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S.B. 217
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B. 217's Bill Analysis](#)

Version: As Passed by the Senate

Primary Sponsor: Sen. Schaffer

Local Impact Statement Procedure Required: No

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The bill has no direct fiscal effect on the state or political subdivisions, as it modifies certain exceptions under Ohio's Public Records Law to conform to federal law and current practice.

The bill modifies currently specified exceptions with respect to long-term care ombudsman programs, direct-care positions, community-based long-term care services, and certain persons serving as a municipal corporation tax administrator to specify that criminal history record information is not an exempted record regarding a court or hearing officer in certain cases. The bill declares that it is an emergency measure, which means it takes immediate effect.

Under existing law, an individual who has been convicted of or pleaded guilty to certain offenses may not be employed in specified professions, in particular health care jobs involving care of older adults or children. In general, as a condition of employment, a criminal records check must be conducted by the Bureau of Criminal Investigation, the results of which may preclude the employment of the applicant. The report of any such criminal records check is not a public record under Ohio's Public Records Law and may not be made available to any person, subject to specified exceptions.

In May 2021, the Federal Bureau of Investigation (FBI) determined that four criminal records check statutes in the Ohio Revised Code, related to the above-noted professions, were out of compliance with the requirements of federal P.L. 92-522 for access to Criminal History Record Information (CHRI).¹ The determination was based on the fact that the statutes could allow private or nongovernmental entities to receive CHRI because their exemptions are not explicitly limited to the circumstance of when such information is sought by these entities via

¹ CHRI is the summary of arrests and prosecutions for criminal charges. Each state has a single central repository that is responsible for maintaining that state's CHRI. These central repositories also provide copies of portions of their records to the FBI for inclusion in the national criminal history record database.

subpoena or court order. The bill clarifies this limitation. According to the staff of the Ohio Attorney General's Office, the bill's modifications are technical in that they align state law with federal law and current practice.