

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

126th General Assembly

Regular Session

2005-2006

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 121.40, 2901.13, 2909.21, 2923.31, 1
2933.51, 3701.04, 4505.02, 4507.08, 4561.17, 2
4561.18, 4561.22, 4931.45, 4931.49, 5502.011, 3
5502.03, 5502.28, and 5502.41, and to enact 4
sections 9.63, 121.404, 1547.80, 2909.26, 2909.27, 5
2909.28, 2909.29, 2909.30, 2909.31, 2909.32, 6
2909.33, 2909.34, 2921.29, 2935.033, 3750.22, and 7
4563.30 of the Revised Code to establish 8
requirements for state and local compliance with 9
federal homeland security authorities and laws 10
pertaining to terrorism and homeland security; to 11
create criminal offenses for specified acts 12
carried out in support of terrorism; to provide a 13
20-year limitation period for certain 14
terrorism-related offenses; to establish 15
notification requirements regarding illegal aliens 16
convicted of a felony or in custody of the 17
Department of Rehabilitation and Correction; to 18
require individuals to show identification or 19
provide personal information in specified 20
situations; to limit licensing, employing, and 21
doing business with persons who have provided 22
material assistance to an organization on the 23
United States Department of State Terrorist 24

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

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

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

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

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

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

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

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

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

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

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

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

for the proper performance of the requirements of this section.	148
(C) The council or its designee shall do all of the	149
following:	150
(1) Employ, promote, supervise, and remove all employees as	151
needed in connection with the performance of its duties under this	152
section and may assign duties to those employees as necessary to	153
achieve the most efficient performance of its functions, and to	154
that end may establish, change, or abolish positions, and assign	155
and reassign duties and responsibilities of any employee of the	156
council. Personnel employed by the council who are subject to	157
Chapter 4117. of the Revised Code shall retain all of their rights	158
and benefits conferred pursuant to that chapter. Nothing in this	159
chapter shall be construed as eliminating or interfering with	160
Chapter 4117. of the Revised Code or the rights and benefits	161
conferred under that chapter to public employees or to any	162
bargaining unit.	163
(2) Maintain its office in Columbus, and may hold sessions at	164
any place within the state;	165
(3) Acquire facilities, equipment, and supplies necessary to	166
house the council, its employees, and files and records under its	167
control, and to discharge any duty imposed upon it by law. The	168
expense of these acquisitions shall be audited and paid for in the	169
same manner as other state expenses. For that purpose, the council	170
shall prepare and submit to the office of budget and management a	171
budget for each biennium according to sections 101.532 and 107.03	172
of the Revised Code. The budget submitted shall cover the costs of	173
the council and its staff in the discharge of any duty imposed	174
upon the council by law. The council shall not delegate any	175
authority to obligate funds.	176
(4) Pay its own payroll and other operating expenses from	177
line items designated by the general assembly;	178

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

consistent with any statewide objectives for these programs and 210
provide information to the state board of education, school 211
districts, the board of regents, institutions of higher education, 212
and the departments of natural resources, youth services, aging, 213
and job and family services to guide them in making decisions 214
about these programs; 215

(12) Assist the state board of education in complying with 216
section 3301.70 of the Revised Code and the board of regents in 217
complying with division (B)(2) of section 3333.043 of the Revised 218
Code; 219

(13) Advise, assist, consult with, and cooperate with, by 220
contract or otherwise, agencies and political subdivisions of this 221
state in establishing a statewide system for volunteers pursuant 222
to section 121.404 of the Revised Code. 223

(D) The department of aging shall serve as the council's 224
fiscal agent. Beginning on July 1, 1997, whenever reference is 225
made in any law, contract, or document to the functions of the 226
department of youth services as fiscal agent to the council, the 227
reference shall be deemed to refer to the department of aging. The 228
department of aging shall have no responsibility for or obligation 229
to the council prior to July 1, 1997. Any validation, cure, right, 230
privilege, remedy, obligation, or liability shall be retained by 231
the council. 232

As used in this section, "fiscal agent" means technical 233
support and includes the following technical support services: 234

(1) Preparing and processing payroll and other personnel 235
documents that the council executes as the appointing authority. 236
The department of aging shall not approve any payroll or other 237
personnel-related documents. 238

(2) Maintaining ledgers of accounts and reports of account 239
balances, and monitoring budgets and allotment plans in 240

consultation with the council. The department shall not approve 241
any biennial budget, grant, expenditure, audit, or fiscal-related 242
document. 243

(3) Performing other routine support services that the 244
director of aging or the director's designee and the council or 245
its designee consider appropriate to achieve efficiency. 246

(E)(1) The council or its designee has the following 247
authority and responsibility relative to fiscal matters: 248

~~(1)~~(a) Sole authority to draw funds for any and all federal 249
programs in which the council is authorized to participate; 250

~~(2)~~(b) Sole authority to expend funds from their accounts for 251
programs and any other necessary expenses the council may incur 252
and its subgrantees may incur; 253

~~(3)~~(c) Responsibility to cooperate with and inform the 254
department of aging as fiscal agent to ensure that the department 255
is fully apprised of all financial transactions. 256

(2) The council shall follow all state procurement 257
requirements. 258

(3) The department of aging shall determine fees to be 259
charged to the council, which shall be in proportion to the 260
services performed for the council. 261

(4) The council shall pay fees owed to the department of 262
aging from a general revenue fund of the council or from any other 263
fund from which the operating expenses of the council are paid. 264
Any amounts set aside for a fiscal year for the payment of these 265
fees shall be used only for the services performed for the council 266
by the department of aging in that fiscal year. 267

(F) The council may accept and administer grants from any 268
source, public or private, to carry out any of the council's 269
functions this section establishes. 270

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

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

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

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

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

section 149.433 of the Revised Code.

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

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

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

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

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

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

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<u>(2) Require the designated ports to register biennially with</u>	332
<u>the department of natural resources;</u>	333
<u>(3) Require the designated ports to do all of the following:</u>	334
<u>(a) Prepare a written security plan that is consistent with</u>	335
<u>the most recent security guidelines established pursuant to the</u>	336
<u>national maritime transportation security plan by the secretary in</u>	337
<u>the department in which the United States coast guard is located;</u>	338
<u>(b) Develop a written list of emergency contacts and</u>	339
<u>telephone numbers;</u>	340
<u>(c) Restrict access to vessels by unauthorized persons;</u>	341
<u>(d) Require those piloting or renting vessels to provide</u>	342
<u>identification;</u>	343
<u>(e) Create an emergency locator map that identifies areas of</u>	344
<u>the port facilities;</u>	345
<u>(f) Familiarize local law enforcement agencies with the</u>	346
<u>facilities and consult with them in the development of the port's</u>	347
<u>security procedures.</u>	348
<u>(4) Require all owners of vessels or pilots to secure their</u>	349
<u>vessels;</u>	350
<u>(5) Require all persons who rent a vessel to present</u>	351
<u>government-issued identification, in addition to any required</u>	352
<u>license, to the person who rents them the vessel;</u>	353
<u>(6) Address the security of port facilities located in whole</u>	354
<u>or in part in this state in any other manner the department</u>	355
<u>determines to be necessary.</u>	356
<u>(B) The security plan and the emergency locator map this</u>	357
<u>section describes shall display prominently the following</u>	358
<u>statement: "This document may contain information that, if</u>	359
<u>disclosed, could endanger the life or safety of the public;</u>	360

therefore, this document is to be maintained and used in a manner 361
that preserves the confidentiality of the information it contains 362
in a manner consistent with law." 363

(C) Each port facility designated pursuant to division (A) of 364
this section shall provide a copy of the registration this section 365
requires and the port's security plan and emergency locator map to 366
the department of public safety, to the department of natural 367
resources, to the sheriff of the county in which the port is 368
located in whole or in part, and if the facility is located in 369
whole or in part in a municipal corporation, to the chief of 370
police of each municipal corporation in which the port is located. 371
Copies of registration, emergency locator maps, and security plans 372
provided under this division are not public records under section 373
149.43 of the Revised Code and are not subject to mandatory 374
disclosure under that section. 375

(D) This section shall not be construed to replace or 376
supersede any standards for facilities the United States 377
department of homeland security and the transportation security 378
administration require, safety standards of the United States 379
department of transportation, or any standard or law related to 380
maritime security enforced by the secretary of the department in 381
which the United States coast guard is located. 382

Sec. 2901.13. (A)(1) Except as provided in division (A)(2) or 383
(3) of this section or as otherwise provided in this section, a 384
prosecution shall be barred unless it is commenced within the 385
following periods after an offense is committed: 386

(a) For a felony, six years; 387

(b) For a misdemeanor other than a minor misdemeanor, two 388
years; 389

(c) For a minor misdemeanor, six months. 390

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

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

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

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

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

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

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

continuing course of conduct, the period of limitation does not 422
begin to run until such course of conduct or the accused's 423
accountability for it terminates, whichever occurs first. 424

(E) A prosecution is commenced on the date an indictment is 425
returned or an information filed, or on the date a lawful arrest 426
without a warrant is made, or on the date a warrant, summons, 427
citation, or other process is issued, whichever occurs first. A 428
prosecution is not commenced by the return of an indictment or the 429
filing of an information unless reasonable diligence is exercised 430
to issue and execute process on the same. A prosecution is not 431
commenced upon issuance of a warrant, summons, citation, or other 432
process, unless reasonable diligence is exercised to execute the 433
same. 434

(F) The period of limitation shall not run during any time 435
when the corpus delicti remains undiscovered. 436

(G) The period of limitation shall not run during any time 437
when the accused purposely avoids prosecution. Proof that the 438
accused departed this state or concealed the accused's identity or 439
whereabouts is prima-facie evidence of the accused's purpose to 440
avoid prosecution. 441

(H) The period of limitation shall not run during any time a 442
prosecution against the accused based on the same conduct is 443
pending in this state, even though the indictment, information, or 444
process which commenced the prosecution is quashed or the 445
proceedings thereon are set aside or reversed on appeal. 446

(I) As used in this section, "peace officer" has the same 447
meaning as in section 2935.01 of the Revised Code. 448

Sec. 2909.21. As used in sections 2909.21 to ~~2909.25~~ 2909.34 449
of the Revised Code: 450

(A) "Act of terrorism" means an act that is committed within 451

or outside the territorial jurisdiction of this state or the 452
United States, that constitutes a specified offense if committed 453
in this state or constitutes an offense in any jurisdiction within 454
or outside the territorial jurisdiction of the United States 455
containing all of the essential elements of a specified offense, 456
and that is intended to do one or more of the following: 457

(1) Intimidate or coerce a civilian population; 458

(2) Influence the policy of any government by intimidation or 459
coercion; 460

(3) Affect the conduct of any government by the act that 461
constitutes the offense. 462

(B) "Biological agent," "delivery system," "toxin," and 463
"vector" have the same meanings as in section 2917.33 of the 464
Revised Code. 465

(C) "Biological weapon" means any biological agent, toxin, 466
vector, or delivery system or combination of any biological agent 467
or agents, any toxin or toxins, any vector or vectors, and any 468
delivery system or systems. 469

(D) "Chemical weapon" means any one or more of the following: 470

(1) Any toxic chemical or precursor of a toxic chemical that 471
is listed in Schedule 1, Schedule 2, or Schedule 3 of the 472
international "Convention on the Prohibition of the Development, 473
Production, Stockpiling and Use of Chemical Weapons and on their 474
Destruction (CWC)," as entered into force on April 29, 1997; 475

(2) A device specifically designed to cause death or other 476
harm through the toxic properties of a toxic chemical or precursor 477
identified in division (D)(1) of this section that would be 478
created or released as a result of the employment of that device; 479

(3) Any equipment specifically designed for use directly in 480
connection with the employment of devices identified in division 481

<u>(D)(2) of this section.</u>	482
<u>(E) "Radiological or nuclear weapon" means any device that is designed to create or release radiation or radioactivity at a level that is dangerous to human life or in order to cause serious physical harm to persons as a result of the radiation or radioactivity created or released.</u>	483 484 485 486 487
<u>(F) "Explosive device" has the same meaning as in section 2923.11 of the Revised Code.</u>	488 489
<u>(G) "Key component of a binary or multicomponent chemical system" means the precursor that plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent chemical system.</u>	490 491 492 493 494
<u>(H) "Material assistance" means any of the following:</u>	495
<u>(1) Membership in an organization on the United States department of state terrorist exclusion list;</u>	496 497
<u>(2) Use of the person's position of prominence within any country to persuade others to support an organization on the United States department of state terrorist exclusion list;</u>	498 499 500
<u>(3) Knowingly soliciting funds or other things of value for an organization on the United States department of state terrorist exclusion list;</u>	501 502 503
<u>(4) Solicitation of any individual for membership in an organization on the United States department of state terrorist exclusion list;</u>	504 505 506
<u>(5) Commission of an act that the person knows, or reasonably should have known, affords material support or resources to an organization on the United States department of state terrorist exclusion list;</u>	507 508 509 510
<u>(6) Hiring or compensating a person known by the person</u>	511

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

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

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

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

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

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

hazardous material cleanup. 543

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

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

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

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

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

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

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

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

(1) Intimidate or coerce a civilian population; 576

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

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

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

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

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

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

(1) Intimidate or coerce a civilian population; 600

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

coercion; 602

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

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

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

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

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

(b) A self-defense spray; 617

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

States department of homeland security upon completion of the 723
alien's prison term. 724

(D) As used in this section, "alien" means an individual who 725
is not a citizen of the United States. 726

Sec. 2909.31. (A) No person entering an airport, train 727
station, port, or other similar critical transportation 728
infrastructure site shall refuse to show identification when 729
requested by a law enforcement officer when there is a threat to 730
security and the law enforcement officer is requiring 731
identification of all persons entering the site. 732

(B) A law enforcement officer may prevent any person who 733
refuses to show identification when asked under the circumstances 734
described in division (A) of this section from entering the 735
critical transportation infrastructure site. 736

Sec. 2909.32. (A)(1) The director of public safety shall 737
adopt rules in accordance with Chapter 119. of the Revised Code to 738
identify licenses the state issues for which a holder with a 739
connection to a terrorist organization would present a potential 740
risk to the residents of this state. The rules shall not identify 741
a renewable driver's license or permit as a license of this nature 742
if the applicant is a resident of this state. 743

(2)(a) The director shall prepare a document to serve as a 744
declaration of material assistance/nonassistance for agencies to 745
use to identify whether an applicant for a license or the renewal 746
of a license has provided material assistance to an organization 747
listed in the United States department of state terrorist 748
exclusion list. The declaration shall be substantially in the form 749
and of the same content as set forth in division (A)(2)(b) of this 750
section. The director shall make the declaration available to each 751
issuing agency of a license the director identifies pursuant to 752

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

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

"DECLARATION REGARDING MATERIAL ASSISTANCE/NONASSISTANCE 761

TO TERRORIST ORGANIZATION 762

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

(2) Have you used any position of prominence you have within 765
any country to persuade others to support an organization on the 766
U.S. Department of State Terrorist Exclusion List? Yes; No 767
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(3) Have you knowingly solicited funds or other things of 769
value for an organization on the U.S. Department of State 770
Terrorist Exclusion List? Yes; No 771

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

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

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

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

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

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

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

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(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

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pursuant to division (D) of this section.

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

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

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

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

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

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(F) The failure of an applicant for a license to disclose, as this section requires, the provision of material assistance to an organization on the terrorist exclusion list or knowingly making false statements regarding material assistance to an organization on that list is a felony of the fifth degree. 845
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(G) An issuing agency shall notify the department of public safety if it denies an application for a license or the renewal of a license because the applicant disclosed the provision of material assistance to an organization listed on the terrorist exclusion list. 850
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(H) An agency may revoke a license issued to any person who, after providing a declaration of material assistance/nonassistance pursuant to this section, takes an action that would result in "yes" being the correct answer to any question on the declaration, had the declaration been readministered after taking that action. The agency shall conduct a hearing pursuant to Chapter 119. of the Revised Code prior to revoking any license pursuant to this division. 855
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Sec. 2909.33. (A)(1) The director of public safety shall prepare a document to serve as a declaration of material assistance/nonassistance for the state, any instrumentality of the state, and any political subdivision of the state to use to determine whether any person, company, affiliated group, or organization, or person who holds, owns, or otherwise has a controlling interest in a company, affiliated group, or organization, has provided material assistance to an organization listed on the United States department of state terrorist exclusion list. The declaration shall be substantially in the same format and of the same content as set forth in division (A)(2)(b) of section 2909.32 of the Revised Code. 863
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(2) The director shall make the declaration of material 875

assistance/nonassistance available to the state, instrumentalities 876
of the state, and political subdivisions of the state, along with 877
a then-current copy of the terrorist exclusion list. The director 878
may adopt rules that govern the preparation of the declaration and 879
the distribution of the declaration and terrorist exclusion list. 880

(3)(a) Any state agency, instrumentality, or political 881
subdivision of the state, for purposes of business it conducts and 882
funding it provides, may adopt a procedure under which it 883
precertifies any person, company, affiliated group, or 884
organization as not providing material assistance to an 885
organization on the terrorist exclusion list. The precertification 886
this division describes shall be granted to any person, company, 887
affiliated group, or organization that submits a completed copy of 888
the declaration prepared pursuant to this section, with an answer 889
of "no" to all questions. A precertification pursuant to this 890
division is effective for one year. 891

(b) Any person, company, affiliated group, or organization 892
that is precertified pursuant to this division and that takes any 893
action or learns of anything that would result in an answer of 894
"yes" to any question on the declaration of material 895
assistance/nonassistance this division requires, shall cease to 896
represent that it is precertified and, within thirty days of 897
taking that action or learning the new information, shall notify 898
every state agency, instrumentality, or political subdivision with 899
which it is precertified to request the precertification be 900
rescinded. 901

(c) When applying for a contract, falsely representing 902
precertification, or representing precertification when that 903
precertification has been rescinded or should have been rescinded 904
pursuant to this division, is a felony of the fifth degree. 905

(B) Any person who is provided a declaration of material 906

assistance/nonassistance pursuant to this section shall complete 907
that declaration. Any answer of "yes" to any question, or the 908
failure to answer "no" to any question, on the declaration shall 909
serve for purposes of this section as a disclosure of the 910
provision of material assistance to an organization that is listed 911
on the terrorist exclusion list. 912

(C) Prior to entering into a contract to conduct business or 913
receive funding, any person, company, affiliated group, or 914
organization, and any person who holds, owns, or otherwise has a 915
controlling interest in a company, affiliated group, or 916
organization that conducts any business with or receives funding 917
in an aggregate amount greater than one hundred thousand dollars 918
annually from the state, any instrumentality of the state, and any 919
political subdivision of the state, excluding the amount of any 920
personal benefit, shall certify that it does not provide material 921
assistance to any organization on the United States department of 922
state terrorist exclusion list. The certification shall be made by 923
completing the declaration of material assistance/nonassistance 924
described in division (A) of this section. 925

(D)(1) The state, an instrumentality of the state, or a 926
political subdivision of the state shall conduct no business with 927
or provide any funding to any person, company, affiliated group or 928
organization, or any person who has a controlling interest in a 929
company, affiliated group, or organization unless that person, 930
company, affiliated group, or organization is certified as 931
division (C) of this section requires. The state, instrumentality, 932
or subdivision shall provide the declaration prepared pursuant to 933
division (A) of this section, along with a then-current copy of 934
the terrorist exclusion list, to any person, company, affiliated 935
group, or organization that is not precertified and for which 936
certification is required. If a contract is entered into pursuant 937
to competitive bidding or another competitive process, the state, 938

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) An investment in public agency debt; 999

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

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

(1) Pensions and disability and survivor benefits; 1004

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

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

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

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

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

this section.

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

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

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

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

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

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

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

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

(F) The state, or any instrumentality or political 1075
subdivision of the state, may terminate any employee who, after 1076
providing a declaration of material assistance/nonassistance 1077
pursuant to this section, takes an action that would result in 1078
"yes" being the correct answer to any question on the declaration, 1079
had the declaration been readministered after taking that action. 1080
The state, instrumentality, or political subdivision shall conduct 1081
a hearing that includes notice and a right to be heard, prior to 1082
any termination pursuant to this division. 1083

Sec. 2921.29. (A) No person who is in a public place shall 1084
refuse to disclose the person's name, address, or date of birth, 1085
when requested by a law enforcement officer who reasonably 1086
suspects either of the following: 1087

(1) The person is committing, has committed, or is about to 1088
commit a criminal offense. 1089

(2) The person witnessed any of the following: 1090

(a) An offense of violence that would constitute a felony 1091
under the laws of this state; 1092

(b) A felony offense that causes or results in, or creates a 1093
substantial risk of, serious physical harm to another person or to 1094
property; 1095

(c) Any attempt or conspiracy to commit, or complicity in 1096
committing, any offense identified in division (A)(2)(a) or (b) of 1097
this section; 1098

(d) Any conduct reasonably indicating that any offense 1099
identified in division (A)(2)(a) or (b) of this section or any 1100
attempt, conspiracy, or complicity described in division (A)(2)(c) 1101
of this section has been, is being, or is about to be committed. 1102

(B) Whoever violates this section is guilty of failure to 1103
disclose one's personal information, a misdemeanor of the fourth 1104
degree. 1105

(C) Nothing in this section requires a person to answer any 1106
questions beyond that person's name, address, or date of birth. 1107
Nothing in this section authorizes a law enforcement officer to 1108
arrest a person for not providing any information beyond that 1109
person's name, address, or date of birth or for refusing to 1110
describe the offense observed. 1111

(D) It is not a violation of this section to refuse to answer 1112
a question that would reveal a person's age or date of birth if 1113
age is an element of the crime that the person is suspected of 1114
committing. 1115

Sec. 2923.31. As used in sections 2923.31 to 2923.36 of the 1116
Revised Code: 1117

(A) "Beneficial interest" means any of the following: 1118

(1) The interest of a person as a beneficiary under a trust 1119

in which the trustee holds title to personal or real property; 1120

(2) The interest of a person as a beneficiary under any other 1121
trust arrangement under which any other person holds title to 1122
personal or real property for the benefit of such person; 1123

(3) The interest of a person under any other form of express 1124
fiduciary arrangement under which any other person holds title to 1125
personal or real property for the benefit of such person. 1126

"Beneficial interest" does not include the interest of a 1127
stockholder in a corporation or the interest of a partner in 1128
either a general or limited partnership. 1129

(B) "Costs of investigation and prosecution" and "costs of 1130
investigation and litigation" mean all of the costs incurred by 1131
the state or a county or municipal corporation under sections 1132
2923.31 to 2923.36 of the Revised Code in the prosecution and 1133
investigation of any criminal action or in the litigation and 1134
investigation of any civil action, and includes, but is not 1135
limited to, the costs of resources and personnel. 1136

(C) "Enterprise" includes any individual, sole 1137
proprietorship, partnership, limited partnership, corporation, 1138
trust, union, government agency, or other legal entity, or any 1139
organization, association, or group of persons associated in fact 1140
although not a legal entity. "Enterprise" includes illicit as well 1141
as licit enterprises. 1142

(D) "Innocent person" includes any bona fide purchaser of 1143
property that is allegedly involved in a violation of section 1144
2923.32 of the Revised Code, including any person who establishes 1145
a valid claim to or interest in the property in accordance with 1146
division (E) of section 2923.32 of the Revised Code, and any 1147
victim of an alleged violation of that section or of any 1148
underlying offense involved in an alleged violation of that 1149
section. 1150

(E) "Pattern of corrupt activity" means two or more incidents 1151
of corrupt activity, whether or not there has been a prior 1152
conviction, that are related to the affairs of the same 1153
enterprise, are not isolated, and are not so closely related to 1154
each other and connected in time and place that they constitute a 1155
single event. 1156

At least one of the incidents forming the pattern shall occur 1157
on or after January 1, 1986. Unless any incident was an aggravated 1158
murder or murder, the last of the incidents forming the pattern 1159
shall occur within six years after the commission of any prior 1160
incident forming the pattern, excluding any period of imprisonment 1161
served by any person engaging in the corrupt activity. 1162

For the purposes of the criminal penalties that may be 1163
imposed pursuant to section 2923.32 of the Revised Code, at least 1164
one of the incidents forming the pattern shall constitute a felony 1165
under the laws of this state in existence at the time it was 1166
committed or, if committed in violation of the laws of the United 1167
States or of any other state, shall constitute a felony under the 1168
law of the United States or the other state and would be a 1169
criminal offense under the law of this state if committed in this 1170
state. 1171

(F) "Pecuniary value" means money, a negotiable instrument, a 1172
commercial interest, or anything of value, as defined in section 1173
1.03 of the Revised Code, or any other property or service that 1174
has a value in excess of one hundred dollars. 1175

(G) "Person" means any person, as defined in section 1.59 of 1176
the Revised Code, and any governmental officer, employee, or 1177
entity. 1178

(H) "Personal property" means any personal property, any 1179
interest in personal property, or any right, including, but not 1180
limited to, bank accounts, debts, corporate stocks, patents, or 1181

copyrights. Personal property and any beneficial interest in 1182
personal property are deemed to be located where the trustee of 1183
the property, the personal property, or the instrument evidencing 1184
the right is located. 1185

(I) "Corrupt activity" means engaging in, attempting to 1186
engage in, conspiring to engage in, or soliciting, coercing, or 1187
intimidating another person to engage in any of the following: 1188

(1) Conduct defined as "racketeering activity" under the 1189
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 1190
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 1191

(2) Conduct constituting any of the following: 1192

(a) A violation of section 1315.55, 1322.02, 2903.01, 1193
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 1194
2905.11, 2905.22, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 1195
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 1196
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 1197
2913.06, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 2921.32, 1198
2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; division 1199
(F)(1)(a), (b), or (c) of section 1315.53; division (A)(1) or (2) 1200
of section 1707.042; division (B), (C)(4), (D), (E), or (F) of 1201
section 1707.44; division (A)(1) or (2) of section 2923.20; 1202
division (J)(1) of section 4712.02; section 4719.02, 4719.05, or 1203
4719.06; division (C), (D), or (E) of section 4719.07; section 1204
4719.08; or division (A) of section 4719.09 of the Revised Code. 1205

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 1206
3769.19 of the Revised Code as it existed prior to July 1, 1996, 1207
any violation of section 2915.02 of the Revised Code that occurs 1208
on or after July 1, 1996, and that, had it occurred prior to that 1209
date, would have been a violation of section 3769.11 of the 1210
Revised Code as it existed prior to that date, or any violation of 1211
section 2915.05 of the Revised Code that occurs on or after July 1212

1, 1996, and that, had it occurred prior to that date, would have
been a violation of section 3769.15, 3769.16, or 3769.19 of the
Revised Code as it existed prior to that date.

(c) Any violation of section 2907.21, 2907.22, 2907.31,
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42,
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37
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 1245
2907.32 of the Revised Code involving any material or performance 1246
containing a display of bestiality or of sexual conduct, as 1247
defined in section 2907.01 of the Revised Code, that is explicit 1248
and depicted with clearly visible penetration of the genitals or 1249
clearly visible penetration by the penis of any orifice when the 1250
total proceeds of the violation or combination of violations, the 1251
payments made in the violation or combination of violations, or 1252
the value of the contraband or other property illegally possessed, 1253
sold, or purchased in the violation or combination of violations 1254
exceeds five hundred dollars; 1255

(f) Any combination of violations described in division 1256
(I)(2)(c) of this section and violations of section 2907.32 of the 1257
Revised Code involving any material or performance containing a 1258
display of bestiality or of sexual conduct, as defined in section 1259
2907.01 of the Revised Code, that is explicit and depicted with 1260
clearly visible penetration of the genitals or clearly visible 1261
penetration by the penis of any orifice when the total proceeds of 1262
the combination of violations, payments made in the combination of 1263
violations, amount of the claims for payment or for other benefits 1264
that is false or deceptive and that is involved in the combination 1265
of violations, or value of the contraband or other property 1266
illegally possessed, sold, or purchased in the combination of 1267
violations exceeds five hundred dollars. 1268

(3) Conduct constituting a violation of any law of any state 1269
other than this state that is substantially similar to the conduct 1270
described in division (I)(2) of this section, provided the 1271
defendant was convicted of the conduct in a criminal proceeding in 1272
the other state; 1273

(4) Animal or ecological terrorism. 1274

(J) "Real property" means any real property or any interest 1275

in real property, including, but not limited to, any lease of, or 1276
mortgage upon, real property. Real property and any beneficial 1277
interest in it is deemed to be located where the real property is 1278
located. 1279

(K) "Trustee" means any of the following: 1280

(1) Any person acting as trustee under a trust in which the 1281
trustee holds title to personal or real property; 1282

(2) Any person who holds title to personal or real property 1283
for which any other person has a beneficial interest; 1284

(3) Any successor trustee. 1285

"Trustee" does not include an assignee or trustee for an 1286
insolvent debtor or an executor, administrator, administrator with 1287
the will annexed, testamentary trustee, guardian, or committee, 1288
appointed by, under the control of, or accountable to a court. 1289

(L) "Unlawful debt" means any money or other thing of value 1290
constituting principal or interest of a debt that is legally 1291
unenforceable in this state in whole or in part because the debt 1292
was incurred or contracted in violation of any federal or state 1293
law relating to the business of gambling activity or relating to 1294
the business of lending money at an usurious rate unless the 1295
creditor proves, by a preponderance of the evidence, that the 1296
usurious rate was not intentionally set and that it resulted from 1297
a good faith error by the creditor, notwithstanding the 1298
maintenance of procedures that were adopted by the creditor to 1299
avoid an error of that nature. 1300

(M) "Animal activity" means any activity that involves the 1301
use of animals or animal parts, including, but not limited to, 1302
hunting, fishing, trapping, traveling, camping, the production, 1303
preparation, or processing of food or food products, clothing or 1304
garment manufacturing, medical research, other research, 1305

entertainment, recreation, agriculture, biotechnology, or service 1306
activity that involves the use of animals or animal parts. 1307

(N) "Animal facility" means a vehicle, building, structure, 1308
nature preserve, or other premises in which an animal is lawfully 1309
kept, handled, housed, exhibited, bred, or offered for sale, 1310
including, but not limited to, a zoo, rodeo, circus, amusement 1311
park, hunting preserve, or premises in which a horse or dog event 1312
is held. 1313

(O) "Animal or ecological terrorism" means the commission of 1314
any felony that involves causing or creating a substantial risk of 1315
physical harm to any property of another, the use of a deadly 1316
weapon or dangerous ordnance, or purposely, knowingly, or 1317
recklessly causing serious physical harm to property and that 1318
involves an intent to obstruct, impede, or deter any person from 1319
participating in a lawful animal activity, from mining, foresting, 1320
harvesting, gathering, or processing natural resources, or from 1321
being lawfully present in or on an animal facility or research 1322
facility. 1323

(P) "Research facility" means a place, laboratory, 1324
institution, medical care facility, government facility, or public 1325
or private educational institution in which a scientific test, 1326
experiment, or investigation involving the use of animals or other 1327
living organisms is lawfully carried out, conducted, or attempted. 1328

Sec. 2933.51. As used in sections 2933.51 to 2933.66 of the 1329
Revised Code: 1330

(A) "Wire communication" means an aural transfer that is made 1331
in whole or in part through the use of facilities for the 1332
transmission of communications by the aid of wires or similar 1333
methods of connecting the point of origin of the communication and 1334
the point of reception of the communication, including the use of 1335

a method of connecting the point of origin and the point of
reception of the communication in a switching station, if the
facilities are furnished or operated by a person engaged in
providing or operating the facilities for the transmission of
communications. "Wire communication" includes an electronic
storage of a wire communication.

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

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

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

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

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

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

(c) Being used by a provider of wire or electronic

communication service in the ordinary course of its business or by 1366
an investigative or law enforcement officer in the ordinary course 1367
of the officer's duties that do not involve the interception of 1368
wire, oral, or electronic communications. 1369

(2) A hearing aid or similar device being used to correct 1370
subnormal hearing to not better than normal. 1371

(E) "Investigative officer" means any of the following: 1372

(1) An officer of this state or a political subdivision of 1373
this state, who is empowered by law to conduct investigations or 1374
to make arrests for a designated offense; 1375

(2) A person described in divisions (A)(11)(a) and (b) of 1376
section 2901.01 of the Revised Code; 1377

(3) An attorney authorized by law to prosecute or participate 1378
in the prosecution of a designated offense; 1379

(4) A secret service officer appointed pursuant to section 1380
309.07 of the Revised Code; 1381

(5) An officer of the United States, a state, or a political 1382
subdivision of a state who is authorized to conduct investigations 1383
pursuant to the "Electronic Communications Privacy Act of 1986," 1384
100 Stat. 1848-1857, 18 U.S.C. 2510-2521 (1986), as amended. 1385

(F) "Interception warrant" means a court order that 1386
authorizes the interception of wire, oral, or electronic 1387
communications and that is issued pursuant to sections 2933.53 to 1388
2933.56 of the Revised Code. 1389

(G) "Contents," when used with respect to a wire, oral, or 1390
electronic communication, includes any information concerning the 1391
substance, purport, or meaning of the communication. 1392

(H) "Communications common carrier" means a person who is 1393
engaged as a common carrier for hire in intrastate, interstate, or 1394
foreign communications by wire, radio, or radio transmission of 1395

energy. "Communications common carrier" does not include, to the
extent that the person is engaged in radio broadcasting, a person
engaged in radio broadcasting.

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

(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,
2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02,
2911.11, 2911.12, 2913.02, 2913.04, 2913.42, 2913.51, 2915.02,
2915.03, 2917.01, 2917.02, 2921.02, 2921.03, 2921.04, 2921.32,
2921.34, 2923.20, 2923.32, 2925.03, 2925.04, 2925.05, or 2925.06
or of division (B) of section 2915.05 of the Revised Code;

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

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

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

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

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

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

(L) "Special need" means a showing that a licensed physician, 1426
licensed practicing psychologist, attorney, practicing cleric, 1427
journalist, or either spouse is personally engaging in continuing 1428
criminal activity, was engaged in continuing criminal activity 1429
over a period of time, or is committing, has committed, or is 1430
about to commit, a designated offense, or a showing that specified 1431
public facilities are being regularly used by someone who is 1432
personally engaging in continuing criminal activity, was engaged 1433
in continuing criminal activity over a period of time, or is 1434
committing, has committed, or is about to commit, a designated 1435
offense. 1436

(M) "Journalist" means a person engaged in, connected with, 1437
or employed by, any news media, including a newspaper, magazine, 1438
press association, news agency, or wire service, a radio or 1439
television station, or a similar media, for the purpose of 1440
gathering, processing, transmitting, compiling, editing, or 1441
disseminating news for the general public. 1442

(N) "Electronic communication" means a transfer of a sign, 1443
signal, writing, image, sound, datum, or intelligence of any 1444
nature that is transmitted in whole or in part by a wire, radio, 1445
electromagnetic, photoelectronic, or photo-optical system. 1446
"Electronic communication" does not mean any of the following: 1447

(1) A wire or oral communication; 1448

(2) A communication made through a tone-only paging device; 1449

(3) A communication from an electronic or mechanical tracking 1450
device that permits the tracking of the movement of a person or 1451
object. 1452

(O) "User" means a person or entity that uses an electronic 1453
communication service and is duly authorized by the provider of 1454
the service to engage in the use of the electronic communication 1455
service. 1456

(P) "Electronic communications system" means a wire, radio, 1457
electromagnetic, photoelectronic, or photo-optical facility for 1458
the transmission of electronic communications, and a computer 1459
facility or related electronic equipment for the electronic 1460
storage of electronic communications. 1461

(Q) "Electronic communication service" means a service that 1462
provides to users of the service the ability to send or receive 1463
wire or electronic communications. 1464

(R) "Readily accessible to the general public" means, with 1465
respect to a radio communication, that the communication is none 1466
of the following: 1467

(1) Scrambled or encrypted; 1468

(2) Transmitted using a modulation technique, the essential 1469
parameters of which have been withheld from the public with the 1470
intention of preserving the privacy of the communication; 1471

(3) Carried on a subcarrier or other signal subsidiary to a 1472
radio transmission; 1473

(4) Transmitted over a communications system provided by a 1474
communications common carrier, unless the communication is a 1475
tone-only paging system communication; 1476

(5) Transmitted on a frequency allocated under part 25, 1477
subpart D, E, or F of part 74, or part 94 of the Rules of the 1478
Federal Communications Commission, as those provisions existed on 1479
July 1, 1996, unless, in the case of a communication transmitted 1480
on a frequency allocated under part 74 that is not exclusively 1481
allocated to broadcast auxiliary services, the communication is a 1482
two-way voice communication by radio. 1483

(S) "Electronic storage" means a temporary, intermediate 1484
storage of a wire or electronic communication that is incidental 1485
to the electronic transmission of the communication, and a storage 1486

of a wire or electronic communication by an electronic 1487
communication service for the purpose of backup protection of the 1488
communication. 1489

(T) "Aural transfer" means a transfer containing the human 1490
voice at a point between and including the point of origin and the 1491
point of reception. 1492

(U) "Pen register" means a device that records or decodes 1493
electronic impulses that identify the numbers dialed, pulsed, or 1494
otherwise transmitted on telephone lines to which the device is 1495
attached. 1496

(V) "Trap and trace device" means a device that captures the 1497
incoming electronic or other impulses that identify the 1498
originating number of an instrument or device from which a wire 1499
communication or electronic communication was transmitted but that 1500
does not intercept the contents of the wire communication or 1501
electronic communication. 1502

(W) "Judge of a court of common pleas" means a judge of that 1503
court who is elected or appointed as a judge of general 1504
jurisdiction or as a judge who exercises both general jurisdiction 1505
and probate, domestic relations, or juvenile jurisdiction. "Judge 1506
of a court of common pleas" does not mean a judge of that court 1507
who is elected or appointed specifically as a probate, domestic 1508
relations, or juvenile judge. 1509

Sec. 2935.033. (A) Any peace officer may render assistance to 1510
any federal law enforcement officer who has arrest authority under 1511
the "Uniting and Strengthening America by Providing Appropriate 1512
Tools Required to Intercept and Obstruct Terrorism (USA Patriot 1513
Act) Act of 2001," Pub. L. No. 107-056, 115 Stat. 272, as amended, 1514
if both of the following apply: 1515

(1) There is a threat of imminent physical danger to the 1516

federal law enforcement officer, a threat of physical harm to 1517
another person, or any other serious emergency situation present. 1518

(2) Either the federal law enforcement officer requests 1519
emergency assistance or it appears that the federal law 1520
enforcement officer is unable to request assistance, and the 1521
circumstances reasonably indicate that assistance is appropriate. 1522

(B) "Federal law enforcement officer" has the same meaning as 1523
in section 9.88 of the Revised Code. 1524

Sec. 3701.04. (A) The director of health shall: 1525

(1) Require reports and make inspections and investigations 1526
that the director considers necessary; 1527

(2) Provide administration, appoint personnel, make reports, 1528
and take other action as necessary to comply with the requirements 1529
of the "Construction and Modernization of Hospitals and Other 1530
Medical Facilities Act," Title VI of the "Public Health Service 1531
Act," 60 Stat. 1041 (1946), 42 U.S.C. 291, as amended, and the 1532
regulations adopted under that act; 1533

(3) Procure by contract the temporary or intermittent 1534
services of experts, consultants, or organizations when those 1535
services are to be performed on a part-time or fee-for-service 1536
basis and do not involve the performance of administrative duties; 1537

(4) Enter into agreements for the utilization of the 1538
facilities and services of other departments, agencies, and 1539
institutions, public or private; 1540

(5) On behalf of the state, solicit, accept, hold, 1541
administer, and deposit in the state treasury to the credit of the 1542
general operations fund created in section 3701.83 of the Revised 1543
Code, any grant, gift, devise, bequest, or contribution made to 1544
assist in meeting the cost of carrying out the director's 1545
responsibilities and expend the grant, gift, devise, bequest, or 1546

contribution for the purpose for which made. Fees collected by the 1547
director in connection with meetings and conferences shall also be 1548
credited to the fund and expended for the purposes for which paid. 1549

(6) Make an annual report to the governor on activities and 1550
expenditures, including recommendations for such additional 1551
legislation as the director considers appropriate to furnish 1552
adequate hospital, clinic, and similar facilities to the people of 1553
this state. 1554

(7) Establish a system for recruiting, registering, training, 1555
and deploying volunteers the director determines are advisable and 1556
reasonably necessary to respond to an emergency involving the 1557
public's health. 1558

(B) The director of health may enter into agreements to sell 1559
services offered by the department of health to boards of health 1560
of city and general health districts and to other departments, 1561
agencies, and institutions of this state, other states, or the 1562
United States. Fees collected by the director for the sale of 1563
services shall be deposited into the state treasury to the credit 1564
of the general operations fund created in section 3701.83 of the 1565
Revised Code. 1566

Sec. 3750.22. (A)(1) The owner or operator of a facility 1567
where chemicals are produced, or the owner or operator of any 1568
other facility or business of any type, may provide a copy of any 1569
vulnerability assessment of the facility or business or of any 1570
other security-sensitive information developed regarding the 1571
facility or business to any of the following: 1572

(a) The local emergency planning committee of the emergency 1573
planning district in which the facility or business is located; 1574

(b) The fire department with jurisdiction over the facility 1575
or business; 1576

(c) The sheriff of the county in which the facility or 1577
business is located; 1578

(d) The chief of police of any municipal corporation with 1579
jurisdiction over the facility or business; 1580

(e) Any state agency involved in the development of plans to 1581
protect businesses of any type against terrorist attack including 1582
the Ohio department of public safety, the Ohio highway patrol, the 1583
office of homeland security, and the emergency management agency. 1584

(2) A local emergency planning committee, fire department, 1585
sheriff, or chief of police, or other public office that receives 1586
a vulnerability assessment or other security-sensitive information 1587
pursuant to division (A)(1) of this section may provide a copy of 1588
that assessment or information to any local emergency planning 1589
committee, fire department, sheriff, or chief of police, or other 1590
public office described in division (A)(1) of this section but 1591
shall not share that vulnerability assessment or 1592
security-sensitive information with any other public or private 1593
office unless required to do so by federal or state law. 1594

(B)(1) Any vulnerability assessment or other 1595
security-sensitive information a public office receives pursuant 1596
to division (A) of this section is not a public record under 1597
section 149.43 of the Revised Code and that assessment or 1598
information is not subject to the mandatory disclosure 1599
requirements of section 149.43 of the Revised Code. 1600

(2) This section shall not be construed to exempt any owner 1601
or operator of a facility where chemicals are produced or the 1602
owner or operator of any other facility or business of any type 1603
from providing information contained in a vulnerability assessment 1604
or other security-sensitive information to the public when the 1605
provision of that information otherwise is required by federal or 1606
state law. 1607

Sec. 4505.02. The registrar of motor vehicles shall issue 1608
rules as the registrar determines necessary to ensure uniform and 1609
orderly operation of this chapter, ~~and the~~ and to ensure that the 1610
identification of each applicant for a certificate of title is 1611
reasonably accurate. The clerks of the courts of common pleas 1612
shall conform thereto. The clerks shall provide the forms as 1613
prescribed by the registrar, except the manufacturers' or 1614
importers' certificates. The clerks shall provide, from moneys in 1615
the automated title processing fund, certificates of title. All 1616
other automated title processing system supplies shall be provided 1617
by the clerks. 1618

If it appears that any certificate of title has been 1619
improperly issued, the registrar shall cancel the certificate. 1620
Upon the cancellation of any certificate of title, the registrar 1621
shall notify the clerk who issued it, and the clerk thereupon 1622
shall enter the cancellation upon the clerk's records. The 1623
registrar also shall notify the person to whom such certificate of 1624
title was issued, as well as any lienholders appearing thereon, of 1625
the cancellation and shall demand the surrender of the certificate 1626
of title immediately, but the cancellation shall not affect the 1627
validity of any lien noted thereon. The holder of such certificate 1628
of title immediately shall return it to the registrar. If a 1629
certificate of registration has been issued to the holder of a 1630
certificate of title so canceled the registrar immediately shall 1631
cancel it and demand the return of such certificate of 1632
registration and license plates, and the holder of such 1633
certificate of registration and license plates shall return the 1634
same to the registrar forthwith. The clerks shall keep on hand a 1635
sufficient supply of blank forms, which, except for certificate of 1636
title and memorandum certificate forms, shall be furnished and 1637
distributed without charge to registered manufacturers or dealers, 1638
or other persons residing within the county. 1639

Sec. 4507.08. (A) No probationary license shall be issued to 1640
any person under the age of eighteen who has been adjudicated an 1641
unruly or delinquent child or a juvenile traffic offender for 1642
having committed any act that if committed by an adult would be a 1643
drug abuse offense, as defined in section 2925.01 of the Revised 1644
Code, a violation of division (B) of section 2917.11, or a 1645
violation of division (A) of section 4511.19 of the Revised Code, 1646
unless the person has been required by the court to attend a drug 1647
abuse or alcohol abuse education, intervention, or treatment 1648
program specified by the court and has satisfactorily completed 1649
the program. 1650

(B) No temporary instruction permit or driver's license shall 1651
be issued to any person whose license has been suspended, during 1652
the period for which the license was suspended, nor to any person 1653
whose license has been canceled, under Chapter 4510. or any other 1654
provision of the Revised Code. 1655

(C) No temporary instruction permit or driver's license shall 1656
be issued to any person whose commercial driver's license is 1657
suspended under Chapter 4510. or any other provision of the 1658
Revised Code during the period of the suspension. 1659

No temporary instruction permit or driver's license shall be 1660
issued to any person when issuance is prohibited by division (A) 1661
of section 4507.091 of the Revised Code. 1662

(D) No temporary instruction permit or driver's license shall 1663
be issued to, or retained by, any of the following persons: 1664

(1) Any person who is an alcoholic, or is addicted to the use 1665
of controlled substances to the extent that the use constitutes an 1666
impairment to the person's ability to operate a motor vehicle with 1667
the required degree of safety; 1668

(2) Any person who is under the age of eighteen and has been 1669

adjudicated an unruly or delinquent child or a juvenile traffic 1670
offender for having committed any act that if committed by an 1671
adult would be a drug abuse offense, as defined in section 2925.01 1672
of the Revised Code, a violation of division (B) of section 1673
2917.11, or a violation of division (A) of section 4511.19 of the 1674
Revised Code, unless the person has been required by the court to 1675
attend a drug abuse or alcohol abuse education, intervention, or 1676
treatment program specified by the court and has satisfactorily 1677
completed the program; 1678

(3) Any person who, in the opinion of the registrar, is 1679
afflicted with or suffering from a physical or mental disability 1680
or disease that prevents the person from exercising reasonable and 1681
ordinary control over a motor vehicle while operating the vehicle 1682
upon the highways, except that a restricted license effective for 1683
six months may be issued to any person otherwise qualified who is 1684
or has been subject to any condition resulting in episodic 1685
impairment of consciousness or loss of muscular control and whose 1686
condition, in the opinion of the registrar, is dormant or is 1687
sufficiently under medical control that the person is capable of 1688
exercising reasonable and ordinary control over a motor vehicle. A 1689
restricted license effective for six months shall be issued to any 1690
person who otherwise is qualified and who is subject to any 1691
condition that causes episodic impairment of consciousness or a 1692
loss of muscular control if the person presents a statement from a 1693
licensed physician that the person's condition is under effective 1694
medical control and the period of time for which the control has 1695
been continuously maintained, unless, thereafter, a medical 1696
examination is ordered and, pursuant thereto, cause for denial is 1697
found. 1698

A person to whom a six-month restricted license has been 1699
issued shall give notice of the person's medical condition to the 1700
registrar on forms provided by the registrar and signed by the 1701

licensee's physician. The notice shall be sent to the registrar 1702
six months after the issuance of the license. Subsequent 1703
restricted licenses issued to the same individual shall be 1704
effective for six months. 1705

(4) Any person who is unable to understand highway warnings 1706
or traffic signs or directions given in the English language; 1707

(5) Any person making an application whose driver's license 1708
or driving privileges are under cancellation, revocation, or 1709
suspension in the jurisdiction where issued or any other 1710
jurisdiction, until the expiration of one year after the license 1711
was canceled or revoked or until the period of suspension ends. 1712
Any person whose application is denied under this division may 1713
file a petition in the municipal court or county court in whose 1714
jurisdiction the person resides agreeing to pay the cost of the 1715
proceedings and alleging that the conduct involved in the offense 1716
that resulted in suspension, cancellation, or revocation in the 1717
foreign jurisdiction would not have resulted in a suspension, 1718
cancellation, or revocation had the offense occurred in this 1719
state. If the petition is granted, the petitioner shall notify the 1720
registrar by a certified copy of the court's findings and a 1721
license shall not be denied under this division. 1722

(6) Any person who is under a class one or two suspension 1723
imposed for a violation of section 2903.04, 2903.06, or 2903.08 of 1724
the Revised Code or whose driver's or commercial driver's license 1725
or permit was permanently revoked prior to ~~the effective date of~~ 1726
~~this amendment~~ January 1, 2004, for a substantially equivalent 1727
violation pursuant to section 4507.16 of the Revised Code; 1728

(7) Any person who is not a resident or temporary resident of 1729
this state. 1730

(E) No person whose driver's license or permit has been 1731
suspended under Chapter 4510. of the Revised Code or any other 1732

provision of the Revised Code shall have driving privileges 1733
reinstated if the registrar determines that a warrant has been 1734
issued in this state or any other state for the person's arrest 1735
and that warrant is an active warrant. 1736

~~Sec. 4561.17. For the purpose of providing~~ (A) To provide 1737
revenue for ~~paying the expenses of~~ administering sections 4561.17 1738
to 4561.22 of the Revised Code relative to the registration of 1739
aircraft, for the surveying of and the establishment, checking, 1740
maintenance, and repair of aviation air marking and of air 1741
navigation facilities, for the acquiring, maintaining, and 1742
repairing of equipment necessary ~~therefor~~ for those purposes, and 1743
for the cost of ~~the creation~~ creating and ~~distribution of~~ 1744
distributing Ohio aeronautical charts and Ohio airport and landing 1745
field directories, an annual license tax is hereby levied upon all 1746
aircraft based in this state for which an aircraft worthiness 1747
certificate issued by the federal aviation administration is in 1748
effect except the following: 1749

~~(A)(1)~~ Aircraft owned by the United States or any territory 1750
thereof of the United States; 1751

~~(B)(2)~~ Aircraft owned by any foreign government; 1752

~~(C)(3)~~ Aircraft owned by any state or any political 1753
subdivision ~~thereof~~ of a state; 1754

~~(D)(4)~~ Aircraft operated under a certificate of convenience 1755
and necessity issued by the civil aeronautics board or any 1756
successor ~~thereto~~ to that board; 1757

~~(E)~~ Aircraft owned by any nonresident of this state whether 1758
such owner is an individual, partnership, or corporation, provided 1759
such owner has complied with all the laws in regard to the 1760
licensing of aircraft in the state of his residence; 1761

~~(F)(5)~~ Aircraft owned by aircraft manufacturers or aircraft 1762

engine manufacturers and operated only for purposes of testing, 1763
delivery, or demonstration; 1764

~~(G)~~(6) Aircraft operated for hire over regularly scheduled 1765
routes within the state. 1766

~~Such~~ (B) The license tax this section requires shall be at 1767
the rates specified in section 4561.18 of the Revised Code, and 1768
shall be paid to and collected by the director of transportation 1769
at the time of making application as provided in ~~such~~ that 1770
section. 1771

Sec. 4561.18. (A) The owner of any aircraft that is based in 1772
this state and that is not of a type specified in divisions (A)(1) 1773
to (6) of section 4561.17 of the Revised Code, shall register that 1774
aircraft with the department of transportation pursuant to this 1775
section. 1776

(B) Applications for the licensing and registration of 1777
aircraft shall be made and signed by the owner ~~thereof upon on~~ 1778
forms ~~prepared by~~ the department of transportation ~~and prepares.~~ 1779
The forms shall contain a description of the aircraft, including 1780
its federal registration number, the airport or other place at 1781
which the aircraft is based, and ~~such any~~ other information ~~as is~~ 1782
~~required by~~ the department requires. 1783

~~Applications~~ (C)(1) Registration forms shall be filed with 1784
the director of transportation ~~during the month of January~~ 1785
annually at the time the director specifies and shall be renewed 1786
according to the standard renewal procedure of sections 4745.01 to 1787
4745.03 of the Revised Code. ~~Application~~ If the airport or other 1788
place at which the aircraft usually is based changes, the owner 1789
shall update the registration by filing a new form with the office 1790
of aviation. 1791

(2) An application for the registration of any aircraft not 1792

previously registered in this state, ~~if such aircraft that~~ that is 1793
acquired or becomes subject to ~~such the~~ the license tax subsequent to 1794
the last day of January in any year, shall be made for the balance 1795
of the year in which the ~~same~~ aircraft is acquired, within 1796
~~forty eight hours~~ thirty days after ~~such the~~ the acquisition or after 1797
becoming subject to ~~such the~~ the license tax. ~~Each such application~~ 1798

(D) Each registration form shall be accompanied by the proper 1799
license tax, which, for aircraft other than gliders, shall be at 1800
the annual rate of one hundred dollars per aircraft. The license 1801
tax for gliders shall be three dollars annually. 1802

~~Such~~ (E) The department of transportation shall maintain all 1803
registrations filed with it under this section and shall develop a 1804
program to track and enforce the registration of aircraft based in 1805
this state. 1806

(F) The taxes this section requires are in lieu of all other 1807
taxes on or with respect to ownership of ~~such an~~ an aircraft. 1808

(G) The director of transportation shall impose a fine 1809
pursuant to section 4561.22 of the Revised Code for each aircraft 1810
that an owner fails to register as this section requires and shall 1811
require the owner to register the aircraft within the time the 1812
director specifies. The director may impose a separate fine for 1813
each registration period during which the owner fails to register 1814
the aircraft. 1815

Sec. 4561.22. (A) No owner or operator of an aircraft shall 1816
violate sections 4561.17 to 4561.20 of the Revised Code. 1817

(B) Whoever violates this section shall be fined not more 1818
than ~~one~~ five hundred dollars, ~~imprisoned not more than thirty~~ 1819
~~days, or both~~ for each violation. 1820

Sec. 4563.30. (A) As used in this section: 1821

(1) "Aircraft" has the same meaning as in section 4561.01 of 1822
the Revised Code. 1823

(2) "Airport" has the same meaning as in section 4561.01 of 1824
the Revised Code except that it does not include any airport 1825
operated by a multi-state authority or any airport with scheduled 1826
commercial air carrier service. 1827

(3) "Private-use airport" means an airport used exclusively 1828
by the owner of the airport and by persons the owner authorizes. 1829

(4) "Public-use airport" means an airport available for use 1830
by the general public without the prior approval of the owner or 1831
operator except as federal law or regulation require. 1832

(5) "Sensitive site" means an area that would be considered a 1833
key asset or critical infrastructure of the United States, 1834
including, but not limited to, military installations, nuclear and 1835
chemical plants, centers of government, monuments and iconic 1836
structures, and international ports. 1837

(B) Notwithstanding any provision of the Revised Code to the 1838
contrary, the department of transportation, in consultation with 1839
the department of public safety, shall adopt rules regarding the 1840
security of public-use and private-use airports. The rules shall 1841
include, but not be limited to, provisions that do the following: 1842

(1) Require all public-use and private-use airports located 1843
in whole or in part in this state to register biennially with the 1844
department of transportation; 1845

(2) Require all public-use airports located in whole or in 1846
part in this state, and all private-use airports located in whole 1847
or in part in this state that are located within thirty nautical 1848
miles of either a metropolitan population of at least one hundred 1849
thousand persons or a sensitive site, or that have eleven or more 1850
based aircraft, a runway length more than two thousand feet, or 1851

more than ten thousand annual aircraft operations, to do all of 1852
the following: 1853

(a) Prepare a written security plan that is consistent with 1854
the most recent security guidelines for general aviation airports 1855
published by the United States transportation security 1856
administration; 1857

(b) Develop a written list of emergency contacts and 1858
telephones; 1859

(c) Restrict access to aircraft keys by unlicensed persons; 1860

(d) Require pilots, including those renting aircraft, to 1861
operate pursuant to F.A.R. 61.3 regarding pilot identification; 1862

(e) Create an emergency locator map that identifies runways, 1863
ramp areas, fence lines, gates, hydrants, emergency shelters, 1864
buildings, and hazardous material sites; 1865

(f) Familiarize local law enforcement agencies with the 1866
airport and consult with them in the airport's development of 1867
security procedures. 1868

(3) Require all aircraft owners or pilots to secure their 1869
aircraft; 1870

(4) Require all persons who rent an aircraft to present 1871
government-issued identification, in addition to any pilot's 1872
license, to the person who rents them the aircraft; 1873

(5) Address or govern the security of public-use and 1874
private-use airports located in whole or in part in this state in 1875
any other manner that the department of transportation, in 1876
consultation with the department of public safety, determines to 1877
be necessary. 1878

(C) The security plan described in division (B)(2)(a) and the 1879
emergency locator map described in division (B)(2)(e) of this 1880
section shall display prominently the following statement: "This 1881

document may contain information that, if disclosed, could 1882
endanger the life or safety of the public; therefore, this 1883
document is to be maintained and used in a manner that preserves 1884
the confidentiality of the information it contains in a manner 1885
consistent with law." 1886

(D) Each public-use and private-use airport located in whole 1887
or in part in this state shall provide a copy of its registration 1888
described in division (B)(1) of this section, and when applicable, 1889
a copy of its security plan and emergency locator map to the 1890
department of public safety, to the department of transportation, 1891
to the sheriff of the county in which the airport is located in 1892
whole or in part, and, if the airport is located in whole or in 1893
part in a municipal corporation, to the chief of police of each 1894
municipal corporation in which it is wholly or partly located. 1895
Copies of registrations, emergency locator maps, and security 1896
plans that are in the possession of the department of public 1897
safety, the office of aviation, a sheriff, or a chief of police 1898
and that were provided under this division are not public records 1899
under section 149.43 of the Revised Code and are not subject to 1900
mandatory disclosure under that section. 1901

(E) This section shall not be construed to replace or 1902
supersede airport security standards the United States department 1903
of homeland security and the transportation security 1904
administration require, or safety standards the United States 1905
department of transportation and the federal aviation 1906
administration require. 1907

Sec. 4931.45. (A) An amended final plan is required for any 1908
of the following purposes: 1909

(1) Expanding the territory included in the countywide 9-1-1 1910
system; 1911

(2) Upgrading any part or all of a system from basic to enhanced wireline 9-1-1;	1912 1913
(3) Adjusting the territory served by a public safety answering point;	1914 1915
(4) Represcribing the funding of public safety answering points as between the alternatives set forth in division (B)(5) of section 4931.43 of the Revised Code;	1916 1917 1918
(5) Providing for wireless enhanced 9-1-1;	1919
(6) Adding a telephone company as a participant in a countywide 9-1-1 system after the implementation of wireline 9-1-1 or wireless enhanced 9-1-1;	1920 1921 1922
(7) Providing that the state highway patrol or one or more public safety answering points of another 9-1-1 system function as a public safety answering point or points for the provision of wireline or wireless 9-1-1 for all or part of the territory of the system established under the final plan, as contemplated under division (J) of section 4931.41 of the Revised Code;	1923 1924 1925 1926 1927 1928
(8) Making any other necessary adjustments to the plan.	1929
The adoption of an amended final plan under this division shall be subject to, and accomplished	1930 1931
(B) Except as otherwise provided in division (C) of this section, a final plan shall be amended in the manner of the adoption of an initial provided for adopting a final plan under, sections 4931.42 to 4931.44 of the Revised Code, including the requirements for the convening of a 9-1-1 planning committee and development of developing a proposed amended plan prior to the adoption of the adopting an amended final plan. However, a final plan is deemed amended	1932 1933 1934 1935 1936 1937 1938 1939
<u>(C)(1) To amend a final plan</u> for the purpose described in division (A)(6) of this section upon the filing, an entity that	1940 1941

wishes to be added as a participant in a 9-1-1 system shall file a 1942
written letter of that intent with the board of county 1943
commissioners of the county that approved the final plan ~~for the~~ 1944
~~countywide 9-1-1 system, of a written letter of intent by the~~ 1945
~~entity to be added as a participant in the 9-1-1 system. The~~ 1946
~~entity~~ The final plan is deemed amended upon the filing of that 1947
letter. The entity that files the letter shall send written notice 1948
of ~~the~~ that filing to all subdivisions and telephone companies 1949
participating in the system. ~~Further, adoption~~ 1950

(2) An amendment to a final plan for a purpose set forth in 1951
division (A)(1), (3), (5), or (8) of this section may be made by 1952
an addendum approved by a majority of the 9-1-1 planning 1953
committee. The board of county commissioners shall call a meeting 1954
of the 9-1-1 planning committee for the purpose of considering an 1955
addendum pursuant to this division. 1956

(3) Adoption of any resolution under section 4931.51 of the 1957
Revised Code pursuant to a final plan that both has been adopted 1958
and provides for funding through charges imposed under that 1959
section is not an amendment of a final plan for the purpose of 1960
this division. 1961

~~(B)~~(D) When a final plan is amended for a purpose described 1962
in division (A)(1), (2), or (6) of this section, sections 4931.47 1963
and 5733.55 of the Revised Code apply with respect to the receipt 1964
of the nonrecurring and recurring rates and charges for the 1965
wireline telephone network portion of the 9-1-1 system. 1966

Sec. 4931.49. (A)(1) The state, the state highway patrol, or 1967
a subdivision participating in a 9-1-1 system established under 1968
sections 4931.40 to 4931.70 of the Revised Code and any officer, 1969
agent, employee, or independent contractor of the state, the state 1970
highway patrol, or such a participating subdivision is not liable 1971
in damages in a civil action for injuries, death, or loss to 1972

persons or property arising from any act or omission, except 1973
willful or wanton misconduct, in connection with developing, 1974
adopting, or approving any final plan or any agreement made under 1975
section 4931.48 of the Revised Code or otherwise bringing into 1976
operation the 9-1-1 system pursuant to sections 4931.40 to 4931.70 1977
of the Revised Code. 1978

(2) The Ohio 9-1-1 council, the wireless 9-1-1 advisory 1979
board, and any member of that council or board are not liable in 1980
damages in a civil action for injuries, death, or loss to persons 1981
or property arising from any act or omission, except willful or 1982
wanton misconduct, in connection with the development or operation 1983
of a 9-1-1 system established under sections 4931.40 to 4931.70 of 1984
the Revised Code. 1985

(B) Except as otherwise provided in section 4765.49 of the 1986
Revised Code, an individual who gives emergency instructions 1987
through a 9-1-1 system established under sections 4931.40 to 1988
4931.70 of the Revised Code, and the principals for whom the 1989
person acts, including both employers and independent contractors, 1990
public and private, and an individual who follows emergency 1991
instructions and the principals for whom that person acts, 1992
including both employers and independent contractors, public and 1993
private, are not liable in damages in a civil action for injuries, 1994
death, or loss to persons or property arising from the issuance or 1995
following of emergency instructions, except where the issuance or 1996
following of the instructions constitutes willful or wanton 1997
misconduct. 1998

(C) Except for willful or wanton misconduct, a telephone 1999
company, and any other installer, maintainer, or provider, through 2000
the sale or otherwise, of customer premises equipment, and their 2001
respective officers, directors, employees, agents, and suppliers 2002
are not liable in damages in a civil action for injuries, death, 2003
or loss to persons or property incurred by any person resulting 2004

from ~~such~~ any of the following:

2005

(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;

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(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.

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(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.

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

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

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

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

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(3) In the circumstance of the inadvertent disclosure of such

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information due solely to technology of the wireline telephone 2035
network portion of the 9-1-1 system not allowing access to the 2036
data base to be restricted to 9-1-1 specific answering lines at a 2037
public safety answering point; 2038

(4) In the circumstance of ~~assistance~~ access to a data base 2039
being given by a telephone company that is a wireline service 2040
provider to a public utility or municipal utility in handling 2041
customer calls in times of public emergency or service outages. 2042
The charge, terms, and conditions for the disclosure or use of 2043
such information for the purpose of such ~~assistance~~ access to a 2044
data base shall be subject to the jurisdiction of the public 2045
utilities commission. 2046

(5) In the circumstance of access to a data base given by a 2047
telephone company that is a wireline service provider to a state 2048
and local government in warning of a public emergency, as 2049
determined by the public utilities commission. The charge, terms, 2050
and conditions for the disclosure or use of that information for 2051
the purpose of access to a data base is subject to the 2052
jurisdiction of the public utilities commission. 2053

Sec. 5502.011. (A) As used in this section, "department of 2054
public safety" and "department" include all divisions within the 2055
department of public safety. 2056

(B) The director of the department of public safety is the 2057
chief executive and administrative officer of the department. The 2058
director may establish policies governing the department, the 2059
performance of its employees and officers, the conduct of its 2060
business, and the custody, use, and preservation of departmental 2061
records, papers, books, documents, and property. The director also 2062
may authorize and approve investigations to be conducted by any of 2063
the department's divisions. Whenever the Revised Code imposes a 2064
duty upon or requires an action of the department, the director 2065

may perform the action or duty in the name of the department or 2066
direct such performance to be performed by the director's 2067
designee. 2068

(C) In addition to any other duties enumerated in the Revised 2069
Code, the director or the director's designee shall do all of the 2070
following: 2071

(1) Administer and direct the performance of the duties of 2072
the department; 2073

(2) Pursuant to Chapter 119. of the Revised Code, approve, 2074
adopt, and prescribe such forms and rules as are necessary to 2075
carry out the duties of the department; 2076

(3) On behalf of the department and in addition to any 2077
authority the Revised Code otherwise grants to the department, 2078
have the authority and responsibility for approving and entering 2079
into contracts, agreements, and other business arrangements; 2080

(4) Make appointments for the department as needed to comply 2081
with requirements of the Revised Code; 2082

(5) Approve employment actions of the department, including 2083
appointments, promotions, discipline, investigations, and 2084
terminations; 2085

(6) Accept, hold, and use, for the benefit of the department, 2086
any gift, donation, bequest, or devise, and may agree to and 2087
perform all conditions of the gift, donation, bequest, or devise, 2088
that are not contrary to law; 2089

(7) Do all other acts necessary or desirable to carry out 2090
this chapter. 2091

(D)(1) The director of public safety may assess a reasonable 2092
fee, plus the amount of any charge or fee passed on from a 2093
financial institution, on a drawer or indorser for each of the 2094
following: 2095

(a) A check, draft, or money order that is returned or dishonored;	2096 2097
(b) An automatic bank transfer that is declined, due to insufficient funds or for any other reason;	2098 2099
(c) Any financial transaction device that is returned or dishonored for any reason.	2100 2101
(2) The director shall deposit any fee collected under this division in an appropriate fund as determined by the director based on the tax, fee, or fine being paid.	2102 2103 2104
(3) As used in this division, "financial transaction device" has the same meaning as in section 113.40 of the Revised Code.	2105 2106
<u>(E) The director shall establish a homeland security advisory council to advise the director on homeland security, including homeland security funding efforts. The advisory council shall include, but not be limited to, state and local government officials who have homeland security or emergency management responsibilities and who represent first responders. The director shall appoint the members of the council, who shall serve without compensation.</u>	2107 2108 2109 2110 2111 2112 2113 2114
<u>(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.</u>	2115 2116 2117 2118 2119 2120 2121 2122 2123 2124
Sec. 5502.03. (A) There is hereby created in the department	2125

of public safety a division of homeland security. It is the intent 2126
of the general assembly that the creation of the division of 2127
homeland security of the department of public safety by this 2128
amendment does not result in an increase of funding appropriated 2129
to the department. 2130

(B)(1) The division shall ~~coordinate~~ do all of the following: 2131

(1) Coordinate all homeland security activities of all state 2132
agencies and ~~shall~~ be the liaison between state agencies and local 2133
entities for the purposes of communicating homeland security 2134
funding and policy initiatives; 2135

(2) Collect, analyze, maintain, and disseminate information 2136
to support local, state, and federal law enforcement agencies, 2137
other government agencies, and private organizations in detecting, 2138
detering, preventing, preparing for, responding to, and 2139
recovering from threatened or actual terrorist events. This 2140
information is not a public record pursuant to section 149.43 of 2141
the Revised Code. 2142

(3) Coordinate efforts of state and local governments and 2143
private organizations to enhance the security and protection of 2144
critical infrastructure and key assets in this state; 2145

(4) Develop and coordinate policies, protocols, and 2146
strategies that may be used to prevent, detect, prepare for, 2147
respond to, and recover from terrorist acts or threats; 2148

(5) Develop, update, and coordinate the implementation of an 2149
Ohio homeland security strategic plan that will guide state and 2150
local governments in the achievement of homeland security in this 2151
state. 2152

(C) The director of public safety shall appoint an executive 2153
director, who shall be head of the division of homeland security 2154
and who regularly shall advise the governor and the director on 2155
matters pertaining to homeland security. The executive director 2156

shall serve at the pleasure of the director of public safety. To 2157
carry out the duties assigned under this section, the executive 2158
director, subject to the direction and control of the director of 2159
public safety, may appoint and maintain necessary staff and may 2160
enter into any necessary agreements. 2161

(D) Except as otherwise provided by law, nothing in this 2162
section shall be construed to give the director of public safety 2163
or the executive director of the division of homeland security 2164
authority over the incident management structure or 2165
responsibilities of local emergency response personnel. 2166

Sec. 5502.28. (A) In carrying out sections 5502.21 to 5502.51 2167
of the Revised Code, the governor shall utilize the services, 2168
equipment, supplies, and facilities of existing agencies of the 2169
state and of political subdivisions to the maximum extent 2170
practicable, and the officers and personnel of all such agencies 2171
shall cooperate with and extend such services, equipment, 2172
supplies, and facilities to the governor and to the executive 2173
director of the emergency management agency upon request. 2174

(B) Every agency for emergency management established 2175
pursuant to sections 5502.21 to 5502.51 of the Revised Code and 2176
every political subdivision that has established a program for 2177
emergency management under section 5502.271 of the Revised Code, 2178
and the officers thereof, shall execute and enforce any emergency 2179
management orders and rules issued or adopted by the director of 2180
public safety. 2181

(C) The national incident management system (NIMS) is hereby 2182
adopted as the standard procedure for incident management in this 2183
state. All departments, agencies, and political subdivisions 2184
within the state shall utilize the system for incident management. 2185

Sec. 5502.41. (A) As used in this section: 2186

(1) "Countywide emergency management agency" means a 2187
countywide emergency management agency established under section 2188
5502.26 of the Revised Code. 2189

(2) "Participating political subdivision" means each 2190
political subdivision in this state except a political subdivision 2191
that enacts, by appropriate legislation signed by its chief 2192
executive, a declaration not to participate in the intrastate 2193
mutual aid program created by this section and that provides a 2194
copy of the legislation to the emergency management agency and to 2195
the countywide emergency management agency, regional authority for 2196
emergency management, or program for emergency management within 2197
the political subdivision, which is responsible for emergency 2198
management in the political subdivision. 2199

(3) "Program for emergency management within a political 2200
subdivision" means a program for emergency management created by a 2201
political subdivision under section 5502.271 of the Revised Code. 2202

(4) "Regional authority for emergency management" means a 2203
regional authority for emergency management established under 2204
section 5502.27 of the Revised Code. 2205

(B) There is hereby created the intrastate mutual aid program 2206
to be known as "the intrastate mutual aid compact" to complement 2207
existing mutual aid agreements in the event of a disaster that 2208
results in a formal declaration of emergency by a participating 2209
political subdivision. The program shall provide for mutual 2210
assistance among the participating political subdivisions in 2211
response to and recovery from any disaster that results in a 2212
formal declaration of emergency by a participating political 2213
subdivision; shall provide for mutual cooperation among the 2214
participating political subdivisions in conducting 2215
disaster-related exercises, testing, or other training activities 2216
using the services, equipment, supplies, materials, personnel, and 2217

other resources of the participating political subdivisions to 2218
simulate the provision of mutual aid; and shall embody a method by 2219
which a participating political subdivision may seek assistance in 2220
the event of a formally declared emergency, which resolves many of 2221
the common issues facing political subdivisions at the time of a 2222
formally declared emergency and will ensure, to the extent 2223
possible, eligibility for available state and federal disaster 2224
funding. 2225

(C) Each countywide emergency management agency, regional 2226
authority for emergency management, and program for emergency 2227
management within a political subdivision, which is responsible 2228
for emergency management in a participating political subdivision 2229
shall, as part of its program for emergency management under 2230
sections 5502.22, 5502.26, 5502.27, and 5502.271 of the Revised 2231
Code, as applicable, and in coordination with all departments, 2232
divisions, boards, commissions, agencies, and other 2233
instrumentalities of, and having emergency response functions 2234
within, each participating political subdivision served by that 2235
agency, authority, or program, establish procedures or plans that, 2236
to the extent possible, accomplish both of the following: 2237

(1) Identify hazards that potentially could affect the 2238
participating political subdivisions served by that agency, 2239
authority, or program; 2240

(2) Identify and inventory the current services, equipment, 2241
supplies, personnel, and other resources related to response and 2242
recovery activities of the participating political subdivisions 2243
served by that agency, authority, or program. 2244

(D)(1) Within one year after ~~the effective date of this~~ 2245
~~section~~ December 23, 2002, the executive director of the emergency 2246
management agency shall coordinate with the countywide emergency 2247
management agencies, regional authorities for emergency 2248

management, and programs for emergency management within a 2249
political subdivision, which are responsible for emergency 2250
management in participating political subdivisions, in identifying 2251
and formulating appropriate procedures or plans to resolve 2252
resource shortfalls, as part of their respective programs for 2253
emergency management under sections 5502.22, 5502.26, 5502.27, and 2254
5502.271 of the Revised Code, as applicable. 2255

(2) During and after the formulation of the procedures or 2256
plans to resolve resource shortfalls, there shall be ongoing 2257
consultation and coordination among the executive director of the 2258
emergency management agency; the countywide emergency management 2259
agencies, regional authorities for emergency management, and 2260
programs for emergency management within a political subdivision, 2261
which are responsible for emergency management in participating 2262
political subdivisions; and all departments, divisions, boards, 2263
commissions, agencies, and other instrumentalities of, and having 2264
emergency response functions within, each participating political 2265
subdivision, regarding this section, local procedures and plans, 2266
and the resolution of the resource shortfalls. 2267

(E) Participating political subdivisions may request 2268
assistance of other participating political subdivisions in 2269
response to and recovery from a disaster during formally declared 2270
emergencies or in disaster-related exercises, testing, or other 2271
training activities. Requests for assistance shall be made through 2272
the emergency management agency or an official designated by the 2273
chief executive of the participating political subdivision from 2274
which the assistance is requested. Requests may be verbal or in 2275
writing. If verbal, the request shall be confirmed in writing 2276
within seventy-two hours after the verbal request is made. 2277
Requests shall provide the following information: 2278

(1) A description of the disaster; 2279

(2) A description of the assistance needed; 2280

(3) An estimate of the length of time the assistance will be needed;	2281 2282
(4) The specific place and time for staging of the assistance and a point of contact at that location.	2283 2284
(F) A participating political subdivision's obligation to provide assistance in response to and recovery from a disaster or in disaster-related exercises, testing, or other training activities under this section is subject to the following conditions:	2285 2286 2287 2288 2289
(1) A participating political subdivision requesting assistance must have either declared a state of emergency by resolution of its chief executive or scheduled disaster-related exercises, testing, or other training activities.	2290 2291 2292 2293
(2) A responding participating political subdivision may withhold resources necessary to provide for its own protection.	2294 2295
(3) Personnel of a responding participating political subdivision shall continue under their local command and control structure, but shall be under the operational control of the appropriate officials within the incident management system of the participating political subdivision receiving assistance.	2296 2297 2298 2299 2300
<u>(4) Responding law enforcement officers acting pursuant to this section have the same authority to enforce the law as when acting within the territory of their regular employment.</u>	2301 2302 2303
(G)(1) Nothing in this section alters the duties and responsibilities of emergency response personnel.	2304 2305
(2) This section does not preclude a participating political subdivision from entering into a mutual aid or other agreement with another political subdivision, and does not affect any other agreement to which a participating political subdivision may be a party, or any request for assistance that may be made, under any	2306 2307 2308 2309 2310

other section of the Revised Code, including, but not limited to, 2311
any mutual aid arrangement under this chapter, any fire protection 2312
or emergency medical services contract under section 9.60 of the 2313
Revised Code, sheriffs' requests for assistance to preserve the 2314
public peace and protect persons and property under section 311.07 2315
of the Revised Code, agreements for mutual aid in police 2316
protection under section 737.04 of the Revised Code, and mutual 2317
aid agreements among emergency planning districts for hazardous 2318
substances or chemicals response under sections 3750.02 and 2319
3750.03 of the Revised Code. 2320

(H)(1) Personnel of a responding participating political 2321
subdivision who suffer injury or death in the course of, and 2322
arising out of, their employment while rendering assistance to 2323
another participating political subdivision under this section are 2324
entitled to all applicable benefits under Chapters 4121. and 4123. 2325
of the Revised Code. 2326

(2) Personnel of a responding participating political 2327
subdivision shall be considered, while rendering assistance in 2328
another participating political subdivision under this section, to 2329
be agents of the participating political subdivision receiving the 2330
assistance for purposes of tort liability and immunity from tort 2331
liability under the law of this state. 2332

(3)(a) A responding participating political subdivision and 2333
the personnel of that political subdivision, while rendering 2334
assistance, or while in route to or from rendering assistance, in 2335
another participating political subdivision under this section, 2336
shall be deemed to be exercising governmental functions as defined 2337
in section 2744.01 of the Revised Code, shall have the defenses to 2338
and immunities from civil liability provided in sections 2744.02 2339
and 2744.03 of the Revised Code, and shall be entitled to all 2340
applicable limitations on recoverable damages under section 2341
2744.05 of the Revised Code. 2342

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

(I) If a person holds a license, certificate, or other permit 2352
issued by a participating political subdivision evidencing 2353
qualification in a professional, mechanical, or other skill, and 2354
if the assistance of that person is asked for by a participating 2355
political subdivision receiving assistance under this section, the 2356
person shall be deemed to be licensed or certified in or permitted 2357
by the participating political subdivision receiving the 2358
assistance to render the assistance, subject to any limitations 2359
and conditions the chief executive of the participating political 2360
subdivision receiving the assistance may prescribe by executive 2361
order or otherwise. 2362

(J) Except as otherwise provided in this division, any 2363
participating political subdivision rendering assistance in 2364
another participating political subdivision under this section 2365
shall be reimbursed by the participating political subdivision 2366
receiving the assistance for any loss or damage to, or expense 2367
incurred in the operation of, any equipment used in rendering the 2368
assistance, for any expense incurred in the provision of any 2369
service used in rendering the assistance, and for all other costs 2370
incurred in responding to the request for assistance. However, a 2371
participating political subdivision rendering assistance may 2372
assume in whole or in part the loss, damage, expense, or costs, or 2373
may loan the equipment or donate the service to the participating 2374

political subdivision receiving the assistance without charge or 2375
cost; any two or more participating political subdivisions may 2376
enter into agreements establishing a different allocation of loss, 2377
damage, expense, or costs among themselves; and expenses incurred 2378
under division (H)(1) of this section are not reimbursable under 2379
this division. To avoid duplication of payments, insurance 2380
proceeds available to cover any loss or damage to equipment of a 2381
participating political subdivision rendering assistance shall be 2382
considered in the reimbursement by the participating political 2383
subdivision receiving the assistance. 2384

Section 2. That existing sections 121.40, 2901.13, 2909.21, 2385
2923.31, 2933.51, 3701.04, 4505.02, 4507.08, 4561.17, 4561.18, 2386
4561.22, 4931.45, 4931.49, 5502.011, 5502.03, 5502.28, and 5502.41 2387
of the Revised Code are hereby repealed. 2388