

As Introduced

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H. B. No. 515

Representative Damschroder

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A B I L L

To amend sections 2909.21 and 5502.011 and to repeal 1
sections 2909.32, 2909.33, and 2909.34 of the 2
Revised Code to eliminate the declaration of 3
material assistance/nonassistance questionnaire. 4

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

Section 1. That sections 2909.21 and 5502.011 of the Revised 5
Code be amended to read as follows: 6

Sec. 2909.21. As used in sections 2909.21 to ~~2909.34~~ 2909.31 7
of the Revised Code: 8

(A) "Act of terrorism" means an act that is committed within 9
or outside the territorial jurisdiction of this state or the 10
United States, that constitutes a specified offense if committed 11
in this state or constitutes an offense in any jurisdiction within 12
or outside the territorial jurisdiction of the United States 13
containing all of the essential elements of a specified offense, 14
and that is intended to do one or more of the following: 15

(1) Intimidate or coerce a civilian population; 16

(2) Influence the policy of any government by intimidation or 17
coercion; 18

(3) Affect the conduct of any government by the act that 19

constitutes the offense. 20

(B) "Biological agent," "delivery system," "toxin," and 21
"vector" have the same meanings as in section 2917.33 of the 22
Revised Code. 23

(C) "Biological weapon" means any biological agent, toxin, 24
vector, or delivery system or combination of any biological agent 25
or agents, any toxin or toxins, any vector or vectors, and any 26
delivery system or systems. 27

(D) "Chemical weapon" means any one or more of the following: 28

(1) Any toxic chemical or precursor of a toxic chemical that 29
is listed in Schedule 1, Schedule 2, or Schedule 3 of the 30
international "Convention on the Prohibition of the Development, 31
Production, Stockpiling and Use of Chemical Weapons and on their 32
Destruction (CWC)," as entered into force on April 29, 1997; 33

(2) A device specifically designed to cause death or other 34
harm through the toxic properties of a toxic chemical or precursor 35
identified in division (D)(1) of this section that would be 36
created or released as a result of the employment of that device; 37

(3) Any equipment specifically designed for use directly in 38
connection with the employment of devices identified in division 39
(D)(2) of this section. 40

(E) "Radiological or nuclear weapon" means any device that is 41
designed to create or release radiation or radioactivity at a 42
level that is dangerous to human life or in order to cause serious 43
physical harm to persons as a result of the radiation or 44
radioactivity created or released. 45

(F) "Explosive device" has the same meaning as in section 46
2923.11 of the Revised Code. 47

(G) "Key component of a binary or multicomponent chemical 48
system" means the precursor that plays the most important role in 49

determining the toxic properties of the final product and reacts 50
rapidly with other chemicals in the binary or multicomponent 51
chemical system. 52

~~(H) "Material assistance" means any of the following:~~ 53

~~(1) Membership in an organization on the United States 54
department of state terrorist exclusion list;~~ 55

~~(2) Use of the person's position of prominence within any 56
country to persuade others to support an organization on the 57
United States department of state terrorist exclusion list;~~ 58

~~(3) Knowingly soliciting funds or other things of value for 59
an organization on the United States department of state terrorist 60
exclusion list;~~ 61

~~(4) Solicitation of any individual for membership in an 62
organization on the United States department of state terrorist 63
exclusion list;~~ 64

~~(5) Commission of an act that the person knows, or reasonably 65
should have known, affords material support or resources to an 66
organization on the United States department of state terrorist 67
exclusion list;~~ 68

~~(6) Hiring or compensating a person known by the person 69
hiring or providing the compensation to be a member of an 70
organization on the United States department of state terrorist 71
exclusion list or a person known by the person hiring or providing 72
the compensation to be engaged in planning, assisting, or carrying 73
out an act of terrorism.~~ 74

~~(I) "Material support or resources" means currency, payment 75
instruments, other financial securities, funds, transfer of funds, 76
financial services, communications, lodging, training, safe 77
houses, false documentation or identification, communications 78
equipment, facilities, weapons, lethal substances, explosives,~~ 79

personnel, transportation, and other physical assets, except 80
medicine or religious materials. 81

~~(J)~~(I) "Payment instrument" means a check, draft, money 82
order, traveler's check, cashier's check, teller's check, or other 83
instrument or order for the transmission or payment of money, 84
regardless of whether the item in question is negotiable. 85

~~(K)~~(J) "Peace officer" and "prosecutor" have the same 86
meanings as in section 2935.01 of the Revised Code. 87

~~(L)~~(K) "Precursor" means any chemical reactant that takes 88
part at any stage in the production by whatever method of a toxic 89
chemical, including any key component of a binary or 90
multicomponent chemical system. 91

~~(M)~~(L) "Response costs" means all costs a political 92
subdivision incurs as a result of, or in making any response to, a 93
threat of a specified offense made as described in section 2909.23 94
of the Revised Code or a specified offense committed as described 95
in section 2909.24 of the Revised Code, including, but not limited 96
to, all costs so incurred by any law enforcement officers, 97
firefighters, rescue personnel, or emergency medical services 98
personnel of the political subdivision and all costs so incurred 99
by the political subdivision that relate to laboratory testing or 100
hazardous material cleanup. 101

~~(N)~~(M) "Specified offense" means any of the following: 102

(1) A felony offense of violence, a violation of section 103
2909.04, 2909.081, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 104
2909.28, 2909.29, or 2927.24 of the Revised Code, a felony of the 105
first degree that is not a violation of any provision in Chapter 106
2925. or 3719. of the Revised Code; 107

(2) An attempt to commit, complicity in committing, or a 108
conspiracy to commit an offense listed in division ~~(N)~~(M)(1) of 109
this section. 110

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

~~(P)~~ "~~United States department of state terrorist exclusion list~~" and "~~terrorist exclusion list~~" means the list compiled by the United States secretary of state, in consultation with or upon the request of the United States attorney general, that designates terrorist organizations for immigration purposes. "~~United States department of state terrorist exclusion list~~" and "~~terrorist exclusion list~~" also mean the list of terrorist organizations the director of public safety prepares pursuant to rules adopted in accordance with Chapter 119. of the Revised Code, that is comprised of lists of organizations officials of the United States government designate as terrorist, including the "~~terrorist exclusion list~~" described in this division, the list of "~~foreign terrorist organizations~~" the United States secretary of state prepares in consultation with the United States attorney general and the United States secretary of the treasury, and the list of charities that support terrorist activities, known as "~~designated charities~~," that the United States department of treasury compiles.

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

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

(B) The director ~~of the department~~ of public safety is the chief executive and administrative officer of the department. The

director may establish policies governing the department, the 142
performance of its employees and officers, the conduct of its 143
business, and the custody, use, and preservation of departmental 144
records, papers, books, documents, and property. The director also 145
may authorize and approve investigations to be conducted by any of 146
the department's divisions. Whenever the Revised Code imposes a 147
duty upon or requires an action of the department, the director 148
may perform the action or duty in the name of the department or 149
direct such performance to be performed by the director's 150
designee. 151

(C) In addition to any other duties enumerated in the Revised 152
Code, the director or the director's designee shall do all of the 153
following: 154

(1) Administer and direct the performance of the duties of 155
the department; 156

(2) Pursuant to Chapter 119. of the Revised Code, approve, 157
adopt, and prescribe such forms and rules as are necessary to 158
carry out the duties of the department; 159

(3) On behalf of the department and in addition to any 160
authority the Revised Code otherwise grants to the department, 161
have the authority and responsibility for approving and entering 162
into contracts, agreements, and other business arrangements; 163

(4) Make appointments for the department as needed to comply 164
with requirements of the Revised Code; 165

(5) Approve employment actions of the department, including 166
appointments, promotions, discipline, investigations, and 167
terminations; 168

(6) Accept, hold, and use, for the benefit of the department, 169
any gift, donation, bequest, or devise, and may agree to and 170
perform all conditions of the gift, donation, bequest, or devise, 171
that are not contrary to law; 172

(7) Apply for, allocate, disburse, and account for grants made available under federal law or from other federal, state, or private sources;	173 174 175
(8) Do all other acts necessary or desirable to carry out this chapter.	176 177
(D)(1) The director of public safety may assess a reasonable fee, plus the amount of any charge or fee passed on from a financial institution, on a drawer or indorser for each of the following:	178 179 180 181
(a) A check, draft, or money order that is returned or dishonored;	182 183
(b) An automatic bank transfer that is declined, due to insufficient funds or for any other reason;	184 185
(c) Any financial transaction device that is returned or dishonored for any reason.	186 187
(2) The director shall deposit any fee collected under this division in an appropriate fund as determined by the director based on the tax, fee, or fine being paid.	188 189 190
(3) As used in this division, "financial transaction device" has the same meaning as in section 113.40 of the Revised Code.	191 192
(E) The director shall establish a homeland security advisory council to advise the director on homeland security, including homeland security funding efforts. The advisory council shall include, but not be limited to, state and local government officials who have homeland security or emergency management responsibilities and who represent first responders. The director shall appoint the members of the council, who shall serve without compensation.	193 194 195 196 197 198 199 200
(F) The director of public safety shall adopt rules in accordance with Chapter 119. of the Revised Code as required by	201 202

~~section 2909.28 of the Revised Code and division (A)(1) of section 2909.32 of the Revised Code. The director shall adopt rules as required by division (D) of section 2909.32 of the Revised Code, division (E) of section 2909.33 of the Revised Code, and division (D) of section 2909.34 of the Revised Code. The director may adopt rules pursuant to division (A)(2) of section 2909.32 of the Revised Code, division (A)(2) of section 2909.33 of the Revised Code, and division (A)(2) of section 2909.34 of the Revised Code.~~

Section 2. That existing sections 2909.21 and 5502.011 and sections 2909.32, 2909.33, and 2909.34 of the Revised Code are hereby repealed.