

**As Passed by the House**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Am. Sub. S. B. No. 158**

**Senator Wilson**

**Cosponsors: Senators Terhar, Coley, Gardner, Eklund, Hottinger, Manning, O'Brien, Balderson, Beagle, Brown, Burke, Dolan, Hackett, Hoagland, Huffman, Jordan, Kunze, LaRose, Lehner, Oelslager, Peterson, Skindell, Sykes, Tavares, Thomas, Uecker, Williams, Yuko Representatives Schaffer, Anielski, Arndt, Barnes, Boggs, Boyd, Brown, Carfagna, Craig, Cupp, Dean, Duffey, Edwards, Fedor, Galonski, Gavarone, Ginter, Green, Greenspan, Hambley, Hill, Holmes, Hoops, Howse, Hughes, Ingram, Kelly, Kent, Koehler, Landis, Lanese, Lepore-Hagan, Manning, Miller, Patterson, Patton, Ramos, Reece, Reineke, Retherford, Riedel, Rogers, Romanchuk, Ryan, Scherer, Schuring, Sheehy, Slaby, Smith, K., Smith, T., Stein, Sweeney, B., Sykes, Thompson, West, Wilkin, Young, Zeltwanger, Speaker Smith**

---

**A BILL**

To amend sections 2913.02, 2913.21, 2913.31, 1  
2913.43, 2913.49, 5101.60, 5101.621, 5101.63, 2  
5101.652, and 5101.74 and to enact sections 3  
109.67 and 173.95 of the Revised Code to develop 4  
best practices and educational opportunities to 5  
combat elder fraud and exploitation, to modify 6  
the membership of the elder abuse commission, 7  
and to fine and require full restitution from 8  
offenders who are found guilty of certain fraud- 9  
related crimes against the elderly. 10

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

**Section 1.** That sections 2913.02, 2913.21, 2913.31, 11

2913.43, 2913.49, 5101.60, 5101.621, 5101.63, 5101.652, and 12  
5101.74 be amended and sections 109.67 and 173.95 of the Revised 13  
Code be enacted to read as follows: 14

Sec. 109.67. The attorney general shall distribute at 15  
least six public awareness publications each year that provide 16  
general information on elder fraud and financial exploitation of 17  
the elderly. The awareness publications must include information 18  
on all of the following: 19

(A) Warning signs that may signal that fraud or financial 20  
exploitation are occurring; 21

(B) Methods for reporting elder fraud or financial 22  
exploitation including a list of agencies that handle those 23  
reports; 24

(C) Services and resources that may be available to 25  
prevent or remedy elder fraud or financial exploitation. 26

Sec. 173.95. (A) The director of aging, the director of 27  
commerce, the director of job and family services, and the 28  
attorney general or the attorney general's designee, in 29  
consultation with county departments of job and family services, 30  
adult protective services agencies, the Ohio bankers league, the 31  
community bankers association of Ohio, the securities industry 32  
and financial markets association, and the Ohio credit union 33  
league, shall work together to do all of the following: 34

(1) Develop best practices and standards for preventing 35  
elder fraud and financial exploitation; 36

(2) Provide education on elder fraud and financial 37  
exploitation; 38

(3) Ensure that victims of elder fraud and exploitation 39

have access to available services and resources. 40

(B) The director of aging, the director of commerce, and 41  
the director of job and family services shall create a report of 42  
the best practices and standards developed under division (A)(1) 43  
of this section and shall provide a copy of that report to the 44  
governor, the president and minority leader of the senate, and 45  
the speaker and minority leader of the house of representatives 46  
not later than December 1, 2019. 47

**Sec. 2913.02.** (A) No person, with purpose to deprive the 48  
owner of property or services, shall knowingly obtain or exert 49  
control over either the property or services in any of the 50  
following ways: 51

(1) Without the consent of the owner or person authorized 52  
to give consent; 53

(2) Beyond the scope of the express or implied consent of 54  
the owner or person authorized to give consent; 55

(3) By deception; 56

(4) By threat; 57

(5) By intimidation. 58

(B)(1) Whoever violates this section is guilty of theft. 59

(2) Except as otherwise provided in this division or 60  
division (B)(3), (4), (5), (6), (7), (8), or (9) of this 61  
section, a violation of this section is petty theft, a 62  
misdemeanor of the first degree. If the value of the property or 63  
services stolen is one thousand dollars or more and is less than 64  
seven thousand five hundred dollars or if the property stolen is 65  
any of the property listed in section 2913.71 of the Revised 66  
Code, a violation of this section is theft, a felony of the 67

fifth degree. If the value of the property or services stolen is 68  
seven thousand five hundred dollars or more and is less than one 69  
hundred fifty thousand dollars, a violation of this section is 70  
grand theft, a felony of the fourth degree. If the value of the 71  
property or services stolen is one hundred fifty thousand 72  
dollars or more and is less than seven hundred fifty thousand 73  
dollars, a violation of this section is aggravated theft, a 74  
felony of the third degree. If the value of the property or 75  
services is seven hundred fifty thousand dollars or more and is 76  
less than one million five hundred thousand dollars, a violation 77  
of this section is aggravated theft, a felony of the second 78  
degree. If the value of the property or services stolen is one 79  
million five hundred thousand dollars or more, a violation of 80  
this section is aggravated theft of one million five hundred 81  
thousand dollars or more, a felony of the first degree. 82

(3) Except as otherwise provided in division (B)(4), (5), 83  
(6), (7), (8), or (9) of this section, if the victim of the 84  
offense is an elderly person, disabled adult, active duty 85  
service member, or spouse of an active duty service member, a 86  
violation of this section is theft from a person in a protected 87  
class, and division (B)(3) of this section applies. Except as 88  
otherwise provided in this division, theft from a person in a 89  
protected class is a felony of the fifth degree. If the value of 90  
the property or services stolen is one thousand dollars or more 91  
and is less than seven thousand five hundred dollars, theft from 92  
a person in a protected class is a felony of the fourth degree. 93  
If the value of the property or services stolen is seven 94  
thousand five hundred dollars or more and is less than thirty- 95  
seven thousand five hundred dollars, theft from a person in a 96  
protected class is a felony of the third degree. If the value of 97  
the property or services stolen is thirty-seven thousand five 98

hundred dollars or more and is less than one hundred fifty 99  
thousand dollars, theft from a person in a protected class is a 100  
felony of the second degree. If the value of the property or 101  
services stolen is one hundred fifty thousand dollars or more, 102  
theft from a person in a protected class is a felony of the 103  
first degree. If the victim of the offense is an elderly person, 104  
in addition to any other penalty imposed for the offense, the 105  
offender shall be required to pay full restitution to the victim 106  
and to pay a fine of up to fifty thousand dollars. The clerk of 107  
court shall forward all fines collected under division (B) (3) of 108  
this section to the county department of job and family services 109  
to be used for the reporting and investigation of elder abuse, 110  
neglect, and exploitation or for the provision or arrangement of 111  
protective services under sections 5101.61 to 5101.71 of the 112  
Revised Code. 113

(4) If the property stolen is a firearm or dangerous 114  
ordnance, a violation of this section is grand theft. Except as 115  
otherwise provided in this division, grand theft when the 116  
property stolen is a firearm or dangerous ordnance is a felony 117  
of the third degree, and there is a presumption in favor of the 118  
court imposing a prison term for the offense. If the firearm or 119  
dangerous ordnance was stolen from a federally licensed firearms 120  
dealer, grand theft when the property stolen is a firearm or 121  
dangerous ordnance is a felony of the first degree. The offender 122  
shall serve a prison term imposed for grand theft when the 123  
property stolen is a firearm or dangerous ordnance consecutively 124  
to any other prison term or mandatory prison term previously or 125  
subsequently imposed upon the offender. 126

(5) If the property stolen is a motor vehicle, a violation 127  
of this section is grand theft of a motor vehicle, a felony of 128  
the fourth degree. 129

(6) If the property stolen is any dangerous drug, a 130  
violation of this section is theft of drugs, a felony of the 131  
fourth degree, or, if the offender previously has been convicted 132  
of a felony drug abuse offense, a felony of the third degree. 133

(7) If the property stolen is a police dog or horse or an 134  
assistance dog and the offender knows or should know that the 135  
property stolen is a police dog or horse or an assistance dog, a 136  
violation of this section is theft of a police dog or horse or 137  
an assistance dog, a felony of the third degree. 138

(8) If the property stolen is anhydrous ammonia, a 139  
violation of this section is theft of anhydrous ammonia, a 140  
felony of the third degree. 141

(9) Except as provided in division (B) (2) of this section 142  
with respect to property with a value of seven thousand five 143  
hundred dollars or more and division (B) (3) of this section with 144  
respect to property with a value of one thousand dollars or 145  
more, if the property stolen is a special purpose article as 146  
defined in section 4737.04 of the Revised Code or is a bulk 147  
merchandise container as defined in section 4737.012 of the 148  
Revised Code, a violation of this section is theft of a special 149  
purpose article or articles or theft of a bulk merchandise 150  
container or containers, a felony of the fifth degree. 151

(10) In addition to the penalties described in division 152  
(B) (2) of this section, if the offender committed the violation 153  
by causing a motor vehicle to leave the premises of an 154  
establishment at which gasoline is offered for retail sale 155  
without the offender making full payment for gasoline that was 156  
dispensed into the fuel tank of the motor vehicle or into 157  
another container, the court may do one of the following: 158

(a) Unless division (B) (10) (b) of this section applies, 159  
suspend for not more than six months the offender's driver's 160  
license, probationary driver's license, commercial driver's 161  
license, temporary instruction permit, or nonresident operating 162  
privilege; 163

(b) If the offender's driver's license, probationary 164  
driver's license, commercial driver's license, temporary 165  
instruction permit, or nonresident operating privilege has 166  
previously been suspended pursuant to division (B) (10) (a) of 167  
this section, impose a class seven suspension of the offender's 168  
license, permit, or privilege from the range specified in 169  
division (A) (7) of section 4510.02 of the Revised Code, provided 170  
that the suspension shall be for at least six months. 171

(c) The court, in lieu of suspending the offender's 172  
driver's or commercial driver's license, probationary driver's 173  
license, temporary instruction permit, or nonresident operating 174  
privilege pursuant to division (B) (10) (a) or (b) of this 175  
section, instead may require the offender to perform community 176  
service for a number of hours determined by the court. 177

(11) In addition to the penalties described in division 178  
(B) (2) of this section, if the offender committed the violation 179  
by stealing rented property or rental services, the court may 180  
order that the offender make restitution pursuant to section 181  
2929.18 or 2929.28 of the Revised Code. Restitution may include, 182  
but is not limited to, the cost of repairing or replacing the 183  
stolen property, or the cost of repairing the stolen property 184  
and any loss of revenue resulting from deprivation of the 185  
property due to theft of rental services that is less than or 186  
equal to the actual value of the property at the time it was 187  
rented. Evidence of intent to commit theft of rented property or 188

rental services shall be determined pursuant to the provisions 189  
of section 2913.72 of the Revised Code. 190

(C) The sentencing court that suspends an offender's 191  
license, permit, or nonresident operating privilege under 192  
division (B)(10) of this section may grant the offender limited 193  
driving privileges during the period of the suspension in 194  
accordance with Chapter 4510. of the Revised Code. 195

**Sec. 2913.21.** (A) No person shall do any of the following: 196

(1) Practice deception for the purpose of procuring the 197  
issuance of a credit card, when a credit card is issued in 198  
actual reliance thereon; 199

(2) Knowingly buy or sell a credit card from or to a 200  
person other than the issuer. 201

(B) No person, with purpose to defraud, shall do any of 202  
the following: 203

(1) Obtain control over a credit card as security for a 204  
debt; 205

(2) Obtain property or services by the use of a credit 206  
card, in one or more transactions, knowing or having reasonable 207  
cause to believe that the card has expired or been revoked, or 208  
was obtained, is retained, or is being used in violation of law; 209

(3) Furnish property or services upon presentation of a 210  
credit card, knowing that the card is being used in violation of 211  
law; 212

(4) Represent or cause to be represented to the issuer of 213  
a credit card that property or services have been furnished, 214  
knowing that the representation is false. 215

(C) No person, with purpose to violate this section, shall 216  
receive, possess, control, or dispose of a credit card. 217

(D) (1) Whoever violates this section is guilty of misuse 218  
of credit cards. 219

(2) Except as otherwise provided in division (D) (4) of 220  
this section, a violation of division (A), (B) (1), or (C) of 221  
this section is a misdemeanor of the first degree. 222

(3) Except as otherwise provided in this division or 223  
division (D) (4) of this section, a violation of division (B) (2), 224  
(3), or (4) of this section is a misdemeanor of the first 225  
degree. If the cumulative retail value of the property and 226  
services involved in one or more violations of division (B) (2), 227  
(3), or (4) of this section, which violations involve one or 228  
more credit card accounts and occur within a period of ninety 229  
consecutive days commencing on the date of the first violation, 230  
is one thousand dollars or more and is less than seven thousand 231  
five hundred dollars, misuse of credit cards in violation of any 232  
of those divisions is a felony of the fifth degree. If the 233  
cumulative retail value of the property and services involved in 234  
one or more violations of division (B) (2), (3), or (4) of this 235  
section, which violations involve one or more credit card 236  
accounts and occur within a period of ninety consecutive days 237  
commencing on the date of the first violation, is seven thousand 238  
five hundred dollars or more and is less than one hundred fifty 239  
thousand dollars, misuse of credit cards in violation of any of 240  
those divisions is a felony of the fourth degree. If the 241  
cumulative retail value of the property and services involved in 242  
one or more violations of division (B) (2), (3), or (4) of this 243  
section, which violations involve one or more credit card 244  
accounts and occur within a period of ninety consecutive days 245

commencing on the date of the first violation, is one hundred 246  
fifty thousand dollars or more, misuse of credit cards in 247  
violation of any of those divisions is a felony of the third 248  
degree. 249

(4) If the victim of the offense is an elderly person or 250  
disabled adult, and if the offense involves a violation of 251  
division (B)(1) or (2) of this section, division (D)(4) of this 252  
section applies. Except as otherwise provided in division (D)(4) 253  
of this section, a violation of division (B)(1) or (2) of this 254  
section is a felony of the fifth degree. If the debt for which 255  
the card is held as security or the cumulative retail value of 256  
the property or services involved in the violation is one 257  
thousand dollars or more and is less than seven thousand five 258  
hundred dollars, a violation of either of those divisions is a 259  
felony of the fourth degree. If the debt for which the card is 260  
held as security or the cumulative retail value of the property 261  
or services involved in the violation is seven thousand five 262  
hundred dollars or more and is less than thirty-seven thousand 263  
five hundred dollars, a violation of either of those divisions 264  
is a felony of the third degree. If the debt for which the card 265  
is held as security or the cumulative retail value of the 266  
property or services involved in the violation is thirty-seven 267  
thousand five hundred dollars or more, a violation of either of 268  
those divisions is a felony of the second degree. In addition to 269  
any other penalty imposed under division (D)(4) of this section, 270  
the offender shall be required to pay full restitution to the 271  
victim and to pay a fine of up to fifty thousand dollars. The 272  
clerk of court shall forward all fines collected under division 273  
(D)(4) of this section to the county department of job and 274  
family services to be used for the reporting and investigation 275  
of elder abuse, neglect, and exploitation or for the provision 276

or arrangement of protective services under sections 5101.61 to 277  
5101.71 of the Revised Code. 278

**Sec. 2913.31.** (A) No person, with purpose to defraud, or 279  
knowing that the person is facilitating a fraud, shall do any of 280  
the following: 281

(1) Forge any writing of another without the other 282  
person's authority; 283

(2) Forge any writing so that it purports to be genuine 284  
when it actually is spurious, or to be the act of another who 285  
did not authorize that act, or to have been executed at a time 286  
or place or with terms different from what in fact was the case, 287  
or to be a copy of an original when no such original existed; 288

(3) Utter, or possess with purpose to utter, any writing 289  
that the person knows to have been forged. 290

(B) No person shall knowingly do either of the following: 291

(1) Forge an identification card; 292

(2) Sell or otherwise distribute a card that purports to 293  
be an identification card, knowing it to have been forged. 294

As used in this division, "identification card" means a 295  
card that includes personal information or characteristics of an 296  
individual, a purpose of which is to establish the identity of 297  
the bearer described on the card, whether the words "identity," 298  
"identification," "identification card," or other similar words 299  
appear on the card. 300

(C) (1) (a) Whoever violates division (A) of this section is 301  
guilty of forgery. 302

(b) Except as otherwise provided in this division or 303

division (C) (1) (c) of this section and subject to division (C) 304  
(1) (d) of this section, forgery is a felony of the fifth degree. 305  
If property or services are involved in the offense or the 306  
victim suffers a loss, forgery is one of the following: 307

(i) If the value of the property or services or the loss 308  
to the victim is seven thousand five hundred dollars or more and 309  
is less than one hundred fifty thousand dollars, a felony of the 310  
fourth degree; 311

(ii) If the value of the property or services or the loss 312  
to the victim is one hundred fifty thousand dollars or more, a 313  
felony of the third degree. 314

(c) If the victim of the offense is an elderly person or 315  
disabled adult, division (C) (1) (c) of this section applies to 316  
the forgery. Except as otherwise provided in division (C) (1) (c) 317  
of this section, forgery is a felony of the fifth degree. If 318  
property or services are involved in the offense or if the 319  
victim suffers a loss, forgery is one of the following: 320

(i) If the value of the property or services or the loss 321  
to the victim is one thousand dollars or more and is less than 322  
seven thousand five hundred dollars, a felony of the fourth 323  
degree; 324

(ii) If the value of the property or services or the loss 325  
to the victim is seven thousand five hundred dollars or more and 326  
is less than thirty-seven thousand five hundred dollars, a 327  
felony of the third degree; 328

(iii) If the value of the property or services or the loss 329  
to the victim is thirty-seven thousand five hundred dollars or 330  
more, a felony of the second degree. 331

(d) If the victim of the offense is an elderly person, 332

division (C) (1) (d) of this section applies to the forgery. In 333  
addition to any other penalty imposed for the offense under 334  
division (C) (1) (c) of this section, the offender shall be 335  
required to pay full restitution to the victim and to pay a fine 336  
of up to fifty thousand dollars. The clerk of court shall 337  
forward all fines collected under division (C) (1) (d) of this 338  
section to the county department of job and family services to 339  
be used for the reporting and investigation of elder abuse, 340  
neglect, and exploitation or for the provision or arrangement of 341  
protective services under sections 5101.61 to 5101.71 of the 342  
Revised Code. 343

(2) (a) Whoever violates division (B) of this section is 344  
guilty of forging identification cards or selling or 345  
distributing forged identification cards. Except as otherwise 346  
provided in this division, forging identification cards or 347  
selling or distributing forged identification cards is a 348  
misdemeanor of the first degree. If the offender previously has 349  
been convicted of a violation of division (B) of this section, 350  
forging identification cards or selling or distributing forged 351  
identification cards is a misdemeanor of the first degree and, 352  
in addition, the court shall impose upon the offender a fine of 353  
not less than two hundred fifty dollars. 354

(b) If the victim of a violation of division (B) of this 355  
section is an elderly person, division (C) (2) (b) of this section 356  
applies to the offense. In addition to any other penalty imposed 357  
for the offense under division (C) (2) (a) of this section, 358  
whoever violates division (B) of this section shall be required 359  
to pay full restitution to the victim and to pay a fine of up to 360  
fifty thousand dollars. The clerk of court shall forward all 361  
fines collected under division (C) (2) (b) of this section to the 362  
county department of job and family services to be used for the 363

reporting and investigation of elder abuse, neglect, and 364  
exploitation or for the provision or arrangement of protective 365  
services under sections 5101.61 to 5101.71 of the Revised Code. 366

**Sec. 2913.43.** (A) No person, by deception, shall cause 367  
another to execute any writing that disposes of or encumbers 368  
property, or by which a pecuniary obligation is incurred. 369

(B) (1) Whoever violates this section is guilty of securing 370  
writings by deception. 371

(2) Except as otherwise provided in this division or 372  
division (B) (3) of this section, securing writings by deception 373  
is a misdemeanor of the first degree. If the value of the 374  
property or the obligation involved is one thousand dollars or 375  
more and less than seven thousand five hundred dollars, securing 376  
writings by deception is a felony of the fifth degree. If the 377  
value of the property or the obligation involved is seven 378  
thousand five hundred dollars or more and is less than one 379  
hundred fifty thousand dollars, securing writings by deception 380  
is a felony of the fourth degree. If the value of the property 381  
or the obligation involved is one hundred fifty thousand dollars 382  
or more, securing writings by deception is a felony of the third 383  
degree. 384

(3) If the victim of the offense is an elderly person, 385  
disabled adult, active duty service member, or spouse of an 386  
active duty service member, division (B) (3) of this section 387  
applies. Except as otherwise provided in division (B) (3) of this 388  
section, securing writings by deception is a felony of the fifth 389  
degree. If the value of the property or obligation involved is 390  
one thousand dollars or more and is less than seven thousand 391  
five hundred dollars, securing writings by deception is a felony 392  
of the fourth degree. If the value of the property or obligation 393

involved is seven thousand five hundred dollars or more and is 394  
less than thirty-seven thousand five hundred dollars, securing 395  
writings by deception is a felony of the third degree. If the 396  
value of the property or obligation involved is thirty-seven 397  
thousand five hundred dollars or more, securing writings by 398  
deception is a felony of the second degree. If the victim of the 399  
offense is an elderly person, in addition to any other penalty 400  
imposed for the offense, the offender shall be required to pay 401  
full restitution to the victim and to pay a fine of up to fifty 402  
thousand dollars. The clerk of court shall forward all fines 403  
collected under division (B) (3) of this section to the county 404  
department of job and family services to be used for the 405  
reporting and investigation of elder abuse, neglect, and 406  
exploitation or for the provision or arrangement of protective 407  
services under sections 5101.61 to 5101.71 of the Revised Code. 408

**Sec. 2913.49.** (A) As used in this section, "personal 409  
identifying information" includes, but is not limited to, the 410  
following: the name, address, telephone number, driver's 411  
license, driver's license number, commercial driver's license, 412  
commercial driver's license number, state identification card, 413  
state identification card number, social security card, social 414  
security number, birth certificate, place of employment, 415  
employee identification number, mother's maiden name, demand 416  
deposit account number, savings account number, money market 417  
account number, mutual fund account number, other financial 418  
account number, personal identification number, password, or 419  
credit card number of a living or dead individual. 420

(B) No person, without the express or implied consent of 421  
the other person, shall use, obtain, or possess any personal 422  
identifying information of another person with intent to do 423  
either of the following: 424

(1) Hold the person out to be the other person;	425
(2) Represent the other person's personal identifying information as the person's own personal identifying information.	426 427 428
(C) No person shall create, obtain, possess, or use the personal identifying information of any person with the intent to aid or abet another person in violating division (B) of this section.	429 430 431 432
(D) No person, with intent to defraud, shall permit another person to use the person's own personal identifying information.	433 434 435
(E) No person who is permitted to use another person's personal identifying information as described in division (D) of this section shall use, obtain, or possess the other person's personal identifying information with intent to defraud any person by doing any act identified in division (B) (1) or (2) of this section.	436 437 438 439 440 441
(F) (1) It is an affirmative defense to a charge under division (B) of this section that the person using the personal identifying information is acting in accordance with a legally recognized guardianship or conservatorship or as a trustee or fiduciary.	442 443 444 445 446
(2) It is an affirmative defense to a charge under division (B), (C), (D), or (E) of this section that either of the following applies:	447 448 449
(a) The person or entity using, obtaining, possessing, or creating the personal identifying information or permitting it to be used is a law enforcement agency, authorized fraud personnel, or a representative of or attorney for a law	450 451 452 453

enforcement agency or authorized fraud personnel and is using, 454  
obtaining, possessing, or creating the personal identifying 455  
information or permitting it to be used, with prior consent 456  
given as specified in this division, in a bona fide 457  
investigation, an information security evaluation, a pretext 458  
calling evaluation, or a similar matter. The prior consent 459  
required under this division shall be given by the person whose 460  
personal identifying information is being used, obtained, 461  
possessed, or created or is being permitted to be used or, if 462  
the person whose personal identifying information is being used, 463  
obtained, possessed, or created or is being permitted to be used 464  
is deceased, by that deceased person's executor, or a member of 465  
that deceased person's family, or that deceased person's 466  
attorney. The prior consent required under this division may be 467  
given orally or in writing by the person whose personal 468  
identifying information is being used, obtained, possessed, or 469  
created or is being permitted to be used or that person's 470  
executor, or family member, or attorney. 471

(b) The personal identifying information was obtained, 472  
possessed, used, created, or permitted to be used for a lawful 473  
purpose, provided that division (F) (2) (b) of this section does 474  
not apply if the person or entity using, obtaining, possessing, 475  
or creating the personal identifying information or permitting 476  
it to be used is a law enforcement agency, authorized fraud 477  
personnel, or a representative of or attorney for a law 478  
enforcement agency or authorized fraud personnel that is using, 479  
obtaining, possessing, or creating the personal identifying 480  
information or permitting it to be used in an investigation, an 481  
information security evaluation, a pretext calling evaluation, 482  
or similar matter. 483

(G) It is not a defense to a charge under this section 484

that the person whose personal identifying information was 485  
obtained, possessed, used, created, or permitted to be used was 486  
deceased at the time of the offense. 487

(H) (1) If an offender commits a violation of division (B), 488  
(D), or (E) of this section and the violation occurs as part of 489  
a course of conduct involving other violations of division (B), 490  
(D), or (E) of this section or violations of, attempts to 491  
violate, conspiracies to violate, or complicity in violations of 492  
division (C) of this section or section 2913.02, 2913.04, 493  
2913.11, 2913.21, 2913.31, 2913.42, 2913.43, or 2921.13 of the 494  
Revised Code, the court, in determining the degree of the 495  
offense pursuant to division (I) of this section, may aggregate 496  
all credit, property, or services obtained or sought to be 497  
obtained by the offender and all debts or other legal 498  
obligations avoided or sought to be avoided by the offender in 499  
the violations involved in that course of conduct. The course of 500  
conduct may involve one victim or more than one victim. 501

(2) If an offender commits a violation of division (C) of 502  
this section and the violation occurs as part of a course of 503  
conduct involving other violations of division (C) of this 504  
section or violations of, attempts to violate, conspiracies to 505  
violate, or complicity in violations of division (B), (D), or 506  
(E) of this section or section 2913.02, 2913.04, 2913.11, 507  
2913.21, 2913.31, 2913.42, 2913.43, or 2921.13 of the Revised 508  
Code, the court, in determining the degree of the offense 509  
pursuant to division (I) of this section, may aggregate all 510  
credit, property, or services obtained or sought to be obtained 511  
by the person aided or abetted and all debts or other legal 512  
obligations avoided or sought to be avoided by the person aided 513  
or abetted in the violations involved in that course of conduct. 514  
The course of conduct may involve one victim or more than one 515

victim.	516
(I) (1) Whoever violates this section is guilty of identity fraud.	517 518
(2) Except as otherwise provided in this division or division (I) (3) of this section, identity fraud is a felony of the fifth degree. If the value of the credit, property, services, debt, or other legal obligation involved in the violation or course of conduct is one thousand dollars or more and is less than seven thousand five hundred dollars, except as otherwise provided in division (I) (3) of this section, identity fraud is a felony of the fourth degree. If the value of the credit, property, services, debt, or other legal obligation involved in the violation or course of conduct is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, except as otherwise provided in division (I) (3) of this section, identity fraud is a felony of the third degree. If the value of the credit, property, services, debt, or other legal obligation involved in the violation or course of conduct is one hundred fifty thousand dollars or more, except as otherwise provided in division (I) (3) of this section, identity fraud is a felony of the second degree.	519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536
(3) If the victim of the offense is an elderly person, disabled adult, active duty service member, or spouse of an active duty service member, a violation of this section is identity fraud against a person in a protected class. Except as otherwise provided in this division, identity fraud against a person in a protected class is a felony of the fourth degree. If the value of the credit, property, services, debt, or other legal obligation involved in the violation or course of conduct is one thousand dollars or more and is less than seven thousand	537 538 539 540 541 542 543 544 545

five hundred dollars, identity fraud against a person in a 546  
protected class is a felony of the third degree. If the value of 547  
the credit, property, services, debt, or other legal obligation 548  
involved in the violation or course of conduct is seven thousand 549  
five hundred dollars or more and is less than one hundred fifty 550  
thousand dollars, identity fraud against a person in a protected 551  
class is a felony of the second degree. If the value of the 552  
credit, property, services, debt, or other legal obligation 553  
involved in the violation or course of conduct is one hundred 554  
fifty thousand dollars or more, identity fraud against a person 555  
in a protected class is a felony of the first degree. If the 556  
victim of the offense is an elderly person, in addition to any 557  
other penalty imposed for the offense, the offender shall be 558  
required to pay full restitution to the victim and to pay a fine 559  
of up to fifty thousand dollars. The clerk of court shall 560  
forward all fines collected under division (I)(3) of this 561  
section to the county department of job and family services to 562  
be used for the reporting and investigation of elder abuse, 563  
neglect, and exploitation or for the provision or arrangement of 564  
protective services under sections 5101.61 to 5101.71 of the 565  
Revised Code. 566

(J) In addition to the penalties described in division (I) 567  
of this section, anyone injured in person or property by a 568  
violation of division (B), (D), or (E) of this section who is 569  
the owner of the identifying information involved in that 570  
violation has a civil action against the offender pursuant to 571  
section 2307.60 of the Revised Code. That person may also bring 572  
a civil action to enjoin or restrain future acts that would 573  
constitute a violation of division (B), (D), or (E) of this 574  
section. 575

**Sec. 5101.60.** As used in sections 5101.60 to 5101.73 of 576

the Revised Code:	577
(A) "Abandonment" means desertion of an adult by a caretaker without having made provision for transfer of the adult's care.	578 579 580
(B) "Abuse" means the infliction upon an adult by self or others of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish.	581 582 583 584
(C) "Adult" means any person sixty years of age or older within this state who is handicapped by the infirmities of aging or who has a physical or mental impairment which prevents the person from providing for the person's own care or protection, and who resides in an independent living arrangement.	585 586 587 588 589
(D) "Area agency on aging" means a public or private nonprofit entity designated under section 173.011 of the Revised Code to administer programs on behalf of the department of aging.	590 591 592 593
(E) "Caretaker" means the person assuming the primary responsibility for the care of an adult by any of the following means:	594 595 596
(1) On a voluntary basis;	597
(2) By contract;	598
(3) Through receipt of payment for care;	599
(4) As a result of a family relationship;	600
(5) By order of a court of competent jurisdiction.	601
(F) "Community mental health agency" means any agency, program, or facility with which a board of alcohol, drug	602 603

addiction, and mental health services contracts to provide the 604  
mental health services listed in section 340.99 of the Revised 605  
Code. 606

(G) "Court" means the probate court in the county where an 607  
adult resides. 608

(H) "Emergency" means that the adult is living in 609  
conditions which present a substantial risk of immediate and 610  
irreparable physical harm or death to self or any other person. 611

(I) "Emergency services" means protective services 612  
furnished to an adult in an emergency. 613

(J) "Exploitation" means the unlawful or improper act of a 614  
person using, in one or more transactions, an adult or an 615  
adult's resources for monetary or personal benefit, profit, or 616  
gain when the person obtained or exerted control over the adult 617  
or the adult's resources in any of the following ways: 618

(1) Without the adult's consent or the consent of the 619  
person authorized to give consent on the adult's behalf; 620

(2) Beyond the scope of the express or implied consent of 621  
the adult or the person authorized to give consent on the 622  
adult's behalf; 623

(3) By deception; 624

(4) By threat; 625

(5) By intimidation. 626

(K) "In need of protective services" means an adult known 627  
or suspected to be suffering from abuse, neglect, or 628  
exploitation to an extent that either life is endangered or 629  
physical harm, mental anguish, or mental illness results or is 630

likely to result. 631

(L) "Incapacitated person" means a person who is impaired 632  
for any reason to the extent that the person lacks sufficient 633  
understanding or capacity to make and carry out reasonable 634  
decisions concerning the person's self or resources, with or 635  
without the assistance of a caretaker. Refusal to consent to the 636  
provision of services shall not be the sole determinative that 637  
the person is incapacitated. 638

(M) "Independent living arrangement" means a domicile of a 639  
person's own choosing, including, but not limited to, a private 640  
home, apartment, trailer, or rooming house. "Independent living 641  
arrangement" includes a residential facility licensed under 642  
section 5119.22 of the Revised Code that provides 643  
accommodations, supervision, and personal care services for 644  
three to sixteen unrelated adults, but does not include any 645  
other institution or facility licensed by the state or a 646  
facility in which a person resides as a result of voluntary, 647  
civil, or criminal commitment. 648

(N) "Mental illness" means a substantial disorder of 649  
thought, mood, perception, orientation, or memory that grossly 650  
impairs judgment, behavior, capacity to recognize reality, or 651  
ability to meet the ordinary demands of life. 652

(O) "Neglect" means any of the following: 653

(1) Failure of an adult to provide for self the goods or 654  
services necessary to avoid physical harm, mental anguish, or 655  
mental illness; 656

(2) Failure of a caretaker to provide such goods or 657  
services; 658

(3) Abandonment. 659

(P) "Outpatient health facility" means a facility where 660  
medical care and preventive, diagnostic, therapeutic, 661  
rehabilitative, or palliative items or services are provided to 662  
outpatients by or under the direction of a physician or dentist. 663

(Q) "Peace officer" means a peace officer as defined in 664  
section 2935.01 of the Revised Code. 665

(R) "Physical harm" means bodily pain, injury, impairment, 666  
or disease suffered by an adult. 667

(S) "Protective services" means services provided by the 668  
county department of job and family services or its designated 669  
agency to an adult who has been determined by evaluation to 670  
require such services for the prevention, correction, or 671  
discontinuance of an act of as well as conditions resulting from 672  
abuse, neglect, or exploitation. Protective services may 673  
include, but are not limited to, case work services, medical 674  
care, mental health services, legal services, fiscal management, 675  
home health care, homemaker services, housing-related services, 676  
guardianship services, and placement services as well as the 677  
provision of such commodities as food, clothing, and shelter. 678

(T) "Reasonable decisions" means decisions made in daily 679  
living that facilitate the provision of food, shelter, clothing, 680  
and health care necessary for life support. 681

(U) "Senior service provider" means a person who provides 682  
care or specialized services to an adult, ~~except that it does~~ 683  
~~not include the state long term care ombudsman or a regional~~ 684  
~~long term care ombudsman.~~ 685

(V) "Working day" means Monday, Tuesday, Wednesday, 686  
Thursday, and Friday, except when such day is a holiday as 687  
defined in section 1.14 of the Revised Code. 688

**Sec. 5101.621.** (A) Each county department of job and 689  
family services shall prepare a memorandum of understanding that 690  
is signed by all of the following: 691

(1) The director of the county department of job and 692  
family services; 693

(2) If the county department has entered into an 694  
~~interagency agreement or contract~~ with a ~~local agency private or~~ 695  
~~government entity~~ pursuant to section ~~5101.622~~ ~~5101.652~~ of the 696  
Revised Code, the director of the ~~local agency~~entity; 697

(3) The county peace officer; 698

(4) ~~All~~ ~~The~~ chief ~~municipal~~ peace ~~officers~~ ~~officer~~ of the 699  
largest municipality within the county; 700

(5) Other law enforcement officers handling adult abuse, 701  
neglect, and exploitation cases in the county; 702

(6) The prosecuting attorney of the county; 703

(7) The coroner of the county. 704

(B) The memorandum of understanding shall set forth the 705  
procedures to be followed by the persons listed in division (A) 706  
of this section in the execution of their respective 707  
responsibilities related to cases of adult abuse, neglect, and 708  
exploitation. The memorandum of understanding shall establish 709  
all of the following: 710

(1) An interdisciplinary team to coordinate efforts 711  
related to the prevention, reporting, and treatment of abuse, 712  
neglect, and exploitation of adults; 713

(2) The roles and responsibilities for handling cases that 714  
have been referred by the county department to another agency 715

pursuant to section <del>5101.611</del> <u>5101.64</u> of the Revised Code;	716
(3) The roles and responsibilities for filing criminal charges against persons alleged to have abused, neglected, or exploited adults.	717 718 719
Failure to follow the procedure set forth in the memorandum of understanding is not grounds for, and shall not result in, the dismissal of any charge or complaint arising from a report of abuse, neglect, or exploitation or the suppression of any evidence obtained as a result of a report of abuse, neglect, or exploitation and does not give any rights or grounds for appeal or post-conviction relief to any person.	720 721 722 723 724 725 726
(C) The memorandum of understanding may, in addition, be signed by any of the following persons who are also members of the interdisciplinary team described in division (B)(1) of this section:	727 728 729 730
(1) A representative of the area agency on aging, as defined in section 173.14 of the Revised Code;	731 732
(2) <del>The</del> <u>A representative of the regional long-term care ombudsman program;</u>	733 734
(3) A representative of the board of alcohol, drug addiction, and mental health services;	735 736
(4) A representative of the board of health of a city or general health district;	737 738
(5) A representative of the county board of developmental disabilities;	739 740
(6) A representative of a victim assistance program;	741
(7) A representative of a local housing authority;	742

(8) Any other person whose participation furthers the 743  
goals of the memorandum of understanding. 744

**Sec. 5101.63.** (A) (1) Any individual listed in division (A) 745  
(2) of this section having reasonable cause to believe that an 746  
adult is being abused, neglected, or exploited, or is in a 747  
condition which is the result of abuse, neglect, or exploitation 748  
shall immediately report such belief to the county department of 749  
job and family services. 750

(2) All of the following are subject to division (A) (1) of 751  
this section: 752

(a) An attorney admitted to the practice of law in this 753  
state; 754

(b) An individual authorized under Chapter 4731. of the 755  
Revised Code to practice medicine and surgery, osteopathic 756  
medicine and surgery, or podiatric medicine and surgery; 757

(c) An individual licensed under Chapter 4734. of the 758  
Revised Code as a chiropractor; 759

(d) An individual licensed under Chapter 4715. of the 760  
Revised Code as a dentist; 761

(e) An individual licensed under Chapter 4723. of the 762  
Revised Code as a registered nurse or licensed practical nurse; 763

(f) An individual licensed under Chapter 4732. of the 764  
Revised Code as a psychologist; 765

(g) An individual licensed under Chapter 4757. of the 766  
Revised Code as a social worker, independent social worker, 767  
professional counselor, professional clinical counselor, 768  
marriage and family therapist, or independent marriage and 769  
family therapist; 770

(h) An individual licensed under Chapter 4729. of the Revised Code as a pharmacist;	771 772
(i) An individual holding a certificate to practice as a dialysis technician issued under Chapter 4723. of the Revised Code;	773 774 775
(j) An employee of a home health agency, as defined in section 3701.881 of the Revised Code;	776 777
(k) An employee of an outpatient health facility;	778
(l) An employee of a hospital, as defined in section 3727.01 of the Revised Code;	779 780
(m) An employee of a hospital or public hospital, as defined in section 5122.01 of the Revised Code;	781 782
(n) An employee of a nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;	783 784
(o) An employee of a residential facility licensed under section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;	785 786 787 788
(p) An employee of a health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	789 790 791 792
(q) An employee of a community mental health agency, as defined in section 5122.01 of the Revised Code;	793 794
(r) An agent of a county humane society organized under section 1717.05 of the Revised Code;	795 796
(s) An individual who is a firefighter for a lawfully	797

constituted fire department;	798
(t) An individual who is an ambulance driver for an emergency medical service organization, as defined in section 4765.01 of the Revised Code;	799 800 801
(u) A first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic, as those terms are defined in section 4765.01 of the Revised Code;	802 803 804
(v) An official employed by a local building department to conduct inspections of houses and other residential buildings;	805 806
(w) A peace officer;	807
(x) A coroner;	808
(y) A member of the clergy;	809
(z) An individual who holds a certificate issued under Chapter 4701. of the Revised Code as a certified public accountant or is registered under that chapter as a public accountant;	810 811 812 813
(aa) An individual licensed under Chapter 4735. of the Revised Code as a real estate broker or real estate salesperson;	814 815
(bb) An individual appointed and commissioned under section 147.01 of the Revised Code as a notary public;	816 817
(cc) An employee of a bank, savings bank, savings and loan association, or credit union organized under the laws of this state, another state, or the United States;	818 819 820
(dd) <del>An A dealer, investment adviser, as defined in section 1707.01</del> <u>sales person, or investment advisor representative licensed under Chapter 1707.</u> of the Revised Code;	821 822 823
(ee) A financial planner accredited by a national	824

accreditation agency; 825

(ff) Any other individual who is a senior service 826  
provider, other than a representative of the office of the state 827  
long-term care ombudsman program as defined in section 173.14 of 828  
the Revised Code. 829

(B) Any person having reasonable cause to believe that an 830  
adult has suffered abuse, neglect, or exploitation may report, 831  
or cause a report to be made of such belief to the county 832  
department of job and family services. 833

This division applies to a representative of the office of 834  
the state long-term care ombudsman program only to the extent 835  
permitted by federal law. 836

(C) The reports made under this section shall be made 837  
orally or in writing except that oral reports shall be followed 838  
by a written report if a written report is requested by the 839  
department. Written reports shall include: 840

(1) The name, address, and approximate age of the adult 841  
who is the subject of the report; 842

(2) The name and address of the individual responsible for 843  
the adult's care, if any individual is, and if the individual is 844  
known; 845

(3) The nature and extent of the alleged abuse, neglect, 846  
or exploitation of the adult; 847

(4) The basis of the reporter's belief that the adult has 848  
been abused, neglected, or exploited. 849

(D) Any person with reasonable cause to believe that an 850  
adult is suffering abuse, neglect, or exploitation who makes a 851  
report pursuant to this section or who testifies in any 852

administrative or judicial proceeding arising from such a 853  
report, or any employee of the state or any of its subdivisions 854  
who is discharging responsibilities under section 5101.65 of the 855  
Revised Code shall be immune from civil or criminal liability on 856  
account of such investigation, report, or testimony, except 857  
liability for perjury, unless the person has acted in bad faith 858  
or with malicious purpose. 859

(E) No employer or any other person with the authority to 860  
do so shall do any of the following as a result of an employee's 861  
having filed a report under this section: 862

(1) Discharge, demote, transfer, or prepare a negative 863  
work performance evaluation; 864

(2) Reduce benefits, pay, or work privileges; 865

(3) Take any other action detrimental to an employee or in 866  
any way retaliate against the employee. 867

(F) The written or oral report provided for in this 868  
section and the investigatory report provided for in section 869  
5101.65 of the Revised Code are confidential and are not public 870  
records, as defined in section 149.43 of the Revised Code. In 871  
accordance with rules adopted by the department of job and 872  
family services, information contained in the report shall upon 873  
request be made available to the adult who is the subject of the 874  
report and to legal counsel for the adult. If it determines that 875  
there is a risk of harm to a person who makes a report under 876  
this section or to the adult who is the subject of the report, 877  
the county department of job and family services may redact the 878  
name and identifying information related to the person who made 879  
the report. 880

(G) The county department of job and family services shall 881

be available to receive the written or oral report provided for 882  
in this section twenty-four hours a day and seven days a week. 883

**Sec. 5101.652.** The county department of job and family 884  
services may enter into an agreement or contract with ~~another~~ 885  
~~person~~ any private or government entity to perform the following 886  
duties: 887

(A) In accordance with division (G) of section 5101.63 of 888  
the Revised Code, receive reports made under that section; 889

(B) Perform the county department's duties under section 890  
5101.65 of the Revised Code; 891

(C) Petition the court pursuant to section 5101.68 or 892  
5101.70 of the Revised Code for an order authorizing the 893  
provision of protective services. 894

**Sec. 5101.74.** (A) There is hereby created the elder abuse 895  
commission. The commission shall consist of the following 896  
members: 897

(1) The following members, appointed by the attorney 898  
general: 899

(a) One representative of the AARP; 900

(b) One representative of the buckeye state sheriffs' 901  
association; 902

(c) One representative of the county commissioners' 903  
association of Ohio; 904

(d) One representative of the Ohio association of area 905  
agencies on aging; 906

(e) One representative of the board of nursing; 907

(f) One representative of the Ohio coalition for adult 908

protective services;	909
(g) One person who represents the interests of elder abuse victims;	910 911
(h) One person who represents the interests of elderly persons;	912 913
(i) One representative of the Ohio domestic violence network;	914 915
(j) One representative of the Ohio prosecuting attorneys association;	916 917
(k) One representative of the Ohio victim witness association;	918 919
(l) One representative of the Ohio association of chiefs of police;	920 921
(m) One representative of the Ohio association of probate judges;	922 923
(n) One representative of the Ohio job and family services directors' association;	924 925
(o) One representative of the Ohio bankers league;	926
(p) One representative of the Ohio credit union league;	927
(q) Two representatives of national organizations that focus on elder abuse or sexual violence;	928 929
<u>(r) One representative of the state medical board;</u>	930
<u>(s) One representative of the community bankers association of Ohio;</u>	931 932
<u>(t) One representative of an organization representing the interests of senior centers;</u>	933 934

<u>(u) One representative of an organization representing the</u>	935
<u>policy interests of seniors;</u>	936
<u>(v) One representative of a research-based academia</u>	937
<u>representing elder abuse research.</u>	938
(2) The following ex officio members:	939
(a) The attorney general or the attorney general's	940
designee;	941
(b) The chief justice of the supreme court of Ohio or the	942
chief justice's designee;	943
(c) The governor or the governor's designee;	944
(d) The director of aging or the director's designee;	945
(e) The director of job and family services or the	946
director's designee;	947
(f) The director of health or the director's designee;	948
(g) The director of mental health and addiction services	949
or the director's designee;	950
(h) The director of developmental disabilities or the	951
director's designee;	952
(i) The superintendent of insurance or the	953
superintendent's designee;	954
(j) The director of public safety or the director's	955
designee;	956
(k) The state long-term care ombudsman or the ombudsman's	957
designee;	958
(l) One member of the house of representatives, appointed	959
by the speaker of the house of representatives;	960

(m) One member of the senate, appointed by the president  
of the senate; 961  
962

(n) One member of the house of representatives, appointed  
by the minority leader of the house of representatives; 963  
964

(o) One member of the senate, appointed by the minority  
leader of the senate; 965  
966

(p) The director of commerce, or the director's designee. 967

(B) Members who are appointed shall serve at the pleasure  
of the appointing authority. Vacancies shall be filled in the  
same manner as original appointments. 968  
969  
970

(C) All members of the commission shall serve as voting  
members. The attorney general shall select from among the  
appointed members a chairperson. The commission shall meet at  
the call of the chairperson, but not less than four times per  
year. Special meetings may be called by the chairperson and  
shall be called by the chairperson at the request of the  
attorney general. The commission may establish its own quorum  
requirements and procedures regarding the conduct of meetings  
and other affairs. 971  
972  
973  
974  
975  
976  
977  
978  
979

(D) Members shall serve without compensation, but may be  
reimbursed for mileage and other actual and necessary expenses  
incurred in the performance of their official duties. 980  
981  
982

(E) Sections 101.82 to 101.87 of the Revised Code do not  
apply to the elder abuse commission. 983  
984

**Section 2.** That existing sections 2913.02, 2913.21,  
2913.31, 2913.43, 2913.49, 5101.60, 5101.621, 5101.63, 5101.652,  
and 5101.74 of the Revised Code are hereby repealed. 985  
986  
987