

As Introduced

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Representatives Stinziano, Anielski

Cosponsors: Representatives Murray, Yuko, O'Brien, Johnson, DeGeeter,
McGregor, Baker, Fende, Slesnick, Goyal, Hackett, Grossman, Blair

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A BILL

To amend sections 2921.13 and 2921.22 of the Revised Code to require a parent, legal guardian, or custodian of a child under the age of sixteen to report to a law enforcement agency within twenty-four hours after the child is missing or within one hour after the parent, legal guardian, or custodian discovers that the child is deceased, to increase penalty for falsification to mislead a public official, and to specify that the above provisions are to be known as "Caylee's Law."

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

Section 1. That sections 2921.13 and 2921.22 of the Revised Code be amended to read as follows:

Sec. 2921.13. (A) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies:

(1) The statement is made in any official proceeding.

(2) The statement is made with purpose to incriminate another.

(3) The statement is made with purpose to mislead a public official in performing the public official's official function. 19
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(4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio works first; prevention, retention, and contingency benefits and services; disability financial assistance; retirement benefits; economic development assistance, as defined in section 9.66 of the Revised Code; or other benefits administered by a governmental agency or paid out of a public treasury. 21
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(5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release, or provider agreement. 28
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(6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths. 31
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(7) The statement is in writing on or in connection with a report or return that is required or authorized by law. 33
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(8) The statement is in writing and is made with purpose to induce another to extend credit to or employ the offender, to confer any degree, diploma, certificate of attainment, award of excellence, or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to that person's detriment. 35
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(9) The statement is made with purpose to commit or facilitate the commission of a theft offense. 42
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(10) The statement is knowingly made to a probate court in connection with any action, proceeding, or other matter within its jurisdiction, either orally or in a written document, including, but not limited to, an application, petition, complaint, or other pleading, or an inventory, account, or report. 44
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(11) The statement is made on an account, form, record, stamp, label, or other writing that is required by law.

(12) The statement is made in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, and in conjunction with the furnishing to the seller of the firearm of a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(13) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the secretary of state, a county recorder, or the clerk of a court of record.

(14) The statement is made in an application filed with a county sheriff pursuant to section 2923.125 of the Revised Code in order to obtain or renew a license to carry a concealed handgun or is made in an affidavit submitted to a county sheriff to obtain a temporary emergency license to carry a concealed handgun under section 2923.1213 of the Revised Code.

(15) The statement is required under section 5743.71 of the Revised Code in connection with the person's purchase of cigarettes or tobacco products in a delivery sale.

(B) No person, in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, shall knowingly furnish to the seller of the firearm a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(C) No person, in an attempt to obtain a license to carry a concealed handgun under section 2923.125 of the Revised Code, shall knowingly present to a sheriff a fictitious or altered

document that purports to be certification of the person's 80
competence in handling a handgun as described in division (B)(3) 81
of section 2923.125 of the Revised Code. 82

(D) It is no defense to a charge under division (A)(6) of 83
this section that the oath or affirmation was administered or 84
taken in an irregular manner. 85

(E) If contradictory statements relating to the same fact are 86
made by the offender within the period of the statute of 87
limitations for falsification, it is not necessary for the 88
prosecution to prove which statement was false but only that one 89
or the other was false. 90

(F)(1) Whoever violates division (A)(1), (2), ~~(3)~~, (4), (5), 91
(6), (7), (8), (10), (11), (13), or (15) of this section is guilty 92
of falsification, a misdemeanor of the first degree. 93

(2) Whoever violates division (A)(3) of this section is 94
guilty of falsification to mislead a public official, a felony of 95
the fifth degree. 96

(3) Whoever violates division (A)(9) of this section is 97
guilty of falsification in a theft offense. Except as otherwise 98
provided in this division, falsification in a theft offense is a 99
misdemeanor of the first degree. If the value of the property or 100
services stolen is five hundred dollars or more and is less than 101
five thousand dollars, falsification in a theft offense is a 102
felony of the fifth degree. If the value of the property or 103
services stolen is five thousand dollars or more and is less than 104
one hundred thousand dollars, falsification in a theft offense is 105
a felony of the fourth degree. If the value of the property or 106
services stolen is one hundred thousand dollars or more, 107
falsification in a theft offense is a felony of the third degree. 108

~~(3)~~(4) Whoever violates division (A)(12) or (B) of this 109
section is guilty of falsification to purchase a firearm, a felony 110

of the fifth degree. 111

~~(4)~~(5) Whoever violates division (A)(14) or (C) of this 112
section is guilty of falsification to obtain a concealed handgun 113
license, a felony of the fourth degree. 114

(G) A person who violates this section is liable in a civil 115
action to any person harmed by the violation for injury, death, or 116
loss to person or property incurred as a result of the commission 117
of the offense and for reasonable attorney's fees, court costs, 118
and other expenses incurred as a result of prosecuting the civil 119
action commenced under this division. A civil action under this 120
division is not the exclusive remedy of a person who incurs 121
injury, death, or loss to person or property as a result of a 122
violation of this section. 123

Sec. 2921.22. (A)(1) Except as provided in division (A)(2) of 124
this section, no person, knowing that a felony has been or is 125
being committed, shall knowingly fail to report such information 126
to law enforcement authorities. 127

(2) No person, knowing that a violation of division (B) of 128
section 2913.04 of the Revised Code has been, or is being 129
committed or that the person has received information derived from 130
such a violation, shall knowingly fail to report the violation to 131
law enforcement authorities. 132

(B) Except for conditions that are within the scope of 133
division (E) of this section, no physician, limited practitioner, 134
nurse, or other person giving aid to a sick or injured person 135
shall negligently fail to report to law enforcement authorities 136
any gunshot or stab wound treated or observed by the physician, 137
limited practitioner, nurse, or person, or any serious physical 138
harm to persons that the physician, limited practitioner, nurse, 139
or person knows or has reasonable cause to believe resulted from 140
an offense of violence. 141

(C) ~~No~~ (1) Except as provided in division (C)(2) of this 142
section, no person who discovers the body or acquires the first 143
knowledge of the death of a person shall fail to report the death 144
immediately to a physician whom the person knows to be treating 145
the deceased for a condition from which death at such time would 146
not be unexpected, or to a law enforcement officer, an ambulance 147
service, an emergency squad, or the coroner in a political 148
subdivision in which the body is discovered, the death is believed 149
to have occurred, or knowledge concerning the death is obtained. 150

(2) No parent, legal guardian, or custodian of a child under 151
the age of sixteen who acquires knowledge of the child's death 152
shall knowingly fail to report the child's death to law 153
enforcement authorities within one hour after acquiring knowledge 154
of the child's death. 155

(D) No person shall fail to provide upon request of the 156
person to whom a report required by division (C) of this section 157
was made, or to any law enforcement officer who has reasonable 158
cause to assert the authority to investigate the circumstances 159
surrounding the death, any facts within the person's knowledge 160
that may have a bearing on the investigation of the death. 161

(E)(1) As used in this division, "burn injury" means any of 162
the following: 163

(a) Second or third degree burns; 164

(b) Any burns to the upper respiratory tract or laryngeal 165
edema due to the inhalation of superheated air; 166

(c) Any burn injury or wound that may result in death; 167

(d) Any physical harm to persons caused by or as the result 168
of the use of fireworks, novelties and trick noisemakers, and wire 169
sparklers, as each is defined by section 3743.01 of the Revised 170
Code. 171

(2) No physician, nurse, or limited practitioner who, outside 172
a hospital, sanitarium, or other medical facility, attends or 173
treats a person who has sustained a burn injury that is inflicted 174
by an explosion or other incendiary device or that shows evidence 175
of having been inflicted in a violent, malicious, or criminal 176
manner shall fail to report the burn injury immediately to the 177
local arson, or fire and explosion investigation, bureau, if there 178
is a bureau of this type in the jurisdiction in which the person 179
is attended or treated, or otherwise to local law enforcement 180
authorities. 181

(3) No manager, superintendent, or other person in charge of 182
a hospital, sanitarium, or other medical facility in which a 183
person is attended or treated for any burn injury that is 184
inflicted by an explosion or other incendiary device or that shows 185
evidence of having been inflicted in a violent, malicious, or 186
criminal manner shall fail to report the burn injury immediately 187
to the local arson, or fire and explosion investigation, bureau, 188
if there is a bureau of this type in the jurisdiction in which the 189
person is attended or treated, or otherwise to local law 190
enforcement authorities. 191

(4) No person who is required to report any burn injury under 192
division (E)(2) or (3) of this section shall fail to file, within 193
three working days after attending or treating the victim, a 194
written report of the burn injury with the office of the state 195
fire marshal. The report shall comply with the uniform standard 196
developed by the state fire marshal pursuant to division (A)(15) 197
of section 3737.22 of the Revised Code. 198

(5) Anyone participating in the making of reports under 199
division (E) of this section or anyone participating in a judicial 200
proceeding resulting from the reports is immune from any civil or 201
criminal liability that otherwise might be incurred or imposed as 202
a result of such actions. Notwithstanding section 4731.22 of the 203

Revised Code, the physician-patient relationship is not a ground 204
for excluding evidence regarding a person's burn injury or the 205
cause of the burn injury in any judicial proceeding resulting from 206
a report submitted under division (E) of this section. 207

(F)(1) Any doctor of medicine or osteopathic medicine, 208
hospital intern or resident, registered or licensed practical 209
nurse, psychologist, social worker, independent social worker, 210
social work assistant, professional clinical counselor, or 211
professional counselor who knows or has reasonable cause to 212
believe that a patient or client has been the victim of domestic 213
violence, as defined in section 3113.31 of the Revised Code, shall 214
note that knowledge or belief and the basis for it in the 215
patient's or client's records. 216

(2) Notwithstanding section 4731.22 of the Revised Code, the 217
doctor-patient privilege shall not be a ground for excluding any 218
information regarding the report containing the knowledge or 219
belief noted under division (F)(1) of this section, and the 220
information may be admitted as evidence in accordance with the 221
Rules of Evidence. 222

(G) No parent, legal guardian, or custodian of a child under 223
the age of sixteen who acquires knowledge that the child is 224
missing shall knowingly fail to report that the child is missing 225
to law enforcement authorities within twenty-four hours after 226
acquiring knowledge that the child is missing. 227

(H) Divisions (A) and (D) of this section do not require 228
disclosure of information, when any of the following applies: 229

(1) The information is privileged by reason of the 230
relationship between attorney and client; doctor and patient; 231
licensed psychologist or licensed school psychologist and client; 232
member of the clergy, rabbi, minister, or priest and any person 233
communicating information confidentially to the member of the 234

clergy, rabbi, minister, or priest for a religious counseling 235
purpose of a professional character; husband and wife; or a 236
communications assistant and those who are a party to a 237
telecommunications relay service call. 238

(2) The information would tend to incriminate a member of the 239
actor's immediate family. 240

(3) Disclosure of the information would amount to revealing a 241
news source, privileged under section 2739.04 or 2739.12 of the 242
Revised Code. 243

(4) Disclosure of the information would amount to disclosure 244
by a member of the ordained clergy of an organized religious body 245
of a confidential communication made to that member of the clergy 246
in that member's capacity as a member of the clergy by a person 247
seeking the aid or counsel of that member of the clergy. 248

(5) Disclosure would amount to revealing information acquired 249
by the actor in the course of the actor's duties in connection 250
with a bona fide program of treatment or services for drug 251
dependent persons or persons in danger of drug dependence, which 252
program is maintained or conducted by a hospital, clinic, person, 253
agency, or organization certified pursuant to section 3793.06 of 254
the Revised Code. 255

(6) Disclosure would amount to revealing information acquired 256
by the actor in the course of the actor's duties in connection 257
with a bona fide program for providing counseling services to 258
victims of crimes that are violations of section 2907.02 or 259
2907.05 of the Revised Code or to victims of felonious sexual 260
penetration in violation of former section 2907.12 of the Revised 261
Code. As used in this division, "counseling services" include 262
services provided in an informal setting by a person who, by 263
education or experience, is competent to provide those services. 264

~~(H)~~(I) No disclosure of information pursuant to this section 265

gives rise to any liability or recrimination for a breach of 266
privilege or confidence. 267

~~(I)~~(J) Whoever violates division (A) or (B) of this section 268
is guilty of failure to report a crime. Violation of division 269
(A)(1) of this section is a misdemeanor of the fourth degree. 270
Violation of division (A)(2) or (B) of this section is a 271
misdemeanor of the second degree. 272

~~(J)~~(K)(1) Whoever violates division (C)(1) or (D) of this 273
section is guilty of failure to report knowledge of a death, a 274
misdemeanor of the fourth degree. 275

~~(K)~~(2) Whoever violates division (C)(2) of this section is 276
guilty of failure to report knowledge of a child's death, a felony 277
of the third degree. 278

(L)(1) Whoever negligently violates division (E) of this 279
section is guilty of a minor misdemeanor. 280

(2) Whoever knowingly violates division (E) of this section 281
is guilty of a misdemeanor of the second degree. 282

(M) Whoever violates division (G) of this section is guilty 283
of failure to report knowledge of a missing child. If the child 284
who is the subject of the offense suffered physical harm or was 285
killed during the period of time the child was missing, failure to 286
report knowledge of a missing child is a felony of the second 287
degree. If the child who is the subject of the offense does not 288
suffer any physical harm during the period of time the child was 289
missing, failure to report knowledge of a missing child is a 290
felony of the third degree. 291

(N) Divisions (C)(2), (G), (K)(2), and (M) of this section 292
and division (F)(2) of section 2921.13 of the Revised Code enacted 293
in the act in which these divisions were enacted shall be known as 294
"Caylee's Law." 295

Section 2. That existing sections 2921.13 and 2921.22 of the Revised Code are hereby repealed.

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