

As Reported by the Senate Judiciary Committee

132nd General Assembly

Regular Session

2017-2018

Am. Sub. H. B. No. 497

Representatives Rogers, Manning

Cosponsors: Representatives Anielski, Arndt, Ashford, Boyd, Brown, Cupp, Dever, Galonski, Gavarone, Green, Hambley, Holmes, Hoops, Howse, Hughes, Koehler, Landis, Lanese, Lang, Leland, Lepore-Hagan, Miller, O'Brien, Patterson, Patton, Perales, Ramos, Rezabek, Riedel, Scherer, Schuring, Sheehy, West, Speaker Smith

A BILL

To amend sections 2907.01, 2981.02, and 2981.04 and
to enact sections 9.74, 2307.66, 2917.211, and
3345.49 of the Revised Code to prohibit the
nonconsensual dissemination of private sexual
images, to provide that certain property
involved in the offense may be criminally
forfeited, and to create certain legal rights
and 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, 2981.02, and 2981.04 be
amended and sections 9.74, 2307.66, 2917.211, and 3345.49 of the
Revised Code be enacted to read as follows:

Sec. 9.74. (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, 16
or to have control of and operate certain specific equipment, 17
machinery, or premises, over which the licensing authority has 18
jurisdiction. 19

(2) "Licensing authority" means a public office that 20
issues a license to a person or entity. 21

(3) "Political subdivision" means a county, township, 22
municipal corporation, or any other body corporate and politic 23
that is responsible for government activities in a geographic 24
area smaller than that of the state. 25

(4) "Public office" means any state agency, public 26
institution, political subdivision, other organized body, 27
office, agency, institution, or entity established by the laws 28
of this state for the exercise of any function of government. 29
"Public office" does not include the nonprofit corporation 30
formed under section 187.01 of the Revised Code. 31

(5) "Victim" has the same meaning as in section 2930.01 of 32
the Revised Code. 33

(B) No licensing authority shall knowingly take any of the 34
following actions against a person who is applying for or holds 35
a license solely on the basis that the person is a victim of a 36
violation of section 2917.211 of the Revised Code: 37

(1) Refuse to issue a license to an applicant; 38

(2) Limit, suspend, or revoke a license; 39

(3) Refuse to renew a license. 40

Sec. 2307.66. (A) A victim of a violation of section 41
2917.211 of the Revised Code has and may commence a civil cause 42
of action against the offender for any of the following, in 43

addition to reasonable attorney's fees and the costs of bringing 44
the action: 45

(1) An injunction or a temporary restraining order 46
prohibiting further dissemination of the image that is the 47
subject of the violation; 48

(2) Compensatory and punitive damages for harm resulting 49
from the violation. 50

(B) The victim shall be presumed to have suffered harm as 51
a result of the nonconsensual dissemination of private sexual 52
images. 53

(C) 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

(D) 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 75
engages in sexual activity for hire, regardless of whether the 76
hire is paid to the prostitute or to another. 77

(E) "Harmful to juveniles" means that quality of any 78
material or performance describing or representing nudity, 79
sexual conduct, sexual excitement, or sado-masochistic abuse in 80
any form to which all of the following apply: 81

(1) The material or performance, when considered as a 82
whole, appeals to the prurient interest of juveniles in sex. 83

(2) The material or performance is patently offensive to 84
prevailing standards in the adult community as a whole with 85
respect to what is suitable for juveniles. 86

(3) The material or performance, when considered as a 87
whole, lacks serious literary, artistic, political, and 88
scientific value for juveniles. 89

(F) When considered as a whole, and judged with reference 90
to ordinary adults or, if it is designed for sexual deviates or 91
other specially susceptible group, judged with reference to that 92
group, any material or performance is "obscene" if any of the 93
following apply: 94

(1) Its dominant appeal is to prurient interest; 95

(2) Its dominant tendency is to arouse lust by displaying 96
or depicting sexual activity, masturbation, sexual excitement, 97
or nudity in a way that tends to represent human beings as mere 98
objects of sexual appetite; 99

(3) Its dominant tendency is to arouse lust by displaying 100
or depicting bestiality or extreme or bizarre violence, cruelty, 101
or brutality; 102

(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. 2917.211. (A) As used in this section: 160

(1) "Disseminate" means to post, distribute, or publish on 161
a computer device, computer network, web site, or other 162
electronic device or medium of communication. 163

(2) "Image" means a photograph, film, videotape, digital 164
recording, or other depiction or portrayal of a person. 165

(3) "Interactive computer service" has the meaning defined 166
in the "Telecommunications Act of 1996," 47 U.S.C. 230, as 167
amended. 168

(4) "Internet provider" means a provider of internet 169
service, including all of the following: 170

(a) Broadband service, however defined or classified by 171
the federal communications commission; 172

(b) Information service, as defined in the 173
"Telecommunications Act of 1996," 47 U.S.C. 153, as amended; 174

(c) Internet protocol-enabled services, as defined in 175
section 4927.01 of the Revised Code. 176

(5) "Mobile service" and "telecommunications carrier" have 177
the meanings defined in 47 U.S.C. 153, as amended. 178

(6) "Cable service provider" has the same meaning as in 179
section 1332.01 of the Revised Code. 180

(7) "Direct-to-home satellite service" has the meaning 181
defined in 47 U.S.C. 303, as amended. 182

(8) "Video service provider" has the same meaning as in 183

<u>section 1332.21 of the Revised Code.</u>	184
<u>(9) "Sexual act" means any of the following:</u>	185
<u>(a) Sexual activity;</u>	186
<u>(b) Masturbation;</u>	187
<u>(c) An act involving a bodily substance that is performed</u>	188
<u>for the purpose of sexual arousal or gratification;</u>	189
<u>(d) Sado-masochistic abuse.</u>	190
<u>(B) No person shall knowingly disseminate an image of</u>	191
<u>another person if all of the following apply:</u>	192
<u>(1) The person in the image is eighteen years of age or</u>	193
<u>older.</u>	194
<u>(2) The person in the image can be identified from the</u>	195
<u>image itself or from information displayed in connection with</u>	196
<u>the image and the offender supplied the identifying information.</u>	197
<u>(3) The person in the image is in a state of nudity or is</u>	198
<u>engaged in a sexual act.</u>	199
<u>(4) The image is disseminated without consent from the</u>	200
<u>person in the image.</u>	201
<u>(5) The image is disseminated with intent to harm the</u>	202
<u>person in the image.</u>	203
<u>(C) This section does not prohibit the dissemination of an</u>	204
<u>image if any of the following apply:</u>	205
<u>(1) The image is disseminated for the purpose of a</u>	206
<u>criminal investigation that is otherwise lawful.</u>	207
<u>(2) The image is disseminated for the purpose of, or in</u>	208
<u>connection with, the reporting of unlawful conduct.</u>	209

(3) The image is part of a news report or commentary or an 210
artistic or expressive work, such as a performance, work of art, 211
literary work, theatrical work, musical work, motion picture, 212
film, or audiovisual work. 213

(4) The image is disseminated by a law enforcement 214
officer, or a corrections officer or guard in a detention 215
facility, acting within the scope of the person's official 216
duties. 217

(5) The image is disseminated for another lawful public 218
purpose. 219

(6) The person in the image is knowingly and willingly in 220
a state of nudity or engaged in a sexual act and is knowingly 221
and willingly in a location in which the person does not have a 222
reasonable expectation of privacy. 223

(7) The image is disseminated for the purpose of medical 224
treatment or examination. 225

(D) The following entities are not liable for a violation 226
of this section solely as a result of an image or other 227
information provided by another person: 228

(1) A provider of interactive computer service; 229

(2) A mobile service; 230

(3) A telecommunications carrier; 231

(4) An internet provider; 232

(5) A cable service provider; 233

(6) A direct-to-home satellite service; 234

(7) A video service provider. 235

(E) Any conduct that is a violation of this section and 236
any other section of the Revised Code may be prosecuted under 237
this section, the other section, or both sections. 238

(F) (1) (a) Except as otherwise provided in division (F) (1) 239
(b), (c), or (d) of this section, whoever violates this section 240
is guilty of nonconsensual dissemination of private sexual 241
images, a misdemeanor of the third degree. 242

(b) If the offender previously has been convicted of or 243
pleaded guilty to a violation of this section, nonconsensual 244
dissemination of private sexual images is a misdemeanor of the 245
second degree. 246

(c) If the offender previously has been convicted of or 247
pleaded guilty to two or more violations of this section, 248
nonconsensual dissemination of private sexual images is a 249
misdemeanor of the first degree. 250

(d) If the offender is under eighteen years of age and the 251
person in the image is not more than five years older than the 252
offender, the offender shall not be prosecuted under this 253
section. 254

(2) In addition to any other penalty or disposition 255
authorized or required by law, the court may order any person 256
who is convicted of a violation of this section or who is 257
adjudicated delinquent by reason of a violation of this section 258
to criminally forfeit all of the following property to the state 259
under Chapter 2981. of the Revised Code: 260

(a) Any profits or proceeds and any property the person 261
has acquired or maintained in violation of this section that the 262
sentencing court determines to have been acquired or maintained 263
as a result of the violation; 264

(b) Any interest in, securities of, claim against, or 265
property or contractual right of any kind affording a source of 266
influence over any enterprise that the person has established, 267
operated, controlled, or conducted in violation of this section 268
that the sentencing court determines to have been acquired or 269
maintained as a result of the violation. 270

(G) A victim of a violation of this section may commence a 271
civil cause of action against the offender, as described in 272
section 2307.66 of the Revised Code. 273

Sec. 2981.02. (A) (1) The following property is subject to 274
forfeiture to the state or a political subdivision under either 275
the criminal or delinquency process in section 2981.04 of the 276
Revised Code or the civil process in section 2981.05 of the 277
Revised Code: 278

~~(1)~~ (a) Contraband involved in an offense; 279

~~(2)~~ (b) Proceeds derived from or acquired through the 280
commission of an offense; 281

~~(3)~~ (c) An instrumentality that is used in or intended to 282
be used in the commission or facilitation of any of the 283
following offenses when the use or intended use, consistent with 284
division (B) of this section, is sufficient to warrant 285
forfeiture under this chapter: 286

~~(a)~~ (i) A felony; 287

~~(b)~~ (ii) A misdemeanor, when forfeiture is specifically 288
authorized by a section of the Revised Code or by a municipal 289
ordinance that creates the offense or sets forth its penalties; 290

~~(c)~~ (iii) An attempt to commit, complicity in committing, 291
or a conspiracy to commit an offense of the type described in 292

divisions (A) (3) (a) and (b) of this section. 293

~~(B) (2)~~ In determining whether an alleged instrumentality 294
was used in or was intended to be used in the commission or 295
facilitation of an offense or an attempt, complicity, or 296
conspiracy to commit an offense in a manner sufficient to 297
warrant its forfeiture, the trier of fact shall consider the 298
following factors the trier of fact determines are relevant: 299

~~(1) (a)~~ Whether the offense could not have been committed 300
or attempted but for the presence of the instrumentality; 301

~~(2) (b)~~ Whether the primary purpose in using the 302
instrumentality was to commit or attempt to commit the offense; 303

~~(3) (c)~~ The extent to which the instrumentality furthered 304
the commission of, or attempt to commit, the offense. 305

(B) The property described in division (F) (2) of section 306
2917.211 of the Revised Code is subject to forfeiture under the 307
criminal or delinquency process in section 2981.04 of the 308
Revised Code, if the forfeiture is ordered by the court imposing 309
sentence or an order of disposition. 310

(C) This chapter does not apply to or limit forfeitures 311
under Title XLV of the Revised Code, including forfeitures 312
relating to section 2903.06 or 2903.08 of the Revised Code. 313

Sec. 2981.04. (A) (1) Property described in division (A) or 314
(B) of section 2981.02 of the Revised Code may be forfeited 315
under this section only if the defendant is convicted of, or 316
enters intervention in lieu of conviction for, an offense or the 317
juvenile is adjudicated a delinquent child for committing an act 318
that would be an offense if committed by an adult and the 319
complaint, indictment, or information charging the offense or 320
municipal violation, or the complaint charging the delinquent 321

act, contains a specification of the type described in section 322
2941.1417 of the Revised Code that sets forth all of the 323
following to the extent it is reasonably known at the time of 324
the filing: 325

(a) The nature and extent of the alleged offender's or 326
delinquent child's interest in the property; 327

(b) A description of the property; 328

(c) If the property is alleged to be an instrumentality, 329
the alleged use or intended use of the property in the 330
commission or facilitation of the offense. 331

(2) If any property is not reasonably foreseen to be 332
subject to forfeiture at the time of filing the indictment, 333
information, or complaint, the trier of fact still may return a 334
verdict of forfeiture concerning that property in the hearing 335
described in division (B) of this section if the prosecutor, 336
upon discovering the property to be subject to forfeiture, gave 337
prompt notice of this fact to the alleged offender or delinquent 338
child under Criminal Rule 7(E) or Juvenile Rule 10(B). 339

(B) If a person pleads guilty to or is convicted of, or 340
enters intervention in lieu of conviction for, an offense or is 341
adjudicated a delinquent child for committing a delinquent act 342
and the complaint, indictment, or information charging the 343
offense or act contains a specification covering property 344
subject to forfeiture under section 2981.02 of the Revised Code, 345
the trier of fact shall determine whether the person's property 346
shall be forfeited. If the state or political subdivision proves 347
by clear and convincing evidence that the property is in whole 348
or part subject to forfeiture under section 2981.02 of the 349
Revised Code, after a proportionality review under section 350

2981.09 of the Revised Code when relevant, the trier of fact 351
shall return a verdict of forfeiture that specifically describes 352
the extent of the property subject to forfeiture. If the trier 353
of fact is a jury, on the offender's or delinquent child's 354
motion, the court shall make the determination of whether the 355
property shall be forfeited. 356

(C) If the court enters a verdict of forfeiture under this 357
section, the court imposing sentence or disposition, in addition 358
to any other sentence authorized by section 2951.041 or Chapter 359
2929. of the Revised Code or any disposition authorized by 360
Chapter 2152. of the Revised Code, shall order that the offender 361
or delinquent child forfeit to the state or political 362
subdivision the offender's or delinquent child's interest in the 363
property. The property vests with the state or political 364
subdivision subject to the claims of third parties. The court 365
may issue any additional order to affect the forfeiture, 366
including, but not limited to, an order under section 2981.06 of 367
the Revised Code. 368

(D) After the entry of a forfeiture order under this 369
section, the prosecutor shall attempt to identify any person 370
with an interest in the property subject to forfeiture by 371
searching appropriate public records and making reasonably 372
diligent inquiries. The prosecutor shall give notice of the 373
forfeiture that remains subject to the claims of third parties 374
and proposed disposal of the forfeited property to any person 375
known to have an interest in the property. The prosecutor also 376
shall publish notice of the forfeiture that remains subject to 377
the claims of third parties and proposed disposal of the 378
forfeited property once each week for two consecutive weeks in a 379
newspaper of general circulation in the county in which the 380
property was seized. 381

(E) (1) Any person, other than the offender or delinquent 382
child whose conviction or plea of guilty or delinquency 383
adjudication is the basis of the forfeiture order, who asserts a 384
legal interest in the property that is the subject of the order 385
may petition the court that issued the order for a hearing under 386
division (E) (3) of this section to adjudicate the validity of 387
the person's alleged interest in the property. All of the 388
following apply to the petition: 389

(a) It shall be filed within thirty days after the final 390
publication of notice or the person's receipt of notice under 391
division (D) of this section. 392

(b) It shall be signed by the petitioner under the 393
penalties for falsification specified in section 2921.13 of the 394
Revised Code. 395

(c) It shall describe the nature and extent of the 396
petitioner's interest in the property, the time and 397
circumstances of the petitioner's acquisition of that interest, 398
any additional facts supporting the petitioner's claim, and the 399
relief sought. 400

(d) It shall state that one of the following conditions 401
applies to the petitioner: 402

(i) The petitioner has a legal interest in the property 403
that is subject to the forfeiture order that renders the order 404
completely or partially invalid because the legal interest in 405
the property was vested in the petitioner, rather than the 406
offender or delinquent child whose conviction or plea of guilty 407
or delinquency adjudication is the basis of the order, or was 408
superior to any interest of that offender or delinquent child, 409
at the time of the commission of the offense or delinquent act 410

that is the basis of the order. 411

(ii) The petitioner is a bona fide purchaser for value of 412
the interest in the property that is subject to the forfeiture 413
order and was, at the time of the purchase, reasonably without 414
cause to believe that it was subject to forfeiture. 415

(2) (a) In lieu of filing a petition as described in 416
division (E) (1) of this section, a person, other than the 417
offender or delinquent child whose conviction or plea of guilty 418
or delinquency adjudication is the basis of the forfeiture 419
order, may file an affidavit as described in this division to 420
establish the validity of the alleged right, title, or interest 421
in the property that is the subject of the forfeiture order if 422
the person is a secured party or other lienholder of record that 423
asserts a legal interest in the property, including, but not 424
limited to, a mortgage, security interest, or other type of 425
lien. The affidavit shall contain averments that the secured 426
party or other lienholder acquired its alleged right, title, or 427
interest in the property in the regular course of its business, 428
for a specified valuable consideration, without actual knowledge 429
of any facts pertaining to the offense that was the basis of the 430
forfeiture order, in good faith, and without the intent to 431
prevent or otherwise impede the state or political subdivision 432
from seizing or obtaining a forfeiture of the property. The 433
person shall file the affidavit within thirty days after the 434
earlier of the final publication of notice or the receipt of 435
notice under division (D) of this section. 436

(b) Except as otherwise provided in this section, the 437
affidavit shall constitute prima-facie evidence of the validity 438
of the affiant's alleged interest in the property. 439

(c) Unless the prosecutor files a motion challenging the 440

affidavit within ten days after its filing and unless the 441
prosecutor establishes by clear and convincing evidence at the 442
hearing held under division (E) (3) of this section that the 443
affiant does not possess the alleged interest in the property or 444
that the affiant had actual knowledge of facts pertaining to the 445
offense or delinquent act that was the basis of the forfeiture 446
order, the affidavit shall constitute conclusive evidence of the 447
validity of the affiant's interest in the property. 448

(d) Any subsequent purchaser or other transferee of 449
property pursuant to forfeiture under this section shall take 450
the property subject to the continued validity of the interest 451
of the affiant. 452

(3) Upon receipt of a petition or affidavit filed under 453
division (E) (1) or (2) of this section, the court shall hold a 454
hearing to determine the validity of the petitioner's interest 455
in the property that is the subject of the forfeiture order or, 456
if the affidavit was challenged, to determine the validity of 457
the affiant's interest in the property. To the extent 458
practicable and consistent with the interests of justice, the 459
court shall hold the hearing within thirty days after the filing 460
of the petition or within thirty days after the prosecutor files 461
the motion challenging the affidavit. The court may consolidate 462
the hearing with a hearing on any other petition or affidavit 463
that is filed by a person other than the offender or delinquent 464
child whose conviction or plea of guilty or delinquency 465
adjudication is the basis of the forfeiture order and that 466
relates to the property that is the subject of the forfeiture 467
order. 468

At the hearing, the petitioner or affiant may testify, 469
present evidence and witnesses on the petitioner's or affiant's 470

behalf, and cross-examine witnesses for the state or political 471
subdivision. In regards to a petition, the state or political 472
subdivision may present evidence and witnesses in rebuttal and 473
in defense of its claim to the property and may cross-examine 474
witnesses for the petitioner. In regards to an affidavit, the 475
prosecutor may present evidence and witnesses and cross-examine 476
witnesses for the affiant. 477

In addition to the evidence and testimony presented at the 478
hearing, the court also shall consider the relevant portions of 479
the record in the criminal or delinquent child case that 480
resulted in the forfeiture order. 481

(F) (1) If the hearing involves a petition, the court shall 482
amend its forfeiture order if it determines at the hearing held 483
pursuant to division (E) (3) of this section that the petitioner 484
has established by a preponderance of the evidence that ~~that~~ the 485
applicable condition alleged by the petitioner under division 486
(E) (1) (d) of this section applies to the petitioner. 487

(2) The court also shall amend its forfeiture order to 488
reflect any interest of a secured party or other lienholder of 489
record in the property subject to forfeiture who prevails at a 490
hearing on the petition or affidavit filed pursuant to division 491
(E) (1) or (2) of this section. 492

(G) If the court disposes of all petitions or affidavits 493
timely filed under this section in favor of the state or 494
political subdivision, the state or political subdivision shall 495
have clear title to the property that is the subject of a 496
forfeiture order issued under this section, but only to the 497
extent that other parties' lawful interests in the property are 498
not infringed. To the extent that the state or political 499
subdivision has clear title to the property, the state or 500

political subdivision may warrant good title to any subsequent 501
purchaser or other transferee. 502

Sec. 3345.49. (A) No student who is enrolled in an 503
institution of higher education in Ohio and is the victim of a 504
violation of section 2917.211 of the Revised Code shall lose any 505
form of financial assistance provided by that institution for 506
educational expenses, including grants, scholarships, and 507
fellowships, for the sole reason of being the victim of such a 508
violation. Additionally, no institution of higher education 509
shall take any disciplinary action, including the imposition of 510
academic penalties, against that student for the sole reason of 511
being such a victim. 512

(B) If a person who is the victim of a violation of 513
section 2917.211 of the Revised Code applies to an institution 514
of higher education in Ohio, that person's status as such a 515
victim shall not affect the person's eligibility for any form of 516
financial assistance provided by the institution for educational 517
expenses, including grants, scholarships, and fellowships. 518

(C) As used in this section, "victim" has the same meaning 519
as in section 2930.01 of the Revised Code. 520

Section 2. That existing sections 2907.01, 2981.02, and 521
2981.04 of the Revised Code are hereby repealed. 522