

S. B. No. 29  
As Introduced

\_\_\_\_\_ moved to amend as follows:

In line 1 of the title, delete "section" and insert "sections"; 1  
after "149.43" insert "and 3319.31" 2

In line 2 of the title, delete "3319.324,"; delete "and"; after 3  
"3319.326" insert ", and 3319.327" 4

In line 5, delete "section" and insert "sections"; after "149.43" 5  
insert "and 3319.31" 6

In line 6, delete "3319.324,"; delete "and"; after "3319.326" insert 7  
", and 3319.327" 8

Delete lines 8 through 965 9

After line 965, insert: 10

**"Sec. 149.43.** (A) As used in this section: 11

(1) "Public record" means records kept by any public 12  
office, including, but not limited to, state, county, city, 13  
village, township, and school district units, and records 14  
pertaining to the delivery of educational services by an 15  
alternative school in this state kept by the nonprofit or for- 16



profit entity operating the alternative school pursuant to	17
section 3313.533 of the Revised Code. "Public record" does not	18
mean any of the following:	19
(a) Medical records;	20
(b) Records pertaining to probation and parole	21
proceedings, to proceedings related to the imposition of	22
community control sanctions and post-release control sanctions,	23
or to proceedings related to determinations under section	24
2967.271 of the Revised Code regarding the release or maintained	25
incarceration of an offender to whom that section applies;	26
(c) Records pertaining to actions under section 2151.85	27
and division (C) of section 2919.121 of the Revised Code and to	28
appeals of actions arising under those sections;	29
(d) Records pertaining to adoption proceedings, including	30
the contents of an adoption file maintained by the department of	31
health under sections 3705.12 to 3705.124 of the Revised Code;	32
(e) Information in a record contained in the putative	33
father registry established by section 3107.062 of the Revised	34
Code, regardless of whether the information is held by the	35
department of job and family services or, pursuant to section	36
3111.69 of the Revised Code, the office of child support in the	37
department or a child support enforcement agency;	38
(f) Records specified in division (A) of section 3107.52	39
of the Revised Code;	40
(g) Trial preparation records;	41
(h) Confidential law enforcement investigatory records;	42
(i) Records containing information that is confidential	43
under section 2710.03 or 4112.05 of the Revised Code;	44

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

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

(y) Records listed in section 5101.29 of the Revised Code;	102
(z) Discharges recorded with a county recorder under	103
section 317.24 of the Revised Code, as specified in division (B)	104
(2) of that section;	105
(aa) Usage information including names and addresses of	106
specific residential and commercial customers of a municipally	107
owned or operated public utility;	108
(bb) Records described in division (C) of section 187.04	109
of the Revised Code that are not designated to be made available	110
to the public as provided in that division;	111
(cc) Information and records that are made confidential,	112
privileged, and not subject to disclosure under divisions (B)	113
and (C) of section 2949.221 of the Revised Code;	114
(dd) Personal information, as defined in section 149.45 of	115
the Revised Code;	116
(ee) The confidential name, address, and other personally	117
identifiable information of a program participant in the address	118
confidentiality program established under sections 111.41 to	119
111.47 of the Revised Code, including the contents of any	120
application for absent voter's ballots, absent voter's ballot	121
identification envelope statement of voter, or provisional	122
ballot affirmation completed by a program participant who has a	123
confidential voter registration record; records or portions of	124
records pertaining to that program that identify the number of	125
program participants that reside within a precinct, ward,	126
township, municipal corporation, county, or any other geographic	127
area smaller than the state; and any real property	128
confidentiality notice filed under section 111.431 of the	129
Revised Code and the information described in division (C) of	130

that section. As used in this division, "confidential address" 131  
and "program participant" have the meaning defined in section 132  
111.41 of the Revised Code. 133

(ff) Orders for active military service of an individual 134  
serving or with previous service in the armed forces of the 135  
United States, including a reserve component, or the Ohio 136  
organized militia, except that, such order becomes a public 137  
record on the day that is fifteen years after the published date 138  
or effective date of the call to order; 139

(gg) The name, address, contact information, or other 140  
personal information of an individual who is less than eighteen 141  
years of age that is included in any record related to a traffic 142  
accident involving a school vehicle in which the individual was 143  
an occupant at the time of the accident; 144

(hh) Protected health information, as defined in 45 C.F.R. 145  
160.103, that is in a claim for payment for a health care 146  
product, service, or procedure, as well as any other health 147  
claims data in another document that reveals the identity of an 148  
individual who is the subject of the data or could be used to 149  
reveal that individual's identity; 150

(ii) Any depiction by photograph, film, videotape, or 151  
printed or digital image under either of the following 152  
circumstances: 153

(i) The depiction is that of a victim of an offense the 154  
release of which would be, to a reasonable person of ordinary 155  
sensibilities, an offensive and objectionable intrusion into the 156  
victim's expectation of bodily privacy and integrity. 157

(ii) The depiction captures or depicts the victim of a 158  
sexually oriented offense, as defined in section 2950.01 of the 159

Revised Code, at the actual occurrence of that offense.	160
(jj) Restricted portions of a body-worn camera or dashboard camera recording;	161 162
(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.	163 164 165 166 167 168 169 170 171
(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;	172 173 174 175 176 177 178
(mm) Except as otherwise provided in division (A) (1) (oo) of this section, telephone numbers for a victim, as defined in section 2930.01 of the Revised Code or a witness to a crime that are listed on any law enforcement record or report.	179 180 181 182
(nn) A preneed funeral contract, as defined in section 4717.01 of the Revised Code, and contract terms and personally identifying information of a preneed funeral contract, that is contained in a report submitted by or for a funeral home to the board of embalmers and funeral directors under division (C) of section 4717.13, division (J) of section 4717.31, or section	183 184 185 186 187 188

4717.41 of the Revised Code.	189
(oo) Telephone numbers for a party to a motor vehicle accident subject to the requirements of section 5502.11 of the Revised Code that are listed on any law enforcement record or report, except that the telephone numbers described in this division are not excluded from the definition of "public record" under this division on and after the thirtieth day after the occurrence of the motor vehicle accident.	190 191 192 193 194 195 196
(pp) Records pertaining to individuals who complete training under section 5502.703 of the Revised Code to be permitted by a school district board of education or governing body of a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, or a chartered nonpublic school to convey deadly weapons or dangerous ordnance into a school safety zone;	197 198 199 200 201 202 203
(qq) Records, documents, reports, or other information presented to a domestic violence fatality review board established under section 307.651 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 a report prepared pursuant to section 307.656 of the Revised Code;	204 205 206 207 208 209 210
(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code;	211 212 213
(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;	214 215 216 217

(tt) Education support services data, as defined in 218  
section 3319.325 of the Revised Code. 219

A record that is not a public record under division (A) (1) 220  
of this section and that, under law, is permanently retained 221  
becomes a public record on the day that is seventy-five years 222  
after the day on which the record was created, except for any 223  
record protected by the attorney-client privilege, a trial 224  
preparation record as defined in this section, a statement 225  
prohibiting the release of identifying information signed under 226  
section 3107.083 of the Revised Code, a denial of release form 227  
filed pursuant to section 3107.46 of the Revised Code, or any 228  
record that is exempt from release or disclosure under section 229  
149.433 of the Revised Code. If the record is a birth 230  
certificate and a biological parent's name redaction request 231  
form has been accepted under section 3107.391 of the Revised 232  
Code, the name of that parent shall be redacted from the birth 233  
certificate before it is released under this paragraph. If any 234  
other section of the Revised Code establishes a time period for 235  
disclosure of a record that conflicts with the time period 236  
specified in this section, the time period in the other section 237  
prevails. 238

(2) "Confidential law enforcement investigatory record" 239  
means any record that pertains to a law enforcement matter of a 240  
criminal, quasi-criminal, civil, or administrative nature, but 241  
only to the extent that the release of the record would create a 242  
high probability of disclosure of any of the following: 243

(a) The identity of a suspect who has not been charged 244  
with the offense to which the record pertains, or of an 245  
information source or witness to whom confidentiality has been 246  
reasonably promised; 247

(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;	248 249 250 251
(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;	252 253
(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.	254 255 256
(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 and that is generated and maintained in the process of medical treatment.	257 258 259 260 261 262
(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.	263 264 265 266 267
(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.	268 269 270 271 272 273 274 275 276

(6) "Donor profile record" means all records about donors	277
or potential donors to a public institution of higher education	278
except the names and reported addresses of the actual donors and	279
the date, amount, and conditions of the actual donation.	280
(7) "Designated public service worker" means a peace	281
officer, parole officer, probation officer, bailiff, prosecuting	282
attorney, assistant prosecuting attorney, correctional employee,	283
county or multicounty corrections officer, community-based	284
correctional facility employee, designated Ohio national guard	285
member, protective services worker, youth services employee,	286
firefighter, EMT, medical director or member of a cooperating	287
physician advisory board of an emergency medical service	288
organization, state board of pharmacy employee, investigator of	289
the bureau of criminal identification and investigation,	290
emergency service telecommunicator, forensic mental health	291
provider, mental health evaluation provider, regional	292
psychiatric hospital employee, judge, magistrate, or federal law	293
enforcement officer.	294
(8) "Designated public service worker residential and	295
familial information" means any information that discloses any	296
of the following about a designated public service worker:	297
(a) The address of the actual personal residence of a	298
designated public service worker, except for the following	299
information:	300
(i) The address of the actual personal residence of a	301
prosecuting attorney or judge; and	302
(ii) The state or political subdivision in which a	303
designated public service worker resides.	304
(b) Information compiled from referral to or participation	305

in an employee assistance program;	306
(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker;	307 308 309 310 311
(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer;	312 313 314 315
(e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law;	316 317 318 319 320
(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker;	321 322 323 324 325 326
(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.	327 328 329 330
(9) As used in divisions (A) (7) and (15) to (17) of this section:	331 332
"Peace officer" has the meaning defined in section 109.71	333

of the Revised Code and also includes the superintendent and 334  
troopers of the state highway patrol; it does not include the 335  
sheriff of a county or a supervisory employee who, in the 336  
absence of the sheriff, is authorized to stand in for, exercise 337  
the authority of, and perform the duties of the sheriff. 338

"Correctional employee" means any employee of the 339  
department of rehabilitation and correction who in the course of 340  
performing the employee's job duties has or has had contact with 341  
inmates and persons under supervision. 342

"County or multicounty corrections officer" means any 343  
corrections officer employed by any county or multicounty 344  
correctional facility. 345

"Designated Ohio national guard member" means a member of 346  
the Ohio national guard who is participating in duties related 347  
to remotely piloted aircraft, including, but not limited to, 348  
pilots, sensor operators, and mission intelligence personnel, 349  
duties related to special forces operations, or duties related 350  
to cybersecurity, and is designated by the adjutant general as a 351  
designated public service worker for those purposes. 352

"Protective services worker" means any employee of a 353  
county agency who is responsible for child protective services, 354  
child support services, or adult protective services. 355

"Youth services employee" means any employee of the 356  
department of youth services who in the course of performing the 357  
employee's job duties has or has had contact with children 358  
committed to the custody of the department of youth services. 359

"Firefighter" means any regular, paid or volunteer, member 360  
of a lawfully constituted fire department of a municipal 361  
corporation, township, fire district, or village. 362

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

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

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

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

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

"Regional psychiatric hospital employee" means any employee of the department of mental health and addiction

services who, in the course of performing the employee's duties, 392  
has contact with patients committed to the department of mental 393  
health and addiction services by a court order pursuant to 394  
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 395  
Code. 396

"Federal law enforcement officer" has the meaning defined 397  
in section 9.88 of the Revised Code. 398

(10) "Information pertaining to the recreational 399  
activities of a person under the age of eighteen" means 400  
information that is kept in the ordinary course of business by a 401  
public office, that pertains to the recreational activities of a 402  
person under the age of eighteen years, and that discloses any 403  
of the following: 404

(a) The address or telephone number of a person under the 405  
age of eighteen or the address or telephone number of that 406  
person's parent, guardian, custodian, or emergency contact 407  
person; 408

(b) The social security number, birth date, or 409  
photographic image of a person under the age of eighteen; 410

(c) Any medical record, history, or information pertaining 411  
to a person under the age of eighteen; 412

(d) Any additional information sought or required about a 413  
person under the age of eighteen for the purpose of allowing 414  
that person to participate in any recreational activity 415  
conducted or sponsored by a public office or to use or obtain 416  
admission privileges to any recreational facility owned or 417  
operated by a public office. 418

(11) "Community control sanction" has the meaning defined 419

in section 2929.01 of the Revised Code.	420
(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.	421 422
(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.	423 424 425 426
(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.	427 428
(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 in the performance of official duties.	429 430 431 432 433
(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.	434 435 436 437
(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:	438 439 440 441
(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the department of rehabilitation and correction, department of youth services, or the law enforcement agency knows or has reason to know the person is a child based on the department's or law enforcement agency's	442 443 444 445 446 447

records or the content of the recording;	448
(b) The death of a person or a deceased person's body,	449
unless the death was caused by a correctional employee, youth	450
services employee, or peace officer or, subject to division (H)	451
(1) of this section, the consent of the decedent's executor or	452
administrator has been obtained;	453
(c) The death of a correctional employee, youth services	454
employee, peace officer, firefighter, paramedic, or other first	455
responder, occurring while the decedent was engaged in the	456
performance of official duties, unless, subject to division (H)	457
(1) of this section, the consent of the decedent's executor or	458
administrator has been obtained;	459
(d) Grievous bodily harm, unless the injury was effected	460
by a correctional employee, youth services employee, or peace	461
officer or, subject to division (H) (1) of this section, the	462
consent of the injured person or the injured person's guardian	463
has been obtained;	464
(e) An act of severe violence against a person that	465
results in serious physical harm to the person, unless the act	466
and injury was effected by a correctional employee, youth	467
services employee, or peace officer or, subject to division (H)	468
(1) of this section, the consent of the injured person or the	469
injured person's guardian has been obtained;	470
(f) Grievous bodily harm to a correctional employee, youth	471
services employee, peace officer, firefighter, paramedic, or	472
other first responder, occurring while the injured person was	473
engaged in the performance of official duties, unless, subject	474
to division (H) (1) of this section, the consent of the injured	475
person or the injured person's guardian has been obtained;	476

(g) An act of severe violence resulting in serious physical harm against a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained;	477 478 479 480 481 482 483
(h) A person's nude body, unless, subject to division (H) (1) of this section, the person's consent has been obtained;	484 485
(i) Protected health information, the identity of a person in a health care facility who is not the subject of a correctional, youth services, or law enforcement encounter, or any other information in a health care facility that could identify a person who is not the subject of a correctional, youth services, or law enforcement encounter;	486 487 488 489 490 491
(j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence;	492 493
(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;	494 495 496 497 498 499 500 501
(l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer;	502 503
(m) Proprietary correctional, youth services, or police contingency plans or tactics that are intended to prevent crime	504 505

and maintain public order and safety;	506
(n) A personal conversation unrelated to work between	507
correctional employees, youth services employees, or peace	508
officers or between a correctional employee, youth services	509
employee, or peace officer and an employee of a law enforcement	510
agency;	511
(o) A conversation between a correctional employee, youth	512
services employee, or peace officer and a member of the public	513
that does not concern correctional, youth services, or law	514
enforcement activities;	515
(p) The interior of a residence, unless the interior of a	516
residence is the location of an adversarial encounter with, or a	517
use of force by, a correctional employee, youth services	518
employee, or peace officer;	519
(q) Any portion of the interior of a private business that	520
is not open to the public, unless an adversarial encounter with,	521
or a use of force by, a correctional employee, youth services	522
employee, or peace officer occurs in that location.	523
As used in division (A) (17) of this section:	524
"Grievous bodily harm" has the same meaning as in section	525
5924.120 of the Revised Code.	526
"Health care facility" has the same meaning as in section	527
1337.11 of the Revised Code.	528
"Protected health information" has the same meaning as in	529
45 C.F.R. 160.103.	530
"Law enforcement agency" means a government entity that	531
employs peace officers to perform law enforcement duties.	532

"Personal information" means any government-issued 533  
identification number, date of birth, address, financial 534  
information, or criminal justice information from the law 535  
enforcement automated data system or similar databases. 536

"Sex offense" has the same meaning as in section 2907.10 537  
of the Revised Code. 538

"Firefighter," "paramedic," and "first responder" have the 539  
same meanings as in section 4765.01 of the Revised Code. 540

(B) (1) Upon request by any person and subject to division 541  
(B) (8) of this section, all public records responsive to the 542  
request shall be promptly prepared and made available for 543  
inspection to the requester at all reasonable times during 544  
regular business hours. Subject to division (B) (8) of this 545  
section, upon request by any person, a public office or person 546  
responsible for public records shall make copies of the 547  
requested public record available to the requester at cost and 548  
within a reasonable period of time. If a public record contains 549  
information that is exempt from the duty to permit public 550  
inspection or to copy the public record, the public office or 551  
the person responsible for the public record shall make 552  
available all of the information within the public record that 553  
is not exempt. When making that public record available for 554  
public inspection or copying that public record, the public 555  
office or the person responsible for the public record shall 556  
notify the requester of any redaction or make the redaction 557  
plainly visible. A redaction shall be deemed a denial of a 558  
request to inspect or copy the redacted information, except if 559  
federal or state law authorizes or requires a public office to 560  
make the redaction. When the auditor of state receives a request 561  
to inspect or to make a copy of a record that was provided to 562

the auditor of state for purposes of an audit, but the original 563  
public office has asserted to the auditor of state that the 564  
record is not a public record, the auditor of state may handle 565  
the requests by directing the requestor to the original public 566  
office that provided the record to the auditor of state. 567

(2) To facilitate broader access to public records, a 568  
public office or the person responsible for public records shall 569  
organize and maintain public records in a manner that they can 570  
be made available for inspection or copying in accordance with 571  
division (B) of this section. A public office also shall have 572  
available a copy of its current records retention schedule at a 573  
location readily available to the public. If a requester makes 574  
an ambiguous or overly broad request or has difficulty in making 575  
a request for copies or inspection of public records under this 576  
section such that the public office or the person responsible 577  
for the requested public record cannot reasonably identify what 578  
public records are being requested, the public office or the 579  
person responsible for the requested public record may deny the 580  
request but shall provide the requester with an opportunity to 581  
revise the request by informing the requester of the manner in 582  
which records are maintained by the public office and accessed 583  
in the ordinary course of the public office's or person's 584  
duties. 585

(3) If a request is ultimately denied, in part or in 586  
whole, the public office or the person responsible for the 587  
requested public record shall provide the requester with an 588  
explanation, including legal authority, setting forth why the 589  
request was denied. If the initial request was provided in 590  
writing, the explanation also shall be provided to the requester 591  
in writing. The explanation shall not preclude the public office 592  
or the person responsible for the requested public record from 593

relying upon additional reasons or legal authority in defending 594  
an action commenced under division (C) of this section. 595

(4) Unless specifically required or authorized by state or 596  
federal law or in accordance with division (B) of this section, 597  
no public office or person responsible for public records may 598  
limit or condition the availability of public records by 599  
requiring disclosure of the requester's identity or the intended 600  
use of the requested public record. Any requirement that the 601  
requester disclose the requester's identity or the intended use 602  
of the requested public record constitutes a denial of the 603  
request. 604

(5) A public office or person responsible for public 605  
records may ask a requester to make the request in writing, may 606  
ask for the requester's identity, and may inquire about the 607  
intended use of the information requested, but may do so only 608  
after disclosing to the requester that a written request is not 609  
mandatory, that the requester may decline to reveal the 610  
requester's identity or the intended use, and when a written 611  
request or disclosure of the identity or intended use would 612  
benefit the requester by enhancing the ability of the public 613  
office or person responsible for public records to identify, 614  
locate, or deliver the public records sought by the requester. 615

(6) If any person requests a copy of a public record in 616  
accordance with division (B) of this section, the public office 617  
or person responsible for the public record may require the 618  
requester to pay in advance the cost involved in providing the 619  
copy of the public record in accordance with the choice made by 620  
the requester under this division. The public office or the 621  
person responsible for the public record shall permit the 622  
requester to choose to have the public record duplicated upon 623

paper, upon the same medium upon which the public office or 624  
person responsible for the public record keeps it, or upon any 625  
other medium upon which the public office or person responsible 626  
for the public record determines that it reasonably can be 627  
duplicated as an integral part of the normal operations of the 628  
public office or person responsible for the public record. When 629  
the requester makes a choice under this division, the public 630  
office or person responsible for the public record shall provide 631  
a copy of it in accordance with the choice made by the 632  
requester. Nothing in this section requires a public office or 633  
person responsible for the public record to allow the requester 634  
of a copy of the public record to make the copies of the public 635  
record. 636

(7) (a) Upon a request made in accordance with division (B) 637  
of this section and subject to division (B) (6) of this section, 638  
a public office or person responsible for public records shall 639  
transmit a copy of a public record to any person by United 640  
States mail or by any other means of delivery or transmission 641  
within a reasonable period of time after receiving the request 642  
for the copy. The public office or person responsible for the 643  
public record may require the person making the request to pay 644  
in advance the cost of postage if the copy is transmitted by 645  
United States mail or the cost of delivery if the copy is 646  
transmitted other than by United States mail, and to pay in 647  
advance the costs incurred for other supplies used in the 648  
mailing, delivery, or transmission. 649

(b) Any public office may adopt a policy and procedures 650  
that it will follow in transmitting, within a reasonable period 651  
of time after receiving a request, copies of public records by 652  
United States mail or by any other means of delivery or 653  
transmission pursuant to division (B) (7) of this section. A 654

public office that adopts a policy and procedures under division 655  
(B) (7) of this section shall comply with them in performing its 656  
duties under that division. 657

(c) In any policy and procedures adopted under division 658  
(B) (7) of this section: 659

(i) A public office may limit the number of records 660  
requested by a person that the office will physically deliver by 661  
United States mail or by another delivery service to ten per 662  
month, unless the person certifies to the office in writing that 663  
the person does not intend to use or forward the requested 664  
records, or the information contained in them, for commercial 665  
purposes; 666

(ii) A public office that chooses to provide some or all 667  
of its public records on a web site that is fully accessible to 668  
and searchable by members of the public at all times, other than 669  
during acts of God outside the public office's control or 670  
maintenance, and that charges no fee to search, access, 671  
download, or otherwise receive records provided on the web site, 672  
may limit to ten per month the number of records requested by a 673  
person that the office will deliver in a digital format, unless 674  
the requested records are not provided on the web site and 675  
unless the person certifies to the office in writing that the 676  
person does not intend to use or forward the requested records, 677  
or the information contained in them, for commercial purposes. 678

(iii) For purposes of division (B) (7) of this section, 679  
"commercial" shall be narrowly construed and does not include 680  
reporting or gathering news, reporting or gathering information 681  
to assist citizen oversight or understanding of the operation or 682  
activities of government, or nonprofit educational research. 683

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

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

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

(i) Customer information maintained by a municipally owned

or operated public utility, other than social security numbers 714  
and any private financial information such as credit reports, 715  
payment methods, credit card numbers, and bank account 716  
information; 717

(ii) Information about minors involved in a school vehicle 718  
accident as provided in division (A) (1) (gg) of this section, 719  
other than personal information as defined in section 149.45 of 720  
the Revised Code. 721

(c) As used in division (B) (9) of this section, 722  
"journalist" means a person engaged in, connected with, or 723  
employed by any news medium, including a newspaper, magazine, 724  
press association, news agency, or wire service, a radio or 725  
television station, or a similar medium, for the purpose of 726  
gathering, processing, transmitting, compiling, editing, or 727  
disseminating information for the general public. 728

(10) Upon a request made by a victim, victim's attorney, 729  
or victim's representative, as that term is used in section 730  
2930.02 of the Revised Code, a public office or person 731  
responsible for public records shall transmit a copy of a 732  
depiction of the victim as described in division (A) (1) (ii) of 733  
this section to the victim, victim's attorney, or victim's 734  
representative. 735

(C) (1) If a person allegedly is aggrieved by the failure 736  
of a public office or the person responsible for public records 737  
to promptly prepare a public record and to make it available to 738  
the person for inspection in accordance with division (B) of 739  
this section or by any other failure of a public office or the 740  
person responsible for public records to comply with an 741  
obligation in accordance with division (B) of this section, the 742  
person allegedly aggrieved may do only one of the following, and 743

not both:	744
(a) File a complaint with the clerk of the court of claims	745
or the clerk of the court of common pleas under section 2743.75	746
of the Revised Code;	747
(b) Commence a mandamus action to obtain a judgment that	748
orders the public office or the person responsible for the	749
public record to comply with division (B) of this section, that	750
awards court costs and reasonable attorney's fees to the person	751
that instituted the mandamus action, and, if applicable, that	752
includes an order fixing statutory damages under division (C) (2)	753
of this section. The mandamus action may be commenced in the	754
court of common pleas of the county in which division (B) of	755
this section allegedly was not complied with, in the supreme	756
court pursuant to its original jurisdiction under Section 2 of	757
Article IV, Ohio Constitution, or in the court of appeals for	758
the appellate district in which division (B) of this section	759
allegedly was not complied with pursuant to its original	760
jurisdiction under Section 3 of Article IV, Ohio Constitution.	761
(2) If a requester transmits a written request by hand	762
delivery, electronic submission, or certified mail to inspect or	763
receive copies of any public record in a manner that fairly	764
describes the public record or class of public records to the	765
public office or person responsible for the requested public	766
records, except as otherwise provided in this section, the	767
requester shall be entitled to recover the amount of statutory	768
damages set forth in this division if a court determines that	769
the public office or the person responsible for public records	770
failed to comply with an obligation in accordance with division	771
(B) of this section.	772
The amount of statutory damages shall be fixed at one	773

hundred dollars for each business day during which the public 774  
office or person responsible for the requested public records 775  
failed to comply with an obligation in accordance with division 776  
(B) of this section, beginning with the day on which the 777  
requester files a mandamus action to recover statutory damages, 778  
up to a maximum of one thousand dollars. The award of statutory 779  
damages shall not be construed as a penalty, but as compensation 780  
for injury arising from lost use of the requested information. 781  
The existence of this injury shall be conclusively presumed. The 782  
award of statutory damages shall be in addition to all other 783  
remedies authorized by this section. 784

The court may reduce an award of statutory damages or not 785  
award statutory damages if the court determines both of the 786  
following: 787

(a) That, based on the ordinary application of statutory 788  
law and case law as it existed at the time of the conduct or 789  
threatened conduct of the public office or person responsible 790  
for the requested public records that allegedly constitutes a 791  
failure to comply with an obligation in accordance with division 792  
(B) of this section and that was the basis of the mandamus 793  
action, a well-informed public office or person responsible for 794  
the requested public records reasonably would believe that the 795  
conduct or threatened conduct of the public office or person 796  
responsible for the requested public records did not constitute 797  
a failure to comply with an obligation in accordance with 798  
division (B) of this section; 799

(b) That a well-informed public office or person 800  
responsible for the requested public records reasonably would 801  
believe that the conduct or threatened conduct of the public 802  
office or person responsible for the requested public records 803

would serve the public policy that underlies the authority that 804  
is asserted as permitting that conduct or threatened conduct. 805

(3) In a mandamus action filed under division (C) (1) of 806  
this section, the following apply: 807

(a) (i) If the court orders the public office or the person 808  
responsible for the public record to comply with division (B) of 809  
this section, the court shall determine and award to the relator 810  
all court costs, which shall be construed as remedial and not 811  
punitive. 812

(ii) If the court makes a determination described in 813  
division (C) (3) (b) (iii) of this section, the court shall 814  
determine and award to the relator all court costs, which shall 815  
be construed as remedial and not punitive. 816

(b) If the court renders a judgment that orders the public 817  
office or the person responsible for the public record to comply 818  
with division (B) of this section or if the court determines any 819  
of the following, the court may award reasonable attorney's fees 820  
to the relator, subject to division (C) (4) of this section: 821

(i) The public office or the person responsible for the 822  
public records failed to respond affirmatively or negatively to 823  
the public records request in accordance with the time allowed 824  
under division (B) of this section. 825

(ii) The public office or the person responsible for the 826  
public records promised to permit the relator to inspect or 827  
receive copies of the public records requested within a 828  
specified period of time but failed to fulfill that promise 829  
within that specified period of time. 830

(iii) The public office or the person responsible for the 831

public records acted in bad faith when the office or person 832  
voluntarily made the public records available to the relator for 833  
the first time after the relator commenced the mandamus action, 834  
but before the court issued any order concluding whether or not 835  
the public office or person was required to comply with division 836  
(B) of this section. No discovery may be conducted on the issue 837  
of the alleged bad faith of the public office or person 838  
responsible for the public records. This division shall not be 839  
construed as creating a presumption that the public office or 840  
the person responsible for the public records acted in bad faith 841  
when the office or person voluntarily made the public records 842  
available to the relator for the first time after the relator 843  
commenced the mandamus action, but before the court issued any 844  
order described in this division. 845

(c) The court shall not award attorney's fees to the 846  
relator if the court determines both of the following: 847

(i) That, based on the ordinary application of statutory 848  
law and case law as it existed at the time of the conduct or 849  
threatened conduct of the public office or person responsible 850  
for the requested public records that allegedly constitutes a 851  
failure to comply with an obligation in accordance with division 852  
(B) of this section and that was the basis of the mandamus 853  
action, a well-informed public office or person responsible for 854  
the requested public records reasonably would believe that the 855  
conduct or threatened conduct of the public office or person 856  
responsible for the requested public records did not constitute 857  
a failure to comply with an obligation in accordance with 858  
division (B) of this section; 859

(ii) That a well-informed public office or person 860  
responsible for the requested public records reasonably would 861

believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

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

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

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

(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.

(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.

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

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

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

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

The public office shall distribute the public records policy adopted by the public office under this division to the employee of the public office who is the records custodian or records manager or otherwise has custody of the records of that office. The public office shall require that employee to

acknowledge receipt of the copy of the public records policy. 921  
The public office shall create a poster that describes its 922  
public records policy and shall post the poster in a conspicuous 923  
place in the public office and in all locations where the public 924  
office has branch offices. The public office may post its public 925  
records policy on the internet web site of the public office if 926  
the public office maintains an internet web site. A public 927  
office that has established a manual or handbook of its general 928  
policies and procedures for all employees of the public office 929  
shall include the public records policy of the public office in 930  
the manual or handbook. 931

(F) (1) The bureau of motor vehicles may adopt rules 932  
pursuant to Chapter 119. of the Revised Code to reasonably limit 933  
the number of bulk commercial special extraction requests made 934  
by a person for the same records or for updated records during a 935  
calendar year. The rules may include provisions for charges to 936  
be made for bulk commercial special extraction requests for the 937  
actual cost of the bureau, plus special extraction costs, plus 938  
ten per cent. The bureau may charge for expenses for redacting 939  
information, the release of which is prohibited by law. 940

(2) As used in division (F) (1) of this section: 941

(a) "Actual cost" means the cost of depleted supplies, 942  
records storage media costs, actual mailing and alternative 943  
delivery costs, or other transmitting costs, and any direct 944  
equipment operating and maintenance costs, including actual 945  
costs paid to private contractors for copying services. 946

(b) "Bulk commercial special extraction request" means a 947  
request for copies of a record for information in a format other 948  
than the format already available, or information that cannot be 949  
extracted without examination of all items in a records series, 950

class of records, or database by a person who intends to use or 951  
forward the copies for surveys, marketing, solicitation, or 952  
resale for commercial purposes. "Bulk commercial special 953  
extraction request" does not include a request by a person who 954  
gives assurance to the bureau that the person making the request 955  
does not intend to use or forward the requested copies for 956  
surveys, marketing, solicitation, or resale for commercial 957  
purposes. 958

(c) "Commercial" means profit-seeking production, buying, 959  
or selling of any good, service, or other product. 960

(d) "Special extraction costs" means the cost of the time 961  
spent by the lowest paid employee competent to perform the task, 962  
the actual amount paid to outside private contractors employed 963  
by the bureau, or the actual cost incurred to create computer 964  
programs to make the special extraction. "Special extraction 965  
costs" include any charges paid to a public agency for computer 966  
or records services. 967

(3) For purposes of divisions (F) (1) and (2) of this 968  
section, "surveys, marketing, solicitation, or resale for 969  
commercial purposes" shall be narrowly construed and does not 970  
include reporting or gathering news, reporting or gathering 971  
information to assist citizen oversight or understanding of the 972  
operation or activities of government, or nonprofit educational 973  
research. 974

(G) A request by a defendant, counsel of a defendant, or 975  
any agent of a defendant in a criminal action that public 976  
records related to that action be made available under this 977  
section shall be considered a demand for discovery pursuant to 978  
the Criminal Rules, except to the extent that the Criminal Rules 979  
plainly indicate a contrary intent. The defendant, counsel of 980

the defendant, or agent of the defendant making a request under 981  
this division shall serve a copy of the request on the 982  
prosecuting attorney, director of law, or other chief legal 983  
officer responsible for prosecuting the action. 984

(H) (1) Any portion of a body-worn camera or dashboard 985  
camera recording described in divisions (A) (17) (b) to (h) of 986  
this section may be released by consent of the subject of the 987  
recording or a representative of that person, as specified in 988  
those divisions, only if either of the following applies: 989

(a) The recording will not be used in connection with any 990  
probable or pending criminal proceedings; 991

(b) The recording has been used in connection with a 992  
criminal proceeding that was dismissed or for which a judgment 993  
has been entered pursuant to Rule 32 of the Rules of Criminal 994  
Procedure, and will not be used again in connection with any 995  
probable or pending criminal proceedings. 996

(2) If a public office denies a request to release a 997  
restricted portion of a body-worn camera or dashboard camera 998  
recording, as defined in division (A) (17) of this section, any 999  
person may file a mandamus action pursuant to this section or a 1000  
complaint with the clerk of the court of claims pursuant to 1001  
section 2743.75 of the Revised Code, requesting the court to 1002  
order the release of all or portions of the recording. If the 1003  
court considering the request determines that the filing 1004  
articulates by clear and convincing evidence that the public 1005  
interest in the recording substantially outweighs privacy 1006  
interests and other interests asserted to deny release, the 1007  
court shall order the public office to release the recording. 1008

**Sec. 3319.31.** (A) As used in this section and sections 1009

3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 1010  
means a certificate, license, or permit described in this 1011  
chapter or in division (B) of section 3301.071 or in section 1012  
3301.074 of the Revised Code. 1013

(B) For any of the following reasons, the state board of 1014  
education, except as provided in division (H) of this section 1015  
and in accordance with Chapter 119. and section 3319.311 of the 1016  
Revised Code, may refuse to issue a license to an applicant; may 1017  
limit a license it issues to an applicant; may suspend, revoke, 1018  
or limit a license that has been issued to any person; or may 1019  
revoke a license that has been issued to any person and has 1020  
expired: 1021

(1) Engaging in an immoral act, incompetence, negligence, 1022  
or conduct that is unbecoming to the applicant's or person's 1023  
position; 1024

(2) A plea of guilty to, a finding of guilt by a jury or 1025  
court of, or a conviction of any of the following: 1026

(a) A felony other than a felony listed in division (C) of 1027  
this section; 1028

(b) An offense of violence other than an offense of 1029  
violence listed in division (C) of this section; 1030

(c) A theft offense, as defined in section 2913.01 of the 1031  
Revised Code, other than a theft offense listed in division (C) 1032  
of this section; 1033

(d) A drug abuse offense, as defined in section 2925.01 of 1034  
the Revised Code, that is not a minor misdemeanor, other than a 1035  
drug abuse offense listed in division (C) of this section; 1036

(e) A violation of an ordinance of a municipal corporation 1037

that is substantively comparable to an offense listed in 1038  
divisions (B) (2) (a) to (d) of this section. 1039

(3) A judicial finding of eligibility for intervention in 1040  
lieu of conviction under section 2951.041 of the Revised Code, 1041  
or agreeing to participate in a pre-trial diversion program 1042  
under section 2935.36 of the Revised Code, or a similar 1043  
diversion program under rules of a court, for any offense listed 1044  
in division (B) (2) or (C) of this section; 1045

(4) Failure to comply with section 3314.40, 3319.313, 1046  
3326.24, 3328.19, 5126.253, or 5502.262 of the Revised Code; 1047

(5) Using or releasing information that is confidential 1048  
under state or federal law concerning a student or student's 1049  
family members for purposes other than student instruction. 1050

(C) Upon learning of a plea of guilty to, a finding of 1051  
guilt by a jury or court of, or a conviction of any of the 1052  
offenses listed in this division by a person who holds a current 1053  
or expired license or is an applicant for renewal of a license, 1054  
the state board or the superintendent of public instruction, if 1055  
the state board has delegated the duty pursuant to division (D) 1056  
of this section, shall by a written order revoke the person's 1057  
license or deny renewal of the license to the person. The state 1058  
board or the superintendent shall revoke a license that has been 1059  
issued to a person to whom this division applies and has expired 1060  
in the same manner as a license that has not expired. 1061

Revocation of a license or denial of renewal of a license 1062  
under this division is effective immediately at the time and 1063  
date that the board or superintendent issues the written order 1064  
and is not subject to appeal in accordance with Chapter 119. of 1065  
the Revised Code. Revocation of a license or denial of renewal 1066

of license under this division remains in force during the 1067  
pendency of an appeal by the person of the plea of guilty, 1068  
finding of guilt, or conviction that is the basis of the action 1069  
taken under this division. 1070

The state board or superintendent shall take the action 1071  
required by this division for a violation of division (B) (1), 1072  
(2), (3), or (4) of section 2919.22 of the Revised Code; a 1073  
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 1074  
2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 1075  
2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 1076  
2907.07, 2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 1077  
2907.31, 2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 1078  
2907.33, 2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 1079  
2911.02, 2911.11, 2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 1080  
2917.31, 2917.33, 2919.12, 2919.121, 2919.13, 2921.02, 2921.03, 1081  
2921.04, 2921.05, 2921.11, 2921.34, 2921.41, 2923.122, 2923.123, 1082  
2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 1083  
2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.32, 1084  
2925.36, 2925.37, 2927.24, or 3716.11 of the Revised Code; a 1085  
violation of section 2905.04 of the Revised Code as it existed 1086  
prior to July 1, 1996; a violation of section 2919.23 of the 1087  
Revised Code that would have been a violation of section 2905.04 1088  
of the Revised Code as it existed prior to July 1, 1996, had the 1089  
violation been committed prior to that date; felonious sexual 1090  
penetration in violation of former section 2907.12 of the 1091  
Revised Code; or a violation of an ordinance of a municipal 1092  
corporation that is substantively comparable to an offense 1093  
listed in this paragraph. 1094

(D) The state board may delegate to the superintendent of 1095  
public instruction the authority to revoke a person's license or 1096  
to deny renewal of a license to a person under division (C) or 1097

(F) of this section. 1098

(E) (1) If the plea of guilty, finding of guilt, or 1099  
conviction that is the basis of the action taken under division 1100  
(B) (2) or (C) of this section, or under the version of division 1101  
(F) of section 3319.311 of the Revised Code in effect prior to 1102  
September 12, 2008, is overturned on appeal, upon exhaustion of 1103  
the criminal appeal, the clerk of the court that overturned the 1104  
plea, finding, or conviction or, if applicable, the clerk of the 1105  
court that accepted an appeal from the court that overturned the 1106  
plea, finding, or conviction, shall notify the state board that 1107  
the plea, finding, or conviction has been overturned. Within 1108  
thirty days after receiving the notification, the state board 1109  
shall initiate proceedings to reconsider the revocation or 1110  
denial of the person's license in accordance with division (E) 1111  
(2) of this section. In addition, the person whose license was 1112  
revoked or denied may file with the state board a petition for 1113  
reconsideration of the revocation or denial along with 1114  
appropriate court documents. 1115

(2) Upon receipt of a court notification or a petition and 1116  
supporting court documents under division (E) (1) of this 1117  
section, the state board, after offering the person an 1118  
opportunity for an adjudication hearing under Chapter 119. of 1119  
the Revised Code, shall determine whether the person committed 1120  
the act in question in the prior criminal action against the 1121  
person that is the basis of the revocation or denial and may 1122  
continue the revocation or denial, may reinstate the person's 1123  
license, with or without limits, or may grant the person a new 1124  
license, with or without limits. The decision of the board shall 1125  
be based on grounds for revoking, denying, suspending, or 1126  
limiting a license adopted by rule under division (G) of this 1127  
section and in accordance with the evidentiary standards the 1128

board employs for all other licensure hearings. The decision of 1129  
the board under this division is subject to appeal under Chapter 1130  
119. of the Revised Code. 1131

(3) A person whose license is revoked or denied under 1132  
division (C) of this section shall not apply for any license if 1133  
the plea of guilty, finding of guilt, or conviction that is the 1134  
basis of the revocation or denial, upon completion of the 1135  
criminal appeal, either is upheld or is overturned but the state 1136  
board continues the revocation or denial under division (E) (2) 1137  
of this section and that continuation is upheld on final appeal. 1138

(F) The state board may take action under division (B) of 1139  
this section, and the state board or the superintendent shall 1140  
take the action required under division (C) of this section, on 1141  
the basis of substantially comparable conduct occurring in a 1142  
jurisdiction outside this state or occurring before a person 1143  
applies for or receives any license. 1144

(G) The state board may adopt rules in accordance with 1145  
Chapter 119. of the Revised Code to carry out this section and 1146  
section 3319.311 of the Revised Code. 1147

(H) The state board shall not refuse to issue a license to 1148  
an applicant because of a conviction of, a plea of guilty to, or 1149  
a finding of guilt by a jury or court of an offense unless the 1150  
refusal is in accordance with section 9.79 of the Revised Code." 1151

In line 966, delete "3319.324" and insert "3319.325"; delete 1152  
"3319.324, 3319.325, and" 1153

In line 967, delete "3319.326" and insert "3319.325, 3319.326, and 1154  
3319.327" 1155

In line 1011, delete "3319.325" and insert "3319.326" 1156

In line 1070, delete "3319.326" and insert "3319.327" 1157  
In line 1111, delete "section" and insert "sections"; after "149.43" 1158  
insert "and 3319.31" 1159  
In line 1112, delete "is" and insert "are" 1160

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS 1161

**Licensure penalty for release of confidential information** 1162

**R.C. 149.43, 3319.31, 3319.325, 3319.326, and 3319.327** 1163

Permits the State Board of Education to refuse to issue, 1164  
limit, suspend, or revoke the license of an individual who uses 1165  
or releases information that is confidential under state or 1166  
federal law concerning a student or student's family member for 1167  
purposes other than student instruction. 1168

Makes technical updates to the bill. 1169