

As Passed by the House

124th General Assembly

Regular Session

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Am. Sub. H. B. No. 309

REPRESENTATIVES Hughes, Calvert, Carmichael, Collier, Fessler,
Goodman, Hoops, Latta, Lendrum, Olman, Reidelbach, Schaffer, Schmidt,
G. Smith, Key, R. Miller, Womer Benjamin, Sulzer, Seaver, S. Smith, Brown,
Faber, Willamowski, Setzer, Flowers, Wolpert, McGregor, Aslanides, Core,
Evans, Ogg, Carano, Mason, Cirelli, D. Miller, Allen, Coates, Otterman, Latell,
Seitz, Metzger, Wilson, Schneider, Distel, Woodard, DeBose, Sferra, Rhine,
Manning, Krupinski, Roman, Kearns, Reinhard, Damschroder, Widowfield,
Hollister, Niehaus, Buehrer, Hagan, Cates, Raga, Webster, Gilb, Bocchieri,
Barrett, Driehaus, Britton

A B I L L

To amend sections 317.24 and 2913.49 and to enact 1
section 317.42 of the Revised Code to revise the 2
elements of and the penalty for taking the identity 3
of another, to permit a discharged member of the 4
armed forces to expunge the person's social 5
security number from the county recorder's record 6
of discharge, and to require a county recorder to 7
post a notice stating that anything filed in the 8
recorder's office is a public record. 9

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

Section 1. That sections 317.24 and 2913.49 be amended and 10
section 317.42 of the Revised Code be enacted to read as follows: 11

Sec. 317.24. (A) Upon request of any discharged member of the 12

armed forces of the United States and presentation of the member's 13
discharge, the county recorder shall record the discharge in a 14
book to be furnished by the board of county commissioners for that 15
purpose. There shall be no fee for the recording. The record of 16
discharge, or a certified copy of the record, shall be received in 17
evidence in all cases where the original discharge would be 18
received. 19

(B) Upon application by a person whose discharge has been 20
recorded pursuant to this section, the county recorder shall, 21
without fee, expunge the person's record of discharge ~~or~~ the 22
person's separation program number, or the person's social 23
security number from the person's record of discharge. The 24
application shall be in the following form: 25

"APPLICATION FOR EXPUNGEMENT 26
OF DISCHARGE RECORD 27

I, (Name of Applicant), the undersigned, 28
hereby request the County Recorder of the County of 29
(Name of County), state of Ohio, to expunge my (Insert 30
either Record of Discharge ~~or~~ Separation Program Number, or 31
Social Security Number from my Record of Discharge). 32

Dated this day of, 33

.....

(Signature of Applicant)

Sworn to and subscribed before me by (Name of 34
Applicant) on, 35

.....

Notary Public 36

My commission expires,"

(C) "Separation program number" means the coded number or 37
numbers used to specify the reasons for a person's separation from 38
active duty, as contained in line 9 (c) or line 11 (c) of a 39
veteran's discharge paper, United States department of defense 40

form DD-214.

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(D) Upon the request of any person who served during World
War I or World War II as a member of any armed force of the
government of Poland or Czechoslovakia and participated while so
serving in armed conflict with an enemy of the United States and
who has been a citizen of the United States for at least ten
years, and the presentation of the person's discharge, the county
recorder shall record the person's discharge in a book to be
furnished by the board of county commissioners for that purpose.
No fee shall be charged for the recording. The record, or a
certified copy of it, shall be received in evidence in all cases
where the original would be received.

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Sec. 317.42. (A) The county recorder shall display at all
times, in a conspicuous place in the office of the recorder, a
printed card that shall read substantially as follows:

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"WARNING

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Documents recorded in the recorder's office generally are
considered to be public records. Other persons have access to the
information contained in recorded documents."

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(B) If the county recorder fails to post a card in accordance
with division (A) of this section, the county recorder is not
liable in a civil action for injury, death, or loss to person or
property that allegedly results from that failure.

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Sec. 2913.49. (A) As used in this section, "personal
identifying information" includes, but is not limited to, the
following: the name, address, telephone number, driver's license,
driver's license number, commercial driver's license, commercial
driver's license number, state identification card, state
identification card number, social security card, social security
number, birth certificate, place of employment, employee

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identification number, mother's maiden name, demand deposit 71
account number, savings account number, money market account 72
number, mutual fund account number, other financial account 73
number, personal identification number, password, or credit card 74
number of a living or dead individual. 75

(B) No person, without the express or implied consent of the 76
other person, shall use, or obtain, or possess, or with intent to 77
use, any personal identifying information of ~~any living or dead~~ 78
individual with the intent to fraudulently obtain credit, 79
property, or services or avoid the payment of a debt or any other 80
legal obligation another person to do either of the following or 81
with intent to do either of the following: 82

(1) Hold the person out to be the other person; 83

(2) Represent the other person's personal identifying 84
information as the person's own personal identifying information. 85

(C) No person shall create, obtain, possess, or use the 86
personal identifying information of any ~~living or dead individual~~ 87
person with the intent to aid or abet another person in violating 88
division (B) of this section. 89

(D) It is an affirmative defense to a charge under division 90
(B) of this section that any of the following apply: 91

(1) The person using the personal identifying information is 92
acting in accordance with a legally recognized guardianship or 93
conservatorship or as a trustee or fiduciary. 94

(2) A law enforcement agency, authorized fraud personnel, or 95
a representative of or attorney for a law enforcement agency or 96
authorized fraud personnel uses the personal identifying 97
information in a bona fide investigation, an information security 98
evaluation, a pretext calling evaluation, or a similar matter. 99

(3) The personal identifying information was obtained, 100
possessed, or used for a lawful purpose. 101

(E) It is not a defense to a charge under this section that the person whose personal identifying information was obtained, possessed, or used was deceased at the time of the offense. 102
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(F)(1) If the violation of division (B) of this section occurs as part of a course of conduct involving other violations of division (B) of this section or violations of, attempts to violate, conspiracies to violate, or complicity in violations of division (C) of this section or section 2913.02, 2913.04, 2913.11, 2913.21, 2913.31, 2913.42, 2913.43, or 2921.13 of the Revised Code, the court, in determining the degree of the offense pursuant to division ~~(E)~~(G) of this section, may aggregate all credit, property, or services obtained or sought to be obtained by the offender and all debts or other legal obligations avoided or sought to be avoided by the offender in the violations involved in that course of conduct. The course of conduct may involve one victim or more than one victim. 105
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(2) If the violation of division (C) of this section occurs as part of a course of conduct involving other violations of division (C) of this section or violations of, attempts to violate, conspiracies to violate, or complicity in violations of division (B) of this section or section 2913.02, 2913.04, 2913.11, 2913.21, 2913.31, 2913.42, 2913.43, or 2921.13 of the Revised Code, the court, in determining the degree of the offense pursuant to division ~~(E)~~(G) of this section, may aggregate all credit, property, or services obtained or sought to be obtained by the person aided or abetted and all debts or other legal obligations avoided or sought to be avoided by the person aided or abetted in the violations involved in that course of conduct. The course of conduct may involve one victim or more than one victim. 118
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~~(E)~~(G) Whoever violates this section is guilty of taking the identity of another. Except as otherwise provided in this division, taking the identity of another is a misdemeanor of the 131
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first degree. If the value of the credit, property, services, 134
debt, or other legal obligation involved in the violation or 135
course of conduct is five hundred dollars or more and is less than 136
five thousand dollars, taking the identity of another is a felony 137
of the ~~fifth~~ fourth degree. If the value of the credit, property, 138
services, debt, or other legal obligation involved in the 139
violation or course of conduct is five thousand dollars or more 140
and is less than one hundred thousand dollars, taking the identity 141
of another is a felony of the ~~fourth~~ third degree. If the value of 142
the credit, property, services, debt, or other legal obligation 143
involved in the violation or course of conduct is one hundred 144
thousand dollars or more, taking the identity of another is a 145
felony of the ~~third~~ second degree. 146

Section 2. That existing sections 317.24 and 2913.49 of the 147
Revised Code are hereby repealed. 148