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Representative Hill

**Cosponsors: Representatives Sears, Adams, J., Grossman, Maag, McClain,
Roegner, Ruhl, Thompson, Phillips, Reece, Stinziano, Bubp, Letson,
Amstutz, Baker, Barnes, Beck, Blair, Boose, Boyce, Carney, Derickson,
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Lynch, Mallory, Martin, McGregor, Milkovich, Murray, Newbold, O'Brien,
Patmon, Pillich, Scherer, Schuring, Smith, Stebelton, Uecker, Wachtmann,
Winburn, Young Speaker Batchelder**

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A B I L L

To amend section 2933.52 of the Revised Code to 1
exempt under certain circumstances a parent or a 2
person acting in loco parentis from the 3
prohibition of the interception of wire, oral, or 4
electronic communications. 5

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

Section 1. That section 2933.52 of the Revised Code be 6
amended to read as follows: 7

Sec. 2933.52. (A) No person purposely shall do any of the 8
following: 9

(1) Intercept, attempt to intercept, or procure another 10
person to intercept or attempt to intercept a wire, oral, or 11
electronic communication; 12

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

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

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

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

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

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

(2) An operator of a switchboard, or an officer, employee, or agent of a provider of wire or electronic communication service,

whose facilities are used in the transmission of a wire or 44
electronic communication to intercept, disclose, or use that 45
communication in the normal course of employment while engaged in 46
an activity that is necessary to the rendition of service or to 47
the protection of the rights or property of the provider of that 48
service, except that a provider of wire or electronic 49
communication service to the public shall not utilize service 50
observing or random monitoring except for mechanical or service 51
quality control checks; 52

(3) A law enforcement officer who intercepts a wire, oral, or 53
electronic communication, if the officer is a party to the 54
communication or if one of the parties to the communication has 55
given prior consent to the interception by the officer; 56

(4) A person who is not a law enforcement officer and who 57
intercepts a wire, oral, or electronic communication, if the 58
person is a party to the communication or if one of the parties to 59
the communication has given the person prior consent to the 60
interception, and if the communication is not intercepted for the 61
purpose of committing a criminal offense or tortious act in 62
violation of the laws or Constitution of the United States or this 63
state or for the purpose of committing any other injurious act; 64

(5) An officer, employee, or agent of a communications common 65
carrier providing information, facilities, or technical assistance 66
to an investigative officer who is authorized to intercept a wire, 67
oral, or electronic communication pursuant to sections 2933.51 to 68
2933.66 of the Revised Code; 69

(6) The use of a pen register in accordance with federal or 70
state law; 71

(7) The use of a trap and trace device in accordance with 72
federal or state law; 73

(8) A police, fire, or emergency communications system to 74

intercept wire communications coming into and going out of the 75
communications system of a police department, fire department, or 76
emergency center, if both of the following apply: 77

(a) The telephone, instrument, equipment, or facility is 78
limited to the exclusive use of the communication system for 79
administrative purposes; 80

(b) At least one telephone, instrument, equipment, or 81
facility that is not subject to interception is made available for 82
public use at each police department, fire department, or 83
emergency center. 84

(9) The interception or accessing of an electronic 85
communication made through an electronic communication system that 86
is configured so that the electronic communication is readily 87
accessible to the general public. 88

(10) The interception of a radio communication that is 89
transmitted by any of the following: 90

(a) A station for the use of the general public; 91

(b) A governmental, law enforcement, civil defense, private 92
land mobile, or public safety communications system, including a 93
police or fire system, that is readily accessible to the general 94
public; 95

(c) A station operating on an authorized frequency within the 96
bands allocated to the amateur, ~~citizen~~ citizens band, or general 97
mobile radio services; 98

(d) A marine or aeronautical communications system. 99

(11) The interception of a radio communication that relates 100
to a ship, aircraft, vehicle, or person in distress. 101

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

the extent necessary to identify the source of that interference. 105

(13) Other users of the same frequency to intercept a radio 106
communication made through a system that utilizes frequencies 107
monitored by individuals engaged in the provision or the use of 108
that system, if the communication is not scrambled or encrypted. 109

(14) A parent of a minor child or a person acting in loco 110
parentis of a minor child, including but not limited to a 111
guardian, custodian, grandparent acting under a power of attorney 112
created under section 3109.52 of the Revised Code, with respect to 113
any wire, oral, or electronic communication in which the minor 114
child participates or of which the minor child is a recipient or 115
intended recipient if the interception is made in good faith for 116
the protection of the child. 117

(C) Whoever violates this section is guilty of interception 118
of wire, oral, or electronic communications, a felony of the 119
fourth degree. 120

Section 2. That existing section 2933.52 of the Revised Code 121
is hereby repealed. 122