

As Reported by the House Civil Justice Committee

133rd General Assembly

Regular Session

2019-2020

Sub. H. B. No. 429

Representatives LaRe, Abrams

**Cosponsors: Representatives Carfagna, Cross, Ghanbari, Wilkin, Richardson,
Hambley**

A BILL

To amend sections 111.42, 111.43, 111.45, 111.46, 1
111.48, 111.99, 149.43, 315.25, 317.13, 317.32, 2
319.28, 2303.12, and 5301.255 and to enact 3
sections 111.431, 111.432, and 321.25 of the 4
Revised Code to make changes to the Address 5
Confidentiality Program administered by the 6
Secretary of State and to make changes to county 7
recorder fees. 8

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

Section 1. That sections 111.42, 111.43, 111.45, 111.46, 9
111.48, 111.99, 149.43, 315.25, 317.13, 317.32, 319.28, 2303.12, 10
and 5301.255 be amended and sections 111.431, 111.432, and 11
321.25 of the Revised Code be enacted to read as follows: 12

Sec. 111.42. (A) A person to whom all of the following 13
applies may apply to the secretary of state with the assistance 14
of an application assistant to become a participant in the 15
address confidentiality program, in which an address designated 16
by the secretary of state serves as the person's address or the 17
address of the minor, incompetent, or ward on whose behalf the 18

person is applying: 19

(1) The applicant is an adult who is applying on behalf of 20
the person's self or is a parent or guardian applying on behalf 21
of a minor, incompetent, or ward. 22

(2) The applicant or the minor, incompetent, or ward, as 23
applicable, resides, works, or attends a school or an 24
institution of higher education in this state. 25

~~(3) The applicant or the minor, incompetent, or ward, as 26
applicable, is changing residence. 27~~

~~(4) The applicant fears for the safety of the applicant, a 28
member of the applicant's household, or the minor, incompetent, 29
or ward on whose behalf the application is made because the 30
applicant, household member, minor, incompetent, or ward is a 31
victim of domestic violence, menacing by stalking, human 32
trafficking, trafficking in persons, rape, or sexual battery. 33~~

~~(5)-(4) The applicant or the minor, incompetent, or ward, 34
as applicable, is not a tier I sex offender/child-victim 35
offender, a tier II sex offender/child-victim offender, or a 36
tier III sex offender/child-victim offender. 37~~

(B) An application to become a participant in the address 38
confidentiality program shall be made on a form prescribed by 39
the secretary of state and filed in the office of the secretary 40
of state in the manner prescribed by the secretary of state. The 41
application shall contain all of the following: 42

(1) A notarized statement by the applicant that the 43
applicant fears for the safety of the applicant, a member of the 44
applicant's household, or the minor, incompetent, or ward on 45
whose behalf the application is made because the applicant, 46
household member, minor, incompetent, or ward is a victim of 47

domestic violence, menacing by stalking, human trafficking, 48
trafficking in persons, rape, or sexual battery; 49

(2) A statement that the application assistant recommends 50
that the applicant or the minor, incompetent, or ward, as 51
applicable, participate in the address confidentiality program; 52

(3) A knowing and voluntary designation of the secretary 53
of state as the agent for the purposes of receiving service of 54
process and the receipt of mail; 55

(4) The mailing address and telephone number or numbers at 56
which the secretary of state may contact the applicant; 57

(5) The address or addresses of the applicant's residence, 58
school, institution of higher education, business, or place of 59
employment that the applicant requests not be disclosed for the 60
reason that disclosure will increase the risk that the 61
applicant, a member of the applicant's household, or the minor, 62
incompetent, or ward on whose behalf the application is made 63
will be threatened or physically harmed by another person; 64

(6) The signature of the applicant, the name and signature 65
of the application assistant who assisted the applicant, and the 66
date on which the applicant and the application assistant signed 67
the application; 68

(7) Except for a claim based on the performance or 69
nonperformance of a public duty that was manifestly outside the 70
scope of the officer's or employee's office or employment or in 71
which the officer or employee acted with malicious purpose, in 72
bad faith, or in a wanton or reckless manner, a voluntary 73
release and waiver of all future claims against the state for 74
any claim that may arise from participation in the address 75
confidentiality program. 76

(C) Upon receiving a properly completed application under 77
division (B) of this section, the secretary of state shall, 78
within ten business days, do all of the following: 79

(1) Certify the applicant or the minor, incompetent, or 80
ward on whose behalf the application is filed as a program 81
participant; 82

(2) Designate each eligible address listed in the 83
application as a confidential address; 84

(3) Issue the program participant a unique program 85
participant identification number; 86

(4) Issue the program participant an address 87
confidentiality program authorization card, which shall be valid 88
during the period that the program participant remains certified 89
to participate in the address confidentiality program, and which 90
shall include the address at which the program participant may 91
receive mail through the office of the secretary of state; 92

(5) Provide information to the program participant 93
concerning all of the following: 94

(a) The manner in which the program participant may use 95
the secretary of state as the program participant's agent for 96
the purposes of receiving mail and receiving service of process 97
and the types of mail that the secretary of state will forward 98
to the program participant; 99

~~(6) Provide information to the program participant~~ 100
~~concerning the~~ (b) The process to register to vote and to vote 101
as a program participant, if the program participant is eligible 102
to vote; 103

(c) The process to file a real property confidentiality 104

notice with the county recorder concerning any real property in 105
which the program participant acquires an ownership interest 106
after being certified a program participant and after the 107
effective date of this amendment; 108

(d) The use of a written notice to persons involved in the 109
acquisition of real property under section 111.432 of the 110
Revised Code; 111

(e) The process to authorize the secretary of state to 112
disclose confidential information concerning the program 113
participant under certain circumstances, as described in 114
division (E) of section 111.43 of the Revised Code. 115

(D) A program participant shall update the person's 116
application information, within thirty days after any change has 117
occurred, by submitting a notice of change to the office of the 118
secretary of state on a form prescribed by the secretary of 119
state. The secretary of state may, with proper notice, cancel a 120
program participant's certification if the participant is found 121
to be unreachable for a period of sixty days or more. 122

(E) The certification of a program participant shall be 123
valid for four years after the date of the filing of the 124
application for the program participant unless the certification 125
is withdrawn or invalidated before the end of that four-year 126
period. 127

(F) (1) A program participant who continues to be eligible 128
to participate in the address confidentiality program may renew 129
the program participant's certification by submitting a renewal 130
application to the secretary of state with the assistance of an 131
application assistant. The renewal application shall be on a 132
form prescribed by the secretary of state and shall contain all 133

of the information described in division (B) of this section. 134

(2) The secretary of state may prescribe by rule a grace 135
period during which a program participant whose certification 136
has expired may renew the program participant's certification 137
without being considered to have ceased being a program 138
participant during that period. 139

(3) When a program participant renews the program 140
participant's certification, the program participant shall 141
continue to use the program participant's original program 142
participant identification number. 143

(G) A tier I sex offender/child-victim offender, a tier II 144
sex offender/child-victim offender, or a tier III sex 145
offender/child-victim offender is not eligible to participate in 146
the address confidentiality program described in sections 111.41 147
to 111.99 of the Revised Code. 148

Sec. 111.43. (A) A program participant may request that a 149
governmental entity, other than a board of elections, use the 150
address designated by the secretary of state as the program 151
participant's address. Except as otherwise provided in division 152
~~(D)~~ (F) of this section and in section 111.44 of the Revised 153
Code, if the program participant requests that a governmental 154
entity use that address, the governmental entity shall accept 155
that address. The program participant ~~may~~ shall provide the 156
program participant's address confidentiality program 157
authorization card as proof of the program participant's status. 158

(B) A program participant who acquires an ownership 159
interest in real property in this state after being certified a 160
program participant and after the effective date of this 161
amendment may submit a real property confidentiality notice to 162

the county recorder of the county in which the real property is 163
located, as described in section 111.431 of the Revised Code. 164

(C) If a program participant's employer, school, or 165
institution of higher education is not a governmental entity, 166
the program participant may request that the employer, school, 167
or institution of higher education use the address designated by 168
the secretary of state as the program participant's address. The 169
program participant may provide the program participant's 170
address confidentiality program authorization card as proof of 171
the program participant's status. 172

~~(C)(1)~~ (D)(1) The office of the secretary of state shall, 173
on each day that the secretary of state's office is open for 174
business, place all of the following that the secretary of state 175
receives on behalf of a program participant into an envelope or 176
package and mail that envelope or package to the program 177
participant at the mailing address the program participant 178
provided to the secretary of state for that purpose: 179

(a) First class letters, flats, packages, or parcels 180
delivered via the United States postal service, including 181
priority, express, and certified mail; 182

(b) Packages or parcels that are clearly identifiable as 183
containing pharmaceutical agents or medical supplies; 184

(c) Packages, parcels, periodicals, or catalogs that are 185
clearly identifiable as being sent by a governmental entity; 186

(d) Periodicals to which the program participant 187
subscribes; 188

(e) Packages, parcels, ~~periodicals,~~ or catalogs that have 189
received prior authorization from the office of the secretary of 190
state for forwarding under this section. 191

(2) Except as provided in divisions ~~(C)(1)(a)~~ (D)(1)(a) to ~~(d)~~ (e) of this section, the office of the secretary of state shall not forward any packages, parcels, periodicals, or catalogs received on behalf of a program participant.

(3) The secretary of state may contract with the United States postal service to establish special postal rates for the envelopes or packages used in forwarding a program participant's mail under this section.

(4) (a) Upon receiving service of process on behalf of a program participant, the office of the secretary of state shall immediately forward the process by certified mail, return receipt requested, to the program participant at the mailing address the program participant provided to the secretary of state for that purpose. Service of process upon the office of the secretary of state on behalf of a program participant constitutes service upon the program participant under rule 4.2 of the Rules of Civil Procedure.

(b) The secretary of state may prescribe by rule the manner in which process may be served on the secretary of state as the agent of a program participant.

(c) Upon request by a person who intends to serve process on an individual, the secretary of state shall confirm whether the individual is a program participant but shall not disclose any other information concerning a program participant.

~~(D)~~ (E)(1) A program participant may submit to the secretary of state, on a form prescribed by the secretary of state, an authorization for the secretary of state to disclose confidential information concerning the program participant under one or more of the following circumstances, as indicated

<u>on the authorization form:</u>	221
<u>(a) To an official or employee of the United States postal</u>	222
<u>service for the purpose of performing the secretary of state's</u>	223
<u>duties under division (D) of this section;</u>	224
<u>(b) To any of the following persons for the purpose of</u>	225
<u>confirming the program participant's status as a program</u>	226
<u>participant, for the purpose of verifying the program</u>	227
<u>participant's residence address, or for other similar purposes</u>	228
<u>in order to assist the program participant:</u>	229
<u>(i) A judge or magistrate;</u>	230
<u>(ii) An official or employee of the bureau of motor</u>	231
<u>vehicles;</u>	232
<u>(iii) A school administrator;</u>	233
<u>(iv) An administrator of a public assistance program;</u>	234
<u>(v) An administrator of a food pantry.</u>	235
<u>(c) To another person identified on the authorization form</u>	236
<u>for a purpose indicated on the authorization form.</u>	237
<u>(2) A person authorized under division (E) (1) of this</u>	238
<u>section to receive a program participant's confidential</u>	239
<u>information may request only the information that the person or</u>	240
<u>the person's office requires under normal circumstances. The</u>	241
<u>person cannot require the disclosure of information as a</u>	242
<u>condition of receiving any services to which the applicant or</u>	243
<u>participant is otherwise entitled.</u>	244
<u>(3) Upon receiving a request for information concerning a</u>	245
<u>program participant who has submitted a valid authorization form</u>	246
<u>under division (E) (1) of this section, the secretary of state</u>	247

shall determine whether the authorization form permits the 248
secretary of state to disclose the information to the requestor 249
and, if so, within ten business days, shall disclose that 250
information to the requestor along with the following statement: 251
"You are not permitted to redisclose the following information 252
for any reason. Failure to protect the confidentiality of this 253
information is a violation of state law." 254

(F) Division (A) of this section does not apply to a 255
municipal-owned public utility. The confidential addresses of 256
participants of the address confidentiality program that are 257
maintained by a municipal-owned public utility are not a public 258
record and shall not be released by a municipal-owned public 259
utility or by any employee of a municipal-owned public utility. 260

Sec. 111.431. (A) A program participant who acquires an 261
ownership interest in real property in this state after being 262
certified as a participant in the address confidentiality 263
program, may submit a real property confidentiality notice to 264
the county recorder of the county in which the real property is 265
located. The program participant shall provide the program 266
participant's address confidentiality program authorization card 267
as proof of the program participant's status. A real property 268
confidentiality notice shall be on a form prescribed by the 269
secretary of state and shall include all of the following: 270

(1) The program participant's full name; 271

(2) The last four digits of the program participant's 272
social security number; 273

(3) The date the program participant's certification 274
expires; 275

(4) The program participant's program participant 276

<u>identification number;</u>	277
<u>(5) The address at which the program participant may</u>	278
<u>receive mail through the office of the secretary of state;</u>	279
<u>(6) The legal description and street address of the real</u>	280
<u>property in which the program participant has an ownership</u>	281
<u>interest, which shall be the same as the legal description and</u>	282
<u>street address included on any instrument concerning the real</u>	283
<u>property that includes the program participant's name and that</u>	284
<u>has been presented to the county recorder for recording;</u>	285
<u>(7) The program participant's signature.</u>	286
<u>(B) When the county recorder receives a properly completed</u>	287
<u>real property confidentiality notice under division (A) of this</u>	288
<u>section, the county recorder promptly shall transmit copies of</u>	289
<u>the notice to the secretary of state, and to the county auditor,</u>	290
<u>treasurer, and engineer.</u>	291
<u>(C) (1) Except as otherwise provided in divisions (D) and</u>	292
<u>(F) of this section, after a program participant has submitted a</u>	293
<u>properly completed real property confidentiality notice under</u>	294
<u>division (A) of this section, the county recorder, auditor,</u>	295
<u>treasurer, and engineer shall not disclose to any person the</u>	296
<u>program participant's name, telephone number, electronic mail</u>	297
<u>address, or program participant identification number, the</u>	298
<u>address at which the program participant may receive mail</u>	299
<u>through the office of the secretary of state, or any other</u>	300
<u>information that may be used to identify the program</u>	301
<u>participant, in conjunction with the legal description, parcel</u>	302
<u>identification number, or street address of the real property in</u>	303
<u>which the program participant has an ownership interest or any</u>	304
<u>other information that may be used to identify the real</u>	305

property. If the county recorder receives a request for that 306
information for the purpose of performing a title examination, 307
the county recorder shall comply with division (G) of this 308
section, and inform the requestor of the procedure to apply to 309
the secretary of state for authorization under division (E) of 310
this section. 311

(2) If a program participant is a party to a court of 312
common pleas proceeding, the program participant may provide a 313
properly completed real property confidentiality notice to the 314
clerk of the court of common pleas. Upon such notice, the clerk 315
of the court of common pleas shall notify the secretary of state 316
that the program participant has provided a real property 317
confidentiality notice to the clerk of the court of common 318
pleas, and shall not otherwise disclose to any person the 319
information described in division (C)(1) of this section. 320

(D) The county recorder, auditor, treasurer, or engineer 321
or the clerk of the court of common pleas may disclose the 322
information described in division (C) of this section if any of 323
the following apply: 324

(1) The information is disclosed to the staff of the 325
county recorder, auditor, treasurer, or engineer or the staff of 326
the clerk of the court of common pleas in order to carry out the 327
duties of the office. 328

(2) The program participant is the person to whom the 329
information is to be disclosed. 330

(3) The program participant has provided a notarized 331
statement to the secretary of state, authorizing the disclosure 332
to that person for a specific purpose described in the 333
statement, and the secretary of state has issued a written 334

authorization to the county recorder, auditor, treasurer, or 335
engineer, or to the clerk of the court of common pleas, as 336
applicable, to disclose the information to that person. 337

(4) The person to whom the information is to be disclosed 338
provides a written authorization issued by the secretary of 339
state under division (E) of this section to disclose the 340
information for the purpose of performing a title examination. 341

(5) A court of competent jurisdiction orders the 342
disclosure, as described in section 111.46 of the Revised Code. 343

(E) (1) A person who requires access to the information 344
described in division (C) of this section for the purpose of 345
performing a title examination may apply to the secretary of 346
state for a written authorization. 347

(2) The person shall submit to the secretary of state, on 348
a form prescribed by the secretary of state, a written 349
application that includes all of the following: 350

(a) The applicant's name, title, address, and affiliated 351
organization, if any; 352

(b) The purpose for which the applicant is requesting 353
access to the information; 354

(c) The applicant's relationship to the program 355
participant, if any; 356

(d) A legal description of the real property subject to 357
the title examination; 358

(e) A statement that the applicant will treat the 359
information as confidential and will use the information only 360
for the purpose identified in the application; 361

<u>(f) The applicant's signature;</u>	362
<u>(g) Any other information required by the secretary of state.</u>	363 364
<u>(3) After the secretary of state receives an application submitted under division (E) of this section, the secretary of state shall, within ten business days, provide the applicant with a written response approving or denying the application. The secretary of state shall approve the application if the secretary of state determines that the application is properly completed; that the information the applicant seeks is subject to division (C) of this section; and that the applicant is seeking the information only for the purpose of performing a bona fide title examination. If the information the applicant seeks is not subject to division (C) of this section, the secretary of state shall, within ten business days, notify the applicant of that fact and, if applicable, shall send a notice to the county recorder, auditor, treasurer, and engineer and to the clerk of the court of common pleas under division (F)(3) of this section.</u>	365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380
<u>(F) Upon the occurrence of any of the following, the county recorder, auditor, treasurer, and engineer and the clerk of the court of common pleas shall cease to keep confidential the information described in division (C) of this section and shall make the information available to the public in the same manner as other information concerning real property:</u>	381 382 383 384 385 386
<u>(1) The program participant ceases to hold a recorded ownership interest in the real property that is the subject of the real property confidentiality notice. When the county recorder receives notice that the program participant has ceased to hold that ownership interest, the county recorder promptly</u>	387 388 389 390 391

shall revoke the real property confidentiality notice and notify 392
the secretary of state, and the county auditor, treasurer, and 393
engineer of that revocation. The secretary of state shall then, 394
if applicable, notify the clerk of the court of common pleas of 395
that revocation. 396

(2) The program participant submits a notarized revocation 397
of the real property confidentiality notice to the county 398
recorder. Upon receiving the revocation, the county recorder 399
promptly shall transmit copies of the revocation to the 400
secretary of state, and to the county auditor, treasurer, and 401
engineer, and the secretary of state shall, if applicable, 402
transmit a copy of the revocation to the clerk of the court of 403
common pleas. 404

(3) The county recorder, auditor, treasurer, or engineer 405
or the clerk of the court of common pleas receive a notice from 406
the secretary of state that the program participant's 407
certification has been canceled under section 111.45 of the 408
Revised Code. 409

(4) Pursuant to the order of a court of competent 410
jurisdiction. 411

(G) Nothing in this section shall preclude an individual's 412
name from being recorded and indexed for the purpose of giving 413
notice of an ownership interest, lien, or other encumbrance on 414
real property. On such records, if the record contains the 415
information described in division (C) of this section, the 416
county auditor, recorder, treasurer, or engineer, or the clerk 417
of the court of common pleas, if applicable, shall redact the 418
legal description of the property, parcel identification number, 419
or street address of the real property in which the program 420
participant has an ownership interest or any other information 421

that may be used to identify the real property, on any versions 422
of the documents available to the public. 423

(H) No real estate broker as defined in section 4735.01 of 424
the Revised Code, land professional under section 4735.023 of 425
the Revised Code, title examiner, attorney, or county official 426
shall be held liable for damages resulting from the failure to 427
discover a defect in title, failure to properly index or record 428
a person's interest in property, or failure to alert a 429
professional to rely on confidential information, when such 430
failure was the proximate result of an individual's 431
participation in the address confidentiality program, 432
notwithstanding the negligence of the real estate broker, land 433
professional, title examiner, attorney, or county official. 434

Sec. 111.432. (A) A program participant who seeks to 435
acquire an ownership interest in real property in this state 436
after becoming a program participant may provide to any person 437
involved in the acquisition process written notice on a form 438
prescribed by the secretary of state. The written notice shall 439
include all of the following: 440

(1) The program participant's name; 441

(2) A statement that the program participant is a program 442
participant; 443

(3) A statement that the person receiving the notice is 444
prohibited from disclosing the information specified in division 445
(B) of this section except as provided in that division. 446

(B) After receiving a written notice described in division 447
(A) of this section, the person shall not disclose the program 448
participant's name, telephone number, electronic mail address, 449
or any other information that may be used to identify the 450

program participant, in conjunction with the legal description, 451
street address, or other information identifying the real 452
property the program participant acquires or seeks to acquire 453
unless the program participant provides written notice 454
authorizing the disclosure for a specific purpose described in 455
the notice or a court of competent jurisdiction orders the 456
disclosure. 457

Sec. 111.45. (A) The secretary of state shall cancel the 458
certification of a program participant if any of the following 459
are true: 460

(1) The program participant's application contained one or 461
more false statements. 462

(2) The program participant has filed a written, notarized 463
request with the secretary of state, on a form prescribed by the 464
secretary of state, asking to cease being a program participant. 465

(3) The program participant's certification has expired 466
and the program participant has not renewed the certification in 467
accordance with division (F) of section 111.42 of the Revised 468
Code not later than the deadline specified by the secretary of 469
state by rule to renew the certification. 470

(B) Upon canceling a certification under division (A) of 471
this section, the secretary of state shall notify, within ten 472
business days, do both of the following: 473

(1) Notify the director of the board of elections of the 474
county in which the former program participant resides; 475

(2) Notify the county recorder, auditor, treasurer, and 476
engineer and the clerk of the court of common pleas of each 477
county in which the former program participant has filed real 478
property confidentiality notices under section 111.431 of the 479

Revised Code that have not been revoked under that section. 480

Sec. 111.46. (A) The secretary of state shall make 481
available to the attorney general, for inclusion ~~into~~in the 482
Ohio law enforcement gateway, the name, telephone number, and 483
confidential address of each program participant. Access to 484
information in the gateway regarding an address confidentiality 485
program participant may only be granted to chiefs of police, 486
village marshals, county sheriffs, county prosecuting attorneys, 487
and a designee of each of these individuals. 488

(B) (1) (a) A city director of law or similar chief legal 489
officer who requires access to a program participant's 490
confidential address or telephone number for a legitimate 491
governmental purpose may petition the court of common pleas of 492
Franklin county to order the secretary of state to make that 493
confidential address or telephone number available to the 494
petitioner. 495

~~(B) (b)~~ A city director of law or similar chief legal 496
officer who requires access to information that is subject to a 497
real property confidentiality notice under section 111.431 of 498
the Revised Code for a legitimate governmental purpose may 499
petition the court of common pleas of the county in which the 500
real property is located or the court of common pleas of 501
Franklin county to make that information available to the 502
petitioner. 503

(2) Upon the filing of a petition under division (B) (1) of 504
this section, the court shall fix a date for a hearing on it and 505
shall require the clerk of the court to serve a notice of the 506
date, time, place, and purpose of the hearing upon the 507
petitioner. The clerk also shall serve that notice upon the 508
secretary of state so that the secretary of state may send the 509

notice to the program participant in accordance with division 510
~~(C)~~ (B) (3) of this section, and, if applicable, upon the county 511
recorder, auditor, treasurer, or engineer or the clerk of the 512
court of common pleas of the county in which the real property 513
is located. 514

~~(C)~~ (3) Upon receiving a notice under division (B) (2) of 515
this section, the secretary of state immediately shall send a 516
copy of the notice to the program participant by certified mail, 517
return receipt requested. 518

~~(D)~~ (4) At a hearing held under this section, the 519
petitioner shall appear, and the program participant or the 520
program participant's attorney may appear and be heard. After 521
the hearing and considering the testimony, the court shall issue 522
the requested order only if it appears to the court by clear and 523
convincing evidence that the disclosure of the ~~program~~ 524
~~participant's confidential address or telephone number~~ 525
information to the petitioner is necessary for a legitimate 526
governmental purpose. 527

~~(E)~~ (C) Upon request by a city director of law or similar 528
chief legal officer, who intends to petition ~~the a~~ court for 529
access to an individual's ~~address or telephone number~~ 530
confidential information under division (B) of this section, the 531
secretary of state shall, within ten business days, confirm 532
whether the individual is a program participant but shall not 533
disclose any other information concerning a program participant. 534

(D) If a program participant is a child's parent, 535
guardian, or legal custodian, the program participant is a party 536
to a child custody or child support proceeding concerning the 537
child, and another party to the proceeding requests the court to 538
disclose the program participant's confidential address or 539

telephone number, or if the court seeks to disclose the 540
confidential information sua sponte, the court shall do all of 541
the following: 542

(1) If a party requests the disclosure, direct the 543
requestor to file a pleading detailing the necessity for the 544
disclosure; 545

(2) Schedule a hearing on the matter; 546

(3) Provide the program participant with a copy of the 547
pleading, if filed; and 548

(4) Provide the parties adequate notice of the hearing. 549

If a party requests the disclosure of a participant's 550
confidential information, or if the court seeks to release the 551
confidential information sua sponte, the requestor shall have 552
the burden to show, or the court must find, by clear and 553
convincing evidence, that the disclosure is necessary, and that 554
the disclosure does not pose a risk of harm to the program 555
participant or the child. If the requestor does not meet this 556
burden or the court does not make this finding, the court shall 557
deny the request. If the requestor meets this burden or the 558
court makes this finding, the court shall document its findings 559
of fact, and may direct the program participant to release the 560
confidential address or telephone number, or the court may 561
disclose the program participant's confidential address or 562
telephone number. 563

Sec. 111.48. There is in the state treasury the address 564
confidentiality program fund. The fund shall consist of money 565
paid into the fund pursuant to division ~~(B) (10)~~ (B) (11) of 566
section 2929.18 and division (D) of section 2929.28 of the 567
Revised Code and any money appropriated to the fund by the 568

general assembly or donated to the fund. The secretary of state 569
shall use the money in the fund for the purpose of administering 570
the address confidentiality program described in sections 111.41 571
to 111.47 of the Revised Code. 572

Sec. 111.99. (A) No person who submits an application 573
under section 111.42 of the Revised Code shall knowingly make a 574
false attestation in the application that the applicant fears 575
for the applicant's safety, the safety of a member of the 576
applicant's household, or the safety of the minor, incompetent, 577
or ward on whose behalf the application is made because the 578
applicant, household member, minor, incompetent, or ward is a 579
victim of domestic violence, menacing by stalking, human 580
trafficking, trafficking in persons, rape, or sexual battery. 581

(B) No person who has access to a confidential address or 582
telephone number, to information that is subject to a real 583
property confidentiality notice under section 111.431 of the 584
Revised Code, or to information that is subject to a written 585
notice under section 111.432 of the Revised Code, because of the 586
person's employment or official position shall knowingly 587
disclose that confidential ~~address or telephone number~~ 588
information to any person, except as required by law. 589

(C) No person who obtains a confidential address or 590
telephone number from the Ohio law enforcement gateway shall 591
knowingly disclose that confidential address or telephone number 592
to any person, except as is necessary for a law enforcement 593
purpose when related to the performance of official duties, or 594
for another legitimate governmental purpose. 595

(D) No person who obtains information that is subject to a 596
real property confidentiality notice under section 111.431 of 597
the Revised Code for the purpose of conducting a title 598

examination under division (E) of that section shall knowingly 599
disclose that confidential information to any person, except for 600
the purpose identified in the application submitted under that 601
division. 602

(E) No person who obtains information that is subject to a 603
written notice under section 111.432 of the Revised Code for a 604
purpose specified in a written notice authorizing disclosure 605
provided by a program participant shall knowingly disclose that 606
confidential information to any person, except for the purpose 607
identified in the written notice. 608

(F) Whoever violates this section is guilty of a 609
misdemeanor of the first degree. 610

Sec. 149.43. (A) As used in this section: 611

(1) "Public record" means records kept by any public 612
office, including, but not limited to, state, county, city, 613
village, township, and school district units, and records 614
pertaining to the delivery of educational services by an 615
alternative school in this state kept by the nonprofit or for- 616
profit entity operating the alternative school pursuant to 617
section 3313.533 of the Revised Code. "Public record" does not 618
mean any of the following: 619

(a) Medical records; 620

(b) Records pertaining to probation and parole 621
proceedings, to proceedings related to the imposition of 622
community control sanctions and post-release control sanctions, 623
or to proceedings related to determinations under section 624
2967.271 of the Revised Code regarding the release or maintained 625
incarceration of an offender to whom that section applies; 626

(c) Records pertaining to actions under section 2151.85 627

and division (C) of section 2919.121 of the Revised Code and to	628
appeals of actions arising under those sections;	629
(d) Records pertaining to adoption proceedings, including	630
the contents of an adoption file maintained by the department of	631
health under sections 3705.12 to 3705.124 of the Revised Code;	632
(e) Information in a record contained in the putative	633
father registry established by section 3107.062 of the Revised	634
Code, regardless of whether the information is held by the	635
department of job and family services or, pursuant to section	636
3111.69 of the Revised Code, the office of child support in the	637
department or a child support enforcement agency;	638
(f) Records specified in division (A) of section 3107.52	639
of the Revised Code;	640
(g) Trial preparation records;	641
(h) Confidential law enforcement investigatory records;	642
(i) Records containing information that is confidential	643
under section 2710.03 or 4112.05 of the Revised Code;	644
(j) DNA records stored in the DNA database pursuant to	645
section 109.573 of the Revised Code;	646
(k) Inmate records released by the department of	647
rehabilitation and correction to the department of youth	648
services or a court of record pursuant to division (E) of	649
section 5120.21 of the Revised Code;	650
(l) Records maintained by the department of youth services	651
pertaining to children in its custody released by the department	652
of youth services to the department of rehabilitation and	653
correction pursuant to section 5139.05 of the Revised Code;	654

(m) Intellectual property records;	655
(n) Donor profile records;	656
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	657 658
(p) Designated public service worker residential and familial information;	659 660
(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;	661 662 663 664 665
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	666 667
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the 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;	668 669 670 671 672 673 674 675 676 677 678 679
(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	680 681 682 683

section;	684
(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 4751.15 of the Revised Code or contracts under that section with a private or government entity to administer;	685 686 687 688 689 690
(v) Records the release of which is prohibited by state or federal law;	691 692
(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;	693 694 695
(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;	696 697 698 699 700 701
(y) Records listed in section 5101.29 of the Revised Code;	702
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section;	703 704 705
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	706 707 708
(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;	709 710 711

(cc) Information and records that are made confidential, 712
privileged, and not subject to disclosure under divisions (B) 713
and (C) of section 2949.221 of the Revised Code; 714

(dd) Personal information, as defined in section 149.45 of 715
the Revised Code; 716

(ee) The confidential name, address, and other personally 717
identifiable information of a program participant in the address 718
confidentiality program established under sections 111.41 to 719
111.47 of the Revised Code, including the contents of any 720
application for absent voter's ballots, absent voter's ballot 721
identification envelope statement of voter, or provisional 722
ballot affirmation completed by a program participant who has a 723
confidential voter registration record, ~~and,~~ records or portions 724
of records pertaining to that program that identify the number 725
of program participants that reside within a precinct, ward, 726
township, municipal corporation, county, or any other geographic 727
area smaller than the state; any real property confidentiality 728
notice filed under section 111.431 of the Revised Code and the 729
information described in division (C) of that section; and any 730
written notice provided under section 111.432 of the Revised 731
Code and the information described in division (B) of that 732
section. As used in this division, "confidential address" and 733
"program participant" have the meaning defined in section 111.41 734
of the Revised Code. 735

(ff) Orders for active military service of an individual 736
serving or with previous service in the armed forces of the 737
United States, including a reserve component, or the Ohio 738
organized militia, except that, such order becomes a public 739
record on the day that is fifteen years after the published date 740
or effective date of the call to order; 741

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

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

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

(i) The depiction is that of a victim of an offense the release of which would be, to a reasonable person of ordinary sensibilities, an offensive and objectionable intrusion into the victim's expectation of bodily privacy and integrity.

(ii) The depiction captures or depicts the victim of a sexually oriented offense, as defined in section 2950.01 of the Revised Code, at the actual occurrence of that offense.

(jj) Restricted portions of a body-worn camera or dashboard camera recording;

(kk) In the case of a fetal-infant mortality review board acting under sections 3707.70 to 3707.77 of the Revised Code, records, documents, reports, or other information presented to the board or a person abstracting such materials on the board's behalf, statements made by review board members during board meetings, all work products of the board, and data submitted by

the board to the department of health or a national infant death 771
review database, other than the report prepared pursuant to 772
section 3707.77 of the Revised Code. 773

(ll) Records, documents, reports, or other information 774
presented to the pregnancy-associated mortality review board 775
established under section 3738.01 of the Revised Code, 776
statements made by board members during board meetings, all work 777
products of the board, and data submitted by the board to the 778
department of health, other than the biennial reports prepared 779
under section 3738.08 of the Revised Code; 780

(mm) Telephone numbers for a victim, as defined in section 781
2930.01 of the Revised Code, a witness to a crime, or a party to 782
a motor vehicle accident subject to the requirements of section 783
5502.11 of the Revised Code that are listed on any law 784
enforcement record or report. 785

A record that is not a public record under division (A) (1) 786
of this section and that, under law, is permanently retained 787
becomes a public record on the day that is seventy-five years 788
after the day on which the record was created, except for any 789
record protected by the attorney-client privilege, a trial 790
preparation record as defined in this section, a statement 791
prohibiting the release of identifying information signed under 792
section 3107.083 of the Revised Code, a denial of release form 793
filed pursuant to section 3107.46 of the Revised Code, or any 794
record that is exempt from release or disclosure under section 795
149.433 of the Revised Code. If the record is a birth 796
certificate and a biological parent's name redaction request 797
form has been accepted under section 3107.391 of the Revised 798
Code, the name of that parent shall be redacted from the birth 799
certificate before it is released under this paragraph. If any 800

other section of the Revised Code establishes a time period for 801
disclosure of a record that conflicts with the time period 802
specified in this section, the time period in the other section 803
prevails. 804

(2) "Confidential law enforcement investigatory record" 805
means any record that pertains to a law enforcement matter of a 806
criminal, quasi-criminal, civil, or administrative nature, but 807
only to the extent that the release of the record would create a 808
high probability of disclosure of any of the following: 809

(a) The identity of a suspect who has not been charged 810
with the offense to which the record pertains, or of an 811
information source or witness to whom confidentiality has been 812
reasonably promised; 813

(b) Information provided by an information source or 814
witness to whom confidentiality has been reasonably promised, 815
which information would reasonably tend to disclose the source's 816
or witness's identity; 817

(c) Specific confidential investigatory techniques or 818
procedures or specific investigatory work product; 819

(d) Information that would endanger the life or physical 820
safety of law enforcement personnel, a crime victim, a witness, 821
or a confidential information source. 822

(3) "Medical record" means any document or combination of 823
documents, except births, deaths, and the fact of admission to 824
or discharge from a hospital, that pertains to the medical 825
history, diagnosis, prognosis, or medical condition of a patient 826
and that is generated and maintained in the process of medical 827
treatment. 828

(4) "Trial preparation record" means any record that 829

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) "Designated public service worker" means a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, county or multicounty corrections officer, community-based correctional facility employee, youth services employee, firefighter, EMT, medical director or member of a cooperating physician advisory board of an emergency medical service organization, state board of pharmacy employee, investigator of the bureau of criminal identification and investigation, judge, magistrate, or federal law enforcement officer.

(8) "Designated public service worker residential and familial information" means any information that discloses any of the following about a designated public service worker:

(a) The address of the actual personal residence of a 860
designated public service worker, except for the following 861
information: 862

(i) The address of the actual personal residence of a 863
prosecuting attorney or judge; and 864

(ii) The state or political subdivision in which a 865
designated public service worker resides. 866

(b) Information compiled from referral to or participation 867
in an employee assistance program; 868

(c) The social security number, the residential telephone 869
number, any bank account, debit card, charge card, or credit 870
card number, or the emergency telephone number of, or any 871
medical information pertaining to, a designated public service 872
worker; 873

(d) The name of any beneficiary of employment benefits, 874
including, but not limited to, life insurance benefits, provided 875
to a designated public service worker by the designated public 876
service worker's employer; 877

(e) The identity and amount of any charitable or 878
employment benefit deduction made by the designated public 879
service worker's employer from the designated public service 880
worker's compensation, unless the amount of the deduction is 881
required by state or federal law; 882

(f) The name, the residential address, the name of the 883
employer, the address of the employer, the social security 884
number, the residential telephone number, any bank account, 885
debit card, charge card, or credit card number, or the emergency 886
telephone number of the spouse, a former spouse, or any child of 887
a designated public service worker; 888

(g) A photograph of a peace officer who holds a position 889
or has an assignment that may include undercover or plain 890
clothes positions or assignments as determined by the peace 891
officer's appointing authority. 892

(9) As used in divisions (A) (7) and (15) to (17) of this 893
section: 894

"Peace officer" has the meaning defined in section 109.71 895
of the Revised Code and also includes the superintendent and 896
troopers of the state highway patrol; it does not include the 897
sheriff of a county or a supervisory employee who, in the 898
absence of the sheriff, is authorized to stand in for, exercise 899
the authority of, and perform the duties of the sheriff. 900

"Correctional employee" means any employee of the 901
department of rehabilitation and correction who in the course of 902
performing the employee's job duties has or has had contact with 903
inmates and persons under supervision. 904

"County or multicounty corrections officer" means any 905
corrections officer employed by any county or multicounty 906
correctional facility. 907

"Youth services employee" means any employee of the 908
department of youth services who in the course of performing the 909
employee's job duties has or has had contact with children 910
committed to the custody of the department of youth services. 911

"Firefighter" means any regular, paid or volunteer, member 912
of a lawfully constituted fire department of a municipal 913
corporation, township, fire district, or village. 914

"EMT" means EMTs-basic, EMTs-I, and paramedics that 915
provide emergency medical services for a public emergency 916
medical service organization. "Emergency medical service 917

organization," "EMT-basic," "EMT-I," and "paramedic" have the 918
meanings defined in section 4765.01 of the Revised Code. 919

"Investigator of the bureau of criminal identification and 920
investigation" has the meaning defined in section 2903.11 of the 921
Revised Code. 922

"Federal law enforcement officer" has the meaning defined 923
in section 9.88 of the Revised Code. 924

(10) "Information pertaining to the recreational 925
activities of a person under the age of eighteen" means 926
information that is kept in the ordinary course of business by a 927
public office, that pertains to the recreational activities of a 928
person under the age of eighteen years, and that discloses any 929
of the following: 930

(a) The address or telephone number of a person under the 931
age of eighteen or the address or telephone number of that 932
person's parent, guardian, custodian, or emergency contact 933
person; 934

(b) The social security number, birth date, or 935
photographic image of a person under the age of eighteen; 936

(c) Any medical record, history, or information pertaining 937
to a person under the age of eighteen; 938

(d) Any additional information sought or required about a 939
person under the age of eighteen for the purpose of allowing 940
that person to participate in any recreational activity 941
conducted or sponsored by a public office or to use or obtain 942
admission privileges to any recreational facility owned or 943
operated by a public office. 944

(11) "Community control sanction" has the meaning defined 945

in section 2929.01 of the Revised Code.	946
(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.	947 948
(13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.	949 950 951 952
(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.	953 954
(15) "Body-worn camera" means a visual and audio recording device worn on the person of a peace officer while the peace officer is engaged in the performance of the peace officer's duties.	955 956 957 958
(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.	959 960 961 962
(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:	963 964 965 966
(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the law enforcement agency knows or has reason to know the person is a child based on the law enforcement agency's records or the content of the recording;	967 968 969 970 971
(b) The death of a person or a deceased person's body, unless the death was caused by a peace officer or, subject to	972 973

division (H) (1) of this section, the consent of the decedent's executor or administrator has been obtained;	974 975
(c) The death of a peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the decedent's executor or administrator has been obtained;	976 977 978 979 980
(d) Grievous bodily harm, unless the injury was effected by a peace officer or, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained;	981 982 983 984
(e) An act of severe violence against a person that results in serious physical harm to the person, unless the act and injury was effected by a peace officer or, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained;	985 986 987 988 989
(f) Grievous bodily harm to a peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained;	990 991 992 993 994 995
(g) An act of severe violence resulting in serious physical harm against a peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained;	996 997 998 999 1000 1001
(h) A person's nude body, unless, subject to division (H)	1002

(1) of this section, the person's consent has been obtained;	1003
(i) Protected health information, the identity of a person in a health care facility who is not the subject of a law enforcement encounter, or any other information in a health care facility that could identify a person who is not the subject of a law enforcement encounter;	1004 1005 1006 1007 1008
(j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence;	1009 1010
(k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to a law enforcement agency when the disclosure of the person's identity or the information provided could reasonably be expected to threaten or endanger the safety or property of the person or another person;	1011 1012 1013 1014 1015 1016 1017
(l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer;	1018 1019
(m) Proprietary police contingency plans or tactics that are intended to prevent crime and maintain public order and safety;	1020 1021 1022
(n) A personal conversation unrelated to work between peace officers or between a peace officer and an employee of a law enforcement agency;	1023 1024 1025
(o) A conversation between a peace officer and a member of the public that does not concern law enforcement activities;	1026 1027
(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a peace officer;	1028 1029 1030

(q) Any portion of the interior of a private business that 1031
is not open to the public, unless an adversarial encounter with, 1032
or a use of force by, a peace officer occurs in that location. 1033

As used in division (A) (17) of this section: 1034

"Grievous bodily harm" has the same meaning as in section 1035
5924.120 of the Revised Code. 1036

"Health care facility" has the same meaning as in section 1037
1337.11 of the Revised Code. 1038

"Protected health information" has the same meaning as in 1039
45 C.F.R. 160.103. 1040

"Law enforcement agency" has the same meaning as in 1041
section 2925.61 of the Revised Code. 1042

"Personal information" means any government-issued 1043
identification number, date of birth, address, financial 1044
information, or criminal justice information from the law 1045
enforcement automated data system or similar databases. 1046

"Sex offense" has the same meaning as in section 2907.10 1047
of the Revised Code. 1048

"Firefighter," "paramedic," and "first responder" have the 1049
same meanings as in section 4765.01 of the Revised Code. 1050

(B) (1) Upon request and subject to division (B) (8) of this 1051
section, all public records responsive to the request shall be 1052
promptly prepared and made available for inspection to any 1053
person at all reasonable times during regular business hours. 1054
Subject to division (B) (8) of this section, upon request by any 1055
person, a public office or person responsible for public records 1056
shall make copies of the requested public record available to 1057
the requester at cost and within a reasonable period of time. If 1058

a public record contains information that is exempt from the 1059
duty to permit public inspection or to copy the public record, 1060
the public office or the person responsible for the public 1061
record shall make available all of the information within the 1062
public record that is not exempt. When making that public record 1063
available for public inspection or copying that public record, 1064
the public office or the person responsible for the public 1065
record shall notify the requester of any redaction or make the 1066
redaction plainly visible. A redaction shall be deemed a denial 1067
of a request to inspect or copy the redacted information, except 1068
if federal or state law authorizes or requires a public office 1069
to make the redaction. 1070

(2) To facilitate broader access to public records, a 1071
public office or the person responsible for public records shall 1072
organize and maintain public records in a manner that they can 1073
be made available for inspection or copying in accordance with 1074
division (B) of this section. A public office also shall have 1075
available a copy of its current records retention schedule at a 1076
location readily available to the public. If a requester makes 1077
an ambiguous or overly broad request or has difficulty in making 1078
a request for copies or inspection of public records under this 1079
section such that the public office or the person responsible 1080
for the requested public record cannot reasonably identify what 1081
public records are being requested, the public office or the 1082
person responsible for the requested public record may deny the 1083
request but shall provide the requester with an opportunity to 1084
revise the request by informing the requester of the manner in 1085
which records are maintained by the public office and accessed 1086
in the ordinary course of the public office's or person's 1087
duties. 1088

(3) If a request is ultimately denied, in part or in 1089

whole, the public office or the person responsible for the 1090
requested public record shall provide the requester with an 1091
explanation, including legal authority, setting forth why the 1092
request was denied. If the initial request was provided in 1093
writing, the explanation also shall be provided to the requester 1094
in writing. The explanation shall not preclude the public office 1095
or the person responsible for the requested public record from 1096
relying upon additional reasons or legal authority in defending 1097
an action commenced under division (C) of this section. 1098

(4) Unless specifically required or authorized by state or 1099
federal law or in accordance with division (B) of this section, 1100
no public office or person responsible for public records may 1101
limit or condition the availability of public records by 1102
requiring disclosure of the requester's identity or the intended 1103
use of the requested public record. Any requirement that the 1104
requester disclose the requester's identity or the intended use 1105
of the requested public record constitutes a denial of the 1106
request. 1107

(5) A public office or person responsible for public 1108
records may ask a requester to make the request in writing, may 1109
ask for the requester's identity, and may inquire about the 1110
intended use of the information requested, but may do so only 1111
after disclosing to the requester that a written request is not 1112
mandatory, that the requester may decline to reveal the 1113
requester's identity or the intended use, and when a written 1114
request or disclosure of the identity or intended use would 1115
benefit the requester by enhancing the ability of the public 1116
office or person responsible for public records to identify, 1117
locate, or deliver the public records sought by the requester. 1118

(6) If any person requests a copy of a public record in 1119

accordance with division (B) of this section, the public office 1120
or person responsible for the public record may require that 1121
person to pay in advance the cost involved in providing the copy 1122
of the public record in accordance with the choice made by the 1123
person requesting the copy under this division. The public 1124
office or the person responsible for the public record shall 1125
permit that person to choose to have the public record 1126
duplicated upon paper, upon the same medium upon which the 1127
public office or person responsible for the public record keeps 1128
it, or upon any other medium upon which the public office or 1129
person responsible for the public record determines that it 1130
reasonably can be duplicated as an integral part of the normal 1131
operations of the public office or person responsible for the 1132
public record. When the person requesting the copy makes a 1133
choice under this division, the public office or person 1134
responsible for the public record shall provide a copy of it in 1135
accordance with the choice made by that person. Nothing in this 1136
section requires a public office or person responsible for the 1137
public record to allow the person requesting a copy of the 1138
public record to make the copies of the public record. 1139

(7) (a) Upon a request made in accordance with division (B) 1140
of this section and subject to division (B) (6) of this section, 1141
a public office or person responsible for public records shall 1142
transmit a copy of a public record to any person by United 1143
States mail or by any other means of delivery or transmission 1144
within a reasonable period of time after receiving the request 1145
for the copy. The public office or person responsible for the 1146
public record may require the person making the request to pay 1147
in advance the cost of postage if the copy is transmitted by 1148
United States mail or the cost of delivery if the copy is 1149
transmitted other than by United States mail, and to pay in 1150

advance the costs incurred for other supplies used in the 1151
mailing, delivery, or transmission. 1152

(b) Any public office may adopt a policy and procedures 1153
that it will follow in transmitting, within a reasonable period 1154
of time after receiving a request, copies of public records by 1155
United States mail or by any other means of delivery or 1156
transmission pursuant to division (B) (7) of this section. A 1157
public office that adopts a policy and procedures under division 1158
(B) (7) of this section shall comply with them in performing its 1159
duties under that division. 1160

(c) In any policy and procedures adopted under division 1161
(B) (7) of this section: 1162

(i) A public office may limit the number of records 1163
requested by a person that the office will physically deliver by 1164
United States mail or by another delivery service to ten per 1165
month, unless the person certifies to the office in writing that 1166
the person does not intend to use or forward the requested 1167
records, or the information contained in them, for commercial 1168
purposes; 1169

(ii) A public office that chooses to provide some or all 1170
of its public records on a web site that is fully accessible to 1171
and searchable by members of the public at all times, other than 1172
during acts of God outside the public office's control or 1173
maintenance, and that charges no fee to search, access, 1174
download, or otherwise receive records provided on the web site, 1175
may limit to ten per month the number of records requested by a 1176
person that the office will deliver in a digital format, unless 1177
the requested records are not provided on the web site and 1178
unless the person certifies to the office in writing that the 1179
person does not intend to use or forward the requested records, 1180

or the information contained in them, for commercial purposes. 1181

(iii) For purposes of division (B)(7) of this section, 1182
"commercial" shall be narrowly construed and does not include 1183
reporting or gathering news, reporting or gathering information 1184
to assist citizen oversight or understanding of the operation or 1185
activities of government, or nonprofit educational research. 1186

(8) A public office or person responsible for public 1187
records is not required to permit a person who is incarcerated 1188
pursuant to a criminal conviction or a juvenile adjudication to 1189
inspect or to obtain a copy of any public record concerning a 1190
criminal investigation or prosecution or concerning what would 1191
be a criminal investigation or prosecution if the subject of the 1192
investigation or prosecution were an adult, unless the request 1193
to inspect or to obtain a copy of the record is for the purpose 1194
of acquiring information that is subject to release as a public 1195
record under this section and the judge who imposed the sentence 1196
or made the adjudication with respect to the person, or the 1197
judge's successor in office, finds that the information sought 1198
in the public record is necessary to support what appears to be 1199
a justiciable claim of the person. 1200

(9) (a) Upon written request made and signed by a 1201
journalist, a public office, or person responsible for public 1202
records, having custody of the records of the agency employing a 1203
specified designated public service worker shall disclose to the 1204
journalist the address of the actual personal residence of the 1205
designated public service worker and, if the designated public 1206
service worker's spouse, former spouse, or child is employed by 1207
a public office, the name and address of the employer of the 1208
designated public service worker's spouse, former spouse, or 1209
child. The request shall include the journalist's name and title 1210

and the name and address of the journalist's employer and shall 1211
state that disclosure of the information sought would be in the 1212
public interest. 1213

(b) Division (B) (9) (a) of this section also applies to 1214
journalist requests for: 1215

(i) Customer information maintained by a municipally owned 1216
or operated public utility, other than social security numbers 1217
and any private financial information such as credit reports, 1218
payment methods, credit card numbers, and bank account 1219
information; 1220

(ii) Information about minors involved in a school vehicle 1221
accident as provided in division (A) (1) (gg) of this section, 1222
other than personal information as defined in section 149.45 of 1223
the Revised Code. 1224

(c) As used in division (B) (9) of this section, 1225
"journalist" means a person engaged in, connected with, or 1226
employed by any news medium, including a newspaper, magazine, 1227
press association, news agency, or wire service, a radio or 1228
television station, or a similar medium, for the purpose of 1229
gathering, processing, transmitting, compiling, editing, or 1230
disseminating information for the general public. 1231

(10) Upon a request made by a victim, victim's attorney, 1232
or victim's representative, as that term is used in section 1233
2930.02 of the Revised Code, a public office or person 1234
responsible for public records shall transmit a copy of a 1235
depiction of the victim as described in division (A) (1) (gg) of 1236
this section to the victim, victim's attorney, or victim's 1237
representative. 1238

(C) (1) If a person allegedly is aggrieved by the failure 1239

of a public office or the person responsible for public records 1240
to promptly prepare a public record and to make it available to 1241
the person for inspection in accordance with division (B) of 1242
this section or by any other failure of a public office or the 1243
person responsible for public records to comply with an 1244
obligation in accordance with division (B) of this section, the 1245
person allegedly aggrieved may do only one of the following, and 1246
not both: 1247

(a) File a complaint with the clerk of the court of claims 1248
or the clerk of the court of common pleas under section 2743.75 1249
of the Revised Code; 1250

(b) Commence a mandamus action to obtain a judgment that 1251
orders the public office or the person responsible for the 1252
public record to comply with division (B) of this section, that 1253
awards court costs and reasonable attorney's fees to the person 1254
that instituted the mandamus action, and, if applicable, that 1255
includes an order fixing statutory damages under division (C) (2) 1256
of this section. The mandamus action may be commenced in the 1257
court of common pleas of the county in which division (B) of 1258
this section allegedly was not complied with, in the supreme 1259
court pursuant to its original jurisdiction under Section 2 of 1260
Article IV, Ohio Constitution, or in the court of appeals for 1261
the appellate district in which division (B) of this section 1262
allegedly was not complied with pursuant to its original 1263
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1264

(2) If a requester transmits a written request by hand 1265
delivery, electronic submission, or certified mail to inspect or 1266
receive copies of any public record in a manner that fairly 1267
describes the public record or class of public records to the 1268
public office or person responsible for the requested public 1269

records, except as otherwise provided in this section, the 1270
requester shall be entitled to recover the amount of statutory 1271
damages set forth in this division if a court determines that 1272
the public office or the person responsible for public records 1273
failed to comply with an obligation in accordance with division 1274
(B) of this section. 1275

The amount of statutory damages shall be fixed at one 1276
hundred dollars for each business day during which the public 1277
office or person responsible for the requested public records 1278
failed to comply with an obligation in accordance with division 1279
(B) of this section, beginning with the day on which the 1280
requester files a mandamus action to recover statutory damages, 1281
up to a maximum of one thousand dollars. The award of statutory 1282
damages shall not be construed as a penalty, but as compensation 1283
for injury arising from lost use of the requested information. 1284
The existence of this injury shall be conclusively presumed. The 1285
award of statutory damages shall be in addition to all other 1286
remedies authorized by this section. 1287

The court may reduce an award of statutory damages or not 1288
award statutory damages if the court determines both of the 1289
following: 1290

(a) That, based on the ordinary application of statutory 1291
law and case law as it existed at the time of the conduct or 1292
threatened conduct of the public office or person responsible 1293
for the requested public records that allegedly constitutes a 1294
failure to comply with an obligation in accordance with division 1295
(B) of this section and that was the basis of the mandamus 1296
action, a well-informed public office or person responsible for 1297
the requested public records reasonably would believe that the 1298
conduct or threatened conduct of the public office or person 1299

responsible for the requested public records did not constitute 1300
a failure to comply with an obligation in accordance with 1301
division (B) of this section; 1302

(b) That a well-informed public office or person 1303
responsible for the requested public records reasonably would 1304
believe that the conduct or threatened conduct of the public 1305
office or person responsible for the requested public records 1306
would serve the public policy that underlies the authority that 1307
is asserted as permitting that conduct or threatened conduct. 1308

(3) In a mandamus action filed under division (C) (1) of 1309
this section, the following apply: 1310

(a) (i) If the court orders the public office or the person 1311
responsible for the public record to comply with division (B) of 1312
this section, the court shall determine and award to the relator 1313
all court costs, which shall be construed as remedial and not 1314
punitive. 1315

(ii) If the court makes a determination described in 1316
division (C) (3) (b) (iii) of this section, the court shall 1317
determine and award to the relator all court costs, which shall 1318
be construed as remedial and not punitive. 1319

(b) If the court renders a judgment that orders the public 1320
office or the person responsible for the public record to comply 1321
with division (B) of this section or if the court determines any 1322
of the following, the court may award reasonable attorney's fees 1323
to the relator, subject to division (C) (4) of this section: 1324

(i) The public office or the person responsible for the 1325
public records failed to respond affirmatively or negatively to 1326
the public records request in accordance with the time allowed 1327
under division (B) of this section. 1328

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

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

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

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

conduct or threatened conduct of the public office or person 1359
responsible for the requested public records did not constitute 1360
a failure to comply with an obligation in accordance with 1361
division (B) of this section; 1362

(ii) That a well-informed public office or person 1363
responsible for the requested public records reasonably would 1364
believe that the conduct or threatened conduct of the public 1365
office or person responsible for the requested public records 1366
would serve the public policy that underlies the authority that 1367
is asserted as permitting that conduct or threatened conduct. 1368

(4) All of the following apply to any award of reasonable 1369
attorney's fees awarded under division (C) (3) (b) of this 1370
section: 1371

(a) The fees shall be construed as remedial and not 1372
punitive. 1373

(b) The fees awarded shall not exceed the total of the 1374
reasonable attorney's fees incurred before the public record was 1375
made available to the relator and the fees described in division 1376
(C) (4) (c) of this section. 1377

(c) Reasonable attorney's fees shall include reasonable 1378
fees incurred to produce proof of the reasonableness and amount 1379
of the fees and to otherwise litigate entitlement to the fees. 1380

(d) The court may reduce the amount of fees awarded if the 1381
court determines that, given the factual circumstances involved 1382
with the specific public records request, an alternative means 1383
should have been pursued to more effectively and efficiently 1384
resolve the dispute that was subject to the mandamus action 1385
filed under division (C) (1) of this section. 1386

(5) If the court does not issue a writ of mandamus under 1387

division (C) of this section and the court determines at that 1388
time that the bringing of the mandamus action was frivolous 1389
conduct as defined in division (A) of section 2323.51 of the 1390
Revised Code, the court may award to the public office all court 1391
costs, expenses, and reasonable attorney's fees, as determined 1392
by the court. 1393

(D) Chapter 1347. of the Revised Code does not limit the 1394
provisions of this section. 1395

(E) (1) To ensure that all employees of public offices are 1396
appropriately educated about a public office's obligations under 1397
division (B) of this section, all elected officials or their 1398
appropriate designees shall attend training approved by the 1399
attorney general as provided in section 109.43 of the Revised 1400
Code. A future official may satisfy the requirements of this 1401
division by attending the training before taking office, 1402
provided that the future official may not send a designee in the 1403
future official's place. 1404

(2) All public offices shall adopt a public records policy 1405
in compliance with this section for responding to public records 1406
requests. In adopting a public records policy under this 1407
division, a public office may obtain guidance from the model 1408
public records policy developed and provided to the public 1409
office by the attorney general under section 109.43 of the 1410
Revised Code. Except as otherwise provided in this section, the 1411
policy may not limit the number of public records that the 1412
public office will make available to a single person, may not 1413
limit the number of public records that it will make available 1414
during a fixed period of time, and may not establish a fixed 1415
period of time before it will respond to a request for 1416
inspection or copying of public records, unless that period is 1417

less than eight hours. 1418

The public office shall distribute the public records 1419
policy adopted by the public office under this division to the 1420
employee of the public office who is the records custodian or 1421
records manager or otherwise has custody of the records of that 1422
office. The public office shall require that employee to 1423
acknowledge receipt of the copy of the public records policy. 1424
The public office shall create a poster that describes its 1425
public records policy and shall post the poster in a conspicuous 1426
place in the public office and in all locations where the public 1427
office has branch offices. The public office may post its public 1428
records policy on the internet web site of the public office if 1429
the public office maintains an internet web site. A public 1430
office that has established a manual or handbook of its general 1431
policies and procedures for all employees of the public office 1432
shall include the public records policy of the public office in 1433
the manual or handbook. 1434

(F) (1) The bureau of motor vehicles may adopt rules 1435
pursuant to Chapter 119. of the Revised Code to reasonably limit 1436
the number of bulk commercial special extraction requests made 1437
by a person for the same records or for updated records during a 1438
calendar year. The rules may include provisions for charges to 1439
be made for bulk commercial special extraction requests for the 1440
actual cost of the bureau, plus special extraction costs, plus 1441
ten per cent. The bureau may charge for expenses for redacting 1442
information, the release of which is prohibited by law. 1443

(2) As used in division (F) (1) of this section: 1444

(a) "Actual cost" means the cost of depleted supplies, 1445
records storage media costs, actual mailing and alternative 1446
delivery costs, or other transmitting costs, and any direct 1447

equipment operating and maintenance costs, including actual 1448
costs paid to private contractors for copying services. 1449

(b) "Bulk commercial special extraction request" means a 1450
request for copies of a record for information in a format other 1451
than the format already available, or information that cannot be 1452
extracted without examination of all items in a records series, 1453
class of records, or database by a person who intends to use or 1454
forward the copies for surveys, marketing, solicitation, or 1455
resale for commercial purposes. "Bulk commercial special 1456
extraction request" does not include a request by a person who 1457
gives assurance to the bureau that the person making the request 1458
does not intend to use or forward the requested copies for 1459
surveys, marketing, solicitation, or resale for commercial 1460
purposes. 1461

(c) "Commercial" means profit-seeking production, buying, 1462
or selling of any good, service, or other product. 1463

(d) "Special extraction costs" means the cost of the time 1464
spent by the lowest paid employee competent to perform the task, 1465
the actual amount paid to outside private contractors employed 1466
by the bureau, or the actual cost incurred to create computer 1467
programs to make the special extraction. "Special extraction 1468
costs" include any charges paid to a public agency for computer 1469
or records services. 1470

(3) For purposes of divisions (F) (1) and (2) of this 1471
section, "surveys, marketing, solicitation, or resale for 1472
commercial purposes" shall be narrowly construed and does not 1473
include reporting or gathering news, reporting or gathering 1474
information to assist citizen oversight or understanding of the 1475
operation or activities of government, or nonprofit educational 1476
research. 1477

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

(H) (1) Any portion of a body-worn camera or dashboard camera recording described in divisions (A) (17) (b) to (h) of this section may be released by consent of the subject of the recording or a representative of that person, as specified in those divisions, only if either of the following applies:

(a) The recording will not be used in connection with any probable or pending criminal proceedings;

(b) The recording has been used in connection with a criminal proceeding that was dismissed or for which a judgment has been entered pursuant to Rule 32 of the Rules of Criminal Procedure, and will not be used again in connection with any probable or pending criminal proceedings.

(2) If a public office denies a request to release a restricted portion of a body-worn camera or dashboard camera recording, as defined in division (A) (17) of this section, any person may file a mandamus action pursuant to this section or a complaint with the clerk of the court of claims pursuant to section 2743.75 of the Revised Code, requesting the court to order the release of all or portions of the recording. If the court considering the request determines that the filing

articulates by clear and convincing evidence that the public 1508
interest in the recording substantially outweighs privacy 1509
interests and other interests asserted to deny release, the 1510
court shall order the public office to release the recording. 1511

Sec. 315.25. (A) The county engineer shall make and keep, 1512
in a book provided for that purpose, an accurate record of all 1513
surveys made by ~~him~~ the engineer or ~~his~~ the engineer's deputies 1514
for the purpose of locating any land or road lines, or fixing 1515
any corner or monument by which it may be determined, whether 1516
official or otherwise. Such surveys shall include corners, 1517
distances, azimuths, angles, calculations, plats, and a 1518
description of the monuments set up, with such references 1519
thereto as will aid in finding the names of the parties for whom 1520
the surveys are made, and the date of making such surveys. Such 1521
book shall be kept as a public record by the engineer at ~~his~~ the 1522
engineer's office, and it shall be at all proper times open to 1523
inspection and examination by all persons interested therein. 1524
Any other surveys made in the county by competent surveyors, 1525
certified by such surveyor to be correct and deemed worthy of 1526
preservation, may, by order of the board of county 1527
commissioners, be recorded by the engineer. 1528

(B) The county engineer shall keep confidential 1529
information that is subject to a real property confidentiality 1530
notice under section 111.431 of the Revised Code, in accordance 1531
with that section. 1532

Sec. 317.13. (A) Except as otherwise provided in division 1533
(B) of this section, the county recorder shall record in the 1534
official records, in legible handwriting, typewriting, or 1535
printing, or by any authorized photographic or electronic 1536
process, all deeds, mortgages, plats, or other instruments of 1537

writing that are required or authorized by the Revised Code to 1538
be recorded and that are presented to the county recorder for 1539
that purpose. The county recorder shall record the instruments 1540
in regular succession, according to the priority of 1541
presentation, and shall enter the file number at the beginning 1542
of the record. On the record of each instrument, the county 1543
recorder shall record the date and precise time the instrument 1544
was presented for record. All records made, prior to July 28, 1545
1949, by means authorized by this section or by section 9.01 of 1546
the Revised Code shall be deemed properly made. 1547

(B) The county recorder may refuse to record an instrument 1548
of writing presented for recording if the instrument is not 1549
required or authorized by the Revised Code to be recorded or the 1550
county recorder has reasonable cause to believe the instrument 1551
is materially false or fraudulent. This division does not create 1552
a duty upon a recorder to inspect, evaluate, or investigate an 1553
instrument of writing that is presented for recording. 1554

(C) If a person presents an instrument of writing to the 1555
county recorder for recording and the county recorder, pursuant 1556
to division (B) of this section, refuses to record the 1557
instrument, the person has a cause of action for an order from 1558
the court of common pleas in the county that the county recorder 1559
serves, to require the county recorder to record the instrument. 1560
If the court determines that the instrument is required or 1561
authorized by the Revised Code to be recorded and is not 1562
materially false or fraudulent, it shall order the county 1563
recorder to record the instrument. 1564

(D) The county recorder shall keep confidential 1565
information that is subject to a real property confidentiality 1566
notice under section 111.431 of the Revised Code, in accordance 1567

with that section. 1568

Sec. 317.32. The county recorder shall charge and collect 1569
the following fees, to include, except as otherwise provided in 1570
division (A) (2) of this section, base fees for the recorder's 1571
services and housing trust fund fees collected pursuant to 1572
section 317.36 of the Revised Code: 1573

(A) (1) Except as otherwise provided in division (A) (2) of 1574
this section, for recording and indexing an instrument if the 1575
photocopy or any similar process is employed, a base fee of 1576
seventeen dollars for the first two pages and a housing trust 1577
fund fee of seventeen dollars, and a base fee of four dollars 1578
and a housing trust fund fee of four dollars for each subsequent 1579
page, size eight and one-half inches by fourteen inches, or 1580
fraction of a page, including the caption page, of such 1581
instrument; 1582

(2) For recording and indexing an instrument described in 1583
division (D) of section 317.08 of the Revised Code if the 1584
photocopy or any similar process is employed, a fee of twenty- 1585
eight dollars for the first two pages to be deposited as 1586
specified elsewhere in this division, and a fee of eight dollars 1587
to be deposited in the same manner for each subsequent page, 1588
size eight and one-half inches by fourteen inches, or fraction 1589
of a page, including the caption page, of that instrument. If 1590
the county recorder's technology fund has been established under 1591
section 317.321 of the Revised Code, of the twenty-eight 1592
dollars, fourteen dollars shall be deposited into the county 1593
treasury to the credit of the county recorder's technology fund 1594
and fourteen dollars shall be deposited into the county treasury 1595
to the credit of the county general fund. If the county 1596
recorder's technology fund has not been established, the twenty- 1597

eight dollars shall be deposited into the county treasury to the 1598
credit of the county general fund. 1599

(B) For certifying a ~~photocopy~~ copy or electronic record 1600
from the record previously recorded, a base fee of one dollar 1601
and a housing trust fund fee of one dollar per page, size eight 1602
and one-half inches by fourteen inches, or fraction of a page; 1603
for each certification if the recorder's seal is required, 1604
except as to instruments issued by the armed forces of the 1605
United States, a base fee of fifty cents and a housing trust 1606
fund fee of fifty cents; 1607

(C) For entering or indexing any ~~marginal~~-reference by 1608
separate recorded instrument, a base fee of two dollars and a 1609
housing trust fund fee of two dollars for each ~~marginal~~- 1610
reference set out in that instrument, in addition to the fees 1611
set forth in division (A) (1) of this section; 1612

(D) For indexing in the real estate mortgage records, 1613
pursuant to section 1309.519 of the Revised Code, financing 1614
statements covering crops growing or to be grown, timber to be 1615
cut, minerals or the like, including oil and gas, accounts 1616
subject to section 1309.301 of the Revised Code, or fixture 1617
filings made pursuant to section 1309.334 of the Revised Code, a 1618
base fee of two dollars and a housing trust fund fee of two 1619
dollars for each name indexed; 1620

(E) For filing zoning resolutions, including text and 1621
maps, in the office of the recorder as required under sections 1622
303.11 and 519.11 of the Revised Code, a base fee of twenty-five 1623
dollars and a housing trust fund fee of twenty-five dollars, 1624
regardless of the size or length of the resolutions; 1625

(F) For filing zoning amendments, including text and maps, 1626

in the office of the recorder as required under sections 303.12 1627
and 519.12 of the Revised Code, a base fee of ten dollars and a 1628
housing trust fund fee of ten dollars regardless of the size or 1629
length of the amendments; 1630

(G) For photocopying a document, other than at the time of 1631
recording and indexing as provided for in division (A)(1) or (2) 1632
of this section, a base fee of one dollar and a housing trust 1633
fund fee of one dollar per page, size eight and one-half inches 1634
by fourteen inches, or fraction thereof; 1635

(H) For local facsimile transmission of a document, a base 1636
fee of one dollar and a housing trust fund fee of one dollar per 1637
page, size eight and one-half inches by fourteen inches, or 1638
fraction thereof; for long distance facsimile transmission of a 1639
document, a base fee of two dollars and a housing trust fund fee 1640
of two dollars per page, size eight and one-half inches by 1641
fourteen inches, or fraction thereof; 1642

(I) For recording a declaration executed pursuant to 1643
section 2133.02 of the Revised Code or a durable power of 1644
attorney for health care executed pursuant to section 1337.12 of 1645
the Revised Code, or both a declaration and a durable power of 1646
attorney for health care, a base fee of at least fourteen 1647
dollars but not more than twenty dollars and a housing trust 1648
fund fee of at least fourteen dollars but not more than twenty 1649
dollars. 1650

In any county in which the recorder employs the 1651
photostatic or any similar process for recording maps, plats, or 1652
prints the recorder shall determine, charge, and collect for the 1653
recording or rerecording of any map, plat, or print, a base fee 1654
of five cents and a housing trust fund fee of five cents per 1655
square inch, for each square inch of the map, plat, or print 1656

filed for that recording or rerecording, with a minimum base fee 1657
of twenty dollars and a minimum housing trust fund fee of twenty 1658
dollars; for certifying a copy from the record, a base fee of 1659
two cents and a housing trust fund fee of two cents per square 1660
inch of the record, with a minimum base fee of two dollars and a 1661
minimum housing trust fund fee of two dollars. 1662

The fees provided in this section shall be paid upon the 1663
presentation of the instruments for record or upon the 1664
application for any certified copy of the record, except that 1665
the payment of fees for providing copies of instruments 1666
conveying or extinguishing agricultural easements to the office 1667
of farmland preservation in the department of agriculture under 1668
division (H) of section 5301.691 of the Revised Code shall be 1669
governed by that division, and payment of fees for electronic 1670
recording may be made by electronic funds transfer, automated 1671
clearing house, or other electronic means after presentation. 1672

The fees provided for in this section shall not apply to 1673
the recording, indexing, or making of a certified copy or to the 1674
filing of any instrument by a county land reutilization 1675
corporation, ~~its~~. 1676

The fees provided for in this section shall not apply to 1677
the recording, indexing, or making of a certified copy or to the 1678
filing of any instrument by a county land reutilization 1679
corporation's wholly owned subsidiary, or any other electing 1680
subdivision as defined in section 5722.01 of the Revised Code if 1681
the wholly owned subsidiary or the electing subdivision is 1682
acting in capacity consistent with the purpose of the land 1683
reutilization program. 1684

Sec. 319.28. (A) Except as otherwise provided in division 1685
(B) of this section, on or before the first Monday of August, 1686

annually, the county auditor shall compile and make up a general 1687
tax list of real and public utility property in the county, 1688
either in tabular form and alphabetical order, or, with the 1689
consent of the county treasurer, by listing all parcels in a 1690
permanent parcel number sequence to which a separate 1691
alphabetical index is keyed, containing the names of the several 1692
persons, companies, firms, partnerships, associations, and 1693
corporations in whose names real property has been listed in 1694
each township, municipal corporation, special district, or 1695
separate school district, or part of either in the auditor's 1696
county, placing separately, in appropriate columns opposite each 1697
name, the description of each tract, lot, or parcel of real 1698
estate, the value of each tract, lot, or parcel, the value of 1699
the improvements thereon, and of the names of the several public 1700
utilities whose property, subject to taxation on the general tax 1701
list and duplicate, has been apportioned by the department of 1702
taxation to the county, and the amount so apportioned to each 1703
township, municipal corporation, special district, or separate 1704
school district or part of either in the auditor's county, as 1705
shown by the certificates of apportionment of public utility 1706
property. If the name of the owner of any tract, lot, or parcel 1707
of real estate is unknown to the auditor, "unknown" shall be 1708
entered in the column of names opposite said tract, lot, or 1709
parcel. Such lists shall be prepared in duplicate. On or before 1710
the first Monday of September in each year, the auditor shall 1711
correct such lists in accordance with the additions and 1712
deductions ordered by the tax commissioner and by the county 1713
board of revision, and shall certify and on the first day of 1714
October deliver one copy thereof to the county treasurer. The 1715
copies prepared by the auditor shall constitute the auditor's 1716
general tax list and treasurer's general duplicate of real and 1717
public utility property for the current year. 1718

Once a permanent parcel numbering system has been 1719
established in any county as provided by the preceding 1720
paragraph, such system shall remain in effect until otherwise 1721
agreed upon by the county auditor and county treasurer. 1722

(B) (1) An individual, or the spouse of that individual, 1723
whose residential and familial information is not a public 1724
record under divisions (A) (1) (p) and (A) (7) of section 149.43 of 1725
the Revised Code may submit an affidavit to the county auditor 1726
requesting the county auditor to remove the name of the 1727
individual filing the affidavit from any record made available 1728
to the general public on the internet or a publicly accessible 1729
database, and from the general tax list and duplicate_of real 1730
and public utility property, and to instead insert the 1731
individual's initials on any such record, and on the general tax 1732
list and duplicate of real and public utility property as the 1733
name of the individual that appears on the deed. 1734

(2) Upon receiving an affidavit described in division (B) 1735
(1) of this section, the county auditor shall act within five 1736
business days in accordance with the request to remove the 1737
individual's name from any record made available to the general 1738
public on the internet or a publicly accessible database, and 1739
from the general tax list and duplicate of real and public 1740
utility property and insert the individual's initials on any 1741
such record and on the general tax list and duplicate of real 1742
and public utility property, if practicable. If the removal and 1743
insertion is not practicable, the county auditor shall verbally 1744
or in writing within five business days after receiving the 1745
affidavit explain to the individual why the removal and 1746
insertion is impracticable. 1747

(C) The county auditor shall keep confidential information 1748

that is subject to a real property confidentiality notice under 1749
section 111.431 of the Revised Code, in accordance with that 1750
section. 1751

Sec. 321.25. The county treasurer shall keep confidential 1752
information that is subject to a real property confidentiality 1753
notice under section 111.431 of the Revised Code, in accordance 1754
with that section. 1755

Sec. 2303.12. (A) The clerk of the court of common pleas 1756
shall keep at least four books. They shall be called the 1757
appearance docket, trial docket and printed duplicates of the 1758
trial docket for the use of the court and the officers thereof, 1759
journal, and execution docket.~~He~~ The clerk shall also keep a 1760
record in book form or ~~he~~ the clerk may prepare a record by 1761
using any photostatic, photographic, miniature photographic, 1762
film, microfilm, or microphotographic process, electrostatic 1763
process, perforated tape, magnetic tape, or other 1764
electromagnetic means, electronic data processing, machine 1765
readable media, graphic or video display, or any combination 1766
thereof, which correctly and accurately copies or reproduces the 1767
original document, paper, or instrument in writing.~~He~~ The clerk 1768
shall use materials that comply with the minimum standards of 1769
quality for permanent photographic records prescribed by the 1770
National Bureau of Standards.~~He~~ The clerk shall keep an index 1771
to the trial docket and to the printed duplicates of the trial 1772
docket and of the journal direct, and to the appearance docket, 1773
record, and execution docket, direct and reverse. All clerks 1774
keeping records and information by the methods described in this 1775
section shall keep and make readily available to the public the 1776
machine and equipment necessary to reproduce the records and 1777
information in a readable form. 1778

(B) The clerk of the court of common pleas shall keep 1779
confidential information that is subject to a real property 1780
confidentiality notice under section 111.431 of the Revised 1781
Code, in accordance with that section. 1782

Sec. 5301.255. (A) A memorandum of trust that satisfies 1783
both of the following may be presented for recordation in the 1784
office of the county recorder of any county in which real 1785
property that is subject to the trust is located: 1786

(1) The memorandum shall be executed by the trustee of the 1787
trust and acknowledged by the trustee of the trust in accordance 1788
with section 5301.01 of the Revised Code. 1789

(2) The memorandum shall state all of the following: 1790

(a) The name and address of the trustee of the trust; 1791

(b) The date of execution of the trust; 1792

(c) The powers specified in the trust relative to the 1793
acquisition, sale, or encumbering of real property by the 1794
trustee or the conveyance of real property by the trustee, and 1795
any restrictions upon those powers. 1796

(B) A memorandum of trust that satisfies divisions (A) (1) 1797
and (2) of this section also may set forth the substance or 1798
actual text of provisions of the trust that are not described in 1799
those divisions. 1800

(C) A memorandum of trust that satisfies divisions (A) (1) 1801
and (2) of this section shall constitute notice only of the 1802
information contained in it. 1803

(D) Upon the presentation for recordation of a memorandum 1804
of trust that satisfies divisions (A) (1) and (2) of this section 1805
and the payment of the requisite fee prescribed in section 1806

317.32 of the Revised Code, a county recorder shall record the 1807
memorandum of trust in the official records described in 1808
division (A) ~~(18)~~ (17) of section 317.08 of the Revised Code, if 1809
the memorandum of trust describes specific real property, or in 1810
the official records described in division (A) ~~(24)~~ (23) of that 1811
section, if the memorandum of trust does not describe specific 1812
real property. 1813

Section 2. That existing sections 111.42, 111.43, 111.45, 1814
111.46, 111.48, 111.99, 149.43, 315.25, 317.13, 317.32, 319.28, 1815
2303.12, and 5301.255 of the Revised Code are hereby repealed. 1816