

# As Passed by the House

126th General Assembly

Regular Session

2005-2006

Am. Sub. S. B. No. 9

Senators Jacobson, Clancy, Gardner, Harris, Spada, Cates, Austria  
Representatives Domenick, Evans, C., Evans, D., Hagan, Law, Patton, T.,  
Seitz, Smith, G., Uecker

—

## A BILL

To amend sections 121.40, 2901.13, 2909.21, 2923.31,	1
2933.51, 3701.04, 4505.02, 4507.08, 4561.17,	2
4561.18, 4561.22, 4931.45, 4931.49, 5502.011,	3
5502.03, 5502.28, and 5502.41, and to enact	4
sections 9.63, 121.404, 1547.80, 2909.26, 2909.27,	5
2909.28, 2909.29, 2909.30, 2909.31, 2909.32,	6
2909.33, 2909.34, 2921.29, 2935.033, 3750.22, and	7
4563.30 of the Revised Code to establish	8
requirements for state and local compliance with	9
federal homeland security authorities and laws	10
pertaining to terrorism and homeland security; to	11
create criminal offenses for specified acts	12
carried out in support of terrorism; to provide a	13
20-year limitation period for certain	14
terrorism-related offenses; to establish	15
notification requirements regarding illegal aliens	16
convicted of a felony or in custody of the	17
Department of Rehabilitation and Correction; to	18
require individuals to show identification or	19
provide personal information in specified	20
situations; to limit licensing, employing, and	21
doing business with persons who have provided	22
material assistance to an organization on the	23

United States Department of State Terrorist 24  
Exclusion List; to expand the definition of 25  
"corrupt activity" under the Corrupt Activity Law 26  
to include the bill's terrorism-related offenses 27  
and animal and ecological terrorism; to include 28  
the bill's terrorism-related offenses as 29  
"designated offenses" for which an interception 30  
warrant may be issued under the Communications 31  
Interception Law; to clarify the authority of Ohio 32  
peace officers and personnel in the Department of 33  
Public Safety to assist federal law enforcement 34  
officers; to prohibit the reinstatement of a 35  
suspended driver's license to a person who is the 36  
subject of an active arrest warrant; to amend 37  
specified aspects of the 9-1-1 law; to provide for 38  
the establishment of a homeland security advisory 39  
council; to designate the National Incident 40  
Management System as the standard procedure for 41  
incident management within the state; to require 42  
the registrar of motor vehicles to adopt rules 43  
ensuring reasonably accurate identification of 44  
applicants for a certificate of title; to expand 45  
the responsibilities of the Ohio Community Service 46  
Council with respect to volunteers; to provide 47  
registered volunteers with immunity from liability 48  
in specified situations; to expand the duties of 49  
the Director of Health with respect to volunteers; 50  
to provide security-related measures for ports and 51  
public-use and private-use airports; and to expand 52  
the homeland security duties of the Department of 53  
Public Safety. 54

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

**Section 1.** That sections 121.40, 2901.13, 2909.21, 2923.31, 55  
2933.51, 3701.04, 4505.02, 4507.08, 4561.17, 4561.18, 4561.22, 56  
4931.45, 4931.49, 5502.011, 5502.03, 5502.28, and 5502.41 be 57  
amended and sections 9.63, 121.404, 1547.80, 2909.26, 2909.27, 58  
2909.28, 2909.29, 2909.30, 2909.31, 2909.32, 2909.33, 2909.34, 59  
2921.29, 2935.033, 3750.22, and 4563.30 of the Revised Code be 60  
enacted to read as follows: 61

**Sec. 9.63.** (A) Notwithstanding any law, ordinance, or 62  
collective bargaining contract to the contrary, no state or local 63  
employee shall unreasonably fail to comply with any lawful request 64  
for assistance made by any federal authorities carrying out the 65  
provisions of the USA Patriot Act, any federal immigration or 66  
terrorism investigation, or any executive order of the president 67  
of the United States pertaining to homeland security, to the 68  
extent that the request is consistent with the doctrine of 69  
federalism. 70

(B) No municipal corporation shall enact an ordinance, 71  
policy, directive, rule, or resolution that would materially 72  
hinder or prevent local employees from complying with the USA 73  
Patriot Act or any executive order of the president of the United 74  
States pertaining to homeland security or from cooperating with 75  
state or federal immigration services and terrorism 76  
investigations. 77

(C)(1) Any municipal corporation that enacts any ordinance, 78  
policy, directive, rule, or resolution that division (B) of this 79  
section prohibits is ineligible to receive any homeland security 80  
funding available from the state. 81

(2) Whenever the director of public safety determines that a 82  
municipal corporation has enacted any ordinance, policy, 83  
directive, rule, or resolution that division (B) of this section 84

prohibits, the director shall certify that the municipal  
corporation is ineligible to receive any homeland security funding  
from the state and shall notify the general assembly of that  
ineligibility. That municipal corporation shall remain ineligible  
to receive any homeland security funding from the state until the  
director certifies that the ordinance, policy, directive, rule, or  
resolution has been repealed.

(D)(1) If a state or 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 this section  
as unreasonable noncompliance with a request for assistance of the  
type division (A) of this section describes.

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

(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. 121.40.** (A) There is hereby created the Ohio community

service council consisting of twenty-one members including the 116  
superintendent of public instruction or the superintendent's 117  
designee, the chancellor of the Ohio board of regents or the 118  
chancellor's designee, the director of natural resources or the 119  
director's designee, the director of youth services or the 120  
director's designee, the director of aging or the director's 121  
designee, the director of job and family services or the 122  
director's designee, the chairperson of the committee of the house 123  
of representatives dealing with education or the chairperson's 124  
designee, the chairperson of the committee of the senate dealing 125  
with education or the chairperson's designee, and thirteen members 126  
who shall be appointed by the governor with the advice and consent 127  
of the senate and who shall serve terms of office of three years. 128  
The appointees shall include educators, including teachers and 129  
administrators; representatives of youth organizations; students 130  
and parents; representatives of organizations engaged in volunteer 131  
program development and management throughout the state, including 132  
youth and conservation programs; and representatives of business, 133  
government, nonprofit organizations, social service agencies, 134  
veterans organizations, religious organizations, or philanthropies 135  
that support or encourage volunteerism within the state. Members 136  
of the council shall receive no compensation, but shall be 137  
reimbursed for actual and necessary expenses incurred in the 138  
performance of their official duties. 139

(B) The council shall appoint an executive director for the 140  
council, who shall be in the unclassified civil service. The 141  
executive director shall supervise the council's activities and 142  
report to the council on the progress of those activities. The 143  
executive director shall do all things necessary for the efficient 144  
and effective implementation of the duties of the council. 145

The responsibilities assigned to the executive director do 146  
not relieve the members of the council from final responsibility 147

for the proper performance of the requirements of this section. 148

(C) The council or its designee shall do all of the 149  
following: 150

(1) Employ, promote, supervise, and remove all employees as 151  
needed in connection with the performance of its duties under this 152  
section and may assign duties to those employees as necessary to 153  
achieve the most efficient performance of its functions, and to 154  
that end may establish, change, or abolish positions, and assign 155  
and reassign duties and responsibilities of any employee of the 156  
council. Personnel employed by the council who are subject to 157  
Chapter 4117. of the Revised Code shall retain all of their rights 158  
and benefits conferred pursuant to that chapter. Nothing in this 159  
chapter shall be construed as eliminating or interfering with 160  
Chapter 4117. of the Revised Code or the rights and benefits 161  
conferred under that chapter to public employees or to any 162  
bargaining unit. 163

(2) Maintain its office in Columbus, and may hold sessions at 164  
any place within the state; 165

(3) Acquire facilities, equipment, and supplies necessary to 166  
house the council, its employees, and files and records under its 167  
control, and to discharge any duty imposed upon it by law. The 168  
expense of these acquisitions shall be audited and paid for in the 169  
same manner as other state expenses. For that purpose, the council 170  
shall prepare and submit to the office of budget and management a 171  
budget for each biennium according to sections 101.532 and 107.03 172  
of the Revised Code. The budget submitted shall cover the costs of 173  
the council and its staff in the discharge of any duty imposed 174  
upon the council by law. The council shall not delegate any 175  
authority to obligate funds. 176

(4) Pay its own payroll and other operating expenses from 177  
line items designated by the general assembly; 178

(5) Retain its fiduciary responsibility as appointing	179
authority. Any transaction instructions shall be certified by the	180
appointing authority or its designee.	181
(6) Establish the overall policy and management of the	182
council in accordance with this chapter;	183
(7) Assist in coordinating and preparing the state	184
application for funds under sections 101 to 184 of the "National	185
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42	186
U.S.C.A. 12411 to 12544, as amended, assist in administering and	187
overseeing the "National and Community Service Trust Act of 1993,"	188
P.L. 103-82, 107 Stat. 785, and the americorps program in this	189
state, and assist in developing objectives for a comprehensive	190
strategy to encourage and expand community service programs	191
throughout the state;	192
(8) Assist the state board of education, school districts,	193
the board of regents, and institutions of higher education in	194
coordinating community service education programs through	195
cooperative efforts between institutions and organizations in the	196
public and private sectors;	197
(9) Assist the departments of natural resources, youth	198
services, aging, and job and family services in coordinating	199
community service programs through cooperative efforts between	200
institutions and organizations in the public and private sectors;	201
(10) Suggest individuals and organizations that are available	202
to assist school districts, institutions of higher education, and	203
the departments of natural resources, youth services, aging, and	204
job and family services in the establishment of community service	205
programs and assist in investigating sources of funding for	206
implementing these programs;	207
(11) Assist in evaluating the state's efforts in providing	208
community service programs using standards and methods that are	209

consistent with any statewide objectives for these programs and  
provide information to the state board of education, school  
districts, the board of regents, institutions of higher education,  
and the departments of natural resources, youth services, aging,  
and job and family services to guide them in making decisions  
about these programs;

(12) Assist the state board of education in complying with  
section 3301.70 of the Revised Code and the board of regents in  
complying with division (B)(2) of section 3333.043 of the Revised  
Code;

(13) Advise, assist, consult with, and cooperate with, by  
contract or otherwise, agencies and political subdivisions of this  
state in establishing a statewide system for volunteers pursuant  
to section 121.404 of the Revised Code.

(D) The department of aging shall serve as the council's  
fiscal agent. Beginning on July 1, 1997, whenever reference is  
made in any law, contract, or document to the functions of the  
department of youth services as fiscal agent to the council, the  
reference shall be deemed to refer to the department of aging. The  
department of aging shall have no responsibility for or obligation  
to the council prior to July 1, 1997. Any validation, cure, right,  
privilege, remedy, obligation, or liability shall be retained by  
the council.

As used in this section, "fiscal agent" means technical  
support and includes the following technical support services:

(1) Preparing and processing payroll and other personnel  
documents that the council executes as the appointing authority.  
The department of aging shall not approve any payroll or other  
personnel-related documents.

(2) Maintaining ledgers of accounts and reports of account  
balances, and monitoring budgets and allotment plans in



consultation with the council. The department shall not approve  
any biennial budget, grant, expenditure, audit, or fiscal-related  
document.

(3) Performing other routine support services that the  
director of aging or the director's designee and the council or  
its designee consider appropriate to achieve efficiency.

(E)(1) The council or its designee has the following  
authority and responsibility relative to fiscal matters:

~~(1)~~(a) Sole authority to draw funds for any and all federal  
programs in which the council is authorized to participate;

~~(2)~~(b) Sole authority to expend funds from their accounts for  
programs and any other necessary expenses the council may incur  
and its subgrantees may incur;

~~(3)~~(c) Responsibility to cooperate with and inform the  
department of aging as fiscal agent to ensure that the department  
is fully apprised of all financial transactions.

(2) The council shall follow all state procurement  
requirements.

(3) The department of aging shall determine fees to be  
charged to the council, which shall be in proportion to the  
services performed for the council.

(4) The council shall pay fees owed to the department of  
aging from a general revenue fund of the council or from any other  
fund from which the operating expenses of the council are paid.  
Any amounts set aside for a fiscal year for the payment of these  
fees shall be used only for the services performed for the council  
by the department of aging in that fiscal year.

(F) The council may accept and administer grants from any  
source, public or private, to carry out any of the council's  
functions this section establishes.

Sec. 121.404. (A) The Ohio community service council shall 271  
advise, assist, consult with, and cooperate with agencies and 272  
political subdivisions of this state to establish a statewide 273  
system for recruiting, registering, training, and deploying the 274  
types of volunteers the council considers advisable and reasonably 275  
necessary to respond to an emergency declared by the state or 276  
political subdivision. 277

(B) A registered volunteer is not liable in damages to any 278  
person or government entity in tort or other civil action, 279  
including an action upon a medical, dental, chiropractic, 280  
optometric, or other health-related claim or veterinary claim, for 281  
injury, death, or loss to person or property that may arise from 282  
an act or omission of that volunteer. This division applies to a 283  
registered volunteer while providing services within the scope of 284  
the volunteer's responsibilities during an emergency declared by 285  
the state or political subdivision or in disaster-related 286  
exercises, testing, or other training activities, if the 287  
volunteer's act or omission does not constitute willful or wanton 288  
misconduct. 289

(C) The Ohio community service council shall adopt rules 290  
pursuant to Chapter 119. of the Revised Code to establish fees, 291  
procedures, standards, and requirements the council considers 292  
necessary to carry out the purposes of this section. 293

(D)(1) A registered volunteer's status as a volunteer, and 294  
any information presented in summary, statistical, or aggregate 295  
form that does not identify an individual, is a public record 296  
pursuant to section 149.43 of the Revised Code. 297

(2) Information related to a registered volunteer's specific 298  
and unique responsibilities, assignments, or deployment plans, 299  
including but not limited to training, preparedness, readiness, or 300  
organizational assignment, is a security record for purposes of 301

section 149.433 of the Revised Code.

302

(3) Information related to a registered volunteer's personal information, including but not limited to contact information, medical information, or information related to family members or dependents, is not a public record pursuant to section 149.43 of the Revised Code.

303

304

305

306

307

(E) As used in this section and section 121.40 of the Revised Code:

308

309

(1) "Registered volunteer" means any individual registered as a volunteer pursuant to procedures established under this section and who serves without pay or other consideration, other than the reasonable reimbursement or allowance for expenses actually incurred or the provision of incidental benefits related to the volunteer's service, such as meals, lodging, and childcare.

310

311

312

313

314

315

(2) "Political subdivision" means a county, township, or municipal corporation in this state.

316

317

**Sec. 1547.80.** (A) Notwithstanding any provision of the Revised Code to the contrary, the department of natural resources, division of watercraft, in consultation with the department of public safety, shall adopt rules regarding the security of ports on waterways in this state and the facilities associated with those ports. The rules shall include but not be limited to provisions that do the following:

318

319

320

321

322

323

324

(1) Designate the ports, located in whole or in part within this state, to which the requirements of this section apply, considering the size and activity of the port, its proximity to a metropolitan location, its proximity to a sensitive site as defined in section 4563.30 of the Revised Code, and any other criteria related to security that the department considers reasonable;

325

326

327

328

329

330

331

(2) Require the designated ports to register biennially with 332  
the department of natural resources; 333

(3) Require the designated ports to do all of the following: 334

(a) Prepare a written security plan that is consistent with 335  
the most recent security guidelines established pursuant to the 336  
national maritime transportation security plan by the secretary in 337  
the department in which the United States coast guard is located; 338

(b) Develop a written list of emergency contacts and 339  
telephone numbers; 340

(c) Restrict access to vessels by unauthorized persons; 341

(d) Require those piloting or renting vessels to provide 342  
identification; 343

(e) Create an emergency locator map that identifies areas of 344  
the port facilities; 345

(f) Familiarize local law enforcement agencies with the 346  
facilities and consult with them in the development of the port's 347  
security procedures. 348

(4) Require all owners of vessels or pilots to secure their 349  
vessels; 350

(5) Require all persons who rent a vessel to present 351  
government-issued identification, in addition to any required 352  
license, to the person who rents them the vessel; 353

(6) Address the security of port facilities located in whole 354  
or in part in this state in any other manner the department 355  
determines to be necessary. 356

(B) The security plan and the emergency locator map this 357  
section describes shall display prominently the following 358  
statement: "This document may contain information that, if 359  
disclosed, could endanger the life or safety of the public; 360

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."

(C) Each port facility designated pursuant to division (A) of  
this section shall provide a copy of the registration this section  
requires and the port's security plan and emergency locator map to  
the department of public safety, to the department of natural  
resources, to the sheriff of the county in which the port is  
located in whole or in part, and if the facility is located in  
whole or in part in a municipal corporation, to the chief of  
police of each municipal corporation in which the port is located.  
Copies of registration, emergency locator maps, and security plans  
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.

(D) This section shall not be construed to replace or  
supersede any standards for facilities the United States  
department of homeland security and the transportation security  
administration require, safety standards of the United States  
department of transportation, or any standard or law related to  
maritime security enforced by the secretary of the department in  
which the United States coast guard is located.

**Sec. 2901.13.** (A)(1) Except as provided in division (A)(2) or  
(3) 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:

(a) For a felony, six years;

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

(c) For a minor misdemeanor, six months.

(2) There is no period of limitation for the prosecution of a 391  
violation of section 2903.01 or 2903.02 of the Revised Code. 392

(3) Except as otherwise provided in divisions (B) to (H) of 393  
this section, a prosecution of any of the following offenses shall 394  
be barred unless it is commenced within twenty years after the 395  
offense is committed: 396

(a) A violation of section 2903.03, 2903.04, 2905.01, 397  
2907.02, 2907.03, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 398  
2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 399  
2911.02, 2911.11, 2911.12, or 2917.02 of the Revised Code, a 400  
violation of section 2903.11 or 2903.12 of the Revised Code if the 401  
victim is a peace officer, a violation of section 2903.13 of the 402  
Revised Code that is a felony, or a violation of former section 403  
2907.12 of the Revised Code; 404

(b) A conspiracy to commit, attempt to commit, or complicity 405  
in committing a violation set forth in division (A)(3)(a) of this 406  
section. 407

(B) If the period of limitation provided in division (A)(1) 408  
or (3) of this section has expired, prosecution shall be commenced 409  
for an offense of which an element is fraud or breach of a 410  
fiduciary duty, within one year after discovery of the offense 411  
either by an aggrieved person, or by the aggrieved person's legal 412  
representative who is not a party to the offense. 413

(C) If the period of limitation provided in division (A)(1) 414  
or (3) of this section has expired, prosecution shall be commenced 415  
for an offense involving misconduct in office by a public servant 416  
as defined in section 2921.01 of the Revised Code, at any time 417  
while the accused remains a public servant, or within two years 418  
thereafter. 419

(D) An offense is committed when every element of the offense 420  
occurs. In the case of an offense of which an element is a 421

continuing course of conduct, the period of limitation does not  
begin to run until such course of conduct or the accused's  
accountability for it terminates, whichever occurs first.

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

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

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

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

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

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

(A) "Act of terrorism" means an act that is committed within

or outside the territorial jurisdiction of this state or the  
United States, that constitutes a specified offense if committed  
in this state or constitutes an offense in any jurisdiction within  
or outside the territorial jurisdiction of the United States  
containing all of the essential elements of a specified offense,  
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  
harm through the toxic properties of a toxic chemical or precursor  
identified in division (D)(1) of this section that would be  
created or released as a result of the employment of that device;

(3) Any equipment specifically designed for use directly in  
connection with the employment of devices identified in division



(D)(2) of this section.

482

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

483

484

485

486

487

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

488

489

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

490

491

492

493

494

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

495

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

496

497

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

498

499

500

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

501

502

503

(4) Solicitation of any individual for membership in an  
organization on the United States department of state terrorist  
exclusion list;

504

505

506

(5) Commission of an act that the person knows, or reasonably  
should have known, affords material support or resources to an  
organization on the United States department of state terrorist  
exclusion list;

507

508

509

510

(6) Hiring or compensating a person known by the person

511

512 hiring or providing the compensation to be a member of an  
513 organization on the United States department of state terrorist  
514 exclusion list or a person known by the person hiring or providing  
515 the compensation to be engaged in planning, assisting, or carrying  
516 out an act of terrorism.

(I) "Material support or resources" means currency, payment 517  
instruments, other financial securities, funds, transfer of funds, 518  
financial services, communications, lodging, training, ~~safehouses~~ 519  
safe houses, false documentation or identification, communications 520  
equipment, facilities, weapons, lethal substances, explosives, 521  
personnel, transportation, and other physical assets, except 522  
medicine or religious materials. 523

~~(C)~~(J) "Payment instrument" means a check, draft, money 524  
order, traveler's check, cashier's check, teller's check, or other 525  
instrument or order for the transmission or payment of money, 526  
regardless of whether the item in question is negotiable. 527

(K) "Peace officer" and "prosecutor" have the same meanings 528  
as in section 2935.01 of the Revised Code. 529

(L) "Precursor" means any chemical reactant that takes part 530  
at any stage in the production by whatever method of a toxic 531  
chemical, including any key component of a binary or 532  
multicomponent chemical system. 533

~~(D)~~(M) "Response costs" means all costs a political 534  
subdivision incurs as a result of, or in making any response to, a 535  
threat of a specified offense made as described in section 2909.23 536  
of the Revised Code or a specified offense committed as described 537  
in section 2909.24 of the Revised Code, including, but not limited 538  
to, all costs so incurred by any law enforcement officers, 539  
firefighters, rescue personnel, or emergency medical services 540  
personnel of the political subdivision and all costs so incurred 541  
by the political subdivision that relate to laboratory testing or 542

hazardous material cleanup. 543

~~(E)~~(N) "Specified offense" means any of the following: 544

(1) A felony offense of violence, a violation of section 545  
2909.04, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 546  
2909.29, or 2927.24 of the Revised Code, ~~or~~ a felony of the first 547  
degree that is not a violation of any provision in Chapter 2925. 548  
or 3719. of the Revised Code; 549

(2) An attempt to commit, complicity in committing, or a 550  
conspiracy to commit an offense listed in division ~~(E)~~(N)(1) of 551  
this section. 552

(O) "Toxic chemical" means any chemical that through its 553  
chemical action on life processes can cause death or serious 554  
physical harm to persons or animals, regardless of its origin or 555  
of its method of production and regardless of whether it is 556  
produced in facilities, in munitions, or elsewhere. 557

(P) "United States department of state terrorist exclusion 558  
list" and "terrorist exclusion list" means the list compiled by 559  
the United States secretary of state, in consultation with or upon 560  
the request of the United States attorney general, that designates 561  
terrorist organizations for immigration purposes, as authorized by 562  
the "Uniting and Strengthening America by Providing Appropriate 563  
Tools Required to Intercept and Obstruct Terrorism (USA Patriot 564  
Act) Act of 2001," Pub. L. No. 107-056, 115 Stat. 272, as amended. 565

(O) "Hazardous radioactive substance" means any substance or 566  
item that releases or is designed to release radiation or 567  
radioactivity at a level dangerous to human life. 568

**Sec. 2909.26.** (A) No person shall knowingly possess any 569  
chemical weapon, biological weapon, radiological or nuclear 570  
weapon, or explosive device with the intent to use it to cause 571  
serious physical harm or death to another person. 572

(B) No person shall knowingly possess any chemical weapon, 573  
biological weapon, radiological or nuclear weapon, or explosive 574  
device with intent to use the weapon to do any of the following: 575

(1) Intimidate or coerce a civilian population; 576

(2) Influence the policy of any government by intimidation or 577  
coercion; 578

(3) Affect the conduct of any government by murder, 579  
assassination, or kidnapping. 580

(C) Whoever violates this section is guilty of criminal 581  
possession of a chemical weapon, biological weapon, radiological 582  
or nuclear weapon, or explosive device. A violation of division 583  
(A) of this section is a felony of the third degree. A violation 584  
of division (B) of this section is a felony of the second degree. 585

(D) This section does not apply when the items described in 586  
division (A) of this section are possessed for a purpose related 587  
to the performance of official duties related to any military 588  
purpose of the United States and any law enforcement purpose, 589  
including any domestic riot control purpose. 590

**Sec. 2909.27. (A) No person shall recklessly use, deploy,** 591  
**release, or cause to be used, deployed, or released any chemical** 592  
**weapon, biological weapon, radiological or nuclear weapon, or** 593  
**explosive device that creates a risk of death or serious physical** 594  
**harm to another person not a participant in the offense.** 595

(B) No person shall knowingly use, deploy, release, or cause 596  
to be used, deployed, or released any chemical weapon, biological 597  
weapon, radiological or nuclear weapon, or explosive device with 598  
the intent to do any of the following: 599

(1) Intimidate or coerce a civilian population; 600

(2) Influence the policy of any government by intimidation or 601

coercion; 602

(3) Affect the conduct of any government by murder, 603  
assassination, or kidnapping; 604

(4) Cause physical harm to, or the death of, any person who 605  
is not a participant in the offense. 606

(C) Whoever violates this section is guilty of criminal use 607  
of a chemical weapon, biological weapon, radiological or nuclear 608  
weapon, or explosive device. A violation of division (A) of this 609  
section is a felony of the second degree. A violation of division 610  
(B) of this section is a felony of the first degree. 611

(D)(1) Division (A) of this section does not apply to any 612  
person who uses any of the following: 613

(a) Any household product that is generally available for 614  
sale to consumers in this state in the quantity and concentration 615  
available for sale to those consumers; 616

(b) A self-defense spray; 617

(c) A biological agent, toxin, or delivery system the person 618  
possesses solely for protective, bona fide research, or other 619  
peaceful purposes; 620

(d) A chemical weapon that the person possesses solely for a 621  
purpose not prohibited under this section if the type and quantity 622  
is consistent with that purpose. 623

(2) For purposes of this division, "a purpose not prohibited 624  
under this section" means any of the following: 625

(a) Any peaceful purpose related to an industrial, 626  
agricultural, research, medical, or pharmaceutical activity or 627  
other peaceful activity; 628

(b) Any purpose directly related to protection against toxic 629  
chemicals and to protection against chemical weapons; 630

(c) Any military purpose of the United States that is not 631  
connected with the use of a chemical weapon or that is not 632  
dependent on the use of the toxic or poisonous properties of the 633  
chemical weapon to cause death or other harm, when related to the 634  
performance of official duties; 635

(d) Any law enforcement purpose, including any domestic riot 636  
control purpose, when related to the performance of official 637  
duties. 638

**Sec. 2909.28.** (A) No person, with the intent to manufacture a 639  
chemical weapon, biological weapon, radiological or nuclear 640  
weapon, or explosive device, shall knowingly assemble or possess 641  
one or more toxins, toxic chemicals, precursors of toxic 642  
chemicals, vectors, biological agents, or hazardous radioactive 643  
substances, including, but not limited to, those listed in rules 644  
the director of public safety adopts, that may be used to 645  
manufacture a chemical weapon, biological weapon, radiological or 646  
nuclear weapon, or explosive device. 647

(B) In a prosecution under this section, it is not necessary 648  
to allege or prove that the offender assembled or possessed all 649  
chemicals or substances necessary to manufacture a chemical 650  
weapon, biological weapon, radiological or nuclear weapon, or 651  
explosive device. The assembly or possession of a single chemical 652  
or substance, with the intent to use that chemical or substance in 653  
the manufacture of a chemical weapon, biological weapon, 654  
radiological or nuclear weapon, or explosive device, is sufficient 655  
to violate this section. 656

(C) Whoever violates this section is guilty of illegal 657  
assembly or possession of chemicals or substances for the 658  
manufacture of a chemical weapon, biological weapon, radiological 659  
or nuclear weapon, or explosive device, which is a felony of the 660  
fourth degree. 661

(D) This section does not apply when the items described in 662  
division (A) of this section are assembled or possessed for a 663  
purpose related to the performance of official duties related to 664  
any military purpose of the United States and any law enforcement 665  
purpose, including any domestic riot control purpose. 666

**Sec. 2909.29.** (A) No person, knowing that property is the 667  
proceeds of an act of terrorism or a monetary instrument given, 668  
received, or intended to be used in support of an act of 669  
terrorism, shall conduct or attempt to conduct any transaction 670  
involving that property or transport, transmit or transfer that 671  
monetary instrument with the intent to do any of the following: 672

(1) Commit or further the commission of criminal activity; 673

(2) Conceal or disguise the nature, location, source, 674  
ownership, or control of either the proceeds of an act of 675  
terrorism or a monetary instrument given, received, or intended to 676  
be used to support an act of terrorism; 677

(3) Conceal or disguise the intent to avoid a transaction 678  
reporting requirement under section 1315.53 of the Revised Code or 679  
federal law. 680

(B)(1) Whoever violates this section is guilty of money 681  
laundering in support of terrorism, which is a misdemeanor of the 682  
first degree, except as otherwise provided in this division. 683

(2) A violation of division (A) of this section is a felony 684  
of the fifth degree if the total value of the property or monetary 685  
instrument involved in the transaction equals or exceeds one 686  
thousand dollars and is less than five thousand dollars. 687

(3) Money laundering in support of terrorism is a felony of 688  
the fourth degree if the total value of the property or monetary 689  
instrument involved in the transaction equals or exceeds five 690  
thousand dollars and is less than twenty-five thousand dollars. 691

(4) Money laundering in support of terrorism is a felony of 692  
the third degree if the total value of the property or monetary 693  
instrument involved in the transaction equals or exceeds 694  
twenty-five thousand dollars and is less than seventy-five 695  
thousand dollars. 696

(5) Money laundering in support of terrorism is a felony of 697  
the second degree if the total value of the property or monetary 698  
instrument involved in the transaction equals or exceeds 699  
seventy-five thousand dollars. 700

**Sec. 2909.30.** (A) A judge of a court of record shall direct 701  
the clerk of that court to notify the immigration and customs 702  
enforcement section of the United States department of homeland 703  
security when a suspected alien has been convicted of or pleaded 704  
guilty to a felony. 705

(B) The department of rehabilitation and correction monthly 706  
shall compile a list of suspected aliens who are serving a prison 707  
term. The list shall include the earliest possible date of release 708  
of the offender, whether through expiration of prison term, 709  
parole, or other means. The department shall provide a copy of the 710  
list to the immigration and customs enforcement section of the 711  
United States department of homeland security for the section to 712  
determine whether it wishes custody of the suspected alien. If the 713  
immigration and customs enforcement section indicates it wishes 714  
custody, the department of rehabilitation and correction is 715  
responsible for the suspected alien until the section takes 716  
custody. 717

(C) The department of rehabilitation and correction, pursuant 718  
to a valid detainer lodged against an alien who is not legally 719  
present in the United States and who has been convicted of or 720  
pleaded guilty to a felony, shall transfer that alien to the 721  
custody of the immigration and enforcement section of the United 722



States department of homeland security upon completion of the  
alien's prison term.

723  
724

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

725  
726

**Sec. 2909.31.** (A) No person entering an airport, train  
station, port, or other similar critical transportation  
infrastructure site shall refuse to show identification when  
requested by a law enforcement officer when there is a threat to  
security and the law enforcement officer is requiring  
identification of all persons entering the site.

727  
728  
729  
730  
731  
732

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

733  
734  
735  
736

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

737  
738  
739  
740  
741  
742  
743

(2)(a) The director shall prepare a document to serve as a  
declaration of material assistance/nonassistance for agencies to  
use to identify whether an applicant for a license or the renewal  
of a license has provided material assistance to an organization  
listed in the United States department of state terrorist  
exclusion list. The declaration shall be substantially in the form  
and of the same content as set forth in division (A)(2)(b) of this  
section. The director shall make the declaration available to each  
issuing agency of a license the director identifies pursuant to

744  
745  
746  
747  
748  
749  
750  
751  
752

division (A)(1) of this section, along with a then-current copy of 753  
the United States department of state terrorist exclusion list. 754  
The director may adopt rules governing the preparation of the 755  
declaration and the distribution of the declaration and the list. 756

(b) The declaration of material assistance/nonassistance this 757  
section requires shall be substantially as follows and shall 758  
include the following questions and the associated spaces for 759  
answering the questions: 760

"DECLARATION REGARDING MATERIAL ASSISTANCE/NONASSISTANCE 761

TO TERRORIST ORGANIZATION 762

(1) Are you a member of an organization on the U.S. 763  
Department of State Terrorist Exclusion List? Yes .....; No ..... 764

(2) Have you used any position of prominence you have within 765  
any country to persuade others to support an organization on the 766  
U.S. Department of State Terrorist Exclusion List? Yes .....; No 767  
..... 768

(3) Have you knowingly solicited funds or other things of 769  
value for an organization on the U.S. Department of State 770  
Terrorist Exclusion List? Yes .....; No ..... 771

(4) Have you solicited any individual for membership in an 772  
organization on the U.S. Department of State Terrorist Exclusion 773  
List? Yes .....; No ..... 774

(5) Have you committed an act that you know, or reasonably 775  
should have known, affords "material support or resources" (see 776  
below) to an organization on the U.S. Department of State 777  
Terrorist Exclusion List? Yes .....; No ..... 778

(6) Have you hired or compensated a person you knew to be a 779  
member of an organization on the U.S. Department of State 780  
Terrorist Exclusion List or a person you knew to be engaged in 781  
planning, assisting, or carrying out an act of terrorism? Yes 782

.....; No .....

783

For purposes of this declaration of material  
assistance/nonassistance, "material support or resources" means  
currency, payment instruments, other financial securities, funds,  
transfer of funds, and financial services that are in excess of  
one hundred dollars, as well as communications, lodging, training,  
safe houses, false documentation or identification, communications  
equipment, facilities, weapons, lethal substances, explosives,  
personnel, transportation, and other physical assets, except  
medicine or religious materials."

784

785

786

787

788

789

790

791

792

(B)(1) Any agency that issues a license the director  
identifies pursuant to division (A)(1) of this section shall  
include with the agency's application form a copy of the  
declaration of material assistance/nonassistance the director  
prepares pursuant to this section and a then-current copy of the  
terrorist exclusion list. The agency shall inform applicants that  
they must truthfully answer each question.

793

794

795

796

797

798

799

(2) Any person provided a declaration of material  
assistance/nonassistance pursuant to this section shall answer  
each question and attach the completed declaration to the  
application for the license or the license renewal.

800

801

802

803

(C)(1) Any answer of "yes" to any question, or the failure to  
answer "no" to any question, on a declaration of material  
assistance/nonassistance an agency provides pursuant to this  
section shall serve for purposes of this section as a disclosure  
that the applicant has provided material assistance to an  
organization listed on the terrorist exclusion list.

804

805

806

807

808

809

(2) Any person who discloses the provision of material  
assistance to any organization on the terrorist exclusion list  
shall be denied the license or the renewal of the license unless  
the department of public safety reinstates the application

810

811

812

813

pursuant to division (D) of this section.

814

(D) The department of public safety, upon an applicant's request, shall review within thirty days of that request an application for any license or renewal that was denied under division (C) of this section. The department shall reinstate the license application for good cause if it determines all of the following pursuant to guidelines the director adopts by rule:

815

816

817

818

819

820

(1) That the provision of material assistance to an organization on the terrorist exclusion list was made more than ten years prior to the time of the application, or the applicant provided material assistance during the ten years prior to the application and the date of the review, but at the time of the assistance, the organization was either not on the list or was not involved in any activity or conduct that would have merited inclusion on the list had it existed at the time, or at the time of the assistance it was not reasonable to know of the organization's activities that would have merited its inclusion on the list.

821

822

823

824

825

826

827

828

829

830

831

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

832

833

834

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

835

836

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

837

838

839

840

841

842

843

844

(F) The failure of an applicant for a license to disclose, as 845  
this section requires, the provision of material assistance to an 846  
organization on the terrorist exclusion list or knowingly making 847  
false statements regarding material assistance to an organization 848  
on that list is a felony of the fifth degree. 849

(G) An issuing agency shall notify the department of public 850  
safety if it denies an application for a license or the renewal of 851  
a license because the applicant disclosed the provision of 852  
material assistance to an organization listed on the terrorist 853  
exclusion list. 854

(H) An agency may revoke a license issued to any person who, 855  
after providing a declaration of material assistance/nonassistance 856  
pursuant to this section, takes an action that would result in 857  
"yes" being the correct answer to any question on the declaration, 858  
had the declaration been readministered after taking that action. 859  
The agency shall conduct a hearing pursuant to Chapter 119. of the 860  
Revised Code prior to revoking any license pursuant to this 861  
division. 862

**Sec. 2909.33.** (A)(1) The director of public safety shall 863  
prepare a document to serve as a declaration of material 864  
assistance/nonassistance for the state, any instrumentality of the 865  
state, and any political subdivision of the state to use to 866  
determine whether any person, company, affiliated group, or 867  
organization, or person who holds, owns, or otherwise has a 868  
controlling interest in a company, affiliated group, or 869  
organization, has provided material assistance to an organization 870  
listed on the United States department of state terrorist 871  
exclusion list. The declaration shall be substantially in the same 872  
format and of the same content as set forth in division (A)(2)(b) 873  
of section 2909.32 of the Revised Code. 874

(2) The director shall make the declaration of material 875

assistance/nonassistance available to the state, instrumentalities  
of the state, and political subdivisions of the state, along with  
a then-current copy of the terrorist exclusion list. The director  
may adopt rules that govern the preparation of the declaration and  
the distribution of the declaration and terrorist exclusion list.

876  
877  
878  
879  
880

(3)(a) Any state agency, instrumentality, or political  
subdivision of the state, for purposes of business it conducts and  
funding it provides, may adopt a procedure under which it  
precertifies any person, company, affiliated group, or  
organization as not providing material assistance to an  
organization on the terrorist exclusion list. The precertification  
this division describes shall be granted to any person, company,  
affiliated group, or organization that submits a completed copy of  
the declaration prepared pursuant to this section, with an answer  
of "no" to all questions. A precertification pursuant to this  
division is effective for one year.

881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891

(b) Any person, company, affiliated group, or organization  
that is precertified pursuant to this division and that takes any  
action or learns of anything that would result in an answer of  
"yes" to any question on the declaration of material  
assistance/nonassistance this division requires, shall cease to  
represent that it is precertified and, within thirty days of  
taking that action or learning the new information, shall notify  
every state agency, instrumentality, or political subdivision with  
which it is precertified to request the precertification be  
rescinded.

892  
893  
894  
895  
896  
897  
898  
899  
900  
901

(c) When applying for a contract, falsely representing  
precertification, or representing precertification when that  
precertification has been rescinded or should have been rescinded  
pursuant to this division, is a felony of the fifth degree.

902  
903  
904  
905

(B) Any person who is provided a declaration of material

906

assistance/nonassistance pursuant to this section shall complete  
that declaration. Any answer of "yes" to any question, or the  
failure to answer "no" to any question, on the declaration shall  
serve for purposes of this section as a disclosure of the  
provision of material assistance to an organization that is listed  
on the terrorist exclusion list.

907  
908  
909  
910  
911  
912

(C) Prior to entering into a contract to conduct business or  
receive funding, 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 aggregate amount greater than one hundred thousand dollars  
annually from the state, any instrumentality of the state, and any  
political subdivision of the state, excluding the amount of any  
personal benefit, shall certify that it does not provide material  
assistance to any organization on the United States department of  
state terrorist exclusion list. The certification shall be made by  
completing the declaration of material assistance/nonassistance  
described in division (A) of this section.

913  
914  
915  
916  
917  
918  
919  
920  
921  
922  
923  
924  
925

(D)(1) The state, an instrumentality of the state, or a  
political subdivision of the state shall conduct no business with  
or provide any funding to any person, company, affiliated group or  
organization, or any person who has a controlling interest in a  
company, affiliated group, or organization unless that person,  
company, affiliated group, or organization is certified as  
division (C) of this section requires. The state, instrumentality,  
or subdivision shall provide the declaration prepared pursuant to  
division (A) of this section, along with a then-current copy of  
the terrorist exclusion list, to any person, company, affiliated  
group, or organization that is not precertified and for which  
certification is required. If a contract is entered into pursuant  
to competitive bidding or another competitive process, the state,

926  
927  
928  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938

instrumentality, or subdivision need provide the declaration and 939  
list only to the person selected and only if that person is not 940  
precertified. 941

(2) No person, company, affiliated group or organization, or 942  
any person who holds, owns, or otherwise has a controlling 943  
interest in a company, affiliated group, or organization shall 944  
enter into a contract to conduct business with or receive funding 945  
from the state, an instrumentality of the state, or a political 946  
subdivision of the state unless it is certified as division (C) of 947  
this section requires. 948

(E) The department of public safety shall review, within 949  
thirty days of a request from any person, company, affiliated 950  
group, or organization that disclosed the provision of material 951  
assistance to an organization listed on the terrorist exclusion 952  
list, whether the prohibitions against doing business or receiving 953  
funding set forth in divisions (D)(1) and (D)(2) of this section 954  
should apply. The department shall order that the prohibitions do 955  
not apply if it determines all of the following pursuant to 956  
guidelines the director adopts by rule: 957

(1) That the provision of material assistance to an 958  
organization on the terrorist exclusion list was made more than 959  
ten years prior to the time the declaration of material 960  
assistance/nonassistance was filled out, or the material 961  
assistance was provided during the ten years prior to the 962  
application and the date of the review, but at the time of the 963  
assistance, the organization was either not on the list or would 964  
not have merited inclusion had it existed at the time, or at the 965  
time of the assistance it was not reasonable to know of the 966  
organization's activities that would have merited its inclusion on 967  
the list. 968

(2) That it is unlikely in the future that the person, 969



company, affiliated group, or organization will provide material 970  
assistance to any organization on the terrorist exclusion list; 971

(3) The person, company, affiliated group, or organization 972  
does not pose a risk to the residents of this state. 973

(F) Any person, company, affiliated group, or organization 974  
that had not provided material assistance at the time a 975  
declaration of material assistance/nonassistance was answered, but 976  
starts providing material assistance to an organization on the 977  
terrorist exclusion list during the course of doing business with 978  
or receiving funding from the state, an instrumentality of the 979  
state, or a subdivision of the state, is prohibited from entering 980  
into additional contracts to do business with or receive funding 981  
from the state, any instrumentality, or any subdivision for a 982  
period of ten years after the provision of material assistance is 983  
discovered. 984

(G) Any person, company, affiliated group, or organization 985  
that knowingly provides a false certification pursuant to this 986  
section is permanently banned from conducting business with or 987  
receiving funding from the state, an instrumentality of the state, 988  
or a political subdivision of the state and is guilty of a felony 989  
of the fifth degree. 990

(H) This section does not apply to the following types of 991  
transactions: 992

(1) An investment in a company that is publicly traded in any 993  
United States market; 994

(2) An investment that is traded on a foreign market where 995  
United States investors regularly make investments; 996

(3) An investment that is made through an agent or investment 997  
manager who has a fiduciary responsibility to the investor; 998

(4) An investment in public agency debt; 999

(5) An investment in derivatives that are regulated by a 1000  
government agency. 1001

(I) As used in this section, "personal benefit" means all of 1002  
the following: 1003

(1) Pensions and disability and survivor benefits; 1004

(2) Money, goods, services, or other things of value provided 1005  
by the United States, the state, or a political subdivision of the 1006  
state to which the recipient is entitled by reason of age, medical 1007  
condition, or a financial need that is established pursuant to an 1008  
act of congress or the general assembly; 1009

(3) Salary or compensation a person receives as an employee 1010  
of the state or a political subdivision of the state. 1011

**Sec. 2909.34. (A)(1) The director of public safety shall** 1012  
**prepare a document to serve as a declaration of material** 1013  
**assistance/nonassistance for the state, instrumentalities of the** 1014  
**state, and political subdivisions of the state to use to determine** 1015  
**whether any person who is under final consideration for employment** 1016  
**has provided material assistance to an organization listed on the** 1017  
**United States department of state terrorist exclusion list. The** 1018  
**declaration shall be substantially in the same format and of the** 1019  
**same content as set forth in division (A)(2)(b) of section 2909.32** 1020  
**of the Revised Code.** 1021

(2) The director shall make the declaration of material 1022  
assistance/nonassistance available to the state, instrumentalities 1023  
of the state, and political subdivisions of the state, along with 1024  
a then-current copy of the terrorist exclusion list. The director 1025  
may adopt rules that govern the preparation and distribution of 1026  
the declaration and the terrorist exclusion list. 1027

(3) The director may adopt rules that establish categories of 1028  
employment that are exempt from the disclosure requirements of 1029

this section.

1030

(B) Any person under final consideration for employment who  
is provided a declaration of material assistance/nonassistance  
pursuant to this section shall complete the declaration prior to  
being employed. Any answer of "yes" to any question, or the  
failure to answer "no" to any question, shall serve for purposes  
of this section as a disclosure of the provision of material  
assistance to an organization that is listed on the terrorist  
exclusion list.

1031

1032

1033

1034

1035

1036

1037

1038

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

1039

1040

1041

1042

1043

1044

1045

1046

1047

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

1048

1049

1050

1051

1052

1053

(1) That the provision of material assistance to an  
organization on the terrorist exclusion list was made more than  
ten years prior to the time the declaration of material  
assistance/nonassistance was filled out, or the material  
assistance was provided during the ten years prior to the  
application and the date of the review, but at the time of the  
assistance, the organization was either not on the list or would

1054

1055

1056

1057

1058

1059

1060

not have merited inclusion on the list had it existed at the time, 1061  
or at the time of the assistance it was not reasonable to know of 1062  
the organization's activities that would have merited its 1063  
inclusion on the list. 1064

(2) That it is unlikely in the future that the person will 1065  
provide material assistance to any organization on the terrorist 1066  
exclusion list; 1067

(3) The person does not pose a risk to the residents of the 1068  
state. 1069

(E) The failure of an applicant for employment to disclose, 1070  
as this section requires, the provision of material assistance to 1071  
an organization on the terrorist exclusion list, or knowingly 1072  
making false statements regarding material assistance to an 1073  
organization on that list, is a felony of the fifth degree. 1074

(F) (1) The state, or any instrumentality or political 1075  
subdivision of the state, may terminate any employee who, after 1076  
providing a declaration of material assistance/nonassistance 1077  
pursuant to this section, takes an action that would result in 1078  
"yes" being the correct answer to any question on the declaration, 1079  
had the declaration been readministered after taking that action. 1080

(2) No employer shall terminate an employee pursuant to this 1081  
division unless the employer complies with one of the following 1082  
hearing procedures: 1083

(a) If the employee is entitled to termination proceedings 1084  
under a collective bargaining agreement, the employer shall comply 1085  
with those procedures. 1086

(b) If the employee is entitled to termination proceedings 1087  
pursuant to division (C) of section 124.34 of the Revised Code, 1088  
the employer shall comply with those procedures. 1089

(c) If the employee does not qualify for the termination 1090

proceedings described in division (F)(2)(a) or (b) of this 1091  
section, the employer shall comply with the procedures set forth 1092  
in division (B) of section 124.34 of the Revised Code. 1093

**Sec. 2921.29.** (A) No person who is in a public place shall 1094  
refuse to disclose the person's name, address, or date of birth, 1095  
when requested by a law enforcement officer who reasonably 1096  
suspects either of the following: 1097

(1) The person is committing, has committed, or is about to 1098  
commit a criminal offense. 1099

(2) The person witnessed any of the following: 1100

(a) An offense of violence that would constitute a felony 1101  
under the laws of this state; 1102

(b) A felony offense that causes or results in, or creates a 1103  
substantial risk of, serious physical harm to another person or to 1104  
property; 1105

(c) Any attempt or conspiracy to commit, or complicity in 1106  
committing, any offense identified in division (A)(2)(a) or (b) of 1107  
this section; 1108

(d) Any conduct reasonably indicating that any offense 1109  
identified in division (A)(2)(a) or (b) of this section or any 1110  
attempt, conspiracy, or complicity described in division (A)(2)(c) 1111  
of this section has been, is being, or is about to be committed. 1112

(B) Whoever violates this section is guilty of failure to 1113  
disclose one's personal information, a misdemeanor of the fourth 1114  
degree. 1115

(C) Nothing in this section requires a person to answer any 1116  
questions beyond that person's name, address, or date of birth. 1117  
Nothing in this section authorizes a law enforcement officer to 1118  
arrest a person for not providing any information beyond that 1119

person's name, address, or date of birth or for refusing to 1120  
describe the offense observed. 1121

(D) It is not a violation of this section to refuse to answer 1122  
a question that would reveal a person's age or date of birth if 1123  
age is an element of the crime that the person is suspected of 1124  
committing. 1125

**Sec. 2923.31.** As used in sections 2923.31 to 2923.36 of the 1126  
Revised Code: 1127

(A) "Beneficial interest" means any of the following: 1128

(1) The interest of a person as a beneficiary under a trust 1129  
in which the trustee holds title to personal or real property; 1130

(2) The interest of a person as a beneficiary under any other 1131  
trust arrangement under which any other person holds title to 1132  
personal or real property for the benefit of such person; 1133

(3) The interest of a person under any other form of express 1134  
fiduciary arrangement under which any other person holds title to 1135  
personal or real property for the benefit of such person. 1136

"Beneficial interest" does not include the interest of a 1137  
stockholder in a corporation or the interest of a partner in 1138  
either a general or limited partnership. 1139

(B) "Costs of investigation and prosecution" and "costs of 1140  
investigation and litigation" mean all of the costs incurred by 1141  
the state or a county or municipal corporation under sections 1142  
2923.31 to 2923.36 of the Revised Code in the prosecution and 1143  
investigation of any criminal action or in the litigation and 1144  
investigation of any civil action, and includes, but is not 1145  
limited to, the costs of resources and personnel. 1146

(C) "Enterprise" includes any individual, sole 1147  
proprietorship, partnership, limited partnership, corporation, 1148

trust, union, government agency, or other legal entity, or any 1149  
organization, association, or group of persons associated in fact 1150  
although not a legal entity. "Enterprise" includes illicit as well 1151  
as licit enterprises. 1152

(D) "Innocent person" includes any bona fide purchaser of 1153  
property that is allegedly involved in a violation of section 1154  
2923.32 of the Revised Code, including any person who establishes 1155  
a valid claim to or interest in the property in accordance with 1156  
division (E) of section 2923.32 of the Revised Code, and any 1157  
victim of an alleged violation of that section or of any 1158  
underlying offense involved in an alleged violation of that 1159  
section. 1160

(E) "Pattern of corrupt activity" means two or more incidents 1161  
of corrupt activity, whether or not there has been a prior 1162  
conviction, that are related to the affairs of the same 1163  
enterprise, are not isolated, and are not so closely related to 1164  
each other and connected in time and place that they constitute a 1165  
single event. 1166

At least one of the incidents forming the pattern shall occur 1167  
on or after January 1, 1986. Unless any incident was an aggravated 1168  
murder or murder, the last of the incidents forming the pattern 1169  
shall occur within six years after the commission of any prior 1170  
incident forming the pattern, excluding any period of imprisonment 1171  
served by any person engaging in the corrupt activity. 1172

For the purposes of the criminal penalties that may be 1173  
imposed pursuant to section 2923.32 of the Revised Code, at least 1174  
one of the incidents forming the pattern shall constitute a felony 1175  
under the laws of this state in existence at the time it was 1176  
committed or, if committed in violation of the laws of the United 1177  
States or of any other state, shall constitute a felony under the 1178  
law of the United States or the other state and would be a 1179

criminal offense under the law of this state if committed in this state. 1180  
1181

(F) "Pecuniary value" means money, a negotiable instrument, a commercial interest, or anything of value, as defined in section 1.03 of the Revised Code, or any other property or service that has a value in excess of one hundred dollars. 1182  
1183  
1184  
1185

(G) "Person" means any person, as defined in section 1.59 of the Revised Code, and any governmental officer, employee, or entity. 1186  
1187  
1188

(H) "Personal property" means any personal property, any interest in personal property, or any right, including, but not limited to, bank accounts, debts, corporate stocks, patents, or copyrights. Personal property and any beneficial interest in personal property are deemed to be located where the trustee of the property, the personal property, or the instrument evidencing the right is located. 1189  
1190  
1191  
1192  
1193  
1194  
1195

(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: 1196  
1197  
1198

(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; 1199  
1200  
1201

(2) Conduct constituting any of the following: 1202

(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 1203  
1204  
1205  
1206  
1207  
1208  
1209



(F)(1)(a), (b), or (c) of section 1315.53; division (A)(1) or (2) 1210  
of section 1707.042; division (B), (C)(4), (D), (E), or (F) of 1211  
section 1707.44; division (A)(1) or (2) of section 2923.20; 1212  
division (J)(1) of section 4712.02; section 4719.02, 4719.05, or 1213  
4719.06; division (C), (D), or (E) of section 4719.07; section 1214  
4719.08; or division (A) of section 4719.09 of the Revised Code. 1215

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 1216  
3769.19 of the Revised Code as it existed prior to July 1, 1996, 1217  
any violation of section 2915.02 of the Revised Code that occurs 1218  
on or after July 1, 1996, and that, had it occurred prior to that 1219  
date, would have been a violation of section 3769.11 of the 1220  
Revised Code as it existed prior to that date, or any violation of 1221  
section 2915.05 of the Revised Code that occurs on or after July 1222  
1, 1996, and that, had it occurred prior to that date, would have 1223  
been a violation of section 3769.15, 3769.16, or 3769.19 of the 1224  
Revised Code as it existed prior to that date. 1225

(c) Any violation of section 2907.21, 2907.22, 2907.31, 1226  
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 1227  
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 1228  
of the Revised Code, any violation of section 2925.11 of the 1229  
Revised Code that is a felony of the first, second, third, or 1230  
fourth degree and that occurs on or after July 1, 1996, any 1231  
violation of section 2915.02 of the Revised Code that occurred 1232  
prior to July 1, 1996, any violation of section 2915.02 of the 1233  
Revised Code that occurs on or after July 1, 1996, and that, had 1234  
it occurred prior to that date, would not have been a violation of 1235  
section 3769.11 of the Revised Code as it existed prior to that 1236  
date, any violation of section 2915.06 of the Revised Code as it 1237  
existed prior to July 1, 1996, or any violation of division (B) of 1238  
section 2915.05 of the Revised Code as it exists on and after July 1239  
1, 1996, when the proceeds of the violation, the payments made in 1240  
the violation, the amount of a claim for payment or for any other 1241

benefit that is false or deceptive and that is involved in the 1242  
violation, or the value of the contraband or other property 1243  
illegally possessed, sold, or purchased in the violation exceeds 1244  
five hundred dollars, or any combination of violations described 1245  
in division (I)(2)(c) of this section when the total proceeds of 1246  
the combination of violations, payments made in the combination of 1247  
violations, amount of the claims for payment or for other benefits 1248  
that is false or deceptive and that is involved in the combination 1249  
of violations, or value of the contraband or other property 1250  
illegally possessed, sold, or purchased in the combination of 1251  
violations exceeds five hundred dollars; 1252

(d) Any violation of section 5743.112 of the Revised Code 1253  
when the amount of unpaid tax exceeds one hundred dollars; 1254

(e) Any violation or combination of violations of section 1255  
2907.32 of the Revised Code involving any material or performance 1256  
containing a display of bestiality or of sexual conduct, as 1257  
defined in section 2907.01 of the Revised Code, that is explicit 1258  
and depicted with clearly visible penetration of the genitals or 1259  
clearly visible penetration by the penis of any orifice when the 1260  
total proceeds of the violation or combination of violations, the 1261  
payments made in the violation or combination of violations, or 1262  
the value of the contraband or other property illegally possessed, 1263  
sold, or purchased in the violation or combination of violations 1264  
exceeds five hundred dollars; 1265

(f) Any combination of violations described in division 1266  
(I)(2)(c) of this section and violations of section 2907.32 of the 1267  
Revised Code involving any material or performance containing a 1268  
display of bestiality or of sexual conduct, as defined in section 1269  
2907.01 of the Revised Code, that is explicit and depicted with 1270  
clearly visible penetration of the genitals or clearly visible 1271  
penetration by the penis of any orifice when the total proceeds of 1272  
the combination of violations, payments made in the combination of 1273

violations, amount of the claims for payment or for other benefits 1274  
that is false or deceptive and that is involved in the combination 1275  
of violations, or value of the contraband or other property 1276  
illegally possessed, sold, or purchased in the combination of 1277  
violations exceeds five hundred dollars. 1278

(3) Conduct constituting a violation of any law of any state 1279  
other than this state that is substantially similar to the conduct 1280  
described in division (I)(2) of this section, provided the 1281  
defendant was convicted of the conduct in a criminal proceeding in 1282  
the other state; 1283

(4) Animal or ecological terrorism. 1284

(J) "Real property" means any real property or any interest 1285  
in real property, including, but not limited to, any lease of, or 1286  
mortgage upon, real property. Real property and any beneficial 1287  
interest in it is deemed to be located where the real property is 1288  
located. 1289

(K) "Trustee" means any of the following: 1290

(1) Any person acting as trustee under a trust in which the 1291  
trustee holds title to personal or real property; 1292

(2) Any person who holds title to personal or real property 1293  
for which any other person has a beneficial interest; 1294

(3) Any successor trustee. 1295

"Trustee" does not include an assignee or trustee for an 1296  
insolvent debtor or an executor, administrator, administrator with 1297  
the will annexed, testamentary trustee, guardian, or committee, 1298  
appointed by, under the control of, or accountable to a court. 1299

(L) "Unlawful debt" means any money or other thing of value 1300  
constituting principal or interest of a debt that is legally 1301  
unenforceable in this state in whole or in part because the debt 1302  
was incurred or contracted in violation of any federal or state 1303

law relating to the business of gambling activity or relating to  
the business of lending money at an usurious rate unless the  
creditor proves, by a preponderance of the evidence, that the  
usurious rate was not intentionally set and that it resulted from  
a good faith error by the creditor, notwithstanding the  
maintenance of procedures that were adopted by the creditor to  
avoid an error of that nature.

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

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

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

(P) "Research facility" means a place, laboratory,

institution, medical care facility, government facility, or public 1335  
or private educational institution in which a scientific test, 1336  
experiment, or investigation involving the use of animals or other 1337  
living organisms is lawfully carried out, conducted, or attempted. 1338

**Sec. 2933.51.** As used in sections 2933.51 to 2933.66 of the 1339  
Revised Code: 1340

(A) "Wire communication" means an aural transfer that is made 1341  
in whole or in part through the use of facilities for the 1342  
transmission of communications by the aid of wires or similar 1343  
methods of connecting the point of origin of the communication and 1344  
the point of reception of the communication, including the use of 1345  
a method of connecting the point of origin and the point of 1346  
reception of the communication in a switching station, if the 1347  
facilities are furnished or operated by a person engaged in 1348  
providing or operating the facilities for the transmission of 1349  
communications. "Wire communication" includes an electronic 1350  
storage of a wire communication. 1351

(B) "Oral communication" means an oral communication uttered 1352  
by a person exhibiting an expectation that the communication is 1353  
not subject to interception under circumstances justifying that 1354  
expectation. "Oral communication" does not include an electronic 1355  
communication. 1356

(C) "Intercept" means the aural or other acquisition of the 1357  
contents of any wire, oral, or electronic communication through 1358  
the use of an interception device. 1359

(D) "Interception device" means an electronic, mechanical, or 1360  
other device or apparatus that can be used to intercept a wire, 1361  
oral, or electronic communication. "Interception device" does not 1362  
mean any of the following: 1363

(1) A telephone or telegraph instrument, equipment, or 1364

facility, or any of its components, if the instrument, equipment, 1365  
facility, or component is any of the following: 1366

(a) Furnished to the subscriber or user by a provider of wire 1367  
or electronic communication service in the ordinary course of its 1368  
business and being used by the subscriber or user in the ordinary 1369  
course of its business; 1370

(b) Furnished by a subscriber or user for connection to the 1371  
facilities of a provider of wire or electronic communication 1372  
service and used in the ordinary course of that subscriber's or 1373  
user's business; 1374

(c) Being used by a provider of wire or electronic 1375  
communication service in the ordinary course of its business or by 1376  
an investigative or law enforcement officer in the ordinary course 1377  
of the officer's duties that do not involve the interception of 1378  
wire, oral, or electronic communications. 1379

(2) A hearing aid or similar device being used to correct 1380  
subnormal hearing to not better than normal. 1381

(E) "Investigative officer" means any of the following: 1382

(1) An officer of this state or a political subdivision of 1383  
this state, who is empowered by law to conduct investigations or 1384  
to make arrests for a designated offense; 1385

(2) A person described in divisions (A)(11)(a) and (b) of 1386  
section 2901.01 of the Revised Code; 1387

(3) An attorney authorized by law to prosecute or participate 1388  
in the prosecution of a designated offense; 1389

(4) A secret service officer appointed pursuant to section 1390  
309.07 of the Revised Code; 1391

(5) An officer of the United States, a state, or a political 1392  
subdivision of a state who is authorized to conduct investigations 1393  
pursuant to the "Electronic Communications Privacy Act of 1986," 1394

100 Stat. 1848-1857, 18 U.S.C. 2510-2521 (1986), as amended. 1395

(F) "Interception warrant" means a court order that 1396  
authorizes the interception of wire, oral, or electronic 1397  
communications and that is issued pursuant to sections 2933.53 to 1398  
2933.56 of the Revised Code. 1399

(G) "Contents," when used with respect to a wire, oral, or 1400  
electronic communication, includes any information concerning the 1401  
substance, purport, or meaning of the communication. 1402

(H) "Communications common carrier" means a person who is 1403  
engaged as a common carrier for hire in intrastate, interstate, or 1404  
foreign communications by wire, radio, or radio transmission of 1405  
energy. "Communications common carrier" does not include, to the 1406  
extent that the person is engaged in radio broadcasting, a person 1407  
engaged in radio broadcasting. 1408

(I) "Designated offense" means any of the following: 1409

(1) A felony violation of section 1315.53, 1315.55, 2903.01, 1410  
2903.02, 2903.11, 2905.01, 2905.02, 2905.11, 2905.22, 2907.02, 1411  
2907.21, 2907.22, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 1412  
2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 1413  
2911.11, 2911.12, 2913.02, 2913.04, 2913.42, 2913.51, 2915.02, 1414  
2915.03, 2917.01, 2917.02, 2921.02, 2921.03, 2921.04, 2921.32, 1415  
2921.34, 2923.20, 2923.32, 2925.03, 2925.04, 2925.05, or 2925.06 1416  
or of division (B) of section 2915.05 of the Revised Code; 1417

(2) A violation of section 2919.23 of the Revised Code that, 1418  
had it occurred prior to July 1, 1996, would have been a violation 1419  
of section 2905.04 of the Revised Code as it existed prior to that 1420  
date; 1421

(3) A felony violation of section 2925.11 of the Revised Code 1422  
that is not a minor drug possession offense, as defined in section 1423  
2925.01 of the Revised Code; 1424

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

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

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

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

(L) "Special need" means a showing that a licensed physician, licensed practicing psychologist, attorney, practicing cleric, journalist, or either spouse 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, 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. 1456

"Electronic communication" does not mean any of the following: 1457

(1) A wire or oral communication; 1458

(2) A communication made through a tone-only paging device; 1459

(3) A communication from an electronic or mechanical tracking 1460  
device that permits the tracking of the movement of a person or 1461  
object. 1462

(O) "User" means a person or entity that uses an electronic 1463  
communication service and is duly authorized by the provider of 1464  
the service to engage in the use of the electronic communication 1465  
service. 1466

(P) "Electronic communications system" means a wire, radio, 1467  
electromagnetic, photoelectronic, or photo-optical facility for 1468  
the transmission of electronic communications, and a computer 1469  
facility or related electronic equipment for the electronic 1470  
storage of electronic communications. 1471

(Q) "Electronic communication service" means a service that 1472  
provides to users of the service the ability to send or receive 1473  
wire or electronic communications. 1474

(R) "Readily accessible to the general public" means, with 1475  
respect to a radio communication, that the communication is none 1476  
of the following: 1477

(1) Scrambled or encrypted; 1478

(2) Transmitted using a modulation technique, the essential 1479  
parameters of which have been withheld from the public with the 1480  
intention of preserving the privacy of the communication; 1481

(3) Carried on a subcarrier or other signal subsidiary to a 1482  
radio transmission; 1483

(4) Transmitted over a communications system provided by a 1484

communications common carrier, unless the communication is a 1485  
tone-only paging system communication; 1486

(5) Transmitted on a frequency allocated under part 25, 1487  
subpart D, E, or F of part 74, or part 94 of the Rules of the 1488  
Federal Communications Commission, as those provisions existed on 1489  
July 1, 1996, unless, in the case of a communication transmitted 1490  
on a frequency allocated under part 74 that is not exclusively 1491  
allocated to broadcast auxiliary services, the communication is a 1492  
two-way voice communication by radio. 1493

(S) "Electronic storage" means a temporary, intermediate 1494  
storage of a wire or electronic communication that is incidental 1495  
to the electronic transmission of the communication, and a storage 1496  
of a wire or electronic communication by an electronic 1497  
communication service for the purpose of backup protection of the 1498  
communication. 1499

(T) "Aural transfer" means a transfer containing the human 1500  
voice at a point between and including the point of origin and the 1501  
point of reception. 1502

(U) "Pen register" means a device that records or decodes 1503  
electronic impulses that identify the numbers dialed, pulsed, or 1504  
otherwise transmitted on telephone lines to which the device is 1505  
attached. 1506

(V) "Trap and trace device" means a device that captures the 1507  
incoming electronic or other impulses that identify the 1508  
originating number of an instrument or device from which a wire 1509  
communication or electronic communication was transmitted but that 1510  
does not intercept the contents of the wire communication or 1511  
electronic communication. 1512

(W) "Judge of a court of common pleas" means a judge of that 1513  
court who is elected or appointed as a judge of general 1514  
jurisdiction or as a judge who exercises both general jurisdiction 1515

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. 2935.033. (A) 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:

(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.

(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.

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

**Sec. 3701.04. (A) The director of health shall:**

(1) Require reports and make inspections and investigations  
that the director considers necessary;

(2) Provide administration, appoint personnel, make reports,  
and take other action as necessary to comply with the requirements  
of the "Construction and Modernization of Hospitals and Other  
Medical Facilities Act," Title VI of the "Public Health Service  
Act," 60 Stat. 1041 (1946), 42 U.S.C. 291, as amended, and the  
regulations adopted under that act;

(3) Procure by contract the temporary or intermittent

services of experts, consultants, or organizations when those 1545  
services are to be performed on a part-time or fee-for-service 1546  
basis and do not involve the performance of administrative duties; 1547

(4) Enter into agreements for the utilization of the 1548  
facilities and services of other departments, agencies, and 1549  
institutions, public or private; 1550

(5) On behalf of the state, solicit, accept, hold, 1551  
administer, and deposit in the state treasury to the credit of the 1552  
general operations fund created in section 3701.83 of the Revised 1553  
Code, any grant, gift, devise, bequest, or contribution made to 1554  
assist in meeting the cost of carrying out the director's 1555  
responsibilities and expend the grant, gift, devise, bequest, or 1556  
contribution for the purpose for which made. Fees collected by the 1557  
director in connection with meetings and conferences shall also be 1558  
credited to the fund and expended for the purposes for which paid. 1559

(6) Make an annual report to the governor on activities and 1560  
expenditures, including recommendations for such additional 1561  
legislation as the director considers appropriate to furnish 1562  
adequate hospital, clinic, and similar facilities to the people of 1563  
this state. 1564

(7) Establish a system for recruiting, registering, training, 1565  
and deploying volunteers the director determines are advisable and 1566  
reasonably necessary to respond to an emergency involving the 1567  
public's health. 1568

(B) The director of health may enter into agreements to sell 1569  
services offered by the department of health to boards of health 1570  
of city and general health districts and to other departments, 1571  
agencies, and institutions of this state, other states, or the 1572  
United States. Fees collected by the director for the sale of 1573  
services shall be deposited into the state treasury to the credit 1574  
of the general operations fund created in section 3701.83 of the 1575

Revised Code. 1576

Sec. 3750.22. (A)(1) The owner or operator of a facility 1577  
where chemicals are produced, or the owner or operator of any 1578  
other facility or business of any type, may provide a copy of any 1579  
vulnerability assessment of the facility or business or of any 1580  
other security-sensitive information developed regarding the 1581  
facility or business to any of the following: 1582

(a) The local emergency planning committee of the emergency 1583  
planning district in which the facility or business is located; 1584

(b) The fire department with jurisdiction over the facility 1585  
or business; 1586

(c) The sheriff of the county in which the facility or 1587  
business is located; 1588

(d) The chief of police of any municipal corporation with 1589  
jurisdiction over the facility or business; 1590

(e) Any state agency involved in the development of plans to 1591  
protect businesses of any type against terrorist attack including 1592  
the Ohio department of public safety, the Ohio highway patrol, the 1593  
office of homeland security, and the emergency management agency. 1594

(2) A local emergency planning committee, fire department, 1595  
sheriff, or chief of police, or other public office that receives 1596  
a vulnerability assessment or other security-sensitive information 1597  
pursuant to division (A)(1) of this section may provide a copy of 1598  
that assessment or information to any local emergency planning 1599  
committee, fire department, sheriff, or chief of police, or other 1600  
public office described in division (A)(1) of this section but 1601  
shall not share that vulnerability assessment or 1602  
security-sensitive information with any other public or private 1603  
office unless required to do so by federal or state law. 1604

(B)(1) Any vulnerability assessment or other 1605

security-sensitive information a public office receives pursuant 1606  
to division (A) of this section is not a public record under 1607  
section 149.43 of the Revised Code and that assessment or 1608  
information is not subject to the mandatory disclosure 1609  
requirements of section 149.43 of the Revised Code. 1610

(2) This section shall not be construed to exempt any owner 1611  
or operator of a facility where chemicals are produced or the 1612  
owner or operator of any other facility or business of any type 1613  
from providing information contained in a vulnerability assessment 1614  
or other security-sensitive information to the public when the 1615  
provision of that information otherwise is required by federal or 1616  
state law. 1617

**Sec. 4505.02.** The registrar of motor vehicles shall issue 1618  
rules as the registrar determines necessary to ensure uniform and 1619  
orderly operation of this chapter,~~and the~~ and to ensure that the 1620  
identification of each applicant for a certificate of title is 1621  
reasonably accurate. The clerks of the courts of common pleas 1622  
shall conform thereto. The clerks shall provide the forms as 1623  
prescribed by the registrar, except the manufacturers' or 1624  
importers' certificates. The clerks shall provide, from moneys in 1625  
the automated title processing fund, certificates of title. All 1626  
other automated title processing system supplies shall be provided 1627  
by the clerks. 1628

If it appears that any certificate of title has been 1629  
improperly issued, the registrar shall cancel the certificate. 1630  
Upon the cancellation of any certificate of title, the registrar 1631  
shall notify the clerk who issued it, and the clerk thereupon 1632  
shall enter the cancellation upon the clerk's records. The 1633  
registrar also shall notify the person to whom such certificate of 1634  
title was issued, as well as any lienholders appearing thereon, of 1635  
the cancellation and shall demand the surrender of the certificate 1636

of title immediately, but the cancellation shall not affect the  
validity of any lien noted thereon. The holder of such certificate  
of title immediately shall return it to the registrar. If a  
certificate of registration has been issued to the holder of a  
certificate of title so canceled the registrar immediately shall  
cancel it and demand the return of such certificate of  
registration and license plates, and the holder of such  
certificate of registration and license plates shall return the  
same to the registrar forthwith. The clerks shall keep on hand a  
sufficient supply of blank forms, which, except for certificate of  
title and memorandum certificate forms, shall be furnished and  
distributed without charge to registered manufacturers or dealers,  
or other persons residing within the county.

**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  
drug abuse offense, as defined in section 2925.01 of the Revised  
Code, a violation of division (B) of section 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.

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

(C) No temporary instruction permit or driver's license shall  
be issued to any person whose commercial driver's license is

suspended under Chapter 4510. or any other provision of the 1668  
Revised Code during the period of the suspension. 1669

No temporary instruction permit or driver's license shall be 1670  
issued to any person when issuance is prohibited by division (A) 1671  
of section 4507.091 of the Revised Code. 1672

(D) No temporary instruction permit or driver's license shall 1673  
be issued to, or retained by, any of the following persons: 1674

(1) Any person who is an alcoholic, or is addicted to the use 1675  
of controlled substances to the extent that the use constitutes an 1676  
impairment to the person's ability to operate a motor vehicle with 1677  
the required degree of safety; 1678

(2) Any person who is under the age of eighteen and has been 1679  
adjudicated an unruly or delinquent child or a juvenile traffic 1680  
offender for having committed any act that if committed by an 1681  
adult would be a drug abuse offense, as defined in section 2925.01 1682  
of the Revised Code, a violation of division (B) of section 1683  
2917.11, or a violation of division (A) of section 4511.19 of the 1684  
Revised Code, unless the person has been required by the court to 1685  
attend a drug abuse or alcohol abuse education, intervention, or 1686  
treatment program specified by the court and has satisfactorily 1687  
completed the program; 1688

(3) Any person who, in the opinion of the registrar, is 1689  
afflicted with or suffering from a physical or mental disability 1690  
or disease that prevents the person from exercising reasonable and 1691  
ordinary control over a motor vehicle while operating the vehicle 1692  
upon the highways, except that a restricted license effective for 1693  
six months may be issued to any person otherwise qualified who is 1694  
or has been subject to any condition resulting in episodic 1695  
impairment of consciousness or loss of muscular control and whose 1696  
condition, in the opinion of the registrar, is dormant or is 1697  
sufficiently under medical control that the person is capable of 1698



exercising reasonable and ordinary control over a motor vehicle. A 1699  
restricted license effective for six months shall be issued to any 1700  
person who otherwise is qualified and who is subject to any 1701  
condition that causes episodic impairment of consciousness or a 1702  
loss of muscular control if the person presents a statement from a 1703  
licensed physician that the person's condition is under effective 1704  
medical control and the period of time for which the control has 1705  
been continuously maintained, unless, thereafter, a medical 1706  
examination is ordered and, pursuant thereto, cause for denial is 1707  
found. 1708

A person to whom a six-month restricted license has been 1709  
issued shall give notice of the person's medical condition to the 1710  
registrar on forms provided by the registrar and signed by the 1711  
licensee's physician. The notice shall be sent to the registrar 1712  
six months after the issuance of the license. Subsequent 1713  
restricted licenses issued to the same individual shall be 1714  
effective for six months. 1715

(4) Any person who is unable to understand highway warnings 1716  
or traffic signs or directions given in the English language; 1717

(5) Any person making an application whose driver's license 1718  
or driving privileges are under cancellation, revocation, or 1719  
suspension in the jurisdiction where issued or any other 1720  
jurisdiction, until the expiration of one year after the license 1721  
was canceled or revoked or until the period of suspension ends. 1722  
Any person whose application is denied under this division may 1723  
file a petition in the municipal court or county court in whose 1724  
jurisdiction the person resides agreeing to pay the cost of the 1725  
proceedings and alleging that the conduct involved in the offense 1726  
that resulted in suspension, cancellation, or revocation in the 1727  
foreign jurisdiction would not have resulted in a suspension, 1728  
cancellation, or revocation had the offense occurred in this 1729  
state. If the petition is granted, the petitioner shall notify the 1730

registrar by a certified copy of the court's findings and a 1731  
license shall not be denied under this division. 1732

(6) Any person who is under a class one or two suspension 1733  
imposed for a violation of section 2903.04, 2903.06, or 2903.08 of 1734  
the Revised Code or whose driver's or commercial driver's license 1735  
or permit was permanently revoked prior to ~~the effective date of~~ 1736  
~~this amendment January 1, 2004,~~ for a substantially equivalent 1737  
violation pursuant to section 4507.16 of the Revised Code; 1738

(7) Any person who is not a resident or temporary resident of 1739  
this state. 1740

(E) No person whose driver's license or permit has been 1741  
suspended under Chapter 4510. of the Revised Code or any other 1742  
provision of the Revised Code shall have driving privileges 1743  
reinstated if the registrar determines that a warrant has been 1744  
issued in this state or any other state for the person's arrest 1745  
and that warrant is an active warrant. 1746

**Sec. 4561.17.** ~~For the purpose of providing~~ (A) To provide 1747  
revenue for ~~paying the expenses of~~ administering sections 4561.17 1748  
to 4561.22 of the Revised Code relative to the registration of 1749  
aircraft, for the surveying of and the establishment, checking, 1750  
maintenance, and repair of aviation air marking and of air 1751  
navigation facilities, for the acquiring, maintaining, and 1752  
repairing of equipment necessary ~~therefor~~ for those purposes, and 1753  
for the cost of ~~the creation~~ creating and ~~distribution of~~ 1754  
distributing Ohio aeronautical charts and Ohio airport and landing 1755  
field directories, an annual license tax is hereby levied upon all 1756  
aircraft based in this state for which an aircraft worthiness 1757  
certificate issued by the federal aviation administration is in 1758  
effect except the following: 1759

~~(A)~~ (1) Aircraft owned by the United States or any territory 1760

~~thereof of the United States;~~ 1761

~~(B)(2)~~ Aircraft owned by any foreign government; 1762

~~(C)(3)~~ Aircraft owned by any state or any political 1763  
subdivision ~~thereof of a state;~~ 1764

~~(D)(4)~~ Aircraft operated under a certificate of convenience 1765  
and necessity issued by the civil aeronautics board or any 1766  
successor ~~thereto to that board;~~ 1767

~~(E) Aircraft owned by any nonresident of this state whether 1768  
such owner is an individual, partnership, or corporation, provided 1769  
such owner has complied with all the laws in regard to the 1770  
licensing of aircraft in the state of his residence;~~ 1771

~~(F)(5)~~ Aircraft owned by aircraft manufacturers or aircraft 1772  
engine manufacturers and operated only for purposes of testing, 1773  
delivery, or demonstration; 1774

~~(G)(6)~~ Aircraft operated for hire over regularly scheduled 1775  
routes within the state. 1776

~~Such (B)~~ The license tax this section requires shall be at 1777  
the rates specified in section 4561.18 of the Revised Code, and 1778  
shall be paid to and collected by the director of transportation 1779  
at the time of making application as provided in ~~such that~~ 1780  
section. 1781

**Sec. 4561.18.** (A) The owner of any aircraft that is based in 1782  
this state and that is not of a type specified in divisions (A)(1) 1783  
to (6) of section 4561.17 of the Revised Code, shall register that 1784  
aircraft with the department of transportation pursuant to this 1785  
section. 1786

(B) Applications for the licensing and registration of 1787  
aircraft shall be made and signed by the owner ~~thereof upon on~~ 1788  
forms ~~prepared by~~ the department of transportation ~~and prepares.~~ 1789  
The forms shall contain a description of the aircraft, including 1790

its federal registration number, the airport or other place at 1791  
which the aircraft is based, and ~~such any~~ other information ~~as is~~ 1792  
~~required by~~ the department requires. 1793

~~Applications~~ (C)(1) Registration forms shall be filed with 1794  
the director of transportation ~~during the month of January~~ 1795  
annually at the time the director specifies and shall be renewed 1796  
according to the standard renewal procedure of sections 4745.01 to 1797  
4745.03 of the Revised Code. ~~Application~~ If the airport or other 1798  
place at which the aircraft usually is based changes, the owner 1799  
shall update the registration by filing a new form with the office 1800  
of aviation. 1801

(2) An application for the registration of any aircraft not 1802  
previously registered in this state, ~~if such aircraft that~~ is 1803  
acquired or becomes subject to ~~such the~~ license tax subsequent to 1804  
the last day of January in any year, shall be made for the balance 1805  
of the year in which the ~~same~~ aircraft is acquired, within 1806  
~~forty-eight hours~~ thirty days after ~~such the~~ acquisition or after 1807  
becoming subject to ~~such the~~ license tax. ~~Each such application~~ 1808

(D) Each registration form shall be accompanied by the proper 1809  
license tax, which, for aircraft other than gliders, shall be at 1810  
the annual rate of one hundred dollars per aircraft. The license 1811  
tax for gliders shall be three dollars annually. 1812

~~Such~~ (E) The department of transportation shall maintain all 1813  
registrations filed with it under this section and shall develop a 1814  
program to track and enforce the registration of aircraft based in 1815  
this state. 1816

(F) The taxes this section requires are in lieu of all other 1817  
taxes on or with respect to ownership of ~~such an~~ aircraft. 1818

(G) The director of transportation shall impose a fine 1819  
pursuant to section 4561.22 of the Revised Code for each aircraft 1820  
that an owner fails to register as this section requires and shall 1821

require the owner to register the aircraft within the time the  
director specifies. The director may impose a separate fine for  
each registration period during which the owner fails to register  
the aircraft.

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

(B) Whoever violates this section shall be fined not more  
than ~~one~~ five hundred dollars, ~~imprisoned not more than thirty~~  
~~days, or both~~ for each violation.

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

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

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

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

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

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

(B) Notwithstanding any provision of the Revised Code to the  
contrary, the department of transportation, in consultation with  
the department of public safety, shall adopt rules regarding the

security of public-use and private-use airports. The rules shall 1851  
include, but not be limited to, provisions that do the following: 1852

(1) Require all public-use and private-use airports located 1853  
in whole or in part in this state to register biennially with the 1854  
department of transportation; 1855

(2) Require all public-use airports located in whole or in 1856  
part in this state, and all private-use airports located in whole 1857  
or in part in this state that are located within thirty nautical 1858  
miles of either a metropolitan population of at least one hundred 1859  
thousand persons or a sensitive site, or that have eleven or more 1860  
based aircraft, a runway length more than two thousand feet, or 1861  
more than ten thousand annual aircraft operations, to do all of 1862  
the following: 1863

(a) Prepare a written security plan that is consistent with 1864  
the most recent security guidelines for general aviation airports 1865  
published by the United States transportation security 1866  
administration; 1867

(b) Develop a written list of emergency contacts and 1868  
telephones; 1869

(c) Restrict access to aircraft keys by unlicensed persons; 1870

(d) Require pilots, including those renting aircraft, to 1871  
operate pursuant to F.A.R. 61.3 regarding pilot identification; 1872

(e) Create an emergency locator map that identifies runways, 1873  
ramp areas, fence lines, gates, hydrants, emergency shelters, 1874  
buildings, and hazardous material sites; 1875

(f) Familiarize local law enforcement agencies with the 1876  
airport and consult with them in the airport's development of 1877  
security procedures. 1878

(3) Require all aircraft owners or pilots to secure their 1879  
aircraft; 1880

(4) Require all persons who rent an aircraft to present 1881  
government-issued identification, in addition to any pilot's 1882  
license, to the person who rents them the aircraft; 1883

(5) Address or govern the security of public-use and 1884  
private-use airports located in whole or in part in this state in 1885  
any other manner that the department of transportation, in 1886  
consultation with the department of public safety, determines to 1887  
be necessary. 1888

(C) The security plan described in division (B)(2)(a) and the 1889  
emergency locator map described in division (B)(2)(e) of this 1890  
section shall display prominently the following statement: "This 1891  
document may contain information that, if disclosed, could 1892  
endanger the life or safety of the public; therefore, this 1893  
document is to be maintained and used in a manner that preserves 1894  
the confidentiality of the information it contains in a manner 1895  
consistent with law." 1896

(D) Each public-use and private-use airport located in whole 1897  
or in part in this state shall provide a copy of its registration 1898  
described in division (B)(1) of this section, and when applicable, 1899  
a copy of its security plan and emergency locator map to the 1900  
department of public safety, to the department of transportation, 1901  
to the sheriff of the county in which the airport is located in 1902  
whole or in part, and, if the airport is located in whole or in 1903  
part in a municipal corporation, to the chief of police of each 1904  
municipal corporation in which it is wholly or partly located. 1905  
Copies of registrations, emergency locator maps, and security 1906  
plans that are in the possession of the department of public 1907  
safety, the office of aviation, a sheriff, or a chief of police 1908  
and that were provided under this division are not public records 1909  
under section 149.43 of the Revised Code and are not subject to 1910  
mandatory disclosure under that section. 1911

(E) This section shall not be construed to replace or 1912  
supersede airport security standards the United States department 1913  
of homeland security and the transportation security 1914  
administration require, or safety standards the United States 1915  
department of transportation and the federal aviation 1916  
administration require. 1917

**Sec. 4931.45.** (A) An amended final plan is required for any 1918  
of the following purposes: 1919

(1) Expanding the territory included in the countywide 9-1-1 1920  
system; 1921

(2) Upgrading any part or all of a system from basic to 1922  
enhanced wireline 9-1-1; 1923

(3) Adjusting the territory served by a public safety 1924  
answering point; 1925

(4) Represcribing the funding of public safety answering 1926  
points as between the alternatives set forth in division (B)(5) of 1927  
section 4931.43 of the Revised Code; 1928

(5) Providing for wireless enhanced 9-1-1; 1929

(6) Adding a telephone company as a participant in a 1930  
countywide 9-1-1 system after the implementation of wireline 9-1-1 1931  
or wireless enhanced 9-1-1; 1932

(7) Providing that the state highway patrol or one or more 1933  
public safety answering points of another 9-1-1 system function as 1934  
a public safety answering point or points for the provision of 1935  
wireline or wireless 9-1-1 for all or part of the territory of the 1936  
system established under the final plan, as contemplated under 1937  
division (J) of section 4931.41 of the Revised Code; 1938

(8) Making any other necessary adjustments to the plan. 1939

~~The adoption of an amended final plan under this division~~ 1940



~~shall be subject to, and accomplished~~

1941

(B) Except as otherwise provided in division (C) of this  
section, a final plan shall be amended in the manner of the  
~~adoption of an initial~~ provided for adopting a final plan under,  
sections 4931.42 to 4931.44 of the Revised Code, including ~~the~~  
~~requirements for the convening of a 9-1-1 planning committee and~~  
~~development of~~ developing a proposed amended plan prior to the  
~~adoption of the~~ adopting an amended final plan. However, a final  
~~plan is deemed amended~~

1942

1943

1944

1945

1946

1947

1948

1949

(C)(1) To amend a final plan for the purpose described in  
division (A)(6) of this section ~~upon the filing, an entity that~~  
wishes to be added as a participant in a 9-1-1 system shall file a  
written letter of that intent with the board of county  
commissioners of the county that approved the final plan ~~for the~~  
~~countywide 9-1-1 system, of a written letter of intent by the~~  
~~entity to be added as a participant in the 9-1-1 system. The~~  
~~entity~~ The final plan is deemed amended upon the filing of that  
letter. The entity that files the letter shall send written notice  
of ~~the~~ that filing to all subdivisions and telephone companies  
participating in the system. ~~Further, adoption~~

1950

1951

1952

1953

1954

1955

1956

1957

1958

1959

1960

(2) An amendment to a final plan for a purpose set forth in  
division (A)(1), (3), (5), or (8) of this section may be made by  
an addendum approved by a majority of the 9-1-1 planning  
committee. The board of county commissioners shall call a meeting  
of the 9-1-1 planning committee for the purpose of considering an  
addendum pursuant to this division.

1961

1962

1963

1964

1965

1966

(3) Adoption of any resolution under section 4931.51 of the  
Revised Code pursuant to a final plan that both has been adopted  
and provides for funding through charges imposed under that  
section is not an amendment of a final plan for the purpose of  
this division.

1967

1968

1969

1970

1971

~~(B)~~(D) When a final plan is amended for a purpose described 1972  
in division (A)(1), (2), or (6) of this section, sections 4931.47 1973  
and 5733.55 of the Revised Code apply with respect to the receipt 1974  
of the nonrecurring and recurring rates and charges for the 1975  
wireline telephone network portion of the 9-1-1 system. 1976

**Sec. 4931.49.** (A)(1) The state, the state highway patrol, or 1977  
a subdivision participating in a 9-1-1 system established under 1978  
sections 4931.40 to 4931.70 of the Revised Code and any officer, 1979  
agent, employee, or independent contractor of the state, the state 1980  
highway patrol, or such a participating subdivision is not liable 1981  
in damages in a civil action for injuries, death, or loss to 1982  
persons or property arising from any act or omission, except 1983  
willful or wanton misconduct, in connection with developing, 1984  
adopting, or approving any final plan or any agreement made under 1985  
section 4931.48 of the Revised Code or otherwise bringing into 1986  
operation the 9-1-1 system pursuant to sections 4931.40 to 4931.70 1987  
of the Revised Code. 1988

(2) The Ohio 9-1-1 council, the wireless 9-1-1 advisory 1989  
board, and any member of that council or board are not liable in 1990  
damages in a civil action for injuries, death, or loss to persons 1991  
or property arising from any act or omission, except willful or 1992  
wanton misconduct, in connection with the development or operation 1993  
of a 9-1-1 system established under sections 4931.40 to 4931.70 of 1994  
the Revised Code. 1995

(B) Except as otherwise provided in section 4765.49 of the 1996  
Revised Code, an individual who gives emergency instructions 1997  
through a 9-1-1 system established under sections 4931.40 to 1998  
4931.70 of the Revised Code, and the principals for whom the 1999  
person acts, including both employers and independent contractors, 2000  
public and private, and an individual who follows emergency 2001  
instructions and the principals for whom that person acts, 2002

including both employers and independent contractors, public and  
private, are not liable in damages in a civil action for injuries,  
death, or loss to persons or property arising from the issuance or  
following of emergency instructions, except where the issuance or  
following of the instructions constitutes willful or wanton  
misconduct.

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

(1) Such an entity's or its officers', directors',  
employees', agents', or suppliers' participation in or acts or  
omissions in connection with participating in or developing,  
maintaining, or operating a 9-1-1 system, whether that system is  
established pursuant to sections 4931.40 to 4931.70 of the Revised  
Code or otherwise in accordance with schedules regarding 9-1-1  
systems filed with the public utilities commission pursuant to  
section 4905.30 of the Revised Code by a telephone company that is  
a wireline service provider;

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

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

(E) No person shall knowingly use a 9-1-1 system for a

purpose other than obtaining emergency service. 2034

(F) No person shall disclose or use any information 2035  
concerning telephone numbers, addresses, or names obtained from 2036  
the data base that serves the public safety answering point of a 2037  
9-1-1 system established under sections 4931.40 to 4931.70 of the 2038  
Revised Code, except for any of the following purposes or under 2039  
any of the following circumstances: 2040

(1) For the purpose of the 9-1-1 system; 2041

(2) For the purpose of responding to an emergency call to an 2042  
emergency service provider; 2043

(3) In the circumstance of the inadvertent disclosure of such 2044  
information due solely to technology of the wireline telephone 2045  
network portion of the 9-1-1 system not allowing access to the 2046  
data base to be restricted to 9-1-1 specific answering lines at a 2047  
public safety answering point; 2048

(4) In the circumstance of ~~assistance~~ access to a data base 2049  
being given by a telephone company that is a wireline service 2050  
provider to a public utility or municipal utility in handling 2051  
customer calls in times of public emergency or service outages. 2052  
The charge, terms, and conditions for the disclosure or use of 2053  
such information for the purpose of such ~~assistance~~ access to a 2054  
data base shall be subject to the jurisdiction of the public 2055  
utilities commission. 2056

(5) In the circumstance of access to a data base given by a 2057  
telephone company that is a wireline service provider to a state 2058  
and local government in warning of a public emergency, as 2059  
determined by the public utilities commission. The charge, terms, 2060  
and conditions for the disclosure or use of that information for 2061  
the purpose of access to a data base is subject to the 2062  
jurisdiction of the public utilities commission. 2063

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

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

(C) In addition to any other duties enumerated in the Revised  
Code, the director or the director's designee shall do all of the  
following:

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

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

(3) On behalf of the department and in addition to any  
authority the Revised Code otherwise grants to the department,  
have the authority and responsibility for approving and entering  
into contracts, agreements, and other business arrangements;

(4) Make appointments for the department as needed to comply  
with requirements of the Revised Code;

(5) Approve employment actions of the department, including

appointments, promotions, discipline, investigations, and 2094  
terminations; 2095

(6) Accept, hold, and use, for the benefit of the department, 2096  
any gift, donation, bequest, or devise, and may agree to and 2097  
perform all conditions of the gift, donation, bequest, or devise, 2098  
that are not contrary to law; 2099

(7) Do all other acts necessary or desirable to carry out 2100  
this chapter. 2101

(D)(1) The director of public safety may assess a reasonable 2102  
fee, plus the amount of any charge or fee passed on from a 2103  
financial institution, on a drawer or indorser for each of the 2104  
following: 2105

(a) A check, draft, or money order that is returned or 2106  
dishonored; 2107

(b) An automatic bank transfer that is declined, due to 2108  
insufficient funds or for any other reason; 2109

(c) Any financial transaction device that is returned or 2110  
dishonored for any reason. 2111

(2) The director shall deposit any fee collected under this 2112  
division in an appropriate fund as determined by the director 2113  
based on the tax, fee, or fine being paid. 2114

(3) As used in this division, "financial transaction device" 2115  
has the same meaning as in section 113.40 of the Revised Code. 2116

(E) The director shall establish a homeland security advisory 2117  
council to advise the director on homeland security, including 2118  
homeland security funding efforts. The advisory council shall 2119  
include, but not be limited to, state and local government 2120  
officials who have homeland security or emergency management 2121  
responsibilities and who represent first responders. The director 2122  
shall appoint the members of the council, who shall serve without 2123

compensation. 2124

(F) The director of public safety shall adopt rules in 2125  
accordance with Chapter 119. of the Revised Code as required by 2126  
section 2909.28 of the Revised Code and division (A)(1) of section 2127  
2909.32 of the Revised Code. The director shall adopt rules as 2128  
required by division (D) of section 2909.32 of the Revised Code, 2129  
division (E) of section 2909.33 of the Revised Code, and division 2130  
(D) of section 2909.34 of the Revised Code. The director may adopt 2131  
rules pursuant to division (A)(2) of section 2909.32 of the 2132  
Revised Code, division (A)(2) of section 2909.33 of the Revised 2133  
Code, and division (A)(2) of section 2909.34 of the Revised Code. 2134

**Sec. 5502.03.** (A) There is hereby created in the department 2135  
of public safety a division of homeland security. It is the intent 2136  
of the general assembly that the creation of the division of 2137  
homeland security of the department of public safety by this 2138  
amendment does not result in an increase of funding appropriated 2139  
to the department. 2140

(B)~~(1)~~ The division shall ~~coordinate~~ do all of the following: 2141

(1) Coordinate all homeland security activities of all state 2142  
agencies and ~~shall~~ be the liaison between state agencies and local 2143  
entities for the purposes of communicating homeland security 2144  
funding and policy initiatives; 2145

(2) Collect, analyze, maintain, and disseminate information 2146  
to support local, state, and federal law enforcement agencies, 2147  
other government agencies, and private organizations in detecting, 2148  
detering, preventing, preparing for, responding to, and 2149  
recovering from threatened or actual terrorist events. This 2150  
information is not a public record pursuant to section 149.43 of 2151  
the Revised Code. 2152

(3) Coordinate efforts of state and local governments and 2153

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

2154  
2155

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

2156  
2157  
2158

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

2159  
2160  
2161  
2162

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

2163  
2164  
2165  
2166  
2167  
2168  
2169  
2170  
2171

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

2172  
2173  
2174  
2175  
2176

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

2177  
2178  
2179  
2180  
2181  
2182  
2183



director of the emergency management agency upon request. 2184

(B) Every agency for emergency management established 2185  
pursuant to sections 5502.21 to 5502.51 of the Revised Code and 2186  
every political subdivision that has established a program for 2187  
emergency management under section 5502.271 of the Revised Code, 2188  
and the officers thereof, shall execute and enforce any emergency 2189  
management orders and rules issued or adopted by the director of 2190  
public safety. 2191

(C) The national incident management system (NIMS) is hereby 2192  
adopted as the standard procedure for incident management in this 2193  
state. All departments, agencies, and political subdivisions 2194  
within the state shall utilize the system for incident management. 2195

**Sec. 5502.41.** (A) As used in this section: 2196

(1) "Countywide emergency management agency" means a 2197  
countywide emergency management agency established under section 2198  
5502.26 of the Revised Code. 2199

(2) "Participating political subdivision" means each 2200  
political subdivision in this state except a political subdivision 2201  
that enacts, by appropriate legislation signed by its chief 2202  
executive, a declaration not to participate in the intrastate 2203  
mutual aid program created by this section and that provides a 2204  
copy of the legislation to the emergency management agency and to 2205  
the countywide emergency management agency, regional authority for 2206  
emergency management, or program for emergency management within 2207  
the political subdivision, which is responsible for emergency 2208  
management in the political subdivision. 2209

(3) "Program for emergency management within a political 2210  
subdivision" means a program for emergency management created by a 2211  
political subdivision under section 5502.271 of the Revised Code. 2212

(4) "Regional authority for emergency management" means a 2213

regional authority for emergency management established under 2214  
section 5502.27 of the Revised Code. 2215

(B) There is hereby created the intrastate mutual aid program 2216  
to be known as "the intrastate mutual aid compact" to complement 2217  
existing mutual aid agreements in the event of a disaster that 2218  
results in a formal declaration of emergency by a participating 2219  
political subdivision. The program shall provide for mutual 2220  
assistance among the participating political subdivisions in 2221  
response to and recovery from any disaster that results in a 2222  
formal declaration of emergency by a participating political 2223  
subdivision; shall provide for mutual cooperation among the 2224  
participating political subdivisions in conducting 2225  
disaster-related exercises, testing, or other training activities 2226  
using the services, equipment, supplies, materials, personnel, and 2227  
other resources of the participating political subdivisions to 2228  
simulate the provision of mutual aid; and shall embody a method by 2229  
which a participating political subdivision may seek assistance in 2230  
the event of a formally declared emergency, which resolves many of 2231  
the common issues facing political subdivisions at the time of a 2232  
formally declared emergency and will ensure, to the extent 2233  
possible, eligibility for available state and federal disaster 2234  
funding. 2235

(C) Each countywide emergency management agency, regional 2236  
authority for emergency management, and program for emergency 2237  
management within a political subdivision, which is responsible 2238  
for emergency management in a participating political subdivision 2239  
shall, as part of its program for emergency management under 2240  
sections 5502.22, 5502.26, 5502.27, and 5502.271 of the Revised 2241  
Code, as applicable, and in coordination with all departments, 2242  
divisions, boards, commissions, agencies, and other 2243  
instrumentalities of, and having emergency response functions 2244  
within, each participating political subdivision served by that 2245

agency, authority, or program, establish procedures or plans that, 2246  
to the extent possible, accomplish both of the following: 2247

(1) Identify hazards that potentially could affect the 2248  
participating political subdivisions served by that agency, 2249  
authority, or program; 2250

(2) Identify and inventory the current services, equipment, 2251  
supplies, personnel, and other resources related to response and 2252  
recovery activities of the participating political subdivisions 2253  
served by that agency, authority, or program. 2254

(D)(1) Within one year after ~~the effective date of this~~ 2255  
~~section~~ December 23, 2002, the executive director of the emergency 2256  
management agency shall coordinate with the countywide emergency 2257  
management agencies, regional authorities for emergency 2258  
management, and programs for emergency management within a 2259  
political subdivision, which are responsible for emergency 2260  
management in participating political subdivisions, in identifying 2261  
and formulating appropriate procedures or plans to resolve 2262  
resource shortfalls, as part of their respective programs for 2263  
emergency management under sections 5502.22, 5502.26, 5502.27, and 2264  
5502.271 of the Revised Code, as applicable. 2265

(2) During and after the formulation of the procedures or 2266  
plans to resolve resource shortfalls, there shall be ongoing 2267  
consultation and coordination among the executive director of the 2268  
emergency management agency; the countywide emergency management 2269  
agencies, regional authorities for emergency management, and 2270  
programs for emergency management within a political subdivision, 2271  
which are responsible for emergency management in participating 2272  
political subdivisions; and all departments, divisions, boards, 2273  
commissions, agencies, and other instrumentalities of, and having 2274  
emergency response functions within, each participating political 2275  
subdivision, regarding this section, local procedures and plans, 2276

and the resolution of the resource shortfalls. 2277

(E) Participating political subdivisions may request 2278  
assistance of other participating political subdivisions in 2279  
response to and recovery from a disaster during formally declared 2280  
emergencies or in disaster-related exercises, testing, or other 2281  
training activities. Requests for assistance shall be made through 2282  
the emergency management agency or an official designated by the 2283  
chief executive of the participating political subdivision from 2284  
which the assistance is requested. Requests may be verbal or in 2285  
writing. If verbal, the request shall be confirmed in writing 2286  
within seventy-two hours after the verbal request is made. 2287  
Requests shall provide the following information: 2288

(1) A description of the disaster; 2289

(2) A description of the assistance needed; 2290

(3) An estimate of the length of time the assistance will be 2291  
needed; 2292

(4) The specific place and time for staging of the assistance 2293  
and a point of contact at that location. 2294

(F) A participating political subdivision's obligation to 2295  
provide assistance in response to and recovery from a disaster or 2296  
in disaster-related exercises, testing, or other training 2297  
activities under this section is subject to the following 2298  
conditions: 2299

(1) A participating political subdivision requesting 2300  
assistance must have either declared a state of emergency by 2301  
resolution of its chief executive or scheduled disaster-related 2302  
exercises, testing, or other training activities. 2303

(2) A responding participating political subdivision may 2304  
withhold resources necessary to provide for its own protection. 2305

(3) Personnel of a responding participating political 2306

subdivision shall continue under their local command and control 2307  
structure, but shall be under the operational control of the 2308  
appropriate officials within the incident management system of the 2309  
participating political subdivision receiving assistance. 2310

(4) Responding law enforcement officers acting pursuant to 2311  
this section have the same authority to enforce the law as when 2312  
acting within the territory of their regular employment. 2313

(G)(1) Nothing in this section alters the duties and 2314  
responsibilities of emergency response personnel. 2315

(2) This section does not preclude a participating political 2316  
subdivision from entering into a mutual aid or other agreement 2317  
with another political subdivision, and does not affect any other 2318  
agreement to which a participating political subdivision may be a 2319  
party, or any request for assistance that may be made, under any 2320  
other section of the Revised Code, including, but not limited to, 2321  
any mutual aid arrangement under this chapter, any fire protection 2322  
or emergency medical services contract under section 9.60 of the 2323  
Revised Code, sheriffs' requests for assistance to preserve the 2324  
public peace and protect persons and property under section 311.07 2325  
of the Revised Code, agreements for mutual aid in police 2326  
protection under section 737.04 of the Revised Code, and mutual 2327  
aid agreements among emergency planning districts for hazardous 2328  
substances or chemicals response under sections 3750.02 and 2329  
3750.03 of the Revised Code. 2330

(H)(1) Personnel of a responding participating political 2331  
subdivision who suffer injury or death in the course of, and 2332  
arising out of, their employment while rendering assistance to 2333  
another participating political subdivision under this section are 2334  
entitled to all applicable benefits under Chapters 4121. and 4123. 2335  
of the Revised Code. 2336

(2) Personnel of a responding participating political 2337

subdivision shall be considered, while rendering assistance in 2338  
another participating political subdivision under this section, to 2339  
be agents of the participating political subdivision receiving the 2340  
assistance for purposes of tort liability and immunity from tort 2341  
liability under the law of this state. 2342

(3)(a) A responding participating political subdivision and 2343  
the personnel of that political subdivision, while rendering 2344  
assistance, or while in route to or from rendering assistance, in 2345  
another participating political subdivision under this section, 2346  
shall be deemed to be exercising governmental functions as defined 2347  
in section 2744.01 of the Revised Code, shall have the defenses to 2348  
and immunities from civil liability provided in sections 2744.02 2349  
and 2744.03 of the Revised Code, and shall be entitled to all 2350  
applicable limitations on recoverable damages under section 2351  
2744.05 of the Revised Code. 2352

(b) A participating political subdivision requesting 2353  
assistance and the personnel of that political subdivision, while 2354  
requesting or receiving assistance from any other participating 2355  
political subdivisions under this section, shall be deemed to be 2356  
exercising governmental functions as defined in section 2744.01 of 2357  
the Revised Code, shall have the defenses to and immunities from 2358  
civil liability provided in sections 2744.02 and 2744.03 of the 2359  
Revised Code, and shall be entitled to all applicable limitations 2360  
on recoverable damages under section 2744.05 of the Revised Code. 2361

(I) If a person holds a license, certificate, or other permit 2362  
issued by a participating political subdivision evidencing 2363  
qualification in a professional, mechanical, or other skill, and 2364  
if the assistance of that person is asked for by a participating 2365  
political subdivision receiving assistance under this section, the 2366  
person shall be deemed to be licensed or certified in or permitted 2367  
by the participating political subdivision receiving the 2368  
assistance to render the assistance, subject to any limitations 2369

and conditions the chief executive of the participating political 2370  
subdivision receiving the assistance may prescribe by executive 2371  
order or otherwise. 2372

(J) Except as otherwise provided in this division, any 2373  
participating political subdivision rendering assistance in 2374  
another participating political subdivision under this section 2375  
shall be reimbursed by the participating political subdivision 2376  
receiving the assistance for any loss or damage to, or expense 2377  
incurred in the operation of, any equipment used in rendering the 2378  
assistance, for any expense incurred in the provision of any 2379  
service used in rendering the assistance, and for all other costs 2380  
incurred in responding to the request for assistance. However, a 2381  
participating political subdivision rendering assistance may 2382  
assume in whole or in part the loss, damage, expense, or costs, or 2383  
may loan the equipment or donate the service to the participating 2384  
political subdivision receiving the assistance without charge or 2385  
cost; any two or more participating political subdivisions may 2386  
enter into agreements establishing a different allocation of loss, 2387  
damage, expense, or costs among themselves; and expenses incurred 2388  
under division (H)(1) of this section are not reimbursable under 2389  
this division. To avoid duplication of payments, insurance 2390  
proceeds available to cover any loss or damage to equipment of a 2391  
participating political subdivision rendering assistance shall be 2392  
considered in the reimbursement by the participating political 2393  
subdivision receiving the assistance. 2394

**Section 2.** That existing sections 121.40, 2901.13, 2909.21, 2395  
2923.31, 2933.51, 3701.04, 4505.02, 4507.08, 4561.17, 4561.18, 2396  
4561.22, 4931.45, 4931.49, 5502.011, 5502.03, 5502.28, and 5502.41 2397  
of the Revised Code are hereby repealed. 2398