

AN ACT

To enact section 2927.22 of the Revised Code to prohibit a person who publishes or disseminates criminal record information from soliciting or accepting a fee to remove, correct, modify, or refrain from publishing or otherwise disseminating the information and to provide criminal and civil remedies for a violation of the prohibition.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2927.22 of the Revised Code be enacted to read as follows:

Sec. 2927.22. (A) As used in this section:

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

(2) "Criminal record information" means a booking photograph or the name, address, charges filed, or description of a subject individual who is asserted or implied to have engaged in illegal conduct.

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

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

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

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

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

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

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20 ____.

Secretary of State.

File No. _____ Effective Date _____