

As Introduced

**136th General Assembly
Regular Session
2025-2026**

H. B. No. 899

Representative Brewer

Cosponsors: Representatives Brent, Piccolantonio, Brownlee, Brennan, Grim

To amend section 149.43 and to enact section 1
5103.164 of the Revised Code to require foster 2
caregivers to securely store firearms. 3

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

Section 1. That section 149.43 be amended and section 4
5103.164 of the Revised Code be enacted to read as follows: 5

Sec. 149.43. (A) As used in this section: 6

(1) "Public record" means records kept by any public 7
office, including, but not limited to, state, county, city, 8
village, township, and school district units, and records 9
pertaining to the delivery of educational services by an 10
alternative school in this state kept by the nonprofit or for- 11
profit entity operating the alternative school pursuant to 12
section 3313.533 of the Revised Code. "Public record" does not 13
mean any of the following: 14

(a) Medical records; 15

(b) Records pertaining to probation and parole 16
proceedings, to proceedings related to the imposition of 17
community control sanctions and post-release control sanctions, 18
or to proceedings related to determinations under section 19

2967.271 of the Revised Code regarding the release or maintained	20
incarceration of an offender to whom that section applies;	21
(c) Records pertaining to actions under section 2151.85	22
and division (C) of section 2919.121 of the Revised Code and to	23
appeals of actions arising under those sections;	24
(d) Records pertaining to adoption proceedings, including	25
the contents of an adoption file maintained by the department of	26
health under sections 3705.12 to 3705.124 of the Revised Code;	27
(e) Information in a record contained in the putative	28
father registry established by section 3107.062 of the Revised	29
Code, regardless of whether the information is held by the	30
department of children and youth or, pursuant to section 3111.69	31
of the Revised Code, the office of child support in the	32
department of job and family services or a child support	33
enforcement agency;	34
(f) Records specified in division (A) of section 3107.52	35
of the Revised Code;	36
(g) Trial preparation records, prior to the conclusion of	37
all direct appeals or, if no appeal is filed, prior to the	38
expiration of the time during which an appeal may be filed, or,	39
if no trial has occurred, until the civil or criminal action or	40
proceeding has ended without the possibility of direct appeal or	41
each agency, office, or official responsible for the matter has	42
made a decision not to proceed with the matter;	43
(h) Confidential law enforcement investigatory records;	44
(i) Records containing information that is confidential	45
under section 2710.03 or 4112.05 of the Revised Code;	46
(j) DNA records stored in the DNA database pursuant to	47

section 109.573 of the Revised Code;	48
(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;	49 50 51
(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;	52 53 54 55
(m) Intellectual property records;	56
(n) Donor profile records;	57
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	58 59
(p) Designated public service worker residential and familial information;	60 61
(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;	62 63 64 65 66
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	67 68
(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, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of	69 70 71 72 73 74 75

the board or director, and in the case of a child fatality	76
review board, child fatality review data submitted by the board	77
to the department of health or a national child death review	78
database, other than the report prepared pursuant to division	79
(A) of section 307.626 of the Revised Code;	80
(t) Records provided to and statements made by the	81
executive director of a public children services agency or a	82
prosecuting attorney acting pursuant to section 5153.171 of the	83
Revised Code other than the information released under that	84
section;	85
(u) Test materials, examinations, or evaluation tools used	86
in an examination for licensure as a nursing home administrator	87
that the board of executives of long-term services and supports	88
administers under section 4751.15 of the Revised Code or	89
contracts under that section with a private or government entity	90
to administer;	91
(v) Records the release of which is prohibited by state or	92
federal law;	93
(w) Proprietary information of or relating to any person	94
that is submitted to or compiled by the Ohio venture capital	95
authority created under section 150.01 of the Revised Code;	96
(x) Financial statements and data any person submits for	97
any purpose to the Ohio housing finance agency or the	98
controlling board in connection with applying for, receiving, or	99
accounting for financial assistance from the agency, and	100
information that identifies any individual who benefits directly	101
or indirectly from financial assistance from the agency;	102
(y) Records listed in section 5101.29 of the Revised Code;	103
(z) Discharges recorded with a county recorder under	104

section 317.24 of the Revised Code, as specified in division (B)	105
(2) of that section;	106
(aa) Usage information including names and addresses of	107
specific residential and commercial customers of a municipally	108
owned or operated public utility;	109
(bb) Records described in division (C) of section 187.04	110
of the Revised Code that are not designated to be made available	111
to the public as provided in that division;	112
(cc) Information and records that are made confidential,	113
privileged, and not subject to disclosure under divisions (B)	114
and (C) of section 2949.221 of the Revised Code;	115
(dd) Personal information, as defined in section 149.45 of	116
the Revised Code;	117
(ee) The confidential name, address, and other personally	118
identifiable information of a program participant in the address	119
confidentiality program established under sections 111.41 to	120
111.47 of the Revised Code, including the contents of any	121
application for absent voter's ballots, absent voter's ballot	122
identification envelope statement of voter, or provisional	123
ballot affirmation completed by a program participant who has a	124
confidential voter registration record; records or portions of	125
records pertaining to that program that identify the number of	126
program participants that reside within a precinct, ward,	127
township, municipal corporation, county, or any other geographic	128
area smaller than the state; and any real property	129
confidentiality notice filed under section 111.431 of the	130
Revised Code and the information described in division (C) of	131
that section. As used in this division, "confidential address"	132
and "program participant" have the meaning defined in section	133

111.41 of the Revised Code.	134
(ff) Orders for active military service of an individual serving or with previous service in the armed forces of the United States, including a reserve component, or the Ohio organized militia, except that, such order becomes a public record on the day that is fifteen years after the published date or effective date of the call to order;	135 136 137 138 139 140
(gg) The name, address, contact information, or other personal information of an individual who is less than eighteen years of age that is included in any record related to a traffic accident involving a school vehicle in which the individual was an occupant at the time of the accident;	141 142 143 144 145
(hh) Protected health information, as defined in 45 C.F.R. 160.103, that is in a claim for payment for a health care product, service, or procedure, as well as any other health claims data in another document that reveals the identity of an individual who is the subject of the data or could be used to reveal that individual's identity;	146 147 148 149 150 151
(ii) Any depiction by photograph, film, videotape, or printed or digital image under either of the following circumstances:	152 153 154
(i) The depiction is that of a victim of an offense the release of which would be, to a reasonable person of ordinary sensibilities, an offensive and objectionable intrusion into the victim's expectation of bodily privacy and integrity.	155 156 157 158
(ii) The depiction captures or depicts the victim of a sexually oriented offense, as defined in section 2950.01 of the Revised Code, at the actual occurrence of that offense.	159 160 161
(jj) Restricted portions of a body-worn camera or	162

dashboard camera recording;	163
(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.	164 165 166 167 168 169 170 171 172
(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;	173 174 175 176 177 178 179
(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.	180 181 182 183
(nn) A preneed funeral contract, as defined in section 4717.01 of the Revised Code, and contract terms and personally identifying information of a preneed funeral contract, that is contained in a report submitted by or for a funeral home to the board of embalmers and funeral directors under division (C) of section 4717.13, division (J) of section 4717.31, or section 4717.41 of the Revised Code.	184 185 186 187 188 189 190
(oo) Telephone numbers for a party to a motor vehicle	191

accident subject to the requirements of section 5502.11 of the Revised Code that are listed on any law enforcement record or report, except that the telephone numbers described in this division are not excluded from the definition of "public record" under this division on and after the thirtieth day after the occurrence of the motor vehicle accident.

(pp) Records pertaining to individuals who complete training under section 5502.703 of the Revised Code to be permitted by a school district board of education or governing body of a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, or a chartered nonpublic school to convey deadly weapons or dangerous ordnance into a school safety zone;

(qq) Records, documents, reports, or other information presented to a domestic violence fatality review board established under section 307.651 of the Revised Code, statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of health, other than a report prepared pursuant to section 307.656 of the Revised Code;

(rr) Records, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code;

(ss) Records of an existing qualified nonprofit corporation that creates a special improvement district under Chapter 1710. of the Revised Code that do not pertain to a purpose for which the district is created;

(tt) Educational support services data, as defined in section 3319.325 of the Revised Code;

(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;	221 222 223 224
(vv) A request form or confirmation letter submitted to a public office under section 149.45 of the Revised Code;	225 226
(ww) An affidavit or confirmation letter submitted under section 319.28 of the Revised Code;	227 228
(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;	229 230 231 232 233 234
(yy) Images and data captured by an automated license plate recognition system that are maintained in a law enforcement database;	235 236 237
(zz) Attorney work product record;	238
(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;	239 240 241
(bbb) Records pertaining to burial sites under section 149.3010 of the Revised Code;	242 243
<u>(ccc) Any information obtained by the department of children and youth or a public children services agency regarding the presence of firearms in a foster home.</u>	244 245 246
A record that is not a public record under division (A) (1) of this section and that, under law, is permanently retained	247 248

becomes a public record on the day that is seventy-five years 249
after the day on which the record was created, or in the case of 250
a record that is not a public record under division (A) (1) (uu) 251
of this section that is retained, three years after the day on 252
which the record was created, except for any record protected by 253
the attorney-client privilege, a trial preparation record as 254
defined in this section, a statement prohibiting the release of 255
identifying information signed under section 3107.083 of the 256
Revised Code, a denial of release form filed pursuant to section 257
3107.46 of the Revised Code, records pertaining to burial sites 258
under section 149.3010 of the Revised Code, or any record that 259
is exempt from release or disclosure under section 149.433 of 260
the Revised Code. If the record is a birth certificate and a 261
biological parent's name redaction request form has been 262
accepted under section 3107.391 of the Revised Code, the name of 263
that parent shall be redacted from the birth certificate before 264
it is released under this paragraph. If any other section of the 265
Revised Code establishes a time period for disclosure of a 266
record that conflicts with the time period specified in this 267
section, the time period in the other section prevails. 268

(2) (a) "Confidential law enforcement investigatory record" 269
means any record that pertains to a law enforcement matter of a 270
criminal, quasi-criminal, civil, or administrative nature, but 271
only to the extent that the release of the record would create a 272
high probability of disclosure of any of the following: 273

(i) The identity of a suspect who has not been charged 274
with the offense to which the record pertains, or of an 275
information source or witness to whom confidentiality has been 276
reasonably promised; 277

(ii) Information provided by an information source or 278

witness to whom confidentiality has been reasonably promised, 279
which information would reasonably tend to disclose the source's 280
or witness's identity; 281

(iii) Specific confidential investigatory techniques or 282
procedures or specific investigatory work product; 283

(iv) Information that would endanger the life or physical 284
safety of law enforcement personnel, a crime victim, a witness, 285
or a confidential information source. 286

(b) As used in divisions (A) (2) and (18) of this section, 287
"specific investigatory work product" means information 288
assembled by law enforcement officials in connection with a 289
probable or pending criminal or civil proceeding, with the 290
exception of routine incident reports. "Specific investigatory 291
work product" is not a public record prior to the conclusion of 292
all direct appeals, or, if no appeal is filed, prior to the 293
expiration of the time during which an appeal may be filed, or, 294
if no trial has occurred, until the criminal or civil proceeding 295
has ended without possibility of direct appeal or each agency, 296
office, or official responsible for the matter has made a 297
decision not to proceed with the matter. 298

(3) "Medical record" means any document or combination of 299
documents, except births, deaths, and the fact of admission to 300
or discharge from a hospital, that pertains to the medical 301
history, diagnosis, prognosis, or medical condition of a patient 302
and that is generated and maintained in the process of medical 303
treatment. 304

(4) "Trial preparation record" means any record created by 305
or for another party or by or for that party's representative, 306
in reasonable anticipation of, or in defense of, a civil or 307

criminal action or proceeding, that is not a confidential law 308
enforcement investigatory record or attorney work product record 309
and that contains factual information that is specifically 310
compiled for that civil or criminal action or proceeding. 311

(5) "Intellectual property record" means a record, other 312
than a financial or administrative record, that is produced or 313
collected by or for faculty or staff of a state institution of 314
higher learning in the conduct of or as a result of study or 315
research on an educational, commercial, scientific, artistic, 316
technical, or scholarly issue, regardless of whether the study 317
or research was sponsored by the institution alone or in 318
conjunction with a governmental body or private concern, and 319
that has not been publicly released, published, or patented. 320

(6) "Donor profile record" means all records about donors 321
or potential donors to a public institution of higher education 322
except the names and reported addresses of the actual donors and 323
the date, amount, and conditions of the actual donation. 324

(7) "Designated public service worker" means a peace 325
officer, parole officer, probation officer, bailiff, prosecuting 326
attorney, assistant prosecuting attorney, correctional employee, 327
county or multicounty corrections officer, community-based 328
correctional facility employee, designated Ohio national guard 329
member, protective services worker, youth services employee, 330
firefighter, EMT, medical director or member of a cooperating 331
physician advisory board of an emergency medical service 332
organization, state board of pharmacy employee, investigator of 333
the bureau of criminal identification and investigation, 334
emergency service telecommunicator, forensic mental health 335
provider, mental health evaluation provider, regional 336
psychiatric hospital employee, judge, magistrate, or federal law 337

enforcement officer. 338

(8) "Designated public service worker residential and 339
familial information" means any information that discloses any 340
of the following about a designated public service worker: 341

(a) The address of the actual personal residence of a 342
designated public service worker, except for the following 343
information: 344

(i) The address of the actual personal residence of a 345
prosecuting attorney or judge; and 346

(ii) The state or political subdivision in which a 347
designated public service worker resides. 348

(b) Information compiled from referral to or participation 349
in an employee assistance program; 350

(c) The social security number, the residential telephone 351
number, any bank account, debit card, charge card, or credit 352
card number, or the emergency telephone number of, or any 353
medical information pertaining to, a designated public service 354
worker; 355

(d) The name of any beneficiary of employment benefits, 356
including, but not limited to, life insurance benefits, provided 357
to a designated public service worker by the designated public 358
service worker's employer; 359

(e) The identity and amount of any charitable or 360
employment benefit deduction made by the designated public 361
service worker's employer from the designated public service 362
worker's compensation, unless the amount of the deduction is 363
required by state or federal law; 364

(f) The name, the residential address, the name of the 365

employer, the address of the employer, the social security 366
number, the residential telephone number, any bank account, 367
debit card, charge card, or credit card number, or the emergency 368
telephone number of the spouse, a former spouse, or any child of 369
a designated public service worker; 370

(g) A photograph of a peace officer who holds a position 371
or has an assignment that may include undercover or plain 372
clothes positions or assignments as determined by the peace 373
officer's appointing authority. 374

(9) As used in divisions (A) (7) and (15) to (17) of this 375
section: 376

"Peace officer" has the meaning defined in section 109.71 377
of the Revised Code and also includes the superintendent and 378
troopers of the state highway patrol; it does not include the 379
sheriff of a county or a supervisory employee who, in the 380
absence of the sheriff, is authorized to stand in for, exercise 381
the authority of, and perform the duties of the sheriff. 382

"Correctional employee" means any employee of the 383
department of rehabilitation and correction who in the course of 384
performing the employee's job duties has or has had contact with 385
inmates and persons under supervision. 386

"County or multicounty corrections officer" means any 387
corrections officer employed by any county or multicounty 388
correctional facility. 389

"Designated Ohio national guard member" means a member of 390
the Ohio national guard who is participating in duties related 391
to remotely piloted aircraft, including, but not limited to, 392
pilots, sensor operators, and mission intelligence personnel, 393
duties related to special forces operations, or duties related 394

to cybersecurity, and is designated by the adjutant general as a 395
designated public service worker for those purposes. 396

"Protective services worker" means any employee of a 397
county agency who is responsible for child protective services, 398
child support services, or adult protective services. 399

"Youth services employee" means any employee of the 400
department of youth services who in the course of performing the 401
employee's job duties has or has had contact with children 402
committed to the custody of the department of youth services. 403

"Firefighter" means any regular, paid or volunteer, member 404
of a lawfully constituted fire department of a municipal 405
corporation, township, fire district, or village. 406

"EMT" means EMTs-basic, EMTs-I, and paramedics that 407
provide emergency medical services for a public emergency 408
medical service organization. "Emergency medical service 409
organization," "EMT-basic," "EMT-I," and "paramedic" have the 410
meanings defined in section 4765.01 of the Revised Code. 411

"Investigator of the bureau of criminal identification and 412
investigation" has the meaning defined in section 2903.11 of the 413
Revised Code. 414

"Emergency service telecommunicator" means an individual 415
employed by an emergency service provider as defined under 416
section 128.01 of the Revised Code, whose primary responsibility 417
is to be an operator for the receipt or processing of calls for 418
emergency services made by telephone, radio, or other electronic 419
means. 420

"Forensic mental health provider" means any employee of a 421
community mental health service provider or local alcohol, drug 422
addiction, and mental health services board who, in the course 423

of the employee's duties, has contact with persons committed to 424
a local alcohol, drug addiction, and mental health services 425
board by a court order pursuant to section 2945.38, 2945.39, 426
2945.40, or 2945.402 of the Revised Code. 427

"Mental health evaluation provider" means an individual 428
who, under Chapter 5122. of the Revised Code, examines a 429
respondent who is alleged to be a mentally ill person subject to 430
court order, as defined in section 5122.01 of the Revised Code, 431
and reports to the probate court the respondent's mental 432
condition. 433

"Regional psychiatric hospital employee" means any 434
employee of the department of ~~mental health and addiction-~~ 435
~~services~~ behavioral health who, in the course of performing the 436
employee's duties, has contact with patients committed to the 437
department of ~~mental health and addiction services~~ behavioral 438
health by a court order pursuant to section 2945.38, 2945.39, 439
2945.40, or 2945.402 of the Revised Code. 440

"Federal law enforcement officer" has the meaning defined 441
in section 9.88 of the Revised Code. 442

(10) "Information pertaining to the recreational 443
activities of a person under the age of eighteen" means 444
information that is kept in the ordinary course of business by a 445
public office, that pertains to the recreational activities of a 446
person under the age of eighteen years, and that discloses any 447
of the following: 448

(a) The address or telephone number of a person under the 449
age of eighteen or the address or telephone number of that 450
person's parent, guardian, custodian, or emergency contact 451
person; 452

(b) The social security number, birth date, or	453
photographic image of a person under the age of eighteen;	454
(c) Any medical record, history, or information pertaining	455
to a person under the age of eighteen;	456
(d) Any additional information sought or required about a	457
person under the age of eighteen for the purpose of allowing	458
that person to participate in any recreational activity	459
conducted or sponsored by a public office or to use or obtain	460
admission privileges to any recreational facility owned or	461
operated by a public office.	462
(11) "Community control sanction" has the meaning defined	463
in section 2929.01 of the Revised Code.	464
(12) "Post-release control sanction" has the meaning	465
defined in section 2967.01 of the Revised Code.	466
(13) "Redaction" means obscuring or deleting any	467
information that is exempt from the duty to permit public	468
inspection or copying from an item that otherwise meets the	469
definition of a "record" in section 149.011 of the Revised Code.	470
(14) "Designee," "elected official," and "future official"	471
have the meanings defined in section 109.43 of the Revised Code.	472
(15) "Body-worn camera" means a visual and audio recording	473
device worn on the person of a correctional employee, youth	474
services employee, or peace officer while the correctional	475
employee, youth services employee, or peace officer is engaged	476
in the performance of official duties.	477
(16) "Dashboard camera" means a visual and audio recording	478
device mounted on a peace officer's vehicle or vessel that is	479
used while the peace officer is engaged in the performance of	480

the peace officer's duties. 481

(17) "Restricted portions of a body-worn camera or 482
dashboard camera recording" means any visual or audio portion of 483
a body-worn camera or dashboard camera recording that shows, 484
communicates, or discloses any of the following: 485

(a) The image or identity of a child or information that 486
could lead to the identification of a child who is a primary 487
subject of the recording when the department of rehabilitation 488
and correction, department of youth services, or the law 489
enforcement agency knows or has reason to know the person is a 490
child based on the department's or law enforcement agency's 491
records or the content of the recording; 492

(b) The death of a person or a deceased person's body, 493
unless the death was caused by a correctional employee, youth 494
services employee, or peace officer or, subject to division (H) 495
(1) of this section, the consent of the decedent's executor or 496
administrator has been obtained; 497

(c) The death of a correctional employee, youth services 498
employee, peace officer, firefighter, paramedic, or other first 499
responder, occurring while the decedent was engaged in the 500
performance of official duties, unless, subject to division (H) 501
(1) of this section, the consent of the decedent's executor or 502
administrator has been obtained; 503

(d) Grievous bodily harm, unless the injury was effected 504
by a correctional employee, youth services employee, or peace 505
officer or, subject to division (H) (1) of this section, the 506
consent of the injured person or the injured person's guardian 507
has been obtained; 508

(e) An act of severe violence against a person that 509

results in serious physical harm to the person, unless the act 510
and injury was effected by a correctional employee, youth 511
services employee, or peace officer or, subject to division (H) 512
(1) of this section, the consent of the injured person or the 513
injured person's guardian has been obtained; 514

(f) Grievous bodily harm to a correctional employee, youth 515
services employee, peace officer, firefighter, paramedic, or 516
other first responder, occurring while the injured person was 517
engaged in the performance of official duties, unless, subject 518
to division (H) (1) of this section, the consent of the injured 519
person or the injured person's guardian has been obtained; 520

(g) An act of severe violence resulting in serious 521
physical harm against a correctional employee, youth services 522
employee, peace officer, firefighter, paramedic, or other first 523
responder, occurring while the injured person was engaged in the 524
performance of official duties, unless, subject to division (H) 525
(1) of this section, the consent of the injured person or the 526
injured person's guardian has been obtained; 527

(h) A person's nude body, unless, subject to division (H) 528
(1) of this section, the person's consent has been obtained; 529

(i) Protected health information, the identity of a person 530
in a health care facility who is not the subject of a 531
correctional, youth services, or law enforcement encounter, or 532
any other information in a health care facility that could 533
identify a person who is not the subject of a correctional, 534
youth services, or law enforcement encounter; 535

(j) Information that could identify the alleged victim of 536
a sex offense, menacing by stalking, or domestic violence; 537

(k) Information, that does not constitute a confidential 538

law enforcement investigatory record, that could identify a 539
person who provides sensitive or confidential information to the 540
department of rehabilitation and correction, the department of 541
youth services, or a law enforcement agency when the disclosure 542
of the person's identity or the information provided could 543
reasonably be expected to threaten or endanger the safety or 544
property of the person or another person; 545

(l) Personal information of a person who is not arrested, 546
cited, charged, or issued a written warning by a peace officer; 547

(m) Proprietary correctional, youth services, or police 548
contingency plans or tactics that are intended to prevent crime 549
and maintain public order and safety; 550

(n) A personal conversation unrelated to work between 551
correctional employees, youth services employees, or peace 552
officers or between a correctional employee, youth services 553
employee, or peace officer and an employee of a law enforcement 554
agency; 555

(o) A conversation between a correctional employee, youth 556
services employee, or peace officer and a member of the public 557
that does not concern correctional, youth services, or law 558
enforcement activities; 559

(p) The interior of a residence, unless the interior of a 560
residence is the location of an adversarial encounter with, or a 561
use of force by, a correctional employee, youth services 562
employee, or peace officer; 563

(q) Any portion of the interior of a private business that 564
is not open to the public, unless an adversarial encounter with, 565
or a use of force by, a correctional employee, youth services 566
employee, or peace officer occurs in that location. 567

As used in division (A) (17) of this section:	568
"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	569 570
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	571 572
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	573 574
"Law enforcement agency" means a government entity that employs peace officers to perform law enforcement duties.	575 576
"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.	577 578 579 580
"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.	581 582
"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.	583 584
(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.	585 586 587 588 589 590 591 592 593 594
(19) "Elected official" means a person who is elected or	595

appointed to an elective office of the state or a political 596
subdivision. 597

(20) "Public calendar" means a calendar or appointment 598
book maintained by an elected official to schedule the elected 599
official's activities in relation to the elected official's 600
position as an elected official. "Public calendar" does not 601
include a personal calendar or appointment book maintained 602
solely for an elected official's personal convenience that does 603
not serve to document the elected official's official activities 604
or functions or the official activities or functions of the 605
elected official's public office. 606

(B) (1) Upon request by any person and subject to division 607
(B) (8) of this section, all public records responsive to the 608
request shall be promptly prepared and made available for 609
inspection to the requester at all reasonable times during 610
regular business hours. Subject to division (B) (8) of this 611
section, upon request by any person, a public office or person 612
responsible for public records shall make copies of the 613
requested public record available to the requester at cost and 614
within a reasonable period of time. 615

When considering whether a state or local law enforcement 616
agency or a prosecuting attorney's office promptly prepared a 617
video record for inspection or produced a copy of a video record 618
within a reasonable period of time, in addition to any other 619
factors, a court shall consider the time required for a state or 620
local law enforcement agency or a prosecuting attorney's office 621
to retrieve, download, review, redact, seek legal advice 622
regarding, and produce the video record. Except as specified in 623
division (B) (11) of this section, notwithstanding any other 624
requirement set forth in Chapter 149. of the Revised Code, a 625

state or local law enforcement agency or a prosecuting attorney's office may charge a requester the actual cost associated with preparing a video record for inspection or production, not to exceed seventy-five dollars per hour of video produced, nor seven hundred fifty dollars total. As used in this division, "actual cost," with respect to video records only, means all costs incurred by the state or local law enforcement agency or a prosecuting attorney's office in reviewing, blurring or otherwise obscuring, redacting, uploading, or producing the video records, including but not limited to the storage medium on which the record is produced, staff time, and any other relevant overhead necessary to comply with the request. A state or local law enforcement agency or a prosecuting attorney's office may include in its public records policy the requirement that a requester pay the estimated actual cost before beginning the process of preparing a video record for inspection or production. Where a state or local law enforcement agency or a prosecuting attorney's office imposes such a requirement, its obligation to produce a video or make it available for inspection begins once the estimated actual cost is paid in full by the requester. A state or local law enforcement agency or a prosecuting attorney's office shall provide the requester with the estimated actual cost within five business days of receipt of the public records request. If the actual cost exceeds the estimated actual cost, a state or local law enforcement agency or a prosecuting attorney's office may charge a requester for the difference upon fulfilling a request for video records if the requester is notified in advance that the actual cost may be up to twenty per cent higher than the estimated actual cost. A state or local law enforcement agency or a prosecuting attorney's office shall not charge a requester a difference that exceeds twenty per cent of the estimated actual cost.

If a public record contains information that is exempt 658
from the duty to permit public inspection or to copy the public 659
record, the public office or the person responsible for the 660
public record shall make available all of the information within 661
the public record that is not exempt. When making that public 662
record available for public inspection or copying that public 663
record, the public office or the person responsible for the 664
public record shall notify the requester of any redaction or 665
make the redaction plainly visible. A redaction shall be deemed 666
a denial of a request to inspect or copy the redacted 667
information, except if federal or state law authorizes or 668
requires a public office to make the redaction. When the auditor 669
of state receives a request to inspect or to make a copy of a 670
record that was provided to the auditor of state for purposes of 671
an audit, but the original public office has asserted to the 672
auditor of state that the record is not a public record, the 673
auditor of state may handle the requests by directing the 674
requestor to the original public office that provided the record 675
to the auditor of state. 676

(2) To facilitate broader access to public records, a 677
public office or the person responsible for public records shall 678
organize and maintain public records in a manner that they can 679
be made available for inspection or copying in accordance with 680
division (B) of this section. A public office also shall have 681
available a copy of its current records retention schedule at a 682
location readily available to the public. If a requester makes 683
an ambiguous or overly broad request or has difficulty in making 684
a request for copies or inspection of public records under this 685
section such that the public office or the person responsible 686
for the requested public record cannot reasonably identify what 687
public records are being requested, the public office or the 688

person responsible for the requested public record may deny the 689
request but shall provide the requester with an opportunity to 690
revise the request by informing the requester of the manner in 691
which records are maintained by the public office and accessed 692
in the ordinary course of the public office's or person's 693
duties. 694

(3) If a request is ultimately denied, in part or in 695
whole, the public office or the person responsible for the 696
requested public record shall provide the requester with an 697
explanation, including legal authority, setting forth why the 698
request was denied. If the initial request was provided in 699
writing, the explanation also shall be provided to the requester 700
in writing. The explanation shall not preclude the public office 701
or the person responsible for the requested public record from 702
relying upon additional reasons or legal authority in defending 703
an action commenced under division (C) of this section. 704

(4) Unless specifically required or authorized by state or 705
federal law or in accordance with division (B) of this section, 706
no public office or person responsible for public records may 707
limit or condition the availability of public records by 708
requiring disclosure of the requester's identity or the intended 709
use of the requested public record. Any requirement that the 710
requester disclose the requester's identity or the intended use 711
of the requested public record constitutes a denial of the 712
request. 713

(5) A public office or person responsible for public 714
records may ask a requester to make the request in writing, may 715
ask for the requester's identity, and may inquire about the 716
intended use of the information requested, but may do so only 717
after disclosing to the requester that a written request is not 718

mandatory, that the requester may decline to reveal the 719
requester's identity or the intended use, and when a written 720
request or disclosure of the identity or intended use would 721
benefit the requester by enhancing the ability of the public 722
office or person responsible for public records to identify, 723
locate, or deliver the public records sought by the requester. 724

(6) If any person requests a copy of a public record in 725
accordance with division (B) of this section, the public office 726
or person responsible for the public record may require the 727
requester to pay in advance the cost involved in providing the 728
copy of the public record in accordance with the choice made by 729
the requester under this division. The public office or the 730
person responsible for the public record shall permit the 731
requester to choose to have the public record duplicated upon 732
paper, upon the same medium upon which the public office or 733
person responsible for the public record keeps it, or upon any 734
other medium upon which the public office or person responsible 735
for the public record determines that it reasonably can be 736
duplicated as an integral part of the normal operations of the 737
public office or person responsible for the public record. When 738
the requester makes a choice under this division, the public 739
office or person responsible for the public record shall provide 740
a copy of it in accordance with the choice made by the 741
requester. Nothing in this section requires a public office or 742
person responsible for the public record to allow the requester 743
of a copy of the public record to make the copies of the public 744
record. 745

(7) (a) Upon a request made in accordance with division (B) 746
of this section and subject to division (B) (6) of this section, 747
a public office or person responsible for public records shall 748
transmit a copy of a public record to any person by United 749

States mail or by any other means of delivery or transmission 750
within a reasonable period of time after receiving the request 751
for the copy. The public office or person responsible for the 752
public record may require the person making the request to pay 753
in advance the cost of postage if the copy is transmitted by 754
United States mail or the cost of delivery if the copy is 755
transmitted other than by United States mail, and to pay in 756
advance the costs incurred for other supplies used in the 757
mailing, delivery, or transmission. 758

(b) Any public office may adopt a policy and procedures 759
that it will follow in transmitting, within a reasonable period 760
of time after receiving a request, copies of public records by 761
United States mail or by any other means of delivery or 762
transmission pursuant to division (B) (7) of this section. A 763
public office that adopts a policy and procedures under division 764
(B) (7) of this section shall comply with them in performing its 765
duties under that division. 766

(c) In any policy and procedures adopted under division 767
(B) (7) of this section: 768

(i) A public office may limit the number of records 769
requested by a person that the office will physically deliver by 770
United States mail or by another delivery service to ten per 771
month, unless the person certifies to the office in writing that 772
the person does not intend to use or forward the requested 773
records, or the information contained in them, for commercial 774
purposes; 775

(ii) A public office that chooses to provide some or all 776
of its public records on a web site that is fully accessible to 777
and searchable by members of the public at all times, other than 778
during acts of God outside the public office's control or 779

maintenance, and that charges no fee to search, access, 780
download, or otherwise receive records provided on the web site, 781
may limit to ten per month the number of records requested by a 782
person that the office will deliver in a digital format, unless 783
the requested records are not provided on the web site and 784
unless the person certifies to the office in writing that the 785
person does not intend to use or forward the requested records, 786
or the information contained in them, for commercial purposes. 787

(iii) For purposes of division (B) (7) of this section, 788
"commercial" shall be narrowly construed and does not include 789
reporting or gathering news, reporting or gathering information 790
to assist citizen oversight or understanding of the operation or 791
activities of government, or nonprofit educational research. 792

(8) A public office or person responsible for public 793
records is not required to permit a person who is incarcerated 794
pursuant to a criminal conviction or a juvenile adjudication to 795
inspect or to obtain a copy of any public record concerning a 796
criminal investigation or prosecution or concerning what would 797
be a criminal investigation or prosecution if the subject of the 798
investigation or prosecution were an adult, unless the request 799
to inspect or to obtain a copy of the record is for the purpose 800
of acquiring information that is subject to release as a public 801
record under this section and the judge who imposed the sentence 802
or made the adjudication with respect to the person, or the 803
judge's successor in office, finds that the information sought 804
in the public record is necessary to support what appears to be 805
a justiciable claim of the person. As used in this division, 806
"public record concerning a criminal investigation or 807
prosecution or concerning what would be a criminal investigation 808
or prosecution if the subject of the investigation were an 809
adult" includes, but is not limited to, personnel files and 810

payroll and attendance records of designated public service workers. 811
812

(9) (a) Upon written request made and signed by a 813
journalist, a public office, or person responsible for public 814
records, having custody of the records of the agency employing a 815
specified designated public service worker shall disclose to the 816
journalist the address of the actual personal residence of the 817
designated public service worker and, if the designated public 818
service worker's spouse, former spouse, or child is employed by 819
a public office, the name and address of the employer of the 820
designated public service worker's spouse, former spouse, or 821
child, and any past, current, and future work schedules of the 822
designated public service worker. The request shall include the 823
journalist's name and title and the name and address of the 824
journalist's employer and shall state that disclosure of the 825
information sought would be in the public interest. 826

(b) Division (B) (9) (a) of this section also applies to 827
journalist requests for: 828

(i) Customer information maintained by a municipally owned 829
or operated public utility, other than social security numbers 830
and any private financial information such as credit reports, 831
payment methods, credit card numbers, and bank account 832
information; 833

(ii) Information about minors involved in a school vehicle 834
accident as provided in division (A) (1) (gg) of this section, 835
other than personal information as defined in section 149.45 of 836
the Revised Code; 837

(iii) A request form submitted to a public office under 838
section 149.45 of the Revised Code; 839

(iv) An affidavit submitted under section 319.28 of the Revised Code. 840
841

(c) As used in division (B)(9) of this section, 842
"journalist" means a person engaged in, connected with, or 843
employed by any news medium, including a newspaper, magazine, 844
press association, news agency, or wire service, a radio or 845
television station, or a similar medium, for the purpose of 846
gathering, processing, transmitting, compiling, editing, or 847
disseminating information for the general public. 848

(10) Upon a request made by a victim, victim's attorney, 849
or victim's representative, as that term is used in section 850
2930.02 of the Revised Code, a public office or person 851
responsible for public records shall transmit a copy of a 852
depiction of the victim as described in division (A)(1)(ii) of 853
this section to the victim, victim's attorney, or victim's 854
representative. 855

(11) A state or local law enforcement agency or a 856
prosecuting attorney's office shall not charge a fee for 857
preparing a video record for inspection, or producing a copy of 858
a video record, when the requester of the video record is a 859
victim, as defined in Ohio Constitution, Article I, Section 10a, 860
or who is a victim who suffered loss and could seek remedy 861
through a tort action as defined by section 2307.011 of the 862
Revised Code, who reasonably asserts that the video recording 863
relates to the act or omission that caused the victim's harm or 864
loss, or who is the legal counsel or insurer of the victim. A 865
fee under this section may only be waived upon the receipt of an 866
affidavit by the victim or the victim's legal counsel 867
identifying that the use of the video is to investigate harm or 868
damages that may have been captured on the video. 869

As used in this division, "legal counsel of the victim" 870
means an attorney who, at the time of making the request, 871
produces to the state or local law enforcement agency or a 872
prosecuting attorney's office a signed retention agreement or 873
letter of representation that establishes that the attorney is 874
representing the victim. 875

(C) (1) If a person allegedly is aggrieved by the failure 876
of a public office or the person responsible for public records 877
to promptly prepare a public record and to make it available to 878
the person for inspection in accordance with division (B) of 879
this section or by any other failure of a public office or the 880
person responsible for public records to comply with an 881
obligation in accordance with division (B) of this section, the 882
person allegedly aggrieved may serve pursuant to Rule 4 of the 883
Ohio Rules of Civil Procedure a complaint, on a form prescribed 884
by the clerk of the court of claims, to the public office or 885
person responsible for public records allegedly responsible for 886
the alleged failure. Upon receipt of the complaint of the person 887
allegedly aggrieved, the public office or person responsible for 888
public records has three business days to cure or otherwise 889
address the failure alleged in the complaint. The person 890
allegedly aggrieved shall not file a complaint with a court or 891
commence a mandamus action under this section within the three- 892
day period. Upon the expiration of the three-day period, the 893
person allegedly aggrieved may, subject to the requirements of 894
division (C) (2) of this section, do only one of the following, 895
and not both: 896

(a) File a complaint with the clerk of the court of claims 897
or the clerk of the court of common pleas under section 2743.75 898
of the Revised Code; 899

(b) Commence a mandamus action to obtain a judgment that 900
orders the public office or the person responsible for the 901
public record to comply with division (B) of this section, that 902
awards court costs and reasonable attorney's fees to the person 903
that instituted the mandamus action, and, if applicable, that 904
includes an order fixing statutory damages under division (C) (3) 905
of this section. The mandamus action may be commenced in the 906
court of common pleas of the county in which division (B) of 907
this section allegedly was not complied with, in the supreme 908
court pursuant to its original jurisdiction under Section 2 of 909
Article IV, Ohio Constitution, or in the court of appeals for 910
the appellate district in which division (B) of this section 911
allegedly was not complied with pursuant to its original 912
jurisdiction under Section 3 of Article IV, Ohio Constitution. 913

(2) Upon filing a complaint or mandamus action with a 914
court under divisions (C) (1) (a) or (b) of this section, a person 915
allegedly aggrieved shall file with the court, in conjunction 916
with the person's complaint or petition, a written affirmation 917
stating that the person properly transmitted a complaint to the 918
public office or person responsible for public records, the 919
failure alleged in the complaint has not been cured or otherwise 920
resolved to the person's satisfaction, and that the complaint 921
was transmitted to the public office or person responsible for 922
public records at least three business days before the filing of 923
the suit. If the person fails to file an affirmation pursuant to 924
this division, the suit shall be dismissed. 925

(3) If a requester transmits a written request by hand 926
delivery, electronic submission, or certified mail to inspect or 927
receive copies of any public record in a manner that fairly 928
describes the public record or class of public records to the 929
public office or person responsible for the requested public 930

records, except as otherwise provided in this section, the 931
requester shall be entitled to recover the amount of statutory 932
damages set forth in this division if a court determines that 933
the public office or the person responsible for public records 934
failed to comply with an obligation in accordance with division 935
(B) of this section. Statutory damages are not available 936
pursuant to this section to a person committed to the custody of 937
the department of rehabilitation and correction or the United 938
States bureau of prisons, or a child committed to the department 939
of youth services as permitted in Chapter 2152. of the Revised 940
Code. 941

The amount of statutory damages shall be fixed at one 942
hundred dollars for each business day during which the public 943
office or person responsible for the requested public records 944
failed to comply with an obligation in accordance with division 945
(B) of this section, beginning with the day on which the 946
requester files a mandamus action to recover statutory damages, 947
up to a maximum of one thousand dollars. The award of statutory 948
damages shall not be construed as a penalty, but as compensation 949
for injury arising from lost use of the requested information. 950
The existence of this injury shall be conclusively presumed. The 951
award of statutory damages shall be in addition to all other 952
remedies authorized by this section. 953

The court may reduce an award of statutory damages or not 954
award statutory damages if the court determines both of the 955
following: 956

(a) That, based on the ordinary application of statutory 957
law and case law as it existed at the time of the conduct or 958
threatened conduct of the public office or person responsible 959
for the requested public records that allegedly constitutes a 960

failure to comply with an obligation in accordance with division 961
(B) of this section and that was the basis of the mandamus 962
action, a well-informed public office or person responsible for 963
the requested public records reasonably would believe that the 964
conduct or threatened conduct of the public office or person 965
responsible for the requested public records did not constitute 966
a failure to comply with an obligation in accordance with 967
division (B) of this section; 968

(b) That a well-informed public office or person 969
responsible for the requested public records reasonably would 970
believe that the conduct or threatened conduct of the public 971
office or person responsible for the requested public records 972
would serve the public policy that underlies the authority that 973
is asserted as permitting that conduct or threatened conduct. 974

(4) In a mandamus action filed under division (C)(1) of 975
this section, the following apply: 976

(a) (i) If the court orders the public office or the person 977
responsible for the public record to comply with division (B) of 978
this section, the court shall determine and award to the relator 979
all court costs, which shall be construed as remedial and not 980
punitive. 981

(ii) If the court makes a determination described in 982
division (C)(4)(b)(iii) of this section, the court shall 983
determine and award to the relator all court costs, which shall 984
be construed as remedial and not punitive. 985

(b) If the court renders a judgment that orders the public 986
office or the person responsible for the public record to comply 987
with division (B) of this section or if the court determines any 988
of the following, the court may award reasonable attorney's fees 989

to the relator, subject to division (C) (5) of this section:	990
(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.	991 992 993 994
(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.	995 996 997 998 999
(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division (B) of this section. No discovery may be conducted on the issue of the alleged bad faith of the public office or person responsible for the public records. This division shall not be construed as creating a presumption that the public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order described in this division.	1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014
(c) The court shall not award attorney's fees to the relator if the court determines both of the following:	1015 1016
(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or	1017 1018

threatened conduct of the public office or person responsible 1019
for the requested public records that allegedly constitutes a 1020
failure to comply with an obligation in accordance with division 1021
(B) of this section and that was the basis of the mandamus 1022
action, a well-informed public office or person responsible for 1023
the requested public records reasonably would believe that the 1024
conduct or threatened conduct of the public office or person 1025
responsible for the requested public records did not constitute 1026
a failure to comply with an obligation in accordance with 1027
division (B) of this section; 1028

(ii) That a well-informed public office or person 1029
responsible for the requested public records reasonably would 1030
believe that the conduct or threatened conduct of the public 1031
office or person responsible for the requested public records 1032
would serve the public policy that underlies the authority that 1033
is asserted as permitting that conduct or threatened conduct. 1034

(5) All of the following apply to any award of reasonable 1035
attorney's fees awarded under division (C) (4) (b) of this 1036
section: 1037

(a) The fees shall be construed as remedial and not 1038
punitive. 1039

(b) The fees awarded shall not exceed the total of the 1040
reasonable attorney's fees incurred before the public record was 1041
made available to the relator and the fees described in division 1042
(C) (5) (c) of this section. 1043

(c) Reasonable attorney's fees shall include reasonable 1044
fees incurred to produce proof of the reasonableness and amount 1045
of the fees and to otherwise litigate entitlement to the fees. 1046

(d) The court may reduce the amount of fees awarded if the 1047

court determines that, given the factual circumstances involved 1048
with the specific public records request, an alternative means 1049
should have been pursued to more effectively and efficiently 1050
resolve the dispute that was subject to the mandamus action 1051
filed under division (C)(1) of this section. 1052

(6) If the court does not issue a writ of mandamus under 1053
division (C) of this section and the court determines at that 1054
time that the bringing of the mandamus action was frivolous 1055
conduct as defined in division (A) of section 2323.51 of the 1056
Revised Code, the court may award to the public office all court 1057
costs, expenses, and reasonable attorney's fees, as determined 1058
by the court. 1059

(D) Chapter 1347. of the Revised Code does not limit the 1060
provisions of this section. 1061

(E)(1) To ensure that all employees of public offices are 1062
appropriately educated about a public office's obligations under 1063
division (B) of this section, all elected officials or their 1064
appropriate designees shall attend training approved by the 1065
attorney general as provided in section 109.43 of the Revised 1066
Code. A future official may satisfy the requirements of this 1067
division by attending the training before taking office, 1068
provided that the future official may not send a designee in the 1069
future official's place. 1070

(2) All public offices shall adopt a public records policy 1071
in compliance with this section for responding to public records 1072
requests. In adopting a public records policy under this 1073
division, a public office may obtain guidance from the model 1074
public records policy developed and provided to the public 1075
office by the attorney general under section 109.43 of the 1076
Revised Code. Except as otherwise provided in this section, the 1077

policy may not limit the number of public records that the 1078
public office will make available to a single person, may not 1079
limit the number of public records that it will make available 1080
during a fixed period of time, and may not establish a fixed 1081
period of time before it will respond to a request for 1082
inspection or copying of public records, unless that period is 1083
less than eight hours. 1084

The public office shall distribute the public records 1085
policy adopted by the public office under this division to the 1086
employee of the public office who is the records custodian or 1087
records manager or otherwise has custody of the records of that 1088
office. The public office shall require that employee to 1089
acknowledge receipt of the copy of the public records policy. 1090
The public office shall create a poster that describes its 1091
public records policy and shall post the poster in a conspicuous 1092
place in the public office and in all locations where the public 1093
office has branch offices. The public office may post its public 1094
records policy on the internet web site of the public office if 1095
the public office maintains an internet web site. A public 1096
office that has established a manual or handbook of its general 1097
policies and procedures for all employees of the public office 1098
shall include the public records policy of the public office in 1099
the manual or handbook. 1100

(F) (1) The bureau of motor vehicles may adopt rules 1101
pursuant to Chapter 119. of the Revised Code to reasonably limit 1102
the number of bulk commercial special extraction requests made 1103
by a person for the same records or for updated records during a 1104
calendar year. The rules may include provisions for charges to 1105
be made for bulk commercial special extraction requests for the 1106
actual cost of the bureau, plus special extraction costs, plus 1107
ten per cent. The bureau may charge for expenses for redacting 1108

information, the release of which is prohibited by law. 1109

(2) As used in division (F)(1) of this section: 1110

(a) "Actual cost" means the cost of depleted supplies, 1111
records storage media costs, actual mailing and alternative 1112
delivery costs, or other transmitting costs, and any direct 1113
equipment operating and maintenance costs, including actual 1114
costs paid to private contractors for copying services. 1115

(b) "Bulk commercial special extraction request" means a 1116
request for copies of a record for information in a format other 1117
than the format already available, or information that cannot be 1118
extracted without examination of all items in a records series, 1119
class of records, or database by a person who intends to use or 1120
forward the copies for surveys, marketing, solicitation, or 1121
resale for commercial purposes. "Bulk commercial special 1122
extraction request" does not include a request by a person who 1123
gives assurance to the bureau that the person making the request 1124
does not intend to use or forward the requested copies for 1125
surveys, marketing, solicitation, or resale for commercial 1126
purposes. 1127

(c) "Commercial" means profit-seeking production, buying, 1128
or selling of any good, service, or other product. 1129

(d) "Special extraction costs" means the cost of the time 1130
spent by the lowest paid employee competent to perform the task, 1131
the actual amount paid to outside private contractors employed 1132
by the bureau, or the actual cost incurred to create computer 1133
programs to make the special extraction. "Special extraction 1134
costs" include any charges paid to a public agency for computer 1135
or records services. 1136

(3) For purposes of divisions (F)(1) and (2) of this 1137

section, "surveys, marketing, solicitation, or resale for 1138
commercial purposes" shall be narrowly construed and does not 1139
include reporting or gathering news, reporting or gathering 1140
information to assist citizen oversight or understanding of the 1141
operation or activities of government, or nonprofit educational 1142
research. 1143

(G) A request by a defendant, counsel of a defendant, or 1144
any agent of a defendant in a criminal action that public 1145
records related to that action be made available under this 1146
section shall be considered a demand for discovery pursuant to 1147
the Criminal Rules, except to the extent that the Criminal Rules 1148
plainly indicate a contrary intent. The defendant, counsel of 1149
the defendant, or agent of the defendant making a request under 1150
this division shall serve a copy of the request on the 1151
prosecuting attorney, director of law, or other chief legal 1152
officer responsible for prosecuting the action. 1153

(H) (1) Any portion of a body-worn camera or dashboard 1154
camera recording described in divisions (A) (17) (b) to (h) of 1155
this section may be released by consent of the subject of the 1156
recording or a representative of that person, as specified in 1157
those divisions, only if either of the following applies: 1158

(a) The recording will not be used in connection with any 1159
probable or pending criminal proceedings; 1160

(b) The recording has been used in connection with a 1161
criminal proceeding that was dismissed or for which a judgment 1162
has been entered pursuant to Rule 32 of the Rules of Criminal 1163
Procedure, and will not be used again in connection with any 1164
probable or pending criminal proceedings. 1165

(2) If a public office denies a request to release a 1166

restricted portion of a body-worn camera or dashboard camera 1167
recording, as defined in division (A) (17) of this section, any 1168
person may file a mandamus action pursuant to this section or a 1169
complaint with the clerk of the court of claims pursuant to 1170
section 2743.75 of the Revised Code, requesting the court to 1171
order the release of all or portions of the recording. If the 1172
court considering the request determines that the filing 1173
articulates by clear and convincing evidence that the public 1174
interest in the recording substantially outweighs privacy 1175
interests and other interests asserted to deny release, the 1176
court shall order the public office to release the recording. 1177

Sec. 5103.164. (A) As used in this section: 1178

(1) "Firearm" has the same meaning as in section 2923.11 1179
of the Revised Code. 1180

(2) "Trigger locking device" means a device that, when 1181
attached to a firearm, prevents the firearm from being 1182
discharged. 1183

(B) The department of children and youth and any public 1184
children services agency shall not adopt or enforce any rule, 1185
policy, or practice that prohibits a foster caregiver from 1186
possessing a firearm in the foster home, provided that the 1187
foster caregiver is not otherwise prohibited by law from 1188
possessing a firearm. 1189

(C) A foster caregiver who possesses a firearm in the 1190
foster home shall store the firearm in a locked container, 1191
locked safe, or locked cabinet or secured with a trigger locking 1192
device. Ammunition may be stored with the firearm in the same 1193
locked container, locked safe, or locked cabinet if the firearm 1194
is equipped with a trigger locking device. 1195

(D) (1) An employee or agent of the department of children and youth or a public children services agency shall not require a foster caregiver or prospective foster caregiver to disclose the specific make, model, or serial number of any firearm in the foster home. 1196
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(2) Information about the presence of firearms in a foster home obtained by the department of children and youth or a public children services agency shall only be used to verify compliance with this section and not be disclosed except as necessary to ensure compliance or as otherwise required by law. 1201
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(3) Any information obtained by the department of children and youth or a public children services agency regarding the presence of firearms in a foster home is not a public record for the purposes of section 149.43 of the Revised Code. 1206
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(E) The department of children and youth or a public children services agency may be held liable for damages to the foster caregiver for any violation of division (B) or (D) of this section in a civil penalty of up to five thousand dollars per violation, plus reasonable attorney's fees and costs. 1210
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(F) Nothing in this section shall be construed as creating a duty for any foster caregiver to possess a firearm nor to supersede any other provision of law that prohibits a person from possessing a firearm. 1215
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Section 2. That existing section 149.43 of the Revised Code is hereby repealed. 1219
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