

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**S. B. No. 353**

**Senator Schiavoni**

**Cosponsors: Senators Thomas, Yuko, Brown**

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**A BILL**

To amend sections 2907.01, 2907.31, 2981.02, and 2981.04 and to enact sections 9.75, 2307.54, 2917.211, 3345.58, 4113.83, 4113.84, 4113.85, 4113.86, and 4113.87 of the Revised Code to prohibit the nonconsensual dissemination of private sexual images, to require that certain property involved in the offense be criminally forfeited, and to create certain legal rights and employment protections of a victim of the offense.

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

**Section 1.** That sections 2907.01, 2907.31, 2981.02, and 2981.04 be amended and sections 9.75, 2307.54, 2917.211, 3345.58, 4113.83, 4113.84, 4113.85, 4113.86, and 4113.87 of the Revised Code be enacted to read as follows:

**Sec. 9.75. (A) As used in this section:**

(1) "License" means a license, certificate, registration, permit, card, or other authority issued or conferred by a licensing authority of which the licensee has or claims the

privilege to engage in the profession, occupation, or activity, 19  
or to have control of and operate certain specific equipment, 20  
machinery, or premises, over which the licensing authority has 21  
jurisdiction. 22

(2) "Licensing authority" means a public office that 23  
issues a license to a person or entity. 24

(3) "Political subdivision" means a county, township, 25  
municipal corporation, or any other body corporate and politic 26  
that is responsible for government activities in a geographic 27  
area smaller than that of the state. 28

(4) "Public office" means any state agency, public 29  
institution, political subdivision, other organized body, 30  
office, agency, institution, or entity established by the laws 31  
of this state for the exercise of any function of government. 32  
"Public office" does not include the nonprofit corporation 33  
formed under section 187.01 of the Revised Code. 34

(5) "Victim" has the same meaning as in section 2930.01 of 35  
the Revised Code. 36

(B) No licensing authority shall knowingly take any of the 37  
following actions against a person who is applying for or holds 38  
a license solely on the basis that the person is a victim of a 39  
violation of section 2917.211 of the Revised Code: 40

(1) Refuse to issue a license to an applicant; 41

(2) Limit, suspend, or revoke a license; 42

(3) Refuse to renew a license. 43

**Sec. 2307.54.** (A) A victim of a violation of section 44  
2917.211 of the Revised Code has and may commence a civil cause 45  
of action against the offender for any of the following, in 46

addition to reasonable attorney's fees and the costs of bringing 47  
the action: 48

(1) An injunction or a temporary restraining order 49  
prohibiting further dissemination of the image that is the 50  
subject of the violation; 51

(2) Compensatory and punitive damages for harm resulting 52  
from the violation. 53

(B) The cause of action created by this section is in 54  
addition to any other cause of action available under statutory 55  
or common law. 56

(C) As used in this section, "victim" has the same meaning 57  
as in section 2930.01 of the Revised Code. 58

**Sec. 2907.01.** As used in sections 2907.01 to 2907.38 and 59  
2917.211 of the Revised Code: 60

(A) "Sexual conduct" means vaginal intercourse between a 61  
male and female; anal intercourse, fellatio, and cunnilingus 62  
between persons regardless of sex; and, without privilege to do 63  
so, the insertion, however slight, of any part of the body or 64  
any instrument, apparatus, or other object into the vaginal or 65  
anal opening of another. Penetration, however slight, is 66  
sufficient to complete vaginal or anal intercourse. 67

(B) "Sexual contact" means any touching of an erogenous 68  
zone of another, including without limitation the thigh, 69  
genitals, buttock, pubic region, or, if the person is a female, 70  
a breast, for the purpose of sexually arousing or gratifying 71  
either person. 72

(C) "Sexual activity" means sexual conduct or sexual 73  
contact, or both. 74

(D) "Prostitute" means a male or female who promiscuously  
engages in sexual activity for hire, regardless of whether the  
hire is paid to the prostitute or to another.

(E) "Harmful to juveniles" means that quality of any  
material or performance describing or representing nudity,  
sexual conduct, sexual excitement, or sado-masochistic abuse in  
any form to which all of the following apply:

(1) The material or performance, when considered as a  
whole, appeals to the prurient interest of juveniles in sex.

(2) The material or performance is patently offensive to  
prevailing standards in the adult community as a whole with  
respect to what is suitable for juveniles.

(3) The material or performance, when considered as a  
whole, lacks serious literary, artistic, political, and  
scientific value for juveniles.

(F) When considered as a whole, and judged with reference  
to ordinary adults or, if it is designed for sexual deviates or  
other specially susceptible group, judged with reference to that  
group, any material or performance is "obscene" if any of the  
following apply:

(1) Its dominant appeal is to prurient interest;

(2) Its dominant tendency is to arouse lust by displaying  
or depicting sexual activity, masturbation, sexual excitement,  
or nudity in a way that tends to represent human beings as mere  
objects of sexual appetite;

(3) Its dominant tendency is to arouse lust by displaying  
or depicting bestiality or extreme or bizarre violence, cruelty,  
or brutality;

(4) Its dominant tendency is to appeal to scatological 103  
interest by displaying or depicting human bodily functions of 104  
elimination in a way that inspires disgust or revulsion in 105  
persons with ordinary sensibilities, without serving any genuine 106  
scientific, educational, sociological, moral, or artistic 107  
purpose; 108

(5) It contains a series of displays or descriptions of 109  
sexual activity, masturbation, sexual excitement, nudity, 110  
bestiality, extreme or bizarre violence, cruelty, or brutality, 111  
or human bodily functions of elimination, the cumulative effect 112  
of which is a dominant tendency to appeal to prurient or 113  
scatological interest, when the appeal to such an interest is 114  
primarily for its own sake or for commercial exploitation, 115  
rather than primarily for a genuine scientific, educational, 116  
sociological, moral, or artistic purpose. 117

(G) "Sexual excitement" means the condition of human male 118  
or female genitals when in a state of sexual stimulation or 119  
arousal. 120

(H) "Nudity" means the showing, representation, or 121  
depiction of human male or female genitals, pubic area, or 122  
buttocks with less than a full, opaque covering, or of a female 123  
breast with less than a full, opaque covering of any portion 124  
thereof below the top of the nipple, or of covered male genitals 125  
in a discernibly turgid state. 126

(I) "Juvenile" means an unmarried person under the age of 127  
eighteen. 128

(J) "Material" means any book, magazine, newspaper, 129  
pamphlet, poster, print, picture, figure, image, description, 130  
motion picture film, phonographic record, or tape, or other 131

tangible thing capable of arousing interest through sight, 132  
sound, or touch and includes an image or text appearing on a 133  
computer monitor, television screen, liquid crystal display, or 134  
similar display device or an image or text recorded on a 135  
computer hard disk, computer floppy disk, compact disk, magnetic 136  
tape, or similar data storage device. 137

(K) "Performance" means any motion picture, preview, 138  
trailer, play, show, skit, dance, or other exhibition performed 139  
before an audience. 140

(L) "Spouse" means a person married to an offender at the 141  
time of an alleged offense, except that such person shall not be 142  
considered the spouse when any of the following apply: 143

(1) When the parties have entered into a written 144  
separation agreement authorized by section 3103.06 of the 145  
Revised Code; 146

(2) During the pendency of an action between the parties 147  
for annulment, divorce, dissolution of marriage, or legal 148  
separation; 149

(3) In the case of an action for legal separation, after 150  
the effective date of the judgment for legal separation. 151

(M) "Minor" means a person under the age of eighteen. 152

(N) "Mental health client or patient" has the same meaning 153  
as in section 2305.51 of the Revised Code. 154

(O) "Mental health professional" has the same meaning as 155  
in section 2305.115 of the Revised Code. 156

(P) "Sado-masochistic abuse" means flagellation or torture 157  
by or upon a person or the condition of being fettered, bound, 158  
or otherwise physically restrained. 159

**Sec. 2907.31.** (A) No person, with knowledge of its 160  
character or content, shall recklessly do any of the following: 161

(1) Directly sell, deliver, furnish, disseminate, provide, 162  
exhibit, rent, or present to a juvenile, a group of juveniles, a 163  
law enforcement officer posing as a juvenile, or a group of law 164  
enforcement officers posing as juveniles any material or 165  
performance that is obscene or harmful to juveniles; 166

(2) Directly offer or agree to sell, deliver, furnish, 167  
disseminate, provide, exhibit, rent, or present to a juvenile, a 168  
group of juveniles, a law enforcement officer posing as a 169  
juvenile, or a group of law enforcement officers posing as 170  
juveniles any material or performance that is obscene or harmful 171  
to juveniles; 172

(3) While in the physical proximity of the juvenile or law 173  
enforcement officer posing as a juvenile, allow any juvenile or 174  
law enforcement officer posing as a juvenile to review or peruse 175  
any material or view any live performance that is harmful to 176  
juveniles. 177

(B) The following are affirmative defenses to a charge 178  
under this section that involves material or a performance that 179  
is harmful to juveniles but not obscene: 180

(1) The defendant is the parent, guardian, or spouse of 181  
the juvenile involved. 182

(2) The juvenile involved, at the time of the conduct in 183  
question, was accompanied by the juvenile's parent or guardian 184  
who, with knowledge of its character, consented to the material 185  
or performance being furnished or presented to the juvenile. 186

(3) The juvenile exhibited to the defendant or to the 187  
defendant's agent or employee a draft card, driver's license, 188

birth record, marriage license, or other official or apparently 189  
official document purporting to show that the juvenile was 190  
eighteen years of age or over or married, and the person to whom 191  
that document was exhibited did not otherwise have reasonable 192  
cause to believe that the juvenile was under the age of eighteen 193  
and unmarried. 194

(C) (1) It is an affirmative defense to a charge under this 195  
section, involving material or a performance that is obscene or 196  
harmful to juveniles, that the material or performance was 197  
furnished or presented for a bona fide medical, scientific, 198  
educational, governmental, judicial, or other proper purpose, by 199  
a physician, psychologist, sociologist, scientist, teacher, 200  
librarian, ~~clergyman~~ member of the clergy, prosecutor, judge, or 201  
other proper person. 202

(2) Except as provided in division (B) (3) of this section, 203  
mistake of age is not a defense to a charge under this section. 204

(D) (1) A person directly sells, delivers, furnishes, 205  
disseminates, provides, exhibits, rents, or presents or directly 206  
offers or agrees to sell, deliver, furnish, disseminate, 207  
provide, exhibit, rent, or present material or a performance to 208  
a juvenile, a group of juveniles, a law enforcement officer 209  
posing as a juvenile, or a group of law enforcement officers 210  
posing as juveniles in violation of this section by means of an 211  
electronic method of remotely transmitting information if the 212  
person knows or has reason to believe that the person receiving 213  
the information is a juvenile or the group of persons receiving 214  
the information are juveniles. 215

(2) A person remotely transmitting information by means of 216  
a method of mass distribution does not directly sell, deliver, 217  
furnish, disseminate, provide, exhibit, rent, or present or 218



directly offer or agree to sell, deliver, furnish, disseminate, 219  
provide, exhibit, rent, or present the material or performance 220  
in question to a juvenile, a group of juveniles, a law 221  
enforcement officer posing as a juvenile, or a group of law 222  
enforcement officers posing as juveniles in violation of this 223  
section if either of the following applies: 224

(a) The person has inadequate information to know or have 225  
reason to believe that a particular recipient of the information 226  
or offer is a juvenile. 227

(b) The method of mass distribution does not provide the 228  
person the ability to prevent a particular recipient from 229  
receiving the information. 230

(E) If any provision of this section, or the application 231  
of any provision of this section to any person or circumstance, 232  
is held invalid, the invalidity does not affect other provisions 233  
or applications of this section or related sections that can be 234  
given effect without the invalid provision or application. To 235  
this end, the provisions are severable. 236

(F) (1) Whoever violates this section is guilty of 237  
disseminating matter harmful to juveniles. If the material or 238  
performance involved is harmful to juveniles, except as 239  
otherwise provided in this division or division (F) (2) of this 240  
section, a violation of this section is a misdemeanor of the 241  
first degree. If the material or performance involved is 242  
obscene, except as otherwise provided in this division or 243  
division (F) (2) of this section, a violation of this section is 244  
a felony of the fifth degree. If the material or performance 245  
involved is obscene and the juvenile to whom it is sold, 246  
delivered, furnished, disseminated, provided, exhibited, rented, 247  
or presented, the juvenile to whom the offer is made or who is 248

the subject of the agreement, or the juvenile who is allowed to 249  
review, peruse, or view it is under thirteen years of age, 250  
except as otherwise provided in division (F)(2) of this section, 251  
a violation of this section is a felony of the fourth degree. 252

(2) Notwithstanding division (F)(1) of this section, if a 253  
person violates this section by privately transmitting to a 254  
juvenile an image of the person in a state of nudity or engaged 255  
in a sexual act, the person is not more than five years older 256  
than the juvenile, and the person subsequently becomes a victim 257  
of a violation of section 2917.211 of the Revised Code in 258  
connection to the image, a violation of this section is a 259  
misdemeanor of the third degree. 260

**Sec. 2917.211.** (A) As used in this section: 261

(1) "Disseminate" means to post, distribute, or publish on 262  
a computer device, computer network, web site, or other 263  
electronic device or medium of communication. 264

(2) "Image" means a photograph, film, videotape, digital 265  
recording, or other depiction or portrayal of a person. 266

(3) "Interactive computer service" has the meaning defined 267  
in the "Telecommunications Act of 1996," 47 U.S.C. 230, as 268  
amended. 269

(4) "Internet provider" means a provider of internet 270  
service, including all of the following: 271

(a) Broadband service, however defined or classified by 272  
the federal communications commission; 273

(b) Information service, as defined in the 274  
"Telecommunications Act of 1996," 47 U.S.C. 153, as amended; 275

(c) Internet protocol-enabled services, as defined in 276

<u>section 4927.01 of the Revised Code.</u>	277
<u>(5) "Mobile service" and "telecommunications carrier" have</u>	278
<u>the meanings defined in 47 U.S.C. 153, as amended.</u>	279
<u>(6) "Cable service provider" has the same meaning as in</u>	280
<u>section 1332.01 of the Revised Code.</u>	281
<u>(7) "Direct-to-home satellite service" has the meaning</u>	282
<u>defined in 47 U.S.C. 303, as amended.</u>	283
<u>(8) "Video service provider" has the same meaning as in</u>	284
<u>section 1332.21 of the Revised Code.</u>	285
<u>(9) "Sexual act" means any of the following:</u>	286
<u>(a) Sexual activity;</u>	287
<u>(b) Masturbation;</u>	288
<u>(c) An act involving a bodily substance that is performed</u>	289
<u>for the purpose of sexual arousal or gratification;</u>	290
<u>(d) Sado-masochistic abuse.</u>	291
<u>(B) No person shall knowingly disseminate an image of</u>	292
<u>another person if all of the following apply:</u>	293
<u>(1) The person in the image is eighteen years of age or</u>	294
<u>older.</u>	295
<u>(2) The person in the image can be identified from the</u>	296
<u>image itself or from information displayed in connection with</u>	297
<u>the image and the offender supplied the identifying information.</u>	298
<u>(3) The person in the image is in a state of nudity or is</u>	299
<u>engaged in a sexual act.</u>	300
<u>(4) The offender knows or reasonably should know that the</u>	301
<u>person in the image has not consented to the dissemination, has</u>	302

revoked consent to the dissemination, or consented because of 303  
physical force, the threat of physical force, duress, or 304  
coercion. 305

(5) The offender obtained the image under circumstances in 306  
which a reasonable person would know or understand that the 307  
image was intended to remain private. 308

(C) This section does not prohibit the dissemination of an 309  
image if any of the following apply: 310

(1) The image is disseminated for the purpose of a 311  
criminal investigation that is otherwise lawful. 312

(2) The image is disseminated for the purpose of, or in 313  
connection with, the reporting of unlawful conduct. 314

(3) The image is part of a news report or commentary or an 315  
artistic or expressive work, such as a performance, work of art, 316  
literary work, theatrical work, musical work, motion picture, 317  
film, or audiovisual work. 318

(4) The image is disseminated by a law enforcement 319  
officer, or a corrections officer or guard in a detention 320  
facility, acting within the scope of the person's official 321  
duties. 322

(5) The image is disseminated for another lawful public 323  
purpose. 324

(6) The person in the image is knowingly and willingly in 325  
a state of nudity or engaged in a sexual act and is knowingly 326  
and willingly in a location in which the person does not have a 327  
reasonable expectation of privacy. 328

(7) The image is disseminated for the purpose of medical 329  
treatment or examination. 330

(D) The following entities are not liable for a violation 331  
of this section solely as a result of an image or other 332  
information provided by another person: 333

(1) A provider of interactive computer service; 334

(2) A mobile service; 335

(3) A telecommunications carrier; 336

(4) An internet provider; 337

(5) A cable service provider; 338

(6) A direct-to-home satellite service; 339

(7) A video service provider. 340

(E) Any conduct that is a violation of this section and 341  
any other section of the Revised Code may be prosecuted under 342  
this section, the other section, or both sections. 343

(F) (1) (a) Except as otherwise provided in division (F) (1) 344  
(b) or (c) of this section, whoever violates this section is 345  
guilty of nonconsensual dissemination of private sexual images, 346  
a misdemeanor of the first degree. 347

(b) If the offender has previously been convicted of a 348  
violation of this section, nonconsensual dissemination of 349  
private sexual images is a felony of the fifth degree. 350

(c) If the offender is under eighteen years of age and the 351  
person in the image is not more than five years older than the 352  
offender, the offender shall not be prosecuted under this 353  
section. 354

(2) In addition to any other penalty or disposition 355  
authorized or required by law, the court shall order any person 356  
who is convicted of a violation of this section or who is 357

adjudicated delinquent by reason of a violation of this section 358  
to criminally forfeit all of the following property to the state 359  
under Chapter 2981. of the Revised Code: 360

(a) Any profits or proceeds and any property the person 361  
has acquired or maintained in violation of this section that the 362  
sentencing court determines to have been acquired or maintained 363  
as a result of the violation; 364

(b) Any interest in, securities of, claim against, or 365  
property or contractual right of any kind affording a source of 366  
influence over any enterprise that the person has established, 367  
operated, controlled, or conducted in violation of this section 368  
that the sentencing court determines to have been acquired or 369  
maintained as a result of the violation. 370

(G) A victim of a violation of this section may commence a 371  
civil cause of action against the offender, as described in 372  
section 2307.54 of the Revised Code. 373

**Sec. 2981.02.** (A) (1) The following property is subject to 374  
forfeiture to the state or a political subdivision under either 375  
the criminal or delinquency process in section 2981.04 of the 376  
Revised Code or the civil process in section 2981.05 of the 377  
Revised Code: 378

~~(1)~~ (a) Contraband involved in an offense; 379

~~(2)~~ (b) Proceeds derived from or acquired through the 380  
commission of an offense; 381

~~(3)~~ (c) An instrumentality that is used in or intended to 382  
be used in the commission or facilitation of any of the 383  
following offenses when the use or intended use, consistent with 384  
division (B) of this section, is sufficient to warrant 385  
forfeiture under this chapter: 386

~~(a)~~ (i) A felony; 387

~~(b)~~ (ii) A misdemeanor, when forfeiture is specifically 388  
authorized by a section of the Revised Code or by a municipal 389  
ordinance that creates the offense or sets forth its penalties; 390

~~(c)~~ (iii) An attempt to commit, complicity in committing, 391  
or a conspiracy to commit an offense of the type described in 392  
divisions (A) (3) (a) and (b) of this section. 393

~~(B)~~ (2) In determining whether an alleged instrumentality 394  
was used in or was intended to be used in the commission or 395  
facilitation of an offense or an attempt, complicity, or 396  
conspiracy to commit an offense in a manner sufficient to 397  
warrant its forfeiture, the trier of fact shall consider the 398  
following factors the trier of fact determines are relevant: 399

~~(1)~~ (a) Whether the offense could not have been committed 400  
or attempted but for the presence of the instrumentality; 401

~~(2)~~ (b) Whether the primary purpose in using the 402  
instrumentality was to commit or attempt to commit the offense; 403

~~(3)~~ (c) The extent to which the instrumentality furthered 404  
the commission of, or attempt to commit, the offense. 405

(B) The property described in division (F) (2) of section 406  
2917.211 of the Revised Code is subject to forfeiture under the 407  
criminal or delinquency process in section 2981.04 of the 408  
Revised Code. 409

(C) This chapter does not apply to or limit forfeitures 410  
under Title XLV of the Revised Code, including forfeitures 411  
relating to section 2903.06 or 2903.08 of the Revised Code. 412

**Sec. 2981.04.** (A) (1) Property described in division (A) or 413  
(B) of section 2981.02 of the Revised Code may be forfeited 414

under this section only if the complaint, indictment, or 415  
information charging the offense or municipal violation, or the 416  
complaint charging the delinquent act, contains a specification 417  
of the type described in section 2941.1417 of the Revised Code 418  
that sets forth all of the following to the extent it is 419  
reasonably known at the time of the filing: 420

(a) The nature and extent of the alleged offender's or 421  
delinquent child's interest in the property; 422

(b) A description of the property; 423

(c) If the property is alleged to be an instrumentality, 424  
the alleged use or intended use of the property in the 425  
commission or facilitation of the offense. 426

(2) If any property is not reasonably foreseen to be 427  
subject to forfeiture at the time of filing the indictment, 428  
information, or complaint, the trier of fact still may return a 429  
verdict of forfeiture concerning that property in the hearing 430  
described in division (B) of this section if the prosecutor, 431  
upon discovering the property to be subject to forfeiture, gave 432  
prompt notice of this fact to the alleged offender or delinquent 433  
child under Criminal Rule 7(E) or Juvenile Rule 10(B). 434

(3) For good cause shown, the court may consider issues of 435  
the guilt of the alleged offender or the delinquency of the 436  
alleged delinquent child separate from whether property 437  
specified as subject to forfeiture should be forfeited. 438

(B) If a person pleads guilty to or is convicted of an 439  
offense or is adjudicated a delinquent child for committing a 440  
delinquent act and the complaint, indictment, or information 441  
charging the offense or act contains a specification covering 442  
property subject to forfeiture under section 2981.02 of the 443



Revised Code, the trier of fact shall determine whether the 444  
person's property shall be forfeited. If the state or political 445  
subdivision proves by a preponderance of the evidence that the 446  
property is in whole or part subject to forfeiture under section 447  
2981.02 of the Revised Code, after a proportionality review 448  
under section 2981.09 of the Revised Code when relevant, the 449  
trier of fact shall return a verdict of forfeiture that 450  
specifically describes the extent of the property subject to 451  
forfeiture. If the trier of fact is a jury, on the offender's or 452  
delinquent child's motion, the court shall make the 453  
determination of whether the property shall be forfeited. 454

(C) If the court enters a verdict of forfeiture under this 455  
section, the court imposing sentence or disposition, in addition 456  
to any other sentence authorized by Chapter 2929. of the Revised 457  
Code or any disposition authorized by Chapter 2152. of the 458  
Revised Code, shall order that the offender or delinquent child 459  
forfeit to the state or political subdivision the offender's or 460  
delinquent child's interest in the property. The property vests 461  
with the state or political subdivision subject to the claims of 462  
third parties. The court may issue any additional order to 463  
affect the forfeiture, including, but not limited to, an order 464  
under section 2981.06 of the Revised Code. 465

(D) After the entry of a forfeiture order under this 466  
section, the prosecutor shall attempt to identify any person 467  
with an interest in the property subject to forfeiture by 468  
searching appropriate public records and making reasonably 469  
diligent inquiries. The prosecutor shall give notice of the 470  
forfeiture that remains subject to the claims of third parties 471  
and proposed disposal of the forfeited property to any person 472  
known to have an interest in the property. The prosecutor also 473  
shall publish notice of the forfeiture that remains subject to 474

the claims of third parties and proposed disposal of the 475  
forfeited property once each week for two consecutive weeks in a 476  
newspaper of general circulation in the county in which the 477  
property was seized. 478

(E) (1) Any person, other than the offender or delinquent 479  
child whose conviction or plea of guilty or delinquency 480  
adjudication is the basis of the forfeiture order, who asserts a 481  
legal interest in the property that is the subject of the order 482  
may petition the court that issued the order for a hearing under 483  
division (E) (3) of this section to adjudicate the validity of 484  
the person's alleged interest in the property. All of the 485  
following apply to the petition: 486

(a) It shall be filed within thirty days after the final 487  
publication of notice or the person's receipt of notice under 488  
division (D) of this section. 489

(b) It shall be signed by the petitioner under the 490  
penalties for falsification specified in section 2921.13 of the 491  
Revised Code. 492

(c) It shall describe the nature and extent of the 493  
petitioner's interest in the property, the time and 494  
circumstances of the petitioner's acquisition of that interest, 495  
any additional facts supporting the petitioner's claim, and the 496  
relief sought. 497

(2) (a) In lieu of filing a petition as described in 498  
division (E) (1) of this section, a person, other than the 499  
offender or delinquent child whose conviction or plea of guilty 500  
or delinquency adjudication is the basis of the forfeiture 501  
order, may file an affidavit as described in this division to 502  
establish the validity of the alleged right, title, or interest 503

in the property that is the subject of the forfeiture order if 504  
the person is a secured party or other lienholder of record that 505  
asserts a legal interest in the property, including, but not 506  
limited to, a mortgage, security interest, or other type of 507  
lien. The affidavit shall contain averments that the secured 508  
party or other lienholder acquired its alleged right, title, or 509  
interest in the property in the regular course of its business, 510  
for a specified valuable consideration, without actual knowledge 511  
of any facts pertaining to the offense that was the basis of the 512  
forfeiture order, in good faith, and without the intent to 513  
prevent or otherwise impede the state or political subdivision 514  
from seizing or obtaining a forfeiture of the property. The 515  
person shall file the affidavit within thirty days after the 516  
earlier of the final publication of notice or the receipt of 517  
notice under division (D) of this section. 518

(b) Except as otherwise provided in this section, the 519  
affidavit shall constitute prima-facie evidence of the validity 520  
of the affiant's alleged interest in the property. 521

(c) Unless the prosecutor files a motion challenging the 522  
affidavit within ten days after its filing and unless the 523  
prosecutor establishes by a preponderance of the evidence at the 524  
hearing held under division (E) (3) of this section that the 525  
affiant does not possess the alleged interest in the property or 526  
that the affiant had actual knowledge of facts pertaining to the 527  
offense or delinquent act that was the basis of the forfeiture 528  
order, the affidavit shall constitute conclusive evidence of the 529  
validity of the affiant's interest in the property. 530

(d) Any subsequent purchaser or other transferee of 531  
property pursuant to forfeiture under this section shall take 532  
the property subject to the continued validity of the interest 533

of the affiant. 534

(3) Upon receipt of a petition or affidavit filed under 535  
division (E)(1) or (2) of this section, the court shall hold a 536  
hearing to determine the validity of the petitioner's interest 537  
in the property that is the subject of the forfeiture order or, 538  
if the affidavit was challenged, to determine the validity of 539  
the affiant's interest in the property. To the extent 540  
practicable and consistent with the interests of justice, the 541  
court shall hold the hearing within thirty days after the filing 542  
of the petition or within thirty days after the prosecutor files 543  
the motion challenging the affidavit. The court may consolidate 544  
the hearing with a hearing on any other petition or affidavit 545  
that is filed by a person other than the offender or delinquent 546  
child whose conviction or plea of guilty or delinquency 547  
adjudication is the basis of the forfeiture order and that 548  
relates to the property that is the subject of the forfeiture 549  
order. 550

At the hearing, the petitioner or affiant may testify, 551  
present evidence and witnesses on the petitioner's or affiant's 552  
behalf, and cross-examine witnesses for the state or political 553  
subdivision. In regards to a petition, the state or political 554  
subdivision may present evidence and witnesses in rebuttal and 555  
in defense of its claim to the property and may cross-examine 556  
witnesses for the petitioner. In regards to an affidavit, the 557  
prosecutor may present evidence and witnesses and cross-examine 558  
witnesses for the affiant. 559

In addition to the evidence and testimony presented at the 560  
hearing, the court also shall consider the relevant portions of 561  
the record in the criminal or delinquent child case that 562  
resulted in the forfeiture order. 563

(F) (1) If the hearing involves a petition, the court shall  
amend its forfeiture order if it determines at the hearing held  
pursuant to division (E) (3) of this section that the petitioner  
has established either of the following by a preponderance of  
the evidence:

(a) The petitioner has a legal interest in the property  
that is subject to the forfeiture order that renders the order  
completely or partially invalid because the legal interest in  
the property was vested in the petitioner, rather than the  
offender or delinquent child whose conviction or plea of guilty  
or delinquency adjudication is the basis of the order, or was  
superior to any interest of that offender or delinquent child,  
at the time of the commission of the offense or delinquent act  
that is the basis of the order.

(b) The petitioner is a bona fide purchaser for value of  
the interest in the property that is subject to the forfeiture  
order and was, at the time of the purchase, reasonably without  
cause to believe that it was subject to forfeiture.

(2) The court also shall amend its forfeiture order to  
reflect any interest of a secured party or other lienholder of  
record in the property subject to forfeiture who prevails at a  
hearing on the petition or affidavit filed pursuant to division  
(E) (1) or (2) of this section.

(G) If the court disposes of all petitions or affidavits  
timely filed under this section in favor of the state or  
political subdivision, the state or political subdivision shall  
have clear title to the property that is the subject of a  
forfeiture order issued under this section, but only to the  
extent that other parties' lawful interests in the property are  
not infringed. To the extent that the state or political

subdivision has clear title to the property, the state or 594  
political subdivision may warrant good title to any subsequent 595  
purchaser or other transferee. 596

**Sec. 3345.58.** (A) No student who is enrolled in an 597  
institution of higher education in Ohio and is the victim of a 598  
violation of section 2917.211 of the Revised Code shall lose any 599  
form of financial assistance provided by that institution for 600  
educational expenses, including grants, scholarships, and 601  
fellowships, for the sole reason of being the victim of such a 602  
violation. Additionally, no institution of higher education 603  
shall take any disciplinary action, including the imposition of 604  
academic penalties, against that student for the sole reason of 605  
being such a victim. 606

(B) If a person who is the victim of a violation of 607  
section 2917.211 of the Revised Code applies to an institution 608  
of higher education in Ohio, that person's status as such a 609  
victim shall not affect the person's eligibility for any form of 610  
financial assistance provided by the institution for educational 611  
expenses, including grants, scholarships, and fellowships. 612

(C) As used in this section, "victim" has the same meaning 613  
as in section 2930.01 of the Revised Code. 614

**Sec. 4113.83.** As used in this section and sections 4113.84 615  
to 4113.87 of the Revised Code: 616

(A) "Employee" has the same meaning as in section 4113.51 617  
of the Revised Code. 618

(B) "Employer" means any of the following: 619

(1) The state and any agency or instrumentality of the 620  
state; 621

(2) A political subdivision of the state and any agency or 622  
instrumentality of the political subdivision; 623

(3) Any individual, partnership, association, corporation, 624  
or business trust. 625

(C) "Political subdivision" means a county, township, 626  
municipal corporation, or any other body corporate and politic 627  
that is responsible for government activities in a geographic 628  
area smaller than that of the state. 629

(D) "Reasonable accommodation" includes a changed work 630  
telephone number, transfer to a different department or location 631  
of the employer, modified employment schedules, assistance with 632  
documenting any harassment occurring at the workplace or in 633  
work-related settings, and time off work. 634

(E) "Undue hardship" means any requirement that would 635  
require an employer to take an action with significant 636  
difficulty or expense when considered in light of factors, 637  
including all of the following: 638

(1) The nature and cost of the accommodation; 639

(2) The overall financial resources of the employer; 640

(3) The overall size of the employer's business with 641  
respect to the number of employees; 642

(4) The number, type, and location of the employer's 643  
facilities; 644

(5) The effect on the employer's expenses and resources or 645  
the impact otherwise of the accommodation on the employer's 646  
operation. 647

(F) "Victim" has the same meaning as in section 2930.01 of 648

the Revised Code.

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**Sec. 4113.84.** No employer shall knowingly do any of the  
following:

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(A) Discharge, fail to hire, or otherwise discriminate or  
retaliate against an individual or employee of the employer  
because the individual or employee is a victim or is perceived  
to be a victim of a violation of section 2917.211 of the Revised  
Code;

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(B) Take an adverse employment action against an employee  
because the employee made a request for a reasonable  
accommodation based on the employee's status as a victim or  
perceived victim of a violation of section 2917.211 of the  
Revised Code, regardless of whether the employer granted the  
request for the accommodation;

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(C) Discharge or otherwise discriminate or retaliate  
against an employee who uses unpaid leave in accordance with  
section 4113.86 of the Revised Code.

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**Sec. 4113.85.** (A) An employer shall make a reasonable  
accommodation for an employee who is a victim or is perceived to  
be a victim of a violation of section 2917.211 of the Revised  
Code, unless the employer demonstrates that the accommodation  
would impose an undue hardship on the operation of the  
employer's business.

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(B) Before making a reasonable accommodation under this  
section, an employer may require an employee who requests a  
reasonable accommodation to provide documentation of the  
violation or perceived violation of section 2917.211 of the  
Revised Code. The employee may satisfy the documentation  
requirement by providing the employer with any of the following:

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(1) A copy of a police report or documentation of a court 678  
proceeding concerning the violation; 679

(2) A written statement verifying the violation signed by 680  
the employee's attorney, a victim services organization, or a 681  
trained victim advocate; 682

(3) A written statement verifying the violation signed by 683  
a member of the clergy from whom the employee has sought 684  
assistance in connection with the violation; 685

(4) Any other evidence that corroborates the violation. 686

(C) No employer shall knowingly violate division (A) of 687  
this section. An employer who fails or refuses to make a 688  
reasonable accommodation under this section has the burden of 689  
proving that the accommodation would impose an undue hardship on 690  
the operation of the employer's business. 691

(D) Except as provided in division (E) of this section, no 692  
employer shall knowingly fail to hold as confidential any 693  
information that the employer receives from an individual or 694  
employee under sections 4113.83 to 4113.87 of the Revised Code. 695  
If the employer is a public office, the information is not a 696  
public record for purposes of section 149.43 of the Revised 697  
Code. 698

(E) Division (D) of this section does not apply if either 699  
of the following is the case: 700

(1) The individual or employee gives written consent to 701  
allow the employer to share the information. 702

(2) The employer is otherwise required by the Revised Code 703  
or federal law to share the information. 704

**Sec. 4113.86. (A) An employer shall grant an employee of** 705

the employer not less than five days per year of unpaid leave 706  
related to incidents in which the employee is a victim or is 707  
perceived to be a victim of a violation of section 2917.211 of 708  
the Revised Code. To be eligible for this leave, an employee 709  
shall satisfy both of the following requirements: 710

(1) Be employed by the employer for not less than twenty 711  
weeks in the calendar year in which the leave is requested; 712

(2) Be employed by the employer for more than twenty-five 713  
hours per week for not less than one hundred eighty days 714  
immediately preceding the period of leave. 715

(B) An employee who is a victim or is perceived to be a 716  
victim of a violation of section 2917.211 of the Revised Code 717  
may take the unpaid leave described in division (A) of this 718  
section to do any of the following: 719

(1) Seek nonemergency medical attention related to the 720  
violation for the employee or employee's dependent, including 721  
services from a victim services organization, psychological 722  
treatment, and counseling; 723

(2) Meet with law enforcement officers regarding the 724  
violation; 725

(3) Seek legal assistance or other assistance from a 726  
counselor, social worker, trained victim advocate, health care 727  
provider, or other professional who assists persons in dealing 728  
with such a violation for the employee or the employee's 729  
dependent; 730

(4) Attend a civil or criminal court proceeding related to 731  
the violation. 732

(C) The leave provided under this section is in addition 733

to any other paid or unpaid leave an employer grants an 734  
employee. 735

(D) No employer shall knowingly fail to grant the leave 736  
provided under this section. 737

**Sec. 4113.87.** (A) An individual or employee of an employer 738  
who believes that an employer violated section 4113.84, 4113.85, 739  
or 4113.86 of the Revised Code may commence a civil action 740  
against the employer in a court of competent jurisdiction. 741

(B) A court that finds that an employer violated section 742  
4113.84, 4113.85, or 4113.86 of the Revised Code may award the 743  
individual or employee compensatory and punitive damages, 744  
reasonable attorney's fees, and costs of bringing the civil 745  
action. The court also may reinstate an employee who was 746  
discharged in violation of section 4113.84 of the Revised Code. 747

**Section 2.** That existing sections 2907.01, 2907.31, 748  
2981.02, and 2981.04 of the Revised Code are hereby repealed. 749