

As Passed by the Senate

**127th General Assembly
Regular Session
2007-2008**

Sub. S. B. No. 6

Senator Niehaus

**Cosponsors: Senators Clancy, Goodman, Smith, Cafaro, Schuring, Faber,
Padgett, Mumper, Harris, Amstutz, Cates, Coughlin, Fedor, Gardner, Mason,
Seitz, Schaffer, Spada, Schuler, Bocchieri, Miller, D., Jacobson, Austria,
Sawyer, Carey, Morano, Wilson, Miller, R.**

—

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 use of information technology by state agencies, including, but not limited to, hardware, software, technology services, and security, with which state agencies shall comply;

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

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

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

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

(D)(1) The chief information security officer shall assist each state agency with the development of an information technology security strategic plan and review that plan, and each state agency shall submit that plan to the office of information

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 or the public office's web site any document that 175
contains an individual's social security number without otherwise 176
redacting, encrypting, or 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 or 180
the public office's web site any document that contains an 181
individual's social security number shall redact, encrypt, or 182
truncate the social security number from 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 or the 185
public office's web site with a 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 or the public 190
office's web site. An individual who makes a request for redaction 191
pursuant to this division shall make the request in writing on a 192
form developed by the attorney general and shall specify the 193
personal information to be redacted and provide any information 194
that identifies the location of that personal information within a 195
document that contains that personal information. 196

(2) Upon receiving a request for a redaction pursuant to 197
division (C)(1) of this section, a public office or a person 198
responsible for a public office's public records shall act within 199

five business days in accordance with the request to redact the 200
personal information of the individual from any record made 201
available to the general public on the internet or the public 202
office's web site, if practicable. If a redaction is not 203
practicable, the public office or person responsible for the 204
public office's public records shall verbally or in writing within 205
five business days after receiving the written request explain to 206
the individual why the redaction is impracticable. 207

(3) The attorney general shall develop a form to be used by 208
an individual to request a redaction pursuant to division (C)(1) 209
of this section. The form shall include a place to provide any 210
information that identifies the location of the personal 211
information to be redacted. 212

(D)(1) A peace officer, parole officer, prosecuting attorney, 213
assistant prosecuting attorney, correctional employee, youth 214
services employee, firefighter, or EMT may request that a public 215
office other than a county auditor or a person responsible for the 216
public records of a public office other than a county auditor 217
redact the address of the person making the request from any 218
record made available to the general public on the internet or the 219
public office's web site that includes peace officer, parole 220
officer, prosecuting attorney, assistant prosecuting attorney, 221
correctional employee, youth services employee, firefighter, or 222
EMT residential and familial information of the person making the 223
request. A person who makes a request for a redaction pursuant to 224
this division shall make the request in writing and on a form 225
developed by the attorney 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 or the 235
public office's web site that includes peace officer, parole 236
officer, prosecuting attorney, assistant prosecuting attorney, 237
correctional employee, youth services employee, firefighter, or 238
EMT residential and familial information of the person making the 239
request, if practicable. If a redaction is not practicable, the 240
public office or person responsible for the public office's public 241
records shall verbally or in writing within five business days 242
after receiving the written request explain to the peace officer, 243
parole officer, prosecuting attorney, assistant prosecuting 244
attorney, correctional employee, youth services employee, 245
firefighter, or EMT why the redaction is impracticable. 246

247

(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 or that public office's web site contains 270
an individual's social security number that was mistakenly not 271
redacted, encrypted, or truncated as required by division (B)(1) 272
or (2) of this section, the public office or person responsible 273
for the public office's public records shall redact, encrypt, or 274
truncate the individual's social security number within a 275
reasonable period of time. 276

(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 the public 281
office's web site or any harm a peace officer, parole officer 282
prosecuting attorney, assistant prosecuting attorney, correctional 283
employee, youth services employee, firefighter, or EMT sustains as 284
a result of the inclusion of the address of the peace officer, 285
parole officer, prosecuting attorney, assistant prosecuting 286
attorney, correctional employee, youth services employee, 287
firefighter, or EMT on any record made available to the general 288
public on the internet or the public office's web site in 289
violation of this section unless the public office or person 290
responsible for the public office's public records acted with 291
malicious purpose, in bad faith, or in a wanton or reckless manner 292
or division (A)(6)(a) or (c) of section 2744.03 of the Revised 293
Code applies. 294

Sec. 317.082. (A) As used in this section, "preparer" means 295
any mortgage company, bank, title agency, or other person 296
responsible for filing documents with the office of a county 297
recorder for recording under section 317.08 of the Revised Code. 298

(B) Except as provided in division (C) or (D) of this 299
section, the preparer of any document to be recorded by a county 300
recorder under section 317.08 of the Revised Code shall not 301
include any individual's ~~social security number~~ personal 302
information in any document that is filed for recording in the 303
office of the county recorder under that section. The county 304
recorder shall not accept such a document for recording if it 305
includes any individual's ~~social security number~~ personal 306
information. If a document presented for recording includes any 307
individual's ~~social security number~~ personal information and the 308
county recorder refuses to accept that document for recording, the 309
county recorder or the person who attempted to file the document 310
with the county recorder may immediately redact the individual's 311
~~social security number~~ personal information from the document. 312

The preparer is not liable in damages in a civil action for 313
any harm an individual allegedly sustains as a result of the 314
inclusion of the individual's ~~social security number~~ personal 315
information on a document in violation of this division if the 316
preparer establishes as an affirmative defense that the preparer 317
made a good faith effort to comply with this division. The county 318
recorder and the county recorder's employees are immune from 319
liability in damages in a civil action brought against the county 320
recorder or an employee of the county recorder to recover damages 321
for any harm an individual allegedly sustains as a result of the 322
county recorder or an employee of the county recorder accepting a 323
document that includes the individual's ~~social security number~~ 324
personal information in violation of this division, unless the 325
county recorder or an employee of the county recorder accepted 326

that document with malicious purpose, in bad faith, or in a wanton 327
or reckless manner, or division (A)(6)(a) or (c) of section 328
2744.03 of the Revised Code applies. 329

(C) An individual who executes a document that must be filed 330
by a preparer for recording in the office of the county recorder 331
under section 317.08 of the Revised Code may execute an affidavit 332
consenting to the inclusion of the individual's ~~social security~~ 333
~~number~~ personal information in the document. If an individual 334
executes an affidavit consenting to the inclusion of the 335
individual's ~~social security number~~ personal information in the 336
document under this division, division (B) of this section does 337
not apply to the preparer of the document or to the county 338
recorder and the county recorder's employees. 339

(D) Division (B) of this section does not apply to any of the 340
following: 341

(1) Any document that originates with any court or taxing 342
authority; 343

(2) Any document that upon its filing for recording in the 344
office of the county recorder under section 317.08 of the Revised 345
Code constitutes a nonconsensual lien against an individual; 346

(3) Any publicly recorded document that is required by 347
federal or state law to include an individual's social security 348
number or personal information. 349

(E)(1) This section does not apply to documents that were 350
executed by an individual prior to ~~the effective date of this~~ 351
~~section~~ September 28, 2006. 352

(2) This section, as amended by this amendment, does not 353
apply to documents that were executed by an individual on or after 354
September 28, 2006, and prior to the effective date of this 355
amendment. 356

(F) As used in this section, "personal information" has the 357
same meaning as in section 149.45 of the Revised Code. 358

Sec. 319.28. ~~On~~ (A) Except as otherwise provided in division 359
(B) of this section, on or before the first Monday of August, 360
annually, the county auditor shall compile and make up a general 361
tax list of real and public utility property in the county, either 362
in tabular form and alphabetical order, or, with the consent of 363
the county treasurer, by listing all parcels in a permanent parcel 364
number sequence to which a separate alphabetical index is keyed, 365
containing the names of the several persons, companies, firms, 366
partnerships, associations, and corporations in whose names real 367
property has been listed in each township, municipal corporation, 368
special district, or separate school district, or part of either 369
in ~~his~~ the auditor's county, placing separately, in appropriate 370
columns opposite each name, the description of each tract, lot, or 371
parcel of real estate, the value of each tract, lot, or parcel, 372
the value of the improvements thereon, and of the names of the 373
several public utilities whose property, subject to taxation on 374
the general tax list and duplicate, has been apportioned by the 375
department of taxation to the county, and the amount so 376
apportioned to each township, municipal corporation, special 377
district, or separate school district or part of either in ~~his~~ the 378
auditor's county, as shown by the certificates of apportionment of 379
public utility property. If the name of the owner of any tract, 380
lot, or parcel of real estate is unknown to the auditor, "unknown" 381
shall be entered in the column of names opposite said tract, lot, 382
or parcel. Such lists shall be prepared in duplicate. On or before 383
the first Monday of September in each year, the auditor shall 384
correct such lists in accordance with the additions and deductions 385
ordered by the tax commissioner and by the county board of 386
revision, and shall certify and on the first day of October 387
deliver one copy thereof to the county treasurer. The copies 388

prepared by the auditor shall constitute the auditor's general tax list and treasurer's general duplicate of real and public utility property for the current year.

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

(B)(1) A peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT may submit a written request by affidavit to the county auditor requesting the county auditor to remove the name of the peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT from the general tax list of real and public utility property and the general duplicate of real and public utility property and insert the initials of the peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT on the general tax list of real and public utility property and the general duplicate of real and public utility property as the name of the peace official, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT that appears on the deed.

(2) Upon receiving a written request by affidavit described in division (B)(1) of this section, the county auditor shall act within five business days in accordance with the request to remove the name of the peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT from the general tax list of real and public utility property and the general duplicate

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 443
hundred eighteen ten-thousandths of one per cent; 444

(3) On the next two million dollars, six thousand six hundred 445
fifty-five ten-thousandths of one per cent; 446

(4) On all further sums, one thousand six hundred sixty-three 447
ten-thousandths of one per cent. 448

If any settlement is not made on or before the date 449
prescribed by law for such settlement or any lawful extension of 450

such date, the aggregate compensation allowed to the auditor shall 451
be reduced one per cent for each day such settlement is delayed 452
after the prescribed date. No penalty shall apply if the auditor 453
and treasurer grant all requests for advances up to ninety per 454
cent of the settlement pursuant to section 321.34 of the Revised 455
Code. The compensation allowed in accordance with this section on 456
settlements made before the dates prescribed by law, or the 457
reduced compensation allowed in accordance with this section on 458
settlements made after the date prescribed by law or any lawful 459
extension of such date, shall be apportioned ratably by the 460
auditor and deducted from the shares or portions of the revenue 461
payable to the state as well as to the county, townships, 462
municipal corporations, and school districts. 463

(B) For the purpose of reimbursing county auditors for the 464
expenses associated with the increased number of applications for 465
reductions in real property taxes under sections 323.152 and 466
4503.065 of the Revised Code that results from the amendment of 467
those sections by Am. Sub. H.B. 119 of the 127th general assembly, 468
on the first day of August of each year there shall be paid from 469
the state's general revenue fund to the county treasury to the 470
credit of the real estate assessment fund created by section 471
325.31 of the Revised Code an amount equal to one per cent of the 472
total annual amount of property tax relief reimbursement paid to 473
that county under sections 323.156 and 4503.068 of the Revised 474
Code for the preceding tax year. 475

(C) From all moneys collected by the county treasurer on any 476
tax duplicate of the county, other than estate tax duplicates, and 477
on all moneys received as advance payments of personal property 478
and classified property taxes, there shall be paid into the county 479
treasury to the credit of the real estate assessment fund created 480
by section 325.31 of the Revised Code, an amount to be determined 481
by the county auditor, which shall not exceed the percentages 482

prescribed in divisions (C)(1) and (2) of this section.	483
(1) For payments made after June 30, 2007, and before 2011,	484
the following percentages:	485
(a) On the first five hundred thousand dollars, four per	486
cent;	487
(b) On the next five million dollars, two per cent;	488
(c) On the next five million dollars, one per cent;	489
(d) On all further sums not exceeding one hundred fifty	490
million dollars, three-quarters of one per cent;	491
(e) On amounts exceeding one hundred fifty million dollars,	492
five hundred eighty-five thousandths of one per cent.	493
(2) For payments made in or after 2011, the following	494
percentages:	495
(a) On the first five hundred thousand dollars, four per	496
cent;	497
(b) On the next ten million dollars, two per cent;	498
(c) On amounts exceeding ten million five hundred thousand	499
dollars, three-fourths of one per cent.	500
Such compensation shall be apportioned ratably by the auditor	501
and deducted from the shares or portions of the revenue payable to	502
the state as well as to the county, townships, municipal	503
corporations, and school districts.	504
(D) Each county auditor shall receive four per cent of the	505
amount of tax collected and paid into the county treasury, on	506
property omitted and placed by the county auditor on the tax	507
duplicate.	508
(E) On all estate tax moneys collected by the county	509
treasurer, the county auditor, on settlement semiannually with the	510
tax commissioner, shall be allowed, as compensation for the	511

auditor's services under Chapter 5731. of the Revised Code, the 512
following percentages: 513

(1) Four per cent on the first one hundred thousand dollars; 514

(2) One-half of one per cent on all additional sums. 515

Such percentages shall be computed upon the amount collected 516
and reported at each semiannual settlement, and shall be for the 517
use of the general fund of the county. 518

(F) On all cigarette license moneys collected by the county 519
treasurer, the county auditor, on settlement semiannually with the 520
treasurer, shall be allowed as compensation for the auditor's 521
services in the issuing of such licenses one-half of one per cent 522
of such moneys, to be apportioned ratably and deducted from the 523
shares of the revenue payable to the county and subdivisions, for 524
the use of the general fund of the county. 525

(G) The county auditor shall charge and receive fees as 526
follows: 527

(1) For deeds of land sold for taxes to be paid by the 528
purchaser, five dollars; 529

(2) For the transfer or entry of land, lot, or part of lot, 530
or the transfer or entry on or after January 1, 2000, of a used 531
manufactured home or mobile home as defined in section 5739.0210 532
of the Revised Code, fifty cents for each transfer or entry, to be 533
paid by the person requiring it; 534

(3) For receiving statements of value and administering 535
section 319.202 of the Revised Code, one dollar, or ten cents for 536
each one hundred dollars or fraction of one hundred dollars, 537
whichever is greater, of the value of the real property 538
transferred or, for sales occurring on or after January 1, 2000, 539
the value of the used manufactured home or used mobile home, as 540
defined in section 5739.0210 of the Revised Code, transferred, 541

except no fee shall be charged when the transfer is made: 542

(a) To or from the United States, this state, or any 543
instrumentality, agency, or political subdivision of the United 544
States or this state; 545

(b) Solely in order to provide or release security for a debt 546
or obligation; 547

(c) To confirm or correct a deed previously executed and 548
recorded or when a current owner on the general tax list of real 549
and public utility property and the general duplicate of real and 550
public utility property is a peace officer, parole officer, 551
prosecuting attorney, assistant prosecuting attorney, correctional 552
employee, youth services employee, firefighter, or EMT and is 553
changing the current owner name listed on the general tax list of 554
real and public utility property and the general duplicate of real 555
and public utility property to the initials of the current owner 556
as prescribed in division (B)(1) of section 319.28 of the Revised 557
Code; 558

(d) To evidence a gift, in trust or otherwise and whether 559
revocable or irrevocable, between husband and wife, or parent and 560
child or the spouse of either; 561

(e) On sale for delinquent taxes or assessments; 562

(f) Pursuant to court order, to the extent that such transfer 563
is not the result of a sale effected or completed pursuant to such 564
order; 565

(g) Pursuant to a reorganization of corporations or 566
unincorporated associations or pursuant to the dissolution of a 567
corporation, to the extent that the corporation conveys the 568
property to a stockholder as a distribution in kind of the 569
corporation's assets in exchange for the stockholder's shares in 570
the dissolved corporation; 571

(h) By a subsidiary corporation to its parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of the subsidiary's stock;	572 573 574
(i) By lease, whether or not it extends to mineral or mineral rights, unless the lease is for a term of years renewable forever;	575 576
(j) When the value of the real property or the manufactured or mobile home or the value of the interest that is conveyed does not exceed one hundred dollars;	577 578 579
(k) Of an occupied residential property, including a manufactured or mobile home, being transferred to the builder of a new residence or to the dealer of a new manufactured or mobile home when the former residence is traded as part of the consideration for the new residence or new manufactured or mobile home;	580 581 582 583 584 585
(l) To a grantee other than a dealer in real property or in manufactured or mobile homes, solely for the purpose of, and as a step in, the prompt sale of the real property or manufactured or mobile home to others;	586 587 588 589
(m) To or from a person when no money or other valuable and tangible consideration readily convertible into money is paid or to be paid for the real estate or manufactured or mobile home and the transaction is not a gift;	590 591 592 593
(n) Pursuant to division (B) of section 317.22 of the Revised Code, or section 2113.61 of the Revised Code, between spouses or to a surviving spouse pursuant to section 5302.17 of the Revised Code as it existed prior to April 4, 1985, between persons pursuant to section 5302.17 or 5302.18 of the Revised Code on or after April 4, 1985, to a person who is a surviving, survivorship tenant pursuant to section 5302.17 of the Revised Code on or after April 4, 1985, or pursuant to section 5309.45 of the Revised Code;	594 595 596 597 598 599 600 601
(o) To a trustee acting on behalf of minor children of the	602

deceased;	603
(p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars;	604 605
(q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code;	606 607
(r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such transfer is without consideration and is in furtherance of the charitable or public purposes of such organization;	608 609 610 611 612
(s) Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is paid or to be paid for the real property or manufactured or mobile home;	613 614 615 616
(t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust;	617 618
(u) To the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets;	619 620 621 622
(v) To the beneficiaries of a trust if the fee was paid on the transfer from the grantor of the trust to the trustee or if the transfer is made pursuant to trust provisions which became irrevocable at the death of the grantor;	623 624 625 626
(w) To a corporation for incorporation into a sports facility constructed pursuant to section 307.696 of the Revised Code;	627 628
(x) Between persons pursuant to section 5302.18 of the Revised Code.	629 630
The auditor shall compute and collect the fee. The auditor shall maintain a numbered receipt system, as prescribed by the tax	631 632

commissioner, and use such receipt system to provide a receipt to 633
each person paying a fee. The auditor shall deposit the receipts 634
of the fees on conveyances in the county treasury daily to the 635
credit of the general fund of the county. 636

The real property transfer fee provided for in division 637
(G)(3) of this section shall be applicable to any conveyance of 638
real property presented to the auditor on or after January 1, 639
1968, regardless of its time of execution or delivery. 640

The transfer fee for a used manufactured home or used mobile 641
home shall be computed by and paid to the county auditor of the 642
county in which the home is located immediately prior to the 643
transfer. 644

Sec. 1349.52. (A) As used in this section: 645

(1) "Consumer credit reporting agency" means any person that, 646
for monetary fees, dues, or on a cooperative nonprofit basis, 647
regularly engages in whole or in part in the practice of 648
maintaining consumers' credit information for the purpose of 649
furnishing credit reports to third parties. 650

(2) "Credit report" means any written, oral, or other 651
communication of any credit information by a consumer credit 652
reporting agency that operates or maintains a database of consumer 653
credit information bearing on a consumer's credit worthiness, 654
credit standing, or credit capacity. 655

(3) "Security freeze" means a restriction placed in a 656
consumer's credit report at the request of the consumer that 657
prohibits a consumer credit reporting agency from releasing all or 658
any part of the consumer's credit report or any information 659
derived from the consumer's credit report relating to the 660
extension of credit without the express authorization of the 661
consumer. 662

(4) "Other comparable service" means a service for which a receipt of delivery is provided. 663
664

(B) A consumer may elect to place a security freeze on the consumer's credit report by making a request to a consumer credit reporting agency in writing by certified mail or other comparable service or by any secured electronic method authorized by the consumer credit reporting agency. 665
666
667
668
669

(C) A consumer credit reporting agency shall place a security freeze on a credit report not later than three business days after receiving a request pursuant to division (B) of this section. The consumer credit reporting agency shall send a written confirmation of the security freeze to the consumer within five business days of placing the security freeze and, at the same time, shall provide the consumer with a unique personal identification number or password. The number or password shall not be the consumer's social security number. 670
671
672
673
674
675
676
677
678

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

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

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

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

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

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

(a) The consumer fails to meet the requirements of division (D) of this section. 708
709

(b) The consumer credit reporting agency's ability to temporarily lift the security freeze within fifteen minutes is prevented by an act of God, including fire, earthquakes, hurricanes, storms, or similar natural disaster or phenomena; unauthorized or illegal acts by a third party, including terrorism, sabotage, riot, vandalism, labor strikes or disputes disrupting operations, or similar occurrence; operational interruption, including electrical failure, unanticipated delay in equipment or replacement part delivery, computer hardware or software failures inhibiting response time, or similar disruption; governmental action, including emergency orders or regulations, judicial or law enforcement action, or similar directives; regularly scheduled maintenance, during other than normal business hours of, or updates to, the consumer credit reporting agency's systems; or commercially reasonable maintenance of, or repair to, the consumer credit reporting agency's systems that is unexpected 710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725

or unscheduled. 726

(3) A consumer credit reporting agency shall temporarily lift 727
a security freeze placed on a credit report only in the following 728
cases: 729

(a) Upon consumer request pursuant to division (D) of this 730
section; 731

(b) If the credit report was frozen due to a material 732
misrepresentation of fact by the consumer. If a consumer credit 733
reporting agency intends to remove a security freeze upon a credit 734
report pursuant to division (E)(2) of this section, the consumer 735
credit reporting agency shall notify the consumer in writing at 736
least five business days prior to removing the security freeze on 737
the credit report. 738

(F) A consumer credit reporting agency, when required by the 739
"Fair Credit Reporting Act," 84 Stat. 1128 (1970), 15 U.S.C. 740
1681q(c), to provide a summary of rights, or when receiving a 741
request from a consumer for information about a security freeze, 742
shall provide the following written notice: 743

"Ohio Consumers Have the Right to Obtain a Security Freeze: 744

You may obtain a security freeze on your credit report to 745
protect your privacy and ensure that credit is not granted in your 746
name without your knowledge. You have a right to place a "security 747
freeze" on your credit report pursuant to Ohio law. The security 748
freeze will prohibit a consumer credit reporting agency from 749
releasing any information in your credit report without your 750
express authorization or approval. The security freeze is designed 751
to prevent credit, loans, and services from being approved in your 752
name without your consent. When you place a security freeze on 753
your credit report, within five business days you will be provided 754
a personal identification number or password to use if you choose 755
to remove the security freeze on your credit report or to 756

temporarily authorize the release of your credit report for a 757
specific party or parties or for a specific period of time after 758
the security freeze is in place. To provide that authorization, 759
you must contact the consumer credit reporting agency and provide 760
all of the following: 761

(a) Information generally considered sufficient to identify 762
the consumer; 763

(b) The unique personal identification number or password 764
provided by the consumer credit reporting agency; 765

(c) The proper information regarding the third party who is 766
to receive the consumer credit report or the time period for which 767
the credit report shall be available to users of the credit 768
report. 769

A consumer credit reporting agency that receives a request 770
from a consumer to temporarily lift a security freeze on a credit 771
report shall comply with the request not later than fifteen 772
minutes after receiving the request. 773

A security freeze does not apply to circumstances in which 774
you have an existing account relationship and a copy of your 775
report is requested by your existing creditor or its agents or 776
affiliates for certain types of account review, collection, fraud 777
control, or similar activities. 778

If you are actively seeking credit, you should understand 779
that the procedures involved in lifting a security freeze may slow 780
your own applications for credit. You should plan ahead and lift a 781
freeze, either completely if you are shopping around, or 782
specifically for a certain creditor, a few days before actually 783
applying for new credit." 784

(G) Except as otherwise provided in division (E) of this 785
section, a consumer credit reporting agency shall keep a security 786
freeze in place until the consumer requests that the security 787

freeze be removed. A consumer credit reporting agency shall remove 788
a security freeze within three business days of receiving a 789
request by telephone or by any other means authorized by the 790
consumer credit reporting agency for removal from the consumer 791
when the consumer provides the following: 792

(1) Information generally considered sufficient to identify 793
the consumer; 794

(2) The unique personal identification number or password 795
provided by the consumer credit reporting agency pursuant to 796
division (C) of this section. 797

(H) A consumer credit reporting agency may release a credit 798
report on which a security freeze has been placed to the 799
following: 800

(1) A person, or subsidiary, affiliate, or agent of that 801
person, or an assignee of a financial obligation owing by the 802
consumer to that person, or a prospective assignee of a financial 803
obligation owing by the consumer to that person in conjunction 804
with the proposed purchase of the financial obligation, with which 805
the consumer has or had prior to assignment an account or 806
contract, including a demand deposit account, or to whom the 807
consumer issued a negotiable instrument, for the purposes of 808
reviewing the account or collecting the financial obligation owing 809
for the account, contract, or negotiable instrument. For purposes 810
of this paragraph, "reviewing the account" includes activities 811
related to account maintenance, monitoring, credit line increases, 812
and account upgrades and enhancements. 813

(2) A subsidiary, affiliate, agent, assignee, or prospective 814
assignee of a person to whom access has been granted under 815
division (D) of this section, for purposes of facilitating the 816
extension of credit or other permissible use; 817

(3) Any state or local law enforcement agency, trial court, 818

or private collection agency acting pursuant to a court order, 819
warrant, or subpoena; 820

(4) Any federal, state, or local governmental entity, agency, 821
or instrumentality that is acting within the entity's, agency's, 822
or instrumentality's authority; 823

(5) A state or local child support enforcement agency; 824

(6) A person seeking to use the information contained in the 825
consumer's credit report for the purpose of prescreening pursuant 826
to the "Fair Credit Reporting Act," 84 Stat. 1128 (1970), 15 827
U.S.C. 1681 et seq.; 828

(7) Any person or entity administering a credit file 829
monitoring subscription service to which the consumer has 830
subscribed; 831

(8) Any person or entity providing a consumer with a copy of 832
the consumer's credit report upon the consumer's request; 833

(9) Any person or entity for use in setting or adjusting a 834
rate, adjusting a claim, or underwriting for insurance purposes; 835

(10) Any person or entity acting to investigate fraud or 836
acting to investigate or collect delinquent taxes or unpaid court 837
orders provided those responsibilities are consistent with section 838
1681b of the "Fair Credit Reporting Act," 15 U.S.C. 1681 et seq. 839

(I)(1) A consumer credit reporting agency may charge a 840
consumer a reasonable fee not to exceed five dollars for placing a 841
security freeze on that consumer's credit report. If the consumer 842
is a victim of a violation of section 2913.49 of the Revised Code, 843
the consumer credit reporting agency shall not charge a fee to 844
place a security freeze on that consumer's credit report, but that 845
consumer shall send a copy of the police report related to the 846
violation of section 2913.49 of the Revised Code to the consumer 847
credit reporting agency. 848

(2) A consumer credit reporting agency may charge a consumer a reasonable fee not to exceed five dollars for removing or temporarily lifting a security freeze on that consumer's credit report if the consumer elects to remove or temporarily lift the security freeze on the consumer's credit report for a specific creditor and may charge a consumer a reasonable fee not to exceed five dollars if the consumer elects to temporarily lift the security freeze for a specified period of time. 849
850
851
852
853
854
855
856

(3) A consumer credit reporting agency may charge a reasonable fee not to exceed five dollars to a consumer who fails to retain the original personal identification number provided by the consumer credit reporting agency and must be reissued the same or a new personal identification number. 857
858
859
860
861

(J) If a security freeze is in place, a consumer credit reporting agency shall not change any of the following official information in a credit report without sending a written confirmation of the change to the consumer within thirty days of the change being posted to the consumer's file: name; date of birth; social security number; or address. Written confirmation is not required for technical modifications of a consumer's official information, including name and street abbreviations, complete spellings, or transposition of numbers or letters. In the case of an address change, the written confirmation shall be sent to both the new address and to the former address. 862
863
864
865
866
867
868
869
870
871
872

(K) The provisions of this section do not apply to a consumer credit reporting agency that acts only as a reseller of credit information by assembling and merging information contained in the database of another consumer credit reporting agency or multiple consumer credit reporting agencies and does not maintain a permanent database of credit information from which new credit reports are produced, except that the reseller of credit information shall honor any security freeze placed on a credit 873
874
875
876
877
878
879
880

report by another consumer credit reporting agency. 881

(L) The following entities are not required to place a 882
security freeze in a credit report: 883

(1) A check services company or fraud prevention services 884
company that issues reports on incidents of fraud or 885
authorizations for the purpose of approving or processing 886
negotiable instruments, electronic funds transfers, or similar 887
methods of payments; 888

(2) A demand deposit account information service company that 889
issues reports, regarding account closures due to fraud, 890
substantial overdrafts, automated teller machine abuse, or similar 891
negative information regarding a consumer, to inquiring banks or 892
other financial institutions for use only in reviewing a consumer 893
request for a demand deposit account at the inquiring bank or 894
financial institution. 895

(M)(1) The attorney general may conduct an investigation if 896
the attorney general, based on complaints or the attorney 897
general's own inquiries, has reason to believe that a consumer 898
credit reporting agency has failed or is failing to comply with 899
this section. 900

(2) In any investigation conducted pursuant to this section, 901
the attorney general may administer oaths, subpoena witnesses, 902
adduce evidence, and subpoena the production of any book, 903
document, record, or other relevant matter. 904

(3) If the attorney general under division (M)(2) of this 905
section subpoenas the production of any relevant matter that is 906
located outside this state, the attorney general may designate a 907
representative, including an official of the state in which that 908
relevant matter is located, to inspect the relevant matter on the 909
attorney general's behalf. The attorney general may carry out 910
similar requests received from officials of other states. 911

(4) Any person who is subpoenaed to produce relevant matter 912
pursuant to division (M)(2) of this section shall make that 913
relevant matter available at a convenient location within this 914
state or the state of the representative designated under division 915
(M)(3) of this section. 916

(5) Any person who is subpoenaed as a witness or to produce 917
relevant matter pursuant to division (M)(2) of this section may 918
file in the court of common pleas of Franklin county, the county 919
in this state in which the person resides, or the county in this 920
state in which the person's principal place of business is located 921
a petition to extend for good cause shown the date on which the 922
subpoena is to be returned or to modify or quash for good cause 923
shown that subpoena. The person may file the petition at any time 924
prior to the date specified for the return of the subpoena or 925
within twenty days after the service of the subpoena, whichever is 926
earlier. 927

(6) Any person who is subpoenaed as a witness or to produce 928
relevant matter pursuant to division (M)(2) of this section shall 929
comply with the terms of the subpoena unless the court orders 930
otherwise prior to the date specified for the return of the 931
subpoena or, if applicable, that date as extended. If a person 932
fails without lawful excuse to obey a subpoena, the attorney 933
general may apply to the court of common pleas for an order that 934
does one or more of the following: 935

(a) Compels the requested discovery; 936

(b) Adjudges the person in contempt of court; 937

(c) Grants injunctive relief to restrain the person from 938
failing to comply with section 1347.12 or 1349.19 of the Revised 939
Code, whichever is applicable; 940

(d) Grants injunctive relief to preserve or restore the 941
status quo; 942

(e) Grants other relief that may be required until the person 943
obeys the subpoena. 944

(N)(1) The attorney general has the authority to bring a 945
civil action in a court of common pleas for appropriate relief 946
under this section, including a temporary restraining order, 947
preliminary or permanent injunction, and civil penalties, if it 948
appears that a consumer credit reporting agency has failed or is 949
failing to comply with this section. Upon its finding that a 950
consumer credit reporting agency has intentionally or recklessly 951
failed to comply with this section, the court shall impose a civil 952
penalty upon the consumer credit reporting agency of up to two 953
thousand five hundred dollars for each instance that the consumer 954
credit reporting agency fails to comply. 955

(2) Any civil penalty that is assessed under division (N)(1) 956
of this section shall be deposited into the consumer protection 957
enforcement fund created by section 1345.51 of the Revised Code. 958

(3) In determining the appropriate civil penalty to assess 959
under division (N)(1) of this section, the court shall consider 960
all relevant factors, including the degree of the defendant's 961
culpability, any history of prior violations of this section by 962
the defendant, the defendant's ability to pay, the effect of the 963
court's decision on the defendant's ability to continue to conduct 964
the defendant's business, and whether or not the defendant acted 965
in bad faith in failing to comply with this section. 966

(O) Any consumer credit reporting agency that is found by the 967
court to have failed to comply with this section is liable to the 968
attorney general for the attorney general's costs in conducting an 969
investigation and bringing an action under this section. 970

(P) The rights and remedies that are provided under this 971
section are in addition to any other rights or remedies that are 972
provided by law. 973

Sec. 1349.53. (A) If a consumer credit reporting agency 974
willfully fails to comply with division (C) or (J) of section 975
1349.52 of the Revised Code, the consumer may file a civil action 976
against the consumer credit reporting agency. In the civil action, 977
the consumer may recover all of the following: 978

(1) Actual damages sustained by the consumer as a result of 979
the consumer credit reporting agency's failure to comply with 980
division (C) or (J) of section 1349.52 of the Revised Code or 981
damages of not less than one hundred dollars and not more than one 982
thousand dollars, whichever is greater; 983

(2) Punitive damages; 984

(3) Court costs and reasonable attorney's fees. 985

(B) A person who obtains a consumer's credit report from a 986
consumer credit reporting agency under false pretenses or 987
knowingly without the permission of the consumer is liable to the 988
consumer credit reporting agency for actual damages sustained by 989
the consumer credit reporting agency or one thousand dollars, 990
whichever is greater. 991

(C) If a consumer credit reporting agency negligently fails 992
to comply with division (C) or (J) of section 1349.52 of the 993
Revised Code, the consumer may file a civil action against the 994
consumer credit reporting agency. In the civil action, the 995
consumer may recover all of the following: 996

(1) Actual damages sustained by the consumer as a result of 997
the consumer credit reporting agency's failure to comply with 998
division (C) or (J) of section 1349.52 of the Revised Code or as a 999
result of the consumer credit reporting agency negligently 1000
allowing another person to obtain a consumer's credit report; 1001

(2) Court costs and reasonable attorney's fees. 1002

(D) If the court finds that a civil action under division (A) 1003

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

(E) A person shall bring a civil action under division (A) or 1008
(C) of this section not later than the earlier of the following: 1009

(1) Two years after the date of discovery by the plaintiff of 1010
a violation of division (C) or (J) of section 1349.52 of the 1011
Revised Code; 1012

(2) Five years after the date a violation of division (C) or 1013
(J) of section 1349.52 of the Revised Code occurs. 1014

(F) A consumer credit reporting agency is not liable in 1015
damages in a civil action brought pursuant to division (A) of this 1016
section for any damages a consumer allegedly sustains as a result 1017
of the consumer credit reporting agency's placement of a security 1018
freeze in violation of division (C) of section 1349.52 of the 1019
Revised Code on the consumer's credit report if the consumer 1020
credit reporting agency establishes as an affirmative defense that 1021
the consumer credit reporting agency made a good faith effort to 1022
comply with that division and the consumer credit reporting agency 1023
placed a security freeze on the consumer's credit report as a 1024
result of a misrepresentation of fact by another consumer. 1025

Sec. 2305.09. An Except as provided for in division (C) of 1027
this section, an action for any of the following causes shall be 1028
brought within four years after the cause thereof accrued: 1029

(A) For trespassing upon real property; 1030

(B) For the recovery of personal property, or for taking or 1031
detaining it; 1032

(C) For relief on the ground of fraud, except when the cause 1033

of action is a violation of section 2913.49 of the Revised Code, 1034
in which case the action shall be brought within five years after 1035
the cause thereof accrued; 1036

(D) For an injury to the rights of the plaintiff not arising 1037
on contract nor enumerated in sections 1304.35, 2305.10 to 1038
2305.12, and 2305.14 of the Revised Code; 1039

(E) For relief on the grounds of a physical or regulatory 1040
taking of real property. 1041

If the action is for trespassing under ground or injury to 1042
mines, or for the wrongful taking of personal property, the causes 1043
thereof shall not accrue until the wrongdoer is discovered; nor, 1044
if it is for fraud, until the fraud is discovered. 1045

Sec. 2901.13. (A)(1) Except as provided in division (A)(2) or 1046
(3) of this section or as otherwise provided in this section, a 1047
prosecution shall be barred unless it is commenced within the 1048
following periods after an offense is committed: 1049

(a) For a felony, six years; 1050

(b) For a misdemeanor other than a minor misdemeanor, two 1051
years; 1052

(c) For a minor misdemeanor, six months. 1053

(2) There is no period of limitation for the prosecution of a 1054
violation of section 2903.01 or 2903.02 of the Revised Code. 1055

(3) Except as otherwise provided in divisions (B) to (H) of 1056
this section, a prosecution of any of the following offenses shall 1057
be barred unless it is commenced within twenty years after the 1058
offense is committed: 1059

(a) A violation of section 2903.03, 2903.04, 2905.01, 1060
2907.02, 2907.03, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 1061
2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 1062

2911.02, 2911.11, 2911.12, or 2917.02 of the Revised Code, a 1063
violation of section 2903.11 or 2903.12 of the Revised Code if the 1064
victim is a peace officer, a violation of section 2903.13 of the 1065
Revised Code that is a felony, or a violation of former section 1066
2907.12 of the Revised Code; 1067

(b) A conspiracy to commit, attempt to commit, or complicity 1068
in committing a violation set forth in division (A)(3)(a) of this 1069
section. 1070

(B) ~~If~~ (1) Except as otherwise provided in division (B)(2) of 1071
this section, if the period of limitation provided in division 1072
(A)(1) or (3) of this section has expired, prosecution shall be 1073
commenced for an offense of which an element is fraud or breach of 1074
a fiduciary duty, within one year after discovery of the offense 1075
either by an aggrieved person, or by the aggrieved person's legal 1076
representative who is not a party to the offense. 1077

(2) If the period of limitation provided in division (A)(1) 1078
or (3) of this section has expired, prosecution for a violation of 1079
section 2913.49 of the Revised Code shall be commenced within five 1080
years after discovery of the offense either by an aggrieved person 1081
or the aggrieved person's legal representative who is not a party 1082
to the offense. 1083

(C) If the period of limitation provided in division (A)(1) 1084
or (3) of this section has expired, prosecution shall be commenced 1085
for an offense involving misconduct in office by a public servant 1086
as defined in section 2921.01 of the Revised Code, at any time 1087
while the accused remains a public servant, or within two years 1088
thereafter. 1089

(D) An offense is committed when every element of the offense 1090
occurs. In the case of an offense of which an element is a 1091
continuing course of conduct, the period of limitation does not 1092
begin to run until such course of conduct or the accused's 1093

accountability for it terminates, whichever occurs first. 1094

(E) A prosecution is commenced on the date an indictment is 1095
returned or an information filed, or on the date a lawful arrest 1096
without a warrant is made, or on the date a warrant, summons, 1097
citation, or other process is issued, whichever occurs first. A 1098
prosecution is not commenced by the return of an indictment or the 1099
filing of an information unless reasonable diligence is exercised 1100
to issue and execute process on the same. A prosecution is not 1101
commenced upon issuance of a warrant, summons, citation, or other 1102
process, unless reasonable diligence is exercised to execute the 1103
same. 1104

(F) The period of limitation shall not run during any time 1105
when the corpus delicti remains undiscovered. 1106

(G) The period of limitation shall not run during any time 1107
when the accused purposely avoids prosecution. Proof that the 1108
accused departed this state or concealed the accused's identity or 1109
whereabouts is prima-facie evidence of the accused's purpose to 1110
avoid prosecution. 1111

(H) The period of limitation shall not run during any time a 1112
prosecution against the accused based on the same conduct is 1113
pending in this state, even though the indictment, information, or 1114
process which commenced the prosecution is quashed or the 1115
proceedings thereon are set aside or reversed on appeal. 1116

(I) The period of limitation for a violation of any provision 1117
of Title XXIX of the Revised Code that involves a physical or 1118
mental wound, injury, disability, or condition of a nature that 1119
reasonably indicates abuse or neglect of a child under eighteen 1120
years of age or of a mentally retarded, developmentally disabled, 1121
or physically impaired child under twenty-one years of age shall 1122
not begin to run until either of the following occurs: 1123

(1) The victim of the offense reaches the age of majority. 1124

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

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

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

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

Section 4. The Office of Criminal Justice Services shall make one-time state funding grants available to local law enforcement agencies to enable the local law enforcement agencies to develop capabilities to enforce identity fraud crimes. The Executive Director of the Criminal Justice Services shall promulgate rules for the evaluation of such grant requests and for the allocation and disbursement of such grants. The authority of the Office of Criminal Justice Services to allocate and disburse grants under this section shall expire two years after the effective date of this act.