

Sub. H. B. No. 96  
As Passed by the Senate  
DRCCD10

\_\_\_\_\_ moved to amend as follows:

In line 16048, strike through "released by the department of" 1

Strike through lines 16049 and 16050 and insert "under" 2

In line 16051, after "Code" insert ", except for permitted  
disclosure of the information listed in division (E) (1) of that section" 3 4

After line 115595, insert: 5

"**Sec. 5120.21.** (A) The department of rehabilitation and 6  
correction shall keep in its office, accessible only to its 7  
employees, except by the consent of the department or the order 8  
of the judge of a court of record, and except as provided in 9  
division (C) of this section, a record showing the name, 10  
residence, sex, age, nativity, occupation, condition, and date 11  
of entrance or commitment of every inmate in the several 12  
institutions governed by it. The record also shall include the 13  
date, cause, and terms of discharge and the condition of such 14  
person at the time of leaving, a record of all transfers from 15  
one institution to another, and, if such inmate is dead, the 16  
date and cause of death. These and other facts that the 17  
department requires shall be furnished by the managing officer 18

of each institution within ten days after the commitment, 19  
entrance, death, or discharge of an inmate. 20

(B) In case of an accident or injury or peculiar death of 21  
an inmate, the managing officer shall make a special report to 22  
the department within twenty-four hours thereafter, giving the 23  
circumstances as fully as possible. 24

(C) (1) As used in this division, "medical record" means 25  
any document or combination of documents that pertains to the 26  
medical history, diagnosis, prognosis, or medical condition of a 27  
patient and that is generated and maintained in the process of 28  
medical treatment. 29

(2) A separate medical record of every inmate in an 30  
institution governed by the department shall be compiled, 31  
maintained, and kept apart from and independently of any other 32  
record pertaining to the inmate. Upon the signed written request 33  
of the inmate to whom the record pertains together with the 34  
written request of a person the inmate designates who is either 35  
a licensed attorney at law or a licensed physician, certified 36  
nurse-midwife, clinical nurse specialist, or certified nurse 37  
practitioner, the department shall make the inmate's medical 38  
record available to the designated attorney, physician, or 39  
nurse. The record may be inspected or copied by the inmate's 40  
designated attorney, physician, or nurse. The department may 41  
establish a reasonable fee for the copying of any medical 42  
record. If a physician, certified nurse-midwife, clinical nurse 43  
specialist, or certified nurse practitioner concludes that 44  
presentation of all or any part of the medical record directly 45  
to the inmate will result in serious medical harm to the inmate, 46  
the physician or nurse shall so indicate on the medical record. 47  
An inmate's medical record shall be made available to a 48

physician, certified nurse-midwife, clinical nurse specialist, 49  
certified nurse practitioner, or attorney designated in writing 50  
by the inmate not more than once every twelve months. 51

(D) ~~Except as otherwise provided by a~~ Notwithstanding any 52  
other law of this state or the United States to the contrary, 53  
the department and the officers of its institutions shall keep 54  
confidential and accessible only to its employees, except by the 55  
consent of the department or the order of a judge of a court of 56  
record, all of the following: 57

(1) Architectural, engineering, or construction diagrams, 58  
drawings, or plans of a correctional institution; 59

(2) Plans for hostage negotiation, for disturbance 60  
control, for the control and location of keys, and for dealing 61  
with escapes; 62

(3) Statements made by inmate informants; 63

(4) Records that are maintained by the department of youth 64  
services, that pertain to children in its custody, and that are 65  
released to the department of rehabilitation and correction by 66  
the department of youth services pursuant to section 5139.05 of 67  
the Revised Code; 68

(5) Victim impact statements and information provided by 69  
victims of crimes that the department considers when determining 70  
the security level assignment, program participation, and 71  
release eligibility of inmates; 72

(6) Information and data of any kind or medium pertaining 73  
to groups that pose a security threat; 74

(7) Conversations recorded from the monitored inmate 75  
telephones that involve nonprivileged communications. 76

~~(E)~~ (E) (1) Records regarding inmates committed to the 77  
department of rehabilitation and correction or records of 78  
persons under the supervision of the adult parole authority are 79  
not public records under section 149.43 of the Revised Code. 80  
Nothing in this division prohibits the disclosure of the 81  
following information related to inmates committed to the 82  
department of rehabilitation and correction: 83

(a) Name; 84

(b) Criminal convictions; 85

(c) Photograph; 86

(d) Supervision status, including current and past place 87  
of incarceration; 88

(e) Disciplinary history. 89

(2) Except as otherwise provided by a law of this state or 90  
the United States, the department of rehabilitation and 91  
correction may release inmate records to the department of youth 92  
services or a court of record, and the department of youth 93  
services or the court of record may use those records for the 94  
limited purpose of carrying out the duties of the department of 95  
youth services or the court of record. Inmate records released 96  
by the department of rehabilitation and correction to the 97  
department of youth services or a court of record shall remain 98  
confidential and shall not be considered public records as 99  
defined in section 149.43 of the Revised Code. 100

~~(F) Except as otherwise provided in division (C) of this~~ 101  
~~section, records of inmates committed to the department of~~ 102  
~~rehabilitation and correction as well as records of persons~~ 103  
~~under the supervision of the adult parole authority shall not be~~ 104

~~considered public records as defined in section 149.43 of the~~ 105  
~~Revised Code."~~ 106

Update the title, amend, enact, or repeal clauses accordingly 107

The motion was \_\_\_\_\_ agreed to.

**SYNOPSIS**

108

**Records related to incarcerated people and supervisees**

109

**R.C. 149.43 and 5120.21**

110

Restates that records pertaining to inmates committed to 111  
DRC and persons under Adult Parole Authority supervision are not 112  
public records, except for the following: 113

(1) Name; 114

(2) Criminal convictions; 115

(3) Photograph; 116

(4) Supervision status, including current and past place 117  
of incarceration; 118

(5) Disciplinary history. 119