

**As Introduced**

**132nd General Assembly  
Regular Session  
2017-2018**

**H. B. No. 672**

**Representative Barnes**

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**A BILL**

To enact section 149.46 of the Revised Code to  
create a procedure by which a person may obtain  
a court order to correct an error, omission, or  
legal defect in a public record, and to name the  
act the "Final Order Correction Act."

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

**Section 1.** That section 149.46 of the Revised Code be  
enacted to read as follows:

**Sec. 149.46.** (A) When an error, omission, or legal defect  
exists in a public record, a person claiming an interest in the  
correction of the error, omission, or defect may file a petition  
at any time in the court of common pleas in the county where the  
public office responsible for the record is located or in the  
county where the record is kept, requesting an order for its  
correction or invalidation.

(B) The petition shall specify the error, omission, or  
legal defect, the basis for the petitioner's belief that the  
record is inaccurate or legally defective, and the manner in  
which the petitioner believes the record should be amended, if  
possible, to cure any inaccuracy or defect.

(C) Service shall be made to the public office responsible 20  
for the record at issue in the same manner as prescribed for 21  
making service in civil actions. The public office shall file an 22  
answer either acknowledging the error, omission, or legal 23  
defect, or denying the allegation, stating the basis for its 24  
belief that the record is accurate, complete, and properly 25  
executed, and citing the law or rule relied upon in creating the 26  
record. 27

(D) Upon receiving a petition under division (A) of this 28  
section, the court shall schedule and conduct a hearing to 29  
consider the evidence presented regarding the record at issue. 30  
After a hearing, if the court finds by a preponderance of the 31  
evidence that the error, omission, or legal defect set forth in 32  
the petition was made and that the petitioner has been 33  
personally affected by the inaccurate or legally defective 34  
record, the court of common pleas shall issue its findings 35  
together with its reasons and make an order to correct the 36  
record or declare it invalid. The order shall be filed in the 37  
office where the record is required to be kept. On or after the 38  
date of filing, the record and the order shall be received as 39  
evidence in all subsequent judicial and administrative 40  
proceedings that the record was inaccurate or legally defective. 41

(E) A court may find a public record legally defective if 42  
the public office improperly executed the document, failed to 43  
comply with the procedural requirements of state law, or 44  
violated the petitioner's constitutional right to due process of 45  
law when it issued the record. 46

(F) Every public office in the state shall publish, either 47  
in print or on the public office's internet web site, an 48  
explanation of the procedure by which an error, omission, or 49

<u>legal defect in a public record may be addressed under this</u>	50
<u>section.</u>	51
<u>(G) As used in this section, "public record" has the same</u>	52
<u>meaning as in section 149.43 of the Revised Code.</u>	53
<b>Section 2.</b> This act shall be known as the "Final Order	54
Correction Act."	55
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