

**As Reported by the House Judiciary and Ethics Committee**

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**Sub. H. B. No. 535**

**Representative Hill**

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

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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 13  
attempt to use an interception device to intercept a wire, oral, 14  
or electronic communication, if either of the following applies: 15

(a) The interception device is affixed to, or otherwise 16  
transmits a signal through, a wire, cable, satellite, microwave, 17

or other similar method of connection used in wire communications; 18

(b) The interception device transmits communications by 19  
radio, or interferes with the transmission of communications by 20  
radio. 21

(3) Use, or attempt to use, the contents of a wire, oral, or 22  
electronic communication, knowing or having reason to know that 23  
the contents were obtained through the interception of a wire, 24  
oral, or electronic communication in violation of sections 2933.51 25  
to 2933.66 of the Revised Code. 26

(B) This section does not apply to any of the following: 27

(1) The interception, disclosure, or use of the contents, or 28  
evidence derived from the contents, of an oral, wire, or 29  
electronic communication that is obtained through the use of an 30  
interception warrant issued pursuant to sections 2933.53 to 31  
2933.56 of the Revised Code, that is obtained pursuant to an oral 32  
approval for an interception granted pursuant to section 2933.57 33  
of the Revised Code, or that is obtained pursuant to an order that 34  
is issued or an interception that is made in accordance with 35  
section 802 of the "Omnibus Crime Control and Safe Streets Act of 36  
1968," 82 Stat. 237, 254, 18 U.S.C. 2510 to 2520 (1968), as 37  
amended, the "Electronic Communications Privacy Act of 1986," 100 38  
Stat. 1848-1857, 18 U.S.C. 2510-2521 (1986), as amended, or the 39  
"Foreign Intelligence Surveillance Act," 92 Stat. 1783, 50 U.S.C. 40  
1801.11 (1978), as amended; 41

(2) An operator of a switchboard, or an officer, employee, or 42  
agent of a provider of wire or electronic communication service, 43  
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 facility that is not subject to interception is made available for public use at each police department, fire department, or emergency center.	81 82 83 84
(9) The interception or accessing of an electronic communication made through an electronic communication system that is configured so that the electronic communication is readily accessible to the general public.	85 86 87 88
(10) The interception of a radio communication that is transmitted by any of the following:	89 90
(a) A station for the use of the general public;	91
(b) A governmental, law enforcement, civil defense, private land mobile, or public safety communications system, including a police or fire system, that is readily accessible to the general public;	92 93 94 95
(c) A station operating on an authorized frequency within the bands allocated to the amateur, <del>citizen</del> <u>citizens</u> band, or general mobile radio services;	96 97 98
(d) A marine or aeronautical communications system.	99
(11) The interception of a radio communication that relates to a ship, aircraft, vehicle, or person in distress.	100 101
(12) The interception of a wire or electronic communication the transmission of which is causing harmful interference to a lawfully operating station or consumer electronic equipment, to the extent necessary to identify the source of that interference.	102 103 104 105
(13) Other users of the same frequency to intercept a radio communication made through a system that utilizes frequencies monitored by individuals engaged in the provision or the use of that system, if the communication is not scrambled or encrypted.	106 107 108 109

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

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

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