

**As Introduced**

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**H. B. No. 535**

**Representative Hill**

**Cosponsors: Representatives Sears, Adams, J., Grossman, Maag, McClain,  
Roegner, Ruhl, Thompson, Phillips, Reece, Stinziano**

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**A B I L L**

To amend section 2933.52 of the Revised Code to 1  
exempt a parent or a person acting in loco 2  
parentis from the prohibition of the interception 3  
of wire, oral, or electronic communications. 4

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

**Section 1.** That section 2933.52 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 2933.52.** (A) No person purposely shall do any of the 7  
following: 8

(1) Intercept, attempt to intercept, or procure another 9  
person to intercept or attempt to intercept a wire, oral, or 10  
electronic communication; 11

(2) Use, attempt to use, or procure another person to use or 12  
attempt to use an interception device to intercept a wire, oral, 13  
or electronic communication, if either of the following applies: 14

(a) The interception device is affixed to, or otherwise 15  
transmits a signal through, a wire, cable, satellite, microwave, 16  
or other similar method of connection used in wire communications; 17

(b) The interception device transmits communications by 18  
radio, or interferes with the transmission of communications by 19  
radio. 20

(3) Use, or attempt to use, the contents of a wire, oral, or 21  
electronic communication, knowing or having reason to know that 22  
the contents were obtained through the interception of a wire, 23  
oral, or electronic communication in violation of sections 2933.51 24  
to 2933.66 of the Revised Code. 25

(B) This section does not apply to any of the following: 26

(1) The interception, disclosure, or use of the contents, or 27  
evidence derived from the contents, of an oral, wire, or 28  
electronic communication that is obtained through the use of an 29  
interception warrant issued pursuant to sections 2933.53 to 30  
2933.56 of the Revised Code, that is obtained pursuant to an oral 31  
approval for an interception granted pursuant to section 2933.57 32  
of the Revised Code, or that is obtained pursuant to an order that 33  
is issued or an interception that is made in accordance with 34  
section 802 of the "Omnibus Crime Control and Safe Streets Act of 35  
1968," 82 Stat. 237, 254, 18 U.S.C. 2510 to 2520 (1968), as 36  
amended, the "Electronic Communications Privacy Act of 1986," 100 37  
Stat. 1848-1857, 18 U.S.C. 2510-2521 (1986), as amended, or the 38  
"Foreign Intelligence Surveillance Act," 92 Stat. 1783, 50 U.S.C. 39  
1801.11 (1978), as amended; 40

(2) An operator of a switchboard, or an officer, employee, or 41  
agent of a provider of wire or electronic communication service, 42  
whose facilities are used in the transmission of a wire or 43  
electronic communication to intercept, disclose, or use that 44  
communication in the normal course of employment while engaged in 45  
an activity that is necessary to the rendition of service or to 46  
the protection of the rights or property of the provider of that 47  
service, except that a provider of wire or electronic 48  
communication service to the public shall not utilize service 49

observing or random monitoring except for mechanical or service 50  
quality control checks; 51

(3) A law enforcement officer who intercepts a wire, oral, or 52  
electronic communication, if the officer is a party to the 53  
communication or if one of the parties to the communication has 54  
given prior consent to the interception by the officer; 55

(4) A person who is not a law enforcement officer and who 56  
intercepts a wire, oral, or electronic communication, if the 57  
person is a party to the communication or if one of the parties to 58  
the communication has given the person prior consent to the 59  
interception, and if the communication is not intercepted for the 60  
purpose of committing a criminal offense or tortious act in 61  
violation of the laws or Constitution of the United States or this 62  
state or for the purpose of committing any other injurious act; 63

(5) An officer, employee, or agent of a communications common 64  
carrier providing information, facilities, or technical assistance 65  
to an investigative officer who is authorized to intercept a wire, 66  
oral, or electronic communication pursuant to sections 2933.51 to 67  
2933.66 of the Revised Code; 68

(6) The use of a pen register in accordance with federal or 69  
state law; 70

(7) The use of a trap and trace device in accordance with 71  
federal or state law; 72

(8) A police, fire, or emergency communications system to 73  
intercept wire communications coming into and going out of the 74  
communications system of a police department, fire department, or 75  
emergency center, if both of the following apply: 76

(a) The telephone, instrument, equipment, or facility is 77  
limited to the exclusive use of the communication system for 78  
administrative purposes; 79

(b) At least one telephone, instrument, equipment, or 80  
facility that is not subject to interception is made available for 81  
public use at each police department, fire department, or 82  
emergency center. 83

(9) The interception or accessing of an electronic 84  
communication made through an electronic communication system that 85  
is configured so that the electronic communication is readily 86  
accessible to the general public. 87

(10) The interception of a radio communication that is 88  
transmitted by any of the following: 89

(a) A station for the use of the general public; 90

(b) A governmental, law enforcement, civil defense, private 91  
land mobile, or public safety communications system, including a 92  
police or fire system, that is readily accessible to the general 93  
public; 94

(c) A station operating on an authorized frequency within the 95  
bands allocated to the amateur, ~~citizen~~ citizens band, or general 96  
mobile radio services; 97

(d) A marine or aeronautical communications system. 98

(11) The interception of a radio communication that relates 99  
to a ship, aircraft, vehicle, or person in distress. 100

(12) The interception of a wire or electronic communication 101  
the transmission of which is causing harmful interference to a 102  
lawfully operating station or consumer electronic equipment, to 103  
the extent necessary to identify the source of that interference. 104

(13) Other users of the same frequency to intercept a radio 105  
communication made through a system that utilizes frequencies 106  
monitored by individuals engaged in the provision or the use of 107  
that system, if the communication is not scrambled or encrypted. 108

(14) A parent of a minor child or a person acting in loco 109

parentis of a minor child, including but not limited to a 110  
guardian, custodian, grandparent acting under a power of attorney 111  
created under section 3109.52 of the Revised Code, and a probation 112  
officer of a child placed on community control by a juvenile 113  
court, with respect to any wire, oral, or electronic communication 114  
in which the minor child participates or of which the minor child 115  
is a recipient or intended recipient. 116

(C) Whoever violates this section is guilty of interception 117  
of wire, oral, or electronic communications, a felony of the 118  
fourth degree. 119

**Section 2.** That existing section 2933.52 of the Revised Code 120  
is hereby repealed. 121