

As Reported by the Senate Judiciary Committee

134th General Assembly

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S. B. No. 4

Senator Roegner

Cosponsor: Senator Manning

A BILL

To amend sections 149.43 and 5913.01 of the Revised Code to include emergency service telecommunicators and certain Ohio National Guard members as individuals whose residential and familial information is exempt from disclosure under the Public Records Law.

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

Section 1. That sections 149.43 and 5913.01 of the Revised Code be amended to read as follows:

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

(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	19
proceedings, to proceedings related to the imposition of	20
community control sanctions and post-release control sanctions,	21
or to proceedings related to determinations under section	22
2967.271 of the Revised Code regarding the release or maintained	23
incarceration of an offender to whom that section applies;	24
(c) Records pertaining to actions under section 2151.85	25
and division (C) of section 2919.121 of the Revised Code and to	26
appeals of actions arising under those sections;	27
(d) Records pertaining to adoption proceedings, including	28
the contents of an adoption file maintained by the department of	29
health under sections 3705.12 to 3705.124 of the Revised Code;	30
(e) Information in a record contained in the putative	31
father registry established by section 3107.062 of the Revised	32
Code, regardless of whether the information is held by the	33
department of job and family services or, pursuant to section	34
3111.69 of the Revised Code, the office of child support in the	35
department or a child support enforcement agency;	36
(f) Records specified in division (A) of section 3107.52	37
of the Revised Code;	38
(g) Trial preparation records;	39
(h) Confidential law enforcement investigatory records;	40
(i) Records containing information that is confidential	41
under section 2710.03 or 4112.05 of the Revised Code;	42
(j) DNA records stored in the DNA database pursuant to	43
section 109.573 of the Revised Code;	44
(k) Inmate records released by the department of	45
rehabilitation and correction to the department of youth	46

services or a court of record pursuant to division (E) of	47
section 5120.21 of the Revised Code;	48
(l) Records maintained by the department of youth services	49
pertaining to children in its custody released by the department	50
of youth services to the department of rehabilitation and	51
correction pursuant to section 5139.05 of the Revised Code;	52
(m) Intellectual property records;	53
(n) Donor profile records;	54
(o) Records maintained by the department of job and family	55
services pursuant to section 3121.894 of the Revised Code;	56
(p) Designated public service worker residential and	57
familial information;	58
(q) In the case of a county hospital operated pursuant to	59
Chapter 339. of the Revised Code or a municipal hospital	60
operated pursuant to Chapter 749. of the Revised Code,	61
information that constitutes a trade secret, as defined in	62
section 1333.61 of the Revised Code;	63
(r) Information pertaining to the recreational activities	64
of a person under the age of eighteen;	65
(s) In the case of a child fatality review board acting	66
under sections 307.621 to 307.629 of the Revised Code or a	67
review conducted pursuant to guidelines established by the	68
director of health under section 3701.70 of the Revised Code,	69
records provided to the board or director, statements made by	70
board members during meetings of the board or by persons	71
participating in the director's review, and all work products of	72
the board or director, and in the case of a child fatality	73
review board, child fatality review data submitted by the board	74

to the department of health or a national child death review	75
database, other than the report prepared pursuant to division	76
(A) of section 307.626 of the Revised Code;	77
(t) Records provided to and statements made by the	78
executive director of a public children services agency or a	79
prosecuting attorney acting pursuant to section 5153.171 of the	80
Revised Code other than the information released under that	81
section;	82
(u) Test materials, examinations, or evaluation tools used	83
in an examination for licensure as a nursing home administrator	84
that the board of executives of long-term services and supports	85
administers under section 4751.15 of the Revised Code or	86
contracts under that section with a private or government entity	87
to administer;	88
(v) Records the release of which is prohibited by state or	89
federal law;	90
(w) Proprietary information of or relating to any person	91
that is submitted to or compiled by the Ohio venture capital	92
authority created under section 150.01 of the Revised Code;	93
(x) Financial statements and data any person submits for	94
any purpose to the Ohio housing finance agency or the	95
controlling board in connection with applying for, receiving, or	96
accounting for financial assistance from the agency, and	97
information that identifies any individual who benefits directly	98
or indirectly from financial assistance from the agency;	99
(y) Records listed in section 5101.29 of the Revised Code;	100
(z) Discharges recorded with a county recorder under	101
section 317.24 of the Revised Code, as specified in division (B)	102
(2) of that section;	103

(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	104 105 106
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	107 108 109
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;	110 111 112
(dd) Personal information, as defined in section 149.45 of the Revised Code;	113 114
(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot identification envelope statement of voter, or provisional ballot affirmation completed by a program participant who has a confidential voter registration record, and records or portions of records pertaining to that program that identify the number of program participants that reside within a precinct, ward, township, municipal corporation, county, or any other geographic area smaller than the state. As used in this division, "confidential address" and "program participant" have the meaning defined in section 111.41 of the Revised Code.	115 116 117 118 119 120 121 122 123 124 125 126 127 128
(ff) Orders for active military service of an individual serving or with previous service in the armed forces of the United States, including a reserve component, or the Ohio organized militia, except that, such order becomes a public	129 130 131 132

record on the day that is fifteen years after the published date	133
or effective date of the call to order;	134
(gg) The name, address, contact information, or other	135
personal information of an individual who is less than eighteen	136
years of age that is included in any record related to a traffic	137
accident involving a school vehicle in which the individual was	138
an occupant at the time of the accident;	139
(hh) Protected health information, as defined in 45 C.F.R.	140
160.103, that is in a claim for payment for a health care	141
product, service, or procedure, as well as any other health	142
claims data in another document that reveals the identity of an	143
individual who is the subject of the data or could be used to	144
reveal that individual's identity;	145
(ii) Any depiction by photograph, film, videotape, or	146
printed or digital image under either of the following	147
circumstances:	148
(i) The depiction is that of a victim of an offense the	149
release of which would be, to a reasonable person of ordinary	150
sensibilities, an offensive and objectionable intrusion into the	151
victim's expectation of bodily privacy and integrity.	152
(ii) The depiction captures or depicts the victim of a	153
sexually oriented offense, as defined in section 2950.01 of the	154
Revised Code, at the actual occurrence of that offense.	155
(jj) Restricted portions of a body-worn camera or	156
dashboard camera recording;	157
(kk) In the case of a fetal-infant mortality review board	158
acting under sections 3707.70 to 3707.77 of the Revised Code,	159
records, documents, reports, or other information presented to	160
the board or a person abstracting such materials on the board's	161

behalf, statements made by review board members during board meetings, all work products of the board, and data submitted by the board to the department of health or a national infant death review database, other than the report prepared pursuant to section 3707.77 of the Revised Code.

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

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

A record that is not a public record under division (A) (1) of this section and that, under law, is permanently retained becomes a public record on the day that is seventy-five years after the day on which the record was created, except for any record protected by the attorney-client privilege, a trial preparation record as defined in this section, a statement prohibiting the release of identifying information signed under section 3107.083 of the Revised Code, a denial of release form filed pursuant to section 3107.46 of the Revised Code, or any record that is exempt from release or disclosure under section 149.433 of the Revised Code. If the record is a birth certificate and a biological parent's name redaction request form has been accepted under section 3107.391 of the Revised

Code, the name of that parent shall be redacted from the birth 192
certificate before it is released under this paragraph. If any 193
other section of the Revised Code establishes a time period for 194
disclosure of a record that conflicts with the time period 195
specified in this section, the time period in the other section 196
prevails. 197

(2) "Confidential law enforcement investigatory record" 198
means any record that pertains to a law enforcement matter of a 199
criminal, quasi-criminal, civil, or administrative nature, but 200
only to the extent that the release of the record would create a 201
high probability of disclosure of any of the following: 202

(a) The identity of a suspect who has not been charged 203
with the offense to which the record pertains, or of an 204
information source or witness to whom confidentiality has been 205
reasonably promised; 206

(b) Information provided by an information source or 207
witness to whom confidentiality has been reasonably promised, 208
which information would reasonably tend to disclose the source's 209
or witness's identity; 210

(c) Specific confidential investigatory techniques or 211
procedures or specific investigatory work product; 212

(d) Information that would endanger the life or physical 213
safety of law enforcement personnel, a crime victim, a witness, 214
or a confidential information source. 215

(3) "Medical record" means any document or combination of 216
documents, except births, deaths, and the fact of admission to 217
or discharge from a hospital, that pertains to the medical 218
history, diagnosis, prognosis, or medical condition of a patient 219
and that is generated and maintained in the process of medical 220

treatment.	221
(4) "Trial preparation record" means any record that	222
contains information that is specifically compiled in reasonable	223
anticipation of, or in defense of, a civil or criminal action or	224
proceeding, including the independent thought processes and	225
personal trial preparation of an attorney.	226
(5) "Intellectual property record" means a record, other	227
than a financial or administrative record, that is produced or	228
collected by or for faculty or staff of a state institution of	229
higher learning in the conduct of or as a result of study or	230
research on an educational, commercial, scientific, artistic,	231
technical, or scholarly issue, regardless of whether the study	232
or research was sponsored by the institution alone or in	233
conjunction with a governmental body or private concern, and	234
that has not been publicly released, published, or patented.	235
(6) "Donor profile record" means all records about donors	236
or potential donors to a public institution of higher education	237
except the names and reported addresses of the actual donors and	238
the date, amount, and conditions of the actual donation.	239
(7) "Designated public service worker" means a peace	240
officer, parole officer, probation officer, bailiff, prosecuting	241
attorney, assistant prosecuting attorney, correctional employee,	242
county or multicounty corrections officer, community-based	243
correctional facility employee, <u>designated Ohio national guard</u>	244
<u>member</u> , youth services employee, firefighter, EMT, medical	245
director or member of a cooperating physician advisory board of	246
an emergency medical service organization, state board of	247
pharmacy employee, investigator of the bureau of criminal	248
identification and investigation, <u>emergency service</u>	249
<u>telecommunicator</u> , judge, magistrate, or federal law enforcement	250

officer.	251
(8) "Designated public service worker residential and familial information" means any information that discloses any of the following about a designated public service worker:	252 253 254
(a) The address of the actual personal residence of a designated public service worker, except for the following information:	255 256 257
(i) The address of the actual personal residence of a prosecuting attorney or judge; and	258 259
(ii) The state or political subdivision in which a designated public service worker resides.	260 261
(b) Information compiled from referral to or participation in an employee assistance program;	262 263
(c) 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, or any medical information pertaining to, a designated public service worker;	264 265 266 267 268
(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;	269 270 271 272
(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;	273 274 275 276 277
(f) The name, the residential address, the name of the	278

employer, the address of the employer, the social security 279
number, the residential telephone number, any bank account, 280
debit card, charge card, or credit card number, or the emergency 281
telephone number of the spouse, a former spouse, or any child of 282
a designated public service worker; 283

(g) A photograph of a peace officer who holds a position 284
or has an assignment that may include undercover or plain 285
clothes positions or assignments as determined by the peace 286
officer's appointing authority. 287

(9) As used in divisions (A) (7) and (15) to (17) of this 288
section: 289

"Peace officer" has the meaning defined in section 109.71 290
of the Revised Code and also includes the superintendent and 291
troopers of the state highway patrol; it does not include the 292
sheriff of a county or a supervisory employee who, in the 293
absence of the sheriff, is authorized to stand in for, exercise 294
the authority of, and perform the duties of the sheriff. 295

"Correctional employee" means any employee of the 296
department of rehabilitation and correction who in the course of 297
performing the employee's job duties has or has had contact with 298
inmates and persons under supervision. 299

"County or multicounty corrections officer" means any 300
corrections officer employed by any county or multicounty 301
correctional facility. 302

"Designated Ohio national guard member" means a member of 303
the Ohio national guard who is participating in duties related 304
to remotely piloted aircraft, including, but not limited to, 305
pilots, sensor operators, and mission intelligence personnel, 306
duties related to special forces operations, or duties related 307

to cybersecurity, and is designated by the adjutant general as a 308
designated public service worker for those purposes. 309

"Youth services employee" means any employee of the 310
department of youth services who in the course of performing the 311
employee's job duties has or has had contact with children 312
committed to the custody of the department of youth services. 313

"Firefighter" means any regular, paid or volunteer, member 314
of a lawfully constituted fire department of a municipal 315
corporation, township, fire district, or village. 316

"EMT" means EMTs-basic, EMTs-I, and paramedics that 317
provide emergency medical services for a public emergency 318
medical service organization. "Emergency medical service 319
organization," "EMT-basic," "EMT-I," and "paramedic" have the 320
meanings defined in section 4765.01 of the Revised Code. 321

"Investigator of the bureau of criminal identification and 322
investigation" has the meaning defined in section 2903.11 of the 323
Revised Code. 324

"Emergency service telecommunicator" has the meaning 325
defined in section 4742.01 of the Revised Code. 326

"Federal law enforcement officer" has the meaning defined 327
in section 9.88 of the Revised Code. 328

(10) "Information pertaining to the recreational 329
activities of a person under the age of eighteen" means 330
information that is kept in the ordinary course of business by a 331
public office, that pertains to the recreational activities of a 332
person under the age of eighteen years, and that discloses any 333
of the following: 334

(a) The address or telephone number of a person under the 335

age of eighteen or the address or telephone number of that 336
person's parent, guardian, custodian, or emergency contact 337
person; 338

(b) The social security number, birth date, or 339
photographic image of a person under the age of eighteen; 340

(c) Any medical record, history, or information pertaining 341
to a person under the age of eighteen; 342

(d) Any additional information sought or required about a 343
person under the age of eighteen for the purpose of allowing 344
that person to participate in any recreational activity 345
conducted or sponsored by a public office or to use or obtain 346
admission privileges to any recreational facility owned or 347
operated by a public office. 348

(11) "Community control sanction" has the meaning defined 349
in section 2929.01 of the Revised Code. 350

(12) "Post-release control sanction" has the meaning 351
defined in section 2967.01 of the Revised Code. 352

(13) "Redaction" means obscuring or deleting any 353
information that is exempt from the duty to permit public 354
inspection or copying from an item that otherwise meets the 355
definition of a "record" in section 149.011 of the Revised Code. 356

(14) "Designee," "elected official," and "future official" 357
have the meanings defined in section 109.43 of the Revised Code. 358

(15) "Body-worn camera" means a visual and audio recording 359
device worn on the person of a peace officer while the peace 360
officer is engaged in the performance of the peace officer's 361
duties. 362

(16) "Dashboard camera" means a visual and audio recording 363

device mounted on a peace officer's vehicle or vessel that is 364
used while the peace officer is engaged in the performance of 365
the peace officer's duties. 366

(17) "Restricted portions of a body-worn camera or 367
dashboard camera recording" means any visual or audio portion of 368
a body-worn camera or dashboard camera recording that shows, 369
communicates, or discloses any of the following: 370

(a) The image or identity of a child or information that 371
could lead to the identification of a child who is a primary 372
subject of the recording when the law enforcement agency knows 373
or has reason to know the person is a child based on the law 374
enforcement agency's records or the content of the recording; 375

(b) The death of a person or a deceased person's body, 376
unless the death was caused by a peace officer or, subject to 377
division (H) (1) of this section, the consent of the decedent's 378
executor or administrator has been obtained; 379

(c) The death of a peace officer, firefighter, paramedic, 380
or other first responder, occurring while the decedent was 381
engaged in the performance of official duties, unless, subject 382
to division (H) (1) of this section, the consent of the 383
decedent's executor or administrator has been obtained; 384

(d) Grievous bodily harm, unless the injury was effected 385
by a peace officer or, subject to division (H) (1) of this 386
section, the consent of the injured person or the injured 387
person's guardian has been obtained; 388

(e) An act of severe violence against a person that 389
results in serious physical harm to the person, unless the act 390
and injury was effected by a peace officer or, subject to 391
division (H) (1) of this section, the consent of the injured 392

person or the injured person's guardian has been obtained;	393
(f) Grievous bodily harm to a peace officer, firefighter,	394
paramedic, or other first responder, occurring while the injured	395
person was engaged in the performance of official duties,	396
unless, subject to division (H) (1) of this section, the consent	397
of the injured person or the injured person's guardian has been	398
obtained;	399
(g) An act of severe violence resulting in serious	400
physical harm against a peace officer, firefighter, paramedic,	401
or other first responder, occurring while the injured person was	402
engaged in the performance of official duties, unless, subject	403
to division (H) (1) of this section, the consent of the injured	404
person or the injured person's guardian has been obtained;	405
(h) A person's nude body, unless, subject to division (H)	406
(1) of this section, the person's consent has been obtained;	407
(i) Protected health information, the identity of a person	408
in a health care facility who is not the subject of a law	409
enforcement encounter, or any other information in a health care	410
facility that could identify a person who is not the subject of	411
a law enforcement encounter;	412
(j) Information that could identify the alleged victim of	413
a sex offense, menacing by stalking, or domestic violence;	414
(k) Information, that does not constitute a confidential	415
law enforcement investigatory record, that could identify a	416
person who provides sensitive or confidential information to a	417
law enforcement agency when the disclosure of the person's	418
identity or the information provided could reasonably be	419
expected to threaten or endanger the safety or property of the	420
person or another person;	421

(l) Personal information of a person who is not arrested,	422
cited, charged, or issued a written warning by a peace officer;	423
(m) Proprietary police contingency plans or tactics that	424
are intended to prevent crime and maintain public order and	425
safety;	426
(n) A personal conversation unrelated to work between	427
peace officers or between a peace officer and an employee of a	428
law enforcement agency;	429
(o) A conversation between a peace officer and a member of	430
the public that does not concern law enforcement activities;	431
(p) The interior of a residence, unless the interior of a	432
residence is the location of an adversarial encounter with, or a	433
use of force by, a peace officer;	434
(q) Any portion of the interior of a private business that	435
is not open to the public, unless an adversarial encounter with,	436
or a use of force by, a peace officer occurs in that location.	437
As used in division (A) (17) of this section:	438
"Grievous bodily harm" has the same meaning as in section	439
5924.120 of the Revised Code.	440
"Health care facility" has the same meaning as in section	441
1337.11 of the Revised Code.	442
"Protected health information" has the same meaning as in	443
45 C.F.R. 160.103.	444
"Law enforcement agency" has the same meaning as in	445
section 2925.61 of the Revised Code.	446
"Personal information" means any government-issued	447
identification number, date of birth, address, financial	448

information, or criminal justice information from the law 449
enforcement automated data system or similar databases. 450

"Sex offense" has the same meaning as in section 2907.10 451
of the Revised Code. 452

"Firefighter," "paramedic," and "first responder" have the 453
same meanings as in section 4765.01 of the Revised Code. 454

(B) (1) Upon request by any person and subject to division 455
(B) (8) of this section, all public records responsive to the 456
request shall be promptly prepared and made available for 457
inspection to ~~any person~~ the requester at all reasonable times 458
during regular business hours. Subject to division (B) (8) of 459
this section, upon request by any person, a public office or 460
person responsible for public records shall make copies of the 461
requested public record available to the requester at cost and 462
within a reasonable period of time. If a public record contains 463
information that is exempt from the duty to permit public 464
inspection or to copy the public record, the public office or 465
the person responsible for the public record shall make 466
available all of the information within the public record that 467
is not exempt. When making that public record available for 468
public inspection or copying that public record, the public 469
office or the person responsible for the public record shall 470
notify the requester of any redaction or make the redaction 471
plainly visible. A redaction shall be deemed a denial of a 472
request to inspect or copy the redacted information, except if 473
federal or state law authorizes or requires a public office to 474
make the redaction. 475

(2) To facilitate broader access to public records, a 476
public office or the person responsible for public records shall 477
organize and maintain public records in a manner that they can 478

be made available for inspection or copying in accordance with 479
division (B) of this section. A public office also shall have 480
available a copy of its current records retention schedule at a 481
location readily available to the public. If a requester makes 482
an ambiguous or overly broad request or has difficulty in making 483
a request for copies or inspection of public records under this 484
section such that the public office or the person responsible 485
for the requested public record cannot reasonably identify what 486
public records are being requested, the public office or the 487
person responsible for the requested public record may deny the 488
request but shall provide the requester with an opportunity to 489
revise the request by informing the requester of the manner in 490
which records are maintained by the public office and accessed 491
in the ordinary course of the public office's or person's 492
duties. 493

(3) If a request is ultimately denied, in part or in 494
whole, the public office or the person responsible for the 495
requested public record shall provide the requester with an 496
explanation, including legal authority, setting forth why the 497
request was denied. If the initial request was provided in 498
writing, the explanation also shall be provided to the requester 499
in writing. The explanation shall not preclude the public office 500
or the person responsible for the requested public record from 501
relying upon additional reasons or legal authority in defending 502
an action commenced under division (C) of this section. 503

(4) Unless specifically required or authorized by state or 504
federal law or in accordance with division (B) of this section, 505
no public office or person responsible for public records may 506
limit or condition the availability of public records by 507
requiring disclosure of the requester's identity or the intended 508
use of the requested public record. Any requirement that the 509

requester disclose the requester's identity or the intended use 510
of the requested public record constitutes a denial of the 511
request. 512

(5) A public office or person responsible for public 513
records may ask a requester to make the request in writing, may 514
ask for the requester's identity, and may inquire about the 515
intended use of the information requested, but may do so only 516
after disclosing to the requester that a written request is not 517
mandatory, that the requester may decline to reveal the 518
requester's identity or the intended use, and when a written 519
request or disclosure of the identity or intended use would 520
benefit the requester by enhancing the ability of the public 521
office or person responsible for public records to identify, 522
locate, or deliver the public records sought by the requester. 523

(6) If any person requests a copy of a public record in 524
accordance with division (B) of this section, the public office 525
or person responsible for the public record may require ~~that~~ 526
~~person~~ the requester to pay in advance the cost involved in 527
providing the copy of the public record in accordance with the 528
choice made by the ~~person requesting the copy~~ requester under 529
this division. The public office or the person responsible for 530
the public record shall permit ~~that person~~ the requester to 531
choose to have the public record duplicated upon paper, upon the 532
same medium upon which the public office or person responsible 533
for the public record keeps it, or upon any other medium upon 534
which the public office or person responsible for the public 535
record determines that it reasonably can be duplicated as an 536
integral part of the normal operations of the public office or 537
person responsible for the public record. When the ~~person~~ 538
~~requesting the copy~~ requester makes a choice under this 539
division, the public office or person responsible for the public 540

record shall provide a copy of it in accordance with the choice 541
made by ~~that person~~the requester. Nothing in this section 542
requires a public office or person responsible for the public 543
record to allow the ~~person requesting~~requester of a copy of the 544
public record to make the copies of the public record. 545

(7) (a) Upon a request made in accordance with division (B) 546
of this section and subject to division (B) (6) of this section, 547
a public office or person responsible for public records shall 548
transmit a copy of a public record to any person by United 549
States mail or by any other means of delivery or transmission 550
within a reasonable period of time after receiving the request 551
for the copy. The public office or person responsible for the 552
public record may require the person making the request to pay 553
in advance the cost of postage if the copy is transmitted by 554
United States mail or the cost of delivery if the copy is 555
transmitted other than by United States mail, and to pay in 556
advance the costs incurred for other supplies used in the 557
mailing, delivery, or transmission. 558

(b) Any public office may adopt a policy and procedures 559
that it will follow in transmitting, within a reasonable period 560
of time after receiving a request, copies of public records by 561
United States mail or by any other means of delivery or 562
transmission pursuant to division (B) (7) of this section. A 563
public office that adopts a policy and procedures under division 564
(B) (7) of this section shall comply with them in performing its 565
duties under that division. 566

(c) In any policy and procedures adopted under division 567
(B) (7) of this section: 568

(i) A public office may limit the number of records 569
requested by a person that the office will physically deliver by 570

United States mail or by another delivery service to ten per 571
month, unless the person certifies to the office in writing that 572
the person does not intend to use or forward the requested 573
records, or the information contained in them, for commercial 574
purposes; 575

(ii) A public office that chooses to provide some or all 576
of its public records on a web site that is fully accessible to 577
and searchable by members of the public at all times, other than 578
during acts of God outside the public office's control or 579
maintenance, and that charges no fee to search, access, 580
download, or otherwise receive records provided on the web site, 581
may limit to ten per month the number of records requested by a 582
person that the office will deliver in a digital format, unless 583
the requested records are not provided on the web site and 584
unless the person certifies to the office in writing that the 585
person does not intend to use or forward the requested records, 586
or the information contained in them, for commercial purposes. 587

(iii) For purposes of division (B) (7) of this section, 588
"commercial" shall be narrowly construed and does not include 589
reporting or gathering news, reporting or gathering information 590
to assist citizen oversight or understanding of the operation or 591
activities of government, or nonprofit educational research. 592

(8) A public office or person responsible for public 593
records is not required to permit a person who is incarcerated 594
pursuant to a criminal conviction or a juvenile adjudication to 595
inspect or to obtain a copy of any public record concerning a 596
criminal investigation or prosecution or concerning what would 597
be a criminal investigation or prosecution if the subject of the 598
investigation or prosecution were an adult, unless the request 599
to inspect or to obtain a copy of the record is for the purpose 600

of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justiciable claim of the person.

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

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

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

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

(c) As used in division (B) (9) of this section, 631
"journalist" means a person engaged in, connected with, or 632
employed by any news medium, including a newspaper, magazine, 633
press association, news agency, or wire service, a radio or 634
television station, or a similar medium, for the purpose of 635
gathering, processing, transmitting, compiling, editing, or 636
disseminating information for the general public. 637

(10) Upon a request made by a victim, victim's attorney, 638
or victim's representative, as that term is used in section 639
2930.02 of the Revised Code, a public office or person 640
responsible for public records shall transmit a copy of a 641
depiction of the victim as described in division (A) (1) ~~(gg)~~ (ii) 642
of this section to the victim, victim's attorney, or victim's 643
representative. 644

(C) (1) If a person allegedly is aggrieved by the failure 645
of a public office or the person responsible for public records 646
to promptly prepare a public record and to make it available to 647
the person for inspection in accordance with division (B) of 648
this section or by any other failure of a public office or the 649
person responsible for public records to comply with an 650
obligation in accordance with division (B) of this section, the 651
person allegedly aggrieved may do only one of the following, and 652
not both: 653

(a) File a complaint with the clerk of the court of claims 654
or the clerk of the court of common pleas under section 2743.75 655
of the Revised Code; 656

(b) Commence a mandamus action to obtain a judgment that 657
orders the public office or the person responsible for the 658
public record to comply with division (B) of this section, that 659
awards court costs and reasonable attorney's fees to the person 660

that instituted the mandamus action, and, if applicable, that 661
includes an order fixing statutory damages under division (C) (2) 662
of this section. The mandamus action may be commenced in the 663
court of common pleas of the county in which division (B) of 664
this section allegedly was not complied with, in the supreme 665
court pursuant to its original jurisdiction under Section 2 of 666
Article IV, Ohio Constitution, or in the court of appeals for 667
the appellate district in which division (B) of this section 668
allegedly was not complied with pursuant to its original 669
jurisdiction under Section 3 of Article IV, Ohio Constitution. 670

(2) If a requester transmits a written request by hand 671
delivery, electronic submission, or certified mail to inspect or 672
receive copies of any public record in a manner that fairly 673
describes the public record or class of public records to the 674
public office or person responsible for the requested public 675
records, except as otherwise provided in this section, the 676
requester shall be entitled to recover the amount of statutory 677
damages set forth in this division if a court determines that 678
the public office or the person responsible for public records 679
failed to comply with an obligation in accordance with division 680
(B) of this section. 681

The amount of statutory damages shall be fixed at one 682
hundred dollars for each business day during which the public 683
office or person responsible for the requested public records 684
failed to comply with an obligation in accordance with division 685
(B) of this section, beginning with the day on which the 686
requester files a mandamus action to recover statutory damages, 687
up to a maximum of one thousand dollars. The award of statutory 688
damages shall not be construed as a penalty, but as compensation 689
for injury arising from lost use of the requested information. 690
The existence of this injury shall be conclusively presumed. The 691

award of statutory damages shall be in addition to all other 692
remedies authorized by this section. 693

The court may reduce an award of statutory damages or not 694
award statutory damages if the court determines both of the 695
following: 696

(a) That, based on the ordinary application of statutory 697
law and case law as it existed at the time of the conduct or 698
threatened conduct of the public office or person responsible 699
for the requested public records that allegedly constitutes a 700
failure to comply with an obligation in accordance with division 701
(B) of this section and that was the basis of the mandamus 702
action, a well-informed public office or person responsible for 703
the requested public records reasonably would believe that the 704
conduct or threatened conduct of the public office or person 705
responsible for the requested public records did not constitute 706
a failure to comply with an obligation in accordance with 707
division (B) of this section; 708

(b) That a well-informed public office or person 709
responsible for the requested public records reasonably would 710
believe that the conduct or threatened conduct of the public 711
office or person responsible for the requested public records 712
would serve the public policy that underlies the authority that 713
is asserted as permitting that conduct or threatened conduct. 714

(3) In a mandamus action filed under division (C) (1) of 715
this section, the following apply: 716

(a) (i) If the court orders the public office or the person 717
responsible for the public record to comply with division (B) of 718
this section, the court shall determine and award to the relator 719
all court costs, which shall be construed as remedial and not 720

punitive.	721
(ii) If the court makes a determination described in	722
division (C) (3) (b) (iii) of this section, the court shall	723
determine and award to the relator all court costs, which shall	724
be construed as remedial and not punitive.	725
(b) If the court renders a judgment that orders the public	726
office or the person responsible for the public record to comply	727
with division (B) of this section or if the court determines any	728
of the following, the court may award reasonable attorney's fees	729
to the relator, subject to division (C) (4) of this section:	730
(i) The public office or the person responsible for the	731
public records failed to respond affirmatively or negatively to	732
the public records request in accordance with the time allowed	733
under division (B) of this section.	734
(ii) The public office or the person responsible for the	735
public records promised to permit the relator to inspect or	736
receive copies of the public records requested within a	737
specified period of time but failed to fulfill that promise	738
within that specified period of time.	739
(iii) The public office or the person responsible for the	740
public records acted in bad faith when the office or person	741
voluntarily made the public records available to the relator for	742
the first time after the relator commenced the mandamus action,	743
but before the court issued any order concluding whether or not	744
the public office or person was required to comply with division	745
(B) of this section. No discovery may be conducted on the issue	746
of the alleged bad faith of the public office or person	747
responsible for the public records. This division shall not be	748
construed as creating a presumption that the public office or	749

the person responsible for the public records acted in bad faith 750
when the office or person voluntarily made the public records 751
available to the relator for the first time after the relator 752
commenced the mandamus action, but before the court issued any 753
order described in this division. 754

(c) The court shall not award attorney's fees to the 755
relator if the court determines both of the following: 756

(i) That, based on the ordinary application of statutory 757
law and case law as it existed at the time of the conduct or 758
threatened conduct of the public office or person responsible 759
for the requested public records that allegedly constitutes a 760
failure to comply with an obligation in accordance with division 761
(B) of this section and that was the basis of the mandamus 762
action, a well-informed public office or person responsible for 763
the requested public records reasonably would believe that the 764
conduct or threatened conduct of the public office or person 765
responsible for the requested public records did not constitute 766
a failure to comply with an obligation in accordance with 767
division (B) of this section; 768

(ii) That a well-informed public office or person 769
responsible for the requested public records reasonably would 770
believe that the conduct or threatened conduct of the public 771
office or person responsible for the requested public records 772
would serve the public policy that underlies the authority that 773
is asserted as permitting that conduct or threatened conduct. 774

(4) All of the following apply to any award of reasonable 775
attorney's fees awarded under division (C) (3) (b) of this 776
section: 777

(a) The fees shall be construed as remedial and not 778

punitive.	779
(b) The fees awarded shall not exceed the total of the reasonable attorney's fees incurred before the public record was made available to the relator and the fees described in division (C) (4) (c) of this section.	780 781 782 783
(c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees.	784 785 786
(d) The court may reduce the amount of fees awarded if the court determines that, given the factual circumstances involved with the specific public records request, an alternative means should have been pursued to more effectively and efficiently resolve the dispute that was subject to the mandamus action filed under division (C) (1) of this section.	787 788 789 790 791 792
(5) If the court does not issue a writ of mandamus under division (C) of this section and the court determines at that time that the bringing of the mandamus action was frivolous conduct as defined in division (A) of section 2323.51 of the Revised Code, the court may award to the public office all court costs, expenses, and reasonable attorney's fees, as determined by the court.	793 794 795 796 797 798 799
(D) Chapter 1347. of the Revised Code does not limit the provisions of this section.	800 801
(E) (1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their appropriate designees shall attend training approved by the attorney general as provided in section 109.43 of the Revised Code. A future official may satisfy the requirements of this	802 803 804 805 806 807

division by attending the training before taking office, 808
provided that the future official may not send a designee in the 809
future official's place. 810

(2) All public offices shall adopt a public records policy 811
in compliance with this section for responding to public records 812
requests. In adopting a public records policy under this 813
division, a public office may obtain guidance from the model 814
public records policy developed and provided to the public 815
office by the attorney general under section 109.43 of the 816
Revised Code. Except as otherwise provided in this section, the 817
policy may not limit the number of public records that the 818
public office will make available to a single person, may not 819
limit the number of public records that it will make available 820
during a fixed period of time, and may not establish a fixed 821
period of time before it will respond to a request for 822
inspection or copying of public records, unless that period is 823
less than eight hours. 824

The public office shall distribute the public records 825
policy adopted by the public office under this division to the 826
employee of the public office who is the records custodian or 827
records manager or otherwise has custody of the records of that 828
office. The public office shall require that employee to 829
acknowledge receipt of the copy of the public records policy. 830
The public office shall create a poster that describes its 831
public records policy and shall post the poster in a conspicuous 832
place in the public office and in all locations where the public 833
office has branch offices. The public office may post its public 834
records policy on the internet web site of the public office if 835
the public office maintains an internet web site. A public 836
office that has established a manual or handbook of its general 837
policies and procedures for all employees of the public office 838

shall include the public records policy of the public office in 839
the manual or handbook. 840

(F) (1) The bureau of motor vehicles may adopt rules 841
pursuant to Chapter 119. of the Revised Code to reasonably limit 842
the number of bulk commercial special extraction requests made 843
by a person for the same records or for updated records during a 844
calendar year. The rules may include provisions for charges to 845
be made for bulk commercial special extraction requests for the 846
actual cost of the bureau, plus special extraction costs, plus 847
ten per cent. The bureau may charge for expenses for redacting 848
information, the release of which is prohibited by law. 849

(2) As used in division (F) (1) of this section: 850

(a) "Actual cost" means the cost of depleted supplies, 851
records storage media costs, actual mailing and alternative 852
delivery costs, or other transmitting costs, and any direct 853
equipment operating and maintenance costs, including actual 854
costs paid to private contractors for copying services. 855

(b) "Bulk commercial special extraction request" means a 856
request for copies of a record for information in a format other 857
than the format already available, or information that cannot be 858
extracted without examination of all items in a records series, 859
class of records, or database by a person who intends to use or 860
forward the copies for surveys, marketing, solicitation, or 861
resale for commercial purposes. "Bulk commercial special 862
extraction request" does not include a request by a person who 863
gives assurance to the bureau that the person making the request 864
does not intend to use or forward the requested copies for 865
surveys, marketing, solicitation, or resale for commercial 866
purposes. 867

(c) "Commercial" means profit-seeking production, buying, 868
or selling of any good, service, or other product. 869

(d) "Special extraction costs" means the cost of the time 870
spent by the lowest paid employee competent to perform the task, 871
the actual amount paid to outside private contractors employed 872
by the bureau, or the actual cost incurred to create computer 873
programs to make the special extraction. "Special extraction 874
costs" include any charges paid to a public agency for computer 875
or records services. 876

(3) For purposes of divisions (F) (1) and (2) of this 877
section, "surveys, marketing, solicitation, or resale for 878
commercial purposes" shall be narrowly construed and does not 879
include reporting or gathering news, reporting or gathering 880
information to assist citizen oversight or understanding of the 881
operation or activities of government, or nonprofit educational 882
research. 883

(G) A request by a defendant, counsel of a defendant, or 884
any agent of a defendant in a criminal action that public 885
records related to that action be made available under this 886
section shall be considered a demand for discovery pursuant to 887
the Criminal Rules, except to the extent that the Criminal Rules 888
plainly indicate a contrary intent. The defendant, counsel of 889
the defendant, or agent of the defendant making a request under 890
this division shall serve a copy of the request on the 891
prosecuting attorney, director of law, or other chief legal 892
officer responsible for prosecuting the action. 893

(H) (1) Any portion of a body-worn camera or dashboard 894
camera recording described in divisions (A) (17) (b) to (h) of 895
this section may be released by consent of the subject of the 896
recording or a representative of that person, as specified in 897

those divisions, only if either of the following applies: 898

(a) The recording will not be used in connection with any 899
probable or pending criminal proceedings; 900

(b) The recording has been used in connection with a 901
criminal proceeding that was dismissed or for which a judgment 902
has been entered pursuant to Rule 32 of the Rules of Criminal 903
Procedure, and will not be used again in connection with any 904
probable or pending criminal proceedings. 905

(2) If a public office denies a request to release a 906
restricted portion of a body-worn camera or dashboard camera 907
recording, as defined in division (A)(17) of this section, any 908
person may file a mandamus action pursuant to this section or a 909
complaint with the clerk of the court of claims pursuant to 910
section 2743.75 of the Revised Code, requesting the court to 911
order the release of all or portions of the recording. If the 912
court considering the request determines that the filing 913
articulates by clear and convincing evidence that the public 914
interest in the recording substantially outweighs privacy 915
interests and other interests asserted to deny release, the 916
court shall order the public office to release the recording. 917

Sec. 5913.01. (A) The adjutant general is the commander 918
and administrative head of the Ohio organized militia. The 919
adjutant general shall: 920

(1) Be provided offices and shall keep them open during 921
usual business hours; 922

(2) Have and maintain custody of all military records, 923
correspondence, and other documents of the Ohio organized 924
militia; 925

(3) Superintend the preparation of all returns and reports 926

required by the United States from the state on military	927
matters;	928
(4) Keep a roster of all officers of the Ohio organized	929
militia, including retired officers;	930
(5) Whenever necessary, cause the military provisions of	931
the Revised Code and the orders, regulations, pamphlets,	932
circulars, and memorandums of the adjutant general's department	933
to be printed and distributed to the organizations of the Ohio	934
organized militia;	935
(6) Prepare and issue all necessary Ohio organized militia	936
forms and attest to all commissions issued to officers of the	937
Ohio organized militia;	938
(7) Have a seal, and all copies of orders, records, and	939
papers in the adjutant general's office certified and	940
authenticated with that seal shall be competent evidence in like	941
manner as if the originals were produced. All orders issued from	942
the adjutant general's office shall bear a duplicate of the	943
seal.	944
(8) Keep and preserve the arms, ordnance, equipment, and	945
all other military property belonging to the state or issued to	946
the state by the federal government and issue any regulations	947
necessary to keep, preserve, and repair the property as	948
conditions demand;	949
(9) Issue adjutant general's property to the units of the	950
Ohio organized militia as the necessity of the service or	951
organizational or allowance tables requires;	952
(10) Submit an annual report to the governor at such time	953
as the governor requires of the transaction of the adjutant	954
general's department, setting forth the strength and condition	955

of the Ohio organized militia and other matters that the 956
adjutant general chooses; 957

(11) Designate members of the Ohio national guard, who are 958
participating in duties related to remotely piloted aircraft, 959
including, but not limited to, pilots, sensor operators, and 960
mission intelligence personnel, duties related to special forces 961
operations, or duties related to cybersecurity, as designated 962
public service workers under section 149.43 of the Revised Code; 963

(12) Command the joint force headquarters of the Ohio 964
national guard. 965

(B) The adjutant general shall issue and distribute all 966
orders issued in the name of the governor as the commander in 967
chief of the Ohio organized militia and perform the duties that 968
the governor directs and other duties prescribed by law. 969

(C) The adjutant general may enter into cooperative 970
agreements, contractual arrangements, or agreements for the 971
acceptance of grants with the United States or any agency or 972
department of the United States, other states, any department or 973
political subdivision of this state, or any person or body 974
politic, to accomplish the purposes of the adjutant general's 975
department. The adjutant general shall cooperate with, and not 976
infringe upon, the rights of other state departments, divisions, 977
boards, commissions, and agencies, political subdivisions, and 978
other public officials and public and private agencies when the 979
interests of the adjutant general's department and those other 980
entities overlap. 981

The funds made available by the United States for the 982
exclusive use of the department shall be expended only by the 983
department and only for the purposes for which the federal funds 984

were appropriated. In accepting federal funds, the department 985
agrees to abide by the terms and conditions of the grant or 986
cooperative agreement and further agrees to expend the federal 987
funds in accordance with the laws and regulations of the United 988
States. 989

Section 2. That existing sections 149.43 and 5913.01 of 990
the Revised Code are hereby repealed. 991