

As Reported by the House Civil Justice Committee

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Sub. S. B. No. 4

Senator Roegner

Cosponsors: Senators Manning, Antonio, Blessing, Brenner, Cirino, Craig, Dolan, Fedor, Gavarone, Hackett, Hoagland, Huffman, S., Johnson, Kunze, Maharath, O'Brien, Peterson, Reineke, Schaffer, Schuring, Sykes, Thomas, Williams, Wilson, Yuko Representative Galonski

A BILL

To amend sections 149.43 and 5913.01 of the Revised Code to include emergency service telecommunicators, protective services workers, certain Ohio National Guard members, and certain mental health care providers as individuals whose residential and familial information is exempt from disclosure under the Public Records Law. 1
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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: 9
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Sec. 149.43. (A) As used in this section: 11

(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- 12
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profit entity operating the alternative school pursuant to 17
section 3313.533 of the Revised Code. "Public record" does not 18
mean any of the following: 19

(a) Medical records; 20

(b) Records pertaining to probation and parole 21
proceedings, to proceedings related to the imposition of 22
community control sanctions and post-release control sanctions, 23
or to proceedings related to determinations under section 24
2967.271 of the Revised Code regarding the release or maintained 25
incarceration of an offender to whom that section applies; 26

(c) Records pertaining to actions under section 2151.85 27
and division (C) of section 2919.121 of the Revised Code and to 28
appeals of actions arising under those sections; 29

(d) Records pertaining to adoption proceedings, including 30
the contents of an adoption file maintained by the department of 31
health under sections 3705.12 to 3705.124 of the Revised Code; 32

(e) Information in a record contained in the putative 33
father registry established by section 3107.062 of the Revised 34
Code, regardless of whether the information is held by the 35
department of job and family services or, pursuant to section 36
3111.69 of the Revised Code, the office of child support in the 37
department or a child support enforcement agency; 38

(f) Records specified in division (A) of section 3107.52 39
of the Revised Code; 40

(g) Trial preparation records; 41

(h) Confidential law enforcement investigatory records; 42

(i) Records containing information that is confidential 43
under section 2710.03 or 4112.05 of the Revised Code; 44

(j) DNA records stored in the DNA database pursuant to	45
section 109.573 of the Revised Code;	46
(k) Inmate records released by the department of	47
rehabilitation and correction to the department of youth	48
services or a court of record pursuant to division (E) of	49
section 5120.21 of the Revised Code;	50
(l) Records maintained by the department of youth services	51
pertaining to children in its custody released by the department	52
of youth services to the department of rehabilitation and	53
correction pursuant to section 5139.05 of the Revised Code;	54
(m) Intellectual property records;	55
(n) Donor profile records;	56
(o) Records maintained by the department of job and family	57
services pursuant to section 3121.894 of the Revised Code;	58
(p) Designated public service worker residential and	59
familial information;	60
(q) In the case of a county hospital operated pursuant to	61
Chapter 339. of the Revised Code or a municipal hospital	62
operated pursuant to Chapter 749. of the Revised Code,	63
information that constitutes a trade secret, as defined in	64
section 1333.61 of the Revised Code;	65
(r) Information pertaining to the recreational activities	66
of a person under the age of eighteen;	67
(s) In the case of a child fatality review board acting	68
under sections 307.621 to 307.629 of the Revised Code or a	69
review conducted pursuant to guidelines established by the	70
director of health under section 3701.70 of the Revised Code,	71
records provided to the board or director, statements made by	72

board members during meetings of the board or by persons	73
participating in the director's review, and all work products of	74
the board or director, and in the case of a child fatality	75
review board, child fatality review data submitted by the board	76
to the department of health or a national child death review	77
database, other than the report prepared pursuant to division	78
(A) of section 307.626 of the Revised Code;	79
(t) Records provided to and statements made by the	80
executive director of a public children services agency or a	81
prosecuting attorney acting pursuant to section 5153.171 of the	82
Revised Code other than the information released under that	83
section;	84
(u) Test materials, examinations, or evaluation tools used	85
in an examination for licensure as a nursing home administrator	86
that the board of executives of long-term services and supports	87
administers under section 4751.15 of the Revised Code or	88
contracts under that section with a private or government entity	89
to administer;	90
(v) Records the release of which is prohibited by state or	91
federal law;	92
(w) Proprietary information of or relating to any person	93
that is submitted to or compiled by the Ohio venture capital	94
authority created under section 150.01 of the Revised Code;	95
(x) Financial statements and data any person submits for	96
any purpose to the Ohio housing finance agency or the	97
controlling board in connection with applying for, receiving, or	98
accounting for financial assistance from the agency, and	99
information that identifies any individual who benefits directly	100
or indirectly from financial assistance from the agency;	101

(y) Records listed in section 5101.29 of the Revised Code;	102
(z) Discharges recorded with a county recorder under	103
section 317.24 of the Revised Code, as specified in division (B)	104
(2) of that section;	105
(aa) Usage information including names and addresses of	106
specific residential and commercial customers of a municipally	107
owned or operated public utility;	108
(bb) Records described in division (C) of section 187.04	109
of the Revised Code that are not designated to be made available	110
to the public as provided in that division;	111
(cc) Information and records that are made confidential,	112
privileged, and not subject to disclosure under divisions (B)	113
and (C) of section 2949.221 of the Revised Code;	114
(dd) Personal information, as defined in section 149.45 of	115
the Revised Code;	116
(ee) The confidential name, address, and other personally	117
identifiable information of a program participant in the address	118
confidentiality program established under sections 111.41 to	119
111.47 of the Revised Code, including the contents of any	120
application for absent voter's ballots, absent voter's ballot	121
identification envelope statement of voter, or provisional	122
ballot affirmation completed by a program participant who has a	123
confidential voter registration record, and records or portions	124
of records pertaining to that program that identify the number	125
of program participants that reside within a precinct, ward,	126
township, municipal corporation, county, or any other geographic	127
area smaller than the state. As used in this division,	128
"confidential address" and "program participant" have the	129
meaning defined in section 111.41 of the Revised Code.	130

(ff) Orders for active military service of an individual 131
serving or with previous service in the armed forces of the 132
United States, including a reserve component, or the Ohio 133
organized militia, except that, such order becomes a public 134
record on the day that is fifteen years after the published date 135
or effective date of the call to order; 136

(gg) The name, address, contact information, or other 137
personal information of an individual who is less than eighteen 138
years of age that is included in any record related to a traffic 139
accident involving a school vehicle in which the individual was 140
an occupant at the time of the accident; 141

(hh) Protected health information, as defined in 45 C.F.R. 142
160.103, that is in a claim for payment for a health care 143
product, service, or procedure, as well as any other health 144
claims data in another document that reveals the identity of an 145
individual who is the subject of the data or could be used to 146
reveal that individual's identity; 147

(ii) Any depiction by photograph, film, videotape, or 148
printed or digital image under either of the following 149
circumstances: 150

(i) The depiction is that of a victim of an offense the 151
release of which would be, to a reasonable person of ordinary 152
sensibilities, an offensive and objectionable intrusion into the 153
victim's expectation of bodily privacy and integrity. 154

(ii) The depiction captures or depicts the victim of a 155
sexually oriented offense, as defined in section 2950.01 of the 156
Revised Code, at the actual occurrence of that offense. 157

(jj) Restricted portions of a body-worn camera or 158
dashboard camera recording; 159

(kk) In the case of a fetal-infant mortality review board 160
acting under sections 3707.70 to 3707.77 of the Revised Code, 161
records, documents, reports, or other information presented to 162
the board or a person abstracting such materials on the board's 163
behalf, statements made by review board members during board 164
meetings, all work products of the board, and data submitted by 165
the board to the department of health or a national infant death 166
review database, other than the report prepared pursuant to 167
section 3707.77 of the Revised Code. 168

(ll) Records, documents, reports, or other information 169
presented to the pregnancy-associated mortality review board 170
established under section 3738.01 of the Revised Code, 171
statements made by board members during board meetings, all work 172
products of the board, and data submitted by the board to the 173
department of health, other than the biennial reports prepared 174
under section 3738.08 of the Revised Code; 175

(mm) Telephone numbers for a victim, as defined in section 176
2930.01 of the Revised Code, a witness to a crime, or a party to 177
a motor vehicle accident subject to the requirements of section 178
5502.11 of the Revised Code that are listed on any law 179
enforcement record or report. 180

A record that is not a public record under division (A) (1) 181
of this section and that, under law, is permanently retained 182
becomes a public record on the day that is seventy-five years 183
after the day on which the record was created, except for any 184
record protected by the attorney-client privilege, a trial 185
preparation record as defined in this section, a statement 186
prohibiting the release of identifying information signed under 187
section 3107.083 of the Revised Code, a denial of release form 188
filed pursuant to section 3107.46 of the Revised Code, or any 189

record that is exempt from release or disclosure under section 190
149.433 of the Revised Code. If the record is a birth 191
certificate and a biological parent's name redaction request 192
form has been accepted under section 3107.391 of the Revised 193
Code, the name of that parent shall be redacted from the birth 194
certificate before it is released under this paragraph. If any 195
other section of the Revised Code establishes a time period for 196
disclosure of a record that conflicts with the time period 197
specified in this section, the time period in the other section 198
prevails. 199

(2) "Confidential law enforcement investigatory record" 200
means any record that pertains to a law enforcement matter of a 201
criminal, quasi-criminal, civil, or administrative nature, but 202
only to the extent that the release of the record would create a 203
high probability of disclosure of any of the following: 204

(a) The identity of a suspect who has not been charged 205
with the offense to which the record pertains, or of an 206
information source or witness to whom confidentiality has been 207
reasonably promised; 208

(b) Information provided by an information source or 209
witness to whom confidentiality has been reasonably promised, 210
which information would reasonably tend to disclose the source's 211
or witness's identity; 212

(c) Specific confidential investigatory techniques or 213
procedures or specific investigatory work product; 214

(d) Information that would endanger the life or physical 215
safety of law enforcement personnel, a crime victim, a witness, 216
or a confidential information source. 217

(3) "Medical record" means any document or combination of 218

documents, except births, deaths, and the fact of admission to 219
or discharge from a hospital, that pertains to the medical 220
history, diagnosis, prognosis, or medical condition of a patient 221
and that is generated and maintained in the process of medical 222
treatment. 223

(4) "Trial preparation record" means any record that 224
contains information that is specifically compiled in reasonable 225
anticipation of, or in defense of, a civil or criminal action or 226
proceeding, including the independent thought processes and 227
personal trial preparation of an attorney. 228

(5) "Intellectual property record" means a record, other 229
than a financial or administrative record, that is produced or 230
collected by or for faculty or staff of a state institution of 231
higher learning in the conduct of or as a result of study or 232
research on an educational, commercial, scientific, artistic, 233
technical, or scholarly issue, regardless of whether the study 234
or research was sponsored by the institution alone or in 235
conjunction with a governmental body or private concern, and 236
that has not been publicly released, published, or patented. 237

(6) "Donor profile record" means all records about donors 238
or potential donors to a public institution of higher education 239
except the names and reported addresses of the actual donors and 240
the date, amount, and conditions of the actual donation. 241

(7) "Designated public service worker" means a peace 242
officer, parole officer, probation officer, bailiff, prosecuting 243
attorney, assistant prosecuting attorney, correctional employee, 244
county or multicounty corrections officer, community-based 245
correctional facility employee, designated Ohio national guard 246
member, protective services worker, youth services employee, 247
firefighter, EMT, medical director or member of a cooperating 248

physician advisory board of an emergency medical service 249
organization, state board of pharmacy employee, investigator of 250
the bureau of criminal identification and investigation, 251
emergency service telecommunicator, forensic mental health 252
provider, mental health evaluation provider, regional 253
psychiatric hospital employee, judge, magistrate, or federal law 254
enforcement officer. 255

(8) "Designated public service worker residential and 256
familial information" means any information that discloses any 257
of the following about a designated public service worker: 258

(a) The address of the actual personal residence of a 259
designated public service worker, except for the following 260
information: 261

(i) The address of the actual personal residence of a 262
prosecuting attorney or judge; and 263

(ii) The state or political subdivision in which a 264
designated public service worker resides. 265

(b) Information compiled from referral to or participation 266
in an employee assistance program; 267

(c) The social security number, the residential telephone 268
number, any bank account, debit card, charge card, or credit 269
card number, or the emergency telephone number of, or any 270
medical information pertaining to, a designated public service 271
worker; 272

(d) The name of any beneficiary of employment benefits, 273
including, but not limited to, life insurance benefits, provided 274
to a designated public service worker by the designated public 275
service worker's employer; 276

(e) The identity and amount of any charitable or 277
employment benefit deduction made by the designated public 278
service worker's employer from the designated public service 279
worker's compensation, unless the amount of the deduction is 280
required by state or federal law; 281

(f) The name, the residential address, the name of the 282
employer, the address of the employer, the social security 283
number, the residential telephone number, any bank account, 284
debit card, charge card, or credit card number, or the emergency 285
telephone number of the spouse, a former spouse, or any child of 286
a designated public service worker; 287

(g) A photograph of a peace officer who holds a position 288
or has an assignment that may include undercover or plain 289
clothes positions or assignments as determined by the peace 290
officer's appointing authority. 291

(9) As used in divisions (A) (7) and (15) to (17) of this 292
section: 293

"Peace officer" has the meaning defined in section 109.71 294
of the Revised Code and also includes the superintendent and 295
troopers of the state highway patrol; it does not include the 296
sheriff of a county or a supervisory employee who, in the 297
absence of the sheriff, is authorized to stand in for, exercise 298
the authority of, and perform the duties of the sheriff. 299

"Correctional employee" means any employee of the 300
department of rehabilitation and correction who in the course of 301
performing the employee's job duties has or has had contact with 302
inmates and persons under supervision. 303

"County or multicounty corrections officer" means any 304
corrections officer employed by any county or multicounty 305

correctional facility. 306

"Designated Ohio national guard member" means a member of 307
the Ohio national guard who is participating in duties related 308
to remotely piloted aircraft, including, but not limited to, 309
pilots, sensor operators, and mission intelligence personnel, 310
duties related to special forces operations, or duties related 311
to cybersecurity, and is designated by the adjutant general as a 312
designated public service worker for those purposes. 313

"Protective services worker" means any employee of a 314
county agency who is responsible for child protective services, 315
child support services, or adult protective services. 316

"Youth services employee" means any employee of the 317
department of youth services who in the course of performing the 318
employee's job duties has or has had contact with children 319
committed to the custody of the department of youth services. 320

"Firefighter" means any regular, paid or volunteer, member 321
of a lawfully constituted fire department of a municipal 322
corporation, township, fire district, or village. 323

"EMT" means EMTs-basic, EMTs-I, and paramedics that 324
provide emergency medical services for a public emergency 325
medical service organization. "Emergency medical service 326
organization," "EMT-basic," "EMT-I," and "paramedic" have the 327
meanings defined in section 4765.01 of the Revised Code. 328

"Investigator of the bureau of criminal identification and 329
investigation" has the meaning defined in section 2903.11 of the 330
Revised Code. 331

"Emergency service telecommunicator" has the meaning 332
defined in section 4742.01 of the Revised Code. 333

"Forensic mental health provider" means any employee of a 334
community mental health service provider or local alcohol, drug 335
addiction, and mental health services board who, in the course 336
of the employee's duties, has contact with persons committed to 337
a local alcohol, drug addiction, and mental health services 338
board by a court order pursuant to section 2945.38, 2945.39, 339
2945.40, or 2945.402 of the Revised Code. 340

"Mental health evaluation provider" means an individual 341
who, under Chapter 5122. of the Revised Code, examines a 342
respondent who is alleged to be a mentally ill person subject to 343
court order, as defined in section 5122.01 of the Revised Code, 344
and reports to the probate court the respondent's mental 345
condition. 346

"Regional psychiatric hospital employee" means any 347
employee of the department of mental health and addiction 348
services who, in the course of performing the employee's duties, 349
has contact with patients committed to the department of mental 350
health and addiction services by a court order pursuant to 351
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 352
Code. 353

"Federal law enforcement officer" has the meaning defined 354
in section 9.88 of the Revised Code. 355

(10) "Information pertaining to the recreational 356
activities of a person under the age of eighteen" means 357
information that is kept in the ordinary course of business by a 358
public office, that pertains to the recreational activities of a 359
person under the age of eighteen years, and that discloses any 360
of the following: 361

(a) The address or telephone number of a person under the 362

age of eighteen or the address or telephone number of that 363
person's parent, guardian, custodian, or emergency contact 364
person; 365

(b) The social security number, birth date, or 366
photographic image of a person under the age of eighteen; 367

(c) Any medical record, history, or information pertaining 368
to a person under the age of eighteen; 369

(d) Any additional information sought or required about a 370
person under the age of eighteen for the purpose of allowing 371
that person to participate in any recreational activity 372
conducted or sponsored by a public office or to use or obtain 373
admission privileges to any recreational facility owned or 374
operated by a public office. 375

(11) "Community control sanction" has the meaning defined 376
in section 2929.01 of the Revised Code. 377

(12) "Post-release control sanction" has the meaning 378
defined in section 2967.01 of the Revised Code. 379

(13) "Redaction" means obscuring or deleting any 380
information that is exempt from the duty to permit public 381
inspection or copying from an item that otherwise meets the 382
definition of a "record" in section 149.011 of the Revised Code. 383

(14) "Designee," "elected official," and "future official" 384
have the meanings defined in section 109.43 of the Revised Code. 385

(15) "Body-worn camera" means a visual and audio recording 386
device worn on the person of a peace officer while the peace 387
officer is engaged in the performance of the peace officer's 388
duties. 389

(16) "Dashboard camera" means a visual and audio recording 390

device mounted on a peace officer's vehicle or vessel that is 391
used while the peace officer is engaged in the performance of 392
the peace officer's duties. 393

(17) "Restricted portions of a body-worn camera or 394
dashboard camera recording" means any visual or audio portion of 395
a body-worn camera or dashboard camera recording that shows, 396
communicates, or discloses any of the following: 397

(a) The image or identity of a child or information that 398
could lead to the identification of a child who is a primary 399
subject of the recording when the law enforcement agency knows 400
or has reason to know the person is a child based on the law 401
enforcement agency's records or the content of the recording; 402

(b) The death of a person or a deceased person's body, 403
unless the death was caused by a peace officer or, subject to 404
division (H) (1) of this section, the consent of the decedent's 405
executor or administrator has been obtained; 406

(c) The death of a peace officer, firefighter, paramedic, 407
or other first responder, occurring while the decedent was 408
engaged in the performance of official duties, unless, subject 409
to division (H) (1) of this section, the consent of the 410
decedent's executor or administrator has been obtained; 411

(d) Grievous bodily harm, unless the injury was effected 412
by a peace officer or, subject to division (H) (1) of this 413
section, the consent of the injured person or the injured 414
person's guardian has been obtained; 415

(e) An act of severe violence against a person that 416
results in serious physical harm to the person, unless the act 417
and injury was effected by a peace officer or, subject to 418
division (H) (1) of this section, the consent of the injured 419

person or the injured person's guardian has been obtained; 420

(f) Grievous bodily harm to a peace officer, firefighter, 421
paramedic, or other first responder, occurring while the injured 422
person was engaged in the performance of official duties, 423
unless, subject to division (H)(1) of this section, the consent 424
of the injured person or the injured person's guardian has been 425
obtained; 426

(g) An act of severe violence resulting in serious 427
physical harm against a peace officer, firefighter, paramedic, 428
or other first responder, occurring while the injured person was 429
engaged in the performance of official duties, unless, subject 430
to division (H)(1) of this section, the consent of the injured 431
person or the injured person's guardian has been obtained; 432

(h) A person's nude body, unless, subject to division (H) 433
(1) of this section, the person's consent has been obtained; 434

(i) Protected health information, the identity of a person 435
in a health care facility who is not the subject of a law 436
enforcement encounter, or any other information in a health care 437
facility that could identify a person who is not the subject of 438
a law enforcement encounter; 439

(j) Information that could identify the alleged victim of 440
a sex offense, menacing by stalking, or domestic violence; 441

(k) Information, that does not constitute a confidential 442
law enforcement investigatory record, that could identify a 443
person who provides sensitive or confidential information to a 444
law enforcement agency when the disclosure of the person's 445
identity or the information provided could reasonably be 446
expected to threaten or endanger the safety or property of the 447
person or another person; 448

(l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer;	449 450
(m) Proprietary police contingency plans or tactics that are intended to prevent crime and maintain public order and safety;	451 452 453
(n) A personal conversation unrelated to work between peace officers or between a peace officer and an employee of a law enforcement agency;	454 455 456
(o) A conversation between a peace officer and a member of the public that does not concern law enforcement activities;	457 458
(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a peace officer;	459 460 461
(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location.	462 463 464
As used in division (A) (17) of this section:	465
"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	466 467
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	468 469
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	470 471
"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code.	472 473
"Personal information" means any government-issued identification number, date of birth, address, financial	474 475

information, or criminal justice information from the law 476
enforcement automated data system or similar databases. 477

"Sex offense" has the same meaning as in section 2907.10 478
of the Revised Code. 479

"Firefighter," "paramedic," and "first responder" have the 480
same meanings as in section 4765.01 of the Revised Code. 481

(B) (1) Upon request by any person and subject to division 482
(B) (8) of this section, all public records responsive to the 483
request shall be promptly prepared and made available for 484
inspection to ~~any person the requester~~ at all reasonable times 485
during regular business hours. Subject to division (B) (8) of 486
this section, upon request by any person, a public office or 487
person responsible for public records shall make copies of the 488
requested public record available to the requester at cost and 489
within a reasonable period of time. If a public record contains 490
information that is exempt from the duty to permit public 491
inspection or to copy the public record, the public office or 492
the person responsible for the public record shall make 493
available all of the information within the public record that 494
is not exempt. When making that public record available for 495
public inspection or copying that public record, the public 496
office or the person responsible for the public record shall 497
notify the requester of any redaction or make the redaction 498
plainly visible. A redaction shall be deemed a denial of a 499
request to inspect or copy the redacted information, except if 500
federal or state law authorizes or requires a public office to 501
make the redaction. 502

(2) To facilitate broader access to public records, a 503
public office or the person responsible for public records shall 504
organize and maintain public records in a manner that they can 505

be made available for inspection or copying in accordance with 506
division (B) of this section. A public office also shall have 507
available a copy of its current records retention schedule at a 508
location readily available to the public. If a requester makes 509
an ambiguous or overly broad request or has difficulty in making 510
a request for copies or inspection of public records under this 511
section such that the public office or the person responsible 512
for the requested public record cannot reasonably identify what 513
public records are being requested, the public office or the 514
person responsible for the requested public record may deny the 515
request but shall provide the requester with an opportunity to 516
revise the request by informing the requester of the manner in 517
which records are maintained by the public office and accessed 518
in the ordinary course of the public office's or person's 519
duties. 520

(3) If a request is ultimately denied, in part or in 521
whole, the public office or the person responsible for the 522
requested public record shall provide the requester with an 523
explanation, including legal authority, setting forth why the 524
request was denied. If the initial request was provided in 525
writing, the explanation also shall be provided to the requester 526
in writing. The explanation shall not preclude the public office 527
or the person responsible for the requested public record from 528
relying upon additional reasons or legal authority in defending 529
an action commenced under division (C) of this section. 530

(4) Unless specifically required or authorized by state or 531
federal law or in accordance with division (B) of this section, 532
no public office or person responsible for public records may 533
limit or condition the availability of public records by 534
requiring disclosure of the requester's identity or the intended 535
use of the requested public record. Any requirement that the 536

requester disclose the requester's identity or the intended use 537
of the requested public record constitutes a denial of the 538
request. 539

(5) A public office or person responsible for public 540
records may ask a requester to make the request in writing, may 541
ask for the requester's identity, and may inquire about the 542
intended use of the information requested, but may do so only 543
after disclosing to the requester that a written request is not 544
mandatory, that the requester may decline to reveal the 545
requester's identity or the intended use, and when a written 546
request or disclosure of the identity or intended use would 547
benefit the requester by enhancing the ability of the public 548
office or person responsible for public records to identify, 549
locate, or deliver the public records sought by the requester. 550

(6) If any person requests a copy of a public record in 551
accordance with division (B) of this section, the public office 552
or person responsible for the public record may require ~~that~~ 553
~~person~~ the requester to pay in advance the cost involved in 554
providing the copy of the public record in accordance with the 555
choice made by the ~~person requesting the copy~~ requester under 556
this division. The public office or the person responsible for 557
the public record shall permit ~~that person~~ the requester to 558
choose to have the public record duplicated upon paper, upon the 559
same medium upon which the public office or person responsible 560
for the public record keeps it, or upon any other medium upon 561
which the public office or person responsible for the public 562
record determines that it reasonably can be duplicated as an 563
integral part of the normal operations of the public office or 564
person responsible for the public record. When the ~~person~~ 565
~~requesting the copy~~ requester makes a choice under this 566
division, the public office or person responsible for the public 567

record shall provide a copy of it in accordance with the choice 568
made by ~~that person~~the requester. Nothing in this section 569
requires a public office or person responsible for the public 570
record to allow the ~~person requesting~~requester of a copy of the 571
public record to make the copies of the public record. 572

(7) (a) Upon a request made in accordance with division (B) 573
of this section and subject to division (B) (6) of this section, 574
a public office or person responsible for public records shall 575
transmit a copy of a public record to any person by United 576
States mail or by any other means of delivery or transmission 577
within a reasonable period of time after receiving the request 578
for the copy. The public office or person responsible for the 579
public record may require the person making the request to pay 580
in advance the cost of postage if the copy is transmitted by 581
United States mail or the cost of delivery if the copy is 582
transmitted other than by United States mail, and to pay in 583
advance the costs incurred for other supplies used in the 584
mailing, delivery, or transmission. 585

(b) Any public office may adopt a policy and procedures 586
that it will follow in transmitting, within a reasonable period 587
of time after receiving a request, copies of public records by 588
United States mail or by any other means of delivery or 589
transmission pursuant to division (B) (7) of this section. A 590
public office that adopts a policy and procedures under division 591
(B) (7) of this section shall comply with them in performing its 592
duties under that division. 593

(c) In any policy and procedures adopted under division 594
(B) (7) of this section: 595

(i) A public office may limit the number of records 596
requested by a person that the office will physically deliver by 597

United States mail or by another delivery service to ten per 598
month, unless the person certifies to the office in writing that 599
the person does not intend to use or forward the requested 600
records, or the information contained in them, for commercial 601
purposes; 602

(ii) A public office that chooses to provide some or all 603
of its public records on a web site that is fully accessible to 604
and searchable by members of the public at all times, other than 605
during acts of God outside the public office's control or 606
maintenance, and that charges no fee to search, access, 607
download, or otherwise receive records provided on the web site, 608
may limit to ten per month the number of records requested by a 609
person that the office will deliver in a digital format, unless 610
the requested records are not provided on the web site and 611
unless the person certifies to the office in writing that the 612
person does not intend to use or forward the requested records, 613
or the information contained in them, for commercial purposes. 614

(iii) For purposes of division (B) (7) of this section, 615
"commercial" shall be narrowly construed and does not include 616
reporting or gathering news, reporting or gathering information 617
to assist citizen oversight or understanding of the operation or 618
activities of government, or nonprofit educational research. 619

(8) A public office or person responsible for public 620
records is not required to permit a person who is incarcerated 621
pursuant to a criminal conviction or a juvenile adjudication to 622
inspect or to obtain a copy of any public record concerning a 623
criminal investigation or prosecution or concerning what would 624
be a criminal investigation or prosecution if the subject of the 625
investigation or prosecution were an adult, unless the request 626
to inspect or to obtain a copy of the record is for the purpose 627

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, 658
"journalist" means a person engaged in, connected with, or 659
employed by any news medium, including a newspaper, magazine, 660
press association, news agency, or wire service, a radio or 661
television station, or a similar medium, for the purpose of 662
gathering, processing, transmitting, compiling, editing, or 663
disseminating information for the general public. 664

(10) Upon a request made by a victim, victim's attorney, 665
or victim's representative, as that term is used in section 666
2930.02 of the Revised Code, a public office or person 667
responsible for public records shall transmit a copy of a 668
depiction of the victim as described in division (A) (1) ~~(gg)~~ (ii) 669
of this section to the victim, victim's attorney, or victim's 670
representative. 671

(C) (1) If a person allegedly is aggrieved by the failure 672
of a public office or the person responsible for public records 673
to promptly prepare a public record and to make it available to 674
the person for inspection in accordance with division (B) of 675
this section or by any other failure of a public office or the 676
person responsible for public records to comply with an 677
obligation in accordance with division (B) of this section, the 678
person allegedly aggrieved may do only one of the following, and 679
not both: 680

(a) File a complaint with the clerk of the court of claims 681
or the clerk of the court of common pleas under section 2743.75 682
of the Revised Code; 683

(b) Commence a mandamus action to obtain a judgment that 684
orders the public office or the person responsible for the 685
public record to comply with division (B) of this section, that 686
awards court costs and reasonable attorney's fees to the person 687

that instituted the mandamus action, and, if applicable, that 688
includes an order fixing statutory damages under division (C) (2) 689
of this section. The mandamus action may be commenced in the 690
court of common pleas of the county in which division (B) of 691
this section allegedly was not complied with, in the supreme 692
court pursuant to its original jurisdiction under Section 2 of 693
Article IV, Ohio Constitution, or in the court of appeals for 694
the appellate district in which division (B) of this section 695
allegedly was not complied with pursuant to its original 696
jurisdiction under Section 3 of Article IV, Ohio Constitution. 697

(2) If a requester transmits a written request by hand 698
delivery, electronic submission, or certified mail to inspect or 699
receive copies of any public record in a manner that fairly 700
describes the public record or class of public records to the 701
public office or person responsible for the requested public 702
records, except as otherwise provided in this section, the 703
requester shall be entitled to recover the amount of statutory 704
damages set forth in this division if a court determines that 705
the public office or the person responsible for public records 706
failed to comply with an obligation in accordance with division 707
(B) of this section. 708

The amount of statutory damages shall be fixed at one 709
hundred dollars for each business day during which the public 710
office or person responsible for the requested public records 711
failed to comply with an obligation in accordance with division 712
(B) of this section, beginning with the day on which the 713
requester files a mandamus action to recover statutory damages, 714
up to a maximum of one thousand dollars. The award of statutory 715
damages shall not be construed as a penalty, but as compensation 716
for injury arising from lost use of the requested information. 717
The existence of this injury shall be conclusively presumed. The 718

award of statutory damages shall be in addition to all other 719
remedies authorized by this section. 720

The court may reduce an award of statutory damages or not 721
award statutory damages if the court determines both of the 722
following: 723

(a) That, based on the ordinary application of statutory 724
law and case law as it existed at the time of the conduct or 725
threatened conduct of the public office or person responsible 726
for the requested public records that allegedly constitutes a 727
failure to comply with an obligation in accordance with division 728
(B) of this section and that was the basis of the mandamus 729
action, a well-informed public office or person responsible for 730
the requested public records reasonably would believe that the 731
conduct or threatened conduct of the public office or person 732
responsible for the requested public records did not constitute 733
a failure to comply with an obligation in accordance with 734
division (B) of this section; 735

(b) That a well-informed public office or person 736
responsible for the requested public records reasonably would 737
believe that the conduct or threatened conduct of the public 738
office or person responsible for the requested public records 739
would serve the public policy that underlies the authority that 740
is asserted as permitting that conduct or threatened conduct. 741

(3) In a mandamus action filed under division (C) (1) of 742
this section, the following apply: 743

(a) (i) If the court orders the public office or the person 744
responsible for the public record to comply with division (B) of 745
this section, the court shall determine and award to the relator 746
all court costs, which shall be construed as remedial and not 747

punitive. 748

(ii) If the court makes a determination described in 749
division (C) (3) (b) (iii) of this section, the court shall 750
determine and award to the relator all court costs, which shall 751
be construed as remedial and not punitive. 752

(b) If the court renders a judgment that orders the public 753
office or the person responsible for the public record to comply 754
with division (B) of this section or if the court determines any 755
of the following, the court may award reasonable attorney's fees 756
to the relator, subject to division (C) (4) of this section: 757

(i) The public office or the person responsible for the 758
public records failed to respond affirmatively or negatively to 759
the public records request in accordance with the time allowed 760
under division (B) of this section. 761

(ii) The public office or the person responsible for the 762
public records promised to permit the relator to inspect or 763
receive copies of the public records requested within a 764
specified period of time but failed to fulfill that promise 765
within that specified period of time. 766

(iii) The public office or the person responsible for the 767
public records acted in bad faith when the office or person 768
voluntarily made the public records available to the relator for 769
the first time after the relator commenced the mandamus action, 770
but before the court issued any order concluding whether or not 771
the public office or person was required to comply with division 772
(B) of this section. No discovery may be conducted on the issue 773
of the alleged bad faith of the public office or person 774
responsible for the public records. This division shall not be 775
construed as creating a presumption that the public office or 776

the person responsible for the public records acted in bad faith 777
when the office or person voluntarily made the public records 778
available to the relator for the first time after the relator 779
commenced the mandamus action, but before the court issued any 780
order described in this division. 781

(c) The court shall not award attorney's fees to the 782
relator if the court determines both of the following: 783

(i) That, based on the ordinary application of statutory 784
law and case law as it existed at the time of the conduct or 785
threatened conduct of the public office or person responsible 786
for the requested public records that allegedly constitutes a 787
failure to comply with an obligation in accordance with division 788
(B) of this section and that was the basis of the mandamus 789
action, a well-informed public office or person responsible for 790
the requested public records reasonably would believe that the 791
conduct or threatened conduct of the public office or person 792
responsible for the requested public records did not constitute 793
a failure to comply with an obligation in accordance with 794
division (B) of this section; 795

(ii) That a well-informed public office or person 796
responsible for the requested public records reasonably would 797
believe that the conduct or threatened conduct of the public 798
office or person responsible for the requested public records 799
would serve the public policy that underlies the authority that 800
is asserted as permitting that conduct or threatened conduct. 801

(4) All of the following apply to any award of reasonable 802
attorney's fees awarded under division (C) (3) (b) of this 803
section: 804

(a) The fees shall be construed as remedial and not 805

punitive. 806

(b) The fees awarded shall not exceed the total of the 807
reasonable attorney's fees incurred before the public record was 808
made available to the relator and the fees described in division 809
(C) (4) (c) of this section. 810

(c) Reasonable attorney's fees shall include reasonable 811
fees incurred to produce proof of the reasonableness and amount 812
of the fees and to otherwise litigate entitlement to the fees. 813

(d) The court may reduce the amount of fees awarded if the 814
court determines that, given the factual circumstances involved 815
with the specific public records request, an alternative means 816
should have been pursued to more effectively and efficiently 817
resolve the dispute that was subject to the mandamus action 818
filed under division (C) (1) of this section. 819

(5) If the court does not issue a writ of mandamus under 820
division (C) of this section and the court determines at that 821
time that the bringing of the mandamus action was frivolous 822
conduct as defined in division (A) of section 2323.51 of the 823
Revised Code, the court may award to the public office all court 824
costs, expenses, and reasonable attorney's fees, as determined 825
by the court. 826

(D) Chapter 1347. of the Revised Code does not limit the 827
provisions of this section. 828

(E) (1) To ensure that all employees of public offices are 829
appropriately educated about a public office's obligations under 830
division (B) of this section, all elected officials or their 831
appropriate designees shall attend training approved by the 832
attorney general as provided in section 109.43 of the Revised 833
Code. A future official may satisfy the requirements of this 834

division by attending the training before taking office, 835
provided that the future official may not send a designee in the 836
future official's place. 837

(2) All public offices shall adopt a public records policy 838
in compliance with this section for responding to public records 839
requests. In adopting a public records policy under this 840
division, a public office may obtain guidance from the model 841
public records policy developed and provided to the public 842
office by the attorney general under section 109.43 of the 843
Revised Code. Except as otherwise provided in this section, the 844
policy may not limit the number of public records that the 845
public office will make available to a single person, may not 846
limit the number of public records that it will make available 847
during a fixed period of time, and may not establish a fixed 848
period of time before it will respond to a request for 849
inspection or copying of public records, unless that period is 850
less than eight hours. 851

The public office shall distribute the public records 852
policy adopted by the public office under this division to the 853
employee of the public office who is the records custodian or 854
records manager or otherwise has custody of the records of that 855
office. The public office shall require that employee to 856
acknowledge receipt of the copy of the public records policy. 857
The public office shall create a poster that describes its 858
public records policy and shall post the poster in a conspicuous 859
place in the public office and in all locations where the public 860
office has branch offices. The public office may post its public 861
records policy on the internet web site of the public office if 862
the public office maintains an internet web site. A public 863
office that has established a manual or handbook of its general 864
policies and procedures for all employees of the public office 865

shall include the public records policy of the public office in 866
the manual or handbook. 867

(F) (1) The bureau of motor vehicles may adopt rules 868
pursuant to Chapter 119. of the Revised Code to reasonably limit 869
the number of bulk commercial special extraction requests made 870
by a person for the same records or for updated records during a 871
calendar year. The rules may include provisions for charges to 872
be made for bulk commercial special extraction requests for the 873
actual cost of the bureau, plus special extraction costs, plus 874
ten per cent. The bureau may charge for expenses for redacting 875
information, the release of which is prohibited by law. 876

(2) As used in division (F) (1) of this section: 877

(a) "Actual cost" means the cost of depleted supplies, 878
records storage media costs, actual mailing and alternative 879
delivery costs, or other transmitting costs, and any direct 880
equipment operating and maintenance costs, including actual 881
costs paid to private contractors for copying services. 882

(b) "Bulk commercial special extraction request" means a 883
request for copies of a record for information in a format other 884
than the format already available, or information that cannot be 885
extracted without examination of all items in a records series, 886
class of records, or database by a person who intends to use or 887
forward the copies for surveys, marketing, solicitation, or 888
resale for commercial purposes. "Bulk commercial special 889
extraction request" does not include a request by a person who 890
gives assurance to the bureau that the person making the request 891
does not intend to use or forward the requested copies for 892
surveys, marketing, solicitation, or resale for commercial 893
purposes. 894

(c) "Commercial" means profit-seeking production, buying, 895
or selling of any good, service, or other product. 896

(d) "Special extraction costs" means the cost of the time 897
spent by the lowest paid employee competent to perform the task, 898
the actual amount paid to outside private contractors employed 899
by the bureau, or the actual cost incurred to create computer 900
programs to make the special extraction. "Special extraction 901
costs" include any charges paid to a public agency for computer 902
or records services. 903

(3) For purposes of divisions (F) (1) and (2) of this 904
section, "surveys, marketing, solicitation, or resale for 905
commercial purposes" shall be narrowly construed and does not 906
include reporting or gathering news, reporting or gathering 907
information to assist citizen oversight or understanding of the 908
operation or activities of government, or nonprofit educational 909
research. 910

(G) A request by a defendant, counsel of a defendant, or 911
any agent of a defendant in a criminal action that public 912
records related to that action be made available under this 913
section shall be considered a demand for discovery pursuant to 914
the Criminal Rules, except to the extent that the Criminal Rules 915
plainly indicate a contrary intent. The defendant, counsel of 916
the defendant, or agent of the defendant making a request under 917
this division shall serve a copy of the request on the 918
prosecuting attorney, director of law, or other chief legal 919
officer responsible for prosecuting the action. 920

(H) (1) Any portion of a body-worn camera or dashboard 921
camera recording described in divisions (A) (17) (b) to (h) of 922
this section may be released by consent of the subject of the 923
recording or a representative of that person, as specified in 924

those divisions, only if either of the following applies:	925
(a) The recording will not be used in connection with any probable or pending criminal proceedings;	926 927
(b) The recording has been used in connection with a criminal proceeding that was dismissed or for which a judgment has been entered pursuant to Rule 32 of the Rules of Criminal Procedure, and will not be used again in connection with any probable or pending criminal proceedings.	928 929 930 931 932
(2) If a public office denies a request to release a restricted portion of a body-worn camera or dashboard camera recording, as defined in division (A)(17) of this section, any person may file a mandamus action pursuant to this section or a complaint with the clerk of the court of claims pursuant to section 2743.75 of the Revised Code, requesting the court to order the release of all or portions of the recording. If the court considering the request determines that the filing articulates by clear and convincing evidence that the public interest in the recording substantially outweighs privacy interests and other interests asserted to deny release, the court shall order the public office to release the recording.	933 934 935 936 937 938 939 940 941 942 943 944
Sec. 5913.01. (A) The adjutant general is the commander and administrative head of the Ohio organized militia. The adjutant general shall:	945 946 947
(1) Be provided offices and shall keep them open during usual business hours;	948 949
(2) Have and maintain custody of all military records, correspondence, and other documents of the Ohio organized militia;	950 951 952
(3) Superintend the preparation of all returns and reports	953

required by the United States from the state on military matters;	954 955
(4) Keep a roster of all officers of the Ohio organized militia, including retired officers;	956 957
(5) Whenever necessary, cause the military provisions of the Revised Code and the orders, regulations, pamphlets, circulars, and memorandums of the adjutant general's department to be printed and distributed to the organizations of the Ohio organized militia;	958 959 960 961 962
(6) Prepare and issue all necessary Ohio organized militia forms and attest to all commissions issued to officers of the Ohio organized militia;	963 964 965
(7) Have a seal, and all copies of orders, records, and papers in the adjutant general's office certified and authenticated with that seal shall be competent evidence in like manner as if the originals were produced. All orders issued from the adjutant general's office shall bear a duplicate of the seal.	966 967 968 969 970 971
(8) Keep and preserve the arms, ordnance, equipment, and all other military property belonging to the state or issued to the state by the federal government and issue any regulations necessary to keep, preserve, and repair the property as conditions demand;	972 973 974 975 976
(9) Issue adjutant general's property to the units of the Ohio organized militia as the necessity of the service or organizational or allowance tables requires;	977 978 979
(10) Submit an annual report to the governor at such time as the governor requires of the transaction of the adjutant general's department, setting forth the strength and condition	980 981 982

of the Ohio organized militia and other matters that the 983
adjutant general chooses; 984

(11) Designate members of the Ohio national guard, who are 985
participating in duties related to remotely piloted aircraft, 986
including, but not limited to, pilots, sensor operators, and 987
mission intelligence personnel, duties related to special forces 988
operations, or duties related to cybersecurity, as designated 989
public service workers under section 149.43 of the Revised Code; 990

(12) Command the joint force headquarters of the Ohio 991
national guard. 992

(B) The adjutant general shall issue and distribute all 993
orders issued in the name of the governor as the commander in 994
chief of the Ohio organized militia and perform the duties that 995
the governor directs and other duties prescribed by law. 996

(C) The adjutant general may enter into cooperative 997
agreements, contractual arrangements, or agreements for the 998
acceptance of grants with the United States or any agency or 999
department of the United States, other states, any department or 1000
political subdivision of this state, or any person or body 1001
politic, to accomplish the purposes of the adjutant general's 1002
department. The adjutant general shall cooperate with, and not 1003
infringe upon, the rights of other state departments, divisions, 1004
boards, commissions, and agencies, political subdivisions, and 1005
other public officials and public and private agencies when the 1006
interests of the adjutant general's department and those other 1007
entities overlap. 1008

The funds made available by the United States for the 1009
exclusive use of the department shall be expended only by the 1010
department and only for the purposes for which the federal funds 1011

were appropriated. In accepting federal funds, the department 1012
agrees to abide by the terms and conditions of the grant or 1013
cooperative agreement and further agrees to expend the federal 1014
funds in accordance with the laws and regulations of the United 1015
States. 1016

Section 2. That existing sections 149.43 and 5913.01 of 1017
the Revised Code are hereby repealed. 1018