

As Introduced

**129th General Assembly
Regular Session
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S. B. No. 203

Senators Cafaro, LaRose

Cosponsors: Senators Smith, Turner, Jones

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A B I L L

To amend sections 2921.13 and 2921.22 of the Revised 1
Code to require a parent, legal guardian, 2
custodian, or caretaker of a child under the age 3
of thirteen to report to a law enforcement agency 4
within twenty-four hours after the child is 5
missing, to require a parent, legal guardian, 6
custodian, or caretaker of a child above the age 7
of twelve and under the age of eighteen to report 8
to a law enforcement agency within forty-eight 9
hours after the child is missing, to require a 10
parent, legal guardian, custodian, or caretaker to 11
report to a law enforcement agency within one hour 12
after the parent, legal guardian, custodian, or 13
caretaker discovers that the child is deceased, to 14
increase penalty for falsification to mislead a 15
public official, and to specify that the above 16
provisions are to be known as "Caylee's Law." 17

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

Section 1. That sections 2921.13 and 2921.22 of the Revised 18
Code be amended to read as follows: 19

Sec. 2921.13. (A) No person shall knowingly make a false	20
statement, or knowingly swear or affirm the truth of a false	21
statement previously made, when any of the following applies:	22
(1) The statement is made in any official proceeding.	23
(2) The statement is made with purpose to incriminate	24
another.	25
(3) The statement is made with purpose to mislead a public	26
official in performing the public official's official function.	27
(4) The statement is made with purpose to secure the payment	28
of unemployment compensation; Ohio works first; prevention,	29
retention, and contingency benefits and services; disability	30
financial assistance; retirement benefits; economic development	31
assistance, as defined in section 9.66 of the Revised Code; or	32
other benefits administered by a governmental agency or paid out	33
of a public treasury.	34
(5) The statement is made with purpose to secure the issuance	35
by a governmental agency of a license, permit, authorization,	36
certificate, registration, release, or provider agreement.	37
(6) The statement is sworn or affirmed before a notary public	38
or another person empowered to administer oaths.	39
(7) The statement is in writing on or in connection with a	40
report or return that is required or authorized by law.	41
(8) The statement is in writing and is made with purpose to	42
induce another to extend credit to or employ the offender, to	43
confer any degree, diploma, certificate of attainment, award of	44
excellence, or honor on the offender, or to extend to or bestow	45
upon the offender any other valuable benefit or distinction, when	46
the person to whom the statement is directed relies upon it to	47
that person's detriment.	48
(9) The statement is made with purpose to commit or	49

facilitate the commission of a theft offense. 50

(10) The statement is knowingly made to a probate court in 51
connection with any action, proceeding, or other matter within its 52
jurisdiction, either orally or in a written document, including, 53
but not limited to, an application, petition, complaint, or other 54
pleading, or an inventory, account, or report. 55

(11) The statement is made on an account, form, record, 56
stamp, label, or other writing that is required by law. 57

(12) The statement is made in connection with the purchase of 58
a firearm, as defined in section 2923.11 of the Revised Code, and 59
in conjunction with the furnishing to the seller of the firearm of 60
a fictitious or altered driver's or commercial driver's license or 61
permit, a fictitious or altered identification card, or any other 62
document that contains false information about the purchaser's 63
identity. 64

(13) The statement is made in a document or instrument of 65
writing that purports to be a judgment, lien, or claim of 66
indebtedness and is filed or recorded with the secretary of state, 67
a county recorder, or the clerk of a court of record. 68

(14) The statement is made in an application filed with a 69
county sheriff pursuant to section 2923.125 of the Revised Code in 70
order to obtain or renew a license to carry a concealed handgun or 71
is made in an affidavit submitted to a county sheriff to obtain a 72
temporary emergency license to carry a concealed handgun under 73
section 2923.1213 of the Revised Code. 74

(15) The statement is required under section 5743.71 of the 75
Revised Code in connection with the person's purchase of 76
cigarettes or tobacco products in a delivery sale. 77

(B) No person, in connection with the purchase of a firearm, 78
as defined in section 2923.11 of the Revised Code, shall knowingly 79
furnish to the seller of the firearm a fictitious or altered 80

driver's or commercial driver's license or permit, a fictitious or 81
altered identification card, or any other document that contains 82
false information about the purchaser's identity. 83

(C) No person, in an attempt to obtain a license to carry a 84
concealed handgun under section 2923.125 of the Revised Code, 85
shall knowingly present to a sheriff a fictitious or altered 86
document that purports to be certification of the person's 87
competence in handling a handgun as described in division (B)(3) 88
of section 2923.125 of the Revised Code. 89

(D) It is no defense to a charge under division (A)(6) of 90
this section that the oath or affirmation was administered or 91
taken in an irregular manner. 92

(E) If contradictory statements relating to the same fact are 93
made by the offender within the period of the statute of 94
limitations for falsification, it is not necessary for the 95
prosecution to prove which statement was false but only that one 96
or the other was false. 97

(F)(1) Whoever violates division (A)(1), (2), ~~(3)~~, (4), (5), 98
(6), (7), (8), (10), (11), (13), or (15) of this section is guilty 99
of falsification, a misdemeanor of the first degree. 100

(2) Whoever violates division (A)(3) of this section is 101
guilty of falsification to mislead a public official, a felony of 102
the fifth degree. 103

(3) Whoever violates division (A)(9) of this section is 104
guilty of falsification in a theft offense. Except as otherwise 105
provided in this division, falsification in a theft offense is a 106
misdemeanor of the first degree. If the value of the property or 107
services stolen is five hundred dollars or more and is less than 108
five thousand dollars, falsification in a theft offense is a 109
felony of the fifth degree. If the value of the property or 110
services stolen is five thousand dollars or more and is less than 111

one hundred thousand dollars, falsification in a theft offense is 112
a felony of the fourth degree. If the value of the property or 113
services stolen is one hundred thousand dollars or more, 114
falsification in a theft offense is a felony of the third degree. 115

~~(3)~~(4) Whoever violates division (A)(12) or (B) of this 116
section is guilty of falsification to purchase a firearm, a felony 117
of the fifth degree. 118

~~(4)~~(5) Whoever violates division (A)(14) or (C) of this 119
section is guilty of falsification to obtain a concealed handgun 120
license, a felony of the fourth degree. 121

(G) A person who violates this section is liable in a civil 122
action to any person harmed by the violation for injury, death, or 123
loss to person or property incurred as a result of the commission 124
of the offense and for reasonable attorney's fees, court costs, 125
and other expenses incurred as a result of prosecuting the civil 126
action commenced under this division. A civil action under this 127
division is not the exclusive remedy of a person who incurs 128
injury, death, or loss to person or property as a result of a 129
violation of this section. 130

Sec. 2921.22. (A)(1) Except as provided in division (A)(2) of 131
this section, no person, knowing that a felony has been or is 132
being committed, shall knowingly fail to report such information 133
to law enforcement authorities. 134

(2) No person, knowing that a violation of division (B) of 135
section 2913.04 of the Revised Code has been, or is being 136
committed or that the person has received information derived from 137
such a violation, shall knowingly fail to report the violation to 138
law enforcement authorities. 139

(B) Except for conditions that are within the scope of 140
division (E) of this section, no physician, limited practitioner, 141

nurse, or other person giving aid to a sick or injured person 142
shall negligently fail to report to law enforcement authorities 143
any gunshot or stab wound treated or observed by the physician, 144
limited practitioner, nurse, or person, or any serious physical 145
harm to persons that the physician, limited practitioner, nurse, 146
or person knows or has reasonable cause to believe resulted from 147
an offense of violence. 148

(C) ~~No~~ (1) Except as provided in division (C)(2) of this 149
section, no person who discovers the body or acquires the first 150
knowledge of the death of a person shall fail to report the death 151
immediately to a physician whom the person knows to be treating 152
the deceased for a condition from which death at such time would 153
not be unexpected, or to a law enforcement officer, an ambulance 154
service, an emergency squad, or the coroner in a political 155
subdivision in which the body is discovered, the death is believed 156
to have occurred, or knowledge concerning the death is obtained. 157

(2) No parent, legal guardian, custodian, or caretaker of a 158
child under the age of eighteen who acquires knowledge of the 159
child's death shall knowingly fail to report the child's death to 160
law enforcement authorities within one hour after acquiring 161
knowledge of the child's death. 162

(D) No person shall fail to provide upon request of the 163
person to whom a report required by division (C) of this section 164
was made, or to any law enforcement officer who has reasonable 165
cause to assert the authority to investigate the circumstances 166
surrounding the death, any facts within the person's knowledge 167
that may have a bearing on the investigation of the death. 168

(E)(1) As used in this division, "burn injury" means any of 169
the following: 170

(a) Second or third degree burns; 171

(b) Any burns to the upper respiratory tract or laryngeal 172

edema due to the inhalation of superheated air;	173
(c) Any burn injury or wound that may result in death;	174
(d) Any physical harm to persons caused by or as the result	175
of the use of fireworks, novelties and trick noisemakers, and wire	176
sparklers, as each is defined by section 3743.01 of the Revised	177
Code.	178
(2) No physician, nurse, or limited practitioner who, outside	179
a hospital, sanitarium, or other medical facility, attends or	180
treats a person who has sustained a burn injury that is inflicted	181
by an explosion or other incendiary device or that shows evidence	182
of having been inflicted in a violent, malicious, or criminal	183
manner shall fail to report the burn injury immediately to the	184
local arson, or fire and explosion investigation, bureau, if there	185
is a bureau of this type in the jurisdiction in which the person	186
is attended or treated, or otherwise to local law enforcement	187
authorities.	188
(3) No manager, superintendent, or other person in charge of	189
a hospital, sanitarium, or other medical facility in which a	190
person is attended or treated for any burn injury that is	191
inflicted by an explosion or other incendiary device or that shows	192
evidence of having been inflicted in a violent, malicious, or	193
criminal manner shall fail to report the burn injury immediately	194
to the local arson, or fire and explosion investigation, bureau,	195
if there is a bureau of this type in the jurisdiction in which the	196
person is attended or treated, or otherwise to local law	197
enforcement authorities.	198
(4) No person who is required to report any burn injury under	199
division (E)(2) or (3) of this section shall fail to file, within	200
three working days after attending or treating the victim, a	201
written report of the burn injury with the office of the state	202
fire marshal. The report shall comply with the uniform standard	203

developed by the state fire marshal pursuant to division (A)(15) 204
of section 3737.22 of the Revised Code. 205

(5) Anyone participating in the making of reports under 206
division (E) of this section or anyone participating in a judicial 207
proceeding resulting from the reports is immune from any civil or 208
criminal liability that otherwise might be incurred or imposed as 209
a result of such actions. Notwithstanding section 4731.22 of the 210
Revised Code, the physician-patient relationship is not a ground 211
for excluding evidence regarding a person's burn injury or the 212
cause of the burn injury in any judicial proceeding resulting from 213
a report submitted under division (E) of this section. 214

(F)(1) Any doctor of medicine or osteopathic medicine, 215
hospital intern or resident, registered or licensed practical 216
nurse, psychologist, social worker, independent social worker, 217
social work assistant, professional clinical counselor, or 218
professional counselor who knows or has reasonable cause to 219
believe that a patient or client has been the victim of domestic 220
violence, as defined in section 3113.31 of the Revised Code, shall 221
note that knowledge or belief and the basis for it in the 222
patient's or client's records. 223

(2) Notwithstanding section 4731.22 of the Revised Code, the 224
doctor-patient privilege shall not be a ground for excluding any 225
information regarding the report containing the knowledge or 226
belief noted under division (F)(1) of this section, and the 227
information may be admitted as evidence in accordance with the 228
Rules of Evidence. 229

(G)(1) No parent, legal guardian, custodian, or caretaker of 230
a child under the age of thirteen who acquires knowledge that the 231
child is missing shall knowingly fail to report that the child is 232
missing to law enforcement authorities within twenty-four hours 233
after acquiring knowledge that the child is missing. 234

(2) No parent, legal guardian, custodian, or caretaker of a child who is thirteen years of age or older but less than eighteen years of age who acquires knowledge that the child is missing shall knowingly fail to report that the child is missing to law enforcement authorities within forty-eight hours after acquiring knowledge that the child is missing.

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

(1) The information is privileged by reason of the relationship between attorney and client; doctor and patient; licensed psychologist or licensed school psychologist and client; member of the clergy, rabbi, minister, or priest and any person communicating information confidentially to the member of the clergy, rabbi, minister, or priest for a religious counseling purpose of a professional character; husband and wife; or a communications assistant and those who are a party to a telecommunications relay service call.

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

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

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

(5) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program of treatment or services for drug dependent persons or persons in danger of drug dependence, which

program is maintained or conducted by a hospital, clinic, person, 266
agency, or organization certified pursuant to section 3793.06 of 267
the Revised Code. 268

(6) Disclosure would amount to revealing information acquired 269
by the actor in the course of the actor's duties in connection 270
with a bona fide program for providing counseling services to 271
victims of crimes that are violations of section 2907.02 or 272
2907.05 of the Revised Code or to victims of felonious sexual 273
penetration in violation of former section 2907.12 of the Revised 274
Code. As used in this division, "counseling services" include 275
services provided in an informal setting by a person who, by 276
education or experience, is competent to provide those services. 277

~~(H)~~(I) No disclosure of information pursuant to this section 278
gives rise to any liability or recrimination for a breach of 279
privilege or confidence. 280

~~(I)~~(J) Whoever violates division (A) or (B) of this section 281
is guilty of failure to report a crime. Violation of division 282
(A)(1) of this section is a misdemeanor of the fourth degree. 283
Violation of division (A)(2) or (B) of this section is a 284
misdemeanor of the second degree. 285

~~(J)~~(K)(1) Whoever violates division (C)(1) or (D) of this 286
section is guilty of failure to report knowledge of a death, a 287
misdemeanor of the fourth degree. 288

~~(K)~~(2) Whoever violates division (C)(2) of this section is 289
guilty of failure to report knowledge of a child's death, a felony 290
of the third degree. 291

(L)(1) Whoever negligently violates division (E) of this 292
section is guilty of a minor misdemeanor. 293

(2) Whoever knowingly violates division (E) of this section 294
is guilty of a misdemeanor of the second degree. 295

(M) Whoever violates division (G)(1) or (2) of this section 296
is guilty of failure to report knowledge of a missing child. If 297
the child who is the subject of the offense suffered physical harm 298
or was killed during the period of time the child was missing, 299
failure to report knowledge of a missing child is a felony of the 300
second degree. If the child who is the subject of the offense did 301
not suffer any physical harm during the period of time the child 302
was missing, failure to report knowledge of a missing child is a 303
felony of the third degree. 304

(N) Divisions (C)(2), (G), (K)(2), and (M) of this section 305
and division (F)(2) of section 2921.13 of the Revised Code enacted 306
in the act in which these divisions were enacted shall be known as 307
"Caylee's Law." 308

(O) As used in this section, "caregiver" means a person who 309
is responsible for a child's welfare at any given time. 310

Section 2. That existing sections 2921.13 and 2921.22 of the 311
Revised Code are hereby repealed. 312