

As Introduced

136th General Assembly

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H. B. No. 975

Representatives Plummer, Abrams

To amend section 149.43 and to enact section 1
2901.51 of the Revised Code to allow a law 2
enforcement officer to petition the court to 3
remove the officer's name from a prosecutor's 4
Brady-Giglio list. 5

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

Section 1. That section 149.43 be amended and section 6
2901.51 of the Revised Code be enacted to read as follows: 7

Sec. 149.43. (A) As used in this section: 8

(1) "Public record" means records kept by any public 9
office, including, but not limited to, state, county, city, 10
village, township, and school district units, and records 11
pertaining to the delivery of educational services by an 12
alternative school in this state kept by the nonprofit or for- 13
profit entity operating the alternative school pursuant to 14
section 3313.533 of the Revised Code. "Public record" does not 15
mean any of the following: 16

(a) Medical records; 17

(b) Records pertaining to probation and parole 18
proceedings, to proceedings related to the imposition of 19
community control sanctions and post-release control sanctions, 20

or to proceedings related to determinations under section 21
2967.271 of the Revised Code regarding the release or maintained 22
incarceration of an offender to whom that section applies; 23

(c) Records pertaining to actions under section 2151.85 24
and division (C) of section 2919.121 of the Revised Code and to 25
appeals of actions arising under those sections; 26

(d) Records pertaining to adoption proceedings, including 27
the contents of an adoption file maintained by the department of 28
health under sections 3705.12 to 3705.124 of the Revised Code; 29

(e) Information in a record contained in the putative 30
father registry established by section 3107.062 of the Revised 31
Code, regardless of whether the information is held by the 32
department of children and youth or, pursuant to section 3111.69 33
of the Revised Code, the office of child support in the 34
department of job and family services or a child support 35
enforcement agency; 36

(f) Records specified in division (A) of section 3107.52 37
of the Revised Code; 38

(g) Trial preparation records, prior to the conclusion of 39
all direct appeals or, if no appeal is filed, prior to the 40
expiration of the time during which an appeal may be filed, or, 41
if no trial has occurred, until the civil or criminal action or 42
proceeding has ended without the possibility of direct appeal or 43
each agency, office, or official responsible for the matter has 44
made a decision not to proceed with the matter; 45

(h) Confidential law enforcement investigatory records; 46

(i) Records containing information that is confidential 47
under section 2710.03 or 4112.05 of the Revised Code; 48

(j) DNA records stored in the DNA database pursuant to 49
section 109.573 of the Revised Code; 50

(k) Inmate records under section 5120.21 of the Revised 51
Code, except for permitted disclosure of the information listed 52
in division (E)(1) of that section; 53

(l) Records maintained by the department of youth services 54
pertaining to children in its custody released by the department 55
of youth services to the department of rehabilitation and 56
correction pursuant to section 5139.05 of the Revised Code; 57

(m) Intellectual property records; 58

(n) Donor profile records; 59

(o) Records maintained by the department of job and family 60
services pursuant to section 3121.894 of the Revised Code; 61

(p) Designated public service worker residential and 62
familial information; 63

(q) In the case of a county hospital operated pursuant to 64
Chapter 339. of the Revised Code or a municipal hospital 65
operated pursuant to Chapter 749. of the Revised Code, 66
information that constitutes a trade secret, as defined in 67
section 1333.61 of the Revised Code; 68

(r) Information pertaining to the recreational activities 69
of a person under the age of eighteen; 70

(s) In the case of a child fatality review board acting 71
under sections 307.621 to 307.629 of the Revised Code or a 72
review conducted pursuant to guidelines established by the 73
director of health under section 3701.70 of the Revised Code, 74
records provided to the board or director, statements made by 75
board members during meetings of the board or by persons 76

participating in the director's review, and all work products of 77
the board or director, and in the case of a child fatality 78
review board, child fatality review data submitted by the board 79
to the department of health or a national child death review 80
database, other than the report prepared pursuant to division 81
(A) of section 307.626 of the Revised Code; 82

(t) Records provided to and statements made by the 83
executive director of a public children services agency or a 84
prosecuting attorney acting pursuant to section 5153.171 of the 85
Revised Code other than the information released under that 86
section; 87

(u) Test materials, examinations, or evaluation tools used 88
in an examination for licensure as a nursing home administrator 89
that the board of executives of long-term services and supports 90
administers under section 4751.15 of the Revised Code or 91
contracts under that section with a private or government entity 92
to administer; 93

(v) Records the release of which is prohibited by state or 94
federal law; 95

(w) Proprietary information of or relating to any person 96
that is submitted to or compiled by the Ohio venture capital 97
authority created under section 150.01 of the Revised Code; 98

(x) Financial statements and data any person submits for 99
any purpose to the Ohio housing finance agency or the 100
controlling board in connection with applying for, receiving, or 101
accounting for financial assistance from the agency, and 102
information that identifies any individual who benefits directly 103
or indirectly from financial assistance from the agency; 104

(y) Records listed in section 5101.29 of the Revised Code; 105

(z) Discharges recorded with a county recorder under 106
section 317.24 of the Revised Code, as specified in division (B) 107
(2) of that section; 108

(aa) Usage information including names and addresses of 109
specific residential and commercial customers of a municipally 110
owned or operated public utility; 111

(bb) Records described in division (C) of section 187.04 112
of the Revised Code that are not designated to be made available 113
to the public as provided in that division; 114

(cc) Information and records that are made confidential, 115
privileged, and not subject to disclosure under divisions (B) 116
and (C) of section 2949.221 of the Revised Code; 117

(dd) Personal information, as defined in section 149.45 of 118
the Revised Code; 119

(ee) The confidential name, address, and other personally 120
identifiable information of a program participant in the address 121
confidentiality program established under sections 111.41 to 122
111.47 of the Revised Code, including the contents of any 123
application for absent voter's ballots, absent voter's ballot 124
identification envelope statement of voter, or provisional 125
ballot affirmation completed by a program participant who has a 126
confidential voter registration record; records or portions of 127
records pertaining to that program that identify the number of 128
program participants that reside within a precinct, ward, 129
township, municipal corporation, county, or any other geographic 130
area smaller than the state; and any real property 131
confidentiality notice filed under section 111.431 of the 132
Revised Code and the information described in division (C) of 133
that section. As used in this division, "confidential address" 134

and "program participant" have the meaning defined in section 135
111.41 of the Revised Code. 136

(ff) Orders for active military service of an individual 137
serving or with previous service in the armed forces of the 138
United States, including a reserve component, or the Ohio 139
organized militia, except that, such order becomes a public 140
record on the day that is fifteen years after the published date 141
or effective date of the call to order; 142

(gg) The name, address, contact information, or other 143
personal information of an individual who is less than eighteen 144
years of age that is included in any record related to a traffic 145
accident involving a school vehicle in which the individual was 146
an occupant at the time of the accident; 147

(hh) Protected health information, as defined in 45 C.F.R. 148
160.103, that is in a claim for payment for a health care 149
product, service, or procedure, as well as any other health 150
claims data in another document that reveals the identity of an 151
individual who is the subject of the data or could be used to 152
reveal that individual's identity; 153

(ii) Any depiction by photograph, film, videotape, or 154
printed or digital image under either of the following 155
circumstances: 156

(i) The depiction is that of a victim of an offense the 157
release of which would be, to a reasonable person of ordinary 158
sensibilities, an offensive and objectionable intrusion into the 159
victim's expectation of bodily privacy and integrity. 160

(ii) The depiction captures or depicts the victim of a 161
sexually oriented offense, as defined in section 2950.01 of the 162
Revised Code, at the actual occurrence of that offense. 163

(jj) Restricted portions of a body-worn camera or 164
dashboard camera recording; 165

(kk) In the case of a fetal-infant mortality review board 166
acting under sections 3707.70 to 3707.77 of the Revised Code, 167
records, documents, reports, or other information presented to 168
the board or a person abstracting such materials on the board's 169
behalf, statements made by review board members during board 170
meetings, all work products of the board, and data submitted by 171
the board to the department of health or a national infant death 172
review database, other than the report prepared pursuant to 173
section 3707.77 of the Revised Code. 174

(ll) Records, documents, reports, or other information 175
presented to the pregnancy-associated mortality review board 176
established under section 5180.27 of the Revised Code, 177
statements made by board members during board meetings, all work 178
products of the board, and data submitted by the board to the 179
department of health, other than the biennial reports prepared 180
under section 5180.277 of the Revised Code; 181

(mm) Except as otherwise provided in division (A) (1) (oo) 182
of this section, telephone numbers for a victim, as defined in 183
section 2930.01 of the Revised Code or a witness to a crime that 184
are listed on any law enforcement record or report. 185

(nn) A preneed funeral contract, as defined in section 186
4717.01 of the Revised Code, and contract terms and personally 187
identifying information of a preneed funeral contract, that is 188
contained in a report submitted by or for a funeral home to the 189
board of embalmers and funeral directors under division (C) of 190
section 4717.13, division (J) of section 4717.31, or section 191
4717.41 of the Revised Code. 192

(oo) Telephone numbers for a party to a motor vehicle 193
accident subject to the requirements of section 5502.11 of the 194
Revised Code that are listed on any law enforcement record or 195
report, except that the telephone numbers described in this 196
division are not excluded from the definition of "public record" 197
under this division on and after the thirtieth day after the 198
occurrence of the motor vehicle accident. 199

(pp) Records pertaining to individuals who complete 200
training under section 5502.703 of the Revised Code to be 201
permitted by a school district board of education or governing 202
body of a community school established under Chapter 3314. of 203
the Revised Code, a STEM school established under Chapter 3326. 204
of the Revised Code, or a chartered nonpublic school to convey 205
deadly weapons or dangerous ordnance into a school safety zone; 206

(qq) Records, documents, reports, or other information 207
presented to a domestic violence fatality review board 208
established under section 307.651 of the Revised Code, 209
statements made by board members during board meetings, all work 210
products of the board, and data submitted by the board to the 211
department of health, other than a report prepared pursuant to 212
section 307.656 of the Revised Code; 213

(rr) Records, documents, and information the release of 214
which is prohibited under sections 2930.04 and 2930.07 of the 215
Revised Code; 216

(ss) Records of an existing qualified nonprofit 217
corporation that creates a special improvement district under 218
Chapter 1710. of the Revised Code that do not pertain to a 219
purpose for which the district is created; 220

(tt) Educational support services data, as defined in 221

section 3319.325 of the Revised Code; 222

(uu) Records of the past, current, and future work 223
schedule of a designated public service worker. As used in 224
division (A)(1)(uu) of this section, "work schedule" does not 225
include the docket of cases of a court, judge, or magistrate; 226

(vv) A request form or confirmation letter submitted to a 227
public office under section 149.45 of the Revised Code; 228

(ww) An affidavit or confirmation letter submitted under 229
section 319.28 of the Revised Code; 230

(xx) License or certificate application or renewal 231
responses and supporting documentation submitted to the state 232
medical board regarding an applicant's, or a license or 233
certificate holder's, inability to practice according to 234
acceptable and prevailing standards of care by reason of a 235
medical condition; 236

(yy) Images and data captured by an automated license 237
plate recognition system that are maintained in a law 238
enforcement database; 239

(zz) Attorney work product record; 240

(aaa) Any entry on the public calendar of an elected 241
official that is for any date that is after the date the record 242
is requested; 243

(bbb) Records pertaining to burial sites under section 244
149.3010 of the Revised Code; 245

(ccc) Evidence relating to whether a law enforcement 246
officer should be placed on a Brady-Giglio list presented in an 247
in-camera hearing pursuant to section 2901.51 of the Revised 248
Code. 249

A record that is not a public record under division (A) (1) 250
of this section and that, under law, is permanently retained 251
becomes a public record on the day that is seventy-five years 252
after the day on which the record was created, or in the case of 253
a record that is not a public record under division (A) (1) (uu) 254
of this section that is retained, three years after the day on 255
which the record was created, except for any record protected by 256
the attorney-client privilege, a trial preparation record as 257
defined in this section, a statement prohibiting the release of 258
identifying information signed under section 3107.083 of the 259
Revised Code, a denial of release form filed pursuant to section 260
3107.46 of the Revised Code, records pertaining to burial sites 261
under section 149.3010 of the Revised Code, or any record that 262
is exempt from release or disclosure under section 149.433 of 263
the Revised Code. If the record is a birth certificate and a 264
biological parent's name redaction request form has been 265
accepted under section 3107.391 of the Revised Code, the name of 266
that parent shall be redacted from the birth certificate before 267
it is released under this paragraph. If any other section of the 268
Revised Code establishes a time period for disclosure of a 269
record that conflicts with the time period specified in this 270
section, the time period in the other section prevails. 271

(2) (a) "Confidential law enforcement investigatory record" 272
means any record that pertains to a law enforcement matter of a 273
criminal, quasi-criminal, civil, or administrative nature, but 274
only to the extent that the release of the record would create a 275
high probability of disclosure of any of the following: 276

(i) The identity of a suspect who has not been charged 277
with the offense to which the record pertains, or of an 278
information source or witness to whom confidentiality has been 279
reasonably promised; 280

(ii) Information provided by an information source or 281
witness to whom confidentiality has been reasonably promised, 282
which information would reasonably tend to disclose the source's 283
or witness's identity; 284

(iii) Specific confidential investigatory techniques or 285
procedures or specific investigatory work product; 286

(iv) Information that would endanger the life or physical 287
safety of law enforcement personnel, a crime victim, a witness, 288
or a confidential information source. 289

(b) As used in divisions (A) (2) and (18) of this section, 290
"specific investigatory work product" means information 291
assembled by law enforcement officials in connection with a 292
probable or pending criminal or civil proceeding, with the 293
exception of routine incident reports. "Specific investigatory 294
work product" is not a public record prior to the conclusion of 295
all direct appeals, or, if no appeal is filed, prior to the 296
expiration of the time during which an appeal may be filed, or, 297
if no trial has occurred, until the criminal or civil proceeding 298
has ended without possibility of direct appeal or each agency, 299
office, or official responsible for the matter has made a 300
decision not to proceed with the matter. 301

(3) "Medical record" means any document or combination of 302
documents, except births, deaths, and the fact of admission to 303
or discharge from a hospital, that pertains to the medical 304
history, diagnosis, prognosis, or medical condition of a patient 305
and that is generated and maintained in the process of medical 306
treatment. 307

(4) "Trial preparation record" means any record created by 308
or for another party or by or for that party's representative, 309

in reasonable anticipation of, or in defense of, a civil or 310
criminal action or proceeding, that is not a confidential law 311
enforcement investigatory record or attorney work product record 312
and that contains factual information that is specifically 313
compiled for that civil or criminal action or proceeding. 314

(5) "Intellectual property record" means a record, other 315
than a financial or administrative record, that is produced or 316
collected by or for faculty or staff of a state institution of 317
higher learning in the conduct of or as a result of study or 318
research on an educational, commercial, scientific, artistic, 319
technical, or scholarly issue, regardless of whether the study 320
or research was sponsored by the institution alone or in 321
conjunction with a governmental body or private concern, and 322
that has not been publicly released, published, or patented. 323

(6) "Donor profile record" means all records about donors 324
or potential donors to a public institution of higher education 325
except the names and reported addresses of the actual donors and 326
the date, amount, and conditions of the actual donation. 327

(7) "Designated public service worker" means a peace 328
officer, parole officer, probation officer, bailiff, prosecuting 329
attorney, assistant prosecuting attorney, correctional employee, 330
county or multicounty corrections officer, community-based 331
correctional facility employee, designated Ohio national guard 332
member, protective services worker, youth services employee, 333
firefighter, EMT, medical director or member of a cooperating 334
physician advisory board of an emergency medical service 335
organization, state board of pharmacy employee, investigator of 336
the bureau of criminal identification and investigation, 337
emergency service telecommunicator, forensic mental health 338
provider, mental health evaluation provider, regional 339

psychiatric hospital employee, judge, magistrate, or federal law enforcement officer. 340
341

(8) "Designated public service worker residential and 342
familial information" means any information that discloses any 343
of the following about a designated public service worker: 344

(a) The address of the actual personal residence of a 345
designated public service worker, except for the following 346
information: 347

(i) The address of the actual personal residence of a 348
prosecuting attorney or judge; and 349

(ii) The state or political subdivision in which a 350
designated public service worker resides. 351

(b) Information compiled from referral to or participation 352
in an employee assistance program; 353

(c) The social security number, the residential telephone 354
number, any bank account, debit card, charge card, or credit 355
card number, or the emergency telephone number of, or any 356
medical information pertaining to, a designated public service 357
worker; 358

(d) The name of any beneficiary of employment benefits, 359
including, but not limited to, life insurance benefits, provided 360
to a designated public service worker by the designated public 361
service worker's employer; 362

(e) The identity and amount of any charitable or 363
employment benefit deduction made by the designated public 364
service worker's employer from the designated public service 365
worker's compensation, unless the amount of the deduction is 366
required by state or federal law; 367

(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 397
to cybersecurity, and is designated by the adjutant general as a 398
designated public service worker for those purposes. 399

"Protective services worker" means any employee of a 400
county agency who is responsible for child protective services, 401
child support services, or adult protective services. 402

"Youth services employee" means any employee of the 403
department of youth services who in the course of performing the 404
employee's job duties has or has had contact with children 405
committed to the custody of the department of youth services. 406

"Firefighter" means any regular, paid or volunteer, member 407
of a lawfully constituted fire department of a municipal 408
corporation, township, fire district, or village. 409

"EMT" means EMTs-basic, EMTs-I, and paramedics that 410
provide emergency medical services for a public emergency 411
medical service organization. "Emergency medical service 412
organization," "EMT-basic," "EMT-I," and "paramedic" have the 413
meanings defined in section 4765.01 of the Revised Code. 414

"Investigator of the bureau of criminal identification and 415
investigation" has the meaning defined in section 2903.11 of the 416
Revised Code. 417

"Emergency service telecommunicator" means an individual 418
employed by an emergency service provider as defined under 419
section 128.01 of the Revised Code, whose primary responsibility 420
is to be an operator for the receipt or processing of calls for 421
emergency services made by telephone, radio, or other electronic 422
means. 423

"Forensic mental health provider" means any employee of a 424
community mental health service provider or local alcohol, drug 425

addiction, and mental health services board who, in the course 426
of the employee's duties, has contact with persons committed to 427
a local alcohol, drug addiction, and mental health services 428
board by a court order pursuant to section 2945.38, 2945.39, 429
2945.40, or 2945.402 of the Revised Code. 430

"Mental health evaluation provider" means an individual 431
who, under Chapter 5122. of the Revised Code, examines a 432
respondent who is alleged to be a mentally ill person subject to 433
court order, as defined in section 5122.01 of the Revised Code, 434
and reports to the probate court the respondent's mental 435
condition. 436

"Regional psychiatric hospital employee" means any 437
employee of the department of ~~mental health and addiction~~ 438
~~services~~ behavioral health who, in the course of performing the 439
employee's duties, has contact with patients committed to the 440
department of ~~mental health and addiction services~~ behavioral 441
health by a court order pursuant to section 2945.38, 2945.39, 442
2945.40, or 2945.402 of the Revised Code. 443

"Federal law enforcement officer" has the meaning defined 444
in section 9.88 of the Revised Code. 445

(10) "Information pertaining to the recreational 446
activities of a person under the age of eighteen" means 447
information that is kept in the ordinary course of business by a 448
public office, that pertains to the recreational activities of a 449
person under the age of eighteen years, and that discloses any 450
of the following: 451

(a) The address or telephone number of a person under the 452
age of eighteen or the address or telephone number of that 453
person's parent, guardian, custodian, or emergency contact 454

person; 455

(b) The social security number, birth date, or 456
photographic image of a person under the age of eighteen; 457

(c) Any medical record, history, or information pertaining 458
to a person under the age of eighteen; 459

(d) Any additional information sought or required about a 460
person under the age of eighteen for the purpose of allowing 461
that person to participate in any recreational activity 462
conducted or sponsored by a public office or to use or obtain 463
admission privileges to any recreational facility owned or 464
operated by a public office. 465

(11) "Community control sanction" has the meaning defined 466
in section 2929.01 of the Revised Code. 467

(12) "Post-release control sanction" has the meaning 468
defined in section 2967.01 of the Revised Code. 469

(13) "Redaction" means obscuring or deleting any 470
information that is exempt from the duty to permit public 471
inspection or copying from an item that otherwise meets the 472
definition of a "record" in section 149.011 of the Revised Code. 473

(14) "Designee," "elected official," and "future official" 474
have the meanings defined in section 109.43 of the Revised Code. 475

(15) "Body-worn camera" means a visual and audio recording 476
device worn on the person of a correctional employee, youth 477
services employee, or peace officer while the correctional 478
employee, youth services employee, or peace officer is engaged 479
in the performance of official duties. 480

(16) "Dashboard camera" means a visual and audio recording 481
device mounted on a peace officer's vehicle or vessel that is 482

used while the peace officer is engaged in the performance of 483
the peace officer's duties. 484

(17) "Restricted portions of a body-worn camera or 485
dashboard camera recording" means any visual or audio portion of 486
a body-worn camera or dashboard camera recording that shows, 487
communicates, or discloses any of the following: 488

(a) The image or identity of a child or information that 489
could lead to the identification of a child who is a primary 490
subject of the recording when the department of rehabilitation 491
and correction, department of youth services, or the law 492
enforcement agency knows or has reason to know the person is a 493
child based on the department's or law enforcement agency's 494
records or the content of the recording; 495

(b) The death of a person or a deceased person's body, 496
unless the death was caused by a correctional employee, youth 497
services employee, or peace officer or, subject to division (H) 498
(1) of this section, the consent of the decedent's executor or 499
administrator has been obtained; 500

(c) The death of a correctional employee, youth services 501
employee, peace officer, firefighter, paramedic, or other first 502
responder, occurring while the decedent was engaged in the 503
performance of official duties, unless, subject to division (H) 504
(1) of this section, the consent of the decedent's executor or 505
administrator has been obtained; 506

(d) Grievous bodily harm, unless the injury was effected 507
by a correctional employee, youth services employee, or peace 508
officer or, subject to division (H) (1) of this section, the 509
consent of the injured person or the injured person's guardian 510
has been obtained; 511

(e) An act of severe violence against a person that 512
results in serious physical harm to the person, unless the act 513
and injury was effected by a correctional employee, youth 514
services employee, or peace officer or, subject to division (H) 515
(1) of this section, the consent of the injured person or the 516
injured person's guardian has been obtained; 517

(f) Grievous bodily harm to a correctional employee, youth 518
services employee, peace officer, firefighter, paramedic, or 519
other first responder, occurring while the injured person was 520
engaged in the performance of official duties, unless, subject 521
to division (H) (1) of this section, the consent of the injured 522
person or the injured person's guardian has been obtained; 523

(g) An act of severe violence resulting in serious 524
physical harm against a correctional employee, youth services 525
employee, peace officer, firefighter, paramedic, or other first 526
responder, occurring while the injured person was engaged in the 527
performance of official duties, unless, subject to division (H) 528
(1) of this section, the consent of the injured person or the 529
injured person's guardian has been obtained; 530

(h) A person's nude body, unless, subject to division (H) 531
(1) of this section, the person's consent has been obtained; 532

(i) Protected health information, the identity of a person 533
in a health care facility who is not the subject of a 534
correctional, youth services, or law enforcement encounter, or 535
any other information in a health care facility that could 536
identify a person who is not the subject of a correctional, 537
youth services, or law enforcement encounter; 538

(j) Information that could identify the alleged victim of 539
a sex offense, menacing by stalking, or domestic violence; 540

(k) Information, that does not constitute a confidential 541
law enforcement investigatory record, that could identify a 542
person who provides sensitive or confidential information to the 543
department of rehabilitation and correction, the department of 544
youth services, or a law enforcement agency when the disclosure 545
of the person's identity or the information provided could 546
reasonably be expected to threaten or endanger the safety or 547
property of the person or another person; 548

(l) Personal information of a person who is not arrested, 549
cited, charged, or issued a written warning by a peace officer; 550

(m) Proprietary correctional, youth services, or police 551
contingency plans or tactics that are intended to prevent crime 552
and maintain public order and safety; 553

(n) A personal conversation unrelated to work between 554
correctional employees, youth services employees, or peace 555
officers or between a correctional employee, youth services 556
employee, or peace officer and an employee of a law enforcement 557
agency; 558

(o) A conversation between a correctional employee, youth 559
services employee, or peace officer and a member of the public 560
that does not concern correctional, youth services, or law 561
enforcement activities; 562

(p) The interior of a residence, unless the interior of a 563
residence is the location of an adversarial encounter with, or a 564
use of force by, a correctional employee, youth services 565
employee, or peace officer; 566

(q) Any portion of the interior of a private business that 567
is not open to the public, unless an adversarial encounter with, 568
or a use of force by, a correctional employee, youth services 569

employee, or peace officer occurs in that location. 570

As used in division (A) (17) of this section: 571

"Grievous bodily harm" has the same meaning as in section 572
5924.120 of the Revised Code. 573

"Health care facility" has the same meaning as in section 574
1337.11 of the Revised Code. 575

"Protected health information" has the same meaning as in 576
45 C.F.R. 160.103. 577

"Law enforcement agency" means a government entity that 578
employs peace officers to perform law enforcement duties. 579

"Personal information" means any government-issued 580
identification number, date of birth, address, financial 581
information, or criminal justice information from the law 582
enforcement automated data system or similar databases. 583

"Sex offense" has the same meaning as in section 2907.10 584
of the Revised Code. 585

"Firefighter," "paramedic," and "first responder" have the 586
same meanings as in section 4765.01 of the Revised Code. 587

(18) "Attorney work product record" means a record that is 588
not specific investigatory work product or a trial preparation 589
record and that is created by an attorney, or by the agent of an 590
attorney, in reasonable anticipation of or for litigation, 591
trial, or administrative proceedings, when acting in an official 592
capacity on behalf of the state, a political subdivision of the 593
state, a state agency, a public official, or a public employee, 594
that documents the independent thought processes, mental 595
impressions, legal theories, strategies, analysis, or reasoning 596
of an attorney or the agent of an attorney. 597

(19) "Elected official" means a person who is elected or 598
appointed to an elective office of the state or a political 599
subdivision. 600

(20) "Public calendar" means a calendar or appointment 601
book maintained by an elected official to schedule the elected 602
official's activities in relation to the elected official's 603
position as an elected official. "Public calendar" does not 604
include a personal calendar or appointment book maintained 605
solely for an elected official's personal convenience that does 606
not serve to document the elected official's official activities 607
or functions or the official activities or functions of the 608
elected official's public office. 609

(B) (1) Upon request by any person and subject to division 610
(B) (8) of this section, all public records responsive to the 611
request shall be promptly prepared and made available for 612
inspection to the requester at all reasonable times during 613
regular business hours. Subject to division (B) (8) of this 614
section, upon request by any person, a public office or person 615
responsible for public records shall make copies of the 616
requested public record available to the requester at cost and 617
within a reasonable period of time. 618

When considering whether a state or local law enforcement 619
agency or a prosecuting attorney's office promptly prepared a 620
video record for inspection or produced a copy of a video record 621
within a reasonable period of time, in addition to any other 622
factors, a court shall consider the time required for a state or 623
local law enforcement agency or a prosecuting attorney's office 624
to retrieve, download, review, redact, seek legal advice 625
regarding, and produce the video record. Except as specified in 626
division (B) (11) of this section, notwithstanding any other 627

requirement set forth in Chapter 149. of the Revised Code, a 628
state or local law enforcement agency or a prosecuting 629
attorney's office may charge a requester the actual cost 630
associated with preparing a video record for inspection or 631
production, not to exceed seventy-five dollars per hour of video 632
produced, nor seven hundred fifty dollars total. As used in this 633
division, "actual cost," with respect to video records only, 634
means all costs incurred by the state or local law enforcement 635
agency or a prosecuting attorney's office in reviewing, blurring 636
or otherwise obscuring, redacting, uploading, or producing the 637
video records, including but not limited to the storage medium 638
on which the record is produced, staff time, and any other 639
relevant overhead necessary to comply with the request. A state 640
or local law enforcement agency or a prosecuting attorney's 641
office may include in its public records policy the requirement 642
that a requester pay the estimated actual cost before beginning 643
the process of preparing a video record for inspection or 644
production. Where a state or local law enforcement agency or a 645
prosecuting attorney's office imposes such a requirement, its 646
obligation to produce a video or make it available for 647
inspection begins once the estimated actual cost is paid in full 648
by the requester. A state or local law enforcement agency or a 649
prosecuting attorney's office shall provide the requester with 650
the estimated actual cost within five business days of receipt 651
of the public records request. If the actual cost exceeds the 652
estimated actual cost, a state or local law enforcement agency 653
or a prosecuting attorney's office may charge a requester for 654
the difference upon fulfilling a request for video records if 655
the requester is notified in advance that the actual cost may be 656
up to twenty per cent higher than the estimated actual cost. A 657
state or local law enforcement agency or a prosecuting 658
attorney's office shall not charge a requester a difference that 659

exceeds twenty per cent of the estimated actual cost. 660

If a public record contains information that is exempt 661
from the duty to permit public inspection or to copy the public 662
record, the public office or the person responsible for the 663
public record shall make available all of the information within 664
the public record that is not exempt. When making that public 665
record available for public inspection or copying that public 666
record, the public office or the person responsible for the 667
public record shall notify the requester of any redaction or 668
make the redaction plainly visible. A redaction shall be deemed 669
a denial of a request to inspect or copy the redacted 670
information, except if federal or state law authorizes or 671
requires a public office to make the redaction. When the auditor 672
of state receives a request to inspect or to make a copy of a 673
record that was provided to the auditor of state for purposes of 674
an audit, but the original public office has asserted to the 675
auditor of state that the record is not a public record, the 676
auditor of state may handle the requests by directing the 677
requestor to the original public office that provided the record 678
to the auditor of state. 679

(2) To facilitate broader access to public records, a 680
public office or the person responsible for public records shall 681
organize and maintain public records in a manner that they can 682
be made available for inspection or copying in accordance with 683
division (B) of this section. A public office also shall have 684
available a copy of its current records retention schedule at a 685
location readily available to the public. If a requester makes 686
an ambiguous or overly broad request or has difficulty in making 687
a request for copies or inspection of public records under this 688
section such that the public office or the person responsible 689
for the requested public record cannot reasonably identify what 690

public records are being requested, the public office or the 691
person responsible for the requested public record may deny the 692
request but shall provide the requester with an opportunity to 693
revise the request by informing the requester of the manner in 694
which records are maintained by the public office and accessed 695
in the ordinary course of the public office's or person's 696
duties. 697

(3) If a request is ultimately denied, in part or in 698
whole, the public office or the person responsible for the 699
requested public record shall provide the requester with an 700
explanation, including legal authority, setting forth why the 701
request was denied. If the initial request was provided in 702
writing, the explanation also shall be provided to the requester 703
in writing. The explanation shall not preclude the public office 704
or the person responsible for the requested public record from 705
relying upon additional reasons or legal authority in defending 706
an action commenced under division (C) of this section. 707

(4) Unless specifically required or authorized by state or 708
federal law or in accordance with division (B) of this section, 709
no public office or person responsible for public records may 710
limit or condition the availability of public records by 711
requiring disclosure of the requester's identity or the intended 712
use of the requested public record. Any requirement that the 713
requester disclose the requester's identity or the intended use 714
of the requested public record constitutes a denial of the 715
request. 716

(5) A public office or person responsible for public 717
records may ask a requester to make the request in writing, may 718
ask for the requester's identity, and may inquire about the 719
intended use of the information requested, but may do so only 720

after disclosing to the requester that a written request is not 721
mandatory, that the requester may decline to reveal the 722
requester's identity or the intended use, and when a written 723
request or disclosure of the identity or intended use would 724
benefit the requester by enhancing the ability of the public 725
office or person responsible for public records to identify, 726
locate, or deliver the public records sought by the requester. 727

(6) If any person requests a copy of a public record in 728
accordance with division (B) of this section, the public office 729
or person responsible for the public record may require the 730
requester to pay in advance the cost involved in providing the 731
copy of the public record in accordance with the choice made by 732
the requester under this division. The public office or the 733
person responsible for the public record shall permit the 734
requester to choose to have the public record duplicated upon 735
paper, upon the same medium upon which the public office or 736
person responsible for the public record keeps it, or upon any 737
other medium upon which the public office or person responsible 738
for the public record determines that it reasonably can be 739
duplicated as an integral part of the normal operations of the 740
public office or person responsible for the public record. When 741
the requester makes a choice under this division, the public 742
office or person responsible for the public record shall provide 743
a copy of it in accordance with the choice made by the 744
requester. Nothing in this section requires a public office or 745
person responsible for the public record to allow the requester 746
of a copy of the public record to make the copies of the public 747
record. 748

(7) (a) Upon a request made in accordance with division (B) 749
of this section and subject to division (B) (6) of this section, 750
a public office or person responsible for public records shall 751

transmit a copy of a public record to any person by United 752
States mail or by any other means of delivery or transmission 753
within a reasonable period of time after receiving the request 754
for the copy. The public office or person responsible for the 755
public record may require the person making the request to pay 756
in advance the cost of postage if the copy is transmitted by 757
United States mail or the cost of delivery if the copy is 758
transmitted other than by United States mail, and to pay in 759
advance the costs incurred for other supplies used in the 760
mailing, delivery, or transmission. 761

(b) Any public office may adopt a policy and procedures 762
that it will follow in transmitting, within a reasonable period 763
of time after receiving a request, copies of public records by 764
United States mail or by any other means of delivery or 765
transmission pursuant to division (B) (7) of this section. A 766
public office that adopts a policy and procedures under division 767
(B) (7) of this section shall comply with them in performing its 768
duties under that division. 769

(c) In any policy and procedures adopted under division 770
(B) (7) of this section: 771

(i) A public office may limit the number of records 772
requested by a person that the office will physically deliver by 773
United States mail or by another delivery service to ten per 774
month, unless the person certifies to the office in writing that 775
the person does not intend to use or forward the requested 776
records, or the information contained in them, for commercial 777
purposes; 778

(ii) A public office that chooses to provide some or all 779
of its public records on a web site that is fully accessible to 780
and searchable by members of the public at all times, other than 781

during acts of God outside the public office's control or 782
maintenance, and that charges no fee to search, access, 783
download, or otherwise receive records provided on the web site, 784
may limit to ten per month the number of records requested by a 785
person that the office will deliver in a digital format, unless 786
the requested records are not provided on the web site and 787
unless the person certifies to the office in writing that the 788
person does not intend to use or forward the requested records, 789
or the information contained in them, for commercial purposes. 790

(iii) For purposes of division (B) (7) of this section, 791
"commercial" shall be narrowly construed and does not include 792
reporting or gathering news, reporting or gathering information 793
to assist citizen oversight or understanding of the operation or 794
activities of government, or nonprofit educational research. 795

(8) A public office or person responsible for public 796
records is not required to permit a person who is incarcerated 797
pursuant to a criminal conviction or a juvenile adjudication to 798
inspect or to obtain a copy of any public record concerning a 799
criminal investigation or prosecution or concerning what would 800
be a criminal investigation or prosecution if the subject of the 801
investigation or prosecution were an adult, unless the request 802
to inspect or to obtain a copy of the record is for the purpose 803
of acquiring information that is subject to release as a public 804
record under this section and the judge who imposed the sentence 805
or made the adjudication with respect to the person, or the 806
judge's successor in office, finds that the information sought 807
in the public record is necessary to support what appears to be 808
a justiciable claim of the person. As used in this division, 809
"public record concerning a criminal investigation or 810
prosecution or concerning what would be a criminal investigation 811
or prosecution if the subject of the investigation were an 812

adult" includes, but is not limited to, personnel files and 813
payroll and attendance records of designated public service 814
workers. 815

(9) (a) Upon written request made and signed by a 816
journalist, a public office, or person responsible for public 817
records, having custody of the records of the agency employing a 818
specified designated public service worker shall disclose to the 819
journalist the address of the actual personal residence of the 820
designated public service worker and, if the designated public 821
service worker's spouse, former spouse, or child is employed by 822
a public office, the name and address of the employer of the 823
designated public service worker's spouse, former spouse, or 824
child, and any past, current, and future work schedules of the 825
designated public service worker. The request shall include the 826
journalist's name and title and the name and address of the 827
journalist's employer and shall state that disclosure of the 828
information sought would be in the public interest. 829

(b) Division (B) (9) (a) of this section also applies to 830
journalist requests for: 831

(i) Customer information maintained by a municipally owned 832
or operated public utility, other than social security numbers 833
and any private financial information such as credit reports, 834
payment methods, credit card numbers, and bank account 835
information; 836

(ii) Information about minors involved in a school vehicle 837
accident as provided in division (A) (1) (gg) of this section, 838
other than personal information as defined in section 149.45 of 839
the Revised Code; 840

(iii) A request form submitted to a public office under 841

section 149.45 of the Revised Code; 842

(iv) An affidavit submitted under section 319.28 of the 843
Revised Code. 844

(c) As used in division (B)(9) of this section, 845
"journalist" means a person engaged in, connected with, or 846
employed by any news medium, including a newspaper, magazine, 847
press association, news agency, or wire service, a radio or 848
television station, or a similar medium, for the purpose of 849
gathering, processing, transmitting, compiling, editing, or 850
disseminating information for the general public. 851

(10) Upon a request made by a victim, victim's attorney, 852
or victim's representative, as that term is used in section 853
2930.02 of the Revised Code, a public office or person 854
responsible for public records shall transmit a copy of a 855
depiction of the victim as described in division (A)(1)(ii) of 856
this section to the victim, victim's attorney, or victim's 857
representative. 858

(11) A state or local law enforcement agency or a 859
prosecuting attorney's office shall not charge a fee for 860
preparing a video record for inspection, or producing a copy of 861
a video record, when the requester of the video record is a 862
victim, as defined in Ohio Constitution, Article I, Section 10a, 863
or who is a victim who suffered loss and could seek remedy 864
through a tort action as defined by section 2307.011 of the 865
Revised Code, who reasonably asserts that the video recording 866
relates to the act or omission that caused the victim's harm or 867
loss, or who is the legal counsel or insurer of the victim. A 868
fee under this section may only be waived upon the receipt of an 869
affidavit by the victim or the victim's legal counsel 870
identifying that the use of the video is to investigate harm or 871

damages that may have been captured on the video. 872

As used in this division, "legal counsel of the victim" 873
means an attorney who, at the time of making the request, 874
produces to the state or local law enforcement agency or a 875
prosecuting attorney's office a signed retention agreement or 876
letter of representation that establishes that the attorney is 877
representing the victim. 878

(C) (1) If a person allegedly is aggrieved by the failure 879
of a public office or the person responsible for public records 880
to promptly prepare a public record and to make it available to 881
the person for inspection in accordance with division (B) of 882
this section or by any other failure of a public office or the 883
person responsible for public records to comply with an 884
obligation in accordance with division (B) of this section, the 885
person allegedly aggrieved may serve pursuant to Rule 4 of the 886
Ohio Rules of Civil Procedure a complaint, on a form prescribed 887
by the clerk of the court of claims, to the public office or 888
person responsible for public records allegedly responsible for 889
the alleged failure. Upon receipt of the complaint of the person 890
allegedly aggrieved, the public office or person responsible for 891
public records has three business days to cure or otherwise 892
address the failure alleged in the complaint. The person 893
allegedly aggrieved shall not file a complaint with a court or 894
commence a mandamus action under this section within the three- 895
day period. Upon the expiration of the three-day period, the 896
person allegedly aggrieved may, subject to the requirements of 897
division (C) (2) of this section, do only one of the following, 898
and not both: 899

(a) File a complaint with the clerk of the court of claims 900
or the clerk of the court of common pleas under section 2743.75 901

of the Revised Code; 902

(b) Commence a mandamus action to obtain a judgment that 903
orders the public office or the person responsible for the 904
public record to comply with division (B) of this section, that 905
awards court costs and reasonable attorney's fees to the person 906
that instituted the mandamus action, and, if applicable, that 907
includes an order fixing statutory damages under division (C) (3) 908
of this section. The mandamus action may be commenced in the 909
court of common pleas of the county in which division (B) of 910
this section allegedly was not complied with, in the supreme 911
court pursuant to its original jurisdiction under Section 2 of 912
Article IV, Ohio Constitution, or in the court of appeals for 913
the appellate district in which division (B) of this section 914
allegedly was not complied with pursuant to its original 915
jurisdiction under Section 3 of Article IV, Ohio Constitution. 916

(2) Upon filing a complaint or mandamus action with a 917
court under divisions (C) (1) (a) or (b) of this section, a person 918
allegedly aggrieved shall file with the court, in conjunction 919
with the person's complaint or petition, a written affirmation 920
stating that the person properly transmitted a complaint to the 921
public office or person responsible for public records, the 922
failure alleged in the complaint has not been cured or otherwise 923
resolved to the person's satisfaction, and that the complaint 924
was transmitted to the public office or person responsible for 925
public records at least three business days before the filing of 926
the suit. If the person fails to file an affirmation pursuant to 927
this division, the suit shall be dismissed. 928

(3) If a requester transmits a written request by hand 929
delivery, electronic submission, or certified mail to inspect or 930
receive copies of any public record in a manner that fairly 931

describes the public record or class of public records to the 932
public office or person responsible for the requested public 933
records, except as otherwise provided in this section, the 934
requester shall be entitled to recover the amount of statutory 935
damages set forth in this division if a court determines that 936
the public office or the person responsible for public records 937
failed to comply with an obligation in accordance with division 938
(B) of this section. Statutory damages are not available 939
pursuant to this section to a person committed to the custody of 940
the department of rehabilitation and correction or the United 941
States bureau of prisons, or a child committed to the department 942
of youth services as permitted in Chapter 2152. of the Revised 943
Code. 944

The amount of statutory damages shall be fixed at one 945
hundred dollars for each business day during which the public 946
office or person responsible for the requested public records 947
failed to comply with an obligation in accordance with division 948
(B) of this section, beginning with the day on which the 949
requester files a mandamus action to recover statutory damages, 950
up to a maximum of one thousand dollars. The award of statutory 951
damages shall not be construed as a penalty, but as compensation 952
for injury arising from lost use of the requested information. 953
The existence of this injury shall be conclusively presumed. The 954
award of statutory damages shall be in addition to all other 955
remedies authorized by this section. 956

The court may reduce an award of statutory damages or not 957
award statutory damages if the court determines both of the 958
following: 959

(a) That, based on the ordinary application of statutory 960
law and case law as it existed at the time of the conduct or 961

threatened conduct of the public office or person responsible 962
for the requested public records that allegedly constitutes a 963
failure to comply with an obligation in accordance with division 964
(B) of this section and that was the basis of the mandamus 965
action, a well-informed public office or person responsible for 966
the requested public records reasonably would believe that the 967
conduct or threatened conduct of the public office or person 968
responsible for the requested public records did not constitute 969
a failure to comply with an obligation in accordance with 970
division (B) of this section; 971

(b) That a well-informed public office or person 972
responsible for the requested public records reasonably would 973
believe that the conduct or threatened conduct of the public 974
office or person responsible for the requested public records 975
would serve the public policy that underlies the authority that 976
is asserted as permitting that conduct or threatened conduct. 977

(4) In a mandamus action filed under division (C) (1) of 978
this section, the following apply: 979

(a) (i) If the court orders the public office or the person 980
responsible for the public record to comply with division (B) of 981
this section, the court shall determine and award to the relator 982
all court costs, which shall be construed as remedial and not 983
punitive. 984

(ii) If the court makes a determination described in 985
division (C) (4) (b) (iii) of this section, the court shall 986
determine and award to the relator all court costs, which shall 987
be construed as remedial and not punitive. 988

(b) If the court renders a judgment that orders the public 989
office or the person responsible for the public record to comply 990

with division (B) of this section or if the court determines any 991
of the following, the court may award reasonable attorney's fees 992
to the relator, subject to division (C) (5) of this section: 993

(i) The public office or the person responsible for the 994
public records failed to respond affirmatively or negatively to 995
the public records request in accordance with the time allowed 996
under division (B) of this section. 997

(ii) The public office or the person responsible for the 998
public records promised to permit the relator to inspect or 999
receive copies of the public records requested within a 1000
specified period of time but failed to fulfill that promise 1001
within that specified period of time. 1002

(iii) The public office or the person responsible for the 1003
public records acted in bad faith when the office or person 1004
voluntarily made the public records available to the relator for 1005
the first time after the relator commenced the mandamus action, 1006
but before the court issued any order concluding whether or not 1007
the public office or person was required to comply with division 1008
(B) of this section. No discovery may be conducted on the issue 1009
of the alleged bad faith of the public office or person 1010
responsible for the public records. This division shall not be 1011
construed as creating a presumption that the public office or 1012
the person responsible for the public records acted in bad faith 1013
when the office or person voluntarily made the public records 1014
available to the relator for the first time after the relator 1015
commenced the mandamus action, but before the court issued any 1016
order described in this division. 1017

(c) The court shall not award attorney's fees to the 1018
relator if the court determines both of the following: 1019

(i) That, based on the ordinary application of statutory 1020
law and case law as it existed at the time of the conduct or 1021
threatened conduct of the public office or person responsible 1022
for the requested public records that allegedly constitutes a 1023
failure to comply with an obligation in accordance with division 1024
(B) of this section and that was the basis of the mandamus 1025
action, a well-informed public office or person responsible for 1026
the requested public records reasonably would believe that the 1027
conduct or threatened conduct of the public office or person 1028
responsible for the requested public records did not constitute 1029
a failure to comply with an obligation in accordance with 1030
division (B) of this section; 1031

(ii) That a well-informed public office or person 1032
responsible for the requested public records reasonably would 1033
believe that the conduct or threatened conduct of the public 1034
office or person responsible for the requested public records 1035
would serve the public policy that underlies the authority that 1036
is asserted as permitting that conduct or threatened conduct. 1037

(5) All of the following apply to any award of reasonable 1038
attorney's fees awarded under division (C) (4) (b) of this 1039
section: 1040

(a) The fees shall be construed as remedial and not 1041
punitive. 1042

(b) The fees awarded shall not exceed the total of the 1043
reasonable attorney's fees incurred before the public record was 1044
made available to the relator and the fees described in division 1045
(C) (5) (c) of this section. 1046

(c) Reasonable attorney's fees shall include reasonable 1047
fees incurred to produce proof of the reasonableness and amount 1048

of the fees and to otherwise litigate entitlement to the fees. 1049

(d) The court may reduce the amount of fees awarded if the 1050
court determines that, given the factual circumstances involved 1051
with the specific public records request, an alternative means 1052
should have been pursued to more effectively and efficiently 1053
resolve the dispute that was subject to the mandamus action 1054
filed under division (C) (1) of this section. 1055

(6) If the court does not issue a writ of mandamus under 1056
division (C) of this section and the court determines at that 1057
time that the bringing of the mandamus action was frivolous 1058
conduct as defined in division (A) of section 2323.51 of the 1059
Revised Code, the court may award to the public office all court 1060
costs, expenses, and reasonable attorney's fees, as determined 1061
by the court. 1062

(D) Chapter 1347. of the Revised Code does not limit the 1063
provisions of this section. 1064

(E) (1) To ensure that all employees of public offices are 1065
appropriately educated about a public office's obligations under 1066
division (B) of this section, all elected officials or their 1067
appropriate designees shall attend training approved by the 1068
attorney general as provided in section 109.43 of the Revised 1069
Code. A future official may satisfy the requirements of this 1070
division by attending the training before taking office, 1071
provided that the future official may not send a designee in the 1072
future official's place. 1073

(2) All public offices shall adopt a public records policy 1074
in compliance with this section for responding to public records 1075
requests. In adopting a public records policy under this 1076
division, a public office may obtain guidance from the model 1077

public records policy developed and provided to the public 1078
office by the attorney general under section 109.43 of the 1079
Revised Code. Except as otherwise provided in this section, the 1080
policy may not limit the number of public records that the 1081
public office will make available to a single person, may not 1082
limit the number of public records that it will make available 1083
during a fixed period of time, and may not establish a fixed 1084
period of time before it will respond to a request for 1085
inspection or copying of public records, unless that period is 1086
less than eight hours. 1087

The public office shall distribute the public records 1088
policy adopted by the public office under this division to the 1089
employee of the public office who is the records custodian or 1090
records manager or otherwise has custody of the records of that 1091
office. The public office shall require that employee to 1092
acknowledge receipt of the copy of the public records policy. 1093
The public office shall create a poster that describes its 1094
public records policy and shall post the poster in a conspicuous 1095
place in the public office and in all locations where the public 1096
office has branch offices. The public office may post its public 1097
records policy on the internet web site of the public office if 1098
the public office maintains an internet web site. A public 1099
office that has established a manual or handbook of its general 1100
policies and procedures for all employees of the public office 1101
shall include the public records policy of the public office in 1102
the manual or handbook. 1103

(F) (1) The bureau of motor vehicles may adopt rules 1104
pursuant to Chapter 119. of the Revised Code to reasonably limit 1105
the number of bulk commercial special extraction requests made 1106
by a person for the same records or for updated records during a 1107
calendar year. The rules may include provisions for charges to 1108

be made for bulk commercial special extraction requests for the 1109
actual cost of the bureau, plus special extraction costs, plus 1110
ten per cent. The bureau may charge for expenses for redacting 1111
information, the release of which is prohibited by law. 1112

(2) As used in division (F)(1) of this section: 1113

(a) "Actual cost" means the cost of depleted supplies, 1114
records storage media costs, actual mailing and alternative 1115
delivery costs, or other transmitting costs, and any direct 1116
equipment operating and maintenance costs, including actual 1117
costs paid to private contractors for copying services. 1118

(b) "Bulk commercial special extraction request" means a 1119
request for copies of a record for information in a format other 1120
than the format already available, or information that cannot be 1121
extracted without examination of all items in a records series, 1122
class of records, or database by a person who intends to use or 1123
forward the copies for surveys, marketing, solicitation, or 1124
resale for commercial purposes. "Bulk commercial special 1125
extraction request" does not include a request by a person who 1126
gives assurance to the bureau that the person making the request 1127
does not intend to use or forward the requested copies for 1128
surveys, marketing, solicitation, or resale for commercial 1129
purposes. 1130

(c) "Commercial" means profit-seeking production, buying, 1131
or selling of any good, service, or other product. 1132

(d) "Special extraction costs" means the cost of the time 1133
spent by the lowest paid employee competent to perform the task, 1134
the actual amount paid to outside private contractors employed 1135
by the bureau, or the actual cost incurred to create computer 1136
programs to make the special extraction. "Special extraction 1137

costs" include any charges paid to a public agency for computer 1138
or records services. 1139

(3) For purposes of divisions (F) (1) and (2) of this 1140
section, "surveys, marketing, solicitation, or resale for 1141
commercial purposes" shall be narrowly construed and does not 1142
include reporting or gathering news, reporting or gathering 1143
information to assist citizen oversight or understanding of the 1144
operation or activities of government, or nonprofit educational 1145
research. 1146

(G) A request by a defendant, counsel of a defendant, or 1147
any agent of a defendant in a criminal action that public 1148
records related to that action be made available under this 1149
section shall be considered a demand for discovery pursuant to 1150
the Criminal Rules, except to the extent that the Criminal Rules 1151
plainly indicate a contrary intent. The defendant, counsel of 1152
the defendant, or agent of the defendant making a request under 1153
this division shall serve a copy of the request on the 1154
prosecuting attorney, director of law, or other chief legal 1155
officer responsible for prosecuting the action. 1156

(H) (1) Any portion of a body-worn camera or dashboard 1157
camera recording described in divisions (A) (17) (b) to (h) of 1158
this section may be released by consent of the subject of the 1159
recording or a representative of that person, as specified in 1160
those divisions, only if either of the following applies: 1161

(a) The recording will not be used in connection with any 1162
probable or pending criminal proceedings; 1163

(b) The recording has been used in connection with a 1164
criminal proceeding that was dismissed or for which a judgment 1165
has been entered pursuant to Rule 32 of the Rules of Criminal 1166

Procedure, and will not be used again in connection with any 1167
probable or pending criminal proceedings. 1168

(2) If a public office denies a request to release a 1169
restricted portion of a body-worn camera or dashboard camera 1170
recording, as defined in division (A)(17) of this section, any 1171
person may file a mandamus action pursuant to this section or a 1172
complaint with the clerk of the court of claims pursuant to 1173
section 2743.75 of the Revised Code, requesting the court to 1174
order the release of all or portions of the recording. If the 1175
court considering the request determines that the filing 1176
articulates by clear and convincing evidence that the public 1177
interest in the recording substantially outweighs privacy 1178
interests and other interests asserted to deny release, the 1179
court shall order the public office to release the recording. 1180

Sec. 2901.51. (A) As used in this section: 1181

(1) "Brady-Giglio list" means a list compiled by a 1182
prosecutor containing the names of law enforcement officers that 1183
have at least one substantiated incident of misconduct that is 1184
material to the law enforcement officer's credibility as a 1185
witness in a criminal case. 1186

(2) (a) "Substantiated incident of misconduct" means all of 1187
the following: 1188

(i) An incident involving the law enforcement officer's 1189
untruthfulness or dishonesty; 1190

(ii) The incident occurred in the performance of the law 1191
enforcement officer's duties; 1192

(iii) The incident is supported by evidence. 1193

(b) "Substantiated incident of misconduct" does not 1194

include any of the following: 1195

(i) The charging or indictment of a law enforcement 1196
officer for an offense, if the charge or indictment has been 1197
dismissed or the law enforcement officer has been found not 1198
guilty of the offense. 1199

(ii) The conviction of a law enforcement officer of an 1200
offense, if, on appeal, the conviction was reversed or vacated 1201
on the merits. 1202

(iii) The conviction of a law enforcement officer of an 1203
offense, if the law enforcement officer has been granted a 1204
pardon or commutation. 1205

(3) "Prosecutor" means any of the following: 1206

(a) The attorney general; 1207

(b) A county prosecuting attorney; 1208

(c) A village solicitor, city director of law, or similar 1209
chief legal officer of a municipal corporation; 1210

(d) Any other attorney designated to appear for the 1211
prosecution of a criminal case. 1212

(B) A prosecutor is not required to maintain a Brady- 1213
Giglio list. If a prosecutor maintains a Brady-Giglio list, at 1214
the time a prosecutor places a law enforcement officer's name on 1215
a Brady-Giglio list, the prosecutor shall provide written notice 1216
of the prosecutor's decision to place the law enforcement 1217
officer's name on the Brady-Giglio list to the law enforcement 1218
officer. 1219

(C) A law enforcement officer may file a petition with the 1220
court requesting that the law enforcement officer be removed 1221

from the prosecutor's Brady-Giglio list. The law enforcement 1222
officer shall file the petition in the court of common pleas in 1223
the county in which the law enforcement officer's law 1224
enforcement agency is located. 1225

(D) Upon the filing of a petition by a law enforcement 1226
officer, the court shall set a date for the hearing. The law 1227
enforcement officer, prosecutor, or the court upon its own 1228
motion may request an in-camera hearing. If the law enforcement 1229
officer, prosecutor, or the court requests an in-camera hearing, 1230
the court shall grant the motion for an in-camera hearing with 1231
the parties and counsel present. 1232

(E) During the hearing, the parties shall present evidence 1233
relating to whether the law enforcement officer should be placed 1234
on the Brady-Giglio list. If the court finds by a preponderance 1235
of the evidence that the law enforcement officer should not be 1236
placed on the Brady-Giglio list, the court shall order that the 1237
law enforcement officer's name be removed from the prosecutor's 1238
Brady-Giglio list. 1239

Section 2. That existing section 149.43 of the Revised 1240
Code is hereby repealed. 1241