assistance to an organization that is listed on the</u>	600
<u>United States department of state terrorist exclusion list.</u>	601
<u>(C) Subject to division (D) of this section, any person who</u>	602
<u>discloses in an application for a license, or for renewal of a</u>	603

license, identified pursuant to division (A)(1) of this section  
the provision of material assistance to any organization listed on  
the United States department of state terrorist exclusion list  
shall be denied the license or the renewal of the license.

604  
605  
606  
607

(D) The department of public safety, upon an applicant's  
request, shall review, within thirty days of the request, the  
denial of a license or renewal of a license pursuant to division  
(C) of this section and shall reinstate the license application  
for good cause if the department determines all of the following:

608  
609  
610  
611  
612

(1) Either of the following:

613

(a) That the applicant's provision of material assistance to  
the organization that is listed on the United States department of  
state terrorist exclusion list that was disclosed in the  
application occurred more than ten years prior to the applicant's  
making of the application;

614  
615  
616  
617  
618

(b) That, at the time of the applicant's provision of  
material assistance to the organization that is listed on the  
United States department of state terrorist exclusion list that  
was disclosed in the application, the organization was not on that  
terrorist exclusion list if the list was in existence at that time  
or, if the list was not in existence at that time, the  
organization was not involved in any activity or conduct that  
would have merited the inclusion of the organization on that list  
had it been in existence at that time.

619  
620  
621  
622  
623  
624  
625  
626  
627

(2) That, within the period commencing on the date ten years  
prior to the applicant's making of the application and ending on  
the date on which the department conducts the review, the  
applicant has not provided material assistance to any organization  
that was listed on the United States department of state terrorist  
exclusion list or, regarding any time during that period during  
which that terrorist exclusion list was not in existence, to any

628  
629  
630  
631  
632  
633  
634

organization that was involved in any activity or conduct that 635  
would have merited the inclusion of the organization on that list 636  
had it been in existence at that time; 637

(3) That it is unlikely that, in the future, the applicant 638  
will provide material assistance to any organization that is 639  
listed on the United States department of state terrorist 640  
exclusion list; 641

(4) That the applicant does not pose a risk to the residents 642  
of the state. 643

(E) The failure of an applicant for a license identified 644  
pursuant to division (A)(1) of this section to complete and attach 645  
to the application the questionnaire described in division (A)(2) 646  
of this section, the failure to disclose in an application for the 647  
license or for the renewal of the license any material assistance 648  
to any organization listed on the United States department of 649  
state terrorist exclusion list, or the making of false statements 650  
regarding any material assistance to any organization listed on 651  
the United States department of state terrorist exclusion list 652  
shall result in the denial of the application and in the 653  
revocation of the person's license. 654

(F) The failure of an applicant for a license identified 655  
pursuant to division (A)(1) of this section to disclose in an 656  
application for the license or for the renewal of the license any 657  
material assistance to any organization listed on the United 658  
States department of state terrorist exclusion list or the making 659  
of false statements regarding any material assistance to any 660  
organization listed on the United States department of state 661  
terrorist exclusion list is a felony of the fifth degree. 662

(G)(1) Any issuing agency of a license identified by the 663  
director of public safety pursuant to division (A)(1) of this 664  
section shall include in the agency's application form a copy of 665

the questionnaire developed by the director of public safety under 666  
division (A)(2) of this section and a then-current copy of the 667  
United States department of state terrorist exclusion list and 668  
shall inform persons who are completing the application that they 669  
must truthfully answer each question on the questionnaire. 670

(2) The issuing agency shall notify the department of public 671  
safety if it denies an application for a license, or for the 672  
renewal of a license, identified pursuant to division (A)(1) of 673  
this section, because the person disclosed in the application 674  
material assistance to an organization that is listed on the 675  
United States department of state terrorist exclusion list. 676

**Sec. 2909.33.** (A) The director of public safety shall develop 677  
a questionnaire to be used for purposes of this section by the 678  
state, instrumentalities of the state, and political subdivisions 679  
of the state in determining whether any person, company, 680  
affiliated group, or organization with which the state, 681  
instrumentality, or political subdivision might conduct business 682  
or provide funding, or any person who holds, owns, or otherwise 683  
has a controlling interest in a company, affiliated group, or 684  
organization and with whom the state, instrumentality, or 685  
political subdivision might conduct business or provide funding, 686  
has provided material assistance to an organization that is listed 687  
on the United States department of state terrorist exclusion list. 688  
The questionnaire required under this division shall be 689  
substantially in the form set forth in division (A)(2)(b) of 690  
section 2909.32 of the Revised Code, shall include the questions 691  
described in that division and the associated spaces for answering 692  
the questions, and shall be made available to the state, 693  
instrumentalities of the state, and political subdivisions of the 694  
state. The director also shall make available to the state, 695  
instrumentalities of the state, and political subdivisions of the 696  
state a then-current copy of the United States department of state 697

terrorist exclusion list. The questionnaire and a then-current 698  
copy of the United States department of state terrorist exclusion 699  
list shall be provided to each person, company, affiliated group, 700  
or organization, and each person who holds, owns, or otherwise has 701  
a controlling interest in a company, affiliated group, or 702  
organization, with which the state, instrumentality, or political 703  
subdivision might conduct business or provide funding before the 704  
state, instrumentality, or political subdivision conducts the 705  
business or provides the funding. 706

Each person, company, affiliated group, or organization with 707  
which the state, instrumentality, or political subdivision might 708  
conduct business or provide funding, and each person who holds, 709  
owns, or otherwise has a controlling interest in a company, 710  
affiliated group, or organization and with whom the state, 711  
instrumentality, or political subdivision might conduct business 712  
or provide funding, and that is provided a copy of the 713  
questionnaire under this division shall complete the 714  
questionnaire, and any answer of "yes" to any of the questions 715  
shall serve for purposes of this section as a disclosure by the 716  
person, company, affiliated group, or organization that the 717  
person, company, affiliated group, or organization has provided 718  
material assistance to an organization that is listed on the 719  
United States department of state terrorist exclusion list. 720

(B) Subject to divisions (C) and (D) of this section, no 721  
state instrumentality or political subdivision of the state shall 722  
conduct any business with or provide funding to any person, 723  
company, affiliated group, or organization that provides material 724  
assistance to any organization listed on the United States 725  
department of state terrorist exclusion list or conduct any 726  
business with or provide funding to any person who holds, owns, or 727  
otherwise has a controlling interest in a company, affiliated 728

group, or organization that provides material assistance to any 729  
organization on the United States department of state terrorist 730  
exclusion list. 731

(C) Subject to division (D) of this section, any person, 732  
company, affiliated group, or organization, and any person who 733  
holds, owns, or otherwise has a controlling interest in a company, 734  
affiliated group, or organization, that conducts any business with 735  
or receives funding from the state, an instrumentality of the 736  
state, or a political subdivision of the state and that provides 737  
material assistance to any organization listed on the United 738  
States department of state terrorist exclusion list shall be 739  
prohibited from conducting any business with or receiving funding 740  
from the state, an instrumentality of the state, or a political 741  
subdivision of the state for a period of five years. 742

(D) The department of public safety, upon the request of any 743  
person, company, affiliated group, or organization that discloses 744  
in a questionnaire provided under division (A) of this section 745  
that the person, company, affiliated group, or organization, or 746  
the company, affiliated group, or organization in which the person 747  
holds, owns, or otherwise has a controlling interest, has provided 748  
material assistance to an organization that is listed on the 749  
United States department of state terrorist exclusion list, shall 750  
review, within thirty days of the request, whether the 751  
restrictions set forth in divisions (B) and (C) of this section 752  
should apply to the person, company, affiliated group, or 753  
organization and shall order that those restrictions do not apply 754  
to the person, company, affiliated group, or organization if the 755  
department determines all of the following: 756

(1) Either of the following: 757

(a) That the person's, company's, affiliated group's, or 758  
organization's provision of material assistance to the 759

organization that is listed on the United States department of  
state terrorist exclusion list that was disclosed in the  
questionnaire occurred more than ten years prior to the person's,  
company's, affiliated group's, or organization's completion of the  
questionnaire;

760  
761  
762  
763  
764

(b) That, at the time of the person's, company's, affiliated  
group's, or organization's provision of material assistance to the  
organization that is listed on the United States department of  
state terrorist exclusion list that was disclosed in the  
application, the organization was not on that terrorist exclusion  
list if the list was in existence at that time or, if the list was  
not in existence at that time, the organization was not involved  
in any activity or conduct that would have merited the inclusion  
of the organization on that list had it been in existence at that  
time.

765  
766  
767  
768  
769  
770  
771  
772  
773  
774

(2) That, within the period commencing on the date ten years  
prior to the person's, company's, affiliated group's, or  
organization's completion of the questionnaire and ending on the  
date on which the department conducts the review, the person,  
company, affiliated group, or organization has not provided  
material assistance to any organization that was listed on the  
United States department of state terrorist exclusion list or,  
regarding any time during that period during which that terrorist  
exclusion list was not in existence, to any organization that was  
involved in any activity or conduct that would have merited the  
inclusion of the organization on that list had it been in  
existence at that time;

775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786

(3) That it is unlikely that, in the future, the person,  
company, affiliated group, or organization will provide material  
assistance to any organization that is listed on the United States  
department of state terrorist exclusion list;

787  
788  
789  
790

(4) That the person, company, affiliated group, or organization does not pose a risk to the residents of the state. 791  
792

(E)(1) Any person, company, affiliated group, or organization, and any person who holds, owns, or otherwise has a controlling interest in a company, affiliated group, or organization, that conducts any business with or receives funding in an amount greater than twenty-five thousand dollars annually from the state, an instrumentality of the state, or a political subdivision of the state, not including any amount of a personal benefit, shall first certify that the person, company, affiliated group, or organization does not provide material assistance to any organization on the United States department of state terrorist exclusion list. The certification may be made by the completion of the questionnaire provided under division (A) of this section, in accordance with that division. 793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805

(2) Any person, company, affiliated group, or organization, and any person who holds, owns, or otherwise has a controlling interest in a company, affiliated group, or organization, that conducts any business with or receives funding from the state, an instrumentality of the state, or a political subdivision of the state that makes a false certification that it does not provide material assistance to any organization listed on the United States department of state terrorist exclusion list shall be permanently banned from conducting business with or receiving funding from the state, an instrumentality of the state, or a political subdivision of the state and is guilty of a misdemeanor of the first degree. 806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817

(F) Division (B) of this section does not apply to any investment in any company that is publicly traded in any United States market and does not prohibit, limit, or restrict a state instrumentality or political subdivision of this state from investing in any company that is publicly traded in any United 818  
819  
820  
821  
822

States market. The investment by the state, an instrumentality of 823  
the state, or a political subdivision of the state in a company 824  
that is publicly traded in any United States market shall not be 825  
considered for purposes of division (C) of this section as the 826  
state, the instrumentality, or the political subdivision 827  
conducting business with or providing funding to the company. 828

(G) As used in this section, "personal benefit" means money, 829  
goods, services, or other things of value provided by the United 830  
States, the state, or a political subdivision of the state to 831  
which the recipient is entitled by reason of age, medical 832  
condition, or financial need by an act of congress or by 833  
regulations adopted pursuant to an act of congress. 834

**Sec. 2909.34.** (A) The director of public safety shall develop 835  
a questionnaire to be used for purposes of this section by the 836  
state, instrumentalities of the state, and political subdivisions 837  
of the state in determining whether any potential employee has 838  
provided material assistance to an organization that is listed on 839  
the United States department of state terrorist exclusion list. 840  
The questionnaire required under this division shall be 841  
substantially in the form set forth in division (A)(2)(b) of 842  
section 2909.32 of the Revised Code, shall include the questions 843  
described in that division and the associated spaces for answering 844  
the questions, and shall be made available to the state, 845  
instrumentalities of the state, and political subdivisions of the 846  
state. The director also shall make available to the state, 847  
instrumentalities of the state, and political subdivisions of the 848  
state a then-current copy of the United States department of state 849  
terrorist exclusion list. The questionnaire and a then-current 850  
copy of the United States department of state terrorist exclusion 851  
list shall be provided to each person under final consideration 852  
for employment with the state, a state instrumentality, or a 853

political subdivision before the person is employed by the state, 854  
instrumentality, or political subdivision. 855

(B) Each person under final consideration for employment with 856  
the state, a state instrumentality, or a political subdivision of 857  
the state who is provided a copy of the questionnaire under 858  
division (A) of this section shall complete the questionnaire, and 859  
any answer of "yes" to any of the questions shall be considered a 860  
disclosure by the person that the person has provided material 861  
assistance to an organization that is listed on the United States 862  
department of state terrorist exclusion list. 863

(C) Subject to division (D) of this section, if a person 864  
under final consideration for employment with the state, a state 865  
instrumentality, or a political subdivision of the state discloses 866  
on the questionnaire provided under division (A) of this section 867  
the provision of material assistance to an organization that is 868  
listed on the United States department of state terrorist 869  
exclusion list, the state, state instrumentality, or political 870  
subdivision shall not employ the person. 871

(D) The department of public safety, upon the request of a 872  
person who has been denied employment under division (C) of this 873  
section, shall review within thirty days of the request the denial 874  
of employment and shall void the denial required under division 875  
(C) of this section for good cause if the department determines 876  
all of the following: 877

(1) Either of the following: 878

(a) That the person's provision of material assistance to the 879  
organization that is listed on the United States department of 880  
state terrorist exclusion list that was disclosed in the 881  
questionnaire occurred more than ten years prior to the person's 882  
completion of the questionnaire; 883

(b) That, at the time of the person's provision of material assistance to the organization that is listed on the United States department of state terrorist exclusion list that was disclosed in the application, the organization was not on that terrorist exclusion list if the list was in existence at that time or, if the list was not in existence at that time, the organization was not involved in any activity or conduct that would have merited the inclusion of the organization on that list had it been in existence at that time. 884  
885  
886  
887  
888  
889  
890  
891  
892

(2) That, within the period commencing on the date ten years prior to the person's completion of the questionnaire and ending on the date on which the department conducts the review, the person has not provided material assistance to any organization that was listed on the United States department of state terrorist exclusion list or, regarding any time during that period during which that terrorist exclusion list was not in existence, to any organization that was involved in any activity or conduct that would have merited the inclusion of the organization on that list had it been in existence at that time; 893  
894  
895  
896  
897  
898  
899  
900  
901  
902

(3) That it is unlikely that, in the future, the person will provide material assistance to any organization that is listed on the United States department of state terrorist exclusion list; 903  
904  
905

(4) That the person does not pose a risk to the residents of the state. 906  
907

**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: 908  
909  
910  
911

(1) The person is committing, has committed, or is about to commit a criminal offense. 912  
913

<u>(2) The person witnessed any of the following:</u>	914
<u>(a) An offense of violence that would constitute a felony under the laws of this state;</u>	915 916
<u>(b) A felony offense that causes or results in, or creates a substantial risk of, serious physical harm to another person or to property;</u>	917 918 919
<u>(c) Any attempt or conspiracy to commit, or complicity in committing, any offense identified in division (A)(2)(a) or (b) of this section;</u>	920 921 922
<u>(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.</u>	923 924 925 926
<u>(B) Whoever violates this section is guilty of failure to disclose one's personal information, a misdemeanor of the fourth degree.</u>	927 928 929
<u>(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.</u>	930 931 932 933 934
<b>Sec. 2923.31.</b> As used in sections 2923.31 to 2923.36 of the Revised Code:	935 936
(A) "Beneficial interest" means any of the following:	937
(1) The interest of a person as a beneficiary under a trust in which the trustee holds title to personal or real property;	938 939
(2) The interest of a person as a beneficiary under any other trust arrangement under which any other person holds title to personal or real property for the benefit of such person;	940 941 942

(3) The interest of a person under any other form of express 943  
fiduciary arrangement under which any other person holds title to 944  
personal or real property for the benefit of such person. 945

"Beneficial interest" does not include the interest of a 946  
stockholder in a corporation or the interest of a partner in 947  
either a general or limited partnership. 948

(B) "Costs of investigation and prosecution" and "costs of 949  
investigation and litigation" mean all of the costs incurred by 950  
the state or a county or municipal corporation under sections 951  
2923.31 to 2923.36 of the Revised Code in the prosecution and 952  
investigation of any criminal action or in the litigation and 953  
investigation of any civil action, and includes, but is not 954  
limited to, the costs of resources and personnel. 955

(C) "Enterprise" includes any individual, sole 956  
proprietorship, partnership, limited partnership, corporation, 957  
trust, union, government agency, or other legal entity, or any 958  
organization, association, or group of persons associated in fact 959  
although not a legal entity. "Enterprise" includes illicit as well 960  
as licit enterprises. 961

(D) "Innocent person" includes any bona fide purchaser of 962  
property that is allegedly involved in a violation of section 963  
2923.32 of the Revised Code, including any person who establishes 964  
a valid claim to or interest in the property in accordance with 965  
division (E) of section 2923.32 of the Revised Code, and any 966  
victim of an alleged violation of that section or of any 967  
underlying offense involved in an alleged violation of that 968  
section. 969

(E) "Pattern of corrupt activity" means two or more incidents 970  
of corrupt activity, whether or not there has been a prior 971  
conviction, that are related to the affairs of the same 972  
enterprise, are not isolated, and are not so closely related to 973

each other and connected in time and place that they constitute a 974  
single event. 975

At least one of the incidents forming the pattern shall occur 976  
on or after January 1, 1986. Unless any incident was an aggravated 977  
murder or murder, the last of the incidents forming the pattern 978  
shall occur within six years after the commission of any prior 979  
incident forming the pattern, excluding any period of imprisonment 980  
served by any person engaging in the corrupt activity. 981

For the purposes of the criminal penalties that may be 982  
imposed pursuant to section 2923.32 of the Revised Code, at least 983  
one of the incidents forming the pattern shall constitute a felony 984  
under the laws of this state in existence at the time it was 985  
committed or, if committed in violation of the laws of the United 986  
States or of any other state, shall constitute a felony under the 987  
law of the United States or the other state and would be a 988  
criminal offense under the law of this state if committed in this 989  
state. 990

(F) "Pecuniary value" means money, a negotiable instrument, a 991  
commercial interest, or anything of value, as defined in section 992  
1.03 of the Revised Code, or any other property or service that 993  
has a value in excess of one hundred dollars. 994

(G) "Person" means any person, as defined in section 1.59 of 995  
the Revised Code, and any governmental officer, employee, or 996  
entity. 997

(H) "Personal property" means any personal property, any 998  
interest in personal property, or any right, including, but not 999  
limited to, bank accounts, debts, corporate stocks, patents, or 1000  
copyrights. Personal property and any beneficial interest in 1001  
personal property are deemed to be located where the trustee of 1002  
the property, the personal property, or the instrument evidencing 1003  
the right is located. 1004

(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, 1036  
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 1037  
of the Revised Code, any violation of section 2925.11 of the 1038  
Revised Code that is a felony of the first, second, third, or 1039  
fourth degree and that occurs on or after July 1, 1996, any 1040  
violation of section 2915.02 of the Revised Code that occurred 1041  
prior to July 1, 1996, any violation of section 2915.02 of the 1042  
Revised Code that occurs on or after July 1, 1996, and that, had 1043  
it occurred prior to that date, would not have been a violation of 1044  
section 3769.11 of the Revised Code as it existed prior to that 1045  
date, any violation of section 2915.06 of the Revised Code as it 1046  
existed prior to July 1, 1996, or any violation of division (B) of 1047  
section 2915.05 of the Revised Code as it exists on and after July 1048  
1, 1996, when the proceeds of the violation, the payments made in 1049  
the violation, the amount of a claim for payment or for any other 1050  
benefit that is false or deceptive and that is involved in the 1051  
violation, or the value of the contraband or other property 1052  
illegally possessed, sold, or purchased in the violation exceeds 1053  
five hundred dollars, or any combination of violations described 1054  
in division (I)(2)(c) of this section when the total proceeds of 1055  
the combination of violations, payments made in the combination of 1056  
violations, amount of the claims for payment or for other benefits 1057  
that is false or deceptive and that is involved in the combination 1058  
of violations, or value of the contraband or other property 1059  
illegally possessed, sold, or purchased in the combination of 1060  
violations exceeds five hundred dollars; 1061

(d) Any violation of section 5743.112 of the Revised Code 1062  
when the amount of unpaid tax exceeds one hundred dollars; 1063

(e) Any violation or combination of violations of section 1064  
2907.32 of the Revised Code involving any material or performance 1065  
containing a display of bestiality or of sexual conduct, as 1066  
defined in section 2907.01 of the Revised Code, that is explicit 1067

and depicted with clearly visible penetration of the genitals or 1068  
clearly visible penetration by the penis of any orifice when the 1069  
total proceeds of the violation or combination of violations, the 1070  
payments made in the violation or combination of violations, or 1071  
the value of the contraband or other property illegally possessed, 1072  
sold, or purchased in the violation or combination of violations 1073  
exceeds five hundred dollars; 1074

(f) Any combination of violations described in division 1075  
(I)(2)(c) of this section and violations of section 2907.32 of the 1076  
Revised Code involving any material or performance containing a 1077  
display of bestiality or of sexual conduct, as defined in section 1078  
2907.01 of the Revised Code, that is explicit and depicted with 1079  
clearly visible penetration of the genitals or clearly visible 1080  
penetration by the penis of any orifice when the total proceeds of 1081  
the combination of violations, payments made in the combination of 1082  
violations, amount of the claims for payment or for other benefits 1083  
that is false or deceptive and that is involved in the combination 1084  
of violations, or value of the contraband or other property 1085  
illegally possessed, sold, or purchased in the combination of 1086  
violations exceeds five hundred dollars. 1087

(3) Conduct constituting a violation of any law of any state 1088  
other than this state that is substantially similar to the conduct 1089  
described in division (I)(2) of this section, provided the 1090  
defendant was convicted of the conduct in a criminal proceeding in 1091  
the other state; 1092

(4) Animal or ecological terrorism. 1093

(J) "Real property" means any real property or any interest 1094  
in real property, including, but not limited to, any lease of, or 1095  
mortgage upon, real property. Real property and any beneficial 1096  
interest in it is deemed to be located where the real property is 1097  
located. 1098

(K) "Trustee" means any of the following: 1099

(1) Any person acting as trustee under a trust in which the 1100  
trustee holds title to personal or real property; 1101

(2) Any person who holds title to personal or real property 1102  
for which any other person has a beneficial interest; 1103

(3) Any successor trustee. 1104

"Trustee" does not include an assignee or trustee for an 1105  
insolvent debtor or an executor, administrator, administrator with 1106  
the will annexed, testamentary trustee, guardian, or committee, 1107  
appointed by, under the control of, or accountable to a court. 1108

(L) "Unlawful debt" means any money or other thing of value 1109  
constituting principal or interest of a debt that is legally 1110  
unenforceable in this state in whole or in part because the debt 1111  
was incurred or contracted in violation of any federal or state 1112  
law relating to the business of gambling activity or relating to 1113  
the business of lending money at an usurious rate unless the 1114  
creditor proves, by a preponderance of the evidence, that the 1115  
usurious rate was not intentionally set and that it resulted from 1116  
a good faith error by the creditor, notwithstanding the 1117  
maintenance of procedures that were adopted by the creditor to 1118  
avoid an error of that nature. 1119

(M) "Animal activity" means any activity that involves the 1120  
use of animals or animal parts, including, but not limited to, 1121  
hunting, fishing, trapping, traveling, camping, the production, 1122  
preparation, or processing of food or food products, clothing or 1123  
garment manufacturing, medical research, other research, 1124  
entertainment, recreation, agriculture, biotechnology, or service 1125  
activity that involves the use of animals or animal parts. 1126

(N) "Animal facility" means a vehicle, building, structure, 1127  
nature preserve, or other premises in which an animal is lawfully 1128

kept, handled, housed, exhibited, bred, or offered for sale, 1129  
including, but not limited to, a zoo, rodeo, circus, amusement 1130  
park, hunting preserve, or premises in which a horse or dog event 1131  
is held. 1132

(O) "Animal or ecological terrorism" means the commission of 1133  
any felony that involves causing or creating a substantial risk of 1134  
physical harm to any property of another, the use of a deadly 1135  
weapon or dangerous ordnance, or purposely, knowingly, or 1136  
recklessly causing serious physical harm to property and that 1137  
involves an intent to obstruct, impede, or deter any person from 1138  
participating in a lawful animal activity, from mining, foresting, 1139  
harvesting, gathering, or processing natural resources, or from 1140  
being lawfully present in or on an animal facility or research 1141  
facility. 1142

(P) "Research facility" means a place, laboratory, 1143  
institution, medical care facility, government facility, or public 1144  
or private educational institution in which a scientific test, 1145  
experiment, or investigation involving the use of animals or other 1146  
living organisms is lawfully carried out, conducted, or attempted. 1147

**Sec. 2933.51.** As used in sections 2933.51 to 2933.66 of the 1148  
Revised Code: 1149

(A) "Wire communication" means an aural transfer that is made 1150  
in whole or in part through the use of facilities for the 1151  
transmission of communications by the aid of wires or similar 1152  
methods of connecting the point of origin of the communication and 1153  
the point of reception of the communication, including the use of 1154  
a method of connecting the point of origin and the point of 1155  
reception of the communication in a switching station, if the 1156  
facilities are furnished or operated by a person engaged in 1157  
providing or operating the facilities for the transmission of 1158  
communications. "Wire communication" includes an electronic 1159

storage of a wire communication. 1160

(B) "Oral communication" means an oral communication uttered 1161  
by a person exhibiting an expectation that the communication is 1162  
not subject to interception under circumstances justifying that 1163  
expectation. "Oral communication" does not include an electronic 1164  
communication. 1165

(C) "Intercept" means the aural or other acquisition of the 1166  
contents of any wire, oral, or electronic communication through 1167  
the use of an interception device. 1168

(D) "Interception device" means an electronic, mechanical, or 1169  
other device or apparatus that can be used to intercept a wire, 1170  
oral, or electronic communication. "Interception device" does not 1171  
mean any of the following: 1172

(1) A telephone or telegraph instrument, equipment, or 1173  
facility, or any of its components, if the instrument, equipment, 1174  
facility, or component is any of the following: 1175

(a) Furnished to the subscriber or user by a provider of wire 1176  
or electronic communication service in the ordinary course of its 1177  
business and being used by the subscriber or user in the ordinary 1178  
course of its business; 1179

(b) Furnished by a subscriber or user for connection to the 1180  
facilities of a provider of wire or electronic communication 1181  
service and used in the ordinary course of that subscriber's or 1182  
user's business; 1183

(c) Being used by a provider of wire or electronic 1184  
communication service in the ordinary course of its business or by 1185  
an investigative or law enforcement officer in the ordinary course 1186  
of the officer's duties that do not involve the interception of 1187  
wire, oral, or electronic communications. 1188

(2) A hearing aid or similar device being used to correct 1189

subnormal hearing to not better than normal.	1190
(E) "Investigative officer" means any of the following:	1191
(1) An officer of this state or a political subdivision of this state, who is empowered by law to conduct investigations or to make arrests for a designated offense;	1192 1193 1194
(2) A person described in divisions (A)(11)(a) and (b) of section 2901.01 of the Revised Code;	1195 1196
(3) An attorney authorized by law to prosecute or participate in the prosecution of a designated offense;	1197 1198
(4) A secret service officer appointed pursuant to section 309.07 of the Revised Code;	1199 1200
(5) An officer of the United States, a state, or a political subdivision of a state who is authorized to conduct investigations pursuant to the "Electronic Communications Privacy Act of 1986," 100 Stat. 1848-1857, 18 U.S.C. 2510-2521 (1986), as amended.	1201 1202 1203 1204
(F) "Interception warrant" means a court order that authorizes the interception of wire, oral, or electronic communications and that is issued pursuant to sections 2933.53 to 2933.56 of the Revised Code.	1205 1206 1207 1208
(G) "Contents," when used with respect to a wire, oral, or electronic communication, includes any information concerning the substance, purport, or meaning of the communication.	1209 1210 1211
(H) "Communications common carrier" means a person who is engaged as a common carrier for hire in intrastate, interstate, or foreign communications by wire, radio, or radio transmission of energy. "Communications common carrier" does not include, to the extent that the person is engaged in radio broadcasting, a person engaged in radio broadcasting.	1212 1213 1214 1215 1216 1217
(I) "Designated offense" means any of the following:	1218

(1) A felony violation of section 1315.53, 1315.55, 2903.01, 1219  
2903.02, 2903.11, 2905.01, 2905.02, 2905.11, 2905.22, 2907.02, 1220  
2907.21, 2907.22, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 1221  
2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 1222  
2911.11, 2911.12, 2913.02, 2913.04, 2913.42, 2913.51, 2915.02, 1223  
2915.03, 2917.01, 2917.02, 2921.02, 2921.03, 2921.04, 2921.32, 1224  
2921.34, 2923.20, 2923.32, 2925.03, 2925.04, 2925.05, or 2925.06 1225  
or of division (B) of section 2915.05 of the Revised Code; 1226

(2) A violation of section 2919.23 of the Revised Code that, 1227  
had it occurred prior to July 1, 1996, would have been a violation 1228  
of section 2905.04 of the Revised Code as it existed prior to that 1229  
date; 1230

(3) A felony violation of section 2925.11 of the Revised Code 1231  
that is not a minor drug possession offense, as defined in section 1232  
2925.01 of the Revised Code; 1233

(4) Complicity in the commission of a felony violation of a 1234  
section listed in division (I)(1), (2), or (3) of this section; 1235

(5) An attempt to commit, or conspiracy in the commission of, 1236  
a felony violation of a section listed in division (I)(1), (2), or 1237  
(3) of this section, if the attempt or conspiracy is punishable by 1238  
a term of imprisonment of more than one year. 1239

(J) "Aggrieved person" means a person who was a party to an 1240  
intercepted wire, oral, or electronic communication or a person 1241  
against whom the interception of the communication was directed. 1242

(K) "Person" means a person, as defined in section 1.59 of 1243  
the Revised Code, or a governmental officer, employee, or entity. 1244

(L) "Special need" means a showing that a licensed physician, 1245  
licensed practicing psychologist, attorney, practicing cleric, 1246  
journalist, or either spouse is personally engaging in continuing 1247  
criminal activity, was engaged in continuing criminal activity 1248

over a period of time, or is committing, has committed, or is  
about to commit, a designated offense, or a showing that specified  
public facilities are being regularly used by someone who is  
personally engaging in continuing criminal activity, was engaged  
in continuing criminal activity over a period of time, or is  
committing, has committed, or is about to commit, a designated  
offense.

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

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

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

(1) A wire or oral communication;

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

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

(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 1279  
storage of electronic communications. 1280

(Q) "Electronic communication service" means a service that 1281  
provides to users of the service the ability to send or receive 1282  
wire or electronic communications. 1283

(R) "Readily accessible to the general public" means, with 1284  
respect to a radio communication, that the communication is none 1285  
of the following: 1286

(1) Scrambled or encrypted; 1287

(2) Transmitted using a modulation technique, the essential 1288  
parameters of which have been withheld from the public with the 1289  
intention of preserving the privacy of the communication; 1290

(3) Carried on a subcarrier or other signal subsidiary to a 1291  
radio transmission; 1292

(4) Transmitted over a communications system provided by a 1293  
communications common carrier, unless the communication is a 1294  
tone-only paging system communication; 1295

(5) Transmitted on a frequency allocated under part 25, 1296  
subpart D, E, or F of part 74, or part 94 of the Rules of the 1297  
Federal Communications Commission, as those provisions existed on 1298  
July 1, 1996, unless, in the case of a communication transmitted 1299  
on a frequency allocated under part 74 that is not exclusively 1300  
allocated to broadcast auxiliary services, the communication is a 1301  
two-way voice communication by radio. 1302

(S) "Electronic storage" means a temporary, intermediate 1303  
storage of a wire or electronic communication that is incidental 1304  
to the electronic transmission of the communication, and a storage 1305  
of a wire or electronic communication by an electronic 1306  
communication service for the purpose of backup protection of the 1307  
communication. 1308

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

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

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

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

**Sec. 2935.03.** (A)(1) A sheriff, deputy sheriff, marshal, deputy marshal, municipal police officer, township constable, police officer of a township or joint township police district, member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code, state university law enforcement officer appointed under section 3345.04 of the Revised Code, veterans' home police officer appointed under section 5907.02 of the Revised Code, special police officer employed by a port authority under section 4582.04

or 4582.28 of the Revised Code, or a special police officer 1340  
employed by a municipal corporation at a municipal airport, or 1341  
other municipal air navigation facility, that has scheduled 1342  
operations, as defined in section 119.3 of Title 14 of the Code of 1343  
Federal Regulations, 14 C.F.R. 119.3, as amended, and that is 1344  
required to be under a security program and is governed by 1345  
aviation security rules of the transportation security 1346  
administration of the United States department of transportation 1347  
as provided in Parts 1542. and 1544. of Title 49 of the Code of 1348  
Federal Regulations, as amended, shall arrest and detain, until a 1349  
warrant can be obtained, a person found violating, within the 1350  
limits of the political subdivision, metropolitan housing 1351  
authority housing project, regional transit authority facilities 1352  
or areas of a municipal corporation that have been agreed to by a 1353  
regional transit authority and a municipal corporation located 1354  
within its territorial jurisdiction, college, university, 1355  
veterans' home operated under Chapter 5907. of the Revised Code, 1356  
port authority, or municipal airport or other municipal air 1357  
navigation facility, in which the peace officer is appointed, 1358  
employed, or elected, a law of this state, an ordinance of a 1359  
municipal corporation, or a resolution of a township. 1360

(2) A peace officer of the department of natural resources or 1361  
an individual designated to perform law enforcement duties under 1362  
section 511.232, 1545.13, or 6101.75 of the Revised Code shall 1363  
arrest and detain, until a warrant can be obtained, a person found 1364  
violating, within the limits of the peace officer's or 1365  
individual's territorial jurisdiction, a law of this state. 1366

(3) The house sergeant at arms if the house sergeant at arms 1367  
has arrest authority pursuant to division (E)(1) of section 1368  
101.311 of the Revised Code and an assistant house sergeant at 1369  
arms shall arrest and detain, until a warrant can be obtained, a 1370  
person found violating, within the limits of the sergeant at 1371

arms's or assistant sergeant at arms's territorial jurisdiction 1372  
specified in division (D)(1)(a) of section 101.311 of the Revised 1373  
Code or while providing security pursuant to division (D)(1)(f) of 1374  
section 101.311 of the Revised Code, a law of this state, an 1375  
ordinance of a municipal corporation, or a resolution of a 1376  
township. 1377

(B)(1) When there is reasonable ground to believe that an 1378  
offense of violence, the offense of criminal child enticement as 1379  
defined in section 2905.05 of the Revised Code, the offense of 1380  
public indecency as defined in section 2907.09 of the Revised 1381  
Code, the offense of domestic violence as defined in section 1382  
2919.25 of the Revised Code, the offense of violating a protection 1383  
order as defined in section 2919.27 of the Revised Code, the 1384  
offense of menacing by stalking as defined in section 2903.211 of 1385  
the Revised Code, the offense of aggravated trespass as defined in 1386  
section 2911.211 of the Revised Code, a theft offense as defined 1387  
in section 2913.01 of the Revised Code, or a felony drug abuse 1388  
offense as defined in section 2925.01 of the Revised Code, has 1389  
been committed within the limits of the political subdivision, 1390  
metropolitan housing authority housing project, regional transit 1391  
authority facilities or those areas of a municipal corporation 1392  
that have been agreed to by a regional transit authority and a 1393  
municipal corporation located within its territorial jurisdiction, 1394  
college, university, veterans' home operated under Chapter 5907. 1395  
of the Revised Code, port authority, or municipal airport or other 1396  
municipal air navigation facility, in which the peace officer is 1397  
appointed, employed, or elected or within the limits of the 1398  
territorial jurisdiction of the peace officer, a peace officer 1399  
described in division (A) of this section may arrest and detain 1400  
until a warrant can be obtained any person who the peace officer 1401  
has reasonable cause to believe is guilty of the violation. 1402

(2) For purposes of division (B)(1) of this section, the 1403

execution of any of the following constitutes reasonable ground to  
believe that the offense alleged in the statement was committed  
and reasonable cause to believe that the person alleged in the  
statement to have committed the offense is guilty of the  
violation:

(a) A written statement by a person alleging that an alleged  
offender has committed the offense of menacing by stalking or  
aggravated trespass;

(b) A written statement by the administrator of the  
interstate compact on mental health appointed under section  
5119.51 of the Revised Code alleging that a person who had been  
hospitalized, institutionalized, or confined in any facility under  
an order made pursuant to or under authority of section 2945.37,  
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the  
Revised Code has escaped from the facility, from confinement in a  
vehicle for transportation to or from the facility, or from  
supervision by an employee of the facility that is incidental to  
hospitalization, institutionalization, or confinement in the  
facility and that occurs outside of the facility, in violation of  
section 2921.34 of the Revised Code;

(c) A written statement by the administrator of any facility  
in which a person has been hospitalized, institutionalized, or  
confined under an order made pursuant to or under authority of  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or  
2945.402 of the Revised Code alleging that the person has escaped  
from the facility, from confinement in a vehicle for  
transportation to or from the facility, or from supervision by an  
employee of the facility that is incidental to hospitalization,  
institutionalization, or confinement in the facility and that  
occurs outside of the facility, in violation of section 2921.34 of  
the Revised Code.

(3)(a) For purposes of division (B)(1) of this section, a peace officer described in division (A) of this section has reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that a particular person is guilty of committing the offense if any of the following occurs:

(i) A person executes a written statement alleging that the person in question has committed the offense of domestic violence or the offense of violating a protection order against the person who executes the statement or against a child of the person who executes the statement.

(ii) No written statement of the type described in division (B)(3)(a)(i) of this section is executed, but the peace officer, based upon the peace officer's own knowledge and observation of the facts and circumstances of the alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order or based upon any other information, including, but not limited to, any reasonably trustworthy information given to the peace officer by the alleged victim of the alleged incident of the offense or any witness of the alleged incident of the offense, concludes that there are reasonable grounds to believe that the offense of domestic violence or the offense of violating a protection order has been committed and reasonable cause to believe that the person in question is guilty of committing the offense.

(iii) No written statement of the type described in division (B)(3)(a)(i) of this section is executed, but the peace officer witnessed the person in question commit the offense of domestic violence or the offense of violating a protection order.

(b) If pursuant to division (B)(3)(a) of this section a peace

officer has reasonable grounds to believe that the offense of 1466  
domestic violence or the offense of violating a protection order 1467  
has been committed and reasonable cause to believe that a 1468  
particular person is guilty of committing the offense, it is the 1469  
preferred course of action in this state that the officer arrest 1470  
and detain that person pursuant to division (B)(1) of this section 1471  
until a warrant can be obtained. 1472

If pursuant to division (B)(3)(a) of this section a peace 1473  
officer has reasonable grounds to believe that the offense of 1474  
domestic violence or the offense of violating a protection order 1475  
has been committed and reasonable cause to believe that family or 1476  
household members have committed the offense against each other, 1477  
it is the preferred course of action in this state that the 1478  
officer, pursuant to division (B)(1) of this section, arrest and 1479  
detain until a warrant can be obtained the family or household 1480  
member who committed the offense and whom the officer has 1481  
reasonable cause to believe is the primary physical aggressor. 1482  
There is no preferred course of action in this state regarding any 1483  
other family or household member who committed the offense and 1484  
whom the officer does not have reasonable cause to believe is the 1485  
primary physical aggressor, but, pursuant to division (B)(1) of 1486  
this section, the peace officer may arrest and detain until a 1487  
warrant can be obtained any other family or household member who 1488  
committed the offense and whom the officer does not have 1489  
reasonable cause to believe is the primary physical aggressor. 1490

(c) If a peace officer described in division (A) of this 1491  
section does not arrest and detain a person whom the officer has 1492  
reasonable cause to believe committed the offense of domestic 1493  
violence or the offense of violating a protection order when it is 1494  
the preferred course of action in this state pursuant to division 1495  
(B)(3)(b) of this section that the officer arrest that person, the 1496  
officer shall articulate in the written report of the incident 1497

required by section 2935.032 of the Revised Code a clear statement 1498  
of the officer's reasons for not arresting and detaining that 1499  
person until a warrant can be obtained. 1500

(d) In determining for purposes of division (B)(3)(b) of this 1501  
section which family or household member is the primary physical 1502  
aggressor in a situation in which family or household members have 1503  
committed the offense of domestic violence or the offense of 1504  
violating a protection order against each other, a peace officer 1505  
described in division (A) of this section, in addition to any 1506  
other relevant circumstances, should consider all of the 1507  
following: 1508

(i) Any history of domestic violence or of any other violent 1509  
acts by either person involved in the alleged offense that the 1510  
officer reasonably can ascertain; 1511

(ii) If violence is alleged, whether the alleged violence was 1512  
caused by a person acting in self-defense; 1513

(iii) Each person's fear of physical harm, if any, resulting 1514  
from the other person's threatened use of force against any person 1515  
or resulting from the other person's use or history of the use of 1516  
force against any person, and the reasonableness of that fear; 1517

(iv) The comparative severity of any injuries suffered by the 1518  
persons involved in the alleged offense. 1519

(e)(i) A peace officer described in division (A) of this 1520  
section shall not require, as a prerequisite to arresting or 1521  
charging a person who has committed the offense of domestic 1522  
violence or the offense of violating a protection order, that the 1523  
victim of the offense specifically consent to the filing of 1524  
charges against the person who has committed the offense or sign a 1525  
complaint against the person who has committed the offense. 1526

(ii) If a person is arrested for or charged with committing 1527

the offense of domestic violence or the offense of violating a  
protection order and if the victim of the offense does not  
cooperate with the involved law enforcement or prosecuting  
authorities in the prosecution of the offense or, subsequent to  
the arrest or the filing of the charges, informs the involved law  
enforcement or prosecuting authorities that the victim does not  
wish the prosecution of the offense to continue or wishes to drop  
charges against the alleged offender relative to the offense, the  
involved prosecuting authorities, in determining whether to  
continue with the prosecution of the offense or whether to dismiss  
charges against the alleged offender relative to the offense and  
notwithstanding the victim's failure to cooperate or the victim's  
wishes, shall consider all facts and circumstances that are  
relevant to the offense, including, but not limited to, the  
statements and observations of the peace officers who responded to  
the incident that resulted in the arrest or filing of the charges  
and of all witnesses to that incident.

(f) In determining pursuant to divisions (B)(3)(a) to (g) of  
this section whether to arrest a person pursuant to division  
(B)(1) of this section, a peace officer described in division (A)  
of this section shall not consider as a factor any possible  
shortage of cell space at the detention facility to which the  
person will be taken subsequent to the person's arrest or any  
possibility that the person's arrest might cause, contribute to,  
or exacerbate overcrowding at that detention facility or at any  
other detention facility.

(g) If a peace officer described in division (A) of this  
section intends pursuant to divisions (B)(3)(a) to (g) of this  
section to arrest a person pursuant to division (B)(1) of this  
section and if the officer is unable to do so because the person  
is not present, the officer promptly shall seek a warrant for the  
arrest of the person.

(h) If a peace officer described in division (A) of this section responds to a report of an alleged incident of the offense of domestic violence or an alleged incident of the offense of violating a protection order and if the circumstances of the incident involved the use or threatened use of a deadly weapon or any person involved in the incident brandished a deadly weapon during or in relation to the incident, the deadly weapon that was used, threatened to be used, or brandished constitutes contraband, and, to the extent possible, the officer shall seize the deadly weapon as contraband pursuant to section 2933.43 of the Revised Code. Upon the seizure of a deadly weapon pursuant to division (B)(3)(h) of this section, section 2933.43 of the Revised Code shall apply regarding the treatment and disposition of the deadly weapon. For purposes of that section, the "underlying criminal offense" that was the basis of the seizure of a deadly weapon under division (B)(3)(h) of this section and to which the deadly weapon had a relationship is any of the following that is applicable:

(i) The alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order to which the officer who seized the deadly weapon responded;

(ii) Any offense that arose out of the same facts and circumstances as the report of the alleged incident of the offense of domestic violence or the alleged incident of the offense of violating a protection order to which the officer who seized the deadly weapon responded.

(4) If, in the circumstances described in divisions (B)(3)(a) to (g) of this section, a peace officer described in division (A) of this section arrests and detains a person pursuant to division (B)(1) of this section, or if, pursuant to division (B)(3)(h) of this section, a peace officer described in division (A) of this section seizes a deadly weapon, the officer, to the extent

described in and in accordance with section 9.86 or 2744.03 of the Revised Code, is immune in any civil action for damages for injury, death, or loss to person or property that arises from or is related to the arrest and detention or the seizure.

(C) When there is reasonable ground to believe that a violation of division (A)(1), (2), or (3) of section 4506.15 or a violation of section 4511.19 of the Revised Code has been committed by a person operating a motor vehicle subject to regulation by the public utilities commission of Ohio under Title XLIX of the Revised Code, a peace officer with authority to enforce that provision of law may stop or detain the person whom the officer has reasonable cause to believe was operating the motor vehicle in violation of the division or section and, after investigating the circumstances surrounding the operation of the vehicle, may arrest and detain the person.

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, municipal police officer, member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code, special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code, special police officer employed by a municipal corporation at a municipal airport or other municipal air navigation facility described in division (A) of this section, township constable, police officer of a township or joint township police district, state university law enforcement officer appointed under section 3345.04 of the Revised Code, peace officer of the department of natural resources, individual designated to perform law enforcement duties under section 511.232, 1545.13, or 6101.75 of the Revised Code, the house sergeant at arms if the house sergeant at arms has arrest authority pursuant to division (E)(1) of

section 101.311 of the Revised Code, or an assistant house  
sergeant at arms is authorized by division (A) or (B) of this  
section to arrest and detain, within the limits of the political  
subdivision, metropolitan housing authority housing project,  
regional transit authority facilities or those areas of a  
municipal corporation that have been agreed to by a regional  
transit authority and a municipal corporation located within its  
territorial jurisdiction, port authority, municipal airport or  
other municipal air navigation facility, college, or university in  
which the officer is appointed, employed, or elected or within the  
limits of the territorial jurisdiction of the peace officer, a  
person until a warrant can be obtained, the peace officer, outside  
the limits of that territory, may pursue, arrest, and detain that  
person until a warrant can be obtained if all of the following  
apply:

(1) The pursuit takes place without unreasonable delay after  
the offense is committed;

(2) The pursuit is initiated within the limits of the  
political subdivision, metropolitan housing authority housing  
project, regional transit authority facilities or those areas of a  
municipal corporation that have been agreed to by a regional  
transit authority and a municipal corporation located within its  
territorial jurisdiction, port authority, municipal airport or  
other municipal air navigation facility, college, or university in  
which the peace officer is appointed, employed, or elected or  
within the limits of the territorial jurisdiction of the peace  
officer;

(3) The offense involved is a felony, a misdemeanor of the  
first degree or a substantially equivalent municipal ordinance, a  
misdemeanor of the second degree or a substantially equivalent  
municipal ordinance, or any offense for which points are  
chargeable pursuant to section 4510.036 of the Revised Code.

(E) In addition to the authority granted under division (A) 1656  
or (B) of this section: 1657

(1) A sheriff or deputy sheriff may arrest and detain, until 1658  
a warrant can be obtained, any person found violating section 1659  
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 1660  
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 1661  
portion of any street or highway that is located immediately 1662  
adjacent to the boundaries of the county in which the sheriff or 1663  
deputy sheriff is elected or appointed. 1664

(2) A member of the police force of a township police 1665  
district created under section 505.48 of the Revised Code, a 1666  
member of the police force of a joint township police district 1667  
created under section 505.481 of the Revised Code, or a township 1668  
constable appointed in accordance with section 509.01 of the 1669  
Revised Code, who has received a certificate from the Ohio peace 1670  
officer training commission under section 109.75 of the Revised 1671  
Code, may arrest and detain, until a warrant can be obtained, any 1672  
person found violating any section or chapter of the Revised Code 1673  
listed in division (E)(1) of this section, other than sections 1674  
4513.33 and 4513.34 of the Revised Code, on the portion of any 1675  
street or highway that is located immediately adjacent to the 1676  
boundaries of the township police district or joint township 1677  
police district, in the case of a member of a township police 1678  
district or joint township police district police force, or the 1679  
unincorporated territory of the township, in the case of a 1680  
township constable. However, if the population of the township 1681  
that created the township police district served by the member's 1682  
police force, or the townships that created the joint township 1683  
police district served by the member's police force, or the 1684  
township that is served by the township constable, is sixty 1685  
thousand or less, the member of the township police district or 1686  
joint police district police force or the township constable may 1687

not make an arrest under division (E)(2) of this section on a 1688  
state highway that is included as part of the interstate system. 1689

(3) A police officer or village marshal appointed, elected, 1690  
or employed by a municipal corporation may arrest and detain, 1691  
until a warrant can be obtained, any person found violating any 1692  
section or chapter of the Revised Code listed in division (E)(1) 1693  
of this section on the portion of any street or highway that is 1694  
located immediately adjacent to the boundaries of the municipal 1695  
corporation in which the police officer or village marshal is 1696  
appointed, elected, or employed. 1697

(4) A peace officer of the department of natural resources or 1698  
an individual designated to perform law enforcement duties under 1699  
section 511.232, 1545.13, or 6101.75 of the Revised Code may 1700  
arrest and detain, until a warrant can be obtained, any person 1701  
found violating any section or chapter of the Revised Code listed 1702  
in division (E)(1) of this section, other than sections 4513.33 1703  
and 4513.34 of the Revised Code, on the portion of any street or 1704  
highway that is located immediately adjacent to the boundaries of 1705  
the lands and waters that constitute the territorial jurisdiction 1706  
of the peace officer. 1707

(F)(1) A department of mental health special police officer 1708  
or a department of mental retardation and developmental 1709  
disabilities special police officer may arrest without a warrant 1710  
and detain until a warrant can be obtained any person found 1711  
committing on the premises of any institution under the 1712  
jurisdiction of the particular department a misdemeanor under a 1713  
law of the state. 1714

A department of mental health special police officer or a 1715  
department of mental retardation and developmental disabilities 1716  
special police officer may arrest without a warrant and detain 1717  
until a warrant can be obtained any person who has been 1718

hospitalized, institutionalized, or confined in an institution 1719  
under the jurisdiction of the particular department pursuant to or 1720  
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 1721  
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 1722  
found committing on the premises of any institution under the 1723  
jurisdiction of the particular department a violation of section 1724  
2921.34 of the Revised Code that involves an escape from the 1725  
premises of the institution. 1726

(2)(a) If a department of mental health special police 1727  
officer or a department of mental retardation and developmental 1728  
disabilities special police officer finds any person who has been 1729  
hospitalized, institutionalized, or confined in an institution 1730  
under the jurisdiction of the particular department pursuant to or 1731  
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 1732  
2945.40, 2945.401, or 2945.402 of the Revised Code committing a 1733  
violation of section 2921.34 of the Revised Code that involves an 1734  
escape from the premises of the institution, or if there is 1735  
reasonable ground to believe that a violation of section 2921.34 1736  
of the Revised Code has been committed that involves an escape 1737  
from the premises of an institution under the jurisdiction of the 1738  
department of mental health or the department of mental 1739  
retardation and developmental disabilities and if a department of 1740  
mental health special police officer or a department of mental 1741  
retardation and developmental disabilities special police officer 1742  
has reasonable cause to believe that a particular person who has 1743  
been hospitalized, institutionalized, or confined in the 1744  
institution pursuant to or under authority of section 2945.37, 1745  
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 1746  
Revised Code is guilty of the violation, the special police 1747  
officer, outside of the premises of the institution, may pursue, 1748  
arrest, and detain that person for that violation of section 1749  
2921.34 of the Revised Code, until a warrant can be obtained, if 1750

both of the following apply:

1751

(i) The pursuit takes place without unreasonable delay after the offense is committed;

1752

1753

(ii) The pursuit is initiated within the premises of the institution from which the violation of section 2921.34 of the Revised Code occurred.

1754

1755

1756

(b) For purposes of division (F)(2)(a) of this section, the execution of a written statement by the administrator of the institution in which a person had been hospitalized, institutionalized, or confined pursuant to or under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code alleging that the person has escaped from the premises of the institution in violation of section 2921.34 of the Revised Code constitutes reasonable ground to believe that the violation was committed and reasonable cause to believe that the person alleged in the statement to have committed the offense is guilty of the violation.

1757

1758

1759

1760

1761

1762

1763

1764

1765

1766

1767

(G) Any peace officer may render assistance to any federal law enforcement officer who has arrest authority under 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, if both of the following apply:

1768

1769

1770

1771

1772

1773

(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.

1774

1775

1776

(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.

1777

1778

1779

1780

<u>(H)</u> As used in this section:	1781
(1) A "department of mental health special police officer" means a special police officer of the department of mental health designated under section 5119.14 of the Revised Code who is certified by the Ohio peace officer training commission under section 109.77 of the Revised Code as having successfully completed an approved peace officer basic training program.	1782 1783 1784 1785 1786 1787
(2) A "department of mental retardation and developmental disabilities special police officer" means a special police officer of the department of mental retardation and developmental disabilities designated under section 5123.13 of the Revised Code who is certified by the Ohio peace officer training council under section 109.77 of the Revised Code as having successfully completed an approved peace officer basic training program.	1788 1789 1790 1791 1792 1793 1794
(3) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.	1795 1796
(4) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code.	1797 1798
(5) "Street" or "highway" has the same meaning as in section 4511.01 of the Revised Code.	1799 1800
(6) "Interstate system" has the same meaning as in section 5516.01 of the Revised Code.	1801 1802
(7) "Peace officer of the department of natural resources" means an employee of the department of natural resources who is a natural resources law enforcement staff officer designated pursuant to section 1501.013, a forest officer designated pursuant to section 1503.29, a preserve officer designated pursuant to section 1517.10, a wildlife officer designated pursuant to section 1531.13, a park officer designated pursuant to section 1541.10, or a state watercraft officer designated pursuant to section 1547.521	1803 1804 1805 1806 1807 1808 1809 1810

of the Revised Code.

1811

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

1812

1813

Sec. 3750.22. (A) 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:

1814

1815

1816

1817

1818

1819

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

1820

1821

(2) The fire department with jurisdiction over the facility or business;

1822

1823

(3) The sheriff of the county in which the facility or business is located;

1824

1825

(4) The chief of police of any municipal corporation with jurisdiction over the facility or business.

1826

1827

(B) Copies of vulnerability assessments of a facility or business or of any other security-sensitive information developed regarding a facility or business that are in the possession of a local emergency planning committee of an emergency planning district, a fire department, a sheriff, or a chief of police and that were provided under division (A) of this section are not public records under section 149.43 of the Revised Code and are not subject to mandatory disclosure under that section.

1828

1829

1830

1831

1832

1833

1834

1835

Sec. 4507.08. (A) No probationary license shall be issued to any person under the age of eighteen who has been adjudicated an unruly or delinquent child or a juvenile traffic offender for having committed any act that if committed by an adult would be a

1836

1837

1838

1839

drug abuse offense, as defined in section 2925.01 of the Revised 1840  
Code, a violation of division (B) of section 2917.11, or a 1841  
violation of division (A) of section 4511.19 of the Revised Code, 1842  
unless the person has been required by the court to attend a drug 1843  
abuse or alcohol abuse education, intervention, or treatment 1844  
program specified by the court and has satisfactorily completed 1845  
the program. 1846

(B) No temporary instruction permit or driver's license shall 1847  
be issued to any person whose license has been suspended, during 1848  
the period for which the license was suspended, nor to any person 1849  
whose license has been canceled, under Chapter 4510. or any other 1850  
provision of the Revised Code. 1851

(C) No temporary instruction permit or driver's license shall 1852  
be issued to any person whose commercial driver's license is 1853  
suspended under Chapter 4510. or any other provision of the 1854  
Revised Code during the period of the suspension. 1855

No temporary instruction permit or driver's license shall be 1856  
issued to any person when issuance is prohibited by division (A) 1857  
of section 4507.091 of the Revised Code. 1858

(D) No temporary instruction permit or driver's license shall 1859  
be issued to, or retained by, any of the following persons: 1860

(1) Any person who is an alcoholic, or is addicted to the use 1861  
of controlled substances to the extent that the use constitutes an 1862  
impairment to the person's ability to operate a motor vehicle with 1863  
the required degree of safety; 1864

(2) Any person who is under the age of eighteen and has been 1865  
adjudicated an unruly or delinquent child or a juvenile traffic 1866  
offender for having committed any act that if committed by an 1867  
adult would be a drug abuse offense, as defined in section 2925.01 1868  
of the Revised Code, a violation of division (B) of section 1869

2917.11, or a violation of division (A) of section 4511.19 of the Revised Code, unless the person has been required by the court to attend a drug abuse or alcohol abuse education, intervention, or treatment program specified by the court and has satisfactorily completed the program;

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

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

(4) Any person who is unable to understand highway warnings 1902  
or traffic signs or directions given in the English language; 1903

(5) Any person making an application whose driver's license 1904  
or driving privileges are under cancellation, revocation, or 1905  
suspension in the jurisdiction where issued or any other 1906  
jurisdiction, until the expiration of one year after the license 1907  
was canceled or revoked or until the period of suspension ends. 1908  
Any person whose application is denied under this division may 1909  
file a petition in the municipal court or county court in whose 1910  
jurisdiction the person resides agreeing to pay the cost of the 1911  
proceedings and alleging that the conduct involved in the offense 1912  
that resulted in suspension, cancellation, or revocation in the 1913  
foreign jurisdiction would not have resulted in a suspension, 1914  
cancellation, or revocation had the offense occurred in this 1915  
state. If the petition is granted, the petitioner shall notify the 1916  
registrar by a certified copy of the court's findings and a 1917  
license shall not be denied under this division. 1918

(6) Any person who is under a class one or two suspension 1919  
imposed for a violation of section 2903.04, 2903.06, or 2903.08 of 1920  
the Revised Code or whose driver's or commercial driver's license 1921  
or permit was permanently revoked prior to ~~the effective date of~~ 1922  
~~this amendment~~ January 1, 2004, for a substantially equivalent 1923  
violation pursuant to section 4507.16 of the Revised Code; 1924

(7) Any person who is not a resident or temporary resident of 1925  
this state. 1926

(E) No person whose driver's license or permit has been 1927  
suspended under Chapter 4510. of the Revised Code or any other 1928  
provision of the Revised Code shall have driving privileges 1929  
reinstated if the registrar determines that a warrant has been 1930  
issued for the person's arrest and the warrant is an active 1931  
warrant. 1932

Sec. 4561.26. (A) The owner of each aircraft that is based in this state, that is not registered pursuant to sections 4561.17 to 4561.22 of the Revised Code, and that is not an aircraft operated for hire over regularly scheduled routes within this state shall register the aircraft with the office of aviation of the department of transportation. Registrations shall be made and signed by the owner of the aircraft on forms prepared by the department and shall contain a description of the aircraft, including its federal registration number, the airport or other place at which the aircraft is based, and any other information that is required by the office of aviation. Registration forms shall be filed with the office of aviation annually and at the time specified by the director of transportation. If the airport or other place at which the aircraft is based changes, the owner shall update the registration by filing a new form with the office of aviation.

(B) The office of aviation shall maintain all registrations filed with it under this section and shall develop a program to track and enforce the registration of aircraft based in this state.

(C) The director of transportation may impose a civil fine of not more than one hundred dollars on an owner of an aircraft that is required to be registered under this section and that the owner does not register. A separate fine may be imposed for each aircraft that the owner fails to register, and a separate fine may be imposed for each registration period during which the owner fails to register.

**Sec. 4561.99.** Whoever violates any provision of sections 4561.021 to 4561.13 of the Revised Code, other than section 4561.26 of the Revised Code, for which no penalty otherwise is

provided in the section that contains the provision violated shall 1963  
be fined not more than five hundred dollars, imprisoned not more 1964  
than ninety days, or both. 1965

Sec. 4563.30. (A) As used in this section: 1966

(1) "Aircraft" has the same meaning as in section 4561.01 of 1967  
the Revised Code. 1968

(2) "Airport" has the same meaning as in section 4561.01 of 1969  
the Revised Code except that it does not include any airport 1970  
operated by a multi-state authority or any airport with scheduled 1971  
commercial air carrier service. 1972

(3) "Private-use airport" means an airport used exclusively 1973  
by the owner of the airport and by persons authorized by that 1974  
owner. 1975

(4) "Public-use airport" means an airport available for use 1976  
by the general public without a requirement for the prior approval 1977  
of the owner or operator except as may be required by federal law 1978  
or regulation. 1979

(B) The department of public safety and the office of 1980  
aviation of the department of transportation shall jointly adopt 1981  
rules regarding the security of public-use and private-use 1982  
airports. The rules shall include, but not be limited to, 1983  
provisions doing the following: 1984

(1) Requiring all public-use and private-use airports located 1985  
in whole or in part in this state to register biennially with the 1986  
office of aviation of the department of transportation; 1987

(2) Requiring all public-use airports located in whole or in 1988  
part in this state, and all private-use airports located in whole 1989  
or in part in this state when appropriate, to prepare a written 1990  
security plan that is consistent with the most recent security 1991

<u>guidelines for general aviation airports published by the United</u>	1992
<u>States transportation security administration;</u>	1993
<u>(3) Requiring all aircraft owners or pilots to secure their</u>	1994
<u>aircraft;</u>	1995
<u>(4) Requiring all persons who rent an aircraft to present</u>	1996
<u>government-issued identification, in addition to any pilot's</u>	1997
<u>license, to the person who rents them the aircraft;</u>	1998
<u>(5) Requiring all public-use airports located in whole or in</u>	1999
<u>part in this state, and all private use airports located in whole</u>	2000
<u>or in part in this state when appropriate, to do all of the</u>	2001
<u>following:</u>	2002
<u>(a) Develop a written list of emergency contacts and</u>	2003
<u>telephones;</u>	2004
<u>(b) Restrict access to aircraft keys by unlicensed persons;</u>	2005
<u>(c) Require pilots, including those renting aircraft, to</u>	2006
<u>operate pursuant to F.A.R. 61.3 regarding pilot identification;</u>	2007
<u>(d) Create an emergency locator map that identifies runways,</u>	2008
<u>ramp areas, fence lines, gates, hydrants, emergency shelters,</u>	2009
<u>buildings, and hazardous material sites;</u>	2010
<u>(e) Familiarize local law enforcement agencies with the</u>	2011
<u>airport and consult with them in the airport's development of</u>	2012
<u>security procedures.</u>	2013
<u>(6) Addressing or governing the security of public-use and</u>	2014
<u>private-use airports located in whole or in part in this state in</u>	2015
<u>any other manner that the department of public safety and the</u>	2016
<u>office of aviation of the department of transportation jointly</u>	2017
<u>determine to be necessary.</u>	2018
<u>(C) The security plan described in division (B)(2) of this</u>	2019
<u>section and the emergency locator map described in division</u>	2020
<u>(B)(5)(d) of this section shall prominently display the following</u>	2021

statement: "This document may contain information that, if  
disclosed, could endanger the life or safety of the public;  
therefore, this document is to be maintained and used in a manner  
that preserves the confidentiality of the information it contains  
in a manner consistent with law."

2022  
2023  
2024  
2025  
2026

(D) Each public-use and private-use airport located in whole  
or in part in this state shall provide a copy of its registration  
described in division (B)(1) of this section, a copy of its  
security plan described in division (B)(2) of this section, and a  
copy of its emergency locater map described in division (B)(5)(d)  
of this section to the department of public safety, to the office  
of aviation of the department of transportation, to the sheriff of  
the county in which the airport is located in whole or in part,  
and, if the airport is located in whole or in part in a municipal  
corporation, to the chief of police of each municipal corporation  
in which it is wholly or partly located. Copies of registrations,  
emergency locater maps, and security plans that are in the  
possession of the department of public safety, the office of  
aviation, a sheriff, or a chief of police and that were provided  
under this division are not public records under section 149.43 of  
the Revised Code and are not subject to mandatory disclosure under  
that section.

2027  
2028  
2029  
2030  
2031  
2032  
2033  
2034  
2035  
2036  
2037  
2038  
2039  
2040  
2041  
2042  
2043

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

2044  
2045  
2046  
2047  
2048  
2049  
2050  
2051  
2052

section 4931.48 of the Revised Code or otherwise bringing into 2053  
operation the 9-1-1 system pursuant to sections 4931.40 to 4931.70 2054  
of the Revised Code. 2055

(2) The Ohio 9-1-1 council, the wireless 9-1-1 advisory 2056  
board, and any member of that council or board are not liable in 2057  
damages in a civil action for injuries, death, or loss to persons 2058  
or property arising from any act or omission, except willful or 2059  
wanton misconduct, in connection with the development or operation 2060  
of a 9-1-1 system established under sections 4931.40 to 4931.70 of 2061  
the Revised Code. 2062

(B) Except as otherwise provided in section 4765.49 of the 2063  
Revised Code, an individual who gives emergency instructions 2064  
through a 9-1-1 system established under sections 4931.40 to 2065  
4931.70 of the Revised Code, and the principals for whom the 2066  
person acts, including both employers and independent contractors, 2067  
public and private, and an individual who follows emergency 2068  
instructions and the principals for whom that person acts, 2069  
including both employers and independent contractors, public and 2070  
private, are not liable in damages in a civil action for injuries, 2071  
death, or loss to persons or property arising from the issuance or 2072  
following of emergency instructions, except where the issuance or 2073  
following of the instructions constitutes willful or wanton 2074  
misconduct. 2075

(C) Except for willful or wanton misconduct, a telephone 2076  
company, and any other installer, maintainer, or provider, through 2077  
the sale or otherwise, of customer premises equipment, and their 2078  
respective officers, directors, employees, agents, and suppliers 2079  
are not liable in damages in a civil action for injuries, death, 2080  
or loss to persons or property incurred by any person resulting 2081  
from ~~such~~ any of the following: 2082

(1) Such an entity's or its officers', directors', 2083  
employees', agents', or suppliers' participation in or acts or 2084

omissions in connection with participating in or developing, 2085  
maintaining, or operating a 9-1-1 system, whether that system is 2086  
established pursuant to sections 4931.40 to 4931.70 of the Revised 2087  
Code or otherwise in accordance with schedules regarding 9-1-1 2088  
systems filed with the public utilities commission pursuant to 2089  
section 4905.30 of the Revised Code by a telephone company that is 2090  
a wireline service provider; 2091

(2) Such an entity's or its officers', directors', 2092  
employees', agents', or suppliers' provision of assistance to a 2093  
public utility, municipal utility, or state or local government as 2094  
authorized by divisions (F)(4) and (5) of this section. 2095

(D) No person shall knowingly use the telephone number of a 2096  
9-1-1 system established under sections 4931.40 to 4931.70 of the 2097  
Revised Code to report an emergency if the person knows that no 2098  
emergency exists. 2099

(E) No person shall knowingly use a 9-1-1 system for a 2100  
purpose other than obtaining emergency service. 2101

(F) No person shall disclose or use any information 2102  
concerning telephone numbers, addresses, or names obtained from 2103  
the data base that serves the public safety answering point of a 2104  
9-1-1 system established under sections 4931.40 to 4931.70 of the 2105  
Revised Code, except for any of the following purposes or under 2106  
any of the following circumstances: 2107

(1) For the purpose of the 9-1-1 system; 2108

(2) For the purpose of responding to an emergency call to an 2109  
emergency service provider; 2110

(3) In the circumstance of the inadvertent disclosure of such 2111  
information due solely to technology of the wireline telephone 2112  
network portion of the 9-1-1 system not allowing access to the 2113  
data base to be restricted to 9-1-1 specific answering lines at a 2114  
public safety answering point; 2115

(4) In the circumstance of ~~assistance~~ access to a data base 2116  
being given by a telephone company that is a wireline service 2117  
provider to a public utility or municipal utility in handling 2118  
customer calls in times of public emergency or service outages. 2119  
The charge, terms, and conditions for the disclosure or use of 2120  
such information for the purpose of such ~~assistance~~ access to a 2121  
data base shall be subject to the jurisdiction of the public 2122  
utilities commission. 2123

(5) In the circumstance of access to a data base given by a 2124  
telephone company that is a wireline service provider to a state 2125  
and local government in warning of a public emergency, as 2126  
determined by the public utilities commission. The charge, terms, 2127  
and conditions for the disclosure or use of such information for 2128  
the purpose of such access to a data base shall be subject to the 2129  
jurisdiction of the public utilities commission. 2130

**Sec. 5502.012.** The department of public safety shall do all 2131  
of the following: 2132

(A) Adopt rules in accordance with Chapter 119. of the 2133  
Revised Code that identify licenses issued by the state for which 2134  
the holder of any of the identified licenses may present a 2135  
potential risk or threat to public safety if the applicant for the 2136  
license has connections to a terrorist organization, as required 2137  
by section 2909.32 of the Revised Code. In no case shall the rules 2138  
identify a driver's license or permit as a license of that nature 2139  
if the applicant for the license or permit, or for renewal of the 2140  
license or permit, is a resident of this state; this restriction 2141  
does not apply regarding nonrenewable licenses and temporary 2142  
residents of this state who apply for nonrenewable licenses. 2143

(B) Adopt rules, jointly with the office of aviation of the 2144  
department of transportation and in accordance with Chapter 119. 2145  
of the Revised Code, regarding the security of public-use and 2146

private-use airports in accordance with section 4563.30 of the 2147  
Revised Code; 2148

(C) Adopt rules in accordance with Chapter 119. of the 2149  
Revised Code and for purposes of section 2909.28 of the Revised 2150  
Code identifying a list of toxins, toxic chemicals, precursors of 2151  
toxic chemicals, vectors, biological agents, and hazardous 2152  
radioactive substances and their components that could be used 2153  
alone or in combination for the manufacture of a chemical weapon, 2154  
biological weapon, radiological or nuclear weapon, or explosive 2155  
device. 2156

**Sec. 5502.03.** (A) There is hereby created in the department 2157  
of public safety a division of homeland security. It is the intent 2158  
of the general assembly that the creation of the division of 2159  
homeland security of the department of public safety by this 2160  
amendment does not result in an increase of funding appropriated 2161  
to the department. 2162

(B)(1) The division shall ~~coordinate~~ do all of the following: 2163

(1) Coordinate all homeland security activities of all state 2164  
agencies and ~~shall~~ be the liaison between state agencies and local 2165  
entities for the purposes of communicating homeland security 2166  
funding and policy initiatives; 2167

(2) Coordinate and facilitate information sharing among 2168  
local, state, and federal government agencies and the private 2169  
sector to ensure appropriate analysis of intelligence to assist in 2170  
the early identification of, and response to, potential terrorist 2171  
threats or activities; 2172

(3) Coordinate efforts of state and local governments and 2173  
private organizations to enhance the security and protection of 2174  
critical infrastructure and key assets in this state; 2175

(4) Develop and coordinate policies, protocols, and 2176

strategies that may be used to prevent, detect, prepare for, 2177  
respond to, and recover from terrorist acts or threats; 2178

(5) Develop, update, and coordinate the implementation of an 2179  
Ohio homeland security strategic plan that will guide state and 2180  
local governments in the achievement of homeland security in this 2181  
state. 2182

(C) The director of public safety shall appoint an executive 2183  
director, who shall be head of the division of homeland security 2184  
and who regularly shall advise the governor and the director on 2185  
matters pertaining to homeland security. The executive director 2186  
shall serve at the pleasure of the director of public safety. To 2187  
carry out the duties assigned under this section, the executive 2188  
director, subject to the direction and control of the director of 2189  
public safety, may appoint and maintain necessary staff and may 2190  
enter into any necessary agreements. 2191

(D) Except as otherwise provided by law, nothing in this 2192  
section shall be construed to give the director of public safety 2193  
or the executive director of the division of homeland security 2194  
authority over the incident management structure or 2195  
responsibilities of local emergency response personnel. 2196

**Section 2.** That existing sections 2901.13, 2909.21, 2923.31, 2197  
2933.51, 2935.03, 4507.08, 4561.99, 4931.49, and 5502.03 of the 2198  
Revised Code are hereby repealed. 2199

**Section 3.** Section 2935.03 of the Revised Code is presented 2200  
in this act as a composite of the section as amended by Sub. H.B. 2201  
545, H.B. 675, and Am. Sub. S.B. 123 of the 124th General 2202  
Assembly. The General Assembly, applying the principle stated in 2203  
division (B) of section 1.52 of the Revised Code that amendments 2204  
are to be harmonized if reasonably capable of simultaneous 2205  
operation, finds that the composite is the resulting version of 2206

the section in effect prior to the effective date of the section	2207
as presented in this act.	2208