

As Introduced

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H. B. No. 31

Representatives Humphrey, Stewart

Cosponsors: Representatives Fischer, Ray, McNally, Cockley, Tims, Williams, Brewer, Russo, Johnson, Piccolantonio, Daniels, Brennan, Upchurch, Sims, Schmidt, Thomas, C., Sweeney, Denson, Sigrist, Brent, Mohamed, Isaacsohn, Click, Jarrells, Plummer

A BILL

To amend sections 149.43 and 5149.10 and to enact
section 5149.102 of the Revised Code to require
electronic recordings to be made of all parole
board hearings and to make electronic recordings
of full parole board hearings public records.

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

Section 1. That sections 149.43 and 5149.10 be amended and
section 5149.102 of the Revised Code be enacted to read as
follows:

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

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

mean any of the following:	17
(a) Medical records;	18
(b) Records pertaining to probation <u>the following:</u>	19
(i) <u>Probation and parole proceedings, to proceedings</u>	20
<u>including the electronic recording of institutional parole board</u>	21
<u>release consideration hearings, revocation hearings under</u>	22
<u>section 2967.15 of the Revised Code, and other parole board</u>	23
<u>hearings made as provided in sections 5149.10 and 5149.102 of</u>	24
<u>the Revised Code, except for the electronic recording of full</u>	25
<u>parole board hearings under section 5149.101 of the Revised Code</u>	26
<u>made as provided in section 5149.10 of the Revised Code;</u>	27
(ii) <u>Proceedings related to the imposition of community</u>	28
<u>control sanctions and post-release control sanctions, or to</u>	29
<u>proceedings including the electronic recording of post-release</u>	30
<u>control revocation hearings under section 2967.28 of the Revised</u>	31
<u>Code made as provided in sections 5149.10 and 5149.102 of the</u>	32
<u>Revised Code;</u>	33
(iii) <u>Proceedings related to determinations under section</u>	34
<u>2967.271 of the Revised Code regarding the release or maintained</u>	35
<u>incarceration of an offender to whom that section applies; —.</u>	36
(c) Records pertaining to actions under section 2151.85	37
and division (C) of section 2919.121 of the Revised Code and to	38
appeals of actions arising under those sections;	39
(d) Records pertaining to adoption proceedings, including	40
the contents of an adoption file maintained by the department of	41
health under sections 3705.12 to 3705.124 of the Revised Code;	42
(e) Information in a record contained in the putative	43
father registry established by section 3107.062 of the Revised	44

Code, regardless of whether the information is held by the	45
department of job and family services or, pursuant to section	46
3111.69 of the Revised Code, the office of child support in the	47
department or a child support enforcement agency;	48
(f) Records specified in division (A) of section 3107.52	49
of the Revised Code;	50
(g) Trial preparation records;	51
(h) Confidential law enforcement investigatory records;	52
(i) Records containing information that is confidential	53
under section 2710.03 or 4112.05 of the Revised Code;	54
(j) DNA records stored in the DNA database pursuant to	55
section 109.573 of the Revised Code;	56
(k) Inmate records released by the department of	57
rehabilitation and correction to the department of youth	58
services or a court of record pursuant to division (E) of	59
section 5120.21 of the Revised Code;	60
(l) Records maintained by the department of youth services	61
pertaining to children in its custody released by the department	62
of youth services to the department of rehabilitation and	63
correction pursuant to section 5139.05 of the Revised Code;	64
(m) Intellectual property records;	65
(n) Donor profile records;	66
(o) Records maintained by the department of job and family	67
services pursuant to section 3121.894 of the Revised Code;	68
(p) Designated public service worker residential and	69
familial information;	70
(q) In the case of a county hospital operated pursuant to	71

Chapter 339. of the Revised Code or a municipal hospital	72
operated pursuant to Chapter 749. of the Revised Code,	73
information that constitutes a trade secret, as defined in	74
section 1333.61 of the Revised Code;	75
(r) Information pertaining to the recreational activities	76
of a person under the age of eighteen;	77
(s) In the case of a child fatality review board acting	78
under sections 307.621 to 307.629 of the Revised Code or a	79
review conducted pursuant to guidelines established by the	80
director of health under section 3701.70 of the Revised Code,	81
records provided to the board or director, statements made by	82
board members during meetings of the board or by persons	83
participating in the director's review, and all work products of	84
the board or director, and in the case of a child fatality	85
review board, child fatality review data submitted by the board	86
to the department of health or a national child death review	87
database, other than the report prepared pursuant to division	88
(A) of section 307.626 of the Revised Code;	89
(t) Records provided to and statements made by the	90
executive director of a public children services agency or a	91
prosecuting attorney acting pursuant to section 5153.171 of the	92
Revised Code other than the information released under that	93
section;	94
(u) Test materials, examinations, or evaluation tools used	95
in an examination for licensure as a nursing home administrator	96
that the board of executives of long-term services and supports	97
administers under section 4751.15 of the Revised Code or	98
contracts under that section with a private or government entity	99
to administer;	100

(v) Records the release of which is prohibited by state or federal law;	101 102
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	103 104 105
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	106 107 108 109 110 111
(y) Records listed in section 5101.29 of the Revised Code;	112
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section;	113 114 115
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	116 117 118
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	119 120 121
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;	122 123 124
(dd) Personal information, as defined in section 149.45 of the Revised Code;	125 126
(ee) The confidential name, address, and other personally identifiable information of a program participant in the address	127 128

confidentiality program established under sections 111.41 to 129
111.47 of the Revised Code, including the contents of any 130
application for absent voter's ballots, absent voter's ballot 131
identification envelope statement of voter, or provisional 132
ballot affirmation completed by a program participant who has a 133
confidential voter registration record; records or portions of 134
records pertaining to that program that identify the number of 135
program participants that reside within a precinct, ward, 136
township, municipal corporation, county, or any other geographic 137
area smaller than the state; and any real property 138
confidentiality notice filed under section 111.431 of the 139
Revised Code and the information described in division (C) of 140
that section. As used in this division, "confidential address" 141
and "program participant" have the meaning defined in section 142
111.41 of the Revised Code. 143

(ff) Orders for active military service of an individual 144
serving or with previous service in the armed forces of the 145
United States, including a reserve component, or the Ohio 146
organized militia, except that, such order becomes a public 147
record on the day that is fifteen years after the published date 148
or effective date of the call to order; 149

(gg) The name, address, contact information, or other 150
personal information of an individual who is less than eighteen 151
years of age that is included in any record related to a traffic 152
accident involving a school vehicle in which the individual was 153
an occupant at the time of the accident; 154

(hh) Protected health information, as defined in 45 C.F.R. 155
160.103, that is in a claim for payment for a health care 156
product, service, or procedure, as well as any other health 157
claims data in another document that reveals the identity of an 158

individual who is the subject of the data or could be used to	159
reveal that individual's identity;	160
(ii) Any depiction by photograph, film, videotape, or	161
printed or digital image under either of the following	162
circumstances:	163
(i) The depiction is that of a victim of an offense the	164
release of which would be, to a reasonable person of ordinary	165
sensibilities, an offensive and objectionable intrusion into the	166
victim's expectation of bodily privacy and integrity.	167
(ii) The depiction captures or depicts the victim of a	168
sexually oriented offense, as defined in section 2950.01 of the	169
Revised Code, at the actual occurrence of that offense.	170
(jj) Restricted portions of a body-worn camera or	171
dashboard camera recording;	172
(kk) In the case of a fetal-infant mortality review board	173
acting under sections 3707.70 to 3707.77 of the Revised Code,	174
records, documents, reports, or other information presented to	175
the board or a person abstracting such materials on the board's	176
behalf, statements made by review board members during board	177
meetings, all work products of the board, and data submitted by	178
the board to the department of health or a national infant death	179
review database, other than the report prepared pursuant to	180
section 3707.77 of the Revised Code.	181
(ll) Records, documents, reports, or other information	182
presented to the pregnancy-associated mortality review board	183
established under section 3738.01 of the Revised Code,	184
statements made by board members during board meetings, all work	185
products of the board, and data submitted by the board to the	186
department of health, other than the biennial reports prepared	187

under section 3738.08 of the Revised Code;	188
(mm) Except as otherwise provided in division (A) (1) (oo)	189
of this section, telephone numbers for a victim, as defined in	190
section 2930.01 of the Revised Code or a witness to a crime that	191
are listed on any law enforcement record or report.	192
(nn) A preneed funeral contract, as defined in section	193
4717.01 of the Revised Code, and contract terms and personally	194
identifying information of a preneed funeral contract, that is	195
contained in a report submitted by or for a funeral home to the	196
board of embalmers and funeral directors under division (C) of	197
section 4717.13, division (J) of section 4717.31, or section	198
4717.41 of the Revised Code.	199
(oo) Telephone numbers for a party to a motor vehicle	200
accident subject to the requirements of section 5502.11 of the	201
Revised Code that are listed on any law enforcement record or	202
report, except that the telephone numbers described in this	203
division are not excluded from the definition of "public record"	204
under this division on and after the thirtieth day after the	205
occurrence of the motor vehicle accident.	206
(pp) Records pertaining to individuals who complete	207
training under section 5502.703 of the Revised Code to be	208
permitted by a school district board of education or governing	209
body of a community school established under Chapter 3314. of	210
the Revised Code, a STEM school established under Chapter 3326.	211
of the Revised Code, or a chartered nonpublic school to convey	212
deadly weapons or dangerous ordnance into a school safety zone;	213
(qq) Records, documents, reports, or other information	214
presented to a domestic violence fatality review board	215
established under section 307.651 of the Revised Code,	216

statements made by board members during board meetings, all work	217
products of the board, and data submitted by the board to the	218
department of health, other than a report prepared pursuant to	219
section 307.656 of the Revised Code;	220
(rr) Records, documents, and information the release of	221
which is prohibited under sections 2930.04 and 2930.07 of the	222
Revised Code;	223
(ss) Records of an existing qualified nonprofit	224
corporation that creates a special improvement district under	225
Chapter 1710. of the Revised Code that do not pertain to a	226
purpose for which the district is created;	227
(tt) Educational support services data, as defined in	228
section 3319.325 of the Revised Code;	229
(uu) Records of the past, current, and future work	230
schedule of a designated public service worker. As used in	231
division (A)(1)(uu) of this section, "work schedule" does not	232
include the docket of cases of a court, judge, or magistrate;	233
(vv) A request form or confirmation letter submitted to a	234
public office under section 149.45 of the Revised Code;	235
(ww) An affidavit or confirmation letter submitted under	236
section 319.28 of the Revised Code;	237
(xx) License or certificate application or renewal	238
responses and supporting documentation submitted to the state	239
medical board regarding an applicant's, or a license or	240
certificate holder's, inability to practice according to	241
acceptable and prevailing standards of care by reason of a	242
medical condition.	243
A record that is not a public record under division (A)(1)	244

of this section and that, under law, is permanently retained 245
becomes a public record on the day that is seventy-five years 246
after the day on which the record was created, or in the case of 247
a record that is not a public record under division (A) (1) (uu) 248
of this section that is retained, three years after the day on 249
which the record was created, except for any record protected by 250
the attorney-client privilege, a trial preparation record as 251
defined in this section, a statement prohibiting the release of 252
identifying information signed under section 3107.083 of the 253
Revised Code, a denial of release form filed pursuant to section 254
3107.46 of the Revised Code, or any record that is exempt from 255
release or disclosure under section 149.433 of the Revised Code. 256
If the record is a birth certificate and a biological parent's 257
name redaction request form has been accepted under section 258
3107.391 of the Revised Code, the name of that parent shall be 259
redacted from the birth certificate before it is released under 260
this paragraph. If any other section of the Revised Code 261
establishes a time period for disclosure of a record that 262
conflicts with the time period specified in this section, the 263
time period in the other section prevails. 264

(2) "Confidential law enforcement investigatory record" 265
means any record that pertains to a law enforcement matter of a 266
criminal, quasi-criminal, civil, or administrative nature, but 267
only to the extent that the release of the record would create a 268
high probability of disclosure of any of the following: 269

(a) The identity of a suspect who has not been charged 270
with the offense to which the record pertains, or of an 271
information source or witness to whom confidentiality has been 272
reasonably promised; 273

(b) Information provided by an information source or 274

witness to whom confidentiality has been reasonably promised, 275
which information would reasonably tend to disclose the source's 276
or witness's identity; 277

(c) Specific confidential investigatory techniques or 278
procedures or specific investigatory work product; 279

(d) Information that would endanger the life or physical 280
safety of law enforcement personnel, a crime victim, a witness, 281
or a confidential information source. 282

(3) "Medical record" means any document or combination of 283
documents, except births, deaths, and the fact of admission to 284
or discharge from a hospital, that pertains to the medical 285
history, diagnosis, prognosis, or medical condition of a patient 286
and that is generated and maintained in the process of medical 287
treatment. 288

(4) "Trial preparation record" means any record that 289
contains information that is specifically compiled in reasonable 290
anticipation of, or in defense of, a civil or criminal action or 291
proceeding, including the independent thought processes and 292
personal trial preparation of an attorney. 293

(5) "Intellectual property record" means a record, other 294
than a financial or administrative record, that is produced or 295
collected by or for faculty or staff of a state institution of 296
higher learning in the conduct of or as a result of study or 297
research on an educational, commercial, scientific, artistic, 298
technical, or scholarly issue, regardless of whether the study 299
or research was sponsored by the institution alone or in 300
conjunction with a governmental body or private concern, and 301
that has not been publicly released, published, or patented. 302

(6) "Donor profile record" means all records about donors 303

or potential donors to a public institution of higher education 304
except the names and reported addresses of the actual donors and 305
the date, amount, and conditions of the actual donation. 306

(7) "Designated public service worker" means a peace 307
officer, parole officer, probation officer, bailiff, prosecuting 308
attorney, assistant prosecuting attorney, correctional employee, 309
county or multicounty corrections officer, community-based 310
correctional facility employee, designated Ohio national guard 311
member, protective services worker, youth services employee, 312
firefighter, EMT, medical director or member of a cooperating 313
physician advisory board of an emergency medical service 314
organization, state board of pharmacy employee, investigator of 315
the bureau of criminal identification and investigation, 316
emergency service telecommunicator, forensic mental health 317
provider, mental health evaluation provider, regional 318
psychiatric hospital employee, judge, magistrate, or federal law 319
enforcement officer. 320

(8) "Designated public service worker residential and 321
familial information" means any information that discloses any 322
of the following about a designated public service worker: 323

(a) The address of the actual personal residence of a 324
designated public service worker, except for the following 325
information: 326

(i) The address of the actual personal residence of a 327
prosecuting attorney or judge; and 328

(ii) The state or political subdivision in which a 329
designated public service worker resides. 330

(b) Information compiled from referral to or participation 331
in an employee assistance program; 332

(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; 333
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(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; 338
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(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; 342
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(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; 347
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(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. 353
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(9) As used in divisions (A) (7) and (15) to (17) of this section: 357
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"Peace officer" has the meaning defined in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the 359
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sheriff of a county or a supervisory employee who, in the 362
absence of the sheriff, is authorized to stand in for, exercise 363
the authority of, and perform the duties of the sheriff. 364

"Correctional employee" means any employee of the 365
department of rehabilitation and correction who in the course of 366
performing the employee's job duties has or has had contact with 367
inmates and persons under supervision. 368

"County or multicounty corrections officer" means any 369
corrections officer employed by any county or multicounty 370
correctional facility. 371

"Designated Ohio national guard member" means a member of 372
the Ohio national guard who is participating in duties related 373
to remotely piloted aircraft, including, but not limited to, 374
pilots, sensor operators, and mission intelligence personnel, 375
duties related to special forces operations, or duties related 376
to cybersecurity, and is designated by the adjutant general as a 377
designated public service worker for those purposes. 378

"Protective services worker" means any employee of a 379
county agency who is responsible for child protective services, 380
child support services, or adult protective services. 381

"Youth services employee" means any employee of the 382
department of youth services who in the course of performing the 383
employee's job duties has or has had contact with children 384
committed to the custody of the department of youth services. 385

"Firefighter" means any regular, paid or volunteer, member 386
of a lawfully constituted fire department of a municipal 387
corporation, township, fire district, or village. 388

"EMT" means EMTs-basic, EMTs-I, and paramedics that 389
provide emergency medical services for a public emergency 390

medical service organization. "Emergency medical service 391
organization," "EMT-basic," "EMT-I," and "paramedic" have the 392
meanings defined in section 4765.01 of the Revised Code. 393

"Investigator of the bureau of criminal identification and 394
investigation" has the meaning defined in section 2903.11 of the 395
Revised Code. 396

"Emergency service telecommunicator" means an individual 397
employed by an emergency service provider as defined under 398
section 128.01 of the Revised Code, whose primary responsibility 399
is to be an operator for the receipt or processing of calls for 400
emergency services made by telephone, radio, or other electronic 401
means. 402

"Forensic mental health provider" means any employee of a 403
community mental health service provider or local alcohol, drug 404
addiction, and mental health services board who, in the course 405
of the employee's duties, has contact with persons committed to 406
a local alcohol, drug addiction, and mental health services 407
board by a court order pursuant to section 2945.38, 2945.39, 408
2945.40, or 2945.402 of the Revised Code. 409

"Mental health evaluation provider" means an individual 410
who, under Chapter 5122. of the Revised Code, examines a 411
respondent who is alleged to be a mentally ill person subject to 412
court order, as defined in section 5122.01 of the Revised Code, 413
and reports to the probate court the respondent's mental 414
condition. 415

"Regional psychiatric hospital employee" means any 416
employee of the department of mental health and addiction 417
services who, in the course of performing the employee's duties, 418
has contact with patients committed to the department of mental 419

health and addiction services by a court order pursuant to 420
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 421
Code. 422

"Federal law enforcement officer" has the meaning defined 423
in section 9.88 of the Revised Code. 424

(10) "Information pertaining to the recreational 425
activities of a person under the age of eighteen" means 426
information that is kept in the ordinary course of business by a 427
public office, that pertains to the recreational activities of a 428
person under the age of eighteen years, and that discloses any 429
of the following: 430

(a) The address or telephone number of a person under the 431
age of eighteen or the address or telephone number of that 432
person's parent, guardian, custodian, or emergency contact 433
person; 434

(b) The social security number, birth date, or 435
photographic image of a person under the age of eighteen; 436

(c) Any medical record, history, or information pertaining 437
to a person under the age of eighteen; 438

(d) Any additional information sought or required about a 439
person under the age of eighteen for the purpose of allowing 440
that person to participate in any recreational activity 441
conducted or sponsored by a public office or to use or obtain 442
admission privileges to any recreational facility owned or 443
operated by a public office. 444

(11) "Community control sanction" has the meaning defined 445
in section 2929.01 of the Revised Code. 446

(12) "Post-release control sanction" has the meaning 447

defined in section 2967.01 of the Revised Code. 448

(13) "Redaction" means obscuring or deleting any 449
information that is exempt from the duty to permit public 450
inspection or copying from an item that otherwise meets the 451
definition of a "record" in section 149.011 of the Revised Code. 452

(14) "Designee," "elected official," and "future official" 453
have the meanings defined in section 109.43 of the Revised Code. 454

(15) "Body-worn camera" means a visual and audio recording 455
device worn on the person of a correctional employee, youth 456
services employee, or peace officer while the correctional 457
employee, youth services employee, or peace officer is engaged 458
in the performance of official duties. 459

(16) "Dashboard camera" means a visual and audio recording 460
device mounted on a peace officer's vehicle or vessel that is 461
used while the peace officer is engaged in the performance of 462
the peace officer's duties. 463

(17) "Restricted portions of a body-worn camera or 464
dashboard camera recording" means any visual or audio portion of 465
a body-worn camera or dashboard camera recording that shows, 466
communicates, or discloses any of the following: 467

(a) The image or identity of a child or information that 468
could lead to the identification of a child who is a primary 469
subject of the recording when the department of rehabilitation 470
and correction, department of youth services, or the law 471
enforcement agency knows or has reason to know the person is a 472
child based on the department's or law enforcement agency's 473
records or the content of the recording; 474

(b) The death of a person or a deceased person's body, 475
unless the death was caused by a correctional employee, youth 476

services employee, or peace officer or, subject to division (H) 477
(1) of this section, the consent of the decedent's executor or 478
administrator has been obtained; 479

(c) The death of a correctional employee, youth services 480
employee, peace officer, firefighter, paramedic, or other first 481
responder, occurring while the decedent was engaged in the 482
performance of official duties, unless, subject to division (H) 483
(1) of this section, the consent of the decedent's executor or 484
administrator has been obtained; 485

(d) Grievous bodily harm, unless the injury was effected 486
by a correctional employee, youth services employee, or peace 487
officer or, subject to division (H) (1) of this section, the 488
consent of the injured person or the injured person's guardian 489
has been obtained; 490

(e) An act of severe violence against a person that 491
results in serious physical harm to the person, unless the act 492
and injury was effected by a correctional employee, youth 493
services employee, or peace officer or, subject to division (H) 494
(1) of this section, the consent of the injured person or the 495
injured person's guardian has been obtained; 496

(f) Grievous bodily harm to a correctional employee, youth 497
services employee, peace officer, firefighter, paramedic, or 498
other first responder, occurring while the injured person was 499
engaged in the performance of official duties, unless, subject 500
to division (H) (1) of this section, the consent of the injured 501
person or the injured person's guardian has been obtained; 502

(g) An act of severe violence resulting in serious 503
physical harm against a correctional employee, youth services 504
employee, peace officer, firefighter, paramedic, or other first 505

responder, occurring while the injured person was engaged in the 506
performance of official duties, unless, subject to division (H) 507
(1) of this section, the consent of the injured person or the 508
injured person's guardian has been obtained; 509

(h) A person's nude body, unless, subject to division (H) 510
(1) of this section, the person's consent has been obtained; 511

(i) Protected health information, the identity of a person 512
in a health care facility who is not the subject of a 513
correctional, youth services, or law enforcement encounter, or 514
any other information in a health care facility that could 515
identify a person who is not the subject of a correctional, 516
youth services, or law enforcement encounter; 517

(j) Information that could identify the alleged victim of 518
a sex offense, menacing by stalking, or domestic violence; 519

(k) Information, that does not constitute a confidential 520
law enforcement investigatory record, that could identify a 521
person who provides sensitive or confidential information to the 522
department of rehabilitation and correction, the department of 523
youth services, or a law enforcement agency when the disclosure 524
of the person's identity or the information provided could 525
reasonably be expected to threaten or endanger the safety or 526
property of the person or another person; 527

(l) Personal information of a person who is not arrested, 528
cited, charged, or issued a written warning by a peace officer; 529

(m) Proprietary correctional, youth services, or police 530
contingency plans or tactics that are intended to prevent crime 531
and maintain public order and safety; 532

(n) A personal conversation unrelated to work between 533
correctional employees, youth services employees, or peace 534

officers or between a correctional employee, youth services 535
employee, or peace officer and an employee of a law enforcement 536
agency; 537

(o) A conversation between a correctional employee, youth 538
services employee, or peace officer and a member of the public 539
that does not concern correctional, youth services, or law 540
enforcement activities; 541

(p) The interior of a residence, unless the interior of a 542
residence is the location of an adversarial encounter with, or a 543
use of force by, a correctional employee, youth services 544
employee, or peace officer; 545

(q) Any portion of the interior of a private business that 546
is not open to the public, unless an adversarial encounter with, 547
or a use of force by, a correctional employee, youth services 548
employee, or peace officer occurs in that location. 549

As used in division (A) (17) of this section: 550

"Grievous bodily harm" has the same meaning as in section 551
5924.120 of the Revised Code. 552

"Health care facility" has the same meaning as in section 553
1337.11 of the Revised Code. 554

"Protected health information" has the same meaning as in 555
45 C.F.R. 160.103. 556

"Law enforcement agency" means a government entity that 557
employs peace officers to perform law enforcement duties. 558

"Personal information" means any government-issued 559
identification number, date of birth, address, financial 560
information, or criminal justice information from the law 561
enforcement automated data system or similar databases. 562

"Sex offense" has the same meaning as in section 2907.10 563
of the Revised Code. 564

"Firefighter," "paramedic," and "first responder" have the 565
same meanings as in section 4765.01 of the Revised Code. 566

(B) (1) Upon request by any person and subject to division 567
(B) (8) of this section, all public records responsive to the 568
request shall be promptly prepared and made available for 569
inspection to the requester at all reasonable times during 570
regular business hours. Subject to division (B) (8) of this 571
section, upon request by any person, a public office or person 572
responsible for public records shall make copies of the 573
requested public record available to the requester at cost and 574
within a reasonable period of time. 575

When considering whether a state or local law enforcement 576
agency promptly prepared a video record for inspection or 577
provided a video record for production within a reasonable 578
period of time, in addition to any other factors, a court shall 579
consider the time required for a state or local law enforcement 580
agency to retrieve, download, review, redact, seek legal advice 581
regarding, and produce the video record. Notwithstanding any 582
other requirement set forth in Chapter 149. of the Revised Code, 583
a state or local law enforcement agency may charge a requester 584
the actual cost associated with preparing a video record for 585
inspection or production, not to exceed seventy-five dollars per 586
hour of video produced, nor seven hundred fifty dollars total. 587
As used in this division, "actual cost," with respect to video 588
records only, means all costs incurred by the state or local law 589
enforcement agency in reviewing, blurring or otherwise 590
obscuring, redacting, uploading, or producing the video records, 591
including but not limited to the storage medium on which the 592

record is produced, staff time, and any other relevant overhead 593
necessary to comply with the request. A state or local law 594
enforcement agency may include in its public records policy the 595
requirement that a requester pay the estimated actual cost 596
before beginning the process of preparing a video record for 597
inspection or production. Where a state or local law enforcement 598
agency imposes such a requirement, its obligation to produce a 599
video or make it available for inspection begins once the 600
estimated actual cost is paid in full by the requester. A state 601
or local law enforcement agency shall provide the requester with 602
the estimated actual cost within five business days of receipt 603
of the public records request. If the actual cost exceeds the 604
estimated actual cost, a state or local law enforcement agency 605
may charge a requester for the difference upon fulfilling a 606
request for video records if the requester is notified in 607
advance that the actual cost may be up to twenty per cent higher 608
than the estimated actual cost. A state or local law enforcement 609
agency shall not charge a requester a difference that exceeds 610
twenty per cent of the estimated actual cost. 611

If a public record contains information that is exempt 612
from the duty to permit public inspection or to copy the public 613
record, the public office or the person responsible for the 614
public record shall make available all of the information within 615
the public record that is not exempt. When making that public 616
record available for public inspection or copying that public 617
record, the public office or the person responsible for the 618
public record shall notify the requester of any redaction or 619
make the redaction plainly visible. A redaction shall be deemed 620
a denial of a request to inspect or copy the redacted 621
information, except if federal or state law authorizes or 622
requires a public office to make the redaction. When the auditor 623

of state receives a request to inspect or to make a copy of a 624
record that was provided to the auditor of state for purposes of 625
an audit, but the original public office has asserted to the 626
auditor of state that the record is not a public record, the 627
auditor of state may handle the requests by directing the 628
requestor to the original public office that provided the record 629
to the auditor of state. 630

(2) To facilitate broader access to public records, a 631
public office or the person responsible for public records shall 632
organize and maintain public records in a manner that they can 633
be made available for inspection or copying in accordance with 634
division (B) of this section. A public office also shall have 635
available a copy of its current records retention schedule at a 636
location readily available to the public. If a requester makes 637
an ambiguous or overly broad request or has difficulty in making 638
a request for copies or inspection of public records under this 639
section such that the public office or the person responsible 640
for the requested public record cannot reasonably identify what 641
public records are being requested, the public office or the 642
person responsible for the requested public record may deny the 643
request but shall provide the requester with an opportunity to 644
revise the request by informing the requester of the manner in 645
which records are maintained by the public office and accessed 646
in the ordinary course of the public office's or person's 647
duties. 648

(3) If a request is ultimately denied, in part or in 649
whole, the public office or the person responsible for the 650
requested public record shall provide the requester with an 651
explanation, including legal authority, setting forth why the 652
request was denied. If the initial request was provided in 653
writing, the explanation also shall be provided to the requester 654

in writing. The explanation shall not preclude the public office 655
or the person responsible for the requested public record from 656
relying upon additional reasons or legal authority in defending 657
an action commenced under division (C) of this section. 658

(4) Unless specifically required or authorized by state or 659
federal law or in accordance with division (B) of this section, 660
no public office or person responsible for public records may 661
limit or condition the availability of public records by 662
requiring disclosure of the requester's identity or the intended 663
use of the requested public record. Any requirement that the 664
requester disclose the requester's identity or the intended use 665
of the requested public record constitutes a denial of the 666
request. 667

(5) A public office or person responsible for public 668
records may ask a requester to make the request in writing, may 669
ask for the requester's identity, and may inquire about the 670
intended use of the information requested, but may do so only 671
after disclosing to the requester that a written request is not 672
mandatory, that the requester may decline to reveal the 673
requester's identity or the intended use, and when a written 674
request or disclosure of the identity or intended use would 675
benefit the requester by enhancing the ability of the public 676
office or person responsible for public records to identify, 677
locate, or deliver the public records sought by the requester. 678

(6) If any person requests a copy of a public record in 679
accordance with division (B) of this section, the public office 680
or person responsible for the public record may require the 681
requester to pay in advance the cost involved in providing the 682
copy of the public record in accordance with the choice made by 683
the requester under this division. The public office or the 684

person responsible for the public record shall permit the 685
requester to choose to have the public record duplicated upon 686
paper, upon the same medium upon which the public office or 687
person responsible for the public record keeps it, or upon any 688
other medium upon which the public office or person responsible 689
for the public record determines that it reasonably can be 690
duplicated as an integral part of the normal operations of the 691
public office or person responsible for the public record. When 692
the requester makes a choice under this division, the public 693
office or person responsible for the public record shall provide 694
a copy of it in accordance with the choice made by the 695
requester. Nothing in this section requires a public office or 696
person responsible for the public record to allow the requester 697
of a copy of the public record to make the copies of the public 698
record. 699

(7) (a) Upon a request made in accordance with division (B) 700
of this section and subject to division (B) (6) of this section, 701
a public office or person responsible for public records shall 702
transmit a copy of a public record to any person by United 703
States mail or by any other means of delivery or transmission 704
within a reasonable period of time after receiving the request 705
for the copy. The public office or person responsible for the 706
public record may require the person making the request to pay 707
in advance the cost of postage if the copy is transmitted by 708
United States mail or the cost of delivery if the copy is 709
transmitted other than by United States mail, and to pay in 710
advance the costs incurred for other supplies used in the 711
mailing, delivery, or transmission. 712

(b) Any public office may adopt a policy and procedures 713
that it will follow in transmitting, within a reasonable period 714
of time after receiving a request, copies of public records by 715

United States mail or by any other means of delivery or 716
transmission pursuant to division (B) (7) of this section. A 717
public office that adopts a policy and procedures under division 718
(B) (7) of this section shall comply with them in performing its 719
duties under that division. 720

(c) In any policy and procedures adopted under division 721
(B) (7) of this section: 722

(i) A public office may limit the number of records 723
requested by a person that the office will physically deliver by 724
United States mail or by another delivery service to ten per 725
month, unless the person certifies to the office in writing that 726
the person does not intend to use or forward the requested 727
records, or the information contained in them, for commercial 728
purposes; 729

(ii) A public office that chooses to provide some or all 730
of its public records on a web site that is fully accessible to 731
and searchable by members of the public at all times, other than 732
during acts of God outside the public office's control or 733
maintenance, and that charges no fee to search, access, 734
download, or otherwise receive records provided on the web site, 735
may limit to ten per month the number of records requested by a 736
person that the office will deliver in a digital format, unless 737
the requested records are not provided on the web site and 738
unless the person certifies to the office in writing that the 739
person does not intend to use or forward the requested records, 740
or the information contained in them, for commercial purposes. 741

(iii) For purposes of division (B) (7) of this section, 742
"commercial" shall be narrowly construed and does not include 743
reporting or gathering news, reporting or gathering information 744
to assist citizen oversight or understanding of the operation or 745

activities of government, or nonprofit educational research. 746

(8) A public office or person responsible for public 747
records is not required to permit a person who is incarcerated 748
pursuant to a criminal conviction or a juvenile adjudication to 749
inspect or to obtain a copy of any public record concerning a 750
criminal investigation or prosecution or concerning what would 751
be a criminal investigation or prosecution if the subject of the 752
investigation or prosecution were an adult, unless the request 753
to inspect or to obtain a copy of the record is for the purpose 754
of acquiring information that is subject to release as a public 755
record under this section and the judge who imposed the sentence 756
or made the adjudication with respect to the person, or the 757
judge's successor in office, finds that the information sought 758
in the public record is necessary to support what appears to be 759
a justiciable claim of the person. As used in this division, 760
"public record concerning a criminal investigation or 761
prosecution or concerning what would be a criminal investigation 762
or prosecution if the subject of the investigation were an 763
adult" includes, but is not limited to, personnel files and 764
payroll and attendance records of designated public service 765
workers. 766

(9) (a) Upon written request made and signed by a 767
journalist, a public office, or person responsible for public 768
records, having custody of the records of the agency employing a 769
specified designated public service worker shall disclose to the 770
journalist the address of the actual personal residence of the 771
designated public service worker and, if the designated public 772
service worker's spouse, former spouse, or child is employed by 773
a public office, the name and address of the employer of the 774
designated public service worker's spouse, former spouse, or 775
child, and any past, current, and future work schedules of the 776

designated public service worker. The request shall include the 777
journalist's name and title and the name and address of the 778
journalist's employer and shall state that disclosure of the 779
information sought would be in the public interest. 780

(b) Division (B) (9) (a) of this section also applies to 781
journalist requests for: 782

(i) Customer information maintained by a municipally owned 783
or operated public utility, other than social security numbers 784
and any private financial information such as credit reports, 785
payment methods, credit card numbers, and bank account 786
information; 787

(ii) Information about minors involved in a school vehicle 788
accident as provided in division (A) (1) (gg) of this section, 789
other than personal information as defined in section 149.45 of 790
the Revised Code; 791

(iii) A request form submitted to a public office under 792
section 149.45 of the Revised Code; 793

(iv) An affidavit submitted under section 319.28 of the 794
Revised Code. 795

(c) As used in division (B) (9) of this section, 796
"journalist" means a person engaged in, connected with, or 797
employed by any news medium, including a newspaper, magazine, 798
press association, news agency, or wire service, a radio or 799
television station, or a similar medium, for the purpose of 800
gathering, processing, transmitting, compiling, editing, or 801
disseminating information for the general public. 802

(10) Upon a request made by a victim, victim's attorney, 803
or victim's representative, as that term is used in section 804
2930.02 of the Revised Code, a public office or person 805

responsible for public records shall transmit a copy of a 806
depiction of the victim as described in division (A) (1) (ii) of 807
this section to the victim, victim's attorney, or victim's 808
representative. 809

(C) (1) If a person allegedly is aggrieved by the failure 810
of a public office or the person responsible for public records 811
to promptly prepare a public record and to make it available to 812
the person for inspection in accordance with division (B) of 813
this section or by any other failure of a public office or the 814
person responsible for public records to comply with an 815
obligation in accordance with division (B) of this section, the 816
person allegedly aggrieved may serve pursuant to Rule 4 of the 817
Ohio Rules of Civil Procedure a complaint, on a form prescribed 818
by the clerk of the court of claims, to the public office or 819
person responsible for public records allegedly responsible for 820
the alleged failure. Upon receipt of the complaint of the person 821
allegedly aggrieved, the public office or person responsible for 822
public records has three business days to cure or otherwise 823
address the failure alleged in the complaint. The person 824
allegedly aggrieved shall not file a complaint with a court or 825
commence a mandamus action under this section within the three- 826
day period. Upon the expiration of the three-day period, the 827
person allegedly aggrieved may, subject to the requirements of 828
division (C) (2) of this section, do only one of the following, 829
and not both: 830

(a) File a complaint with the clerk of the court of claims 831
or the clerk of the court of common pleas under section 2743.75 832
of the Revised Code; 833

(b) Commence a mandamus action to obtain a judgment that 834
orders the public office or the person responsible for the 835

public record to comply with division (B) of this section, that 836
awards court costs and reasonable attorney's fees to the person 837
that instituted the mandamus action, and, if applicable, that 838
includes an order fixing statutory damages under division (C) (3) 839
of this section. The mandamus action may be commenced in the 840
court of common pleas of the county in which division (B) of 841
this section allegedly was not complied with, in the supreme 842
court pursuant to its original jurisdiction under Section 2 of 843
Article IV, Ohio Constitution, or in the court of appeals for 844
the appellate district in which division (B) of this section 845
allegedly was not complied with pursuant to its original 846
jurisdiction under Section 3 of Article IV, Ohio Constitution. 847

(2) Upon filing a complaint or mandamus action with a 848
court under divisions (C) (1) (a) or (b) of this section, a person 849
allegedly aggrieved shall file with the court, in conjunction 850
with the person's complaint or petition, a written affirmation 851
stating that the person properly transmitted a complaint to the 852
public office or person responsible for public records, the 853
failure alleged in the complaint has not been cured or otherwise 854
resolved to the person's satisfaction, and that the complaint 855
was transmitted to the public office or person responsible for 856
public records at least three business days before the filing of 857
the suit. If the person fails to file an affirmation pursuant to 858
this division, the suit shall be dismissed. 859

(3) If a requester transmits a written request by hand 860
delivery, electronic submission, or certified mail to inspect or 861
receive copies of any public record in a manner that fairly 862
describes the public record or class of public records to the 863
public office or person responsible for the requested public 864
records, except as otherwise provided in this section, the 865
requester shall be entitled to recover the amount of statutory 866

damages set forth in this division if a court determines that 867
the public office or the person responsible for public records 868
failed to comply with an obligation in accordance with division 869
(B) of this section. Statutory damages are not available 870
pursuant to this section to a person committed to the custody of 871
the department of rehabilitation and correction or the United 872
States bureau of prisons, or a child committed to the department 873
of youth services as permitted in Chapter 2152. of the Revised 874
Code. 875

The amount of statutory damages shall be fixed at one 876
hundred dollars for each business day during which the public 877
office or person responsible for the requested public records 878
failed to comply with an obligation in accordance with division 879
(B) of this section, beginning with the day on which the 880
requester files a mandamus action to recover statutory damages, 881
up to a maximum of one thousand dollars. The award of statutory 882
damages shall not be construed as a penalty, but as compensation 883
for injury arising from lost use of the requested information. 884
The existence of this injury shall be conclusively presumed. The 885
award of statutory damages shall be in addition to all other 886
remedies authorized by this section. 887

The court may reduce an award of statutory damages or not 888
award statutory damages if the court determines both of the 889
following: 890

(a) That, based on the ordinary application of statutory 891
law and case law as it existed at the time of the conduct or 892
threatened conduct of the public office or person responsible 893
for the requested public records that allegedly constitutes a 894
failure to comply with an obligation in accordance with division 895
(B) of this section and that was the basis of the mandamus 896

action, a well-informed public office or person responsible for 897
the requested public records reasonably would believe that the 898
conduct or threatened conduct of the public office or person 899
responsible for the requested public records did not constitute 900
a failure to comply with an obligation in accordance with 901
division (B) of this section; 902

(b) That a well-informed public office or person 903
responsible for the requested public records reasonably would 904
believe that the conduct or threatened conduct of the public 905
office or person responsible for the requested public records 906
would serve the public policy that underlies the authority that 907
is asserted as permitting that conduct or threatened conduct. 908

(4) In a mandamus action filed under division (C) (1) of 909
this section, the following apply: 910

(a) (i) If the court orders the public office or the person 911
responsible for the public record to comply with division (B) of 912
this section, the court shall determine and award to the relator 913
all court costs, which shall be construed as remedial and not 914
punitive. 915

(ii) If the court makes a determination described in 916
division (C) (4) (b) (iii) of this section, the court shall 917
determine and award to the relator all court costs, which shall 918
be construed as remedial and not punitive. 919

(b) If the court renders a judgment that orders the public 920
office or the person responsible for the public record to comply 921
with division (B) of this section or if the court determines any 922
of the following, the court may award reasonable attorney's fees 923
to the relator, subject to division (C) (5) of this section: 924

(i) The public office or the person responsible for the 925

public records failed to respond affirmatively or negatively to 926
the public records request in accordance with the time allowed 927
under division (B) of this section. 928

(ii) The public office or the person responsible for the 929
public records promised to permit the relator to inspect or 930
receive copies of the public records requested within a 931
specified period of time but failed to fulfill that promise 932
within that specified period of time. 933

(iii) The public office or the person responsible for the 934
public records acted in bad faith when the office or person 935
voluntarily made the public records available to the relator for 936
the first time after the relator commenced the mandamus action, 937
but before the court issued any order concluding whether or not 938
the public office or person was required to comply with division 939
(B) of this section. No discovery may be conducted on the issue 940
of the alleged bad faith of the public office or person 941
responsible for the public records. This division shall not be 942
construed as creating a presumption that the public office or 943
the person responsible for the public records acted in bad faith 944
when the office or person voluntarily made the public records 945
available to the relator for the first time after the relator 946
commenced the mandamus action, but before the court issued any 947
order described in this division. 948

(c) The court shall not award attorney's fees to the 949
relator if the court determines both of the following: 950

(i) That, based on the ordinary application of statutory 951
law and case law as it existed at the time of the conduct or 952
threatened conduct of the public office or person responsible 953
for the requested public records that allegedly constitutes a 954
failure to comply with an obligation in accordance with division 955

(B) of this section and that was the basis of the mandamus 956
action, a well-informed public office or person responsible for 957
the requested public records reasonably would believe that the 958
conduct or threatened conduct of the public office or person 959
responsible for the requested public records did not constitute 960
a failure to comply with an obligation in accordance with 961
division (B) of this section; 962

(ii) That a well-informed public office or person 963
responsible for the requested public records reasonably would 964
believe that the conduct or threatened conduct of the public 965
office or person responsible for the requested public records 966
would serve the public policy that underlies the authority that 967
is asserted as permitting that conduct or threatened conduct. 968

(5) All of the following apply to any award of reasonable 969
attorney's fees awarded under division (C) (4) (b) of this 970
section: 971

(a) The fees shall be construed as remedial and not 972
punitive. 973

(b) The fees awarded shall not exceed the total of the 974
reasonable attorney's fees incurred before the public record was 975
made available to the relator and the fees described in division 976
(C) (5) (c) of this section. 977

(c) Reasonable attorney's fees shall include reasonable 978
fees incurred to produce proof of the reasonableness and amount 979
of the fees and to otherwise litigate entitlement to the fees. 980

(d) The court may reduce the amount of fees awarded if the 981
court determines that, given the factual circumstances involved 982
with the specific public records request, an alternative means 983
should have been pursued to more effectively and efficiently 984

resolve the dispute that was subject to the mandamus action 985
filed under division (C) (1) of this section. 986

(6) If the court does not issue a writ of mandamus under 987
division (C) of this section and the court determines at that 988
time that the bringing of the mandamus action was frivolous 989
conduct as defined in division (A) of section 2323.51 of the 990
Revised Code, the court may award to the public office all court 991
costs, expenses, and reasonable attorney's fees, as determined 992
by the court. 993

(D) Chapter 1347. of the Revised Code does not limit the 994
provisions of this section. 995

(E) (1) To ensure that all employees of public offices are 996
appropriately educated about a public office's obligations under 997
division (B) of this section, all elected officials or their 998
appropriate designees shall attend training approved by the 999
attorney general as provided in section 109.43 of the Revised 1000
Code. A future official may satisfy the requirements of this 1001
division by attending the training before taking office, 1002
provided that the future official may not send a designee in the 1003
future official's place. 1004

(2) All public offices shall adopt a public records policy 1005
in compliance with this section for responding to public records 1006
requests. In adopting a public records policy under this 1007
division, a public office may obtain guidance from the model 1008
public records policy developed and provided to the public 1009
office by the attorney general under section 109.43 of the 1010
Revised Code. Except as otherwise provided in this section, the 1011
policy may not limit the number of public records that the 1012
public office will make available to a single person, may not 1013
limit the number of public records that it will make available 1014

during a fixed period of time, and may not establish a fixed 1015
period of time before it will respond to a request for 1016
inspection or copying of public records, unless that period is 1017
less than eight hours. 1018

The public office shall distribute the public records 1019
policy adopted by the public office under this division to the 1020
employee of the public office who is the records custodian or 1021
records manager or otherwise has custody of the records of that 1022
office. The public office shall require that employee to 1023
acknowledge receipt of the copy of the public records policy. 1024
The public office shall create a poster that describes its 1025
public records policy and shall post the poster in a conspicuous 1026
place in the public office and in all locations where the public 1027
office has branch offices. The public office may post its public 1028
records policy on the internet web site of the public office if 1029
the public office maintains an internet web site. A public 1030
office that has established a manual or handbook of its general 1031
policies and procedures for all employees of the public office 1032
shall include the public records policy of the public office in 1033
the manual or handbook. 1034

(F) (1) The bureau of motor vehicles may adopt rules 1035
pursuant to Chapter 119. of the Revised Code to reasonably limit 1036
the number of bulk commercial special extraction requests made 1037
by a person for the same records or for updated records during a 1038
calendar year. The rules may include provisions for charges to 1039
be made for bulk commercial special extraction requests for the 1040
actual cost of the bureau, plus special extraction costs, plus 1041
ten per cent. The bureau may charge for expenses for redacting 1042
information, the release of which is prohibited by law. 1043

(2) As used in division (F) (1) of this section: 1044

(a) "Actual cost" means the cost of depleted supplies, 1045
records storage media costs, actual mailing and alternative 1046
delivery costs, or other transmitting costs, and any direct 1047
equipment operating and maintenance costs, including actual 1048
costs paid to private contractors for copying services. 1049

(b) "Bulk commercial special extraction request" means a 1050
request for copies of a record for information in a format other 1051
than the format already available, or information that cannot be 1052
extracted without examination of all items in a records series, 1053
class of records, or database by a person who intends to use or 1054
forward the copies for surveys, marketing, solicitation, or 1055
resale for commercial purposes. "Bulk commercial special 1056
extraction request" does not include a request by a person who 1057
gives assurance to the bureau that the person making the request 1058
does not intend to use or forward the requested copies for 1059
surveys, marketing, solicitation, or resale for commercial 1060
purposes. 1061

(c) "Commercial" means profit-seeking production, buying, 1062
or selling of any good, service, or other product. 1063

(d) "Special extraction costs" means the cost of the time 1064
spent by the lowest paid employee competent to perform the task, 1065
the actual amount paid to outside private contractors employed 1066
by the bureau, or the actual cost incurred to create computer 1067
programs to make the special extraction. "Special extraction 1068
costs" include any charges paid to a public agency for computer 1069
or records services. 1070

(3) For purposes of divisions (F) (1) and (2) of this 1071
section, "surveys, marketing, solicitation, or resale for 1072
commercial purposes" shall be narrowly construed and does not 1073
include reporting or gathering news, reporting or gathering 1074

information to assist citizen oversight or understanding of the 1075
operation or activities of government, or nonprofit educational 1076
research. 1077

(G) A request by a defendant, counsel of a defendant, or 1078
any agent of a defendant in a criminal action that public 1079
records related to that action be made available under this 1080
section shall be considered a demand for discovery pursuant to 1081
the Criminal Rules, except to the extent that the Criminal Rules 1082
plainly indicate a contrary intent. The defendant, counsel of 1083
the defendant, or agent of the defendant making a request under 1084
this division shall serve a copy of the request on the 1085
prosecuting attorney, director of law, or other chief legal 1086
officer responsible for prosecuting the action. 1087

(H) (1) Any portion of a body-worn camera or dashboard 1088
camera recording described in divisions (A) (17) (b) to (h) of 1089
this section may be released by consent of the subject of the 1090
recording or a representative of that person, as specified in 1091
those divisions, only if either of the following applies: 1092

(a) The recording will not be used in connection with any 1093
probable or pending criminal proceedings; 1094

(b) The recording has been used in connection with a 1095
criminal proceeding that was dismissed or for which a judgment 1096
has been entered pursuant to Rule 32 of the Rules of Criminal 1097
Procedure, and will not be used again in connection with any 1098
probable or pending criminal proceedings. 1099

(2) If a public office denies a request to release a 1100
restricted portion of a body-worn camera or dashboard camera 1101
recording, as defined in division (A) (17) of this section, any 1102
person may file a mandamus action pursuant to this section or a 1103

complaint with the clerk of the court of claims pursuant to 1104
section 2743.75 of the Revised Code, requesting the court to 1105
order the release of all or portions of the recording. If the 1106
court considering the request determines that the filing 1107
articulates by clear and convincing evidence that the public 1108
interest in the recording substantially outweighs privacy 1109
interests and other interests asserted to deny release, the 1110
court shall order the public office to release the recording. 1111

Sec. 5149.10. (A) (1) The parole board shall consist of up 1112
to twelve members, one of whom shall be designated as 1113
chairperson by the director of the department of rehabilitation 1114
and correction and who shall continue as chairperson until a 1115
successor is designated, and any other personnel that are 1116
necessary for the orderly performance of the duties of the 1117
board. In addition to the rules authorized by section 5149.02 of 1118
the Revised Code, the chief of the adult parole authority, 1119
subject to the approval of the chief of the division of parole 1120
and community services and subject to this section, shall adopt 1121
rules governing the proceedings of the parole board. The rules 1122
shall provide for all of the following: 1123

(a) The convening of full board hearings; 1124

(b) The procedures to be followed in full board hearings; 1125

(c) General procedures to be followed in other hearings of 1126
the board and by the board's hearing officers; 1127

(d) A requirement that a majority of all the board members 1128
must agree to any recommendation of clemency transmitted to the 1129
governor; 1130

(e) For parole hearings, procedures for considering the 1131
report of the warden of the institution in which the eligible 1132

prisoner is incarcerated, submitted under section 5120.68 of the Revised Code;

(f) A requirement that electronic recordings be made of full parole board hearings and other parole hearings of the board.

(2) When the board members sit as a full board, the chairperson shall preside. The chairperson shall also allocate the work of the parole board among the board members. The full board shall meet at least once each month. In the case of a tie vote on the full board, the chief of the adult parole authority shall cast the deciding vote. The chairperson may designate a person to serve in the chairperson's place.

(3) Except for the chairperson and the member appointed under division (B) of this section, a member appointed to the parole board on or after September 30, 2011, shall be appointed to a six-year term. A member appointed as described in this division shall hold office from the date of appointment until the end of the term for which the member was appointed. A member appointed as described in this division is eligible for reappointment for another six-year term that may or may not be consecutive to the first six-year term. A member appointed as described in this division is not eligible for reappointment after serving two six-year terms whether or not served consecutively. Vacancies shall be filled in the same manner provided for original appointments. Any member appointed as described in this division to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall begin that member's first six-year term upon appointment, regardless of the time remaining in the term of the member's predecessor. A member appointed as

described in this division shall continue in office subsequent 1163
to the expiration date of the member's term until the member's 1164
successor takes office or until a period of sixty days has 1165
elapsed, whichever occurs first. 1166

(4) Except as otherwise provided in division (B) of this 1167
section, no person shall be appointed a member of the board who 1168
is not qualified by education or experience in correctional 1169
work, including law enforcement, prosecution of offenses, 1170
advocating for the rights of victims of crime, probation, or 1171
parole, in law, in social work, or in a combination of the three 1172
categories. 1173

(B) The director of rehabilitation and correction, in 1174
consultation with the governor, shall appoint one member of the 1175
board, who shall be a person who has been a victim of crime or 1176
who is a member of a victim's family or who represents an 1177
organization that advocates for the rights of victims of crime. 1178
After appointment, this member shall be an unclassified employee 1179
of the department of rehabilitation and correction. 1180

The initial appointment shall be for a term ending four 1181
years after July 1, 1996. Thereafter, the term of office of the 1182
member appointed under this division shall be for four years, 1183
with each term ending on the same day of the same month as did 1184
the term that it succeeds. The member shall hold office from the 1185
date of appointment until the end of the term for which the 1186
member was appointed and may be reappointed. Vacancies shall be 1187
filled in the manner provided for original appointments. Any 1188
member appointed under this division to fill a vacancy occurring 1189
prior to the expiration date of the term for which the member's 1190
predecessor was appointed shall hold office as a member for the 1191
remainder of that term. The member appointed under this division 1192

shall continue in office subsequent to the expiration date of 1193
the member's term until the member's successor takes office or 1194
until a period of sixty days has elapsed, whichever occurs 1195
first. 1196

The member appointed under this division shall be 1197
compensated in the same manner as other board members and shall 1198
be reimbursed for actual and necessary expenses incurred in the 1199
performance of the member's duties. The member may vote on all 1200
cases heard by the full board under section 5149.101 of the 1201
Revised Code, has such duties as are assigned by the chairperson 1202
of the board, and shall coordinate the member's activities with 1203
the office of victims' services created under section 5120.60 of 1204
the Revised Code. 1205

As used in this division, "crime," "member of the victim's 1206
family," and "victim" have the meanings given in section 2930.01 1207
of the Revised Code. 1208

(C) The chairperson shall submit all recommendations for 1209
or against clemency directly to the governor. 1210

(D) The chairperson shall transmit to the chief of the 1211
adult parole authority all determinations for or against parole 1212
made by the board. Parole determinations are final and are not 1213
subject to review or change by the chief. 1214

(E) In addition to its duties pertaining to parole and 1215
clemency, if an offender is sentenced to a prison term pursuant 1216
to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or 1217
(c), or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the 1218
Revised Code, the parole board shall have control over the 1219
offender's service of the prison term during the entire term 1220
unless the board terminates its control in accordance with 1221

section 2971.04 of the Revised Code. The parole board may 1222
terminate its control over the offender's service of the prison 1223
term only in accordance with section 2971.04 of the Revised 1224
Code. 1225

Sec. 5149.102. (A) As used in this section: 1226

(1) "Member of the victim's immediate family" means a 1227
spouse, child, stepchild, parent, stepparent, grandparent, or 1228
brother or sister of a victim. 1229

(2) "Person entitled to receive the electronic recording 1230
of other parole board hearings" means any of the following 1231
persons who are entitled to receive the electronic recording of 1232
institutional parole board release consideration hearings, 1233
revocation hearings under section 2967.15 of the Revised Code, 1234
post-release control revocation hearings under section 2967.28 1235
of the Revised Code, and other parole board hearings: 1236

(a) The person who is the subject of the hearing; 1237

(b) The attorney of the person who is the subject of the 1238
hearing; 1239

(c) The prosecuting attorney; 1240

(d) The victim. 1241

(B) (1) Subject to division (C) of this section, only upon 1242
request of a person entitled to receive the electronic recording 1243
of other parole board hearings, the department of rehabilitation 1244
and correction shall provide the electronic recording of 1245
institutional parole board release consideration hearings, 1246
revocation hearings under section 2967.15 of the Revised Code, 1247
post-release control revocation hearings under section 2967.28 1248
of the Revised Code, and other parole hearings to the person 1249

entitled to receive the electronic recording of other parole 1250
board hearings. If the person entitled to receive the electronic 1251
recording of other parole board hearings wishes to have a 1252
recording transcribed, the person entitled to receive the 1253
electronic recording of other parole board hearings shall do so 1254
at the expense of the person entitled to receive the electronic 1255
recording of other parole board hearings. 1256

(2) A person entitled to receive the electronic recording 1257
of other parole board hearings and who receives the electronic 1258
recording of an institutional parole board release consideration 1259
hearing as described in division (B) (1) of this section shall 1260
not make copies of the electronic recording of the institutional 1261
parole board release consideration hearing, shall keep the 1262
electronic recording of the institutional parole board release 1263
consideration hearing confidential, and shall not post the 1264
electronic recording of the institutional parole board release 1265
consideration hearing on the internet. 1266

(C) The electronic recordings of full parole board 1267
hearings provided as public records under section 149.43 of the 1268
Revised Code and electronic recordings of other parole board 1269
hearings under this section shall not include the following 1270
personal identifying information of any victim of a crime or a 1271
member of the victim's immediate family: 1272

(1) Name; 1273

(2) Date of birth; 1274

(3) Home or work address; 1275

(4) Social security number; 1276

(5) Age; 1277

<u>(6) Telephone number;</u>	1278
<u>(7) Electronic mail address;</u>	1279
<u>(8) Any other information that is likely to identify the</u>	1280
<u>victim or a member of the victim's immediate family.</u>	1281
Section 2. That existing sections 149.43 and 5149.10 of	1282
the Revised Code are hereby repealed.	1283
Section 3. Section 149.43 of the Revised Code is presented	1284
in this act as a composite of the section as amended by H.B.	1285
265, H.B. 315, S.B. 29, and S.B. 109 all of the 135th General	1286
Assembly. The General Assembly, applying the principle stated in	1287
division (B) of section 1.52 of the Revised Code that amendments	1288
are to be harmonized and reconciled if reasonably capable of	1289
simultaneous operation, finds that the composite is the	1290
resulting version of the section in effect prior to the	1291
effective date of the section as presented in this act.	1292