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## Substitute Bill Comparative Synopsis

### Sub. S.B. 100

### 135<sup>th</sup> General Assembly

House Criminal Justice

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Passed by the Senate)	Latest Version (I_135_3098-1)
<b>Revocation of consent</b>	
Specifies that, if a person has given consent for another to install a tracking device or tracking application on the consenting person's property, it is presumed that the consenting person has revoked that consent if the consenting person and the person to whom consent was given are lawfully married and one of them files for divorce or dissolution of marriage or for an Ohio protection order ( <i>R.C. 2903.216(C)</i> ).	Retains the presumption described in the left column, but further provides that if a person has given consent for another person to install or use a tracking device or application on the person's person or property, and the consent is presumed to be revoked due to the filing of a divorce or dissolution or filing or issuance of an Ohio protection order, the person to whom consent is given must do one of the following: ( <i>R.C. 2903.216(C)</i> ) <ul style="list-style-type: none"><li>▪ Lawfully uninstall or discontinue use of the tracking device or tracking application within 72 hours after being served;</li><li>▪ Notify the court that the person cannot lawfully uninstall or discontinue use of the tracking device or tracking application.</li></ul>

Previous Version (As Passed by the Senate)	Latest Version (I_135_3098-1)
<b>Exception for electronic monitoring</b>	
<p>Defines a “tracking device” for purposes of the bill as an electronic or mechanical device that permits a person to remotely determine or track the position or movement of another person or another person's property <i>(R.C. 2903.216(A)(10))</i>.</p> <p>Provides an exception from the bill’s provisions for a law enforcement officer, or any law enforcement agency, that installs a tracking device or tracking application on another person's property or causes a tracking device or tracking application to track the position or movement of another person or another person's property as part of a criminal investigation, or a probation officer, parole officer, or employee of the Department of Rehabilitation and Correction (DRC), when engaged in the lawful performance of the officer's or employee's official duties <i>(R.C. 2903.216(D)(1))</i>.</p> <p>No provision.</p>	<p>Expands the definition of “tracking device” for purposes of the bill to include an electronic monitoring device and specifies that “electronic monitoring” and “electronic monitoring device” have the same meanings as in existing law <i>(R.C. 2903.216(A)(4) and (10))</i>.</p> <p>Expands the exception described in the left column to include an employee of a halfway house, or a community-based correctional facility, when engaged in the lawful performance of the employee’s official duties <i>(R.C. 2903.216(D)(1))</i>.</p> <p>Specifies that for purposes of the exception described above, a probation officer, parole officer, or employee of DRC, a halfway house, or a community-based correctional facility is engaged in the lawful performance of the officer's or employee's duties if both of the following apply: <i>(R.C. 2903.216(E))</i></p> <ol style="list-style-type: none"> <li>1. The court or DRC imposes electronic monitoring on a person.</li> <li>2. The officer or employee installs or uses an electronic monitoring device on that person in accordance with the court's or DRC's imposition of electronic monitoring of that person.</li> </ol>

Previous Version (As Passed by the Senate)	Latest Version (I_135_3098-1)
<b>Oral fluid testing</b>	
No provision.	<p>Authorizes law enforcement to collect an oral fluid sample from a person arrested for operating a vehicle under the influence (OVI) (<i>R.C. 1547.11, 4511.19, and 4561.15</i>).</p> <p>Authorizes the testing of that oral fluid sample for the presence of a drug of abuse or metabolite of a drug of abuse (<i>R.C. 3701.143 and 4511.19(D)</i>).</p> <p>Authorizes the oral fluid sample and its test results to be used as evidence related to charges that a person operated a vehicle while “under the influence of alcohol, a drug of abuse, or a combination of them” (the general OVI prohibition) (<i>R.C. 4511.19(D)</i>).</p> <p>Specifies that any person who operates a vehicle or who is in physical control of a vehicle has given consent to have that person’s oral fluid collected and tested if arrested for OVI (“implied consent”) (<i>R.C. 4511.191 and 4511.192</i>).</p> <p>Makes conforming changes to the laws governing OVI while operating a watercraft or a commercial motor vehicle and the release of drug test records in criminal cases (<i>R.C. 1547.11, 1547.111, 2317.02, 2317.022, and 4506.17</i>).</p>
<b>Increased fine for repeatedly selling tobacco products to minors</b>	
No provision.	<p>Increases the fines for repeatedly selling tobacco products to underage persons or selling such products without checking identification (<i>R.C. 2927.02</i>).</p> <p>Designates places where such violations occur a “public nuisance,” thereby allowing certain persons to bring a civil action against the operator (<i>R.C. 3767.01 and 4301.74</i>).</p>