



# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
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## Substitute Bill Comparative Synopsis

**Sub. H.B. 1**

**136<sup>th</sup> General Assembly**

House Public Safety

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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 Introduced)	Latest Version (I_136_0315-5)
<b>Protected property definition</b>	
Defines “protected property” as real property in Ohio that is agricultural land or land located within 25 miles of a military instillation or critical infrastructure facility ( <i>R.C. 5301.256(A)(7)</i> ).	Defines “protected property” as real property in Ohio that is agricultural land or land located within ten miles of a military installation or critical infrastructure facility ( <i>R.C. 5301.256(A)(7)</i> ).
<b>Consulting list of cartels in compiling the registry</b>	
No provision.	Requires the Secretary of State to additionally consult the list of cartels or other organizations designated by the U.S. Secretary of State as

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	foreign terrorist organizations or global terrorists in compiling the registry of foreign adversaries and other persons ( <i>R.C. 5301.256(H)(3)</i> ).
<b>Acquisition of agricultural land after October 3, 2023</b>	
Repeals existing law prohibiting a prohibited person or the person's agent, trustee, or fiduciary from acquiring agricultural land on and after October 3, 2023, in favor of prohibiting such acquisition on and after the bill's effective date ( <i>R.C. 5301.256(B)</i> ).	Retains the existing law prohibition and additionally prohibits such acquisition of agricultural land on and after the bill's effective date ( <i>R.C. 5301.256(B)(1)</i> ).
<b>Property may continue to be owned or held</b>	
Permits a prohibited person or the person's agent, trustee, or fiduciary to continue to own or hold any protected property acquired prior to that person becoming subject to the bill, but prohibits them from acquiring additional protected property ( <i>R.C. 5301.256(F)</i> ).	Retains existing law permitting the prohibited person and the person's agent, trustee, or fiduciary to continue to own or hold agricultural land acquired before October 3, 2023, but prohibiting acquisition of any more such land. Permits a prohibited person to continue to own or hold protected property, other than agricultural land, if any of the following apply: <ul style="list-style-type: none"> <li>▪ The right to the protected property is acquired before the effective date of the bill;</li> <li>▪ The person acquires the right to the protected property before they become subject to the bill and, if applicable, before the foreign adversary with which the person is connected is added to the Secretary of State's registry;</li> <li>▪ The person acquires protected property other than agricultural land in a situation in which the bill does not apply (see "<b>Exemptions for divestment requirements</b>" below) (<i>R.C. 5301.256(C)(1) and (2)</i>).</li> </ul>

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<b>Divestment requirements</b>	
<p>Requires divestment of protected property acquired by devise or descent or by process of law in collection of debts, if acquired after the bill's effective date and requires divestiture no later than two years after acquisition (<i>R.C. 5301.256(D)(1) and (2)</i>).</p>	<p>Requires divestment of protected property by prohibited persons within two years after the later of the following:</p> <ul style="list-style-type: none"> <li>▪ The date the person becomes subject to the bill;</li> <li>▪ The date the person acquires the right, title, or interest in the protected property (<i>R.C. 5301.256(F)</i>).</li> </ul>
<b>Exemptions from divestment requirements</b>	
<p>Exempts from the bill's divestment requirements protected property that is:</p> <ul style="list-style-type: none"> <li>▪ Acquired by devise or descent before the bill's effective date;</li> <li>▪ Acquired by a process of law in the collection of debts before the bill's effective date;</li> <li>▪ Acquired by an agent, fiduciary, or trustee of a prohibited person acting in the agent's, fiduciary's, or trustee's personal capacity if the agent, fiduciary, or trustee is not themselves subject to the bill's prohibitions and is not acquiring the property to circumvent the bill's restrictions; or</li> <li>▪ Acquired by an individual who is a U.S. citizen or national, unless the individual is acting as an agent, fiduciary, or trustee of a prohibited person (<i>R.C. 5301.256(B), (C), and (D)</i>).</li> </ul>	<p>Exempts from the bill's divestment requirements protected property that is:</p> <ul style="list-style-type: none"> <li>▪ Acquired by devise or descent;</li> <li>▪ Acquired by process of law in the collection of debts;</li> <li>▪ If the protected property is not agricultural land, protected property that is: <ul style="list-style-type: none"> <li>▫ Acquired by an agent, fiduciary, or trustee of a prohibited person acting in the agent's, fiduciary's, or trustee's personal capacity if the agent, fiduciary, or trustee is not themselves subject to the bill's prohibitions and is not acquiring the property to circumvent the bill's restrictions; or</li> <li>▫ Acquired by an individual who is a U.S. citizen, national, or lawful permanent resident, or is an active or reserve member of the U.S. armed forces, or has retired from or was honorably discharged from service in the U.S. armed forces, unless the individual is acting as an agent, fiduciary, or trustee of a prohibited person (<i>R.C. 5301.256(D)</i>).</li> </ul> </li> </ul>

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<b>Enforcement</b>	
<p>Requires a county prosecutor notified of an alleged violation of the bill's provisions to bring an action in the county's court of common pleas (<i>R.C. 5301.256(G)(2)</i>).</p> <p>No provision.</p>	<p>Requires a county prosecutor notified of an alleged violation of the bill's provisions to either bring an action in the county's court of common pleas, or to refer the alleged violation to the Attorney General for further investigation (<i>R.C. 5301.256(G)(2)</i>).</p> <p>Requires the Attorney General to investigate referred alleged violations and, if the Attorney General determines that a violation has occurred bring an action in the court of common pleas of the county in which the protected property is located (<i>R.C. 5301.256(G)(3) and (4) and (H)(4)</i>).</p>
<b>Disbursement of sale proceeds</b>	
<p>Requires proceeds from the sale of protected property to be paid out in the following order:</p> <ol style="list-style-type: none"> <li>1. To pay court costs related to the action;</li> <li>2. To bona fide lien holders in their order of priority, except for liens that under the terms of the sale are to remain on the property;</li> <li>3. To the general fund of each county in which the protected property is located (<i>R.C. 5301.256(G)(5)</i>).</li> </ol>	<p>Requires proceeds from the sale of protected property to be paid out in the following order:</p> <ul style="list-style-type: none"> <li>▪ If the action was commenced and litigated by the county prosecutor: <ul style="list-style-type: none"> <li>▫ To pay court costs related to the action;</li> <li>▫ To bona fide lien holders in their order of priority, except for liens that under the terms of the sale are to remain on the property;</li> <li>▫ To the general fund of each county in which the protected property is located.</li> </ul> </li> <li>▪ If the action was commenced and litigated by the Attorney General: <ul style="list-style-type: none"> <li>▫ To pay court costs related to the action;</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li>▫ To bona fide lien holders in their order of priority, except for liens that under the terms of the sale are to remain on the property;</li> <li>▫ To pay the actual costs incurred by the Attorney General in investigating the alleged violation and litigating the civil action;</li> <li>▫ To the Local Government Fund (<i>R.C. 5301.256(G)(8)</i>).</li> </ul>
<b>Brokerage policy on agency</b>	
No provision.	Requires written brokerage policies on agency to be given to prospective sellers, tenants, and purchasers to include information that individuals, businesses, countries, criminal enterprises, gangs, cartels, organizations, and governments associated with countries that are deemed by the Secretary of State to constitute a threat to the agricultural production, critical infrastructure, security, or military defense of this state or the U.S. are prohibited from acquiring protected property, and that the brokerage has no duty to determine or inquire whether a purchaser or seller is subject to that prohibition ( <i>R.C. 4735.56(B)(7)</i> ).
<b>Statement filed with county auditor for transfers of protected property</b>	
Requires the statement to affirm whether the protected property transferred was acquired before the bill's effective date, before the date the grantor became subject to the bill's acquisition prohibition, or pursuant to a divestment exemption ( <i>R.C. 319.202(C)</i> ).	Requires the statement to affirm whether the protected property transferred was acquired in violation of, or is subject to divestment under, the bill ( <i>R.C. 319.202(B)(2)</i> ).

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<b>Repeal of willful falsification of conveyed property value</b>	
No provision.	Repeals the prohibition against willful falsification of the value of property conveyed in the law governing the submission to the county auditor declaring the value of real property transferred ( <i>R.C. 319.202(D)</i> ).