

**As Reported by the House Government Accountability and Oversight  
Committee**

**132nd General Assembly**

**Regular Session  
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**Sub. H. B. No. 451**

**Representative Retherford**

**Cosponsors: Representatives Thompson, Seitz, Johnson, Carfagna, DeVitis, Hill,  
Ryan, Becker, Householder, Butler, Edwards, Sprague, Wiggam, Young, Arndt,  
Brinkman, Patton, Schaffer, Romanchuk, Dean, Greenspan, Hambley, Riedel,  
Koehler, Lanese, Blessing, Dever, Anielski, Smith, R., Reineke, LaTourette, Hood,  
Manning, Gavarone, Merrin, Rezabek, Perales, Zeltwanger, Stein, Cupp, Hagan,  
Scherer, Roegner, Green, Brenner, Keller, Ginter, Lipps, Huffman, Sweeney, Cera,  
Sykes, Kick, Kelly, Henne, Gonzales, Celebrezze, Strahorn, Fedor, Patterson,  
Galonski, Lepore-Hagan, Schuring, Howse, Boyd, Ashford, Barnes, Rogers,  
Boggs**

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**A BILL**

To amend section 149.43 of the Revised Code to 1  
exclude from the definition of public record 2  
under the Public Records Law any depiction by 3  
photograph, film, videotape, or digital, visual, 4  
or printed material of victims of crime under 5  
specified circumstances dealing with the 6  
victims' bodily privacy, and to declare an 7  
emergency. 8

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

**Section 1.** That section 149.43 of the Revised Code be 9  
amended to read as follows: 10

**Sec. 149.43.** (A) As used in this section: 11

(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:

(a) Medical records;

(b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;

(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;

(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;

(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;

(f) Records specified in division (A) of section 3107.52 of the Revised Code;

(g) Trial preparation records;

(h) Confidential law enforcement investigatory records;

(i) Records containing information that is confidential	40
under section 2710.03 or 4112.05 of the Revised Code;	41
(j) DNA records stored in the DNA database pursuant to	42
section 109.573 of the Revised Code;	43
(k) Inmate records released by the department of	44
rehabilitation and correction to the department of youth	45
services or a court of record pursuant to division (E) of	46
section 5120.21 of the Revised Code;	47
(l) Records maintained by the department of youth services	48
pertaining to children in its custody released by the department	49
of youth services to the department of rehabilitation and	50
correction pursuant to section 5139.05 of the Revised Code;	51
(m) Intellectual property records;	52
(n) Donor profile records;	53
(o) Records maintained by the department of job and family	54
services pursuant to section 3121.894 of the Revised Code;	55
(p) Peace officer, parole officer, probation officer,	56
bailiff, prosecuting attorney, assistant prosecuting attorney,	57
correctional employee, community-based correctional facility	58
employee, youth services employee, firefighter, EMT,	59
investigator of the bureau of criminal identification and	60
investigation, or federal law enforcement officer residential	61
and familial information;	62
(q) In the case of a county hospital operated pursuant to	63
Chapter 339. of the Revised Code or a municipal hospital	64
operated pursuant to Chapter 749. of the Revised Code,	65
information that constitutes a trade secret, as defined in	66
section 1333.61 of the Revised Code;	67

(r) Information pertaining to the recreational activities	68
of a person under the age of eighteen;	69
(s) In the case of a child fatality review board acting	70
under sections 307.621 to 307.629 of the Revised Code or a	71
review conducted pursuant to guidelines established by the	72
director of health under section 3701.70 of the Revised Code,	73
records provided to the board or director, statements made by	74
board members during meetings of the board or by persons	75
participating in the director's review, and all work products of	76
the board or director, and in the case of a child fatality	77
review board, child fatality review data submitted by the board	78
to the department of health or a national child death review	79
database, other than the report prepared pursuant to division	80
(A) of section 307.626 of the Revised Code;	81
(t) Records provided to and statements made by the	82
executive director of a public children services agency or a	83
prosecuting attorney acting pursuant to section 5153.171 of the	84
Revised Code other than the information released under that	85
section;	86
(u) Test materials, examinations, or evaluation tools used	87
in an examination for licensure as a nursing home administrator	88
that the board of executives of long-term services and supports	89
administers under section 4751.04 of the Revised Code or	90
contracts under that section with a private or government entity	91
to administer;	92
(v) Records the release of which is prohibited by state or	93
federal law;	94
(w) Proprietary information of or relating to any person	95
that is submitted to or compiled by the Ohio venture capital	96

authority created under section 150.01 of the Revised Code;	97
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	98 99 100 101 102 103
(y) Records listed in section 5101.29 of the Revised Code;	104
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section;	105 106 107
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	108 109 110
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	111 112 113
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;	114 115 116
(dd) Personal information, as defined in section 149.45 of the Revised Code;	117 118
(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot identification envelope statement of voter, or provisional	119 120 121 122 123 124

ballot affirmation completed by a program participant who has a 125  
confidential voter registration record, and records or portions 126  
of records pertaining to that program that identify the number 127  
of program participants that reside within a precinct, ward, 128  
township, municipal corporation, county, or any other geographic 129  
area smaller than the state. As used in this division, 130  
"confidential address" and "program participant" have the 131  
meaning defined in section 111.41 of the Revised Code. 132

(ff) Orders for active military service of an individual 133  
serving or with previous service in the armed forces of the 134  
United States, including a reserve component, or the Ohio 135  
organized militia, except that, such order becomes a public 136  
record on the day that is fifteen years after the published date 137  
or effective date of the call to order; 138

(gg) Any depiction by photograph, film, videotape, digital 139  
image, or visual or printed material under either of the 140  
following circumstances: 141

(i) The depiction is that of a victim of an offense the 142  
release of which would be, to a reasonable person of ordinary 143  
sensibilities, an offensive and objectionable intrusion into the 144  
victim's expectation of bodily privacy and integrity. 145

(ii) The depiction captures or depicts the victim of a 146  
sexually oriented offense, as defined in section 2950.01 of the 147  
Revised Code, at the actual occurrence of that offense. 148

(2) "Confidential law enforcement investigatory record" 149  
means any record that pertains to a law enforcement matter of a 150  
criminal, quasi-criminal, civil, or administrative nature, but 151  
only to the extent that the release of the record would create a 152  
high probability of disclosure of any of the following: 153

(a) The identity of a suspect who has not been charged	154
with the offense to which the record pertains, or of an	155
information source or witness to whom confidentiality has been	156
reasonably promised;	157
(b) Information provided by an information source or	158
witness to whom confidentiality has been reasonably promised,	159
which information would reasonably tend to disclose the source's	160
or witness's identity;	161
(c) Specific confidential investigatory techniques or	162
procedures or specific investigatory work product;	163
(d) Information that would endanger the life or physical	164
safety of law enforcement personnel, a crime victim, a witness,	165
or a confidential information source.	166
(3) "Medical record" means any document or combination of	167
documents, except births, deaths, and the fact of admission to	168
or discharge from a hospital, that pertains to the medical	169
history, diagnosis, prognosis, or medical condition of a patient	170
and that is generated and maintained in the process of medical	171
treatment.	172
(4) "Trial preparation record" means any record that	173
contains information that is specifically compiled in reasonable	174
anticipation of, or in defense of, a civil or criminal action or	175
proceeding, including the independent thought processes and	176
personal trial preparation of an attorney.	177
(5) "Intellectual property record" means a record, other	178
than a financial or administrative record, that is produced or	179
collected by or for faculty or staff of a state institution of	180
higher learning in the conduct of or as a result of study or	181
research on an educational, commercial, scientific, artistic,	182

technical, or scholarly issue, regardless of whether the study 183  
or research was sponsored by the institution alone or in 184  
conjunction with a governmental body or private concern, and 185  
that has not been publicly released, published, or patented. 186

(6) "Donor profile record" means all records about donors 187  
or potential donors to a public institution of higher education 188  
except the names and reported addresses of the actual donors and 189  
the date, amount, and conditions of the actual donation. 190

(7) "Peace officer, parole officer, probation officer, 191  
bailiff, prosecuting attorney, assistant prosecuting attorney, 192  
correctional employee, community-based correctional facility 193  
employee, youth services employee, firefighter, EMT, 194  
investigator of the bureau of criminal identification and 195  
investigation, or federal law enforcement officer residential 196  
and familial information" means any information that discloses 197  
any of the following about a peace officer, parole officer, 198  
probation officer, bailiff, prosecuting attorney, assistant 199  
prosecuting attorney, correctional employee, community-based 200  
correctional facility employee, youth services employee, 201  
firefighter, EMT, investigator of the bureau of criminal 202  
identification and investigation, or federal law enforcement 203  
officer: 204

(a) The address of the actual personal residence of a 205  
peace officer, parole officer, probation officer, bailiff, 206  
assistant prosecuting attorney, correctional employee, 207  
community-based correctional facility employee, youth services 208  
employee, firefighter, EMT, an investigator of the bureau of 209  
criminal identification and investigation, or federal law 210  
enforcement officer, except for the state or political 211  
subdivision in which the peace officer, parole officer, 212



probation officer, bailiff, assistant prosecuting attorney,	213
correctional employee, community-based correctional facility	214
employee, youth services employee, firefighter, EMT,	215
investigator of the bureau of criminal identification and	216
investigation, or federal law enforcement officer resides;	217
(b) Information compiled from referral to or participation	218
in an employee assistance program;	219
(c) The social security number, the residential telephone	220
number, any bank account, debit card, charge card, or credit	221
card number, or the emergency telephone number of, or any	222
medical information pertaining to, a peace officer, parole	223
officer, probation officer, bailiff, prosecuting attorney,	224
assistant prosecuting attorney, correctional employee,	225
community-based correctional facility employee, youth services	226
employee, firefighter, EMT, investigator of the bureau of	227
criminal identification and investigation, or federal law	228
enforcement officer;	229
(d) The name of any beneficiary of employment benefits,	230
including, but not limited to, life insurance benefits, provided	231
to a peace officer, parole officer, probation officer, bailiff,	232
prosecuting attorney, assistant prosecuting attorney,	233
correctional employee, community-based correctional facility	234
employee, youth services employee, firefighter, EMT,	235
investigator of the bureau of criminal identification and	236
investigation, or federal law enforcement officer by the peace	237
officer's, parole officer's, probation officer's, bailiff's,	238
prosecuting attorney's, assistant prosecuting attorney's,	239
correctional employee's, community-based correctional facility	240
employee's, youth services employee's, firefighter's, EMT's,	241
investigator of the bureau of criminal identification and	242

investigation's, or federal law enforcement officer's employer;	243
(e) The identity and amount of any charitable or	244
employment benefit deduction made by the peace officer's, parole	245
officer's, probation officer's, bailiff's, prosecuting	246
attorney's, assistant prosecuting attorney's, correctional	247
employee's, community-based correctional facility employee's,	248
youth services employee's, firefighter's, EMT's, investigator of	249
the bureau of criminal identification and investigation's, or	250
federal law enforcement officer's employer from the peace	251
officer's, parole officer's, probation officer's, bailiff's,	252
prosecuting attorney's, assistant prosecuting attorney's,	253
correctional employee's, community-based correctional facility	254
employee's, youth services employee's, firefighter's, EMT's,	255
investigator of the bureau of criminal identification and	256
investigation's, or federal law enforcement officer's	257
compensation unless the amount of the deduction is required by	258
state or federal law;	259
(f) The name, the residential address, the name of the	260
employer, the address of the employer, the social security	261
number, the residential telephone number, any bank account,	262
debit card, charge card, or credit card number, or the emergency	263
telephone number of the spouse, a former spouse, or any child of	264
a peace officer, parole officer, probation officer, bailiff,	265
prosecuting attorney, assistant prosecuting attorney,	266
correctional employee, community-based correctional facility	267
employee, youth services employee, firefighter, EMT,	268
investigator of the bureau of criminal identification and	269
investigation, or federal law enforcement officer;	270
(g) A photograph of a peace officer who holds a position	271
or has an assignment that may include undercover or plain	272

clothes positions or assignments as determined by the peace	273
officer's appointing authority.	274
As used in divisions (A) (7) and (B) (9) of this section,	275
"peace officer" has the same meaning as in section 109.71 of the	276
Revised Code and also includes the superintendent and troopers	277
of the state highway patrol; it does not include the sheriff of	278
a county or a supervisory employee who, in the absence of the	279
sheriff, is authorized to stand in for, exercise the authority	280
of, and perform the duties of the sheriff.	281
As used in divisions (A) (7) and (B) (9) of this section,	282
"correctional employee" means any employee of the department of	283
rehabilitation and correction who in the course of performing	284
the employee's job duties has or has had contact with inmates	285
and persons under supervision.	286
As used in divisions (A) (7) and (B) (9) of this section,	287
"youth services employee" means any employee of the department	288
of youth services who in the course of performing the employee's	289
job duties has or has had contact with children committed to the	290
custody of the department of youth services.	291
As used in divisions (A) (7) and (B) (9) of this section,	292
"firefighter" means any regular, paid or volunteer, member of a	293
lawfully constituted fire department of a municipal corporation,	294
township, fire district, or village.	295
As used in divisions (A) (7) and (B) (9) of this section,	296
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide	297
emergency medical services for a public emergency medical	298
service organization. "Emergency medical service organization,"	299
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as	300
in section 4765.01 of the Revised Code.	301

As used in divisions (A) (7) and (B) (9) of this section, 302  
"investigator of the bureau of criminal identification and 303  
investigation" has the meaning defined in section 2903.11 of the 304  
Revised Code. 305

As used in divisions (A) (7) and (B) (9) of this section, 306  
"federal law enforcement officer" has the meaning defined in 307  
section 9.88 of the Revised Code. 308

(8) "Information pertaining to the recreational activities 309  
of a person under the age of eighteen" means information that is 310  
kept in the ordinary course of business by a public office, that 311  
pertains to the recreational activities of a person under the 312  
age of eighteen years, and that discloses any of the following: 313

(a) The address or telephone number of a person under the 314  
age of eighteen or the address or telephone number of that 315  
person's parent, guardian, custodian, or emergency contact 316  
person; 317

(b) The social security number, birth date, or 318  
photographic image of a person under the age of eighteen; 319

(c) Any medical record, history, or information pertaining 320  
to a person under the age of eighteen; 321

(d) Any additional information sought or required about a 322  
person under the age of eighteen for the purpose of allowing 323  
that person to participate in any recreational activity 324  
conducted or sponsored by a public office or to use or obtain 325  
admission privileges to any recreational facility owned or 326  
operated by a public office. 327

(9) "Community control sanction" has the same meaning as 328  
in section 2929.01 of the Revised Code. 329

(10) "Post-release control sanction" has the same meaning 330  
as in section 2967.01 of the Revised Code. 331

(11) "Redaction" means obscuring or deleting any 332  
information that is exempt from the duty to permit public 333  
inspection or copying from an item that otherwise meets the 334  
definition of a "record" in section 149.011 of the Revised Code. 335

(12) "Designee" and "elected official" have the same 336  
meanings as in section 109.43 of the Revised Code. 337

(B) (1) Upon request and subject to division (B) (8) of this 338  
section, all public records responsive to the request shall be 339  
promptly prepared and made available for inspection to any 340  
person at all reasonable times during regular business hours. 341  
Subject to division (B) (8) of this section, upon request, a 342  
public office or person responsible for public records shall 343  
make copies of the requested public record available at cost and 344  
within a reasonable period of time. If a public record contains 345  
information that is exempt from the duty to permit public 346  
inspection or to copy the public record, the public office or 347  
the person responsible for the public record shall make 348  
available all of the information within the public record that 349  
is not exempt. When making that public record available for 350  
public inspection or copying that public record, the public 351  
office or the person responsible for the public record shall 352  
notify the requester of any redaction or make the redaction 353  
plainly visible. A redaction shall be deemed a denial of a 354  
request to inspect or copy the redacted information, except if 355  
federal or state law authorizes or requires a public office to 356  
make the redaction. 357

(2) To facilitate broader access to public records, a 358  
public office or the person responsible for public records shall 359

organize and maintain public records in a manner that they can 360  
be made available for inspection or copying in accordance with 361  
division (B) of this section. A public office also shall have 362  
available a copy of its current records retention schedule at a 363  
location readily available to the public. If a requester makes 364  
an ambiguous or overly broad request or has difficulty in making 365  
a request for copies or inspection of public records under this 366  
section such that the public office or the person responsible 367  
for the requested public record cannot reasonably identify what 368  
public records are being requested, the public office or the 369  
person responsible for the requested public record may deny the 370  
request but shall provide the requester with an opportunity to 371  
revise the request by informing the requester of the manner in 372  
which records are maintained by the public office and accessed 373  
in the ordinary course of the public office's or person's 374  
duties. 375

(3) If a request is ultimately denied, in part or in 376  
whole, the public office or the person responsible for the 377  
requested public record shall provide the requester with an 378  
explanation, including legal authority, setting forth why the 379  
request was denied. If the initial request was provided in 380  
writing, the explanation also shall be provided to the requester 381  
in writing. The explanation shall not preclude the public office 382  
or the person responsible for the requested public record from 383  
relying upon additional reasons or legal authority in defending 384  
an action commenced under division (C) of this section. 385

(4) Unless specifically required or authorized by state or 386  
federal law or in accordance with division (B) of this section, 387  
no public office or person responsible for public records may 388  
limit or condition the availability of public records by 389  
requiring disclosure of the requester's identity or the intended 390

use of the requested public record. Any requirement that the requester disclose the requester's identity or the intended use of the requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or the intended use and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person chooses to obtain a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person seeking the copy under this division. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the person seeking the copy makes a choice under this division, the public office or person responsible for

the public record shall provide a copy of it in accordance with 422  
the choice made by the person seeking the copy. Nothing in this 423  
section requires a public office or person responsible for the 424  
public record to allow the person seeking a copy of the public 425  
record to make the copies of the public record. 426

(7) (a) Upon a request made in accordance with division (B) 427  
of this section and subject to division (B) (6) of this section, 428  
a public office or person responsible for public records shall 429  
transmit a copy of a public record to any person by United 430  
States mail or by any other means of delivery or transmission 431  
within a reasonable period of time after receiving the request 432  
for the copy. The public office or person responsible for the 433  
public record may require the person making the request to pay 434  
in advance the cost of postage if the copy is transmitted by 435  
United States mail or the cost of delivery if the copy is 436  
transmitted other than by United States mail, and to pay in 437  
advance the costs incurred for other supplies used in the 438  
mailing, delivery, or transmission. 439

(b) Any public office may adopt a policy and procedures 440  
that it will follow in transmitting, within a reasonable period 441  
of time after receiving a request, copies of public records by 442  
United States mail or by any other means of delivery or 443  
transmission pursuant to division (B) (7) of this section. A 444  
public office that adopts a policy and procedures under division 445  
(B) (7) of this section shall comply with them in performing its 446  
duties under that division. 447

(c) In any policy and procedures adopted under division 448  
(B) (7) of this section: 449

(i) A public office may limit the number of records 450  
requested by a person that the office will physically deliver by 451



United States mail or by another delivery service to ten per 452  
month, unless the person certifies to the office in writing that 453  
the person does not intend to use or forward the requested 454  
records, or the information contained in them, for commercial 455  
purposes; 456

(ii) A public office that chooses to provide some or all 457  
of its public records on a web site that is fully accessible to 458  
and searchable by members of the public at all times, other than 459  
during acts of God outside the public office's control or 460  
maintenance, and that charges no fee to search, access, 461  
download, or otherwise receive records provided on the web site, 462  
may limit to ten per month the number of records requested by a 463  
person that the office will deliver in a digital format, unless 464  
the requested records are not provided on the web site and 465  
unless the person certifies to the office in writing that the 466  
person does not intend to use or forward the requested records, 467  
or the information contained in them, for commercial purposes. 468

(iii) For purposes of division (B)(7) of this section, 469  
"commercial" shall be narrowly construed and does not include 470  
reporting or gathering news, reporting or gathering information 471  
to assist citizen oversight or understanding of the operation or 472  
activities of government, or nonprofit educational research. 473

(8) A public office or person responsible for public 474  
records is not required to permit a person who is incarcerated 475  
pursuant to a criminal conviction or a juvenile adjudication to 476  
inspect or to obtain a copy of any public record concerning a 477  
criminal investigation or prosecution or concerning what would 478  
be a criminal investigation or prosecution if the subject of the 479  
investigation or prosecution were an adult, unless the request 480  
to inspect or to obtain a copy of the record is for the purpose 481

of acquiring information that is subject to release as a public 482  
record under this section and the judge who imposed the sentence 483  
or made the adjudication with respect to the person, or the 484  
judge's successor in office, finds that the information sought 485  
in the public record is necessary to support what appears to be 486  
a justiciable claim of the person. 487

(9) (a) Upon written request made and signed by a 488  
journalist on or after December 16, 1999, a public office, or 489  
person responsible for public records, having custody of the 490  
records of the agency employing a specified peace officer, 491  
parole officer, probation officer, bailiff, prosecuting 492  
attorney, assistant prosecuting attorney, correctional employee, 493  
community-based correctional facility employee, youth services 494  
employee, firefighter, EMT, investigator of the bureau of 495  
criminal identification and investigation, or federal law 496  
enforcement officer shall disclose to the journalist the address 497  
of the actual personal residence of the peace officer, parole 498  
officer, probation officer, bailiff, prosecuting attorney, 499  
assistant prosecuting attorney, correctional employee, 500  
community-based correctional facility employee, youth services 501  
employee, firefighter, EMT, investigator of the bureau of 502  
criminal identification and investigation, or federal law 503  
enforcement officer and, if the peace officer's, parole 504  
officer's, probation officer's, bailiff's, prosecuting 505  
attorney's, assistant prosecuting attorney's, correctional 506  
employee's, community-based correctional facility employee's, 507  
youth services employee's, firefighter's, EMT's, investigator of 508  
the bureau of criminal identification and investigation's, or 509  
federal law enforcement officer's spouse, former spouse, or 510  
child is employed by a public office, the name and address of 511  
the employer of the peace officer's, parole officer's, probation 512

officer's, bailiff's, prosecuting attorney's, assistant 513  
prosecuting attorney's, correctional employee's, community-based 514  
correctional facility employee's, youth services employee's, 515  
firefighter's, EMT's, investigator of the bureau of criminal 516  
identification and investigation's, or federal law enforcement 517  
officer's spouse, former spouse, or child. The request shall 518  
include the journalist's name and title and the name and address 519  
of the journalist's employer and shall state that disclosure of 520  
the information sought would be in the public interest. 521

(b) Division (B) (9) (a) of this section also applies to 522  
journalist requests for customer information maintained by a 523  
municipally owned or operated public utility, other than social 524  
security numbers and any private financial information such as 525  
credit reports, payment methods, credit card numbers, and bank 526  
account information. 527

(c) As used in division (B) (9) of this section, 528  
"journalist" means a person engaged in, connected with, or 529  
employed by any news medium, including a newspaper, magazine, 530  
press association, news agency, or wire service, a radio or 531  
television station, or a similar medium, for the purpose of 532  
gathering, processing, transmitting, compiling, editing, or 533  
disseminating information for the general public. 534

(10) Upon a request made by a victim, victim's attorney, 535  
or victim's representative, as that term is used in section 536  
2930.02 of the Revised Code, a public office or person 537  
responsible for public records shall transmit a copy of a 538  
depiction of the victim as described in division (A) (1) (gg) of 539  
this section to the victim, victim's attorney, or victim's 540  
representative. 541

(C) (1) If a person allegedly is aggrieved by the failure 542

of a public office or the person responsible for public records 543  
to promptly prepare a public record and to make it available to 544  
the person for inspection in accordance with division (B) of 545  
this section or by any other failure of a public office or the 546  
person responsible for public records to comply with an 547  
obligation in accordance with division (B) of this section, the 548  
person allegedly aggrieved may do only one of the following, and 549  
not both: 550

(a) File a complaint with the clerk of the court of claims 551  
or the clerk of the court of common pleas under section 2743.75 552  
of the Revised Code; 553

(b) Commence a mandamus action to obtain a judgment that 554  
orders the public office or the person responsible for the 555  
public record to comply with division (B) of this section, that 556  
awards court costs and reasonable attorney's fees to the person 557  
that instituted the mandamus action, and, if applicable, that 558  
includes an order fixing statutory damages under division (C) (2) 559  
of this section. The mandamus action may be commenced in the 560  
court of common pleas of the county in which division (B) of 561  
this section allegedly was not complied with, in the supreme 562  
court pursuant to its original jurisdiction under Section 2 of 563  
Article IV, Ohio Constitution, or in the court of appeals for 564  
the appellate district in which division (B) of this section 565  
allegedly was not complied with pursuant to its original 566  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 567

(2) If a requester transmits a written request by hand 568  
delivery or certified mail to inspect or receive copies of any 569  
public record in a manner that fairly describes the public 570  
record or class of public records to the public office or person 571  
responsible for the requested public records, except as 572

otherwise provided in this section, the requester shall be 573  
entitled to recover the amount of statutory damages set forth in 574  
this division if a court determines that the public office or 575  
the person responsible for public records failed to comply with 576  
an obligation in accordance with division (B) of this section. 577

The amount of statutory damages shall be fixed at one 578  
hundred dollars for each business day during which the public 579  
office or person responsible for the requested public records 580  
failed to comply with an obligation in accordance with division 581  
(B) of this section, beginning with the day on which the 582  
requester files a mandamus action to recover statutory damages, 583  
up to a maximum of one thousand dollars. The award of statutory 584  
damages shall not be construed as a penalty, but as compensation 585  
for injury arising from lost use of the requested information. 586  
The existence of this injury shall be conclusively presumed. The 587  
award of statutory damages shall be in addition to all other 588  
remedies authorized by this section. 589

The court may reduce an award of statutory damages or not 590  
award statutory damages if the court determines both of the 591  
following: 592

(a) That, based on the ordinary application of statutory 593  
law and case law as it existed at the time of the conduct or 594  
threatened conduct of the public office or person responsible 595  
for the requested public records that allegedly constitutes a 596  
failure to comply with an obligation in accordance with division 597  
(B) of this section and that was the basis of the mandamus 598  
action, a well-informed public office or person responsible for 599  
the requested public records reasonably would believe that the 600  
conduct or threatened conduct of the public office or person 601  
responsible for the requested public records did not constitute 602

a failure to comply with an obligation in accordance with 603  
division (B) of this section; 604

(b) That a well-informed public office or person 605  
responsible for the requested public records reasonably would 606  
believe that the conduct or threatened conduct of the public 607  
office or person responsible for the requested public records 608  
would serve the public policy that underlies the authority that 609  
is asserted as permitting that conduct or threatened conduct. 610

(3) In a mandamus action filed under division (C) (1) of 611  
this section, the following apply: 612

(a) (i) If the court orders the public office or the person 613  
responsible for the public record to comply with division (B) of 614  
this section, the court shall determine and award to the relator 615  
all court costs, which shall be construed as remedial and not 616  
punitive. 617

(ii) If the court makes a determination described in 618  
division (C) (3) (b) (iii) of this section, the court shall 619  
determine and award to the relator all court costs, which shall 620  
be construed as remedial and not punitive. 621

(b) If the court renders a judgment that orders the public 622  
office or the person responsible for the public record to comply 623  
with division (B) of this section or if the court determines any 624  
of the following, the court may award reasonable attorney's fees 625  
to the relator, subject to the provisions of division (C) (4) of 626  
this section: 627

(i) The public office or the person responsible for the 628  
public records failed to respond affirmatively or negatively to 629  
the public records request in accordance with the time allowed 630  
under division (B) of this section. 631

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division (B) of this section. No discovery may be conducted on the issue of the alleged bad faith of the public office or person responsible for the public records. This division shall not be construed as creating a presumption that the public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order described in this division.

(c) The court shall not award attorney's fees to the relator if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the

conduct or threatened conduct of the public office or person 662  
responsible for the requested public records did not constitute 663  
a failure to comply with an obligation in accordance with 664  
division (B) of this section; 665

(ii) That a well-informed public office or person 666  
responsible for the requested public records reasonably would 667  
believe that the conduct or threatened conduct of the public 668  
office or person responsible for the requested public records 669  
would serve the public policy that underlies the authority that 670  
is asserted as permitting that conduct or threatened conduct. 671

(4) All of the following apply to any award of reasonable 672  
attorney's fees awarded under division (C) (3) (b) of this 673  
section: 674

(a) The fees shall be construed as remedial and not 675  
punitive. 676

(b) The fees awarded shall not exceed the total of the 677  
reasonable attorney's fees incurred before the public record was 678  
made available to the relator and the fees described in division 679  
(C) (4) (c) of this section. 680

(c) Reasonable attorney's fees shall include reasonable 681  
fees incurred to produce proof of the reasonableness and amount 682  
of the fees and to otherwise litigate entitlement to the fees. 683

(d) The court may reduce the amount of fees awarded if the 684  
court determines that, given the factual circumstances involved 685  
with the specific public records request, an alternative means 686  
should have been pursued to more effectively and efficiently 687  
resolve the dispute that was subject to the mandamus action 688  
filed under division (C) (1) of this section. 689

(5) If the court does not issue a writ of mandamus under 690



division (C) of this section and the court determines at that 691  
time that the bringing of the mandamus action was frivolous 692  
conduct as defined in division (A) of section 2323.51 of the 693  
Revised Code, the court may award to the public office all court 694  
costs, expenses, and reasonable attorney's fees, as determined 695  
by the court. 696

(D) Chapter 1347. of the Revised Code does not limit the 697  
provisions of this section. 698

(E) (1) To ensure that all employees of public offices are 699  
appropriately educated about a public office's obligations under 700  
division (B) of this section, all elected officials or their 701  
appropriate designees shall attend training approved by the 702  
attorney general as provided in section 109.43 of the Revised 703  
Code. In addition, all public offices shall adopt a public 704  
records policy in compliance with this section for responding to 705  
public records requests. In adopting a public records policy 706  
under this division, a public office may obtain guidance from 707  
the model public records policy developed and provided to the 708  
public office by the attorney general under section 109.43 of 709  
the Revised Code. Except as otherwise provided in this section, 710  
the policy may not limit the number of public records that the 711  
public office will make available to a single person, may not 712  
limit the number of public records that it will make available 713  
during a fixed period of time, and may not establish a fixed 714  
period of time before it will respond to a request for 715  
inspection or copying of public records, unless that period is 716  
less than eight hours. 717

(2) The public office shall distribute the public records 718  
policy adopted by the public office under division (E) (1) of 719  
this section to the employee of the public office who is the 720

records custodian or records manager or otherwise has custody of 721  
the records of that office. The public office shall require that 722  
employee to acknowledge receipt of the copy of the public 723  
records policy. The public office shall create a poster that 724  
describes its public records policy and shall post the poster in 725  
a conspicuous place in the public office and in all locations 726  
where the public office has branch offices. The public office 727  
may post its public records policy on the internet web site of 728  
the public office if the public office maintains an internet web 729  
site. A public office that has established a manual or handbook 730  
of its general policies and procedures for all employees of the 731  
public office shall include the public records policy of the 732  
public office in the manual or handbook. 733

(F) (1) The bureau of motor vehicles may adopt rules 734  
pursuant to Chapter 119. of the Revised Code to reasonably limit 735  
the number of bulk commercial special extraction requests made 736  
by a person for the same records or for updated records during a 737  
calendar year. The rules may include provisions for charges to 738  
be made for bulk commercial special extraction requests for the 739  
actual cost of the bureau, plus special extraction costs, plus 740  
ten per cent. The bureau may charge for expenses for redacting 741  
information, the release of which is prohibited by law. 742

(2) As used in division (F) (1) of this section: 743

(a) "Actual cost" means the cost of depleted supplies, 744  
records storage media costs, actual mailing and alternative 745  
delivery costs, or other transmitting costs, and any direct 746  
equipment operating and maintenance costs, including actual 747  
costs paid to private contractors for copying services. 748

(b) "Bulk commercial special extraction request" means a 749  
request for copies of a record for information in a format other 750

than the format already available, or information that cannot be 751  
extracted without examination of all items in a records series, 752  
class of records, or database by a person who intends to use or 753  
forward the copies for surveys, marketing, solicitation, or 754  
resale for commercial purposes. "Bulk commercial special 755  
extraction request" does not include a request by a person who 756  
gives assurance to the bureau that the person making the request 757  
does not intend to use or forward the requested copies for 758  
surveys, marketing, solicitation, or resale for commercial 759  
purposes. 760

(c) "Commercial" means profit-seeking production, buying, 761  
or selling of any good, service, or other product. 762

(d) "Special extraction costs" means the cost of the time 763  
spent by the lowest paid employee competent to perform the task, 764  
the actual amount paid to outside private contractors employed 765  
by the bureau, or the actual cost incurred to create computer 766  
programs to make the special extraction. "Special extraction 767  
costs" include any charges paid to a public agency for computer 768  
or records services. 769

(3) For purposes of divisions (F) (1) and (2) of this 770  
section, "surveys, marketing, solicitation, or resale for 771  
commercial purposes" shall be narrowly construed and does not 772  
include reporting or gathering news, reporting or gathering 773  
information to assist citizen oversight or understanding of the 774  
operation or activities of government, or nonprofit educational 775  
research. 776

(G) A request by a defendant, counsel of a defendant, or 777  
any agent of a defendant in a criminal action that public 778  
records related to that action be made available under this 779  
section shall be considered a demand for discovery pursuant to 780

the Criminal Rules, except to the extent that the Criminal Rules 781  
plainly indicate a contrary intent. The defendant, counsel of 782  
the defendant, or agent of the defendant making a request under 783  
this division shall serve a copy of the request on the 784  
prosecuting attorney, director of law, or other chief legal 785  
officer responsible for prosecuting the action. 786

**Section 2.** That existing section 149.43 of the Revised 787  
Code is hereby repealed. 788

**Section 3.** This act shall be known as the "Victims Privacy 789  
and Protection Act." 790

**Section 4.** This act is hereby declared to be an emergency 791  
measure necessary for the immediate preservation of the public 792  
peace, health, and safety. The reason for such necessity is to 793  
immediately ensure that the Public Records Law cannot be used to 794  
violate a victim's bodily privacy and integrity. Therefore, this 795  
act shall go into immediate effect. 796