

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 193

Representatives Clyde, Fedor

Cosponsors: Representatives Johnson, G., Lepore-Hagan, Phillips, Antonio

A BILL

To amend sections 149.43, 149.45, 319.28, 319.54, 1
2903.213, 2903.214, 3113.31, 3503.15, and 2
3509.03 and to enact sections 111.31, 111.32, 3
111.321, 111.33, 111.34, 111.35, 111.36, 111.37, 4
111.38, 111.39, 111.40, 2901.44, and 3503.151 of 5
the Revised Code to establish an address 6
confidentiality program for individuals who 7
reasonably believe that they are in danger of 8
being threatened or physically harmed by another 9
person, to exclude the residential and familial 10
information of a federal law enforcement officer 11
from the definition of a public record, to 12
include federal law enforcement officers among 13
the protected individuals who are authorized to 14
request a public office other than the county 15
auditor to redact the person's address from any 16
record made available to the general public on 17
the internet, and to include those officers 18
among the protected individuals who may request 19
the county auditor to replace the person's name 20
with the person's initials on the general tax 21
list and duplicate. 22

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

Section 1. That sections 149.43, 149.45, 319.28, 319.54, 23
2903.213, 2903.214, 3113.31, 3503.15, and 3509.03 be amended and 24
sections 111.31, 111.32, 111.321, 111.33, 111.34, 111.35, 25
111.36, 111.37, 111.38, 111.39, 111.40, 2901.44, and 3503.151 of 26
the Revised Code be enacted to read as follows: 27

Sec. 111.31. As used in sections 111.31 to 111.40 of the 28
Revised Code: 29

(A) "Address" means a residential street address, school 30
address, or work address of a person as specified on an 31
application to be a program participant under section 111.32 of 32
the Revised Code. 33

(B) "Application assistant" means a person who is 34
designated by the secretary of state to help individuals 35
complete applications to be program participants and who has 36
received training and certification from the secretary of state 37
for that purpose. 38

(C) "Confidential address" means an address that is 39
required to be kept confidential once a program participant is 40
certified under division (C) of section 111.32 of the Revised 41
Code. 42

(D) "Governmental entity" means the state, a political 43
subdivision of the state, or any department, agency, board, 44
commission, or other instrumentality of the state or a political 45
subdivision of the state. 46

(E) "Guardian," "incompetent," "parent," and "ward" have 47
the same meanings as in section 2111.01 of the Revised Code. 48

(F) "Program participant" means a person certified as a program participant under sections 111.31 to 111.40 of the Revised Code. 49
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(G) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code. 52
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(H) "Tier I sex offender/child-victim offender," "tier II sex offender/child-victim offender," and "tier III sex offender/child-victim offender" have the same meanings as in section 2950.01 of the Revised Code. 54
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Sec. 111.32. (A) Subject to division (E) of this section, an adult person, a parent, or a guardian acting on behalf of a minor, incompetent, or ward may apply with the assistance of an application assistant to the secretary of state to have an address designated by the secretary of state serve as the person's address or the address of the minor, incompetent, or ward. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed under sections 111.31 to 111.40 of the Revised Code and if it contains all of the following: 58
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(1) A sworn statement by the applicant that the applicant fears for the safety of the applicant, the applicant's children, or the minor, incompetent, or ward on whose behalf the application is made and that one or more of the following apply: 68
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(a) The applicant provides proof that the applicant, any of the applicant's children, or the minor, incompetent, or ward on whose behalf the application is made is a victim of a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2911.211, 2919.22, or 2919.25 of the 72
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Revised Code. 78

(b) The applicant provides proof that the applicant, any 79
of the applicant's children, or the minor, incompetent, or ward 80
on whose behalf the application is made has a protection order 81
issued or consent agreement approved under section 2903.213, 82
2903.214, or 3113.31 of the Revised Code or a protection order 83
issued by a court of another state that has been registered 84
under section 2919.272 of the Revised Code. 85

(c) The applicant reasonably fears that the applicant, any 86
of the applicant's children, or the minor, incompetent, or ward 87
on whose behalf the application is made is in danger of being 88
threatened or physically harmed by another person. 89

(2) A designation of the secretary of state as the agent 90
for the purposes of receiving service of process and the receipt 91
of mail; 92

(3) The mailing address at which the applicant may be 93
contacted by the secretary of state, and the telephone number or 94
numbers at which the applicant may be called by the secretary of 95
state; 96

(4) The new address or addresses that the applicant 97
requests not be disclosed for the reason that disclosure will 98
increase the risk that the applicant, the applicant's children, 99
or the minor, incompetent, or ward on whose behalf the 100
application is made will be threatened or physically harmed by 101
another person; 102

(5) The signature of the applicant, the name, work 103
address, and signature of the application assistant who assisted 104
the applicant in applying to become a program participant, and 105
the date on which the applicant and application assistant signed 106

the application; 107

(6) The name, occupation if known, and contact information 108
if known of the person the applicant reasonably believes will 109
threaten or physically harm the applicant, the applicant's 110
children, or the minor, incompetent, or ward on whose behalf the 111
application is made. 112

(B) Any person who files an application under division (A) 113
of this section shall file the application with the office of 114
the secretary of state. 115

(C) Upon the filing of a properly completed application, 116
the secretary of state shall certify the applicant or the minor, 117
incompetent, or ward on whose behalf the application is filed as 118
a program participant. The certification of a program 119
participant shall be valid for four years after the date of the 120
filing of the application for the program participant unless the 121
certification is withdrawn or invalidated before the end of that 122
four-year period. A program participant may renew the program 123
participant's certification pursuant to the renewal procedure 124
adopted by the secretary of state under section 111.40 of the 125
Revised Code. 126

(D) No person shall falsely attest in an application that 127
disclosure of the applicant's address would endanger the 128
applicant's safety, the safety of the applicant's children, or 129
the safety of the minor, incompetent, or ward on whose behalf 130
the application is made or knowingly provide false or incorrect 131
information upon making an application. A violation of this 132
prohibition shall be grounds for removal from the address 133
confidentiality program. 134

(E) No tier I sex offender/child-victim offender, tier II 135

sex offender/child-victim offender, or tier III sex 136
offender/child-victim offender is eligible to apply to the 137
secretary of state to have an address designated by the 138
secretary of state serve as the person's address under sections 139
111.31 to 111.40 of the Revised Code. 140

Sec. 111.321. (A) In any criminal action involving a 141
violation of section 2903.11, 2903.12, 2903.13, 2903.21, 142
2903.211, 2903.22, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 143
2907.07, 2907.08, 2907.09, 2911.211, 2919.22, or 2919.25 of the 144
Revised Code, upon the conviction or plea of guilty of the 145
defendant, the court shall notify in writing the victim of the 146
offense if an adult person or a parent or guardian acting on 147
behalf of the victim who is a minor, incompetent, or ward of the 148
right of the person to apply with the assistance of an 149
application assistant to the secretary of state under sections 150
111.31 to 111.40 of the Revised Code to have an address 151
designated by the secretary of state serve as the person's 152
address or the address of the minor, incompetent, or ward. The 153
person may apply with the assistance of an application assistant 154
to the secretary of state pursuant to those sections to have an 155
address designated by the secretary of state serve as the 156
person's address or the address of the minor, incompetent, or 157
ward. 158

(B) In any proceeding under section 2903.213 of the 159
Revised Code, upon the issuance of a protection order, the court 160
shall notify in writing the person who filed the motion for the 161
protection order of the right of the person to apply with the 162
assistance of an application assistant to the secretary of state 163
under sections 111.31 to 111.40 of the Revised Code to have an 164
address designated by the secretary of state serve as the 165
person's address or the address of the person on whose behalf 166

the protection order was issued. The person who filed the motion 167
for the protection order may apply with the assistance of an 168
application assistant to the secretary of state pursuant to 169
those sections to have an address designated by the secretary of 170
state serve as the person's address or the address of the person 171
on whose behalf the protection order was issued. 172

(C) In any proceeding under section 2903.214 or 3113.31 of 173
the Revised Code, upon the issuance of a protection order or the 174
approval of a consent agreement, the court shall notify in 175
writing the petitioner in the proceeding of the right of the 176
petitioner to apply with the assistance of an application 177
assistant to the secretary of state under sections 111.31 to 178
111.40 of the Revised Code to have an address designated by the 179
secretary of state serve as the petitioner's address or the 180
address of the person on whose behalf the protection order was 181
issued or the consent agreement was approved. The petitioner may 182
apply with the assistance of an application assistant to the 183
secretary of state pursuant to those sections to have an address 184
designated by the secretary of state serve as the petitioner's 185
address or the address of the person on whose behalf the 186
protection order was issued or the consent agreement was 187
approved. 188

Sec. 111.33. (A) A program participant may request that a 189
governmental entity use the address designated by the secretary 190
of state as the program participant's address. Except as 191
otherwise provided in division (D) of this section, if the 192
program participant requests that a governmental entity use that 193
address, the governmental entity shall accept that address. 194

(B) A program participant may use the address designated 195
by the secretary of state as the program participant's address 196

at the program participant's place of employment. 197

(C) (1) The office of the secretary of state shall daily 198
place all first class mail of a program participant that the 199
secretary of state receives that day into an envelope or package 200
and mail that envelope or package to the program participant at 201
the mailing address of the program participant provided in the 202
program participant's application under section 111.32 of the 203
Revised Code. 204

(2) The secretary of state may contract with the United 205
States postal service to establish special postal rates for the 206
envelopes or packages used in mailing a program participant's 207
first class mail under this section. 208

(D) Division (A) of this section does not apply to a 209
municipal-owned public utility. The confidential addresses of 210
participants of the address confidentiality program that are 211
maintained by a municipal-owned public utility are not a public 212
record and shall not be released by a municipal-owned public 213
utility or by any employee of a municipal-owned public utility. 214

Sec. 111.34. (A) Except as otherwise provided in this 215
section, a program participant who is a qualified elector may 216
vote by absent voter's ballots under Chapter 3509. of the 217
Revised Code. The program participant shall apply to the 218
secretary of state for those ballots using the participant's 219
confidential address. Bipartisan teams of employees of the 220
office of the secretary of state shall determine the precinct in 221
which the program participant resides and the ballot style that 222
the program participant should receive and shall request the 223
program participant absent voter's ballot from the board of 224
elections. The board of elections shall send to the secretary of 225
state the ballots appropriate for the precinct where the 226

participant's true residence is located. The office of the 227
secretary of state shall forward the ballot to the program 228
participant and instruct the program participant to return the 229
program participant's ballot to the office of the secretary of 230
state. Bipartisan teams of employees of the office of the 231
secretary of state shall verify that the program participant is 232
registered and eligible to vote using the secretary of state's 233
participant voter registration system and that the ballot 234
envelope was properly completed before forwarding for tabulation 235
the ballot to the board of elections in the county where the 236
program participant voter resides. The absent voter's ballots 237
provided to program participants shall be referred to as "ACP 238
absent voter's ballots." The board of elections shall accept all 239
ballots forwarded by the secretary of state that are postmarked 240
prior to election day for up to ten days after election day. 241

(B) Each employee of the office of the secretary of state 242
who serves on a bipartisan team that handles program 243
participants' absent voter's ballots shall subscribe to an oath 244
that the employee will faithfully execute the employee's duties 245
to the best of the employee's ability. 246

(C) Except as otherwise provided in sections 111.35 and 247
111.36 of the Revised Code and notwithstanding any provision of 248
sections 3503.15 and 3503.26 or any other section of the Revised 249
Code to the contrary, the secretary of state shall not disclose 250
or make a program participant's voter registration record 251
available for public inspection or copying. A program 252
participant's voter registration record will be subject to a 253
mandatory audit every four years by the auditor of state. The 254
results of that audit are not a public record and shall be kept 255
only by the auditor of state and the secretary of state. 256

(D) "Bipartisan teams" means two designated employees of 257
the office of the secretary of state who are from different 258
political parties. 259

Sec. 111.35. (A) A person may petition the court of common 260
pleas of Franklin county for a hearing to order the secretary of 261
state to make a program participant's confidential address 262
available to the person. 263

(B) Upon the filing of a petition under this section, the 264
court shall fix a date for a hearing on it and require the clerk 265
of the court of common pleas of Franklin county to serve a 266
notice of the date, time, place, and purpose of the hearing upon 267
the petitioner and the program participant. The clerk shall 268
notify by electronic means the secretary of state on behalf of 269
the program participant and shall send the notice by certified 270
mail, return receipt requested, to the participant. 271

(C) Upon receipt of a notice under division (B) of this 272
section by the secretary of state, the secretary of state shall 273
forward by certified mail, return receipt requested, a copy of 274
the individual notice to the program participant at the program 275
participant's confidential address. The return receipt shall be 276
addressed to the clerk of the applicable court of common pleas. 277
The court shall not hear the petition until the clerk receives 278
the return receipt containing proof of service of the notice 279
upon the program participant. 280

(D) At a hearing under this section, the program 281
participant or the program participant's attorney may appear and 282
be heard. After the hearing and considering the testimony, the 283
court shall issue the requested order only if good cause is 284
shown for the order and it appears to the court by clear and 285
convincing evidence that the disclosure of the program 286

participant's confidential address will not increase the risk 287
that the program participant will be threatened or harmed by 288
another person. 289

Sec. 111.36. (A) Notwithstanding any provision of sections 290
3503.15 and 3503.26 or any other section of the Revised Code to 291
the contrary, the secretary of state shall not disclose or make 292
a program participant's confidential address available for 293
inspection or copying, except under the following circumstances: 294

(1) (a) The secretary of state shall disclose a program 295
participant's confidential address to a law enforcement officer, 296
prosecuting attorney, city director of law, or similar chief 297
legal officer, or their designees, acting pursuant to a search 298
warrant, subpoena, or court order. 299

(b) A law enforcement officer may obtain the confidential 300
address of a program participant from an electronic database 301
maintained by the secretary of state under section 111.40 of the 302
Revised Code and accessed through existing electronic databases 303
that are regularly used by law enforcement officers if none of 304
the following applies to the law enforcement officer: 305

(i) The officer is the offender of a violation as 306
described in division (A) (1) (a) of section 111.32 of the Revised 307
Code. 308

(ii) The officer is the person against whom a protection 309
order is issued or a consent agreement is approved as described 310
in division (A) (1) (b) of section 111.32 of the Revised Code. 311

(iii) The officer is the person an applicant reasonably 312
fears as causing the danger of being threatened or physically 313
harmed as described in division (A) (1) (c) of section 111.32 of 314
the Revised Code. 315

(2) If a court orders that a program participant's confidential address be made available to a person under section 111.35 of the Revised Code, the secretary of state shall make it available to the person named in the court order. 316
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(3) If the secretary of state has canceled a program participant's certification under section 111.37 of the Revised Code, the secretary of state may make the address available for inspection or copying under section 3503.26 of the Revised Code. 320
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(B) (1) No person who obtains the confidential address of a program participant from the office of the secretary of state shall, with knowledge that the confidential address is protected in the address confidentiality program established under sections 111.31 to 111.40 of the Revised Code, knowingly disclose the confidential address to any person not authorized to receive that confidential address. 324
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(2) Division (B) (1) of this section does not apply to either of the following: 331
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(a) Any disclosure of the confidential address of a program participant to a law enforcement officer acting within the scope of the officer's duties in the investigation or prosecution of a criminal offense; 333
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(b) Any disclosure of the confidential address of a program participant in any grand jury proceeding, any judicial proceeding, or any filing, notice, discovery, motion, or other process incident to a judicial proceeding. 337
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(3) Whoever violates division (B) (1) of this section is guilty of a felony of the fifth degree. 341
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Sec. 111.37. (A) The secretary of state shall immediately cancel the certification of a program participant under either 343
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of the following circumstances: 345

(1) The program participant's application contained one or 346
more false statements. 347

(2) The program participant requests to cease being a 348
program participant. 349

(B) The secretary of state may cancel the certification of 350
a program participant if the program participant's address 351
changes from any address listed on the application made under 352
section 111.32 of the Revised Code, unless the program 353
participant or the person who applied for the program on behalf 354
of the program participant provides the secretary of state with 355
written notice of the change of address within five days after 356
the change of address occurs. 357

Sec. 111.38. (A) The secretary of state may designate one 358
or more employees or volunteers of various shelters for victims 359
of domestic violence or other agencies within a county that 360
serve victims of abuse to serve as application assistants for 361
the applicants. 362

(B) Application assistants shall comply with the 363
requirements for training and certification adopted by the 364
secretary of state under section 111.40 of the Revised Code. 365

Sec. 111.39. (A) Notwithstanding any provision of Chapter 366
2743. or any other section of the Revised Code to the contrary, 367
the state and the office of the secretary of state are not 368
liable in damages for injury, death, or loss to person or 369
property that allegedly arises from the performance of the 370
secretary of state's duties under sections 111.31 to 111.40 of 371
the Revised Code. Section 9.86 of the Revised Code applies to 372
all officers and employees of the office of the secretary of 373

state in relation to that performance. 374

(B) Any assistance or counseling rendered to program 375
applicants or program participants by the office of the 376
secretary of state or by certified application assistants is not 377
legal advice. 378

Sec. 111.40. (A) The secretary of state shall adopt rules 379
under Chapter 119. of the Revised Code to facilitate the 380
administration of sections 111.31 to 111.40 of the Revised Code. 381

(B) The secretary of state also shall adopt rules under 382
Chapter 119. of the Revised Code to establish the following: 383

(1) Guidelines for maintaining the confidentiality of the 384
voter registration records of program participants; 385

(2) Requirements for the training and certification of 386
application assistants; 387

(3) The application for certification as a program 388
participant; 389

(4) The procedure for renewal of certification as a 390
program participant. 391

(C) The secretary of state shall prescribe forms necessary 392
for the administration of the address confidentiality program, 393
including, but not limited to, an address confidentiality 394
program identification card. Application assistants and other 395
persons involved in registering participants in the address 396
confidentiality program shall use the forms prescribed by the 397
secretary of state. 398

(D) (1) The secretary of state shall maintain an electronic 399
database that contains the names and confidential addresses of 400
participants in the address confidentiality program and any 401

other information that the secretary of state considers 402
appropriate regarding the participants. Except as otherwise 403
provided in this division, the database is not a public record 404
open for inspection under section 149.43 of the Revised Code. 405
Subject to division (A)(1)(b) of section 111.36 of the Revised 406
Code, any law enforcement officer may access the database to 407
obtain the confidential address of a program participant. 408

(2) The secretary of state and the attorney general shall 409
enter into a memorandum of understanding to make any data 410
pertaining to participants in the address confidentiality 411
program available in a secure manner to law enforcement officers 412
while maintaining a high level of safety for program 413
participants. 414

Sec. 149.43. (A) As used in this section: 415

(1) "Public record" means records kept by any public 416
office, including, but not limited to, state, county, city, 417
village, township, and school district units, and records 418
pertaining to the delivery of educational services by an 419
alternative school in this state kept by the nonprofit or for- 420
profit entity operating the alternative school pursuant to 421
section 3313.533 of the Revised Code. "Public record" does not 422
mean any of the following: 423

(a) Medical records; 424

(b) Records pertaining to probation and parole proceedings 425
or to proceedings related to the imposition of community control 426
sanctions and post-release control sanctions; 427

(c) Records pertaining to actions under section 2151.85 428
and division (C) of section 2919.121 of the Revised Code and to 429
appeals of actions arising under those sections; 430

(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;	431 432 433
(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;	434 435 436 437 438 439
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	440 441
(g) Trial preparation records;	442
(h) Confidential law enforcement investigatory records;	443
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	444 445
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	446 447
(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;	448 449 450 451
(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;	452 453 454 455
(m) Intellectual property records;	456
(n) Donor profile records;	457

(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code; 458
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(p) Peace officer, parole officer, probation officer, 460
bailiff, prosecuting attorney, assistant prosecuting attorney, 461
correctional employee, community-based correctional facility 462
employee, youth services employee, firefighter, EMT, ~~or~~ 463
investigator of the bureau of criminal identification and 464
investigation, or federal law enforcement officer residential 465
and familial information; 466

(q) In the case of a county hospital operated pursuant to 467
Chapter 339. of the Revised Code or a municipal hospital 468
operated pursuant to Chapter 749. of the Revised Code, 469
information that constitutes a trade secret, as defined in 470
section 1333.61 of the Revised Code; 471

(r) Information pertaining to the recreational activities 472
of a person under the age of eighteen; 473

(s) Records provided to, statements made by review board 474
members during meetings of, and all work products of a child 475
fatality review board acting under sections 307.621 to 307.629 476
of the Revised Code, and child fatality review data submitted by 477
the child fatality review board to the department of health or a 478
national child death review database, other than the report 479
prepared pursuant to division (A) of section 307.626 of the 480
Revised Code; 481

(t) Records provided to and statements made by the 482
executive director of a public children services agency or a 483
prosecuting attorney acting pursuant to section 5153.171 of the 484
Revised Code other than the information released under that 485
section; 486

(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	487 488 489 490 491 492
(v) Records the release of which is prohibited by state or federal law;	493 494
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	495 496 497
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	498 499 500 501 502 503
(y) Records listed in section 5101.29 of the Revised Code;	504
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section;	505 506 507
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	508 509 510
(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;	511 512 513
(cc) Information and records that are made confidential,	514

privileged, and not subject to disclosure under divisions (B) 515
and (C) of section 2949.221 of the Revised Code; 516

(dd) Subject to any provision in sections 111.31 to 111.40 517
of the Revised Code, the confidential address of a participant 518
of the address confidentiality program, and all of the records 519
pertaining to the address confidentiality program, established 520
under those sections. 521

(2) "Confidential law enforcement investigatory record" 522
means any record that pertains to a law enforcement matter of a 523
criminal, quasi-criminal, civil, or administrative nature, but 524
only to the extent that the release of the record would create a 525
high probability of disclosure of any of the following: 526

(a) The identity of a suspect who has not been charged 527
with the offense to which the record pertains, or of an 528
information source or witness to whom confidentiality has been 529
reasonably promised; 530

(b) Information provided by an information source or 531
witness to whom confidentiality has been reasonably promised, 532
which information would reasonably tend to disclose the source's 533
or witness's identity; 534

(c) Specific confidential investigatory techniques or 535
procedures or specific investigatory work product; 536

(d) Information that would endanger the life or physical 537
safety of law enforcement personnel, a crime victim, a witness, 538
or a confidential information source. 539

(3) "Medical record" means any document or combination of 540
documents, except births, deaths, and the fact of admission to 541
or discharge from a hospital, that pertains to the medical 542
history, diagnosis, prognosis, or medical condition of a patient 543

and that is generated and maintained in the process of medical 544
treatment. 545

(4) "Trial preparation record" means any record that 546
contains information that is specifically compiled in reasonable 547
anticipation of, or in defense of, a civil or criminal action or 548
proceeding, including the independent thought processes and 549
personal trial preparation of an attorney. 550

(5) "Intellectual property record" means a record, other 551
than a financial or administrative record, that is produced or 552
collected by or for faculty or staff of a state institution of 553
higher learning in the conduct of or as a result of study or 554
research on an educational, commercial, scientific, artistic, 555
technical, or scholarly issue, regardless of whether the study 556
or research was sponsored by the institution alone or in 557
conjunction with a governmental body or private concern, and 558
that has not been publicly released, published, or patented. 559

(6) "Donor profile record" means all records about donors 560
or potential donors to a public institution of higher education 561
except the names and reported addresses of the actual donors and 562
the date, amount, and conditions of the actual donation. 563

(7) "Peace officer, parole officer, probation officer, 564
bailiff, prosecuting attorney, assistant prosecuting attorney, 565
correctional employee, community-based correctional facility 566
employee, youth services employee, firefighter, EMT, ~~or~~ 567
investigator of the bureau of criminal identification and 568
investigation, or federal law enforcement officer residential 569
and familial information" means any information that discloses 570
any of the following about a peace officer, parole officer, 571
probation officer, bailiff, prosecuting attorney, assistant 572
prosecuting attorney, correctional employee, community-based 573

correctional facility employee, youth services employee, 574
firefighter, EMT, ~~or~~ investigator of the bureau of criminal 575
identification and investigation, or federal law enforcement 576
officer: 577

(a) The address of the actual personal residence of a 578
peace officer, parole officer, probation officer, bailiff, 579
assistant prosecuting attorney, correctional employee, 580
community-based correctional facility employee, youth services 581
employee, firefighter, EMT, ~~or an~~ investigator of the bureau of 582
criminal identification and investigation, or federal law 583
enforcement officer, except for the state or political 584
subdivision in which the peace officer, parole officer, 585
probation officer, bailiff, assistant prosecuting attorney, 586
correctional employee, community-based correctional facility 587
employee, youth services employee, firefighter, EMT, ~~or~~ 588
investigator of the bureau of criminal identification and 589
investigation, or federal law enforcement officer resides; 590

(b) Information compiled from referral to or participation 591
in an employee assistance program; 592

(c) The social security number, the residential telephone 593
number, any bank account, debit card, charge card, or credit 594
card number, or the emergency telephone number of, or any 595
medical information pertaining to, a peace officer, parole 596
officer, probation officer, bailiff, prosecuting attorney, 597
assistant prosecuting attorney, correctional employee, 598
community-based correctional facility employee, youth services 599
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 600
criminal identification and investigation, or federal law 601
enforcement officer; 602

(d) The name of any beneficiary of employment benefits, 603

including, but not limited to, life insurance benefits, provided 604
to a peace officer, parole officer, probation officer, bailiff, 605
prosecuting attorney, assistant prosecuting attorney, 606
correctional employee, community-based correctional facility 607
employee, youth services employee, firefighter, EMT, ~~or~~ 608
investigator of the bureau of criminal identification, or 609
federal law enforcement officer and investigation by the peace 610
officer's, parole officer's, probation officer's, bailiff's, 611
prosecuting attorney's, assistant prosecuting attorney's, 612
correctional employee's, community-based correctional facility 613
employee's, youth services employee's, firefighter's, EMT's, ~~or~~ 614
investigator of the bureau of criminal identification and 615
investigation's, or federal law enforcement officer employer; 616

(e) The identity and amount of any charitable or 617
employment benefit deduction made by the peace officer's, parole 618
officer's, probation officer's, bailiff's, prosecuting 619
attorney's, assistant prosecuting attorney's, correctional 620
employee's, community-based correctional facility employee's, 621
youth services employee's, firefighter's, EMT's, ~~or~~investigator 622
of the bureau of criminal identification and investigation's, or 623
federal law enforcement officer's employer from the peace 624
officer's, parole officer's, probation officer's, bailiff's, 625
prosecuting attorney's, assistant prosecuting attorney's, 626
correctional employee's, community-based correctional facility 627
employee's, youth services employee's, firefighter's, EMT's, ~~or~~ 628
investigator of the bureau of criminal identification and 629
investigation's, or federal law enforcement officer's 630
compensation unless the amount of the deduction is required by 631
state or federal law; 632

(f) The name, the residential address, the name of the 633
employer, the address of the employer, the social security 634

number, the residential telephone number, any bank account, 635
debit card, charge card, or credit card number, or the emergency 636
telephone number of the spouse, a former spouse, or any child of 637
a peace officer, parole officer, probation officer, bailiff, 638
prosecuting attorney, assistant prosecuting attorney, 639
correctional employee, community-based correctional facility 640
employee, youth services employee, firefighter, EMT, ~~or~~ 641
investigator of the bureau of criminal identification and 642
investigation, or federal law enforcement officer; 643

(g) A photograph of a peace officer or federal law 644
enforcement officer who holds a position or has an assignment 645
that may include undercover or plain clothes positions or 646
assignments as determined by the peace officer's or federal law 647
enforcement officer's appointing authority. 648

As used in divisions (A) (7) and (B) (9) of this section, 649
"peace officer" has the same meaning as in section 109.71 of the 650
Revised Code and also includes the superintendent and troopers 651
of the state highway patrol; it does not include the sheriff of 652
a county or a supervisory employee who, in the absence of the 653
sheriff, is authorized to stand in for, exercise the authority 654
of, and perform the duties of the sheriff. 655

As used in divisions (A) (7) and (B) (9) of this section, 656
"correctional employee" means any employee of the department of 657
rehabilitation and correction who in the course of performing 658
the employee's job duties has or has had contact with inmates 659
and persons under supervision. 660

As used in divisions (A) (7) and (B) (9) of this section, 661
"youth services employee" means any employee of the department 662
of youth services who in the course of performing the employee's 663
job duties has or has had contact with children committed to the 664

custody of the department of youth services. 665

As used in divisions (A) (7) and (B) (9) of this section, 666
"firefighter" means any regular, paid or volunteer, member of a 667
lawfully constituted fire department of a municipal corporation, 668
township, fire district, or village. 669

As used in divisions (A) (7) and (B) (9) of this section, 670
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 671
emergency medical services for a public emergency medical 672
service organization. "Emergency medical service organization," 673
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 674
in section 4765.01 of the Revised Code. 675

As used in divisions (A) (7) and (B) (9) of this section, 676
"investigator of the bureau of criminal identification and 677
investigation" has the meaning defined in section 2903.11 of the 678
Revised Code. 679

As used in divisions (A) (7) and (B) (9) of this section, 680
"federal law enforcement officer" means any officer of the 681
United States who is authorized by federal law to conduct any 682
investigation of, and make any arrest for, any offense against 683
the United States in violation of federal law. 684

(8) "Information pertaining to the recreational activities 685
of a person under the age of eighteen" means information that is 686
kept in the ordinary course of business by a public office, that 687
pertains to the recreational activities of a person under the 688
age of eighteen years, and that discloses any of the following: 689

(a) The address or telephone number of a person under the 690
age of eighteen or the address or telephone number of that 691
person's parent, guardian, custodian, or emergency contact 692
person; 693

(b) The social security number, birth date, or 694
photographic image of a person under the age of eighteen; 695

(c) Any medical record, history, or information pertaining 696
to a person under the age of eighteen; 697

(d) Any additional information sought or required about a 698
person under the age of eighteen for the purpose of allowing 699
that person to participate in any recreational activity 700
conducted or sponsored by a public office or to use or obtain 701
admission privileges to any recreational facility owned or 702
operated by a public office. 703

(9) "Community control sanction" has the same meaning as 704
in section 2929.01 of the Revised Code. 705

(10) "Post-release control sanction" has the same meaning 706
as in section 2967.01 of the Revised Code. 707

(11) "Redaction" means obscuring or deleting any 708
information that is exempt from the duty to permit public 709
inspection or copying from an item that otherwise meets the 710
definition of a "record" in section 149.011 of the Revised Code. 711

(12) "Designee" and "elected official" have the same 712
meanings as in section 109.43 of the Revised Code. 713

(B) (1) Upon request and subject to division (B) (8) of this 714
section, all public records responsive to the request shall be 715
promptly prepared and made available for inspection to any 716
person at all reasonable times during regular business hours. 717
Subject to division (B) (8) of this section, upon request, a 718
public office or person responsible for public records shall 719
make copies of the requested public record available at cost and 720
within a reasonable period of time. If a public record contains 721
information that is exempt from the duty to permit public 722

inspection or to copy the public record, the public office or 723
the person responsible for the public record shall make 724
available all of the information within the public record that 725
is not exempt. When making that public record available for 726
public inspection or copying that public record, the public 727
office or the person responsible for the public record shall 728
notify the requester of any redaction or make the redaction 729
plainly visible. A redaction shall be deemed a denial of a 730
request to inspect or copy the redacted information, except if 731
federal or state law authorizes or requires a public office to 732
make the redaction. 733

(2) To facilitate broader access to public records, a 734
public office or the person responsible for public records shall 735
organize and maintain public records in a manner that they can 736
be made available for inspection or copying in accordance with 737
division (B) of this section. A public office also shall have 738
available a copy of its current records retention schedule at a 739
location readily available to the public. If a requester makes 740
an ambiguous or overly broad request or has difficulty in making 741
a request for copies or inspection of public records under this 742
section such that the public office or the person responsible 743
for the requested public record cannot reasonably identify what 744
public records are being requested, the public office or the 745
person responsible for the requested public record may deny the 746
request but shall provide the requester with an opportunity to 747
revise the request by informing the requester of the manner in 748
which records are maintained by the public office and accessed 749
in the ordinary course of the public office's or person's 750
duties. 751

(3) If a request is ultimately denied, in part or in 752
whole, the public office or the person responsible for the 753

requested public record shall provide the requester with an 754
explanation, including legal authority, setting forth why the 755
request was denied. If the initial request was provided in 756
writing, the explanation also shall be provided to the requester 757
in writing. The explanation shall not preclude the public office 758
or the person responsible for the requested public record from 759
relying upon additional reasons or legal authority in defending 760
an action commenced under division (C) of this section. 761

(4) Unless specifically required or authorized by state or 762
federal law or in accordance with division (B) of this section, 763
no public office or person responsible for public records may 764
limit or condition the availability of public records by 765
requiring disclosure of the requester's identity or the intended 766
use of the requested public record. Any requirement that the 767
requester disclose the requestor's identity or the intended use 768
of the requested public record constitutes a denial of the 769
request. 770

(5) A public office or person responsible for public 771
records may ask a requester to make the request in writing, may 772
ask for the requester's identity, and may inquire about the 773
intended use of the information requested, but may do so only 774
after disclosing to the requester that a written request is not 775
mandatory and that the requester may decline to reveal the 776
requester's identity or the intended use and when a written 777
request or disclosure of the identity or intended use would 778
benefit the requester by enhancing the ability of the public 779
office or person responsible for public records to identify, 780
locate, or deliver the public records sought by the requester. 781

(6) If any person chooses to obtain a copy of a public 782
record in accordance with division (B) of this section, the 783

public office or person responsible for the public record may 784
require that person to pay in advance the cost involved in 785
providing the copy of the public record in accordance with the 786
choice made by the person seeking the copy under this division. 787
The public office or the person responsible for the public 788
record shall permit that person to choose to have the public 789
record duplicated upon paper, upon the same medium upon which 790
the public office or person responsible for the public record 791
keeps it, or upon any other medium upon which the public office 792
or person responsible for the public record determines that it 793
reasonably can be duplicated as an integral part of the normal 794
operations of the public office or person responsible for the 795
public record. When the person seeking the copy makes a choice 796
under this division, the public office or person responsible for 797
the public record shall provide a copy of it in accordance with 798
the choice made by the person seeking the copy. Nothing in this 799
section requires a public office or person responsible for the 800
public record to allow the person seeking a copy of the public 801
record to make the copies of the public record. 802

(7) Upon a request made in accordance with division (B) of 803
this section and subject to division (B)(6) of this section, a 804
public office or person responsible for public records shall 805
transmit a copy of a public record to any person by United 806
States mail or by any other means of delivery or transmission 807
within a reasonable period of time after receiving the request 808
for the copy. The public office or person responsible for the 809
public record may require the person making the request to pay 810
in advance the cost of postage if the copy is transmitted by 811
United States mail or the cost of delivery if the copy is 812
transmitted other than by United States mail, and to pay in 813
advance the costs incurred for other supplies used in the 814

mailing, delivery, or transmission. 815

Any public office may adopt a policy and procedures that 816
it will follow in transmitting, within a reasonable period of 817
time after receiving a request, copies of public records by 818
United States mail or by any other means of delivery or 819
transmission pursuant to this division. A public office that 820
adopts a policy and procedures under this division shall comply 821
with them in performing its duties under this division. 822

In any policy and procedures adopted under this division, 823
a public office may limit the number of records requested by a 824
person that the office will transmit by United States mail to 825
ten per month, unless the person certifies to the office in 826
writing that the person does not intend to use or forward the 827
requested records, or the information contained in them, for 828
commercial purposes. For purposes of this division, "commercial" 829
shall be narrowly construed and does not include reporting or 830
gathering news, reporting or gathering information to assist 831
citizen oversight or understanding of the operation or 832
activities of government, or nonprofit educational research. 833

(8) A public office or person responsible for public 834
records is not required to permit a person who is incarcerated 835
pursuant to a criminal conviction or a juvenile adjudication to 836
inspect or to obtain a copy of any public record concerning a 837
criminal investigation or prosecution or concerning what would 838
be a criminal investigation or prosecution if the subject of the 839
investigation or prosecution were an adult, unless the request 840
to inspect or to obtain a copy of the record is for the purpose 841
of acquiring information that is subject to release as a public 842
record under this section and the judge who imposed the sentence 843
or made the adjudication with respect to the person, or the 844

judge's successor in office, finds that the information sought 845
in the public record is necessary to support what appears to be 846
a justiciable claim of the person. 847

(9) (a) Upon written request made and signed by a 848
journalist on or after December 16, 1999, a public office, or 849
person responsible for public records, having custody of the 850
records of the agency employing a specified peace officer, 851
parole officer, probation officer, bailiff, prosecuting 852
attorney, assistant prosecuting attorney, correctional employee, 853
community-based correctional facility employee, youth services 854
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 855
criminal identification and investigation, or federal law 856
enforcement officer shall disclose to the journalist the address 857
of the actual personal residence of the peace officer, parole 858
officer, probation officer, bailiff, prosecuting attorney, 859
assistant prosecuting attorney, correctional employee, 860
community-based correctional facility employee, youth services 861
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 862
criminal identification and investigation, or federal law 863
enforcement officer and, if the peace officer's, parole 864
officer's, probation officer's, bailiff's, prosecuting 865
attorney's, assistant prosecuting attorney's, correctional 866
employee's, community-based correctional facility employee's, 867
youth services employee's, firefighter's, EMT's, ~~or~~ investigator 868
of the bureau of criminal identification and investigation's, or 869
federal law enforcement officer's spouse, former spouse, or 870
child is employed by a public office, the name and address of 871
the employer of the peace officer's, parole officer's, probation 872
officer's, bailiff's, prosecuting attorney's, assistant 873
prosecuting attorney's, correctional employee's, community-based 874
correctional facility employee's, youth services employee's, 875

firefighter's, EMT's, ~~or~~ investigator of the bureau of criminal 876
identification and investigation's, or federal law enforcement 877
officer's spouse, former spouse, or child. The request shall 878
include the journalist's name and title and the name and address 879
of the journalist's employer and shall state that disclosure of 880
the information sought would be in the public interest. 881

(b) Division (B) (9) (a) of this section also applies to 882
journalist requests for customer information maintained by a 883
municipally owned or operated public utility, other than social 884
security numbers and any private financial information such as 885
credit reports, payment methods, credit card numbers, and bank 886
account information. 887

(c) As used in division (B) (9) of this section, 888
"journalist" means a person engaged in, connected with, or 889
employed by any news medium, including a newspaper, magazine, 890
press association, news agency, or wire service, a radio or 891
television station, or a similar medium, for the purpose of 892
gathering, processing, transmitting, compiling, editing, or 893
disseminating information for the general public. 894

(C) (1) If a person allegedly is aggrieved by the failure 895
of a public office or the person responsible for public records 896
to promptly prepare a public record and to make it available to 897
the person for inspection in accordance with division (B) of 898
this section or by any other failure of a public office or the 899
person responsible for public records to comply with an 900
obligation in accordance with division (B) of this section, the 901
person allegedly aggrieved may commence a mandamus action to 902
obtain a judgment that orders the public office or the person 903
responsible for the public record to comply with division (B) of 904
this section, that awards court costs and reasonable attorney's 905

fees to the person that instituted the mandamus action, and, if 906
applicable, that includes an order fixing statutory damages 907
under division (C) (1) of this section. The mandamus action may 908
be commenced in the court of common pleas of the county in which 909
division (B) of this section allegedly was not complied with, in 910
the supreme court pursuant to its original jurisdiction under 911
Section 2 of Article IV, Ohio Constitution, or in the court of 912
appeals for the appellate district in which division (B) of this 913
section allegedly was not complied with pursuant to its original 914
jurisdiction under Section 3 of Article IV, Ohio Constitution. 915

If a requestor transmits a written request by hand 916
delivery or certified mail to inspect or receive copies of any 917
public record in a manner that fairly describes the public 918
record or class of public records to the public office or person 919
responsible for the requested public records, except as 920
otherwise provided in this section, the requestor shall be 921
entitled to recover the amount of statutory damages set forth in 922
this division if a court determines that the public office or 923
the person responsible for public records failed to comply with 924
an obligation in accordance with division (B) of this section. 925

The amount of statutory damages shall be fixed at one 926
hundred dollars for each business day during which the public 927
office or person responsible for the requested public records 928
failed to comply with an obligation in accordance with division 929
(B) of this section, beginning with the day on which the 930
requester files a mandamus action to recover statutory damages, 931
up to a maximum of one thousand dollars. The award of statutory 932
damages shall not be construed as a penalty, but as compensation 933
for injury arising from lost use of the requested information. 934
The existence of this injury shall be conclusively presumed. The 935
award of statutory damages shall be in addition to all other 936

remedies authorized by this section. 937

The court may reduce an award of statutory damages or not 938
award statutory damages if the court determines both of the 939
following: 940

(a) That, based on the ordinary application of statutory 941
law and case law as it existed at the time of the conduct or 942
threatened conduct of the public office or person responsible 943
for the requested public records that allegedly constitutes a 944
failure to comply with an obligation in accordance with division 945
(B) of this section and that was the basis of the mandamus 946
action, a well-informed public office or person responsible for 947
the requested public records reasonably would believe that the 948
conduct or threatened conduct of the public office or person 949
responsible for the requested public records did not constitute 950
a failure to comply with an obligation in accordance with 951
division (B) of this section; 952

(b) That a well-informed public office or person 953
responsible for the requested public records reasonably would 954
believe that the conduct or threatened conduct of the public 955
office or person responsible for the requested public records 956
would serve the public policy that underlies the authority that 957
is asserted as permitting that conduct or threatened conduct. 958

(2) (a) If the court issues a writ of mandamus that orders 959
the public office or the person responsible for the public 960
record to comply with division (B) of this section and 961
determines that the circumstances described in division (C) (1) 962
of this section exist, the court shall determine and award to 963
the relator all court costs. 964

(b) If the court renders a judgment that orders the public 965

office or the person responsible for the public record to comply 966
with division (B) of this section, the court may award 967
reasonable attorney's fees subject to reduction as described in 968
division (C) (2) (c) of this section. The court shall award 969
reasonable attorney's fees, subject to reduction as described in 970
division (C) (2) (c) of this section when either of the following 971
applies: 972

(i) The public office or the person responsible for the 973
public records failed to respond affirmatively or negatively to 974
the public records request in accordance with the time allowed 975
under division (B) of this section. 976

(ii) The public office or the person responsible for the 977
public records promised to permit the relator to inspect or 978
receive copies of the public records requested within a 979
specified period of time but failed to fulfill that promise 980
within that specified period of time. 981

(c) Court costs and reasonable attorney's fees awarded 982
under this section shall be construed as remedial and not 983
punitive. Reasonable attorney's fees shall include reasonable 984
fees incurred to produce proof of the reasonableness and amount 985
of the fees and to otherwise litigate entitlement to the fees. 986
The court may reduce an award of attorney's fees to the relator 987
or not award attorney's fees to the relator if the court 988
determines both of the following: 989

(i) That, based on the ordinary application of statutory 990
law and case law as it existed at the time of the conduct or 991
threatened conduct of the public office or person responsible 992
for the requested public records that allegedly constitutes a 993
failure to comply with an obligation in accordance with division 994
(B) of this section and that was the basis of the mandamus 995

action, a well-informed public office or person responsible for 996
the requested public records reasonably would believe that the 997
conduct or threatened conduct of the public office or person 998
responsible for the requested public records did not constitute 999
a failure to comply with an obligation in accordance with 1000
division (B) of this section; 1001

(ii) That a well-informed public office or person 1002
responsible for the requested public records reasonably would 1003
believe that the conduct or threatened conduct of the public 1004
office or person responsible for the requested public records as 1005
described in division (C) (2) (c) (i) of this section would serve 1006
the public policy that underlies the authority that is asserted 1007
as permitting that conduct or threatened conduct. 1008

(D) Chapter 1347. of the Revised Code does not limit the 1009
provisions of this section. 1010

(E) (1) To ensure that all employees of public offices are 1011
appropriately educated about a public office's obligations under 1012
division (B) of this section, all elected officials or their 1013
appropriate designees shall attend training approved by the 1014
attorney general as provided in section 109.43 of the Revised 1015
Code. In addition, all public offices shall adopt a public 1016
records policy in compliance with this section for responding to 1017
public records requests. In adopting a public records policy 1018
under this division, a public office may obtain guidance from 1019
the model public records policy developed and provided to the 1020
public office by the attorney general under section 109.43 of 1021
the Revised Code. Except as otherwise provided in this section, 1022
the policy may not limit the number of public records that the 1023
public office will make available to a single person, may not 1024
limit the number of public records that it will make available 1025

during a fixed period of time, and may not establish a fixed 1026
period of time before it will respond to a request for 1027
inspection or copying of public records, unless that period is 1028
less than eight hours. 1029

(2) The public office shall distribute the public records 1030
policy adopted by the public office under division (E)(1) of 1031
this section to the employee of the public office who is the 1032
records custodian or records manager or otherwise has custody of 1033
the records of that office. The public office shall require that 1034
employee to acknowledge receipt of the copy of the public 1035
records policy. The public office shall create a poster that 1036
describes its public records policy and shall post the poster in 1037
a conspicuous place in the public office and in all locations 1038
where the public office has branch offices. The public office 1039
may post its public records policy on the internet web site of 1040
the public office if the public office maintains an internet web 1041
site. A public office that has established a manual or handbook 1042
of its general policies and procedures for all employees of the 1043
public office shall include the public records policy of the 1044
public office in the manual or handbook. 1045

(F)(1) The bureau of motor vehicles may adopt rules 1046
pursuant to Chapter 119. of the Revised Code to reasonably limit 1047
the number of bulk commercial special extraction requests made 1048
by a person for the same records or for updated records during a 1049
calendar year. The rules may include provisions for charges to 1050
be made for bulk commercial special extraction requests for the 1051
actual cost of the bureau, plus special extraction costs, plus 1052
ten per cent. The bureau may charge for expenses for redacting 1053
information, the release of which is prohibited by law. 1054

(2) As used in division (F)(1) of this section: 1055

(a) "Actual cost" means the cost of depleted supplies, 1056
records storage media costs, actual mailing and alternative 1057
delivery costs, or other transmitting costs, and any direct 1058
equipment operating and maintenance costs, including actual 1059
costs paid to private contractors for copying services. 1060

(b) "Bulk commercial special extraction request" means a 1061
request for copies of a record for information in a format other 1062
than the format already available, or information that cannot be 1063
extracted without examination of all items in a records series, 1064
class of records, or database by a person who intends to use or 1065
forward the copies for surveys, marketing, solicitation, or 1066
resale for commercial purposes. "Bulk commercial special 1067
extraction request" does not include a request by a person who 1068
gives assurance to the bureau that the person making the request 1069
does not intend to use or forward the requested copies for 1070
surveys, marketing, solicitation, or resale for commercial 1071
purposes. 1072

(c) "Commercial" means profit-seeking production, buying, 1073
or selling of any good, service, or other product. 1074

(d) "Special extraction costs" means the cost of the time 1075
spent by the lowest paid employee competent to perform the task, 1076
the actual amount paid to outside private contractors employed 1077
by the bureau, or the actual cost incurred to create computer 1078
programs to make the special extraction. "Special extraction 1079
costs" include any charges paid to a public agency for computer 1080
or records services. 1081

(3) For purposes of divisions (F) (1) and (2) of this 1082
section, "surveys, marketing, solicitation, or resale for 1083
commercial purposes" shall be narrowly construed and does not 1084
include reporting or gathering news, reporting or gathering 1085

information to assist citizen oversight or understanding of the 1086
operation or activities of government, or nonprofit educational 1087
research. 1088

Sec. 149.45. (A) As used in this section: 1089

(1) "Personal information" means any of the following: 1090

(a) An individual's social security number; 1091

(b) An individual's federal tax identification number; 1092

(c) An individual's driver's license number or state 1093
identification number; 1094

(d) An individual's checking account number, savings 1095
account number, or credit card number. 1096

(2) "Public record" and "peace officer, parole officer, 1097
probation officer, bailiff, prosecuting attorney, assistant 1098
prosecuting attorney, correctional employee, youth services 1099
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1100
criminal identification and investigation, or federal law 1101
enforcement officer residential and familial information" have 1102
the same meanings as in section 149.43 of the Revised Code. 1103

(3) "Truncate" means to redact all but the last four 1104
digits of an individual's social security number. 1105

(4) "Federal law enforcement officer" means any officer of 1106
the United States who is authorized by federal law to conduct 1107
any investigation of, and make any arrest for, any offense 1108
against the United States in violation of federal law. 1109

(B) (1) No public office or person responsible for a public 1110
office's public records shall make available to the general 1111
public on the internet any document that contains an 1112

individual's social security number without otherwise redacting, 1113
encrypting, or truncating the social security number. 1114

(2) A public office or person responsible for a public 1115
office's public records that prior to ~~the effective date of this~~ 1116
~~section~~ October 17, 2011, made available to the general public 1117
on the internet any document that contains an individual's 1118
social security number shall redact, encrypt, or truncate the 1119
social security number from that document. 1120

(3) Divisions (B) (1) and (2) of this section do not apply 1121
to documents that are only accessible through the internet with 1122
a password. 1123

(C) (1) An individual may request that a public office or a 1124
person responsible for a public office's public records redact 1125
personal information of that individual from any record made 1126
available to the general public on the internet. An individual 1127
who makes a request for redaction pursuant to this division 1128
shall make the request in writing on a form developed by the 1129
attorney general and shall specify the personal information to 1130
be redacted and provide any information that identifies the 1131
location of that personal information within a document that 1132
contains that personal information. 1133

(2) Upon receiving a request for a redaction pursuant to 1134
division (C) (1) of this section, a public office or a person 1135
responsible for a public office's public records shall act 1136
within five business days in accordance with the request to 1137
redact the personal information of the individual from any 1138
record made available to the general public on the internet, if 1139
practicable. If a redaction is not practicable, the public 1140
office or person responsible for the public office's public 1141
records shall verbally or in writing within five business days 1142

after receiving the written request explain to the individual 1143
why the redaction is impracticable. 1144

(3) The attorney general shall develop a form to be used 1145
by an individual to request a redaction pursuant to division (C) 1146
(1) of this section. The form shall include a place to provide 1147
any information that identifies the location of the personal 1148
information to be redacted. 1149

(D) (1) A peace officer, parole officer, probation officer, 1150
bailiff, prosecuting attorney, assistant prosecuting attorney, 1151
correctional employee, youth services employee, firefighter, 1152
EMT, ~~or~~ investigator of the bureau of criminal identification 1153
and investigation, or federal law enforcement officer may 1154
request that a public office other than a county auditor or a 1155
person responsible for the public records of a public office 1156
other than a county auditor redact the address of the person 1157
making the request from any record made available to the general 1158
public on the internet that includes peace officer, parole 1159
officer, probation officer, bailiff, prosecuting attorney, 1160
assistant prosecuting attorney, correctional employee, youth 1161
services employee, firefighter, EMT, ~~or~~ investigator of the 1162
bureau of criminal identification and investigation, or federal 1163
law enforcement officer residential and familial information of 1164
the person making the request. A person who makes a request for 1165
a redaction pursuant to this division shall make the request in 1166
writing and on a form developed by the attorney general. 1167

(2) Upon receiving a written request for a redaction 1168
pursuant to division (D) (1) of this section, a public office 1169
other than a county auditor or a person responsible for the 1170
public records of a public office other than a county auditor 1171
shall act within five business days in accordance with the 1172

request to redact the address of the peace officer, parole 1173
officer, probation officer, bailiff, prosecuting attorney, 1174
assistant prosecuting attorney, correctional employee, youth 1175
services employee, firefighter, EMT, ~~or~~ investigator of the 1176
bureau of criminal identification and investigation, or federal 1177
law enforcement officer making the request from any record made 1178
available to the general public on the internet that includes 1179
peace officer, parole officer, probation officer, bailiff, 1180
prosecuting attorney, assistant prosecuting attorney, 1181
correctional employee, youth services employee, firefighter, 1182
EMT, ~~or~~ investigator of the bureau of criminal identification 1183
and investigation, or federal law enforcement officer 1184
residential and familial information of the person making the 1185
request, if practicable. If a redaction is not practicable, the 1186
public office or person responsible for the public office's 1187
public records shall verbally or in writing within five business 1188
days after receiving the written request explain to the peace 1189
officer, parole officer, probation officer, bailiff, prosecuting 1190
attorney, assistant prosecuting attorney, correctional employee, 1191
youth services employee, firefighter, EMT, ~~or~~ investigator of 1192
the bureau of criminal identification and investigation, or 1193
federal law enforcement officer why the redaction is 1194
impracticable. 1195

(3) Except as provided in this section and section 319.28 1196
of the Revised Code, a public office other than an employer of a 1197
peace officer, parole officer, probation officer, bailiff, 1198
prosecuting attorney, assistant prosecuting attorney, 1199
correctional employee, youth services employee, firefighter, 1200
EMT, ~~or~~ investigator of the bureau of criminal identification 1201
and investigation, or federal law enforcement officer or a 1202
person responsible for the public records of the employer is not 1203

required to redact the residential and familial information of 1204
the peace officer, parole officer, probation officer, bailiff, 1205
prosecuting attorney, assistant prosecuting attorney, 1206
correctional employee, youth services employee, firefighter, 1207
EMT, ~~or~~ investigator of the bureau of criminal identification 1208
and investigation, or federal law enforcement officer from other 1209
records maintained by the public office. 1210

(4) The attorney general shall develop a form to be used 1211
by a peace officer, parole officer, probation officer, bailiff, 1212
prosecuting attorney, assistant prosecuting attorney, 1213
correctional employee, youth services employee, firefighter, 1214
EMT, ~~or~~ investigator of the bureau of criminal identification 1215
and investigation, or federal law enforcement officer to request 1216
a redaction pursuant to division (D)(1) of this section. The 1217
form shall include a place to provide any information that 1218
identifies the location of the address of a peace officer, 1219
parole officer, probation officer, bailiff, prosecuting 1220
attorney, assistant prosecuting attorney, correctional employee, 1221
youth services employee, firefighter, EMT, ~~or~~ investigator of 1222
the bureau of criminal identification and investigation, or 1223
federal law enforcement officer to be redacted. 1224

(E)(1) If a public office or a person responsible for a 1225
public office's public records becomes aware that an electronic 1226
record of that public office that is made available to the 1227
general public on the internet contains an individual's social 1228
security number that was mistakenly not redacted, encrypted, or 1229
truncated as required by division (B)(1) or (2) of this section, 1230
the public office or person responsible for the public office's 1231
public records shall redact, encrypt, or truncate the 1232
individual's social security number within a reasonable period 1233
of time. 1234

(2) A public office or a person responsible for a public office's public records is not liable in damages in a civil action for any harm an individual allegedly sustains as a result of the inclusion of that individual's personal information on any record made available to the general public on the internet or any harm a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, ~~or~~ investigator of the bureau of criminal identification and investigation, or federal law enforcement officer sustains as a result of the inclusion of the address of the peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, ~~or~~ investigator of the bureau of criminal identification and investigation, or federal law enforcement officer on any record made available to the general public on the internet in violation of this section unless the public office or person responsible for the public office's public records acted with malicious purpose, in bad faith, or in a wanton or reckless manner or division (A) (6) (a) or (c) of section 2744.03 of the Revised Code applies.

Sec. 319.28. (A) Except as otherwise provided in division (B) of this section, on or before the first Monday of August, annually, the county auditor shall compile and make up a general tax list of real and public utility property in the county, either in tabular form and alphabetical order, or, with the consent of the county treasurer, by listing all parcels in a permanent parcel number sequence to which a separate alphabetical index is keyed, containing the names of the several persons, companies, firms, partnerships, associations, and corporations in whose names real property has been listed in

each township, municipal corporation, special district, or 1266
separate school district, or part of either in the auditor's 1267
county, placing separately, in appropriate columns opposite each 1268
name, the description of each tract, lot, or parcel of real 1269
estate, the value of each tract, lot, or parcel, the value of 1270
the improvements thereon, and of the names of the several public 1271
utilities whose property, subject to taxation on the general tax 1272
list and duplicate, has been apportioned by the department of 1273
taxation to the county, and the amount so apportioned to each 1274
township, municipal corporation, special district, or separate 1275
school district or part of either in the auditor's county, as 1276
shown by the certificates of apportionment of public utility 1277
property. If the name of the owner of any tract, lot, or parcel 1278
of real estate is unknown to the auditor, "unknown" shall be 1279
entered in the column of names opposite said tract, lot, or 1280
parcel. Such lists shall be prepared in duplicate. On or before 1281
the first Monday of September in each year, the auditor shall 1282
correct such lists in accordance with the additions and 1283
deductions ordered by the tax commissioner and by the county 1284
board of revision, and shall certify and on the first day of 1285
October deliver one copy thereof to the county treasurer. The 1286
copies prepared by the auditor shall constitute the auditor's 1287
general tax list and treasurer's general duplicate of real and 1288
public utility property for the current year. 1289

Once a permanent parcel numbering system has been 1290
established in any county as provided by the preceding 1291
paragraph, such system shall remain in effect until otherwise 1292
agreed upon by the county auditor and county treasurer. 1293

(B) (1) A peace officer, parole officer, prosecuting 1294
attorney, assistant prosecuting attorney, correctional employee, 1295
youth services employee, firefighter, EMT, ~~or~~ investigator of 1296

the bureau of criminal identification and investigation, or 1297
federal law enforcement officer may submit a written request by 1298
affidavit to the county auditor requesting the county auditor to 1299
remove the name of the peace officer, parole officer, 1300
prosecuting attorney, assistant prosecuting attorney, 1301
correctional employee, youth services employee, firefighter, 1302
EMT, ~~or~~ investigator of the bureau of criminal identification 1303
and investigation, or federal law enforcement officer from any 1304
record made available to the general public on the internet or a 1305
publicly accessible database and the general tax list of real 1306
and public utility property and the general duplicate of real 1307
and public utility property and insert the initials of the peace 1308
officer, parole officer, prosecuting attorney, assistant 1309
prosecuting attorney, correctional employee, youth services 1310
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1311
criminal identification and investigation, or federal law 1312
enforcement officer on any record made available to the general 1313
public on the internet or a publicly accessible database and the 1314
general tax list of real and public utility property and the 1315
general duplicate of real and public utility property as the 1316
name of the peace officer, parole officer, prosecuting attorney, 1317
assistant prosecuting attorney, correctional employee, youth 1318
services employee, firefighter, EMT, ~~or~~ investigator of the 1319
bureau of criminal identification and investigation, or federal 1320
law enforcement officer that appears on the deed. 1321

(2) Upon receiving a written request by affidavit 1322
described in division (B) (1) of this section, the county auditor 1323
shall act within five business days in accordance with the 1324
request to remove the name of the peace officer, parole officer, 1325
prosecuting attorney, assistant prosecuting attorney, 1326
correctional employee, youth services employee, firefighter, 1327

EMT, ~~or~~ investigator of the bureau of criminal identification 1328
and investigation, or federal law enforcement officer from any 1329
record made available to the general public on the internet or a 1330
publicly accessible database and the general tax list of real 1331
and public utility property and the general duplicate of real 1332
and public utility property and insert initials of the peace 1333
officer, parole officer, prosecuting attorney, assistant 1334
prosecuting attorney, correctional employee, youth services 1335
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1336
criminal identification and investigation, or federal law 1337
enforcement officer on any record made available to the general 1338
public on the internet or a publicly accessible database and the 1339
general tax list of real and public utility property and the 1340
general duplicate of real and public utility property, if 1341
practicable. If the removal and insertion is not practicable, 1342
the county auditor shall verbally or in writing within five 1343
business days after receiving the written request explain to the 1344
peace officer, parole officer, prosecuting attorney, assistant 1345
prosecuting attorney, correctional employee, youth services 1346
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1347
criminal identification and investigation, or federal law 1348
enforcement officer why the removal and insertion is 1349
impracticable. 1350

(C) As used in this section, "federal law enforcement 1351
officer" means any officer of the United States who is 1352
authorized by federal law to conduct any investigation of, and 1353
make any arrest for, any offense against the United States in 1354
violation of federal law. 1355

Sec. 319.54. (A) On all moneys collected by the county 1356
treasurer on any tax duplicate of the county, other than estate 1357
tax duplicates, and on all moneys received as advance payments 1358

of personal property and classified property taxes, the county auditor, on settlement with the treasurer and tax commissioner, on or before the date prescribed by law for such settlement or any lawful extension of such date, shall be allowed as compensation for the county auditor's services the following percentages:

(1) On the first one hundred thousand dollars, two and one-half per cent;

(2) On the next two million dollars, eight thousand three hundred eighteen ten-thousandths of one per cent;

(3) On the next two million dollars, six thousand six hundred fifty-five ten-thousandths of one per cent;

(4) On all further sums, one thousand six hundred sixty-three ten-thousandths of one per cent.

If any settlement is not made on or before the date prescribed by law for such settlement or any lawful extension of such date, the aggregate compensation allowed to the auditor shall be reduced one per cent for each day such settlement is delayed after the prescribed date. No penalty shall apply if the auditor and treasurer grant all requests for advances up to ninety per cent of the settlement pursuant to section 321.34 of the Revised Code. The compensation allowed in accordance with this section on settlements made before the dates prescribed by law, or the reduced compensation allowed in accordance with this section on settlements made after the date prescribed by law or any lawful extension of such date, shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.

(B) For the purpose of reimbursing county auditors for the 1388
expenses associated with the increased number of applications 1389
for reductions in real property taxes under sections 323.152 and 1390
4503.065 of the Revised Code that result from the amendment of 1391
those sections by Am. Sub. H.B. 119 of the 127th general 1392
assembly, there shall be paid from the state's general revenue 1393
fund to the county treasury, to the credit of the real estate 1394
assessment fund created by section 325.31 of the Revised Code, 1395
an amount equal to one per cent of the total annual amount of 1396
property tax relief reimbursement paid to that county under 1397
sections 323.156 and 4503.068 of the Revised Code for the 1398
preceding tax year. Payments made under this division shall be 1399
made at the same times and in the same manner as payments made 1400
under section 323.156 of the Revised Code. 1401

(C) From all moneys collected by the county treasurer on 1402
any tax duplicate of the county, other than estate tax 1403
duplicates, and on all moneys received as advance payments of 1404
personal property and classified property taxes, there shall be 1405
paid into the county treasury to the credit of the real estate 1406
assessment fund created by section 325.31 of the Revised Code, 1407
an amount to be determined by the county auditor, which shall 1408
not exceed the percentages prescribed in divisions (C) (1) and 1409
(2) of this section. 1410

(1) For payments made after June 30, 2007, and before 1411
2011, the following percentages: 1412

(a) On the first five hundred thousand dollars, four per 1413
cent; 1414

(b) On the next five million dollars, two per cent; 1415

(c) On the next five million dollars, one per cent; 1416

(d) On all further sums not exceeding one hundred fifty million dollars, three-quarters of one per cent;	1417 1418
(e) On amounts exceeding one hundred fifty million dollars, five hundred eighty-five thousandths of one per cent.	1419 1420
(2) For payments made in or after 2011, the following percentages:	1421 1422
(a) On the first five hundred thousand dollars, four per cent;	1423 1424
(b) On the next ten million dollars, two per cent;	1425
(c) On amounts exceeding ten million five hundred thousand dollars, three-fourths of one per cent.	1426 1427
Such compensation shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.	1428 1429 1430 1431
(D) Each county auditor shall receive four per cent of the amount of tax collected and paid into the county treasury, on property omitted and placed by the county auditor on the tax duplicate.	1432 1433 1434 1435
(E) On all estate tax moneys collected by the county treasurer, the county auditor, on settlement semiannually with the tax commissioner, shall be allowed, as compensation for the auditor's services under Chapter 5731. of the Revised Code, the following percentages:	1436 1437 1438 1439 1440
(1) Four per cent on the first one hundred thousand dollars;	1441 1442
(2) One-half of one per cent on all additional sums.	1443

Such percentages shall be computed upon the amount 1444
collected and reported at each semiannual settlement, and shall 1445
be for the use of the general fund of the county. 1446

(F) On all cigarette license moneys collected by the 1447
county treasurer, the county auditor, on settlement semiannually 1448
with the treasurer, shall be allowed as compensation for the 1449
auditor's services in the issuing of such licenses one-half of 1450
one per cent of such moneys, to be apportioned ratably and 1451
deducted from the shares of the revenue payable to the county 1452
and subdivisions, for the use of the general fund of the county. 1453

(G) The county auditor shall charge and receive fees as 1454
follows: 1455

(1) For deeds of land sold for taxes to be paid by the 1456
purchaser, five dollars; 1457

(2) For the transfer or entry of land, lot, or part of 1458
lot, or the transfer or entry on or after January 1, 2000, of a 1459
used manufactured home or mobile home as defined in section 1460
5739.0210 of the Revised Code, fifty cents for each transfer or 1461
entry, to be paid by the person requiring it; 1462

(3) For receiving statements of value and administering 1463
section 319.202 of the Revised Code, one dollar, or ten cents 1464
for each one hundred dollars or fraction of one hundred dollars, 1465
whichever is greater, of the value of the real property 1466
transferred or, for sales occurring on or after January 1, 2000, 1467
the value of the used manufactured home or used mobile home, as 1468
defined in section 5739.0210 of the Revised Code, transferred, 1469
except no fee shall be charged when the transfer is made: 1470

(a) To or from the United States, this state, or any 1471
instrumentality, agency, or political subdivision of the United 1472

States or this state; 1473

(b) Solely in order to provide or release security for a 1474
debt or obligation; 1475

(c) To confirm or correct a deed previously executed and 1476
recorded or when a current owner on any record made available to 1477
the general public on the internet or a publicly accessible 1478
database and the general tax list of real and public utility 1479
property and the general duplicate of real and public utility 1480
property is a peace officer, parole officer, prosecuting 1481
attorney, assistant prosecuting attorney, correctional employee, 1482
youth services employee, firefighter, EMT, ~~or~~ investigator of 1483
the bureau of criminal identification and investigation, or 1484
federal law enforcement officer and is changing the current 1485
owner name listed on any record made available to the general 1486
public on the internet or a publicly accessible database and the 1487
general tax list of real and public utility property and the 1488
general duplicate of real and public utility property to the 1489
initials of the current owner as prescribed in division (B)(1) 1490
of section 319.28 of the Revised Code; 1491

(d) To evidence a gift, in trust or otherwise and whether 1492
revocable or irrevocable, between husband and wife, or parent 1493
and child or the spouse of either; 1494

(e) On sale for delinquent taxes or assessments; 1495

(f) Pursuant to court order, to the extent that such 1496
transfer is not the result of a sale effected or completed 1497
pursuant to such order; 1498

(g) Pursuant to a reorganization of corporations or 1499
unincorporated associations or pursuant to the dissolution of a 1500
corporation, to the extent that the corporation conveys the 1501

property to a stockholder as a distribution in kind of the 1502
corporation's assets in exchange for the stockholder's shares in 1503
the dissolved corporation; 1504

(h) By a subsidiary corporation to its parent corporation 1505
for no consideration, nominal consideration, or in sole 1506
consideration of the cancellation or surrender of the 1507
subsidiary's stock; 1508

(i) By lease, whether or not it extends to mineral or 1509
mineral rights, unless the lease is for a term of years 1510
renewable forever; 1511

(j) When the value of the real property or the 1512
manufactured or mobile home or the value of the interest that is 1513
conveyed does not exceed one hundred dollars; 1514

(k) Of an occupied residential property, including a 1515
manufactured or mobile home, being transferred to the builder of 1516
a new residence or to the dealer of a new manufactured or mobile 1517
home when the former residence is traded as part of the 1518
consideration for the new residence or new manufactured or 1519
mobile home; 1520

(l) To a grantee other than a dealer in real property or 1521
in manufactured or mobile homes, solely for the purpose of, and 1522
as a step in, the prompt sale of the real property or 1523
manufactured or mobile home to others; 1524

(m) To or from a person when no money or other valuable 1525
and tangible consideration readily convertible into money is 1526
paid or to be paid for the real estate or manufactured or mobile 1527
home and the transaction is not a gift; 1528

(n) Pursuant to division (B) of section 317.22 of the 1529
Revised Code, or section 2113.61 of the Revised Code, between 1530

spouses or to a surviving spouse pursuant to section 5302.17 of 1531
the Revised Code as it existed prior to April 4, 1985, between 1532
persons pursuant to section 5302.17 or 5302.18 of the Revised 1533
Code on or after April 4, 1985, to a person who is a surviving, 1534
survivorship tenant pursuant to section 5302.17 of the Revised 1535
Code on or after April 4, 1985, or pursuant to section 5309.45 1536
of the Revised Code; 1537

(o) To a trustee acting on behalf of minor children of the 1538
deceased; 1539

(p) Of an easement or right-of-way when the value of the 1540
interest conveyed does not exceed one thousand dollars; 1541

(q) Of property sold to a surviving spouse pursuant to 1542
section 2106.16 of the Revised Code; 1543

(r) To or from an organization exempt from federal income 1544
taxation under section 501(c)(3) of the "Internal Revenue Code 1545
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided 1546
such transfer is without consideration and is in furtherance of 1547
the charitable or public purposes of such organization; 1548

(s) Among the heirs at law or devisees, including a 1549
surviving spouse, of a common decedent, when no consideration in 1550
money is paid or to be paid for the real property or 1551
manufactured or mobile home; 1552

(t) To a trustee of a trust, when the grantor of the trust 1553
has reserved an unlimited power to revoke the trust; 1554

(u) To the grantor of a trust by a trustee of the trust, 1555
when the transfer is made to the grantor pursuant to the 1556
exercise of the grantor's power to revoke the trust or to 1557
withdraw trust assets; 1558

(v) To the beneficiaries of a trust if the fee was paid on 1559
the transfer from the grantor of the trust to the trustee or if 1560
the transfer is made pursuant to trust provisions which became 1561
irrevocable at the death of the grantor; 1562

(w) To a corporation for incorporation into a sports 1563
facility constructed pursuant to section 307.696 of the Revised 1564
Code; 1565

(x) Between persons pursuant to section 5302.18 of the 1566
Revised Code; 1567

(y) From a county land reutilization corporation organized 1568
under Chapter 1724. of the Revised Code, or its wholly owned 1569
subsidiary, to a third party. 1570

(4) For the cost of publishing the delinquent manufactured 1571
home tax list, the delinquent tax list, and the delinquent 1572
vacant land tax list, a flat fee, as determined by the county 1573
auditor, to be charged to the owner of a home on the delinquent 1574
manufactured home tax list or the property owner of land on the 1575
delinquent tax list or the delinquent vacant land tax list. 1576

The auditor shall compute and collect the fee. The auditor 1577
shall maintain a numbered receipt system, as prescribed by the 1578
tax commissioner, and use such receipt system to provide a 1579
receipt to each person paying a fee. The auditor shall deposit 1580
the receipts of the fees on conveyances in the county treasury 1581
daily to the credit of the general fund of the county, except 1582
that fees charged and received under division (G) (3) of this 1583
section for a transfer of real property to a county land 1584
reutilization corporation shall be credited to the county land 1585
reutilization corporation fund established under section 321.263 1586
of the Revised Code. 1587

The real property transfer fee provided for in division 1588
(G) (3) of this section shall be applicable to any conveyance of 1589
real property presented to the auditor on or after January 1, 1590
1968, regardless of its time of execution or delivery. 1591

The transfer fee for a used manufactured home or used 1592
mobile home shall be computed by and paid to the county auditor 1593
of the county in which the home is located immediately prior to 1594
the transfer. 1595

(H) "Federal law enforcement officer" means any officer of 1596
the United States who is authorized by federal law to conduct 1597
any investigation of, and make any arrest for, any offense 1598
against the United States in violation of federal law. 1599

Sec. 2901.44. (A) In any criminal action involving a 1600
violation of section 2903.11, 2903.12, 2903.13, 2903.21, 1601
2903.211, 2903.22, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 1602
2907.07, 2907.08, 2907.09, 2911.211, 2919.22, or 2919.25 of the 1603
Revised Code, upon the conviction or plea of guilty of the 1604
defendant, the court shall notify in writing the victim of the 1605
offense if an adult person or a parent or guardian acting on 1606
behalf of the victim who is a minor, incompetent, or ward of the 1607
right of the person to apply with the assistance of an 1608
application assistant to the secretary of state under sections 1609
111.31 to 111.40 of the Revised Code to have an address 1610
designated by the secretary of state serve as the person's 1611
address or the address of the minor, incompetent, or ward. The 1612
person may apply with the assistance of an application assistant 1613
to the secretary of state pursuant to those sections to have an 1614
address designated by the secretary of state serve as the 1615
person's address or the address of the minor, incompetent, or 1616
ward. 1617

(B) As used in this section: 1618

(1) "Guardian," "incompetent," "parent," and "ward" have 1619
the same meanings as in section 2111.01 of the Revised Code. 1620

(2) "Application assistant" has the same meaning as in 1621
section 111.31 of the Revised Code. 1622

Sec. 2903.213. (A) Except when the complaint involves a 1623
person who is a family or household member as defined in section 1624
2919.25 of the Revised Code, upon the filing of a complaint that 1625
alleges a violation of section 2903.11, 2903.12, 2903.13, 1626
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 1627
violation of a municipal ordinance substantially similar to 1628
section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 1629
Revised Code, or the commission of a sexually oriented offense, 1630
the complainant, the alleged victim, or a family or household 1631
member of an alleged victim may file a motion that requests the 1632
issuance of a protection order as a pretrial condition of 1633
release of the alleged offender, in addition to any bail set 1634
under Criminal Rule 46. The motion shall be filed with the clerk 1635
of the court that has jurisdiction of the case at any time after 1636
the filing of the complaint. If the complaint involves a person 1637
who is a family or household member, the complainant, the 1638
alleged victim, or the family or household member may file a 1639
motion for a temporary protection order pursuant to section 1640
2919.26 of the Revised Code. 1641

(B) A motion for a protection order under this section 1642
shall be prepared on a form that is provided by the clerk of the 1643
court, and the form shall be substantially as follows: 1644

"Motion for Protection Order 1645

..... 1646

Name and address of court 1647

State of Ohio 1649

v. No. 1650

..... 1651

Name of Defendant 1652

(Name of person), moves the court to issue a protection order 1653
containing terms designed to ensure the safety and protection of 1654
the complainant or the alleged victim in the above-captioned 1655
case, in relation to the named defendant, pursuant to its 1656
authority to issue a protection order under section 2903.213 of 1657
the Revised Code. 1658

A complaint, a copy of which has been attached to this 1659
motion, has been filed in this court charging the named 1660
defendant with a violation of section 2903.11, 2903.12, 2903.13, 1661
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 1662
violation of a municipal ordinance substantially similar to 1663
section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 1664
Revised Code, or the commission of a sexually oriented offense. 1665

I understand that I must appear before the court, at a 1666
time set by the court not later than the next day that the court 1667
is in session after the filing of this motion, for a hearing on 1668
the motion, and that any protection order granted pursuant to 1669
this motion is a pretrial condition of release and is effective 1670
only until the disposition of the criminal proceeding arising 1671
out of the attached complaint or until the issuance under 1672
section 2903.214 of the Revised Code of a protection order 1673
arising out of the same activities as those that were the basis 1674
of the attached complaint. 1675

.....	1676
Signature of person	1677
.....	1678
Address of person"	1679
(C) (1) As soon as possible after the filing of a motion	1680
that requests the issuance of a protection order under this	1681
section, but not later than the next day that the court is in	1682
session after the filing of the motion, the court shall conduct	1683
a hearing to determine whether to issue the order. The person	1684
who requested the order shall appear before the court and	1685
provide the court with the information that it requests	1686
concerning the basis of the motion. If the court finds that the	1687
safety and protection of the complainant or the alleged victim	1688
may be impaired by the continued presence of the alleged	1689
offender, the court may issue a protection order under this	1690
section, as a pretrial condition of release, that contains terms	1691
designed to ensure the safety and protection of the complainant	1692
or the alleged victim, including a requirement that the alleged	1693
offender refrain from entering the residence, school, business,	1694
or place of employment of the complainant or the alleged victim.	1695
The court may include within a protection order issued under	1696
this section a term requiring that the alleged offender not	1697
remove, damage, hide, harm, or dispose of any companion animal	1698
owned or possessed by the complainant or the alleged victim, and	1699
may include within the order a term authorizing the complainant	1700
or the alleged victim to remove a companion animal owned by the	1701
complainant or the alleged victim from the possession of the	1702
alleged offender.	1703
(2) (a) If the court issues a protection order under this	1704
section that includes a requirement that the alleged offender	1705

refrain from entering the residence, school, business, or place 1706
of employment of the complainant or the alleged victim, the 1707
order shall clearly state that the order cannot be waived or 1708
nullified by an invitation to the alleged offender from the 1709
complainant, the alleged victim, or a family or household member 1710
to enter the residence, school, business, or place of employment 1711
or by the alleged offender's entry into one of those places 1712
otherwise upon the consent of the complainant, the alleged 1713
victim, or a family or household member. 1714

(b) Division (C) (2) (a) of this section does not limit any 1715
discretion of a court to determine that an alleged offender 1716
charged with a violation of section 2919.27 of the Revised Code, 1717
with a violation of a municipal ordinance substantially 1718
equivalent to that section, or with contempt of court, which 1719
charge is based on an alleged violation of a protection order 1720
issued under this section, did not commit the violation or was 1721
not in contempt of court. 1722

(D) (1) Except when the complaint involves a person who is 1723
a family or household member as defined in section 2919.25 of 1724
the Revised Code, upon the filing of a complaint that alleges a 1725
violation specified in division (A) of this section, the court, 1726
upon its own motion, may issue a protection order under this 1727
section as a pretrial condition of release of the alleged 1728
offender if it finds that the safety and protection of the 1729
complainant or the alleged victim may be impaired by the 1730
continued presence of the alleged offender. 1731

(2) If the court issues a protection order under this 1732
section as an ex parte order, it shall conduct, as soon as 1733
possible after the issuance of the order but not later than the 1734
next day that the court is in session after its issuance, a 1735

hearing to determine whether the order should remain in effect, 1736
be modified, or be revoked. The hearing shall be conducted under 1737
the standards set forth in division (C) of this section. 1738

(3) If a municipal court or a county court issues a 1739
protection order under this section and if, subsequent to the 1740
issuance of the order, the alleged offender who is the subject 1741
of the order is bound over to the court of common pleas for 1742
prosecution of a felony arising out of the same activities as 1743
those that were the basis of the complaint upon which the order 1744
is based, notwithstanding the fact that the order was issued by 1745
a municipal court or county court, the order shall remain in 1746
effect, as though it were an order of the court of common pleas, 1747
while the charges against the alleged offender are pending in 1748
the court of common pleas, for the period of time described in 1749
division (E)(2) of this section, and the court of common pleas 1750
has exclusive jurisdiction to modify the order issued by the 1751
municipal court or county court. This division applies when the 1752
alleged offender is bound over to the court of common pleas as a 1753
result of the person waiving a preliminary hearing on the felony 1754
charge, as a result of the municipal court or county court 1755
having determined at a preliminary hearing that there is 1756
probable cause to believe that the felony has been committed and 1757
that the alleged offender committed it, as a result of the 1758
alleged offender having been indicted for the felony, or in any 1759
other manner. 1760

(E) A protection order that is issued as a pretrial 1761
condition of release under this section: 1762

(1) Is in addition to, but shall not be construed as a 1763
part of, any bail set under Criminal Rule 46; 1764

(2) Is effective only until the disposition, by the court 1765

that issued the order or, in the circumstances described in 1766
division (D) (3) of this section, by the court of common pleas to 1767
which the alleged offender is bound over for prosecution, of the 1768
criminal proceeding arising out of the complaint upon which the 1769
order is based or until the issuance under section 2903.214 of 1770
the Revised Code of a protection order arising out of the same 1771
activities as those that were the basis of the complaint filed 1772
under this section; 1773

(3) Shall not be construed as a finding that the alleged 1774
offender committed the alleged offense and shall not be 1775
introduced as evidence of the commission of the offense at the 1776
trial of the alleged offender on the complaint upon which the 1777
order is based. 1778

(F) A person who meets the criteria for bail under 1779
Criminal Rule 46 and who, if required to do so pursuant to that 1780
rule, executes or posts bond or deposits cash or securities as 1781
bail, shall not be held in custody pending a hearing before the 1782
court on a motion requesting a protection order under this 1783
section. 1784

(G) (1) A copy of a protection order that is issued under 1785
this section shall be issued by the court to the complainant, to 1786
the alleged victim, to the person who requested the order, to 1787
the defendant, and to all law enforcement agencies that have 1788
jurisdiction to enforce the order. The court shall direct that a 1789
copy of the order be delivered to the defendant on the same day 1790
that the order is entered. If a municipal court or a county 1791
court issues a protection order under this section and if, 1792
subsequent to the issuance of the order, the defendant who is 1793
the subject of the order is bound over to the court of common 1794
pleas for prosecution as described in division (D) (3) of this 1795

section, the municipal court or county court shall direct that a 1796
copy of the order be delivered to the court of common pleas to 1797
which the defendant is bound over. 1798

(2) All law enforcement agencies shall establish and 1799
maintain an index for the protection orders delivered to the 1800
agencies pursuant to division (G)(1) of this section. With 1801
respect to each order delivered, each agency shall note on the 1802
index the date and time of the agency's receipt of the order. 1803

(3) Regardless of whether the petitioner has registered 1804
the protection order in the county in which the officer's agency 1805
has jurisdiction, any officer of a law enforcement agency shall 1806
enforce a protection order issued pursuant to this section in 1807
accordance with the provisions of the order. 1808

(H) Upon a violation of a protection order issued pursuant 1809
to this section, the court may issue another protection order 1810
under this section, as a pretrial condition of release, that 1811
modifies the terms of the order that was violated. 1812

(I)(1) Subject to division (I)(2) of this section and 1813
regardless of whether a protection order is issued or a consent 1814
agreement is approved by a court of another county or by a court 1815
of another state, no court or unit of state or local government 1816
shall charge the movant any fee, cost, deposit, or money in 1817
connection with the filing of a motion pursuant to this section, 1818
in connection with the filing, issuance, registration, 1819
modification, enforcement, dismissal, withdrawal, or service of 1820
a protection order, consent agreement, or witness subpoena or 1821
for obtaining certified copies of a protection order or consent 1822
agreement. 1823

(2) Regardless of whether a protection order is issued or 1824

a consent agreement is approved pursuant to this section, if the 1825
defendant is convicted the court may assess costs against the 1826
defendant in connection with the filing, issuance, registration, 1827
modification, enforcement, dismissal, withdrawal, or service of 1828
a protection order, consent agreement, or witness subpoena or 1829
for obtaining a certified copy of a protection order or consent 1830
agreement. 1831

(J) Upon the issuance of a protection order under this 1832
section, the court shall notify in writing the person who filed 1833
the motion for the issuance of the order of the right of the 1834
person to apply with the assistance of an application assistant 1835
to the secretary of state under sections 111.31 to 111.40 of the 1836
Revised Code to have an address designated by the secretary of 1837
state serve as the person's address or the address of the person 1838
on whose behalf the protection order was issued. The person who 1839
filed the motion for the issuance of the protection order may 1840
apply with the assistance of an application assistant to the 1841
secretary of state pursuant to those sections to have an address 1842
designated by the secretary of state serve as the person's 1843
address or the address of the person on whose behalf the 1844
protection order was issued. 1845

(K) As used in this section: 1846

(1) "Sexually oriented offense" has the same meaning as in 1847
section 2950.01 of the Revised Code. 1848

(2) "Companion animal" has the same meaning as in section 1849
959.131 of the Revised Code. 1850

(3) "Application assistant" has the same meaning as in 1851
section 111.31 of the Revised Code. 1852

Sec. 2903.214. (A) As used in this section: 1853

(1) "Court" means the court of common pleas of the county
in which the person to be protected by the protection order
resides.

(2) "Victim advocate" means a person who provides support
and assistance for a person who files a petition under this
section.

(3) "Family or household member" has the same meaning as
in section 3113.31 of the Revised Code.

(4) "Protection order issued by a court of another state"
has the same meaning as in section 2919.27 of the Revised Code.

(5) "Sexually oriented offense" has the same meaning as in
section 2950.01 of the Revised Code.

(6) "Electronic monitoring" has the same meaning as in
section 2929.01 of the Revised Code.

(7) "Companion animal" has the same meaning as in section
959.131 of the Revised Code.

(B) The court has jurisdiction over all proceedings under
this section.

(C) A person may seek relief under this section for the
person, or any parent or adult household member may seek relief
under this section on behalf of any other family or household
member, by filing a petition with the court. The petition shall
contain or state all of the following:

(1) An allegation that the respondent is eighteen years of
age or older and engaged in a violation of section 2903.211 of
the Revised Code against the person to be protected by the
protection order or committed a sexually oriented offense
against the person to be protected by the protection order,

including a description of the nature and extent of the 1882
violation; 1883

(2) If the petitioner seeks relief in the form of 1884
electronic monitoring of the respondent, an allegation that at 1885
any time preceding the filing of the petition the respondent 1886
engaged in conduct that would cause a reasonable person to 1887
believe that the health, welfare, or safety of the person to be 1888
protected was at risk, a description of the nature and extent of 1889
that conduct, and an allegation that the respondent presents a 1890
continuing danger to the person to be protected; 1891

(3) A request for relief under this section. 1892

(D) (1) If a person who files a petition pursuant to this 1893
section requests an ex parte order, the court shall hold an ex 1894
parte hearing as soon as possible after the petition is filed, 1895
but not later than the next day that the court is in session 1896
after the petition is filed. The court, for good cause shown at 1897
the ex parte hearing, may enter any temporary orders, with or 1898
without bond, that the court finds necessary for the safety and 1899
protection of the person to be protected by the order. Immediate 1900
and present danger to the person to be protected by the 1901
protection order constitutes good cause for purposes of this 1902
section. Immediate and present danger includes, but is not 1903
limited to, situations in which the respondent has threatened 1904
the person to be protected by the protection order with bodily 1905
harm or in which the respondent previously has been convicted of 1906
or pleaded guilty to a violation of section 2903.211 of the 1907
Revised Code or a sexually oriented offense against the person 1908
to be protected by the protection order. 1909

(2) (a) If the court, after an ex parte hearing, issues a 1910
protection order described in division (E) of this section, the 1911

court shall schedule a full hearing for a date that is within 1912
ten court days after the ex parte hearing. The court shall give 1913
the respondent notice of, and an opportunity to be heard at, the 1914
full hearing. The court shall hold the full hearing on the date 1915
scheduled under this division unless the court grants a 1916
continuance of the hearing in accordance with this division. 1917
Under any of the following circumstances or for any of the 1918
following reasons, the court may grant a continuance of the full 1919
hearing to a reasonable time determined by the court: 1920

(i) Prior to the date scheduled for the full hearing under 1921
this division, the respondent has not been served with the 1922
petition filed pursuant to this section and notice of the full 1923
hearing. 1924

(ii) The parties consent to the continuance. 1925

(iii) The continuance is needed to allow a party to obtain 1926
counsel. 1927

(iv) The continuance is needed for other good cause. 1928

(b) An ex parte order issued under this section does not 1929
expire because of a failure to serve notice of the full hearing 1930
upon the respondent before the date set for the full hearing 1931
under division (D)(2)(a) of this section or because the court 1932
grants a continuance under that division. 1933

(3) If a person who files a petition pursuant to this 1934
section does not request an ex parte order, or if a person 1935
requests an ex parte order but the court does not issue an ex 1936
parte order after an ex parte hearing, the court shall proceed 1937
as in a normal civil action and grant a full hearing on the 1938
matter. 1939

(E) (1) (a) After an ex parte or full hearing, the court may 1940

issue any protection order, with or without bond, that contains 1941
terms designed to ensure the safety and protection of the person 1942
to be protected by the protection order, including, but not 1943
limited to, a requirement that the respondent refrain from 1944
entering the residence, school, business, or place of employment 1945
of the petitioner or family or household member. If the court 1946
includes a requirement that the respondent refrain from entering 1947
the residence, school, business, or place of employment of the 1948
petitioner or family or household member in the order, it also 1949
shall include in the order provisions of the type described in 1950
division (E) (5) of this section. The court may include within a 1951
protection order issued under this section a term requiring that 1952
the respondent not remove, damage, hide, harm, or dispose of any 1953
companion animal owned or possessed by the person to be 1954
protected by the order, and may include within the order a term 1955
authorizing the person to be protected by the order to remove a 1956
companion animal owned by the person to be protected by the 1957
order from the possession of the respondent. 1958

(b) After a full hearing, if the court considering a 1959
petition that includes an allegation of the type described in 1960
division (C) (2) of this section, or the court upon its own 1961
motion, finds upon clear and convincing evidence that the 1962
petitioner reasonably believed that the respondent's conduct at 1963
any time preceding the filing of the petition endangered the 1964
health, welfare, or safety of the person to be protected and 1965
that the respondent presents a continuing danger to the person 1966
to be protected, the court may order that the respondent be 1967
electronically monitored for a period of time and under the 1968
terms and conditions that the court determines are appropriate. 1969
Electronic monitoring shall be in addition to any other relief 1970
granted to the petitioner. 1971

(2) (a) Any protection order issued pursuant to this section shall be valid until a date certain but not later than five years from the date of its issuance. 1972
1973
1974

(b) Any protection order issued pursuant to this section may be renewed in the same manner as the original order was issued. 1975
1976
1977

(3) A court may not issue a protection order that requires a petitioner to do or to refrain from doing an act that the court may require a respondent to do or to refrain from doing under division (E) (1) of this section unless all of the following apply: 1978
1979
1980
1981
1982

(a) The respondent files a separate petition for a protection order in accordance with this section. 1983
1984

(b) The petitioner is served with notice of the respondent's petition at least forty-eight hours before the court holds a hearing with respect to the respondent's petition, or the petitioner waives the right to receive this notice. 1985
1986
1987
1988

(c) If the petitioner has requested an ex parte order pursuant to division (D) of this section, the court does not delay any hearing required by that division beyond the time specified in that division in order to consolidate the hearing with a hearing on the petition filed by the respondent. 1989
1990
1991
1992
1993

(d) After a full hearing at which the respondent presents evidence in support of the request for a protection order and the petitioner is afforded an opportunity to defend against that evidence, the court determines that the petitioner has committed a violation of section 2903.211 of the Revised Code against the person to be protected by the protection order issued pursuant to division (E) (3) of this section, has committed a sexually 1994
1995
1996
1997
1998
1999
2000

oriented offense against the person to be protected by the protection order issued pursuant to division (E) (3) of this section, or has violated a protection order issued pursuant to section 2903.213 of the Revised Code relative to the person to be protected by the protection order issued pursuant to division (E) (3) of this section.

(4) No protection order issued pursuant to this section shall in any manner affect title to any real property.

(5) (a) If the court issues a protection order under this section that includes a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the petitioner or a family or household member, the order shall clearly state that the order cannot be waived or nullified by an invitation to the alleged offender from the complainant to enter the residence, school, business, or place of employment or by the alleged offender's entry into one of those places otherwise upon the consent of the petitioner or family or household member.

(b) Division (E) (5) (a) of this section does not limit any discretion of a court to determine that an alleged offender charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance substantially equivalent to that section, or with contempt of court, which charge is based on an alleged violation of a protection order issued under this section, did not commit the violation or was not in contempt of court.

(F) (1) The court shall cause the delivery of a copy of any protection order that is issued under this section to the petitioner, to the respondent, and to all law enforcement agencies that have jurisdiction to enforce the order. The court

shall direct that a copy of the order be delivered to the 2031
respondent on the same day that the order is entered. 2032

(2) Upon the issuance of a protection order under this 2033
section, the court shall provide the parties to the order with 2034
the following notice orally or by form: 2035

"NOTICE 2036

As a result of this order, it may be unlawful for you to 2037
possess or purchase a firearm, including a rifle, pistol, or 2038
revolver, or ammunition pursuant to federal law under 18 U.S.C. 2039
922(g) (8). If you have any questions whether this law makes it 2040
illegal for you to possess or purchase a firearm or ammunition, 2041
you should consult an attorney." 2042

(3) All law enforcement agencies shall establish and 2043
maintain an index for the protection orders delivered to the 2044
agencies pursuant to division (F) (1) of this section. With 2045
respect to each order delivered, each agency shall note on the 2046
index the date and time that it received the order. 2047

(4) Regardless of whether the petitioner has registered 2048
the protection order in the county in which the officer's agency 2049
has jurisdiction pursuant to division (M) of this section, any 2050
officer of a law enforcement agency shall enforce a protection 2051
order issued pursuant to this section by any court in this state 2052
in accordance with the provisions of the order, including 2053
removing the respondent from the premises, if appropriate. 2054

(G) Any proceeding under this section shall be conducted 2055
in accordance with the Rules of Civil Procedure, except that a 2056
protection order may be obtained under this section with or 2057
without bond. An order issued under this section, other than an 2058
ex parte order, that grants a protection order, or that refuses 2059

to grant a protection order, is a final, appealable order. The 2060
remedies and procedures provided in this section are in addition 2061
to, and not in lieu of, any other available civil or criminal 2062
remedies. 2063

(H) The filing of proceedings under this section does not 2064
excuse a person from filing any report or giving any notice 2065
required by section 2151.421 of the Revised Code or by any other 2066
law. 2067

(I) Any law enforcement agency that investigates an 2068
alleged violation of section 2903.211 of the Revised Code or an 2069
alleged commission of a sexually oriented offense shall provide 2070
information to the victim and the family or household members of 2071
the victim regarding the relief available under this section and 2072
section 2903.213 of the Revised Code. 2073

(J) (1) Subject to division (J) (2) of this section and 2074
regardless of whether a protection order is issued or a consent 2075
agreement is approved by a court of another county or by a court 2076
of another state, no court or unit of state or local government 2077
shall charge the petitioner any fee, cost, deposit, or money in 2078
connection with the filing of a petition pursuant to this 2079
section, in connection with the filing, issuance, registration, 2080
modification, enforcement, dismissal, withdrawal, or service of 2081
a protection order, consent agreement, or witness subpoena or 2082
for obtaining a certified copy of a protection order or consent 2083
agreement. 2084

(2) Regardless of whether a protection order is issued or 2085
a consent agreement is approved pursuant to this section, the 2086
court may assess costs against the respondent in connection with 2087
the filing, issuance, registration, modification, enforcement, 2088
dismissal, withdrawal, or service of a protection order, consent 2089

agreement, or witness subpoena or for obtaining a certified copy 2090
of a protection order or consent agreement. 2091

(K) (1) A person who violates a protection order issued 2092
under this section is subject to the following sanctions: 2093

(a) Criminal prosecution for a violation of section 2094
2919.27 of the Revised Code, if the violation of the protection 2095
order constitutes a violation of that section; 2096

(b) Punishment for contempt of court. 2097

(2) The punishment of a person for contempt of court for 2098
violation of a protection order issued under this section does 2099
not bar criminal prosecution of the person for a violation of 2100
section 2919.27 of the Revised Code. However, a person punished 2101
for contempt of court is entitled to credit for the punishment 2102
imposed upon conviction of a violation of that section, and a 2103
person convicted of a violation of that section shall not 2104
subsequently be punished for contempt of court arising out of 2105
the same activity. 2106

(L) In all stages of a proceeding under this section, a 2107
petitioner may be accompanied by a victim advocate. 2108

(M) (1) A petitioner who obtains a protection order under 2109
this section or a protection order under section 2903.213 of the 2110
Revised Code may provide notice of the issuance or approval of 2111
the order to the judicial and law enforcement officials in any 2112
county other than the county in which the order is issued by 2113
registering that order in the other county pursuant to division 2114
(M) (2) of this section and filing a copy of the registered order 2115
with a law enforcement agency in the other county in accordance 2116
with that division. A person who obtains a protection order 2117
issued by a court of another state may provide notice of the 2118

issuance of the order to the judicial and law enforcement 2119
officials in any county of this state by registering the order 2120
in that county pursuant to section 2919.272 of the Revised Code 2121
and filing a copy of the registered order with a law enforcement 2122
agency in that county. 2123

(2) A petitioner may register a protection order issued 2124
pursuant to this section or section 2903.213 of the Revised Code 2125
in a county other than the county in which the court that issued 2126
the order is located in the following manner: 2127

(a) The petitioner shall obtain a certified copy of the 2128
order from the clerk of the court that issued the order and 2129
present that certified copy to the clerk of the court of common 2130
pleas or the clerk of a municipal court or county court in the 2131
county in which the order is to be registered. 2132

(b) Upon accepting the certified copy of the order for 2133
registration, the clerk of the court of common pleas, municipal 2134
court, or county court shall place an endorsement of 2135
registration on the order and give the petitioner a copy of the 2136
order that bears that proof of registration. 2137

(3) The clerk of each court of common pleas, municipal 2138
court, or county court shall maintain a registry of certified 2139
copies of protection orders that have been issued by courts in 2140
other counties pursuant to this section or section 2903.213 of 2141
the Revised Code and that have been registered with the clerk. 2142

(N) (1) If the court orders electronic monitoring of the 2143
respondent under this section, the court shall direct the 2144
sheriff's office or any other appropriate law enforcement agency 2145
to install the electronic monitoring device and to monitor the 2146
respondent. Unless the court determines that the respondent is 2147

indigent, the court shall order the respondent to pay the cost 2148
of the installation and monitoring of the electronic monitoring 2149
device. If the court determines that the respondent is indigent 2150
and subject to the maximum amount allowable to be paid in any 2151
year from the fund and the rules promulgated by the attorney 2152
general under division (N) (2) of this section, the cost of the 2153
installation and monitoring of the electronic monitoring device 2154
may be paid out of funds from the reparations fund created 2155
pursuant to section 2743.191 of the Revised Code. The total 2156
amount of costs for the installation and monitoring of 2157
electronic monitoring devices paid pursuant to this division and 2158
sections 2151.34 and 2919.27 of the Revised Code from the 2159
reparations fund shall not exceed three hundred thousand dollars 2160
per year. 2161

(2) The attorney general may promulgate rules pursuant to 2162
section 111.15 of the Revised Code to govern payments made from 2163
the reparations fund pursuant to this division and sections 2164
2151.34 and 2919.27 of the Revised Code. The rules may include 2165
reasonable limits on the total cost paid pursuant to this 2166
division and sections 2151.34 and 2919.27 of the Revised Code 2167
per respondent, the amount of the three hundred thousand dollars 2168
allocated to each county, and how invoices may be submitted by a 2169
county, court, or other entity. 2170

(0) (1) Upon the issuance of a protection order under this 2171
section, the court shall notify the petitioner in writing of the 2172
right of the petitioner to apply with the assistance of an 2173
application assistant to the secretary of state under sections 2174
111.31 to 111.40 of the Revised Code to have an address 2175
designated by the secretary of state serve as the petitioner's 2176
address or the address of the person on whose behalf the 2177
protection order was issued. The petitioner may apply with the 2178

assistance of an application assistant to the secretary of state 2179
pursuant to those sections to have an address designated by the 2180
secretary of state serve as the petitioner's address or the 2181
address of the person on whose behalf the protection order was 2182
issued. 2183

(2) As used in division (O)(1) of this section, 2184
"application assistant" has the same meaning as in section 2185
111.31 of the Revised Code. 2186

Sec. 3113.31. (A) As used in this section: 2187

(1) "Domestic violence" means the occurrence of one or 2188
more of the following acts against a family or household member: 2189

(a) Attempting to cause or recklessly causing bodily 2190
injury; 2191

(b) Placing another person by the threat of force in fear 2192
of imminent serious physical harm or committing a violation of 2193
section 2903.211 or 2911.211 of the Revised Code; 2194

(c) Committing any act with respect to a child that would 2195
result in the child being an abused child, as defined in section 2196
2151.031 of the Revised Code; 2197

(d) Committing a sexually oriented offense. 2198

(2) "Court" means the domestic relations division of the 2199
court of common pleas in counties that have a domestic relations 2200
division and the court of common pleas in counties that do not 2201
have a domestic relations division, or the juvenile division of 2202
the court of common pleas of the county in which the person to 2203
be protected by a protection order issued or a consent agreement 2204
approved under this section resides if the respondent is less 2205
than eighteen years of age. 2206

- (3) "Family or household member" means any of the following: 2207
2208
- (a) Any of the following who is residing with or has resided with the respondent: 2209
2210
- (i) A spouse, a person living as a spouse, or a former spouse of the respondent; 2211
2212
- (ii) A parent, a foster parent, or a child of the respondent, or another person related by consanguinity or affinity to the respondent; 2213
2214
2215
- (iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent. 2216
2217
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2219
- (b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent. 2220
2221
2222
- (4) "Person living as a spouse" means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question. 2223
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- (5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section. 2229
2230
2231
- (6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 2232
2233
- (B) The court has jurisdiction over all proceedings under 2234

this section. The petitioner's right to relief under this 2235
section is not affected by the petitioner's leaving the 2236
residence or household to avoid further domestic violence. 2237

(C) A person may seek relief under this section on the 2238
person's own behalf, or any parent or adult household member may 2239
seek relief under this section on behalf of any other family or 2240
household member, by filing a petition with the court. The 2241
petition shall contain or state: 2242

(1) An allegation that the respondent engaged in domestic 2243
violence against a family or household member of the respondent, 2244
including a description of the nature and extent of the domestic 2245
violence; 2246

(2) The relationship of the respondent to the petitioner, 2247
and to the victim if other than the petitioner; 2248

(3) A request for relief under this section. 2249

(D) (1) If a person who files a petition pursuant to this 2250
section requests an ex parte order, the court shall hold an ex 2251
parte hearing on the same day that the petition is filed. The 2252
court, for good cause shown at the ex parte hearing, may enter 2253
any temporary orders, with or without bond, including, but not 2254
limited to, an order described in division (E) (1) (a), (b), or 2255
(c) of this section, that the court finds necessary to protect 2256
the family or household member from domestic violence. Immediate 2257
and present danger of domestic violence to the family or 2258
household member constitutes good cause for purposes of this 2259
section. Immediate and present danger includes, but is not 2260
limited to, situations in which the respondent has threatened 2261
the family or household member with bodily harm, in which the 2262
respondent has threatened the family or household member with a 2263

sexually oriented offense, or in which the respondent previously 2264
has been convicted of, pleaded guilty to, or been adjudicated a 2265
delinquent child for an offense that constitutes domestic 2266
violence against the family or household member. 2267

(2) (a) If the court, after an ex parte hearing, issues an 2268
order described in division (E) (1) (b) or (c) of this section, 2269
the court shall schedule a full hearing for a date that is 2270
within seven court days after the ex parte hearing. If any other 2271
type of protection order that is authorized under division (E) 2272
of this section is issued by the court after an ex parte 2273
hearing, the court shall schedule a full hearing for a date that 2274
is within ten court days after the ex parte hearing. The court 2275
shall give the respondent notice of, and an opportunity to be 2276
heard at, the full hearing. The court shall hold the full 2277
hearing on the date scheduled under this division unless the 2278
court grants a continuance of the hearing in accordance with 2279
this division. Under any of the following circumstances or for 2280
any of the following reasons, the court may grant a continuance 2281
of the full hearing to a reasonable time determined by the 2282
court: 2283

(i) Prior to the date scheduled for the full hearing under 2284
this division, the respondent has not been served with the 2285
petition filed pursuant to this section and notice of the full 2286
hearing. 2287

(ii) The parties consent to the continuance. 2288

(iii) The continuance is needed to allow a party to obtain 2289
counsel. 2290

(iv) The continuance is needed for other good cause. 2291

(b) An ex parte order issued under this section does not 2292

expire because of a failure to serve notice of the full hearing 2293
upon the respondent before the date set for the full hearing 2294
under division (D) (2) (a) of this section or because the court 2295
grants a continuance under that division. 2296

(3) If a person who files a petition pursuant to this 2297
section does not request an ex parte order, or if a person 2298
requests an ex parte order but the court does not issue an ex 2299
parte order after an ex parte hearing, the court shall proceed 2300
as in a normal civil action and grant a full hearing on the 2301
matter. 2302

(E) (1) After an ex parte or full hearing, the court may 2303
grant any protection order, with or without bond, or approve any 2304
consent agreement to bring about a cessation of domestic 2305
violence against the family or household members. The order or 2306
agreement may: 2307

(a) Direct the respondent to refrain from abusing or from 2308
committing sexually oriented offenses against the family or 2309
household members; 2310

(b) Grant possession of the residence or household to the 2311
petitioner or other family or household member, to the exclusion 2312
of the respondent, by evicting the respondent, when the 2313
residence or household is owned or leased solely by the 2314
petitioner or other family or household member, or by ordering 2315
the respondent to vacate the premises, when the residence or 2316
household is jointly owned or leased by the respondent, and the 2317
petitioner or other family or household member; 2318

(c) When the respondent has a duty to support the 2319
petitioner or other family or household member living in the 2320
residence or household and the respondent is the sole owner or 2321

lessee of the residence or household, grant possession of the 2322
residence or household to the petitioner or other family or 2323
household member, to the exclusion of the respondent, by 2324
ordering the respondent to vacate the premises, or, in the case 2325
of a consent agreement, allow the respondent to provide 2326
suitable, alternative housing; 2327

(d) Temporarily allocate parental rights and 2328
responsibilities for the care of, or establish temporary 2329
parenting time rights with regard to, minor children, if no 2330
other court has determined, or is determining, the allocation of 2331
parental rights and responsibilities for the minor children or 2332
parenting time rights; 2333

(e) Require the respondent to maintain support, if the 2334
respondent customarily provides for or contributes to the 2335
support of the family or household member, or if the respondent 2336
has a duty to support the petitioner or family or household 2337
member; 2338

(f) Require the respondent, petitioner, victim of domestic 2339
violence, or any combination of those persons, to seek 2340
counseling; 2341

(g) Require the respondent to refrain from entering the 2342
residence, school, business, or place of employment of the 2343
petitioner or family or household member; 2344

(h) Grant other relief that the court considers equitable 2345
and fair, including, but not limited to, ordering the respondent 2346
to permit the use of a motor vehicle by the petitioner or other 2347
family or household member and the apportionment of household 2348
and family personal property. 2349

(2) If a protection order has been issued pursuant to this 2350

section in a prior action involving the respondent and the 2351
petitioner or one or more of the family or household members or 2352
victims, the court may include in a protection order that it 2353
issues a prohibition against the respondent returning to the 2354
residence or household. If it includes a prohibition against the 2355
respondent returning to the residence or household in the order, 2356
it also shall include in the order provisions of the type 2357
described in division (E) (7) of this section. This division does 2358
not preclude the court from including in a protection order or 2359
consent agreement, in circumstances other than those described 2360
in this division, a requirement that the respondent be evicted 2361
from or vacate the residence or household or refrain from 2362
entering the residence, school, business, or place of employment 2363
of the petitioner or a family or household member, and, if the 2364
court includes any requirement of that type in an order or 2365
agreement, the court also shall include in the order provisions 2366
of the type described in division (E) (7) of this section. 2367

(3) (a) Any protection order issued or consent agreement 2368
approved under this section shall be valid until a date certain, 2369
but not later than five years from the date of its issuance or 2370
approval, or not later than the date a respondent who is less 2371
than eighteen years of age attains nineteen years of age, unless 2372
modified or terminated as provided in division (E) (8) of this 2373
section. 2374

(b) Subject to the limitation on the duration of an order 2375
or agreement set forth in division (E) (3) (a) of this section, 2376
any order under division (E) (1) (d) of this section shall 2377
terminate on the date that a court in an action for divorce, 2378
dissolution of marriage, or legal separation brought by the 2379
petitioner or respondent issues an order allocating parental 2380
rights and responsibilities for the care of children or on the 2381

date that a juvenile court in an action brought by the 2382
petitioner or respondent issues an order awarding legal custody 2383
of minor children. Subject to the limitation on the duration of 2384
an order or agreement set forth in division (E) (3) (a) of this 2385
section, any order under division (E) (1) (e) of this section 2386
shall terminate on the date that a court in an action for 2387
divorce, dissolution of marriage, or legal separation brought by 2388
the petitioner or respondent issues a support order or on the 2389
date that a juvenile court in an action brought by the 2390
petitioner or respondent issues a support order. 2391

(c) Any protection order issued or consent agreement 2392
approved pursuant to this section may be renewed in the same 2393
manner as the original order or agreement was issued or 2394
approved. 2395

(4) A court may not issue a protection order that requires 2396
a petitioner to do or to refrain from doing an act that the 2397
court may require a respondent to do or to refrain from doing 2398
under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of 2399
this section unless all of the following apply: 2400

(a) The respondent files a separate petition for a 2401
protection order in accordance with this section. 2402

(b) The petitioner is served notice of the respondent's 2403
petition at least forty-eight hours before the court holds a 2404
hearing with respect to the respondent's petition, or the 2405
petitioner waives the right to receive this notice. 2406

(c) If the petitioner has requested an ex parte order 2407
pursuant to division (D) of this section, the court does not 2408
delay any hearing required by that division beyond the time 2409
specified in that division in order to consolidate the hearing 2410

with a hearing on the petition filed by the respondent. 2411

(d) After a full hearing at which the respondent presents 2412
evidence in support of the request for a protection order and 2413
the petitioner is afforded an opportunity to defend against that 2414
evidence, the court determines that the petitioner has committed 2415
an act of domestic violence or has violated a temporary 2416
protection order issued pursuant to section 2919.26 of the 2417
Revised Code, that both the petitioner and the respondent acted 2418
primarily as aggressors, and that neither the petitioner nor the 2419
respondent acted primarily in self-defense. 2420

(5) No protection order issued or consent agreement 2421
approved under this section shall in any manner affect title to 2422
any real property. 2423

(6) (a) If a petitioner, or the child of a petitioner, who 2424
obtains a protection order or consent agreement pursuant to 2425
division (E) (1) of this section or a temporary protection order 2426
pursuant to section 2919.26 of the Revised Code and is the 2427
subject of a parenting time order issued pursuant to section 2428
3109.051 or 3109.12 of the Revised Code or a visitation or 2429
companionship order issued pursuant to section 3109.051, 2430
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 2431
this section granting parenting time rights to the respondent, 2432
the court may require the public children services agency of the 2433
county in which the court is located to provide supervision of 2434
the respondent's exercise of parenting time or visitation or 2435
companionship rights with respect to the child for a period not 2436
to exceed nine months, if the court makes the following findings 2437
of fact: 2438

(i) The child is in danger from the respondent; 2439

(ii) No other person or agency is available to provide the supervision. 2440
2441

(b) A court that requires an agency to provide supervision pursuant to division (E) (6) (a) of this section shall order the respondent to reimburse the agency for the cost of providing the supervision, if it determines that the respondent has sufficient income or resources to pay that cost. 2442
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(7) (a) If a protection order issued or consent agreement approved under this section includes a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment of the petitioner or a family or household member, the order or agreement shall state clearly that the order or agreement cannot be waived or nullified by an invitation to the respondent from the petitioner or other family or household member to enter the residence, school, business, or place of employment or by the respondent's entry into one of those places otherwise upon the consent of the petitioner or other family or household member. 2447
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(b) Division (E) (7) (a) of this section does not limit any discretion of a court to determine that a respondent charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance substantially equivalent to that section, or with contempt of court, which charge is based on an alleged violation of a protection order issued or consent agreement approved under this section, did not commit the violation or was not in contempt of court. 2459
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(8) (a) The court may modify or terminate as provided in division (E) (8) of this section a protection order or consent agreement that was issued after a full hearing under this 2467
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section. The court that issued the protection order or approved 2470
the consent agreement shall hear a motion for modification or 2471
termination of the protection order or consent agreement 2472
pursuant to division (E) (8) of this section. 2473

(b) Either the petitioner or the respondent of the 2474
original protection order or consent agreement may bring a 2475
motion for modification or termination of a protection order or 2476
consent agreement that was issued or approved after a full 2477
hearing. The court shall require notice of the motion to be made 2478
as provided by the Rules of Civil Procedure. If the petitioner 2479
for the original protection order or consent agreement has 2480
requested that the petitioner's address be kept confidential, 2481
the court shall not disclose the address to the respondent of 2482
the original protection order or consent agreement or any other 2483
person, except as otherwise required by law. The moving party 2484
has the burden of proof to show, by a preponderance of the 2485
evidence, that modification or termination of the protection 2486
order or consent agreement is appropriate because either the 2487
protection order or consent agreement is no longer needed or 2488
because the terms of the original protection order or consent 2489
agreement are no longer appropriate. 2490

(c) In considering whether to modify or terminate a 2491
protection order or consent agreement issued or approved under 2492
this section, the court shall consider all relevant factors, 2493
including, but not limited to, the following: 2494

(i) Whether the petitioner consents to modification or 2495
termination of the protection order or consent agreement; 2496

(ii) Whether the petitioner fears the respondent; 2497

(iii) The current nature of the relationship between the 2498

petitioner and the respondent;	2499
(iv) The circumstances of the petitioner and respondent,	2500
including the relative proximity of the petitioner's and	2501
respondent's workplaces and residences and whether the	2502
petitioner and respondent have minor children together;	2503
(v) Whether the respondent has complied with the terms and	2504
conditions of the original protection order or consent	2505
agreement;	2506
(vi) Whether the respondent has a continuing involvement	2507
with illegal drugs or alcohol;	2508
(vii) Whether the respondent has been convicted of,	2509
pleaded guilty to, or been adjudicated a delinquent child for an	2510
offense of violence since the issuance of the protection order	2511
or approval of the consent agreement;	2512
(viii) Whether any other protection orders, consent	2513
agreements, restraining orders, or no contact orders have been	2514
issued against the respondent pursuant to this section, section	2515
2919.26 of the Revised Code, any other provision of state law,	2516
or the law of any other state;	2517
(ix) Whether the respondent has participated in any	2518
domestic violence treatment, intervention program, or other	2519
counseling addressing domestic violence and whether the	2520
respondent has completed the treatment, program, or counseling;	2521
(x) The time that has elapsed since the protection order	2522
was issued or since the consent agreement was approved;	2523
(xi) The age and health of the respondent;	2524
(xii) When the last incident of abuse, threat of harm, or	2525
commission of a sexually oriented offense occurred or other	2526

relevant information concerning the safety and protection of the 2527
petitioner or other protected parties. 2528

(d) If a protection order or consent agreement is modified 2529
or terminated as provided in division (E) (8) of this section, 2530
the court shall issue copies of the modified or terminated order 2531
or agreement as provided in division (F) of this section. A 2532
petitioner may also provide notice of the modification or 2533
termination to the judicial and law enforcement officials in any 2534
county other than the county in which the order or agreement is 2535
modified or terminated as provided in division (N) of this 2536
section. 2537

(e) If the respondent moves for modification or 2538
termination of a protection order or consent agreement pursuant 2539
to this section and the court denies the motion, the court may 2540
assess costs against the respondent for the filing of the 2541
motion. 2542

(9) Any protection order issued or any consent agreement 2543
approved pursuant to this section shall include a provision that 2544
the court will automatically seal all of the records of the 2545
proceeding in which the order is issued or agreement approved on 2546
the date the respondent attains the age of nineteen years unless 2547
the petitioner provides the court with evidence that the 2548
respondent has not complied with all of the terms of the 2549
protection order or consent agreement. The protection order or 2550
consent agreement shall specify the date when the respondent 2551
attains the age of nineteen years. 2552

(F) (1) A copy of any protection order, or consent 2553
agreement, that is issued, approved, modified, or terminated 2554
under this section shall be issued by the court to the 2555
petitioner, to the respondent, and to all law enforcement 2556

agencies that have jurisdiction to enforce the order or 2557
agreement. The court shall direct that a copy of an order be 2558
delivered to the respondent on the same day that the order is 2559
entered. 2560

(2) Upon the issuance of a protection order or the 2561
approval of a consent agreement under this section, the court 2562
shall provide the parties to the order or agreement with the 2563
following notice orally or by form: 2564

"NOTICE 2565

As a result of this order or consent agreement, it may be 2566
unlawful for you to possess or purchase a firearm, including a 2567
rifle, pistol, or revolver, or ammunition pursuant to federal 2568
law under 18 U.S.C. 922(g) (8). If you have any questions whether 2569
this law makes it illegal for you to possess or purchase a 2570
firearm or ammunition, you should consult an attorney." 2571

(3) All law enforcement agencies shall establish and 2572
maintain an index for the protection orders and the approved 2573
consent agreements delivered to the agencies pursuant to 2574
division (F) (1) of this section. With respect to each order and 2575
consent agreement delivered, each agency shall note on the index 2576
the date and time that it received the order or consent 2577
agreement. 2578

(4) Regardless of whether the petitioner has registered 2579
the order or agreement in the county in which the officer's 2580
agency has jurisdiction pursuant to division (N) of this 2581
section, any officer of a law enforcement agency shall enforce a 2582
protection order issued or consent agreement approved by any 2583
court in this state in accordance with the provisions of the 2584
order or agreement, including removing the respondent from the 2585

premises, if appropriate. 2586

(G) Any proceeding under this section shall be conducted 2587
in accordance with the Rules of Civil Procedure, except that an 2588
order under this section may be obtained with or without bond. 2589
An order issued under this section, other than an ex parte 2590
order, that grants a protection order or approves a consent 2591
agreement, that refuses to grant a protection order or approve a 2592
consent agreement that modifies or terminates a protection order 2593
or consent agreement, or that refuses to modify or terminate a 2594
protection order or consent agreement, is a final, appealable 2595
order. The remedies and procedures provided in this section are 2596
in addition to, and not in lieu of, any other available civil or 2597
criminal remedies. 2598

(H) The filing of proceedings under this section does not 2599
excuse a person from filing any report or giving any notice 2600
required by section 2151.421 of the Revised Code or by any other 2601
law. When a petition under this section alleges domestic 2602
violence against minor children, the court shall report the 2603
fact, or cause reports to be made, to a county, township, or 2604
municipal peace officer under section 2151.421 of the Revised 2605
Code. 2606

(I) Any law enforcement agency that investigates a 2607
domestic dispute shall provide information to the family or 2608
household members involved regarding the relief available under 2609
this section and section 2919.26 of the Revised Code. 2610

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 2611
section and regardless of whether a protection order is issued 2612
or a consent agreement is approved by a court of another county 2613
or a court of another state, no court or unit of state or local 2614
government shall charge the petitioner any fee, cost, deposit, 2615

or money in connection with the filing of a petition pursuant to 2616
this section or in connection with the filing, issuance, 2617
registration, modification, enforcement, dismissal, withdrawal, 2618
or service of a protection order, consent agreement, or witness 2619
subpoena or for obtaining a certified copy of a protection order 2620
or consent agreement. 2621

(2) Regardless of whether a protection order is issued or 2622
a consent agreement is approved pursuant to this section, the 2623
court may assess costs against the respondent in connection with 2624
the filing, issuance, registration, modification, enforcement, 2625
dismissal, withdrawal, or service of a protection order, consent 2626
agreement, or witness subpoena or for obtaining a certified copy 2627
of a protection order or consent agreement. 2628

(K) (1) The court shall comply with Chapters 3119., 3121., 2629
3123., and 3125. of the Revised Code when it makes or modifies 2630
an order for child support under this section. 2631

(2) If any person required to pay child support under an 2632
order made under this section on or after April 15, 1985, or 2633
modified under this section on or after December 31, 1986, is 2634
found in contempt of court for failure to make support payments 2635
under the order, the court that makes the finding, in addition 2636
to any other penalty or remedy imposed, shall assess all court 2637
costs arising out of the contempt proceeding against the person 2638
and require the person to pay any reasonable attorney's fees of 2639
any adverse party, as determined by the court, that arose in 2640
relation to the act of contempt. 2641

(L) (1) A person who violates a protection order issued or 2642
a consent agreement approved under this section is subject to 2643
the following sanctions: 2644

(a) Criminal prosecution or a delinquent child proceeding 2645
for a violation of section 2919.27 of the Revised Code, if the 2646
violation of the protection order or consent agreement 2647
constitutes a violation of that section; 2648

(b) Punishment for contempt of court. 2649

(2) The punishment of a person for contempt of court for 2650
violation of a protection order issued or a consent agreement 2651
approved under this section does not bar criminal prosecution of 2652
the person or a delinquent child proceeding concerning the 2653
person for a violation of section 2919.27 of the Revised Code. 2654
However, a person punished for contempt of court is entitled to 2655
credit for the punishment imposed upon conviction of or 2656
adjudication as a delinquent child for a violation of that 2657
section, and a person convicted of or adjudicated a delinquent 2658
child for a violation of that section shall not subsequently be 2659
punished for contempt of court arising out of the same activity. 2660

(M) In all stages of a proceeding under this section, a 2661
petitioner may be accompanied by a victim advocate. 2662

(N) (1) A petitioner who obtains a protection order or 2663
consent agreement under this section or a temporary protection 2664
order under section 2919.26 of the Revised Code may provide 2665
notice of the issuance or approval of the order or agreement to 2666
the judicial and law enforcement officials in any county other 2667
than the county in which the order is issued or the agreement is 2668
approved by registering that order or agreement in the other 2669
county pursuant to division (N) (2) of this section and filing a 2670
copy of the registered order or registered agreement with a law 2671
enforcement agency in the other county in accordance with that 2672
division. A person who obtains a protection order issued by a 2673
court of another state may provide notice of the issuance of the 2674

order to the judicial and law enforcement officials in any 2675
county of this state by registering the order in that county 2676
pursuant to section 2919.272 of the Revised Code and filing a 2677
copy of the registered order with a law enforcement agency in 2678
that county. 2679

(2) A petitioner may register a temporary protection 2680
order, protection order, or consent agreement in a county other 2681
than the county in which the court that issued the order or 2682
approved the agreement is located in the following manner: 2683

(a) The petitioner shall obtain a certified copy of the 2684
order or agreement from the clerk of the court that issued the 2685
order or approved the agreement and present that certified copy 2686
to the clerk of the court of common pleas or the clerk of a 2687
municipal court or county court in the county in which the order 2688
or agreement is to be registered. 2689

(b) Upon accepting the certified copy of the order or 2690
agreement for registration, the clerk of the court of common 2691
pleas, municipal court, or county court shall place an 2692
endorsement of registration on the order or agreement and give 2693
the petitioner a copy of the order or agreement that bears that 2694
proof of registration. 2695

(3) The clerk of each court of common pleas, the clerk of 2696
each municipal court, and the clerk of each county court shall 2697
maintain a registry of certified copies of temporary protection 2698
orders, protection orders, or consent agreements that have been 2699
issued or approved by courts in other counties and that have 2700
been registered with the clerk. 2701

(0) (1) Upon the issuance of a protection order or the 2702
approval of a consent agreement under this section, the court 2703

shall notify the petitioner in writing of the right of the 2704
petitioner to apply with the assistance of an application 2705
assistant to the secretary of state under sections 111.31 to 2706
111.40 of the Revised Code to have an address designated by the 2707
secretary of state serve as the petitioner's address or the 2708
address of the person on whose behalf the protection order was 2709
issued or the consent agreement was approved. The petitioner may 2710
apply with the assistance of an application assistant to the 2711
secretary of state pursuant to those sections to have an address 2712
designated by the secretary of state serve as the petitioner's 2713
address or the address of the person on whose behalf the 2714
protection order was issued or the consent agreement was 2715
approved. 2716

(2) As used in division (O)(1) of this section, 2717
"application assistant" has the same meaning as in section 2718
111.31 of the Revised Code. 2719

(P) Nothing in this section prohibits the domestic 2720
relations division of a court of common pleas in counties that 2721
have a domestic relations division or a court of common pleas in 2722
counties that do not have a domestic relations division from 2723
designating a minor child as a protected party on a protection 2724
order or consent agreement. 2725

Sec. 3503.15. (A) (1) The secretary of state shall 2726
establish and maintain a statewide voter registration database 2727
that shall be administered by the office of the secretary of 2728
state and made continuously available to each board of elections 2729
and to other agencies as authorized by law. 2730

(2) (a) State agencies, including, but not limited to, the 2731
department of health, bureau of motor vehicles, department of 2732
job and family services, and the department of rehabilitation 2733

and corrections, shall provide any information and data to the 2734
secretary of state that is collected in the course of normal 2735
business and that is necessary to register to vote, to update an 2736
elector's registration, or to maintain the statewide voter 2737
registration database established pursuant to this section, 2738
except where prohibited by federal law or regulation. The 2739
secretary of state shall ensure that any information or data 2740
provided to the secretary of state that is confidential in the 2741
possession of the entity providing the data remains confidential 2742
while in the possession of the secretary of state. No public 2743
office, and no public official or employee, shall sell that 2744
information or data or use that information or data for profit. 2745

(b) Information provided under this division for 2746
maintenance of the statewide voter registration database shall 2747
not be used to update the name or address of a registered 2748
elector. The name or address of a registered elector shall only 2749
be updated as a result of the elector's actions in filing a 2750
notice of change of name, change of address, or both. 2751

(c) A board of elections shall contact a registered 2752
elector pursuant to the rules adopted under division (D) (7) of 2753
this section to verify the accuracy of the information in the 2754
statewide voter registration database regarding that elector if 2755
that information does not conform with information provided 2756
under division (A) (2) (a) of this section and the discrepancy 2757
would affect the elector's eligibility to cast a regular ballot. 2758

(3) (a) The secretary of state shall enter into agreements 2759
to share information or data that is in the possession of the 2760
secretary of state with other states or groups of states, as the 2761
secretary of state considers necessary, in order to maintain the 2762
statewide voter registration database established pursuant to 2763

this section. Except as otherwise provided in division (A) (3) (b) 2764
of this section, the secretary of state shall ensure that any 2765
information or data provided to the secretary of state that is 2766
confidential in the possession of the state providing the data 2767
remains confidential while in the possession of the secretary of 2768
state. 2769

(b) The secretary of state may provide such otherwise 2770
confidential information or data to persons or organizations 2771
that are engaging in legitimate governmental purposes related to 2772
the maintenance of the statewide voter registration database. 2773
The secretary of state shall adopt rules pursuant to Chapter 2774
119. of the Revised Code identifying the persons or 2775
organizations who may receive that information or data. The 2776
secretary of state shall not share that information or data with 2777
a person or organization not identified in those rules. The 2778
secretary of state shall ensure that a person or organization 2779
that receives confidential information or data under this 2780
division keeps the information or data confidential in the 2781
person's or organization's possession by, at a minimum, entering 2782
into a confidentiality agreement with the person or 2783
organization. Any confidentiality agreement entered into under 2784
this division shall include a requirement that the person or 2785
organization submit to the jurisdiction of this state in the 2786
event that the person or organization breaches the agreement. 2787

(4) No person or entity that receives information or data 2788
under division (A) (3) of this section shall sell the information 2789
or data or use the information or data for profit. 2790

(B) The statewide voter registration database established 2791
under this section shall be the official list of registered 2792
voters for all elections conducted in this state. 2793

(C) The statewide voter registration database established 2794
under this section shall, at a minimum, include all of the 2795
following: 2796

(1) An electronic network that connects all board of 2797
elections offices with the office of the secretary of state and 2798
with the offices of all other boards of elections; 2799

(2) A computer program that harmonizes the records 2800
contained in the database with records maintained by each board 2801
of elections; 2802

(3) An interactive computer program that allows access to 2803
the records contained in the database by each board of elections 2804
and by any persons authorized by the secretary of state to add, 2805
delete, modify, or print database records, and to conduct 2806
updates of the database; 2807

(4) A search program capable of verifying registered 2808
voters and their registration information by name, driver's 2809
license number, birth date, social security number, or current 2810
address; 2811

(5) Safeguards and components to ensure that the 2812
integrity, security, and confidentiality of the voter 2813
registration information is maintained; 2814

(6) Methods to retain canceled voter registration records 2815
for not less than five years after they are canceled and to 2816
record the reason for their cancellation. 2817

(D) The secretary of state shall adopt rules pursuant to 2818
Chapter 119. of the Revised Code doing all of the following: 2819

(1) Specifying the manner in which existing voter 2820
registration records maintained by boards of elections shall be 2821

converted to electronic files for inclusion in the statewide voter registration database;	2822 2823
(2) Establishing a uniform method for entering voter registration records into the statewide voter registration database on an expedited basis, but not less than once per day, if new registration information is received;	2824 2825 2826 2827
(3) Establishing a uniform method for purging canceled voter registration records from the statewide voter registration database in accordance with section 3503.21 of the Revised Code;	2828 2829 2830
(4) Specifying the persons authorized to add, delete, modify, or print records contained in the statewide voter registration database and to make updates of that database;	2831 2832 2833
(5) Establishing a process for annually auditing the information contained in the statewide voter registration database;	2834 2835 2836
(6) Establishing, by mutual agreement with the bureau of motor vehicles, the content and format of the information and data the bureau of motor vehicles shall provide to the secretary of state under division (A) (2) (a) of this section and the frequency with which the bureau shall provide that information and data;	2837 2838 2839 2840 2841 2842
(7) Establishing a uniform method for addressing instances in which records contained in the statewide voter registration database do not conform with records maintained by an agency, state, or group of states described in division (A) (2) (a) or (3) (a) of this section. That method shall prohibit an elector's voter registration from being canceled on the sole basis that the information in the registration record does not conform to records maintained by such an agency;	2843 2844 2845 2846 2847 2848 2849 2850

(8) Establishing a process to keep the voter registration record of a person who is a program participant under sections 111.31 to 111.40 of the Revised Code confidential and not available for public inspection.

(E) A board of elections promptly shall purge a voter's name and voter registration information from the statewide voter registration database in accordance with the rules adopted by the secretary of state under division (D) (3) of this section after the cancellation of a voter's registration under section 3503.21 of the Revised Code.

(F) The secretary of state shall provide training in the operation of the statewide voter registration database to each board of elections and to any persons authorized by the secretary of state to add, delete, modify, or print database records, and to conduct updates of the database.

(G) (1) The statewide voter registration database established under this section shall be made available on a web site of the office of the secretary of state as follows:

(a) Except as otherwise provided in division (G) (1) (b) of this section, the following information from the statewide voter registration database regarding a registered voter shall be made available on the web site:

(i) The voter's name;

(ii) The voter's address;

(iii) The voter's precinct number;

(iv) The voter's voting history.

(b) During the thirty days before the day of a primary or general election, the web site interface of the statewide voter

registration database shall permit a voter to search for the 2879
polling location at which that voter may cast a ballot. 2880

(2) The secretary of state shall establish, by rule 2881
adopted under Chapter 119. of the Revised Code, a process for 2882
boards of elections to notify the secretary of state of changes 2883
in the locations of precinct polling places for the purpose of 2884
updating the information made available on the secretary of 2885
state's web site under division (G) (1) (b) of this section. Those 2886
rules shall require a board of elections, during the thirty days 2887
before the day of a primary or general election, to notify the 2888
secretary of state within one business day of any change to the 2889
location of a precinct polling place within the county. 2890

(3) During the thirty days before the day of a primary or 2891
general election, not later than one business day after 2892
receiving a notification from a county pursuant to division (G) 2893
(2) of this section that the location of a precinct polling 2894
place has changed, the secretary of state shall update that 2895
information on the secretary of state's web site for the purpose 2896
of division (G) (1) (b) of this section. 2897

Sec. 3503.151. Notwithstanding any other provision of 2898
Chapter 3503. of the Revised Code, the secretary of state shall 2899
maintain the voter registration records for participants in the 2900
address confidentiality program under sections 111.32 to 111.40 2901
of the Revised Code who are registered or choose to register to 2902
vote. The secretary of state shall process new voter 2903
registration records and maintain existing voter registration 2904
records in the same manner as county boards of elections. 2905

Sec. 3509.03. Except as provided in division (B) of 2906
section 3509.08 of the Revised Code, any qualified elector 2907
desiring to vote absent voter's ballots at an election shall 2908

make written application for those ballots to the director of 2909
elections of the county in which the elector's voting residence 2910
is located. The application need not be in any particular form 2911
but shall contain all of the following: 2912

(A) The elector's name; 2913

(B) The elector's signature; 2914

(C) The address at which the elector is registered to 2915
vote; 2916

(D) The elector's date of birth; 2917

(E) One of the following: 2918

(1) The elector's driver's license number; 2919

(2) The last four digits of the elector's social security 2920
number; 2921

(3) A copy of the elector's current and valid photo 2922
identification, a copy of a military identification, or a copy 2923
of a current utility bill, bank statement, government check, 2924
paycheck, or other government document, other than a notice of 2925
voter registration mailed by a board of elections under section 2926
3503.19 of the Revised Code, that shows the name and address of 2927
the elector. 2928

(F) A statement identifying the election for which absent 2929
voter's ballots are requested; 2930

(G) A statement that the person requesting the ballots is 2931
a qualified elector; 2932

(H) If the request is for primary election ballots, the 2933
elector's party affiliation; 2934

(I) If the elector desires ballots to be mailed to the 2935

elector, the address to which those ballots shall be mailed. 2936

~~Each~~ Except as provided in section 111.34 of the Revised 2937
Code, each application for absent voter's ballots shall be 2938
delivered to the director not earlier than the first day of 2939
January of the year of the elections for which the absent 2940
voter's ballots are requested or not earlier than ninety days 2941
before the day of the election at which the ballots are to be 2942
voted, whichever is earlier, and not later than twelve noon of 2943
the third day before the day of the election at which the 2944
ballots are to be voted, or not later than six p.m. on the last 2945
Friday before the day of the election at which the ballots are 2946
to be voted if the application is delivered in person to the 2947
office of the board. 2948

A board of elections that mails an absent voter's ballot 2949
application to an elector under this section shall not prepay 2950
the return postage for that application. 2951

Except as otherwise provided in this section and in 2952
sections 3505.24 and 3509.08 of the Revised Code, an election 2953
official shall not fill out any portion of an application for 2954
absent voter's ballots on behalf of an applicant. The secretary 2955
of state or a board of elections may preprint only an 2956
applicant's name and address on an application for absent 2957
voter's ballots before mailing that application to the 2958
applicant. 2959

Section 2. That existing sections 149.43, 149.45, 319.28, 2960
319.54, 2903.213, 2903.214, 3113.31, 3503.15, and 3509.03 of the 2961
Revised Code are hereby repealed. 2962

Section 3. Section 2903.213 of the Revised Code is 2963
presented in this act as a composite of the section as amended 2964

by both Sub. H.B. 309 and Am. Sub. S.B. 177 of the 130th General 2965
Assembly. The General Assembly, applying the principle stated in 2966
division (B) of section 1.52 of the Revised Code that amendments 2967
are to be harmonized if reasonably capable of simultaneous 2968
operation, finds that the composite is the resulting version of 2969
the section in effect prior to the effective date of the section 2970
as presented in this act. 2971

Section 4. Section 2903.214 of the Revised Code is 2972
presented in this act as a composite of the section as amended 2973
by both Sub. H.B. 309 and Am. Sub. S.B. 177 of the 130th General 2974
Assembly. The General Assembly, applying the principle stated in 2975
division (B) of section 1.52 of the Revised Code that amendments 2976
are to be harmonized if reasonably capable of simultaneous 2977
operation, finds that the composite is the resulting version of 2978
the section in effect prior to the effective date of the section 2979
as presented in this act. 2980