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Sub. H. B. No. 46

Representatives Stewart, J., DeGeeter

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Austria**

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A B I L L

To amend sections 125.18, 317.082, 319.28, 319.54,	1
2305.09, and 2901.13 and to enact sections	2
109.941, 111.241, 149.434, 149.45, 1349.52, and	3
1349.53 of the Revised Code to allow a consumer to	4
place a security freeze on the consumer's credit	5
report, to require a public office to redact from	6
a document that is otherwise a public record	7
certain information, to require a public office to	8
redact Social Security numbers or federal tax	9
identification numbers from any document that is	10
made available online to the public through the	11

internet, to require the Office of Criminal 12
Justice Services to make state funding grants 13
available to local law enforcement agencies for 14
enforcement of identity fraud laws, to require the 15
attorney general to support local law enforcement 16
agencies with the enforcement of identity fraud 17
laws, to enact a special statute of limitations 18
for criminal prosecutions and civil actions 19
against identity fraud, to allow a safety worker 20
to request the county auditor to remove the safety 21
worker's name from the general tax list of real 22
and public utility property and the general 23
duplicate of real and public utility property and 24
insert the safety worker's initials, and to 25
prohibit a county auditor from charging a real 26
property conveyance fee to a safety worker who 27
changes the current owner name on the general tax 28
list of real and public utility property and the 29
general duplicate of real and public utility 30
property to the safety worker's initials. 31

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

Section 1. That sections 125.18, 317.082, 319.28, 319.54, 32
2305.09, and 2901.13 be amended and sections 109.941, 111.241, 33
149.434, 149.45, 1349.52, and 1349.53 of the Revised Code be 34
enacted to read as follows: 35

Sec. 109.941. The attorney general shall cooperate with and 36
provide technical assistance to any local law enforcement agency 37
in the state, upon that agency's request, with respect to 38
enforcement of identity fraud crimes. 39

Sec. 111.241. (A) The secretary of state shall not accept a 40
document for filing or recording if the document includes any 41
individual's social security number or federal tax identification 42
number. If a document presented for filing or recording includes 43
any individual's social security number or federal tax 44
identification number and the secretary of state refuses to accept 45
that document for filing or recording, the secretary of state or 46
the person who attempted to file or record the document with the 47
secretary of state may immediately redact the individual's social 48
security number or federal tax identification number from the 49
document. 50

(B) Division (A) of this section does not apply to either of 51
the following: 52

(1) Any document that originates with any court or taxing 53
authority; 54

(2) Any publicly recorded document that is required by 55
federal or state law to include an individual's social security 56
number or federal tax identification number. 57

(C) This section does not apply to documents that were 58
executed by an individual prior to the effective date of this 59
section. 60

Sec. 125.18. (A) There is hereby established the office of 61
information technology housed within the department of 62
administrative services. The office shall be under the supervision 63
of a chief information officer to be appointed by the governor and 64
subject to removal at the pleasure of the governor. The chief 65
information officer shall serve as the director of the office. 66

(B) The director of the office of information technology 67
shall advise the governor regarding the superintendence and 68
implementation of statewide information technology policy. 69

(C) The director of the office of information technology 70
shall lead, oversee, and direct state agency activities related to 71
information technology development and use. In that regard, the 72
director shall do all of the following: 73

(1) Coordinate and superintend statewide efforts to promote 74
common use and development of technology by state agencies. The 75
office of information technology shall establish policies and 76
standards that govern and direct state agency participation in 77
statewide programs and initiatives. 78

(2) Establish policies and standards for the acquisition and 79
use of information technology by state agencies, including, but 80
not limited to, hardware, software, technology services, and 81
security, with which state agencies shall comply; 82

(3) Establish criteria and review processes to identify state 83
agency information technology projects that require alignment or 84
oversight. As appropriate, the office of information technology 85
shall provide the governor and the director of budget and 86
management with notice and advice regarding the appropriate 87
allocation of resources for those projects. The director of the 88
office of information technology may require state agencies to 89
provide, and may prescribe the form and manner by which they must 90
provide, information to fulfill the director's alignment and 91
oversight role; 92

(4) Establish policies and procedures for the security of 93
personal information that is maintained and destroyed by state 94
agencies; 95

(5) Employ a chief information security officer who is 96
responsible for the implementation of the policies and procedures 97
described in division (C)(4) of this section and for coordinating 98
the implementation of those policies and procedures in all of the 99
state agencies; 100

(6) Employ a chief privacy officer who is responsible for 101
advising the office of information technology and state agencies 102
when establishing policies and procedures for the security of 103
personal information and developing education and training 104
programs regarding the state's security procedures. 105

(D)(1) The chief information security officer shall assist 106
each state agency with the development of an information 107
technology security strategic plan and review that plan, and each 108
state agency shall submit that plan to the office of information 109
technology. The chief information security officer may require 110
that each state agency update its information technology security 111
strategic plan annually as determined by the chief information 112
officer. 113

(2) Prior to the implementation of any information technology 114
data system, a state agency shall prepare or have prepared a 115
privacy impact statement for that system. 116

(E) The office of information technology shall have the same 117
authority given to the department of ~~administrative~~ administrative 118
services under sections 125.01, 125.02, 125.023, 125.04, 125.05, 119
125.06, 125.07, 125.071, 125.072, 125.081, 125.09, 125.10, 125.11, 120
and 125.25 of the Revised Code for the purchase of information 121
technology supplies and services for state agencies. 122

~~(E)~~(F) The office of information technology may make 123
contracts for, operate, and superintend technology supplies and 124
services for state agencies in accordance with this chapter. 125

~~(F)~~(G) The office of information technology may establish 126
cooperative agreements with federal and local government agencies 127
and state agencies that are not under the authority of the 128
governor for the provision of technology services and the 129
development of technology projects. 130

~~(G)~~(H) As used in this section, ~~"state;~~ 131

(1) "Personal information" has the same meaning as in section 132
149.45 of the Revised Code. 133

(2) "State agency" means every organized body, office, or 134
agency established by the laws of the state for the exercise of 135
any function of state government, other than any state-supported 136
institution of higher education, the office of the auditor of 137
state, treasurer of state, secretary of state, or attorney 138
general, the public employees retirement system, the Ohio police 139
and fire pension fund, the state teachers retirement system, the 140
school employees retirement system, the state highway patrol 141
retirement system, the general assembly or any legislative agency, 142
or the courts or any judicial agency. 143

Sec. 149.434. (A) Each public office or person responsible 144
for public records shall maintain a database or a list that 145
includes the name and date of birth of all public officials and 146
employees elected to or employed by that public office. The 147
database or list is a public record and shall be made available 148
upon a request made pursuant to section 149.43 of the Revised 149
Code. 150

(B) As used in this section: 151

(1) "Employee" has the same meaning as in section 9.40 of the 152
Revised Code. 153

(2) "Public official" has the same meaning as in section 154
117.01 of the Revised Code. 155

(3) "Public record" has the same meaning as in section 149.43 156
of the Revised Code. 157

Sec. 149.45. (A) As used in this section: 158

(1) "Personal information" means any of the following: 159

(a) An individual's social security number; 160

(b) An individual's federal tax identification number; 161

(c) An individual's driver's license number or state 162
identification number; 163

(d) An individual's checking account number, savings account 164
number, or credit card number. 165

(2) "Public record" and "peace officer, parole officer, 166
prosecuting attorney, assistant prosecuting attorney, correctional 167
employee, youth services employee, firefighter, or EMT residential 168
and familial information" have the same meanings as in section 169
149.43 of the Revised Code. 170

(3) "Truncate" means to redact all but the last four digits 171
of an individual's social security number. 172

(B)(1) No public office or person responsible for a public 173
office's public records shall make available to the general public 174
on the internet any document that contains an individual's social 175
security number without otherwise redacting, encrypting, or 176
truncating the social security number. 177

(2) A public office or person responsible for a public 178
office's public records that prior to the effective date of this 179
section made available to the general public on the internet any 180
document that contains an individual's social security number 181
shall redact, encrypt, or truncate the social security number from 182
that document. 183

(3) Divisions (B)(1) and (2) of this section do not apply to 184
documents that are only accessible through the internet with a 185
password. 186

(C)(1) An individual may request that a public office or a 187
person responsible for a public office's public records redact 188
personal information of that individual from any record made 189
available to the general public on the internet. An individual who 190

makes a request for redaction pursuant to this division shall make
the request in writing on a form developed by the attorney general
and shall specify the personal information to be redacted and
provide any information that identifies the location of that
personal information within a document that contains that personal
information.

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(2) Upon receiving a request for a redaction pursuant to
division (C)(1) of this section, a public office or a person
responsible for a public office's public records shall act within
five business days in accordance with the request to redact the
personal information of the individual from any record made
available to the general public on the internet, if practicable.
If a redaction is not practicable, the public office or person
responsible for the public office's public records shall verbally
or in writing within five business days after receiving the
written request explain to the individual why the redaction is
impracticable.

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(3) The attorney general shall develop a form to be used by
an individual to request a redaction pursuant to division (C)(1)
of this section. The form shall include a place to provide any
information that identifies the location of the personal
information to be redacted.

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(D)(1) A peace officer, parole officer, prosecuting attorney,
assistant prosecuting attorney, correctional employee, youth
services employee, firefighter, or EMT may request that a public
office other than a county auditor or a person responsible for the
public records of a public office other than a county auditor
redact the address of the person making the request from any
record made available to the general public on the internet that
includes peace officer, parole officer, prosecuting attorney,
assistant prosecuting attorney, correctional employee, youth
services employee, firefighter, or EMT residential and familial

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information of the person making the request. A person who makes a 223
request for a redaction pursuant to this division shall make the 224
request in writing and on a form developed by the attorney 225
general. 226

(2) Upon receiving a written request for a redaction pursuant 227
to division (D)(1) of this section, a public office other than a 228
county auditor or a person responsible for the public records of a 229
public office other than a county auditor shall act within five 230
business days in accordance with the request to redact the address 231
of the peace officer, parole officer, prosecuting attorney, 232
assistant prosecuting attorney, correctional employee, youth 233
services employee, firefighter, or EMT making the request from any 234
record made available to the general public on the internet that 235
includes peace officer, parole officer, prosecuting attorney, 236
assistant prosecuting attorney, correctional employee, youth 237
services employee, firefighter, or EMT residential and familial 238
information of the person making the request, if practicable. If a 239
redaction is not practicable, the public office or person 240
responsible for the public office's public records shall verbally 241
or in writing within five business days after receiving the 242
written request explain to the peace officer, parole officer, 243
prosecuting attorney, assistant prosecuting attorney, correctional 244
employee, youth services employee, firefighter, or EMT why the 245
redaction is impracticable. 246

(3) Except as provided in this section and section 319.28 of 248
the Revised Code, a public office other than an employer of a 249
peace officer, parole officer, prosecuting attorney, assistant 250
prosecuting attorney, correctional employee, youth services 251
employee, firefighter, or EMT or a person responsible for the 252
public records of the employer is not required to redact the 253
residential and familial information of the peace officer, parole 254

officer, prosecuting attorney, assistant prosecuting attorney, 255
correctional employee, youth services employee, firefighter, or 256
EMT from other records maintained by the public office. 257

(4) The attorney general shall develop a form to be used by a 258
peace officer, parole officer, prosecuting attorney, assistant 259
prosecuting attorney, correctional employee, youth services 260
employee, firefighter, or EMT to request a redaction pursuant to 261
division (D)(1) of this section. The form shall include a place to 262
provide any information that identifies the location of the 263
address of a peace officer, parole officer, prosecuting attorney, 264
assistant prosecuting attorney, correctional employee, youth 265
services employee, firefighter, or EMT to be redacted. 266

(E)(1) If a public office or a person responsible for a 267
public office's public records becomes aware that an electronic 268
record of that public office that is made available to the general 269
public on the internet contains an individual's social security 270
number that was mistakenly not redacted, encrypted, or truncated 271
as required by division (B)(1) or (2) of this section, the public 272
office or person responsible for the public office's public 273
records shall redact, encrypt, or truncate the individual's social 274
security number within a reasonable period of time. 275

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(2) A public office or a person responsible for a public 277
office's public records is not liable in damages in a civil action 278
for any harm an individual allegedly sustains as a result of the 279
inclusion of that individual's personal information on any record 280
made available to the general public on the internet or any harm a 281
peace officer, parole officer prosecuting attorney, assistant 282
prosecuting attorney, correctional employee, youth services 283
employee, firefighter, or EMT sustains as a result of the 284
inclusion of the address of the peace officer, parole officer, 285
prosecuting attorney, assistant prosecuting attorney, correctional 286

employee, youth services employee, firefighter, or EMT on any 287
record made available to the general public on the internet in 288
violation of this section unless the public office or person 289
responsible for the public office's public records acted with 290
malicious purpose, in bad faith, or in a wanton or reckless manner 291
or division (A)(6)(a) or (c) of section 2744.03 of the Revised 292
Code applies. 293

Sec. 317.082. (A) As used in this section, "preparer" means 294
any mortgage company, bank, title agency, or other person 295
responsible for filing documents with the office of a county 296
recorder for recording under section 317.08 of the Revised Code. 297

(B) Except as provided in division (C) or (D) of this 298
section, the preparer of any document to be recorded by a county 299
recorder under section 317.08 of the Revised Code shall not 300
include any individual's ~~social security number~~ personal 301
information in any document that is filed for recording in the 302
office of the county recorder under that section. The county 303
recorder shall not accept such a document for recording if it 304
includes any individual's ~~social security number~~ personal 305
information. If a document presented for recording includes any 306
individual's ~~social security number~~ personal information and the 307
county recorder refuses to accept that document for recording, the 308
county recorder or the person who attempted to file the document 309
with the county recorder may immediately redact the individual's 310
~~social security number~~ personal information from the document. 311

The preparer is not liable in damages in a civil action for 312
any harm an individual allegedly sustains as a result of the 313
inclusion of the individual's ~~social security number~~ personal 314
information on a document in violation of this division if the 315
preparer establishes as an affirmative defense that the preparer 316
made a good faith effort to comply with this division. The county 317

recorder and the county recorder's employees are immune from 318
liability in damages in a civil action brought against the county 319
recorder or an employee of the county recorder to recover damages 320
for any harm an individual allegedly sustains as a result of the 321
county recorder or an employee of the county recorder accepting a 322
document that includes the individual's ~~social security number~~ 323
personal information in violation of this division, unless the 324
county recorder or an employee of the county recorder accepted 325
that document with malicious purpose, in bad faith, or in a wanton 326
or reckless manner, or division (A)(6)(a) or (c) of section 327
2744.03 of the Revised Code applies. 328

(C) An individual who executes a document that must be filed 329
by a preparer for recording in the office of the county recorder 330
under section 317.08 of the Revised Code may execute an affidavit 331
consenting to the inclusion of the individual's ~~social security~~ 332
~~number~~ personal information in the document. If an individual 333
executes an affidavit consenting to the inclusion of the 334
individual's ~~social security number~~ personal information in the 335
document under this division, division (B) of this section does 336
not apply to the preparer of the document or to the county 337
recorder and the county recorder's employees. 338

(D) Division (B) of this section does not apply to any of the 339
following: 340

(1) Any document that originates with any court or taxing 341
authority; 342

(2) Any document that upon its filing for recording in the 343
office of the county recorder under section 317.08 of the Revised 344
Code constitutes a nonconsensual lien against an individual; 345

(3) Any publicly recorded document that is required by 346
federal or state law to include an individual's social security 347
number or personal information. 348

(E)(1) This section does not apply to documents that were 349
executed by an individual prior to ~~the effective date of this~~ 350
~~section~~ September 28, 2006. 351

(2) This section, as amended by this amendment, does not 352
apply to documents that were executed by an individual on or after 353
September 28, 2006, and prior to the effective date of this 354
amendment. 355

(F) As used in this section, "personal information" has the 356
same meaning as in section 149.45 of the Revised Code. 357

Sec. 319.28. ~~On~~ (A) Except as otherwise provided in division 358
(B) of this section, on or before the first Monday of August, 359
annually, the county auditor shall compile and make up a general 360
tax list of real and public utility property in the county, either 361
in tabular form and alphabetical order, or, with the consent of 362
the county treasurer, by listing all parcels in a permanent parcel 363
number sequence to which a separate alphabetical index is keyed, 364
containing the names of the several persons, companies, firms, 365
partnerships, associations, and corporations in whose names real 366
property has been listed in each township, municipal corporation, 367
special district, or separate school district, or part of either 368
in ~~his~~ the auditor's county, placing separately, in appropriate 369
columns opposite each name, the description of each tract, lot, or 370
parcel of real estate, the value of each tract, lot, or parcel, 371
the value of the improvements thereon, and of the names of the 372
several public utilities whose property, subject to taxation on 373
the general tax list and duplicate, has been apportioned by the 374
department of taxation to the county, and the amount so 375
apportioned to each township, municipal corporation, special 376
district, or separate school district or part of either in ~~his~~ the 377
auditor's county, as shown by the certificates of apportionment of 378
public utility property. If the name of the owner of any tract, 379

lot, or parcel of real estate is unknown to the auditor, "unknown" 380
shall be entered in the column of names opposite said tract, lot, 381
or parcel. Such lists shall be prepared in duplicate. On or before 382
the first Monday of September in each year, the auditor shall 383
correct such lists in accordance with the additions and deductions 384
ordered by the tax commissioner and by the county board of 385
revision, and shall certify and on the first day of October 386
deliver one copy thereof to the county treasurer. The copies 387
prepared by the auditor shall constitute the auditor's general tax 388
list and treasurer's general duplicate of real and public utility 389
property for the current year. 390

Once a permanent parcel numbering system has been established 391
in any county as provided by the preceding paragraph, such system 392
shall remain in effect until otherwise agreed upon by the county 393
auditor and county treasurer. 394

(B)(1) A peace officer, parole officer, prosecuting attorney, 395
assistant prosecuting attorney, correctional employee, youth 396
services employee, firefighter, or EMT may submit a written 397
request by affidavit to the county auditor requesting the county 398
auditor to remove the name of the peace officer, parole officer, 399
prosecuting attorney, assistant prosecuting attorney, correctional 400
employee, youth services employee, firefighter, or EMT from the 401
general tax list of real and public utility property and the 402
general duplicate of real and public utility property and insert 403
the initials of the peace officer, parole officer, prosecuting 404
attorney, assistant prosecuting attorney, correctional employee, 405
youth services employee, firefighter, or EMT on the general tax 406
list of real and public utility property and the general duplicate 407
of real and public utility property as the name of the peace 408
official, parole officer, prosecuting attorney, assistant 409
prosecuting attorney, correctional employee, youth services 410
employee, firefighter, or EMT that appears on the deed. 411

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413 (2) Upon receiving a written request by affidavit described
414 in division (B)(1) of this section, the county auditor shall act
415 within five business days in accordance with the request to remove
416 the name of the peace officer, parole officer, prosecuting
417 attorney, assistant prosecuting attorney, correctional employee,
418 youth services employee, firefighter, or EMT from the general tax
419 list of real and public utility property and the general duplicate
420 of real and public utility property and insert initials of the
421 peace officer, parole officer, prosecuting attorney, assistant
422 prosecuting attorney, correctional employee, youth services
423 employee, firefighter, or EMT on the general tax list of real and
424 public utility property and the general duplicate of real and
425 public utility property, if practicable. If the removal and
426 insertion is not practicable, the county auditor shall verbally or
427 in writing within five business days after receiving the written
428 request explain to the peace officer, parole officer, prosecuting
429 attorney, assistant prosecuting attorney, correctional employee,
430 youth services employee, firefighter, or EMT why the removal and
431 insertion is impracticable.

432 **Sec. 319.54.** (A) On all moneys collected by the county
433 treasurer on any tax duplicate of the county, other than estate
434 tax duplicates, and on all moneys received as advance payments of
435 personal property and classified property taxes, the county
436 auditor, on settlement with the treasurer and tax commissioner, on
437 or before the date prescribed by law for such settlement or any
438 lawful extension of such date, shall be allowed as compensation
439 for the county auditor's services the following percentages:

440 (1) On the first one hundred thousand dollars, two and
441 one-half per cent;

442 (2) On the next two million dollars, eight thousand three

hundred eighteen ten-thousandths of one per cent; 443

(3) On the next two million dollars, six thousand six hundred 444
fifty-five ten-thousandths of one per cent; 445

(4) On all further sums, one thousand six hundred sixty-three 446
ten-thousandths of one per cent. 447

If any settlement is not made on or before the date 448
prescribed by law for such settlement or any lawful extension of 449
such date, the aggregate compensation allowed to the auditor shall 450
be reduced one per cent for each day such settlement is delayed 451
after the prescribed date. No penalty shall apply if the auditor 452
and treasurer grant all requests for advances up to ninety per 453
cent of the settlement pursuant to section 321.34 of the Revised 454
Code. The compensation allowed in accordance with this section on 455
settlements made before the dates prescribed by law, or the 456
reduced compensation allowed in accordance with this section on 457
settlements made after the date prescribed by law or any lawful 458
extension of such date, shall be apportioned ratably by the 459
auditor and deducted from the shares or portions of the revenue 460
payable to the state as well as to the county, townships, 461
municipal corporations, and school districts. 462

(B) For the purpose of reimbursing county auditors for the 463
expenses associated with the increased number of applications for 464
reductions in real property taxes under sections 323.152 and 465
4503.065 of the Revised Code that results from the amendment of 466
those sections by Am. Sub. H.B. 119 of the 127th general assembly, 467
on the first day of August of each year there shall be paid from 468
the state's general revenue fund to the county treasury to the 469
credit of the real estate assessment fund created by section 470
325.31 of the Revised Code an amount equal to one per cent of the 471
total annual amount of property tax relief reimbursement paid to 472
that county under sections 323.156 and 4503.068 of the Revised 473
Code for the preceding tax year. 474

(C) From all moneys collected by the county treasurer on any tax duplicate of the county, other than estate tax duplicates, and on all moneys received as advance payments of personal property and classified property taxes, there shall be paid into the county treasury to the credit of the real estate assessment fund created by section 325.31 of the Revised Code, an amount to be determined by the county auditor, which shall not exceed the percentages prescribed in divisions (C)(1) and (2) of this section.

(1) For payments made after June 30, 2007, and before 2011, the following percentages:

(a) On the first five hundred thousand dollars, four per cent;

(b) On the next five million dollars, two per cent;

(c) On the next five million dollars, one per cent;

(d) On all further sums not exceeding one hundred fifty million dollars, three-quarters of one per cent;

(e) On amounts exceeding one hundred fifty million dollars, five hundred eighty-five thousandths of one per cent.

(2) For payments made in or after 2011, the following percentages:

(a) On the first five hundred thousand dollars, four per cent;

(b) On the next ten million dollars, two per cent;

(c) On amounts exceeding ten million five hundred thousand dollars, three-fourths of one per cent.

Such compensation shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.

(D) Each county auditor shall receive four per cent of the 504
amount of tax collected and paid into the county treasury, on 505
property omitted and placed by the county auditor on the tax 506
duplicate. 507

(E) On all estate tax moneys collected by the county 508
treasurer, the county auditor, on settlement semiannually with the 509
tax commissioner, shall be allowed, as compensation for the 510
auditor's services under Chapter 5731. of the Revised Code, the 511
following percentages: 512

(1) Four per cent on the first one hundred thousand dollars; 513

(2) One-half of one per cent on all additional sums. 514

Such percentages shall be computed upon the amount collected 515
and reported at each semiannual settlement, and shall be for the 516
use of the general fund of the county. 517

(F) On all cigarette license moneys collected by the county 518
treasurer, the county auditor, on settlement semiannually with the 519
treasurer, shall be allowed as compensation for the auditor's 520
services in the issuing of such licenses one-half of one per cent 521
of such moneys, to be apportioned ratably and deducted from the 522
shares of the revenue payable to the county and subdivisions, for 523
the use of the general fund of the county. 524

(G) The county auditor shall charge and receive fees as 525
follows: 526

(1) For deeds of land sold for taxes to be paid by the 527
purchaser, five dollars; 528

(2) For the transfer or entry of land, lot, or part of lot, 529
or the transfer or entry on or after January 1, 2000, of a used 530
manufactured home or mobile home as defined in section 5739.0210 531
of the Revised Code, fifty cents for each transfer or entry, to be 532
paid by the person requiring it; 533

(3) For receiving statements of value and administering 534
section 319.202 of the Revised Code, one dollar, or ten cents for 535
each one hundred dollars or fraction of one hundred dollars, 536
whichever is greater, of the value of the real property 537
transferred or, for sales occurring on or after January 1, 2000, 538
the value of the used manufactured home or used mobile home, as 539
defined in section 5739.0210 of the Revised Code, transferred, 540
except no fee shall be charged when the transfer is made: 541

(a) To or from the United States, this state, or any 542
instrumentality, agency, or political subdivision of the United 543
States or this state; 544

(b) Solely in order to provide or release security for a debt 545
or obligation; 546

(c) To confirm or correct a deed previously executed and 547
recorded or when a current owner on the general tax list of real 548
and public utility property and the general duplicate of real and 549
public utility property is a peace officer, parole officer, 550
prosecuting attorney, assistant prosecuting attorney, correctional 551
employee, youth services employee, firefighter, or EMT and is 552
changing the current owner name listed on the general tax list of 553
real and public utility property and the general duplicate of real 554
and public utility property to the initials of the current owner 555
as prescribed in division (B)(1) of section 319.28 of the Revised 556
Code; 557

(d) To evidence a gift, in trust or otherwise and whether 558
revocable or irrevocable, between husband and wife, or parent and 559
child or the spouse of either; 560

(e) On sale for delinquent taxes or assessments; 561

(f) Pursuant to court order, to the extent that such transfer 562
is not the result of a sale effected or completed pursuant to such 563
order; 564

(g) Pursuant to a reorganization of corporations or 565
unincorporated associations or pursuant to the dissolution of a 566
corporation, to the extent that the corporation conveys the 567
property to a stockholder as a distribution in kind of the 568
corporation's assets in exchange for the stockholder's shares in 569
the dissolved corporation; 570

(h) By a subsidiary corporation to its parent corporation for 571
no consideration, nominal consideration, or in sole consideration 572
of the cancellation or surrender of the subsidiary's stock; 573

(i) By lease, whether or not it extends to mineral or mineral 574
rights, unless the lease is for a term of years renewable forever; 575

(j) When the value of the real property or the manufactured 576
or mobile home or the value of the interest that is conveyed does 577
not exceed one hundred dollars; 578

(k) Of an occupied residential property, including a 579
manufactured or mobile home, being transferred to the builder of a 580
new residence or to the dealer of a new manufactured or mobile 581
home when the former residence is traded as part of the 582
consideration for the new residence or new manufactured or mobile 583
home; 584

(l) To a grantee other than a dealer in real property or in 585
manufactured or mobile homes, solely for the purpose of, and as a 586
step in, the prompt sale of the real property or manufactured or 587
mobile home to others; 588

(m) To or from a person when no money or other valuable and 589
tangible consideration readily convertible into money is paid or 590
to be paid for the real estate or manufactured or mobile home and 591
the transaction is not a gift; 592

(n) Pursuant to division (B) of section 317.22 of the Revised 593
Code, or section 2113.61 of the Revised Code, between spouses or 594
to a surviving spouse pursuant to section 5302.17 of the Revised 595

Code as it existed prior to April 4, 1985, between persons 596
pursuant to section 5302.17 or 5302.18 of the Revised Code on or 597
after April 4, 1985, to a person who is a surviving, survivorship 598
tenant pursuant to section 5302.17 of the Revised Code on or after 599
April 4, 1985, or pursuant to section 5309.45 of the Revised Code; 600

(o) To a trustee acting on behalf of minor children of the 601
deceased; 602

(p) Of an easement or right-of-way when the value of the 603
interest conveyed does not exceed one thousand dollars; 604

(q) Of property sold to a surviving spouse pursuant to 605
section 2106.16 of the Revised Code; 606

(r) To or from an organization exempt from federal income 607
taxation under section 501(c)(3) of the "Internal Revenue Code of 608
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such 609
transfer is without consideration and is in furtherance of the 610
charitable or public purposes of such organization; 611

(s) Among the heirs at law or devisees, including a surviving 612
spouse, of a common decedent, when no consideration in money is 613
paid or to be paid for the real property or manufactured or mobile 614
home; 615

(t) To a trustee of a trust, when the grantor of the trust 616
has reserved an unlimited power to revoke the trust; 617

(u) To the grantor of a trust by a trustee of the trust, when 618
the transfer is made to the grantor pursuant to the exercise of 619
the grantor's power to revoke the trust or to withdraw trust 620
assets; 621

(v) To the beneficiaries of a trust if the fee was paid on 622
the transfer from the grantor of the trust to the trustee or if 623
the transfer is made pursuant to trust provisions which became 624
irrevocable at the death of the grantor; 625

(w) To a corporation for incorporation into a sports facility 626
constructed pursuant to section 307.696 of the Revised Code; 627

(x) Between persons pursuant to section 5302.18 of the 628
Revised Code. 629

The auditor shall compute and collect the fee. The auditor 630
shall maintain a numbered receipt system, as prescribed by the tax 631
commissioner, and use such receipt system to provide a receipt to 632
each person paying a fee. The auditor shall deposit the receipts 633
of the fees on conveyances in the county treasury daily to the 634
credit of the general fund of the county. 635

The real property transfer fee provided for in division 636
(G)(3) of this section shall be applicable to any conveyance of 637
real property presented to the auditor on or after January 1, 638
1968, regardless of its time of execution or delivery. 639

The transfer fee for a used manufactured home or used mobile 640
home shall be computed by and paid to the county auditor of the 641
county in which the home is located immediately prior to the 642
transfer. 643

Sec. 1349.52. (A) As used in this section: 644

(1) "Consumer credit reporting agency" means any person that, 645
for monetary fees, dues, or on a cooperative nonprofit basis, 646
regularly engages in whole or in part in the practice of 647
maintaining consumers' credit information for the purpose of 648
furnishing credit reports to third parties. 649

(2) "Credit report" means any written, oral, or other 650
communication of any credit information by a consumer credit 651
reporting agency that operates or maintains a database of consumer 652
credit information bearing on a consumer's credit worthiness, 653
credit standing, or credit capacity. 654

(3) "Security freeze" means a restriction placed in a 655

consumer's credit report at the request of the consumer that 656
prohibits a consumer credit reporting agency from releasing all or 657
any part of the consumer's credit report or any information 658
derived from the consumer's credit report relating to the 659
extension of credit without the express authorization of the 660
consumer. 661

(4) "Other comparable service" means a service for which a 662
receipt of delivery is provided. 663

(B) A consumer may elect to place a security freeze on the 664
consumer's credit report by making a request to a consumer credit 665
reporting agency in writing by certified mail or other comparable 666
service or by any secured electronic method authorized by the 667
consumer credit reporting agency. 668

(C) A consumer credit reporting agency shall place a security 669
freeze on a credit report not later than three business days after 670
receiving a request pursuant to division (B) of this section. The 671
consumer credit reporting agency shall send a written confirmation 672
of the security freeze to the consumer within five business days 673
of placing the security freeze and, at the same time, shall 674
provide the consumer with a unique personal identification number 675
or password. The number or password shall not be the consumer's 676
social security number. 677

(D) A consumer may allow the consumer's credit report to be 678
accessed for a specific party or period of time while a security 679
freeze is in place by contacting the consumer credit reporting 680
agency by certified mail or other comparable service, secure 681
electronic method selected by the consumer credit reporting 682
agency, or telephone and requesting that the security freeze be 683
temporarily lifted, and providing all of the following: 684

(1) Information generally considered sufficient to identify 685
the consumer; 686

(2) The unique personal identification number or password 687
provided by the consumer credit reporting agency pursuant to 688
division (C) of this section; 689

(3) The proper information regarding the third party who is 690
to receive the consumer credit report or the time period for which 691
the consumer credit report shall be available to users of the 692
credit report. 693

(E)(1) A consumer credit reporting agency that receives a 694
request in writing by certified mail or other comparable service 695
from a consumer to temporarily lift a security freeze on a credit 696
report pursuant to division (D) of this section shall comply with 697
the request not later than three business days after receiving the 698
request. 699

(2) Except as otherwise provided in this section, a consumer 700
credit reporting agency that receives a request by secure 701
electronic method selected by the consumer credit reporting 702
agency, telephone, or another means authorized by the consumer 703
credit reporting agency from a consumer to temporarily lift a 704
security freeze on a credit report pursuant to division (D) of 705
this section shall comply with the request not later than fifteen 706
minutes after receiving the request unless any of the following 707
applies: 708

(a) The consumer fails to meet the requirements of division 709
(D) of this section. 710

(b) The consumer credit reporting agency's ability to 711
temporarily lift the security freeze within fifteen minutes is 712
prevented by an act of God, including fire, earthquakes, 713
hurricanes, storms, or similar natural disaster or phenomena; 714
unauthorized or illegal acts by a third party, including 715
terrorism, sabotage, riot, vandalism, labor strikes or disputes 716
disrupting operations, or similar occurrence; operational 717

interruption, including electrical failure, unanticipated delay in 718
equipment or replacement part delivery, computer hardware or 719
software failures inhibiting response time, or similar disruption; 720
governmental action, including emergency orders or regulations, 721
judicial or law enforcement action, or similar directives; 722
regularly scheduled maintenance, during other than normal business 723
hours of, or updates to, the consumer credit reporting agency's 724
systems; or commercially reasonable maintenance of, or repair to, 725
the consumer credit reporting agency's systems that is unexpected 726
or unscheduled. 727

(3) A consumer credit reporting agency shall remove or 728
temporarily lift a security freeze placed on a credit report only 729
in the following cases: 730

(a) Upon consumer request pursuant to division (D) of this 731
section; 732

(b) If the credit report was frozen due to a material 733
misrepresentation of fact by the consumer. If a consumer credit 734
reporting agency intends to remove a security freeze upon a credit 735
report pursuant to division (E)(3)(b) of this section, the 736
consumer credit reporting agency shall notify the consumer in 737
writing at least five business days prior to removing the security 738
freeze on the credit report. 739

(F) A consumer credit reporting agency, when required by the 740
"Fair Credit Reporting Act," 84 Stat. 1128 (1970), 15 U.S.C. 741
1681g(c), to provide a summary of rights, or when receiving a 742
request from a consumer for information about a security freeze, 743
shall provide the following written notice: 744

"Ohio Consumers Have the Right to Obtain a Security Freeze: 745

You may obtain a security freeze on your credit report to 746
protect your privacy and ensure that credit is not granted in your 747
name without your knowledge. You have a right to place a "security 748

freeze" on your credit report pursuant to Ohio law. The security 749
freeze will prohibit a consumer credit reporting agency from 750
releasing any information in your credit report without your 751
express authorization or approval. The security freeze is designed 752
to prevent credit, loans, and services from being approved in your 753
name without your consent. When you place a security freeze on 754
your credit report, within five business days you will be provided 755
a personal identification number or password to use if you choose 756
to remove the security freeze on your credit report or to 757
temporarily authorize the release of your credit report for a 758
specific party or parties or for a specific period of time after 759
the security freeze is in place. To provide that authorization, 760
you must contact the consumer credit reporting agency and provide 761
all of the following: 762

(a) Information generally considered sufficient to identify 763
the consumer; 764

(b) The unique personal identification number or password 765
provided by the consumer credit reporting agency; 766

(c) The proper information regarding the third party who is 767
to receive the consumer credit report or the time period for which 768
the credit report shall be available to users of the credit 769
report. 770

A consumer credit reporting agency that receives a request 771
from a consumer to temporarily lift a security freeze on a credit 772
report shall comply with the request not later than fifteen 773
minutes after receiving the request. 774

A security freeze does not apply to circumstances in which 775
you have an existing account relationship and a copy of your 776
report is requested by your existing creditor or its agents or 777
affiliates for certain types of account review, collection, fraud 778
control, or similar activities. 779

If you are actively seeking credit, you should understand 780
that the procedures involved in lifting a security freeze may slow 781
your own applications for credit. You should plan ahead and lift a 782
freeze, either completely if you are shopping around, or 783
specifically for a certain creditor, a few days before actually 784
applying for new credit." 785

(G) Except as otherwise provided in division (E) of this 786
section, a consumer credit reporting agency shall keep a security 787
freeze in place until the consumer requests that the security 788
freeze be removed. A consumer credit reporting agency shall remove 789
a security freeze within three business days of receiving a 790
request by telephone or by any other means authorized by the 791
consumer credit reporting agency for removal from the consumer 792
when the consumer provides the following: 793

(1) Information generally considered sufficient to identify 794
the consumer; 795

(2) The unique personal identification number or password 796
provided by the consumer credit reporting agency pursuant to 797
division (C) of this section. 798

(H) A consumer credit reporting agency may release a credit 799
report on which a security freeze has been placed to the 800
following: 801

(1) A person, or subsidiary, affiliate, or agent of that 802
person, or an assignee of a financial obligation owing by the 803
consumer to that person, or a prospective assignee of a financial 804
obligation owing by the consumer to that person in conjunction 805
with the proposed purchase of the financial obligation, with which 806
the consumer has or had prior to assignment an account or 807
contract, including a demand deposit account, or to whom the 808
consumer issued a negotiable instrument, for the purposes of 809
reviewing the account or collecting the financial obligation owing 810

for the account, contract, or negotiable instrument. For purposes 811
of this paragraph, "reviewing the account" includes activities 812
related to account maintenance, monitoring, credit line increases, 813
and account upgrades and enhancements. 814

(2) A subsidiary, affiliate, agent, assignee, or prospective 815
assignee of a person to whom access has been granted under 816
division (D) of this section, for purposes of facilitating the 817
extension of credit or other permissible use; 818

(3) Any state or local law enforcement agency, trial court, 819
or private collection agency acting pursuant to a court order, 820
warrant, or subpoena; 821

(4) Any federal, state, or local governmental entity, agency, 822
or instrumentality that is acting within the entity's, agency's, 823
or instrumentality's authority; 824

(5) A state or local child support enforcement agency; 825

(6) A person seeking to use the information contained in the 826
consumer's credit report for the purpose of prescreening pursuant 827
to the "Fair Credit Reporting Act," 84 Stat. 1128 (1970), 15 828
U.S.C. 1681 et seq.; 829

(7) Any person or entity administering a credit file 830
monitoring subscription service to which the consumer has 831
subscribed; 832

(8) Any person or entity providing a consumer with a copy of 833
the consumer's credit report upon the consumer's request; 834

(9) Any person or entity for use in setting or adjusting a 835
rate, adjusting a claim, or underwriting for insurance purposes; 836

(10) Any person or entity acting to investigate fraud or 837
acting to investigate or collect delinquent taxes or unpaid court 838
orders provided those responsibilities are consistent with section 839
1681b of the "Fair Credit Reporting Act," 15 U.S.C. 1681 et seq. 840

(I)(1) A consumer credit reporting agency may charge a 841
consumer a reasonable fee not to exceed five dollars for placing a 842
security freeze on that consumer's credit report. If the consumer 843
is a victim of a violation of section 2913.49 of the Revised Code, 844
the consumer credit reporting agency shall not charge a fee to 845
place a security freeze on that consumer's credit report, but that 846
consumer shall send a copy of the police report related to the 847
violation of section 2913.49 of the Revised Code to the consumer 848
credit reporting agency. 849

(2) A consumer credit reporting agency may charge a consumer 850
a reasonable fee not to exceed five dollars for removing or 851
temporarily lifting a security freeze on that consumer's credit 852
report if the consumer elects to remove or temporarily lift the 853
security freeze on the consumer's credit report for a specific 854
creditor and may charge a consumer a reasonable fee not to exceed 855
five dollars if the consumer elects to temporarily lift the 856
security freeze for a specified period of time. 857

(3) A consumer credit reporting agency may charge a 858
reasonable fee not to exceed five dollars to a consumer who fails 859
to retain the original personal identification number provided by 860
the consumer credit reporting agency and must be reissued the same 861
or a new personal identification number. 862

(J) If a security freeze is in place, a consumer credit 863
reporting agency shall not change any of the following official 864
information in a credit report without sending a written 865
confirmation of the change to the consumer within thirty days of 866
the change being posted to the consumer's file: name; date of 867
birth; social security number; or address. Written confirmation is 868
not required for technical modifications of a consumer's official 869
information, including name and street abbreviations, complete 870
spellings, or transposition of numbers or letters. In the case of 871
an address change, the written confirmation shall be sent to both 872

the new address and to the former address. 873

(K) The provisions of this section do not apply to a consumer 874
credit reporting agency that acts only as a reseller of credit 875
information by assembling and merging information contained in the 876
database of another consumer credit reporting agency or multiple 877
consumer credit reporting agencies and does not maintain a 878
permanent database of credit information from which new credit 879
reports are produced, except that the reseller of credit 880
information shall honor any security freeze placed on a credit 881
report by another consumer credit reporting agency. 882

(L) The following entities are not required to place a 883
security freeze in a credit report: 884

(1) A check services company or fraud prevention services 885
company that issues reports on incidents of fraud or 886
authorizations for the purpose of approving or processing 887
negotiable instruments, electronic funds transfers, or similar 888
methods of payments; 889

(2) A demand deposit account information service company that 890
issues reports, regarding account closures due to fraud, 891
substantial overdrafts, automated teller machine abuse, or similar 892
negative information regarding a consumer, to inquiring banks or 893
other financial institutions for use only in reviewing a consumer 894
request for a demand deposit account at the inquiring bank or 895
financial institution. 896

(M)(1) The attorney general may conduct an investigation if 897
the attorney general, based on complaints or the attorney 898
general's own inquiries, has reason to believe that a consumer 899
credit reporting agency has failed or is failing to comply with 900
this section. 901

(2) In any investigation conducted pursuant to this section, 902
the attorney general may administer oaths, subpoena witnesses, 903

adduce evidence, and subpoena the production of any book, 904
document, record, or other relevant matter. 905

(3) If the attorney general under division (M)(2) of this 906
section subpoenas the production of any relevant matter that is 907
located outside this state, the attorney general may designate a 908
representative, including an official of the state in which that 909
relevant matter is located, to inspect the relevant matter on the 910
attorney general's behalf. The attorney general may carry out 911
similar requests received from officials of other states. 912

(4) Any person who is subpoenaed to produce relevant matter 913
pursuant to division (M)(2) of this section shall make that 914
relevant matter available at a convenient location within this 915
state or the state of the representative designated under division 916
(M)(3) of this section. 917

(5) Any person who is subpoenaed as a witness or to produce 918
relevant matter pursuant to division (M)(2) of this section may 919
file in the court of common pleas of Franklin county, the county 920
in this state in which the person resides, or the county in this 921
state in which the person's principal place of business is located 922
a petition to extend for good cause shown the date on which the 923
subpoena is to be returned or to modify or quash for good cause 924
shown that subpoena. The person may file the petition at any time 925
prior to the date specified for the return of the subpoena or 926
within twenty days after the service of the subpoena, whichever is 927
earlier. 928

(6) Any person who is subpoenaed as a witness or to produce 929
relevant matter pursuant to division (M)(2) of this section shall 930
comply with the terms of the subpoena unless the court orders 931
otherwise prior to the date specified for the return of the 932
subpoena or, if applicable, that date as extended. If a person 933
fails without lawful excuse to obey a subpoena, the attorney 934
general may apply to the court of common pleas for an order that 935

does one or more of the following: 936

(a) Compels the requested discovery; 937

(b) Adjudges the person in contempt of court; 938

(c) Grants injunctive relief to restrain the person from 939
failing to comply with section 1347.12 or 1349.19 of the Revised 940
Code, whichever is applicable; 941

(d) Grants injunctive relief to preserve or restore the 942
status quo; 943

(e) Grants other relief that may be required until the person 944
obeys the subpoena. 945

(N)(1) The attorney general has the authority to bring a 946
civil action in a court of common pleas for appropriate relief 947
under this section, including a temporary restraining order, 948
preliminary or permanent injunction, and civil penalties, if it 949
appears that a consumer credit reporting agency has failed or is 950
failing to comply with this section. Upon its finding that a 951
consumer credit reporting agency has intentionally or recklessly 952
failed to comply with this section, the court shall impose a civil 953
penalty upon the consumer credit reporting agency of up to two 954
thousand five hundred dollars for each instance that the consumer 955
credit reporting agency fails to comply. 956

(2) Any civil penalty that is assessed under division (N)(1) 957
of this section shall be deposited into the consumer protection 958
enforcement fund created by section 1345.51 of the Revised Code. 959

(3) In determining the appropriate civil penalty to assess 960
under division (N)(1) of this section, the court shall consider 961
all relevant factors, including the degree of the defendant's 962
culpability, any history of prior violations of this section by 963
the defendant, the defendant's ability to pay, the effect of the 964
court's decision on the defendant's ability to continue to conduct 965

the defendant's business, and whether or not the defendant acted 966
in bad faith in failing to comply with this section. 967

(O) Any consumer credit reporting agency that is found by the 968
court to have failed to comply with this section is liable to the 969
attorney general for the attorney general's costs in conducting an 970
investigation and bringing an action under this section. 971

(P) The rights and remedies that are provided under this 972
section are in addition to any other rights or remedies that are 973
provided by law. 974

Sec. 1349.53. (A) If a consumer credit reporting agency 975
willfully fails to comply with division (C) or (J) of section 976
1349.52 of the Revised Code, the consumer may file a civil action 977
against the consumer credit reporting agency. In the civil action, 978
the consumer may recover all of the following: 979

(1) Actual damages sustained by the consumer as a result of 980
the consumer credit reporting agency's failure to comply with 981
division (C) or (J) of section 1349.52 of the Revised Code or 982
damages of not less than one hundred dollars and not more than one 983
thousand dollars, whichever is greater; 984

(2) Punitive damages; 985

(3) Court costs and reasonable attorney's fees. 986

(B) A person who obtains a consumer's credit report from a 987
consumer credit reporting agency under false pretenses or 988
knowingly without the permission of the consumer is liable to the 989
consumer credit reporting agency for actual damages sustained by 990
the consumer credit reporting agency or one thousand dollars, 991
whichever is greater. 992

(C) If a consumer credit reporting agency negligently fails 993
to comply with division (C) or (J) of section 1349.52 of the 994
Revised Code, the consumer may file a civil action against the 995

consumer credit reporting agency. In the civil action, the 996
consumer may recover all of the following: 997

(1) Actual damages sustained by the consumer as a result of 998
the consumer credit reporting agency's failure to comply with 999
division (C) or (J) of section 1349.52 of the Revised Code or as a 1000
result of the consumer credit reporting agency negligently 1001
allowing another person to obtain a consumer's credit report; 1002

(2) Court costs and reasonable attorney's fees. 1003

(D) If the court finds that a civil action under division (A) 1004
or (C) of this section was brought in bad faith or for the 1005
purposes of harassment, the court shall award to the prevailing 1006
party reasonable attorney's fees in relation to the work expended 1007
in responding to the civil action. 1008

(E) A person shall bring a civil action under division (A) or 1009
(C) of this section not later than the earlier of the following: 1010

(1) Two years after the date of discovery by the plaintiff of 1011
a violation of division (C) or (J) of section 1349.52 of the 1012
Revised Code; 1013

(2) Five years after the date a violation of division (C) or 1014
(J) of section 1349.52 of the Revised Code occurs. 1015

(F) A consumer credit reporting agency is not liable in 1016
damages in a civil action brought pursuant to division (A) of this 1017
section for any damages a consumer allegedly sustains as a result 1018
of the consumer credit reporting agency's placement of a security 1019
freeze in violation of division (C) of section 1349.52 of the 1020
Revised Code on the consumer's credit report if the consumer 1021
credit reporting agency establishes as an affirmative defense that 1022
the consumer credit reporting agency made a good faith effort to 1023
comply with that division and the consumer credit reporting agency 1024
placed a security freeze on the consumer's credit report as a 1025
result of a misrepresentation of fact by another consumer. 1026

1027

Sec. 2305.09. ~~An~~ Except as provided for in division (C) of 1028
this section, an action for any of the following causes shall be 1029
brought within four years after the cause thereof accrued: 1030

(A) For trespassing upon real property; 1031

(B) For the recovery of personal property, or for taking or 1032
detaining it; 1033

(C) For relief on the ground of fraud, except when the cause 1034
of action is a violation of section 2913.49 of the Revised Code, 1035
in which case the action shall be brought within five years after 1036
the cause thereof accrued; 1037

(D) For an injury to the rights of the plaintiff not arising 1038
on contract nor enumerated in sections 1304.35, 2305.10 to 1039
2305.12, and 2305.14 of the Revised Code; 1040

(E) For relief on the grounds of a physical or regulatory 1041
taking of real property. 1042

If the action is for trespassing under ground or injury to 1043
mines, or for the wrongful taking of personal property, the causes 1044
thereof shall not accrue until the wrongdoer is discovered; nor, 1045
if it is for fraud, until the fraud is discovered. 1046

Sec. 2901.13. (A)(1) Except as provided in division (A)(2) or 1047
(3) of this section or as otherwise provided in this section, a 1048
prosecution shall be barred unless it is commenced within the 1049
following periods after an offense is committed: 1050

(a) For a felony, six years; 1051

(b) For a misdemeanor other than a minor misdemeanor, two 1052
years; 1053

(c) For a minor misdemeanor, six months. 1054

(2) There is no period of limitation for the prosecution of a 1055
violation of section 2903.01 or 2903.02 of the Revised Code. 1056

(3) Except as otherwise provided in divisions (B) to (H) of 1057
this section, a prosecution of any of the following offenses shall 1058
be barred unless it is commenced within twenty years after the 1059
offense is committed: 1060

(a) A violation of section 2903.03, 2903.04, 2905.01, 1061
2907.02, 2907.03, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 1062
2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 1063
2911.02, 2911.11, 2911.12, or 2917.02 of the Revised Code, a 1064
violation of section 2903.11 or 2903.12 of the Revised Code if the 1065
victim is a peace officer, a violation of section 2903.13 of the 1066
Revised Code that is a felony, or a violation of former section 1067
2907.12 of the Revised Code; 1068

(b) A conspiracy to commit, attempt to commit, or complicity 1069
in committing a violation set forth in division (A)(3)(a) of this 1070
section. 1071

(B) ~~If (1) Except as otherwise provided in division (B)(2) of~~ 1072
~~this section, if~~ the period of limitation provided in division 1073
(A)(1) or (3) of this section has expired, prosecution shall be 1074
commenced for an offense of which an element is fraud or breach of 1075
a fiduciary duty, within one year after discovery of the offense 1076
either by an aggrieved person, or by the aggrieved person's legal 1077
representative who is not a party to the offense. 1078

(2) If the period of limitation provided in division (A)(1) 1079
or (3) of this section has expired, prosecution for a violation of 1080
section 2913.49 of the Revised Code shall be commenced within five 1081
years after discovery of the offense either by an aggrieved person 1082
or the aggrieved person's legal representative who is not a party 1083
to the offense. 1084

(C) If the period of limitation provided in division (A)(1) 1085

or (3) of this section has expired, prosecution shall be commenced 1086
for an offense involving misconduct in office by a public servant 1087
as defined in section 2921.01 of the Revised Code, at any time 1088
while the accused remains a public servant, or within two years 1089
thereafter. 1090

(D) An offense is committed when every element of the offense 1091
occurs. In the case of an offense of which an element is a 1092
continuing course of conduct, the period of limitation does not 1093
begin to run until such course of conduct or the accused's 1094
accountability for it terminates, whichever occurs first. 1095

(E) A prosecution is commenced on the date an indictment is 1096
returned or an information filed, or on the date a lawful arrest 1097
without a warrant is made, or on the date a warrant, summons, 1098
citation, or other process is issued, whichever occurs first. A 1099
prosecution is not commenced by the return of an indictment or the 1100
filing of an information unless reasonable diligence is exercised 1101
to issue and execute process on the same. A prosecution is not 1102
commenced upon issuance of a warrant, summons, citation, or other 1103
process, unless reasonable diligence is exercised to execute the 1104
same. 1105

(F) The period of limitation shall not run during any time 1106
when the corpus delicti remains undiscovered. 1107

(G) The period of limitation shall not run during any time 1108
when the accused purposely avoids prosecution. Proof that the 1109
accused departed this state or concealed the accused's identity or 1110
whereabouts is prima-facie evidence of the accused's purpose to 1111
avoid prosecution. 1112

(H) The period of limitation shall not run during any time a 1113
prosecution against the accused based on the same conduct is 1114
pending in this state, even though the indictment, information, or 1115
process which commenced the prosecution is quashed or the 1116

proceedings thereon are set aside or reversed on appeal. 1117

(I) The period of limitation for a violation of any provision 1118
of Title XXIX of the Revised Code that involves a physical or 1119
mental wound, injury, disability, or condition of a nature that 1120
reasonably indicates abuse or neglect of a child under eighteen 1121
years of age or of a mentally retarded, developmentally disabled, 1122
or physically impaired child under twenty-one years of age shall 1123
not begin to run until either of the following occurs: 1124

(1) The victim of the offense reaches the age of majority. 1125

(2) A public children services agency, or a municipal or 1126
county peace officer that is not the parent or guardian of the 1127
child, in the county in which the child resides or in which the 1128
abuse or neglect is occurring or has occurred has been notified 1129
that abuse or neglect is known, suspected, or believed to have 1130
occurred. 1131

(J) As used in this section, "peace officer" has the same 1132
meaning as in section 2935.01 of the Revised Code. 1133

Section 2. That existing sections 125.18, 317.082, 319.28, 1134
319.54, 2305.09, and 2901.13 of the Revised Code are hereby 1135
repealed. 1136

Section 3. Sections 1 and 2 of this act shall take effect on 1137
September 1, 2008. 1138

Section 4. The Office of Criminal Justice Services shall make 1139
one-time state funding grants available to local law enforcement 1140
agencies to enable the local law enforcement agencies to develop 1141
capabilities to enforce identity fraud crimes. The Executive 1142
Director of Criminal Justice Services shall adopt rules for the 1143
evaluation of such grant requests and for the allocation and 1144
disbursement of such grants. The authority of the Office of 1145
Criminal Justice Services to allocate and disburse grants under 1146

this section shall expire two years after the effective date of
this act.

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