

As Introduced

131st General Assembly

Regular Session

2015-2016

S. B. No. 83

Senator Williams

Cosponsors: Senators Brown, Tavares, Yuko

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 statewide voter 233
registration database and that the ballot envelope was properly 234
completed before forwarding for tabulation the ballot to the 235
board of elections in the county where the program participant 236
voter resides. The absent voter's ballots provided to program 237
participants shall be referred to as "ACP absent voter's 238
ballots." The board of elections shall accept all ballots 239
forwarded by the secretary of state that are postmarked prior to 240
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 to serve a notice of the date, time, place, and 266
purpose of the hearing upon the petitioner and the program 267
participant. The clerk shall notify by electronic means the 268
secretary of state on behalf of the program participant and 269
shall send the notice by certified mail, return receipt 270
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 court of common pleas of Franklin 277
county. The court shall not hear the petition until the clerk 278
receives the return receipt containing proof of service of the 279
notice 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 to such a person's designee, acting pursuant 298
to a search 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 431
the contents of an adoption file maintained by the department of 432
health under sections 3705.12 to 3705.124 of the Revised Code; 433
- (e) Information in a record contained in the putative 434
father registry established by section 3107.062 of the Revised 435
Code, regardless of whether the information is held by the 436
department of job and family services or, pursuant to section 437
3111.69 of the Revised Code, the office of child support in the 438
department or a child support enforcement agency; 439
- (f) Records specified in division (A) of section 3107.52 440
of the Revised Code; 441
- (g) Trial preparation records; 442
- (h) Confidential law enforcement investigatory records; 443
- (i) Records containing information that is confidential 444
under section 2710.03 or 4112.05 of the Revised Code; 445
- (j) DNA records stored in the DNA database pursuant to 446
section 109.573 of the Revised Code; 447
- (k) Inmate records released by the department of 448
rehabilitation and correction to the department of youth 449
services or a court of record pursuant to division (E) of 450
section 5120.21 of the Revised Code; 451
- (l) Records maintained by the department of youth services 452
pertaining to children in its custody released by the department 453
of youth services to the department of rehabilitation and 454
correction pursuant to section 5139.05 of the Revised Code; 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, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, ~~or~~ investigator of the bureau of criminal identification and investigation, or federal law enforcement officer residential and familial information; 460
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(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code; 467
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(r) Information pertaining to the recreational activities of a person under the age of eighteen; 472
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(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, and child fatality review data submitted by the child fatality review board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code; 474
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(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section; 482
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(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
<u>(cc) Subject to any provision in sections 111.31 to 111.40</u>	514

of the Revised Code, the confidential address of a participant 515
of the address confidentiality program, and all of the records 516
pertaining to the address confidentiality program, established 517
under those sections. 518

(2) "Confidential law enforcement investigatory record" 519
means any record that pertains to a law enforcement matter of a 520
criminal, quasi-criminal, civil, or administrative nature, but 521
only to the extent that the release of the record would create a 522
high probability of disclosure of any of the following: 523

(a) The identity of a suspect who has not been charged 524
with the offense to which the record pertains, or of an 525
information source or witness to whom confidentiality has been 526
reasonably promised; 527

(b) Information provided by an information source or 528
witness to whom confidentiality has been reasonably promised, 529
which information would reasonably tend to disclose the source's 530
or witness's identity; 531

(c) Specific confidential investigatory techniques or 532
procedures or specific investigatory work product; 533

(d) Information that would endanger the life or physical 534
safety of law enforcement personnel, a crime victim, a witness, 535
or a confidential information source. 536

(3) "Medical record" means any document or combination of 537
documents, except births, deaths, and the fact of admission to 538
or discharge from a hospital, that pertains to the medical 539
history, diagnosis, prognosis, or medical condition of a patient 540
and that is generated and maintained in the process of medical 541
treatment. 542

(4) "Trial preparation record" means any record that 543

contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

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

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

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

officer: 574

(a) The address of the actual personal residence of a 575
peace officer, parole officer, probation officer, bailiff, 576
assistant prosecuting attorney, correctional employee, 577
community-based correctional facility employee, youth services 578
employee, firefighter, EMT, ~~or an~~ investigator of the bureau of 579
criminal identification and investigation, or federal law 580
enforcement officer, except for the state or political 581
subdivision in which the peace officer, parole officer, 582
probation officer, bailiff, assistant prosecuting attorney, 583
correctional employee, community-based correctional facility 584
employee, youth services employee, firefighter, EMT, ~~or~~ 585
investigator of the bureau of criminal identification and 586
investigation, or federal law enforcement officer resides; 587

(b) Information compiled from referral to or participation 588
in an employee assistance program; 589

(c) The social security number, the residential telephone 590
number, any bank account, debit card, charge card, or credit 591
card number, or the emergency telephone number of, or any 592
medical information pertaining to, a peace officer, parole 593
officer, probation officer, bailiff, prosecuting attorney, 594
assistant prosecuting attorney, correctional employee, 595
community-based correctional facility employee, youth services 596
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 597
criminal identification and investigation, or federal law 598
enforcement officer; 599

(d) The name of any beneficiary of employment benefits, 600
including, but not limited to, life insurance benefits, provided 601
to a peace officer, parole officer, probation officer, bailiff, 602
prosecuting attorney, assistant prosecuting attorney, 603

correctional employee, community-based correctional facility 604
employee, youth services employee, firefighter, EMT, ~~or~~ 605
investigator of the bureau of criminal identification and 606
investigation, or federal law enforcement officer by the peace 607
officer's, parole officer's, probation officer's, bailiff's, 608
prosecuting attorney's, assistant prosecuting attorney's, 609
correctional employee's, community-based correctional facility 610
employee's, youth services employee's, firefighter's, EMT's, ~~or~~ 611
investigator of the bureau of criminal identification and 612
investigation's, or federal law enforcement officer's employer; 613

(e) The identity and amount of any charitable or 614
employment benefit deduction made by the peace officer's, parole 615
officer's, probation officer's, bailiff's, prosecuting 616
attorney's, assistant prosecuting attorney's, correctional 617
employee's, community-based correctional facility employee's, 618
youth services employee's, firefighter's, EMT's, ~~or~~ investigator 619
of the bureau of criminal identification and investigation's, or 620
federal law enforcement officer's employer from the peace 621
officer's, parole officer's, probation officer's, bailiff's, 622
prosecuting attorney's, assistant prosecuting attorney's, 623
correctional employee's, community-based correctional facility 624
employee's, youth services employee's, firefighter's, EMT's, ~~or~~ 625
investigator of the bureau of criminal identification and 626
investigation's, or federal law enforcement officer's 627
compensation unless the amount of the deduction is required by 628
state or federal law; 629

(f) The name, the residential address, the name of the 630
employer, the address of the employer, the social security 631
number, the residential telephone number, any bank account, 632
debit card, charge card, or credit card number, or the emergency 633
telephone number of the spouse, a former spouse, or any child of 634

a peace officer, parole officer, probation officer, bailiff, 635
prosecuting attorney, assistant prosecuting attorney, 636
correctional employee, community-based correctional facility 637
employee, youth services employee, firefighter, EMT, ~~or~~ 638
investigator of the bureau of criminal identification and 639
investigation, or federal law enforcement officer; 640

(g) A photograph of a peace officer or federal law 641
enforcement officer who holds a position or has an assignment 642
that may include undercover or plain clothes positions or 643
assignments as determined by the peace officer's or federal law 644
enforcement officer's appointing authority. 645

As used in divisions (A) (7) and (B) (9) of this section, 646
"peace officer" has the same meaning as in section 109.71 of the 647
Revised Code and also includes the superintendent and troopers 648
of the state highway patrol; it does not include the sheriff of 649
a county or a supervisory employee who, in the absence of the 650
sheriff, is authorized to stand in for, exercise the authority 651
of, and perform the duties of the sheriff. 652

As used in divisions (A) (7) and (B) (9) of this section, 653
"correctional employee" means any employee of the department of 654
rehabilitation and correction who in the course of performing 655
the employee's job duties has or has had contact with inmates 656
and persons under supervision. 657

As used in divisions (A) (7) and (B) (9) of this section, 658
"youth services employee" means any employee of the department 659
of youth services who in the course of performing the employee's 660
job duties has or has had contact with children committed to the 661
custody of the department of youth services. 662

As used in divisions (A) (7) and (B) (9) of this section, 663

"firefighter" means any regular, paid or volunteer, member of a 664
lawfully constituted fire department of a municipal corporation, 665
township, fire district, or village. 666

As used in divisions (A) (7) and (B) (9) of this section, 667
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 668
emergency medical services for a public emergency medical 669
service organization. "Emergency medical service organization," 670
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 671
in section 4765.01 of the Revised Code. 672

As used in divisions (A) (7) and (B) (9) of this section, 673
"investigator of the bureau of criminal identification and 674
investigation" has the meaning defined in section 2903.11 of the 675
Revised Code. 676

As used in divisions (A) (7) and (B) (9) of this section, 677
"federal law enforcement officer" means any officer of the 678
United States who is authorized by federal law to conduct any 679
investigation of, and make any arrest for, any offense against 680
the United States in violation of federal law. 681

(8) "Information pertaining to the recreational activities 682
of a person under the age of eighteen" means information that is 683
kept in the ordinary course of business by a public office, that 684
pertains to the recreational activities of a person under the 685
age of eighteen years, and that discloses any of the following: 686

(a) The address or telephone number of a person under the 687
age of eighteen or the address or telephone number of that 688
person's parent, guardian, custodian, or emergency contact 689
person; 690

(b) The social security number, birth date, or 691
photographic image of a person under the age of eighteen; 692

(c) Any medical record, history, or information pertaining 693
to a person under the age of eighteen; 694

(d) Any additional information sought or required about a 695
person under the age of eighteen for the purpose of allowing 696
that person to participate in any recreational activity 697
conducted or sponsored by a public office or to use or obtain 698
admission privileges to any recreational facility owned or 699
operated by a public office. 700

(9) "Community control sanction" has the same meaning as 701
in section 2929.01 of the Revised Code. 702

(10) "Post-release control sanction" has the same meaning 703
as in section 2967.01 of the Revised Code. 704

(11) "Redaction" means obscuring or deleting any 705
information that is exempt from the duty to permit public 706
inspection or copying from an item that otherwise meets the 707
definition of a "record" in section 149.011 of the Revised Code. 708

(12) "Designee" and "elected official" have the same 709
meanings as in section 109.43 of the Revised Code. 710

(B) (1) Upon request and subject to division (B) (8) of this 711
section, all public records responsive to the request shall be 712
promptly prepared and made available for inspection to any 713
person at all reasonable times during regular business hours. 714
Subject to division (B) (8) of this section, upon request, a 715
public office or person responsible for public records shall 716
make copies of the requested public record available at cost and 717
within a reasonable period of time. If a public record contains 718
information that is exempt from the duty to permit public 719
inspection or to copy the public record, the public office or 720
the person responsible for the public record shall make 721

available all of the information within the public record that 722
is not exempt. When making that public record available for 723
public inspection or copying that public record, the public 724
office or the person responsible for the public record shall 725
notify the requester of any redaction or make the redaction 726
plainly visible. A redaction shall be deemed a denial of a 727
request to inspect or copy the redacted information, except if 728
federal or state law authorizes or requires a public office to 729
make the redaction. 730

(2) To facilitate broader access to public records, a 731
public office or the person responsible for public records shall 732
organize and maintain public records in a manner that they can 733
be made available for inspection or copying in accordance with 734
division (B) of this section. A public office also shall have 735
available a copy of its current records retention schedule at a 736
location readily available to the public. If a requester makes 737
an ambiguous or overly broad request or has difficulty in making 738
a request for copies or inspection of public records under this 739
section such that the public office or the person responsible 740
for the requested public record cannot reasonably identify what 741
public records are being requested, the public office or the 742
person responsible for the requested public record may deny the 743
request but shall provide the requester with an opportunity to 744
revise the request by informing the requester of the manner in 745
which records are maintained by the public office and accessed 746
in the ordinary course of the public office's or person's 747
duties. 748

(3) If a request is ultimately denied, in part or in 749
whole, the public office or the person responsible for the 750
requested public record shall provide the requester with an 751
explanation, including legal authority, setting forth why the 752

request was denied. If the initial request was provided in 753
writing, the explanation also shall be provided to the requester 754
in writing. The explanation shall not preclude the public office 755
or the person responsible for the requested public record from 756
relying upon additional reasons or legal authority in defending 757
an action commenced under division (C) of this section. 758

(4) Unless specifically required or authorized by state or 759
federal law or in accordance with division (B) of this section, 760
no public office or person responsible for public records may 761
limit or condition the availability of public records by 762
requiring disclosure of the requester's identity or the intended 763
use of the requested public record. Any requirement that the 764
requester disclose the requestor's identity or the intended use 765
of the requested public record constitutes a denial of the 766
request. 767

(5) A public office or person responsible for public 768
records may ask a requester to make the request in writing, may 769
ask for the requester's identity, and may inquire about the 770
intended use of the information requested, but may do so only 771
after disclosing to the requester that a written request is not 772
mandatory and that the requester may decline to reveal the 773
requester's identity or the intended use and when a written 774
request or disclosure of the identity or intended use would 775
benefit the requester by enhancing the ability of the public 776
office or person responsible for public records to identify, 777
locate, or deliver the public records sought by the requester. 778

(6) If any person chooses to obtain a copy of a public 779
record in accordance with division (B) of this section, the 780
public office or person responsible for the public record may 781
require that person to pay in advance the cost involved in 782

providing the copy of the public record in accordance with the 783
choice made by the person seeking the copy under this division. 784
The public office or the person responsible for the public 785
record shall permit that person to choose to have the public 786
record duplicated upon paper, upon the same medium upon which 787
the public office or person responsible for the public record 788
keeps it, or upon any other medium upon which the public office 789
or person responsible for the public record determines that it 790
reasonably can be duplicated as an integral part of the normal 791
operations of the public office or person responsible for the 792
public record. When the person seeking the copy makes a choice 793
under this division, the public office or person responsible for 794
the public record shall provide a copy of it in accordance with 795
the choice made by the person seeking the copy. Nothing in this 796
section requires a public office or person responsible for the 797
public record to allow the person seeking a copy of the public 798
record to make the copies of the public record. 799

(7) Upon a request made in accordance with division (B) of 800
this section and subject to division (B)(6) of this section, a 801
public office or person responsible for public records shall 802
transmit a copy of a public record to any person by United 803
States mail or by any other means of delivery or transmission 804
within a reasonable period of time after receiving the request 805
for the copy. The public office or person responsible for the 806
public record may require the person making the request to pay 807
in advance the cost of postage if the copy is transmitted by 808
United States mail or the cost of delivery if the copy is 809
transmitted other than by United States mail, and to pay in 810
advance the costs incurred for other supplies used in the 811
mailing, delivery, or transmission. 812

Any public office may adopt a policy and procedures that 813

it will follow in transmitting, within a reasonable period of 814
time after receiving a request, copies of public records by 815
United States mail or by any other means of delivery or 816
transmission pursuant to this division. A public office that 817
adopts a policy and procedures under this division shall comply 818
with them in performing its duties under this division. 819

In any policy and procedures adopted under this division, 820
a public office may limit the number of records requested by a 821
person that the office will transmit by United States mail to 822
ten per month, unless the person certifies to the office in 823
writing that the person does not intend to use or forward the 824
requested records, or the information contained in them, for 825
commercial purposes. For purposes of this division, "commercial" 826
shall be narrowly construed and does not include reporting or 827
gathering news, reporting or gathering information to assist 828
citizen oversight or understanding of the operation or 829
activities of government, or nonprofit educational research. 830

(8) A public office or person responsible for public 831
records is not required to permit a person who is incarcerated 832
pursuant to a criminal conviction or a juvenile adjudication to 833
inspect or to obtain a copy of any public record concerning a 834
criminal investigation or prosecution or concerning what would 835
be a criminal investigation or prosecution if the subject of the 836
investigation or prosecution were an adult, unless the request 837
to inspect or to obtain a copy of the record is for the purpose 838
of acquiring information that is subject to release as a public 839
record under this section and the judge who imposed the sentence 840
or made the adjudication with respect to the person, or the 841
judge's successor in office, finds that the information sought 842
in the public record is necessary to support what appears to be 843
a justiciable claim of the person. 844

(9) (a) Upon written request made and signed by a 845
journalist on or after December 16, 1999, a public office, or 846
person responsible for public records, having custody of the 847
records of the agency employing a specified peace officer, 848
parole officer, probation officer, bailiff, prosecuting 849
attorney, assistant prosecuting attorney, correctional employee, 850
community-based correctional facility employee, youth services 851
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 852
criminal identification and investigation, or federal law 853
enforcement officer shall disclose to the journalist the address 854
of the actual personal residence of the peace officer, parole 855
officer, probation officer, bailiff, prosecuting attorney, 856
assistant prosecuting attorney, correctional employee, 857
community-based correctional facility employee, youth services 858
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 859
criminal identification and investigation, or federal law 860
enforcement officer and, if the peace officer's, parole 861
officer's, probation officer's, bailiff's, prosecuting 862
attorney's, assistant prosecuting attorney's, correctional 863
employee's, community-based correctional facility employee's, 864
youth services employee's, firefighter's, EMT's, ~~or~~ investigator 865
of the bureau of criminal identification and investigation's, or 866
federal law enforcement officer's spouse, former spouse, or 867
child is employed by a public office, the name and address of 868
the employer of the peace officer's, parole officer's, probation 869
officer's, bailiff's, prosecuting attorney's, assistant 870
prosecuting attorney's, correctional employee's, community-based 871
correctional facility employee's, youth services employee's, 872
firefighter's, EMT's, ~~or~~ investigator of the bureau of criminal 873
identification and investigation's, or federal law enforcement 874
officer's spouse, former spouse, or child. The request shall 875
include the journalist's name and title and the name and address 876

of the journalist's employer and shall state that disclosure of 877
the information sought would be in the public interest. 878

(b) Division (B) (9) (a) of this section also applies to 879
journalist requests for customer information maintained by a 880
municipally owned or operated public utility, other than social 881
security numbers and any private financial information such as 882
credit reports, payment methods, credit card numbers, and bank 883
account information. 884

(c) As used in division (B) (9) of this section, 885
"journalist" means a person engaged in, connected with, or 886
employed by any news medium, including a newspaper, magazine, 887
press association, news agency, or wire service, a radio or 888
television station, or a similar medium, for the purpose of 889
gathering, processing, transmitting, compiling, editing, or 890
disseminating information for the general public. 891

(C) (1) If a person allegedly is aggrieved by the failure 892
of a public office or the person responsible for public records 893
to promptly prepare a public record and to make it available to 894
the person for inspection in accordance with division (B) of 895
this section or by any other failure of a public office or the 896
person responsible for public records to comply with an 897
obligation in accordance with division (B) of this section, the 898
person allegedly aggrieved may commence a mandamus action to 899
obtain a judgment that orders the public office or the person 900
responsible for the public record to comply with division (B) of 901
this section, that awards court costs and reasonable attorney's 902
fees to the person that instituted the mandamus action, and, if 903
applicable, that includes an order fixing statutory damages 904
under division (C) (1) of this section. The mandamus action may 905
be commenced in the court of common pleas of the county in which 906

division (B) of this section allegedly was not complied with, in 907
the supreme court pursuant to its original jurisdiction under 908
Section 2 of Article IV, Ohio Constitution, or in the court of 909
appeals for the appellate district in which division (B) of this 910
section allegedly was not complied with pursuant to its original 911
jurisdiction under Section 3 of Article IV, Ohio Constitution. 912

If a requestor transmits a written request by hand 913
delivery or certified mail to inspect or receive copies of any 914
public record in a manner that fairly describes the public 915
record or class of public records to the public office or person 916
responsible for the requested public records, except as 917
otherwise provided in this section, the requestor shall be 918
entitled to recover the amount of statutory damages set forth in 919
this division if a court determines that the public office or 920
the person responsible for public records failed to comply with 921
an obligation in accordance with division (B) of this section. 922

The amount of statutory damages shall be fixed at one 923
hundred dollars for each business day during which the public 924
office or person responsible for the requested public records 925
failed to comply with an obligation in accordance with division 926
(B) of this section, beginning with the day on which the 927
requester files a mandamus action to recover statutory damages, 928
up to a maximum of one thousand dollars. The award of statutory 929
damages shall not be construed as a penalty, but as compensation 930
for injury arising from lost use of the requested information. 931
The existence of this injury shall be conclusively presumed. The 932
award of statutory damages shall be in addition to all other 933
remedies authorized by this section. 934

The court may reduce an award of statutory damages or not 935
award statutory damages if the court determines both of the 936

following: 937

(a) That, based on the ordinary application of statutory 938
law and case law as it existed at the time of the conduct or 939
threatened conduct of the public office or person responsible 940
for the requested public records that allegedly constitutes a 941
failure to comply with an obligation in accordance with division 942
(B) of this section and that was the basis of the mandamus 943
action, a well-informed public office or person responsible for 944
the requested public records reasonably would believe that the 945
conduct or threatened conduct of the public office or person 946
responsible for the requested public records did not constitute 947
a failure to comply with an obligation in accordance with 948
division (B) of this section; 949

(b) That a well-informed public office or person 950
responsible for the requested public records reasonably would 951
believe that the conduct or threatened conduct of the public 952
office or person responsible for the requested public records 953
would serve the public policy that underlies the authority that 954
is asserted as permitting that conduct or threatened conduct. 955

(2) (a) If the court issues a writ of mandamus that orders 956
the public office or the person responsible for the public 957
record to comply with division (B) of this section and 958
determines that the circumstances described in division (C) (1) 959
of this section exist, the court shall determine and award to 960
the relator all court costs. 961

(b) If the court renders a judgment that orders the public 962
office or the person responsible for the public record to comply 963
with division (B) of this section, the court may award 964
reasonable attorney's fees subject to reduction as described in 965
division (C) (2) (c) of this section. The court shall award 966

reasonable attorney's fees, subject to reduction as described in 967
division (C) (2) (c) of this section when either of the following 968
applies: 969

(i) The public office or the person responsible for the 970
public records failed to respond affirmatively or negatively to 971
the public records request in accordance with the time allowed 972
under division (B) of this section. 973

(ii) The public office or the person responsible for the 974
public records promised to permit the relator to inspect or 975
receive copies of the public records requested within a 976
specified period of time but failed to fulfill that promise 977
within that specified period of time. 978

(c) Court costs and reasonable attorney's fees awarded 979
under this section shall be construed as remedial and not 980
punitive. Reasonable attorney's fees shall include reasonable 981
fees incurred to produce proof of the reasonableness and amount 982
of the fees and to otherwise litigate entitlement to the fees. 983
The court may reduce an award of attorney's fees to the relator 984
or not award attorney's fees to the relator if the court 985
determines both of the following: 986

(i) That, based on the ordinary application of statutory 987
law and case law as it existed at the time of the conduct or 988
threatened conduct of the public office or person responsible 989
for the requested public records that allegedly constitutes a 990
failure to comply with an obligation in accordance with division 991
(B) of this section and that was the basis of the mandamus 992
action, a well-informed public office or person responsible for 993
the requested public records reasonably would believe that the 994
conduct or threatened conduct of the public office or person 995
responsible for the requested public records did not constitute 996

a failure to comply with an obligation in accordance with 997
division (B) of this section; 998

(ii) That a well-informed public office or person 999
responsible for the requested public records reasonably would 1000
believe that the conduct or threatened conduct of the public 1001
office or person responsible for the requested public records as 1002
described in division (C) (2) (c) (i) of this section would serve 1003
the public policy that underlies the authority that is asserted 1004
as permitting that conduct or threatened conduct. 1005

(D) Chapter 1347. of the Revised Code does not limit the 1006
provisions of this section. 1007

(E) (1) To ensure that all employees of public offices are 1008
appropriately educated about a public office's obligations under 1009
division (B) of this section, all elected officials or their 1010
appropriate designees shall attend training approved by the 1011
attorney general as provided in section 109.43 of the Revised 1012
Code. In addition, all public offices shall adopt a public 1013
records policy in compliance with this section for responding to 1014
public records requests. In adopting a public records policy 1015
under this division, a public office may obtain guidance from 1016
the model public records policy developed and provided to the 1017
public office by the attorney general under section 109.43 of 1018
the Revised Code. Except as otherwise provided in this section, 1019
the policy may not limit the number of public records that the 1020
public office will make available to a single person, may not 1021
limit the number of public records that it will make available 1022
during a fixed period of time, and may not establish a fixed 1023
period of time before it will respond to a request for 1024
inspection or copying of public records, unless that period is 1025
less than eight hours. 1026

(2) The public office shall distribute the public records 1027
policy adopted by the public office under division (E)(1) of 1028
this section to the employee of the public office who is the 1029
records custodian or records manager or otherwise has custody of 1030
the records of that office. The public office shall require that 1031
employee to acknowledge receipt of the copy of the public 1032
records policy. The public office shall create a poster that 1033
describes its public records policy and shall post the poster in 1034
a conspicuous place in the public office and in all locations 1035
where the public office has branch offices. The public office 1036
may post its public records policy on the internet web site of 1037
the public office if the public office maintains an internet web 1038
site. A public office that has established a manual or handbook 1039
of its general policies and procedures for all employees of the 1040
public office shall include the public records policy of the 1041
public office in the manual or handbook. 1042

(F)(1) The bureau of motor vehicles may adopt rules 1043
pursuant to Chapter 119. of the Revised Code to reasonably limit 1044
the number of bulk commercial special extraction requests made 1045
by a person for the same records or for updated records during a 1046
calendar year. The rules may include provisions for charges to 1047
be made for bulk commercial special extraction requests for the 1048
actual cost of the bureau, plus special extraction costs, plus 1049
ten per cent. The bureau may charge for expenses for redacting 1050
information, the release of which is prohibited by law. 1051

(2) As used in division (F)(1) of this section: 1052

(a) "Actual cost" means the cost of depleted supplies, 1053
records storage media costs, actual mailing and alternative 1054
delivery costs, or other transmitting costs, and any direct 1055
equipment operating and maintenance costs, including actual 1056

costs paid to private contractors for copying services. 1057

(b) "Bulk commercial special extraction request" means a 1058
request for copies of a record for information in a format other 1059
than the format already available, or information that cannot be 1060
extracted without examination of all items in a records series, 1061
class of records, or database by a person who intends to use or 1062
forward the copies for surveys, marketing, solicitation, or 1063
resale for commercial purposes. "Bulk commercial special 1064
extraction request" does not include a request by a person who 1065
gives assurance to the bureau that the person making the request 1066
does not intend to use or forward the requested copies for 1067
surveys, marketing, solicitation, or resale for commercial 1068
purposes. 1069

(c) "Commercial" means profit-seeking production, buying, 1070
or selling of any good, service, or other product. 1071

(d) "Special extraction costs" means the cost of the time 1072
spent by the lowest paid employee competent to perform the task, 1073
the actual amount paid to outside private contractors employed 1074
by the bureau, or the actual cost incurred to create computer 1075
programs to make the special extraction. "Special extraction 1076
costs" include any charges paid to a public agency for computer 1077
or records services. 1078

(3) For purposes of divisions (F) (1) and (2) of this 1079
section, "surveys, marketing, solicitation, or resale for 1080
commercial purposes" shall be narrowly construed and does not 1081
include reporting or gathering news, reporting or gathering 1082
information to assist citizen oversight or understanding of the 1083
operation or activities of government, or nonprofit educational 1084
research. 1085

Sec. 149.45. (A) As used in this section:	1086
(1) "Personal information" means any of the following:	1087
(a) An individual's social security number;	1088
(b) An individual's federal tax identification number;	1089
(c) An individual's driver's license number or state identification number;	1090 1091
(d) An individual's checking account number, savings account number, or credit card number.	1092 1093
(2) "Public record" and "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, <u>or federal law enforcement officer</u> residential and familial information" have the same meanings as in section 149.43 of the Revised Code.	1094 1095 1096 1097 1098 1099 1100
(3) "Truncate" means to redact all but the last four digits of an individual's social security number.	1101 1102
<u>(4) "Federal law enforcement officer" has the same meaning as in section 149.43 of the Revised Code.</u>	1103 1104
(B) (1) No public office or person responsible for a public office's public records shall make available to the general public on the internet any document that contains an individual's social security number without otherwise redacting, encrypting, or truncating the social security number.	1105 1106 1107 1108 1109
(2) A public office or person responsible for a public office's public records that prior to the effective date of this section <u>October 17, 2011</u> , made available to the general public	1110 1111 1112

on the internet any document that contains an individual's 1113
social security number shall redact, encrypt, or truncate the 1114
social security number from that document. 1115

(3) Divisions (B) (1) and (2) of this section do not apply 1116
to documents that are only accessible through the internet with 1117
a password. 1118

(C) (1) An individual may request that a public office or a 1119
person responsible for a public office's public records redact 1120
personal information of that individual from any record made 1121
available to the general public on the internet. An individual 1122
who makes a request for redaction pursuant to this division 1123
shall make the request in writing on a form developed by the 1124
attorney general and shall specify the personal information to 1125
be redacted and provide any information that identifies the 1126
location of that personal information within a document that 1127
contains that personal information. 1128

(2) Upon receiving a request for a redaction pursuant to 1129
division (C) (1) of this section, a public office or a person 1130
responsible for a public office's public records shall act 1131
within five business days in accordance with the request to 1132
redact the personal information of the individual from any 1133
record made available to the general public on the internet, if 1134
practicable. If a redaction is not practicable, the public 1135
office or person responsible for the public office's public 1136
records shall verbally or in writing within five business days 1137
after receiving the written request explain to the individual 1138
why the redaction is impracticable. 1139

(3) The attorney general shall develop a form to be used 1140
by an individual to request a redaction pursuant to division (C) 1141
(1) of this section. The form shall include a place to provide 1142

any information that identifies the location of the personal 1143
information to be redacted. 1144

(D) (1) A peace officer, parole officer, probation officer, 1145
bailiff, prosecuting attorney, assistant prosecuting attorney, 1146
correctional employee, youth services employee, firefighter, 1147
EMT, ~~or~~ investigator of the bureau of criminal identification 1148
and investigation, or federal law enforcement officer may 1149
request that a public office other than a county auditor or a 1150
person responsible for the public records of a public office 1151
other than a county auditor redact the address of the person 1152
making the request from any record made available to the general 1153
public on the internet that includes peace officer, parole 1154
officer, probation officer, bailiff, prosecuting attorney, 1155
assistant prosecuting attorney, correctional employee, youth 1156
services employee, firefighter, EMT, ~~or~~ investigator of the 1157
bureau of criminal identification and investigation, or federal 1158
law enforcement officer residential and familial information of 1159
the person making the request. A person who makes a request for 1160
a redaction pursuant to this division shall make the request in 1161
writing and on a form developed by the attorney general. 1162

(2) Upon receiving a written request for a redaction 1163
pursuant to division (D) (1) of this section, a public office 1164
other than a county auditor or a person responsible for the 1165
public records of a public office other than a county auditor 1166
shall act within five business days in accordance with the 1167
request to redact the address of the peace officer, parole 1168
officer, probation officer, bailiff, prosecuting attorney, 1169
assistant prosecuting attorney, correctional employee, youth 1170
services employee, firefighter, EMT, ~~or~~ investigator of the 1171
bureau of criminal identification and investigation, or federal 1172
law enforcement officer making the request from any record made 1173

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

(3) Except as provided in this section and section 319.28 1191
of the Revised Code, a public office other than an employer of a 1192
peace officer, parole officer, probation officer, bailiff, 1193
prosecuting attorney, assistant prosecuting attorney, 1194
correctional employee, youth services employee, firefighter, 1195
EMT, ~~or~~ investigator of the bureau of criminal identification 1196
and investigation, or federal law enforcement officer or a 1197
person responsible for the public records of the employer is not 1198
required to redact the residential and familial information of 1199
the peace officer, parole officer, probation officer, bailiff, 1200
prosecuting attorney, assistant prosecuting attorney, 1201
correctional employee, youth services employee, firefighter, 1202
EMT, ~~or~~ investigator of the bureau of criminal identification 1203
and investigation, or federal law enforcement officer from other 1204

records maintained by the public office. 1205

(4) The attorney general shall develop a form to be used 1206
by a peace officer, parole officer, probation officer, bailiff, 1207
prosecuting attorney, assistant prosecuting attorney, 1208
correctional employee, youth services employee, firefighter, 1209
EMT, ~~or~~ investigator of the bureau of criminal identification 1210
and investigation, or federal law enforcement officer to request 1211
a redaction pursuant to division (D)(1) of this section. The 1212
form shall include a place to provide any information that 1213
identifies the location of the address of a peace officer, 1214
parole officer, probation officer, bailiff, prosecuting 1215
attorney, assistant prosecuting attorney, correctional employee, 1216
youth services employee, firefighter, EMT, ~~or~~ investigator of 1217
the bureau of criminal identification and investigation, or 1218
federal law enforcement officer to be redacted. 1219

(E)(1) If a public office or a person responsible for a 1220
public office's public records becomes aware that an electronic 1221
record of that public office that is made available to the 1222
general public on the internet contains an individual's social 1223
security number that was mistakenly not redacted, encrypted, or 1224
truncated as required by division (B)(1) or (2) of this section, 1225
the public office or person responsible for the public office's 1226
public records shall redact, encrypt, or truncate the 1227
individual's social security number within a reasonable period 1228
of time. 1229

(2) A public office or a person responsible for a public 1230
office's public records is not liable in damages in a civil 1231
action for any harm an individual allegedly sustains as a result 1232
of the inclusion of that individual's personal information on 1233
any record made available to the general public on the internet 1234

or any harm a peace officer, parole officer, probation officer, 1235
bailiff, prosecuting attorney, assistant prosecuting attorney, 1236
correctional employee, youth services employee, firefighter, 1237
EMT, ~~or~~ investigator of the bureau of criminal identification 1238
and investigation, or federal law enforcement officer sustains 1239
as a result of the inclusion of the address of the peace 1240
officer, parole officer, probation officer, bailiff, prosecuting 1241
attorney, assistant prosecuting attorney, correctional employee, 1242
youth services employee, firefighter, EMT, ~~or~~ investigator of 1243
the bureau of criminal identification and investigation, or 1244
federal law enforcement officer on any record made available to 1245
the general public on the internet in violation of this section 1246
unless the public office or person responsible for the public 1247
office's public records acted with malicious purpose, in bad 1248
faith, or in a wanton or reckless manner or division (A) (6) (a) 1249
or (c) of section 2744.03 of the Revised Code applies. 1250

Sec. 319.28. (A) Except as otherwise provided in division 1251
(B) of this section, on or before the first Monday of August, 1252
annually, the county auditor shall compile and make up a general 1253
tax list of real and public utility property in the county, 1254
either in tabular form and alphabetical order, or, with the 1255
consent of the county treasurer, by listing all parcels in a 1256
permanent parcel number sequence to which a separate 1257
alphabetical index is keyed, containing the names of the several 1258
persons, companies, firms, partnerships, associations, and 1259
corporations in whose names real property has been listed in 1260
each township, municipal corporation, special district, or 1261
separate school district, or part of either in the auditor's 1262
county, placing separately, in appropriate columns opposite each 1263
name, the description of each tract, lot, or parcel of real 1264
estate, the value of each tract, lot, or parcel, the value of 1265

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

Once a permanent parcel numbering system has been 1285
established in any county as provided by the preceding 1286
paragraph, such system shall remain in effect until otherwise 1287
agreed upon by the county auditor and county treasurer. 1288

(B) (1) A peace officer, parole officer, prosecuting 1289
attorney, assistant prosecuting attorney, correctional employee, 1290
youth services employee, firefighter, EMT, ~~or~~ investigator of 1291
the bureau of criminal identification and investigation, or 1292
federal law enforcement officer may submit a written request by 1293
affidavit to the county auditor requesting the county auditor to 1294
remove the name of the peace officer, parole officer, 1295
prosecuting attorney, assistant prosecuting attorney, 1296

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

(2) Upon receiving a written request by affidavit 1317
described in division (B)(1) of this section, the county auditor 1318
shall act within five business days in accordance with the 1319
request to remove the name of the peace officer, parole officer, 1320
prosecuting attorney, assistant prosecuting attorney, 1321
correctional employee, youth services employee, firefighter, 1322
EMT, ~~or~~ investigator of the bureau of criminal identification 1323
and investigation, or federal law enforcement officer from any 1324
record made available to the general public on the internet or a 1325
publicly accessible database and the general tax list of real 1326
and public utility property and the general duplicate of real 1327

and public utility property and insert initials of the peace officer, parole officer, 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 or a publicly accessible database and the general tax list of real and public utility property and the general duplicate of real and public utility property, if practicable. If the removal and insertion is not practicable, the county auditor shall verbally or in writing within five business days after receiving the written request explain to the peace officer, parole officer, 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 why the removal and insertion is impracticable.

(C) As used in this section, "federal law enforcement officer" has the same meaning as in section 149.43 of the Revised Code.

Sec. 319.54. (A) On all moneys collected by the county treasurer on any tax duplicate of the county, other than estate tax duplicates, and on all moneys received as advance payments 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 1358
one-half per cent; 1359

(2) On the next two million dollars, eight thousand three 1360
hundred eighteen ten-thousandths of one per cent; 1361

(3) On the next two million dollars, six thousand six 1362
hundred fifty-five ten-thousandths of one per cent; 1363

(4) On all further sums, one thousand six hundred sixty- 1364
three ten-thousandths of one per cent. 1365

If any settlement is not made on or before the date 1366
prescribed by law for such settlement or any lawful extension of 1367
such date, the aggregate compensation allowed to the auditor 1368
shall be reduced one per cent for each day such settlement is 1369
delayed after the prescribed date. No penalty shall apply if the 1370
auditor and treasurer grant all requests for advances up to 1371
ninety per cent of the settlement pursuant to section 321.34 of 1372
the Revised Code. The compensation allowed in accordance with 1373
this section on settlements made before the dates prescribed by 1374
law, or the reduced compensation allowed in accordance with this 1375
section on settlements made after the date prescribed by law or 1376
any lawful extension of such date, shall be apportioned ratably 1377
by the auditor and deducted from the shares or portions of the 1378
revenue payable to the state as well as to the county, 1379
townships, municipal corporations, and school districts. 1380

(B) For the purpose of reimbursing county auditors for the 1381
expenses associated with the increased number of applications 1382
for reductions in real property taxes under sections 323.152 and 1383
4503.065 of the Revised Code that result from the amendment of 1384
those sections by Am. Sub. H.B. 119 of the 127th general 1385
assembly, there shall be paid from the state's general revenue 1386

fund to the county treasury, to the credit of the real estate 1387
assessment fund created by section 325.31 of the Revised Code, 1388
an amount equal to one per cent of the total annual amount of 1389
property tax relief reimbursement paid to that county under 1390
sections 323.156 and 4503.068 of the Revised Code for the 1391
preceding tax year. Payments made under this division shall be 1392
made at the same times and in the same manner as payments made 1393
under section 323.156 of the Revised Code. 1394

(C) From all moneys collected by the county treasurer on 1395
any tax duplicate of the county, other than estate tax 1396
duplicates, and on all moneys received as advance payments of 1397
personal property and classified property taxes, there shall be 1398
paid into the county treasury to the credit of the real estate 1399
assessment fund created by section 325.31 of the Revised Code, 1400
an amount to be determined by the county auditor, which shall 1401
not exceed the percentages prescribed in divisions (C)(1) and 1402
(2) of this section. 1403

(1) For payments made after June 30, 2007, and before 1404
2011, the following percentages: 1405

(a) On the first five hundred thousand dollars, four per 1406
cent; 1407

(b) On the next five million dollars, two per cent; 1408

(c) On the next five million dollars, one per cent; 1409

(d) On all further sums not exceeding one hundred fifty 1410
million dollars, three-quarters of one per cent; 1411

(e) On amounts exceeding one hundred fifty million 1412
dollars, five hundred eighty-five thousandths of one per cent. 1413

(2) For payments made in or after 2011, the following 1414

percentages:	1415
(a) On the first five hundred thousand dollars, four per cent;	1416 1417
(b) On the next ten million dollars, two per cent;	1418
(c) On amounts exceeding ten million five hundred thousand dollars, three-fourths of one per cent.	1419 1420
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.	1421 1422 1423 1424
(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.	1425 1426 1427 1428
(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:	1429 1430 1431 1432 1433
(1) Four per cent on the first one hundred thousand dollars;	1434 1435
(2) One-half of one per cent on all additional sums.	1436
Such percentages shall be computed upon the amount collected and reported at each semiannual settlement, and shall be for the use of the general fund of the county.	1437 1438 1439
(F) On all cigarette license moneys collected by the county treasurer, the county auditor, on settlement semiannually	1440 1441

with the treasurer, shall be allowed as compensation for the 1442
auditor's services in the issuing of such licenses one-half of 1443
one per cent of such moneys, to be apportioned ratably and 1444
deducted from the shares of the revenue payable to the county 1445
and subdivisions, for the use of the general fund of the county. 1446

(G) The county auditor shall charge and receive fees as 1447
follows: 1448

(1) For deeds of land sold for taxes to be paid by the 1449
purchaser, five dollars; 1450

(2) For the transfer or entry of land, lot, or part of 1451
lot, or the transfer or entry on or after January 1, 2000, of a 1452
used manufactured home or mobile home as defined in section 1453
5739.0210 of the Revised Code, fifty cents for each transfer or 1454
entry, to be paid by the person requiring it; 1455

(3) For receiving statements of value and administering 1456
section 319.202 of the Revised Code, one dollar, or ten cents 1457
for each one hundred dollars or fraction of one hundred dollars, 1458
whichever is greater, of the value of the real property 1459
transferred or, for sales occurring on or after January 1, 2000, 1460
the value of the used manufactured home or used mobile home, as 1461
defined in section 5739.0210 of the Revised Code, transferred, 1462
except no fee shall be charged when the transfer is made: 1463

(a) To or from the United States, this state, or any 1464
instrumentality, agency, or political subdivision of the United 1465
States or this state; 1466

(b) Solely in order to provide or release security for a 1467
debt or obligation; 1468

(c) To confirm or correct a deed previously executed and 1469
recorded or when a current owner on any record made available to 1470

the general public on the internet or a publicly accessible 1471
database and the general tax list of real and public utility 1472
property and the general duplicate of real and public utility 1473
property is a peace officer, parole officer, prosecuting 1474
attorney, assistant prosecuting attorney, correctional employee, 1475
youth services employee, firefighter, EMT, ~~or~~ investigator of 1476
the bureau of criminal identification and investigation, or 1477
federal law enforcement officer and is changing the current 1478
owner name listed on any record made available to the general 1479
public on the internet or a publicly accessible database and the 1480
general tax list of real and public utility property and the 1481
general duplicate of real and public utility property to the 1482
initials of the current owner as prescribed in division (B) (1) 1483
of section 319.28 of the Revised Code; 1484

(d) To evidence a gift, in trust or otherwise and whether 1485
revocable or irrevocable, between husband and wife, or parent 1486
and child or the spouse of either; 1487

(e) On sale for delinquent taxes or assessments; 1488

(f) Pursuant to court order, to the extent that such 1489
transfer is not the result of a sale effected or completed 1490
pursuant to such order; 1491

(g) Pursuant to a reorganization of corporations or 1492
unincorporated associations or pursuant to the dissolution of a 1493
corporation, to the extent that the corporation conveys the 1494
property to a stockholder as a distribution in kind of the 1495
corporation's assets in exchange for the stockholder's shares in 1496
the dissolved corporation; 1497

(h) By a subsidiary corporation to its parent corporation 1498
for no consideration, nominal consideration, or in sole 1499

consideration of the cancellation or surrender of the	1500
subsidiary's stock;	1501
(i) By lease, whether or not it extends to mineral or	1502
mineral rights, unless the lease is for a term of years	1503
renewable forever;	1504
(j) When the value of the real property or the	1505
manufactured or mobile home or the value of the interest that is	1506
conveyed does not exceed one hundred dollars;	1507
(k) Of an occupied residential property, including a	1508
manufactured or mobile home, being transferred to the builder of	1509
a new residence or to the dealer of a new manufactured or mobile	1510
home when the former residence is traded as part of the	1511
consideration for the new residence or new manufactured or	1512
mobile home;	1513
(l) To a grantee other than a dealer in real property or	1514
in manufactured or mobile homes, solely for the purpose of, and	1515
as a step in, the prompt sale of the real property or	1516
manufactured or mobile home to others;	1517
(m) To or from a person when no money or other valuable	1518
and tangible consideration readily convertible into money is	1519
paid or to be paid for the real estate or manufactured or mobile	1520
home and the transaction is not a gift;	1521
(n) Pursuant to division (B) of section 317.22 of the	1522
Revised Code, or section 2113.61 of the Revised Code, between	1523
spouses or to a surviving spouse pursuant to section 5302.17 of	1524
the Revised Code as it existed prior to April 4, 1985, between	1525
persons pursuant to section 5302.17 or 5302.18 of the Revised	1526
Code on or after April 4, 1985, to a person who is a surviving,	1527
survivorship tenant pursuant to section 5302.17 of the Revised	1528

Code on or after April 4, 1985, or pursuant to section 5309.45	1529
of the Revised Code;	1530
(o) To a trustee acting on behalf of minor children of the	1531
deceased;	1532
(p) Of an easement or right-of-way when the value of the	1533
interest conveyed does not exceed one thousand dollars;	1534
(q) Of property sold to a surviving spouse pursuant to	1535
section 2106.16 of the Revised Code;	1536
(r) To or from an organization exempt from federal income	1537
taxation under section 501(c)(3) of the "Internal Revenue Code	1538
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided	1539
such transfer is without consideration and is in furtherance of	1540
the charitable or public purposes of such organization;	1541
(s) Among the heirs at law or devisees, including a	1542
surviving spouse, of a common decedent, when no consideration in	1543
money is paid or to be paid for the real property or	1544
manufactured or mobile home;	1545
(t) To a trustee of a trust, when the grantor of the trust	1546
has reserved an unlimited power to revoke the trust;	1547
(u) To the grantor of a trust by a trustee of the trust,	1548
when the transfer is made to the grantor pursuant to the	1549
exercise of the grantor's power to revoke the trust or to	1550
withdraw trust assets;	1551
(v) To the beneficiaries of a trust if the fee was paid on	1552
the transfer from the grantor of the trust to the trustee or if	1553
the transfer is made pursuant to trust provisions which became	1554
irrevocable at the death of the grantor;	1555
(w) To a corporation for incorporation into a sports	1556

facility constructed pursuant to section 307.696 of the Revised Code; 1557
1558

(x) Between persons pursuant to section 5302.18 of the Revised Code; 1559
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(y) From a county land reutilization corporation organized under Chapter 1724. of the Revised Code, or its wholly owned subsidiary, to a third party. 1561
1562
1563

(4) For the cost of publishing the delinquent manufactured home tax list, the delinquent tax list, and the delinquent vacant land tax list, a flat fee, as determined by the county auditor, to be charged to the owner of a home on the delinquent manufactured home tax list or the property owner of land on the delinquent tax list or the delinquent vacant land tax list. 1564
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The auditor shall compute and collect the fee. The auditor shall maintain a numbered receipt system, as prescribed by the tax commissioner, and use such receipt system to provide a receipt to each person paying a fee. The auditor shall deposit the receipts of the fees on conveyances in the county treasury daily to the credit of the general fund of the county, except that fees charged and received under division (G) (3) of this section for a transfer of real property to a county land reutilization corporation shall be credited to the county land reutilization corporation fund established under section 321.263 of the Revised Code. 1570
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The real property transfer fee provided for in division (G) (3) of this section shall be applicable to any conveyance of real property presented to the auditor on or after January 1, 1968, regardless of its time of execution or delivery. 1581
1582
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The transfer fee for a used manufactured home or used 1585

mobile home shall be computed by and paid to the county auditor 1586
of the county in which the home is located immediately prior to 1587
the transfer. 1588

(H) As used in this section, "federal law enforcement 1589
officer" has the same meaning as in section 149.43 of the 1590
Revised Code. 1591

Sec. 2901.44. (A) In any criminal action involving a 1592
violation of section 2903.11, 2903.12, 2903.13, 2903.21, 1593
2903.211, 2903.22, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 1594
2907.07, 2907.08, 2907.09, 2911.211, 2919.22, or 2919.25 of the 1595
Revised Code, upon the conviction or plea of guilty of the 1596
defendant, the court shall notify in writing the victim of the 1597
offense if an adult person or a parent or guardian acting on 1598
behalf of the victim who is a minor, incompetent, or ward of the 1599
right of the person to apply with the assistance of an 1600
application assistant to the secretary of state under sections 1601
111.31 to 111.40 of the Revised Code to have an address 1602
designated by the secretary of state serve as the person's 1603
address or the address of the minor, incompetent, or ward. The 1604
person may apply with the assistance of an application assistant 1605
to the secretary of state pursuant to those sections to have an 1606
address designated by the secretary of state serve as the 1607
person's address or the address of the minor, incompetent, or 1608
ward. 1609

(B) As used in this section: 1610

(1) "Guardian," "incompetent," "parent," and "ward" have 1611
the same meanings as in section 2111.01 of the Revised Code. 1612

(2) "Application assistant" has the same meaning as in 1613
section 111.31 of the Revised Code. 1614

Sec. 2903.213. (A) Except when the complaint involves a 1615
person who is a family or household member as defined in section 1616
2919.25 of the Revised Code, upon the filing of a complaint that 1617
alleges a violation of section 2903.11, 2903.12, 2903.13, 1618
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 1619
violation of a municipal ordinance substantially similar to 1620
section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 1621
Revised Code, or the commission of a sexually oriented offense, 1622
the complainant, the alleged victim, or a family or household 1623
member of an alleged victim may file a motion that requests the 1624
issuance of a protection order as a pretrial condition of 1625
release of the alleged offender, in addition to any bail set 1626
under Criminal Rule 46. The motion shall be filed with the clerk 1627
of the court that has jurisdiction of the case at any time after 1628
the filing of the complaint. If the complaint involves a person 1629
who is a family or household member, the complainant, the 1630
alleged victim, or the family or household member may file a 1631
motion for a temporary protection order pursuant to section 1632
2919.26 of the Revised Code. 1633

(B) A motion for a protection order under this section 1634
shall be prepared on a form that is provided by the clerk of the 1635
court, and the form shall be substantially as follows: 1636

"Motion for Protection Order 1637

..... 1638

Name and address of court 1639

State of Ohio 1641

v. No. 1642

..... 1643

Name of Defendant 1644

(Name of person), moves the court to issue a protection order 1645
containing terms designed to ensure the safety and protection of 1646
the complainant or the alleged victim in the above-captioned 1647
case, in relation to the named defendant, pursuant to its 1648
authority to issue a protection order under section 2903.213 of 1649
the Revised Code. 1650

A complaint, a copy of which has been attached to this 1651
motion, has been filed in this court charging the named 1652
defendant with a violation of section 2903.11, 2903.12, 2903.13, 1653
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 1654
violation of a municipal ordinance substantially similar to 1655
section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 1656
Revised Code, or the commission of a sexually oriented offense. 1657

I understand that I must appear before the court, at a 1658
time set by the court not later than the next day that the court 1659
is in session after the filing of this motion, for a hearing on 1660
the motion, and that any protection order granted pursuant to 1661
this motion is a pretrial condition of release and is effective 1662
only until the disposition of the criminal proceeding arising 1663
out of the attached complaint or until the issuance under 1664
section 2903.214 of the Revised Code of a protection order 1665
arising out of the same activities as those that were the basis 1666
of the attached complaint. 1667

..... 1668
Signature of person 1669

..... 1670
Address of person" 1671

(C) (1) As soon as possible after the filing of a motion 1672

that requests the issuance of a protection order under this 1673
section, but not later than the next day that the court is in 1674
session after the filing of the motion, the court shall conduct 1675
a hearing to determine whether to issue the order. The person 1676
who requested the order shall appear before the court and 1677
provide the court with the information that it requests 1678
concerning the basis of the motion. If the court finds that the 1679
safety and protection of the complainant or the alleged victim 1680
may be impaired by the continued presence of the alleged 1681
offender, the court may issue a protection order under this 1682
section, as a pretrial condition of release, that contains terms 1683
designed to ensure the safety and protection of the complainant 1684
or the alleged victim, including a requirement that the alleged 1685
offender refrain from entering the residence, school, business, 1686
or place of employment of the complainant or the alleged victim. 1687

(2) (a) If the court issues a protection order under this 1688
section that includes a requirement that the alleged offender 1689
refrain from entering the residence, school, business, or place 1690
of employment of the complainant or the alleged victim, the 1691
order shall clearly state that the order cannot be waived or 1692
nullified by an invitation to the alleged offender from the 1693
complainant, the alleged victim, or a family or household member 1694
to enter the residence, school, business, or place of employment 1695
or by the alleged offender's entry into one of those places 1696
otherwise upon the consent of the complainant, the alleged 1697
victim, or a family or household member. 1698

(b) Division (C) (2) (a) of this section does not limit any 1699
discretion of a court to determine that an alleged offender 1700
charged with a violation of section 2919.27 of the Revised Code, 1701
with a violation of a municipal ordinance substantially 1702
equivalent to that section, or with contempt of court, which 1703

charge is based on an alleged violation of a protection order 1704
issued under this section, did not commit the violation or was 1705
not in contempt of court. 1706

(D) (1) Except when the complaint involves a person who is 1707
a family or household member as defined in section 2919.25 of 1708
the Revised Code, upon the filing of a complaint that alleges a 1709
violation specified in division (A) of this section, the court, 1710
upon its own motion, may issue a protection order under this 1711
section as a pretrial condition of release of the alleged 1712
offender if it finds that the safety and protection of the 1713
complainant or the alleged victim may be impaired by the 1714
continued presence of the alleged offender. 1715

(2) If the court issues a protection order under this 1716
section as an ex parte order, it shall conduct, as soon as 1717
possible after the issuance of the order but not later than the 1718
next day that the court is in session after its issuance, a 1719
hearing to determine whether the order should remain in effect, 1720
be modified, or be revoked. The hearing shall be conducted under 1721
the standards set forth in division (C) of this section. 1722

(3) If a municipal court or a county court issues a 1723
protection order under this section and if, subsequent to the 1724
issuance of the order, the alleged offender who is the subject 1725
of the order is bound over to the court of common pleas for 1726
prosecution of a felony arising out of the same activities as 1727
those that were the basis of the complaint upon which the order 1728
is based, notwithstanding the fact that the order was issued by 1729
a municipal court or county court, the order shall remain in 1730
effect, as though it were an order of the court of common pleas, 1731
while the charges against the alleged offender are pending in 1732
the court of common pleas, for the period of time described in 1733

division (E) (2) of this section, and the court of common pleas 1734
has exclusive jurisdiction to modify the order issued by the 1735
municipal court or county court. This division applies when the 1736
alleged offender is bound over to the court of common pleas as a 1737
result of the person waiving a preliminary hearing on the felony 1738
charge, as a result of the municipal court or county court 1739
having determined at a preliminary hearing that there is 1740
probable cause to believe that the felony has been committed and 1741
that the alleged offender committed it, as a result of the 1742
alleged offender having been indicted for the felony, or in any 1743
other manner. 1744

(E) A protection order that is issued as a pretrial 1745
condition of release under this section: 1746

(1) Is in addition to, but shall not be construed as a 1747
part of, any bail set under Criminal Rule 46; 1748

(2) Is effective only until the disposition, by the court 1749
that issued the order or, in the circumstances described in 1750
division (D) (3) of this section, by the court of common pleas to 1751
which the alleged offender is bound over for prosecution, of the 1752
criminal proceeding arising out of the complaint upon which the 1753
order is based or until the issuance under section 2903.214 of 1754
the Revised Code of a protection order arising out of the same 1755
activities as those that were the basis of the complaint filed 1756
under this section; 1757

(3) Shall not be construed as a finding that the alleged 1758
offender committed the alleged offense and shall not be 1759
introduced as evidence of the commission of the offense at the 1760
trial of the alleged offender on the complaint upon which the 1761
order is based. 1762

(F) A person who meets the criteria for bail under 1763
Criminal Rule 46 and who, if required to do so pursuant to that 1764
rule, executes or posts bond or deposits cash or securities as 1765
bail, shall not be held in custody pending a hearing before the 1766
court on a motion requesting a protection order under this 1767
section. 1768

(G) (1) A copy of a protection order that is issued under 1769
this section shall be issued by the court to the complainant, to 1770
the alleged victim, to the person who requested the order, to 1771
the defendant, and to all law enforcement agencies that have 1772
jurisdiction to enforce the order. The court shall direct that a 1773
copy of the order be delivered to the defendant on the same day 1774
that the order is entered. If a municipal court or a county 1775
court issues a protection order under this section and if, 1776
subsequent to the issuance of the order, the defendant who is 1777
the subject of the order is bound over to the court of common 1778
pleas for prosecution as described in division (D) (3) of this 1779
section, the municipal court or county court shall direct that a 1780
copy of the order be delivered to the court of common pleas to 1781
which the defendant is bound over. 1782

(2) All law enforcement agencies shall establish and 1783
maintain an index for the protection orders delivered to the 1784
agencies pursuant to division (G) (1) of this section. With 1785
respect to each order delivered, each agency shall note on the 1786
index the date and time of the agency's receipt of the order. 1787

(3) Regardless of whether the petitioner has registered 1788
the protection order in the county in which the officer's agency 1789
has jurisdiction, any officer of a law enforcement agency shall 1790
enforce a protection order issued pursuant to this section in 1791
accordance with the provisions of the order. 1792

(H) Upon a violation of a protection order issued pursuant 1793
to this section, the court may issue another protection order 1794
under this section, as a pretrial condition of release, that 1795
modifies the terms of the order that was violated. 1796

(I) (1) Subject to division (I) (2) of this section and 1797
regardless of whether a protection order is issued or a consent 1798
agreement is approved by a court of another county or by a court 1799
of another state, no court or unit of state or local government 1800
shall charge the movant any fee, cost, deposit, or money in 1801
connection with the filing of a motion pursuant to this section, 1802
in connection with the filing, issuance, registration, 1803
modification, enforcement, dismissal, withdrawal, or service of 1804
a protection order, consent agreement, or witness subpoena or 1805
for obtaining certified copies of a protection order or consent 1806
agreement. 1807

(2) Regardless of whether a protection order is issued or 1808
a consent agreement is approved pursuant to this section, if the 1809
defendant is convicted the court may assess costs against the 1810
defendant in connection with the filing, issuance, registration, 1811
modification, enforcement, dismissal, withdrawal, or service of 1812
a protection order, consent agreement, or witness subpoena or 1813
for obtaining a certified copy of a protection order or consent 1814
agreement. 1815

(J) Upon the issuance of a protection order under this 1816
section, the court shall notify in writing the person who filed 1817
the motion for the issuance of the order of the right of the 1818
person to apply with the assistance of an application assistant 1819
to the secretary of state under sections 111.31 to 111.40 of the 1820
Revised Code to have an address designated by the secretary of 1821
state serve as the person's address or the address of the person 1822

on whose behalf the protection order was issued. The person who 1823
filed the motion for the issuance of the protection order may 1824
apply with the assistance of the application assistant to the 1825
secretary of state pursuant to those sections to have an address 1826
designated by the secretary of state serve as the person's 1827
address or the address of the person on whose behalf the 1828
protection order was issued. 1829

(K) As used in this section, ~~"sexually~~ : 1830

(1) "Sexually oriented offense" has the same meaning as in 1831
section 2950.01 of the Revised Code. 1832

(2) "Application assistant" has the same meaning as in 1833
section 111.31 of the Revised Code. 1834

Sec. 2903.214. (A) As used in this section: 1835

(1) "Court" means the court of common pleas of the county 1836
in which the person to be protected by the protection order 1837
resides. 1838

(2) "Victim advocate" means a person who provides support 1839
and assistance for a person who files a petition under this 1840
section. 1841

(3) "Family or household member" has the same meaning as 1842
in section 3113.31 of the Revised Code. 1843

(4) "Protection order issued by a court of another state" 1844
has the same meaning as in section 2919.27 of the Revised Code. 1845

(5) "Sexually oriented offense" has the same meaning as in 1846
section 2950.01 of the Revised Code. 1847

(6) "Electronic monitoring" has the same meaning as in 1848
section 2929.01 of the Revised Code. 1849

(B) The court has jurisdiction over all proceedings under 1850
this section. 1851

(C) A person may seek relief under this section for the 1852
person, or any parent or adult household member may seek relief 1853
under this section on behalf of any other family or household 1854
member, by filing a petition with the court. The petition shall 1855
contain or state all of the following: 1856

(1) An allegation that the respondent is eighteen years of 1857
age or older and engaged in a violation of section 2903.211 of 1858
the Revised Code against the person to be protected by the 1859
protection order or committed a sexually oriented offense 1860
against the person to be protected by the protection order, 1861
including a description of the nature and extent of the 1862
violation; 1863

(2) If the petitioner seeks relief in the form of 1864
electronic monitoring of the respondent, an allegation that at 1865
any time preceding the filing of the petition the respondent 1866
engaged in conduct that would cause a reasonable person to 1867
believe that the health, welfare, or safety of the person to be 1868
protected was at risk, a description of the nature and extent of 1869
that conduct, and an allegation that the respondent presents a 1870
continuing danger to the person to be protected; 1871

(3) A request for relief under this section. 1872

(D) (1) If a person who files a petition pursuant to this 1873
section requests an ex parte order, the court shall hold an ex 1874
parte hearing as soon as possible after the petition is filed, 1875
but not later than the next day that the court is in session 1876
after the petition is filed. The court, for good cause shown at 1877
the ex parte hearing, may enter any temporary orders, with or 1878

without bond, that the court finds necessary for the safety and 1879
protection of the person to be protected by the order. Immediate 1880
and present danger to the person to be protected by the 1881
protection order constitutes good cause for purposes of this 1882
section. Immediate and present danger includes, but is not 1883
limited to, situations in which the respondent has threatened 1884
the person to be protected by the protection order with bodily 1885
harm or in which the respondent previously has been convicted of 1886
or pleaded guilty to a violation of section 2903.211 of the 1887
Revised Code or a sexually oriented offense against the person 1888
to be protected by the protection order. 1889

(2) (a) If the court, after an ex parte hearing, issues a 1890
protection order described in division (E) of this section, the 1891
court shall schedule a full hearing for a date that is within 1892
ten court days after the ex parte hearing. The court shall give 1893
the respondent notice of, and an opportunity to be heard at, the 1894
full hearing. The court shall hold the full hearing on the date 1895
scheduled under this division unless the court grants a 1896
continuance of the hearing in accordance with this division. 1897
Under any of the following circumstances or for any of the 1898
following reasons, the court may grant a continuance of the full 1899
hearing to a reasonable time determined by the court: 1900

(i) Prior to the date scheduled for the full hearing under 1901
this division, the respondent has not been served with the 1902
petition filed pursuant to this section and notice of the full 1903
hearing. 1904

(ii) The parties consent to the continuance. 1905

(iii) The continuance is needed to allow a party to obtain 1906
counsel. 1907

(iv) The continuance is needed for other good cause. 1908

(b) An ex parte order issued under this section does not 1909
expire because of a failure to serve notice of the full hearing 1910
upon the respondent before the date set for the full hearing 1911
under division (D) (2) (a) of this section or because the court 1912
grants a continuance under that division. 1913

(3) If a person who files a petition pursuant to this 1914
section does not request an ex parte order, or if a person 1915
requests an ex parte order but the court does not issue an ex 1916
parte order after an ex parte hearing, the court shall proceed 1917
as in a normal civil action and grant a full hearing on the 1918
matter. 1919

(E) (1) (a) After an ex parte or full hearing, the court may 1920
issue any protection order, with or without bond, that contains 1921
terms designed to ensure the safety and protection of the person 1922
to be protected by the protection order, including, but not 1923
limited to, a requirement that the respondent refrain from 1924
entering the residence, school, business, or place of employment 1925
of the petitioner or family or household member. If the court 1926
includes a requirement that the respondent refrain from entering 1927
the residence, school, business, or place of employment of the 1928
petitioner or family or household member in the order, it also 1929
shall include in the order provisions of the type described in 1930
division (E) (5) of this section. 1931

(b) After a full hearing, if the court considering a 1932
petition that includes an allegation of the type described in 1933
division (C) (2) of this section, or the court upon its own 1934
motion, finds upon clear and convincing evidence that the 1935
petitioner reasonably believed that the respondent's conduct at 1936
any time preceding the filing of the petition endangered the 1937

health, welfare, or safety of the person to be protected and 1938
that the respondent presents a continuing danger to the person 1939
to be protected, the court may order that the respondent be 1940
electronically monitored for a period of time and under the 1941
terms and conditions that the court determines are appropriate. 1942
Electronic monitoring shall be in addition to any other relief 1943
granted to the petitioner. 1944

(2) (a) Any protection order issued pursuant to this 1945
section shall be valid until a date certain but not later than 1946
five years from the date of its issuance. 1947

(b) Any protection order issued pursuant to this section 1948
may be renewed in the same manner as the original order was 1949
issued. 1950

(3) A court may not issue a protection order that requires 1951
a petitioner to do or to refrain from doing an act that the 1952
court may require a respondent to do or to refrain from doing 1953
under division (E) (1) of this section unless all of the 1954
following apply: 1955

(a) The respondent files a separate petition for a 1956
protection order in accordance with this section. 1957

(b) The petitioner is served with notice of the 1958
respondent's petition at least forty-eight hours before the 1959
court holds a hearing with respect to the respondent's petition, 1960
or the petitioner waives the right to receive this notice. 1961

(c) If the petitioner has requested an ex parte order 1962
pursuant to division (D) of this section, the court does not 1963
delay any hearing required by that division beyond the time 1964
specified in that division in order to consolidate the hearing 1965
with a hearing on the petition filed by the respondent. 1966

(d) After a full hearing at which the respondent presents 1967
evidence in support of the request for a protection order and 1968
the petitioner is afforded an opportunity to defend against that 1969
evidence, the court determines that the petitioner has committed 1970
a violation of section 2903.211 of the Revised Code against the 1971
person to be protected by the protection order issued pursuant 1972
to division (E) (3) of this section, has committed a sexually 1973
oriented offense against the person to be protected by the 1974
protection order issued pursuant to division (E) (3) of this 1975
section, or has violated a protection order issued pursuant to 1976
section 2903.213 of the Revised Code relative to the person to 1977
be protected by the protection order issued pursuant to division 1978
(E) (3) of this section. 1979

(4) No protection order issued pursuant to this section 1980
shall in any manner affect title to any real property. 1981

(5) (a) If the court issues a protection order under this 1982
section that includes a requirement that the alleged offender 1983
refrain from entering the residence, school, business, or place 1984
of employment of the petitioner or a family or household member, 1985
the order shall clearly state that the order cannot be waived or 1986
nullified by an invitation to the alleged offender from the 1987
complainant to enter the residence, school, business, or place 1988
of employment or by the alleged offender's entry into one of 1989
those places otherwise upon the consent of the petitioner or 1990
family or household member. 1991

(b) Division (E) (5) (a) of this section does not limit any 1992
discretion of a court to determine that an alleged offender 1993
charged with a violation of section 2919.27 of the Revised Code, 1994
with a violation of a municipal ordinance substantially 1995
equivalent to that section, or with contempt of court, which 1996

charge is based on an alleged violation of a protection order 1997
issued under this section, did not commit the violation or was 1998
not in contempt of court. 1999

(F) (1) The court shall cause the delivery of a copy of any 2000
protection order that is issued under this section to the 2001
petitioner, to the respondent, and to all law enforcement 2002
agencies that have jurisdiction to enforce the order. The court 2003
shall direct that a copy of the order be delivered to the 2004
respondent on the same day that the order is entered. 2005

(2) Upon the issuance of a protection order under this 2006
section, the court shall provide the parties to the order with 2007
the following notice orally or by form: 2008

"NOTICE 2009

As a result of this order, it may be unlawful for you to 2010
possess or purchase a firearm, including a rifle, pistol, or 2011
revolver, or ammunition pursuant to federal law under 18 U.S.C. 2012
922(g) (8). If you have any questions whether this law makes it 2013
illegal for you to possess or purchase a firearm or ammunition, 2014
you should consult an attorney." 2015

(3) All law enforcement agencies shall establish and 2016
maintain an index for the protection orders delivered to the 2017
agencies pursuant to division (F) (1) of this section. With 2018
respect to each order delivered, each agency shall note on the 2019
index the date and time that it received the order. 2020

(4) Regardless of whether the petitioner has registered 2021
the protection order in the county in which the officer's agency 2022
has jurisdiction pursuant to division (M) of this section, any 2023
officer of a law enforcement agency shall enforce a protection 2024
order issued pursuant to this section by any court in this state 2025

in accordance with the provisions of the order, including 2026
removing the respondent from the premises, if appropriate. 2027

(G) Any proceeding under this section shall be conducted 2028
in accordance with the Rules of Civil Procedure, except that a 2029
protection order may be obtained under this section with or 2030
without bond. An order issued under this section, other than an 2031
ex parte order, that grants a protection order, or that refuses 2032
to grant a protection order, is a final, appealable order. The 2033
remedies and procedures provided in this section are in addition 2034
to, and not in lieu of, any other available civil or criminal 2035
remedies. 2036

(H) The filing of proceedings under this section does not 2037
excuse a person from filing any report or giving any notice 2038
required by section 2151.421 of the Revised Code or by any other 2039
law. 2040

(I) Any law enforcement agency that investigates an 2041
alleged violation of section 2903.211 of the Revised Code or an 2042
alleged commission of a sexually oriented offense shall provide 2043
information to the victim and the family or household members of 2044
the victim regarding the relief available under this section and 2045
section 2903.213 of the Revised Code. 2046

(J) (1) Subject to division (J) (2) of this section and 2047
regardless of whether a protection order is issued or a consent 2048
agreement is approved by a court of another county or by a court 2049
of another state, no court or unit of state or local government 2050
shall charge the petitioner any fee, cost, deposit, or money in 2051
connection with the filing of a petition pursuant to this 2052
section, in connection with the filing, issuance, registration, 2053
modification, enforcement, dismissal, withdrawal, or service of 2054
a protection order, consent agreement, or witness subpoena or 2055

for obtaining a certified copy of a protection order or consent agreement. 2056
2057

(2) Regardless of whether a protection order is issued or 2058
a consent agreement is approved pursuant to this section, the 2059
court may assess costs against the respondent in connection with 2060
the filing, issuance, registration, modification, enforcement, 2061
dismissal, withdrawal, or service of a protection order, consent 2062
agreement, or witness subpoena or for obtaining a certified copy 2063
of a protection order or consent agreement. 2064

(K) (1) A person who violates a protection order issued 2065
under this section is subject to the following sanctions: 2066

(a) Criminal prosecution for a violation of section 2067
2919.27 of the Revised Code, if the violation of the protection 2068
order constitutes a violation of that section; 2069

(b) Punishment for contempt of court. 2070

(2) The punishment of a person for contempt of court for 2071
violation of a protection order issued under this section does 2072
not bar criminal prosecution of the person for a violation of 2073
section 2919.27 of the Revised Code. However, a person punished 2074
for contempt of court is entitled to credit for the punishment 2075
imposed upon conviction of a violation of that section, and a 2076
person convicted of a violation of that section shall not 2077
subsequently be punished for contempt of court arising out of 2078
the same activity. 2079

(L) In all stages of a proceeding under this section, a 2080
petitioner may be accompanied by a victim advocate. 2081

(M) (1) A petitioner who obtains a protection order under 2082
this section or a protection order under section 2903.213 of the 2083
Revised Code may provide notice of the issuance or approval of 2084

the order to the judicial and law enforcement officials in any 2085
county other than the county in which the order is issued by 2086
registering that order in the other county pursuant to division 2087
(M) (2) of this section and filing a copy of the registered order 2088
with a law enforcement agency in the other county in accordance 2089
with that division. A person who obtains a protection order 2090
issued by a court of another state may provide notice of the 2091
issuance of the order to the judicial and law enforcement 2092
officials in any county of this state by registering the order 2093
in that county pursuant to section 2919.272 of the Revised Code 2094
and filing a copy of the registered order with a law enforcement 2095
agency in that county. 2096

(2) A petitioner may register a protection order issued 2097
pursuant to this section or section 2903.213 of the Revised Code 2098
in a county other than the county in which the court that issued 2099
the order is located in the following manner: 2100

(a) The petitioner shall obtain a certified copy of the 2101
order from the clerk of the court that issued the order and 2102
present that certified copy to the clerk of the court of common 2103
pleas or the clerk of a municipal court or county court in the 2104
county in which the order is to be registered. 2105

(b) Upon accepting the certified copy of the order for 2106
registration, the clerk of the court of common pleas, municipal 2107
court, or county court shall place an endorsement of 2108
registration on the order and give the petitioner a copy of the 2109
order that bears that proof of registration. 2110

(3) The clerk of each court of common pleas, municipal 2111
court, or county court shall maintain a registry of certified 2112
copies of protection orders that have been issued by courts in 2113
other counties pursuant to this section or section 2903.213 of 2114

the Revised Code and that have been registered with the clerk. 2115

(N) (1) If the court orders electronic monitoring of the 2116
respondent under this section, the court shall direct the 2117
sheriff's office or any other appropriate law enforcement agency 2118
to install the electronic monitoring device and to monitor the 2119
respondent. Unless the court determines that the respondent is 2120
indigent, the court shall order the respondent to pay the cost 2121
of the installation and monitoring of the electronic monitoring 2122
device. If the court determines that the respondent is indigent 2123
and subject to the maximum amount allowable to be paid in any 2124
year from the fund and the rules promulgated by the attorney 2125
general under division (N) (2) of this section, the cost of the 2126
installation and monitoring of the electronic monitoring device 2127
may be paid out of funds from the reparations fund created 2128
pursuant to section 2743.191 of the Revised Code. The total 2129
amount of costs for the installation and monitoring of 2130
electronic monitoring devices paid pursuant to this division and 2131
sections 2151.34 and 2919.27 of the Revised Code from the 2132
reparations fund shall not exceed three hundred thousand dollars 2133
per year. 2134

(2) The attorney general may promulgate rules pursuant to 2135
section 111.15 of the Revised Code to govern payments made from 2136
the reparations fund pursuant to this division and sections 2137
2151.34 and 2919.27 of the Revised Code. The rules may include 2138
reasonable limits on the total cost paid pursuant to this 2139
division and sections 2151.34 and 2919.27 of the Revised Code 2140
per respondent, the amount of the three hundred thousand dollars 2141
allocated to each county, and how invoices may be submitted by a 2142
county, court, or other entity. 2143

(O) (1) Upon the issuance of a protection order under this 2144

section, the court shall notify the petitioner in writing of the 2145
right of the petitioner to apply with the assistance of an 2146
application assistant to the secretary of state under sections 2147
111.31 to 111.40 of the Revised Code to have an address 2148
designated by the secretary of state serve as the petitioner's 2149
address or the address of the person on whose behalf the 2150
protection order was issued. The petitioner may apply with the 2151
assistance of an application assistant to the secretary of state 2152
pursuant to those sections to have an address designated by the 2153
secretary of state serve as the petitioner's address or the 2154
address of the person on whose behalf the protection order was 2155
issued. 2156

(2) As used in division (O) (1) of this section, 2157
"application assistant" has the same meaning as in section 2158
111.31 of the Revised Code. 2159

Sec. 3113.31. (A) As used in this section: 2160

(1) "Domestic violence" means the occurrence of one or 2161
more of the following acts against a family or household member: 2162

(a) Attempting to cause or recklessly causing bodily 2163
injury; 2164

(b) Placing another person by the threat of force in fear 2165
of imminent serious physical harm or committing a violation of 2166
section 2903.211 or 2911.211 of the Revised Code; 2167

(c) Committing any act with respect to a child that would 2168
result in the child being an abused child, as defined in section 2169
2151.031 of the Revised Code; 2170

(d) Committing a sexually oriented offense. 2171

(2) "Court" means the domestic relations division of the 2172

court of common pleas in counties that have a domestic relations division and the court of common pleas in counties that do not have a domestic relations division, or the juvenile division of the court of common pleas of the county in which the person to be protected by a protection order issued or a consent agreement approved under this section resides if the respondent is less than eighteen years of age.

(3) "Family or household member" means any of the following:

(a) Any of the following who is residing with or has resided with the respondent:

(i) A spouse, a person living as a spouse, or a former spouse of the respondent;

(ii) A parent, a foster parent, or a child of the respondent, or another person related by consanguinity or affinity to the respondent;

(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.

(b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.

(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.

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

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

(B) The court has jurisdiction over all proceedings under this section. The petitioner's right to relief under this section is not affected by the petitioner's leaving the residence or household to avoid further domestic violence.

(C) A person may seek relief under this section on the person's own behalf, 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:

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

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

(3) A request for relief under this section.

(D) (1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing on the same day that the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, including, but not limited to, an order described in division (E) (1) (a), (b), or (c) of this section, that the court finds necessary to protect the family or household member from domestic violence. Immediate

and present danger of domestic violence to the family or 2231
household member constitutes good cause for purposes of this 2232
section. Immediate and present danger includes, but is not 2233
limited to, situations in which the respondent has threatened 2234
the family or household member with bodily harm, in which the 2235
respondent has threatened the family or household member with a 2236
sexually oriented offense, or in which the respondent previously 2237
has been convicted of, pleaded guilty to, or been adjudicated a 2238
delinquent child for an offense that constitutes domestic 2239
violence against the family or household member. 2240

(2) (a) If the court, after an ex parte hearing, issues an 2241
order described in division (E) (1) (b) or (c) of this section, 2242
the court shall schedule a full hearing for a date that is 2243
within seven court days after the ex parte hearing. If any other 2244
type of protection order that is authorized under division (E) 2245
of this section is issued by the court after an ex parte 2246
hearing, the court shall schedule a full hearing for a date that 2247
is within ten court days after the ex parte hearing. The court 2248
shall give the respondent notice of, and an opportunity to be 2249
heard at, the full hearing. The court shall hold the full 2250
hearing on the date scheduled under this division unless the 2251
court grants a continuance of the hearing in accordance with 2252
this division. Under any of the following circumstances or for 2253
any of the following reasons, the court may grant a continuance 2254
of the full hearing to a reasonable time determined by the 2255
court: 2256

(i) Prior to the date scheduled for the full hearing under 2257
this division, the respondent has not been served with the 2258
petition filed pursuant to this section and notice of the full 2259
hearing. 2260

(ii) The parties consent to the continuance.	2261
(iii) The continuance is needed to allow a party to obtain counsel.	2262 2263
(iv) The continuance is needed for other good cause.	2264
(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D)(2)(a) of this section or because the court grants a continuance under that division.	2265 2266 2267 2268 2269
(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.	2270 2271 2272 2273 2274 2275
(E)(1) After an ex parte or full hearing, the court may grant any protection order, with or without bond, or approve any consent agreement to bring about a cessation of domestic violence against the family or household members. The order or agreement may:	2276 2277 2278 2279 2280
(a) Direct the respondent to refrain from abusing or from committing sexually oriented offenses against the family or household members;	2281 2282 2283
(b) Grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by evicting the respondent, when the residence or household is owned or leased solely by the petitioner or other family or household member, or by ordering the respondent to vacate the premises, when the residence or	2284 2285 2286 2287 2288 2289

household is jointly owned or leased by the respondent, and the 2290
petitioner or other family or household member; 2291

(c) When the respondent has a duty to support the 2292
petitioner or other family or household member living in the 2293
residence or household and the respondent is the sole owner or 2294
lessee of the residence or household, grant possession of the 2295
residence or household to the petitioner or other family or 2296
household member, to the exclusion of the respondent, by 2297
ordering the respondent to vacate the premises, or, in the case 2298
of a consent agreement, allow the respondent to provide 2299
suitable, alternative housing; 2300

(d) Temporarily allocate parental rights and 2301
responsibilities for the care of, or establish temporary 2302
parenting time rights with regard to, minor children, if no 2303
other court has determined, or is determining, the allocation of 2304
parental rights and responsibilities for the minor children or 2305
parenting time rights; 2306

(e) Require the respondent to maintain support, if the 2307
respondent customarily provides for or contributes to the 2308
support of the family or household member, or if the respondent 2309
has a duty to support the petitioner or family or household 2310
member; 2311

(f) Require the respondent, petitioner, victim of domestic 2312
violence, or any combination of those persons, to seek 2313
counseling; 2314

(g) Require the respondent to refrain from entering the 2315
residence, school, business, or place of employment of the 2316
petitioner or family or household member; 2317

(h) Grant other relief that the court considers equitable 2318

and fair, including, but not limited to, ordering the respondent 2319
to permit the use of a motor vehicle by the petitioner or other 2320
family or household member and the apportionment of household 2321
and family personal property. 2322

(2) If a protection order has been issued pursuant to this 2323
section in a prior action involving the respondent and the 2324
petitioner or one or more of the family or household members or 2325
victims, the court may include in a protection order that it 2326
issues a prohibition against the respondent returning to the 2327
residence or household. If it includes a prohibition against the 2328
respondent returning to the residence or household in the order, 2329
it also shall include in the order provisions of the type 2330
described in division (E) (7) of this section. This division does 2331
not preclude the court from including in a protection order or 2332
consent agreement, in circumstances other than those described 2333
in this division, a requirement that the respondent be evicted 2334
from or vacate the residence or household or refrain from 2335
entering the residence, school, business, or place of employment 2336
of the petitioner or a family or household member, and, if the 2337
court includes any requirement of that type in an order or 2338
agreement, the court also shall include in the order provisions 2339
of the type described in division (E) (7) of this section. 2340

(3) (a) Any protection order issued or consent agreement 2341
approved under this section shall be valid until a date certain, 2342
but not later than five years from the date of its issuance or 2343
approval, or not later than the date a respondent who is less 2344
than eighteen years of age attains nineteen years of age, unless 2345
modified or terminated as provided in division (E) (8) of this 2346
section. 2347

(b) Subject to the limitation on the duration of an order 2348

or agreement set forth in division (E) (3) (a) of this section, 2349
any order under division (E) (1) (d) of this section shall 2350
terminate on the date that a court in an action for divorce, 2351
dissolution of marriage, or legal separation brought by the 2352
petitioner or respondent issues an order allocating parental 2353
rights and responsibilities for the care of children or on the 2354
date that a juvenile court in an action brought by the 2355
petitioner or respondent issues an order awarding legal custody 2356
of minor children. Subject to the limitation on the duration of 2357
an order or agreement set forth in division (E) (3) (a) of this 2358
section, any order under division (E) (1) (e) of this section 2359
shall terminate on the date that a court in an action for 2360
divorce, dissolution of marriage, or legal separation brought by 2361
the petitioner or respondent issues a support order or on the 2362
date that a juvenile court in an action brought by the 2363
petitioner or respondent issues a support order. 2364

(c) Any protection order issued or consent agreement 2365
approved pursuant to this section may be renewed in the same 2366
manner as the original order or agreement was issued or 2367
approved. 2368

(4) A court may not issue a protection order that requires 2369
a petitioner to do or to refrain from doing an act that the 2370
court may require a respondent to do or to refrain from doing 2371
under division (E) (1) (a), (b), (c), (d), (e), (g), or (h) of 2372
this section unless all of the following apply: 2373

(a) The respondent files a separate petition for a 2374
protection order in accordance with this section. 2375

(b) The petitioner is served notice of the respondent's 2376
petition at least forty-eight hours before the court holds a 2377
hearing with respect to the respondent's petition, or the 2378

petitioner waives the right to receive this notice. 2379

(c) If the petitioner has requested an ex parte order 2380
pursuant to division (D) of this section, the court does not 2381
delay any hearing required by that division beyond the time 2382
specified in that division in order to consolidate the hearing 2383
with a hearing on the petition filed by the respondent. 2384

(d) After a full hearing at which the respondent presents 2385
evidence in support of the request for a protection order and 2386
the petitioner is afforded an opportunity to defend against that 2387
evidence, the court determines that the petitioner has committed 2388
an act of domestic violence or has violated a temporary 2389
protection order issued pursuant to section 2919.26 of the 2390
Revised Code, that both the petitioner and the respondent acted 2391
primarily as aggressors, and that neither the petitioner nor the 2392
respondent acted primarily in self-defense. 2393

(5) No protection order issued or consent agreement 2394
approved under this section shall in any manner affect title to 2395
any real property. 2396

(6) (a) If a petitioner, or the child of a petitioner, who 2397
obtains a protection order or consent agreement pursuant to 2398
division (E) (1) of this section or a temporary protection order 2399
pursuant to section 2919.26 of the Revised Code and is the 2400
subject of a parenting time order issued pursuant to section 2401
3109.051 or 3109.12 of the Revised Code or a visitation or 2402
companionship order issued pursuant to section 3109.051, 2403
3109.11, or 3109.12 of the Revised Code or division (E) (1) (d) of 2404
this section granting parenting time rights to the respondent, 2405
the court may require the public children services agency of the 2406
county in which the court is located to provide supervision of 2407
the respondent's exercise of parenting time or visitation or 2408

companionship rights with respect to the child for a period not 2409
to exceed nine months, if the court makes the following findings 2410
of fact: 2411

(i) The child is in danger from the respondent; 2412

(ii) No other person or agency is available to provide the 2413
supervision. 2414

(b) A court that requires an agency to provide supervision 2415
pursuant to division (E) (6) (a) of this section shall order the 2416
respondent to reimburse the agency for the cost of providing the 2417
supervision, if it determines that the respondent has sufficient 2418
income or resources to pay that cost. 2419

(7) (a) If a protection order issued or consent agreement 2420
approved under this section includes a requirement that the 2421
respondent be evicted from or vacate the residence or household 2422
or refrain from entering the residence, school, business, or 2423
place of employment of the petitioner or a family or household 2424
member, the order or agreement shall state clearly that the 2425
order or agreement cannot be waived or nullified by an 2426
invitation to the respondent from the petitioner or other family 2427
or household member to enter the residence, school, business, or 2428
place of employment or by the respondent's entry into one of 2429
those places otherwise upon the consent of the petitioner or 2430
other family or household member. 2431

(b) Division (E) (7) (a) of this section does not limit any 2432
discretion of a court to determine that a respondent charged 2433
with a violation of section 2919.27 of the Revised Code, with a 2434
violation of a municipal ordinance substantially equivalent to 2435
that section, or with contempt of court, which charge is based 2436
on an alleged violation of a protection order issued or consent 2437

agreement approved under this section, did not commit the 2438
violation or was not in contempt of court. 2439

(8) (a) The court may modify or terminate as provided in 2440
division (E) (8) of this section a protection order or consent 2441
agreement that was issued after a full hearing under this 2442
section. The court that issued the protection order or approved 2443
the consent agreement shall hear a motion for modification or 2444
termination of the protection order or consent agreement 2445
pursuant to division (E) (8) of this section. 2446

(b) Either the petitioner or the respondent of the 2447
original protection order or consent agreement may bring a 2448
motion for modification or termination of a protection order or 2449
consent agreement that was issued or approved after a full 2450
hearing. The court shall require notice of the motion to be made 2451
as provided by the Rules of Civil Procedure. If the petitioner 2452
for the original protection order or consent agreement has 2453
requested that the petitioner's address be kept confidential, 2454
the court shall not disclose the address to the respondent of 2455
the original protection order or consent agreement or any other 2456
person, except as otherwise required by law. The moving party 2457
has the burden of proof to show, by a preponderance of the 2458
evidence, that modification or termination of the protection 2459
order or consent agreement is appropriate because either the 2460
protection order or consent agreement is no longer needed or 2461
because the terms of the original protection order or consent 2462
agreement are no longer appropriate. 2463

(c) In considering whether to modify or terminate a 2464
protection order or consent agreement issued or approved under 2465
this section, the court shall consider all relevant factors, 2466
including, but not limited to, the following: 2467

(i) Whether the petitioner consents to modification or termination of the protection order or consent agreement;	2468 2469
(ii) Whether the petitioner fears the respondent;	2470
(iii) The current nature of the relationship between the petitioner and the respondent;	2471 2472
(iv) The circumstances of the petitioner and respondent, including the relative proximity of the petitioner's and respondent's workplaces and residences and whether the petitioner and respondent have minor children together;	2473 2474 2475 2476
(v) Whether the respondent has complied with the terms and conditions of the original protection order or consent agreement;	2477 2478 2479
(vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol;	2480 2481
(vii) Whether the respondent has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense of violence since the issuance of the protection order or approval of the consent agreement;	2482 2483 2484 2485
(viii) Whether any other protection orders, consent agreements, restraining orders, or no contact orders have been issued against the respondent pursuant to this section, section 2919.26 of the Revised Code, any other provision of state law, or the law of any other state;	2486 2487 2488 2489 2490
(ix) Whether the respondent has participated in any domestic violence treatment, intervention program, or other counseling addressing domestic violence and whether the respondent has completed the treatment, program, or counseling;	2491 2492 2493 2494
(x) The time that has elapsed since the protection order	2495

was issued or since the consent agreement was approved; 2496

(xi) The age and health of the respondent; 2497

(xii) When the last incident of abuse, threat of harm, or 2498
commission of a sexually oriented offense occurred or other 2499
relevant information concerning the safety and protection of the 2500
petitioner or other protected parties. 2501

(d) If a protection order or consent agreement is modified 2502
or terminated as provided in division (E) (8) of this section, 2503
the court shall issue copies of the modified or terminated order 2504
or agreement as provided in division (F) of this section. A 2505
petitioner may also provide notice of the modification or 2506
termination to the judicial and law enforcement officials in any 2507
county other than the county in which the order or agreement is 2508
modified or terminated as provided in division (N) of this 2509
section. 2510

(e) If the respondent moves for modification or 2511
termination of a protection order or consent agreement pursuant 2512
to this section and the court denies the motion, the court may 2513
assess costs against the respondent for the filing of the 2514
motion. 2515

(9) Any protection order issued or any consent agreement 2516
approved pursuant to this section shall include a provision that 2517
the court will automatically seal all of the records of the 2518
proceeding in which the order is issued or agreement approved on 2519
the date the respondent attains the age of nineteen years unless 2520
the petitioner provides the court with evidence that the 2521
respondent has not complied with all of the terms of the 2522
protection order or consent agreement. The protection order or 2523
consent agreement shall specify the date when the respondent 2524

attains the age of nineteen years. 2525

(F) (1) A copy of any protection order, or consent 2526
agreement, that is issued, approved, modified, or terminated 2527
under this section shall be issued by the court to the 2528
petitioner, to the respondent, and to all law enforcement 2529
agencies that have jurisdiction to enforce the order or 2530
agreement. The court shall direct that a copy of an order be 2531
delivered to the respondent on the same day that the order is 2532
entered. 2533

(2) Upon the issuance of a protection order or the 2534
approval of a consent agreement under this section, the court 2535
shall provide the parties to the order or agreement with the 2536
following notice orally or by form: 2537

"NOTICE 2538

As a result of this order or consent agreement, it may be 2539
unlawful for you to possess or purchase a firearm, including a 2540
rifle, pistol, or revolver, or ammunition pursuant to federal 2541
law under 18 U.S.C. 922(g) (8). If you have any questions whether 2542
this law makes it illegal for you to possess or purchase a 2543
firearm or ammunition, you should consult an attorney." 2544

(3) All law enforcement agencies shall establish and 2545
maintain an index for the protection orders and the approved 2546
consent agreements delivered to the agencies pursuant to 2547
division (F) (1) of this section. With respect to each order and 2548
consent agreement delivered, each agency shall note on the index 2549
the date and time that it received the order or consent 2550
agreement. 2551

(4) Regardless of whether the petitioner has registered 2552
the order or agreement in the county in which the officer's 2553

agency has jurisdiction pursuant to division (N) of this 2554
section, any officer of a law enforcement agency shall enforce a 2555
protection order issued or consent agreement approved by any 2556
court in this state in accordance with the provisions of the 2557
order or agreement, including removing the respondent from the 2558
premises, if appropriate. 2559

(G) Any proceeding under this section shall be conducted 2560
in accordance with the Rules of Civil Procedure, except that an 2561
order under this section may be obtained with or without bond. 2562
An order issued under this section, other than an ex parte 2563
order, that grants a protection order or approves a consent 2564
agreement, that refuses to grant a protection order or approve a 2565
consent agreement that modifies or terminates a protection order 2566
or consent agreement, or that refuses to modify or terminate a 2567
protection order or consent agreement, is a final, appealable 2568
order. The remedies and procedures provided in this section are 2569
in addition to, and not in lieu of, any other available civil or 2570
criminal remedies. 2571

(H) The filing of proceedings under this section does not 2572
excuse a person from filing any report or giving any notice 2573
required by section 2151.421 of the Revised Code or by any other 2574
law. When a petition under this section alleges domestic 2575
violence against minor children, the court shall report the 2576
fact, or cause reports to be made, to a county, township, or 2577
municipal peace officer under section 2151.421 of the Revised 2578
Code. 2579

(I) Any law enforcement agency that investigates a 2580
domestic dispute shall provide information to the family or 2581
household members involved regarding the relief available under 2582
this section and section 2919.26 of the Revised Code. 2583

(J) (1) Subject to divisions (E) (8) (e) and (J) (2) of this 2584
section and regardless of whether a protection order is issued 2585
or a consent agreement is approved by a court of another county 2586
or a court of another state, no court or unit of state or local 2587
government shall charge the petitioner any fee, cost, deposit, 2588
or money in connection with the filing of a petition pursuant to 2589
this section or in connection with the filing, issuance, 2590
registration, modification, enforcement, dismissal, withdrawal, 2591
or service of a protection order, consent agreement, or witness 2592
subpoena or for obtaining a certified copy of a protection order 2593
or consent agreement. 2594

(2) Regardless of whether a protection order is issued or 2595
a consent agreement is approved pursuant to this section, the 2596
court may assess costs against the respondent in connection with 2597
the filing, issuance, registration, modification, enforcement, 2598
dismissal, withdrawal, or service of a protection order, consent 2599
agreement, or witness subpoena or for obtaining a certified copy 2600
of a protection order or consent agreement. 2601

(K) (1) The court shall comply with Chapters 3119., 3121., 2602
3123., and 3125. of the Revised Code when it makes or modifies 2603
an order for child support under this section. 2604

(2) If any person required to pay child support under an 2605
order made under this section on or after April 15, 1985, or 2606
modified under this section on or after December 31, 1986, is 2607
found in contempt of court for failure to make support payments 2608
under the order, the court that makes the finding, in addition 2609
to any other penalty or remedy imposed, shall assess all court 2610
costs arising out of the contempt proceeding against the person 2611
and require the person to pay any reasonable attorney's fees of 2612
any adverse party, as determined by the court, that arose in 2613

relation to the act of contempt. 2614

(L) (1) A person who violates a protection order issued or 2615
a consent agreement approved under this section is subject to 2616
the following sanctions: 2617

(a) Criminal prosecution or a delinquent child proceeding 2618
for a violation of section 2919.27 of the Revised Code, if the 2619
violation of the protection order or consent agreement 2620
constitutes a violation of that section; 2621

(b) Punishment for contempt of court. 2622

(2) The punishment of a person for contempt of court for 2623
violation of a protection order issued or a consent agreement 2624
approved under this section does not bar criminal prosecution of 2625
the person or a delinquent child proceeding concerning the 2626
person for a violation of section 2919.27 of the Revised Code. 2627
However, a person punished for contempt of court is entitled to 2628
credit for the punishment imposed upon conviction of or 2629
adjudication as a delinquent child for a violation of that 2630
section, and a person convicted of or adjudicated a delinquent 2631
child for a violation of that section shall not subsequently be 2632
punished for contempt of court arising out of the same activity. 2633

(M) In all stages of a proceeding under this section, a 2634
petitioner may be accompanied by a victim advocate. 2635

(N) (1) A petitioner who obtains a protection order or 2636
consent agreement under this section or a temporary protection 2637
order under section 2919.26 of the Revised Code may provide 2638
notice of the issuance or approval of the order or agreement to 2639
the judicial and law enforcement officials in any county other 2640
than the county in which the order is issued or the agreement is 2641
approved by registering that order or agreement in the other 2642

county pursuant to division (N) (2) of this section and filing a 2643
copy of the registered order or registered agreement with a law 2644
enforcement agency in the other county in accordance with that 2645
division. A person who obtains a protection order issued by a 2646
court of another state may provide notice of the issuance of the 2647
order to the judicial and law enforcement officials in any 2648
county of this state by registering the order in that county 2649
pursuant to section 2919.272 of the Revised Code and filing a 2650
copy of the registered order with a law enforcement agency in 2651
that county. 2652

(2) A petitioner may register a temporary protection 2653
order, protection order, or consent agreement in a county other 2654
than the county in which the court that issued the order or 2655
approved the agreement is located in the following manner: 2656

(a) The petitioner shall obtain a certified copy of the 2657
order or agreement from the clerk of the court that issued the 2658
order or approved the agreement and present that certified copy 2659
to the clerk of the court of common pleas or the clerk of a 2660
municipal court or county court in the county in which the order 2661
or agreement is to be registered. 2662

(b) Upon accepting the certified copy of the order or 2663
agreement for registration, the clerk of the court of common 2664
pleas, municipal court, or county court shall place an 2665
endorsement of registration on the order or agreement and give 2666
the petitioner a copy of the order or agreement that bears that 2667
proof of registration. 2668

(3) The clerk of each court of common pleas, the clerk of 2669
each municipal court, and the clerk of each county court shall 2670
maintain a registry of certified copies of temporary protection 2671
orders, protection orders, or consent agreements that have been 2672

issued or approved by courts in other counties and that have 2673
been registered with the clerk. 2674

(O) (1) Upon the issuance of a protection order or the 2675
approval of a consent agreement under this section, the court 2676
shall notify the petitioner in writing of the right of the 2677
petitioner to apply with the assistance of an application 2678
assistant to the secretary of state under sections 111.31 to 2679
111.40 of the Revised Code to have an address designated by the 2680
secretary of state serve as the petitioner's address or the 2681
address of the person on whose behalf the protection order was 2682
issued or the consent agreement was approved. The petitioner may 2683
apply with the assistance of an application assistant to the 2684
secretary of state pursuant to those sections to have an address 2685
designated by the secretary of state serve as the petitioner's 2686
address or the address of the person on whose behalf the 2687
protection order was issued or the consent agreement was 2688
approved. 2689

(2) As used in division (O) (1) of this section, 2690
"application assistant" has the same meaning as in section 2691
111.31 of the Revised Code. 2692

(P) Nothing in this section prohibits the domestic 2693
relations division of a court of common pleas in counties that 2694
have a domestic relations division or a court of common pleas in 2695
counties that do not have a domestic relations division from 2696
designating a minor child as a protected party on a protection 2697
order or consent agreement. 2698

Sec. 3503.15. (A) (1) The secretary of state shall 2699
establish and maintain a statewide voter registration database 2700
that shall be administered by the office of the secretary of 2701
state and made continuously available to each board of elections 2702

and to other agencies as authorized by law. 2703

(2) (a) State agencies, including, but not limited to, the 2704
department of health, bureau of motor vehicles, department of 2705
job and family services, and the department of rehabilitation 2706
and corrections, shall provide any information and data to the 2707
secretary of state that is collected in the course of normal 2708
business and that is necessary to register to vote, to update an 2709
elector's registration, or to maintain the statewide voter 2710
registration database established pursuant to this section, 2711
except where prohibited by federal law or regulation. The 2712
secretary of state shall ensure that any information or data 2713
provided to the secretary of state that is confidential in the 2714
possession of the entity providing the data remains confidential 2715
while in the possession of the secretary of state. No public 2716
office, and no public official or employee, shall sell that 2717
information or data or use that information or data for profit. 2718

(b) Information provided under this division for 2719
maintenance of the statewide voter registration database shall 2720
not be used to update the name or address of a registered 2721
elector. The name or address of a registered elector shall only 2722
be updated as a result of the elector's actions in filing a 2723
notice of change of name, change of address, or both. 2724

(c) A board of elections shall contact a registered 2725
elector pursuant to the rules adopted under division (D) (7) of 2726
this section to verify the accuracy of the information in the 2727
statewide voter registration database regarding that elector if 2728
that information does not conform with information provided 2729
under division (A) (2) (a) of this section and the discrepancy 2730
would affect the elector's eligibility to cast a regular ballot. 2731

(3) (a) The secretary of state shall enter into agreements 2732

to share information or data that is in the possession of the 2733
secretary of state with other states or groups of states, as the 2734
secretary of state considers necessary, in order to maintain the 2735
statewide voter registration database established pursuant to 2736
this section. Except as otherwise provided in division (A) (3) (b) 2737
of this section, the secretary of state shall ensure that any 2738
information or data provided to the secretary of state that is 2739
confidential in the possession of the state providing the data 2740
remains confidential while in the possession of the secretary of 2741
state. 2742

(b) The secretary of state may provide such otherwise 2743
confidential information or data to persons or organizations 2744
that are engaging in legitimate governmental purposes related to 2745
the maintenance of the statewide voter registration database. 2746
The secretary of state shall adopt rules pursuant to Chapter 2747
119. of the Revised Code identifying the persons or 2748
organizations who may receive that information or data. The 2749
secretary of state shall not share that information or data with 2750
a person or organization not identified in those rules. The 2751
secretary of state shall ensure that a person or organization 2752
that receives confidential information or data under this 2753
division keeps the information or data confidential in the 2754
person's or organization's possession by, at a minimum, entering 2755
into a confidentiality agreement with the person or 2756
organization. Any confidentiality agreement entered into under 2757
this division shall include a requirement that the person or 2758
organization submit to the jurisdiction of this state in the 2759
event that the person or organization breaches the agreement. 2760

(4) No person or entity that receives information or data 2761
under division (A) (3) of this section shall sell the information 2762
or data or use the information or data for profit. 2763

(B) The statewide voter registration database established 2764
under this section shall be the official list of registered 2765
voters for all elections conducted in this state. 2766

(C) The statewide voter registration database established 2767
under this section shall, at a minimum, include all of the 2768
following: 2769

(1) An electronic network that connects all board of 2770
elections offices with the office of the secretary of state and 2771
with the offices of all other boards of elections; 2772

(2) A computer program that harmonizes the records 2773
contained in the database with records maintained by each board 2774
of elections; 2775

(3) An interactive computer program that allows access to 2776
the records contained in the database by each board of elections 2777
and by any persons authorized by the secretary of state to add, 2778
delete, modify, or print database records, and to conduct 2779
updates of the database; 2780

(4) A search program capable of verifying registered 2781
voters and their registration information by name, driver's 2782
license number, birth date, social security number, or current 2783
address; 2784

(5) Safeguards and components to ensure that the 2785
integrity, security, and confidentiality of the voter 2786
registration information is maintained; 2787

(6) Methods to retain canceled voter registration records 2788
for not less than five years after they are canceled and to 2789
record the reason for their cancellation. 2790

(D) The secretary of state shall adopt rules pursuant to 2791

Chapter 119. of the Revised Code doing all of the following:	2792
(1) Specifying the manner in which existing voter registration records maintained by boards of elections shall be converted to electronic files for inclusion in the statewide voter registration database;	2793 2794 2795 2796
(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;	2797 2798 2799 2800
(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;	2801 2802 2803
(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;	2804 2805 2806
(5) Establishing a process for annually auditing the information contained in the statewide voter registration database;	2807 2808 2809
(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;	2810 2811 2812 2813 2814 2815
(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	2816 2817 2818 2819 2820

voter registration from being canceled on the sole basis that 2821
the information in the registration record does not conform to 2822
records maintained by such an agency; 2823

(8) Establishing a process to keep the voter registration 2824
record of a person who is a program participant under sections 2825
111.31 to 111.40 of the Revised Code confidential and not 2826
available for public inspection. 2827

(E) A board of elections promptly shall purge a voter's 2828
name and voter registration information from the statewide voter 2829
registration database in accordance with the rules adopted by 2830
the secretary of state under division (D) (3) of this section 2831
after the cancellation of a voter's registration under section 2832
3503.21 of the Revised Code. 2833

(F) The secretary of state shall provide training in the 2834
operation of the statewide voter registration database to each 2835
board of elections and to any persons authorized by the 2836
secretary of state to add, delete, modify, or print database 2837
records, and to conduct updates of the database. 2838

(G) (1) The statewide voter registration database 2839
established under this section shall be made available on a web 2840
site of the office of the secretary of state as follows: 2841

(a) Except as otherwise provided in division (G) (1) (b) of 2842
this section, the following information from the statewide voter 2843
registration database regarding a registered voter shall be made 2844
available on the web site: 2845

(i) The voter's name; 2846

(ii) The voter's address; 2847

(iii) The voter's precinct number; 2848

(iv) The voter's voting history.	2849
(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 polling location at which that voter may cast a ballot.	2850 2851 2852 2853
(2) The secretary of state shall establish, by rule adopted under Chapter 119. of the Revised Code, a process for boards of elections to notify the secretary of state of changes in the locations of precinct polling places for the purpose of updating the information made available on the secretary of state's web site under division (G) (1) (b) of this section. Those rules shall require a board of elections, during the thirty days before the day of a primary or general election, to notify the secretary of state within one business day of any change to the location of a precinct polling place within the county.	2854 2855 2856 2857 2858 2859 2860 2861 2862 2863
(3) During the thirty days before the day of a primary or general election, not later than one business day after receiving a notification from a county pursuant to division (G) (2) of this section that the location of a precinct polling place has changed, the secretary of state shall update that information on the secretary of state's web site for the purpose of division (G) (1) (b) of this section.	2864 2865 2866 2867 2868 2869 2870
<u>Sec. 3503.151. Notwithstanding any other provision of Chapter 3503. of the Revised Code, the secretary of state shall maintain the voter registration records for participants in the address confidentiality program under sections 111.32 to 111.40 of the Revised Code who are registered or choose to register to vote. The secretary of state shall process new voter registration records and maintain existing voter registration records in the same manner as boards of elections.</u>	2871 2872 2873 2874 2875 2876 2877 2878

Sec. 3509.03. Except as provided in division (B) of	2879
section 3509.08 of the Revised Code, any qualified elector	2880
desiring to vote absent voter's ballots at an election shall	2881
make written application for those ballots to the director of	2882
elections of the county in which the elector's voting residence	2883
is located. The application need not be in any particular form	2884
but shall contain all of the following:	2885
(A) The elector's name;	2886
(B) The elector's signature;	2887
(C) The address at which the elector is registered to	2888
vote;	2889
(D) The elector's date of birth;	2890
(E) One of the following:	2891
(1) The elector's driver's license number;	2892
(2) The last four digits of the elector's social security	2893
number;	2894
(3) A copy of the elector's current and valid photo	2895
identification, a copy of a military identification, or a copy	2896
of a current utility bill, bank statement, government check,	2897
paycheck, or other government document, other than a notice of	2898
voter registration mailed by a board of elections under section	2899
3503.19 of the Revised Code, that shows the name and address of	2900
the elector.	2901
(F) A statement identifying the election for which absent	2902
voter's ballots are requested;	2903
(G) A statement that the person requesting the ballots is	2904
a qualified elector;	2905

(H) If the request is for primary election ballots, the 2906
elector's party affiliation; 2907

(I) If the elector desires ballots to be mailed to the 2908
elector, the address to which those ballots shall be mailed. 2909

~~Each~~ Except as provided in section 111.34 of the Revised 2910
Code, each application for absent voter's ballots shall be 2911
delivered to the director not earlier than the first day of 2912
January of the year of the elections for which the absent 2913
voter's ballots are requested or not earlier than ninety days 2914
before the day of the election at which the ballots are to be 2915
voted, whichever is earlier, and not later than twelve noon of 2916
the third day before the day of the election at which the 2917
ballots are to be voted, or not later than six p.m. on the last 2918
Friday before the day of the election at which the ballots are 2919
to be voted if the application is delivered in person to the 2920
office of the board. 2921

A board of elections that mails an absent voter's ballot 2922
application to an elector under this section shall not prepay 2923
the return postage for that application. 2924

Except as otherwise provided in this section and in 2925
sections 3505.24 and 3509.08 of the Revised Code, an election 2926
official shall not fill out any portion of an application for 2927
absent voter's ballots on behalf of an applicant. The secretary 2928
of state or a board of elections may preprint only an 2929
applicant's name and address on an application for absent 2930
voter's ballots before mailing that application to the 2931
applicant. 2932

Section 2. That existing sections 149.43, 149.45, 319.28, 2933
319.54, 2903.213, 2903.214, 3113.31, 3503.15, and 3509.03 of the 2934

Revised Code are hereby repealed.

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