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Sub. H. B. No. 265

Representatives Wiggam, Hall

Cosponsors: Representatives Plummer, Williams, Willis, Gross, Young, T., Click, Abrams, Bird, Brennan, Creech, Dell'Aquila, Demetriou, Dobos, Ghanbari, Grim, Holmes, John, Johnson, Jones, LaRe, Lorenz, Mathews, Miller, J., Miller, K., Miller, M., Mohamed, Patton, Pavliga, Peterson, Piccolantonio, Richardson, Robb Blasdel, Roemer, Russo, Santucci, Thomas, C., Upchurch, White

Senators Manning, Antonio, Cirino, Craig, Landis, Reineke, Smith

A BILL

To amend sections 149.43, 149.45, 319.28, 319.54, 1
2323.52, 2743.75, and 2951.03 and to enact 2
section 9.59 of the Revised Code to revise the 3
Public Records Law. 4

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

Section 1. That sections 149.43, 149.45, 319.28, 319.54, 5
2323.52, 2743.75, and 2951.03 be amended and section 9.59 of the 6
Revised Code be enacted to read as follows: 7

Sec. 9.59. (A) As used in this section: 8

(1) "State agency" means every department, bureau, board, 9
commission, office, or other organized body established by the 10
constitution and laws of this state for the exercise of any 11
function of state government, including any state-supported 12
institution of higher education, the general assembly, any 13
legislative agency, any court or judicial agency, or any 14

political subdivision or agency of a political subdivision. 15
"State agency" does not include the nonprofit corporation formed 16
under section 187.01 of the Revised Code. 17

(2) "Records" means any document, device, or item, 18
regardless of physical form or characteristic, including an 19
electronic record as defined in section 1306.01 of the Revised 20
Code, created or received by or coming under the jurisdiction of 21
any state agency, which serves to document the organization, 22
functions, policies, decisions, procedures, operations, or other 23
activities of the agency. 24

(3) "Public official" means all officers, employees, or 25
duly authorized representatives or agents of a state agency. 26

(B) (1) Each state agency is for all purposes, including 27
those under Chapter 149. of the Revised Code as well as those in 28
any litigation, the custodian of its own records and is 29
considered to only be in possession, custody, or control of its 30
own records. 31

(2) Except the records of the office of the attorney 32
general, the records of each state agency are not in the 33
possession, custody, or control of the attorney general. 34

(C) No state agency or public official shall be considered 35
a party in any litigation unless either of the following apply: 36

(1) The state agency or public official is permitted by 37
law to intervene in the litigation and does so; 38

(2) The state agency or public official is named as a 39
party in the litigation, which requires the agency or official 40
to be specified in the case caption in conjunction with a 41
pleading that specifies factual allegations against the agency 42
or official giving rise to at least one justiciable claim in the 43

litigation. With respect to a public official, the allegations 44
shall also specify the capacity and state agency in which the 45
official serves as it relates to the litigation. 46

Sec. 149.43. (A) As used in this section: 47

(1) "Public record" means records kept by any public 48
office, including, but not limited to, state, county, city, 49
village, township, and school district units, and records 50
pertaining to the delivery of educational services by an 51
alternative school in this state kept by the nonprofit or for- 52
profit entity operating the alternative school pursuant to 53
section 3313.533 of the Revised Code. "Public record" does not 54
mean any of the following: 55

(a) Medical records; 56

(b) Records pertaining to probation and parole 57
proceedings, to proceedings related to the imposition of 58
community control sanctions and post-release control sanctions, 59
or to proceedings related to determinations under section 60
2967.271 of the Revised Code regarding the release or maintained 61
incarceration of an offender to whom that section applies; 62

(c) Records pertaining to actions under section 2151.85 63
and division (C) of section 2919.121 of the Revised Code and to 64
appeals of actions arising under those sections; 65

(d) Records pertaining to adoption proceedings, including 66
the contents of an adoption file maintained by the department of 67
health under sections 3705.12 to 3705.124 of the Revised Code; 68

(e) Information in a record contained in the putative 69
father registry established by section 3107.062 of the Revised 70
Code, regardless of whether the information is held by the 71
department of job and family services or, pursuant to section 72

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| 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency; | 73 74 |
| (f) Records specified in division (A) of section 3107.52 of the Revised Code; | 75 76 |
| (g) Trial preparation records; | 77 |
| (h) Confidential law enforcement investigatory records; | 78 |
| (i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code; | 79 80 |
| (j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code; | 81 82 |
| (k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code; | 83 84 85 86 |
| (l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code; | 87 88 89 90 |
| (m) Intellectual property records; | 91 |
| (n) Donor profile records; | 92 |
| (o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code; | 93 94 |
| (p) Designated public service worker residential and familial information; | 95 96 |
| (q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, | 97 98 99 |

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| information that constitutes a trade secret, as defined in | 100 |
| section 1333.61 of the Revised Code; | 101 |
| (r) Information pertaining to the recreational activities | 102 |
| of a person under the age of eighteen; | 103 |
| (s) In the case of a child fatality review board acting | 104 |
| under sections 307.621 to 307.629 of the Revised Code or a | 105 |
| review conducted pursuant to guidelines established by the | 106 |
| director of health under section 3701.70 of the Revised Code, | 107 |
| records provided to the board or director, statements made by | 108 |
| board members during meetings of the board or by persons | 109 |
| participating in the director's review, and all work products of | 110 |
| the board or director, and in the case of a child fatality | 111 |
| review board, child fatality review data submitted by the board | 112 |
| to the department of health or a national child death review | 113 |
| database, other than the report prepared pursuant to division | 114 |
| (A) of section 307.626 of the Revised Code; | 115 |
| (t) Records provided to and statements made by the | 116 |
| executive director of a public children services agency or a | 117 |
| prosecuting attorney acting pursuant to section 5153.171 of the | 118 |
| Revised Code other than the information released under that | 119 |
| section; | 120 |
| (u) Test materials, examinations, or evaluation tools used | 121 |
| in an examination for licensure as a nursing home administrator | 122 |
| that the board of executives of long-term services and supports | 123 |
| administers under section 4751.15 of the Revised Code or | 124 |
| contracts under that section with a private or government entity | 125 |
| to administer; | 126 |
| (v) Records the release of which is prohibited by state or | 127 |
| federal law; | 128 |

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| (w) Proprietary information of or relating to any person | 129 |
| that is submitted to or compiled by the Ohio venture capital | 130 |
| authority created under section 150.01 of the Revised Code; | 131 |
| (x) Financial statements and data any person submits for | 132 |
| any purpose to the Ohio housing finance agency or the | 133 |
| controlling board in connection with applying for, receiving, or | 134 |
| accounting for financial assistance from the agency, and | 135 |
| information that identifies any individual who benefits directly | 136 |
| or indirectly from financial assistance from the agency; | 137 |
| (y) Records listed in section 5101.29 of the Revised Code; | 138 |
| (z) Discharges recorded with a county recorder under | 139 |
| section 317.24 of the Revised Code, as specified in division (B) | 140 |
| (2) of that section; | 141 |
| (aa) Usage information including names and addresses of | 142 |
| specific residential and commercial customers of a municipally | 143 |
| owned or operated public utility; | 144 |
| (bb) Records described in division (C) of section 187.04 | 145 |
| of the Revised Code that are not designated to be made available | 146 |
| to the public as provided in that division; | 147 |
| (cc) Information and records that are made confidential, | 148 |
| privileged, and not subject to disclosure under divisions (B) | 149 |
| and (C) of section 2949.221 of the Revised Code; | 150 |
| (dd) Personal information, as defined in section 149.45 of | 151 |
| the Revised Code; | 152 |
| (ee) The confidential name, address, and other personally | 153 |
| identifiable information of a program participant in the address | 154 |
| confidentiality program established under sections 111.41 to | 155 |
| 111.47 of the Revised Code, including the contents of any | 156 |

application for absent voter's ballots, absent voter's ballot 157
identification envelope statement of voter, or provisional 158
ballot affirmation completed by a program participant who has a 159
confidential voter registration record; records or portions of 160
records pertaining to that program that identify the number of 161
program participants that reside within a precinct, ward, 162
township, municipal corporation, county, or any other geographic 163
area smaller than the state; and any real property 164
confidentiality notice filed under section 111.431 of the 165
Revised Code and the information described in division (C) of 166
that section. As used in this division, "confidential address" 167
and "program participant" have the meaning defined in section 168
111.41 of the Revised Code. 169

(ff) Orders for active military service of an individual 170
serving or with previous service in the armed forces of the 171
United States, including a reserve component, or the Ohio 172
organized militia, except that, such order becomes a public 173
record on the day that is fifteen years after the published date 174
or effective date of the call to order; 175

(gg) The name, address, contact information, or other 176
personal information of an individual who is less than eighteen 177
years of age that is included in any record related to a traffic 178
accident involving a school vehicle in which the individual was 179
an occupant at the time of the accident; 180

(hh) Protected health information, as defined in 45 C.F.R. 181
160.103, that is in a claim for payment for a health care 182
product, service, or procedure, as well as any other health 183
claims data in another document that reveals the identity of an 184
individual who is the subject of the data or could be used to 185
reveal that individual's identity; 186

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| (ii) Any depiction by photograph, film, videotape, or printed or digital image under either of the following circumstances: | 187 188 189 |
| (i) The depiction is that of a victim of an offense the release of which would be, to a reasonable person of ordinary sensibilities, an offensive and objectionable intrusion into the victim's expectation of bodily privacy and integrity. | 190 191 192 193 |
| (ii) The depiction captures or depicts the victim of a sexually oriented offense, as defined in section 2950.01 of the Revised Code, at the actual occurrence of that offense. | 194 195 196 |
| (jj) Restricted portions of a body-worn camera or dashboard camera recording; | 197 198 |
| (kk) In the case of a fetal-infant mortality review board acting under sections 3707.70 to 3707.77 of the Revised Code, records, documents, reports, or other information presented to the board or a person abstracting such materials on the board's behalf, statements made by review board members during board meetings, all work products of the board, and data submitted by the board to the department of health or a national infant death review database, other than the report prepared pursuant to section 3707.77 of the Revised Code. | 199 200 201 202 203 204 205 206 207 |
| (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; | 208 209 210 211 212 213 214 |
| (mm) Except as otherwise provided in division (A) (1) (oo) | 215 |

of this section, telephone numbers for a victim, as defined in 216
section 2930.01 of the Revised Code or a witness to a crime that 217
are listed on any law enforcement record or report. 218

(nn) A preneed funeral contract, as defined in section 219
4717.01 of the Revised Code, and contract terms and personally 220
identifying information of a preneed funeral contract, that is 221
contained in a report submitted by or for a funeral home to the 222
board of embalmers and funeral directors under division (C) of 223
section 4717.13, division (J) of section 4717.31, or section 224
4717.41 of the Revised Code. 225

(oo) Telephone numbers for a party to a motor vehicle 226
accident subject to the requirements of section 5502.11 of the 227
Revised Code that are listed on any law enforcement record or 228
report, except that the telephone numbers described in this 229
division are not excluded from the definition of "public record" 230
under this division on and after the thirtieth day after the 231
occurrence of the motor vehicle accident. 232

(pp) Records pertaining to individuals who complete 233
training under section 5502.703 of the Revised Code to be 234
permitted by a school district board of education or governing 235
body of a community school established under Chapter 3314. of 236
the Revised Code, a STEM school established under Chapter 3326. 237
of the Revised Code, or a chartered nonpublic school to convey 238
deadly weapons or dangerous ordnance into a school safety zone; 239

(qq) Records, documents, reports, or other information 240
presented to a domestic violence fatality review board 241
established under section 307.651 of the Revised Code, 242
statements made by board members during board meetings, all work 243
products of the board, and data submitted by the board to the 244
department of health, other than a report prepared pursuant to 245

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| section 307.656 of the Revised Code; | 246 |
| (rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code; | 247 248 249 |
| (ss) Records of an existing qualified nonprofit corporation that creates a special improvement district under Chapter 1710. of the Revised Code that do not pertain to a purpose for which the district is created; | 250 251 252 253 |
| <u>(tt) Records of the past, current, and future work schedule of a designated public service worker. As used in division (A) (1) (tt) of this section, "work schedule" does not include the docket of cases of a court, judge, or magistrate;</u> | 254 255 256 257 |
| <u>(uu) A request form or confirmation letter submitted to a public office under section 149.45 of the Revised Code;</u> | 258 259 |
| <u>(vv) An affidavit or confirmation letter submitted under section 319.28 of the Revised Code.</u> | 260 261 |
| 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, <u>or in the case of a record that is not a public record under division (A) (1) (tt) of this section that is retained, three years after the day on which the record was created,</u> 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. | 262 263 264 265 266 267 268 269 270 271 272 273 274 |

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 certificate before it is released under this paragraph. If any other section of the Revised Code establishes a time period for disclosure of a record that conflicts with the time period specified in this section, the time period in the other section prevails.

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

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

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

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

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

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical

history, diagnosis, prognosis, or medical condition of a patient 304
and that is generated and maintained in the process of medical 305
treatment. 306

(4) "Trial preparation record" means any record that 307
contains information that is specifically compiled in reasonable 308
anticipation of, or in defense of, a civil or criminal action or 309
proceeding, including the independent thought processes and 310
personal trial preparation of an attorney. 311

(5) "Intellectual property record" means a record, other 312
than a financial or administrative record, that is produced or 313
collected by or for faculty or staff of a state institution of 314
higher learning in the conduct of or as a result of study or 315
research on an educational, commercial, scientific, artistic, 316
technical, or scholarly issue, regardless of whether the study 317
or research was sponsored by the institution alone or in 318
conjunction with a governmental body or private concern, and 319
that has not been publicly released, published, or patented. 320

(6) "Donor profile record" means all records about donors 321
or potential donors to a public institution of higher education 322
except the names and reported addresses of the actual donors and 323
the date, amount, and conditions of the actual donation. 324

(7) "Designated public service worker" means a peace 325
officer, parole officer, probation officer, bailiff, prosecuting 326
attorney, assistant prosecuting attorney, correctional employee, 327
county or multicounty corrections officer, community-based 328
correctional facility employee, designated Ohio national guard 329
member, protective services worker, youth services employee, 330
firefighter, EMT, medical director or member of a cooperating 331
physician advisory board of an emergency medical service 332
organization, state board of pharmacy employee, investigator of 333

the bureau of criminal identification and investigation, 334
emergency service telecommunicator, forensic mental health 335
provider, mental health evaluation provider, regional 336
psychiatric hospital employee, judge, magistrate, or federal law 337
enforcement officer. 338

(8) "Designated public service worker residential and 339
familial information" means any information that discloses any 340
of the following about a designated public service worker: 341

(a) The address of the actual personal residence of a 342
designated public service worker, except for the following 343
information: 344

(i) The address of the actual personal residence of a 345
prosecuting attorney or judge; and 346

(ii) The state or political subdivision in which a 347
designated public service worker resides. 348

(b) Information compiled from referral to or participation 349
in an employee assistance program; 350

(c) The social security number, the residential telephone 351
number, any bank account, debit card, charge card, or credit 352
card number, or the emergency telephone number of, or any 353
medical information pertaining to, a designated public service 354
worker; 355

(d) The name of any beneficiary of employment benefits, 356
including, but not limited to, life insurance benefits, provided 357
to a designated public service worker by the designated public 358
service worker's employer; 359

(e) The identity and amount of any charitable or 360
employment benefit deduction made by the designated public 361

service worker's employer from the designated public service 362
worker's compensation, unless the amount of the deduction is 363
required by state or federal law; 364

(f) The name, the residential address, the name of the 365
employer, the address of the employer, the social security 366
number, the residential telephone number, any bank account, 367
debit card, charge card, or credit card number, or the emergency 368
telephone number of the spouse, a former spouse, or any child of 369
a designated public service worker; 370

(g) A photograph of a peace officer who holds a position 371
or has an assignment that may include undercover or plain 372
clothes positions or assignments as determined by the peace 373
officer's appointing authority. 374

(9) As used in divisions (A) (7) and (15) to (17) of this 375
section: 376

"Peace officer" has the meaning defined in section 109.71 377
of the Revised Code and also includes the superintendent and 378
troopers of the state highway patrol; it does not include the 379
sheriff of a county or a supervisory employee who, in the 380
absence of the sheriff, is authorized to stand in for, exercise 381
the authority of, and perform the duties of the sheriff. 382

"Correctional employee" means any employee of the 383
department of rehabilitation and correction who in the course of 384
performing the employee's job duties has or has had contact with 385
inmates and persons under supervision. 386

"County or multicounty corrections officer" means any 387
corrections officer employed by any county or multicounty 388
correctional facility. 389

"Designated Ohio national guard member" means a member of 390

the Ohio national guard who is participating in duties related 391
to remotely piloted aircraft, including, but not limited to, 392
pilots, sensor operators, and mission intelligence personnel, 393
duties related to special forces operations, or duties related 394
to cybersecurity, and is designated by the adjutant general as a 395
designated public service worker for those purposes. 396

"Protective services worker" means any employee of a 397
county agency who is responsible for child protective services, 398
child support services, or adult protective services. 399

"Youth services employee" means any employee of the 400
department of youth services who in the course of performing the 401
employee's job duties has or has had contact with children 402
committed to the custody of the department of youth services. 403

"Firefighter" means any regular, paid or volunteer, member 404
of a lawfully constituted fire department of a municipal 405
corporation, township, fire district, or village. 406

"EMT" means EMTs-basic, EMTs-I, and paramedics that 407
provide emergency medical services for a public emergency 408
medical service organization. "Emergency medical service 409
organization," "EMT-basic," "EMT-I," and "paramedic" have the 410
meanings defined in section 4765.01 of the Revised Code. 411

"Investigator of the bureau of criminal identification and 412
investigation" has the meaning defined in section 2903.11 of the 413
Revised Code. 414

"Emergency service telecommunicator" means an individual 415
employed by an emergency service provider as defined under 416
section 128.01 of the Revised Code, whose primary responsibility 417
is to be an operator for the receipt or processing of calls for 418
emergency services made by telephone, radio, or other electronic 419

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| means. | 420 |
| "Forensic mental health provider" means any employee of a | 421 |
| community mental health service provider or local alcohol, drug | 422 |
| addiction, and mental health services board who, in the course | 423 |
| of the employee's duties, has contact with persons committed to | 424 |
| a local alcohol, drug addiction, and mental health services | 425 |
| board by a court order pursuant to section 2945.38, 2945.39, | 426 |
| 2945.40, or 2945.402 of the Revised Code. | 427 |
| "Mental health evaluation provider" means an individual | 428 |
| who, under Chapter 5122. of the Revised Code, examines a | 429 |
| respondent who is alleged to be a mentally ill person subject to | 430 |
| court order, as defined in section 5122.01 of the Revised Code, | 431 |
| and reports to the probate court the respondent's mental | 432 |
| condition. | 433 |
| "Regional psychiatric hospital employee" means any | 434 |
| employee of the department of mental health and addiction | 435 |
| services who, in the course of performing the employee's duties, | 436 |
| has contact with patients committed to the department of mental | 437 |
| health and addiction services by a court order pursuant to | 438 |
| section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised | 439 |
| Code. | 440 |
| "Federal law enforcement officer" has the meaning defined | 441 |
| in section 9.88 of the Revised Code. | 442 |
| (10) "Information pertaining to the recreational | 443 |
| activities of a person under the age of eighteen" means | 444 |
| information that is kept in the ordinary course of business by a | 445 |
| public office, that pertains to the recreational activities of a | 446 |
| person under the age of eighteen years, and that discloses any | 447 |
| of the following: | 448 |

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| (a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person; | 449 450 451 452 |
| (b) The social security number, birth date, or photographic image of a person under the age of eighteen; | 453 454 |
| (c) Any medical record, history, or information pertaining to a person under the age of eighteen; | 455 456 |
| (d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office. | 457 458 459 460 461 462 |
| (11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code. | 463 464 |
| (12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code. | 465 466 |
| (13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code. | 467 468 469 470 |
| (14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code. | 471 472 |
| (15) "Body-worn camera" means a visual and audio recording device worn on the person of a correctional employee, youth services employee, or peace officer while the correctional employee, youth services employee, or peace officer is engaged | 473 474 475 476 |

in the performance of official duties. 477

(16) "Dashboard camera" means a visual and audio recording 478
device mounted on a peace officer's vehicle or vessel that is 479
used while the peace officer is engaged in the performance of 480
the peace officer's duties. 481

(17) "Restricted portions of a body-worn camera or 482
dashboard camera recording" means any visual or audio portion of 483
a body-worn camera or dashboard camera recording that shows, 484
communicates, or discloses any of the following: 485

(a) The image or identity of a child or information that 486
could lead to the identification of a child who is a primary 487
subject of the recording when the department of rehabilitation 488
and correction, department of youth services, or the law 489
enforcement agency knows or has reason to know the person is a 490
child based on the department's or law enforcement agency's 491
records or the content of the recording; 492

(b) The death of a person or a deceased person's body, 493
unless the death was caused by a correctional employee, youth 494
services employee, or peace officer or, subject to division (H) 495
(1) of this section, the consent of the decedent's executor or 496
administrator has been obtained; 497

(c) The death of a correctional employee, youth services 498
employee, peace officer, firefighter, paramedic, or other first 499
responder, occurring while the decedent was engaged in the 500
performance of official duties, unless, subject to division (H) 501
(1) of this section, the consent of the decedent's executor or 502
administrator has been obtained; 503

(d) Grievous bodily harm, unless the injury was effected 504
by a correctional employee, youth services employee, or peace 505

officer or, subject to division (H) (1) of this section, the 506
consent of the injured person or the injured person's guardian 507
has been obtained; 508

(e) An act of severe violence against a person that 509
results in serious physical harm to the person, unless the act 510
and injury was effected by a correctional employee, youth 511
services employee, or peace officer or, subject to division (H) 512
(1) of this section, the consent of the injured person or the 513
injured person's guardian has been obtained; 514

(f) Grievous bodily harm to a correctional employee, youth 515
services employee, peace officer, firefighter, paramedic, or 516
other first responder, occurring while the injured person was 517
engaged in the performance of official duties, unless, subject 518
to division (H) (1) of this section, the consent of the injured 519
person or the injured person's guardian has been obtained; 520

(g) An act of severe violence resulting in serious 521
physical harm against a correctional employee, youth services 522
employee, peace officer, firefighter, paramedic, or other first 523
responder, occurring while the injured person was engaged in the 524
performance of official duties, unless, subject to division (H) 525
(1) of this section, the consent of the injured person or the 526
injured person's guardian has been obtained; 527

(h) A person's nude body, unless, subject to division (H) 528
(1) of this section, the person's consent has been obtained; 529

(i) Protected health information, the identity of a person 530
in a health care facility who is not the subject of a 531
correctional, youth services, or law enforcement encounter, or 532
any other information in a health care facility that could 533
identify a person who is not the subject of a correctional, 534

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| youth services, or law enforcement encounter; | 535 |
| (j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence; | 536 537 |
| (k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to the department of rehabilitation and correction, the department of youth services, or a law enforcement agency when the disclosure of the person's identity or the information provided could reasonably be expected to threaten or endanger the safety or property of the person or another person; | 538 539 540 541 542 543 544 545 |
| (l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer; | 546 547 |
| (m) Proprietary correctional, youth services, or police contingency plans or tactics that are intended to prevent crime and maintain public order and safety; | 548 549 550 |
| (n) A personal conversation unrelated to work between correctional employees, youth services employees, or peace officers or between a correctional employee, youth services employee, or peace officer and an employee of a law enforcement agency; | 551 552 553 554 555 |
| (o) A conversation between a correctional employee, youth services employee, or peace officer and a member of the public that does not concern correctional, youth services, or law enforcement activities; | 556 557 558 559 |
| (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 correctional employee, youth services employee, or peace officer; | 560 561 562 563 |

(q) Any portion of the interior of a private business that 564
is not open to the public, unless an adversarial encounter with, 565
or a use of force by, a correctional employee, youth services 566
employee, or peace officer occurs in that location. 567

As used in division (A) (17) of this section: 568

"Grievous bodily harm" has the same meaning as in section 569
5924.120 of the Revised Code. 570

"Health care facility" has the same meaning as in section 571
1337.11 of the Revised Code. 572

"Protected health information" has the same meaning as in 573
45 C.F.R. 160.103. 574

"Law enforcement agency" means a government entity that 575
employs peace officers to perform law enforcement duties. 576

"Personal information" means any government-issued 577
identification number, date of birth, address, financial 578
information, or criminal justice information from the law 579
enforcement automated data system or similar databases. 580

"Sex offense" has the same meaning as in section 2907.10 581
of the Revised Code. 582

"Firefighter," "paramedic," and "first responder" have the 583
same meanings as in section 4765.01 of the Revised Code. 584

(B) (1) Upon request by any person and subject to division 585
(B) (8) of this section, all public records responsive to the 586
request shall be promptly prepared and made available for 587
inspection to the requester at all reasonable times during 588
regular business hours. Subject to division (B) (8) of this 589
section, upon request by any person, a public office or person 590
responsible for public records shall make copies of the 591

requested public record available to the requester at cost and 592
within a reasonable period of time. If a public record contains 593
information that is exempt from the duty to permit public 594
inspection or to copy the public record, the public office or 595
the person responsible for the public record shall make 596
available all of the information within the public record that 597
is not exempt. When making that public record available for 598
public inspection or copying that public record, the public 599
office or the person responsible for the public record shall 600
notify the requester of any redaction or make the redaction 601
plainly visible. A redaction shall be deemed a denial of a 602
request to inspect or copy the redacted information, except if 603
federal or state law authorizes or requires a public office to 604
make the redaction. When the auditor of state receives a request 605
to inspect or to make a copy of a record that was provided to 606
the auditor of state for purposes of an audit, but the original 607
public office has asserted to the auditor of state that the 608
record is not a public record, the auditor of state may handle 609
the requests by directing the requestor to the original public 610
office that provided the record to the auditor of state. 611

(2) To facilitate broader access to public records, a 612
public office or the person responsible for public records shall 613
organize and maintain public records in a manner that they can 614
be made available for inspection or copying in accordance with 615
division (B) of this section. A public office also shall have 616
available a copy of its current records retention schedule at a 617
location readily available to the public. If a requester makes 618
an ambiguous or overly broad request or has difficulty in making 619
a request for copies or inspection of public records under this 620
section such that the public office or the person responsible 621
for the requested public record cannot reasonably identify what 622

public records are being requested, the public office or the 623
person responsible for the requested public record may deny the 624
request but shall provide the requester with an opportunity to 625
revise the request by informing the requester of the manner in 626
which records are maintained by the public office and accessed 627
in the ordinary course of the public office's or person's 628
duties. 629

(3) If a request is ultimately denied, in part or in 630
whole, the public office or the person responsible for the 631
requested public record shall provide the requester with an 632
explanation, including legal authority, setting forth why the 633
request was denied. If the initial request was provided in 634
writing, the explanation also shall be provided to the requester 635
in writing. The explanation shall not preclude the public office 636
or the person responsible for the requested public record from 637
relying upon additional reasons or legal authority in defending 638
an action commenced under division (C) of this section. 639

(4) Unless specifically required or authorized by state or 640
federal law or in accordance with division (B) of this section, 641
no public office or person responsible for public records may 642
limit or condition the availability of public records by 643
requiring disclosure of the requester's identity or the intended 644
use of the requested public record. Any requirement that the 645
requester disclose the requester's identity or the intended use 646
of the requested public record constitutes a denial of the 647
request. 648

(5) A public office or person responsible for public 649
records may ask a requester to make the request in writing, may 650
ask for the requester's identity, and may inquire about the 651
intended use of the information requested, but may do so only 652

after disclosing to the requester that a written request is not 653
mandatory, that the requester may decline to reveal the 654
requester's identity or the intended use, and when a written 655
request or disclosure of the identity or intended use would 656
benefit the requester by enhancing the ability of the public 657
office or person responsible for public records to identify, 658
locate, or deliver the public records sought by the requester. 659

(6) If any person requests a copy of a public record in 660
accordance with division (B) of this section, the public office 661
or person responsible for the public record may require the 662
requester to pay in advance the cost involved in providing the 663
copy of the public record in accordance with the choice made by 664
the requester under this division. The public office or the 665
person responsible for the public record shall permit the 666
requester to choose to have the public record duplicated upon 667
paper, upon the same medium upon which the public office or 668
person responsible for the public record keeps it, or upon any 669
other medium upon which the public office or person responsible 670
for the public record determines that it reasonably can be 671
duplicated as an integral part of the normal operations of the 672
public office or person responsible for the public record. When 673
the requester makes a choice under this division, the public 674
office or person responsible for the public record shall provide 675
a copy of it in accordance with the choice made by the 676
requester. Nothing in this section requires a public office or 677
person responsible for the public record to allow the requester 678
of a copy of the public record to make the copies of the public 679
record. 680

(7) (a) Upon a request made in accordance with division (B) 681
of this section and subject to division (B) (6) of this section, 682
a public office or person responsible for public records shall 683

transmit a copy of a public record to any person by United 684
States mail or by any other means of delivery or transmission 685
within a reasonable period of time after receiving the request 686
for the copy. The public office or person responsible for the 687
public record may require the person making the request to pay 688
in advance the cost of postage if the copy is transmitted by 689
United States mail or the cost of delivery if the copy is 690
transmitted other than by United States mail, and to pay in 691
advance the costs incurred for other supplies used in the 692
mailing, delivery, or transmission. 693

(b) Any public office may adopt a policy and procedures 694
that it will follow in transmitting, within a reasonable period 695
of time after receiving a request, copies of public records by 696
United States mail or by any other means of delivery or 697
transmission pursuant to division (B) (7) of this section. A 698
public office that adopts a policy and procedures under division 699
(B) (7) of this section shall comply with them in performing its 700
duties under that division. 701

(c) In any policy and procedures adopted under division 702
(B) (7) of this section: 703

(i) A public office may limit the number of records 704
requested by a person that the office will physically deliver by 705
United States mail or by another delivery service to ten per 706
month, unless the person certifies to the office in writing that 707
the person does not intend to use or forward the requested 708
records, or the information contained in them, for commercial 709
purposes; 710

(ii) A public office that chooses to provide some or all 711
of its public records on a web site that is fully accessible to 712
and searchable by members of the public at all times, other than 713

during acts of God outside the public office's control or 714
maintenance, and that charges no fee to search, access, 715
download, or otherwise receive records provided on the web site, 716
may limit to ten per month the number of records requested by a 717
person that the office will deliver in a digital format, unless 718
the requested records are not provided on the web site and 719
unless the person certifies to the office in writing that the 720
person does not intend to use or forward the requested records, 721
or the information contained in them, for commercial purposes. 722

(iii) For purposes of division (B) (7) of this section, 723
"commercial" shall be narrowly construed and does not include 724
reporting or gathering news, reporting or gathering information 725
to assist citizen oversight or understanding of the operation or 726
activities of government, or nonprofit educational research. 727

(8) A public office or person responsible for public 728
records is not required to permit a person who is incarcerated 729
pursuant to a criminal conviction or a juvenile adjudication to 730
inspect or to obtain a copy of any public record concerning a 731
criminal investigation or prosecution or concerning what would 732
be a criminal investigation or prosecution if the subject of the 733
investigation or prosecution were an adult, unless the request 734
to inspect or to obtain a copy of the record is for the purpose 735
of acquiring information that is subject to release as a public 736
record under this section and the judge who imposed the sentence 737
or made the adjudication with respect to the person, or the 738
judge's successor in office, finds that the information sought 739
in the public record is necessary to support what appears to be 740
a justiciable claim of the person. As used in this division, 741
"public record concerning a criminal investigation or 742
prosecution or concerning what would be a criminal investigation 743
or prosecution if the subject of the investigation were an 744

adult" includes, but is not limited to, personnel files and 745
payroll and attendance records of designated public service 746
workers. 747

(9) (a) Upon written request made and signed by a 748
journalist, a public office, or person responsible for public 749
records, having custody of the records of the agency employing a 750
specified designated public service worker shall disclose to the 751
journalist the address of the actual personal residence of the 752
designated public service worker and, if the designated public 753
service worker's spouse, former spouse, or child is employed by 754
a public office, the name and address of the employer of the 755
designated public service worker's spouse, former spouse, or 756
child, and any past, current, and future work schedules of the 757
designated public service worker. The request shall include the 758
journalist's name and title and the name and address of the 759
journalist's employer and shall state that disclosure of the 760
information sought would be in the public interest. 761

(b) Division (B) (9) (a) of this section also applies to 762
journalist requests for: 763

(i) Customer information maintained by a municipally owned 764
or operated public utility, other than social security numbers 765
and any private financial information such as credit reports, 766
payment methods, credit card numbers, and bank account 767
information; 768

(ii) Information about minors involved in a school vehicle 769
accident as provided in division (A) (1) (gg) of this section, 770
other than personal information as defined in section 149.45 of 771
the Revised Code; 772

(iii) A request form submitted to a public office under 773

section 149.45 of the Revised Code; 774

(iv) An affidavit submitted under section 319.28 of the 775
Revised Code. 776

(c) As used in division (B) (9) of this section, 777
"journalist" means a person engaged in, connected with, or 778
employed by any news medium, including a newspaper, magazine, 779
press association, news agency, or wire service, a radio or 780
television station, or a similar medium, for the purpose of 781
gathering, processing, transmitting, compiling, editing, or 782
disseminating information for the general public. 783

(10) Upon a request made by a victim, victim's attorney, 784
or victim's representative, as that term is used in section 785
2930.02 of the Revised Code, a public office or person 786
responsible for public records shall transmit a copy of a 787
depiction of the victim as described in division (A) (1) (ii) of 788
this section to the victim, victim's attorney, or victim's 789
representative. 790

(C) (1) If a person allegedly is aggrieved by the failure 791
of a public office or the person responsible for public records 792
to promptly prepare a public record and to make it available to 793
the person for inspection in accordance with division (B) of 794
this section or by any other failure of a public office or the 795
person responsible for public records to comply with an 796
obligation in accordance with division (B) of this section, the 797
person allegedly aggrieved may serve pursuant to Rule 4 of the 798
Ohio Rules of Civil Procedure a complaint, on a form prescribed 799
by the clerk of the court of claims, to the public office or 800
person responsible for public records allegedly responsible for 801
the alleged failure. Upon receipt of the complaint of the person 802
allegedly aggrieved, the public office or person responsible for 803

public records has three business days to cure or otherwise 804
address the failure alleged in the complaint. The person 805
allegedly aggrieved shall not file a complaint with a court or 806
commence a mandamus action under this section within the three- 807
day period. Upon the expiration of the three-day period, the 808
person allegedly aggrieved may, subject to the requirements of 809
division (C) (2) of this section, do only one of the following, 810
and not both: 811

(a) File a complaint with the clerk of the court of claims 812
or the clerk of the court of common pleas under section 2743.75 813
of the Revised Code; 814

(b) Commence a mandamus action to obtain a judgment that 815
orders the public office or the person responsible for the 816
public record to comply with division (B) of this section, that 817
awards court costs and reasonable attorney's fees to the person 818
that instituted the mandamus action, and, if applicable, that 819
includes an order fixing statutory damages under division ~~(C) (2)~~ 820
(C) (3) of this section. The mandamus action may be commenced in 821
the court of common pleas of the county in which division (B) of 822
this section allegedly was not complied with, in the supreme 823
court pursuant to its original jurisdiction under Section 2 of 824
Article IV, Ohio Constitution, or in the court of appeals for 825
the appellate district in which division (B) of this section 826
allegedly was not complied with pursuant to its original 827
jurisdiction under Section 3 of Article IV, Ohio Constitution. 828

(2) Upon filing a complaint or mandamus action with a 829
court under divisions (C) (1) (a) or (b) of this section, a person 830
allegedly aggrieved shall file with the court, in conjunction 831
with the person's complaint or petition, a written affirmation 832
stating that the person properly transmitted a complaint to the 833

public office or person responsible for public records, the 834
failure alleged in the complaint has not been cured or otherwise 835
resolved to the person's satisfaction, and that the complaint 836
was transmitted to the public office or person responsible for 837
public records at least three business days before the filing of 838
the suit. If the person fails to file an affirmation pursuant to 839
this division, the suit shall be dismissed. 840

~~(2)~~(3) If a requester transmits a written request by hand 841
delivery, electronic submission, or certified mail to inspect or 842
receive copies of any public record in a manner that fairly 843
describes the public record or class of public records to the 844
public office or person responsible for the requested public 845
records, except as otherwise provided in this section, the 846
requester shall be entitled to recover the amount of statutory 847
damages set forth in this division if a court determines that 848
the public office or the person responsible for public records 849
failed to comply with an obligation in accordance with division 850
(B) of this section. Statutory damages are not available 851
pursuant to this section to a person committed to the custody of 852
the department of rehabilitation and correction or the United 853
States bureau of prisons, or a child committed to the department 854
of youth services as permitted in Chapter 2152. of the Revised 855
Code. 856

The amount of statutory damages shall be fixed at one 857
hundred dollars for each business day during which the public 858
office or person responsible for the requested public records 859
failed to comply with an obligation in accordance with division 860
(B) of this section, beginning with the day on which the 861
requester files a mandamus action to recover statutory damages, 862
up to a maximum of one thousand dollars. The award of statutory 863
damages shall not be construed as a penalty, but as compensation 864

for injury arising from lost use of the requested information. 865
The existence of this injury shall be conclusively presumed. The 866
award of statutory damages shall be in addition to all other 867
remedies authorized by this section. 868

The court may reduce an award of statutory damages or not 869
award statutory damages if the court determines both of the 870
following: 871

(a) That, based on the ordinary application of statutory 872
law and case law as it existed at the time of the conduct or 873
threatened conduct of the public office or person responsible 874
for the requested public records that allegedly constitutes a 875
failure to comply with an obligation in accordance with division 876
(B) of this section and that was the basis of the mandamus 877
action, a well-informed public office or person responsible for 878
the requested public records reasonably would believe that the 879
conduct or threatened conduct of the public office or person 880
responsible for the requested public records did not constitute 881
a failure to comply with an obligation in accordance with 882
division (B) of this section; 883

(b) That a well-informed public office or person 884
responsible for the requested public records reasonably would 885
believe that the conduct or threatened conduct of the public 886
office or person responsible for the requested public records 887
would serve the public policy that underlies the authority that 888
is asserted as permitting that conduct or threatened conduct. 889

~~(3)~~(4) In a mandamus action filed under division (C) (1) of 890
this section, the following apply: 891

(a) (i) If the court orders the public office or the person 892
responsible for the public record to comply with division (B) of 893

this section, the court shall determine and award to the relator 894
all court costs, which shall be construed as remedial and not 895
punitive. 896

(ii) If the court makes a determination described in 897
division ~~(C) (3) (b) (iii)~~ (C) (4) (b) (iii) of this section, the court 898
shall determine and award to the relator all court costs, which 899
shall be construed as remedial and not punitive. 900

(b) If the court renders a judgment that orders the public 901
office or the person responsible for the public record to comply 902
with division (B) of this section or if the court determines any 903
of the following, the court may award reasonable attorney's fees 904
to the relator, subject to division ~~(C) (4)~~ (C) (5) of this 905
section: 906

(i) The public office or the person responsible for the 907
public records failed to respond affirmatively or negatively to 908
the public records request in accordance with the time allowed 909
under division (B) of this section. 910

(ii) The public office or the person responsible for the 911
public records promised to permit the relator to inspect or 912
receive copies of the public records requested within a 913
specified period of time but failed to fulfill that promise 914
within that specified period of time. 915

(iii) The public office or the person responsible for the 916
public records acted in bad faith when the office or person 917
voluntarily made the public records available to the relator for 918
the first time after the relator commenced the mandamus action, 919
but before the court issued any order concluding whether or not 920
the public office or person was required to comply with division 921
(B) of this section. No discovery may be conducted on the issue 922

of the alleged bad faith of the public office or person 923
responsible for the public records. This division shall not be 924
construed as creating a presumption that the public office or 925
the person responsible for the public records acted in bad faith 926
when the office or person voluntarily made the public records 927
available to the relator for the first time after the relator 928
commenced the mandamus action, but before the court issued any 929
order described in this division. 930

(c) The court shall not award attorney's fees to the 931
relator if the court determines both of the following: 932

(i) That, based on the ordinary application of statutory 933
law and case law as it existed at the time of the conduct or 934
threatened conduct of the public office or person responsible 935
for the requested public records that allegedly constitutes a 936
failure to comply with an obligation in accordance with division 937
(B) of this section and that was the basis of the mandamus 938
action, a well-informed public office or person responsible for 939
the requested public records reasonably would believe that the 940
conduct or threatened conduct of the public office or person 941
responsible for the requested public records did not constitute 942
a failure to comply with an obligation in accordance with 943
division (B) of this section; 944

(ii) That a well-informed public office or person 945
responsible for the requested public records reasonably would 946
believe that the conduct or threatened conduct of the public 947
office or person responsible for the requested public records 948
would serve the public policy that underlies the authority that 949
is asserted as permitting that conduct or threatened conduct. 950

~~(4)~~ (5) All of the following apply to any award of 951
reasonable attorney's fees awarded under division ~~(C) (3) (b) (C)~~ 952

| | |
|--|---|
| <u>(4) (b)</u> of this section: | 953 |
| (a) The fees shall be construed as remedial and not punitive. | 954 955 |
| (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) (e) <u>(C) (5) (c)</u> of this section. | 956 957 958 959 |
| (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. | 960 961 962 |
| (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. | 963 964 965 966 967 968 |
| (5) (6) 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. | 969 970 971 972 973 974 975 |
| (D) Chapter 1347. of the Revised Code does not limit the provisions of this section. | 976 977 |
| (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 | 978 979 980 981 |

attorney general as provided in section 109.43 of the Revised 982
Code. A future official may satisfy the requirements of this 983
division by attending the training before taking office, 984
provided that the future official may not send a designee in the 985
future official's place. 986

(2) All public offices shall adopt a public records policy 987
in compliance with this section for responding to public records 988
requests. In adopting a public records policy under this 989
division, a public office may obtain guidance from the model 990
public records policy developed and provided to the public 991
office by the attorney general under section 109.43 of the 992
Revised Code. Except as otherwise provided in this section, the 993
policy may not limit the number of public records that the 994
public office will make available to a single person, may not 995
limit the number of public records that it will make available 996
during a fixed period of time, and may not establish a fixed 997
period of time before it will respond to a request for 998
inspection or copying of public records, unless that period is 999
less than eight hours. 1000

The public office shall distribute the public records 1001
policy adopted by the public office under this division to the 1002
employee of the public office who is the records custodian or 1003
records manager or otherwise has custody of the records of that 1004
office. The public office shall require that employee to 1005
acknowledge receipt of the copy of the public records policy. 1006
The public office shall create a poster that describes its 1007
public records policy and shall post the poster in a conspicuous 1008
place in the public office and in all locations where the public 1009
office has branch offices. The public office may post its public 1010
records policy on the internet web site of the public office if 1011
the public office maintains an internet web site. A public 1012

office that has established a manual or handbook of its general 1013
policies and procedures for all employees of the public office 1014
shall include the public records policy of the public office in 1015
the manual or handbook. 1016

(F) (1) The bureau of motor vehicles may adopt rules 1017
pursuant to Chapter 119. of the Revised Code to reasonably limit 1018
the number of bulk commercial special extraction requests made 1019
by a person for the same records or for updated records during a 1020
calendar year. The rules may include provisions for charges to 1021
be made for bulk commercial special extraction requests for the 1022
actual cost of the bureau, plus special extraction costs, plus 1023
ten per cent. The bureau may charge for expenses for redacting 1024
information, the release of which is prohibited by law. 1025

(2) As used in division (F) (1) of this section: 1026

(a) "Actual cost" means the cost of depleted supplies, 1027
records storage media costs, actual mailing and alternative 1028
delivery costs, or other transmitting costs, and any direct 1029
equipment operating and maintenance costs, including actual 1030
costs paid to private contractors for copying services. 1031

(b) "Bulk commercial special extraction request" means a 1032
request for copies of a record for information in a format other 1033
than the format already available, or information that cannot be 1034
extracted without examination of all items in a records series, 1035
class of records, or database by a person who intends to use or 1036
forward the copies for surveys, marketing, solicitation, or 1037
resale for commercial purposes. "Bulk commercial special 1038
extraction request" does not include a request by a person who 1039
gives assurance to the bureau that the person making the request 1040
does not intend to use or forward the requested copies for 1041
surveys, marketing, solicitation, or resale for commercial 1042

purposes. 1043

(c) "Commercial" means profit-seeking production, buying, 1044
or selling of any good, service, or other product. 1045

(d) "Special extraction costs" means the cost of the time 1046
spent by the lowest paid employee competent to perform the task, 1047
the actual amount paid to outside private contractors employed 1048
by the bureau, or the actual cost incurred to create computer 1049
programs to make the special extraction. "Special extraction 1050
costs" include any charges paid to a public agency for computer 1051
or records services. 1052

(3) For purposes of divisions (F) (1) and (2) of this 1053
section, "surveys, marketing, solicitation, or resale for 1054
commercial purposes" shall be narrowly construed and does not 1055
include reporting or gathering news, reporting or gathering 1056
information to assist citizen oversight or understanding of the 1057
operation or activities of government, or nonprofit educational 1058
research. 1059

(G) A request by a defendant, counsel of a defendant, or 1060
any agent of a defendant in a criminal action that public 1061
records related to that action be made available under this 1062
section shall be considered a demand for discovery pursuant to 1063
the Criminal Rules, except to the extent that the Criminal Rules 1064
plainly indicate a contrary intent. The defendant, counsel of 1065
the defendant, or agent of the defendant making a request under 1066
this division shall serve a copy of the request on the 1067
prosecuting attorney, director of law, or other chief legal 1068
officer responsible for prosecuting the action. 1069

(H) (1) Any portion of a body-worn camera or dashboard 1070
camera recording described in divisions (A) (17) (b) to (h) of 1071

this section may be released by consent of the subject of the 1072
recording or a representative of that person, as specified in 1073
those divisions, only if either of the following applies: 1074

(a) The recording will not be used in connection with any 1075
probable or pending criminal proceedings; 1076

(b) The recording has been used in connection with a 1077
criminal proceeding that was dismissed or for which a judgment 1078
has been entered pursuant to Rule 32 of the Rules of Criminal 1079
Procedure, and will not be used again in connection with any 1080
probable or pending criminal proceedings. 1081

(2) If a public office denies a request to release a 1082
restricted portion of a body-worn camera or dashboard camera 1083
recording, as defined in division (A) (17) of this section, any 1084
person may file a mandamus action pursuant to this section or a 1085
complaint with the clerk of the court of claims pursuant to 1086
section 2743.75 of the Revised Code, requesting the court to 1087
order the release of all or portions of the recording. If the 1088
court considering the request determines that the filing 1089
articulates by clear and convincing evidence that the public 1090
interest in the recording substantially outweighs privacy 1091
interests and other interests asserted to deny release, the 1092
court shall order the public office to release the recording. 1093

Sec. 149.45. (A) As used in this section: 1094

(1) "Personal information" means any of the following: 1095

(a) An individual's social security number; 1096

(b) An individual's state or federal tax identification 1097
number; 1098

(c) An individual's driver's license number or state 1099

identification number; 1100

(d) An individual's checking account number, savings 1101
account number, credit card number, or debit card number; 1102

(e) An individual's demand deposit account number, money 1103
market account number, mutual fund account number, or any other 1104
financial or medical account number. 1105

(2) "Public record," "designated public service worker," 1106
and "designated public service worker residential and familial 1107
information" have the meanings defined in section 149.43 of the 1108
Revised Code. 1109

(3) "Qualifying former designated public service worker" 1110
means a former designated public service worker with a minimum 1111
of five years of qualifying service who was an employee in good 1112
standing at the completion of such service. 1113

(4) "Truncate" means to redact all but the last four 1114
digits of an individual's social security number. 1115

(B) (1) No public office or person responsible for a public 1116
office's public records shall make available to the general 1117
public on the internet any document that contains an 1118
individual's social security number without otherwise redacting, 1119
encrypting, or truncating the social security number. 1120

(2) A public office or person responsible for a public 1121
office's public records that, prior to October 17, 2011, made 1122
available to the general public on the internet any document 1123
that contains an individual's social security number shall 1124
redact, encrypt, or truncate the social security number from 1125
that document. 1126

(3) Divisions (B) (1) and (2) of this section do not apply 1127

to documents that are only accessible through the internet with 1128
a password. 1129

(C) (1) An individual may request that a public office or a 1130
person responsible for a public office's public records redact 1131
personal information of that individual from any record made 1132
available to the general public on the internet. An individual 1133
who makes a request for redaction pursuant to this division 1134
shall make the request in writing on a form developed by the 1135
attorney general and shall specify the personal information to 1136
be redacted and provide any information that identifies the 1137
location of that personal information within a document that 1138
contains that personal information. 1139

(2) Upon receiving a request for a redaction pursuant to 1140
division (C) (1) of this section, a public office or a person 1141
responsible for a public office's public records shall act 1142
within five business days in accordance with the request to 1143
redact the personal information of the individual from any 1144
record made available to the general public on the internet, if 1145
practicable. If a redaction is not practicable, the public 1146
office or person responsible for the public office's public 1147
records shall verbally or in writing within five business days 1148
after receiving the written request explain to the individual 1149
why the redaction is impracticable. 1150

(3) The attorney general shall develop a form to be used 1151
by an individual to request a redaction pursuant to division (C) 1152
(1) of this section. The form shall include a place to provide 1153
any information that identifies the location of the personal 1154
information to be redacted. 1155

(D) (1) A designated public service worker and a qualifying 1156
former designated public service worker may request that a 1157

public office, other than a county auditor, or a person 1158
responsible for the public records of a public office, other 1159
than a county auditor, redact the ~~designated public service~~ 1160
~~worker's requestor's~~ address from any record made available to 1161
the general public on the internet that includes designated 1162
public service worker residential and familial information of 1163
the ~~designated public service worker making the~~ 1164
~~requestrequestor~~. A designated public service worker or 1165
qualifying former designated public service worker who makes a 1166
request for a redaction pursuant to this division shall make the 1167
request in writing and on a form developed by the attorney 1168
general. A qualifying former designated public service worker 1169
shall provide, with the form, a confirmation letter from each 1170
employer at which the worker accumulated service confirming the 1171
years of service and that the worker departed service in good 1172
standing. 1173

(2) Upon receiving a written request for a redaction, and 1174
confirmation letter if applicable, pursuant to division (D) (1) 1175
of this section, a public office, other than a county auditor, 1176
or a person responsible for the public records of a public 1177
office, other than a county auditor, shall act within five 1178
business days in accordance with the request to redact the 1179
address of the ~~designated public service worker making the~~ 1180
~~requestrequestor~~ from any record made available to the general 1181
public on the internet that includes designated public service 1182
worker residential and familial information of the ~~designated~~ 1183
~~public service worker making the requestrequestor,~~ if 1184
practicable. If a redaction is not practicable, the public 1185
office or person responsible for the public office's public 1186
records shall verbally or in writing within five business days 1187
after receiving the written request explain to the ~~designated~~ 1188

~~public service worker requestor~~ why the redaction is 1189
impracticable. 1190

(3) Except as provided in this section and section 319.28 1191
of the Revised Code, a public office, other than an employer of 1192
a designated public service worker or qualifying former 1193
designated public service worker, or a person responsible for 1194
the public records of the employer, is not required to redact 1195
designated public service worker residential and familial 1196
information of the designated public service worker or 1197
qualifying former designated public service worker from other 1198
records maintained by the public office. 1199

(4) The attorney general shall develop a form to be used 1200
by a designated public service worker or qualifying former 1201
designated public service worker to request a redaction pursuant 1202
to division (D) (1) of this section. The form shall include a 1203
place to provide any information that identifies the location of 1204
the address of the designated public service worker or 1205
qualifying former designated public service worker to be 1206
redacted. 1207

(E) (1) If a public office or a person responsible for a 1208
public office's public records becomes aware that an electronic 1209
record of that public office that is made available to the 1210
general public on the internet contains an individual's social 1211
security number that was mistakenly not redacted, encrypted, or 1212
truncated as required by division (B) (1) or (2) of this section, 1213
the public office or person responsible for the public office's 1214
public records shall redact, encrypt, or truncate the 1215
individual's social security number within a reasonable period 1216
of time. 1217

(2) A public office or a person responsible for a public 1218

office's public records is not liable in damages in a civil 1219
action for any harm an individual allegedly sustains as a result 1220
of the inclusion of that individual's personal information on 1221
any record made available to the general public on the internet 1222
or any harm a designated public service worker sustains as a 1223
result of the inclusion of the designated public service 1224
worker's address on any record made available to the general 1225
public on the internet in violation of this section, unless the 1226
public office or person responsible for the public office's 1227
public records acted with malicious purpose, in bad faith, or in 1228
a wanton or reckless manner or unless division (A) (6) (a) or (c) 1229
of section 2744.03 of the Revised Code applies. 1230

(F) A form submitted under division (C) or (D) of this 1231
section, or a confirmation letter submitted under division (D) 1232
of this section, is not a public record under division (A) (1) 1233
(uu) of section 149.43 of the Revised Code. 1234

Sec. 319.28. (A) As used in this section: 1235

"Designated public service worker" has the meaning defined 1236
in division (A) (7) of section 149.43 of the Revised Code. 1237

"Qualifying former designated public service worker" has 1238
the meaning defined in section 149.45 of the Revised Code. 1239

(B) Except as otherwise provided in division ~~(B)~~ (C) of 1240
this section, on or before the first Monday of August, annually, 1241
the county auditor shall compile and make up a general tax list 1242
of real and public utility property in the county, either in 1243
tabular form and alphabetical order, or, with the consent of the 1244
county treasurer, by listing all parcels in a permanent parcel 1245
number sequence to which a separate alphabetical index is keyed, 1246
containing the names of the several persons, companies, firms, 1247

partnerships, associations, and corporations in whose names real 1248
property has been listed in each township, municipal 1249
corporation, special district, or separate school district, or 1250
part of either in the auditor's county, placing separately, in 1251
appropriate columns opposite each name, the description of each 1252
tract, lot, or parcel of real estate, the value of each tract, 1253
lot, or parcel, the value of the improvements thereon, and of 1254
the names of the several public utilities whose property, 1255
subject to taxation on the general tax list and duplicate, has 1256
been apportioned by the department of taxation to the county, 1257
and the amount so apportioned to each township, municipal 1258
corporation, special district, or separate school district or 1259
part of either in the auditor's county, as shown by the 1260
certificates of apportionment of public utility property. If the 1261
name of the owner of any tract, lot, or parcel of real estate is 1262
unknown to the auditor, "unknown" shall be entered in the column 1263
of names opposite said tract, lot, or parcel. Such lists shall 1264
be prepared in duplicate. On or before the first Monday of 1265
September in each year, the auditor shall correct such lists in 1266
accordance with the additions and deductions ordered by the tax 1267
commissioner and by the county board of revision, and shall 1268
certify and on the first day of October deliver one copy thereof 1269
to the county treasurer. The copies prepared by the auditor 1270
shall constitute the auditor's general tax list and treasurer's 1271
general duplicate of real and public utility property for the 1272
current year. 1273

Once a permanent parcel numbering system has been 1274
established in any county as provided by the preceding 1275
paragraph, such system shall remain in effect until otherwise 1276
agreed upon by the county auditor and county treasurer. 1277

~~(B) (1) An individual~~ (C) (1) A designated public service 1278

~~worker, or the spouse of that individual, whose residential and~~ 1279
~~familial information is not a public record under divisions (A)~~ 1280
~~(1) (p) and division (A) (7) of section 149.43 of the Revised~~ 1281
Code, a qualifying former designated public service worker under 1282
division (A) (3) of section 149.45 of the Revised Code, or the 1283
spouse of either individual, may submit an affidavit to the 1284
county auditor requesting the county auditor to remove the name 1285
of the individual filing the affidavit from any record made 1286
available to the general public on the internet or a publicly 1287
accessible database, and from the general tax list and duplicate 1288
of real and public utility property, and to instead insert the 1289
individual's initials on any such record, and on the general tax 1290
list and duplicate of real and public utility property as the 1291
name of the individual that appears on the deed. A qualifying 1292
former designated public service worker shall provide, with the 1293
affidavit, a confirmation letter from each employer at which the 1294
worker accumulated service confirming the years of service and 1295
that the worker departed service in good standing. 1296

(2) Upon receiving an affidavit, and confirmation letter 1297
if applicable, described in division ~~(B) (1)~~ (C) (1) of this 1298
section, the county auditor shall act within five business days 1299
in accordance with the request to remove the individual's name 1300
from any record made available to the general public on the 1301
internet or a publicly accessible database, and from the general 1302
tax list and duplicate of real and public utility property and 1303
insert the individual's initials on any such record and on the 1304
general tax list and duplicate of real and public utility 1305
property, if practicable. If the removal and insertion is not 1306
practicable, the county auditor shall verbally or in writing 1307
within five business days after receiving the affidavit explain 1308
to the individual why the removal and insertion is 1309

impracticable. 1310

~~(C)~~ (D) The county auditor shall keep confidential 1311
information that is subject to a real property confidentiality 1312
notice under section 111.431 of the Revised Code, in accordance 1313
with that section. An affidavit or confirmation letter submitted 1314
under division (C) (1) of this section is not a public record 1315
under division (A) (1) (vv) of section 149.43 of the Revised Code. 1316

Sec. 319.54. (A) On all moneys collected by the county 1317
treasurer on any tax duplicate of the county, other than estate 1318
tax duplicates, and on all moneys received as advance payments 1319
of personal property and classified property taxes, the county 1320
auditor, on settlement with the treasurer and tax commissioner, 1321
on or before the date prescribed by law for such settlement or 1322
any lawful extension of such date, shall be allowed as 1323
compensation for the county auditor's services the following 1324
percentages: 1325

(1) On the first one hundred thousand dollars, two and 1326
one-half per cent; 1327

(2) On the next two million dollars, eight thousand three 1328
hundred eighteen ten-thousandths of one per cent; 1329

(3) On the next two million dollars, six thousand six 1330
hundred fifty-five ten-thousandths of one per cent; 1331

(4) On all further sums, one thousand six hundred sixty- 1332
three ten-thousandths of one per cent. 1333

If any settlement is not made on or before the date 1334
prescribed by law for such settlement or any lawful extension of 1335
such date, the aggregate compensation allowed to the auditor 1336
shall be reduced one per cent for each day such settlement is 1337
delayed after the prescribed date. No penalty shall apply if the 1338

auditor and treasurer grant all requests for advances up to 1339
ninety per cent of the settlement pursuant to section 321.34 of 1340
the Revised Code. The compensation allowed in accordance with 1341
this section on settlements made before the dates prescribed by 1342
law, or the reduced compensation allowed in accordance with this 1343
section on settlements made after the date prescribed by law or 1344
any lawful extension of such date, shall be apportioned ratably 1345
by the auditor and deducted from the shares or portions of the 1346
revenue payable to the state as well as to the county, 1347
townships, municipal corporations, and school districts. 1348

(B) For the purpose of reimbursing county auditors for the 1349
expenses associated with the increased number of applications 1350
for reductions in real property taxes under sections 323.152 and 1351
4503.065 of the Revised Code that result from the amendment of 1352
those sections by Am. Sub. H.B. 119 of the 127th general 1353
assembly, there shall be paid from the state's general revenue 1354
fund to the county treasury, to the credit of the real estate 1355
assessment fund created by section 325.31 of the Revised Code, 1356
an amount equal to one per cent of the total annual amount of 1357
property tax relief reimbursement paid to that county under 1358
sections 323.156 and 4503.068 of the Revised Code for the 1359
preceding tax year. Payments made under this division shall be 1360
made at the same times and in the same manner as payments made 1361
under section 323.156 of the Revised Code. 1362

(C) From all moneys collected by the county treasurer on 1363
any tax duplicate of the county, other than estate tax 1364
duplicates, and on all moneys received as advance payments of 1365
personal property and classified property taxes, there shall be 1366
paid into the county treasury to the credit of the real estate 1367
assessment fund created by section 325.31 of the Revised Code, 1368
an amount to be determined by the county auditor, which shall 1369

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| not exceed the percentages prescribed in divisions (C) (1) and | 1370 |
| (2) of this section. | 1371 |
| (1) For payments made after June 30, 2007, and before | 1372 |
| 2011, the following percentages: | 1373 |
| (a) On the first five hundred thousand dollars, four per | 1374 |
| cent; | 1375 |
| (b) On the next five million dollars, two per cent; | 1376 |
| (c) On the next five million dollars, one per cent; | 1377 |
| (d) On all further sums not exceeding one hundred fifty | 1378 |
| million dollars, three-quarters of one per cent; | 1379 |
| (e) On amounts exceeding one hundred fifty million | 1380 |
| dollars, five hundred eighty-five thousandths of one per cent. | 1381 |
| (2) For payments made in or after 2011, the following | 1382 |
| percentages: | 1383 |
| (a) On the first five hundred thousand dollars, four per | 1384 |
| cent; | 1385 |
| (b) On the next ten million dollars, two per cent; | 1386 |
| (c) On amounts exceeding ten million five hundred thousand | 1387 |
| dollars, three-fourths of one per cent. | 1388 |
| Such compensation shall be apportioned ratably by the | 1389 |
| auditor and deducted from the shares or portions of the revenue | 1390 |
| payable to the state as well as to the county, townships, | 1391 |
| municipal corporations, and school districts. | 1392 |
| (D) Each county auditor shall receive four per cent of the | 1393 |
| amount of tax collected and paid into the county treasury, on | 1394 |
| property omitted and placed by the county auditor on the tax | 1395 |
| duplicate. | 1396 |

(E) On all estate tax moneys collected by the county 1397
treasurer, the county auditor, on settlement annually with the 1398
tax commissioner, shall be allowed, as compensation for the 1399
auditor's services under Chapter 5731. of the Revised Code, two 1400
per cent of the amount collected and reported that year in 1401
excess of refunds distributed, for the use of the general fund 1402
of the county. 1403

(F) On all cigarette license moneys collected by the 1404
county treasurer, the county auditor, on settlement semiannually 1405
with the treasurer, shall be allowed as compensation for the 1406
auditor's services in the issuing of such licenses one-half of 1407
one per cent of such moneys, to be apportioned ratably and 1408
deducted from the shares of the revenue payable to the county 1409
and subdivisions, for the use of the general fund of the county. 1410

(G) The county auditor shall charge and receive fees as 1411
follows: 1412

(1) For deeds of land sold for taxes to be paid by the 1413
purchaser, five dollars; 1414

(2) For the transfer or entry of land, lot, or part of 1415
lot, or the transfer or entry on or after January 1, 2000, of a 1416
used manufactured home or mobile home as defined in section 1417
5739.0210 of the Revised Code, fifty cents for each transfer or 1418
entry, to be paid by the person requiring it; 1419

(3) For receiving statements of value and administering 1420
section 319.202 of the Revised Code, one dollar, or ten cents 1421
for each one hundred dollars or fraction of one hundred dollars, 1422
whichever is greater, of the value of the real property 1423
transferred or, for sales occurring on or after January 1, 2000, 1424
the value of the used manufactured home or used mobile home, as 1425

defined in section 5739.0210 of the Revised Code, transferred, 1426
except no fee shall be charged when the transfer is made: 1427

(a) To or from the United States, this state, or any 1428
instrumentality, agency, or political subdivision of the United 1429
States or this state; 1430

(b) Solely in order to provide or release security for a 1431
debt or obligation; 1432

(c) To confirm or correct a deed previously executed and 1433
recorded, or when a current owner ~~on any record made available~~ 1434
~~to the general public on the internet or a publicly accessible~~ 1435
~~database and the general tax list of real and public utility~~ 1436
~~property and the general duplicate of real and public utility~~ 1437
~~property is a peace officer, parole officer, prosecuting~~ 1438
~~attorney, assistant prosecuting attorney, correctional employee,~~ 1439
~~youth services employee, firefighter, EMT, or investigator of~~ 1440
~~the bureau of criminal identification and investigation and is~~ 1441
changing the current owner name listed on any record made 1442
available to the general public on the internet, or a publicly 1443
accessible database, and the general tax list of real and public 1444
utility property, and the general duplicate of real and public 1445
utility property, to the initials of the current owner as 1446
prescribed in division ~~(B)(1)~~ (C)(1) of section 319.28 of the 1447
Revised Code; 1448

(d) To evidence a gift, in trust or otherwise and whether 1449
revocable or irrevocable, between husband and wife, or parent 1450
and child or the spouse of either; 1451

(e) On sale for delinquent taxes or assessments; 1452

(f) Pursuant to court order, to the extent that such 1453
transfer is not the result of a sale effected or completed 1454

pursuant to such order; 1455

(g) Pursuant to a reorganization of corporations or 1456
unincorporated associations or pursuant to the dissolution of a 1457
corporation, to the extent that the corporation conveys the 1458
property to a stockholder as a distribution in kind of the 1459
corporation's assets in exchange for the stockholder's shares in 1460
the dissolved corporation; 1461

(h) By a subsidiary corporation to its parent corporation 1462
for no consideration, nominal consideration, or in sole 1463
consideration of the cancellation or surrender of the 1464
subsidiary's stock; 1465

(i) By lease, whether or not it extends to mineral or 1466
mineral rights, unless the lease is for a term of years 1467
renewable forever; 1468

(j) When the value of the real property or the 1469
manufactured or mobile home or the value of the interest that is 1470
conveyed does not exceed one hundred dollars; 1471

(k) Of an occupied residential property, including a 1472
manufactured or mobile home, being transferred to the builder of 1473
a new residence or to the dealer of a new manufactured or mobile 1474
home when the former residence is traded as part of the 1475
consideration for the new residence or new manufactured or 1476
mobile home; 1477

(l) To a grantee other than a dealer in real property or 1478
in manufactured or mobile homes, solely for the purpose of, and 1479
as a step in, the prompt sale of the real property or 1480
manufactured or mobile home to others; 1481

(m) To or from a person when no money or other valuable 1482
and tangible consideration readily convertible into money is 1483

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| paid or to be paid for the real estate or manufactured or mobile home and the transaction is not a gift; | 1484 1485 |
| (n) Pursuant to division (B) of section 317.22 of the Revised Code, or section 2113.61 of the Revised Code, between spouses or to a surviving spouse pursuant to section 5302.17 of the Revised Code as it existed prior to April 4, 1985, between persons pursuant to section 5302.17 or 5302.18 of the Revised Code on or after April 4, 1985, to a person who is a surviving, survivorship tenant pursuant to section 5302.17 of the Revised Code on or after April 4, 1985, or pursuant to section 5309.45 of the Revised Code; | 1486 1487 1488 1489 1490 1491 1492 1493 1494 |
| (o) To a trustee acting on behalf of minor children of the deceased; | 1495 1496 |
| (p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars; | 1497 1498 |
| (q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code; | 1499 1500 |
| (r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such transfer is without consideration and is in furtherance of the charitable or public purposes of such organization; | 1501 1502 1503 1504 1505 |
| (s) Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is paid or to be paid for the real property or manufactured or mobile home; | 1506 1507 1508 1509 |
| (t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust; | 1510 1511 |

(u) To the grantor of a trust by a trustee of the trust, 1512
when the transfer is made to the grantor pursuant to the 1513
exercise of the grantor's power to revoke the trust or to 1514
withdraw trust assets; 1515

(v) To the beneficiaries of a trust if the fee was paid on 1516
the transfer from the grantor of the trust to the trustee or if 1517
the transfer is made pursuant to trust provisions which became 1518
irrevocable at the death of the grantor; 1519

(w) To a corporation for incorporation into a sports 1520
facility constructed pursuant to section 307.696 of the Revised 1521
Code; 1522

(x) Between persons pursuant to section 5302.18 of the 1523
Revised Code; 1524

(y) From a county land reutilization corporation organized 1525
under Chapter 1724. of the Revised Code, or its wholly owned 1526
subsidiary, to a third party. 1527

(4) For the cost of publishing the delinquent manufactured 1528
home tax list, the delinquent tax list, and the delinquent 1529
vacant land tax list, a flat fee, as determined by the county 1530
auditor, to be charged to the owner of a home on the delinquent 1531
manufactured home tax list or the property owner of land on the 1532
delinquent tax list or the delinquent vacant land tax list. 1533

The auditor shall compute and collect the fee. The auditor 1534
shall maintain a numbered receipt system, as prescribed by the 1535
tax commissioner, and use such receipt system to provide a 1536
receipt to each person paying a fee. The auditor shall deposit 1537
the receipts of the fees on conveyances in the county treasury 1538
daily to the credit of the general fund of the county, except 1539
that fees charged and received under division (G) (3) of this 1540

section for a transfer of real property to a county land 1541
reutilization corporation shall be credited to the county land 1542
reutilization corporation fund established under section 321.263 1543
of the Revised Code. 1544

The real property transfer fee provided for in division 1545
(G) (3) of this section shall be applicable to any conveyance of 1546
real property presented to the auditor on or after January 1, 1547
1968, regardless of its time of execution or delivery. 1548

The transfer fee for a used manufactured home or used 1549
mobile home shall be computed by and paid to the county auditor 1550
of the county in which the home is located immediately prior to 1551
the transfer. 1552

Sec. 2323.52. (A) As used in this section: 1553

(1) "Conduct" has the same meaning as in section 2323.51 1554
of the Revised Code. 1555

(2) "Vexatious conduct" means conduct of a party in a 1556
civil action that satisfies any of the following: 1557

(a) The conduct obviously serves merely to harass or 1558
maliciously injure another party to the civil action. 1559

(b) The conduct is not warranted under existing law and 1560
cannot be supported by a good faith argument for an extension, 1561
modification, or reversal of existing law. 1562

(c) The conduct is imposed solely for delay. 1563

(3) "Vexatious litigator" means any person who has 1564
habitually, persistently, and without reasonable grounds engaged 1565
in vexatious conduct in a civil action or actions, whether in 1566
the court of claims or in a court of appeals, court of common 1567
pleas, municipal court, or county court, whether the person or 1568

another person instituted the civil action or actions, and 1569
whether the vexatious conduct was against the same party or 1570
against different parties in the civil action or actions. 1571

"Vexatious litigator" does not include a person who is 1572
authorized to practice law in the courts of this state under the 1573
Ohio Supreme Court Rules for the Government of the Bar of Ohio 1574
unless that person is representing or has represented self pro 1575
se in the civil action or actions. For the purposes of division 1576
(A) (3) of this section, "civil action" includes a proceeding 1577
under section 2743.75 of the Revised Code. 1578

(B) A person, the office of the attorney general, or a 1579
prosecuting attorney, city director of law, village solicitor, 1580
or similar chief legal officer of a municipal corporation who 1581
has defended against habitual and persistent vexatious conduct 1582
in the court of claims or in a court of appeals, court of common 1583
pleas, municipal court, or county court may commence a civil 1584
action in a court of common pleas with jurisdiction over the 1585
person who allegedly engaged in the habitual and persistent 1586
vexatious conduct to have that person declared a vexatious 1587
litigator. The person, office of the attorney general, 1588
prosecuting attorney, city director of law, village solicitor, 1589
or similar chief legal officer of a municipal corporation may 1590
commence this civil action while the civil action or actions in 1591
which the habitual and persistent vexatious conduct occurred are 1592
still pending or within one year after the termination of the 1593
civil action or actions in which the habitual and persistent 1594
vexatious conduct occurred. 1595

(C) A civil action to have a person declared a vexatious 1596
litigator shall proceed as any other civil action, and the Ohio 1597
Rules of Civil Procedure apply to the action. 1598

(D) (1) If the person alleged to be a vexatious litigator 1599
is found to be a vexatious litigator, subject to division (D) (2) 1600
of this section, the court of common pleas may enter an order 1601
prohibiting the vexatious litigator from doing one or more of 1602
the following without first obtaining the leave of that court to 1603
proceed: 1604

(a) Instituting legal proceedings in the court of claims 1605
or in a court of common pleas, municipal court, or county court; 1606

(b) Continuing any legal proceedings that the vexatious 1607
litigator had instituted in any of the courts specified in 1608
division (D) (1) (a) of this section prior to the entry of the 1609
order; 1610

(c) Making any application, other than an application for 1611
leave to proceed under division (F) (1) of this section, in any 1612
legal proceedings instituted by the vexatious litigator or 1613
another person in any of the courts specified in division (D) (1) 1614
(a) of this section. 1615

(2) If the court of common pleas finds a person who is 1616
authorized to practice law in the courts of this state under the 1617
Ohio Supreme Court Rules for the Government of the Bar of Ohio 1618
to be a vexatious litigator and enters an order described in 1619
division (D) (1) of this section in connection with that finding, 1620
the order shall apply to the person only insofar as the person 1621
would seek to institute proceedings described in division (D) (1) 1622
(a) of this section on a pro se basis, continue proceedings 1623
described in division (D) (1) (b) of this section on a pro se 1624
basis, or make an application described in division (D) (1) (c) of 1625
this section on a pro se basis. The order shall not apply to the 1626
person insofar as the person represents one or more other 1627
persons in the person's capacity as a licensed and registered 1628

attorney in a civil or criminal action or proceeding or other 1629
matter in a court of common pleas, municipal court, or county 1630
court or in the court of claims. Division (D) (2) of this section 1631
does not affect any remedy that is available to a court or an 1632
adversely affected party under section 2323.51 or another 1633
section of the Revised Code, under Civil Rule 11 or another 1634
provision of the Ohio Rules of Civil Procedure, or under the 1635
common law of this state as a result of frivolous conduct or 1636
other inappropriate conduct by an attorney who represents one or 1637
more clients in connection with a civil or criminal action or 1638
proceeding or other matter in a court of common pleas, municipal 1639
court, or county court or in the court of claims. 1640

(3) A person who is subject to an order entered pursuant 1641
to division (D) (1) of this section may not institute legal 1642
proceedings in a court of appeals, continue any legal 1643
proceedings that the vexatious litigator had instituted in a 1644
court of appeals prior to entry of the order, or make any 1645
application, other than the application for leave to proceed 1646
allowed by division (F) (2) of this section, in any legal 1647
proceedings instituted by the vexatious litigator or another 1648
person in a court of appeals without first obtaining leave of 1649
the court of appeals to proceed pursuant to division (F) (2) of 1650
this section. 1651

(E) An order that is entered under division (D) (1) of this 1652
section shall remain in force indefinitely unless the order 1653
provides for its expiration after a specified period of time. 1654

(F) (1) A court of common pleas that entered an order under 1655
division (D) (1) of this section shall not grant a person found 1656
to be a vexatious litigator leave for the institution or 1657
continuance of, or the making of an application in, legal 1658

proceedings in the court of claims or in a court of common 1659
pleas, municipal court, or county court unless the court of 1660
common pleas that entered that order is satisfied that the 1661
proceedings or application are not an abuse of process of the 1662
court in question and that there are reasonable grounds for the 1663
proceedings or application. If a person who has been found to be 1664
a vexatious litigator under this section requests the court of 1665
common pleas that entered an order under division (D) (1) of this 1666
section to grant the person leave to proceed as described in 1667
division (F) (1) of this section, the period of time commencing 1668
with the filing with that court of an application for the 1669
issuance of an order granting leave to proceed and ending with 1670
the issuance of an order of that nature shall not be computed as 1671
a part of an applicable period of limitations within which the 1672
legal proceedings or application involved generally must be 1673
instituted or made. 1674

(2) A person who is subject to an order entered pursuant 1675
to division (D) (1) of this section and who seeks to institute or 1676
continue any legal proceedings in a court of appeals or to make 1677
an application, other than an application for leave to proceed 1678
under division (F) (2) of this section, in any legal proceedings 1679
in a court of appeals shall file an application for leave to 1680
proceed in the court of appeals in which the legal proceedings 1681
would be instituted or are pending. The court of appeals shall 1682
not grant a person found to be a vexatious litigator leave for 1683
the institution or continuance of, or the making of an 1684
application in, legal proceedings in the court of appeals unless 1685
the court of appeals is satisfied that the proceedings or 1686
application are not an abuse of process of the court and that 1687
there are reasonable grounds for the proceedings or application. 1688
If a person who has been found to be a vexatious litigator under 1689

this section requests the court of appeals to grant the person 1690
leave to proceed as described in division (F) (2) of this 1691
section, the period of time commencing with the filing with the 1692
court of an application for the issuance of an order granting 1693
leave to proceed and ending with the issuance of an order of 1694
that nature shall not be computed as a part of an applicable 1695
period of limitations within which the legal proceedings or 1696
application involved generally must be instituted or made. 1697

(G) During the period of time that the order entered under 1698
division (D) (1) of this section is in force, no appeal by the 1699
person who is the subject of that order shall lie from a 1700
decision of the court of common pleas or court of appeals under 1701
division (F) of this section that denies that person leave for 1702
the institution or continuance of, or the making of an 1703
application in, legal proceedings in the court of claims or in a 1704
court of appeals, court of common pleas, municipal court, or 1705
county court. 1706

(H) The clerk of the court of common pleas that enters an 1707
order under division (D) (1) of this section shall send a 1708
certified copy of the order to the supreme court for publication 1709
in a manner that the supreme court determines is appropriate and 1710
that will facilitate the clerk of the court of claims and a 1711
clerk of a court of appeals, court of common pleas, municipal 1712
court, or county court in refusing to accept pleadings or other 1713
papers submitted for filing by persons who have been found to be 1714
a vexatious litigator under this section and who have failed to 1715
obtain leave to proceed under this section. 1716

(I) Whenever it appears by suggestion of the parties or 1717
otherwise that a person found to be a vexatious litigator under 1718
this section has instituted, continued, or made an application 1719

in legal proceedings without obtaining leave to proceed from the 1720
appropriate court of common pleas or court of appeals to do so 1721
under division (F) of this section, the court in which the legal 1722
proceedings are pending shall dismiss the proceedings or 1723
application of the vexatious litigator. 1724

(J) (1) A person who is subject to an order entered 1725
pursuant to division (D) (1) of this section shall not be 1726
permitted to request public records from a public office or 1727
person responsible for public records without first receiving 1728
both leave to proceed from the court of common pleas as 1729
described in this section and an accompanying order from the 1730
court that specifies with particularity what public records the 1731
person may request from the public office or person responsible 1732
for public records. Until the requirements set forth in this 1733
division are satisfied and evidence of satisfaction is presented 1734
to the public office or person responsible for public records, 1735
the public office or person responsible for public records is 1736
under no duty to respond to a public records request submitted 1737
by a person who is subject to an order entered pursuant to 1738
division (D) (1) of this section. 1739

(2) Pursuant to division (B) (4) of section 149.43 of the 1740
Revised Code, if a public office or person responsible for 1741
public records receives an anonymous public records request and 1742
knows or has reasonable cause to believe that a person who is a 1743
vexatious litigator has submitted a public records request, or 1744
if, based upon the requestor's listed name, the public office or 1745
person responsible for public records knows or has reasonable 1746
cause to believe that a person who is a vexatious litigator has 1747
submitted a public records request, the public office or person 1748
responsible for public records may require that the person 1749
present an acceptable form of identification prior to responding 1750

to the public records request. 1751

Sec. 2743.75. (A) In order to provide for an expeditious 1752
and economical procedure that attempts to resolve disputes 1753
alleging a denial of access to public records in violation of 1754
division (B) of section 149.43 of the Revised Code, except for a 1755
court that hears a mandamus action pursuant to that section, 1756
upon the expiration of the three-day period in which a public 1757
office or person responsible for public records may cure or 1758
address an alleged violation pursuant to division (C)(1) of 1759
section 149.43 of the Revised Code, the court of claims shall be 1760
the sole and exclusive authority in this state that adjudicates 1761
or resolves complaints based on alleged violations of that 1762
section. The clerk of the court of claims shall designate one or 1763
more current employees or hire one or more individuals to serve 1764
as special masters to hear complaints brought under this 1765
section. All special masters shall have been engaged in the 1766
practice of law in this state for at least four years and be in 1767
good standing with the supreme court at the time of designation 1768
or hiring. The clerk may assign administrative and clerical work 1769
associated with complaints brought under this section to current 1770
employees or may hire such additional employees as may be 1771
necessary to perform such work. 1772

(B) The clerk of the court of common pleas in each county 1773
shall act as the clerk of the court of claims for purposes of 1774
accepting those complaints filed with the clerk under division 1775
(D)(1) of this section, accepting filing fees for those 1776
complaints, and serving those complaints. 1777

(C)(1) Subject to division (C)(2) of this section, a 1778
person allegedly aggrieved by a denial of access to public 1779
records in violation of division (B) of section 149.43 of the 1780

Revised Code may seek relief under that section or under this 1781
section, provided, however, that if the allegedly aggrieved 1782
person files a complaint under either section, that person may 1783
not seek relief that pertains to the same request for records in 1784
a complaint filed under the other section. 1785

(2) If the allegedly aggrieved person files a complaint 1786
under this section and the court of claims determines that the 1787
complaint constitutes a case of first impression that involves 1788
an issue of substantial public interest, the court shall dismiss 1789
the complaint without prejudice and direct the allegedly 1790
aggrieved person to commence a mandamus action in the court of 1791
appeals with appropriate jurisdiction as provided in division 1792
(C) (1) of section 149.43 of the Revised Code. 1793

(D) (1) An allegedly aggrieved person who proceeds under 1794
this section shall file a complaint, on a form prescribed by the 1795
clerk of the court of claims, with the clerk of the court of 1796
claims or with the clerk of the court of common pleas of the 1797
county in which the public office from which the records are 1798
requested is located. The person shall attach to the complaint 1799
copies of the original records request and any written responses 1800
or other communications relating to the request from the public 1801
office or person responsible for public records and shall pay a 1802
filing fee of twenty-five dollars made payable to the clerk of 1803
the court with whom the complaint is filed. The clerk shall 1804
serve a copy of the complaint on the public office or person 1805
responsible for public records for the particular public office 1806
in accordance with Civil Rule 4.1 and, if the complaint is filed 1807
with the clerk of the court of common pleas, shall forward the 1808
complaint to the clerk of the court of claims, and to no other 1809
court, within three business days after service is complete. 1810

(2) Upon receipt of a complaint filed under division (D) 1811
(1) of this section, the clerk of the court of claims shall 1812
assign a case number for the action and a special master to 1813
examine the complaint. Notwithstanding any provision to the 1814
contrary in this section, upon the recommendation of the special 1815
master, the court of claims on its own motion may dismiss the 1816
complaint at any time. The allegedly aggrieved person may 1817
voluntarily dismiss the complaint filed by that person under 1818
division (D) (1) of this section. 1819

(E) (1) Upon service of a complaint under division (D) (1) 1820
of this section, except as otherwise provided in this division, 1821
the special master assigned by the clerk under division (D) (2) 1822
of this section immediately shall refer the case to mediation 1823
services that the court of claims makes available to persons. 1824
If, in the interest of justice considering the circumstances of 1825
the case or the parties, the special master determines that the 1826
case should not be referred to mediation, the special master 1827
shall notify the court that the case was not referred to 1828
mediation, and the case shall proceed in accordance with 1829
division (F) of this section. If the case is referred to 1830
mediation, any further proceedings under division (F) of this 1831
section shall be stayed until the conclusion of the mediation. 1832
Any mediation proceedings under this division may be conducted 1833
by teleconference, telephone, or other electronic means. If an 1834
agreement is reached during mediation, the court shall dismiss 1835
the complaint. If an agreement is not reached, the special 1836
master shall notify the court that the case was not resolved and 1837
that the mediation has been terminated. 1838

(2) Within ten business days after the termination of the 1839
mediation or the notification to the court that the case was not 1840
referred to mediation under division (E) (1) of this section, the 1841

public office or person responsible for public records shall 1842
file a response, and if applicable, a motion to dismiss the 1843
complaint, with the clerk of the court of claims and transmit 1844
copies of the pleadings to the allegedly aggrieved party. No 1845
further motions or pleadings shall be accepted by the clerk of 1846
the court of claims or by the special master assigned by the 1847
clerk under division (D)(2) of this section unless the special 1848
master directs in writing that a further motion or pleading be 1849
filed. 1850

(3) All of the following apply prior to the submission of 1851
the special master's report and recommendation to the court of 1852
claims under division (F)(1) of this section: 1853

(a) The special master shall not permit any discovery. 1854

(b) The parties may attach supporting affidavits to their 1855
respective pleadings. 1856

(c) The special master may require either or both of the 1857
parties to submit additional information or documentation 1858
supported by affidavits. 1859

(F)(1) Not later than seven business days after receiving 1860
the response, or motion to dismiss the complaint, if applicable, 1861
of the public office or person responsible for public records, 1862
the special master shall submit to the court of claims a report 1863
and recommendation based on the ordinary application of 1864
statutory law and case law as they existed at the time of the 1865
filing of the complaint. For good cause shown, the special 1866
master may extend the seven-day period for the submission of the 1867
report and recommendation to the court of claims under this 1868
division by an additional seven business days. 1869

(2) Upon submission of the special master's report and 1870

recommendation to the court of claims under division (F) (1) of 1871
this section, the clerk shall send copies of the report and 1872
recommendation to each party by certified mail, return receipt 1873
requested, not later than three business days after the report 1874
and recommendation is filed. Either party may object to the 1875
report and recommendation within seven business days after 1876
receiving the report and recommendation by filing a written 1877
objection with the clerk and sending a copy to the other party 1878
by certified mail, return receipt requested. Any objection to 1879
the report and recommendation shall be specific and state with 1880
particularity all grounds for the objection. If neither party 1881
timely objects, the court of claims shall promptly issue a final 1882
order adopting the report and recommendation, unless it 1883
determines that there is an error of law or other defect evident 1884
on the face of the report and recommendation. If either party 1885
timely objects, the other party may file with the clerk a 1886
response within seven business days after receiving the 1887
objection and send a copy of the response to the objecting party 1888
by certified mail, return receipt requested. The court, within 1889
seven business days after the response to the objection is 1890
filed, shall issue a final order that adopts, modifies, or 1891
rejects the report and recommendation. 1892

(3) If the court of claims determines that the public 1893
office or person responsible for the public records denied the 1894
aggrieved person access to the public records in violation of 1895
division (B) of section 149.43 of the Revised Code and if no 1896
appeal from the court's final order is taken under division (G) 1897
of this section, both of the following apply: 1898

(a) The public office or the person responsible for the 1899
public records shall permit the aggrieved person to inspect or 1900
receive copies of the public records that the court requires to 1901

be disclosed in its order. 1902

(b) The aggrieved person shall be entitled to recover from 1903
the public office or person responsible for the public records 1904
the amount of the filing fee of twenty-five dollars and any 1905
other costs associated with the action that are incurred by the 1906
aggrieved person, but shall not be entitled to recover 1907
attorney's fees, except that division (G) (2) of this section 1908
applies if an appeal is taken under division (G) (1) of this 1909
section. 1910

(G) (1) Any appeal from a final order of the court of 1911
claims under this section or from an order of the court of 1912
claims dismissing the complaint as provided in division (D) (2) 1913
of this section shall be taken to the court of appeals of the 1914
appellate district where the principal place of business of the 1915
public office from which the public record is requested is 1916
located. However, no appeal may be taken from a final order of 1917
the court of claims that adopts the special master's report and 1918
recommendation unless a timely objection to that report and 1919
recommendation was filed under division (F) (2) of this section. 1920
If the court of claims materially modifies the special master's 1921
report and recommendation, either party may take an appeal to 1922
the court of appeals of the appellate district of the principal 1923
place of business where that public office is located but the 1924
appeal shall be limited to the issue in the report and 1925
recommendation that is materially modified by the court of 1926
claims. In order to facilitate the expeditious resolution of 1927
disputes over alleged denials of access to public records in 1928
violation of division (B) of section 149.43 of the Revised Code, 1929
the appeal shall be given such precedence over other pending 1930
matters as will ensure that the court will reach a decision 1931
promptly. 1932

(2) If a court of appeals in any appeal taken under 1933
division (G)(1) of this section by the public office or person 1934
responsible for the public records determines that the public 1935
office or person denied the aggrieved person access to the 1936
public records in violation of division (B) of section 149.43 of 1937
the Revised Code and obviously filed the appeal with the intent 1938
to either delay compliance with the court of claims' order from 1939
which the appeal is taken for no reasonable cause or unduly 1940
harass the aggrieved person, the court of appeals may award 1941
reasonable attorney's fees to the aggrieved person in accordance 1942
with division (C) of section 149.43 of the Revised Code. No 1943
discovery may be conducted on the issue of the public office or 1944
person responsible for the public records filing the appeal with 1945
the alleged intent to either delay compliance with the court of 1946
claims' order for no reasonable cause or unduly harass the 1947
aggrieved person. This division shall not be construed as 1948
creating a presumption that the public office or the person 1949
responsible for the public records filed the appeal with the 1950
intent to either delay compliance with the court of claims' 1951
order for no reasonable cause or unduly harass the aggrieved 1952
person. 1953

(H) The powers of the court of claims prescribed in 1954
section 2743.05 of the Revised Code apply to the proceedings in 1955
that court under this section. 1956

(I)(1) All filing fees collected by a clerk of the court 1957
of common pleas under division (D)(1) of this section shall be 1958
paid to the county treasurer for deposit into the county general 1959
revenue fund. All such money collected during a month shall be 1960
transmitted on or before the twentieth day of the following 1961
month by the clerk of the court of common pleas to the county 1962
treasurer. 1963

(2) All filing fees collected by the clerk of the court of claims under division (D) (1) of this section shall be deposited into the state treasury to the credit of the public records fund, which is hereby created. Money credited to the fund shall be used by the court of claims to assist in paying for its costs to implement this section. All investment earnings of the fund shall be credited to the fund. Not later than the first day of February of each year, the clerk of the court of claims shall prepare a report accessible to the public that details the fees collected during the preceding calendar year by the clerk of the court of claims and the clerks of the courts of common pleas under this section.

(J) Nothing in this section shall be construed to limit the authority of the auditor of state under division (G) of section 109.43 of the Revised Code.

Sec. 2951.03. (A) (1) Unless the defendant and the prosecutor who is handling the case against the defendant agree to waive the presentence investigation report, no person who has been convicted of or pleaded guilty to a felony shall be placed under a community control sanction until a written presentence investigation report has been considered by the court. The court may order a presentence investigation report notwithstanding an agreement to waive the report. If a court orders the preparation of a presentence investigation report pursuant to this section, section 2947.06 of the Revised Code, or Criminal Rule 32.2, the officer making the report shall inquire into the circumstances of the offense and the criminal record, social history, and present condition of the defendant, all information available regarding any prior adjudications of the defendant as a delinquent child and regarding the dispositions made relative to those adjudications, and any other matters specified in Criminal

Rule 32.2. Whenever the officer considers it advisable, the
officer's investigation may include a physical and mental
examination of the defendant. A physical examination of the
defendant may include a drug test consisting of a chemical
analysis of a blood or urine specimen of the defendant to
determine whether the defendant ingested or was injected with a
drug of abuse. If, pursuant to section 2930.13 of the Revised
Code, the victim of the offense of which the defendant has been
convicted wishes to make a statement regarding the impact of the
offense for the officer's use in preparing the presentence
investigation report, the officer shall comply with the
requirements of that section.

(2) If a defendant is committed to any institution, the
presentence investigation report shall be sent to the
institution with the entry of commitment. If a defendant is
committed to any institution and a presentence investigation
report is not prepared regarding that defendant pursuant to this
section, section 2947.06 of the Revised Code, or Criminal Rule
32.2, the director of the department of rehabilitation and
correction or the director's designee may order that an offender
background investigation and report be conducted and prepared
regarding the defendant pursuant to section 5120.16 of the
Revised Code. An offender background investigation report
prepared pursuant to this section shall be considered
confidential information and is not a public record under
section 149.43 of the Revised Code.

(3) The department of rehabilitation and correction may
use any presentence investigation report and any offender
background investigation report prepared pursuant to this
section for penological and rehabilitative purposes. The
department may disclose any presentence investigation report and

any offender background investigation report to courts, law 2026
enforcement agencies, community-based correctional facilities, 2027
halfway houses, and medical, mental health, and substance abuse 2028
treatment providers. The department shall make the disclosure in 2029
a manner calculated to maintain the report's confidentiality. 2030
Any presentence investigation report or offender background 2031
investigation report that the department discloses to a 2032
community-based correctional facility, a halfway house, or a 2033
medical, mental health, or substance abuse treatment provider 2034
shall not include a victim impact section or information 2035
identifying a witness. 2036

(B) (1) If a presentence investigation report is prepared 2037
pursuant to this section, section 2947.06 of the Revised Code, 2038
or Criminal Rule 32.2, the court, at a reasonable time before 2039
imposing sentence, shall permit the defendant or the defendant's 2040
counsel to read the report, except that the court shall not 2041
permit the defendant or the defendant's counsel to read any of 2042
the following: 2043

(a) Any recommendation as to sentence; 2044

(b) Any diagnostic opinions that, if disclosed, the court 2045
believes might seriously disrupt a program of rehabilitation for 2046
the defendant; 2047

(c) Any sources of information obtained upon a promise of 2048
confidentiality; 2049

(d) Any other information that, if disclosed, the court 2050
believes might result in physical harm or some other type of 2051
harm to the defendant or to any other person. 2052

(2) Prior to sentencing, the court shall permit the 2053
defendant and the defendant's counsel to comment on the 2054

presentence investigation report and, in its discretion, may 2055
permit the defendant and the defendant's counsel to introduce 2056
testimony or other information that relates to any alleged 2057
factual inaccuracy contained in the report. 2058

(3) If the court believes that any information in the 2059
presentence investigation report should not be disclosed 2060
pursuant to division (B)(1) of this section, the court, in lieu 2061
of making the report or any part of the report available, shall 2062
state orally or in writing a summary of the factual information 2063
contained in the report that will be relied upon in determining 2064
the defendant's sentence. The court shall permit the defendant 2065
and the defendant's counsel to comment upon the oral or written 2066
summary of the report. 2067

(4) Any material that is disclosed to the defendant or the 2068
defendant's counsel pursuant to this section shall be disclosed 2069
to the prosecutor who is handling the prosecution of the case 2070
against the defendant. 2071

(5) If the comments of the defendant or the defendant's 2072
counsel, the testimony they introduce, or any of the other 2073
information they introduce alleges any factual inaccuracy in the 2074
presentence investigation report or the summary of the report, 2075
the court shall do either of the following with respect to each 2076
alleged factual inaccuracy: 2077

(a) Make a finding as to the allegation; 2078

(b) Make a determination that no finding is necessary with 2079
respect to the allegation, because the factual matter will not 2080
be taken into account in the sentencing of the defendant. 2081

(c) A court's decision as to the content of a summary 2082
under division (B)(3) of this section or as to the withholding 2083

of information under division (B) (1) (a), (b), (c), or (d) of 2084
this section shall be considered to be within the discretion of 2085
the court. No appeal can be taken from either of those 2086
decisions, and neither of those decisions shall be the basis for 2087
a reversal of the sentence imposed. 2088

(D) (1) The contents of a presentence investigation report 2089
prepared pursuant to this section, section 2947.06 of the 2090
Revised Code, or Criminal Rule 32.2 and the contents of any 2091
written or oral summary of a presentence investigation report or 2092
of a part of a presentence investigation report described in 2093
division (B) (3) of this section are confidential information and 2094
are not a public record. The contents of a presentence 2095
investigation report or of a part of a presentence investigation 2096
report described in division (B) (3) of this section may be 2097
shared between courts. Any court, ~~an~~ any appellate court, 2098
authorized probation officers, investigators, and any authorized 2099
court personnel, the defendant, the defendant's counsel, the 2100
prosecutor who is handling the prosecution of the case against 2101
the defendant, and authorized personnel of an institution to 2102
which the defendant is committed may inspect, receive copies of, 2103
retain copies of, and use a presentence investigation report or 2104
a written or oral summary of a presentence investigation only 2105
for the purposes of or only as authorized by Criminal Rule 32.2 2106
or this section, division (F) (1) of section 2953.08, section 2107
2947.06, or another section of the Revised Code. 2108

(2) Immediately following the imposition of sentence upon 2109
the defendant, the defendant or the defendant's counsel and the 2110
prosecutor shall return to the court all copies of a presentence 2111
investigation report and of any written summary of a presentence 2112
investigation report or part of a presentence investigation 2113
report that the court made available to the defendant or the 2114

defendant's counsel and to the prosecutor pursuant to this 2115
section. The defendant or the defendant's counsel and the 2116
prosecutor shall not make any copies of the presentence 2117
investigation report or of any written summary of a presentence 2118
investigation report or part of a presentence investigation 2119
report that the court made available to them pursuant to this 2120
section. 2121

(3) Except when a presentence investigation report or a 2122
written or oral summary of a presentence investigation report is 2123
being used for the purposes of or as authorized by Criminal Rule 2124
32.2 or this section, division (F) (1) of section 2953.08, 2125
section 2947.06, or another section of the Revised Code, the 2126
court or other authorized holder of the report or summary shall 2127
retain the report or summary under seal. 2128

(E) In inquiring into the information available regarding 2129
any prior adjudications of the defendant as a delinquent child 2130
and regarding the dispositions made relative to those 2131
adjudications, the officer making the report shall consider all 2132
information that is relevant, including, but not limited to, the 2133
materials described in division (B) of section 2151.14, division 2134
(C) (3) of section 2152.18, division (D) (3) of section 2152.19, 2135
and division (E) of section 2152.71 of the Revised Code. 2136

(F) As used in this section: 2137

(1) "Prosecutor" has the same meaning as in section 2138
2935.01 of the Revised Code. 2139

(2) "Community control sanction" has the same meaning as 2140
in section 2929.01 of the Revised Code. 2141

(3) "Public record" has the same meaning as in section 2142
149.43 of the Revised Code. 2143

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| Section 2. That existing sections 149.43, 149.45, 319.28, | 2144 |
| 319.54, 2323.52, 2743.75, and 2951.03 of the Revised Code are | 2145 |
| hereby repealed. | 2146 |