

**As Reported by the House Transportation, Public Safety and
Homeland Security Committee**

**126th General Assembly
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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,
the statement of disagreement with or critical opinion of the act
or order is not sufficient to qualify for purposes of this section
as unreasonable noncompliance with a request for assistance of the
type division (A) of this section describes.

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

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

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

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(a) For a felony, six years;

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

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(c) For a minor misdemeanor, six months.

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

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(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

<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>Sec. 2909.27. (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

<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 446
alien's prison term. 447

(D) As used in this section, "alien" means an individual who 448
is not a citizen of the United States. 449

Sec. 2909.31. (A) No person entering an airport, train 450
station, port, or other critical transportation infrastructure 451
site shall refuse to show identification when requested by a law 452
enforcement officer when there is a threat to security and the law 453
enforcement officer is requiring identification of all persons 454
entering the site. 455

(B) A law enforcement officer may prevent any person who 456
refuses to show identification when asked under the circumstances 457
described in division (A) of this section from entering the 458
critical transportation infrastructure site. 459

Sec. 2909.32. (A)(1) The director of public safety shall 460
adopt rules in accordance with Chapter 119. of the Revised Code to 461
identify licenses the state issues for which a holder with a 462
connection to a terrorist organization would present a potential 463
risk to the residents of this state. The rules shall not identify 464
a renewable driver's license or permit as a license of this nature 465
if the applicant is a resident of this state. 466

(2)(a) The director shall develop a questionnaire for 467
agencies to use to identify whether an applicant for a license or 468
the renewal of a license has provided material assistance to an 469
organization listed in the United States department of state 470
terrorist exclusion list. The questionnaire shall be substantially 471
in the form and of the same content as set forth in division 472
(A)(2)(b) of this section. The director shall make the 473
questionnaire available to each issuing agency of a license the 474
director identifies pursuant to division (A)(1) of this section, 475

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
783
784

(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
786
787
788

(B) Whoever violates this section is guilty of failure to disclose one's personal information, a misdemeanor of the fourth degree. 789
790
791

(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
793
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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
802

(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
805

(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
807
808

(3) The interest of a person under any other form of express fiduciary arrangement under which any other person holds title to 809
810

personal or real property for the benefit of such person. 811

"Beneficial interest" does not include the interest of a 812
stockholder in a corporation or the interest of a partner in 813
either a general or limited partnership. 814

(B) "Costs of investigation and prosecution" and "costs of 815
investigation and litigation" mean all of the costs incurred by 816
the state or a county or municipal corporation under sections 817
2923.31 to 2923.36 of the Revised Code in the prosecution and 818
investigation of any criminal action or in the litigation and 819
investigation of any civil action, and includes, but is not 820
limited to, the costs of resources and personnel. 821

(C) "Enterprise" includes any individual, sole 822
proprietorship, partnership, limited partnership, corporation, 823
trust, union, government agency, or other legal entity, or any 824
organization, association, or group of persons associated in fact 825
although not a legal entity. "Enterprise" includes illicit as well 826
as licit enterprises. 827

(D) "Innocent person" includes any bona fide purchaser of 828
property that is allegedly involved in a violation of section 829
2923.32 of the Revised Code, including any person who establishes 830
a valid claim to or interest in the property in accordance with 831
division (E) of section 2923.32 of the Revised Code, and any 832
victim of an alleged violation of that section or of any 833
underlying offense involved in an alleged violation of that 834
section. 835

(E) "Pattern of corrupt activity" means two or more incidents 836
of corrupt activity, whether or not there has been a prior 837
conviction, that are related to the affairs of the same 838
enterprise, are not isolated, and are not so closely related to 839
each other and connected in time and place that they constitute a 840
single event. 841

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

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. 998

(O) "Animal or ecological terrorism" means the commission of 999
any felony that involves causing or creating a substantial risk of 1000
physical harm to any property of another, the use of a deadly 1001
weapon or dangerous ordnance, or purposely, knowingly, or 1002
recklessly causing serious physical harm to property and that 1003
involves an intent to obstruct, impede, or deter any person from 1004
participating in a lawful animal activity, from mining, foresting, 1005
harvesting, gathering, or processing natural resources, or from 1006
being lawfully present in or on an animal facility or research 1007
facility. 1008

(P) "Research facility" means a place, laboratory, 1009
institution, medical care facility, government facility, or public 1010
or private educational institution in which a scientific test, 1011
experiment, or investigation involving the use of animals or other 1012
living organisms is lawfully carried out, conducted, or attempted. 1013

Sec. 2933.51. As used in sections 2933.51 to 2933.66 of the 1014
Revised Code: 1015

(A) "Wire communication" means an aural transfer that is made 1016
in whole or in part through the use of facilities for the 1017
transmission of communications by the aid of wires or similar 1018
methods of connecting the point of origin of the communication and 1019
the point of reception of the communication, including the use of 1020
a method of connecting the point of origin and the point of 1021
reception of the communication in a switching station, if the 1022
facilities are furnished or operated by a person engaged in 1023
providing or operating the facilities for the transmission of 1024
communications. "Wire communication" includes an electronic 1025
storage of a wire communication. 1026

(B) "Oral communication" means an oral communication uttered 1027

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 1059 1060
(2) A person described in divisions (A)(11)(a) and (b) of section 2901.01 of the Revised Code;	1061 1062
(3) An attorney authorized by law to prosecute or participate in the prosecution of a designated offense;	1063 1064
(4) A secret service officer appointed pursuant to section 309.07 of the Revised Code;	1065 1066
(5) An officer of the United States, a state, or a political subdivision of a state who is authorized to conduct investigations pursuant to the "Electronic Communications Privacy Act of 1986," 100 Stat. 1848-1857, 18 U.S.C. 2510-2521 (1986), as amended.	1067 1068 1069 1070
(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 1072 1073 1074
(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 1076 1077
(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 1079 1080 1081 1082 1083
(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 1086 1087

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

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

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

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

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

suspended under Chapter 4510. or any other provision of the Revised Code during the period of the suspension. 1269
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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. 1271
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(D) No temporary instruction permit or driver's license shall be issued to, or retained by, any of the following persons: 1274
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(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; 1276
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(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; 1280
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(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 1290
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exercising reasonable and ordinary control over a motor vehicle. A
restricted license effective for six months shall be issued to any
person who otherwise is qualified and who is subject to any
condition that causes episodic impairment of consciousness or a
loss of muscular control if the person presents a statement from a
licensed physician that the person's condition is under effective
medical control and the period of time for which the control has
been continuously maintained, unless, thereafter, a medical
examination is ordered and, pursuant thereto, cause for denial is
found.

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

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

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

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

thereof of the United States;	1362
(B)(2) Aircraft owned by any foreign government;	1363
(C)(3) Aircraft owned by any state or any political subdivision thereof of a state;	1364 1365
(D)(4) Aircraft operated under a certificate of convenience and necessity issued by the civil aeronautics board or any successor thereto to that board;	1366 1367 1368
(E) Aircraft owned by any nonresident of this state whether such owner is an individual, partnership, or corporation, provided such owner has complied with all the laws in regard to the licensing of aircraft in the state of his residence;	1369 1370 1371 1372
(F)(5) Aircraft owned by aircraft manufacturers or aircraft engine manufacturers and operated only for purposes of testing, delivery, or demonstration;	1373 1374 1375
(G)(6) Aircraft operated for hire over regularly scheduled routes within the state.	1376 1377
Such (B) The license tax <u>this section requires</u> shall be at the rates specified in section 4561.18 of the Revised Code, and shall be paid to and collected by the director of transportation at the time of making application as provided in such that section.	1378 1379 1380 1381 1382
Sec. 4561.18. (A) <u>The owner of any aircraft that is based in this state and that is not of a type specified in divisions (A)(1) to (6) of section 4561.17 of the Revised Code, shall register that aircraft with the department of transportation pursuant to this section.</u>	1383 1384 1385 1386 1387
(B) Applications for the licensing and registration of aircraft shall be made and signed by the owner thereof upon on forms prepared by the department of transportation and prepares. <u>The forms</u> shall contain a description of the aircraft, including	1388 1389 1390 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 1542

(B) Except as otherwise provided in division (C) of this 1543
section, a final plan shall be amended in the manner of the 1544
adoption of an initial provided for adopting a final plan under, 1545
sections 4931.42 to 4931.44 of the Revised Code, including the 1546
requirements for the convening of a 9-1-1 planning committee and 1547
development of developing a proposed amended plan prior to the 1548
adoption of the adopting an amended final plan. However, a final 1549
plan is deemed amended 1550

(C)(1) To amend a final plan for the purpose described in 1551
division (A)(6) of this section upon the filing, an entity that 1552
wishes to be added as a participant in a 9-1-1 system shall file a 1553
written letter of that intent with the board of county 1554
commissioners of the county that approved the final plan for the 1555
countywide 9-1-1 system, of a written letter of intent by the 1556
entity to be added as a participant in the 9-1-1 system. The 1557
entity The final plan is deemed amended upon the filing of that 1558
letter. The entity that files the letter shall send written notice 1559
of the that filing to all subdivisions and telephone companies 1560
participating in the system. Further, adoption 1561

(2) An amendment to a final plan for a purpose set forth in 1562
division (A)(1), (3), (5), or (8) of this section may be made by 1563
an addendum approved by a majority of the 9-1-1 planning 1564
committee. The board of county commissioners shall call a meeting 1565
of the 9-1-1 planning committee for the purpose of considering an 1566
addendum pursuant to this division. 1567

(3) Adoption of any resolution under section 4931.51 of the 1568
Revised Code pursuant to a final plan that both has been adopted 1569
and provides for funding through charges imposed under that 1570
section is not an amendment of a final plan for the purpose of 1571
this division. 1572

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