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Am. S. B. No. 214

Senators Terhar, Lehner

**Cosponsors: Senators O'Brien, Bacon, Coley, Dolan, Eklund, Hackett, Hoagland, Huffman, Kunze, LaRose, Manning, McColley, Obhof, Oelslager, Peterson, Schiavoni, Sykes, Tavares, Thomas, Uecker, Williams, Wilson, Yuko
Representatives Manning, Lanese, Celebrezze, Butler, Galonski, Rogers, Anielski, Antani, Antonio, Barnes, Blessing, Brenner, Brown, Carfagna, Craig, Dean, Dever, Edwards, Gavarone, Ginter, Greenspan, Holmes, Hoops, Hughes, Kent, Kick, Koehler, Lang, LaTourette, Leland, McClain, Miller, Patton, Perales, Ramos, Retherford, Riedel, Romanchuk, Ryan, Seitz, Sheehy, Sprague, Stein, Strahorn, Thompson, West, Wiggam, Zeltwanger, Speaker Smith**

A BILL

To amend sections 149.43 and 149.45 and to enact 1
section 2903.32 of the Revised Code to exclude 2
from the definition of public record under the 3
Public Records Law any depiction by photograph, 4
film, videotape, or digital, visual, or printed 5
material of victims of crime under specified 6
circumstances dealing with the victims' bodily 7
privacy, to exclude from that definition 8
specified residential and familial information 9
regarding county or multicounty corrections 10
officers, prohibit female genital mutilation. 11

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

Section 1. That sections 149.43 and 149.45 be amended and 12
section 2903.32 of the Revised Code be enacted to read as 13

follows:	14
Sec. 149.43. (A) As used in this section:	15
(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:	16 17 18 19 20 21 22 23
(a) Medical records;	24
(b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;	25 26 27
(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;	28 29 30
(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;	31 32 33
(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;	34 35 36 37 38 39
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	40 41

(g) Trial preparation records;	42
(h) Confidential law enforcement investigatory records;	43
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	44 45
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	46 47
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	48 49 50 51
(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;	52 53 54 55
(m) Intellectual property records;	56
(n) Donor profile records;	57
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	58 59
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, <u>county or multicounty corrections</u> <u>officer</u> , 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;	60 61 62 63 64 65 66
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital	67 68

operated pursuant to Chapter 749. of the Revised Code, 69
information that constitutes a trade secret, as defined in 70
section 1333.61 of the Revised Code; 71

(r) Information pertaining to the recreational activities 72
of a person under the age of eighteen; 73

(s) In the case of a child fatality review board acting 74
under sections 307.621 to 307.629 of the Revised Code or a 75
review conducted pursuant to guidelines established by the 76
director of health under section 3701.70 of the Revised Code, 77
records provided to the board or director, statements made by 78
board members during meetings of the board or by persons 79
participating in the director's review, and all work products of 80
the board or director, and in the case of a child fatality 81
review board, child fatality review data submitted by the board 82
to the department of health or a national child death review 83
database, other than the report prepared pursuant to division 84
(A) of section 307.626 of the Revised Code; 85

(t) Records provided to and statements made by the 86
executive director of a public children services agency or a 87
prosecuting attorney acting pursuant to section 5153.171 of the 88
Revised Code other than the information released under that 89
section; 90

(u) Test materials, examinations, or evaluation tools used 91
in an examination for licensure as a nursing home administrator 92
that the board of executives of long-term services and supports 93
administers under section 4751.04 of the Revised Code or 94
contracts under that section with a private or government entity 95
to administer; 96

(v) Records the release of which is prohibited by state or 97

federal law;	98
(w) Proprietary information of or relating to any person	99
that is submitted to or compiled by the Ohio venture capital	100
authority created under section 150.01 of the Revised Code;	101
(x) Financial statements and data any person submits for	102
any purpose to the Ohio housing finance agency or the	103
controlling board in connection with applying for, receiving, or	104
accounting for financial assistance from the agency, and	105
information that identifies any individual who benefits directly	106
or indirectly from financial assistance from the agency;	107
(y) Records listed in section 5101.29 of the Revised Code;	108
(z) Discharges recorded with a county recorder under	109
section 317.24 of the Revised Code, as specified in division (B)	110
(2) of that section;	111
(aa) Usage information including names and addresses of	112
specific residential and commercial customers of a municipally	113
owned or operated public utility;	114
(bb) Records described in division (C) of section 187.04	115
of the Revised Code that are not designated to be made available	116
to the public as provided in that division;	117
(cc) Information and records that are made confidential,	118
privileged, and not subject to disclosure under divisions (B)	119
and (C) of section 2949.221 of the Revised Code;	120
(dd) Personal information, as defined in section 149.45 of	121
the Revised Code;	122
(ee) The confidential name, address, and other personally	123
identifiable information of a program participant in the address	124
confidentiality program established under sections 111.41 to	125

111.47 of the Revised Code, including the contents of any 126
application for absent voter's ballots, absent voter's ballot 127
identification envelope statement of voter, or provisional 128
ballot affirmation completed by a program participant who has a 129
confidential voter registration record, and records or portions 130
of records pertaining to that program that identify the number 131
of program participants that reside within a precinct, ward, 132
township, municipal corporation, county, or any other geographic 133
area smaller than the state. As used in this division, 134
"confidential address" and "program participant" have the 135
meaning defined in section 111.41 of the Revised Code. 136

(ff) Orders for active military service of an individual 137
serving or with previous service in the armed forces of the 138
United States, including a reserve component, or the Ohio 139
organized militia, except that, such order becomes a public 140
record on the day that is fifteen years after the published date 141
or effective date of the call to order; 142

(gg) The name, address, contact information, or other 143
personal information of an individual who is less than eighteen 144
years of age that is included in any record related to a traffic 145
accident involving a school vehicle in which the individual was 146
an occupant at the time of the accident; 147

(hh) Protected health information, as defined in 45 C.F.R. 148
160.103, that is in a claim for payment for a health care 149
product, service, or procedure, as well as any other health 150
claims data in another document that reveals the identity of an 151
individual who is the subject of the data or could be used to 152
reveal that individual's identity; 153

(ii) Any depiction by photograph, film, videotape, or 154
printed or digital image under either of the following 155

<u>circumstances:</u>	156
<u>(i) The depiction is that of a victim of an offense the</u>	157
<u>release of which would be, to a reasonable person of ordinary</u>	158
<u>sensibilities, an offensive and objectionable intrusion into the</u>	159
<u>victim's expectation of bodily privacy and integrity.</u>	160
<u>(ii) The depiction captures or depicts the victim of a</u>	161
<u>sexually oriented offense, as defined in section 2950.01 of the</u>	162
<u>Revised Code, at the actual occurrence of that offense.</u>	163
(2) "Confidential law enforcement investigatory record"	164
means any record that pertains to a law enforcement matter of a	165
criminal, quasi-criminal, civil, or administrative nature, but	166
only to the extent that the release of the record would create a	167
high probability of disclosure of any of the following:	168
(a) The identity of a suspect who has not been charged	169
with the offense to which the record pertains, or of an	170
information source or witness to whom confidentiality has been	171
reasonably promised;	172
(b) Information provided by an information source or	173
witness to whom confidentiality has been reasonably promised,	174
which information would reasonably tend to disclose the source's	175
or witness's identity;	176
(c) Specific confidential investigatory techniques or	177
procedures or specific investigatory work product;	178
(d) Information that would endanger the life or physical	179
safety of law enforcement personnel, a crime victim, a witness,	180
or a confidential information source.	181
(3) "Medical record" means any document or combination of	182
documents, except births, deaths, and the fact of admission to	183

or discharge from a hospital, that pertains to the medical 184
history, diagnosis, prognosis, or medical condition of a patient 185
and that is generated and maintained in the process of medical 186
treatment. 187

(4) "Trial preparation record" means any record that 188
contains information that is specifically compiled in reasonable 189
anticipation of, or in defense of, a civil or criminal action or 190
proceeding, including the independent thought processes and 191
personal trial preparation of an attorney. 192

(5) "Intellectual property record" means a record, other 193
than a financial or administrative record, that is produced or 194
collected by or for faculty or staff of a state institution of 195
higher learning in the conduct of or as a result of study or 196
research on an educational, commercial, scientific, artistic, 197
technical, or scholarly issue, regardless of whether the study 198
or research was sponsored by the institution alone or in 199
conjunction with a governmental body or private concern, and 200
that has not been publicly released, published, or patented. 201

(6) "Donor profile record" means all records about donors 202
or potential donors to a public institution of higher education 203
except the names and reported addresses of the actual donors and 204
the date, amount, and conditions of the actual donation. 205

(7) "Peace officer, parole officer, probation officer, 206
bailiff, prosecuting attorney, assistant prosecuting attorney, 207
correctional employee, county or multicounty corrections 208
officer, community-based correctional facility employee, youth 209
services employee, firefighter, EMT, investigator of the bureau 210
of criminal identification and investigation, or federal law 211
enforcement officer residential and familial information" means 212
any information that discloses any of the following about a 213

peace officer, parole officer, probation officer, bailiff, 214
prosecuting attorney, assistant prosecuting attorney, 215
correctional employee, county or multicounty corrections 216
officer, community-based correctional facility employee, youth 217
services employee, firefighter, EMT, investigator of the bureau 218
of criminal identification and investigation, or federal law 219
enforcement officer: 220

(a) The address of the actual personal residence of a 221
peace officer, parole officer, probation officer, bailiff, 222
assistant prosecuting attorney, correctional employee, county or 223
multicounty corrections officer, community-based correctional 224
facility employee, youth services employee, firefighter, EMT, an 225
investigator of the bureau of criminal identification and 226
investigation, or federal law enforcement officer, except for 227
the state or political subdivision in which the peace officer, 228
parole officer, probation officer, bailiff, assistant 229
prosecuting attorney, correctional employee, county or 230
multicounty corrections officer, community-based correctional 231
facility employee, youth services employee, firefighter, EMT, 232
investigator of the bureau of criminal identification and 233
investigation, or federal law enforcement officer resides; 234

(b) Information compiled from referral to or participation 235
in an employee assistance program; 236

(c) The social security number, the residential telephone 237
number, any bank account, debit card, charge card, or credit 238
card number, or the emergency telephone number of, or any 239
medical information pertaining to, a peace officer, parole 240
officer, probation officer, bailiff, prosecuting attorney, 241
assistant prosecuting attorney, correctional employee, county or 242
multicounty corrections officer, community-based correctional 243

facility employee, youth services employee, firefighter, EMT, 244
investigator of the bureau of criminal identification and 245
investigation, or federal law enforcement officer; 246

(d) The name of any beneficiary of employment benefits, 247
including, but not limited to, life insurance benefits, provided 248
to a peace officer, parole officer, probation officer, bailiff, 249
prosecuting attorney, assistant prosecuting attorney, 250
correctional employee, county or multicounty corrections 251
officer, community-based correctional facility employee, youth 252
services employee, firefighter, EMT, investigator of the bureau 253
of criminal identification and investigation, or federal law 254
enforcement officer by the peace officer's, parole officer's, 255
probation officer's, bailiff's, prosecuting attorney's, 256
assistant prosecuting attorney's, correctional employee's, 257
county or multicounty corrections officer's, community-based 258
correctional facility employee's, youth services employee's, 259
firefighter's, EMT's, investigator of the bureau of criminal 260
identification and investigation's, or federal law enforcement 261
officer's employer; 262

(e) The identity and amount of any charitable or 263
employment benefit deduction made by the peace officer's, parole 264
officer's, probation officer's, bailiff's, prosecuting 265
attorney's, assistant prosecuting attorney's, correctional 266
employee's, county or multicounty corrections officer's, 267
community-based correctional facility employee's, youth services 268
employee's, firefighter's, EMT's, investigator of the bureau of 269
criminal identification and investigation's, or federal law 270
enforcement officer's employer from the peace officer's, parole 271
officer's, probation officer's, bailiff's, prosecuting 272
attorney's, assistant prosecuting attorney's, correctional 273
employee's, county or multicounty corrections officer's, 274

community-based correctional facility employee's, youth services 275
employee's, firefighter's, EMT's, investigator of the bureau of 276
criminal identification and investigation's, or federal law 277
enforcement officer's compensation unless the amount of the 278
deduction is required by state or federal law; 279

(f) The name, the residential address, the name of the 280
employer, the address of the employer, the social security 281
number, the residential telephone number, any bank account, 282
debit card, charge card, or credit card number, or the emergency 283
telephone number of the spouse, a former spouse, or any child of 284
a peace officer, parole officer, probation officer, bailiff, 285
prosecuting attorney, assistant prosecuting attorney, 286
correctional employee, county or multicounty corrections 287
officer, community-based correctional facility employee, youth 288
services employee, firefighter, EMT, investigator of the bureau 289
of criminal identification and investigation, or federal law 290
enforcement officer; 291

(g) A photograph of a peace officer who holds a position 292
or has an assignment that may include undercover or plain 293
clothes positions or assignments as determined by the peace 294
officer's appointing authority. 295

As used in divisions (A) (7) and (B) (9) of this section, 296
"peace officer" has the same meaning as in section 109.71 of the 297
Revised Code and also includes the superintendent and troopers 298
of the state highway patrol; it does not include the sheriff of 299
a county or a supervisory employee who, in the absence of the 300
sheriff, is authorized to stand in for, exercise the authority 301
of, and perform the duties of the sheriff. 302

As used in divisions (A) (7) and (B) (9) of this section, 303
"correctional employee" means any employee of the department of 304

rehabilitation and correction who in the course of performing 305
the employee's job duties has or has had contact with inmates 306
and persons under supervision. 307

As used in divisions (A) (7) and (B) (9) of this section, 308
"county or multicounty corrections officer" means any 309
corrections officer employed by any county or multicounty 310
correctional facility. 311

As used in divisions (A) (7) and (B) (9) of this section, 312
"youth services employee" means any employee of the department 313
of youth services who in the course of performing the employee's 314
job duties has or has had contact with children committed to the 315
custody of the department of youth services. 316

As used in divisions (A) (7) and (B) (9) of this section, 317
"firefighter" means any regular, paid or volunteer, member of a 318
lawfully constituted fire department of a municipal corporation, 319
township, fire district, or village. 320

As used in divisions (A) (7) and (B) (9) of this section, 321
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 322
emergency medical services for a public emergency medical 323
service organization. "Emergency medical service organization," 324
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 325
in section 4765.01 of the Revised Code. 326

As used in divisions (A) (7) and (B) (9) of this section, 327
"investigator of the bureau of criminal identification and 328
investigation" has the meaning defined in section 2903.11 of the 329
Revised Code. 330

As used in divisions (A) (7) and (B) (9) of this section, 331
"federal law enforcement officer" has the meaning defined in 332
section 9.88 of the Revised Code. 333

- (8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:
- (a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;
 - (b) The social security number, birth date, or photographic image of a person under the age of eighteen;
 - (c) Any medical record, history, or information pertaining to a person under the age of eighteen;
 - (d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.
- (9) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.
- (10) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.
- (11) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.
- (12) "Designee," "elected official," and "future official"

have the same meanings as in section 109.43 of the Revised Code. 362

(B) (1) Upon request and subject to division (B) (8) of this 363
section, all public records responsive to the request shall be 364
promptly prepared and made available for inspection to any 365
person at all reasonable times during regular business hours. 366
Subject to division (B) (8) of this section, upon request, a 367
public office or person responsible for public records shall 368
make copies of the requested public record available at cost and 369
within a reasonable period of time. If a public record contains 370
information that is exempt from the duty to permit public 371
inspection or to copy the public record, the public office or 372
the person responsible for the public record shall make 373
available all of the information within the public record that 374
is not exempt. When making that public record available for 375
public inspection or copying that public record, the public 376
office or the person responsible for the public record shall 377
notify the requester of any redaction or make the redaction 378
plainly visible. A redaction shall be deemed a denial of a 379
request to inspect or copy the redacted information, except if 380
federal or state law authorizes or requires a public office to 381
make the redaction. 382

(2) To facilitate broader access to public records, a 383
public office or the person responsible for public records shall 384
organize and maintain public records in a manner that they can 385
be made available for inspection or copying in accordance with 386
division (B) of this section. A public office also shall have 387
available a copy of its current records retention schedule at a 388
location readily available to the public. If a requester makes 389
an ambiguous or overly broad request or has difficulty in making 390
a request for copies or inspection of public records under this 391
section such that the public office or the person responsible 392

for the requested public record cannot reasonably identify what 393
public records are being requested, the public office or the 394
person responsible for the requested public record may deny the 395
request but shall provide the requester with an opportunity to 396
revise the request by informing the requester of the manner in 397
which records are maintained by the public office and accessed 398
in the ordinary course of the public office's or person's 399
duties. 400

(3) If a request is ultimately denied, in part or in 401
whole, the public office or the person responsible for the 402
requested public record shall provide the requester with an 403
explanation, including legal authority, setting forth why the 404
request was denied. If the initial request was provided in 405
writing, the explanation also shall be provided to the requester 406
in writing. The explanation shall not preclude the public office 407
or the person responsible for the requested public record from 408
relying upon additional reasons or legal authority in defending 409
an action commenced under division (C) of this section. 410

(4) Unless specifically required or authorized by state or 411
federal law or in accordance with division (B) of this section, 412
no public office or person responsible for public records may 413
limit or condition the availability of public records by 414
requiring disclosure of the requester's identity or the intended 415
use of the requested public record. Any requirement that the 416
requester disclose the requester's identity or the intended use 417
of the requested public record constitutes a denial of the 418
request. 419

(5) A public office or person responsible for public 420
records may ask a requester to make the request in writing, may 421
ask for the requester's identity, and may inquire about the 422

intended use of the information requested, but may do so only 423
after disclosing to the requester that a written request is not 424
mandatory and that the requester may decline to reveal the 425
requester's identity or the intended use and when a written 426
request or disclosure of the identity or intended use would 427
benefit the requester by enhancing the ability of the public 428
office or person responsible for public records to identify, 429
locate, or deliver the public records sought by the requester. 430

(6) If any person chooses to obtain a copy of a public 431
record in accordance with division (B) of this section, the 432
public office or person responsible for the public record may 433
require that person to pay in advance the cost involved in 434
providing the copy of the public record in accordance with the 435
choice made by the person seeking the copy under this division. 436
The public office or the person responsible for the public 437
record shall permit that person to choose to have the public 438
record duplicated upon paper, upon the same medium upon which 439
the public office or person responsible for the public record 440
keeps it, or upon any other medium upon which the public office 441
or person responsible for the public record determines that it 442
reasonably can be duplicated as an integral part of the normal 443
operations of the public office or person responsible for the 444
public record. When the person seeking the copy makes a choice 445
under this division, the public office or person responsible for 446
the public record shall provide a copy of it in accordance with 447
the choice made by the person seeking the copy. Nothing in this 448
section requires a public office or person responsible for the 449
public record to allow the person seeking a copy of the public 450
record to make the copies of the public record. 451

(7) (a) Upon a request made in accordance with division (B) 452
of this section and subject to division (B) (6) of this section, 453

a public office or person responsible for public records shall 454
transmit a copy of a public record to any person by United 455
States mail or by any other means of delivery or transmission 456
within a reasonable period of time after receiving the request 457
for the copy. The public office or person responsible for the 458
public record may require the person making the request to pay 459
in advance the cost of postage if the copy is transmitted by 460
United States mail or the cost of delivery if the copy is 461
transmitted other than by United States mail, and to pay in 462
advance the costs incurred for other supplies used in the 463
mailing, delivery, or transmission. 464

(b) Any public office may adopt a policy and procedures 465
that it will follow in transmitting, within a reasonable period 466
of time after receiving a request, copies of public records by 467
United States mail or by any other means of delivery or 468
transmission pursuant to division (B) (7) of this section. A 469
public office that adopts a policy and procedures under division 470
(B) (7) of this section shall comply with them in performing its 471
duties under that division. 472

(c) In any policy and procedures adopted under division 473
(B) (7) of this section: 474

(i) A public office may limit the number of records 475
requested by a person that the office will physically deliver by 476
United States mail or by another delivery service to ten per 477
month, unless the person certifies to the office in writing that 478
the person does not intend to use or forward the requested 479
records, or the information contained in them, for commercial 480
purposes; 481

(ii) A public office that chooses to provide some or all 482
of its public records on a web site that is fully accessible to 483

and searchable by members of the public at all times, other than 484
during acts of God outside the public office's control or 485
maintenance, and that charges no fee to search, access, 486
download, or otherwise receive records provided on the web site, 487
may limit to ten per month the number of records requested by a 488
person that the office will deliver in a digital format, unless 489
the requested records are not provided on the web site and 490
unless the person certifies to the office in writing that the 491
person does not intend to use or forward the requested records, 492
or the information contained in them, for commercial purposes. 493

(iii) For purposes of division (B)(7) of this section, 494
"commercial" shall be narrowly construed and does not include 495
reporting or gathering news, reporting or gathering information 496
to assist citizen oversight or understanding of the operation or 497
activities of government, or nonprofit educational research. 498

(8) A public office or person responsible for public 499
records is not required to permit a person who is incarcerated 500
pursuant to a criminal conviction or a juvenile adjudication to 501
inspect or to obtain a copy of any public record concerning a 502
criminal investigation or prosecution or concerning what would 503
be a criminal investigation or prosecution if the subject of the 504
investigation or prosecution were an adult, unless the request 505
to inspect or to obtain a copy of the record is for the purpose 506
of acquiring information that is subject to release as a public 507
record under this section and the judge who imposed the sentence 508
or made the adjudication with respect to the person, or the 509
judge's successor in office, finds that the information sought 510
in the public record is necessary to support what appears to be 511
a justiciable claim of the person. 512

(9) (a) Upon written request made and signed by a 513

journalist on or after December 16, 1999, a public office, or 514
person responsible for public records, having custody of the 515
records of the agency employing a specified peace officer, 516
parole officer, probation officer, bailiff, prosecuting 517
attorney, assistant prosecuting attorney, correctional employee, 518
county or multicounty corrections officer, community-based 519
correctional facility employee, youth services employee, 520
firefighter, EMT, investigator of the bureau of criminal 521
identification and investigation, or federal law enforcement 522
officer shall disclose to the journalist the address of the 523
actual personal residence of the peace officer, parole officer, 524
probation officer, bailiff, prosecuting attorney, assistant 525
prosecuting attorney, correctional employee, county or 526
multicounty corrections officer, community-based correctional 527
facility employee, youth services employee, firefighter, EMT, 528
investigator of the bureau of criminal identification and 529
investigation, or federal law enforcement officer and, if the 530
peace officer's, parole officer's, probation officer's, 531
bailiff's, prosecuting attorney's, assistant prosecuting 532
attorney's, correctional employee's, county or multicounty 533
corrections officer's, community-based correctional facility 534
employee's, youth services employee's, firefighter's, EMT's, 535
investigator of the bureau of criminal identification and 536
investigation's, or federal law enforcement officer's spouse, 537
former spouse, or child is employed by a public office, the name 538
and address of the employer of the peace officer's, parole 539
officer's, probation officer's, bailiff's, prosecuting 540
attorney's, assistant prosecuting attorney's, correctional 541
employee's, county or multicounty corrections officer's, 542
community-based correctional facility employee's, youth services 543
employee's, firefighter's, EMT's, investigator of the bureau of 544
criminal identification and investigation's, or federal law 545

enforcement officer's spouse, former spouse, or child. The 546
request shall include the journalist's name and title and the 547
name and address of the journalist's employer and shall state 548
that disclosure of the information sought would be in the public 549
interest. 550

(b) Division (B) (9) (a) of this section also applies to 551
journalist requests for: 552

(i) Customer information maintained by a municipally owned 553
or operated public utility, other than social security numbers 554
and any private financial information such as credit reports, 555
payment methods, credit card numbers, and bank account 556
information; 557

(ii) Information about minors involved in a school vehicle 558
accident as provided in division (A) (1) (gg) of this section, 559
other than personal information as defined in section 149.45 of 560
the Revised Code. 561

(c) As used in division (B) (9) of this section, 562
"journalist" means a person engaged in, connected with, or 563
employed by any news medium, including a newspaper, magazine, 564
press association, news agency, or wire service, a radio or 565
television station, or a similar medium, for the purpose of 566
gathering, processing, transmitting, compiling, editing, or 567
disseminating information for the general public. 568

(10) Upon a request made by a victim, victim's attorney, 569
or victim's representative, as that term is used in section 570
2930.02 of the Revised Code, a public office or person 571
responsible for public records shall transmit a copy of a 572
depiction of the victim as described in division (A) (1) (gg) of 573
this section to the victim, victim's attorney, or victim's 574

representative. 575

(C) (1) If a person allegedly is aggrieved by the failure 576
of a public office or the person responsible for public records 577
to promptly prepare a public record and to make it available to 578
the person for inspection in accordance with division (B) of 579
this section or by any other failure of a public office or the 580
person responsible for public records to comply with an 581
obligation in accordance with division (B) of this section, the 582
person allegedly aggrieved may do only one of the following, and 583
not both: 584

(a) File a complaint with the clerk of the court of claims 585
or the clerk of the court of common pleas under section 2743.75 586
of the Revised Code; 587

(b) Commence a mandamus action to obtain a judgment that 588
orders the public office or the person responsible for the 589
public record to comply with division (B) of this section, that 590
awards court costs and reasonable attorney's fees to the person 591
that instituted the mandamus action, and, if applicable, that 592
includes an order fixing statutory damages under division (C) (2) 593
of this section. The mandamus action may be commenced in the 594
court of common pleas of the county in which division (B) of 595
this section allegedly was not complied with, in the supreme 596
court pursuant to its original jurisdiction under Section 2 of 597
Article IV, Ohio Constitution, or in the court of appeals for 598
the appellate district in which division (B) of this section 599
allegedly was not complied with pursuant to its original 600
jurisdiction under Section 3 of Article IV, Ohio Constitution. 601

(2) If a requester transmits a written request by hand 602
delivery, electronic submission, or certified mail to inspect or 603
receive copies of any public record in a manner that fairly 604

describes the public record or class of public records to the 605
public office or person responsible for the requested public 606
records, except as otherwise provided in this section, the 607
requester shall be entitled to recover the amount of statutory 608
damages set forth in this division if a court determines that 609
the public office or the person responsible for public records 610
failed to comply with an obligation in accordance with division 611
(B) of this section. 612

The amount of statutory damages shall be fixed at one 613
hundred dollars for each business day during which the public 614
office or person responsible for the requested public records 615
failed to comply with an obligation in accordance with division 616
(B) of this section, beginning with the day on which the 617
requester files a mandamus action to recover statutory damages, 618
up to a maximum of one thousand dollars. The award of statutory 619
damages shall not be construed as a penalty, but as compensation 620
for injury arising from lost use of the requested information. 621
The existence of this injury shall be conclusively presumed. The 622
award of statutory damages shall be in addition to all other 623
remedies authorized by this section. 624

The court may reduce an award of statutory damages or not 625
award statutory damages if the court determines both of the 626
following: 627

(a) That, based on the ordinary application of statutory 628
law and case law as it existed at the time of the conduct or 629
threatened conduct of the public office or person responsible 630
for the requested public records that allegedly constitutes a 631
failure to comply with an obligation in accordance with division 632
(B) of this section and that was the basis of the mandamus 633
action, a well-informed public office or person responsible for 634

the requested public records reasonably would believe that the 635
conduct or threatened conduct of the public office or person 636
responsible for the requested public records did not constitute 637
a failure to comply with an obligation in accordance with 638
division (B) of this section; 639

(b) That a well-informed public office or person 640
responsible for the requested public records reasonably would 641
believe that the conduct or threatened conduct of the public 642
office or person responsible for the requested public records 643
would serve the public policy that underlies the authority that 644
is asserted as permitting that conduct or threatened conduct. 645

(3) In a mandamus action filed under division (C) (1) of 646
this section, the following apply: 647

(a) (i) If the court orders the public office or the person 648
responsible for the public record to comply with division (B) of 649
this section, the court shall determine and award to the relator 650
all court costs, which shall be construed as remedial and not 651
punitive. 652

(ii) If the court makes a determination described in 653
division (C) (3) (b) (iii) of this section, the court shall 654
determine and award to the relator all court costs, which shall 655
be construed as remedial and not punitive. 656

(b) If the court renders a judgment that orders the public 657
office or the person responsible for the public record to comply 658
with division (B) of this section or if the court determines any 659
of the following, the court may award reasonable attorney's fees 660
to the relator, subject to the provisions of division (C) (4) of 661
this section: 662

(i) The public office or the person responsible for the 663

public records failed to respond affirmatively or negatively to 664
the public records request in accordance with the time allowed 665
under division (B) of this section. 666

(ii) The public office or the person responsible for the 667
public records promised to permit the relator to inspect or 668
receive copies of the public records requested within a 669
specified period of time but failed to fulfill that promise 670
within that specified period of time. 671

(iii) The public office or the person responsible for the 672
public records acted in bad faith when the office or person 673
voluntarily made the public records available to the relator for 674
the first time after the relator commenced the mandamus action, 675
but before the court issued any order concluding whether or not 676
the public office or person was required to comply with division 677
(B) of this section. No discovery may be conducted on the issue 678
of the alleged bad faith of the public office or person 679
responsible for the public records. This division shall not be 680
construed as creating a presumption that the public office or 681
the person responsible for the public records acted in bad faith 682
when the office or person voluntarily made the public records 683
available to the relator for the first time after the relator 684
commenced the mandamus action, but before the court issued any 685
order described in this division. 686

(c) The court shall not award attorney's fees to the 687
relator if the court determines both of the following: 688

(i) That, based on the ordinary application of statutory 689
law and case law as it existed at the time of the conduct or 690
threatened conduct of the public office or person responsible 691
for the requested public records that allegedly constitutes a 692
failure to comply with an obligation in accordance with division 693

(B) of this section and that was the basis of the mandamus 694
action, a well-informed public office or person responsible for 695
the requested public records reasonably would believe that the 696
conduct or threatened conduct of the public office or person 697
responsible for the requested public records did not constitute 698
a failure to comply with an obligation in accordance with 699
division (B) of this section; 700

(ii) That a well-informed public office or person 701
responsible for the requested public records reasonably would 702
believe that the conduct or threatened conduct of the public 703
office or person responsible for the requested public records 704
would serve the public policy that underlies the authority that 705
is asserted as permitting that conduct or threatened conduct. 706

(4) All of the following apply to any award of reasonable 707
attorney's fees awarded under division (C) (3) (b) of this 708
section: 709

(a) The fees shall be construed as remedial and not 710
punitive. 711

(b) The fees awarded shall not exceed the total of the 712
reasonable attorney's fees incurred before the public record was 713
made available to the relator and the fees described in division 714
(C) (4) (c) of this section. 715

(c) Reasonable attorney's fees shall include reasonable 716
fees incurred to produce proof of the reasonableness and amount 717
of the fees and to otherwise litigate entitlement to the fees. 718

(d) The court may reduce the amount of fees awarded if the 719
court determines that, given the factual circumstances involved 720
with the specific public records request, an alternative means 721
should have been pursued to more effectively and efficiently 722

resolve the dispute that was subject to the mandamus action 723
filed under division (C) (1) of this section. 724

(5) If the court does not issue a writ of mandamus under 725
division (C) of this section and the court determines at that 726
time that the bringing of the mandamus action was frivolous 727
conduct as defined in division (A) of section 2323.51 of the 728
Revised Code, the court may award to the public office all court 729
costs, expenses, and reasonable attorney's fees, as determined 730
by the court. 731

(D) Chapter 1347. of the Revised Code does not limit the 732
provisions of this section. 733

(E) (1) To ensure that all employees of public offices are 734
appropriately educated about a public office's obligations under 735
division (B) of this section, all elected officials or their 736
appropriate designees shall attend training approved by the 737
attorney general as provided in section 109.43 of the Revised 738
Code. A future official may satisfy the requirements of this 739
division by attending the training before taking office, 740
provided that the future official may not send a designee in the 741
future official's place. 742

(2) All public offices shall adopt a public records policy 743
in compliance with this section for responding to public records 744
requests. In adopting a public records policy under this 745
division, a public office may obtain guidance from the model 746
public records policy developed and provided to the public 747
office by the attorney general under section 109.43 of the 748
Revised Code. Except as otherwise provided in this section, the 749
policy may not limit the number of public records that the 750
public office will make available to a single person, may not 751
limit the number of public records that it will make available 752

during a fixed period of time, and may not establish a fixed 753
period of time before it will respond to a request for 754
inspection or copying of public records, unless that period is 755
less than eight hours. 756

The public office shall distribute the public records 757
policy adopted by the public office under this division to the 758
employee of the public office who is the records custodian or 759
records manager or otherwise has custody of the records of that 760
office. The public office shall require that employee to 761
acknowledge receipt of the copy of the public records policy. 762
The public office shall create a poster that describes its 763
public records policy and shall post the poster in a conspicuous 764
place in the public office and in all locations where the public 765
office has branch offices. The public office may post its public 766
records policy on the internet web site of the public office if 767
the public office maintains an internet web site. A public 768
office that has established a manual or handbook of its general 769
policies and procedures for all employees of the public office 770
shall include the public records policy of the public office in 771
the manual or handbook. 772

(F) (1) The bureau of motor vehicles may adopt rules 773
pursuant to Chapter 119. of the Revised Code to reasonably limit 774
the number of bulk commercial special extraction requests made 775
by a person for the same records or for updated records during a 776
calendar year. The rules may include provisions for charges to 777
be made for bulk commercial special extraction requests for the 778
actual cost of the bureau, plus special extraction costs, plus 779
ten per cent. The bureau may charge for expenses for redacting 780
information, the release of which is prohibited by law. 781

(2) As used in division (F) (1) of this section: 782

(a) "Actual cost" means the cost of depleted supplies, 783
records storage media costs, actual mailing and alternative 784
delivery costs, or other transmitting costs, and any direct 785
equipment operating and maintenance costs, including actual 786
costs paid to private contractors for copying services. 787

(b) "Bulk commercial special extraction request" means a 788
request for copies of a record for information in a format other 789
than the format already available, or information that cannot be 790
extracted without examination of all items in a records series, 791
class of records, or database by a person who intends to use or 792
forward the copies for surveys, marketing, solicitation, or 793
resale for commercial purposes. "Bulk commercial special 794
extraction request" does not include a request by a person who 795
gives assurance to the bureau that the person making the request 796
does not intend to use or forward the requested copies for 797
surveys, marketing, solicitation, or resale for commercial 798
purposes. 799

(c) "Commercial" means profit-seeking production, buying, 800
or selling of any good, service, or other product. 801

(d) "Special extraction costs" means the cost of the time 802
spent by the lowest paid employee competent to perform the task, 803
the actual amount paid to outside private contractors employed 804
by the bureau, or the actual cost incurred to create computer 805
programs to make the special extraction. "Special extraction 806
costs" include any charges paid to a public agency for computer 807
or records services. 808

(3) For purposes of divisions (F) (1) and (2) of this 809
section, "surveys, marketing, solicitation, or resale for 810
commercial purposes" shall be narrowly construed and does not 811
include reporting or gathering news, reporting or gathering 812

information to assist citizen oversight or understanding of the 813
operation or activities of government, or nonprofit educational 814
research. 815

(G) A request by a defendant, counsel of a defendant, or 816
any agent of a defendant in a criminal action that public 817
records related to that action be made available under this 818
section shall be considered a demand for discovery pursuant to 819
the Criminal Rules, except to the extent that the Criminal Rules 820
plainly indicate a contrary intent. The defendant, counsel of 821
the defendant, or agent of the defendant making a request under 822
this division shall serve a copy of the request on the 823
prosecuting attorney, director of law, or other chief legal 824
officer responsible for prosecuting the action. 825

Sec. 149.45. (A) As used in this section: 826

(1) "Personal information" means any of the following: 827

(a) An individual's social security number; 828

(b) An individual's state or federal tax identification 829
number; 830

(c) An individual's driver's license number or state 831
identification number; 832

(d) An individual's checking account number, savings 833
account number, credit card number, or debit card number; 834

(e) An individual's demand deposit account number, money 835
market account number, mutual fund account number, or any other 836
financial or medical account number. 837

(2) "Public record" and "peace officer, parole officer, 838
probation officer, bailiff, prosecuting attorney, assistant 839
prosecuting attorney, correctional employee, county or 840

multicounty corrections officer, community-based correctional 841
facility employee, youth services employee, firefighter, EMT, 842
investigator of the bureau of criminal identification and 843
investigation, or federal law enforcement officer residential 844
and familial information" have the same meanings as in section 845
149.43 of the Revised Code. 846

(3) "Truncate" means to redact all but the last four 847
digits of an individual's social security number. 848

(B) (1) No public office or person responsible for a public 849
office's public records shall make available to the general 850
public on the internet any document that contains an 851
individual's social security number without otherwise redacting, 852
encrypting, or truncating the social security number. 853

(2) A public office or person responsible for a public 854
office's public records that prior to October 17, 2011, made 855
available to the general public on the internet any document 856
that contains an individual's social security number shall 857
redact, encrypt, or truncate the social security number from 858
that document. 859

(3) Divisions (B) (1) and (2) of this section do not apply 860
to documents that are only accessible through the internet with 861
a password. 862

(C) (1) An individual may request that a public office or a 863
person responsible for a public office's public records redact 864
personal information of that individual from any record made 865
available to the general public on the internet. An individual 866
who makes a request for redaction pursuant to this division 867
shall make the request in writing on a form developed by the 868
attorney general and shall specify the personal information to 869

be redacted and provide any information that identifies the 870
location of that personal information within a document that 871
contains that personal information. 872

(2) Upon receiving a request for a redaction pursuant to 873
division (C) (1) of this section, a public office or a person 874
responsible for a public office's public records shall act 875
within five business days in accordance with the request to 876
redact the personal information of the individual from any 877
record made available to the general public on the internet, if 878
practicable. If a redaction is not practicable, the public 879
office or person responsible for the public office's public 880
records shall verbally or in writing within five business days 881
after receiving the written request explain to the individual 882
why the redaction is impracticable. 883

(3) The attorney general shall develop a form to be used 884
by an individual to request a redaction pursuant to division (C) 885
(1) of this section. The form shall include a place to provide 886
any information that identifies the location of the personal 887
information to be redacted. 888

(D) (1) A peace officer, parole officer, probation officer, 889
bailiff, prosecuting attorney, assistant prosecuting attorney, 890
correctional employee, county or multicounty corrections 891
officer, community-based correctional facility employee, youth 892
services employee, firefighter, EMT, investigator of the bureau 893
of criminal identification and investigation, or federal law 894
enforcement officer may request that a public office other than 895
a county auditor or a person responsible for the public records 896
of a public office other than a county auditor redact the 897
address of the person making the request from any record made 898
available to the general public on the internet that includes 899

peace officer, parole officer, probation officer, bailiff, 900
prosecuting attorney, assistant prosecuting attorney, 901
correctional employee, county or multicounty corrections 902
officer, community-based correctional facility employee, youth 903
services employee, firefighter, EMT, investigator of the bureau 904
of criminal identification and investigation, or federal law 905
enforcement officer residential and familial information of the 906
person making the request. A person who makes a request for a 907
redaction pursuant to this division shall make the request in 908
writing and on a form developed by the attorney general. 909

(2) Upon receiving a written request for a redaction 910
pursuant to division (D)(1) of this section, a public office 911
other than a county auditor or a person responsible for the 912
public records of a public office other than a county auditor 913
shall act within five business days in accordance with the 914
request to redact the address of the peace officer, parole 915
officer, probation officer, bailiff, prosecuting attorney, 916
assistant prosecuting attorney, correctional employee, county or 917
multicounty corrections officer, community-based correctional 918
facility employee, youth services employee, firefighter, EMT, 919
investigator of the bureau of criminal identification and 920
investigation, or federal law enforcement officer making the 921
request from any record made available to the general public on 922
the internet that includes peace officer, parole officer, 923
probation officer, bailiff, prosecuting attorney, assistant 924
prosecuting attorney, correctional employee, county or 925
multicounty corrections officer, community-based correctional 926
facility employee, youth services employee, firefighter, EMT, 927
investigator of the bureau of criminal identification and 928
investigation, or federal law enforcement officer residential 929
and familial information of the person making the request, if 930

practicable. If a redaction is not practicable, the public 931
office or person responsible for the public office's public 932
records shall verbally or in writing within five business days 933
after receiving the written request explain to the peace 934
officer, parole officer, probation officer, bailiff, prosecuting 935
attorney, assistant prosecuting attorney, correctional employee, 936
county or multicounty corrections officer, community-based 937
correctional facility employee, youth services employee, 938
firefighter, EMT, investigator of the bureau of criminal 939
identification and investigation, or federal law enforcement 940
officer why the redaction is impracticable. 941

(3) Except as provided in this section and section 319.28 942
of the Revised Code, a public office other than an employer of a 943
peace officer, parole officer, probation officer, bailiff, 944
prosecuting attorney, assistant prosecuting attorney, 945
correctional employee, county or multicounty corrections 946
officer, community-based correctional facility employee, youth 947
services employee, firefighter, EMT, investigator of the bureau 948
of criminal identification and investigation, or federal law 949
enforcement officer or a person responsible for the public 950
records of the employer is not required to redact the 951
residential and familial information of the peace officer, 952
parole officer, probation officer, bailiff, prosecuting 953
attorney, assistant prosecuting attorney, correctional employee, 954
county or multicounty corrections officer, community-based 955
correctional facility employee, youth services employee, 956
firefighter, EMT, investigator of the bureau of criminal 957
identification and investigation, or federal law enforcement 958
officer from other records maintained by the public office. 959

(4) The attorney general shall develop a form to be used 960
by a peace officer, parole officer, probation officer, bailiff, 961

prosecuting attorney, assistant prosecuting attorney, 962
correctional employee, county or multicounty corrections 963
officer, community-based correctional facility employee, youth 964
services employee, firefighter, EMT, investigator of the bureau 965
of criminal identification and investigation, or federal law 966
enforcement officer to request a redaction pursuant to division 967
(D) (1) of this section. The form shall include a place to 968
provide any information that identifies the location of the 969
address of a peace officer, parole officer, probation officer, 970
bailiff, prosecuting attorney, assistant prosecuting attorney, 971
correctional employee, county or multicounty corrections 972
officer, community-based correctional facility employee, youth 973
services employee, firefighter, EMT, investigator of the bureau 974
of criminal identification and investigation, or federal law 975
enforcement officer to be redacted. 976

(E) (1) If a public office or a person responsible for a 977
public office's public records becomes aware that an electronic 978
record of that public office that is made available to the 979
general public on the internet contains an individual's social 980
security number that was mistakenly not redacted, encrypted, or 981
truncated as required by division (B) (1) or (2) of this section, 982
the public office or person responsible for the public office's 983
public records shall redact, encrypt, or truncate the 984
individual's social security number within a reasonable period 985
of time. 986

(2) A public office or a person responsible for a public 987
office's public records is not liable in damages in a civil 988
action for any harm an individual allegedly sustains as a result 989
of the inclusion of that individual's personal information on 990
any record made available to the general public on the internet 991
or any harm a peace officer, parole officer, probation officer, 992

bailiff, prosecuting attorney, assistant prosecuting attorney, 993
correctional employee, county or multicounty corrections 994
officer, community-based correctional facility employee, youth 995
services employee, firefighter, EMT, investigator of the bureau 996
of criminal identification and investigation, or federal law 997
enforcement officer sustains as a result of the inclusion of the 998
address of the peace officer, parole officer, probation officer, 999
bailiff, prosecuting attorney, assistant prosecuting attorney, 1000
correctional employee, county or multicounty corrections 1001
officer, community-based correctional facility employee, youth 1002
services employee, firefighter, EMT, investigator of the bureau 1003
of criminal identification and investigation, or federal law 1004
enforcement officer on any record made available to the general 1005
public on the internet in violation of this section unless the 1006
public office or person responsible for the public office's 1007
public records acted with malicious purpose, in bad faith, or in 1008
a wanton or reckless manner or division (A) (6) (a) or (c) of 1009
section 2744.03 of the Revised Code applies. 1010

Sec. 2903.32. (A) (1) No person shall knowingly circumcise, 1011
excise, or infibulate any part of the labia majora or labia 1012
minora or clitoris of another person who is under the age of 1013
eighteen. 1014

(2) No person shall knowingly transport a minor to a 1015
facility or location for the purpose of facilitating the 1016
commission of an offense prohibited by division (A) (1) of this 1017
section. 1018

(B) Whoever violates this section is guilty of female 1019
genital mutilation, a felony of the second degree. In addition 1020
to any prison term authorized by section 2929.14 of the Revised 1021
Code and any fine authorized by section 2929.18 of the Revised 1022

Code, the court shall impose on the offender an additional fine 1023
of up to twenty-five thousand dollars. 1024

(C) This section does not apply to a procedure performed 1025
for medical purposes if the act is performed by a physician or 1026
licensed health care professional and the act is within the 1027
scope of the actor's license. 1028

(D) None of the following are defenses to a violation of 1029
this section: 1030

(1) Cultural or ritual necessity; 1031

(2) Consent of the minor; 1032

(3) Consent of the parent or guardian of the minor. 1033

(E) As used in this section: 1034

(1) "Physician" means a person authorized under Chapter 1035
4731. of the Revised Code to practice medicine and surgery or 1036
osteopathic medicine and surgery. 1037

(2) "Licensed health care professional" means an 1038
individual, other than a physician, who is authorized under 1039
Title XLVII of the Revised Code to practice a health care 1040
profession. 1041

Section 2. That existing sections 149.43 and 149.45 of the 1042
Revised Code are hereby repealed. 1043

Section 3. The amendments to sections 149.43 and 149.45 of 1044
the Revised Code made by this act shall be known as the "Victims 1045
Privacy and Protection Act." 1046

Section 4. Section 149.43 of the Revised Code is presented 1047
in this act as a composite of the section as amended by Am. Sub. 1048
H.B. 8, Sub. H.B. 34, and Sub. H.B. 312, all of the 132nd 1049

General Assembly. The General Assembly, applying the principle 1050
stated in division (B) of section 1.52 of the Revised Code that 1051
amendments are to be harmonized if reasonably capable of 1052
simultaneous operation, finds that the composite is the 1053
resulting version of the section in effect prior to the 1054
effective date of the section as presented in this act. 1055

Section 149.45 of the Revised Code is presented in this 1056
act as a composite of the section as amended by both Sub. H.B. 1057
317 and Sub. H.B. 359 of the 131st General Assembly. The General 1058
Assembly, applying the principle stated in division (B) of 1059
section 1.52 of the Revised Code that amendments are to be 1060
harmonized if reasonably capable of simultaneous operation, 1061
finds that the composite is the resulting version of the section 1062
in effect prior to the effective date of the section as 1063
presented in this act. 1064