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Am. H. B. No. 93

Representatives Abrams, LaRe

Cosponsors: Representatives Richardson, Carfagna, Johnson, Ingram, Seitz, Zeltwanger, Koehler, Riedel, Gross, Cross, Carruthers, Plummer, Sheehy, Galonski, Crossman, Leland, White, Baldrige, Blackshear, Brent, Brown, Click, Crawley, Creech, Cutrona, Ghanbari, Ginter, Grendell, Hall, Hillyer, Householder, Howse, Jarrells, John, Jones, Kelly, Kick, Lepore-Hagan, Lightbody, Liston, Miller, A., Miller, J., Miranda, O'Brien, Pavliga, Ray, Robinson, Roemer, Russo, Schmidt, Smith, K., Smith, M., SobECKi, Stein, Stephens, Troy, Weinstein, West, Young, B.

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 192
~~(d)~~ (e) of this section, the office of the secretary of state 193
shall not forward any packages, parcels, periodicals, or 194
catalogs received on behalf of a program participant. 195

(3) The secretary of state may contract with the United 196
States postal service to establish special postal rates for the 197
envelopes or packages used in forwarding a program participant's 198
mail under this section. 199

(4) (a) Upon receiving service of process on behalf of a 200
program participant, the office of the secretary of state shall 201
immediately forward the process by certified mail, return 202
receipt requested, to the program participant at the mailing 203
address the program participant provided to the secretary of 204
state for that purpose. Service of process upon the office of 205
the secretary of state on behalf of a program participant 206
constitutes service upon the program participant under rule 4.2 207
of the Rules of Civil Procedure. 208

(b) The secretary of state may prescribe by rule the 209
manner in which process may be served on the secretary of state 210
as the agent of a program participant. 211

(c) Upon request by a person who intends to serve process 212
on an individual, the secretary of state shall confirm whether 213
the individual is a program participant but shall not disclose 214
any other information concerning a program participant. 215

~~(D)~~ (E)(1) A program participant may submit to the 216
secretary of state, on a form prescribed by the secretary of 217

state, an authorization for the secretary of state to disclose 218
confidential information concerning the program participant 219
under one or more of the following circumstances, as indicated 220
on the authorization form: 221

(a) To an official or employee of the United States postal 222
service for the purpose of performing the secretary of state's 223
duties under division (D) of this section; 224

(b) To any of the following persons for the purpose of 225
confirming the program participant's status as a program 226
participant, for the purpose of verifying the program 227
participant's residence address, or for other similar purposes 228
in order to assist the program participant: 229

(i) A judge or magistrate; 230

(ii) An official or employee of the bureau of motor 231
vehicles; 232

(iii) A school administrator; 233

(iv) An administrator of a public assistance program; 234

(v) An administrator of a food pantry. 235

(c) To another person identified on the authorization form 236
for a purpose indicated on the authorization form. 237

(2) A person authorized under division (E) (1) of this 238
section to receive a program participant's confidential 239
information may request only the information that the person or 240
the person's office requires under normal circumstances. The 241
person cannot require the disclosure of information as a 242
condition of receiving any services to which the applicant or 243
participant is otherwise entitled. 244

(3) Upon receiving a request for information concerning a 245
program participant who has submitted a valid authorization form 246
under division (E) (1) of this section, the secretary of state 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

<u>(3) The date the program participant's certification expires;</u>	274 275
<u>(4) The program participant's program participant identification number;</u>	276 277
<u>(5) The address at which the program participant may receive mail through the office of the secretary of state;</u>	278 279
<u>(6) The legal description and street address of the real property in which the program participant has an ownership interest, which shall be the same as the legal description and street address included on any instrument concerning the real property that includes the program participant's name and that has been presented to the county recorder for recording;</u>	280 281 282 283 284 285
<u>(7) A fictitious name, chosen by the secretary of state, that may be used by a county recorder, auditor, treasurer, or engineer or the clerk of the court of common pleas for internal indexing purposes;</u>	286 287 288 289
<u>(8) The program participant's signature.</u>	290
<u>(B) When the county recorder receives a properly completed real property confidentiality notice under division (A) of this section, the county recorder promptly shall transmit copies of the notice to the secretary of state, and to the county auditor, treasurer, and engineer.</u>	291 292 293 294 295
<u>(C) (1) Except as otherwise provided in divisions (D) and (F) of this section, after a program participant has submitted a properly completed real property confidentiality notice under division (A) of this section, the county recorder, auditor, treasurer, and engineer shall not disclose to any person the program participant's name, telephone number, electronic mail address, or program participant identification number, the</u>	296 297 298 299 300 301 302

address at which the program participant may receive mail 303
through the office of the secretary of state, or any other 304
information that may be used to identify the program 305
participant, in conjunction with the legal description, parcel 306
identification number, or street address of the real property in 307
which the program participant has an ownership interest or any 308
other information that may be used to identify the real 309
property. If the county recorder receives a request for that 310
information for the purpose of performing a title examination, 311
the county recorder shall comply with division (G) of this 312
section, and inform the requestor of the procedure to apply to 313
the secretary of state for authorization under division (E) of 314
this section. If the county recorder, auditor, treasurer, or 315
engineer receives a real property confidentiality notice under 316
this section, the county recorder, auditor, treasurer, or 317
engineer shall bring any existing publicly available records or 318
databases into conformity with this section not later than five 319
business days after receiving the real property confidentiality 320
notice. 321

(2) If a program participant is a party to a court of 322
common pleas proceeding, the program participant may provide a 323
properly completed real property confidentiality notice to the 324
clerk of the court of common pleas. Upon such notice, the clerk 325
of the court of common pleas shall notify the secretary of state 326
that the program participant has provided a real property 327
confidentiality notice to the clerk of the court of common 328
pleas, and shall not otherwise disclose to any person the 329
information described in division (C) (1) of this section. 330

(D) The county recorder, auditor, treasurer, or engineer 331
or the clerk of the court of common pleas may disclose the 332
information described in division (C) of this section if any of 333

the following apply: 334

(1) The information is disclosed to the staff of the 335
county recorder, auditor, treasurer, or engineer or the staff of 336
the clerk of the court of common pleas in order to carry out the 337
duties of the office. 338

(2) The program participant is the person to whom the 339
information is to be disclosed. 340

(3) The program participant has provided a notarized 341
statement to the secretary of state, authorizing the disclosure 342
to that person for a specific purpose described in the 343
statement, and the secretary of state has issued a written 344
authorization to the county recorder, auditor, treasurer, or 345
engineer, or to the clerk of the court of common pleas, as 346
applicable, to disclose the information to that person. 347

(4) The person to whom the information is to be disclosed 348
provides a written authorization issued by the secretary of 349
state under division (E) of this section to disclose the 350
information for the purpose of performing a title examination. 351

(5) A court of competent jurisdiction orders the 352
disclosure, as described in section 111.46 of the Revised Code. 353

(E) (1) A person who requires access to the information 354
described in division (C) of this section for the purpose of 355
performing a title examination may apply to the secretary of 356
state for a written authorization. 357

(2) The person shall submit to the secretary of state, on 358
a form prescribed by the secretary of state, a written 359
application that includes all of the following: 360

(a) The applicant's name, title, address, and affiliated 361

<u>organization, if any;</u>	362
<u>(b) The purpose for which the applicant is requesting access to the information;</u>	363 364
<u>(c) The applicant's relationship to the program participant, if any;</u>	365 366
<u>(d) A legal description of the real property subject to the title examination;</u>	367 368
<u>(e) A statement that the applicant will treat the information as confidential and will use the information only for the purpose identified in the application;</u>	369 370 371
<u>(f) The applicant's signature;</u>	372
<u>(g) Any other information required by the secretary of state.</u>	373 374
<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>	375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390

(F) Upon the occurrence of any of the following, the 391
county recorder, auditor, treasurer, and engineer and the clerk 392
of the court of common pleas shall cease to keep confidential 393
the information described in division (C) of this section and 394
shall make the information available to the public in the same 395
manner as other information concerning real property: 396

(1) The program participant ceases to hold a recorded 397
ownership interest in the real property that is the subject of 398
the real property confidentiality notice. When the county 399
recorder receives notice that the program participant has ceased 400
to hold that ownership interest, the county recorder promptly 401
shall revoke the real property confidentiality notice and notify 402
the secretary of state, and the county auditor, treasurer, and 403
engineer of that revocation. The secretary of state shall then, 404
if applicable, notify the clerk of the court of common pleas of 405
that revocation. 406

(2) The program participant submits a notarized revocation 407
of the real property confidentiality notice to the county 408
recorder. Upon receiving the revocation, the county recorder 409
promptly shall transmit copies of the revocation to the 410
secretary of state, and to the county auditor, treasurer, and 411
engineer, and the secretary of state shall, if applicable, 412
transmit a copy of the revocation to the clerk of the court of 413
common pleas. 414

(3) The county recorder, auditor, treasurer, or engineer 415
or the clerk of the court of common pleas receive a notice from 416
the secretary of state that the program participant's 417
certification has been canceled under section 111.45 of the 418
Revised Code. 419

(4) Pursuant to the order of a court of competent 420

jurisdiction. 421

(G) Nothing in this section shall preclude an individual's 422
name from being recorded and indexed for the purpose of giving 423
notice of an ownership interest, lien, or other encumbrance on 424
real property. On such records, if the record contains the 425
information described in division (C) of this section, the 426
county auditor, recorder, treasurer, or engineer, or the clerk 427
of the court of common pleas, if applicable, shall redact the 428
legal description of the property, parcel identification number, 429
or street address of the real property in which the program 430
participant has an ownership interest or any other information 431
that may be used to identify the real property, on any versions 432
of the documents available to the public. The county auditor, 433
recorder, treasurer, or engineer, for the purpose of indexing a 434
program participant's records, may use the program participant's 435
fictitious name listed in the program participant's real 436
property confidentiality notice. 437

(H) No real estate broker or real estate salesperson as 438
defined in section 4735.01 of the Revised Code, land 439
professional under section 4735.023 of the Revised Code, title 440
examiner, attorney, or county official shall be held liable for 441
damages resulting from the failure to discover a defect in 442
title, failure to properly index or record a person's interest 443
in property, or failure to alert a professional to rely on 444
confidential information, when such failure was the proximate 445
result of an individual's participation in the address 446
confidentiality program, notwithstanding the negligence of the 447
real estate broker, real estate salesperson, land professional, 448
title examiner, attorney, or county official. 449

Sec. 111.432. (A) A program participant who seeks to 450

acquire an ownership interest in real property in this state 451
after becoming a program participant may provide to any person 452
involved in the acquisition process written notice on a form 453
prescribed by the secretary of state. The written notice shall 454
include all of the following: 455

(1) The program participant's name; 456

(2) A statement that the program participant is a program 457
participant; 458

(3) A statement that the person receiving the notice is 459
prohibited from disclosing the information specified in division 460
(B) of this section except as provided in that division. 461

(B) After receiving a written notice described in division 462
(A) of this section, the person shall not disclose the program 463
participant's name, telephone number, electronic mail address, 464
or any other information that may be used to identify the 465
program participant, in conjunction with the legal description, 466
street address, or other information identifying the real 467
property the program participant acquires or seeks to acquire 468
unless the program participant provides written notice 469
authorizing the disclosure for a specific purpose described in 470
the notice or a court of competent jurisdiction orders the 471
disclosure. 472

Sec. 111.45. (A) The secretary of state shall cancel the 473
certification of a program participant if any of the following 474
are true: 475

(1) The program participant's application contained one or 476
more false statements. 477

(2) The program participant has filed a written, notarized 478
request with the secretary of state, on a form prescribed by the 479

secretary of state, asking to cease being a program participant. 480

(3) The program participant's certification has expired 481
and the program participant has not renewed the certification in 482
accordance with division (F) of section 111.42 of the Revised 483
Code not later than the deadline specified by the secretary of 484
state by rule to renew the certification. 485

(B) Upon canceling a certification under division (A) of 486
this section, the secretary of state shall notify, within ten 487
business days, do both of the following: 488

(1) Notify the director of the board of elections of the 489
county in which the former program participant resides; 490

(2) Notify the county recorder, auditor, treasurer, and 491
engineer and the clerk of the court of common pleas of each 492
county in which the former program participant has filed real 493
property confidentiality notices under section 111.431 of the 494
Revised Code that have not been revoked under that section. 495

Sec. 111.46. (A) The secretary of state shall make 496
available to the attorney general, for inclusion ~~into~~ in the 497
Ohio law enforcement gateway, the name, telephone number, and 498
confidential address of each program participant. Access to 499
information in the gateway regarding an address confidentiality 500
program participant may only be granted to chiefs of police, 501
village marshals, county sheriffs, county prosecuting attorneys, 502
and a designee of each of these individuals. 503

(B) (1) (a) A city director of law or similar chief legal 504
officer who requires access to a program participant's 505
confidential address or telephone number for a legitimate 506
governmental purpose may petition the court of common pleas of 507
Franklin county to order the secretary of state to make that 508

confidential address or telephone number available to the 509
petitioner. 510

~~(B)~~ (b) A city director of law or similar chief legal 511
officer who requires access to information that is subject to a 512
real property confidentiality notice under section 111.431 of 513
the Revised Code for a legitimate governmental purpose may 514
petition the court of common pleas of the county in which the 515
real property is located or the court of common pleas of 516
Franklin county to make that information available to the 517
petitioner. 518

(2) Upon the filing of a petition under division (B) (1) of 519
this section, the court shall fix a date for a hearing on it and 520
shall require the clerk of the court to serve a notice of the 521
date, time, place, and purpose of the hearing upon the 522
petitioner. The clerk also shall serve that notice upon the 523
secretary of state so that the secretary of state may send the 524
notice to the program participant in accordance with division 525
~~(C)~~ (B) (3) of this section, and, if applicable, upon the county 526
recorder, auditor, treasurer, or engineer or the clerk of the 527
court of common pleas of the county in which the real property 528
is located. 529

~~(C)~~ (3) Upon receiving a notice under division (B) (2) of 530
this section, the secretary of state immediately shall send a 531
copy of the notice to the program participant by certified mail, 532
return receipt requested. 533

~~(D)~~ (4) At a hearing held under this section, the 534
petitioner shall appear, and the program participant or the 535
program participant's attorney may appear and be heard. After 536
the hearing and considering the testimony, the court shall issue 537
the requested order only if it appears to the court by clear and 538

convincing evidence that the disclosure of the ~~program-~~ 539
~~participant's confidential address or telephone number-~~ 540
information to the petitioner is necessary for a legitimate 541
governmental purpose. 542

~~(E)~~ (C) Upon request by a city director of law or similar 543
chief legal officer, who intends to petition ~~the~~ a court for 544
access to an individual's ~~address or telephone number-~~ 545
confidential information under division (B) of this section, the 546
secretary of state shall, within ten business days, confirm 547
whether the individual is a program participant but shall not 548
disclose any other information concerning a program participant. 549

(D) If a program participant is a child's parent, 550
guardian, or legal custodian, the program participant is a party 551
to a child custody or child support proceeding concerning the 552
child, and another party to the proceeding requests the court to 553
disclose the program participant's confidential address or 554
telephone number, or if the court seeks to disclose the 555
confidential information sua sponte, the court shall do all of 556
the following: 557

(1) If a party requests the disclosure, direct the 558
requestor to file a pleading detailing the necessity for the 559
disclosure; 560

(2) Schedule a hearing on the matter; 561

(3) Provide the program participant with a copy of the 562
pleading, if filed; and 563

(4) Provide the parties adequate notice of the hearing. 564

If a party requests the disclosure of a participant's 565
confidential information, or if the court seeks to release the 566
confidential information sua sponte, the requestor shall have 567

the burden to show, or the court must find, by clear and 568
convincing evidence, that the disclosure is necessary, and that 569
the disclosure does not pose a risk of harm to the program 570
participant or the child. If the requestor does not meet this 571
burden or the court does not make this finding, the court shall 572
deny the request. If the requestor meets this burden or the 573
court makes this finding, the court shall document its findings 574
of fact, and may direct the program participant to release the 575
confidential address or telephone number, or the court may 576
disclose the program participant's confidential address or 577
telephone number. 578

Sec. 111.48. There is in the state treasury the address 579
confidentiality program fund. The fund shall consist of money 580
paid into the fund pursuant to division ~~(B)(10)~~ (B)(11) of 581
section 2929.18 and division (D) of section 2929.28 of the 582
Revised Code and any money appropriated to the fund by the 583
general assembly or donated to the fund. The secretary of state 584
shall use the money in the fund for the purpose of administering 585
the address confidentiality program described in sections 111.41 586
to 111.47 of the Revised Code. 587

Sec. 111.99. (A) No person who submits an application 588
under section 111.42 of the Revised Code shall knowingly make a 589
false attestation in the application that the applicant fears 590
for the applicant's safety, the safety of a member of the 591
applicant's household, or the safety of the minor, incompetent, 592
or ward on whose behalf the application is made because the 593
applicant, household member, minor, incompetent, or ward is a 594
victim of domestic violence, menacing by stalking, human 595
trafficking, trafficking in persons, rape, or sexual battery. 596

(B) No person who has access to a confidential address or 597

telephone number, to information that is subject to a real 598
property confidentiality notice under section 111.431 of the 599
Revised Code, or to information that is subject to a written 600
notice under section 111.432 of the Revised Code, because of the 601
person's employment or official position shall knowingly 602
disclose that confidential ~~address or telephone number~~ 603
information to any person, except as required by law. 604

(C) No person who obtains a confidential address or 605
telephone number from the Ohio law enforcement gateway shall 606
knowingly disclose that confidential address or telephone number 607
to any person, except as is necessary for a law enforcement 608
purpose when related to the performance of official duties, or 609
for another legitimate governmental purpose. 610

(D) No person who obtains information that is subject to a 611
real property confidentiality notice under section 111.431 of 612
the Revised Code for the purpose of conducting a title 613
examination under division (E) of that section shall knowingly 614
disclose that confidential information to any person, except for 615
the purpose identified in the application submitted under that 616
division. 617

(E) No person who obtains information that is subject to a 618
written notice under section 111.432 of the Revised Code for a 619
purpose specified in a written notice authorizing disclosure 620
provided by a program participant shall knowingly disclose that 621
confidential information to any person, except for the purpose 622
identified in the written notice. 623

(F) Whoever violates this section is guilty of a 624
misdemeanor of the first degree. 625

Sec. 149.43. (A) As used in this section: 626

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

(a) Medical records;

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

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

(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;

(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;

(f) Records specified in division (A) of section 3107.52 of the Revised Code;

(g) Trial preparation records;	656
(h) Confidential law enforcement investigatory records;	657
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	658 659
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	660 661
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	662 663 664 665
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	666 667 668 669
(m) Intellectual property records;	670
(n) Donor profile records;	671
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	672 673
(p) Designated public service worker residential and familial information;	674 675
(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;	676 677 678 679 680
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	681 682

(s) In the case of a child fatality review board acting 683
under sections 307.621 to 307.629 of the Revised Code or a 684
review conducted pursuant to guidelines established by the 685
director of health under section 3701.70 of the Revised Code, 686
records provided to the board or director, statements made by 687
board members during meetings of the board or by persons 688
participating in the director's review, and all work products of 689
the board or director, and in the case of a child fatality 690
review board, child fatality review data submitted by the board 691
to the department of health or a national child death review 692
database, other than the report prepared pursuant to division 693
(A) of section 307.626 of the Revised Code; 694

(t) Records provided to and statements made by the 695
executive director of a public children services agency or a 696
prosecuting attorney acting pursuant to section 5153.171 of the 697
Revised Code other than the information released under that 698
section; 699

(u) Test materials, examinations, or evaluation tools used 700
in an examination for licensure as a nursing home administrator 701
that the board of executives of long-term services and supports 702
administers under section 4751.15 of the Revised Code or 703
contracts under that section with a private or government entity 704
to administer; 705

(v) Records the release of which is prohibited by state or 706
federal law; 707

(w) Proprietary information of or relating to any person 708
that is submitted to or compiled by the Ohio venture capital 709
authority created under section 150.01 of the Revised Code; 710

(x) Financial statements and data any person submits for 711

any purpose to the Ohio housing finance agency or the 712
controlling board in connection with applying for, receiving, or 713
accounting for financial assistance from the agency, and 714
information that identifies any individual who benefits directly 715
or indirectly from financial assistance from the agency; 716

(y) Records listed in section 5101.29 of the Revised Code; 717

(z) Discharges recorded with a county recorder under 718
section 317.24 of the Revised Code, as specified in division (B) 719
(2) of that section; 720

(aa) Usage information including names and addresses of 721
specific residential and commercial customers of a municipally 722
owned or operated public utility; 723

(bb) Records described in division (C) of section 187.04 724
of the Revised Code that are not designated to be made available 725
to the public as provided in that division; 726

(cc) Information and records that are made confidential, 727
privileged, and not subject to disclosure under divisions (B) 728
and (C) of section 2949.221 of the Revised Code; 729

(dd) Personal information, as defined in section 149.45 of 730
the Revised Code; 731

(ee) The confidential name, address, and other personally 732
identifiable information of a program participant in the address 733
confidentiality program established under sections 111.41 to 734
111.47 of the Revised Code, including the contents of any 735
application for absent voter's ballots, absent voter's ballot 736
identification envelope statement of voter, or provisional 737
ballot affirmation completed by a program participant who has a 738
confidential voter registration record, ~~and~~ records or portions 739
of records pertaining to that program that identify the number 740

of program participants that reside within a precinct, ward, 741
township, municipal corporation, county, or any other geographic 742
area smaller than the state; any real property confidentiality 743
notice filed under section 111.431 of the Revised Code and the 744
information described in division (C) of that section; and any 745
written notice provided under section 111.432 of the Revised 746
Code and the information described in division (B) of that 747
section. As used in this division, "confidential address" and 748
"program participant" have the meaning defined in section 111.41 749
of the Revised Code. 750

(ff) Orders for active military service of an individual 751
serving or with previous service in the armed forces of the 752
United States, including a reserve component, or the Ohio 753
organized militia, except that, such order becomes a public 754
record on the day that is fifteen years after the published date 755
or effective date of the call to order; 756

(gg) The name, address, contact information, or other 757
personal information of an individual who is less than eighteen 758
years of age that is included in any record related to a traffic 759
accident involving a school vehicle in which the individual was 760
an occupant at the time of the accident; 761

(hh) Protected health information, as defined in 45 C.F.R. 762
160.103, that is in a claim for payment for a health care 763
product, service, or procedure, as well as any other health 764
claims data in another document that reveals the identity of an 765
individual who is the subject of the data or could be used to 766
reveal that individual's identity; 767

(ii) Any depiction by photograph, film, videotape, or 768
printed or digital image under either of the following 769
circumstances: 770

(i) The depiction is that of a victim of an offense the 771
release of which would be, to a reasonable person of ordinary 772
sensibilities, an offensive and objectionable intrusion into the 773
victim's expectation of bodily privacy and integrity. 774

(ii) The depiction captures or depicts the victim of a 775
sexually oriented offense, as defined in section 2950.01 of the 776
Revised Code, at the actual occurrence of that offense. 777

(jj) Restricted portions of a body-worn camera or 778
dashboard camera recording; 779

(kk) In the case of a fetal-infant mortality review board 780
acting under sections 3707.70 to 3707.77 of the Revised Code, 781
records, documents, reports, or other information presented to 782
the board or a person abstracting such materials on the board's 783
behalf, statements made by review board members during board 784
meetings, all work products of the board, and data submitted by 785
the board to the department of health or a national infant death 786
review database, other than the report prepared pursuant to 787
section 3707.77 of the Revised Code. 788

(ll) Records, documents, reports, or other information 789
presented to the pregnancy-associated mortality review board 790
established under section 3738.01 of the Revised Code, 791
statements made by board members during board meetings, all work 792
products of the board, and data submitted by the board to the 793
department of health, other than the biennial reports prepared 794
under section 3738.08 of the Revised Code; 795

(mm) Telephone numbers for a victim, as defined in section 796
2930.01 of the Revised Code, a witness to a crime, or a party to 797
a motor vehicle accident subject to the requirements of section 798
5502.11 of the Revised Code that are listed on any law 799

enforcement record or report, other than when requested by an 800
insurer or insurance agent investigating an insurance claim 801
resulting from a motor vehicle accident. 802

A record that is not a public record under division (A) (1) 803
of this section and that, under law, is permanently retained 804
becomes a public record on the day that is seventy-five years 805
after the day on which the record was created, except for any 806
record protected by the attorney-client privilege, a trial 807
preparation record as defined in this section, a statement 808
prohibiting the release of identifying information signed under 809
section 3107.083 of the Revised Code, a denial of release form 810
filed pursuant to section 3107.46 of the Revised Code, or any 811
record that is exempt from release or disclosure under section 812
149.433 of the Revised Code. If the record is a birth 813
certificate and a biological parent's name redaction request 814
form has been accepted under section 3107.391 of the Revised 815
Code, the name of that parent shall be redacted from the birth 816
certificate before it is released under this paragraph. If any 817
other section of the Revised Code establishes a time period for 818
disclosure of a record that conflicts with the time period 819
specified in this section, the time period in the other section 820
prevails. 821

(2) "Confidential law enforcement investigatory record" 822
means any record that pertains to a law enforcement matter of a 823
criminal, quasi-criminal, civil, or administrative nature, but 824
only to the extent that the release of the record would create a 825
high probability of disclosure of any of the following: 826

(a) The identity of a suspect who has not been charged 827
with the offense to which the record pertains, or of an 828
information source or witness to whom confidentiality has been 829

reasonably promised; 830

(b) Information provided by an information source or 831
witness to whom confidentiality has been reasonably promised, 832
which information would reasonably tend to disclose the source's 833
or witness's identity; 834

(c) Specific confidential investigatory techniques or 835
procedures or specific investigatory work product; 836

(d) Information that would endanger the life or physical 837
safety of law enforcement personnel, a crime victim, a witness, 838
or a confidential information source. 839

(3) "Medical record" means any document or combination of 840
documents, except births, deaths, and the fact of admission to 841
or discharge from a hospital, that pertains to the medical 842
history, diagnosis, prognosis, or medical condition of a patient 843
and that is generated and maintained in the process of medical 844
treatment. 845

(4) "Trial preparation record" means any record that 846
contains information that is specifically compiled in reasonable 847
anticipation of, or in defense of, a civil or criminal action or 848
proceeding, including the independent thought processes and 849
personal trial preparation of an attorney. 850

(5) "Intellectual property record" means a record, other 851
than a financial or administrative record, that is produced or 852
collected by or for faculty or staff of a state institution of 853
higher learning in the conduct of or as a result of study or 854
research on an educational, commercial, scientific, artistic, 855
technical, or scholarly issue, regardless of whether the study 856
or research was sponsored by the institution alone or in 857
conjunction with a governmental body or private concern, and 858

that has not been publicly released, published, or patented. 859

(6) "Donor profile record" means all records about donors 860
or potential donors to a public institution of higher education 861
except the names and reported addresses of the actual donors and 862
the date, amount, and conditions of the actual donation. 863

(7) "Designated public service worker" means a peace 864
officer, parole officer, probation officer, bailiff, prosecuting 865
attorney, assistant prosecuting attorney, correctional employee, 866
county or multicounty corrections officer, community-based 867
correctional facility employee, youth services employee, 868
firefighter, EMT, medical director or member of a cooperating 869
physician advisory board of an emergency medical service 870
organization, state board of pharmacy employee, investigator of 871
the bureau of criminal identification and investigation, judge, 872
magistrate, or federal law enforcement officer. 873

(8) "Designated public service worker residential and 874
familial information" means any information that discloses any 875
of the following about a designated public service worker: 876

(a) The address of the actual personal residence of a 877
designated public service worker, except for the following 878
information: 879

(i) The address of the actual personal residence of a 880
prosecuting attorney or judge; and 881

(ii) The state or political subdivision in which a 882
designated public service worker resides. 883

(b) Information compiled from referral to or participation 884
in an employee assistance program; 885

(c) The social security number, the residential telephone 886

number, any bank account, debit card, charge card, or credit
card number, or the emergency telephone number of, or any
medical information pertaining to, a designated public service
worker;

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

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

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

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

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

"Peace officer" has the meaning defined in section 109.71
of the Revised Code and also includes the superintendent and
troopers of the state highway patrol; it does not include the
sheriff of a county or a supervisory employee who, in the

absence of the sheriff, is authorized to stand in for, exercise 916
the authority of, and perform the duties of the sheriff. 917

"Correctional employee" means any employee of the 918
department of rehabilitation and correction who in the course of 919
performing the employee's job duties has or has had contact with 920
inmates and persons under supervision. 921

"County or multicounty corrections officer" means any 922
corrections officer employed by any county or multicounty 923
correctional facility. 924

"Youth services employee" means any employee of the 925
department of youth services who in the course of performing the 926
employee's job duties has or has had contact with children 927
committed to the custody of the department of youth services. 928

"Firefighter" means any regular, paid or volunteer, member 929
of a lawfully constituted fire department of a municipal 930
corporation, township, fire district, or village. 931

"EMT" means EMTs-basic, EMTs-I, and paramedics that 932
provide emergency medical services for a public emergency 933
medical service organization. "Emergency medical service 934
organization," "EMT-basic," "EMT-I," and "paramedic" have the 935
meanings defined in section 4765.01 of the Revised Code. 936

"Investigator of the bureau of criminal identification and 937
investigation" has the meaning defined in section 2903.11 of the 938
Revised Code. 939

"Federal law enforcement officer" has the meaning defined 940
in section 9.88 of the Revised Code. 941

(10) "Information pertaining to the recreational 942
activities of a person under the age of eighteen" means 943

information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

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

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

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

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

(11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code.

(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.

(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.

(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.

(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.	972 973 974 975
(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.	976 977 978 979
(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:	980 981 982 983
(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;	984 985 986 987 988
(b) The death of a person or a deceased person's body, unless the death was caused by a peace officer or, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;	989 990 991 992
(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;	993 994 995 996 997
(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	998 999 1000

person's guardian has been obtained; 1001

(e) An act of severe violence against a person that 1002
results in serious physical harm to the person, unless the act 1003
and injury was effected by a peace officer or, subject to 1004
division (H)(1) of this section, the consent of the injured 1005
person or the injured person's guardian has been obtained; 1006

(f) Grievous bodily harm to a peace officer, firefighter, 1007
paramedic, or other first responder, occurring while the injured 1008
person was engaged in the performance of official duties, 1009
unless, subject to division (H)(1) of this section, the consent 1010
of the injured person or the injured person's guardian has been 1011
obtained; 1012

(g) An act of severe violence resulting in serious 1013
physical harm against a peace officer, firefighter, paramedic, 1014
or other first responder, occurring while the injured person was 1015
engaged in the performance of official duties, unless, subject 1016
to division (H)(1) of this section, the consent of the injured 1017
person or the injured person's guardian has been obtained; 1018

(h) A person's nude body, unless, subject to division (H) 1019
(1) of this section, the person's consent has been obtained; 1020

(i) Protected health information, the identity of a person 1021
in a health care facility who is not the subject of a law 1022
enforcement encounter, or any other information in a health care 1023
facility that could identify a person who is not the subject of 1024
a law enforcement encounter; 1025

(j) Information that could identify the alleged victim of 1026
a sex offense, menacing by stalking, or domestic violence; 1027

(k) Information, that does not constitute a confidential 1028
law enforcement investigatory record, that could identify a 1029

person who provides sensitive or confidential information to a 1030
law enforcement agency when the disclosure of the person's 1031
identity or the information provided could reasonably be 1032
expected to threaten or endanger the safety or property of the 1033
person or another person; 1034

(l) Personal information of a person who is not arrested, 1035
cited, charged, or issued a written warning by a peace officer; 1036

(m) Proprietary police contingency plans or tactics that 1037
are intended to prevent crime and maintain public order and 1038
safety; 1039

(n) A personal conversation unrelated to work between 1040
peace officers or between a peace officer and an employee of a 1041
law enforcement agency; 1042

(o) A conversation between a peace officer and a member of 1043
the public that does not concern law enforcement activities; 1044

(p) The interior of a residence, unless the interior of a 1045
residence is the location of an adversarial encounter with, or a 1046
use of force by, a peace officer; 1047

(q) Any portion of the interior of a private business that 1048
is not open to the public, unless an adversarial encounter with, 1049
or a use of force by, a peace officer occurs in that location. 1050

As used in division (A) (17) of this section: 1051

"Grievous bodily harm" has the same meaning as in section 1052
5924.120 of the Revised Code. 1053

"Health care facility" has the same meaning as in section 1054
1337.11 of the Revised Code. 1055

"Protected health information" has the same meaning as in 1056

45 C.F.R. 160.103. 1057

"Law enforcement agency" has the same meaning as in 1058
section 2925.61 of the Revised Code. 1059

"Personal information" means any government-issued 1060
identification number, date of birth, address, financial 1061
information, or criminal justice information from the law 1062
enforcement automated data system or similar databases. 1063

"Sex offense" has the same meaning as in section 2907.10 1064
of the Revised Code. 1065

"Firefighter," "paramedic," and "first responder" have the 1066
same meanings as in section 4765.01 of the Revised Code. 1067

(18) "Insurer" and "insurance agent" have the same 1068
meanings as in section 3905.01 of the Revised Code. 1069

(B) (1) Upon request and subject to division (B) (8) of this 1070
section, all public records responsive to the request shall be 1071
promptly prepared and made available for inspection to any 1072
person at all reasonable times during regular business hours. 1073
Subject to division (B) (8) of this section, upon request by any 1074
person, a public office or person responsible for public records 1075
shall make copies of the requested public record available to 1076
the requester at cost and within a reasonable period of time. If 1077
a public record contains information that is exempt from the 1078
duty to permit public inspection or to copy the public record, 1079
the public office or the person responsible for the public 1080
record shall make available all of the information within the 1081
public record that is not exempt. When making that public record 1082
available for public inspection or copying that public record, 1083
the public office or the person responsible for the public 1084
record shall notify the requester of any redaction or make the 1085

redaction plainly visible. A redaction shall be deemed a denial 1086
of a request to inspect or copy the redacted information, except 1087
if federal or state law authorizes or requires a public office 1088
to make the redaction. 1089

(2) To facilitate broader access to public records, a 1090
public office or the person responsible for public records shall 1091
organize and maintain public records in a manner that they can 1092
be made available for inspection or copying in accordance with 1093
division (B) of this section. A public office also shall have 1094
available a copy of its current records retention schedule at a 1095
location readily available to the public. If a requester makes 1096
an ambiguous or overly broad request or has difficulty in making 1097
a request for copies or inspection of public records under this 1098
section such that the public office or the person responsible 1099
for the requested public record cannot reasonably identify what 1100
public records are being requested, the public office or the 1101
person responsible for the requested public record may deny the 1102
request but shall provide the requester with an opportunity to 1103
revise the request by informing the requester of the manner in 1104
which records are maintained by the public office and accessed 1105
in the ordinary course of the public office's or person's 1106
duties. 1107

(3) If a request is ultimately denied, in part or in 1108
whole, the public office or the person responsible for the 1109
requested public record shall provide the requester with an 1110
explanation, including legal authority, setting forth why the 1111
request was denied. If the initial request was provided in 1112
writing, the explanation also shall be provided to the requester 1113
in writing. The explanation shall not preclude the public office 1114
or the person responsible for the requested public record from 1115
relying upon additional reasons or legal authority in defending 1116

an action commenced under division (C) of this section. 1117

(4) Unless specifically required or authorized by state or 1118
federal law or in accordance with division (B) of this section, 1119
no public office or person responsible for public records may 1120
limit or condition the availability of public records by 1121
requiring disclosure of the requester's identity or the intended 1122
use of the requested public record. Any requirement that the 1123
requester disclose the requester's identity or the intended use 1124
of the requested public record constitutes a denial of the 1125
request. 1126

(5) A public office or person responsible for public 1127
records may ask a requester to make the request in writing, may 1128
ask for the requester's identity, and may inquire about the 1129
intended use of the information requested, but may do so only 1130
after disclosing to the requester that a written request is not 1131
mandatory, that the requester may decline to reveal the 1132
requester's identity or the intended use, and when a written 1133
request or disclosure of the identity or intended use would 1134
benefit the requester by enhancing the ability of the public 1135
office or person responsible for public records to identify, 1136
locate, or deliver the public records sought by the requester. 1137

(6) If any person requests a copy of a public record in 1138
accordance with division (B) of this section, the public office 1139
or person responsible for the public record may require that 1140
person to pay in advance the cost involved in providing the copy 1141
of the public record in accordance with the choice made by the 1142
person requesting the copy under this division. The public 1143
office or the person responsible for the public record shall 1144
permit that person to choose to have the public record 1145
duplicated upon paper, upon the same medium upon which the 1146

public office or person responsible for the public record keeps 1147
it, or upon any other medium upon which the public office or 1148
person responsible for the public record determines that it 1149
reasonably can be duplicated as an integral part of the normal 1150
operations of the public office or person responsible for the 1151
public record. When the person requesting the copy makes a 1152
choice under this division, the public office or person 1153
responsible for the public record shall provide a copy of it in 1154
accordance with the choice made by that person. Nothing in this 1155
section requires a public office or person responsible for the 1156
public record to allow the person requesting a copy of the 1157
public record to make the copies of the public record. 1158

(7) (a) Upon a request made in accordance with division (B) 1159
of this section and subject to division (B) (6) of this section, 1160
a public office or person responsible for public records shall 1161
transmit a copy of a public record to any person by United 1162
States mail or by any other means of delivery or transmission 1163
within a reasonable period of time after receiving the request 1164
for the copy. The public office or person responsible for the 1165
public record may require the person making the request to pay 1166
in advance the cost of postage if the copy is transmitted by 1167
United States mail or the cost of delivery if the copy is 1168
transmitted other than by United States mail, and to pay in 1169
advance the costs incurred for other supplies used in the 1170
mailing, delivery, or transmission. 1171

(b) Any public office may adopt a policy and procedures 1172
that it will follow in transmitting, within a reasonable period 1173
of time after receiving a request, copies of public records by 1174
United States mail or by any other means of delivery or 1175
transmission pursuant to division (B) (7) of this section. A 1176
public office that adopts a policy and procedures under division 1177

(B) (7) of this section shall comply with them in performing its 1178
duties under that division. 1179

(c) In any policy and procedures adopted under division 1180
(B) (7) of this section: 1181

(i) A public office may limit the number of records 1182
requested by a person that the office will physically deliver by 1183
United States mail or by another delivery service to ten per 1184
month, unless the person certifies to the office in writing that 1185
the person does not intend to use or forward the requested 1186
records, or the information contained in them, for commercial 1187
purposes; 1188

(ii) A public office that chooses to provide some or all 1189
of its public records on a web site that is fully accessible to 1190
and searchable by members of the public at all times, other than 1191
during acts of God outside the public office's control or 1192
maintenance, and that charges no fee to search, access, 1193
download, or otherwise receive records provided on the web site, 1194
may limit to ten per month the number of records requested by a 1195
person that the office will deliver in a digital format, unless 1196
the requested records are not provided on the web site and 1197
unless the person certifies to the office in writing that the 1198
person does not intend to use or forward the requested records, 1199
or the information contained in them, for commercial purposes. 1200

(iii) For purposes of division (B) (7) of this section, 1201
"commercial" shall be narrowly construed and does not include 1202
reporting or gathering news, reporting or gathering information 1203
to assist citizen oversight or understanding of the operation or 1204
activities of government, or nonprofit educational research. 1205

(8) A public office or person responsible for public 1206

records is not required to permit a person who is incarcerated 1207
pursuant to a criminal conviction or a juvenile adjudication to 1208
inspect or to obtain a copy of any public record concerning a 1209
criminal investigation or prosecution or concerning what would 1210
be a criminal investigation or prosecution if the subject of the 1211
investigation or prosecution were an adult, unless the request 1212
to inspect or to obtain a copy of the record is for the purpose 1213
of acquiring information that is subject to release as a public 1214
record under this section and the judge who imposed the sentence 1215
or made the adjudication with respect to the person, or the 1216
judge's successor in office, finds that the information sought 1217
in the public record is necessary to support what appears to be 1218
a justiciable claim of the person. 1219

(9) (a) Upon written request made and signed by a 1220
journalist, a public office, or person responsible for public 1221
records, having custody of the records of the agency employing a 1222
specified designated public service worker shall disclose to the 1223
journalist the address of the actual personal residence of the 1224
designated public service worker and, if the designated public 1225
service worker's spouse, former spouse, or child is employed by 1226
a public office, the name and address of the employer of the 1227
designated public service worker's spouse, former spouse, or 1228
child. The request shall include the journalist's name and title 1229
and the name and address of the journalist's employer and shall 1230
state that disclosure of the information sought would be in the 1231
public interest. 1232

(b) Division (B) (9) (a) of this section also applies to 1233
journalist requests for: 1234

(i) Customer information maintained by a municipally owned 1235
or operated public utility, other than social security numbers 1236

and any private financial information such as credit reports, 1237
payment methods, credit card numbers, and bank account 1238
information; 1239

(ii) Information about minors involved in a school vehicle 1240
accident as provided in division (A)(1)(gg) of this section, 1241
other than personal information as defined in section 149.45 of 1242
the Revised Code. 1243

(c) As used in division (B)(9) of this section, 1244
"journalist" means a person engaged in, connected with, or 1245
employed by any news medium, including a newspaper, magazine, 1246
press association, news agency, or wire service, a radio or 1247
television station, or a similar medium, for the purpose of 1248
gathering, processing, transmitting, compiling, editing, or 1249
disseminating information for the general public. 1250

(10) Upon a request made by a victim, victim's attorney, 1251
or victim's representative, as that term is used in section 1252
2930.02 of the Revised Code, a public office or person 1253
responsible for public records shall transmit a copy of a 1254
depiction of the victim as described in division (A)(1)(ii) of 1255
this section to the victim, victim's attorney, or victim's 1256
representative. 1257

(C)(1) If a person allegedly is aggrieved by the failure 1258
of a public office or the person responsible for public records 1259
to promptly prepare a public record and to make it available to 1260
the person for inspection in accordance with division (B) of 1261
this section or by any other failure of a public office or the 1262
person responsible for public records to comply with an 1263
obligation in accordance with division (B) of this section, the 1264
person allegedly aggrieved may do only one of the following, and 1265
not both: 1266

(a) File a complaint with the clerk of the court of claims 1267
or the clerk of the court of common pleas under section 2743.75 1268
of the Revised Code; 1269

(b) Commence a mandamus action to obtain a judgment that 1270
orders the public office or the person responsible for the 1271
public record to comply with division (B) of this section, that 1272
awards court costs and reasonable attorney's fees to the person 1273
that instituted the mandamus action, and, if applicable, that 1274
includes an order fixing statutory damages under division (C) (2) 1275
of this section. The mandamus action may be commenced in the 1276
court of common pleas of the county in which division (B) of 1277
this section allegedly was not complied with, in the supreme 1278
court pursuant to its original jurisdiction under Section 2 of 1279
Article IV, Ohio Constitution, or in the court of appeals for 1280
the appellate district in which division (B) of this section 1281
allegedly was not complied with pursuant to its original 1282
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1283

(2) If a requester transmits a written request by hand 1284
delivery, electronic submission, or certified mail to inspect or 1285
receive copies of any public record in a manner that fairly 1286
describes the public record or class of public records to the 1287
public office or person responsible for the requested public 1288
records, except as otherwise provided in this section, the 1289
requester shall be entitled to recover the amount of statutory 1290
damages set forth in this division if a court determines that 1291
the public office or the person responsible for public records 1292
failed to comply with an obligation in accordance with division 1293
(B) of this section. 1294

The amount of statutory damages shall be fixed at one 1295
hundred dollars for each business day during which the public 1296

office or person responsible for the requested public records 1297
failed to comply with an obligation in accordance with division 1298
(B) of this section, beginning with the day on which the 1299
requester files a mandamus action to recover statutory damages, 1300
up to a maximum of one thousand dollars. The award of statutory 1301
damages shall not be construed as a penalty, but as compensation 1302
for injury arising from lost use of the requested information. 1303
The existence of this injury shall be conclusively presumed. The 1304
award of statutory damages shall be in addition to all other 1305
remedies authorized by this section. 1306

The court may reduce an award of statutory damages or not 1307
award statutory damages if the court determines both of the 1308
following: 1309

(a) That, based on the ordinary application of statutory 1310
law and case law as it existed at the time of the conduct or 1311
threatened conduct of the public office or person responsible 1312
for the requested public records that allegedly constitutes a 1313
failure to comply with an obligation in accordance with division 1314
(B) of this section and that was the basis of the mandamus 1315
action, a well-informed public office or person responsible for 1316
the requested public records reasonably would believe that the 1317
conduct or threatened conduct of the public office or person 1318
responsible for the requested public records did not constitute 1319
a failure to comply with an obligation in accordance with 1320
division (B) of this section; 1321

(b) That a well-informed public office or person 1322
responsible for the requested public records reasonably would 1323
believe that the conduct or threatened conduct of the public 1324
office or person responsible for the requested public records 1325
would serve the public policy that underlies the authority that 1326

is asserted as permitting that conduct or threatened conduct. 1327

(3) In a mandamus action filed under division (C) (1) of 1328
this section, the following apply: 1329

(a) (i) If the court orders the public office or the person 1330
responsible for the public record to comply with division (B) of 1331
this section, the court shall determine and award to the relator 1332
all court costs, which shall be construed as remedial and not 1333
punitive. 1334

(ii) If the court makes a determination described in 1335
division (C) (3) (b) (iii) of this section, the court shall 1336
determine and award to the relator all court costs, which shall 1337
be construed as remedial and not punitive. 1338

(b) If the court renders a judgment that orders the public 1339
office or the person responsible for the public record to comply 1340
with division (B) of this section or if the court determines any 1341
of the following, the court may award reasonable attorney's fees 1342
to the relator, subject to division (C) (4) of this section: 1343

(i) The public office or the person responsible for the 1344
public records failed to respond affirmatively or negatively to 1345
the public records request in accordance with the time allowed 1346
under division (B) of this section. 1347

(ii) The public office or the person responsible for the 1348
public records promised to permit the relator to inspect or 1349
receive copies of the public records requested within a 1350
specified period of time but failed to fulfill that promise 1351
within that specified period of time. 1352

(iii) The public office or the person responsible for the 1353
public records acted in bad faith when the office or person 1354
voluntarily made the public records available to the relator for 1355

the first time after the relator commenced the mandamus action, 1356
but before the court issued any order concluding whether or not 1357
the public office or person was required to comply with division 1358
(B) of this section. No discovery may be conducted on the issue 1359
of the alleged bad faith of the public office or person 1360
responsible for the public records. This division shall not be 1361
construed as creating a presumption that the public office or 1362
the person responsible for the public records acted in bad faith 1363
when the office or person voluntarily made the public records 1364
available to the relator for the first time after the relator 1365
commenced the mandamus action, but before the court issued any 1366
order described in this division. 1367

(c) The court shall not award attorney's fees to the 1368
relator if the court determines both of the following: 1369

(i) That, based on the ordinary application of statutory 1370
law and case law as it existed at the time of the conduct or 1371
threatened conduct of the public office or person responsible 1372
for the requested public records that allegedly constitutes a 1373
failure to comply with an obligation in accordance with division 1374
(B) of this section and that was the basis of the mandamus 1375
action, a well-informed public office or person responsible for 1376
the requested public records reasonably would believe that the 1377
conduct or threatened conduct of the public office or person 1378
responsible for the requested public records did not constitute 1379
a failure to comply with an obligation in accordance with 1380
division (B) of this section; 1381

(ii) That a well-informed public office or person 1382
responsible for the requested public records reasonably would 1383
believe that the conduct or threatened conduct of the public 1384
office or person responsible for the requested public records 1385

would serve the public policy that underlies the authority that 1386
is asserted as permitting that conduct or threatened conduct. 1387

(4) All of the following apply to any award of reasonable 1388
attorney's fees awarded under division (C) (3) (b) of this 1389
section: 1390

(a) The fees shall be construed as remedial and not 1391
punitive. 1392

(b) The fees awarded shall not exceed the total of the 1393
reasonable attorney's fees incurred before the public record was 1394
made available to the relator and the fees described in division 1395
(C) (4) (c) of this section. 1396

(c) Reasonable attorney's fees shall include reasonable 1397
fees incurred to produce proof of the reasonableness and amount 1398
of the fees and to otherwise litigate entitlement to the fees. 1399

(d) The court may reduce the amount of fees awarded if the 1400
court determines that, given the factual circumstances involved 1401
with the specific public records request, an alternative means 1402
should have been pursued to more effectively and efficiently 1403
resolve the dispute that was subject to the mandamus action 1404
filed under division (C) (1) of this section. 1405

(5) If the court does not issue a writ of mandamus under 1406
division (C) of this section and the court determines at that 1407
time that the bringing of the mandamus action was frivolous 1408
conduct as defined in division (A) of section 2323.51 of the 1409
Revised Code, the court may award to the public office all court 1410
costs, expenses, and reasonable attorney's fees, as determined 1411
by the court. 1412

(D) Chapter 1347. of the Revised Code does not limit the 1413
provisions of this section. 1414

(E) (1) To ensure that all employees of public offices are 1415
appropriately educated about a public office's obligations under 1416
division (B) of this section, all elected officials or their 1417
appropriate designees shall attend training approved by the 1418
attorney general as provided in section 109.43 of the Revised 1419
Code. A future official may satisfy the requirements of this 1420
division by attending the training before taking office, 1421
provided that the future official may not send a designee in the 1422
future official's place. 1423

(2) All public offices shall adopt a public records policy 1424
in compliance with this section for responding to public records 1425
requests. In adopting a public records policy under this 1426
division, a public office may obtain guidance from the model 1427
public records policy developed and provided to the public 1428
office by the attorney general under section 109.43 of the 1429
Revised Code. Except as otherwise provided in this section, the 1430
policy may not limit the number of public records that the 1431
public office will make available to a single person, may not 1432
limit the number of public records that it will make available 1433
during a fixed period of time, and may not establish a fixed 1434
period of time before it will respond to a request for 1435
inspection or copying of public records, unless that period is 1436
less than eight hours. 1437

The public office shall distribute the public records 1438
policy adopted by the public office under this division to the 1439
employee of the public office who is the records custodian or 1440
records manager or otherwise has custody of the records of that 1441
office. The public office shall require that employee to 1442
acknowledge receipt of the copy of the public records policy. 1443
The public office shall create a poster that describes its 1444
public records policy and shall post the poster in a conspicuous 1445

place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

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

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

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

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or database by a person who intends to use or forward the copies for surveys, marketing, solicitation, or resale for commercial purposes. "Bulk commercial special

extraction request" does not include a request by a person who 1476
gives assurance to the bureau that the person making the request 1477
does not intend to use or forward the requested copies for 1478
surveys, marketing, solicitation, or resale for commercial 1479
purposes. 1480

(c) "Commercial" means profit-seeking production, buying, 1481
or selling of any good, service, or other product. 1482

(d) "Special extraction costs" means the cost of the time 1483
spent by the lowest paid employee competent to perform the task, 1484
the actual amount paid to outside private contractors employed 1485
by the bureau, or the actual cost incurred to create computer 1486
programs to make the special extraction. "Special extraction 1487
costs" include any charges paid to a public agency for computer 1488
or records services. 1489

(3) For purposes of divisions (F) (1) and (2) of this 1490
section, "surveys, marketing, solicitation, or resale for 1491
commercial purposes" shall be narrowly construed and does not 1492
include reporting or gathering news, reporting or gathering 1493
information to assist citizen oversight or understanding of the 1494
operation or activities of government, or nonprofit educational 1495
research. 1496

(G) A request by a defendant, counsel of a defendant, or 1497
any agent of a defendant in a criminal action that public 1498
records related to that action be made available under this 1499
section shall be considered a demand for discovery pursuant to 1500
the Criminal Rules, except to the extent that the Criminal Rules 1501
plainly indicate a contrary intent. The defendant, counsel of 1502
the defendant, or agent of the defendant making a request under 1503
this division shall serve a copy of the request on the 1504
prosecuting attorney, director of law, or other chief legal 1505

officer responsible for prosecuting the action. 1506

(H) (1) Any portion of a body-worn camera or dashboard 1507
camera recording described in divisions (A) (17) (b) to (h) of 1508
this section may be released by consent of the subject of the 1509
recording or a representative of that person, as specified in 1510
those divisions, only if either of the following applies: 1511

(a) The recording will not be used in connection with any 1512
probable or pending criminal proceedings; 1513

(b) The recording has been used in connection with a 1514
criminal proceeding that was dismissed or for which a judgment 1515
has been entered pursuant to Rule 32 of the Rules of Criminal 1516
Procedure, and will not be used again in connection with any 1517
probable or pending criminal proceedings. 1518

(2) If a public office denies a request to release a 1519
restricted portion of a body-worn camera or dashboard camera 1520
recording, as defined in division (A) (17) of this section, any 1521
person may file a mandamus action pursuant to this section or a 1522
complaint with the clerk of the court of claims pursuant to 1523
section 2743.75 of the Revised Code, requesting the court to 1524
order the release of all or portions of the recording. If the 1525
court considering the request determines that the filing 1526
articulates by clear and convincing evidence that the public 1527
interest in the recording substantially outweighs privacy 1528
interests and other interests asserted to deny release, the 1529
court shall order the public office to release the recording. 1530

Sec. 315.25. (A) The county engineer shall make and keep, 1531
in a book provided for that purpose, an accurate record of all 1532
surveys made by ~~him~~ the engineer or ~~his~~ the engineer's deputies 1533
for the purpose of locating any land or road lines, or fixing 1534

any corner or monument by which it may be determined, whether 1535
official or otherwise. Such surveys shall include corners, 1536
distances, azimuths, angles, calculations, plats, and a 1537
description of the monuments set up, with such references 1538
thereto as will aid in finding the names of the parties for whom 1539
the surveys are made, and the date of making such surveys. Such 1540
book shall be kept as a public record by the engineer at ~~his~~ the 1541
engineer's office, and it shall be at all proper times open to 1542
inspection and examination by all persons interested therein. 1543
Any other surveys made in the county by competent surveyors, 1544
certified by such surveyor to be correct and deemed worthy of 1545
preservation, may, by order of the board of county 1546
commissioners, be recorded by the engineer. 1547

(B) The county engineer shall keep confidential 1548
information that is subject to a real property confidentiality 1549
notice under section 111.431 of the Revised Code, in accordance 1550
with that section. 1551

Sec. 317.13. (A) Except as otherwise provided in division 1552
(B) of this section, the county recorder shall record in the 1553
official records, in legible handwriting, typewriting, or 1554
printing, or by any authorized photographic or electronic 1555
process, all deeds, mortgages, plats, or other instruments of 1556
writing that are required or authorized by the Revised Code to 1557
be recorded and that are presented to the county recorder for 1558
that purpose. The county recorder shall record the instruments 1559
in regular succession, according to the priority of 1560
presentation, and shall enter the file number at the beginning 1561
of the record. On the record of each instrument, the county 1562
recorder shall record the date and precise time the instrument 1563
was presented for record. All records made, prior to July 28, 1564
1949, by means authorized by this section or by section 9.01 of 1565

the Revised Code shall be deemed properly made. 1566

(B) The county recorder may refuse to record an instrument 1567
of writing presented for recording if the instrument is not 1568
required or authorized by the Revised Code to be recorded or the 1569
county recorder has reasonable cause to believe the instrument 1570
is materially false or fraudulent. This division does not create 1571
a duty upon a recorder to inspect, evaluate, or investigate an 1572
instrument of writing that is presented for recording. 1573

(C) If a person presents an instrument of writing to the 1574
county recorder for recording and the county recorder, pursuant 1575
to division (B) of this section, refuses to record the 1576
instrument, the person has a cause of action for an order from 1577
the court of common pleas in the county that the county recorder 1578
serves, to require the county recorder to record the instrument. 1579
If the court determines that the instrument is required or 1580
authorized by the Revised Code to be recorded and is not 1581
materially false or fraudulent, it shall order the county 1582
recorder to record the instrument. 1583

(D) The county recorder shall keep confidential 1584
information that is subject to a real property confidentiality 1585
notice under section 111.431 of the Revised Code, in accordance 1586
with that section. A copy of the real property confidentiality 1587
notice shall accompany subsequent recordings of the property, 1588
unless the program participant's certification has been canceled 1589
under section 111.431 or 111.45 of the Revised Code. 1590

Sec. 317.32. The county recorder shall charge and collect 1591
the following fees, to include, except as otherwise provided in 1592
division (A) (2) of this section, base fees for the recorder's 1593
services and housing trust fund fees collected pursuant to 1594
section 317.36 of the Revised Code: 1595

(A) (1) Except as otherwise provided in division (A) (2) of 1596
this section, for recording and indexing an instrument if the 1597
photocopy or any similar process is employed, a base fee of 1598
seventeen dollars for the first two pages and a housing trust 1599
fund fee of seventeen dollars, and a base fee of four dollars 1600
and a housing trust fund fee of four dollars for each subsequent 1601
page, size eight and one-half inches by fourteen inches, or 1602
fraction of a page, including the caption page, of such 1603
instrument; 1604

(2) For recording and indexing an instrument described in 1605
division (D) of section 317.08 of the Revised Code if the 1606
photocopy or any similar process is employed, a fee of twenty- 1607
eight dollars for the first two pages to be deposited as 1608
specified elsewhere in this division, and a fee of eight dollars 1609
to be deposited in the same manner for each subsequent page, 1610
size eight and one-half inches by fourteen inches, or fraction 1611
of a page, including the caption page, of that instrument. If 1612
the county recorder's technology fund has been established under 1613
section 317.321 of the Revised Code, of the twenty-eight 1614
dollars, fourteen dollars shall be deposited into the county 1615
treasury to the credit of the county recorder's technology fund 1616
and fourteen dollars shall be deposited into the county treasury 1617
to the credit of the county general fund. If the county 1618
recorder's technology fund has not been established, the twenty- 1619
eight dollars shall be deposited into the county treasury to the 1620
credit of the county general fund. 1621

(B) For certifying a ~~photocopy~~ copy or electronic record 1622
from the record previously recorded, a base fee of one dollar 1623
and a housing trust fund fee of one dollar per page, size eight 1624
and one-half inches by fourteen inches, or fraction of a page; 1625
for each certification if the recorder's seal is required, 1626

except as to instruments issued by the armed forces of the 1627
United States, a base fee of fifty cents and a housing trust 1628
fund fee of fifty cents; 1629

(C) For entering or indexing any ~~marginal~~-reference by 1630
separate recorded instrument, a base fee of two dollars and a 1631
housing trust fund fee of two dollars for each ~~marginal~~- 1632
reference set out in that instrument, in addition to the fees 1633
set forth in division (A) (1) of this section; 1634

(D) For indexing in the real estate mortgage records, 1635
pursuant to section 1309.519 of the Revised Code, financing 1636
statements covering crops growing or to be grown, timber to be 1637
cut, minerals or the like, including oil and gas, accounts 1638
subject to section 1309.301 of the Revised Code, or fixture 1639
filings made pursuant to section 1309.334 of the Revised Code, a 1640
base fee of two dollars and a housing trust fund fee of two 1641
dollars for each name indexed; 1642

(E) For filing zoning resolutions, including text and 1643
maps, in the office of the recorder as required under sections 1644
303.11 and 519.11 of the Revised Code, a base fee of twenty-five 1645
dollars and a housing trust fund fee of twenty-five dollars, 1646
regardless of the size or length of the resolutions; 1647

(F) For filing zoning amendments, including text and maps, 1648
in the office of the recorder as required under sections 303.12 1649
and 519.12 of the Revised Code, a base fee of ten dollars and a 1650
housing trust fund fee of ten dollars regardless of the size or 1651
length of the amendments; 1652

(G) For photocopying a document, other than at the time of 1653
recording and indexing as provided for in division (A) (1) or (2) 1654
of this section, a base fee of one dollar and a housing trust 1655

fund fee of one dollar per page, size eight and one-half inches 1656
by fourteen inches, or fraction thereof; 1657

(H) For local facsimile transmission of a document, a base 1658
fee of one dollar and a housing trust fund fee of one dollar per 1659
page, size eight and one-half inches by fourteen inches, or 1660
fraction thereof; for long distance facsimile transmission of a 1661
document, a base fee of two dollars and a housing trust fund fee 1662
of two dollars per page, size eight and one-half inches by 1663
fourteen inches, or fraction thereof; 1664

(I) For recording a declaration executed pursuant to 1665
section 2133.02 of the Revised Code or a durable power of 1666
attorney for health care executed pursuant to section 1337.12 of 1667
the Revised Code, or both a declaration and a durable power of 1668
attorney for health care, a base fee of at least fourteen 1669
dollars but not more than twenty dollars and a housing trust 1670
fund fee of at least fourteen dollars but not more than twenty 1671
dollars. 1672

In any county in which the recorder employs the 1673
photostatic or any similar process for recording maps, plats, or 1674
prints the recorder shall determine, charge, and collect for the 1675
recording or rerecording of any map, plat, or print, a base fee 1676
of five cents and a housing trust fund fee of five cents per 1677
square inch, for each square inch of the map, plat, or print 1678
filed for that recording or rerecording, with a minimum base fee 1679
of twenty dollars and a minimum housing trust fund fee of twenty 1680
dollars; for certifying a copy from the record, a base fee of 1681
two cents and a housing trust fund fee of two cents per square 1682
inch of the record, with a minimum base fee of two dollars and a 1683
minimum housing trust fund fee of two dollars. 1684

The fees provided in this section shall be paid upon the 1685

presentation of the instruments for record or upon the 1686
application for any certified copy of the record, except that 1687
the payment of fees for providing copies of instruments 1688
conveying or extinguishing agricultural easements to the office 1689
of farmland preservation in the department of agriculture under 1690
division (H) of section 5301.691 of the Revised Code shall be 1691
governed by that division, and payment of fees for electronic 1692
recording may be made by electronic funds transfer, automated 1693
clearing house, or other electronic means after presentation. 1694

The fees provided for in this section shall not apply to 1695
the recording, indexing, or making of a certified copy or to the 1696
filing of any instrument by a county land reutilization 1697
corporation, ~~its~~. 1698

The fees provided for in this section shall not apply to 1699
the recording, indexing, or making of a certified copy or to the 1700
filing of any instrument by a county land reutilization 1701
corporation's wholly owned subsidiary, or any other electing 1702
subdivision as defined in section 5722.01 of the Revised Code if 1703
the wholly owned subsidiary or the electing subdivision is 1704
acting in capacity consistent with the purpose of the land 1705
reutilization program. 1706

Sec. 319.28. (A) Except as otherwise provided in division 1707
(B) of this section, on or before the first Monday of August, 1708
annually, the county auditor shall compile and make up a general 1709
tax list of real and public utility property in the county, 1710
either in tabular form and alphabetical order, or, with the 1711
consent of the county treasurer, by listing all parcels in a 1712
permanent parcel number sequence to which a separate 1713
alphabetical index is keyed, containing the names of the several 1714
persons, companies, firms, partnerships, associations, and 1715

corporations in whose names real property has been listed in 1716
each township, municipal corporation, special district, or 1717
separate school district, or part of either in the auditor's 1718
county, placing separately, in appropriate columns opposite each 1719
name, the description of each tract, lot, or parcel of real 1720
estate, the value of each tract, lot, or parcel, the value of 1721
the improvements thereon, and of the names of the several public 1722
utilities whose property, subject to taxation on the general tax 1723
list and duplicate, has been apportioned by the department of 1724
taxation to the county, and the amount so apportioned to each 1725
township, municipal corporation, special district, or separate 1726
school district or part of either in the auditor's county, as 1727
shown by the certificates of apportionment of public utility 1728
property. If the name of the owner of any tract, lot, or parcel 1729
of real estate is unknown to the auditor, "unknown" shall be 1730
entered in the column of names opposite said tract, lot, or 1731
parcel. Such lists shall be prepared in duplicate. On or before 1732
the first Monday of September in each year, the auditor shall 1733
correct such lists in accordance with the additions and 1734
deductions ordered by the tax commissioner and by the county 1735
board of revision, and shall certify and on the first day of 1736
October deliver one copy thereof to the county treasurer. The 1737
copies prepared by the auditor shall constitute the auditor's 1738
general tax list and treasurer's general duplicate of real and 1739
public utility property for the current year. 1740

Once a permanent parcel numbering system has been 1741
established in any county as provided by the preceding 1742
paragraph, such system shall remain in effect until otherwise 1743
agreed upon by the county auditor and county treasurer. 1744

(B) (1) An individual, or the spouse of that individual, 1745
whose residential and familial information is not a public 1746

record under divisions (A) (1) (p) and (A) (7) of section 149.43 of 1747
the Revised Code may submit an affidavit to the county auditor 1748
requesting the county auditor to remove the name of the 1749
individual filing the affidavit from any record made available 1750
to the general public on the internet or a publicly accessible 1751
database, and from the general tax list and duplicate_of real 1752
and public utility property, and to instead insert the 1753
individual's initials on any such record, and on the general tax 1754
list and duplicate of real and public utility property as the 1755
name of the individual that appears on the deed. 1756

(2) Upon receiving an affidavit described in division (B) 1757
(1) of this section, the county auditor shall act within five 1758
business days in accordance with the request to remove the 1759
individual's name from any record made available to the general 1760
public on the internet or a publicly accessible database, and 1761
from the general tax list and duplicate of real and public 1762
utility property and insert the individual's initials on any 1763
such record and on the general tax list and duplicate of real 1764
and public utility property, if practicable. If the removal and 1765
insertion is not practicable, the county auditor shall verbally 1766
or in writing within five business days after receiving the 1767
affidavit explain to the individual why the removal and 1768
insertion is impracticable. 1769

(C) The county auditor shall keep confidential information 1770
that is subject to a real property confidentiality notice under 1771
section 111.431 of the Revised Code, in accordance with that 1772
section. 1773

Sec. 321.25. The county treasurer shall keep confidential 1774
information that is subject to a real property confidentiality 1775
notice under section 111.431 of the Revised Code, in accordance 1776

with that section. 1777

Sec. 2303.12. (A) The clerk of the court of common pleas 1778
shall keep at least four books. They shall be called the 1779
appearance docket, trial docket and printed duplicates of the 1780
trial docket for the use of the court and the officers thereof, 1781
journal, and execution docket. ~~He~~ The clerk shall also keep a 1782
record in book form or ~~he~~ the clerk may prepare a record by 1783
using any photostatic, photographic, miniature photographic, 1784
film, microfilm, or microphotographic process, electrostatic 1785
process, perforated tape, magnetic tape, or other 1786
electromagnetic means, electronic data processing, machine 1787
readable media, graphic or video display, or any combination 1788
thereof, which correctly and accurately copies or reproduces the 1789
original document, paper, or instrument in writing. ~~He~~ The clerk 1790
shall use materials that comply with the minimum standards of 1791
quality for permanent photographic records prescribed by the 1792
National Bureau of Standards. ~~He~~ The clerk shall keep an index 1793
to the trial docket and to the printed duplicates of the trial 1794
docket and of the journal direct, and to the appearance docket, 1795
record, and execution docket, direct and reverse. All clerks 1796
keeping records and information by the methods described in this 1797
section shall keep and make readily available to the public the 1798
machine and equipment necessary to reproduce the records and 1799
information in a readable form. 1800

(B) The clerk of the court of common pleas shall keep 1801
confidential information that is subject to a real property 1802
confidentiality notice under section 111.431 of the Revised 1803
Code, in accordance with that section. 1804

Sec. 5301.255. (A) A memorandum of trust that satisfies 1805
both of the following may be presented for recordation in the 1806

office of the county recorder of any county in which real 1807
property that is subject to the trust is located: 1808

(1) The memorandum shall be executed by the trustee of the 1809
trust and acknowledged by the trustee of the trust in accordance 1810
with section 5301.01 of the Revised Code. 1811

(2) The memorandum shall state all of the following: 1812

(a) The name and address of the trustee of the trust; 1813

(b) The date of execution of the trust; 1814

(c) The powers specified in the trust relative to the 1815
acquisition, sale, or encumbering of real property by the 1816
trustee or the conveyance of real property by the trustee, and 1817
any restrictions upon those powers. 1818

(B) A memorandum of trust that satisfies divisions (A) (1) 1819
and (2) of this section also may set forth the substance or 1820
actual text of provisions of the trust that are not described in 1821
those divisions. 1822

(C) A memorandum of trust that satisfies divisions (A) (1) 1823
and (2) of this section shall constitute notice only of the 1824
information contained in it. 1825

(D) Upon the presentation for recordation of a memorandum 1826
of trust that satisfies divisions (A) (1) and (2) of this section 1827
and the payment of the requisite fee prescribed in section 1828
317.32 of the Revised Code, a county recorder shall record the 1829
memorandum of trust in the official records described in 1830
division (A) ~~(18)~~ (17) of section 317.08 of the Revised Code, if 1831
the memorandum of trust describes specific real property, or in 1832
the official records described in division (A) ~~(24)~~ (23) of that 1833
section, if the memorandum of trust does not describe specific 1834

real property. 1835

Section 2. That existing sections 111.42, 111.43, 111.45, 1836
111.46, 111.48, 111.99, 149.43, 315.25, 317.13, 317.32, 319.28, 1837
2303.12, and 5301.255 of the Revised Code are hereby repealed. 1838