

As Reported by the House Commerce and Labor Committee

131st General Assembly

Regular Session

2015-2016

Sub. H. B. No. 172

Representative Barnes

A BILL

To enact section 2927.21 of the Revised Code to
prohibit a person engaged in publishing or
disseminating 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 2927.21 of the Revised Code be
enacted to read as follows:

Sec. 2927.21. (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 19
section 109.573 of the Revised Code. 20

(4) "Subject individual" means an individual who was 21
arrested and had the subject individual's photograph taken by a 22
law enforcement agency during the processing of the arrest. 23

(B) No person engaged in publishing or otherwise 24
disseminating criminal record information through a print or 25
electronic medium shall negligently solicit or accept from a 26
subject individual the payment of a fee or other consideration 27
to remove, correct, modify, or refrain from publishing or 28
otherwise disseminating criminal record information. 29

(C) A violation of division (B) of this section is misuse 30
of criminal record information, a misdemeanor of the first 31
degree. 32

(D) Each payment solicited or accepted in violation of 33
this section constitutes a separate violation. 34

(E) In a civil action brought pursuant to section 2307.60 35
of the Revised Code for a violation of this section, a subject 36
individual who suffers a loss or harm as a result of the 37
violation may be awarded an amount equal to ten thousand dollars 38
or actual and punitive damages, whichever is greater, and in 39
addition may be awarded reasonable attorney's fees, court costs, 40
and any other remedies provided by law. Humiliation or 41
embarrassment shall be adequate to show that the plaintiff has 42
incurred damages. No physical manifestation of either 43
humiliation or embarrassment is necessary for damages to be 44
shown. 45