

**As Passed by the Senate**

**130th General Assembly**

**Regular Session**

**2013-2014**

**Sub. H. B. No. 290**

**Representative Stebelton**

**Cosponsors: Representatives Becker, Smith, Huffman, Grossman,  
Adams, J., Terhar, Blessing, Scherer, Hood, Buchy, Brenner, Fedor, Perales,  
Maag, Antonio, Baker, Barnes, Beck, Burkley, Driehaus, Green, Milkovich,  
Phillips, Sheehy, Stautberg Speaker Batchelder  
Senators Coley, Patton, Seitz, Uecker**

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**A B I L L**

To amend sections 2305.113, 2901.12, 3313.75, 1  
3313.76, 3313.77, 3313.78, 3721.02, and 5165.67 2  
and to enact sections 1901.028, 1907.04, 2301.04, 3  
2501.20, and 3313.791 of the Revised Code 4  
regarding the use of school district premises by 5  
members of the public and immunity from civil 6  
liability for a school district and schools when 7  
permitting members of the public to use school 8  
premises, regarding the use of results of an 9  
inspection of a nursing home or the results of a 10  
Medicare or Medicaid survey of a nursing facility 11  
in an advertisement, regarding the continued 12  
orderly operation of the courts in case of a 13  
disaster, civil disorder, or other extraordinary 14  
circumstance, and regarding the limitation of 15  
claims arising out of skilled nursing care or 16  
personal care services provided in a home. 17

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

**Section 1.** That sections 2305.113, 2901.12, 3313.75, 3313.76, 18  
3313.77, 3313.78, 3721.02, and 5165.67 be amended and sections 19  
1901.028, 1907.04, 2301.04, 2501.20, and 3313.791 of the Revised 20  
Code be enacted to read as follows: 21

**Sec. 1901.028.** (A) In the event of a natural or man-made 22  
disaster, civil disorder, or any extraordinary circumstance that 23  
interrupts or threatens to interrupt the orderly operation of a 24  
municipal court within the territorial jurisdiction of the court, 25  
the administrative judge of the court may issue an order 26  
authorizing the court to operate at a temporary location inside or 27  
outside the territorial jurisdiction of the court. The order shall 28  
identify the temporary location at which the court shall operate 29  
and the date on which operations shall commence at the temporary 30  
location. The court shall operate at the temporary location until 31  
the administrative judge withdraws, cancels, or rescinds the 32  
order. 33

(B) The authority of an administrative judge of a municipal 34  
court to issue an order authorizing the court to operate at a 35  
temporary location pursuant to division (A) of this section is 36  
independent of and shall not be conditioned upon a declaration of 37  
a judicial emergency issued by the chief justice of the supreme 38  
court pursuant to Rule 14 of the Rules of Superintendence for the 39  
Courts of Ohio. 40

(C) For the period during which a municipal court operates in 41  
a temporary location pursuant to division (A) of this section, the 42  
court shall continue to have the territorial jurisdiction set 43  
forth in section 1901.02 of the Revised Code and the court shall 44  
have jurisdiction to hear actions and conduct proceedings the same 45  
as if the court were operating within that territorial 46  
jurisdiction. 47

(D) As soon as practicable following issuance of an order 48  
pursuant to division (A) of this section, both of the following 49  
shall occur: 50

(1) The administrative judge of the municipal court shall 51  
provide notice and a copy of the order by regular or electronic 52  
mail to all of the following: 53

(a) The chief justice and administrative director of the 54  
supreme court; 55

(b) The legislative authorities of the local funding 56  
authorities of the court; 57

(c) All appropriate law enforcement agencies, prosecuting 58  
authorities, public defender agencies, and local bar associations 59  
within the territorial jurisdiction of the court. 60

(2) If the court operates and maintains a web site, the web 61  
site shall provide notification of the operation of the court at 62  
the temporary location, including the site of the temporary 63  
location and the date on which operations shall commence at the 64  
temporary location. 65

(E) As soon as practicable following the withdrawal, 66  
cancellation, or rescission of an order issued pursuant to 67  
division (A) of this section, each of the following shall occur: 68

(1) The administrative judge of the municipal court shall 69  
provide notice by regular or electronic mail to all of the 70  
following: 71

(a) The chief justice and administrative director of the 72  
supreme court; 73

(b) The legislative authorities of the local funding 74  
authorities of the court; 75

(c) All appropriate law enforcement agencies, prosecuting 76  
authorities, public defender agencies, and local bar associations 77

within the territorial jurisdiction of the court. 78

(2) If the court operates and maintains a web site, the web 79  
site shall provide notification of the operation of the court at 80  
the permanent location of the court, including the site of the 81  
permanent location and the date on which operations shall commence 82  
at the permanent location. 83

**Sec. 1907.04.** (A) In the event of a natural or man-made 84  
disaster, civil disorder, or any extraordinary circumstance that 85  
interrupts or threatens to interrupt the orderly operation of a 86  
county court within the territorial jurisdiction of the court, the 87  
administrative judge of the court may issue an order authorizing 88  
the court to operate at a temporary location inside or outside the 89  
territorial jurisdiction of the court. The order shall identify 90  
the temporary location at which the court shall operate and the 91  
date on which operations shall commence at the temporary location. 92  
The court shall operate at the temporary location until the 93  
administrative judge withdraws, cancels, or rescinds the order. 94

(B) The authority of an administrative judge of a county 95  
court to issue an order authorizing the court to operate at a 96  
temporary location pursuant to division (A) of this section is 97  
independent of and shall not be conditioned upon a declaration of 98  
a judicial emergency issued by the chief justice of the supreme 99  
court pursuant to Rule 14 of the Rules of Superintendence for the 100  
Courts of Ohio. 101

(C) For the period during which a county court operates in a 102  
temporary location pursuant to division (A) of this section, the 103  
court shall continue to have the territorial jurisdiction set 104  
forth in section 1907.01 of the Revised Code and the court shall 105  
have jurisdiction to hear actions and conduct proceedings the same 106  
as if the court were operating within that territorial 107  
jurisdiction. 108

(D) As soon as practicable following issuance of an order 109  
pursuant to division (A) of this section, both of the following 110  
shall occur: 111

(1) The administrative judge of the county court shall 112  
provide notice and a copy of the order by regular or electronic 113  
mail to all of the following: 114

(a) The chief justice and administrative director of the 115  
supreme court; 116

(b) The legislative authorities of the local funding 117  
authorities of the court; 118

(c) All appropriate law enforcement agencies, prosecuting 119  
authorities, public defender agencies, and local bar associations 120  
within the territorial jurisdiction of the court. 121

(2) If the court operates and maintains a web site, the web 122  
site shall provide notification of the operation of the court at 123  
the temporary location, including the site of the temporary 124  
location and the date on which operations shall commence at the 125  
temporary location. 126

(E) As soon as practicable following the withdrawal, 127  
cancellation, or rescission of an order issued pursuant to 128  
division (A) of this section, each of the following shall occur: 129

(1) The administrative judge of the county court shall 130  
provide notice by regular or electronic mail to all of the 131  
following: 132

(a) The chief justice and administrative director of the 133  
supreme court; 134

(b) The legislative authorities of the local funding 135  
authorities of the court; 136

(c) All appropriate law enforcement agencies, prosecuting 137  
authorities, public defender agencies, and local bar associations 138

within the territorial jurisdiction of the court. 139

(2) If the court operates and maintains a web site, the web 140  
site shall provide notification of the operation of the court at 141  
the permanent location of the court, including the site of the 142  
permanent location and the date on which operations shall commence 143  
at the permanent location. 144

**Sec. 2301.04.** (A) In the event of a natural or man-made 145  
disaster, civil disorder, or any extraordinary circumstance that 146  
interrupts or threatens to interrupt the orderly operation of a 147  
division of a court of common pleas within the territorial 148  
jurisdiction of the division, the administrative judge of the 149  
division may issue an order authorizing the division to operate at 150  
a temporary location inside or outside the territorial 151  
jurisdiction of the division. The order shall identify the 152  
temporary location at which the division shall operate and the 153  
date on which operations shall commence at the temporary location. 154  
The division shall operate at the temporary location until the 155  
administrative judge withdraws, cancels, or rescinds the order. 156

(B) The authority of an administrative judge of a division of 157  
a court of common pleas to issue an order authorizing the division 158  
to operate at a temporary location pursuant to division (A) of 159  
this section is independent of and shall not be conditioned upon a 160  
declaration of a judicial emergency issued by the chief justice of 161  
the supreme court pursuant to Rule 14 of the Rules of 162  
Superintendence for the Courts of Ohio. 163

(C) For the period during which a division of a court of 164  
common pleas operates in a temporary location pursuant to division 165  
(A) of this section, the division shall continue to have the 166  
territorial jurisdiction set forth in section 2301.01 of the 167  
Revised Code and the court shall have jurisdiction to hear actions 168  
and conduct proceedings the same as if the division were operating 169

within that territorial jurisdiction. 170

(D) As soon as practicable following issuance of an order 171  
pursuant to division (A) of this section, both of the following 172  
shall occur: 173

(1) The administrative judge of the division of the court of 174  
common pleas shall provide notice and a copy of the order by 175  
regular or electronic mail to all of the following: 176

(a) The chief justice and administrative director of the 177  
supreme court; 178

(b) The legislative authorities of the local funding 179  
authorities of the court; 180

(c) All appropriate law enforcement agencies, prosecuting 181  
authorities, public defender agencies, and local bar associations 182  
within the territorial jurisdiction of the court. 183

(2) If the division operates and maintains a web site, the 184  
web site shall provide notification of the operation of the 185  
division at the temporary location, including the site of the 186  
temporary location and the date on which operations shall commence 187  
at the temporary location. 188

(E) As soon as practicable following the withdrawal, 189  
cancellation, or rescission of an order issued pursuant to 190  
division (A) of this section, each of the following shall occur: 191

(1) The administrative judge of the division of the court of 192  
common pleas shall provide notice by regular or electronic mail to 193  
all of the following: 194

(a) The chief justice and administrative director of the 195  
supreme court; 196

(b) The legislative authorities of the local funding 197  
authorities of the court; 198

(c) All appropriate law enforcement agencies, prosecuting 199

authorities, public defender agencies, and local bar associations 200  
within the territorial jurisdiction of the court. 201

(2) If the division operates and maintains a web site, the 202  
web site shall provide notification of the operation of the 203  
division at the permanent location of the division, including the 204  
site of the permanent location and the date on which operations 205  
shall commence at the permanent location. 206

**Sec. 2305.113.** (A) Except as otherwise provided in this 207  
section, an action upon a medical, dental, optometric, or 208  
chiropractic claim shall be commenced within one year after the 209  
cause of action accrued. 210

(B)(1) If prior to the expiration of the one-year period 211  
specified in division (A) of this section, a claimant who 212  
allegedly possesses a medical, dental, optometric, or chiropractic 213  
claim gives to the person who is the subject of that claim written 214  
notice that the claimant is considering bringing an action upon 215  
that claim, that action may be commenced against the person 216  
notified at any time within one hundred eighty days after the 217  
notice is so given. 218

(2) An insurance company shall not consider the existence or 219  
nonexistence of a written notice described in division (B)(1) of 220  
this section in setting the liability insurance premium rates that 221  
the company may charge the company's insured person who is 222  
notified by that written notice. 223

(C) Except as to persons within the age of minority or of 224  
unsound mind as provided by section 2305.16 of the Revised Code, 225  
and except as provided in division (D) of this section, both of 226  
the following apply: 227

(1) No action upon a medical, dental, optometric, or 228  
chiropractic claim shall be commenced more than four years after 229

the occurrence of the act or omission constituting the alleged 230  
basis of the medical, dental, optometric, or chiropractic claim. 231

(2) If an action upon a medical, dental, optometric, or 232  
chiropractic claim is not commenced within four years after the 233  
occurrence of the act or omission constituting the alleged basis 234  
of the medical, dental, optometric, or chiropractic claim, then, 235  
any action upon that claim is barred. 236

(D)(1) If a person making a medical claim, dental claim, 237  
optometric claim, or chiropractic claim, in the exercise of 238  
reasonable care and diligence, could not have discovered the 239  
injury resulting from the act or omission constituting the alleged 240  
basis of the claim within three years after the occurrence of the 241  
act or omission, but, in the exercise of reasonable care and 242  
diligence, discovers the injury resulting from that act or 243  
omission before the expiration of the four-year period specified 244  
in division (C)(1) of this section, the person may commence an 245  
action upon the claim not later than one year after the person 246  
discovers the injury resulting from that act or omission. 247

(2) If the alleged basis of a medical claim, dental claim, 248  
optometric claim, or chiropractic claim is the occurrence of an 249  
act or omission that involves a foreign object that is left in the 250  
body of the person making the claim, the person may commence an 251  
action upon the claim not later than one year after the person 252  
discovered the foreign object or not later than one year after the 253  
person, with reasonable care and diligence, should have discovered 254  
the foreign object. 255

(3) A person who commences an action upon a medical claim, 256  
dental claim, optometric claim, or chiropractic claim under the 257  
circumstances described in division (D)(1) or (2) of this section 258  
has the affirmative burden of proving, by clear and convincing 259  
evidence, that the person, with reasonable care and diligence, 260  
could not have discovered the injury resulting from the act or 261

omission constituting the alleged basis of the claim within the 262  
three-year period described in division (D)(1) of this section or 263  
within the one-year period described in division (D)(2) of this 264  
section, whichever is applicable. 265

(E) As used in this section: 266

(1) "Hospital" includes any person, corporation, association, 267  
board, or authority that is responsible for the operation of any 268  
hospital licensed or registered in the state, including, but not 269  
limited to, those that are owned or operated by the state, 270  
political subdivisions, any person, any corporation, or any 271  
combination of the state, political subdivisions, persons, and 272  
corporations. "Hospital" also includes any person, corporation, 273  
association, board, entity, or authority that is responsible for 274  
the operation of any clinic that employs a full-time staff of 275  
physicians practicing in more than one recognized medical 276  
specialty and rendering advice, diagnosis, care, and treatment to 277  
individuals. "Hospital" does not include any hospital operated by 278  
the government of the United States or any of its branches. 279

(2) "Physician" means a person who is licensed to practice 280  
medicine and surgery or osteopathic medicine and surgery by the 281  
state medical board or a person who otherwise is authorized to 282  
practice medicine and surgery or osteopathic medicine and surgery 283  
in this state. 284

(3) "Medical claim" means any claim that is asserted in any 285  
civil action against a physician, podiatrist, hospital, home, or 286  
residential facility, against any employee or agent of a 287  
physician, podiatrist, hospital, home, or residential facility, or 288  
against a licensed practical nurse, registered nurse, advanced 289  
practice registered nurse, physical therapist, physician 290  
assistant, emergency medical technician-basic, emergency medical 291  
technician-intermediate, or emergency medical 292  
technician-paramedic, and that arises out of the medical 293

diagnosis, care, or treatment of any person. "Medical claim"	294
includes the following:	295
(a) Derivative claims for relief that arise from the <u>plan of</u>	296
<u>care</u> , medical diagnosis, <del>care</del> , or treatment of a person;	297
(b) Claims that arise out of the <u>plan of care</u> , medical	298
diagnosis, <del>care</del> , or treatment of any person and to which either of	299
the following applies:	300
(i) The claim results from acts or omissions in providing	301
medical care.	302
(ii) The claim results from the hiring, training,	303
supervision, retention, or termination of caregivers providing	304
medical diagnosis, care, or treatment.	305
(c) Claims that arise out of the <u>plan of care</u> , medical	306
diagnosis, <del>care</del> , or treatment of any person and that are brought	307
under section 3721.17 of the Revised Code;	308
<u>(d) Claims that arise out of skilled nursing care or personal</u>	309
<u>care services provided in a home pursuant to the plan of care,</u>	310
<u>medical diagnosis, or treatment.</u>	311
(4) "Podiatrist" means any person who is licensed to practice	312
podiatric medicine and surgery by the state medical board.	313
(5) "Dentist" means any person who is licensed to practice	314
dentistry by the state dental board.	315
(6) "Dental claim" means any claim that is asserted in any	316
civil action against a dentist, or against any employee or agent	317
of a dentist, and that arises out of a dental operation or the	318
dental diagnosis, care, or treatment of any person. "Dental claim"	319
includes derivative claims for relief that arise from a dental	320
operation or the dental diagnosis, care, or treatment of a person.	321
(7) "Derivative claims for relief" include, but are not	322
limited to, claims of a parent, guardian, custodian, or spouse of	323

an individual who was the subject of any medical diagnosis, care, 324  
or treatment, dental diagnosis, care, or treatment, dental 325  
operation, optometric diagnosis, care, or treatment, or 326  
chiropractic diagnosis, care, or treatment, that arise from that 327  
diagnosis, care, treatment, or operation, and that seek the 328  
recovery of damages for any of the following: 329

(a) Loss of society, consortium, companionship, care, 330  
assistance, attention, protection, advice, guidance, counsel, 331  
instruction, training, or education, or any other intangible loss 332  
that was sustained by the parent, guardian, custodian, or spouse; 333

(b) Expenditures of the parent, guardian, custodian, or 334  
spouse for medical, dental, optometric, or chiropractic care or 335  
treatment, for rehabilitation services, or for other care, 336  
treatment, services, products, or accommodations provided to the 337  
individual who was the subject of the medical diagnosis, care, or 338  
treatment, the dental diagnosis, care, or treatment, the dental 339  
operation, the optometric diagnosis, care, or treatment, or the 340  
chiropractic diagnosis, care, or treatment. 341

(8) "Registered nurse" means any person who is licensed to 342  
practice nursing as a registered nurse by the board of nursing. 343

(9) "Chiropractic claim" means any claim that is asserted in 344  
any civil action against a chiropractor, or against any employee 345  
or agent of a chiropractor, and that arises out of the 346  
chiropractic diagnosis, care, or treatment of any person. 347  
"Chiropractic claim" includes derivative claims for relief that 348  
arise from the chiropractic diagnosis, care, or treatment of a 349  
person. 350

(10) "Chiropractor" means any person who is licensed to 351  
practice chiropractic by the state chiropractic board. 352

(11) "Optometric claim" means any claim that is asserted in 353  
any civil action against an optometrist, or against any employee 354

or agent of an optometrist, and that arises out of the optometric 355  
diagnosis, care, or treatment of any person. "Optometric claim" 356  
includes derivative claims for relief that arise from the 357  
optometric diagnosis, care, or treatment of a person. 358

(12) "Optometrist" means any person licensed to practice 359  
optometry by the state board of optometry. 360

(13) "Physical therapist" means any person who is licensed to 361  
practice physical therapy under Chapter 4755. of the Revised Code. 362

(14) "Home" has the same meaning as in section 3721.10 of the 363  
Revised Code. 364

(15) "Residential facility" means a facility licensed under 365  
section 5123.19 of the Revised Code. 366

(16) "Advanced practice registered nurse" means any certified 367  
nurse practitioner, clinical nurse specialist, certified 368  
registered nurse anesthetist, or certified nurse-midwife who holds 369  
a certificate of authority issued by the board of nursing under 370  
Chapter 4723. of the Revised Code. 371

(17) "Licensed practical nurse" means any person who is 372  
licensed to practice nursing as a licensed practical nurse by the 373  
board of nursing pursuant to Chapter 4723. of the Revised Code. 374

(18) "Physician assistant" means any person who holds a valid 375  
certificate to practice issued pursuant to Chapter 4730. of the 376  
Revised Code. 377

(19) "Emergency medical technician-basic," "emergency medical 378  
technician-intermediate," and "emergency medical 379  
technician-paramedic" means any person who is certified under 380  
Chapter 4765. of the Revised Code as an emergency medical 381  
technician-basic, emergency medical technician-intermediate, or 382  
emergency medical technician-paramedic, whichever is applicable. 383

(20) "Skilled nursing care" and "personal care services" have 384

the same meanings as in section 3721.01 of the Revised Code. 385

Sec. 2501.20. (A) In the event of a natural or man-made 386  
disaster, civil disorder, or any extraordinary circumstance that 387  
interrupts or threatens to interrupt the orderly operation of a 388  
court of appeals within the territorial jurisdiction of the court, 389  
the administrative judge of the court may issue an order 390  
authorizing the court to operate at a temporary location inside or 391  
outside the territorial jurisdiction of the court. The order shall 392  
identify the temporary location at which the court shall operate 393  
and the date on which operations shall commence at the temporary 394  
location. The court shall operate at the temporary location until 395  
the administrative judge withdraws, cancels, or rescinds the 396  
order. 397

(B) The authority of an administrative judge of a court of 398  
appeals to issue an order authorizing the court to operate at a 399  
temporary location pursuant to division (A) of this section is 400  
independent of and shall not be conditioned upon a declaration of 401  
a judicial emergency issued by the chief justice of the supreme 402  
court pursuant to Rule 14 of the Rules of Superintendence for the 403  
Courts of Ohio. 404

(C) For the period during which a court of appeals operates 405  
in a temporary location pursuant to division (A) of this section, 406  
the court shall continue to have the territorial jurisdiction set 407  
forth in section 2501.01 of the Revised Code and the court shall 408  
have jurisdiction to hear actions and conduct proceedings the same 409  
as if the court were operating within that territorial 410  
jurisdiction. 411

(D) As soon as practicable following issuance of an order 412  
pursuant to division (A) of this section, both of the following 413  
shall occur: 414

(1) The administrative judge of the court of appeals shall 415

provide notice and a copy of the order by regular or electronic 416  
mail to all of the following: 417

(a) The chief justice and administrative director of the 418  
supreme court; 419

(b) The legislative authorities of the local funding 420  
authorities of the court; 421

(c) All appropriate law enforcement agencies, prosecuting 422  
authorities, public defender agencies, and local bar associations 423  
within the territorial jurisdiction of the court. 424

(2) If the court operates and maintains a web site, the web 425  
site shall provide notification of the operation of the court at 426  
the temporary location, including the site of the temporary 427  
location and the date on which operations shall commence at the 428  
temporary location. 429

(E) As soon as practicable following the withdrawal, 430  
cancellation, or rescission of an order issued pursuant to 431  
division (A) of this section, each of the following shall occur: 432

(1) The administrative judge of the court of appeals shall 433  
provide notice by regular or electronic mail to all of the 434  
following: 435

(a) The chief justice and administrative director of the 436  
supreme court; 437

(b) The legislative authorities of the local funding 438  
authorities of the court; 439

(c) All appropriate law enforcement agencies, prosecuting 440  
authorities, public defender agencies, and local bar associations 441  
within the territorial jurisdiction of the court. 442

(2) If the court operates and maintains a web site, the web 443  
site shall provide notification of the operation of the court at 444  
the permanent location of the court, including the site of the 445

permanent location and the date on which operations shall commence 446  
at the permanent location. 447

**Sec. 2901.12.** (A) The trial of a criminal case in this state 448  
shall be held in a court having jurisdiction of the subject 449  
matter, and, except in cases of emergency under section 1901.028, 450  
1907.04, 2301.04, or 2501.20 of the Revised Code, in the territory 451  
of which the offense or any element of the offense was committed. 452

(B) When the offense or any element of the offense was 453  
committed in an aircraft, motor vehicle, train, watercraft, or 454  
other vehicle, in transit, and it cannot reasonably be determined 455  
in which jurisdiction the offense was committed, the offender may 456  
be tried in any jurisdiction through which the aircraft, motor 457  
vehicle, train, watercraft, or other vehicle passed. 458

(C) When the offense involved the unlawful taking or 459  
receiving of property or the unlawful taking or enticing of 460  
another, the offender may be tried in any jurisdiction from which 461  
or into which the property or victim was taken, received, or 462  
enticed. 463

(D) When the offense is conspiracy, attempt, or complicity 464  
cognizable under division (A)(2) of section 2901.11 of the Revised 465  
Code, the offender may be tried in any jurisdiction in which the 466  
conspiracy, attempt, complicity, or any of its elements occurred. 467  
If an offense resulted outside this state from the conspiracy, 468  
attempt, or complicity, that resulting offense also may be tried 469  
in any jurisdiction in which the conspiracy, attempt, complicity, 470  
or any of the elements of the conspiracy, attempt, or complicity 471  
occurred. 472

(E) When the offense is conspiracy or attempt cognizable 473  
under division (A)(3) of section 2901.11 of the Revised Code, the 474  
offender may be tried in any jurisdiction in which the offense 475  
that was the object of the conspiracy or attempt, or any element 476

of that offense, was intended to or could have taken place. When 477  
the offense is complicity cognizable under division (A)(3) of 478  
section 2901.11 of the Revised Code, the offender may be tried in 479  
any jurisdiction in which the principal offender may be tried. 480

(F) When an offense is considered to have been committed in 481  
this state while the offender was out of this state, and the 482  
jurisdiction in this state in which the offense or any material 483  
element of the offense was committed is not reasonably 484  
ascertainable, the offender may be tried in any jurisdiction in 485  
which the offense or element reasonably could have been committed. 486

(G) When it appears beyond a reasonable doubt that an offense 487  
or any element of an offense was committed in any of two or more 488  
jurisdictions, but it cannot reasonably be determined in which 489  
jurisdiction the offense or element was committed, the offender 490  
may be tried in any of those jurisdictions. 491

(H) When an offender, as part of a course of criminal 492  
conduct, commits offenses in different jurisdictions, the offender 493  
may be tried for all of those offenses in any jurisdiction in 494  
which one of those offenses or any element of one of those 495  
offenses occurred. Without limitation on the evidence that may be 496  
used to establish the course of criminal conduct, any of the 497  
following is prima-facie evidence of a course of criminal conduct: 498

(1) The offenses involved the same victim, or victims of the 499  
same type or from the same group. 500

(2) The offenses were committed by the offender in the 501  
offender's same employment, or capacity, or relationship to 502  
another. 503

(3) The offenses were committed as part of the same 504  
transaction or chain of events, or in furtherance of the same 505  
purpose or objective. 506

(4) The offenses were committed in furtherance of the same 507

conspiracy. 508

(5) The offenses involved the same or a similar modus operandi. 509  
510

(6) The offenses were committed along the offender's line of travel in this state, regardless of the offender's point of origin or destination. 511  
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(I)(1) When the offense involves a computer, computer system, computer network, telecommunication, telecommunications device, telecommunications service, or information service, the offender may be tried in any jurisdiction containing any location of the computer, computer system, or computer network of the victim of the offense, in any jurisdiction from which or into which, as part of the offense, any writing, data, or image is disseminated or transmitted by means of a computer, computer system, computer network, telecommunication, telecommunications device, telecommunications service, or information service, or in any jurisdiction in which the alleged offender commits any activity that is an essential part of the offense. 514  
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(2) As used in this section, "computer," "computer system," "computer network," "information service," "telecommunication," "telecommunications device," "telecommunications service," "data," and "writing" have the same meanings as in section 2913.01 of the Revised Code. 526  
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(J) When the offense involves the death of a person, and it cannot reasonably be determined in which jurisdiction the offense was committed, the offender may be tried in the jurisdiction in which the dead person's body or any part of the dead person's body was found. 531  
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(K) Notwithstanding any other requirement for the place of trial, venue may be changed, upon motion of the prosecution, the defense, or the court, to any court having jurisdiction of the 536  
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subject matter outside the county in which trial otherwise would 539  
be held, when it appears that a fair and impartial trial cannot be 540  
held in the jurisdiction in which trial otherwise would be held, 541  
or when it appears that trial should be held in another 542  
jurisdiction for the convenience of the parties and in the 543  
interests of justice. 544

**Sec. 3313.75.** (A) For purposes of this section, "school 545  
premises" has the same meaning as in section 3313.77 of the 546  
Revised Code. 547

(B) The board of education of a city, exempted village, or 548  
local school district may authorize the opening of ~~schoolhouses~~ 549  
school premises for any lawful purposes. 550

~~(B)~~(C) In accordance with this section and section 3313.77 of 551  
the Revised Code, a district board may rent or lease ~~facilities~~ 552  
school premises under its control to any public or nonpublic 553  
institution of higher education for the institution's use in 554  
providing evening and summer classes. 555

~~(C)~~(D) This section does not authorize a board to rent or 556  
lease a ~~schoolhouse~~ school premises when such rental or lease 557  
interferes with the public schools in such district, or for any 558  
purpose other than is authorized by law. 559

**Sec. 3313.76.** Upon application of any responsible 560  
organization, or of a group of at least seven citizens, ~~all school 561~~  
~~grounds and schoolhouses~~ premises, as that term is defined in 562  
section 3313.77 of the Revised Code, as well as all other 563  
buildings under the supervision and control of the state, or 564  
buildings maintained by taxation under the laws of this state, 565  
shall be available for use as social centers for the entertainment 566  
and education of the people, including the adult and youthful 567  
population, and for the discussion of all topics tending to the 568

development of personal character and of civil welfare, and for 569  
religious exercises. Such occupation should not seriously infringe 570  
upon the original and necessary uses of such properties. The 571  
public officials in charge of such buildings shall prescribe such 572  
rules and regulations for their occupancy and use as will secure a 573  
fair, reasonable, and impartial use of the same. 574

**Sec. 3313.77. (A) For purposes of this section:** 575

(1) "General public" means members of the community, 576  
including both of the following: 577

(a) Students during nonschool hours; 578

(b) Employees of a school or school district when not working 579  
in the scope of their employment. 580

(2) "Nonschool hours" means both of the following: 581

(a) Any time prior to and after regular classroom instruction 582  
on a day that school is in session; 583

(b) Any day that school is not in session, including 584  
weekends, holidays, and vacation breaks. 585

(3) "Recreational meetings and entertainments" means all 586  
indoor or outdoor games or physical activities, either organized 587  
or unorganized, that are undertaken for exercise, relaxation, 588  
diversion, sport, or pleasure. 589

(4) "School premises" means all indoor and outdoor 590  
structures, facilities, and land owned, rented, or leased by a 591  
school or school district. 592

(B) The board of education of any city, exempted village, or 593  
local school district shall, upon request and the payment of a 594  
reasonable fee, subject to such regulation as is adopted by such 595  
board, permit the use of ~~any school house and rooms therein and~~ 596  
~~the grounds and other property under its control~~ premises, when 597

not in actual use for school purposes, for any of the following 598  
purposes: 599

~~(A)~~(1) Giving instructions in any branch of education, 600  
learning, or the arts; 601

~~(B)~~(2) Holding educational, religious, civic, social, or 602  
recreational meetings and entertainments, and for such other 603  
purposes as promote the welfare of the community; provided such 604  
meetings and entertainments shall be nonexclusive and open to the 605  
general public; 606

~~(C)~~(3) Public library purposes, as a station for a public 607  
library, or as reading rooms; 608

~~(D)~~(4) Polling places, for holding elections and for the 609  
registration of voters, or for holding grange or similar meetings. 610

~~Within sixty days after the effective date of this section,~~ 611  
~~the~~ The board of education of each school district shall adopt a 612  
policy for the use of school ~~facilities~~ premises by the general 613  
public, including a list of all fees to be paid for the use of 614  
such ~~facilities~~ premises and the costs used to determine such 615  
fees. Once adopted, the policy shall remain in effect until 616  
formally amended by the board. A copy of the policy shall be made 617  
available to any resident of the district upon request. 618

**Sec. 3313.78.** Upon application of a committee representing 619  
any candidate for public office or any regularly organized or 620  
recognized political party, the board of education having control 621  
of any school ~~grounds~~ premises mentioned in section 3313.76 of the 622  
Revised Code, shall permit the same to be used as a place wherein 623  
to hold meetings of electors for the discussion of public 624  
questions and issues. No such meeting shall be held during regular 625  
school hours. No charge shall be made for such use, but the 626  
candidate or committee so holding a meeting shall be responsible 627

for any damage done or expense incurred by reason thereof. 628

Sec. 3313.791. (A) For purposes of this section: 629

(1) "School" means a school in a city, local, or exempted 630  
village school district. 631

(2) "School district" means a city, local, or exempted 632  
village school district. 633

(3) "School premises" has the same meaning as in section 634  
3313.77 of the Revised Code. 635

(B) Except as otherwise provided in division (C) of this 636  
section, a school or school district, a member of a school 637  
district board of education, or a school district or school 638  
employee is not liable in damages in a civil action for injury, 639  
death, or loss to person or property allegedly arising from the 640  
use of school premises under section 3313.75, 3313.76, 3313.77, or 641  
3313.78 of the Revised Code, unless the injury, death, or loss to 642  
person or property results from willful or wanton misconduct by 643  
the school or school district, a member of the school district 644  
board of education, or an employee of the school district or of 645  
any school in the district. 646

This section does not eliminate, limit, or reduce any other 647  
immunity or defense that a school or school district, member of a 648  
school district board of education, or school district or school 649  
employee may be entitled to under Chapter 2744. or any other 650  
provision of the Revised Code or under the common law of this 651  
state. 652

(C) A school or school district, a member of a school 653  
district board of education, or a school district or school 654  
employee is not immune from liability in damages in a civil action 655  
as provided under division (B) of this section if the board of 656  
education of the city, exempted village, or local school district 657

charges a fee for the use of school premises that significantly 658  
exceeds the costs incurred for the operation of the school 659  
premises. 660

**Sec. 3721.02.** (A) As used in this section, "residential 661  
facility" means a residential facility licensed under section 662  
5119.34 of the Revised Code that provides accommodations, 663  
supervision, and personal care services for three to sixteen 664  
unrelated adults. 665

(B)(1) The director of health shall license homes and 666  
establish procedures to be followed in inspecting and licensing 667  
homes. The director may inspect a home at any time. Each home 668  
shall be inspected by the director at least once prior to the 669  
issuance of a license and at least once every fifteen months 670  
thereafter. The state fire marshal or a township, municipal, or 671  
other legally constituted fire department approved by the marshal 672  
shall also inspect a home prior to issuance of a license, at least 673  
once every fifteen months thereafter, and at any other time 674  
requested by the director. A home does not have to be inspected 675  
prior to issuance of a license by the director, state fire 676  
marshal, or a fire department if ownership of the home is assigned 677  
or transferred to a different person and the home was licensed 678  
under this chapter immediately prior to the assignment or 679  
transfer. The director may enter at any time, for the purposes of 680  
investigation, any institution, residence, facility, or other 681  
structure that has been reported to the director or that the 682  
director has reasonable cause to believe is operating as a nursing 683  
home, residential care facility, or home for the aging without a 684  
valid license required by section 3721.05 of the Revised Code or, 685  
in the case of a county home or district home, is operating 686  
despite the revocation of its residential care facility license. 687  
The director may delegate the director's authority and duties 688  
under this chapter to any division, bureau, agency, or official of 689

the department of health. 690

(2)(a) If, prior to issuance of a license, a home submits a 691  
request for an expedited licensing inspection and the request is 692  
submitted in a manner and form approved by the director, the 693  
director shall commence an inspection of the home not later than 694  
ten business days after receiving the request. 695

(b) On request, submitted in a manner and form approved by 696  
the director, the director may review plans for a building that is 697  
to be used as a home for compliance with applicable state and 698  
local building and safety codes. 699

(c) The director may charge a fee for an expedited licensing 700  
inspection or a plan review that is adequate to cover the expense 701  
of expediting the inspection or reviewing the plans. The fee shall 702  
be deposited in the state treasury to the credit of the general 703  
operations fund created in section 3701.83 of the Revised Code and 704  
used solely for expediting inspections and reviewing plans. 705

(C) A single facility may be licensed both as a nursing home 706  
pursuant to this chapter and as a residential facility pursuant to 707  
section 5119.34 of the Revised Code if the director determines 708  
that the part or unit to be licensed as a nursing home can be 709  
maintained separate and discrete from the part or unit to be 710  
licensed as a residential facility. 711

(D) In determining the number of residents in a home for the 712  
purpose of licensing, the director shall consider all the 713  
individuals for whom the home provides accommodations as one group 714  
unless one of the following is the case: 715

(1) The home is a home for the aging, in which case all the 716  
individuals in the part or unit licensed as a nursing home shall 717  
be considered as one group, and all the individuals in the part or 718  
unit licensed as a rest home shall be considered as another group. 719

(2) The home is both a nursing home and a residential 720

facility. In that case, all the individuals in the part or unit 721  
licensed as a nursing home shall be considered as one group, and 722  
all the individuals in the part or unit licensed as an adult care 723  
facility shall be considered as another group. 724

(3) The home maintains, in addition to a nursing home or 725  
residential care facility, a separate and discrete part or unit 726  
that provides accommodations to individuals who do not require or 727  
receive skilled nursing care and do not receive personal care 728  
services from the home, in which case the individuals in the 729  
separate and discrete part or unit shall not be considered in 730  
determining the number of residents in the home if the separate 731  
and discrete part or unit is in compliance with the Ohio basic 732  
building code established by the board of building standards under 733  
Chapters 3781. and 3791. of the Revised Code and the home permits 734  
the director, on request, to inspect the separate and discrete 735  
part or unit and speak with the individuals residing there, if 736  
they consent, to determine whether the separate and discrete part 737  
or unit meets the requirements of this division. 738

(E)(1) The director of health shall charge the following 739  
application fee and annual renewal licensing and inspection fee 740  
for each fifty persons or part thereof of a home's licensed 741  
capacity: 742

(a) For state fiscal year 2010, two hundred twenty dollars; 743

(b) For state fiscal year 2011, two hundred seventy dollars; 744

(c) For each state fiscal year thereafter, three hundred 745  
twenty dollars. 746

(2) All fees collected by the director for the issuance or 747  
renewal of licenses shall be deposited into the state treasury to 748  
the credit of the general operations fund created in section 749  
3701.83 of the Revised Code for use only in administering and 750  
enforcing this chapter and rules adopted under it. 751

(F)(1) Except as otherwise provided in this section, the results of an inspection or investigation of a home that is conducted under this section, including any statement of deficiencies and all findings and deficiencies cited in the statement on the basis of the inspection or investigation, shall be used solely to determine the home's compliance with this chapter or another chapter of the Revised Code in any action or proceeding other than an action commenced under division (I) of section 3721.17 of the Revised Code. Those results of an inspection or investigation, that statement of deficiencies, and the findings and deficiencies cited in that statement shall not be used in ~~any~~ either of the following:

(a) Any court or in any action or proceeding that is pending in any court and are not admissible in evidence in any action or proceeding unless that action or proceeding is an appeal of an action by the department of health under this chapter or is an action by any department or agency of the state to enforce this chapter or another chapter of the Revised Code;

(b) An advertisement, unless the advertisement includes all of the following:

(i) The date the inspection or investigation was conducted;

(ii) A statement that the director of health inspects all homes at least once every fifteen months;

(iii) If a finding or deficiency cited in the statement of deficiencies has been substantially corrected, a statement that the finding or deficiency has been substantially corrected and the date that the finding or deficiency was substantially corrected;

(iv) The number of findings and deficiencies cited in the statement of deficiencies on the basis of the inspection or investigation;

(v) The average number of findings and deficiencies cited in

a statement of deficiencies on the basis of an inspection or 783  
investigation conducted under this section during the same 784  
calendar year as the inspection or investigation used in the 785  
advertisement; 786

(vi) A statement that the advertisement is neither authorized 787  
nor endorsed by the department of health or any other government 788  
agency. 789

(2) Nothing in division (F)(1) of this section prohibits the 790  
results of an inspection or investigation conducted under this 791  
section from being used in a criminal investigation or 792  
prosecution. 793

**Sec. 5165.67.** The results of a survey of a nursing facility 794  
that is conducted under section 5165.64 of the Revised Code, 795  
including any statement of deficiencies and all findings and 796  
deficiencies cited in the statement on the basis of the survey, 797  
shall be used solely to determine the nursing facility's 798  
compliance with certification requirements or with this chapter or 799  
another chapter of the Revised Code. Those results of a survey, 800  
that statement of deficiencies, and the findings and deficiencies 801  
cited in that statement shall not be used in ~~any~~ either of the 802  
following: 803

(A) Any court or in any action or proceeding that is pending 804  
in any court and are not admissible in evidence in any action or 805  
proceeding unless that action or proceeding is an appeal of an 806  
administrative action by the department of medicaid or contracting 807  
agency under this chapter or is an action by any department or 808  
agency of the state to enforce this chapter or another chapter of 809  
the Revised Code; 810

(B) An advertisement, unless the advertisement includes all 811  
of the following: 812

<u>(1) The date the survey was conducted;</u>	813
<u>(2) A statement that the department of health conducts a survey of all nursing facilities at least once every fifteen months;</u>	814 815 816
<u>(3) If a finding or deficiency cited in the statement of deficiencies has been substantially corrected, a statement that the finding or deficiency has been substantially corrected and the date that the finding or deficiency was substantially corrected;</u>	817 818 819 820
<u>(4) The number of findings and deficiencies cited in the statement of deficiencies on the basis of the survey;</u>	821 822
<u>(5) The average number of findings and deficiencies cited in a statement of deficiencies on the basis of a survey conducted under section 5165.64 of the Revised Code during the same calendar year as the survey used in the advertisement;</u>	823 824 825 826
<u>(6) A statement that the advertisement is neither authorized nor endorsed by the department or any other government agency.</u>	827 828
Nothing in this section prohibits the results of a survey, a statement of deficiencies, or the findings and deficiencies cited in that statement on the basis of the survey under this section from being used in a criminal investigation or prosecution.	829 830 831 832
<b>Section 2.</b> That existing sections 2305.113, 2901.12, 3313.75, 3313.76, 3313.77, 3313.78, 3721.02, and 5165.67 of the Revised Code are hereby repealed.	833 834 835