

As Passed by the Senate

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

Senators Jacobson, Clancy, Gardner, Harris, Spada, Cates, Austria

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A BILL

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

terrorism-related offenses; to require prosecutors 26
and judges to notify federal immigration 27
authorities when an illegal alien is convicted of 28
a felony; to provide for the transfer pursuant to 29
a valid detainer from the Department of 30
Rehabilitation and Correction to federal 31
immigration authorities of an illegal alien in the 32
Department's custody upon completion of the 33
alien's prison term; to require persons in or near 34
a critical transportation infrastructure site to 35
show identification when requested by a law 36
enforcement officer in specified circumstances; to 37
require applicants for certain specified licenses 38
to disclose through a questionnaire any material 39
assistance they have provided to an organization 40
on the United States Department of State Terrorist 41
Exclusion List and generally restrict the issuance 42
of the licenses to applicants who disclose any 43
such material assistance; to generally prohibit 44
the state or a political subdivision of the state 45
from conducting business with any person, company, 46
or others that provide, and from employing any 47
person that provides, material assistance to any 48
organization on the United States Department of 49
State Terrorist Exclusion List; to require a 50
person in a public place to provide the person's 51
name and other identifying information to a law 52
enforcement officer when the officer has 53
reasonable suspicion that either the person is or 54
has been engaged in criminal activity or the 55
person has witnessed a felony offense of violence; 56
to include the terrorism-related offenses enacted 57
in the bill and animal and ecological terrorism as 58

"corrupt activity" under the Corrupt Activity Law; 59
to include the terrorism-related offenses enacted 60
in the bill as "designated offenses" for which an 61
interception warrant may be issued under the 62
Communications Interception Law; to clarify the 63
authority of Ohio peace officers and Department of 64
Public Safety personnel to assist federal law 65
enforcement officers in certain circumstances; to 66
prohibit the reinstatement of a suspended driver's 67
license to a person who is the subject of an 68
active arrest warrant; to authorize emergency 69
notification through the reverse-911 database; to 70
provide certain security-related measures 71
regarding public-use and private-use airports; and 72
to expand the homeland security duties of the 73
Department of Public Safety. 74

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

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

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

extent that the request is consistent with the doctrine of 88
federalism. 89

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

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

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

repealed.

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

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

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

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Sec. 2901.13. (A)(1) Except as provided in division (A)(2)
~~or~~, (3), or (4) of this section or as otherwise provided in this

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section, a prosecution shall be barred unless it is commenced 150
within the following periods after an offense is committed: 151

(a) For a felony, six years; 152

(b) For a misdemeanor other than a minor misdemeanor, two 153
years; 154

(c) For a minor misdemeanor, six months. 155

(2) There is no period of limitation for the prosecution of a 156
violation of section 2903.01 or 2903.02 of the Revised Code. 157

(3) Except as otherwise provided in divisions (B) to (H) of 158
this section, a prosecution of any of the following offenses shall 159
be barred unless it is commenced within twenty years after the 160
offense is committed: 161

(a) A violation of section 2903.03, 2903.04, 2905.01, 162
2907.02, 2907.03, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 163
2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 164
2911.02, 2911.11, 2911.12, or 2917.02 of the Revised Code, a 165
violation of section 2903.11 or 2903.12 of the Revised Code if the 166
victim is a peace officer, a violation of section 2903.13 of the 167
Revised Code that is a felony, or a violation of former section 168
2907.12 of the Revised Code; 169

(b) A conspiracy to commit, attempt to commit, or complicity 170
in committing a violation set forth in division (A)(3)(a) of this 171
section. 172

(B) If the period of limitation provided in division (A)(1) 173
or (3) of this section has expired, prosecution shall be commenced 174
for an offense of which an element is fraud or breach of a 175
fiduciary duty, within one year after discovery of the offense 176
either by an aggrieved person, or by the aggrieved person's legal 177
representative who is not a party to the offense. 178

(C) If the period of limitation provided in division (A)(1) 179

or (3) of this section has expired, prosecution shall be commenced 180
for an offense involving misconduct in office by a public servant 181
as defined in section 2921.01 of the Revised Code, at any time 182
while the accused remains a public servant, or within two years 183
thereafter. 184

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

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

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

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

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

proceedings thereon are set aside or reversed on appeal.	211
(I) As used in this section, "peace officer" has the same meaning as in section 2935.01 of the Revised Code.	212 213
Sec. 2909.21. As used in sections 2909.21 to 2909.25 <u>2909.34</u> of the Revised Code:	214 215
(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:	216 217 218 219 220 221 222
(1) Intimidate or coerce a civilian population;	223
(2) Influence the policy of any government by intimidation or coercion;	224 225
(3) Affect the conduct of any government by the act that constitutes the offense.	226 227
(B) <u>"Biological agent," "delivery system," "toxin," and "vector" have the same meanings as in section 2917.33 of the Revised Code.</u>	228 229 230
(C) <u>"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.</u>	231 232 233 234
(D) <u>"Chemical weapon" means any one or more of the following:</u>	235
(1) <u>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</u>	236 237 238 239

<u>Destruction (CWC), " as entered into force on April 29, 1997;</u>	240
<u>(2) A device specifically designed to cause death or other</u>	241
<u>harm through the toxic properties of a toxic chemical or</u>	242
<u>precursor identified in division (D)(1) of this section that</u>	243
<u>would be created or released as a result of the employment of that</u>	244
<u>device;</u>	245
<u>(3) Any equipment specifically designed for use directly in</u>	246
<u>connection with the employment of devices identified in division</u>	247
<u>(D)(2) of this section;</u>	248
<u>(E) "Radiological or nuclear weapon" means any device that is</u>	249
<u>designed to create or release radiation or radioactivity at a</u>	250
<u>level that is dangerous to human life or in order to cause serious</u>	251
<u>physical harm to persons as a result of the radiation or</u>	252
<u>radioactivity created or released.</u>	253
<u>(F) "Explosive device" has the same meaning as in section</u>	254
<u>2923.11 of the Revised Code.</u>	255
<u>(G) "Key component of a binary or multicomponent chemical</u>	256
<u>system" means the precursor that plays the most important role in</u>	257
<u>determining the toxic properties of the final product and reacts</u>	258
<u>rapidly with other chemicals in the binary or multicomponent</u>	259
<u>chemical system.</u>	260
<u>(H) "Material assistance" means any of the following:</u>	261
<u>(1) Membership in an organization on the United States</u>	262
<u>department of state terrorist exclusion list;</u>	263
<u>(2) Use of the person's position of prominence within any</u>	264
<u>country to persuade others to support an organization on the</u>	265
<u>United States department of state terrorist exclusion list;</u>	266
<u>(3) Knowingly soliciting funds or other things of value for</u>	267
<u>an organization on the United States department of state terrorist</u>	268
<u>exclusion list;</u>	269

(4) Solicitation of any individual for membership in an organization on the United States department of state terrorist exclusion list; 270
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(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; 273
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(6) Hiring or compensating a person known to be a member of an organization on the United States department of state terrorist exclusion list or a person known to be engaged in planning, assisting, or carrying out an act of terrorism. 277
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(I) "Material support or resources" means currency, payment instruments, other financial securities, funds, transfer of funds, financial services, communications, lodging, training, safehouses safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials. 281
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~~(C)~~(J) "Payment instrument" means a check, draft, money order, traveler's check, cashier's check, teller's check, or other instrument or order for the transmission or payment of money, regardless of whether the item in question is negotiable. 288
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(K) "Peace officer" and "prosecutor" have the same meanings as in section 2935.01 of the Revised Code. 292
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(L) "Precursor" means any chemical reactant that takes part at any stage in the production by whatever method of a toxic chemical, including any key component of a binary or multicomponent chemical system. 294
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~~(D)~~(M) "Response costs" means all costs a political subdivision incurs as a result of, or in making any response to, a 298
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threat of a specified offense made as described in section 2909.23 300
of the Revised Code or a specified offense committed as described 301
in section 2909.24 of the Revised Code, including, but not limited 302
to, all costs so incurred by any law enforcement officers, 303
firefighters, rescue personnel, or emergency medical services 304
personnel of the political subdivision and all costs so incurred 305
by the political subdivision that relate to laboratory testing or 306
hazardous material cleanup. 307

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

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

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

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

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

(O) "Hazardous radioactive substance" means any substance or 330

item that releases or is designed to release radiation or 331
radioactivity at a level dangerous to human life. 332

Sec. 2909.26. (A) No person shall knowingly possess any 333
chemical weapon, biological weapon, radiological or nuclear 334
weapon, or explosive device with the intent to use the chemical 335
weapon, biological weapon, radiological or nuclear weapon, or 336
explosive device to cause serious physical harm or death to 337
another person. 338

(B) No person shall knowingly possess any chemical weapon, 339
biological weapon, radiological or nuclear weapon, or explosive 340
device with intent to use the weapon to do any of the following: 341

(1) Intimidate or coerce a civilian population; 342

(2) Influence the policy of any government by intimidation or 343
coercion; 344

(3) Affect the conduct of any government by murder, 345
assassination, or kidnapping. 346

(C) Whoever violates this section is guilty of criminal 347
possession of a chemical weapon, biological weapon, radiological 348
or nuclear weapon, or explosive device. A violation of division 349
(A) of this section is a felony of the third degree. A violation 350
of division (B) of this section is a felony of the second degree. 351

Sec. 2909.27. (A) No person shall recklessly use, deploy, 352
release, or cause to be used, deployed, or released any chemical 353
weapon, biological weapon, radiological or nuclear weapon, or 354
explosive device that creates a risk of death or serious physical 355
harm to another person not a participant in the offense. 356

(B) No person shall knowingly use, deploy, release, or cause 357
to be used, deployed, or released any chemical weapon, biological 358
weapon, radiological or nuclear weapon, or explosive device with 359

<u>the intent to do any of the following:</u>	360
<u>(1) Intimidate or coerce a civilian population;</u>	361
<u>(2) Influence the policy of any government by intimidation or coercion;</u>	362 363
<u>(3) Affect the conduct of any government by murder, assassination, or kidnapping.</u>	364 365
<u>(C) No person shall knowingly use, deploy, release, or cause to be used, deployed, or released any chemical weapon, biological weapon, radiological or nuclear weapon, or explosive device with intent to cause either of the following:</u>	366 367 368 369
<u>(1) Serious physical harm to, or the death of, more than two persons who are not participants in the offense;</u>	370 371
<u>(2) Serious physical harm to, or the death of, another person who is not a participant in the offense.</u>	372 373
<u>(D) Whoever violates this section is guilty of criminal use of a chemical weapon, biological weapon, radiological or nuclear weapon, or explosive device. A violation of division (A) of this section is a felony of the second degree. A violation of division (B) or (C) of this section is a felony of the first degree.</u>	374 375 376 377 378
<u>(E)(1) Division (A)(1) of this section does not apply to any person who uses any of the following:</u>	379 380
<u>(a) Any household product that is generally available for sale to consumers in this state in the quantity and concentration available for sale to those consumers;</u>	381 382 383
<u>(b) A self-defense spray;</u>	384
<u>(c) A chemical weapon used solely for a purpose not prohibited under this section if the type and quantity is consistent with that purpose;</u>	385 386 387
<u>(d) A biological agent, toxin, or delivery system used solely</u>	388

for protective, bona fide research, or other peaceful purposes. 389

(2) For purposes of division (E)(1) of this section, "a purpose not prohibited under this section" means any of the following: 390
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(a) Any peaceful purpose related to an industrial, agricultural, research, medical, or pharmaceutical activity or other peaceful activity; 393
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(b) Any purpose directly related to protection against toxic chemicals and to protection against chemical weapons; 396
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(c) Any military purpose of the United States that is not connected with the use of a chemical weapon or that is not dependent on the use of the toxic or poisonous properties of the chemical weapon to cause death or other harm; 398
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(d) Any law enforcement purpose, including any domestic riot control purpose. 402
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Sec. 2909.28. (A) No person, with the intent to manufacture a chemical weapon, biological weapon, radiological or nuclear weapon, or explosive device, shall knowingly assemble or possess one or more toxins, toxic chemicals, precursors of toxic chemicals, vectors, biological agents, or hazardous radioactive substances, including, but not limited to, those listed by the department of public safety in rules adopted pursuant to division (C) of section 5502.012 of the Revised Code, that may be used to manufacture a chemical weapon, biological weapon, radiological or nuclear weapon, or explosive device. 404
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(B) In a prosecution under this section, it is not necessary to allege or prove that the offender assembled or possessed all chemicals or substances necessary to manufacture a chemical weapon, biological weapon, radiological or nuclear weapon, or explosive device. The assembly or possession, with the intent to 414
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manufacture a chemical weapon, biological weapon, radiological or 419
nuclear weapon, or explosive device, of a single chemical or 420
substance that may be used in the manufacture of a chemical 421
weapon, biological weapon, radiological or nuclear weapon, or 422
explosive device is sufficient to violate this section. 423

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

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

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

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

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

(1) The intent to commit or further the commission of 449
criminal activity; 450

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

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

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

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

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

less than seventy-five thousand dollars.

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

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

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

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

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

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Sec. 2909.31. (A) No person who is in or near an airport,

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train station, port, or other critical transportation 510
infrastructure site shall refuse to show identification when 511
requested by a law enforcement officer under circumstances in 512
which the law enforcement officer is requiring identification of 513
all similarly situated people. 514

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

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

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

of state terrorist exclusion list. The questionnaire shall be 541
substantially in the form set forth in division (A)(2)(b) of this 542
section and shall be made available to each issuing agency of a 543
license identified by the director pursuant to division (A)(1) of 544
this section. The director also shall make available to each 545
issuing agency of a license identified by the director pursuant to 546
division (A)(1) of this section a then-current copy of the United 547
States department of state terrorist exclusion list. Each 548
applicant for a license identified by the director pursuant to 549
division (A)(1) of this section shall complete the questionnaire, 550
and any answer of "yes" to any of the questions shall serve for 551
purposes of this section as a disclosure by the applicant that the 552
applicant has provided material assistance to an organization that 553
is listed on the United States department of state terrorist 554
exclusion list. 555

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

"QUESTIONNAIRE, REGARDING MATERIAL ASSISTANCE 560
TO TERRORIST ORGANIZATION 561

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

(2) Have you used any position of prominence you have within 564
any country to persuade others to support an organization on the 565
U.S. Department of State Terrorist Exclusion List? Yes; No 566
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(3) Have you knowingly solicited funds or other things of 568
value for an organization on the U.S. Department of State 569
Terrorist Exclusion List? Yes; No 570

(4) Have you solicited any individual for membership in an 571

organization on the U.S. Department of State Terrorist Exclusion 572
List? Yes; No 573

(5) Have you committed an act that you know, or reasonably 574
should have known, affords "material support or resources" (see 575
below) to an organization on the U.S. Department of State 576
Terrorist Exclusion List? Yes; No 577

(6) Have you hired or compensated a person known to be a 578
member of an organization on the U.S. Department of State 579
Terrorist Exclusion List or a person known to be engaged in 580
planning, assisting, or carrying out an act of terrorism? Yes 581
.....; No 582

For purposes of question 5 on this questionnaire, "material 583
support or resources" means currency, payment instruments, other 584
financial securities, funds, transfer of funds, financial 585
services, communications, lodging, training, safe houses, false 586
documentation or identification, communications equipment, 587
facilities, weapons, lethal substances, explosives, personnel, 588
transportation, and other physical assets, except medicine or 589
religious materials." 590

(B) All applicants for any license or for renewal of any 591
license identified by the director of public safety pursuant to 592
division (A)(1) of this section shall answer each question on the 593
questionnaire developed by the director of public safety under 594
division (A)(2) of this section and shall attach the completed 595
questionnaire to the application for the license or for renewal of 596
the license that the person submits. Any answer of "yes" to any of 597
the questions shall serve for purposes of this section as a 598
disclosure by the applicant that the applicant has provided 599
material assistance to an organization that is listed on the 600
United States department of state terrorist exclusion list. 601

(C) Subject to division (D) of this section, any person who 602

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

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

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(1) Either of the following:

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

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

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

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which that terrorist exclusion list was not in existence, to any 634
organization that was involved in any activity or conduct that 635
would have merited the inclusion of the organization on that list 636
had it been in existence at that time; 637

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

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

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

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

(G)(1) Any issuing agency of a license identified by the 663
director of public safety pursuant to division (A)(1) of this 664

section shall include in the agency's application form a copy of 665
the questionnaire developed by the director of public safety under 666
division (A)(2) of this section and a then-current copy of the 667
United States department of state terrorist exclusion list and 668
shall inform persons who are completing the application that they 669
must truthfully answer each question on the questionnaire. 670

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

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

state a then-current copy of the United States department of state 697
terrorist exclusion list. The questionnaire and a then-current 698
copy of the United States department of state terrorist exclusion 699
list shall be provided to each person, company, affiliated group, 700
or organization, and each person who holds, owns, or otherwise has 701
a controlling interest in a company, affiliated group, or 702
organization, with which the state, instrumentality, or political 703
subdivision might conduct business or provide funding before the 704
state, instrumentality, or political subdivision conducts the 705
business or provides the funding. 706

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

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

otherwise has a controlling interest in a company, affiliated group, or organization that provides material assistance to any organization on the United States department of state terrorist exclusion list. 728
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(C) Subject to division (D) of this section, any person, company, affiliated group, or organization, and any person who holds, owns, or otherwise has a controlling interest in a company, affiliated group, or organization, that conducts any business with or receives funding from the state, an instrumentality of the state, or a political subdivision of the state and that provides material assistance to any organization listed on the United States department of state terrorist exclusion list shall be prohibited from conducting any business with or receiving funding from the state, an instrumentality of the state, or a political subdivision of the state for a period of five years. 732
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(D) The department of public safety, upon the request of any person, company, affiliated group, or organization that discloses in a questionnaire provided under division (A) of this section that the person, company, affiliated group, or organization, or the company, affiliated group, or organization in which the person holds, owns, or otherwise has a controlling interest, has provided material assistance to an organization that is listed on the United States department of state terrorist exclusion list, shall review, within thirty days of the request, whether the restrictions set forth in divisions (B) and (C) of this section should apply to the person, company, affiliated group, or organization and shall order that those restrictions do not apply to the person, company, affiliated group, or organization if the department determines all of the following: 743
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(1) Either of the following: 757

(a) That the person's, company's, affiliated group's, or 758

organization's provision of material assistance to the 759
organization that is listed on the United States department of 760
state terrorist exclusion list that was disclosed in the 761
questionnaire occurred more than ten years prior to the person's, 762
company's, affiliated group's, or organization's completion of the 763
questionnaire; 764

(b) That, at the time of the person's, company's, affiliated 765
group's, or organization's provision of material assistance to the 766
organization that is listed on the United States department of 767
state terrorist exclusion list that was disclosed in the 768
application, the organization was not on that terrorist exclusion 769
list if the list was in existence at that time or, if the list was 770
not in existence at that time, the organization was not involved 771
in any activity or conduct that would have merited the inclusion 772
of the organization on that list had it been in existence at that 773
time. 774

(2) That, within the period commencing on the date ten years 775
prior to the person's, company's, affiliated group's, or 776
organization's completion of the questionnaire and ending on the 777
date on which the department conducts the review, the person, 778
company, affiliated group, or organization has not provided 779
material assistance to any organization that was listed on the 780
United States department of state terrorist exclusion list or, 781
regarding any time during that period during which that terrorist 782
exclusion list was not in existence, to any organization that was 783
involved in any activity or conduct that would have merited the 784
inclusion of the organization on that list had it been in 785
existence at that time; 786

(3) That it is unlikely that, in the future, the person, 787
company, affiliated group, or organization will provide material 788
assistance to any organization that is listed on the United States 789
department of state terrorist exclusion list; 790

(4) That the person, company, affiliated group, or organization does not pose a risk to the residents of the state. 791
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(E)(1) Any person, company, affiliated group, or organization, and any person who holds, owns, or otherwise has a controlling interest in a company, affiliated group, or organization, that conducts any business with or receives funding in an amount greater than twenty-five thousand dollars annually from the state, an instrumentality of the state, or a political subdivision of the state, not including any amount of a personal benefit, shall first certify that the person, company, affiliated group, or organization does not provide material assistance to any organization on the United States department of state terrorist exclusion list. The certification may be made by the completion of the questionnaire provided under division (A) of this section, in accordance with that division. 793
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(2) Any person, company, affiliated group, or organization, and any person who holds, owns, or otherwise has a controlling interest in a company, affiliated group, or organization, that conducts any business with or receives funding from the state, an instrumentality of the state, or a political subdivision of the state that makes a false certification that it does not provide material assistance to any organization listed on the United States department of state terrorist exclusion list shall be permanently banned from conducting business with or receiving funding from the state, an instrumentality of the state, or a political subdivision of the state and is guilty of a misdemeanor of the first degree. 806
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(F) Division (B) of this section does not apply to any investment in any company that is publicly traded in any United States market and does not prohibit, limit, or restrict a state instrumentality or political subdivision of this state from investing in any company that is publicly traded in any United 818
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States market. The investment by the state, an instrumentality of 823
the state, or a political subdivision of the state in a company 824
that is publicly traded in any United States market shall not be 825
considered for purposes of division (C) of this section as the 826
state, the instrumentality, or the political subdivision 827
conducting business with or providing funding to the company. 828

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

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

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

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

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

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

(1) Either of the following: 878

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

(b) That, at the time of the person's provision of material assistance to the organization that is listed on the United States department of state terrorist exclusion list that was disclosed in the application, the organization was not on that terrorist exclusion list if the list was in existence at that time or, if the list was not in existence at that time, the organization was not involved in any activity or conduct that would have merited the inclusion of the organization on that list had it been in existence at that time. 884
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(2) That, within the period commencing on the date ten years prior to the person's completion of the questionnaire and ending on the date on which the department conducts the review, the person has not provided material assistance to any organization that was listed on the United States department of state terrorist exclusion list or, regarding any time during that period during which that terrorist exclusion list was not in existence, to any organization that was involved in any activity or conduct that would have merited the inclusion of the organization on that list had it been in existence at that time; 893
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(3) That it is unlikely that, in the future, the person will provide material assistance to any organization that is listed on the United States department of state terrorist exclusion list; 903
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(4) That the person does not pose a risk to the residents of the state. 906
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Sec. 2921.29. (A) No person who is in a public place shall refuse to disclose the person's name, address, or date of birth, when requested by a law enforcement officer who reasonably suspects either of the following: 908
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(1) The person is committing, has committed, or is about to commit a criminal offense. 912
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<u>(2) The person witnessed any of the following:</u>	914
<u>(a) An offense of violence that would constitute a felony under the laws of this state;</u>	915 916
<u>(b) A felony offense that causes or results in, or creates a substantial risk of, serious physical harm to another person or to property;</u>	917 918 919
<u>(c) Any attempt or conspiracy to commit, or complicity in committing, any offense identified in division (A)(2)(a) or (b) of this section;</u>	920 921 922
<u>(d) Any conduct reasonably indicating that any offense identified in division (A)(2)(a) or (b) of this section or any attempt, conspiracy, or complicity described in division (A)(2)(c) of this section has been, is being, or is about to be committed.</u>	923 924 925 926
<u>(B) Whoever violates this section is guilty of failure to disclose one's personal information, a misdemeanor of the fourth degree.</u>	927 928 929
<u>(C) Nothing in this section requires a person to answer any questions beyond that person's name, address, or date of birth. Nothing in this section authorizes a law enforcement officer to arrest a person for not providing any information beyond that person's name, address, or date of birth.</u>	930 931 932 933 934
Sec. 2923.31. As used in sections 2923.31 to 2923.36 of the Revised Code:	935 936
(A) "Beneficial interest" means any of the following:	937
(1) The interest of a person as a beneficiary under a trust in which the trustee holds title to personal or real property;	938 939
(2) The interest of a person as a beneficiary under any other trust arrangement under which any other person holds title to personal or real property for the benefit of such person;	940 941 942

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Conduct constituting any of the following:

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

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

(c) Any violation of section 2907.21, 2907.22, 2907.31,

2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 1036
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 1037
of the Revised Code, any violation of section 2925.11 of the 1038
Revised Code that is a felony of the first, second, third, or 1039
fourth degree and that occurs on or after July 1, 1996, any 1040
violation of section 2915.02 of the Revised Code that occurred 1041
prior to July 1, 1996, any violation of section 2915.02 of the 1042
Revised Code that occurs on or after July 1, 1996, and that, had 1043
it occurred prior to that date, would not have been a violation of 1044
section 3769.11 of the Revised Code as it existed prior to that 1045
date, any violation of section 2915.06 of the Revised Code as it 1046
existed prior to July 1, 1996, or any violation of division (B) of 1047
section 2915.05 of the Revised Code as it exists on and after July 1048
1, 1996, when the proceeds of the violation, the payments made in 1049
the violation, the amount of a claim for payment or for any other 1050
benefit that is false or deceptive and that is involved in the 1051
violation, or the value of the contraband or other property 1052
illegally possessed, sold, or purchased in the violation exceeds 1053
five hundred dollars, or any combination of violations described 1054
in division (I)(2)(c) of this section when the total proceeds of 1055
the combination of violations, payments made in the combination of 1056
violations, amount of the claims for payment or for other benefits 1057
that is false or deceptive and that is involved in the combination 1058
of violations, or value of the contraband or other property 1059
illegally possessed, sold, or purchased in the combination of 1060
violations exceeds five hundred dollars; 1061

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

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

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

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

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

(4) Animal or ecological terrorism.

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

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

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

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

(3) Any successor trustee. 1104

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

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

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

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

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

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

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

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

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

storage of a wire communication. 1160

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) A wire or oral communication;

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

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

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

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

facility or related electronic equipment for the electronic 1279
storage of electronic communications. 1280

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

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

(1) Scrambled or encrypted; 1287

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

both of the following apply:

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

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

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

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(G) Any peace officer may render assistance to any federal law enforcement officer who has arrest authority under the "Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot Act) Act of 2001," Pub. L. No. 107-056, 115 Stat. 272, as amended, if both of the following apply:

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(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.

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(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.

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

of the Revised Code.

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

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

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

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

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

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

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

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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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

section and the emergency locater map described in division 2021
(B)(5)(d) of this section shall prominently display the following 2022
statement: "This document may contain information that, if 2023
disclosed, could endanger the life or safety of the public; 2024
therefore, this document is to be maintained and used in a manner 2025
that preserves the confidentiality of the information it contains 2026
in a manner consistent with law." 2027

(D) Each public-use and private-use airport located in whole 2028
or in part in this state shall provide a copy of its registration 2029
described in division (B)(1) of this section, a copy of its 2030
security plan described in division (B)(2) of this section, and a 2031
copy of its emergency locater map described in division (B)(5)(d) 2032
of this section to the department of public safety, to the office 2033
of aviation of the department of transportation, to the sheriff of 2034
the county in which the airport is located in whole or in part, 2035
and, if the airport is located in whole or in part in a municipal 2036
corporation, to the chief of police of each municipal corporation 2037
in which it is wholly or partly located. Copies of registrations, 2038
emergency locater maps, and security plans that are in the 2039
possession of the department of public safety, the office of 2040
aviation, a sheriff, or a chief of police and that were provided 2041
under this division are not public records under section 149.43 of 2042
the Revised Code and are not subject to mandatory disclosure under 2043
that section. 2044

Sec. 4931.49. (A)(1) The state, the state highway patrol, or 2045
a subdivision participating in a 9-1-1 system established under 2046
sections 4931.40 to 4931.70 of the Revised Code and any officer, 2047
agent, employee, or independent contractor of the state, the state 2048
highway patrol, or such a participating subdivision is not liable 2049
in damages in a civil action for injuries, death, or loss to 2050
persons or property arising from any act or omission, except 2051

willful or wanton misconduct, in connection with developing, 2052
adopting, or approving any final plan or any agreement made under 2053
section 4931.48 of the Revised Code or otherwise bringing into 2054
operation the 9-1-1 system pursuant to sections 4931.40 to 4931.70 2055
of the Revised Code. 2056

(2) The Ohio 9-1-1 council, the wireless 9-1-1 advisory 2057
board, and any member of that council or board are not liable in 2058
damages in a civil action for injuries, death, or loss to persons 2059
or property arising from any act or omission, except willful or 2060
wanton misconduct, in connection with the development or operation 2061
of a 9-1-1 system established under sections 4931.40 to 4931.70 of 2062
the Revised Code. 2063

(B) Except as otherwise provided in section 4765.49 of the 2064
Revised Code, an individual who gives emergency instructions 2065
through a 9-1-1 system established under sections 4931.40 to 2066
4931.70 of the Revised Code, and the principals for whom the 2067
person acts, including both employers and independent contractors, 2068
public and private, and an individual who follows emergency 2069
instructions and the principals for whom that person acts, 2070
including both employers and independent contractors, public and 2071
private, are not liable in damages in a civil action for injuries, 2072
death, or loss to persons or property arising from the issuance or 2073
following of emergency instructions, except where the issuance or 2074
following of the instructions constitutes willful or wanton 2075
misconduct. 2076

(C) Except for willful or wanton misconduct, a telephone 2077
company, and any other installer, maintainer, or provider, through 2078
the sale or otherwise, of customer premises equipment, and their 2079
respective officers, directors, employees, agents, and suppliers 2080
are not liable in damages in a civil action for injuries, death, 2081
or loss to persons or property incurred by any person resulting 2082
from ~~such~~ any of the following: 2083

(1) Such an entity's or its officers', directors', 2084
employees', agents', or suppliers' participation in or acts or 2085
omissions in connection with participating in or developing, 2086
maintaining, or operating a 9-1-1 system, whether that system is 2087
established pursuant to sections 4931.40 to 4931.70 of the Revised 2088
Code or otherwise in accordance with schedules regarding 9-1-1 2089
systems filed with the public utilities commission pursuant to 2090
section 4905.30 of the Revised Code by a telephone company that is 2091
a wireline service provider; 2092

(2) Such an entity's or its officers', directors', 2093
employees', agents', or suppliers' provision of assistance to a 2094
public utility, municipal utility, or state or local government as 2095
authorized by divisions (F)(4) and (5) of this section. 2096

(D) No person shall knowingly use the telephone number of a 2097
9-1-1 system established under sections 4931.40 to 4931.70 of the 2098
Revised Code to report an emergency if the person knows that no 2099
emergency exists. 2100

(E) No person shall knowingly use a 9-1-1 system for a 2101
purpose other than obtaining emergency service. 2102

(F) No person shall disclose or use any information 2103
concerning telephone numbers, addresses, or names obtained from 2104
the data base that serves the public safety answering point of a 2105
9-1-1 system established under sections 4931.40 to 4931.70 of the 2106
Revised Code, except for any of the following purposes or under 2107
any of the following circumstances: 2108

(1) For the purpose of the 9-1-1 system; 2109

(2) For the purpose of responding to an emergency call to an 2110
emergency service provider; 2111

(3) In the circumstance of the inadvertent disclosure of such 2112
information due solely to technology of the wireline telephone 2113

network portion of the 9-1-1 system not allowing access to the 2114
data base to be restricted to 9-1-1 specific answering lines at a 2115
public safety answering point; 2116

(4) In the circumstance of ~~assistance~~ access to a data base 2117
being given by a telephone company that is a wireline service 2118
provider to a public utility or municipal utility in handling 2119
customer calls in times of public emergency or service outages. 2120
The charge, terms, and conditions for the disclosure or use of 2121
such information for the purpose of such ~~assistance~~ access to a 2122
data base shall be subject to the jurisdiction of the public 2123
utilities commission. 2124

(5) In the circumstance of access to a data base given by a 2125
telephone company that is a wireline service provider to a state 2126
and local government in warning of a public emergency, as 2127
determined by the public utilities commission. The charge, terms, 2128
and conditions for the disclosure or use of such information for 2129
the purpose of such access to a data base shall be subject to the 2130
jurisdiction of the public utilities commission. 2131

Sec. 5502.012. The department of public safety shall do all 2132
of the following: 2133

(A) Adopt rules in accordance with Chapter 119. of the 2134
Revised Code that identify licenses issued by the state for which 2135
the holder of any of the identified licenses may present a 2136
potential risk or threat to public safety if the applicant for the 2137
license has connections to a terrorist organization, as required 2138
by section 2909.32 of the Revised Code. In no case shall the rules 2139
identify a driver's license or permit as a license of that nature 2140
if the applicant for the license or permit, or for renewal of the 2141
license or permit, is a resident of this state; this restriction 2142
does not apply regarding nonrenewable licenses and temporary 2143
residents of this state who apply for nonrenewable licenses. 2144

(B) Adopt rules, jointly with the office of aviation of the department of transportation and in accordance with Chapter 119. of the Revised Code, regarding the security of public-use and private-use airports in accordance with section 4563.30 of the Revised Code; 2145
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(C) Adopt rules in accordance with Chapter 119. of the Revised Code and for purposes of section 2909.28 of the Revised Code identifying a list of toxins, toxic chemicals, precursors of toxic chemicals, vectors, biological agents, and hazardous radioactive substances and their components that could be used alone or in combination for the manufacture of a chemical weapon, biological weapon, radiological or nuclear weapon, or explosive device. 2150
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Sec. 5502.03. (A) There is hereby created in the department of public safety a division of homeland security. It is the intent of the general assembly that the creation of the division of homeland security of the department of public safety by this amendment does not result in an increase of funding appropriated to the department. 2158
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(B)~~(1)~~ The division shall ~~coordinate~~ do all of the following: 2164

(1) Coordinate all homeland security activities of all state agencies and ~~shall~~ be the liaison between state agencies and local entities for the purposes of communicating homeland security funding and policy initiatives; 2165
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(2) Coordinate and facilitate information sharing among local, state, and federal government agencies and the private sector to ensure appropriate analysis of intelligence to assist in the early identification of, and response to, potential terrorist threats or activities; 2169
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(3) Coordinate efforts of state and local governments and 2174

private organizations to enhance the security and protection of 2175
critical infrastructure and key assets in this state; 2176

(4) Develop and coordinate policies, protocols, and 2177
strategies that may be used to prevent, detect, prepare for, 2178
respond to, and recover from terrorist acts or threats; 2179

(5) Develop, update, and coordinate the implementation of an 2180
Ohio homeland security strategic plan that will guide state and 2181
local governments in the achievement of homeland security in this 2182
state. 2183

(C) The director of public safety shall appoint an executive 2184
director, who shall be head of the division of homeland security 2185
and who regularly shall advise the governor and the director on 2186
matters pertaining to homeland security. The executive director 2187
shall serve at the pleasure of the director of public safety. To 2188
carry out the duties assigned under this section, the executive 2189
director, subject to the direction and control of the director of 2190
public safety, may appoint and maintain necessary staff and may 2191
enter into any necessary agreements. 2192

(D) Except as otherwise provided by law, nothing in this 2193
section shall be construed to give the director of public safety 2194
or the executive director of the division of homeland security 2195
authority over the incident management structure or 2196
responsibilities of local emergency response personnel. 2197

Section 2. That existing sections 2901.13, 2909.21, 2923.31, 2198
2933.51, 2935.03, 4507.08, 4561.99, 4931.49, and 5502.03 of the 2199
Revised Code are hereby repealed. 2200

Section 3. Section 2935.03 of the Revised Code is presented 2201
in this act as a composite of the section as amended by Sub. H.B. 2202
545, H.B. 675, and Am. Sub. S.B. 123 of the 124th General 2203
Assembly. The General Assembly, applying the principle stated in 2204

division (B) of section 1.52 of the Revised Code that amendments	2205
are to be harmonized if reasonably capable of simultaneous	2206
operation, finds that the composite is the resulting version of	2207
the section in effect prior to the effective date of the section	2208
as presented in this act.	2209