

**As Introduced**

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

**S. B. No. 123**

**Senator Hicks-Hudson  
Cosponsor: Senator Ingram**



**A BILL**

To amend section 149.43 of the Revised Code to 1  
prohibit a law enforcement agency for charging a 2  
fee for preparing or producing a video public 3  
record for a person known or presumed to be 4  
depicted in the video. 5

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

**Section 1.** That section 149.43 of the Revised Code be 6  
amended 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 job and family services or, pursuant to section 33  
3111.69 of the Revised Code, the office of child support in the 34  
department or a child support enforcement agency; 35

(f) Records specified in division (A) of section 3107.52 36  
of the Revised Code; 37

(g) Trial preparation records; 38

(h) Confidential law enforcement investigatory records; 39

(i) Records containing information that is confidential 40  
under section 2710.03 or 4112.05 of the Revised Code; 41

(j) DNA records stored in the DNA database pursuant to 42  
section 109.573 of the Revised Code; 43

(k) Inmate records released by the department of 44  
rehabilitation and correction to the department of youth 45

services or a court of record pursuant to division (E) of	46
section 5120.21 of the Revised Code;	47
(l) Records maintained by the department of youth services	48
pertaining to children in its custody released by the department	49
of youth services to the department of rehabilitation and	50
correction pursuant to section 5139.05 of the Revised Code;	51
(m) Intellectual property records;	52
(n) Donor profile records;	53
(o) Records maintained by the department of job and family	54
services pursuant to section 3121.894 of the Revised Code;	55
(p) Designated public service worker residential and	56
familial information;	57
(q) In the case of a county hospital operated pursuant to	58
Chapter 339. of the Revised Code or a municipal hospital	59
operated pursuant to Chapter 749. of the Revised Code,	60
information that constitutes a trade secret, as defined in	61
section 1333.61 of the Revised Code;	62
(r) Information pertaining to the recreational activities	63
of a person under the age of eighteen;	64
(s) In the case of a child fatality review board acting	65
under sections 307.621 to 307.629 of the Revised Code or a	66
review conducted pursuant to guidelines established by the	67
director of health under section 3701.70 of the Revised Code,	68
records provided to the board or director, statements made by	69
board members during meetings of the board or by persons	70
participating in the director's review, and all work products of	71
the board or director, and in the case of a child fatality	72
review board, child fatality review data submitted by the board	73

to the department of health or a national child death review	74
database, other than the report prepared pursuant to division	75
(A) of section 307.626 of the Revised Code;	76
(t) Records provided to and statements made by the	77
executive director of a public children services agency or a	78
prosecuting attorney acting pursuant to section 5153.171 of the	79
Revised Code other than the information released under that	80
section;	81
(u) Test materials, examinations, or evaluation tools used	82
in an examination for licensure as a nursing home administrator	83
that the board of executives of long-term services and supports	84
administers under section 4751.15 of the Revised Code or	85
contracts under that section with a private or government entity	86
to administer;	87
(v) Records the release of which is prohibited by state or	88
federal law;	89
(w) Proprietary information of or relating to any person	90
that is submitted to or compiled by the Ohio venture capital	91
authority created under section 150.01 of the Revised Code;	92
(x) Financial statements and data any person submits for	93
any purpose to the Ohio housing finance agency or the	94
controlling board in connection with applying for, receiving, or	95
accounting for financial assistance from the agency, and	96
information that identifies any individual who benefits directly	97
or indirectly from financial assistance from the agency;	98
(y) Records listed in section 5101.29 of the Revised Code;	99
(z) Discharges recorded with a county recorder under	100
section 317.24 of the Revised Code, as specified in division (B)	101
(2) of that section;	102

(aa) Usage information including names and addresses of	103
specific residential and commercial customers of a municipally	104
owned or operated public utility;	105
(bb) Records described in division (C) of section 187.04	106
of the Revised Code that are not designated to be made available	107
to the public as provided in that division;	108
(cc) Information and records that are made confidential,	109
privileged, and not subject to disclosure under divisions (B)	110
and (C) of section 2949.221 of the Revised Code;	111
(dd) Personal information, as defined in section 149.45 of	112
the Revised Code;	113
(ee) The confidential name, address, and other personally	114
identifiable information of a program participant in the address	115
confidentiality program established under sections 111.41 to	116
111.47 of the Revised Code, including the contents of any	117
application for absent voter's ballots, absent voter's ballot	118
identification envelope statement of voter, or provisional	119
ballot affirmation completed by a program participant who has a	120
confidential voter registration record; records or portions of	121
records pertaining to that program that identify the number of	122
program participants that reside within a precinct, ward,	123
township, municipal corporation, county, or any other geographic	124
area smaller than the state; and any real property	125
confidentiality notice filed under section 111.431 of the	126
Revised Code and the information described in division (C) of	127
that section. As used in this division, "confidential address"	128
and "program participant" have the meaning defined in section	129
111.41 of the Revised Code.	130
(ff) Orders for active military service of an individual	131

serving or with previous service in the armed forces of the 132  
United States, including a reserve component, or the Ohio 133  
organized militia, except that, such order becomes a public 134  
record on the day that is fifteen years after the published date 135  
or effective date of the call to order; 136

(gg) The name, address, contact information, or other 137  
personal information of an individual who is less than eighteen 138  
years of age that is included in any record related to a traffic 139  
accident involving a school vehicle in which the individual was 140  
an occupant at the time of the accident; 141

(hh) Protected health information, as defined in 45 C.F.R. 142  
160.103, that is in a claim for payment for a health care 143  
product, service, or procedure, as well as any other health 144  
claims data in another document that reveals the identity of an 145  
individual who is the subject of the data or could be used to 146  
reveal that individual's identity; 147

(ii) Any depiction by photograph, film, videotape, or 148  
printed or digital image under either of the following 149  
circumstances: 150

(i) The depiction is that of a victim of an offense the 151  
release of which would be, to a reasonable person of ordinary 152  
sensibilities, an offensive and objectionable intrusion into the 153  
victim's expectation of bodily privacy and integrity. 154

(ii) The depiction captures or depicts the victim of a 155  
sexually oriented offense, as defined in section 2950.01 of the 156  
Revised Code, at the actual occurrence of that offense. 157

(jj) Restricted portions of a body-worn camera or 158  
dashboard camera recording; 159

(kk) In the case of a fetal-infant mortality review board 160

acting under sections 3707.70 to 3707.77 of the Revised Code, 161  
records, documents, reports, or other information presented to 162  
the board or a person abstracting such materials on the board's 163  
behalf, statements made by review board members during board 164  
meetings, all work products of the board, and data submitted by 165  
the board to the department of health or a national infant death 166  
review database, other than the report prepared pursuant to 167  
section 3707.77 of the Revised Code. 168

(ll) Records, documents, reports, or other information 169  
presented to the pregnancy-associated mortality review board 170  
established under section 3738.01 of the Revised Code, 171  
statements made by board members during board meetings, all work 172  
products of the board, and data submitted by the board to the 173  
department of health, other than the biennial reports prepared 174  
under section 3738.08 of the Revised Code; 175

(mm) Except as otherwise provided in division (A) (1) (oo) 176  
of this section, telephone numbers for a victim, as defined in 177  
section 2930.01 of the Revised Code or a witness to a crime that 178  
are listed on any law enforcement record or report. 179

(nn) A preneed funeral contract, as defined in section 180  
4717.01 of the Revised Code, and contract terms and personally 181  
identifying information of a preneed funeral contract, that is 182  
contained in a report submitted by or for a funeral home to the 183  
board of embalmers and funeral directors under division (C) of 184  
section 4717.13, division (J) of section 4717.31, or section 185  
4717.41 of the Revised Code. 186

(oo) Telephone numbers for a party to a motor vehicle 187  
accident subject to the requirements of section 5502.11 of the 188  
Revised Code that are listed on any law enforcement record or 189  
report, except that the telephone numbers described in this 190

division are not excluded from the definition of "public record" 191  
under this division on and after the thirtieth day after the 192  
occurrence of the motor vehicle accident. 193

(pp) Records pertaining to individuals who complete 194  
training under section 5502.703 of the Revised Code to be 195  
permitted by a school district board of education or governing 196  
body of a community school established under Chapter 3314. of 197  
the Revised Code, a STEM school established under Chapter 3326. 198  
of the Revised Code, or a chartered nonpublic school to convey 199  
deadly weapons or dangerous ordnance into a school safety zone; 200

(qq) Records, documents, reports, or other information 201  
presented to a domestic violence fatality review board 202  
established under section 307.651 of the Revised Code, 203  
statements made by board members during board meetings, all work 204  
products of the board, and data submitted by the board to the 205  
department of health, other than a report prepared pursuant to 206  
section 307.656 of the Revised Code; 207

(rr) Records, documents, and information the release of 208  
which is prohibited under sections 2930.04 and 2930.07 of the 209  
Revised Code; 210

(ss) Records of an existing qualified nonprofit 211  
corporation that creates a special improvement district under 212  
Chapter 1710. of the Revised Code that do not pertain to a 213  
purpose for which the district is created; 214

(tt) Educational support services data, as defined in 215  
section 3319.325 of the Revised Code; 216

(uu) Records of the past, current, and future work 217  
schedule of a designated public service worker. As used in 218  
division (A) (1) (uu) of this section, "work schedule" does not 219



include the docket of cases of a court, judge, or magistrate;	220
(vv) A request form or confirmation letter submitted to a	221
public office under section 149.45 of the Revised Code;	222
(wv) An affidavit or confirmation letter submitted under	223
section 319.28 of the Revised Code;	224
(xx) License or certificate application or renewal	225
responses and supporting documentation submitted to the state	226
medical board regarding an applicant's, or a license or	227
certificate holder's, inability to practice according to	228
acceptable and prevailing standards of care by reason of a	229
medical condition.	230
A record that is not a public record under division (A) (1)	231
of this section and that, under law, is permanently retained	232
becomes a public record on the day that is seventy-five years	233
after the day on which the record was created, or in the case of	234
a record that is not a public record under division (A) (1) (uu)	235
of this section that is retained, three years after the day on	236
which the record was created, except for any record protected by	237
the attorney-client privilege, a trial preparation record as	238
defined in this section, a statement prohibiting the release of	239
identifying information signed under section 3107.083 of the	240
Revised Code, a denial of release form filed pursuant to section	241
3107.46 of the Revised Code, or any record that is exempt from	242
release or disclosure under section 149.433 of the Revised Code.	243
If the record is a birth certificate and a biological parent's	244
name redaction request form has been accepted under section	245
3107.391 of the Revised Code, the name of that parent shall be	246
redacted from the birth certificate before it is released under	247
this paragraph. If any other section of the Revised Code	248
establishes a time period for disclosure of a record that	249

conflicts with the time period specified in this section, the 250  
time period in the other section prevails. 251

(2) "Confidential law enforcement investigatory record" 252  
means any record that pertains to a law enforcement matter of a 253  
criminal, quasi-criminal, civil, or administrative nature, but 254  
only to the extent that the release of the record would create a 255  
high probability of disclosure of any of the following: 256

(a) The identity of a suspect who has not been charged 257  
with the offense to which the record pertains, or of an 258  
information source or witness to whom confidentiality has been 259  
reasonably promised; 260

(b) Information provided by an information source or 261  
witness to whom confidentiality has been reasonably promised, 262  
which information would reasonably tend to disclose the source's 263  
or witness's identity; 264

(c) Specific confidential investigatory techniques or 265  
procedures or specific investigatory work product; 266

(d) Information that would endanger the life or physical 267  
safety of law enforcement personnel, a crime victim, a witness, 268  
or a confidential information source. 269

(3) "Medical record" means any document or combination of 270  
documents, except births, deaths, and the fact of admission to 271  
or discharge from a hospital, that pertains to the medical 272  
history, diagnosis, prognosis, or medical condition of a patient 273  
and that is generated and maintained in the process of medical 274  
treatment. 275

(4) "Trial preparation record" means any record that 276  
contains information that is specifically compiled in reasonable 277  
anticipation of, or in defense of, a civil or criminal action or 278

proceeding, including the independent thought processes and 279  
personal trial preparation of an attorney. 280

(5) "Intellectual property record" means a record, other 281  
than a financial or administrative record, that is produced or 282  
collected by or for faculty or staff of a state institution of 283  
higher learning in the conduct of or as a result of study or 284  
research on an educational, commercial, scientific, artistic, 285  
technical, or scholarly issue, regardless of whether the study 286  
or research was sponsored by the institution alone or in 287  
conjunction with a governmental body or private concern, and 288  
that has not been publicly released, published, or patented. 289

(6) "Donor profile record" means all records about donors 290  
or potential donors to a public institution of higher education 291  
except the names and reported addresses of the actual donors and 292  
the date, amount, and conditions of the actual donation. 293

(7) "Designated public service worker" means a peace 294  
officer, parole officer, probation officer, bailiff, prosecuting 295  
attorney, assistant prosecuting attorney, correctional employee, 296  
county or multicounty corrections officer, community-based 297  
correctional facility employee, designated Ohio national guard 298  
member, protective services worker, youth services employee, 299  
firefighter, EMT, medical director or member of a cooperating 300  
physician advisory board of an emergency medical service 301  
organization, state board of pharmacy employee, investigator of 302  
the bureau of criminal identification and investigation, 303  
emergency service telecommunicator, forensic mental health 304  
provider, mental health evaluation provider, regional 305  
psychiatric hospital employee, judge, magistrate, or federal law 306  
enforcement officer. 307

(8) "Designated public service worker residential and 308

familial information" means any information that discloses any	309
of the following about a designated public service worker:	310
(a) The address of the actual personal residence of a	311
designated public service worker, except for the following	312
information:	313
(i) The address of the actual personal residence of a	314
prosecuting attorney or judge; and	315
(ii) The state or political subdivision in which a	316
designated public service worker resides.	317
(b) Information compiled from referral to or participation	318
in an employee assistance program;	319
(c) The social security number, the residential telephone	320
number, any bank account, debit card, charge card, or credit	321
card number, or the emergency telephone number of, or any	322
medical information pertaining to, a designated public service	323
worker;	324
(d) The name of any beneficiary of employment benefits,	325
including, but not limited to, life insurance benefits, provided	326
to a designated public service worker by the designated public	327
service worker's employer;	328
(e) The identity and amount of any charitable or	329
employment benefit deduction made by the designated public	330
service worker's employer from the designated public service	331
worker's compensation, unless the amount of the deduction is	332
required by state or federal law;	333
(f) The name, the residential address, the name of the	334
employer, the address of the employer, the social security	335
number, the residential telephone number, any bank account,	336

debit card, charge card, or credit card number, or the emergency 337  
telephone number of the spouse, a former spouse, or any child of 338  
a designated public service worker; 339

(g) A photograph of a peace officer who holds a position 340  
or has an assignment that may include undercover or plain 341  
clothes positions or assignments as determined by the peace 342  
officer's appointing authority. 343

(9) As used in divisions (A) (7) and (15) to (17) of this 344  
section: 345

"Peace officer" has the meaning defined in section 109.71 346  
of the Revised Code and also includes the superintendent and 347  
troopers of the state highway patrol; it does not include the 348  
sheriff of a county or a supervisory employee who, in the 349  
absence of the sheriff, is authorized to stand in for, exercise 350  
the authority of, and perform the duties of the sheriff. 351

"Correctional employee" means any employee of the 352  
department of rehabilitation and correction who in the course of 353  
performing the employee's job duties has or has had contact with 354  
inmates and persons under supervision. 355

"County or multicounty corrections officer" means any 356  
corrections officer employed by any county or multicounty 357  
correctional facility. 358

"Designated Ohio national guard member" means a member of 359  
the Ohio national guard who is participating in duties related 360  
to remotely piloted aircraft, including, but not limited to, 361  
pilots, sensor operators, and mission intelligence personnel, 362  
duties related to special forces operations, or duties related 363  
to cybersecurity, and is designated by the adjutant general as a 364  
designated public service worker for those purposes. 365

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

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

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

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

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

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

"Forensic mental health provider" means any employee of a community mental health service provider or local alcohol, drug addiction, and mental health services board who, in the course of the employee's duties, has contact with persons committed to a local alcohol, drug addiction, and mental health services

board by a court order pursuant to section 2945.38, 2945.39, 395  
2945.40, or 2945.402 of the Revised Code. 396

"Mental health evaluation provider" means an individual 397  
who, under Chapter 5122. of the Revised Code, examines a 398  
respondent who is alleged to be a mentally ill person subject to 399  
court order, as defined in section 5122.01 of the Revised Code, 400  
and reports to the probate court the respondent's mental 401  
condition. 402

"Regional psychiatric hospital employee" means any 403  
employee of the department of mental health and addiction 404  
services who, in the course of performing the employee's duties, 405  
has contact with patients committed to the department of mental 406  
health and addiction services by a court order pursuant to 407  
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 408  
Code. 409

"Federal law enforcement officer" has the meaning defined 410  
in section 9.88 of the Revised Code. 411

(10) "Information pertaining to the recreational 412  
activities of a person under the age of eighteen" means 413  
information that is kept in the ordinary course of business by a 414  
public office, that pertains to the recreational activities of a 415  
person under the age of eighteen years, and that discloses any 416  
of the following: 417

(a) The address or telephone number of a person under the 418  
age of eighteen or the address or telephone number of that 419  
person's parent, guardian, custodian, or emergency contact 420  
person; 421

(b) The social security number, birth date, or 422  
photographic image of a person under the age of eighteen; 423

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;	424 425
(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.	426 427 428 429 430 431
(11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code.	432 433
(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.	434 435
(13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.	436 437 438 439
(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.	440 441
(15) "Body-worn camera" means a visual and audio recording device worn on the person of a correctional employee, youth services employee, or peace officer while the correctional employee, youth services employee, or peace officer is engaged in the performance of official duties.	442 443 444 445 446
(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.	447 448 449 450
(17) "Restricted portions of a body-worn camera or	451



dashboard camera recording" means any visual or audio portion of 452  
a body-worn camera or dashboard camera recording that shows, 453  
communicates, or discloses any of the following: 454

(a) The image or identity of a child or information that 455  
could lead to the identification of a child who is a primary 456  
subject of the recording when the department of rehabilitation 457  
and correction, department of youth services, or the law 458  
enforcement agency knows or has reason to know the person is a 459  
child based on the department's or law enforcement agency's 460  
records or the content of the recording; 461

(b) The death of a person or a deceased person's body, 462  
unless the death was caused by a correctional employee, youth 463  
services employee, or peace officer or, subject to division (H) 464  
(1) of this section, the consent of the decedent's executor or 465  
administrator has been obtained; 466

(c) The death of a correctional employee, youth services 467  
employee, peace officer, firefighter, paramedic, or other first 468  
responder, occurring while the decedent was engaged in the 469  
performance of official duties, unless, subject to division (H) 470  
(1) of this section, the consent of the decedent's executor or 471  
administrator has been obtained; 472

(d) Grievous bodily harm, unless the injury was effected 473  
by a correctional employee, youth services employee, or peace 474  
officer or, subject to division (H) (1) of this section, the 475  
consent of the injured person or the injured person's guardian 476  
has been obtained; 477

(e) An act of severe violence against a person that 478  
results in serious physical harm to the person, unless the act 479  
and injury was effected by a correctional employee, youth 480

services employee, or peace officer or, subject to division (H) 481  
(1) of this section, the consent of the injured person or the 482  
injured person's guardian has been obtained; 483

(f) Grievous bodily harm to a correctional employee, youth 484  
services employee, peace officer, firefighter, paramedic, or 485  
other first responder, occurring while the injured person was 486  
engaged in the performance of official duties, unless, subject 487  
to division (H) (1) of this section, the consent of the injured 488  
person or the injured person's guardian has been obtained; 489

(g) An act of severe violence resulting in serious 490  
physical harm against a correctional employee, youth services 491  
employee, peace officer, firefighter, paramedic, or other first 492  
responder, occurring while the injured person was engaged in the 493  
performance of official duties, unless, subject to division (H) 494  
(1) of this section, the consent of the injured person or the 495  
injured person's guardian has been obtained; 496

(h) A person's nude body, unless, subject to division (H) 497  
(1) of this section, the person's consent has been obtained; 498

(i) Protected health information, the identity of a person 499  
in a health care facility who is not the subject of a 500  
correctional, youth services, or law enforcement encounter, or 501  
any other information in a health care facility that could 502  
identify a person who is not the subject of a correctional, 503  
youth services, or law enforcement encounter; 504

(j) Information that could identify the alleged victim of 505  
a sex offense, menacing by stalking, or domestic violence; 506

(k) Information, that does not constitute a confidential 507  
law enforcement investigatory record, that could identify a 508  
person who provides sensitive or confidential information to the 509

department of rehabilitation and correction, the department of 510  
youth services, or a law enforcement agency when the disclosure 511  
of the person's identity or the information provided could 512  
reasonably be expected to threaten or endanger the safety or 513  
property of the person or another person; 514

(l) Personal information of a person who is not arrested, 515  
cited, charged, or issued a written warning by a peace officer; 516

(m) Proprietary correctional, youth services, or police 517  
contingency plans or tactics that are intended to prevent crime 518  
and maintain public order and safety; 519

(n) A personal conversation unrelated to work between 520  
correctional employees, youth services employees, or peace 521  
officers or between a correctional employee, youth services 522  
employee, or peace officer and an employee of a law enforcement 523  
agency; 524

(o) A conversation between a correctional employee, youth 525  
services employee, or peace officer and a member of the public 526  
that does not concern correctional, youth services, or law 527  
enforcement activities; 528

(p) The interior of a residence, unless the interior of a 529  
residence is the location of an adversarial encounter with, or a 530  
use of force by, a correctional employee, youth services 531  
employee, or peace officer; 532

(q) Any portion of the interior of a private business that 533  
is not open to the public, unless an adversarial encounter with, 534  
or a use of force by, a correctional employee, youth services 535  
employee, or peace officer occurs in that location. 536

As used in division (A) (17) of this section: 537

"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	538 539
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	540 541
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	542 543
"Law enforcement agency" means a government entity that employs peace officers to perform law enforcement duties.	544 545
"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.	546 547 548 549
"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.	550 551
"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.	552 553
(B) (1) Upon request by any person and subject to division (B) (8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to the requester at all reasonable times during regular business hours. Subject to division (B) (8) of this section, upon request by any person, a public office or person responsible for public records shall make copies of the requested public record available to the requester at cost and within a reasonable period of time.	554 555 556 557 558 559 560 561 562
When considering whether a state or local law enforcement agency promptly prepared a video record for inspection or provided a video record for production within a reasonable	563 564 565

period of time, in addition to any other factors, a court shall 566  
consider the time required for a state or local law enforcement 567  
agency to retrieve, download, review, redact, seek legal advice 568  
regarding, and produce the video record. ~~Notwithstanding~~ Except 569  
as specified in division (B)(11) of this section, 570  
notwithstanding any other requirement set forth in Chapter 149. 571  
of the Revised Code, a state or local law enforcement agency may 572  
charge a requester the actual cost associated with preparing a 573  
video record for inspection or production, not to exceed 574  
seventy-five dollars per hour of video produced, nor seven 575  
hundred fifty dollars total. As used in this division, "actual 576  
cost," with respect to video records only, means all costs 577  
incurred by the state or local law enforcement agency in 578  
reviewing, blurring or otherwise obscuring, redacting, 579  
uploading, or producing the video records, including but not 580  
limited to the storage medium on which the record is produced, 581  
staff time, and any other relevant overhead necessary to comply 582  
with the request. A state or local law enforcement agency may 583  
include in its public records policy the requirement that a 584  
requester pay the estimated actual cost before beginning the 585  
process of preparing a video record for inspection or 586  
production. Where a state or local law enforcement agency 587  
imposes such a requirement, its obligation to produce a video or 588  
make it available for inspection begins once the estimated 589  
actual cost is paid in full by the requester. A state or local 590  
law enforcement agency shall provide the requester with the 591  
estimated actual cost within five business days of receipt of 592  
the public records request. If the actual cost exceeds the 593  
estimated actual cost, a state or local law enforcement agency 594  
may charge a requester for the difference upon fulfilling a 595  
request for video records if the requester is notified in 596  
advance that the actual cost may be up to twenty per cent higher 597

than the estimated actual cost. A state or local law enforcement 598  
agency shall not charge a requester a difference that exceeds 599  
twenty per cent of the estimated actual cost. 600

If a public record contains information that is exempt 601  
from the duty to permit public inspection or to copy the public 602  
record, the public office or the person responsible for the 603  
public record shall make available all of the information within 604  
the public record that is not exempt. When making that public 605  
record available for public inspection or copying that public 606  
record, the public office or the person responsible for the 607  
public record shall notify the requester of any redaction or 608  
make the redaction plainly visible. A redaction shall be deemed 609  
a denial of a request to inspect or copy the redacted 610  
information, except if federal or state law authorizes or 611  
requires a public office to make the redaction. When the auditor 612  
of state receives a request to inspect or to make a copy of a 613  
record that was provided to the auditor of state for purposes of 614  
an audit, but the original public office has asserted to the 615  
auditor of state that the record is not a public record, the 616  
auditor of state may handle the requests by directing the 617  
requestor to the original public office that provided the record 618  
to the auditor of state. 619

(2) To facilitate broader access to public records, a 620  
public office or the person responsible for public records shall 621  
organize and maintain public records in a manner that they can 622  
be made available for inspection or copying in accordance with 623  
division (B) of this section. A public office also shall have 624  
available a copy of its current records retention schedule at a 625  
location readily available to the public. If a requester makes 626  
an ambiguous or overly broad request or has difficulty in making 627  
a request for copies or inspection of public records under this 628

section such that the public office or the person responsible 629  
for the requested public record cannot reasonably identify what 630  
public records are being requested, the public office or the 631  
person responsible for the requested public record may deny the 632  
request but shall provide the requester with an opportunity to 633  
revise the request by informing the requester of the manner in 634  
which records are maintained by the public office and accessed 635  
in the ordinary course of the public office's or person's 636  
duties. 637

(3) If a request is ultimately denied, in part or in 638  
whole, the public office or the person responsible for the 639  
requested public record shall provide the requester with an 640  
explanation, including legal authority, setting forth why the 641  
request was denied. If the initial request was provided in 642  
writing, the explanation also shall be provided to the requester 643  
in writing. The explanation shall not preclude the public office 644  
or the person responsible for the requested public record from 645  
relying upon additional reasons or legal authority in defending 646  
an action commenced under division (C) of this section. 647

(4) Unless specifically required or authorized by state or 648  
federal law or in accordance with division (B) of this section, 649  
no public office or person responsible for public records may 650  
limit or condition the availability of public records by 651  
requiring disclosure of the requester's identity or the intended 652  
use of the requested public record. Any requirement that the 653  
requester disclose the requester's identity or the intended use 654  
of the requested public record constitutes a denial of the 655  
request. 656

(5) A public office or person responsible for public 657  
records may ask a requester to make the request in writing, may 658

ask for the requester's identity, and may inquire about the 659  
intended use of the information requested, but may do so only 660  
after disclosing to the requester that a written request is not 661  
mandatory, that the requester may decline to reveal the 662  
requester's identity or the intended use, and when a written 663  
request or disclosure of the identity or intended use would 664  
benefit the requester by enhancing the ability of the public 665  
office or person responsible for public records to identify, 666  
locate, or deliver the public records sought by the requester. 667

(6) If any person requests a copy of a public record in 668  
accordance with division (B) of this section, the public office 669  
or person responsible for the public record may require the 670  
requester to pay in advance the cost involved in providing the 671  
copy of the public record in accordance with the choice made by 672  
the requester under this division. The public office or the 673  
person responsible for the public record shall permit the 674  
requester to choose to have the public record duplicated upon 675  
paper, upon the same medium upon which the public office or 676  
person responsible for the public record keeps it, or upon any 677  
other medium upon which the public office or person responsible 678  
for the public record determines that it reasonably can be 679  
duplicated as an integral part of the normal operations of the 680  
public office or person responsible for the public record. When 681  
the requester makes a choice under this division, the public 682  
office or person responsible for the public record shall provide 683  
a copy of it in accordance with the choice made by the 684  
requester. Nothing in this section requires a public office or 685  
person responsible for the public record to allow the requester 686  
of a copy of the public record to make the copies of the public 687  
record. 688

(7) (a) Upon a request made in accordance with division (B) 689



of this section and subject to division (B) (6) of this section, 690  
a public office or person responsible for public records shall 691  
transmit a copy of a public record to any person by United 692  
States mail or by any other means of delivery or transmission 693  
within a reasonable period of time after receiving the request 694  
for the copy. The public office or person responsible for the 695  
public record may require the person making the request to pay 696  
in advance the cost of postage if the copy is transmitted by 697  
United States mail or the cost of delivery if the copy is 698  
transmitted other than by United States mail, and to pay in 699  
advance the costs incurred for other supplies used in the 700  
mailing, delivery, or transmission. 701

(b) Any public office may adopt a policy and procedures 702  
that it will follow in transmitting, within a reasonable period 703  
of time after receiving a request, copies of public records by 704  
United States mail or by any other means of delivery or 705  
transmission pursuant to division (B) (7) of this section. A 706  
public office that adopts a policy and procedures under division 707  
(B) (7) of this section shall comply with them in performing its 708  
duties under that division. 709

(c) In any policy and procedures adopted under division 710  
(B) (7) of this section: 711

(i) A public office may limit the number of records 712  
requested by a person that the office will physically deliver by 713  
United States mail or by another delivery service to ten per 714  
month, unless the person certifies to the office in writing that 715  
the person does not intend to use or forward the requested 716  
records, or the information contained in them, for commercial 717  
purposes; 718

(ii) A public office that chooses to provide some or all 719

of its public records on a web site that is fully accessible to 720  
and searchable by members of the public at all times, other than 721  
during acts of God outside the public office's control or 722  
maintenance, and that charges no fee to search, access, 723  
download, or otherwise receive records provided on the web site, 724  
may limit to ten per month the number of records requested by a 725  
person that the office will deliver in a digital format, unless 726  
the requested records are not provided on the web site and 727  
unless the person certifies to the office in writing that the 728  
person does not intend to use or forward the requested records, 729  
or the information contained in them, for commercial purposes. 730

(iii) For purposes of division (B) (7) of this section, 731  
"commercial" shall be narrowly construed and does not include 732  
reporting or gathering news, reporting or gathering information 733  
to assist citizen oversight or understanding of the operation or 734  
activities of government, or nonprofit educational research. 735

(8) A public office or person responsible for public 736  
records is not required to permit a person who is incarcerated 737  
pursuant to a criminal conviction or a juvenile adjudication to 738  
inspect or to obtain a copy of any public record concerning a 739  
criminal investigation or prosecution or concerning what would 740  
be a criminal investigation or prosecution if the subject of the 741  
investigation or prosecution were an adult, unless the request 742  
to inspect or to obtain a copy of the record is for the purpose 743  
of acquiring information that is subject to release as a public 744  
record under this section and the judge who imposed the sentence 745  
or made the adjudication with respect to the person, or the 746  
judge's successor in office, finds that the information sought 747  
in the public record is necessary to support what appears to be 748  
a justiciable claim of the person. As used in this division, 749  
"public record concerning a criminal investigation or 750

prosecution or concerning what would be a criminal investigation 751  
or prosecution if the subject of the investigation were an 752  
adult" includes, but is not limited to, personnel files and 753  
payroll and attendance records of designated public service 754  
workers. 755

(9) (a) Upon written request made and signed by a 756  
journalist, a public office, or person responsible for public 757  
records, having custody of the records of the agency employing a 758  
specified designated public service worker shall disclose to the 759  
journalist the address of the actual personal residence of the 760  
designated public service worker and, if the designated public 761  
service worker's spouse, former spouse, or child is employed by 762  
a public office, the name and address of the employer of the 763  
designated public service worker's spouse, former spouse, or 764  
child, and any past, current, and future work schedules of the 765  
designated public service worker. The request shall include the 766  
journalist's name and title and the name and address of the 767  
journalist's employer and shall state that disclosure of the 768  
information sought would be in the public interest. 769

(b) Division (B) (9) (a) of this section also applies to 770  
journalist requests for: 771

(i) Customer information maintained by a municipally owned 772  
or operated public utility, other than social security numbers 773  
and any private financial information such as credit reports, 774  
payment methods, credit card numbers, and bank account 775  
information; 776

(ii) Information about minors involved in a school vehicle 777  
accident as provided in division (A) (1) (gg) of this section, 778  
other than personal information as defined in section 149.45 of 779  
the Revised Code; 780

(iii) A request form submitted to a public office under 781  
section 149.45 of the Revised Code; 782

(iv) An affidavit submitted under section 319.28 of the 783  
Revised Code. 784

(c) As used in division (B)(9) of this section, 785  
"journalist" means a person engaged in, connected with, or 786  
employed by any news medium, including a newspaper, magazine, 787  
press association, news agency, or wire service, a radio or 788  
television station, or a similar medium, for the purpose of 789  
gathering, processing, transmitting, compiling, editing, or 790  
disseminating information for the general public. 791

(10) Upon a request made by a victim, victim's attorney, 792  
or victim's representative, as that term is used in section 793  
2930.02 of the Revised Code, a public office or person 794  
responsible for public records shall transmit a copy of a 795  
depiction of the victim as described in division (A)(1)(ii) of 796  
this section to the victim, victim's attorney, or victim's 797  
representative. 798

(11) A state or local law enforcement agency shall not 799  
charge a fee for preparing a video record for inspection or 800  
production when the requester of the video record is an 801  
individual known or presumed to be depicted in the video, or a 802  
representative, spouse, parent, or child, of that individual. 803

(C)(1) If a person allegedly is aggrieved by the failure 804  
of a public office or the person responsible for public records 805  
to promptly prepare a public record and to make it available to 806  
the person for inspection in accordance with division (B) of 807  
this section or by any other failure of a public office or the 808  
person responsible for public records to comply with an 809

obligation in accordance with division (B) of this section, the 810  
person allegedly aggrieved may serve pursuant to Rule 4 of the 811  
Ohio Rules of Civil Procedure a complaint, on a form prescribed 812  
by the clerk of the court of claims, to the public office or 813  
person responsible for public records allegedly responsible for 814  
the alleged failure. Upon receipt of the complaint of the person 815  
allegedly aggrieved, the public office or person responsible for 816  
public records has three business days to cure or otherwise 817  
address the failure alleged in the complaint. The person 818  
allegedly aggrieved shall not file a complaint with a court or 819  
commence a mandamus action under this section within the three- 820  
day period. Upon the expiration of the three-day period, the 821  
person allegedly aggrieved may, subject to the requirements of 822  
division (C) (2) of this section, do only one of the following, 823  
and not both: 824

(a) File a complaint with the clerk of the court of claims 825  
or the clerk of the court of common pleas under section 2743.75 826  
of the Revised Code; 827

(b) Commence a mandamus action to obtain a judgment that 828  
orders the public office or the person responsible for the 829  
public record to comply with division (B) of this section, that 830  
awards court costs and reasonable attorney's fees to the person 831  
that instituted the mandamus action, and, if applicable, that 832  
includes an order fixing statutory damages under division (C) (3) 833  
of this section. The mandamus action may be commenced in the 834  
court of common pleas of the county in which division (B) of 835  
this section allegedly was not complied with, in the supreme 836  
court pursuant to its original jurisdiction under Section 2 of 837  
Article IV, Ohio Constitution, or in the court of appeals for 838  
the appellate district in which division (B) of this section 839  
allegedly was not complied with pursuant to its original 840

jurisdiction under Section 3 of Article IV, Ohio Constitution. 841

(2) Upon filing a complaint or mandamus action with a 842  
court under divisions (C) (1) (a) or (b) of this section, a person 843  
allegedly aggrieved shall file with the court, in conjunction 844  
with the person's complaint or petition, a written affirmation 845  
stating that the person properly transmitted a complaint to the 846  
public office or person responsible for public records, the 847  
failure alleged in the complaint has not been cured or otherwise 848  
resolved to the person's satisfaction, and that the complaint 849  
was transmitted to the public office or person responsible for 850  
public records at least three business days before the filing of 851  
the suit. If the person fails to file an affirmation pursuant to 852  
this division, the suit shall be dismissed. 853

(3) If a requester transmits a written request by hand 854  
delivery, electronic submission, or certified mail to inspect or 855  
receive copies of any public record in a manner that fairly 856  
describes the public record or class of public records to the 857  
public office or person responsible for the requested public 858  
records, except as otherwise provided in this section, the 859  
requester shall be entitled to recover the amount of statutory 860  
damages set forth in this division if a court determines that 861  
the public office or the person responsible for public records 862  
failed to comply with an obligation in accordance with division 863  
(B) of this section. Statutory damages are not available 864  
pursuant to this section to a person committed to the custody of 865  
the department of rehabilitation and correction or the United 866  
States bureau of prisons, or a child committed to the department 867  
of youth services as permitted in Chapter 2152. of the Revised 868  
Code. 869

The amount of statutory damages shall be fixed at one 870

hundred dollars for each business day during which the public 871  
office or person responsible for the requested public records 872  
failed to comply with an obligation in accordance with division 873  
(B) of this section, beginning with the day on which the 874  
requester files a mandamus action to recover statutory damages, 875  
up to a maximum of one thousand dollars. The award of statutory 876  
damages shall not be construed as a penalty, but as compensation 877  
for injury arising from lost use of the requested information. 878  
The existence of this injury shall be conclusively presumed. The 879  
award of statutory damages shall be in addition to all other 880  
remedies authorized by this section. 881

The court may reduce an award of statutory damages or not 882  
award statutory damages if the court determines both of the 883  
following: 884

(a) That, based on the ordinary application of statutory 885  
law and case law as it existed at the time of the conduct or 886  
threatened conduct of the public office or person responsible 887  
for the requested public records that allegedly constitutes a 888  
failure to comply with an obligation in accordance with division 889  
(B) of this section and that was the basis of the mandamus 890  
action, a well-informed public office or person responsible for 891  
the requested public records reasonably would believe that the 892  
conduct or threatened conduct of the public office or person 893  
responsible for the requested public records did not constitute 894  
a failure to comply with an obligation in accordance with 895  
division (B) of this section; 896

(b) That a well-informed public office or person 897  
responsible for the requested public records reasonably would 898  
believe that the conduct or threatened conduct of the public 899  
office or person responsible for the requested public records 900

would serve the public policy that underlies the authority that 901  
is asserted as permitting that conduct or threatened conduct. 902

(4) In a mandamus action filed under division (C) (1) of 903  
this section, the following apply: 904

(a) (i) If the court orders the public office or the person 905  
responsible for the public record to comply with division (B) of 906  
this section, the court shall determine and award to the relator 907  
all court costs, which shall be construed as remedial and not 908  
punitive. 909

(ii) If the court makes a determination described in 910  
division (C) (4) (b) (iii) of this section, the court shall 911  
determine and award to the relator all court costs, which shall 912  
be construed as remedial and not punitive. 913

(b) If the court renders a judgment that orders the public 914  
office or the person responsible for the public record to comply 915  
with division (B) of this section or if the court determines any 916  
of the following, the court may award reasonable attorney's fees 917  
to the relator, subject to division (C) (5) of this section: 918

(i) The public office or the person responsible for the 919  
public records failed to respond affirmatively or negatively to 920  
the public records request in accordance with the time allowed 921  
under division (B) of this section. 922

(ii) The public office or the person responsible for the 923  
public records promised to permit the relator to inspect or 924  
receive copies of the public records requested within a 925  
specified period of time but failed to fulfill that promise 926  
within that specified period of time. 927

(iii) The public office or the person responsible for the 928  
public records acted in bad faith when the office or person 929



voluntarily made the public records available to the relator for 930  
the first time after the relator commenced the mandamus action, 931  
but before the court issued any order concluding whether or not 932  
the public office or person was required to comply with division 933  
(B) of this section. No discovery may be conducted on the issue 934  
of the alleged bad faith of the public office or person 935  
responsible for the public records. This division shall not be 936  
construed as creating a presumption that the public office or 937  
the person responsible for the public records acted in bad faith 938  
when the office or person voluntarily made the public records 939  
available to the relator for the first time after the relator 940  
commenced the mandamus action, but before the court issued any 941  
order described in this division. 942

(c) The court shall not award attorney's fees to the 943  
relator if the court determines both of the following: 944

(i) That, based on the ordinary application of statutory 945  
law and case law as it existed at the time of the conduct or 946  
threatened conduct of the public office or person responsible 947  
for the requested public records that allegedly constitutes a 948  
failure to comply with an obligation in accordance with division 949  
(B) of this section and that was the basis of the mandamus 950  
action, a well-informed public office or person responsible for 951  
the requested public records reasonably would believe that the 952  
conduct or threatened conduct of the public office or person 953  
responsible for the requested public records did not constitute 954  
a failure to comply with an obligation in accordance with 955  
division (B) of this section; 956

(ii) That a well-informed public office or person 957  
responsible for the requested public records reasonably would 958  
believe that the conduct or threatened conduct of the public 959

office or person responsible for the requested public records 960  
would serve the public policy that underlies the authority that 961  
is asserted as permitting that conduct or threatened conduct. 962

(5) All of the following apply to any award of reasonable 963  
attorney's fees awarded under division (C) (4) (b) of this 964  
section: 965

(a) The fees shall be construed as remedial and not 966  
punitive. 967

(b) The fees awarded shall not exceed the total of the 968  
reasonable attorney's fees incurred before the public record was 969  
made available to the relator and the fees described in division 970  
(C) (5) (c) of this section. 971

(c) Reasonable attorney's fees shall include reasonable 972  
fees incurred to produce proof of the reasonableness and amount 973  
of the fees and to otherwise litigate entitlement to the fees. 974

(d) The court may reduce the amount of fees awarded if the 975  
court determines that, given the factual circumstances involved 976  
with the specific public records request, an alternative means 977  
should have been pursued to more effectively and efficiently 978  
resolve the dispute that was subject to the mandamus action 979  
filed under division (C) (1) of this section. 980

(6) If the court does not issue a writ of mandamus under 981  
division (C) of this section and the court determines at that 982  
time that the bringing of the mandamus action was frivolous 983  
conduct as defined in division (A) of section 2323.51 of the 984  
Revised Code, the court may award to the public office all court 985  
costs, expenses, and reasonable attorney's fees, as determined 986  
by the court. 987

(D) Chapter 1347. of the Revised Code does not limit the 988

provisions of this section. 989

(E) (1) To ensure that all employees of public offices are 990  
appropriately educated about a public office's obligations under 991  
division (B) of this section, all elected officials or their 992  
appropriate designees shall attend training approved by the 993  
attorney general as provided in section 109.43 of the Revised 994  
Code. A future official may satisfy the requirements of this 995  
division by attending the training before taking office, 996  
provided that the future official may not send a designee in the 997  
future official's place. 998

(2) All public offices shall adopt a public records policy 999  
in compliance with this section for responding to public records 1000  
requests. In adopting a public records policy under this 1001  
division, a public office may obtain guidance from the model 1002  
public records policy developed and provided to the public 1003  
office by the attorney general under section 109.43 of the 1004  
Revised Code. Except as otherwise provided in this section, the 1005  
policy may not limit the number of public records that the 1006  
public office will make available to a single person, may not 1007  
limit the number of public records that it will make available 1008  
during a fixed period of time, and may not establish a fixed 1009  
period of time before it will respond to a request for 1010  
inspection or copying of public records, unless that period is 1011  
less than eight hours. 1012

The public office shall distribute the public records 1013  
policy adopted by the public office under this division to the 1014  
employee of the public office who is the records custodian or 1015  
records manager or otherwise has custody of the records of that 1016  
office. The public office shall require that employee to 1017  
acknowledge receipt of the copy of the public records policy. 1018

The public office shall create a poster that describes its public records policy and shall post the poster in a conspicuous place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

(F) (1) The bureau of motor vehicles may adopt rules pursuant to Chapter 119. of the Revised Code to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the bureau, plus special extraction costs, plus ten per cent. The bureau may charge for expenses for redacting information, the release of which is prohibited by law.

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

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

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or database by a person who intends to use or

forward the copies for surveys, marketing, solicitation, or 1049  
resale for commercial purposes. "Bulk commercial special 1050  
extraction request" does not include a request by a person who 1051  
gives assurance to the bureau that the person making the request 1052  
does not intend to use or forward the requested copies for 1053  
surveys, marketing, solicitation, or resale for commercial 1054  
purposes. 1055

(c) "Commercial" means profit-seeking production, buying, 1056  
or selling of any good, service, or other product. 1057

(d) "Special extraction costs" means the cost of the time 1058  
spent by the lowest paid employee competent to perform the task, 1059  
the actual amount paid to outside private contractors employed 1060  
by the bureau, or the actual cost incurred to create computer 1061  
programs to make the special extraction. "Special extraction 1062  
costs" include any charges paid to a public agency for computer 1063  
or records services. 1064

(3) For purposes of divisions (F) (1) and (2) of this 1065  
section, "surveys, marketing, solicitation, or resale for 1066  
commercial purposes" shall be narrowly construed and does not 1067  
include reporting or gathering news, reporting or gathering 1068  
information to assist citizen oversight or understanding of the 1069  
operation or activities of government, or nonprofit educational 1070  
research. 1071

(G) A request by a defendant, counsel of a defendant, or 1072  
any agent of a defendant in a criminal action that public 1073  
records related to that action be made available under this 1074  
section shall be considered a demand for discovery pursuant to 1075  
the Criminal Rules, except to the extent that the Criminal Rules 1076  
plainly indicate a contrary intent. The defendant, counsel of 1077  
the defendant, or agent of the defendant making a request under 1078

this division shall serve a copy of the request on the 1079  
prosecuting attorney, director of law, or other chief legal 1080  
officer responsible for prosecuting the action. 1081

(H) (1) Any portion of a body-worn camera or dashboard 1082  
camera recording described in divisions (A) (17) (b) to (h) of 1083  
this section may be released by consent of the subject of the 1084  
recording or a representative of that person, as specified in 1085  
those divisions, only if either of the following applies: 1086

(a) The recording will not be used in connection with any 1087  
probable or pending criminal proceedings; 1088

(b) The recording has been used in connection with a 1089  
criminal proceeding that was dismissed or for which a judgment 1090  
has been entered pursuant to Rule 32 of the Rules of Criminal 1091  
Procedure, and will not be used again in connection with any 1092  
probable or pending criminal proceedings. 1093

(2) If a public office denies a request to release a 1094  
restricted portion of a body-worn camera or dashboard camera 1095  
recording, as defined in division (A) (17) of this section, any 1096  
person may file a mandamus action pursuant to this section or a 1097  
complaint with the clerk of the court of claims pursuant to 1098  
section 2743.75 of the Revised Code, requesting the court to 1099  
order the release of all or portions of the recording. If the 1100  
court considering the request determines that the filing 1101  
articulates by clear and convincing evidence that the public 1102  
interest in the recording substantially outweighs privacy 1103  
interests and other interests asserted to deny release, the 1104  
court shall order the public office to release the recording. 1105

**Section 2.** That existing section 149.43 of the Revised 1106  
Code is hereby repealed. 1107

**Section 3.** Section 149.43 of the Revised Code is presented 1108  
in this act as a composite of the section as amended by H.B. 1109  
265, H.B. 315, S.B. 29 and S.B. 109 all of the 135th General 1110  
Assembly. The General Assembly, applying the principle stated in 1111  
division (B) of section 1.52 of the Revised Code that amendments 1112  
are to be harmonized and reconciled if reasonably capable of 1113  
simultaneous operation, finds that the composite is the 1114  
resulting version of the section in effect prior to the 1115  
effective date of the section as presented in this act. 1116