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136<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Humphrey and Stewart

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### SUMMARY

- Requires the Chief of the Adult Parole Authority to adopt rules requiring that electronic recordings be made of Parole Board hearings.
- Provides that electronic recordings of full Parole Board hearings are public records.
- Provides that electronic recordings of institutional Parole Board release consideration hearings, revocation hearings, post-release control revocation hearings, and other Parole Board hearings are not public records.
- Requires the Department of Rehabilitation and Correction to provide electronic recordings of other Parole Board hearings to persons entitled to receive electronic recordings of other Parole Board hearings upon request.
- If a person entitled to receive electronic recordings of other Parole Board hearings receives an electronic recording of an institutional Parole Board release consideration hearing, requires the person to keep that electronic recording confidential.
- Requires that certain personal identifying information of the victim and member of the victim's immediate family be removed from the electronic recordings of all Parole Board hearings.

### DETAILED ANALYSIS

#### Electronic recordings of Parole Board hearings

Under current law, the Chief of the Adult Parole Authority (APA), subject to the approval of the Chief of the Division of Parole and Community Services, must adopt rules governing the

proceedings of the Parole Board.<sup>1</sup> The bill adds that the Chief of the APA must adopt rules requiring that electronic recordings be made of full Parole Board hearings and other hearings of the Parole Board.<sup>2</sup>

Continuing law, unchanged by the bill, also requires the Chief of the APA to adopt rules governing all of the following: (1) the convening of full Parole Board hearings, (2) the procedure to be followed in full Parole Board hearings, (3) general procedures to be followed in other hearings of the Parole Board and by the Parole Board’s hearing officers, (4) a requirement that a majority of all the Parole Board members must agree to any recommendation of clemency transmitted to the Governor, and (5) for parole hearings, procedures for considering the report of the warden of the institution in which the eligible prisoner is incarcerated.<sup>3</sup>

## **Obtaining electronic records of Parole Board hearings**

The bill allows any person to obtain an electronic recording of a full Parole Board hearing by public records request. Only a “person entitled to receive the electronic recording of other Parole Board hearings” is permitted to obtain an electronic recording of an institutional Parole Board release consideration hearing, revocation hearing, post-release control revocation hearing, and other parole hearing by a mechanism created by the bill.

### **Full parole board hearings – public records**

The bill provides that electronic recordings of full Parole Board hearings are public records, and clarifies that electronic recordings of institutional Parole Board release consideration hearings, revocation hearings, post-release control revocation hearings, and other Parole Board hearings are not public records. Under continuing law, other records pertaining to probation and parole proceedings, to proceedings related to the imposition of community control sanctions and post-release control sanctions, or to proceedings related to determinations for nonlife felony indefinite prison terms are not public records.<sup>4</sup>

Under continuing law, a “public record” means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in Ohio kept by the nonprofit or for-profit entity operating the alternative school.<sup>5</sup>

### **Other Parole Board hearings – mechanism**

The bill requires that, only upon the request of a person entitled to receive the electronic recording of other Parole Board hearings, the Department of Rehabilitation and Correction must provide the electronic recording of institutional Parole Board release consideration hearings,

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<sup>1</sup> R.C. 5149.10(A)(1).

<sup>2</sup> R.C. 5149.10(A)(1)(f).

<sup>3</sup> R.C. 5149.10(A)(1)(a) to (e).

<sup>4</sup> R.C. 149.43(A)(1)(b).

<sup>5</sup> R.C. 149.43(A)(1).

revocation hearings, post-release control revocation hearings, and other Parole Board hearings to the person entitled to receive the electronic recording of other Parole Board hearings. If the person entitled to receive the electronic recording of other Parole Board hearings wishes to have the electronic recording of other Parole Board hearings transcribed, the person entitled to receive the electronic recording of other Parole Board hearings must do so at the person's own expense.<sup>6</sup>

If a person entitled to receive the electronic recording of other Parole Board hearings receives an electronic recording of an institutional Parole Board release consideration hearing, all of the following apply to that person:<sup>7</sup>

- The person must not make copies of the electronic recording of an institutional Parole Board release consideration hearing;
- The person must keep the electronic recording of the institutional Parole Board release consideration hearing confidential;
- The person must not post the electronic recording of the institutional Parole Board release consideration hearing on the internet.

## **Personal identifying information**

### **Information that cannot be included**

The electronic recordings of full Parole Board hearings and electronic recording of other Parole Board hearings must not include the following personal identifying information of any victim of a crime or a "member of the victim's immediate family": (1) name, (2) date of birth, (3) home or work address, (4) Social Security number, (5) age, (6) telephone number, (7) electronic mail address, or (8) any other information that is likely to identify the victim or member of the victim's immediate family.<sup>8</sup>

### **Definitions**

The bill defines the following terms:

- "Member of the victim's immediate family" means a spouse, child, stepchild, parent, stepparent, grandparent, brother, or sister of a victim.<sup>9</sup>
- "Person entitled to receive the electronic recording of other Parole Board hearings" means any of the following persons who are entitled to receive the electronic recording

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<sup>6</sup> R.C. 5149.102(B)(1).

<sup>7</sup> R.C. 5149.102(B)(2).

<sup>8</sup> R.C. 5149.102(C).

<sup>9</sup> R.C. 5149.102(A)(1).

of institutional Parole Board release consideration hearings, revocation hearings, post-release control revocation hearings, and other Parole Board hearings.<sup>10</sup>

- The person who is the subject of the hearing;
- The attorney of the person who is the subject of the hearing;
- The prosecuting attorney;
- The victim.

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## HISTORY

Action	Date
Introduced	02-03-25

ANHB0031IN-136/ar

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<sup>10</sup> R.C. 5149.102(A)(2).