



## State Representative John E. Barnes, Jr.

### HB 172: "Fair Accurate Reporting of Criminal Records Act"

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Thank you, Chair Eklund, Vice Chair Hughes, Ranking Member Thomas, and my esteemed colleagues on the Criminal Justice Committee for the opportunity to give sponsor testimony on House Bill 172, the "Fair and Accurate Reporting of Criminal Records Law."

The purpose of our criminal justice system is to achieve justice first and foremost. It is an injustice to have a process, where individuals are receiving money and charging fees at the expense of achieving justice, and at the same time ruining the reputation of individuals otherwise, who are innocent.

House Bill 172 will require business entities that publish criminal record information to ensure that the information is complete and accurate, and it provides a procedure by which a subject of published criminal record information may have incomplete or inaccurate information corrected or removed from the publication. Criminal record information is complete if the information reflects the notations of arrest and the filing and disposition of criminal charges, as applicable. If the entity received the criminal record information from the Bureau of Criminal Identification and Investigation (BCII) or another governmental agency, the information is current if it reflects the most recent information received by the entity or was received by the entity from the BCII within 60 days before publication and if the publication indicates the date of receipt. A "business entity" is a person that publishes criminal record information in writing or electronically and requires either the payment of a fee in an amount of \$150 or more or other consideration of comparable value to remove criminal record information, or a fee or other consideration to correct or modify criminal record information.

Within 45 days after receiving notice of a dispute regarding the completeness or accuracy of criminal record information, a business entity must investigate the complaint and verify the disputed information with the appropriate governmental agency, without charge to the complainant. If the business entity finds incomplete, inaccurate, or outdated criminal record information, it must promptly remove the inaccurate information from its website or other publication or promptly correct or update the information. The entity may not charge a fee for

the investigation or removal or correction of information and may not continue to publish incomplete, inaccurate, or outdated information.

House Bill 172 creates a civil cause of action against a business entity that publishes any criminal record information that the business entity knows or about which it has received notice that a court has issued an order sealing or expunging the record. Also, it creates a civil cause of action through which the Attorney General or a prosecuting attorney may seek civil penalties and injunctive relief against a business entity that fails to meet its obligations under the bill. This bill will require that every business entity have an agent in Ohio upon whom any process or notice permitted under House Bill 172 may be served.

Thank you again for this opportunity, I would be happy to answer any questions.