

As Reported by the Senate Judiciary Committee

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Sub. 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

Senator Manning

—

To amend sections 149.43, 2929.20, 5120.115, 1
5120.21, 5149.10, and 5149.101 and to enact 2
section 5149.102 of the Revised Code to require 3
electronic recordings to be made of certain 4
parole board hearings, to make electronic 5
recordings of full parole board hearings public 6
records, and to provide the prosecuting attorney 7
access to Department of Rehabilitation and 8
Correction health care records for certain 9
parole and judicial release cases. 10

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

Section 1. That sections 149.43, 2929.20, 5120.115, 11
5120.21, 5149.10, and 5149.101 be amended and section 5149.102 12
of the Revised Code be enacted to read as follows: 13

Sec. 149.43. (A) As used in this section: 14

(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:

(a) Medical records;

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

(i) Probation and parole proceedings, ~~to proceedings~~ including parole board hearings made as provided in sections 5149.10 and 5149.102 of the Revised Code, revocation hearings under section 2967.15 of the Revised Code, and post-release control violation hearings under section 2967.28 of the Revised Code, except for the electronic recording of full parole board hearings under section 5149.101 of the Revised Code made as provided in section 5149.10 of the Revised Code;

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

(iii) Proceedings related to determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;

(iv) All written and oral statements provided by a victim or victim's representative to the department of rehabilitation

and correction in connection with the pendency of any pardon, 44
commutation, or parole, and any personally identifying 45
information or information likely to identify a victim or member 46
of the victim's family contained in an electronic recording of a 47
full parole board hearing. 48

(c) Records pertaining to actions under section 2151.85 49
and division (C) of section 2919.121 of the Revised Code and to 50
appeals of actions arising under those sections; 51

(d) Records pertaining to adoption proceedings, including 52
the contents of an adoption file maintained by the department of 53
health under sections 3705.12 to 3705.124 of the Revised Code; 54

(e) Information in a record contained in the putative 55
father registry established by section 3107.062 of the Revised 56
Code, regardless of whether the information is held by the 57
department of children and youth or, pursuant to section 3111.69 58
of the Revised Code, the office of child support in the 59
department of job and family services or a child support 60
enforcement agency; 61

(f) Records specified in division (A) of section 3107.52 62
of the Revised Code; 63

(g) Trial preparation records, prior to the conclusion of 64
all direct appeals or, if no appeal is filed, prior to the 65
expiration of the time during which an appeal may be filed, or, 66
if no trial has occurred, until the civil or criminal action or 67
proceeding has ended without the possibility of direct appeal or 68
each agency, office, or official responsible for the matter has 69
made a decision not to proceed with the matter; 70

(h) Confidential law enforcement investigatory records; 71

(i) Records containing information that is confidential 72

under section 2710.03 or 4112.05 of the Revised Code;	73
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	74 75
(k) Inmate records under section 5120.21 of the Revised Code, except for permitted disclosure of the information listed in division (E) (1) of that section;	76 77 78
(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;	79 80 81 82
(m) Intellectual property records;	83
(n) Donor profile records;	84
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	85 86
(p) Designated public service worker residential and familial information;	87 88
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	89 90 91 92 93
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	94 95
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code,	96 97 98 99

records provided to the board or director, statements made by	100
board members during meetings of the board or by persons	101
participating in the director's review, and all work products of	102
the board or director, and in the case of a child fatality	103
review board, child fatality review data submitted by the board	104
to the department of health or a national child death review	105
database, other than the report prepared pursuant to division	106
(A) of section 307.626 of the Revised Code;	107
(t) Records provided to and statements made by the	108
executive director of a public children services agency or a	109
prosecuting attorney acting pursuant to section 5153.171 of the	110
Revised Code other than the information released under that	111
section;	112
(u) Test materials, examinations, or evaluation tools used	113
in an examination for licensure as a nursing home administrator	114
that the board of executives of long-term services and supports	115
administers under section 4751.15 of the Revised Code or	116
contracts under that section with a private or government entity	117
to administer;	118
(v) Records the release of which is prohibited by state or	119
federal law;	120
(w) Proprietary information of or relating to any person	121
that is submitted to or compiled by the Ohio venture capital	122
authority created under section 150.01 of the Revised Code;	123
(x) Financial statements and data any person submits for	124
any purpose to the Ohio housing finance agency or the	125
controlling board in connection with applying for, receiving, or	126
accounting for financial assistance from the agency, and	127
information that identifies any individual who benefits directly	128

or indirectly from financial assistance from the agency;	129
(y) Records listed in section 5101.29 of the Revised Code;	130
(z) Discharges recorded with a county recorder under	131
section 317.24 of the Revised Code, as specified in division (B)	132
(2) of that section;	133
(aa) Usage information including names and addresses of	134
specific residential and commercial customers of a municipally	135
owned or operated public utility;	136
(bb) Records described in division (C) of section 187.04	137
of the Revised Code that are not designated to be made available	138
to the public as provided in that division;	139
(cc) Information and records that are made confidential,	140
privileged, and not subject to disclosure under divisions (B)	141
and (C) of section 2949.221 of the Revised Code;	142
(dd) Personal information, as defined in section 149.45 of	143
the Revised Code;	144
(ee) The confidential name, address, and other personally	145
identifiable information of a program participant in the address	146
confidentiality program established under sections 111.41 to	147
111.47 of the Revised Code, including the contents of any	148
application for absent voter's ballots, absent voter's ballot	149
identification envelope statement of voter, or provisional	150
ballot affirmation completed by a program participant who has a	151
confidential voter registration record; records or portions of	152
records pertaining to that program that identify the number of	153
program participants that reside within a precinct, ward,	154
township, municipal corporation, county, or any other geographic	155
area smaller than the state; and any real property	156
confidentiality notice filed under section 111.431 of the	157

Revised Code and the information described in division (C) of 158
that section. As used in this division, "confidential address" 159
and "program participant" have the meaning defined in section 160
111.41 of the Revised Code. 161

(ff) Orders for active military service of an individual 162
serving or with previous service in the armed forces of the 163
United States, including a reserve component, or the Ohio 164
organized militia, except that, such order becomes a public 165
record on the day that is fifteen years after the published date 166
or effective date of the call to order; 167

(gg) The name, address, contact information, or other 168
personal information of an individual who is less than eighteen 169
years of age that is included in any record related to a traffic 170
accident involving a school vehicle in which the individual was 171
an occupant at the time of the accident; 172

(hh) Protected health information, as defined in 45 C.F.R. 173
160.103, that is in a claim for payment for a health care 174
product, service, or procedure, as well as any other health 175
claims data in another document that reveals the identity of an 176
individual who is the subject of the data or could be used to 177
reveal that individual's identity; 178

(ii) Any depiction by photograph, film, videotape, or 179
printed or digital image under either of the following 180
circumstances: 181

(i) The depiction is that of a victim of an offense the 182
release of which would be, to a reasonable person of ordinary 183
sensibilities, an offensive and objectionable intrusion into the 184
victim's expectation of bodily privacy and integrity. 185

(ii) The depiction captures or depicts the victim of a 186

sexually oriented offense, as defined in section 2950.01 of the Revised Code, at the actual occurrence of that offense.	187 188
(jj) Restricted portions of a body-worn camera or dashboard camera recording;	189 190
(kk) In the case of a fetal-infant mortality review board acting under sections 3707.70 to 3707.77 of the Revised Code, records, documents, reports, or other information presented to the board or a person abstracting such materials on the board's behalf, statements made by review board members during board meetings, all work products of the board, and data submitted by the board to the department of health or a national infant death review database, other than the report prepared pursuant to section 3707.77 of the Revised Code.	191 192 193 194 195 196 197 198 199
(ll) Records, documents, reports, or other information presented to the pregnancy-associated mortality review board established under section 5180.27 of the Revised Code, statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of health, other than the biennial reports prepared under section 5180.277 of the Revised Code;	200 201 202 203 204 205 206
(mm) Except as otherwise provided in division (A) (1) (oo) of this section, telephone numbers for a victim, as defined in section 2930.01 of the Revised Code or a witness to a crime that are listed on any law enforcement record or report.	207 208 209 210
(nn) A preneed funeral contract, as defined in section 4717.01 of the Revised Code, and contract terms and personally identifying information of a preneed funeral contract, that is contained in a report submitted by or for a funeral home to the board of embalmers and funeral directors under division (C) of	211 212 213 214 215

section 4717.13, division (J) of section 4717.31, or section	216
4717.41 of the Revised Code.	217
(oo) Telephone numbers for a party to a motor vehicle	218
accident subject to the requirements of section 5502.11 of the	219
Revised Code that are listed on any law enforcement record or	220
report, except that the telephone numbers described in this	221
division are not excluded from the definition of "public record"	222
under this division on and after the thirtieth day after the	223
occurrence of the motor vehicle accident.	224
(pp) Records pertaining to individuals who complete	225
training under section 5502.703 of the Revised Code to be	226
permitted by a school district board of education or governing	227
body of a community school established under Chapter 3314. of	228
the Revised Code, a STEM school established under Chapter 3326.	229
of the Revised Code, or a chartered nonpublic school to convey	230
deadly weapons or dangerous ordnance into a school safety zone;	231
(qq) Records, documents, reports, or other information	232
presented to a domestic violence fatality review board	233
established under section 307.651 of the Revised Code,	234
statements made by board members during board meetings, all work	235
products of the board, and data submitted by the board to the	236
department of health, other than a report prepared pursuant to	237
section 307.656 of the Revised Code;	238
(rr) Records, documents, and information the release of	239
which is prohibited under sections 2930.04 and 2930.07 of the	240
Revised Code;	241
(ss) Records of an existing qualified nonprofit	242
corporation that creates a special improvement district under	243
Chapter 1710. of the Revised Code that do not pertain to a	244

purpose for which the district is created;	245
(tt) Educational support services data, as defined in section 3319.325 of the Revised Code;	246 247
(uu) Records of the past, current, and future work schedule of a designated public service worker. As used in division (A)(1)(uu) of this section, "work schedule" does not include the docket of cases of a court, judge, or magistrate;	248 249 250 251
(vv) A request form or confirmation letter submitted to a public office under section 149.45 of the Revised Code;	252 253
(ww) An affidavit or confirmation letter submitted under section 319.28 of the Revised Code;	254 255
(xx) License or certificate application or renewal responses and supporting documentation submitted to the state medical board regarding an applicant's, or a license or certificate holder's, inability to practice according to acceptable and prevailing standards of care by reason of a medical condition;	256 257 258 259 260 261
(yy) Images and data captured by an automated license plate recognition system that are maintained in a law enforcement database;	262 263 264
(zz) Attorney work product record;	265
(aaa) Any entry on the public calendar of an elected official that is for any date that is after the date the record is requested;	266 267 268
(bbb) Records pertaining to burial sites under section 149.3010 of the Revised Code.	269 270
A record that is not a public record under division (A)(1)	271

of this section and that, under law, is permanently retained 272
becomes a public record on the day that is seventy-five years 273
after the day on which the record was created, or in the case of 274
a record that is not a public record under division (A) (1) (uu) 275
of this section that is retained, three years after the day on 276
which the record was created, except for any record protected by 277
the attorney-client privilege, a trial preparation record as 278
defined in this section, a statement prohibiting the release of 279
identifying information signed under section 3107.083 of the 280
Revised Code, a denial of release form filed pursuant to section 281
3107.46 of the Revised Code, records pertaining to burial sites 282
under section 149.3010 of the Revised Code, or any record that 283
is exempt from release or disclosure under section 149.433 of 284
the Revised Code. If the record is a birth certificate and a 285
biological parent's name redaction request form has been 286
accepted under section 3107.391 of the Revised Code, the name of 287
that parent shall be redacted from the birth certificate before 288
it is released under this paragraph. If any other section of the 289
Revised Code establishes a time period for disclosure of a 290
record that conflicts with the time period specified in this 291
section, the time period in the other section prevails. 292

(2) (a) "Confidential law enforcement investigatory record" 293
means any record that pertains to a law enforcement matter of a 294
criminal, quasi-criminal, civil, or administrative nature, but 295
only to the extent that the release of the record would create a 296
high probability of disclosure of any of the following: 297

(i) The identity of a suspect who has not been charged 298
with the offense to which the record pertains, or of an 299
information source or witness to whom confidentiality has been 300
reasonably promised; 301

(ii) Information provided by an information source or 302
witness to whom confidentiality has been reasonably promised, 303
which information would reasonably tend to disclose the source's 304
or witness's identity; 305

(iii) Specific confidential investigatory techniques or 306
procedures or specific investigatory work product; 307

(iv) Information that would endanger the life or physical 308
safety of law enforcement personnel, a crime victim, a witness, 309
or a confidential information source. 310

(b) As used in divisions (A) (2) and (18) of this section, 311
"specific investigatory work product" means information 312
assembled by law enforcement officials in connection with a 313
probable or pending criminal or civil proceeding, with the 314
exception of routine incident reports. "Specific investigatory 315
work product" is not a public record prior to the conclusion of 316
all direct appeals, or, if no appeal is filed, prior to the 317
expiration of the time during which an appeal may be filed, or, 318
if no trial has occurred, until the criminal or civil proceeding 319
has ended without possibility of direct appeal or each agency, 320
office, or official responsible for the matter has made a 321
decision not to proceed with the matter. 322

(3) "Medical record" means any document or combination of 323
documents, except births, deaths, and the fact of admission to 324
or discharge from a hospital, that pertains to the medical 325
history, diagnosis, prognosis, or medical condition of a patient 326
and that is generated and maintained in the process of medical 327
treatment. 328

(4) "Trial preparation record" means any record created by 329
or for another party or by or for that party's representative, 330

in reasonable anticipation of, or in defense of, a civil or 331
criminal action or proceeding, that is not a confidential law 332
enforcement investigatory record or attorney work product record 333
and that contains factual information that is specifically 334
compiled for that civil or criminal action or proceeding. 335

(5) "Intellectual property record" means a record, other 336
than a financial or administrative record, that is produced or 337
collected by or for faculty or staff of a state institution of 338
higher learning in the conduct of or as a result of study or 339
research on an educational, commercial, scientific, artistic, 340
technical, or scholarly issue, regardless of whether the study 341
or research was sponsored by the institution alone or in 342
conjunction with a governmental body or private concern, and 343
that has not been publicly released, published, or patented. 344

(6) "Donor profile record" means all records about donors 345
or potential donors to a public institution of higher education 346
except the names and reported addresses of the actual donors and 347
the date, amount, and conditions of the actual donation. 348

(7) "Designated public service worker" means a peace 349
officer, parole officer, probation officer, bailiff, prosecuting 350
attorney, assistant prosecuting attorney, correctional employee, 351
county or multicounty corrections officer, community-based 352
correctional facility employee, designated Ohio national guard 353
member, protective services worker, youth services employee, 354
firefighter, EMT, medical director or member of a cooperating 355
physician advisory board of an emergency medical service 356
organization, state board of pharmacy employee, investigator of 357
the bureau of criminal identification and investigation, 358
emergency service telecommunicator, forensic mental health 359
provider, mental health evaluation provider, regional 360

psychiatric hospital employee, judge, magistrate, or federal law enforcement officer.	361 362
(8) "Designated public service worker residential and familial information" means any information that discloses any of the following about a designated public service worker:	363 364 365
(a) The address of the actual personal residence of a designated public service worker, except for the following information:	366 367 368
(i) The address of the actual personal residence of a prosecuting attorney or judge; and	369 370
(ii) The state or political subdivision in which a designated public service worker resides.	371 372
(b) Information compiled from referral to or participation in an employee assistance program;	373 374
(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;	375 376 377 378 379
(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;	380 381 382 383
(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;	384 385 386 387 388

(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;

(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.

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

"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 sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

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

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

"Designated Ohio national guard member" means a member of the Ohio national guard who is participating in duties related to remotely piloted aircraft, including, but not limited to, pilots, sensor operators, and mission intelligence personnel,

duties related to special forces operations, or duties related 418
to cybersecurity, and is designated by the adjutant general as a 419
designated public service worker for those purposes. 420

"Protective services worker" means any employee of a 421
county agency who is responsible for child protective services, 422
child support services, or adult protective services. 423

"Youth services employee" means any employee of the 424
department of youth services who in the course of performing the 425
employee's job duties has or has had contact with children 426
committed to the custody of the department of youth services. 427

"Firefighter" means any regular, paid or volunteer, member 428
of a lawfully constituted fire department of a municipal 429
corporation, township, fire district, or village. 430

"EMT" means EMTs-basic, EMTs-I, and paramedics that 431
provide emergency medical services for a public emergency 432
medical service organization. "Emergency medical service 433
organization," "EMT-basic," "EMT-I," and "paramedic" have the 434
meanings defined in section 4765.01 of the Revised Code. 435

"Investigator of the bureau of criminal identification and 436
investigation" has the meaning defined in section 2903.11 of the 437
Revised Code. 438

"Emergency service telecommunicator" means an individual 439
employed by an emergency service provider as defined under 440
section 128.01 of the Revised Code, whose primary responsibility 441
is to be an operator for the receipt or processing of calls for 442
emergency services made by telephone, radio, or other electronic 443
means. 444

"Forensic mental health provider" means any employee of a 445
community mental health service provider or local alcohol, drug 446

addiction, and mental health services board who, in the course 447
of the employee's duties, has contact with persons committed to 448
a local alcohol, drug addiction, and mental health services 449
board by a court order pursuant to section 2945.38, 2945.39, 450
2945.40, or 2945.402 of the Revised Code. 451

"Mental health evaluation provider" means an individual 452
who, under Chapter 5122. of the Revised Code, examines a 453
respondent who is alleged to be a mentally ill person subject to 454
court order, as defined in section 5122.01 of the Revised Code, 455
and reports to the probate court the respondent's mental 456
condition. 457

"Regional psychiatric hospital employee" means any 458
employee of the department of ~~mental health and addiction~~ 459
~~services~~ behavioral health who, in the course of performing the 460
employee's duties, has contact with patients committed to the 461
department of ~~mental health and addiction services~~ behavioral 462
health by a court order pursuant to section 2945.38, 2945.39, 463
2945.40, or 2945.402 of the Revised Code. 464

"Federal law enforcement officer" has the meaning defined 465
in section 9.88 of the Revised Code. 466

(10) "Information pertaining to the recreational 467
activities of a person under the age of eighteen" means 468
information that is kept in the ordinary course of business by a 469
public office, that pertains to the recreational activities of a 470
person under the age of eighteen years, and that discloses any 471
of the following: 472

(a) The address or telephone number of a person under the 473
age of eighteen or the address or telephone number of that 474
person's parent, guardian, custodian, or emergency contact 475

person;	476
(b) The social security number, birth date, or	477
photographic image of a person under the age of eighteen;	478
(c) Any medical record, history, or information pertaining	479
to a person under the age of eighteen;	480
(d) Any additional information sought or required about a	481
person under the age of eighteen for the purpose of allowing	482
that person to participate in any recreational activity	483
conducted or sponsored by a public office or to use or obtain	484
admission privileges to any recreational facility owned or	485
operated by a public office.	486
(11) "Community control sanction" has the meaning defined	487
in section 2929.01 of the Revised Code.	488
(12) "Post-release control sanction" has the meaning	489
defined in section 2967.01 of the Revised Code.	490
(13) "Redaction" means obscuring or deleting any	491
information that is exempt from the duty to permit public	492
inspection or copying from an item that otherwise meets the	493
definition of a "record" in section 149.011 of the Revised Code.	494
(14) "Designee," "elected official," and "future official"	495
have the meanings defined in section 109.43 of the Revised Code.	496
(15) "Body-worn camera" means a visual and audio recording	497
device worn on the person of a correctional employee, youth	498
services employee, or peace officer while the correctional	499
employee, youth services employee, or peace officer is engaged	500
in the performance of official duties.	501
(16) "Dashboard camera" means a visual and audio recording	502
device mounted on a peace officer's vehicle or vessel that is	503

used while the peace officer is engaged in the performance of 504
the peace officer's duties. 505

(17) "Restricted portions of a body-worn camera or 506
dashboard camera recording" means any visual or audio portion of 507
a body-worn camera or dashboard camera recording that shows, 508
communicates, or discloses any of the following: 509

(a) The image or identity of a child or information that 510
could lead to the identification of a child who is a primary 511
subject of the recording when the department of rehabilitation 512
and correction, department of youth services, or the law 513
enforcement agency knows or has reason to know the person is a 514
child based on the department's or law enforcement agency's 515
records or the content of the recording; 516

(b) The death of a person or a deceased person's body, 517
unless the death was caused by a correctional employee, youth 518
services employee, or peace officer or, subject to division (H) 519
(1) of this section, the consent of the decedent's executor or 520
administrator has been obtained; 521

(c) The death of a correctional employee, youth services 522
employee, peace officer, firefighter, paramedic, or other first 523
responder, occurring while the decedent was engaged in the 524
performance of official duties, unless, subject to division (H) 525
(1) of this section, the consent of the decedent's executor or 526
administrator has been obtained; 527

(d) Grievous bodily harm, unless the injury was effected 528
by a correctional employee, youth services employee, or peace 529
officer or, subject to division (H) (1) of this section, the 530
consent of the injured person or the injured person's guardian 531
has been obtained; 532

(e) An act of severe violence against a person that	533
results in serious physical harm to the person, unless the act	534
and injury was effected by a correctional employee, youth	535
services employee, or peace officer or, subject to division (H)	536
(1) of this section, the consent of the injured person or the	537
injured person's guardian has been obtained;	538
(f) Grievous bodily harm to a correctional employee, youth	539
services employee, peace officer, firefighter, paramedic, or	540
other first responder, occurring while the injured person was	541
engaged in the performance of official duties, unless, subject	542
to division (H) (1) of this section, the consent of the injured	543
person or the injured person's guardian has been obtained;	544
(g) An act of severe violence resulting in serious	545
physical harm against a correctional employee, youth services	546
employee, peace officer, firefighter, paramedic, or other first	547
responder, occurring while the injured person was engaged in the	548
performance of official duties, unless, subject to division (H)	549
(1) of this section, the consent of the injured person or the	550
injured person's guardian has been obtained;	551
(h) A person's nude body, unless, subject to division (H)	552
(1) of this section, the person's consent has been obtained;	553
(i) Protected health information, the identity of a person	554
in a health care facility who is not the subject of a	555
correctional, youth services, or law enforcement encounter, or	556
any other information in a health care facility that could	557
identify a person who is not the subject of a correctional,	558
youth services, or law enforcement encounter;	559
(j) Information that could identify the alleged victim of	560
a sex offense, menacing by stalking, or domestic violence;	561

(k) Information, that does not constitute a confidential 562
law enforcement investigatory record, that could identify a 563
person who provides sensitive or confidential information to the 564
department of rehabilitation and correction, the department of 565
youth services, or a law enforcement agency when the disclosure 566
of the person's identity or the information provided could 567
reasonably be expected to threaten or endanger the safety or 568
property of the person or another person; 569

(l) Personal information of a person who is not arrested, 570
cited, charged, or issued a written warning by a peace officer; 571

(m) Proprietary correctional, youth services, or police 572
contingency plans or tactics that are intended to prevent crime 573
and maintain public order and safety; 574

(n) A personal conversation unrelated to work between 575
correctional employees, youth services employees, or peace 576
officers or between a correctional employee, youth services 577
employee, or peace officer and an employee of a law enforcement 578
agency; 579

(o) A conversation between a correctional employee, youth 580
services employee, or peace officer and a member of the public 581
that does not concern correctional, youth services, or law 582
enforcement activities; 583

(p) The interior of a residence, unless the interior of a 584
residence is the location of an adversarial encounter with, or a 585
use of force by, a correctional employee, youth services 586
employee, or peace officer; 587

(q) Any portion of the interior of a private business that 588
is not open to the public, unless an adversarial encounter with, 589
or a use of force by, a correctional employee, youth services 590

employee, or peace officer occurs in that location.	591
As used in division (A) (17) of this section:	592
"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	593 594
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	595 596
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	597 598
"Law enforcement agency" means a government entity that employs peace officers to perform law enforcement duties.	599 600
"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.	601 602 603 604
"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.	605 606
"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.	607 608
(18) "Attorney work product record" means a record that is not specific investigatory work product or a trial preparation record and that is created by an attorney, or by the agent of an attorney, in reasonable anticipation of or for litigation, trial, or administrative proceedings, when acting in an official capacity on behalf of the state, a political subdivision of the state, a state agency, a public official, or a public employee, that documents the independent thought processes, mental impressions, legal theories, strategies, analysis, or reasoning of an attorney or the agent of an attorney.	609 610 611 612 613 614 615 616 617 618

(19) "Elected official" means a person who is elected or 619
appointed to an elective office of the state or a political 620
subdivision. 621

(20) "Public calendar" means a calendar or appointment 622
book maintained by an elected official to schedule the elected 623
official's activities in relation to the elected official's 624
position as an elected official. "Public calendar" does not 625
include a personal calendar or appointment book maintained 626
solely for an elected official's personal convenience that does 627
not serve to document the elected official's official activities 628
or functions or the official activities or functions of the 629
elected official's public office. 630

(21) "Member of the victim's family" has the same meaning 631
as in section 2930.01 of the Revised Code. 632

(B) (1) Upon request by any person and subject to division 633
(B) (8) of this section, all public records responsive to the 634
request shall be promptly prepared and made available for 635
inspection to the requester at all reasonable times during 636
regular business hours. Subject to division (B) (8) of this 637
section, upon request by any person, a public office or person 638
responsible for public records shall make copies of the 639
requested public record available to the requester at cost and 640
within a reasonable period of time. 641

When considering whether a state or local law enforcement 642
agency or a prosecuting attorney's office promptly prepared a 643
video record for inspection or produced a copy of a video record 644
within a reasonable period of time, in addition to any other 645
factors, a court shall consider the time required for a state or 646
local law enforcement agency or a prosecuting attorney's office 647
to retrieve, download, review, redact, seek legal advice 648

regarding, and produce the video record. Except as specified in 649
division (B) (11) of this section, notwithstanding any other 650
requirement set forth in Chapter 149. of the Revised Code, a 651
state or local law enforcement agency or a prosecuting 652
attorney's office may charge a requester the actual cost 653
associated with preparing a video record for inspection or 654
production, not to exceed seventy-five dollars per hour of video 655
produced, nor seven hundred fifty dollars total. As used in this 656
division, "actual cost," with respect to video records only, 657
means all costs incurred by the state or local law enforcement 658
agency or a prosecuting attorney's office in reviewing, blurring 659
or otherwise obscuring, redacting, uploading, or producing the 660
video records, including but not limited to the storage medium 661
on which the record is produced, staff time, and any other 662
relevant overhead necessary to comply with the request. A state 663
or local law enforcement agency or a prosecuting attorney's 664
office may include in its public records policy the requirement 665
that a requester pay the estimated actual cost before beginning 666
the process of preparing a video record for inspection or 667
production. Where a state or local law enforcement agency or a 668
prosecuting attorney's office imposes such a requirement, its 669
obligation to produce a video or make it available for 670
inspection begins once the estimated actual cost is paid in full 671
by the requester. A state or local law enforcement agency or a 672
prosecuting attorney's office shall provide the requester with 673
the estimated actual cost within five business days of receipt 674
of the public records request. If the actual cost exceeds the 675
estimated actual cost, a state or local law enforcement agency 676
or a prosecuting attorney's office may charge a requester for 677
the difference upon fulfilling a request for video records if 678
the requester is notified in advance that the actual cost may be 679
up to twenty per cent higher than the estimated actual cost. A 680

state or local law enforcement agency or a prosecuting 681
attorney's office shall not charge a requester a difference that 682
exceeds twenty per cent of the estimated actual cost. 683

If a public record contains information that is exempt 684
from the duty to permit public inspection or to copy the public 685
record, the public office or the person responsible for the 686
public record shall make available all of the information within 687
the public record that is not exempt. When making that public 688
record available for public inspection or copying that public 689
record, the public office or the person responsible for the 690
public record shall notify the requester of any redaction or 691
make the redaction plainly visible. A redaction shall be deemed 692
a denial of a request to inspect or copy the redacted 693
information, except if federal or state law authorizes or 694
requires a public office to make the redaction. When the auditor 695
of state receives a request to inspect or to make a copy of a 696
record that was provided to the auditor of state for purposes of 697
an audit, but the original public office has asserted to the 698
auditor of state that the record is not a public record, the 699
auditor of state may handle the requests by directing the 700
requestor to the original public office that provided the record 701
to the auditor of state. 702

(2) To facilitate broader access to public records, a 703
public office or the person responsible for public records shall 704
organize and maintain public records in a manner that they can 705
be made available for inspection or copying in accordance with 706
division (B) of this section. A public office also shall have 707
available a copy of its current records retention schedule at a 708
location readily available to the public. If a requester makes 709
an ambiguous or overly broad request or has difficulty in making 710
a request for copies or inspection of public records under this 711

section such that the public office or the person responsible 712
for the requested public record cannot reasonably identify what 713
public records are being requested, the public office or the 714
person responsible for the requested public record may deny the 715
request but shall provide the requester with an opportunity to 716
revise the request by informing the requester of the manner in 717
which records are maintained by the public office and accessed 718
in the ordinary course of the public office's or person's 719
duties. 720

(3) If a request is ultimately denied, in part or in 721
whole, the public office or the person responsible for the 722
requested public record shall provide the requester with an 723
explanation, including legal authority, setting forth why the 724
request was denied. If the initial request was provided in 725
writing, the explanation also shall be provided to the requester 726
in writing. The explanation shall not preclude the public office 727
or the person responsible for the requested public record from 728
relying upon additional reasons or legal authority in defending 729
an action commenced under division (C) of this section. 730

(4) Unless specifically required or authorized by state or 731
federal law or in accordance with division (B) of this section, 732
no public office or person responsible for public records may 733
limit or condition the availability of public records by 734
requiring disclosure of the requester's identity or the intended 735
use of the requested public record. Any requirement that the 736
requester disclose the requester's identity or the intended use 737
of the requested public record constitutes a denial of the 738
request. 739

(5) A public office or person responsible for public 740
records may ask a requester to make the request in writing, may 741

ask for the requester's identity, and may inquire about the 742
intended use of the information requested, but may do so only 743
after disclosing to the requester that a written request is not 744
mandatory, that the requester may decline to reveal the 745
requester's identity or the intended use, and when a written 746
request or disclosure of the identity or intended use would 747
benefit the requester by enhancing the ability of the public 748
office or person responsible for public records to identify, 749
locate, or deliver the public records sought by the requester. 750

(6) If any person requests a copy of a public record in 751
accordance with division (B) of this section, the public office 752
or person responsible for the public record may require the 753
requester to pay in advance the cost involved in providing the 754
copy of the public record in accordance with the choice made by 755
the requester under this division. The public office or the 756
person responsible for the public record shall permit the 757
requester to choose to have the public record duplicated upon 758
paper, upon the same medium upon which the public office or 759
person responsible for the public record keeps it, or upon any 760
other medium upon which the public office or person responsible 761
for the public record determines that it reasonably can be 762
duplicated as an integral part of the normal operations of the 763
public office or person responsible for the public record. When 764
the requester makes a choice under this division, the public 765
office or person responsible for the public record shall provide 766
a copy of it in accordance with the choice made by the 767
requester. Nothing in this section requires a public office or 768
person responsible for the public record to allow the requester 769
of a copy of the public record to make the copies of the public 770
record. 771

(7) (a) Upon a request made in accordance with division (B) 772

of this section and subject to division (B) (6) of this section, 773
a public office or person responsible for public records shall 774
transmit a copy of a public record to any person by United 775
States mail or by any other means of delivery or transmission 776
within a reasonable period of time after receiving the request 777
for the copy. The public office or person responsible for the 778
public record may require the person making the request to pay 779
in advance the cost of postage if the copy is transmitted by 780
United States mail or the cost of delivery if the copy is 781
transmitted other than by United States mail, and to pay in 782
advance the costs incurred for other supplies used in the 783
mailing, delivery, or transmission. 784

(b) Any public office may adopt a policy and procedures 785
that it will follow in transmitting, within a reasonable period 786
of time after receiving a request, copies of public records by 787
United States mail or by any other means of delivery or 788
transmission pursuant to division (B) (7) of this section. A 789
public office that adopts a policy and procedures under division 790
(B) (7) of this section shall comply with them in performing its 791
duties under that division. 792

(c) In any policy and procedures adopted under division 793
(B) (7) of this section: 794

(i) A public office may limit the number of records 795
requested by a person that the office will physically deliver by 796
United States mail or by another delivery service to ten per 797
month, unless the person certifies to the office in writing that 798
the person does not intend to use or forward the requested 799
records, or the information contained in them, for commercial 800
purposes; 801

(ii) A public office that chooses to provide some or all 802

of its public records on a web site that is fully accessible to 803
and searchable by members of the public at all times, other than 804
during acts of God outside the public office's control or 805
maintenance, and that charges no fee to search, access, 806
download, or otherwise receive records provided on the web site, 807
may limit to ten per month the number of records requested by a 808
person that the office will deliver in a digital format, unless 809
the requested records are not provided on the web site and 810
unless the person certifies to the office in writing that the 811
person does not intend to use or forward the requested records, 812
or the information contained in them, for commercial purposes. 813

(iii) For purposes of division (B) (7) of this section, 814
"commercial" shall be narrowly construed and does not include 815
reporting or gathering news, reporting or gathering information 816
to assist citizen oversight or understanding of the operation or 817
activities of government, or nonprofit educational research. 818

(8) A public office or person responsible for public 819
records is not required to permit a person who is incarcerated 820
pursuant to a criminal conviction or a juvenile adjudication to 821
inspect or to obtain a copy of any public record concerning a 822
criminal investigation or prosecution or concerning what would 823
be a criminal investigation or prosecution if the subject of the 824
investigation or prosecution were an adult, unless the request 825
to inspect or to obtain a copy of the record is for the purpose 826
of acquiring information that is subject to release as a public 827
record under this section and the judge who imposed the sentence 828
or made the adjudication with respect to the person, or the 829
judge's successor in office, finds that the information sought 830
in the public record is necessary to support what appears to be 831
a justiciable claim of the person. As used in this division, 832
"public record concerning a criminal investigation or 833

prosecution or concerning what would be a criminal investigation 834
or prosecution if the subject of the investigation were an 835
adult" includes, but is not limited to, personnel files and 836
payroll and attendance records of designated public service 837
workers. 838

(9) (a) Upon written request made and signed by a 839
journalist, a public office, or person responsible for public 840
records, having custody of the records of the agency employing a 841
specified designated public service worker shall disclose to the 842
journalist the address of the actual personal residence of the 843
designated public service worker and, if the designated public 844
service worker's spouse, former spouse, or child is employed by 845
a public office, the name and address of the employer of the 846
designated public service worker's spouse, former spouse, or 847
child, and any past, current, and future work schedules of the 848
designated public service worker. The request shall include the 849
journalist's name and title and the name and address of the 850
journalist's employer and shall state that disclosure of the 851
information sought would be in the public interest. 852

(b) Division (B) (9) (a) of this section also applies to 853
journalist requests for: 854

(i) Customer information maintained by a municipally owned 855
or operated public utility, other than social security numbers 856
and any private financial information such as credit reports, 857
payment methods, credit card numbers, and bank account 858
information; 859

(ii) Information about minors involved in a school vehicle 860
accident as provided in division (A) (1) (gg) of this section, 861
other than personal information as defined in section 149.45 of 862
the Revised Code; 863

(iii) A request form submitted to a public office under 864
section 149.45 of the Revised Code; 865

(iv) An affidavit submitted under section 319.28 of the 866
Revised Code. 867

(c) As used in division (B)(9) of this section, 868
"journalist" means a person engaged in, connected with, or 869
employed by any news medium, including a newspaper, magazine, 870
press association, news agency, or wire service, a radio or 871
television station, or a similar medium, for the purpose of 872
gathering, processing, transmitting, compiling, editing, or 873
disseminating information for the general public. 874

(10) Upon a request made by a victim, victim's attorney, 875
or victim's representative, as that term is used in section 876
2930.02 of the Revised Code, a public office or person 877
responsible for public records shall transmit a copy of a 878
depiction of the victim as described in division (A)(1)(ii) of 879
this section to the victim, victim's attorney, or victim's 880
representative. 881

(11) A state or local law enforcement agency or a 882
prosecuting attorney's office shall not charge a fee for 883
preparing a video record for inspection, or producing a copy of 884
a video record, when the requester of the video record is a 885
victim, as defined in Ohio Constitution, Article I, Section 10a, 886
or who is a victim who suffered loss and could seek remedy 887
through a tort action as defined by section 2307.011 of the 888
Revised Code, who reasonably asserts that the video recording 889
relates to the act or omission that caused the victim's harm or 890
loss, or who is the legal counsel or insurer of the victim. A 891
fee under this section may only be waived upon the receipt of an 892
affidavit by the victim or the victim's legal counsel 893

identifying that the use of the video is to investigate harm or 894
damages that may have been captured on the video. 895

As used in this division, "legal counsel of the victim" 896
means an attorney who, at the time of making the request, 897
produces to the state or local law enforcement agency or a 898
prosecuting attorney's office a signed retention agreement or 899
letter of representation that establishes that the attorney is 900
representing the victim. 901

(C) (1) If a person allegedly is aggrieved by the failure 902
of a public office or the person responsible for public records 903
to promptly prepare a public record and to make it available to 904
the person for inspection in accordance with division (B) of 905
this section or by any other failure of a public office or the 906
person responsible for public records to comply with an 907
obligation in accordance with division (B) of this section, the 908
person allegedly aggrieved may serve pursuant to Rule 4 of the 909
Ohio Rules of Civil Procedure a complaint, on a form prescribed 910
by the clerk of the court of claims, to the public office or 911
person responsible for public records allegedly responsible for 912
the alleged failure. Upon receipt of the complaint of the person 913
allegedly aggrieved, the public office or person responsible for 914
public records has three business days to cure or otherwise 915
address the failure alleged in the complaint. The person 916
allegedly aggrieved shall not file a complaint with a court or 917
commence a mandamus action under this section within the three- 918
day period. Upon the expiration of the three-day period, the 919
person allegedly aggrieved may, subject to the requirements of 920
division (C) (2) of this section, do only one of the following, 921
and not both: 922

(a) File a complaint with the clerk of the court of claims 923

or the clerk of the court of common pleas under section 2743.75 924
of the Revised Code; 925

(b) Commence a mandamus action to obtain a judgment that 926
orders the public office or the person responsible for the 927
public record to comply with division (B) of this section, that 928
awards court costs and reasonable attorney's fees to the person 929
that instituted the mandamus action, and, if applicable, that 930
includes an order fixing statutory damages under division (C) (3) 931
of this section. The mandamus action may be commenced in the 932
court of common pleas of the county in which division (B) of 933
this section allegedly was not complied with, in the supreme 934
court pursuant to its original jurisdiction under Section 2 of 935
Article IV, Ohio Constitution, or in the court of appeals for 936
the appellate district in which division (B) of this section 937
allegedly was not complied with pursuant to its original 938
jurisdiction under Section 3 of Article IV, Ohio Constitution. 939

(2) Upon filing a complaint or mandamus action with a 940
court under divisions (C) (1) (a) or (b) of this section, a person 941
allegedly aggrieved shall file with the court, in conjunction 942
with the person's complaint or petition, a written affirmation 943
stating that the person properly transmitted a complaint to the 944
public office or person responsible for public records, the 945
failure alleged in the complaint has not been cured or otherwise 946
resolved to the person's satisfaction, and that the complaint 947
was transmitted to the public office or person responsible for 948
public records at least three business days before the filing of 949
the suit. If the person fails to file an affirmation pursuant to 950
this division, the suit shall be dismissed. 951

(3) If a requester transmits a written request by hand 952
delivery, electronic submission, or certified mail to inspect or 953

receive copies of any public record in a manner that fairly 954
describes the public record or class of public records to the 955
public office or person responsible for the requested public 956
records, except as otherwise provided in this section, the 957
requester shall be entitled to recover the amount of statutory 958
damages set forth in this division if a court determines that 959
the public office or the person responsible for public records 960
failed to comply with an obligation in accordance with division 961
(B) of this section. Statutory damages are not available 962
pursuant to this section to a person committed to the custody of 963
the department of rehabilitation and correction or the United 964
States bureau of prisons, or a child committed to the department 965
of youth services as permitted in Chapter 2152. of the Revised 966
Code. 967

The amount of statutory damages shall be fixed at one 968
hundred dollars for each business day during which the public 969
office or person responsible for the requested public records 970
failed to comply with an obligation in accordance with division 971
(B) of this section, beginning with the day on which the 972
requester files a mandamus action to recover statutory damages, 973
up to a maximum of one thousand dollars. The award of statutory 974
damages shall not be construed as a penalty, but as compensation 975
for injury arising from lost use of the requested information. 976
The existence of this injury shall be conclusively presumed. The 977
award of statutory damages shall be in addition to all other 978
remedies authorized by this section. 979

The court may reduce an award of statutory damages or not 980
award statutory damages if the court determines both of the 981
following: 982

(a) That, based on the ordinary application of statutory 983

law and case law as it existed at the time of the conduct or 984
threatened conduct of the public office or person responsible 985
for the requested public records that allegedly constitutes a 986
failure to comply with an obligation in accordance with division 987
(B) of this section and that was the basis of the mandamus 988
action, a well-informed public office or person responsible for 989
the requested public records reasonably would believe that the 990
conduct or threatened conduct of the public office or person 991
responsible for the requested public records did not constitute 992
a failure to comply with an obligation in accordance with 993
division (B) of this section; 994

(b) That a well-informed public office or person 995
responsible for the requested public records reasonably would 996
believe that the conduct or threatened conduct of the public 997
office or person responsible for the requested public records 998
would serve the public policy that underlies the authority that 999
is asserted as permitting that conduct or threatened conduct. 1000

(4) In a mandamus action filed under division (C) (1) of 1001
this section, the following apply: 1002

(a) (i) If the court orders the public office or the person 1003
responsible for the public record to comply with division (B) of 1004
this section, the court shall determine and award to the relator 1005
all court costs, which shall be construed as remedial and not 1006
punitive. 1007

(ii) If the court makes a determination described in 1008
division (C) (4) (b) (iii) of this section, the court shall 1009
determine and award to the relator all court costs, which shall 1010
be construed as remedial and not punitive. 1011

(b) If the court renders a judgment that orders the public 1012

office or the person responsible for the public record to comply 1013
with division (B) of this section or if the court determines any 1014
of the following, the court may award reasonable attorney's fees 1015
to the relator, subject to division (C) (5) of this section: 1016

(i) The public office or the person responsible for the 1017
public records failed to respond affirmatively or negatively to 1018
the public records request in accordance with the time allowed 1019
under division (B) of this section. 1020

(ii) The public office or the person responsible for the 1021
public records promised to permit the relator to inspect or 1022
receive copies of the public records requested within a 1023
specified period of time but failed to fulfill that promise 1024
within that specified period of time. 1025

(iii) The public office or the person responsible for the 1026
public records acted in bad faith when the office or person 1027
voluntarily made the public records available to the relator for 1028
the first time after the relator commenced the mandamus action, 1029
but before the court issued any order concluding whether or not 1030
the public office or person was required to comply with division 1031
(B) of this section. No discovery may be conducted on the issue 1032
of the alleged bad faith of the public office or person 1033
responsible for the public records. This division shall not be 1034
construed as creating a presumption that the public office or 1035
the person responsible for the public records acted in bad faith 1036
when the office or person voluntarily made the public records 1037
available to the relator for the first time after the relator 1038
commenced the mandamus action, but before the court issued any 1039
order described in this division. 1040

(c) The court shall not award attorney's fees to the 1041
relator if the court determines both of the following: 1042

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

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

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

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

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

(c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount

of the fees and to otherwise litigate entitlement to the fees. 1072

(d) The court may reduce the amount of fees awarded if the 1073
court determines that, given the factual circumstances involved 1074
with the specific public records request, an alternative means 1075
should have been pursued to more effectively and efficiently 1076
resolve the dispute that was subject to the mandamus action 1077
filed under division (C) (1) of this section. 1078

(6) If the court does not issue a writ of mandamus under 1079
division (C) of this section and the court determines at that 1080
time that the bringing of the mandamus action was frivolous 1081
conduct as defined in division (A) of section 2323.51 of the 1082
Revised Code, the court may award to the public office all court 1083
costs, expenses, and reasonable attorney's fees, as determined 1084
by the court. 1085

(D) Chapter 1347. of the Revised Code does not limit the 1086
provisions of this section. 1087

(E) (1) To ensure that all employees of public offices are 1088
appropriately educated about a public office's obligations under 1089
division (B) of this section, all elected officials or their 1090
appropriate designees shall attend training approved by the 1091
attorney general as provided in section 109.43 of the Revised 1092
Code. A future official may satisfy the requirements of this 1093
division by attending the training before taking office, 1094
provided that the future official may not send a designee in the 1095
future official's place. 1096

(2) All public offices shall adopt a public records policy 1097
in compliance with this section for responding to public records 1098
requests. In adopting a public records policy under this 1099
division, a public office may obtain guidance from the model 1100

public records policy developed and provided to the public 1101
office by the attorney general under section 109.43 of the 1102
Revised Code. Except as otherwise provided in this section, the 1103
policy may not limit the number of public records that the 1104
public office will make available to a single person, may not 1105
limit the number of public records that it will make available 1106
during a fixed period of time, and may not establish a fixed 1107
period of time before it will respond to a request for 1108
inspection or copying of public records, unless that period is 1109
less than eight hours. 1110

The public office shall distribute the public records 1111
policy adopted by the public office under this division to the 1112
employee of the public office who is the records custodian or 1113
records manager or otherwise has custody of the records of that 1114
office. The public office shall require that employee to 1115
acknowledge receipt of the copy of the public records policy. 1116
The public office shall create a poster that describes its 1117
public records policy and shall post the poster in a conspicuous 1118
place in the public office and in all locations where the public 1119
office has branch offices. The public office may post its public 1120
records policy on the internet web site of the public office if 1121
the public office maintains an internet web site. A public 1122
office that has established a manual or handbook of its general 1123
policies and procedures for all employees of the public office 1124
shall include the public records policy of the public office in 1125
the manual or handbook. 1126

(F) (1) The bureau of motor vehicles may adopt rules 1127
pursuant to Chapter 119. of the Revised Code to reasonably limit 1128
the number of bulk commercial special extraction requests made 1129
by a person for the same records or for updated records during a 1130
calendar year. The rules may include provisions for charges to 1131

be made for bulk commercial special extraction requests for the 1132
actual cost of the bureau, plus special extraction costs, plus 1133
ten per cent. The bureau may charge for expenses for redacting 1134
information, the release of which is prohibited by law. 1135

(2) As used in division (F)(1) of this section: 1136

(a) "Actual cost" means the cost of depleted supplies, 1137
records storage media costs, actual mailing and alternative 1138
delivery costs, or other transmitting costs, and any direct 1139
equipment operating and maintenance costs, including actual 1140
costs paid to private contractors for copying services. 1141

(b) "Bulk commercial special extraction request" means a 1142
request for copies of a record for information in a format other 1143
than the format already available, or information that cannot be 1144
extracted without examination of all items in a records series, 1145
class of records, or database by a person who intends to use or 1146
forward the copies for surveys, marketing, solicitation, or 1147
resale for commercial purposes. "Bulk commercial special 1148
extraction request" does not include a request by a person who 1149
gives assurance to the bureau that the person making the request 1150
does not intend to use or forward the requested copies for 1151
surveys, marketing, solicitation, or resale for commercial 1152
purposes. 1153

(c) "Commercial" means profit-seeking production, buying, 1154
or selling of any good, service, or other product. 1155

(d) "Special extraction costs" means the cost of the time 1156
spent by the lowest paid employee competent to perform the task, 1157
the actual amount paid to outside private contractors employed 1158
by the bureau, or the actual cost incurred to create computer 1159
programs to make the special extraction. "Special extraction 1160

costs" include any charges paid to a public agency for computer 1161
or records services. 1162

(3) For purposes of divisions (F) (1) and (2) of this 1163
section, "surveys, marketing, solicitation, or resale for 1164
commercial purposes" shall be narrowly construed and does not 1165
include reporting or gathering news, reporting or gathering 1166
information to assist citizen oversight or understanding of the 1167
operation or activities of government, or nonprofit educational 1168
research. 1169

(G) A request by a defendant, counsel of a defendant, or 1170
any agent of a defendant in a criminal action that public 1171
records related to that action be made available under this 1172
section shall be considered a demand for discovery pursuant to 1173
the Criminal Rules, except to the extent that the Criminal Rules 1174
plainly indicate a contrary intent. The defendant, counsel of 1175
the defendant, or agent of the defendant making a request under 1176
this division shall serve a copy of the request on the 1177
prosecuting attorney, director of law, or other chief legal 1178
officer responsible for prosecuting the action. 1179

(H) (1) Any portion of a body-worn camera or dashboard 1180
camera recording described in divisions (A) (17) (b) to (h) of 1181
this section may be released by consent of the subject of the 1182
recording or a representative of that person, as specified in 1183
those divisions, only if either of the following applies: 1184

(a) The recording will not be used in connection with any 1185
probable or pending criminal proceedings; 1186

(b) The recording has been used in connection with a 1187
criminal proceeding that was dismissed or for which a judgment 1188
has been entered pursuant to Rule 32 of the Rules of Criminal 1189

Procedure, and will not be used again in connection with any 1190
probable or pending criminal proceedings. 1191

(2) If a public office denies a request to release a 1192
restricted portion of a body-worn camera or dashboard camera 1193
recording, as defined in division (A)(17) of this section, any 1194
person may file a mandamus action pursuant to this section or a 1195
complaint with the clerk of the court of claims pursuant to 1196
section 2743.75 of the Revised Code, requesting the court to 1197
order the release of all or portions of the recording. If the 1198
court considering the request determines that the filing 1199
articulates by clear and convincing evidence that the public 1200
interest in the recording substantially outweighs privacy 1201
interests and other interests asserted to deny release, the 1202
court shall order the public office to release the recording. 1203

Sec. 2929.20. (A) As used in this section: 1204

(1) (a) Except as provided in division (A)(1)(b) of this 1205
section, "eligible offender" means any person who, on or after 1206
April 7, 2009, is serving a stated prison term that includes one 1207
or more nonmandatory prison terms. A person may be an eligible 1208
offender and also may be an eighty per cent-qualifying offender 1209
or, during a declared state of emergency, a state of emergency- 1210
qualifying offender. 1211

(b) "Eligible offender" does not include any person who, 1212
on or after April 7, 2009, is serving a stated prison term for 1213
any of the following criminal offenses that was a felony and was 1214
committed while the person held a public office in this state: 1215

(i) A violation of section 2921.02, 2921.03, 2921.05, 1216
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 1217
Code; 1218

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 1219
2921.12 of the Revised Code, when the conduct constituting the 1220
violation was related to the duties of the offender's public 1221
office or to the offender's actions as a public official holding 1222
that public office; 1223

(iii) A violation of an existing or former municipal 1224
ordinance or law of this or any other state or the United States 1225
that is substantially equivalent to any violation listed in 1226
division (A) (1) (b) (i) of this section; 1227

(iv) A violation of an existing or former municipal 1228
ordinance or law of this or any other state or the United States 1229
that is substantially equivalent to any violation listed in 1230
division (A) (1) (b) (ii) of this section, when the conduct 1231
constituting the violation was related to the duties of the 1232
offender's public office or to the offender's actions as a 1233
public official holding that public office; 1234

(v) A conspiracy to commit, attempt to commit, or 1235
complicity in committing any offense listed in division (A) (1) 1236
(b) (i) or described in division (A) (1) (b) (iii) of this section; 1237

(vi) A conspiracy to commit, attempt to commit, or 1238
complicity in committing any offense listed in division (A) (1) 1239
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 1240
if the conduct constituting the offense that was the subject of 1241
the conspiracy, that would have constituted the offense 1242
attempted, or constituting the offense in which the offender was 1243
complicit was or would have been related to the duties of the 1244
offender's public office or to the offender's actions as a 1245
public official holding that public office. 1246

(2) "State of emergency-qualifying offender" means any 1247

inmate to whom all of the following apply: 1248

(a) The inmate is serving a stated prison term during a 1249
state of emergency that is declared by the governor as a direct 1250
response to a pandemic or public health emergency. 1251

(b) The geographical area covered by the declared state of 1252
emergency includes the location at which the inmate is serving 1253
the stated prison term described in division (A)(2)(a) of this 1254
section. 1255

(c) There is a direct nexus between the emergency that is 1256
the basis of the governor's declaration of the state of 1257
emergency and the circumstances of, and need for release of, the 1258
inmate. 1259

(3)(a) "Eighty per cent-qualifying offender" means an 1260
offender who is serving a stated prison term of one year or 1261
more, on or after April 4, 2023, who has commenced service of 1262
that stated prison term, who is not serving a stated prison term 1263
that includes a disqualifying prison term or a stated prison 1264
term that consists solely of one or more restricting prison 1265
terms, and to whom either of the following applies: 1266

(i) If the offender is serving a stated prison term of one 1267
year or more that includes one or more restricting prison terms 1268
and one or more eligible prison terms, the offender has fully 1269
served all restricting prison terms and has served eighty per 1270
cent of that stated prison term that remains to be served after 1271
all restricting prison terms have been fully served. 1272

(ii) If the offender is serving a stated prison term of 1273
one year or more that consists solely of one or more eligible 1274
prison terms, the offender has served eighty per cent of that 1275
stated prison term. 1276

(b) For purposes of determining whether an offender is an 1277
eighty per cent-qualifying offender under division (A) (3) (a) of 1278
this section: 1279

(i) If the offender's stated prison term includes 1280
consecutive prison terms, any restricting prison terms shall be 1281
deemed served prior to any eligible prison terms that run 1282
consecutively to the restricting prison terms, and the eligible 1283
prison terms are deemed to commence after all of the restricting 1284
prison terms have been fully served. 1285

(ii) An offender serving a stated prison term of one year 1286
or more that includes a mandatory prison term that is not a 1287
disqualifying prison term and is not a restricting prison term 1288
is not automatically disqualified from being an eighty per cent- 1289
qualifying offender as a result of the offender's service of 1290
that mandatory term for release from prison under this section, 1291
and the offender may be eligible for release from prison in 1292
accordance with this division and division (O) of this section. 1293

(4) "Nonmandatory prison term" means a prison term that is 1294
not a mandatory prison term. 1295

(5) "Public office" means any elected federal, state, or 1296
local government office in this state. 1297

(6) "Victim's representative" has the same meaning as in 1298
section 2930.01 of the Revised Code. 1299

(7) "Imminent danger of death," "medically incapacitated," 1300
and "terminal illness" have the same meanings as in section 1301
2967.05 of the Revised Code. 1302

(8) "Aggregated nonmandatory prison term or terms" means 1303
the aggregate of the following: 1304

(a) All nonmandatory definite prison terms;	1305
(b) With respect to any non-life felony indefinite prison term, all nonmandatory minimum prison terms imposed as part of the non-life felony indefinite prison term or terms.	1306 1307 1308
(9) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.	1309 1310
(10) "Disqualifying prison term" means any of the following:	1311 1312
(a) A prison term imposed for aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, felonious assault, kidnapping, rape, aggravated arson, aggravated burglary, or aggravated robbery;	1313 1314 1315 1316
(b) A prison term imposed for complicity in, an attempt to commit, or conspiracy to commit any offense listed in division (A) (10) (a) of this section;	1317 1318 1319
(c) A prison term of life imprisonment, including any term of life imprisonment that has parole eligibility;	1320 1321
(d) A prison term imposed for any felony other than carrying a concealed weapon an essential element of which is any conduct or failure to act expressly involving any deadly weapon or dangerous ordnance;	1322 1323 1324 1325
(e) A prison term imposed for any violation of section 2925.03 of the Revised Code that is a felony of the first or second degree;	1326 1327 1328
(f) A prison term imposed for engaging in a pattern of corrupt activity in violation of section 2923.32 of the Revised Code;	1329 1330 1331

(g) A prison term imposed pursuant to section 2971.03 of the Revised Code; 1332
1333

(h) A prison term imposed for any sexually oriented offense. 1334
1335

(11) "Eligible prison term" means any prison term that is not a disqualifying prison term and is not a restricting prison term. 1336
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1338

(12) "Restricting prison term" means any of the following: 1339

(a) A mandatory prison term imposed under division (B) (1) (a), (B) (1) (c), (B) (1) (f), (B) (1) (g), (B) (2), or (B) (7) of section 2929.14 of the Revised Code for a specification of the type described in that division; 1340
1341
1342
1343

(b) In the case of an offender who has been sentenced to a mandatory prison term for a specification of the type described in division (A) (12) (a) of this section, the prison term imposed for the felony offense for which the specification was stated at the end of the body of the indictment, count in the indictment, or information charging the offense; 1344
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(c) A prison term imposed for trafficking in persons; 1350

(d) A prison term imposed for any offense that is described in division (A) (12) (d) (i) of this section if division (A) (12) (d) (ii) of this section applies to the offender: 1351
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1353

(i) The offense is a felony of the first or second degree that is an offense of violence and that is not described in division (A) (10) (a) or (b) of this section, an attempt to commit a felony of the first or second degree that is an offense of violence and that is not described in division (A) (10) (a) or (b) of this section if the attempt is a felony of the first or 1354
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second degree, or an offense under an existing or former law of 1360
this state, another state, or the United States that is or was 1361
substantially equivalent to any other offense described in this 1362
division. 1363

(ii) The offender previously was convicted of or pleaded 1364
guilty to any offense listed in division (A) (10) or (A) (12) (d) 1365
(i) of this section. 1366

(13) "Sexually oriented offense" has the same meaning as 1367
in section 2950.01 of the Revised Code. 1368

(14) "Stated prison term of one year or more" means a 1369
definite prison term of one year or more imposed as a stated 1370
prison term, or a minimum prison term of one year or more 1371
imposed as part of a stated prison term that is a non-life 1372
felony indefinite prison term. 1373

(B) On the motion of an eligible offender, on the motion 1374
of a state of emergency-qualifying offender made during the 1375
declared state of emergency, or on its own motion with respect 1376
to an eligible offender or with respect to a state of emergency- 1377
qualifying offender during the declared state of emergency, the 1378
sentencing court may reduce the offender's aggregated 1379
nonmandatory prison term or terms through a judicial release 1380
under this section. 1381

(C) (1) Subject to division (C) (2) of this section, an 1382
eligible offender may file a motion for judicial release with 1383
the sentencing court, or a state of emergency-qualifying 1384
offender may file a motion for judicial release with the 1385
sentencing court during the declared state of emergency, within 1386
the following applicable periods: 1387

(a) If the aggregated nonmandatory prison term or terms is 1388

less than two years, the eligible offender or state of 1389
emergency-qualifying offender may file the motion at any time 1390
after the offender is delivered to a state correctional 1391
institution or, if the prison term includes a mandatory prison 1392
term or terms, at any time after the expiration of all mandatory 1393
prison terms. 1394

(b) If the aggregated nonmandatory prison term or terms is 1395
at least two years but less than five years, the eligible 1396
offender or state of emergency-qualifying offender may file the 1397
motion not earlier than one hundred eighty days after the 1398
offender is delivered to a state correctional institution or, if 1399
the prison term includes a mandatory prison term or terms, not 1400
earlier than one hundred eighty days after the expiration of all 1401
mandatory prison terms. 1402

(c) If the aggregated nonmandatory prison term or terms is 1403
five years, the eligible offender or state of emergency- 1404
qualifying offender may file the motion not earlier than the 1405
date on which the offender has served four years of the 1406
offender's stated prison term or, if the prison term includes a 1407
mandatory prison term or terms, not earlier than four years 1408
after the expiration of all mandatory prison terms. 1409

(d) If the aggregated nonmandatory prison term or terms is 1410
more than five years but not more than ten years, the eligible 1411
offender or state of emergency-qualifying offender may file the 1412
motion not earlier than the date on which the offender has 1413
served five years of the offender's stated prison term or, if 1414
the prison term includes a mandatory prison term or terms, not 1415
earlier than five years after the expiration of all mandatory 1416
prison terms. 1417

(e) If the aggregated nonmandatory prison term or terms is 1418

more than ten years, the eligible offender or state of 1419
emergency-qualifying offender may file the motion not earlier 1420
than the later of the date on which the offender has served one- 1421
half of the offender's stated prison term or the date specified 1422
in division (C) (1) (d) of this section. 1423

(f) With respect to a state of emergency-qualifying 1424
offender, if the offender's prison term does not include a 1425
mandatory prison term or terms, or if the offender's prison term 1426
includes one or more mandatory prison terms and the offender has 1427
completed the mandatory prison term or terms, the state of 1428
emergency-qualifying offender may file the motion at any time 1429
during the offender's aggregated nonmandatory prison term or 1430
terms, provided that time also is during the declared state of 1431
emergency. 1432

(2) During any single declared state of emergency, a state 1433
of emergency-qualifying offender may only file a motion for 1434
judicial release as a state of emergency-qualifying offender 1435
with the sentencing court during that declared state of 1436
emergency once every six months. 1437

(D) (1) (a) Upon receipt of a timely motion for judicial 1438
release filed by an eligible offender or a state of emergency- 1439
qualifying offender under division (C) of this section, or upon 1440
the sentencing court's own motion made within the appropriate 1441
time specified in that division, the court may deny the motion 1442
without a hearing or schedule a hearing on the motion. The court 1443
may grant the motion without a hearing for an offender under 1444
consideration for judicial release as a state of emergency- 1445
qualifying offender, but the court shall not grant the motion 1446
without a hearing for an offender under consideration as an 1447
eligible offender. If a court denies a motion without a hearing, 1448

the court later may consider judicial release for that eligible 1449
offender or that state of emergency-qualifying offender on a 1450
subsequent motion. For an offender under consideration for 1451
judicial release as an eligible offender, but not for one under 1452
consideration as a state of emergency-qualifying offender, the 1453
court may deny the motion with prejudice. If a court denies a 1454
motion with prejudice, the court may later consider judicial 1455
release on its own motion. For an offender under consideration 1456
for judicial release as a state of emergency-qualifying 1457
offender, the court shall not deny a motion with prejudice. For 1458
an offender under consideration for judicial release as an 1459
eligible offender, but not for one under consideration as a 1460
state of emergency-qualifying offender, if a court denies a 1461
motion after a hearing, the court shall not consider a 1462
subsequent motion for that offender based on the offender's 1463
classification as an eligible offender. The court may hold 1464
multiple hearings for any offender under consideration for 1465
judicial release as a state of emergency-qualifying offender, 1466
but shall hold only one hearing for any offender under 1467
consideration as an eligible offender. 1468

(b) If an offender is under consideration for judicial 1469
release as an eligible offender and the motion is denied, and if 1470
the offender at that time also is or subsequently becomes a 1471
state of emergency-qualifying offender, the denial does not 1472
limit or affect any right of the offender to file a motion under 1473
this section for consideration for judicial release as a state 1474
of emergency-qualifying offender or for the court on its own 1475
motion to consider the offender for judicial release as a state 1476
of emergency-qualifying offender. 1477

If an offender is under consideration for judicial release 1478
as a state of emergency-qualifying offender and the motion is 1479

denied, and if the offender at that time also is or subsequently 1480
becomes an eligible offender, the denial does not limit or 1481
affect any right of the offender to file a motion under this 1482
section for consideration for judicial release as an eligible 1483
offender or for the court on its own motion to consider the 1484
offender for judicial release as an eligible offender. 1485

(2) (a) With respect to a motion for judicial release filed 1486
by an offender as an eligible offender or made by the court on 1487
its own motion for an offender as an eligible offender, a 1488
hearing under this section shall be conducted in open court not 1489
less than thirty or more than sixty days after the motion is 1490
filed, provided that the court may delay the hearing for one 1491
hundred eighty additional days. If the court holds a hearing, 1492
the court shall enter a ruling on the motion within ten days 1493
after the hearing. If the court denies the motion without a 1494
hearing, the court shall enter its ruling on the motion within 1495
sixty days after the motion is filed. 1496

(b) With respect to a motion for judicial release filed by 1497
an offender as a state of emergency-qualifying offender or made 1498
by the court on its own motion for an offender as a state of 1499
emergency-qualifying offender, the court shall notify the 1500
prosecuting attorney of the county in which the offender was 1501
indicted and may order the prosecuting attorney to respond to 1502
the motion in writing within ten days. The prosecuting attorney 1503
shall notify the victim pursuant to the Ohio Constitution. The 1504
prosecuting attorney shall include in the response any statement 1505
that the victim wants to be represented to the court. The court 1506
shall consider any response from the prosecuting attorney and 1507
any statement from the victim in its ruling on the motion. After 1508
receiving the response from the prosecuting attorney, the court 1509
either shall order a hearing consistent with divisions (E) to 1510

(I) of this section as soon as possible, or shall enter its 1511
ruling on the motion for judicial release as soon as possible. 1512
If the court conducts a hearing, the hearing shall be conducted 1513
in open court or by a virtual, telephonic, or other form of 1514
remote hearing. If the court holds a hearing, the court shall 1515
enter a ruling on the motion within ten days after the hearing. 1516
If the court denies the motion without a hearing, the court 1517
shall enter its ruling on the motion within ten days after the 1518
motion is filed or after it receives the response from the 1519
prosecuting attorney. 1520

(E) If a court schedules a hearing under divisions (D) (1) 1521
and (2) (a) of this section or under divisions (D) (1) and (2) (b) 1522
of this section, the court shall notify the subject eligible 1523
offender or state of emergency-qualifying offender and the head 1524
of the state correctional institution in which that subject 1525
offender is confined prior to the hearing. The head of the state 1526
correctional institution immediately shall notify the 1527
appropriate person at the department of rehabilitation and 1528
correction of the hearing, and the department within twenty-four 1529
hours after receipt of the notice, shall post on the database it 1530
maintains pursuant to section 5120.66 of the Revised Code the 1531
subject offender's name and all of the information specified in 1532
division (A) (1) (c) (i) of that section. If the court schedules a 1533
hearing for judicial release, the court promptly shall give 1534
notice of the hearing to the prosecuting attorney of the county 1535
in which the subject eligible offender or state of emergency- 1536
qualifying offender was indicted. Upon receipt of the notice 1537
from the court, the prosecuting attorney shall do whichever of 1538
the following is applicable: 1539

(1) Subject to division (E) (2) of this section, notify the 1540
victim of the offense and the victim's representative, if 1541

applicable, pursuant to the Ohio Constitution and division (B) 1542
of section 2930.16 of the Revised Code; 1543

(2) If the offense was an offense of violence that is a 1544
felony of the first, second, or third degree, except as 1545
otherwise provided in this division, pursuant to the Ohio 1546
Constitution, notify the victim and the victim's representative, 1547
if applicable, of the hearing regardless of whether the victim 1548
or victim's representative has requested the notification. 1549
Except when notice to the victim is required under the Ohio 1550
Constitution, the notice of the hearing shall not be given under 1551
this division to a victim or victim's representative if the 1552
victim or victim's representative has requested pursuant to 1553
division (B)(2) of section 2930.03 of the Revised Code that the 1554
victim or the victim's representative not be provided the 1555
notice. If notice is to be provided to a victim or victim's 1556
representative under this division, the prosecuting attorney may 1557
give the notice by any reasonable means, including regular mail, 1558
telephone, and electronic mail, in accordance with division (D) 1559
(1) of section 2930.16 of the Revised Code. If the notice is 1560
based on an offense committed prior to March 22, 2013, the 1561
notice also shall include the opt-out information described in 1562
division (D)(1) of section 2930.16 of the Revised Code. The 1563
prosecuting attorney, in accordance with division (D)(2) of 1564
section 2930.16 of the Revised Code, shall keep a record of all 1565
attempts to provide the notice, and of all notices provided, 1566
under this division. Division (E)(2) of this section, and the 1567
notice-related provisions of division (K) of this section, 1568
division (D)(1) of section 2930.16, division (H) of section 1569
2967.12, division (E)(1)(b) of section 2967.19 as it existed 1570
prior to April 4, 2023, division (A)(3)(b) of section 2967.26, 1571
division (D)(1) of section 2967.28, and division (A)(2) of 1572

section 5149.101 of the Revised Code enacted in the act in which 1573
division (E) (2) of this section was enacted, shall be known as 1574
"Roberta's Law." 1575

(F) Upon an offender's successful completion of 1576
rehabilitative activities, the head of the state correctional 1577
institution may notify the sentencing court of the successful 1578
completion of the activities. 1579

(G) Prior to the date of the hearing on a motion for 1580
judicial release made by an eligible offender, by a state of 1581
emergency-qualifying offender, or by a court on its own under 1582
this section, the head of the state correctional institution in 1583
which the subject offender is confined shall send to the court 1584
an institutional summary report on the offender's conduct in the 1585
institution and in any institution from which the offender may 1586
have been transferred. Upon the request of the prosecuting 1587
attorney of the county in which the subject offender was 1588
indicted or of any law enforcement agency, the head of the state 1589
correctional institution, at the same time the person sends the 1590
institutional summary report to the court, also shall send a 1591
copy of the report to the requesting prosecuting attorney and 1592
law enforcement agencies. The institutional summary report shall 1593
cover the subject offender's participation in school, vocational 1594
training, work, treatment, and other rehabilitative activities 1595
and any disciplinary action taken against the subject offender. 1596
The report shall be made part of the record of the hearing. A 1597
presentence investigation report is not required for judicial 1598
release. 1599

(H) If the court grants a hearing on a motion for judicial 1600
release made by an eligible offender, by a state of emergency- 1601
qualifying offender, or by a court on its own under this 1602

section, the subject offender shall attend the hearing if 1603
ordered to do so by the court. Upon receipt of a copy of the 1604
journal entry containing the order, the head of the state 1605
correctional institution in which the subject offender is 1606
incarcerated shall deliver the subject offender to the sheriff 1607
of the county in which the hearing is to be held. The sheriff 1608
shall convey the subject offender to and from the hearing. 1609

(I) At the hearing on a motion for judicial release under 1610
this section made by an eligible offender, by a state of 1611
emergency-qualifying offender, or by a court on its own, the 1612
court shall afford the subject offender and the offender's 1613
attorney an opportunity to present written and, if present, oral 1614
information relevant to the motion. The court shall afford a 1615
similar opportunity to the prosecuting attorney, the victim, the 1616
victim's representative, the victim's attorney, if applicable, 1617
and any other person the court determines is likely to present 1618
additional relevant information. The court shall consider any 1619
oral or written statement of a victim, victim's representative, 1620
and victim's attorney, if applicable, made pursuant to section 1621
2930.14 or 2930.17 of the Revised Code, any victim impact 1622
statement prepared pursuant to section 2947.051 of the Revised 1623
Code, and any report made under division (G) of this section. 1624
The court may consider any written statement of any person 1625
submitted to the court pursuant to division (L) of this section. 1626

If the motion alleges that the offender who is the subject 1627
of the motion is an eligible offender and the court makes an 1628
initial determination that the offender satisfies the criteria 1629
for being an eligible offender, or if the motion alleges that 1630
the offender who is the subject of the motion is a state of 1631
emergency-qualifying offender and the court makes an initial 1632
determination that the offender satisfies the criteria for being 1633

a state of emergency-qualifying offender, the court shall 1634
determine whether to grant the motion. After ruling on the 1635
motion, the court shall notify the prosecuting attorney of the 1636
county in which the eligible offender or state of emergency- 1637
qualifying offender was indicted of the ruling, and the 1638
prosecuting attorney shall notify the victim and the victim's 1639
representative of the ruling in accordance with sections 2930.03 1640
and 2930.16 of the Revised Code or, if the court granted the 1641
motion, in accordance with division (K) of this section. 1642

(J) (1) A court shall not grant a judicial release under 1643
this section to an offender who is imprisoned for a felony of 1644
the first or second degree and who is under consideration as an 1645
eligible offender, or to an offender who committed an offense 1646
under Chapter 2925. or 3719. of the Revised Code, who is under 1647
consideration as an eligible offender, and for whom there was a 1648
presumption under section 2929.13 of the Revised Code in favor 1649
of a prison term, unless the court, with reference to factors 1650
under section 2929.12 of the Revised Code, finds both of the 1651
following: 1652

(a) That a sanction other than a prison term would 1653
adequately punish the offender and protect the public from 1654
future criminal violations by the offender because the 1655
applicable factors indicating a lesser likelihood of recidivism 1656
outweigh the applicable factors indicating a greater likelihood 1657
of recidivism; 1658

(b) That a sanction other than a prison term would not 1659
demean the seriousness of the offense because factors indicating 1660
that the offender's conduct in committing the offense was less 1661
serious than conduct normally constituting the offense outweigh 1662
factors indicating that the eligible offender's conduct was more 1663

serious than conduct normally constituting the offense. 1664

(2) A court that grants a judicial release under division 1665
(J) (1) of this section to an offender who is under consideration 1666
as an eligible offender shall specify on the record both 1667
findings required in that division and also shall list all the 1668
factors described in that division that were presented at the 1669
hearing. 1670

(3) (a) Subject to division (J) (3) (b) of this section, a 1671
court shall grant a judicial release under this section to an 1672
offender who is under consideration as a state of emergency- 1673
qualifying offender if the court determines that the risks posed 1674
by incarceration to the health and safety of the offender, 1675
because of the nature of the declared state of emergency, 1676
outweigh the risk to public safety if the offender were to be 1677
released from incarceration. 1678

(b) A court shall not grant a judicial release under this 1679
section to an offender who is imprisoned for a felony of the 1680
first or second degree and is under consideration for judicial 1681
release as a state of emergency-qualifying offender unless the 1682
court, with reference to the factors specified under section 1683
2929.12 of the Revised Code, finds both of the criteria set 1684
forth in divisions (J) (1) (a) and (b) of this section. 1685

(K) If the court grants a motion for judicial release 1686
under this section, the court shall order the release of the 1687
eligible offender or state of emergency-qualifying offender, 1688
shall place the offender under an appropriate community control 1689
sanction, under appropriate conditions, and under the 1690
supervision of the department of probation serving the court and 1691
shall reserve the right to reimpose the sentence that it reduced 1692
if the offender violates the sanction. If the court reimposes 1693

the reduced sentence, it may do so either concurrently with, or 1694
consecutive to, any new sentence imposed on the eligible 1695
offender or state of emergency-qualifying offender as a result 1696
of the violation that is a new offense. Except as provided in 1697
division (N) (5) (b) of this section, the period of community 1698
control shall be no longer than five years. The court, in its 1699
discretion, may reduce the period of community control by the 1700
amount of time the offender spent in jail or prison for the 1701
offense and in prison. If the court made any findings pursuant 1702
to division (J) (1) of this section, the court shall serve a copy 1703
of the findings upon counsel for the parties within fifteen days 1704
after the date on which the court grants the motion for judicial 1705
release. 1706

If the court grants a motion for judicial release, the 1707
court shall notify the appropriate person at the department of 1708
rehabilitation and correction, and the department shall post 1709
notice of the release on the database it maintains pursuant to 1710
section 5120.66 of the Revised Code. The court also shall notify 1711
the prosecuting attorney of the county in which the eligible 1712
offender or state of emergency-qualifying offender was indicted 1713
that the motion has been granted. When notice to the victim is 1714
required under the Ohio Constitution, the prosecuting attorney 1715
shall notify the victim and the victim's representative, if 1716
applicable, of the judicial release. In all other cases, unless 1717
the victim or the victim's representative has requested pursuant 1718
to division (B) (2) of section 2930.03 of the Revised Code that 1719
the victim or victim's representative not be provided the 1720
notice, the prosecuting attorney shall notify the victim and the 1721
victim's representative, if applicable, of the judicial release 1722
in any manner, and in accordance with the same procedures, 1723
pursuant to which the prosecuting attorney is authorized to 1724

provide notice of the hearing pursuant to division (E) (2) of 1725
this section. If the notice is based on an offense committed 1726
prior to March 22, 2013, the notice to the victim or victim's 1727
representative also shall include the opt-out information 1728
described in division (D) (1) of section 2930.16 of the Revised 1729
Code. 1730

(L) In addition to and independent of the right of a 1731
victim to make a statement pursuant to section 2930.14, 2930.17, 1732
or 2946.051 of the Revised Code and any right of a person to 1733
present written information or make a statement pursuant to 1734
division (I) of this section, any person may submit to the 1735
court, at any time prior to the hearing on the motion for 1736
judicial release of the eligible offender or state of emergency- 1737
qualifying offender, a written statement concerning the effects 1738
of the offender's criminal offense, the circumstances 1739
surrounding the criminal offense, the manner in which the 1740
criminal offense was perpetrated, and the person's opinion as to 1741
whether the offender should be released. 1742

(M) (1) The changes to this section that are made on 1743
September 30, 2011, apply to any judicial release decision made 1744
on or after September 30, 2011, for any eligible offender, 1745
subject to division (M) (2) of this section. 1746

(2) The changes to this section that are made on April 4, 1747
2023, apply to any judicial release application, and any 1748
judicial release decision, made on or after April 4, 2023, for 1749
any eligible offender or state of emergency-qualifying offender. 1750

(N) (1) Notwithstanding the eligibility requirements 1751
specified in divisions (A) (1) and (2) of this section and the 1752
filing time frames specified in division (C) of this section and 1753
notwithstanding the findings required under division (J) (1) and 1754

the eligibility criteria specified in division (J) (3) of this 1755
section, the sentencing court, upon the court's own motion and 1756
after considering whether the release of the offender into 1757
society would create undue risk to public safety, may grant a 1758
judicial release to an offender who is not serving a life 1759
sentence at any time during the offender's imposed sentence when 1760
the director of rehabilitation and correction certifies to the 1761
sentencing court through the chief medical officer for the 1762
department of rehabilitation and correction that the offender is 1763
in imminent danger of death, is medically incapacitated, or has 1764
a terminal illness. 1765

(2) The director of rehabilitation and correction shall 1766
not certify any offender under division (N) (1) of this section 1767
who is serving a death sentence. 1768

(3) A motion made by the court under division (N) (1) of 1769
this section is subject to the notice, hearing, and other 1770
procedural requirements specified in divisions (D), (E), (G), 1771
(H), (I), (K), and (L) of this section with respect to motions 1772
for a grant of judicial release to eligible offenders, including 1773
notice to the victim, except for the following: 1774

(a) The court may waive the offender's appearance at any 1775
hearing scheduled by the court if the offender's condition makes 1776
it impossible for the offender to participate meaningfully in 1777
the proceeding. 1778

(b) The court may grant the motion without a hearing, 1779
provided that the prosecuting attorney, victim, and victim's 1780
representative, if applicable, to whom notice of the hearing was 1781
provided under division (E) of this section indicate that they 1782
do not wish to participate in the hearing or present information 1783
relevant to the motion. 1784

~~(4)~~(4) (a) The court may request health care records from 1785
the department of rehabilitation and correction to verify the 1786
certification made under division (N) (1) of this section. 1787

(b) The prosecuting attorney may request health care 1788
records from the department of rehabilitation and correction for 1789
the purpose of presenting information relevant to a motion made 1790
under division (N) (1) of this section. Upon request, the 1791
department shall provide the requested records. 1792

(5) (a) If the court grants judicial release under division 1793
(N) (1) of this section, the court shall do all of the following: 1794

(i) Order the release of the offender; 1795

(ii) Place the offender under an appropriate community 1796
control sanction, under appropriate conditions; 1797

(iii) Place the offender under the supervision of the 1798
department of probation serving the court or under the 1799
supervision of the adult parole authority. 1800

(b) The court, in its discretion, may revoke the judicial 1801
release if the offender violates the community control sanction 1802
described in division (N) (5) (a) of this section. The period of 1803
that community control is not subject to the five-year 1804
limitation described in division (K) of this section and shall 1805
not expire earlier than the date on which all of the offender's 1806
mandatory prison terms expire. 1807

(6) If the health of an offender who is released under 1808
division (N) (1) of this section improves so that the offender is 1809
no longer terminally ill, medically incapacitated, or in 1810
imminent danger of death, the court shall, upon the court's own 1811
motion, revoke the judicial release. The court shall not grant 1812
the motion without a hearing unless the offender waives a 1813

hearing. If a hearing is held, the court shall afford the 1814
offender and the offender's attorney an opportunity to present 1815
written and, if the offender or the offender's attorney is 1816
present, oral information relevant to the motion. The court 1817
shall afford a similar opportunity to the prosecuting attorney, 1818
the victim, the victim's representative, the victim's attorney, 1819
if applicable, and any other person the court determines is 1820
likely to present additional relevant information. If a hearing 1821
is held, the prosecuting attorney shall notify the victim and 1822
the victim's representative, if applicable, pursuant to the Ohio 1823
Constitution. A court that grants a motion under this division 1824
shall specify its findings on the record. 1825

(O) (1) Separate from and independent of the provisions of 1826
divisions (A) to (N) of this section, the director of the 1827
department of rehabilitation and correction may recommend in 1828
writing to the sentencing court that the court consider 1829
releasing from prison, through a judicial release, any offender 1830
who is confined in a state correctional institution and who is 1831
an eighty per cent-qualifying offender. The director may file 1832
such a recommendation for judicial release by submitting to the 1833
sentencing court a notice, in writing, of the recommendation 1834
within the applicable period specified in division (A) (3) of 1835
this section for qualifying as an eighty per cent-qualifying 1836
offender. 1837

The director shall include with any notice submitted to 1838
the sentencing court under this division an institutional 1839
summary report that covers the offender's participation while 1840
confined in a state correctional institution in school, 1841
training, work, treatment, and other rehabilitative activities 1842
and any disciplinary action taken against the offender while so 1843
confined. The director shall include with the notice any other 1844

documentation requested by the court, if available. 1845

If the director submits a notice under this division 1846
recommending judicial release, the department promptly shall 1847
provide to the prosecuting attorney of the county in which the 1848
offender was indicted a copy of the written notice and 1849
recommendation, a copy of the institutional summary report, and 1850
any other information provided to the court, and shall provide a 1851
copy of the institutional summary report to any law enforcement 1852
agency that requests the report. The department also shall 1853
provide written notice of the submission of the director's 1854
notice to any victim of the offender or victim's representative, 1855
if applicable, in the same manner as is specified in divisions 1856
(E) (1) and (2) of this section with respect to notices of 1857
hearings. 1858

(2) A recommendation for judicial release in a notice 1859
submitted by the director under division (O) (1) of this section 1860
is subject to the notice, hearing, and other procedural 1861
requirements specified in divisions (E), (H), (I), and (L) of 1862
this section, including notice to the victim pursuant to the 1863
Ohio Constitution, except as otherwise specified in divisions 1864
(O) (3) to (5) of this section, provided that references in 1865
divisions (E), (H), (I), (K), and (L) of this section to "the 1866
motion" shall be construed for purposes of division (O) of this 1867
section as being references to the notice and recommendation 1868
specified in division (O) (1) of this section. 1869

(3) The director's submission of a notice under division 1870
(O) (1) of this section constitutes a recommendation by the 1871
director that the court strongly consider a judicial release of 1872
the offender consistent with the purposes and principles of 1873
sentencing set forth in sections 2929.11 and 2929.13 of the 1874

Revised Code and establishes a rebuttable presumption that the 1875
offender shall be released through a judicial release in 1876
accordance with the recommendation. The presumption of release 1877
may be rebutted only as described in division (O)(6) of this 1878
section. Only an offender recommended by the director under 1879
division (O)(1) of this section may be considered for a judicial 1880
release under division (O) of this section. 1881

(4) Upon receipt of a notice recommending judicial release 1882
submitted by the director under division (O)(1) of this section, 1883
the court shall schedule a hearing to consider the 1884
recommendation for the judicial release of the offender who is 1885
the subject of the notice. The hearing shall be conducted in 1886
open court not less than thirty or more than sixty days after 1887
the notice is submitted. The court shall inform the department 1888
and the prosecuting attorney of the county in which the offender 1889
who is the subject of the notice was indicted of the date, time, 1890
and location of the hearing. Upon receipt of the notice from the 1891
court, the prosecuting attorney shall comply with division (E) 1892
of this section, including providing notice to the victim and 1893
the victim's representative, if applicable, pursuant to the Ohio 1894
Constitution, and the department shall post the information 1895
specified in that division. 1896

(5) When a court schedules a hearing under division (O)(4) 1897
of this section, at the hearing, the court shall consider all of 1898
the following in determining whether to grant the offender 1899
judicial release under division (O) of this section: 1900

(a) The institutional summary report submitted under 1901
division (O)(1) of this section; 1902

(b) The inmate's academic, vocational education programs, 1903
or alcohol or drug treatment programs; or involvement in 1904

meaningful activity;	1905
(c) The inmate's assignments and whether the inmate consistently performed each work assignment to the satisfaction of the department staff responsible for supervising the inmate's work;	1906 1907 1908 1909
(d) The inmate transferred to and actively participated in core curriculum programming at a reintegration center prison;	1910 1911
(e) The inmate's disciplinary history;	1912
(f) The inmate's security level;	1913
(g) All other information, statements, reports, and documentation described in division (I) of this section.	1914 1915
(6) If the court that receives a notice recommending judicial release submitted by the director under division (O) (1) of this section makes an initial determination that the offender satisfies the criteria for being an eighty per cent-qualifying offender, the court then shall determine whether to grant the offender judicial release. In making the second determination, the court shall grant the offender judicial release unless the prosecuting attorney proves to the court, by a preponderance of the evidence, that the legitimate interests of the government in maintaining the offender's confinement outweigh the interests of the offender in being released from that confinement. If the court grants a judicial release under this division, division (K) of this section applies regarding the judicial release, including notice to the victim and the victim's representative, if applicable, pursuant to the Ohio Constitution, provided that references in division (K) of this section to "the motion" shall be construed for purposes of the judicial release granted under this division as being references to the notice and	1916 1917 1918 1919 1920 1921 1922 1923 1924 1925 1926 1927 1928 1929 1930 1931 1932 1933

recommendation specified in division (O) (1) of this section. 1934

The court shall enter its ruling on the notice 1935
recommending judicial release submitted by the director under 1936
division (O) (1) of this section within ten days after the 1937
hearing is conducted. After ruling on whether to grant the 1938
offender judicial release under division (O) of this section, 1939
the court shall notify the offender, the prosecuting attorney, 1940
and the department of rehabilitation and correction of its 1941
decision, and shall notify the victim of its decision in 1942
accordance with the Ohio Constitution and sections 2930.03 and 1943
2930.16 of the Revised Code. If the court does not enter a 1944
ruling on the notice within ten days after the hearing is 1945
conducted as required under this division, the division of 1946
parole and community services of the department of 1947
rehabilitation and correction may release the offender. 1948

(P) All notices to a victim of an offense provided under 1949
division (D), (E), (K), (N), or (O) of this section shall be 1950
provided in accordance with the Ohio Constitution. 1951

Sec. 5120.115. (A) Each authorized user of the single 1952
validated risk assessment tool described in section 5120.114 of 1953
the Revised Code shall have access to all reports generated by 1954
the risk assessment tool and all data stored in the risk 1955
assessment tool. Reports generated by the risk assessment tool 1956
shall be disclosed in a manner that ensures the security and 1957
confidentiality of information in the reports. An authorized 1958
user may disclose any report generated by the risk assessment 1959
tool to ~~law~~ any of the following: 1960

(1) Law enforcement agencies, halfway houses, and medical, 1961
mental health, and substance abuse treatment providers for 1962
penological and rehabilitative purposes. ~~An authorized user may~~ 1963

~~also disclose any report generated by the risk assessment tool
to qualified;~~ 1964
1965

(2) Attorneys of prisoners and prosecutors for purposes 1966
related to parole proceedings; 1967

(3) Qualified persons and research organizations for 1968
research, evaluative, and statistical purposes under the terms 1969
of written agreements between the authorized user and the 1970
recipients of the report. ~~Reports generated by the risk-~~ 1971
~~assessment tool shall be disclosed in a manner that ensures the~~ 1972
~~security and confidentiality of information in the reports.~~ 1973

(B) All reports generated by or data collected in the risk 1974
assessment tool are confidential information and are not a 1975
public record. No person shall disclose any report generated by 1976
or data collected in the risk assessment tool except as provided 1977
in division (A) of this section. 1978

(C) As used in this section, "public record" has the same 1979
meaning as in section 149.43 of the Revised Code. 1980

Sec. 5120.21. (A) The department of rehabilitation and 1981
correction shall keep in its office, accessible only to its 1982
employees, except by the consent of the department or the order 1983
of the judge of a court of record, and except as provided in 1984
division (C) of this section, a record showing the name, 1985
residence, sex, age, nativity, occupation, condition, and date 1986
of entrance or commitment of every inmate in the several 1987
institutions governed by it. The record also shall include the 1988
date, cause, and terms of discharge and the condition of such 1989
person at the time of leaving, a record of all transfers from 1990
one institution to another, and, if such inmate is dead, the 1991
date and cause of death. These and other facts that the 1992

department requires shall be furnished by the managing officer 1993
of each institution within ten days after the commitment, 1994
entrance, death, or discharge of an inmate. 1995

(B) In case of an accident or injury or peculiar death of 1996
an inmate, the managing officer shall make a special report to 1997
the department within twenty-four hours thereafter, giving the 1998
circumstances as fully as possible. 1999

(C) (1) As used in this division, "medical record" means 2000
any document or combination of documents that pertains to the 2001
medical history, diagnosis, prognosis, or medical condition of a 2002
patient and that is generated and maintained in the process of 2003
medical treatment. 2004

(2) A separate medical record of every inmate in an 2005
institution governed by the department shall be compiled, 2006
maintained, and kept apart from and independently of any other 2007
record pertaining to the inmate. Upon the signed written request 2008
of the inmate to whom the record pertains together with the 2009
written request of a person the inmate designates who is either 2010
a licensed attorney at law or a licensed physician, certified 2011
nurse-midwife, clinical nurse specialist, or certified nurse 2012
practitioner, the department shall make the inmate's medical 2013
record available to the designated attorney, physician, or 2014
nurse. The record may be inspected or copied by the inmate's 2015
designated attorney, physician, or nurse. The department may 2016
establish a reasonable fee for the copying of any medical 2017
record. If a physician, certified nurse-midwife, clinical nurse 2018
specialist, or certified nurse practitioner concludes that 2019
presentation of all or any part of the medical record directly 2020
to the inmate will result in serious medical harm to the inmate, 2021
the physician or nurse shall so indicate on the medical record. 2022

An inmate's medical record shall be made available to a 2023
physician, certified nurse-midwife, clinical nurse specialist, 2024
certified nurse practitioner, or attorney designated in writing 2025
by the inmate not more than once every twelve months. 2026

(D) Notwithstanding any other law of this state or the 2027
United States to the contrary, the department and the officers 2028
of its institutions shall keep confidential and accessible only 2029
to its employees, except by the consent of the department or the 2030
order of a judge of a court of record, all of the following: 2031

(1) Architectural, engineering, or construction diagrams, 2032
drawings, or plans of a correctional institution; 2033

(2) Plans for hostage negotiation, for disturbance 2034
control, for the control and location of keys, and for dealing 2035
with escapes; 2036

(3) Statements made by inmate informants; 2037

(4) Records that are maintained by the department of youth 2038
services, that pertain to children in its custody, and that are 2039
released to the department of rehabilitation and correction by 2040
the department of youth services pursuant to section 5139.05 of 2041
the Revised Code; 2042

(5) Victim impact statements and information provided by 2043
victims of crimes that the department considers when determining 2044
the security level assignment, program participation, and 2045
release eligibility of inmates; 2046

(6) Information and data of any kind or medium pertaining 2047
to groups that pose a security threat; 2048

(7) Conversations recorded from the monitored inmate 2049
telephones that involve nonprivileged communications. 2050

(E) (1) Records regarding inmates committed to the department of rehabilitation and correction or records of persons under the supervision of the adult parole authority are not public records under section 149.43 of the Revised Code. Nothing in this division prohibits the disclosure of the following information related to inmates committed to the department of rehabilitation and correction:

(a) Name;

(b) Criminal convictions;

(c) Photograph;

(d) Supervision status, including current and past place of incarceration;

(e) Disciplinary history;

(f) Any information in the institutional summary report.

(2) Except as otherwise provided by a law of this state or the United States, the department of rehabilitation and correction may release inmate records to the department of youth services or a court of record, and the department of youth services or the court of record may use those records for the limited purpose of carrying out the duties of the department of youth services or the court of record. Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record shall remain confidential and shall not be considered public records as defined in section 149.43 of the Revised Code.

Sec. 5149.10. (A) (1) The parole board shall consist of up to twelve members, one of whom shall be designated as chairperson by the director of the department of rehabilitation

and correction and who shall continue as chairperson until a 2079
successor is designated, and any other personnel that are 2080
necessary for the orderly performance of the duties of the 2081
board. In addition to the rules authorized by section 5149.02 of 2082
the Revised Code, the chief of the adult parole authority, 2083
subject to the approval of the chief of the division of parole 2084
and community services and subject to this section, shall adopt 2085
rules governing the proceedings of the parole board. The rules 2086
shall provide for all of the following: 2087

(a) The convening of full board hearings; 2088

(b) The procedures to be followed in full board hearings; 2089

(c) General procedures to be followed in other hearings of 2090
the board and by the board's hearing officers; 2091

(d) A requirement that a majority of all the board members 2092
must agree to any recommendation of clemency transmitted to the 2093
governor; 2094

(e) For parole hearings, procedures for considering the 2095
report of the warden of the institution in which the eligible 2096
prisoner is incarcerated, submitted under section 5120.68 of the 2097
Revised Code; 2098

(f) A requirement that electronic recordings be made of 2099
full parole board hearings, revocation hearings under section 2100
2967.15 of the Revised Code, and post-release control violation 2101
hearings under section 2967.28 of the Revised Code. 2102

(2) When the board members sit as a full board, the 2103
chairperson shall preside. The chairperson shall also allocate 2104
the work of the parole board among the board members. The full 2105
board shall meet at least once each month. In the case of a tie 2106
vote on the full board, the chief of the adult parole authority 2107

shall cast the deciding vote. The chairperson may designate a 2108
person to serve in the chairperson's place. 2109

(3) Except for the chairperson and the member appointed 2110
under division (B) of this section, a member appointed to the 2111
parole board on or after September 30, 2011, shall be appointed 2112
to a six-year term. A member appointed as described in this 2113
division shall hold office from the date of appointment until 2114
the end of the term for which the member was appointed. A member 2115
appointed as described in this division is eligible for 2116
reappointment for another six-year term that may or may not be 2117
consecutive to the first six-year term. A member appointed as 2118
described in this division is not eligible for reappointment 2119
after serving two six-year terms whether or not served 2120
consecutively. Vacancies shall be filled in the same manner 2121
provided for original appointments. Any member appointed as 2122
described in this division to fill a vacancy occurring prior to 2123
the expiration date of the term for which the member's 2124
predecessor was appointed shall begin that member's first six- 2125
year term upon appointment, regardless of the time remaining in 2126
the term of the member's predecessor. A member appointed as 2127
described in this division shall continue in office subsequent 2128
to the expiration date of the member's term until the member's 2129
successor takes office or until a period of sixty days has 2130
elapsed, whichever occurs first. 2131

(4) Except as otherwise provided in division (B) of this 2132
section, no person shall be appointed a member of the board who 2133
is not qualified by education or experience in correctional 2134
work, including law enforcement, prosecution of offenses, 2135
advocating for the rights of victims of crime, probation, or 2136
parole, in law, in social work, or in a combination of the three 2137
categories. 2138

(B) The director of rehabilitation and correction, in 2139
consultation with the governor, shall appoint one member of the 2140
board, who shall be a person who has been a victim of crime or 2141
who is a member of a victim's family or who represents an 2142
organization that advocates for the rights of victims of crime. 2143
After appointment, this member shall be an unclassified employee 2144
of the department of rehabilitation and correction. 2145

The initial appointment shall be for a term ending four 2146
years after July 1, 1996. Thereafter, the term of office of the 2147
member appointed under this division shall be for four years, 2148
with each term ending on the same day of the same month as did 2149
the term that it succeeds. The member shall hold office from the 2150
date of appointment until the end of the term for which the 2151
member was appointed and may be reappointed. Vacancies shall be 2152
filled in the manner provided for original appointments. Any 2153
member appointed under this division to fill a vacancy occurring 2154
prior to the expiration date of the term for which the member's 2155
predecessor was appointed shall hold office as a member for the 2156
remainder of that term. The member appointed under this division 2157
shall continue in office subsequent to the expiration date of 2158
the member's term until the member's successor takes office or 2159
until a period of sixty days has elapsed, whichever occurs 2160
first. 2161

The member appointed under this division shall be 2162
compensated in the same manner as other board members and shall 2163
be reimbursed for actual and necessary expenses incurred in the 2164
performance of the member's duties. The member may vote on all 2165
cases heard by the full board under section 5149.101 of the 2166
Revised Code, has such duties as are assigned by the chairperson 2167
of the board, and shall coordinate the member's activities with 2168
the office of victims' services created under section 5120.60 of 2169

the Revised Code. 2170

As used in this division, "crime," "member of the victim's 2171
family," and "victim" have the meanings given in section 2930.01 2172
of the Revised Code. 2173

(C) The chairperson shall submit all recommendations for 2174
or against clemency directly to the governor. 2175

(D) The chairperson shall transmit to the chief of the 2176
adult parole authority all determinations for or against parole 2177
made by the board. Parole determinations are final and are not 2178
subject to review or change by the chief. 2179

(E) In addition to its duties pertaining to parole and 2180
clemency, if an offender is sentenced to a prison term pursuant 2181
to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or 2182
(c), or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the 2183
Revised Code, the parole board shall have control over the 2184
offender's service of the prison term during the entire term 2185
unless the board terminates its control in accordance with 2186
section 2971.04 of the Revised Code. The parole board may 2187
terminate its control over the offender's service of the prison 2188
term only in accordance with section 2971.04 of the Revised 2189
Code. 2190

(F) All written and oral statements provided by a victim 2191
or victim's representative to the department of rehabilitation 2192
and correction in connection with the pendency of any pardon, 2193
commutation, or parole, and any personally identifying 2194
information or information likely to identify a victim or member 2195
of the victim's family contained in an electronic recording of a 2196
full parole board hearing, are confidential, not subject to 2197
subpoena or discovery, and not admissible in evidence in any 2198

action. 2199

Sec. 5149.101. (A) (1) (a) A victim of a violation of 2200
section 2903.01 or 2903.02 of the Revised Code, an offense of 2201
violence that is a felony of the first, second, or third degree, 2202
or an offense punished by a sentence of life imprisonment, the 2203
victim's representative, or any person described in division (B) 2204
(5) of this section may request, through the office of victims' 2205
services, for the board to hold a full board hearing that 2206
relates to the proposed parole or re-parole of the person that 2207
committed the violation. If a victim, victim's representative, 2208
or any person described in division (B) (5) of this section 2209
requests a full board hearing pursuant to this division, the 2210
board shall hold a full board hearing. 2211

(b) A family member of a victim who is not described in 2212
division (B) (5) of this section may request, through the office 2213
of victims' services, for the board to hold a full board hearing 2214
that relates to the proposed parole or re-parole of a person who 2215
committed a violation of section 2903.01 or 2903.02 of the 2216
Revised Code, an offense of violence that is a felony of the 2217
first, second, or third degree, or an offense punished by a 2218
sentence of life imprisonment. At a meeting of the board at 2219
which a majority of board members are present, the majority of 2220
those present shall determine whether a full board hearing shall 2221
be held, if a family member of the victim makes a request 2222
pursuant to this division. 2223

(c) If a person is convicted of a violation of section 2224
2903.01 or 2903.02 of the Revised Code, an offense of violence 2225
that is a felony of the first, second, or third degree, or an 2226
offense punished by a sentence of life imprisonment, the 2227
prosecuting attorney may submit a request directly to the board 2228

to hold a full board hearing that relates to the proposed parole 2229
or re-parole of the person who committed the violation. If the 2230
prosecutor requests a full board hearing pursuant to this 2231
division, the board shall hold a full board hearing. 2232

(2) At least thirty days before the full hearing, except 2233
as otherwise provided in this division, the board shall give 2234
notice of the date, time, and place of the hearing to the victim 2235
regardless of whether the victim has requested the notification. 2236
The notice of the date, time, and place of the hearing shall not 2237
be given under this division to a victim if the victim has 2238
requested pursuant to division (B) (2) of section 2930.03 of the 2239
Revised Code that the notice not be provided to the victim. At 2240
least thirty days before the full board hearing and regardless 2241
of whether the victim has requested that the notice be provided 2242
or not be provided under this division to the victim, the board 2243
shall give similar notice to the prosecuting attorney in the 2244
case, the law enforcement agency that arrested the prisoner if 2245
any officer of that agency was a victim of the offense, and, if 2246
different than the victim, the person who requested the full 2247
hearing. If the prosecuting attorney has not previously been 2248
sent an institutional summary report with respect to the 2249
prisoner, upon the request of the prosecuting attorney, the 2250
board shall include with the notice sent to the prosecuting 2251
attorney an institutional summary report that covers the 2252
offender's participation while confined in a state correctional 2253
institution in training, work, and other rehabilitative 2254
activities and any disciplinary action taken against the 2255
offender while so confined. If the offender asserts the 2256
existence of any medical condition or diagnoses in seeking 2257
parole, the board also shall include with the notice sent to the 2258
prosecuting attorney any medical records or other health care 2259

records related to that medical condition or those diagnoses. 2260
Upon the request of a law enforcement agency that has not 2261
previously been sent an institutional summary report with 2262
respect to the prisoner, the board also shall send a copy of the 2263
institutional summary report to the law enforcement agency. If 2264
notice is to be provided as described in this division, the 2265
board may give the notice by any reasonable means, including 2266
regular mail, telephone, and electronic mail, in accordance with 2267
division (D) (1) of section 2930.16 of the Revised Code. If the 2268
notice is based on an offense committed prior to March 22, 2013, 2269
the notice also shall include the opt-out information described 2270
in division (D) (1) of section 2930.16 of the Revised Code. The 2271
board, in accordance with division (D) (2) of section 2930.16 of 2272
the Revised Code, shall keep a record of all attempts to provide 2273
the notice, and of all notices provided, under this division. 2274

The preceding paragraph, and the notice-related provisions 2275
of divisions (E) (2) and (K) of section 2929.20, division (D) (1) 2276
of section 2930.16, division (H) of section 2967.12, division 2277
(E) (1) (b) of section 2967.19 as it existed prior to April 4, 2278
2023, division (A) (3) (b) of section 2967.26, and division (D) (1) 2279
of section 2967.28 of the Revised Code enacted in the act in 2280
which this paragraph was enacted, shall be known as "Roberta's 2281
Law." 2282

(B) At a full board hearing that relates to the proposed 2283
parole or re-parole of a prisoner and that has been petitioned 2284
for or requested in accordance with division (A) of this 2285
section, the parole board shall permit the following persons to 2286
appear and to give testimony or to submit written statements: 2287

(1) The prosecuting attorney of the county in which the 2288
original indictment against the prisoner was found and members 2289

of any law enforcement agency that assisted in the prosecution	2290
of the original offense;	2291
(2) The judge of the court of common pleas who imposed the	2292
original sentence of incarceration upon the prisoner, or the	2293
judge's successor;	2294
(3) The victim of the original offense for which the	2295
prisoner is serving the sentence or the victim's representative	2296
designated pursuant to section 2930.02 of the Revised Code;	2297
(4) The victim of any behavior that resulted in parole	2298
being revoked;	2299
(5) With respect to a full board hearing held pursuant to	2300
division (A)(1)(a) or (c) of this section, all of the following:	2301
(a) The spouse of the victim of the original offense;	2302
(b) The parent or parents of the victim of the original	2303
offense;	2304
(c) The sibling of the victim of the original offense;	2305
(d) The child or children of the victim of the original	2306
offense.	2307
(6) A state public defender when designated by the	2308
director of the department of rehabilitation and correction	2309
pursuant to division (A)(5) of section 120.06 of the Revised	2310
Code, private counsel, or some other person designated by the	2311
prisoner as a representative, as permitted by the board.	2312
(C) Except as otherwise provided in this division, a full	2313
board hearing of the parole board is not subject to section	2314
121.22 of the Revised Code. The persons who may attend a full	2315
board hearing are the persons described in divisions (B)(1) to	2316

(6) of this section, and representatives of the press, radio and 2317
television stations, and broadcasting networks who are members 2318
of a generally recognized professional media organization. 2319

At the request of a person described in division (B) (3) of 2320
this section, representatives of the news media described in 2321
this division shall be excluded from the hearing while that 2322
person is giving testimony at the hearing. The prisoner being 2323
considered for parole has no right to be present at the hearing, 2324
but may be represented as described in division (B) (6) of this 2325
section. 2326

If there is an objection at a full board hearing to a 2327
recommendation for the parole of a prisoner, the board may 2328
approve or disapprove the recommendation or defer its decision 2329
until a subsequent full board hearing. The board may permit 2330
interested persons other than those listed in this division and 2331
division (B) of this section to attend full board hearings 2332
pursuant to rules adopted by the adult parole authority. 2333

(D) If the victim of the original offense died as a result 2334
of the offense and the offense was aggravated murder, murder, an 2335
offense of violence that is a felony of the first, second, or 2336
third degree, or an offense punished by a sentence of life 2337
imprisonment, the family of the victim may show at a full board 2338
hearing a video recording not exceeding five minutes in length 2339
memorializing the victim. 2340

(E) The adult parole authority shall adopt rules for the 2341
implementation of this section. The rules shall specify 2342
reasonable restrictions on the number of media representatives 2343
that may attend a hearing, based on considerations of space, and 2344
other procedures designed to accomplish an effective, orderly 2345
process for full board hearings. 2346

<u>Sec. 5149.102. (A) As used in this section:</u>	2347
<u>(1) "Member of the victim's family" has the same meaning as in section 2930.01 of the Revised Code.</u>	2348 2349
<u>(2) "Person entitled to receive the electronic recording of a specified parole board hearing" means any of the following persons who are entitled to receive the electronic recording of a revocation hearing under section 2967.15 of the Revised Code or a post-release control revocation hearing under section 2967.28 of the Revised Code:</u>	2350 2351 2352 2353 2354 2355
<u>(a) The person who is the subject of the hearing;</u>	2356
<u>(b) The attorney of the person who is the subject of the hearing;</u>	2357 2358
<u>(c) The prosecuting attorney;</u>	2359
<u>(d) The victim.</u>	2360
<u>(3) "Protected health information" means a medical, mental health, substance abuse, recovery services, or behavioral health record.</u>	2361 2362 2363
<u>(4) "Specified parole board hearing" means a revocation hearing under section 2967.15 of the Revised Code or post-release control violation hearing under section 2967.28 of the Revised Code.</u>	2364 2365 2366 2367
<u>(B) (1) Subject to division (C) of this section, only upon request of a person entitled to receive the electronic recording of a specified parole board hearing, the department of rehabilitation and correction shall provide the electronic recording of the specified parole board hearing to the person entitled to receive the electronic recording. If the person entitled to receive the electronic recording of a specified</u>	2368 2369 2370 2371 2372 2373 2374

parole board hearing wishes to have a recording transcribed, the 2375
person entitled to receive the electronic recording of the 2376
specified parole board hearing shall do so at the expense of the 2377
person entitled to receive the electronic recording of the 2378
specified parole board hearing. 2379

(2) A person entitled to receive the electronic recording 2380
of specified parole board hearings who receives the electronic 2381
recording of a specified parole board hearing shall not make 2382
copies of the electronic recording of the specified parole board 2383
hearing, shall keep the electronic recording of the specified 2384
parole board hearing confidential, and shall not post the 2385
electronic recording of the specified parole board hearing on 2386
the internet. 2387

(C) The electronic recordings of full parole board 2388
hearings provided as public records under section 149.43 of the 2389
Revised Code shall exclude victim and victim representative 2390
statements and shall not include the following personal 2391
identifying information of any victim of a crime or a member of 2392
the victim's family: 2393

(1) Name; 2394

(2) Date of birth; 2395

(3) Home or work address; 2396

(4) Social security number; 2397

(5) Age; 2398

(6) Telephone number; 2399

(7) Electronic mail address; 2400

(8) Any other information that is likely to identify the 2401

<u>victim or a member of the victim's family.</u>	2402
<u>(D) (1) An incarcerated person whose protected health</u>	2403
<u>information is disclosed in a recording, summary, or other</u>	2404
<u>communication related to a parole board hearing in violation of</u>	2405
<u>this section has a civil cause of action for damages against the</u>	2406
<u>person who disclosed that information.</u>	2407
<u>(2) A victim whose personal identifying information is</u>	2408
<u>disclosed in a recording, summary, or other communication</u>	2409
<u>related to a parole board hearing in violation of this section</u>	2410
<u>has a civil cause of action for damages against the person who</u>	2411
<u>disclosed that information.</u>	2412
Section 2. That existing sections 149.43, 2929.20,	2413
5120.115, 5120.21, 5149.10, and 5149.101 of the Revised Code are	2414
hereby repealed.	2415