

**As Passed by the House**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. H. B. No. 172**

**Representative Barnes**

**Cosponsors: Representatives Amstutz, Anielski, Antonio, Boccieri, Brown, Buchy, Dever, Fedor, Green, Hall, Hambley, Lepore-Hagan, Manning, Ramos, Reineke, Rezabek, Roegner, Rogers, Sheehy, Sprague, Sweeney, Terhar, Young**

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**A BILL**

To enact section 2927.21 of the Revised Code to 1  
prohibit a person engaged in publishing or 2  
disseminating criminal record information from 3  
soliciting or accepting a fee to remove, 4  
correct, modify, or refrain from publishing or 5  
otherwise disseminating the information and to 6  
provide criminal and civil remedies for a 7  
violation of the prohibition. 8

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

**Section 1.** That section 2927.21 of the Revised Code be 9  
enacted to read as follows: 10

**Sec. 2927.21.** (A) As used in this section: 11

(1) "Booking photograph" means a photograph of a subject 12  
individual that was taken in this state by an arresting law 13  
enforcement agency. 14

(2) "Criminal record information" means a booking 15  
photograph or the name, address, charges filed, or description 16

of a subject individual who is asserted or implied to have 17  
engaged in illegal conduct. 18

(3) "Law enforcement agency" has the same meaning as in 19  
section 109.573 of the Revised Code. 20

(4) "Subject individual" means an individual who was 21  
arrested and had the subject individual's photograph taken by a 22  
law enforcement agency during the processing of the arrest. 23

(B) No person engaged in publishing or otherwise 24  
disseminating criminal record information through a print or 25  
electronic medium shall negligently solicit or accept from a 26  
subject individual the payment of a fee or other consideration 27  
to remove, correct, modify, or refrain from publishing or 28  
otherwise disseminating criminal record information. 29

(C) A violation of division (B) of this section is misuse 30  
of criminal record information, a misdemeanor of the first 31  
degree. 32

(D) Each payment solicited or accepted in violation of 33  
this section constitutes a separate violation. 34

(E) In a civil action brought pursuant to section 2307.60 35  
of the Revised Code for a violation of this section, a subject 36  
individual who suffers a loss or harm as a result of the 37  
violation may be awarded an amount equal to ten thousand dollars 38  
or actual and punitive damages, whichever is greater, and in 39  
addition may be awarded reasonable attorney's fees, court costs, 40  
and any other remedies provided by law. Humiliation or 41  
embarrassment shall be adequate to show that the plaintiff has 42  
incurred damages. No physical manifestation of either 43  
humiliation or embarrassment is necessary for damages to be 44  
shown. 45