

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 593**

**Representative Ramos**

**Cosponsors: Representatives West, Antonio, Brenner, Riedel**

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**A BILL**

To amend section 149.43 and to enact section 1  
149.436 of the Revised Code to provide that 2  
portions of a peace officer's dashboard camera 3  
recordings that show an officer being killed or 4  
suffering grievous bodily harm in the line of 5  
duty are not public records and generally are 6  
confidential and may not be released. 7

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

**Section 1.** That section 149.43 be amended and section 8  
149.436 of the Revised Code be enacted to read as follows: 9

**Sec. 149.43.** (A) As used in this section: 10

(1) "Public record" means records kept by any public 11  
office, including, but not limited to, state, county, city, 12  
village, township, and school district units, and records 13  
pertaining to the delivery of educational services by an 14  
alternative school in this state kept by the nonprofit or for- 15  
profit entity operating the alternative school pursuant to 16  
section 3313.533 of the Revised Code. "Public record" does not 17  
mean any of the following: 18

(a) Medical records;	19
(b) Records pertaining to probation and parole proceedings	20
or to proceedings related to the imposition of community control	21
sanctions and post-release control sanctions;	22
(c) Records pertaining to actions under section 2151.85	23
and division (C) of section 2919.121 of the Revised Code and to	24
appeals of actions arising under those sections;	25
(d) Records pertaining to adoption proceedings, including	26
the contents of an adoption file maintained by the department of	27
health under sections 3705.12 to 3705.124 of the Revised Code;	28
(e) Information in a record contained in the putative	29
father registry established by section 3107.062 of the Revised	30
Code, regardless of whether the information is held by the	31
department of job and family services or, pursuant to section	32
3111.69 of the Revised Code, the office of child support in the	33
department or a child support enforcement agency;	34
(f) Records specified in division (A) of section 3107.52	35
of the Revised Code;	36
(g) Trial preparation records;	37
(h) Confidential law enforcement investigatory records;	38
(i) Records containing information that is confidential	39
under section 2710.03 or 4112.05 of the Revised Code;	40
(j) DNA records stored in the DNA database pursuant to	41
section 109.573 of the Revised Code;	42
(k) Inmate records released by the department of	43
rehabilitation and correction to the department of youth	44
services or a court of record pursuant to division (E) of	45

section 5120.21 of the Revised Code;	46
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	47 48 49 50
(m) Intellectual property records;	51
(n) Donor profile records;	52
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	53 54
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer residential and familial information;	55 56 57 58 59 60 61
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	62 63 64 65 66
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	67 68
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by	69 70 71 72 73

board members during meetings of the board or by persons	74
participating in the director's review, and all work products of	75
the board or director, and in the case of a child fatality	76
review board, child fatality review data submitted by the board	77
to the department of health or a national child death review	78
database, other than the report prepared pursuant to division	79
(A) of section 307.626 of the Revised Code;	80
(t) Records provided to and statements made by the	81
executive director of a public children services agency or a	82
prosecuting attorney acting pursuant to section 5153.171 of the	83
Revised Code other than the information released under that	84
section;	85
(u) Test materials, examinations, or evaluation tools used	86
in an examination for licensure as a nursing home administrator	87
that the board of executives of long-term services and supports	88
administers under section 4751.04 of the Revised Code or	89
contracts under that section with a private or government entity	90
to administer;	91
(v) Records the release of which is prohibited by state or	92
federal law;	93
(w) Proprietary information of or relating to any person	94
that is submitted to or compiled by the Ohio venture capital	95
authority created under section 150.01 of the Revised Code;	96
(x) Financial statements and data any person submits for	97
any purpose to the Ohio housing finance agency or the	98
controlling board in connection with applying for, receiving, or	99
accounting for financial assistance from the agency, and	100
information that identifies any individual who benefits directly	101
or indirectly from financial assistance from the agency;	102

(y) Records listed in section 5101.29 of the Revised Code;	103
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section;	104 105 106
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	107 108 109
(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;	110 111 112
(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;	113 114 115
(dd) Personal information, as defined in section 149.45 of the Revised Code;	116 117
(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 ballot affirmation completed by a program participant who has a confidential voter registration record, and records or portions of records pertaining to that program that identify the number of program participants that reside within a precinct, ward, township, municipal corporation, county, or any other geographic area smaller than the state. As used in this division, "confidential address" and "program participant" have the meaning defined in section 111.41 of the Revised Code.	118 119 120 121 122 123 124 125 126 127 128 129 130 131

(ff) Orders for active military service of an individual 132  
serving or with previous service in the armed forces of the 133  
United States, including a reserve component, or the Ohio 134  
organized militia, except that, such order becomes a public 135  
record on the day that is fifteen years after the published date 136  
or effective date of the call to order. 137

(gg) Restricted portions of a dashboard camera recording. 138

(2) "Confidential law enforcement investigatory record" 139  
means any record that pertains to a law enforcement matter of a 140  
criminal, quasi-criminal, civil, or administrative nature, but 141  
only to the extent that the release of the record would create a 142  
high probability of disclosure of any of the following: 143

(a) The identity of a suspect who has not been charged 144  
with the offense to which the record pertains, or of an 145  
information source or witness to whom confidentiality has been 146  
reasonably promised; 147

(b) Information provided by an information source or 148  
witness to whom confidentiality has been reasonably promised, 149  
which information would reasonably tend to disclose the source's 150  
or witness's identity; 151

(c) Specific confidential investigatory techniques or 152  
procedures or specific investigatory work product; 153

(d) Information that would endanger the life or physical 154  
safety of law enforcement personnel, a crime victim, a witness, 155  
or a confidential information source. 156

(3) "Medical record" means any document or combination of 157  
documents, except births, deaths, and the fact of admission to 158  
or discharge from a hospital, that pertains to the medical 159  
history, diagnosis, prognosis, or medical condition of a patient 160

and that is generated and maintained in the process of medical 161  
treatment. 162

(4) "Trial preparation record" means any record that 163  
contains information that is specifically compiled in reasonable 164  
anticipation of, or in defense of, a civil or criminal action or 165  
proceeding, including the independent thought processes and 166  
personal trial preparation of an attorney. 167

(5) "Intellectual property record" means a record, other 168  
than a financial or administrative record, that is produced or 169  
collected by or for faculty or staff of a state institution of 170  
higher learning in the conduct of or as a result of study or 171  
research on an educational, commercial, scientific, artistic, 172  
technical, or scholarly issue, regardless of whether the study 173  
or research was sponsored by the institution alone or in 174  
conjunction with a governmental body or private concern, and 175  
that has not been publicly released, published, or patented. 176

(6) "Donor profile record" means all records about donors 177  
or potential donors to a public institution of higher education 178  
except the names and reported addresses of the actual donors and 179  
the date, amount, and conditions of the actual donation. 180

(7) "Peace officer, parole officer, probation officer, 181  
bailiff, prosecuting attorney, assistant prosecuting attorney, 182  
correctional employee, community-based correctional facility 183  
employee, youth services employee, firefighter, EMT, 184  
investigator of the bureau of criminal identification and 185  
investigation, or federal law enforcement officer residential 186  
and familial information" means any information that discloses 187  
any of the following about a peace officer, parole officer, 188  
probation officer, bailiff, prosecuting attorney, assistant 189  
prosecuting attorney, correctional employee, community-based 190

correctional facility employee, youth services employee, 191  
firefighter, EMT, investigator of the bureau of criminal 192  
identification and investigation, or federal law enforcement 193  
officer: 194

(a) The address of the actual personal residence of a 195  
peace officer, parole officer, probation officer, bailiff, 196  
assistant prosecuting attorney, correctional employee, 197  
community-based correctional facility employee, youth services 198  
employee, firefighter, EMT, an investigator of the bureau of 199  
criminal identification and investigation, or federal law 200  
enforcement officer, except for the state or political 201  
subdivision in which the peace officer, parole officer, 202  
probation officer, bailiff, assistant prosecuting attorney, 203  
correctional employee, community-based correctional facility 204  
employee, youth services employee, firefighter, EMT, 205  
investigator of the bureau of criminal identification and 206  
investigation, or federal law enforcement officer resides; 207

(b) Information compiled from referral to or participation 208  
in an employee assistance program; 209

(c) The social security number, the residential telephone 210  
number, any bank account, debit card, charge card, or credit 211  
card number, or the emergency telephone number of, or any 212  
medical information pertaining to, a peace officer, parole 213  
officer, probation officer, bailiff, prosecuting attorney, 214  
assistant prosecuting attorney, correctional employee, 215  
community-based correctional facility employee, youth services 216  
employee, firefighter, EMT, investigator of the bureau of 217  
criminal identification and investigation, or federal law 218  
enforcement officer; 219

(d) The name of any beneficiary of employment benefits, 220



including, but not limited to, life insurance benefits, provided 221  
to a peace officer, parole officer, probation officer, bailiff, 222  
prosecuting attorney, assistant prosecuting attorney, 223  
correctional employee, community-based correctional facility 224  
employee, youth services employee, firefighter, EMT, 225  
investigator of the bureau of criminal identification and 226  
investigation, or federal law enforcement officer by the peace 227  
officer's, parole officer's, probation officer's, bailiff's, 228  
prosecuting attorney's, assistant prosecuting attorney's, 229  
correctional employee's, community-based correctional facility 230  
employee's, youth services employee's, firefighter's, EMT's, 231  
investigator of the bureau of criminal identification and 232  
investigation's, or federal law enforcement officer's employer; 233

(e) The identity and amount of any charitable or 234  
employment benefit deduction made by the peace officer's, parole 235  
officer's, probation officer's, bailiff's, prosecuting 236  
attorney's, assistant prosecuting attorney's, correctional 237  
employee's, community-based correctional facility employee's, 238  
youth services employee's, firefighter's, EMT's, investigator of 239  
the bureau of criminal identification and investigation's, or 240  
federal law enforcement officer's employer from the peace 241  
officer's, parole officer's, probation officer's, bailiff's, 242  
prosecuting attorney's, assistant prosecuting attorney's, 243  
correctional employee's, community-based correctional facility 244  
employee's, youth services employee's, firefighter's, EMT's, 245  
investigator of the bureau of criminal identification and 246  
investigation's, or federal law enforcement officer's 247  
compensation unless the amount of the deduction is required by 248  
state or federal law; 249

(f) The name, the residential address, the name of the 250  
employer, the address of the employer, the social security 251

number, the residential telephone number, any bank account, 252  
debit card, charge card, or credit card number, or the emergency 253  
telephone number of the spouse, a former spouse, or any child of 254  
a peace officer, parole officer, probation officer, bailiff, 255  
prosecuting attorney, assistant prosecuting attorney, 256  
correctional employee, community-based correctional facility 257  
employee, youth services employee, firefighter, EMT, 258  
investigator of the bureau of criminal identification and 259  
investigation, or federal law enforcement officer; 260

(g) A photograph of a peace officer who holds a position 261  
or has an assignment that may include undercover or plain 262  
clothes positions or assignments as determined by the peace 263  
officer's appointing authority. 264

As used in divisions (A) (7) and (B) (9) of this section, 265  
"peace officer" has the same meaning as in section 109.71 of the 266  
Revised Code and also includes the superintendent and troopers 267  
of the state highway patrol; it does not include the sheriff of 268  
a county or a supervisory employee who, in the absence of the 269  
sheriff, is authorized to stand in for, exercise the authority 270  
of, and perform the duties of the sheriff. 271

As used in divisions (A) (7) and (B) (9) of this section, 272  
"correctional employee" means any employee of the department of 273  
rehabilitation and correction who in the course of performing 274  
the employee's job duties has or has had contact with inmates 275  
and persons under supervision. 276

As used in divisions (A) (7) and (B) (9) of this section, 277  
"youth services employee" means any employee of the department 278  
of youth services who in the course of performing the employee's 279  
job duties has or has had contact with children committed to the 280  
custody of the department of youth services. 281

As used in divisions (A) (7) and (B) (9) of this section, 282  
"firefighter" means any regular, paid or volunteer, member of a 283  
lawfully constituted fire department of a municipal corporation, 284  
township, fire district, or village. 285

As used in divisions (A) (7) and (B) (9) of this section, 286  
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 287  
emergency medical services for a public emergency medical 288  
service organization. "Emergency medical service organization," 289  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 290  
in section 4765.01 of the Revised Code. 291

As used in divisions (A) (7) and (B) (9) of this section, 292  
"investigator of the bureau of criminal identification and 293  
investigation" has the meaning defined in section 2903.11 of the 294  
Revised Code. 295

As used in divisions (A) (7) and (B) (9) of this section, 296  
"federal law enforcement officer" has the meaning defined in 297  
section 9.88 of the Revised Code. 298

(8) "Information pertaining to the recreational activities 299  
of a person under the age of eighteen" means information that is 300  
kept in the ordinary course of business by a public office, that 301  
pertains to the recreational activities of a person under the 302  
age of eighteen years, and that discloses any of the following: 303

(a) The address or telephone number of a person under the 304  
age of eighteen or the address or telephone number of that 305  
person's parent, guardian, custodian, or emergency contact 306  
person; 307

(b) The social security number, birth date, or 308  
photographic image of a person under the age of eighteen; 309

(c) Any medical record, history, or information pertaining 310

to a person under the age of eighteen; 311

(d) Any additional information sought or required about a 312  
person under the age of eighteen for the purpose of allowing 313  
that person to participate in any recreational activity 314  
conducted or sponsored by a public office or to use or obtain 315  
admission privileges to any recreational facility owned or 316  
operated by a public office. 317

(9) "Community control sanction" has the same meaning as 318  
in section 2929.01 of the Revised Code. 319

(10) "Post-release control sanction" has the same meaning 320  
as in section 2967.01 of the Revised Code. 321

(11) "Redaction" means obscuring or deleting any 322  
information that is exempt from the duty to permit public 323  
inspection or copying from an item that otherwise meets the 324  
definition of a "record" in section 149.011 of the Revised Code. 325

(12) "Designee" and "elected official" have the same 326  
meanings as in section 109.43 of the Revised Code. 327

(13) "Dashboard camera" means a visual system, or a visual 328  
and audio system, mounted on a patrol vehicle or vessel used by 329  
a peace officer, as defined in section 109.71 of the Revised 330  
Code, while the officer is engaged in the performance of the 331  
officer's duties. 332

(14) "Dashboard camera recording" means a visual or audio 333  
recording obtained by a dashboard camera while the vehicle or 334  
vessel on which the camera is mounted is being used by a peace 335  
officer, as defined in section 109.71 of the Revised Code, while 336  
the officer is engaged in the performance of the officer's 337  
duties. 338

(15) "Restricted portion of a dashboard camera recording" 339  
means any visual or audio portion of a dashboard camera 340  
recording that shows, communicates, or discloses any of the 341  
following with respect to a peace officer, as defined in section 342  
109.71 of the Revised Code: 343

(a) The death of a peace officer occurring while the 344  
officer was engaged in the performance of official duties, 345  
unless the consent of the officer's executor or administrator 346  
has been obtained; 347

(b) Grievous bodily harm, as defined in section 5924.120 348  
of the Revised Code, to a peace officer occurring while the 349  
officer was engaged in the performance of official duties, 350  
unless the consent of the officer has been obtained. 351

(B) (1) Upon request and subject to division (B) (8) of this 352  
section, all public records responsive to the request shall be 353  
promptly prepared and made available for inspection to any 354  
person at all reasonable times during regular business hours. 355  
Subject to division (B) (8) of this section, upon request, a 356  
public office or person responsible for public records shall 357  
make copies of the requested public record available at cost and 358  
within a reasonable period of time. If a public record contains 359  
information that is exempt from the duty to permit public 360  
inspection or to copy the public record, the public office or 361  
the person responsible for the public record shall make 362  
available all of the information within the public record that 363  
is not exempt. When making that public record available for 364  
public inspection or copying that public record, the public 365  
office or the person responsible for the public record shall 366  
notify the requester of any redaction or make the redaction 367  
plainly visible. A redaction shall be deemed a denial of a 368

request to inspect or copy the redacted information, except if 369  
federal or state law authorizes or requires a public office to 370  
make the redaction. 371

(2) To facilitate broader access to public records, a 372  
public office or the person responsible for public records shall 373  
organize and maintain public records in a manner that they can 374  
be made available for inspection or copying in accordance with 375  
division (B) of this section. A public office also shall have 376  
available a copy of its current records retention schedule at a 377  
location readily available to the public. If a requester makes 378  
an ambiguous or overly broad request or has difficulty in making 379  
a request for copies or inspection of public records under this 380  
section such that the public office or the person responsible 381  
for the requested public record cannot reasonably identify what 382  
public records are being requested, the public office or the 383  
person responsible for the requested public record may deny the 384  
request but shall provide the requester with an opportunity to 385  
revise the request by informing the requester of the manner in 386  
which records are maintained by the public office and accessed 387  
in the ordinary course of the public office's or person's 388  
duties. 389

(3) If a request is ultimately denied, in part or in 390  
whole, the public office or the person responsible for the 391  
requested public record shall provide the requester with an 392  
explanation, including legal authority, setting forth why the 393  
request was denied. If the initial request was provided in 394  
writing, the explanation also shall be provided to the requester 395  
in writing. The explanation shall not preclude the public office 396  
or the person responsible for the requested public record from 397  
relying upon additional reasons or legal authority in defending 398  
an action commenced under division (C) of this section. 399

(4) Unless specifically required or authorized by state or federal law or in accordance with division (B) of this section, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended 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 431  
reasonably can be duplicated as an integral part of the normal 432  
operations of the public office or person responsible for the 433  
public record. When the person seeking the copy makes a choice 434  
under this division, the public office or person responsible for 435  
the public record shall provide a copy of it in accordance with 436  
the choice made by the person seeking the copy. Nothing in this 437  
section requires a public office or person responsible for the 438  
public record to allow the person seeking a copy of the public 439  
record to make the copies of the public record. 440

(7) (a) Upon a request made in accordance with division (B) 441  
of this section and subject to division (B) (6) of this section, 442  
a public office or person responsible for public records shall 443  
transmit a copy of a public record to any person by United 444  
States mail or by any other means of delivery or transmission 445  
within a reasonable period of time after receiving the request 446  
for the copy. The public office or person responsible for the 447  
public record may require the person making the request to pay 448  
in advance the cost of postage if the copy is transmitted by 449  
United States mail or the cost of delivery if the copy is 450  
transmitted other than by United States mail, and to pay in 451  
advance the costs incurred for other supplies used in the 452  
mailing, delivery, or transmission. 453

(b) Any public office may adopt a policy and procedures 454  
that it will follow in transmitting, within a reasonable period 455  
of time after receiving a request, copies of public records by 456  
United States mail or by any other means of delivery or 457  
transmission pursuant to division (B) (7) of this section. A 458  
public office that adopts a policy and procedures under division 459  
(B) (7) of this section shall comply with them in performing its 460  
duties under that division. 461



(c) In any policy and procedures adopted under division 462  
(B) (7) of this section: 463

(i) A public office may limit the number of records 464  
requested by a person that the office will physically deliver by 465  
United States mail or by another delivery service to ten per 466  
month, unless the person certifies to the office in writing that 467  
the person does not intend to use or forward the requested 468  
records, or the information contained in them, for commercial 469  
purposes; 470

(ii) A public office that chooses to provide some or all 471  
of its public records on a web site that is fully accessible to 472  
and searchable by members of the public at all times, other than 473  
during acts of God outside the public office's control or 474  
maintenance, and that charges no fee to search, access, 475  
download, or otherwise receive records provided on the web site, 476  
may limit to ten per month the number of records requested by a 477  
person that the office will deliver in a digital format, unless 478  
the requested records are not provided on the web site and 479  
unless the person certifies to the office in writing that the 480  
person does not intend to use or forward the requested records, 481  
or the information contained in them, for commercial purposes. 482

(iii) For purposes of division (B) (7) of this section, 483  
"commercial" shall be narrowly construed and does not include 484  
reporting or gathering news, reporting or gathering information 485  
to assist citizen oversight or understanding of the operation or 486  
activities of government, or nonprofit educational research. 487

(8) A public office or person responsible for public 488  
records is not required to permit a person who is incarcerated 489  
pursuant to a criminal conviction or a juvenile adjudication to 490  
inspect or to obtain a copy of any public record concerning a 491

criminal investigation or prosecution or concerning what would 492  
be a criminal investigation or prosecution if the subject of the 493  
investigation or prosecution were an adult, unless the request 494  
to inspect or to obtain a copy of the record is for the purpose 495  
of acquiring information that is subject to release as a public 496  
record under this section and the judge who imposed the sentence 497  
or made the adjudication with respect to the person, or the 498  
judge's successor in office, finds that the information sought 499  
in the public record is necessary to support what appears to be 500  
a justiciable claim of the person. 501

(9) (a) Upon written request made and signed by a 502  
journalist on or after December 16, 1999, a public office, or 503  
person responsible for public records, having custody of the 504  
records of the agency employing a specified peace officer, 505  
parole officer, probation officer, bailiff, prosecuting 506  
attorney, assistant prosecuting attorney, correctional employee, 507  
community-based correctional facility employee, youth services 508  
employee, firefighter, EMT, investigator of the bureau of 509  
criminal identification and investigation, or federal law 510  
enforcement officer shall disclose to the journalist the address 511  
of the actual personal residence of the peace officer, parole 512  
officer, probation officer, bailiff, prosecuting attorney, 513  
assistant prosecuting attorney, correctional employee, 514  
community-based correctional facility employee, youth services 515  
employee, firefighter, EMT, investigator of the bureau of 516  
criminal identification and investigation, or federal law 517  
enforcement officer and, if the peace officer's, parole 518  
officer's, probation officer's, bailiff's, prosecuting 519  
attorney's, assistant prosecuting attorney's, correctional 520  
employee's, community-based correctional facility employee's, 521  
youth services employee's, firefighter's, EMT's, investigator of 522

the bureau of criminal identification and investigation's, or 523  
federal law enforcement officer's spouse, former spouse, or 524  
child is employed by a public office, the name and address of 525  
the employer of the peace officer's, parole officer's, probation 526  
officer's, bailiff's, prosecuting attorney's, assistant 527  
prosecuting attorney's, correctional employee's, community-based 528  
correctional facility employee's, youth services employee's, 529  
firefighter's, EMT's, investigator of the bureau of criminal 530  
identification and investigation's, or federal law enforcement 531  
officer's spouse, former spouse, or child. The request shall 532  
include the journalist's name and title and the name and address 533  
of the journalist's employer and shall state that disclosure of 534  
the information sought would be in the public interest. 535

(b) Division (B) (9) (a) of this section also applies to 536  
journalist requests for customer information maintained by a 537  
municipally owned or operated public utility, other than social 538  
security numbers and any private financial information such as 539  
credit reports, payment methods, credit card numbers, and bank 540  
account information. 541

(c) As used in division (B) (9) of this section, 542  
"journalist" means a person engaged in, connected with, or 543  
employed by any news medium, including a newspaper, magazine, 544  
press association, news agency, or wire service, a radio or 545  
television station, or a similar medium, for the purpose of 546  
gathering, processing, transmitting, compiling, editing, or 547  
disseminating information for the general public. 548

(C) (1) If a person allegedly is aggrieved by the failure 549  
of a public office or the person responsible for public records 550  
to promptly prepare a public record and to make it available to 551  
the person for inspection in accordance with division (B) of 552

this section or by any other failure of a public office or the 553  
person responsible for public records to comply with an 554  
obligation in accordance with division (B) of this section, the 555  
person allegedly aggrieved may do only one of the following, and 556  
not both: 557

(a) File a complaint with the clerk of the court of claims 558  
or the clerk of the court of common pleas under section 2743.75 559  
of the Revised Code; 560

(b) Commence a mandamus action to obtain a judgment that 561  
orders the public office or the person responsible for the 562  
public record to comply with division (B) of this section, that 563  
awards court costs and reasonable attorney's fees to the person 564  
that instituted the mandamus action, and, if applicable, that 565  
includes an order fixing statutory damages under division (C) (2) 566  
of this section. The mandamus action may be commenced in the 567  
court of common pleas of the county in which division (B) of 568  
this section allegedly was not complied with, in the supreme 569  
court pursuant to its original jurisdiction under Section 2 of 570  
Article IV, Ohio Constitution, or in the court of appeals for 571  
the appellate district in which division (B) of this section 572  
allegedly was not complied with pursuant to its original 573  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 574

(2) If a requester transmits a written request by hand 575  
delivery or certified mail to inspect or receive copies of any 576  
public record in a manner that fairly describes the public 577  
record or class of public records to the public office or person 578  
responsible for the requested public records, except as 579  
otherwise provided in this section, the requester shall be 580  
entitled to recover the amount of statutory damages set forth in 581  
this division if a court determines that the public office or 582

the person responsible for public records failed to comply with 583  
an obligation in accordance with division (B) of this section. 584

The amount of statutory damages shall be fixed at one 585  
hundred dollars for each business day during which the public 586  
office or person responsible for the requested public records 587  
failed to comply with an obligation in accordance with division 588  
(B) of this section, beginning with the day on which the 589  
requester files a mandamus action to recover statutory damages, 590  
up to a maximum of one thousand dollars. The award of statutory 591  
damages shall not be construed as a penalty, but as compensation 592  
for injury arising from lost use of the requested information. 593  
The existence of this injury shall be conclusively presumed. The 594  
award of statutory damages shall be in addition to all other 595  
remedies authorized by this section. 596

The court may reduce an award of statutory damages or not 597  
award statutory damages if the court determines both of the 598  
following: 599

(a) That, based on the ordinary application of statutory 600  
law and case law as it existed at the time of the conduct or 601  
threatened conduct of the public office or person responsible 602  
for the requested public records that allegedly constitutes a 603  
failure to comply with an obligation in accordance with division 604  
(B) of this section and that was the basis of the mandamus 605  
action, a well-informed public office or person responsible for 606  
the requested public records reasonably would believe that the 607  
conduct or threatened conduct of the public office or person 608  
responsible for the requested public records did not constitute 609  
a failure to comply with an obligation in accordance with 610  
division (B) of this section; 611

(b) That a well-informed public office or person 612

responsible for the requested public records reasonably would 613  
believe that the conduct or threatened conduct of the public 614  
office or person responsible for the requested public records 615  
would serve the public policy that underlies the authority that 616  
is asserted as permitting that conduct or threatened conduct. 617

(3) In a mandamus action filed under division (C)(1) of 618  
this section, the following apply: 619

(a) (i) If the court orders the public office or the person 620  
responsible for the public record to comply with division (B) of 621  
this section, the court shall determine and award to the relator 622  
all court costs, which shall be construed as remedial and not 623  
punitive. 624

(ii) If the court makes a determination described in 625  
division (C)(3)(b)(iii) of this section, the court shall 626  
determine and award to the relator all court costs, which shall 627  
be construed as remedial and not punitive. 628

(b) If the court renders a judgment that orders the public 629  
office or the person responsible for the public record to comply 630  
with division (B) of this section or if the court determines any 631  
of the following, the court may award reasonable attorney's fees 632  
to the relator, subject to the provisions of division (C)(4) of 633  
this section: 634

(i) The public office or the person responsible for the 635  
public records failed to respond affirmatively or negatively to 636  
the public records request in accordance with the time allowed 637  
under division (B) of this section. 638

(ii) The public office or the person responsible for the 639  
public records promised to permit the relator to inspect or 640  
receive copies of the public records requested within a 641

specified period of time but failed to fulfill that promise 642  
within that specified period of time. 643

(iii) The public office or the person responsible for the 644  
public records acted in bad faith when the office or person 645  
voluntarily made the public records available to the relator for 646  
the first time after the relator commenced the mandamus action, 647  
but before the court issued any order concluding whether or not 648  
the public office or person was required to comply with division 649  
(B) of this section. No discovery may be conducted on the issue 650  
of the alleged bad faith of the public office or person 651  
responsible for the public records. This division shall not be 652  
construed as creating a presumption that the public office or 653  
the person responsible for the public records acted in bad faith 654  
when the office or person voluntarily made the public records 655  
available to the relator for the first time after the relator 656  
commenced the mandamus action, but before the court issued any 657  
order described in this division. 658

(c) The court shall not award attorney's fees to the 659  
relator if the court determines both of the following: 660

(i) That, based on the ordinary application of statutory 661  
law and case law as it existed at the time of the conduct or 662  
threatened conduct of the public office or person responsible 663  
for the requested public records that allegedly constitutes a 664  
failure to comply with an obligation in accordance with division 665  
(B) of this section and that was the basis of the mandamus 666  
action, a well-informed public office or person responsible for 667  
the requested public records reasonably would believe that the 668  
conduct or threatened conduct of the public office or person 669  
responsible for the requested public records did not constitute 670  
a failure to comply with an obligation in accordance with 671

division (B) of this section; 672

(ii) That a well-informed public office or person 673  
responsible for the requested public records reasonably would 674  
believe that the conduct or threatened conduct of the public 675  
office or person responsible for the requested public records 676  
would serve the public policy that underlies the authority that 677  
is asserted as permitting that conduct or threatened conduct. 678

(4) All of the following apply to any award of reasonable 679  
attorney's fees awarded under division (C) (3) (b) of this 680  
section: 681

(a) The fees shall be construed as remedial and not 682  
punitive. 683

(b) The fees awarded shall not exceed the total of the 684  
reasonable attorney's fees incurred before the public record was 685  
made available to the relator and the fees described in division 686  
(C) (4) (c) of this section. 687

(c) Reasonable attorney's fees shall include reasonable 688  
fees incurred to produce proof of the reasonableness and amount 689  
of the fees and to otherwise litigate entitlement to the fees. 690

(d) The court may reduce the amount of fees awarded if the 691  
court determines that, given the factual circumstances involved 692  
with the specific public records request, an alternative means 693  
should have been pursued to more effectively and efficiently 694  
resolve the dispute that was subject to the mandamus action 695  
filed under division (C) (1) of this section. 696

(5) If the court does not issue a writ of mandamus under 697  
division (C) of this section and the court determines at that 698  
time that the bringing of the mandamus action was frivolous 699  
conduct as defined in division (A) of section 2323.51 of the 700



Revised Code, the court may award to the public office all court 701  
costs, expenses, and reasonable attorney's fees, as determined 702  
by the court. 703

(D) Chapter 1347. of the Revised Code does not limit the 704  
provisions of this section. 705

(E) (1) To ensure that all employees of public offices are 706  
appropriately educated about a public office's obligations under 707  
division (B) of this section, all elected officials or their 708  
appropriate designees shall attend training approved by the 709  
attorney general as provided in section 109.43 of the Revised 710  
Code. In addition, all public offices shall adopt a public 711  
records policy in compliance with this section for responding to 712  
public records requests. In adopting a public records policy 713  
under this division, a public office may obtain guidance from 714  
the model public records policy developed and provided to the 715  
public office by the attorney general under section 109.43 of 716  
the Revised Code. Except as otherwise provided in this section, 717  
the policy may not limit the number of public records that the 718  
public office will make available to a single person, may not 719  
limit the number of public records that it will make available 720  
during a fixed period of time, and may not establish a fixed 721  
period of time before it will respond to a request for 722  
inspection or copying of public records, unless that period is 723  
less than eight hours. 724

(2) The public office shall distribute the public records 725  
policy adopted by the public office under division (E) (1) of 726  
this section to the employee of the public office who is the 727  
records custodian or records manager or otherwise has custody of 728  
the records of that office. The public office shall require that 729  
employee to acknowledge receipt of the copy of the public 730

records policy. The public office shall create a poster that 731  
describes its public records policy and shall post the poster in 732  
a conspicuous place in the public office and in all locations 733  
where the public office has branch offices. The public office 734  
may post its public records policy on the internet web site of 735  
the public office if the public office maintains an internet web 736  
site. A public office that has established a manual or handbook 737  
of its general policies and procedures for all employees of the 738  
public office shall include the public records policy of the 739  
public office in the manual or handbook. 740

(F) (1) The bureau of motor vehicles may adopt rules 741  
pursuant to Chapter 119. of the Revised Code to reasonably limit 742  
the number of bulk commercial special extraction requests made 743  
by a person for the same records or for updated records during a 744  
calendar year. The rules may include provisions for charges to 745  
be made for bulk commercial special extraction requests for the 746  
actual cost of the bureau, plus special extraction costs, plus 747  
ten per cent. The bureau may charge for expenses for redacting 748  
information, the release of which is prohibited by law. 749

(2) As used in division (F) (1) of this section: 750

(a) "Actual cost" means the cost of depleted supplies, 751  
records storage media costs, actual mailing and alternative 752  
delivery costs, or other transmitting costs, and any direct 753  
equipment operating and maintenance costs, including actual 754  
costs paid to private contractors for copying services. 755

(b) "Bulk commercial special extraction request" means a 756  
request for copies of a record for information in a format other 757  
than the format already available, or information that cannot be 758  
extracted without examination of all items in a records series, 759  
class of records, or database by a person who intends to use or 760

forward the copies for surveys, marketing, solicitation, or 761  
resale for commercial purposes. "Bulk commercial special 762  
extraction request" does not include a request by a person who 763  
gives assurance to the bureau that the person making the request 764  
does not intend to use or forward the requested copies for 765  
surveys, marketing, solicitation, or resale for commercial 766  
purposes. 767

(c) "Commercial" means profit-seeking production, buying, 768  
or selling of any good, service, or other product. 769

(d) "Special extraction costs" means the cost of the time 770  
spent by the lowest paid employee competent to perform the task, 771  
the actual amount paid to outside private contractors employed 772  
by the bureau, or the actual cost incurred to create computer 773  
programs to make the special extraction. "Special extraction 774  
costs" include any charges paid to a public agency for computer 775  
or records services. 776

(3) For purposes of divisions (F) (1) and (2) of this 777  
section, "surveys, marketing, solicitation, or resale for 778  
commercial purposes" shall be narrowly construed and does not 779  
include reporting or gathering news, reporting or gathering 780  
information to assist citizen oversight or understanding of the 781  
operation or activities of government, or nonprofit educational 782  
research. 783

(G) A request by a defendant, counsel of a defendant, or 784  
any agent of a defendant in a criminal action that public 785  
records related to that action be made available under this 786  
section shall be considered a demand for discovery pursuant to 787  
the Criminal Rules, except to the extent that the Criminal Rules 788  
plainly indicate a contrary intent. The defendant, counsel of 789  
the defendant, or agent of the defendant making a request under 790

this division shall serve a copy of the request on the 791  
prosecuting attorney, director of law, or other chief legal 792  
officer responsible for prosecuting the action. 793

(H) (1) If a public office denies a request to release a 794  
restricted portion of a dashboard camera recording, as defined 795  
in division (A) (15) of this section, any person may file a 796  
mandamus action in the supreme court, pursuant to the court's 797  
original jurisdiction under Section 2 of Article IV, Ohio 798  
Constitution, requesting the court to order the release of the 799  
restricted portion of the recording for one or more of the 800  
following reasons: 801

(a) The peace officer whose death or grievous bodily harm 802  
is shown, communicated, or disclosed in the restricted portion 803  
of the dashboard camera recording was engaged in illegal conduct 804  
at the time of, or immediately preceding, the act that caused 805  
the death or harm and that act was related to, or occurred as a 806  
result of, that illegal conduct. 807

(b) The public interest in the restricted portion of the 808  
dashboard camera recording substantially outweighs privacy 809  
interests and other interests of the peace officer whose death 810  
or grievous bodily harm is shown, communicated, or disclosed in 811  
the restricted portion or that officer's family, executor, or 812  
administrator. 813

(c) The restricted portion of the recording is relevant to 814  
and needed for use in a court proceeding, administrative 815  
proceeding, or disciplinary proceeding. 816

(2) If a person files a mandamus action as described in 817  
division (H) (1) of this section and if the court determines that 818  
one or more criterion specified in division (H) (1) (a), (b), or 819

(c) of this section applies, the court shall issue a writ of 820  
mandamus ordering the public office to release the restricted 821  
portion of the dashboard camera recording. Upon the issuance of 822  
such an order, the confidentiality provisions of section 149.436 823  
of the Revised Code do not apply with respect to the restricted 824  
portion of the dashboard camera recording covered by the order 825  
that is in the possession of the public office and the public 826  
office shall release to the person the restricted portion of the 827  
dashboard camera recording. 828

**Sec. 149.436.** (A) As used in this section: 829

(1) "Peace officer" has the same meaning as in section 830  
109.71 of the Revised Code. 831

(2) "Restricted portion of a dashboard camera recording" 832  
has the same meaning as in section 149.43 of the Revised Code. 833

(B) Except as provided in division (C) of this section, a 834  
public office shall not release any restricted portion of a 835  
dashboard camera recording. 836

(C) Division (B) of this section does not prohibit the 837  
release of a restricted portion of a dashboard camera recording 838  
if any of the following apply: 839

(1) The restricted portion of the dashboard camera 840  
recording shows, communicates, or discloses the death of a peace 841  
officer and the officer's executor or administrator consents to 842  
the release. 843

(2) The restricted portion of the dashboard camera 844  
recording shows, communicates, or discloses the occurrence of 845  
grievous bodily harm to a peace officer and the officer consents 846  
to the release. 847

(3) The person requesting the release of the restricted 848  
portion of the recording has obtained a court order under 849  
division (H) of section 149.43 of the Revised Code requiring the 850  
release. 851

**Section 2.** That existing section 149.43 of the Revised 852  
Code is hereby repealed. 853