

**As Passed by the House**

**136th General Assembly**

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**2025-2026**

**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, Brownlee, Deeter, Dovilla, Glassburn, Grim, Gross, Hall, D., Hall, T., Hiner, John, Kishman, Lawson-Rowe, Lear, Lett, Manning, Mathews, A., Mathews, T., Miller, J., Peterson, Rader, Ritter, Robb Blasdel, Salvo, Synenberg, White, A., White, E., Willis, Young**

**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 15  
section 3313.533 of the Revised Code. "Public record" does not 16  
mean any of the following: 17

(a) Medical records; 18

(b) Records pertaining to ~~probation~~ the following: 19

(i) Probation and parole proceedings, ~~to proceedings~~ 20  
including the electronic recording of institutional parole board 21  
release consideration hearings, revocation hearings under 22  
section 2967.15 of the Revised Code, and other parole board 23  
hearings made as provided in sections 5149.10 and 5149.102 of 24  
the Revised Code, except for the electronic recording of full 25  
parole board hearings under section 5149.101 of the Revised Code 26  
made as provided in section 5149.10 of the Revised Code; 27

(ii) Proceedings related to the imposition of community 28  
control sanctions and post-release control sanctions, ~~or to~~ 29  
~~proceedings~~ including the electronic recording of post-release 30  
control revocation hearings under section 2967.28 of the Revised 31  
Code made as provided in sections 5149.10 and 5149.102 of the 32  
Revised Code; 33

(iii) Proceedings related to determinations under section 34  
2967.271 of the Revised Code regarding the release or maintained 35  
incarceration of an offender to whom that section applies~~+~~. 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 father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;

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

(g) Trial preparation records;

(h) Confidential law enforcement investigatory records;

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

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;

(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;

(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;

(m) Intellectual property records;

(n) Donor profile records;

(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;

(p) Designated public service worker residential and

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

(ee) The confidential name, address, and other personally 127  
identifiable information of a program participant in the address 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 333  
number, any bank account, debit card, charge card, or credit 334  
card number, or the emergency telephone number of, or any 335  
medical information pertaining to, a designated public service 336  
worker; 337

(d) The name of any beneficiary of employment benefits, 338  
including, but not limited to, life insurance benefits, provided 339  
to a designated public service worker by the designated public 340  
service worker's employer; 341

(e) The identity and amount of any charitable or 342  
employment benefit deduction made by the designated public 343  
service worker's employer from the designated public service 344  
worker's compensation, unless the amount of the deduction is 345  
required by state or federal law; 346

(f) The name, the residential address, the name of the 347  
employer, the address of the employer, the social security 348  
number, the residential telephone number, any bank account, 349  
debit card, charge card, or credit card number, or the emergency 350  
telephone number of the spouse, a former spouse, or any child of 351  
a designated public service worker; 352

(g) A photograph of a peace officer who holds a position 353  
or has an assignment that may include undercover or plain 354  
clothes positions or assignments as determined by the peace 355  
officer's appointing authority. 356

(9) As used in divisions (A) (7) and (15) to (17) of this 357  
section: 358

"Peace officer" has the meaning defined in section 109.71 359  
of the Revised Code and also includes the superintendent and 360

troopers of the state highway patrol; it does not include the 361  
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 1133  
Revised Code; 1134

(f) A requirement that electronic recordings be made of 1135  
full parole board hearings and other parole hearings of the 1136  
board. 1137

(2) When the board members sit as a full board, the 1138  
chairperson shall preside. The chairperson shall also allocate 1139  
the work of the parole board among the board members. The full 1140  
board shall meet at least once each month. In the case of a tie 1141  
vote on the full board, the chief of the adult parole authority 1142  
shall cast the deciding vote. The chairperson may designate a 1143  
person to serve in the chairperson's place. 1144

(3) Except for the chairperson and the member appointed 1145  
under division (B) of this section, a member appointed to the 1146  
parole board on or after September 30, 2011, shall be appointed 1147  
to a six-year term. A member appointed as described in this 1148  
division shall hold office from the date of appointment until 1149  
the end of the term for which the member was appointed. A member 1150  
appointed as described in this division is eligible for 1151  
reappointment for another six-year term that may or may not be 1152  
consecutive to the first six-year term. A member appointed as 1153  
described in this division is not eligible for reappointment 1154  
after serving two six-year terms whether or not served 1155  
consecutively. Vacancies shall be filled in the same manner 1156  
provided for original appointments. Any member appointed as 1157  
described in this division to fill a vacancy occurring prior to 1158  
the expiration date of the term for which the member's 1159  
predecessor was appointed shall begin that member's first six- 1160



year term upon appointment, regardless of the time remaining in 1161  
the term of the member's predecessor. A member appointed as 1162  
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

<u>(5) Age;</u>	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
<b>Section 2.</b> That existing sections 149.43 and 5149.10 of	1282
the Revised Code are hereby repealed.	1283
<b>Section 3.</b> 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