

**As Re-referred to the House Transportation, Public Safety and  
Homeland Security Committee**

**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 B I L L**

To amend sections 2901.13, 2909.21, 2923.31, 2933.51, 1  
4507.08, 4561.17, 4561.18, 4561.22, 4931.45, 2  
4931.49, 5502.011, 5502.03, 5502.28, and 5502.41, 3  
and to enact sections 9.63, 2909.26, 2909.27, 4  
2909.28, 2909.29, 2909.30, 2909.31, 2909.32, 5  
2909.33, 2909.34, 2921.29, 2935.033, 3750.22, and 6  
4563.30 of the Revised Code to establish 7  
requirements for state and local compliance with 8  
federal homeland security authorities and laws 9  
pertaining to terrorism and homeland security; to 10  
create criminal offenses for specified acts 11  
carried out in support of terrorism; to provide a 12  
20-year limitation period for certain 13  
terrorism-related offenses; to establish 14  
notification requirements regarding illegal aliens 15  
convicted of a felony or in custody of the 16  
Department of Rehabilitation and Correction; to 17  
require individuals to show identification or 18  
provide personal information in specified 19  
situations; to limit licensing, employing, and 20  
doing business with persons who have provided 21  
material assistance to an organization on the 22  
United States Department of State Terrorist 23  
Exclusion List; to expand the definition of 24

"corrupt activity" under the Corrupt Activity Law 25  
to include the bill's terrorism-related offenses 26  
and animal and ecological terrorism; to include 27  
the bill's terrorism-related offenses as 28  
"designated offenses" for which an interception 29  
warrant may be issued under the Communications 30  
Interception Law; to clarify the authority of Ohio 31  
peace officers and personnel in the Department of 32  
Public Safety to assist federal law enforcement 33  
officers; to prohibit the reinstatement of a 34  
suspended driver's license to a person who is the 35  
subject of an active arrest warrant; to amend 36  
specified aspects of the 9-1-1 law; to provide for 37  
the establishment of a homeland security advisory 38  
council; to designate the National Incident 39  
Management System as the standard procedure for 40  
incident management within the state; to provide 41  
security-related measures for public-use and 42  
private-use airports; and to expand the homeland 43  
security duties of the Department of Public 44  
Safety. 45

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

**Section 1.** That sections 2901.13, 2909.21, 2923.31, 2933.51, 46  
4507.08, 4561.17, 4561.18, 4561.22, 4931.45, 4931.49, 5502.011, 47  
5502.03, 5502.28, and 5502.41 be amended and sections 9.63, 48  
2909.26, 2909.27, 2909.28, 2909.29, 2909.30, 2909.31, 2909.32, 49  
2909.33, 2909.34, 2921.29, 2935.033, 3750.22, and 4563.30 of the 50  
Revised Code be enacted to read as follows: 51

Sec. 9.63. (A) Notwithstanding any law, ordinance, or 52  
collective bargaining contract to the contrary, no state or local 53

employee shall unreasonably fail to comply with any lawful request  
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, to the  
extent that the request is consistent with the doctrine of  
federalism.

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

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

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

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(D)(1) If a state or local employee states disagreement with,  
or a critical opinion of, the USA Patriot Act, any federal  
immigration or terrorism policy, or any executive order of the

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president of the United States pertaining to homeland security, 85  
the statement of disagreement with or critical opinion of the act 86  
or order is not sufficient to qualify for purposes of this section 87  
as unreasonable noncompliance with a request for assistance of the 88  
type division (A) of this section describes. 89

(2) Any municipal corporation's ordinance, policy, directive, 90  
rule, or resolution that states disagreement with, or a critical 91  
opinion of, any state or federal immigration or terrorism policy, 92  
the USA Patriot Act, or any executive order of the president of 93  
the United States pertaining to homeland security is not 94  
sufficient to qualify as a "material hindrance or prevention" of 95  
local employees from cooperating with federal immigration services 96  
and terrorism investigations or from complying with the USA 97  
Patriot Act or any executive order of the president of the United 98  
States pertaining to homeland security for purposes of divisions 99  
(B), (C), and (D) of this section. 100

(E) As used in this section, "USA Patriot Act" means the 101  
"Uniting and Strengthening America by Providing Appropriate Tools 102  
Required to Intercept and Obstruct Terrorism (USA Patriot Act) Act 103  
of 2001," Pub. L. No. 107-056, 115 Stat. 272, as amended. 104

**Sec. 2901.13.** (A)(1) Except as provided in division (A)(2) or 105  
(3) of this section or as otherwise provided in this section, a 106  
prosecution shall be barred unless it is commenced within the 107  
following periods after an offense is committed: 108

(a) For a felony, six years; 109

(b) For a misdemeanor other than a minor misdemeanor, two 110  
years; 111

(c) For a minor misdemeanor, six months. 112

(2) There is no period of limitation for the prosecution of a 113  
violation of section 2903.01 or 2903.02 of the Revised Code. 114

(3) Except as otherwise provided in divisions (B) to (H) of 115  
this section, a prosecution of any of the following offenses shall 116  
be barred unless it is commenced within twenty years after the 117  
offense is committed: 118

(a) A violation of section 2903.03, 2903.04, 2905.01, 119  
2907.02, 2907.03, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 120  
2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 121  
2911.02, 2911.11, 2911.12, or 2917.02 of the Revised Code, a 122  
violation of section 2903.11 or 2903.12 of the Revised Code if the 123  
victim is a peace officer, a violation of section 2903.13 of the 124  
Revised Code that is a felony, or a violation of former section 125  
2907.12 of the Revised Code; 126

(b) A conspiracy to commit, attempt to commit, or complicity 127  
in committing a violation set forth in division (A)(3)(a) of this 128  
section. 129

(B) If the period of limitation provided in division (A)(1) 130  
or (3) of this section has expired, prosecution shall be commenced 131  
for an offense of which an element is fraud or breach of a 132  
fiduciary duty, within one year after discovery of the offense 133  
either by an aggrieved person, or by the aggrieved person's legal 134  
representative who is not a party to the offense. 135

(C) If the period of limitation provided in division (A)(1) 136  
or (3) of this section has expired, prosecution shall be commenced 137  
for an offense involving misconduct in office by a public servant 138  
as defined in section 2921.01 of the Revised Code, at any time 139  
while the accused remains a public servant, or within two years 140  
thereafter. 141

(D) An offense is committed when every element of the offense 142  
occurs. In the case of an offense of which an element is a 143  
continuing course of conduct, the period of limitation does not 144  
begin to run until such course of conduct or the accused's 145

accountability for it terminates, whichever occurs first. 146

(E) A prosecution is commenced on the date an indictment is 147  
returned or an information filed, or on the date a lawful arrest 148  
without a warrant is made, or on the date a warrant, summons, 149  
citation, or other process is issued, whichever occurs first. A 150  
prosecution is not commenced by the return of an indictment or the 151  
filing of an information unless reasonable diligence is exercised 152  
to issue and execute process on the same. A prosecution is not 153  
commenced upon issuance of a warrant, summons, citation, or other 154  
process, unless reasonable diligence is exercised to execute the 155  
same. 156

(F) The period of limitation shall not run during any time 157  
when the corpus delicti remains undiscovered. 158

(G) The period of limitation shall not run during any time 159  
when the accused purposely avoids prosecution. Proof that the 160  
accused departed this state or concealed the accused's identity or 161  
whereabouts is prima-facie evidence of the accused's purpose to 162  
avoid prosecution. 163

(H) The period of limitation shall not run during any time a 164  
prosecution against the accused based on the same conduct is 165  
pending in this state, even though the indictment, information, or 166  
process which commenced the prosecution is quashed or the 167  
proceedings thereon are set aside or reversed on appeal. 168

(I) As used in this section, "peace officer" has the same 169  
meaning as in section 2935.01 of the Revised Code. 170

**Sec. 2909.21.** As used in sections 2909.21 to ~~2909.25~~ 2909.34 171  
of the Revised Code: 172

(A) "Act of terrorism" means an act that is committed within 173  
or outside the territorial jurisdiction of this state or the 174  
United States, that constitutes a specified offense if committed 175

in this state or constitutes an offense in any jurisdiction within 176  
or outside the territorial jurisdiction of the United States 177  
containing all of the essential elements of a specified offense, 178  
and that is intended to do one or more of the following: 179

(1) Intimidate or coerce a civilian population; 180

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

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

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

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

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

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

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

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

(E) "Radiological or nuclear weapon" means any device that is 206  
designed to create or release radiation or radioactivity at a 207  
level that is dangerous to human life or in order to cause serious 208  
physical harm to persons as a result of the radiation or 209  
radioactivity created or released. 210

(F) "Explosive device" has the same meaning as in section 211  
2923.11 of the Revised Code. 212

(G) "Key component of a binary or multicomponent chemical 213  
system" means the precursor that plays the most important role in 214  
determining the toxic properties of the final product and reacts 215  
rapidly with other chemicals in the binary or multicomponent 216  
chemical system. 217

(H) "Material assistance" means any of the following: 218

(1) Membership in an organization on the United States 219  
department of state terrorist exclusion list; 220

(2) Use of the person's position of prominence within any 221  
country to persuade others to support an organization on the 222  
United States department of state terrorist exclusion list; 223

(3) Knowingly soliciting funds or other things of value for 224  
an organization on the United States department of state terrorist 225  
exclusion list; 226

(4) Solicitation of any individual for membership in an 227  
organization on the United States department of state terrorist 228  
exclusion list; 229

(5) Commission of an act that the person knows, or reasonably 230  
should have known, affords material support or resources to an 231  
organization on the United States department of state terrorist 232  
exclusion list; 233

(6) Hiring or compensating a person known by the person 234  
hiring or providing the compensation to be a member of an 235



organization on the United States department of state terrorist 236  
exclusion list or a person known by the person hiring or providing 237  
the compensation to be engaged in planning, assisting, or carrying 238  
out an act of terrorism. 239

(I) "Material support or resources" means currency, payment 240  
instruments, other financial securities, funds, transfer of funds, 241  
financial services, communications, lodging, training, ~~safehouses~~ 242  
safe houses, false documentation or identification, communications 243  
equipment, facilities, weapons, lethal substances, explosives, 244  
personnel, transportation, and other physical assets, except 245  
medicine or religious materials. 246

~~(C)~~(J) "Payment instrument" means a check, draft, money 247  
order, traveler's check, cashier's check, teller's check, or other 248  
instrument or order for the transmission or payment of money, 249  
regardless of whether the item in question is negotiable. 250

(K) "Peace officer" and "prosecutor" have the same meanings 251  
as in section 2935.01 of the Revised Code. 252

(L) "Precursor" means any chemical reactant that takes part 253  
at any stage in the production by whatever method of a toxic 254  
chemical, including any key component of a binary or 255  
multicomponent chemical system. 256

~~(D)~~(M) "Response costs" means all costs a political 257  
subdivision incurs as a result of, or in making any response to, a 258  
threat of a specified offense made as described in section 2909.23 259  
of the Revised Code or a specified offense committed as described 260  
in section 2909.24 of the Revised Code, including, but not limited 261  
to, all costs so incurred by any law enforcement officers, 262  
firefighters, rescue personnel, or emergency medical services 263  
personnel of the political subdivision and all costs so incurred 264  
by the political subdivision that relate to laboratory testing or 265  
hazardous material cleanup. 266

~~(E)~~(N) "Specified offense" means any of the following: 267

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

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

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

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

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

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

(B) No person shall knowingly possess any chemical weapon, 296

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| <u>biological weapon, radiological or nuclear weapon, or explosive</u>   | 297 |
| <u>device with intent to use the weapon to do any of the following:</u>  | 298 |
| <u>(1) Intimidate or coerce a civilian population;</u>                   | 299 |
| <u>(2) Influence the policy of any government by intimidation or</u>     | 300 |
| <u>coercion;</u>   | 301 |
| <u>(3) Affect the conduct of any government by murder,</u>               | 302 |
| <u>assassination, or kidnapping.</u>                                     | 303 |
| <u>(C) Whoever violates this section is guilty of criminal</u>           | 304 |
| <u>possession of a chemical weapon, biological weapon, radiological</u>  | 305 |
| <u>or nuclear weapon, or explosive device. A violation of division</u>   | 306 |
| <u>(A) of this section is a felony of the third degree. A violation</u>  | 307 |
| <u>of division (B) of this section is a felony of the second degree.</u> | 308 |
| <u>(D) This section does not apply when the items described in</u>       | 309 |
| <u>division (A) of this section are possessed for a purpose related</u>  | 310 |
| <u>to the performance of official duties related to any military</u>     | 311 |
| <u>purpose of the United States and any law enforcement purpose,</u>     | 312 |
| <u>including any domestic riot control purpose.</u>                      | 313 |
| <u><b>Sec. 2909.27.</b> (A) No person shall recklessly use, deploy,</u>  | 314 |
| <u>release, or cause to be used, deployed, or released any chemical</u>  | 315 |
| <u>weapon, biological weapon, radiological or nuclear weapon, or</u>     | 316 |
| <u>explosive device that creates a risk of death or serious physical</u> | 317 |
| <u>harm to another person not a participant in the offense.</u>          | 318 |
| <u>(B) No person shall knowingly use, deploy, release, or cause</u>      | 319 |
| <u>to be used, deployed, or released any chemical weapon, biological</u> | 320 |
| <u>weapon, radiological or nuclear weapon, or explosive device with</u>  | 321 |
| <u>the intent to do any of the following:</u>                            | 322 |
| <u>(1) Intimidate or coerce a civilian population;</u>                   | 323 |
| <u>(2) Influence the policy of any government by intimidation or</u>     | 324 |
| <u>coercion;</u>   | 325 |

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| <u>(3) Affect the conduct of any government by murder,</u>                | 326 |
| <u>assassination, or kidnapping;</u>                                      | 327 |
| <u>(4) Cause physical harm to, or the death of, any person who</u>        | 328 |
| <u>is not a participant in the offense.</u>                               | 329 |
| <u>(C) Whoever violates this section is guilty of criminal use</u>        | 330 |
| <u>of a chemical weapon, biological weapon, radiological or nuclear</u>   | 331 |
| <u>weapon, or explosive device. A violation of division (A) of this</u>   | 332 |
| <u>section is a felony of the second degree. A violation of division</u>  | 333 |
| <u>(B) of this section is a felony of the first degree.</u>               | 334 |
| <u>(D)(1) Division (A) of this section does not apply to any</u>          | 335 |
| <u>person who uses any of the following:</u>                              | 336 |
| <u>(a) Any household product that is generally available for</u>          | 337 |
| <u>sale to consumers in this state in the quantity and concentration</u>  | 338 |
| <u>available for sale to those consumers;</u>                             | 339 |
| <u>(b) A self-defense spray;</u>  | 340 |
| <u>(c) A biological agent, toxin, or delivery system the person</u>       | 341 |
| <u>possesses solely for protective, bona fide research, or other</u>      | 342 |
| <u>peaceful purposes;</u>   | 343 |
| <u>(d) A chemical weapon that the person possesses solely for a</u>       | 344 |
| <u>purpose not prohibited under this section if the type and quantity</u> | 345 |
| <u>is consistent with that purpose.</u>                                   | 346 |
| <u>(2) For purposes of this division, "a purpose not prohibited</u>       | 347 |
| <u>under this section" means any of the following:</u>                    | 348 |
| <u>(a) Any peaceful purpose related to an industrial,</u>                 | 349 |
| <u>agricultural, research, medical, or pharmaceutical activity or</u>     | 350 |
| <u>other peaceful activity;</u>   | 351 |
| <u>(b) Any purpose directly related to protection against toxic</u>       | 352 |
| <u>chemicals and to protection against chemical weapons;</u>              | 353 |
| <u>(c) Any military purpose of the United States that is not</u>          | 354 |

connected with the use of a chemical weapon or that is not 355  
dependent on the use of the toxic or poisonous properties of the 356  
chemical weapon to cause death or other harm, when related to the 357  
performance of official duties; 358

(d) Any law enforcement purpose, including any domestic riot 359  
control purpose, when related to the performance of official 360  
duties. 361

**Sec. 2909.28.** (A) No person, with the intent to manufacture a 362  
chemical weapon, biological weapon, radiological or nuclear 363  
weapon, or explosive device, shall knowingly assemble or possess 364  
one or more toxins, toxic chemicals, precursors of toxic 365  
chemicals, vectors, biological agents, or hazardous radioactive 366  
substances, including, but not limited to, those listed in rules 367  
the director of public safety adopts, that may be used to 368  
manufacture a chemical weapon, biological weapon, radiological or 369  
nuclear weapon, or explosive device. 370

(B) In a prosecution under this section, it is not necessary 371  
to allege or prove that the offender assembled or possessed all 372  
chemicals or substances necessary to manufacture a chemical 373  
weapon, biological weapon, radiological or nuclear weapon, or 374  
explosive device. The assembly or possession of a single chemical 375  
or substance, with the intent to use that chemical or substance in 376  
the manufacture of a chemical weapon, biological weapon, 377  
radiological or nuclear weapon, or explosive device, is sufficient 378  
to violate this section. 379

(C) Whoever violates this section is guilty of illegal 380  
assembly or possession of chemicals or substances for the 381  
manufacture of a chemical weapon, biological weapon, radiological 382  
or nuclear weapon, or explosive device, which is a felony of the 383  
fourth degree. 384

(D) This section does not apply when the items described in 385  
division (A) of this section are assembled or possessed for a 386  
purpose related to the performance of official duties related to 387  
any military purpose of the United States and any law enforcement 388  
purpose, including any domestic riot control purpose. 389

**Sec. 2909.29.** (A) No person, knowing that property is the 390  
proceeds of an act of terrorism or a monetary instrument given, 391  
received, or intended to be used in support of an act of 392  
terrorism, shall conduct or attempt to conduct any transaction 393  
involving that property or transport, transmit or transfer that 394  
monetary instrument with the intent to do any of the following: 395

(1) Commit or further the commission of criminal activity; 396

(2) Conceal or disguise the nature, location, source, 397  
ownership, or control of either the proceeds of an act of 398  
terrorism or a monetary instrument given, received, or intended to 399  
be used to support an act of terrorism; 400

(3) Conceal or disguise the intent to avoid a transaction 401  
reporting requirement under section 1315.53 of the Revised Code or 402  
federal law. 403

(B)(1) Whoever violates this section is guilty of money 404  
laundering in support of terrorism, which is a misdemeanor of the 405  
first degree, except as otherwise provided in this division. 406

(2) A violation of division (A) of this section is a felony 407  
of the fifth degree if the total value of the property or monetary 408  
instrument involved in the transaction equals or exceeds one 409  
thousand dollars and is less than five thousand dollars. 410

(3) Money laundering in support of terrorism is a felony of 411  
the fourth degree if the total value of the property or monetary 412  
instrument involved in the transaction equals or exceeds five 413  
thousand dollars and is less than twenty-five thousand dollars. 414

(4) Money laundering in support of terrorism is a felony of 415  
the third degree if the total value of the property or monetary 416  
instrument involved in the transaction equals or exceeds 417  
twenty-five thousand dollars and is less than seventy-five 418  
thousand dollars. 419

(5) Money laundering in support of terrorism is a felony of 420  
the second degree if the total value of the property or monetary 421  
instrument involved in the transaction equals or exceeds 422  
seventy-five thousand dollars. 423

**Sec. 2909.30.** (A) A judge of a court of record shall direct 424  
the clerk of that court to notify the immigration and customs 425  
enforcement section of the United States department of homeland 426  
security when a suspected alien has been convicted of or pleaded 427  
guilty to a felony. 428

(B) The department of rehabilitation and correction monthly 429  
shall compile a list of suspected aliens who are serving a prison 430  
term. The list shall include the earliest possible date of release 431  
of the offender, whether through expiration of prison term, 432  
parole, or other means. The department shall provide a copy of the 433  
list to the immigration and customs enforcement section of the 434  
United States department of homeland security for the section to 435  
determine whether it wishes custody of the suspected alien. If the 436  
immigration and customs enforcement section indicates it wishes 437  
custody, the department of rehabilitation and correction is 438  
responsible for the suspected alien until the section takes 439  
custody. 440

(C) The department of rehabilitation and correction, pursuant 441  
to a valid detainer lodged against an alien who is not legally 442  
present in the United States and who has been convicted of or 443  
pleaded guilty to a felony, shall transfer that alien to the 444  
custody of the immigration and enforcement section of the United 445

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

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

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

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

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

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

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along with a then-current copy of the United States department of 476  
state terrorist exclusion list. The director may adopt rules 477  
governing the development of the questionnaire and the 478  
distribution of the questionnaire and the list. 479

(b) The questionnaire this section requires shall be 480  
substantially as follows and shall include the following questions 481  
and the associated spaces for answering the questions: 482

"QUESTIONNAIRE, REGARDING MATERIAL ASSISTANCE 483  
TO TERRORIST ORGANIZATION 484

(1) Are you a member of an organization on the U.S. 485  
Department of State Terrorist Exclusion List? Yes .....; No ..... 486

(2) Have you used any position of prominence you have within 487  
any country to persuade others to support an organization on the 488  
U.S. Department of State Terrorist Exclusion List? Yes .....; No 489  
..... 490

(3) Have you knowingly solicited funds or other things of 491  
value for an organization on the U.S. Department of State 492  
Terrorist Exclusion List? Yes .....; No ..... 493

(4) Have you solicited any individual for membership in an 494  
organization on the U.S. Department of State Terrorist Exclusion 495  
List? Yes .....; No ..... 496

(5) Have you committed an act that you know, or reasonably 497  
should have known, affords "material support or resources" (see 498  
below) to an organization on the U.S. Department of State 499  
Terrorist Exclusion List? Yes .....; No ..... 500

(6) Have you hired or compensated a person you knew to be a 501  
member of an organization on the U.S. Department of State 502  
Terrorist Exclusion List or a person you knew to be engaged in 503  
planning, assisting, or carrying out an act of terrorism? Yes 504  
.....; No ..... 505

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

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

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

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

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

(D) The department of public safety, upon an applicant's

request, shall review within thirty days of that request an 537  
application for any license or renewal that was denied under 538  
division (C) of this section. The department shall reinstate the 539  
license application for good cause if it determines all of the 540  
following pursuant to guidelines the director adopts by rule: 541

(1) That the provision of material assistance to an 542  
organization on the terrorist exclusion list was made more than 543  
ten years prior to the time of the application, or the applicant 544  
provided material assistance during the ten years prior to the 545  
application and the date of the review, but at the time of the 546  
assistance, the organization was either not on the list or was not 547  
involved in any activity or conduct that would have merited 548  
inclusion on the list had it existed at the time, or at the time 549  
of the assistance it was not reasonable to know of the 550  
organization's activities that would have merited its inclusion on 551  
the list. 552

(2) That the applicant is unlikely in the future to provide 553  
material assistance to any organization on the terrorist exclusion 554  
list; 555

(3) That the applicant does not pose a risk to the residents 556  
of this state. 557

(E) The failure of an applicant for a license to complete and 558  
attach a questionnaire as this section requires, the failure to 559  
disclose material assistance to an organization on the terrorist 560  
exclusion list, or the making of false statements regarding 561  
material assistance to an organization the applicant knew or 562  
should have known was on the terrorist exclusion list, shall 563  
result in the denial of the application and in the revocation of 564  
the license. 565

(F) The failure of an applicant for a license to disclose, as 566  
this section requires, the provision of material assistance to an 567

organization on the terrorist exclusion list or knowingly making 568  
false statements regarding material assistance to an organization 569  
on that list is a felony of the fifth degree. 570

(G) An issuing agency shall notify the department of public 571  
safety if it denies an application for a license or the renewal of 572  
a license because the applicant disclosed the provision of 573  
material assistance to an organization listed on the terrorist 574  
exclusion list. 575

**Sec. 2909.33.** (A)(1) The director of public safety shall 576  
develop a questionnaire for the state, any instrumentality of the 577  
state, and any political subdivision of the state to use to 578  
determine whether any person, company, affiliated group, or 579  
organization, or person who holds, owns, or otherwise has a 580  
controlling interest in a company, affiliated group, or 581  
organization, has provided material assistance to an organization 582  
listed on the United States department of state terrorist 583  
exclusion list. The questionnaire shall be substantially in the 584  
same format and of the same content as set forth in division 585  
(A)(2)(b) of section 2909.32 of the Revised Code. 586

(2) The director shall make the questionnaire available to 587  
the state, instrumentalities of the state, and political 588  
subdivisions of the state, along with a then-current copy of the 589  
terrorist exclusion list. The director may adopt rules that govern 590  
the preparation of the questionnaire and the distribution of the 591  
questionnaire and terrorist exclusion list. 592

(3)(a) Any state agency, instrumentality, or political 593  
subdivision of the state, for purposes of business it conducts and 594  
funding it provides, may adopt a procedure under which it 595  
precertifies any person, company, affiliated group, or 596  
organization as not providing material assistance to an 597  
organization on the terrorist exclusion list. The precertification 598

this division describes shall be granted to any person, company, 599  
affiliated group, or organization that submits a completed copy of 600  
the questionnaire developed pursuant to this section, with an 601  
answer of "no" to all questions. A precertification pursuant to 602  
this division is effective for one year. 603

(b) Any person, company, affiliated group, or organization 604  
that is precertified pursuant to this division and that takes any 605  
action or learns of anything that would result in an answer of 606  
"yes" to any question on the questionnaire this division requires, 607  
shall cease to represent that it is precertified and, within 608  
thirty days of taking that action or learning the new information, 609  
shall notify every state agency, instrumentality, or political 610  
subdivision with which it is precertified to request the 611  
precertification be rescinded. 612

(c) When applying for a contract, falsely representing 613  
precertification, or representing precertification when that 614  
precertification has been rescinded or should have been rescinded 615  
pursuant to this division, is a felony of the fifth degree. 616

(B) Any person who is provided a questionnaire pursuant to 617  
this section shall complete that questionnaire. Any answer of 618  
"yes" to any question, or the failure to answer "no" to any 619  
question, on the questionnaire shall serve for purposes of this 620  
section as a disclosure of the provision of material assistance to 621  
an organization that is listed on the terrorist exclusion list. 622

(C) Prior to entering into a contract to conduct business or 623  
receive funding, any person, company, affiliated group, or 624  
organization, and any person who holds, owns, or otherwise has a 625  
controlling interest in a company, affiliated group, or 626  
organization that conducts any business with or receives funding 627  
in an aggregate amount greater than one hundred thousand dollars 628  
annually from the state, any instrumentality of the state, and any 629

political subdivision of the state, excluding the amount of any 630  
personal benefit, shall certify that it does not provide material 631  
assistance to any organization on the United States department of 632  
state terrorist exclusion list. The certification shall be made by 633  
completing the questionnaire described in division (A) of this 634  
section. 635

(D)(1) The state, an instrumentality of the state, or a 636  
political subdivision of the state shall conduct no business with 637  
or provide any funding to any person, company, affiliated group or 638  
organization, or any person who has a controlling interest in a 639  
company, affiliated group, or organization unless that person, 640  
company, affiliated group, or organization is certified as 641  
division (C) of this section requires. The state, instrumentality, 642  
or subdivision shall provide the questionnaire developed pursuant 643  
to division (A) of this section, along with a then-current copy of 644  
the terrorist exclusion list, to any person, company, affiliated 645  
group, or organization that is not precertified and for which 646  
certification is required. If a contract is entered into pursuant 647  
to competitive bidding or another competitive process, the state, 648  
instrumentality, or subdivision need provide the questionnaire and 649  
list only to the person selected and only if that person is not 650  
precertified. 651

(2) No person, company, affiliated group or organization, or 652  
any person who holds, owns, or otherwise has a controlling 653  
interest in a company, affiliated group, or organization shall 654  
enter into a contract to conduct business with or receive funding 655  
from the state, an instrumentality of the state, or a political 656  
subdivision of the state unless it is certified as division (C) of 657  
this section requires. 658

(E) The department of public safety shall review, within 659  
thirty days of a request from any person, company, affiliated 660  
group, or organization that disclosed the provision of material 661

assistance to an organization listed on the terrorist exclusion 662  
list, whether the prohibitions against doing business or receiving 663  
funding set forth in divisions (D)(1) and (D)(2) of this section 664  
should apply. The department shall order that the prohibitions do 665  
not apply if it determines all of the following pursuant to 666  
guidelines the director adopts by rule: 667

(1) That the provision of material assistance to an 668  
organization on the terrorist exclusion list was made more than 669  
ten years prior to the time the questionnaire was filled out, or 670  
the material assistance was provided during the ten years prior to 671  
the application and the date of the review, but at the time of the 672  
assistance, the organization was either not on the list or would 673  
not have merited inclusion had it existed at the time, or at the 674  
time of the assistance it was not reasonable to know of the 675  
organization's activities that would have merited its inclusion on 676  
the list. 677

(2) That it is unlikely in the future that the person, 678  
company, affiliated group, or organization will provide material 679  
assistance to any organization on the terrorist exclusion list; 680

(3) The person, company, affiliated group, or organization 681  
does not pose a risk to the residents of this state. 682

(F) Any person, company, affiliated group, or organization 683  
that had not provided material assistance at the time a 684  
questionnaire was answered, but starts providing material 685  
assistance to an organization on the terrorist exclusion list 686  
during the course of doing business with or receiving funding from 687  
the state, an instrumentality of the state, or a subdivision of 688  
the state, is prohibited from entering into additional contracts 689  
to do business with or receive funding from the state, any 690  
instrumentality, or any subdivision for a period of ten years 691  
after the provision of material assistance is discovered. 692

(G) Any person, company, affiliated group, or organization 693  
that knowingly provides a false certification pursuant to this 694  
section is permanently banned from conducting business with or 695  
receiving funding from the state, an instrumentality of the state, 696  
or a political subdivision of the state and is guilty of a felony 697  
of the fifth degree. 698

(H) This section does not apply to the following types of 699  
transactions: 700

(1) An investment in a company that is publicly traded in any 701  
United States market; 702

(2) An investment that is traded on a foreign market where 703  
United States investors regularly make investments; 704

(3) An investment that is made through an agent or investment 705  
manager who has a fiduciary responsibility to the investor; 706

(4) An investment in public agency debt; 707

(5) An investment in derivatives that are regulated by a 708  
government agency. 709

(I) As used in this section, "personal benefit" means money, 710  
goods, services, pensions, disability and survivor benefits, or 711  
other things of value provided by the United States, the state, or 712  
a political subdivision of the state to which the recipient is 713  
entitled by reason of age, medical condition, or a financial need 714  
that is established pursuant to an act of congress or the general 715  
assembly. 716

**Sec. 2909.34.** (A)(1) The director of public safety shall 717  
develop a questionnaire for the state, instrumentalities of the 718  
state, and political subdivisions of the state to use to determine 719  
whether any potential employee has provided material assistance to 720  
an organization listed on the United States department of state 721  
terrorist exclusion list. The questionnaire shall be substantially 722



in the same format and of the same content as set forth in 723  
division (A)(2)(b) of section 2909.32 of the Revised Code. 724

(2) The director shall make the questionnaire available to 725  
the state, instrumentalities of the state, and political 726  
subdivisions of the state, along with a then-current copy of the 727  
terrorist exclusion list. The director may adopt rules that govern 728  
the preparation and distribution of the questionnaire and the 729  
terrorist exclusion list. 730

(B) Any person who is provided a questionnaire pursuant to 731  
this section shall complete the questionnaire. Any answer of "yes" 732  
to any questions, or the failure to answer "no" to any question, 733  
on the questionnaire shall serve for purposes of this section as a 734  
disclosure of the provision of material assistance to an 735  
organization that is listed on the terrorist exclusion list. 736

(C) The state, a state instrumentality, or a political 737  
subdivision of the state shall provide each person who is under 738  
final consideration for employment with a copy of the 739  
questionnaire and a then-current copy of the terrorist exclusion 740  
list. The state, instrumentality, or subdivision shall not employ 741  
any person who discloses the provision of material assistance to 742  
an organization that is listed on the terrorist exclusion list. 743

(D) The department of public safety, upon the request of any 744  
person who has been denied employment under division (C) of this 745  
section, shall review the request within thirty days to determine 746  
if the denial of employment should be voided. The department shall 747  
void that denial if it determines all of the following pursuant to 748  
guidelines the director adopts by rule: 749

(1) That the provision of material assistance to an 750  
organization on the terrorist exclusion list was made more than 751  
ten years prior to the time the questionnaire was filled out, or 752

the material assistance was provided during the ten years prior to 753  
the application and the date of the review, but at the time of the 754  
assistance, the organization was either not on the list or would 755  
not have merited inclusion on the list had it existed at the time, 756  
or at the time of the assistance it was not reasonable to know of 757  
the organization's activities that would have merited its 758  
inclusion on the list. 759

(2) That it is unlikely in the future that the person will 760  
provide material assistance to any organization on the terrorist 761  
exclusion list; 762

(3) The person does not pose a risk to the residents of the 763  
state. 764

(E) The failure of an applicant for employment to disclose, 765  
as this section requires, the provision of material assistance to 766  
an organization on the terrorist exclusion list, or knowingly 767  
making false statements regarding material assistance to an 768  
organization on that list, is a felony of the fifth degree. 769

**Sec. 2921.29.** (A) No person who is in a public place shall 770  
refuse to disclose the person's name, address, or date of birth, 771  
when requested by a law enforcement officer who reasonably 772  
suspects either of the following: 773

(1) The person is committing, has committed, or is about to 774  
commit a criminal offense. 775

(2) The person witnessed any of the following: 776

(a) An offense of violence that would constitute a felony 777  
under the laws of this state; 778

(b) A felony offense that causes or results in, or creates a 779  
substantial risk of, serious physical harm to another person or to 780  
property; 781

(c) Any attempt or conspiracy to commit, or complicity in committing, any offense identified in division (A)(2)(a) or (b) of this section; 782  
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(d) Any conduct reasonably indicating that any offense identified in division (A)(2)(a) or (b) of this section or any attempt, conspiracy, or complicity described in division (A)(2)(c) of this section has been, is being, or is about to be committed. 785  
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(B) Whoever violates this section is guilty of failure to disclose one's personal information, a misdemeanor of the fourth degree. 789  
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(C) Nothing in this section requires a person to answer any questions beyond that person's name, address, or date of birth. Nothing in this section authorizes a law enforcement officer to arrest a person for not providing any information beyond that person's name, address, or date of birth. 792  
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(D) It is not a violation of this section to refuse to answer a question that would reveal a person's age or date of birth if age is an element of the crime that the person is suspected of committing. 797  
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**Sec. 2923.31.** As used in sections 2923.31 to 2923.36 of the Revised Code: 801  
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(A) "Beneficial interest" means any of the following: 803

(1) The interest of a person as a beneficiary under a trust in which the trustee holds title to personal or real property; 804  
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(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; 806  
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(3) The interest of a person under any other form of express fiduciary arrangement under which any other person holds title to 809  
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personal or real property for the benefit of such person.

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

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

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

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

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

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At least one of the incidents forming the pattern shall occur 842  
on or after January 1, 1986. Unless any incident was an aggravated 843  
murder or murder, the last of the incidents forming the pattern 844  
shall occur within six years after the commission of any prior 845  
incident forming the pattern, excluding any period of imprisonment 846  
served by any person engaging in the corrupt activity. 847

For the purposes of the criminal penalties that may be 848  
imposed pursuant to section 2923.32 of the Revised Code, at least 849  
one of the incidents forming the pattern shall constitute a felony 850  
under the laws of this state in existence at the time it was 851  
committed or, if committed in violation of the laws of the United 852  
States or of any other state, shall constitute a felony under the 853  
law of the United States or the other state and would be a 854  
criminal offense under the law of this state if committed in this 855  
state. 856

(F) "Pecuniary value" means money, a negotiable instrument, a 857  
commercial interest, or anything of value, as defined in section 858  
1.03 of the Revised Code, or any other property or service that 859  
has a value in excess of one hundred dollars. 860

(G) "Person" means any person, as defined in section 1.59 of 861  
the Revised Code, and any governmental officer, employee, or 862  
entity. 863

(H) "Personal property" means any personal property, any 864  
interest in personal property, or any right, including, but not 865  
limited to, bank accounts, debts, corporate stocks, patents, or 866  
copyrights. Personal property and any beneficial interest in 867  
personal property are deemed to be located where the trustee of 868  
the property, the personal property, or the instrument evidencing 869  
the right is located. 870

(I) "Corrupt activity" means engaging in, attempting to 871  
engage in, conspiring to engage in, or soliciting, coercing, or 872

intimidating another person to engage in any of the following: 873

(1) Conduct defined as "racketeering activity" under the 874  
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 875  
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 876

(2) Conduct constituting any of the following: 877

(a) A violation of section 1315.55, 1322.02, 2903.01, 878  
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 879  
2905.11, 2905.22, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 880  
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 881  
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 882  
2913.06, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 2921.32, 883  
2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; division 884  
(F)(1)(a), (b), or (c) of section 1315.53; division (A)(1) or (2) 885  
of section 1707.042; division (B), (C)(4), (D), (E), or (F) of 886  
section 1707.44; division (A)(1) or (2) of section 2923.20; 887  
division (J)(1) of section 4712.02; section 4719.02, 4719.05, or 888  
4719.06; division (C), (D), or (E) of section 4719.07; section 889  
4719.08; or division (A) of section 4719.09 of the Revised Code. 890

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 891  
3769.19 of the Revised Code as it existed prior to July 1, 1996, 892  
any violation of section 2915.02 of the Revised Code that occurs 893  
on or after July 1, 1996, and that, had it occurred prior to that 894  
date, would have been a violation of section 3769.11 of the 895  
Revised Code as it existed prior to that date, or any violation of 896  
section 2915.05 of the Revised Code that occurs on or after July 897  
1, 1996, and that, had it occurred prior to that date, would have 898  
been a violation of section 3769.15, 3769.16, or 3769.19 of the 899  
Revised Code as it existed prior to that date. 900

(c) Any violation of section 2907.21, 2907.22, 2907.31, 901  
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 902  
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 903

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

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

(e) Any violation or combination of 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 violation or combination of violations, the 936  
payments made in the violation or combination of violations, or 937  
the value of the contraband or other property illegally possessed, 938  
sold, or purchased in the violation or combination of violations 939  
exceeds five hundred dollars; 940

(f) Any combination of violations described in division 941  
(I)(2)(c) of this section and violations of section 2907.32 of the 942  
Revised Code involving any material or performance containing a 943  
display of bestiality or of sexual conduct, as defined in section 944  
2907.01 of the Revised Code, that is explicit and depicted with 945  
clearly visible penetration of the genitals or clearly visible 946  
penetration by the penis of any orifice when the total proceeds of 947  
the combination of violations, payments made in the combination of 948  
violations, amount of the claims for payment or for other benefits 949  
that is false or deceptive and that is involved in the combination 950  
of violations, or value of the contraband or other property 951  
illegally possessed, sold, or purchased in the combination of 952  
violations exceeds five hundred dollars. 953

(3) Conduct constituting a violation of any law of any state 954  
other than this state that is substantially similar to the conduct 955  
described in division (I)(2) of this section, provided the 956  
defendant was convicted of the conduct in a criminal proceeding in 957  
the other state; 958

(4) Animal or ecological terrorism. 959

(J) "Real property" means any real property or any interest 960  
in real property, including, but not limited to, any lease of, or 961  
mortgage upon, real property. Real property and any beneficial 962  
interest in it is deemed to be located where the real property is 963  
located. 964

(K) "Trustee" means any of the following: 965

(1) Any person acting as trustee under a trust in which the 966



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| trustee holds title to personal or real property;                        | 967 |
| (2) Any person who holds title to personal or real property              | 968 |
| for which any other person has a beneficial interest;                    | 969 |
| (3) Any successor trustee.   | 970 |
| "Trustee" does not include an assignee or trustee for an                 | 971 |
| insolvent debtor or an executor, administrator, administrator with       | 972 |
| the will annexed, testamentary trustee, guardian, or committee,          | 973 |
| appointed by, under the control of, or accountable to a court.           | 974 |
| (L) "Unlawful debt" means any money or other thing of value              | 975 |
| constituting principal or interest of a debt that is legally             | 976 |
| unenforceable in this state in whole or in part because the debt         | 977 |
| was incurred or contracted in violation of any federal or state          | 978 |
| law relating to the business of gambling activity or relating to         | 979 |
| the business of lending money at an usurious rate unless the             | 980 |
| creditor proves, by a preponderance of the evidence, that the            | 981 |
| usurious rate was not intentionally set and that it resulted from        | 982 |
| a good faith error by the creditor, notwithstanding the                  | 983 |
| maintenance of procedures that were adopted by the creditor to           | 984 |
| avoid an error of that nature.   | 985 |
| <u>(M) "Animal activity" means any activity that involves the</u>        | 986 |
| <u>use of animals or animal parts, including, but not limited to,</u>    | 987 |
| <u>hunting, fishing, trapping, traveling, camping, the production,</u>   | 988 |
| <u>preparation, or processing of food or food products, clothing or</u>  | 989 |
| <u>garment manufacturing, medical research, other research,</u>          | 990 |
| <u>entertainment, recreation, agriculture, biotechnology, or service</u> | 991 |
| <u>activity that involves the use of animals or animal parts.</u>        | 992 |
| <u>(N) "Animal facility" means a vehicle, building, structure,</u>       | 993 |
| <u>nature preserve, or other premises in which an animal is lawfully</u> | 994 |
| <u>kept, handled, housed, exhibited, bred, or offered for sale,</u>      | 995 |
| <u>including, but not limited to, a zoo, rodeo, circus, amusement</u>    | 996 |
| <u>park, hunting preserve, or premises in which a horse or dog event</u> | 997 |

is held.

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

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

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

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

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(B) "Oral communication" means an oral communication uttered

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by a person exhibiting an expectation that the communication is 1028  
not subject to interception under circumstances justifying that 1029  
expectation. "Oral communication" does not include an electronic 1030  
communication. 1031

(C) "Intercept" means the aural or other acquisition of the 1032  
contents of any wire, oral, or electronic communication through 1033  
the use of an interception device. 1034

(D) "Interception device" means an electronic, mechanical, or 1035  
other device or apparatus that can be used to intercept a wire, 1036  
oral, or electronic communication. "Interception device" does not 1037  
mean any of the following: 1038

(1) A telephone or telegraph instrument, equipment, or 1039  
facility, or any of its components, if the instrument, equipment, 1040  
facility, or component is any of the following: 1041

(a) Furnished to the subscriber or user by a provider of wire 1042  
or electronic communication service in the ordinary course of its 1043  
business and being used by the subscriber or user in the ordinary 1044  
course of its business; 1045

(b) Furnished by a subscriber or user for connection to the 1046  
facilities of a provider of wire or electronic communication 1047  
service and used in the ordinary course of that subscriber's or 1048  
user's business; 1049

(c) Being used by a provider of wire or electronic 1050  
communication service in the ordinary course of its business or by 1051  
an investigative or law enforcement officer in the ordinary course 1052  
of the officer's duties that do not involve the interception of 1053  
wire, oral, or electronic communications. 1054

(2) A hearing aid or similar device being used to correct 1055  
subnormal hearing to not better than normal. 1056

(E) "Investigative officer" means any of the following: 1057

- (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; 1058  
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- (2) A person described in divisions (A)(11)(a) and (b) of section 2901.01 of the Revised Code; 1061  
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- (3) An attorney authorized by law to prosecute or participate in the prosecution of a designated offense; 1063  
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- (4) A secret service officer appointed pursuant to section 309.07 of the Revised Code; 1065  
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- (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," 1067  
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100 Stat. 1848-1857, 18 U.S.C. 2510-2521 (1986), as amended. 1069  
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- (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. 1071  
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- (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. 1075  
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- (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. 1078  
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- (I) "Designated offense" means any of the following: 1084
- (1) A felony violation of section 1315.53, 1315.55, 2903.01, 2903.02, 2903.11, 2905.01, 2905.02, 2905.11, 2905.22, 2907.02, 2907.21, 2907.22, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 1085  
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2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 1088  
2911.11, 2911.12, 2913.02, 2913.04, 2913.42, 2913.51, 2915.02, 1089  
2915.03, 2917.01, 2917.02, 2921.02, 2921.03, 2921.04, 2921.32, 1090  
2921.34, 2923.20, 2923.32, 2925.03, 2925.04, 2925.05, or 2925.06 1091  
or of division (B) of section 2915.05 of the Revised Code; 1092

(2) A violation of section 2919.23 of the Revised Code that, 1093  
had it occurred prior to July 1, 1996, would have been a violation 1094  
of section 2905.04 of the Revised Code as it existed prior to that 1095  
date; 1096

(3) A felony violation of section 2925.11 of the Revised Code 1097  
that is not a minor drug possession offense, as defined in section 1098  
2925.01 of the Revised Code; 1099

(4) Complicity in the commission of a felony violation of a 1100  
section listed in division (I)(1), (2), or (3) of this section; 1101

(5) An attempt to commit, or conspiracy in the commission of, 1102  
a felony violation of a section listed in division (I)(1), (2), or 1103  
(3) of this section, if the attempt or conspiracy is punishable by 1104  
a term of imprisonment of more than one year. 1105

(J) "Aggrieved person" means a person who was a party to an 1106  
intercepted wire, oral, or electronic communication or a person 1107  
against whom the interception of the communication was directed. 1108

(K) "Person" means a person, as defined in section 1.59 of 1109  
the Revised Code, or a governmental officer, employee, or entity. 1110

(L) "Special need" means a showing that a licensed physician, 1111  
licensed practicing psychologist, attorney, practicing cleric, 1112  
journalist, or either spouse is personally engaging in continuing 1113  
criminal activity, was engaged in continuing criminal activity 1114  
over a period of time, or is committing, has committed, or is 1115  
about to commit, a designated offense, or a showing that specified 1116  
public facilities are being regularly used by someone who is 1117

personally engaging in continuing criminal activity, was engaged 1118  
in continuing criminal activity over a period of time, or is 1119  
committing, has committed, or is about to commit, a designated 1120  
offense. 1121

(M) "Journalist" means a person engaged in, connected with, 1122  
or employed by, any news media, including a newspaper, magazine, 1123  
press association, news agency, or wire service, a radio or 1124  
television station, or a similar media, for the purpose of 1125  
gathering, processing, transmitting, compiling, editing, or 1126  
disseminating news for the general public. 1127

(N) "Electronic communication" means a transfer of a sign, 1128  
signal, writing, image, sound, datum, or intelligence of any 1129  
nature that is transmitted in whole or in part by a wire, radio, 1130  
electromagnetic, photoelectronic, or photo-optical system. 1131  
"Electronic communication" does not mean any of the following: 1132

(1) A wire or oral communication; 1133

(2) A communication made through a tone-only paging device; 1134

(3) A communication from an electronic or mechanical tracking 1135  
device that permits the tracking of the movement of a person or 1136  
object. 1137

(O) "User" means a person or entity that uses an electronic 1138  
communication service and is duly authorized by the provider of 1139  
the service to engage in the use of the electronic communication 1140  
service. 1141

(P) "Electronic communications system" means a wire, radio, 1142  
electromagnetic, photoelectronic, or photo-optical facility for 1143  
the transmission of electronic communications, and a computer 1144  
facility or related electronic equipment for the electronic 1145  
storage of electronic communications. 1146

(Q) "Electronic communication service" means a service that 1147

provides to users of the service the ability to send or receive 1148  
wire or electronic communications. 1149

(R) "Readily accessible to the general public" means, with 1150  
respect to a radio communication, that the communication is none 1151  
of the following: 1152

(1) Scrambled or encrypted; 1153

(2) Transmitted using a modulation technique, the essential 1154  
parameters of which have been withheld from the public with the 1155  
intention of preserving the privacy of the communication; 1156

(3) Carried on a subcarrier or other signal subsidiary to a 1157  
radio transmission; 1158

(4) Transmitted over a communications system provided by a 1159  
communications common carrier, unless the communication is a 1160  
tone-only paging system communication; 1161

(5) Transmitted on a frequency allocated under part 25, 1162  
subpart D, E, or F of part 74, or part 94 of the Rules of the 1163  
Federal Communications Commission, as those provisions existed on 1164  
July 1, 1996, unless, in the case of a communication transmitted 1165  
on a frequency allocated under part 74 that is not exclusively 1166  
allocated to broadcast auxiliary services, the communication is a 1167  
two-way voice communication by radio. 1168

(S) "Electronic storage" means a temporary, intermediate 1169  
storage of a wire or electronic communication that is incidental 1170  
to the electronic transmission of the communication, and a storage 1171  
of a wire or electronic communication by an electronic 1172  
communication service for the purpose of backup protection of the 1173  
communication. 1174

(T) "Aural transfer" means a transfer containing the human 1175  
voice at a point between and including the point of origin and the 1176  
point of reception. 1177

(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. 2935.033. (A) Any peace officer may render assistance to  
any federal law enforcement officer who has arrest authority under  
the "Uniting and Strengthening America by Providing Appropriate  
Tools Required to Intercept and Obstruct Terrorism (USA Patriot  
Act) Act of 2001," Pub. L. No. 107-056, 115 Stat. 272, as amended,  
if both of the following apply:

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

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



(B) "Federal law enforcement officer" has the same meaning as 1208  
in section 9.88 of the Revised Code. 1209

Sec. 3750.22. (A)(1) The owner or operator of a facility 1210  
where chemicals are produced, or the owner or operator of any 1211  
other facility or business of any type, may provide a copy of any 1212  
vulnerability assessment of the facility or business or of any 1213  
other security-sensitive information developed regarding the 1214  
facility or business to any of the following: 1215

(a) The local emergency planning committee of the emergency 1216  
planning district in which the facility or business is located; 1217

(b) The fire department with jurisdiction over the facility 1218  
or business; 1219

(c) The sheriff of the county in which the facility or 1220  
business is located; 1221

(d) The chief of police of any municipal corporation with 1222  
jurisdiction over the facility or business; 1223

(e) Any state agency involved in the development of plans to 1224  
protect businesses of any type against terrorist attack including 1225  
the Ohio department of public safety, the Ohio highway patrol, the 1226  
office of homeland security, and the emergency management agency. 1227

(2) A local emergency planning committee, fire department, 1228  
sheriff, or chief of police, or other public office that receives 1229  
a vulnerability assessment or other security-sensitive information 1230  
pursuant to division (A)(1) of this section may provide a copy of 1231  
that assessment or information to any local emergency planning 1232  
committee, fire department, sheriff, or chief of police, or other 1233  
public office described in division (A)(1) of this section but 1234  
shall not share that vulnerability assessment or 1235  
security-sensitive information with any other public or private 1236  
office unless required to do so by federal or state law. 1237

(B)(1) Any vulnerability assessment or other 1238  
security-sensitive information a public office receives pursuant 1239  
to division (A) of this section is not a public record under 1240  
section 149.43 of the Revised Code and that assessment or 1241  
information is not subject to the mandatory disclosure 1242  
requirements of section 149.43 of the Revised Code. 1243

(2) This section shall not be construed to exempt any owner 1244  
or operator of a facility where chemicals are produced or the 1245  
owner or operator of any other facility or business of any type 1246  
from providing information contained in a vulnerability assessment 1247  
or other security-sensitive information to the public when the 1248  
provision of that information otherwise is required by federal or 1249  
state law. 1250

**Sec. 4507.08.** (A) No probationary license shall be issued to 1251  
any person under the age of eighteen who has been adjudicated an 1252  
unruly or delinquent child or a juvenile traffic offender for 1253  
having committed any act that if committed by an adult would be a 1254  
drug abuse offense, as defined in section 2925.01 of the Revised 1255  
Code, a violation of division (B) of section 2917.11, or a 1256  
violation of division (A) of section 4511.19 of the Revised Code, 1257  
unless the person has been required by the court to attend a drug 1258  
abuse or alcohol abuse education, intervention, or treatment 1259  
program specified by the court and has satisfactorily completed 1260  
the program. 1261

(B) No temporary instruction permit or driver's license shall 1262  
be issued to any person whose license has been suspended, during 1263  
the period for which the license was suspended, nor to any person 1264  
whose license has been canceled, under Chapter 4510. or any other 1265  
provision of the Revised Code. 1266

(C) No temporary instruction permit or driver's license shall 1267  
be issued to any person whose commercial driver's license is 1268

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

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

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

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

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

(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 1300  
restricted license effective for six months shall be issued to any 1301  
person who otherwise is qualified and who is subject to any 1302  
condition that causes episodic impairment of consciousness or a 1303  
loss of muscular control if the person presents a statement from a 1304  
licensed physician that the person's condition is under effective 1305  
medical control and the period of time for which the control has 1306  
been continuously maintained, unless, thereafter, a medical 1307  
examination is ordered and, pursuant thereto, cause for denial is 1308  
found. 1309

A person to whom a six-month restricted license has been 1310  
issued shall give notice of the person's medical condition to the 1311  
registrar on forms provided by the registrar and signed by the 1312  
licensee's physician. The notice shall be sent to the registrar 1313  
six months after the issuance of the license. Subsequent 1314  
restricted licenses issued to the same individual shall be 1315  
effective for six months. 1316

(4) Any person who is unable to understand highway warnings 1317  
or traffic signs or directions given in the English language; 1318

(5) Any person making an application whose driver's license 1319  
or driving privileges are under cancellation, revocation, or 1320  
suspension in the jurisdiction where issued or any other 1321  
jurisdiction, until the expiration of one year after the license 1322  
was canceled or revoked or until the period of suspension ends. 1323  
Any person whose application is denied under this division may 1324  
file a petition in the municipal court or county court in whose 1325  
jurisdiction the person resides agreeing to pay the cost of the 1326  
proceedings and alleging that the conduct involved in the offense 1327  
that resulted in suspension, cancellation, or revocation in the 1328  
foreign jurisdiction would not have resulted in a suspension, 1329  
cancellation, or revocation had the offense occurred in this 1330  
state. If the petition is granted, the petitioner shall notify the 1331

registrar by a certified copy of the court's findings and a 1332  
license shall not be denied under this division. 1333

(6) Any person who is under a class one or two suspension 1334  
imposed for a violation of section 2903.04, 2903.06, or 2903.08 of 1335  
the Revised Code or whose driver's or commercial driver's license 1336  
or permit was permanently revoked prior to ~~the effective date of~~ 1337  
~~this amendment~~ January 1, 2004, for a substantially equivalent 1338  
violation pursuant to section 4507.16 of the Revised Code; 1339

(7) Any person who is not a resident or temporary resident of 1340  
this state. 1341

(E) No person whose driver's license or permit has been 1342  
suspended under Chapter 4510. of the Revised Code or any other 1343  
provision of the Revised Code shall have driving privileges 1344  
reinstated if the registrar determines that a warrant has been 1345  
issued in this state or any other state for the person's arrest 1346  
and that warrant is an active warrant. 1347

**Sec. 4561.17.** ~~For the purpose of providing~~ (A) To provide 1348  
revenue for ~~paying the expenses of~~ administering sections 4561.17 1349  
to 4561.22 of the Revised Code relative to the registration of 1350  
aircraft, for the surveying of and the establishment, checking, 1351  
maintenance, and repair of aviation air marking and of air 1352  
navigation facilities, for the acquiring, maintaining, and 1353  
repairing of equipment necessary ~~therefor~~ for those purposes, and 1354  
for the cost of ~~the creation~~ creating and ~~distribution of~~ 1355  
distributing Ohio aeronautical charts and Ohio airport and landing 1356  
field directories, an annual license tax is hereby levied upon all 1357  
aircraft based in this state for which an aircraft worthiness 1358  
certificate issued by the federal aviation administration is in 1359  
effect except the following: 1360

~~(A)~~(1) Aircraft owned by the United States or any territory 1361

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| <del>thereof of the United States;</del>   | 1362                                 |
| <del>(B)(2) Aircraft owned by any foreign government;</del>  | 1363                                 |
| <del>(C)(3) Aircraft owned by any state or any political<br/>subdivision thereof of a state;</del>   | 1364<br>1365                         |
| <del>(D)(4) Aircraft operated under a certificate of convenience<br/>and necessity issued by the civil aeronautics board or any<br/>successor thereto to that board;</del>   | 1366<br>1367<br>1368                 |
| <del>(E) Aircraft owned by any nonresident of this state whether<br/>such owner is an individual, partnership, or corporation, provided<br/>such owner has complied with all the laws in regard to the<br/>licensing of aircraft in the state of his residence;</del>  | 1369<br>1370<br>1371<br>1372         |
| <del>(F)(5) Aircraft owned by aircraft manufacturers or aircraft<br/>engine manufacturers and operated only for purposes of testing,<br/>delivery, or demonstration;</del>   | 1373<br>1374<br>1375                 |
| <del>(G)(6) Aircraft operated for hire over regularly scheduled<br/>routes within the state.</del>   | 1376<br>1377                         |
| <del>Such (B) The license tax <u>this section requires</u> shall be at<br/>the rates specified in section 4561.18 of the Revised Code, and<br/>shall be paid to and collected by the director of transportation<br/>at the time of making application as provided in <del>such that</del><br/>section.</del>           | 1378<br>1379<br>1380<br>1381<br>1382 |
| <del><b>Sec. 4561.18. (A) <u>The owner of any aircraft that is based in<br/>this state and that is not of a type specified in divisions (A)(1)<br/>to (6) of section 4561.17 of the Revised Code, shall register that<br/>aircraft with the department of transportation pursuant to this<br/>section.</u></b></del>   | 1383<br>1384<br>1385<br>1386<br>1387 |
| <del>(B) Applications for the licensing and registration of<br/>aircraft shall be made and signed by the owner thereof <del>upon on</del><br/>forms <del>prepared by</del> the department of transportation <del>and prepares.</del><br/><u>The forms</u> shall contain a description of the aircraft, including</del> | 1388<br>1389<br>1390<br>1391         |

its federal registration number, the airport or other place at 1392  
which the aircraft is based, and ~~such any~~ other information ~~as is~~ 1393  
~~required by~~ the department requires. 1394

~~Applications~~ (C)(1) Registration forms shall be filed with 1395  
the director of transportation ~~during the month of January~~ 1396  
annually at the time the director specifies and shall be renewed 1397  
according to the standard renewal procedure of sections 4745.01 to 1398  
4745.03 of the Revised Code. ~~Application~~ If the airport or other 1399  
place at which the aircraft usually is based changes, the owner 1400  
shall update the registration by filing a new form with the office 1401  
of aviation. 1402

(2) An application for the registration of any aircraft not 1403  
previously registered in this state, ~~if such aircraft that~~ is 1404  
acquired or becomes subject to ~~such the~~ license tax subsequent to 1405  
the last day of January in any year, shall be made for the balance 1406  
of the year in which the ~~same~~ aircraft is acquired, within 1407  
forty-eight hours after ~~such the~~ acquisition or after becoming 1408  
subject to ~~such the~~ license tax. ~~Each such application~~ 1409

(D) Each registration form shall be accompanied by the proper 1410  
license tax, which, for aircraft other than gliders, shall be at 1411  
the annual rate of one hundred dollars per aircraft. The license 1412  
tax for gliders shall be three dollars annually. 1413

~~Such~~ (E) The department of transportation shall maintain all 1414  
registrations filed with it under this section and shall develop a 1415  
program to track and enforce the registration of aircraft based in 1416  
this state. 1417

(F) The taxes this section requires are in lieu of all other 1418  
taxes on or with respect to ownership of ~~such an~~ aircraft. 1419

(G) The director of transportation shall impose a fine 1420  
pursuant to section 4561.22 of the Revised Code for each aircraft 1421  
that an owner fails to register as this section requires and shall 1422

require the owner to register the aircraft within the time the 1423  
director specifies. The director may impose a separate fine for 1424  
each registration period during which the owner fails to register 1425  
the aircraft. 1426

**Sec. 4561.22.** (A) No owner or operator of an aircraft shall 1427  
violate sections 4561.17 to 4561.20 of the Revised Code. 1428

(B) Whoever violates this section shall be fined not more 1429  
than ~~one~~ five hundred dollars, ~~imprisoned not more than thirty~~ 1430  
~~days, or both~~ for each violation. 1431

**Sec. 4563.30.** (A) As used in this section: 1432

(1) "Aircraft" has the same meaning as in section 4561.01 of 1433  
the Revised Code. 1434

(2) "Airport" has the same meaning as in section 4561.01 of 1435  
the Revised Code except that it does not include any airport 1436  
operated by a multi-state authority or any airport with scheduled 1437  
commercial air carrier service. 1438

(3) "Private-use airport" means an airport used exclusively 1439  
by the owner of the airport and by persons the owner authorizes. 1440

(4) "Public-use airport" means an airport available for use 1441  
by the general public without the prior approval of the owner or 1442  
operator except as federal law or regulation require. 1443

(5) "Sensitive site" means an area that would be considered a 1444  
key asset or critical infrastructure of the United States, 1445  
including, but not limited to, military installations, nuclear and 1446  
chemical plants, centers of government, monuments and iconic 1447  
structures, and international ports. 1448

(B) Notwithstanding any provision of the Revised Code to the 1449  
contrary, the department of transportation, in consultation with 1450  
the department of public safety, shall adopt rules regarding the 1451



security of public-use and private-use airports. The rules shall 1452  
include, but not be limited to, provisions that do the following: 1453

(1) Require all public-use and private-use airports located 1454  
in whole or in part in this state to register biennially with the 1455  
department of transportation; 1456

(2) Require all public-use airports located in whole or in 1457  
part in this state, and all private-use airports located in whole 1458  
or in part in this state that are located within thirty nautical 1459  
miles of either a metropolitan population of at least one hundred 1460  
thousand persons or a sensitive site, or that have ten or more 1461  
based aircraft, a runway length more than eighteen hundred feet, 1462  
or more than ten thousand annual aircraft operations, to do all of 1463  
the following: 1464

(a) Prepare a written security plan that is consistent with 1465  
the most recent security guidelines for general aviation airports 1466  
published by the United States transportation security 1467  
administration; 1468

(b) Develop a written list of emergency contacts and 1469  
telephones; 1470

(c) Restrict access to aircraft keys by unlicensed persons; 1471

(d) Require pilots, including those renting aircraft, to 1472  
operate pursuant to F.A.R. 61.3 regarding pilot identification; 1473

(e) Create an emergency locator map that identifies runways, 1474  
ramp areas, fence lines, gates, hydrants, emergency shelters, 1475  
buildings, and hazardous material sites; 1476

(f) Familiarize local law enforcement agencies with the 1477  
airport and consult with them in the airport's development of 1478  
security procedures. 1479

(3) Require all aircraft owners or pilots to secure their 1480  
aircraft; 1481

(4) Require all persons who rent an aircraft to present government-issued identification, in addition to any pilot's license, to the person who rents them the aircraft; 1482  
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(5) Address or govern the security of public-use and private-use airports located in whole or in part in this state in any other manner that the department of transportation, in consultation with the department of public safety, determines to be necessary. 1485  
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(C) The security plan described in division (B)(2)(a) and the emergency locator map described in division (B)(2)(e) of this section shall display prominently the following statement: "This document may contain information that, if disclosed, could endanger the life or safety of the public; therefore, this document is to be maintained and used in a manner that preserves the confidentiality of the information it contains in a manner consistent with law." 1490  
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(D) Each public-use and private-use airport located in whole or in part in this state shall provide a copy of its registration described in division (B)(1) of this section, and when applicable, a copy of its security plan and emergency locator map to the department of public safety, to the department of transportation, to the sheriff of the county in which the airport is located in whole or in part, and, if the airport is located in whole or in part in a municipal corporation, to the chief of police of each municipal corporation in which it is wholly or partly located. Copies of registrations, emergency locator maps, and security plans that are in the possession of the department of public safety, the office of aviation, a sheriff, or a chief of police and that were provided under this division are not public records under section 149.43 of the Revised Code and are not subject to mandatory disclosure under that section. 1498  
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(E) This section shall not be construed to replace or 1513  
supersede airport security standards the United States department 1514  
of homeland security and the transportation security 1515  
administration require, or safety standards the United States 1516  
department of transportation and the federal aviation 1517  
administration require. 1518

**Sec. 4931.45.** (A) An amended final plan is required for any 1519  
of the following purposes: 1520

(1) Expanding the territory included in the countywide 9-1-1 1521  
system; 1522

(2) Upgrading any part or all of a system from basic to 1523  
enhanced wireline 9-1-1; 1524

(3) Adjusting the territory served by a public safety 1525  
answering point; 1526

(4) Represcribing the funding of public safety answering 1527  
points as between the alternatives set forth in division (B)(5) of 1528  
section 4931.43 of the Revised Code; 1529

(5) Providing for wireless enhanced 9-1-1; 1530

(6) Adding a telephone company as a participant in a 1531  
countywide 9-1-1 system after the implementation of wireline 9-1-1 1532  
or wireless enhanced 9-1-1; 1533

(7) Providing that the state highway patrol or one or more 1534  
public safety answering points of another 9-1-1 system function as 1535  
a public safety answering point or points for the provision of 1536  
wireline or wireless 9-1-1 for all or part of the territory of the 1537  
system established under the final plan, as contemplated under 1538  
division (J) of section 4931.41 of the Revised Code; 1539

(8) Making any other necessary adjustments to the plan. 1540

~~The adoption of an amended final plan under this division~~ 1541

shall be subject to, and accomplished

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

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

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

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

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~~(B)~~(D) When a final plan is amended for a purpose described 1573  
in division (A)(1), (2), or (6) of this section, sections 4931.47 1574  
and 5733.55 of the Revised Code apply with respect to the receipt 1575  
of the nonrecurring and recurring rates and charges for the 1576  
wireline telephone network portion of the 9-1-1 system. 1577

**Sec. 4931.49.** (A)(1) The state, the state highway patrol, or 1578  
a subdivision participating in a 9-1-1 system established under 1579  
sections 4931.40 to 4931.70 of the Revised Code and any officer, 1580  
agent, employee, or independent contractor of the state, the state 1581  
highway patrol, or such a participating subdivision is not liable 1582  
in damages in a civil action for injuries, death, or loss to 1583  
persons or property arising from any act or omission, except 1584  
willful or wanton misconduct, in connection with developing, 1585  
adopting, or approving any final plan or any agreement made under 1586  
section 4931.48 of the Revised Code or otherwise bringing into 1587  
operation the 9-1-1 system pursuant to sections 4931.40 to 4931.70 1588  
of the Revised Code. 1589

(2) The Ohio 9-1-1 council, the wireless 9-1-1 advisory 1590  
board, and any member of that council or board are not liable in 1591  
damages in a civil action for injuries, death, or loss to persons 1592  
or property arising from any act or omission, except willful or 1593  
wanton misconduct, in connection with the development or operation 1594  
of a 9-1-1 system established under sections 4931.40 to 4931.70 of 1595  
the Revised Code. 1596

(B) Except as otherwise provided in section 4765.49 of the 1597  
Revised Code, an individual who gives emergency instructions 1598  
through a 9-1-1 system established under sections 4931.40 to 1599  
4931.70 of the Revised Code, and the principals for whom the 1600  
person acts, including both employers and independent contractors, 1601  
public and private, and an individual who follows emergency 1602  
instructions and the principals for whom that person acts, 1603

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

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

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

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

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

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

purpose other than obtaining emergency service. 1635

(F) No person shall disclose or use any information 1636  
concerning telephone numbers, addresses, or names obtained from 1637  
the data base that serves the public safety answering point of a 1638  
9-1-1 system established under sections 4931.40 to 4931.70 of the 1639  
Revised Code, except for any of the following purposes or under 1640  
any of the following circumstances: 1641

(1) For the purpose of the 9-1-1 system; 1642

(2) For the purpose of responding to an emergency call to an 1643  
emergency service provider; 1644

(3) In the circumstance of the inadvertent disclosure of such 1645  
information due solely to technology of the wireline telephone 1646  
network portion of the 9-1-1 system not allowing access to the 1647  
data base to be restricted to 9-1-1 specific answering lines at a 1648  
public safety answering point; 1649

(4) In the circumstance of ~~assistance~~ access to a data base 1650  
being given by a telephone company that is a wireline service 1651  
provider to a public utility or municipal utility in handling 1652  
customer calls in times of public emergency or service outages. 1653  
The charge, terms, and conditions for the disclosure or use of 1654  
such information for the purpose of such ~~assistance~~ access to a 1655  
data base shall be subject to the jurisdiction of the public 1656  
utilities commission. 1657

(5) In the circumstance of access to a data base given by a 1658  
telephone company that is a wireline service provider to a state 1659  
and local government in warning of a public emergency, as 1660  
determined by the public utilities commission. The charge, terms, 1661  
and conditions for the disclosure or use of that information for 1662  
the purpose of access to a data base is subject to the 1663  
jurisdiction of the public utilities commission. 1664

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

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

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

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

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

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

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

(5) Approve employment actions of the department, including



appointments, promotions, discipline, investigations, and 1695  
terminations; 1696

(6) Accept, hold, and use, for the benefit of the department, 1697  
any gift, donation, bequest, or devise, and may agree to and 1698  
perform all conditions of the gift, donation, bequest, or devise, 1699  
that are not contrary to law; 1700

(7) Do all other acts necessary or desirable to carry out 1701  
this chapter. 1702

(D)(1) The director of public safety may assess a reasonable 1703  
fee, plus the amount of any charge or fee passed on from a 1704  
financial institution, on a drawer or indorser for each of the 1705  
following: 1706

(a) A check, draft, or money order that is returned or 1707  
dishonored; 1708

(b) An automatic bank transfer that is declined, due to 1709  
insufficient funds or for any other reason; 1710

(c) Any financial transaction device that is returned or 1711  
dishonored for any reason. 1712

(2) The director shall deposit any fee collected under this 1713  
division in an appropriate fund as determined by the director 1714  
based on the tax, fee, or fine being paid. 1715

(3) As used in this division, "financial transaction device" 1716  
has the same meaning as in section 113.40 of the Revised Code. 1717

(E) The director shall establish a homeland security advisory 1718  
council to advise the director on homeland security, including 1719  
homeland security funding efforts. The advisory council shall 1720  
include, but not be limited to, state and local government 1721  
officials who have homeland security or emergency management 1722  
responsibilities and who represent first responders. The director 1723  
shall appoint the members of the council, who shall serve without 1724

compensation. 1725

(F) The director of public safety shall adopt rules in accordance with Chapter 119. of the Revised Code as required by section 2909.28 of the Revised Code and division (A)(1) of section 2909.32 of the Revised Code. The director shall adopt rules as required by division (D) of section 2909.32 of the Revised Code, division (E) of section 2909.33 of the Revised Code, and division (D) of section 2909.34 of the Revised Code. The director may adopt rules pursuant to division (A)(2) of section 2909.32 of the Revised Code, division (A)(2) of section 2909.33 of the Revised Code, and division (A)(2) of section 2909.34 of the Revised Code. 1726  
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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. 1736  
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(B)(1) The division shall ~~coordinate~~ do all of the following: 1742

(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; 1743  
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(2) Collect, analyze, maintain, and disseminate information to support local, state, and federal law enforcement agencies, other government agencies, and private organizations in detecting, deterring, preventing, preparing for, responding to, and recovering from threatened or actual terrorist events. This information is not a public record pursuant to section 149.43 of the Revised Code. 1747  
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(3) Coordinate efforts of state and local governments and 1754

private organizations to enhance the security and protection of 1755  
critical infrastructure and key assets in this state; 1756

(4) Develop and coordinate policies, protocols, and 1757  
strategies that may be used to prevent, detect, prepare for, 1758  
respond to, and recover from terrorist acts or threats; 1759

(5) Develop, update, and coordinate the implementation of an 1760  
Ohio homeland security strategic plan that will guide state and 1761  
local governments in the achievement of homeland security in this 1762  
state. 1763

(C) The director of public safety shall appoint an executive 1764  
director, who shall be head of the division of homeland security 1765  
and who regularly shall advise the governor and the director on 1766  
matters pertaining to homeland security. The executive director 1767  
shall serve at the pleasure of the director of public safety. To 1768  
carry out the duties assigned under this section, the executive 1769  
director, subject to the direction and control of the director of 1770  
public safety, may appoint and maintain necessary staff and may 1771  
enter into any necessary agreements. 1772

(D) Except as otherwise provided by law, nothing in this 1773  
section shall be construed to give the director of public safety 1774  
or the executive director of the division of homeland security 1775  
authority over the incident management structure or 1776  
responsibilities of local emergency response personnel. 1777

**Sec. 5502.28. (A)** In carrying out sections 5502.21 to 5502.51 1778  
of the Revised Code, the governor shall utilize the services, 1779  
equipment, supplies, and facilities of existing agencies of the 1780  
state and of political subdivisions to the maximum extent 1781  
practicable, and the officers and personnel of all such agencies 1782  
shall cooperate with and extend such services, equipment, 1783  
supplies, and facilities to the governor and to the executive 1784

director of the emergency management agency upon request. 1785

(B) Every agency for emergency management established 1786  
pursuant to sections 5502.21 to 5502.51 of the Revised Code and 1787  
every political subdivision that has established a program for 1788  
emergency management under section 5502.271 of the Revised Code, 1789  
and the officers thereof, shall execute and enforce any emergency 1790  
management orders and rules issued or adopted by the director of 1791  
public safety. 1792

(C) The national incident management system (NIMS) is hereby 1793  
adopted as the standard procedure for incident management in this 1794  
state. All departments, agencies, and political subdivisions 1795  
within the state shall utilize the system for incident management. 1796

**Sec. 5502.41.** (A) As used in this section: 1797

(1) "Countywide emergency management agency" means a 1798  
countywide emergency management agency established under section 1799  
5502.26 of the Revised Code. 1800

(2) "Participating political subdivision" means each 1801  
political subdivision in this state except a political subdivision 1802  
that enacts, by appropriate legislation signed by its chief 1803  
executive, a declaration not to participate in the intrastate 1804  
mutual aid program created by this section and that provides a 1805  
copy of the legislation to the emergency management agency and to 1806  
the countywide emergency management agency, regional authority for 1807  
emergency management, or program for emergency management within 1808  
the political subdivision, which is responsible for emergency 1809  
management in the political subdivision. 1810

(3) "Program for emergency management within a political 1811  
subdivision" means a program for emergency management created by a 1812  
political subdivision under section 5502.271 of the Revised Code. 1813

(4) "Regional authority for emergency management" means a 1814

regional authority for emergency management established under 1815  
section 5502.27 of the Revised Code. 1816

(B) There is hereby created the intrastate mutual aid program 1817  
to be known as "the intrastate mutual aid compact" to complement 1818  
existing mutual aid agreements in the event of a disaster that 1819  
results in a formal declaration of emergency by a participating 1820  
political subdivision. The program shall provide for mutual 1821  
assistance among the participating political subdivisions in 1822  
response to and recovery from any disaster that results in a 1823  
formal declaration of emergency by a participating political 1824  
subdivision; shall provide for mutual cooperation among the 1825  
participating political subdivisions in conducting 1826  
disaster-related exercises, testing, or other training activities 1827  
using the services, equipment, supplies, materials, personnel, and 1828  
other resources of the participating political subdivisions to 1829  
simulate the provision of mutual aid; and shall embody a method by 1830  
which a participating political subdivision may seek assistance in 1831  
the event of a formally declared emergency, which resolves many of 1832  
the common issues facing political subdivisions at the time of a 1833  
formally declared emergency and will ensure, to the extent 1834  
possible, eligibility for available state and federal disaster 1835  
funding. 1836

(C) Each countywide emergency management agency, regional 1837  
authority for emergency management, and program for emergency 1838  
management within a political subdivision, which is responsible 1839  
for emergency management in a participating political subdivision 1840  
shall, as part of its program for emergency management under 1841  
sections 5502.22, 5502.26, 5502.27, and 5502.271 of the Revised 1842  
Code, as applicable, and in coordination with all departments, 1843  
divisions, boards, commissions, agencies, and other 1844  
instrumentalities of, and having emergency response functions 1845  
within, each participating political subdivision served by that 1846

agency, authority, or program, establish procedures or plans that, 1847  
to the extent possible, accomplish both of the following: 1848

(1) Identify hazards that potentially could affect the 1849  
participating political subdivisions served by that agency, 1850  
authority, or program; 1851

(2) Identify and inventory the current services, equipment, 1852  
supplies, personnel, and other resources related to response and 1853  
recovery activities of the participating political subdivisions 1854  
served by that agency, authority, or program. 1855

(D)(1) Within one year after ~~the effective date of this~~ 1856  
~~section~~ December 23, 2002, the executive director of the emergency 1857  
management agency shall coordinate with the countywide emergency 1858  
management agencies, regional authorities for emergency 1859  
management, and programs for emergency management within a 1860  
political subdivision, which are responsible for emergency 1861  
management in participating political subdivisions, in identifying 1862  
and formulating appropriate procedures or plans to resolve 1863  
resource shortfalls, as part of their respective programs for 1864  
emergency management under sections 5502.22, 5502.26, 5502.27, and 1865  
5502.271 of the Revised Code, as applicable. 1866

(2) During and after the formulation of the procedures or 1867  
plans to resolve resource shortfalls, there shall be ongoing 1868  
consultation and coordination among the executive director of the 1869  
emergency management agency; the countywide emergency management 1870  
agencies, regional authorities for emergency management, and 1871  
programs for emergency management within a political subdivision, 1872  
which are responsible for emergency management in participating 1873  
political subdivisions; and all departments, divisions, boards, 1874  
commissions, agencies, and other instrumentalities of, and having 1875  
emergency response functions within, each participating political 1876  
subdivision, regarding this section, local procedures and plans, 1877

and the resolution of the resource shortfalls. 1878

(E) Participating political subdivisions may request 1879  
assistance of other participating political subdivisions in 1880  
response to and recovery from a disaster during formally declared 1881  
emergencies or in disaster-related exercises, testing, or other 1882  
training activities. Requests for assistance shall be made through 1883  
the emergency management agency or an official designated by the 1884  
chief executive of the participating political subdivision from 1885  
which the assistance is requested. Requests may be verbal or in 1886  
writing. If verbal, the request shall be confirmed in writing 1887  
within seventy-two hours after the verbal request is made. 1888  
Requests shall provide the following information: 1889

(1) A description of the disaster; 1890

(2) A description of the assistance needed; 1891

(3) An estimate of the length of time the assistance will be 1892  
needed; 1893

(4) The specific place and time for staging of the assistance 1894  
and a point of contact at that location. 1895

(F) A participating political subdivision's obligation to 1896  
provide assistance in response to and recovery from a disaster or 1897  
in disaster-related exercises, testing, or other training 1898  
activities under this section is subject to the following 1899  
conditions: 1900

(1) A participating political subdivision requesting 1901  
assistance must have either declared a state of emergency by 1902  
resolution of its chief executive or scheduled disaster-related 1903  
exercises, testing, or other training activities. 1904

(2) A responding participating political subdivision may 1905  
withhold resources necessary to provide for its own protection. 1906

(3) Personnel of a responding participating political 1907

subdivision shall continue under their local command and control 1908  
structure, but shall be under the operational control of the 1909  
appropriate officials within the incident management system of the 1910  
participating political subdivision receiving assistance. 1911

(4) Responding law enforcement officers acting pursuant to 1912  
this section have the same authority to enforce the law as when 1913  
acting within the territory of their regular employment. 1914

(G)(1) Nothing in this section alters the duties and 1915  
responsibilities of emergency response personnel. 1916

(2) This section does not preclude a participating political 1917  
subdivision from entering into a mutual aid or other agreement 1918  
with another political subdivision, and does not affect any other 1919  
agreement to which a participating political subdivision may be a 1920  
party, or any request for assistance that may be made, under any 1921  
other section of the Revised Code, including, but not limited to, 1922  
any mutual aid arrangement under this chapter, any fire protection 1923  
or emergency medical services contract under section 9.60 of the 1924  
Revised Code, sheriffs' requests for assistance to preserve the 1925  
public peace and protect persons and property under section 311.07 1926  
of the Revised Code, agreements for mutual aid in police 1927  
protection under section 737.04 of the Revised Code, and mutual 1928  
aid agreements among emergency planning districts for hazardous 1929  
substances or chemicals response under sections 3750.02 and 1930  
3750.03 of the Revised Code. 1931

(H)(1) Personnel of a responding participating political 1932  
subdivision who suffer injury or death in the course of, and 1933  
arising out of, their employment while rendering assistance to 1934  
another participating political subdivision under this section are 1935  
entitled to all applicable benefits under Chapters 4121. and 4123. 1936  
of the Revised Code. 1937

(2) Personnel of a responding participating political 1938



subdivision shall be considered, while rendering assistance in 1939  
another participating political subdivision under this section, to 1940  
be agents of the participating political subdivision receiving the 1941  
assistance for purposes of tort liability and immunity from tort 1942  
liability under the law of this state. 1943

(3)(a) A responding participating political subdivision and 1944  
the personnel of that political subdivision, while rendering 1945  
assistance, or while in route to or from rendering assistance, in 1946  
another participating political subdivision under this section, 1947  
shall be deemed to be exercising governmental functions as defined 1948  
in section 2744.01 of the Revised Code, shall have the defenses to 1949  
and immunities from civil liability provided in sections 2744.02 1950  
and 2744.03 of the Revised Code, and shall be entitled to all 1951  
applicable limitations on recoverable damages under section 1952  
2744.05 of the Revised Code. 1953

(b) A participating political subdivision requesting 1954  
assistance and the personnel of that political subdivision, while 1955  
requesting or receiving assistance from any other participating 1956  
political subdivisions under this section, shall be deemed to be 1957  
exercising governmental functions as defined in section 2744.01 of 1958  
the Revised Code, shall have the defenses to and immunities from 1959  
civil liability provided in sections 2744.02 and 2744.03 of the 1960  
Revised Code, and shall be entitled to all applicable limitations 1961  
on recoverable damages under section 2744.05 of the Revised Code. 1962

(I) If a person holds a license, certificate, or other permit 1963  
issued by a participating political subdivision evidencing 1964  
qualification in a professional, mechanical, or other skill, and 1965  
if the assistance of that person is asked for by a participating 1966  
political subdivision receiving assistance under this section, the 1967  
person shall be deemed to be licensed or certified in or permitted 1968  
by the participating political subdivision receiving the 1969  
assistance to render the assistance, subject to any limitations 1970

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

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

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