

**As Introduced**

**134th General Assembly**

**Regular Session**

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**H. B. No. 511**

**Representatives Humphrey, Stewart**

**Cosponsors: Representatives Bird, Blackshear, Boggs, Boyd, Brent, Brown, Crossman, Ferguson, Galonski, Hillyer, Holmes, Howse, Jarrells, Kelly, Lampton, Lepore-Hagan, Leland, Lightbody, Liston, Miller, A., Miller, J., Miranda, Ray, Russo, Sheehy, Skindell, Smith, K., Smith, M., Sobecki, Troy, Upchurch**

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**A BILL**

To amend sections 149.43 and 5149.10 of the Revised Code to require electronic recordings to be made of all parole board hearings, excluding certain personal identifying information, and to make those electronic recordings "public records" under the Public Records Law.

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

**Section 1.** That sections 149.43 and 5149.10 of the Revised Code be amended to read as follows:

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

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

mean any of the following:	17
(a) Medical records;	18
(b) Records pertaining to probation and parole	19
proceedings, <u>except the electronic recordings of hearings of the</u>	20
<u>parole board made as provided in section 5149.10 of the Revised</u>	21
<u>Code,</u> to proceedings related to the imposition of community	22
control sanctions and post-release control sanctions, or to	23
proceedings related to determinations under section 2967.271 of	24
the Revised Code regarding the release or maintained	25
incarceration of an offender to whom that section applies;	26
(c) Records pertaining to actions under section 2151.85	27
and division (C) of section 2919.121 of the Revised Code and to	28
appeals of actions arising under those sections;	29
(d) Records pertaining to adoption proceedings, including	30
the contents of an adoption file maintained by the department of	31
health under sections 3705.12 to 3705.124 of the Revised Code;	32
(e) Information in a record contained in the putative	33
father registry established by section 3107.062 of the Revised	34
Code, regardless of whether the information is held by the	35
department of job and family services or, pursuant to section	36
3111.69 of the Revised Code, the office of child support in the	37
department or a child support enforcement agency;	38
(f) Records specified in division (A) of section 3107.52	39
of the Revised Code;	40
(g) Trial preparation records;	41
(h) Confidential law enforcement investigatory records;	42
(i) Records containing information that is confidential	43
under section 2710.03 or 4112.05 of the Revised Code;	44

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	45 46
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	47 48 49 50
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	51 52 53 54
(m) Intellectual property records;	55
(n) Donor profile records;	56
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	57 58
(p) Designated public service worker residential and familial information;	59 60
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	61 62 63 64 65
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	66 67
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by	68 69 70 71 72

board members during meetings of the board or by persons	73
participating in the director's review, and all work products of	74
the board or director, and in the case of a child fatality	75
review board, child fatality review data submitted by the board	76
to the department of health or a national child death review	77
database, other than the report prepared pursuant to division	78
(A) of section 307.626 of the Revised Code;	79
(t) Records provided to and statements made by the	80
executive director of a public children services agency or a	81
prosecuting attorney acting pursuant to section 5153.171 of the	82
Revised Code other than the information released under that	83
section;	84
(u) Test materials, examinations, or evaluation tools used	85
in an examination for licensure as a nursing home administrator	86
that the board of executives of long-term services and supports	87
administers under section 4751.15 of the Revised Code or	88
contracts under that section with a private or government entity	89
to administer;	90
(v) Records the release of which is prohibited by state or	91
federal law;	92
(w) Proprietary information of or relating to any person	93
that is submitted to or compiled by the Ohio venture capital	94
authority created under section 150.01 of the Revised Code;	95
(x) Financial statements and data any person submits for	96
any purpose to the Ohio housing finance agency or the	97
controlling board in connection with applying for, receiving, or	98
accounting for financial assistance from the agency, and	99
information that identifies any individual who benefits directly	100
or indirectly from financial assistance from the agency;	101

(y) Records listed in section 5101.29 of the Revised Code;	102
(z) Discharges recorded with a county recorder under	103
section 317.24 of the Revised Code, as specified in division (B)	104
(2) of that section;	105
(aa) Usage information including names and addresses of	106
specific residential and commercial customers of a municipally	107
owned or operated public utility;	108
(bb) Records described in division (C) of section 187.04	109
of the Revised Code that are not designated to be made available	110
to the public as provided in that division;	111
(cc) Information and records that are made confidential,	112
privileged, and not subject to disclosure under divisions (B)	113
and (C) of section 2949.221 of the Revised Code;	114
(dd) Personal information, as defined in section 149.45 of	115
the Revised Code;	116
(ee) The confidential name, address, and other personally	117
identifiable information of a program participant in the address	118
confidentiality program established under sections 111.41 to	119
111.47 of the Revised Code, including the contents of any	120
application for absent voter's ballots, absent voter's ballot	121
identification envelope statement of voter, or provisional	122
ballot affirmation completed by a program participant who has a	123
confidential voter registration record, and records or portions	124
of records pertaining to that program that identify the number	125
of program participants that reside within a precinct, ward,	126
township, municipal corporation, county, or any other geographic	127
area smaller than the state. As used in this division,	128
"confidential address" and "program participant" have the	129
meaning defined in section 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

A record that is not a public record under division (A) (1) 194  
of this section and that, under law, is permanently retained 195  
becomes a public record on the day that is seventy-five years 196  
after the day on which the record was created, except for any 197  
record protected by the attorney-client privilege, a trial 198  
preparation record as defined in this section, a statement 199  
prohibiting the release of identifying information signed under 200  
section 3107.083 of the Revised Code, a denial of release form 201  
filed pursuant to section 3107.46 of the Revised Code, or any 202  
record that is exempt from release or disclosure under section 203  
149.433 of the Revised Code. If the record is a birth 204  
certificate and a biological parent's name redaction request 205  
form has been accepted under section 3107.391 of the Revised 206  
Code, the name of that parent shall be redacted from the birth 207  
certificate before it is released under this paragraph. If any 208  
other section of the Revised Code establishes a time period for 209  
disclosure of a record that conflicts with the time period 210  
specified in this section, the time period in the other section 211  
prevails. 212

(2) "Confidential law enforcement investigatory record" 213  
means any record that pertains to a law enforcement matter of a 214  
criminal, quasi-criminal, civil, or administrative nature, but 215  
only to the extent that the release of the record would create a 216  
high probability of disclosure of any of the following: 217

(a) The identity of a suspect who has not been charged 218  
with the offense to which the record pertains, or of an 219



information source or witness to whom confidentiality has been	220
reasonably promised;	221
(b) Information provided by an information source or	222
witness to whom confidentiality has been reasonably promised,	223
which information would reasonably tend to disclose the source's	224
or witness's identity;	225
(c) Specific confidential investigatory techniques or	226
procedures or specific investigatory work product;	227
(d) Information that would endanger the life or physical	228
safety of law enforcement personnel, a crime victim, a witness,	229
or a confidential information source.	230
(3) "Medical record" means any document or combination of	231
documents, except births, deaths, and the fact of admission to	232
or discharge from a hospital, that pertains to the medical	233
history, diagnosis, prognosis, or medical condition of a patient	234
and that is generated and maintained in the process of medical	235
treatment.	236
(4) "Trial preparation record" means any record that	237
contains information that is specifically compiled in reasonable	238
anticipation of, or in defense of, a civil or criminal action or	239
proceeding, including the independent thought processes and	240
personal trial preparation of an attorney.	241
(5) "Intellectual property record" means a record, other	242
than a financial or administrative record, that is produced or	243
collected by or for faculty or staff of a state institution of	244
higher learning in the conduct of or as a result of study or	245
research on an educational, commercial, scientific, artistic,	246
technical, or scholarly issue, regardless of whether the study	247
or research was sponsored by the institution alone or in	248

conjunction with a governmental body or private concern, and 249  
that has not been publicly released, published, or patented. 250

(6) "Donor profile record" means all records about donors 251  
or potential donors to a public institution of higher education 252  
except the names and reported addresses of the actual donors and 253  
the date, amount, and conditions of the actual donation. 254

(7) "Designated public service worker" means a peace 255  
officer, parole officer, probation officer, bailiff, prosecuting 256  
attorney, assistant prosecuting attorney, correctional employee, 257  
county or multicounty corrections officer, community-based 258  
correctional facility employee, designated Ohio national guard 259  
member, protective services worker, youth services employee, 260  
firefighter, EMT, medical director or member of a cooperating 261  
physician advisory board of an emergency medical service 262  
organization, state board of pharmacy employee, investigator of 263  
the bureau of criminal identification and investigation, 264  
emergency service telecommunicator, forensic mental health 265  
provider, mental health evaluation provider, regional 266  
psychiatric hospital employee, judge, magistrate, or federal law 267  
enforcement officer. 268

(8) "Designated public service worker residential and 269  
familial information" means any information that discloses any 270  
of the following about a designated public service worker: 271

(a) The address of the actual personal residence of a 272  
designated public service worker, except for the following 273  
information: 274

(i) The address of the actual personal residence of a 275  
prosecuting attorney or judge; and 276

(ii) The state or political subdivision in which a 277

designated public service worker resides.	278
(b) Information compiled from referral to or participation in an employee assistance program;	279 280
(c) 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, or any medical information pertaining to, a designated public service worker;	281 282 283 284 285
(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer;	286 287 288 289
(e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law;	290 291 292 293 294
(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;	295 296 297 298 299 300
(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.	301 302 303 304
(9) As used in divisions (A) (7) and (15) to (17) of this section:	305 306

"Peace officer" has the meaning defined in section 109.71 307  
of the Revised Code and also includes the superintendent and 308  
troopers of the state highway patrol; it does not include the 309  
sheriff of a county or a supervisory employee who, in the 310  
absence of the sheriff, is authorized to stand in for, exercise 311  
the authority of, and perform the duties of the sheriff. 312

"Correctional employee" means any employee of the 313  
department of rehabilitation and correction who in the course of 314  
performing the employee's job duties has or has had contact with 315  
inmates and persons under supervision. 316

"County or multicounty corrections officer" means any 317  
corrections officer employed by any county or multicounty 318  
correctional facility. 319

"Designated Ohio national guard member" means a member of 320  
the Ohio national guard who is participating in duties related 321  
to remotely piloted aircraft, including, but not limited to, 322  
pilots, sensor operators, and mission intelligence personnel, 323  
duties related to special forces operations, or duties related 324  
to cybersecurity, and is designated by the adjutant general as a 325  
designated public service worker for those purposes. 326

"Protective services worker" means any employee of a 327  
county agency who is responsible for child protective services, 328  
child support services, or adult protective services. 329

"Youth services employee" means any employee of the 330  
department of youth services who in the course of performing the 331  
employee's job duties has or has had contact with children 332  
committed to the custody of the department of youth services. 333

"Firefighter" means any regular, paid or volunteer, member 334  
of a lawfully constituted fire department of a municipal 335

corporation, township, fire district, or village. 336

"EMT" means EMTs-basic, EMTs-I, and paramedics that 337  
provide emergency medical services for a public emergency 338  
medical service organization. "Emergency medical service 339  
organization," "EMT-basic," "EMT-I," and "paramedic" have the 340  
meanings defined in section 4765.01 of the Revised Code. 341

"Investigator of the bureau of criminal identification and 342  
investigation" has the meaning defined in section 2903.11 of the 343  
Revised Code. 344

"Emergency service telecommunicator" has the meaning 345  
defined in section 4742.01 of the Revised Code. 346

"Forensic mental health provider" means any employee of a 347  
community mental health service provider or local alcohol, drug 348  
addiction, and mental health services board who, in the course 349  
of the employee's duties, has contact with persons committed to 350  
a local alcohol, drug addiction, and mental health services 351  
board by a court order pursuant to section 2945.38, 2945.39, 352  
2945.40, or 2945.402 of the Revised Code. 353

"Mental health evaluation provider" means an individual 354  
who, under Chapter 5122. of the Revised Code, examines a 355  
respondent who is alleged to be a mentally ill person subject to 356  
court order, as defined in section 5122.01 of the Revised Code, 357  
and reports to the probate court the respondent's mental 358  
condition. 359

"Regional psychiatric hospital employee" means any 360  
employee of the department of mental health and addiction 361  
services who, in the course of performing the employee's duties, 362  
has contact with patients committed to the department of mental 363  
health and addiction services by a court order pursuant to 364

section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code. 365  
366

"Federal law enforcement officer" has the meaning defined 367  
in section 9.88 of the Revised Code. 368

(10) "Information pertaining to the recreational 369  
activities of a person under the age of eighteen" means 370  
information that is kept in the ordinary course of business by a 371  
public office, that pertains to the recreational activities of a 372  
person under the age of eighteen years, and that discloses any 373  
of the following: 374

(a) The address or telephone number of a person under the 375  
age of eighteen or the address or telephone number of that 376  
person's parent, guardian, custodian, or emergency contact 377  
person; 378

(b) The social security number, birth date, or 379  
photographic image of a person under the age of eighteen; 380

(c) Any medical record, history, or information pertaining 381  
to a person under the age of eighteen; 382

(d) Any additional information sought or required about a 383  
person under the age of eighteen for the purpose of allowing 384  
that person to participate in any recreational activity 385  
conducted or sponsored by a public office or to use or obtain 386  
admission privileges to any recreational facility owned or 387  
operated by a public office. 388

(11) "Community control sanction" has the meaning defined 389  
in section 2929.01 of the Revised Code. 390

(12) "Post-release control sanction" has the meaning 391  
defined in section 2967.01 of the Revised Code. 392

(13) "Redaction" means obscuring or deleting any 393  
information that is exempt from the duty to permit public 394  
inspection or copying from an item that otherwise meets the 395  
definition of a "record" in section 149.011 of the Revised Code. 396

(14) "Designee," "elected official," and "future official" 397  
have the meanings defined in section 109.43 of the Revised Code. 398

(15) "Body-worn camera" means a visual and audio recording 399  
device worn on the person of a peace officer while the peace 400  
officer is engaged in the performance of the peace officer's 401  
duties. 402

(16) "Dashboard camera" means a visual and audio recording 403  
device mounted on a peace officer's vehicle or vessel that is 404  
used while the peace officer is engaged in the performance of 405  
the peace officer's duties. 406

(17) "Restricted portions of a body-worn camera or 407  
dashboard camera recording" means any visual or audio portion of 408  
a body-worn camera or dashboard camera recording that shows, 409  
communicates, or discloses any of the following: 410

(a) The image or identity of a child or information that 411  
could lead to the identification of a child who is a primary 412  
subject of the recording when the law enforcement agency knows 413  
or has reason to know the person is a child based on the law 414  
enforcement agency's records or the content of the recording; 415

(b) The death of a person or a deceased person's body, 416  
unless the death was caused by a peace officer or, subject to 417  
division (H)(1) of this section, the consent of the decedent's 418  
executor or administrator has been obtained; 419

(c) The death of a peace officer, firefighter, paramedic, 420  
or other first responder, occurring while the decedent was 421

engaged in the performance of official duties, unless, subject 422  
to division (H) (1) of this section, the consent of the 423  
decedent's executor or administrator has been obtained; 424

(d) Grievous bodily harm, unless the injury was effected 425  
by a peace officer or, subject to division (H) (1) of this 426  
section, the consent of the injured person or the injured 427  
person's guardian has been obtained; 428

(e) An act of severe violence against a person that 429  
results in serious physical harm to the person, unless the act 430  
and injury was effected by a peace officer or, subject to 431  
division (H) (1) of this section, the consent of the injured 432  
person or the injured person's guardian has been obtained; 433

(f) Grievous bodily harm to a peace officer, firefighter, 434  
paramedic, or other first responder, occurring while the injured 435  
person was engaged in the performance of official duties, 436  
unless, subject to division (H) (1) of this section, the consent 437  
of the injured person or the injured person's guardian has been 438  
obtained; 439

(g) An act of severe violence resulting in serious 440  
physical harm against a peace officer, firefighter, paramedic, 441  
or other first responder, occurring while the injured person was 442  
engaged in the performance of official duties, unless, subject 443  
to division (H) (1) of this section, the consent of the injured 444  
person or the injured person's guardian has been obtained; 445

(h) A person's nude body, unless, subject to division (H) 446  
(1) of this section, the person's consent has been obtained; 447

(i) Protected health information, the identity of a person 448  
in a health care facility who is not the subject of a law 449  
enforcement encounter, or any other information in a health care 450



facility that could identify a person who is not the subject of 451  
a law enforcement encounter; 452

(j) Information that could identify the alleged victim of 453  
a sex offense, menacing by stalking, or domestic violence; 454

(k) Information, that does not constitute a confidential 455  
law enforcement investigatory record, that could identify a 456  
person who provides sensitive or confidential information to a 457  
law enforcement agency when the disclosure of the person's 458  
identity or the information provided could reasonably be 459  
expected to threaten or endanger the safety or property of the 460  
person or another person; 461

(l) Personal information of a person who is not arrested, 462  
cited, charged, or issued a written warning by a peace officer; 463

(m) Proprietary police contingency plans or tactics that 464  
are intended to prevent crime and maintain public order and 465  
safety; 466

(n) A personal conversation unrelated to work between 467  
peace officers or between a peace officer and an employee of a 468  
law enforcement agency; 469

(o) A conversation between a peace officer and a member of 470  
the public that does not concern law enforcement activities; 471

(p) The interior of a residence, unless the interior of a 472  
residence is the location of an adversarial encounter with, or a 473  
use of force by, a peace officer; 474

(q) Any portion of the interior of a private business that 475  
is not open to the public, unless an adversarial encounter with, 476  
or a use of force by, a peace officer occurs in that location. 477

As used in division (A) (17) of this section: 478

"Grievous bodily harm" has the same meaning as in section 479  
5924.120 of the Revised Code. 480

"Health care facility" has the same meaning as in section 481  
1337.11 of the Revised Code. 482

"Protected health information" has the same meaning as in 483  
45 C.F.R. 160.103. 484

"Law enforcement agency" has the same meaning as in 485  
section 2925.61 of the Revised Code. 486

"Personal information" means any government-issued 487  
identification number, date of birth, address, financial 488  
information, or criminal justice information from the law 489  
enforcement automated data system or similar databases. 490

"Sex offense" has the same meaning as in section 2907.10 491  
of the Revised Code. 492

"Firefighter," "paramedic," and "first responder" have the 493  
same meanings as in section 4765.01 of the Revised Code. 494

(B) (1) Upon request by any person and subject to division 495  
(B) (8) of this section, all public records responsive to the 496  
request shall be promptly prepared and made available for 497  
inspection to the requester at all reasonable times during 498  
regular business hours. Subject to division (B) (8) of this 499  
section, upon request by any person, a public office or person 500  
responsible for public records shall make copies of the 501  
requested public record available to the requester at cost and 502  
within a reasonable period of time. If a public record contains 503  
information that is exempt from the duty to permit public 504  
inspection or to copy the public record, the public office or 505  
the person responsible for the public record shall make 506  
available all of the information within the public record that 507

is not exempt. When making that public record available for 508  
public inspection or copying that public record, the public 509  
office or the person responsible for the public record shall 510  
notify the requester of any redaction or make the redaction 511  
plainly visible. A redaction shall be deemed a denial of a 512  
request to inspect or copy the redacted information, except if 513  
federal or state law authorizes or requires a public office to 514  
make the redaction. 515

(2) To facilitate broader access to public records, a 516  
public office or the person responsible for public records shall 517  
organize and maintain public records in a manner that they can 518  
be made available for inspection or copying in accordance with 519  
division (B) of this section. A public office also shall have 520  
available a copy of its current records retention schedule at a 521  
location readily available to the public. If a requester makes 522  
an ambiguous or overly broad request or has difficulty in making 523  
a request for copies or inspection of public records under this 524  
section such that the public office or the person responsible 525  
for the requested public record cannot reasonably identify what 526  
public records are being requested, the public office or the 527  
person responsible for the requested public record may deny the 528  
request but shall provide the requester with an opportunity to 529  
revise the request by informing the requester of the manner in 530  
which records are maintained by the public office and accessed 531  
in the ordinary course of the public office's or person's 532  
duties. 533

(3) If a request is ultimately denied, in part or in 534  
whole, the public office or the person responsible for the 535  
requested public record shall provide the requester with an 536  
explanation, including legal authority, setting forth why the 537  
request was denied. If the initial request was provided in 538

writing, the explanation also shall be provided to the requester 539  
in writing. The explanation shall not preclude the public office 540  
or the person responsible for the requested public record from 541  
relying upon additional reasons or legal authority in defending 542  
an action commenced under division (C) of this section. 543

(4) Unless specifically required or authorized by state or 544  
federal law or in accordance with division (B) of this section, 545  
no public office or person responsible for public records may 546  
limit or condition the availability of public records by 547  
requiring disclosure of the requester's identity or the intended 548  
use of the requested public record. Any requirement that the 549  
requester disclose the requester's identity or the intended use 550  
of the requested public record constitutes a denial of the 551  
request. 552

(5) A public office or person responsible for public 553  
records may ask a requester to make the request in writing, may 554  
ask for the requester's identity, and may inquire about the 555  
intended use of the information requested, but may do so only 556  
after disclosing to the requester that a written request is not 557  
mandatory, that the requester may decline to reveal the 558  
requester's identity or the intended use, and when a written 559  
request or disclosure of the identity or intended use would 560  
benefit the requester by enhancing the ability of the public 561  
office or person responsible for public records to identify, 562  
locate, or deliver the public records sought by the requester. 563

(6) If any person requests a copy of a public record in 564  
accordance with division (B) of this section, the public office 565  
or person responsible for the public record may require the 566  
requester to pay in advance the cost involved in providing the 567  
copy of the public record in accordance with the choice made by 568

the requester under this division. The public office or the 569  
person responsible for the public record shall permit the 570  
requester to choose to have the public record duplicated upon 571  
paper, upon the same medium upon which the public office or 572  
person responsible for the public record keeps it, or upon any 573  
other medium upon which the public office or person responsible 574  
for the public record determines that it reasonably can be 575  
duplicated as an integral part of the normal operations of the 576  
public office or person responsible for the public record. When 577  
the requester makes a choice under this division, the public 578  
office or person responsible for the public record shall provide 579  
a copy of it in accordance with the choice made by the 580  
requester. Nothing in this section requires a public office or 581  
person responsible for the public record to allow the requester 582  
of a copy of the public record to make the copies of the public 583  
record. 584

(7) (a) Upon a request made in accordance with division (B) 585  
of this section and subject to division (B) (6) of this section, 586  
a public office or person responsible for public records shall 587  
transmit a copy of a public record to any person by United 588  
States mail or by any other means of delivery or transmission 589  
within a reasonable period of time after receiving the request 590  
for the copy. The public office or person responsible for the 591  
public record may require the person making the request to pay 592  
in advance the cost of postage if the copy is transmitted by 593  
United States mail or the cost of delivery if the copy is 594  
transmitted other than by United States mail, and to pay in 595  
advance the costs incurred for other supplies used in the 596  
mailing, delivery, or transmission. 597

(b) Any public office may adopt a policy and procedures 598  
that it will follow in transmitting, within a reasonable period 599

of time after receiving a request, copies of public records by 600  
United States mail or by any other means of delivery or 601  
transmission pursuant to division (B) (7) of this section. A 602  
public office that adopts a policy and procedures under division 603  
(B) (7) of this section shall comply with them in performing its 604  
duties under that division. 605

(c) In any policy and procedures adopted under division 606  
(B) (7) of this section: 607

(i) A public office may limit the number of records 608  
requested by a person that the office will physically deliver by 609  
United States mail or by another delivery service to ten per 610  
month, unless the person certifies to the office in writing that 611  
the person does not intend to use or forward the requested 612  
records, or the information contained in them, for commercial 613  
purposes; 614

(ii) A public office that chooses to provide some or all 615  
of its public records on a web site that is fully accessible to 616  
and searchable by members of the public at all times, other than 617  
during acts of God outside the public office's control or 618  
maintenance, and that charges no fee to search, access, 619  
download, or otherwise receive records provided on the web site, 620  
may limit to ten per month the number of records requested by a 621  
person that the office will deliver in a digital format, unless 622  
the requested records are not provided on the web site and 623  
unless the person certifies to the office in writing that the 624  
person does not intend to use or forward the requested records, 625  
or the information contained in them, for commercial purposes. 626

(iii) For purposes of division (B) (7) of this section, 627  
"commercial" shall be narrowly construed and does not include 628  
reporting or gathering news, reporting or gathering information 629

to assist citizen oversight or understanding of the operation or 630  
activities of government, or nonprofit educational research. 631

(8) A public office or person responsible for public 632  
records is not required to permit a person who is incarcerated 633  
pursuant to a criminal conviction or a juvenile adjudication to 634  
inspect or to obtain a copy of any public record concerning a 635  
criminal investigation or prosecution or concerning what would 636  
be a criminal investigation or prosecution if the subject of the 637  
investigation or prosecution were an adult, unless the request 638  
to inspect or to obtain a copy of the record is for the purpose 639  
of acquiring information that is subject to release as a public 640  
record under this section and the judge who imposed the sentence 641  
or made the adjudication with respect to the person, or the 642  
judge's successor in office, finds that the information sought 643  
in the public record is necessary to support what appears to be 644  
a justiciable claim of the person. 645

(9) (a) Upon written request made and signed by a 646  
journalist, a public office, or person responsible for public 647  
records, having custody of the records of the agency employing a 648  
specified designated public service worker shall disclose to the 649  
journalist the address of the actual personal residence of the 650  
designated public service worker and, if the designated public 651  
service worker's spouse, former spouse, or child is employed by 652  
a public office, the name and address of the employer of the 653  
designated public service worker's spouse, former spouse, or 654  
child. The request shall include the journalist's name and title 655  
and the name and address of the journalist's employer and shall 656  
state that disclosure of the information sought would be in the 657  
public interest. 658

(b) Division (B) (9) (a) of this section also applies to 659

journalist requests for: 660

(i) Customer information maintained by a municipally owned 661  
or operated public utility, other than social security numbers 662  
and any private financial information such as credit reports, 663  
payment methods, credit card numbers, and bank account 664  
information; 665

(ii) Information about minors involved in a school vehicle 666  
accident as provided in division (A) (1) (gg) of this section, 667  
other than personal information as defined in section 149.45 of 668  
the Revised Code. 669

(c) As used in division (B) (9) of this section, 670  
"journalist" means a person engaged in, connected with, or 671  
employed by any news medium, including a newspaper, magazine, 672  
press association, news agency, or wire service, a radio or 673  
television station, or a similar medium, for the purpose of 674  
gathering, processing, transmitting, compiling, editing, or 675  
disseminating information for the general public. 676

(10) Upon a request made by a victim, victim's attorney, 677  
or victim's representative, as that term is used in section 678  
2930.02 of the Revised Code, a public office or person 679  
responsible for public records shall transmit a copy of a 680  
depiction of the victim as described in division (A) (1) (ii) of 681  
this section to the victim, victim's attorney, or victim's 682  
representative. 683

(C) (1) If a person allegedly is aggrieved by the failure 684  
of a public office or the person responsible for public records 685  
to promptly prepare a public record and to make it available to 686  
the person for inspection in accordance with division (B) of 687  
this section or by any other failure of a public office or the 688



person responsible for public records to comply with an 689  
obligation in accordance with division (B) of this section, the 690  
person allegedly aggrieved may do only one of the following, and 691  
not both: 692

(a) File a complaint with the clerk of the court of claims 693  
or the clerk of the court of common pleas under section 2743.75 694  
of the Revised Code; 695

(b) Commence a mandamus action to obtain a judgment that 696  
orders the public office or the person responsible for the 697  
public record to comply with division (B) of this section, that 698  
awards court costs and reasonable attorney's fees to the person 699  
that instituted the mandamus action, and, if applicable, that 700  
includes an order fixing statutory damages under division (C) (2) 701  
of this section. The mandamus action may be commenced in the 702  
court of common pleas of the county in which division (B) of 703  
this section allegedly was not complied with, in the supreme 704  
court pursuant to its original jurisdiction under Section 2 of 705  
Article IV, Ohio Constitution, or in the court of appeals for 706  
the appellate district in which division (B) of this section 707  
allegedly was not complied with pursuant to its original 708  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 709

(2) If a requester transmits a written request by hand 710  
delivery, electronic submission, or certified mail to inspect or 711  
receive copies of any public record in a manner that fairly 712  
describes the public record or class of public records to the 713  
public office or person responsible for the requested public 714  
records, except as otherwise provided in this section, the 715  
requester shall be entitled to recover the amount of statutory 716  
damages set forth in this division if a court determines that 717  
the public office or the person responsible for public records 718

failed to comply with an obligation in accordance with division 719  
(B) of this section. 720

The amount of statutory damages shall be fixed at one 721  
hundred dollars for each business day during which the public 722  
office or person responsible for the requested public records 723  
failed to comply with an obligation in accordance with division 724  
(B) of this section, beginning with the day on which the 725  
requester files a mandamus action to recover statutory damages, 726  
up to a maximum of one thousand dollars. The award of statutory 727  
damages shall not be construed as a penalty, but as compensation 728  
for injury arising from lost use of the requested information. 729  
The existence of this injury shall be conclusively presumed. The 730  
award of statutory damages shall be in addition to all other 731  
remedies authorized by this section. 732

The court may reduce an award of statutory damages or not 733  
award statutory damages if the court determines both of the 734  
following: 735

(a) That, based on the ordinary application of statutory 736  
law and case law as it existed at the time of the conduct or 737  
threatened conduct of the public office or person responsible 738  
for the requested public records that allegedly constitutes a 739  
failure to comply with an obligation in accordance with division 740  
(B) of this section and that was the basis of the mandamus 741  
action, a well-informed public office or person responsible for 742  
the requested public records reasonably would believe that the 743  
conduct or threatened conduct of the public office or person 744  
responsible for the requested public records did not constitute 745  
a failure to comply with an obligation in accordance with 746  
division (B) of this section; 747

(b) That a well-informed public office or person 748

responsible for the requested public records reasonably would 749  
believe that the conduct or threatened conduct of the public 750  
office or person responsible for the requested public records 751  
would serve the public policy that underlies the authority that 752  
is asserted as permitting that conduct or threatened conduct. 753

(3) In a mandamus action filed under division (C)(1) of 754  
this section, the following apply: 755

(a)(i) If the court orders the public office or the person 756  
responsible for the public record to comply with division (B) of 757  
this section, the court shall determine and award to the relator 758  
all court costs, which shall be construed as remedial and not 759  
punitive. 760

(ii) If the court makes a determination described in 761  
division (C)(3)(b)(iii) of this section, the court shall 762  
determine and award to the relator all court costs, which shall 763  
be construed as remedial and not punitive. 764

(b) If the court renders a judgment that orders the public 765  
office or the person responsible for the public record to comply 766  
with division (B) of this section or if the court determines any 767  
of the following, the court may award reasonable attorney's fees 768  
to the relator, subject to division (C)(4) of this section: 769

(i) The public office or the person responsible for the 770  
public records failed to respond affirmatively or negatively to 771  
the public records request in accordance with the time allowed 772  
under division (B) of this section. 773

(ii) The public office or the person responsible for the 774  
public records promised to permit the relator to inspect or 775  
receive copies of the public records requested within a 776  
specified period of time but failed to fulfill that promise 777

within that specified period of time. 778

(iii) The public office or the person responsible for the 779  
public records acted in bad faith when the office or person 780  
voluntarily made the public records available to the relator for 781  
the first time after the relator commenced the mandamus action, 782  
but before the court issued any order concluding whether or not 783  
the public office or person was required to comply with division 784  
(B) of this section. No discovery may be conducted on the issue 785  
of the alleged bad faith of the public office or person 786  
responsible for the public records. This division shall not be 787  
construed as creating a presumption that the public office or 788  
the person responsible for the public records acted in bad faith 789  
when the office or person voluntarily made the public records 790  
available to the relator for the first time after the relator 791  
commenced the mandamus action, but before the court issued any 792  
order described in this division. 793

(c) The court shall not award attorney's fees to the 794  
relator if the court determines both of the following: 795

(i) That, based on the ordinary application of statutory 796  
law and case law as it existed at the time of the conduct or 797  
threatened conduct of the public office or person responsible 798  
for the requested public records that allegedly constitutes a 799  
failure to comply with an obligation in accordance with division 800  
(B) of this section and that was the basis of the mandamus 801  
action, a well-informed public office or person responsible for 802  
the requested public records reasonably would believe that the 803  
conduct or threatened conduct of the public office or person 804  
responsible for the requested public records did not constitute 805  
a failure to comply with an obligation in accordance with 806  
division (B) of this section; 807

(ii) That a well-informed public office or person 808  
responsible for the requested public records reasonably would 809  
believe that the conduct or threatened conduct of the public 810  
office or person responsible for the requested public records 811  
would serve the public policy that underlies the authority that 812  
is asserted as permitting that conduct or threatened conduct. 813

(4) All of the following apply to any award of reasonable 814  
attorney's fees awarded under division (C) (3) (b) of this 815  
section: 816

(a) The fees shall be construed as remedial and not 817  
punitive. 818

(b) The fees awarded shall not exceed the total of the 819  
reasonable attorney's fees incurred before the public record was 820  
made available to the relator and the fees described in division 821  
(C) (4) (c) of this section. 822

(c) Reasonable attorney's fees shall include reasonable 823  
fees incurred to produce proof of the reasonableness and amount 824  
of the fees and to otherwise litigate entitlement to the fees. 825

(d) The court may reduce the amount of fees awarded if the 826  
court determines that, given the factual circumstances involved 827  
with the specific public records request, an alternative means 828  
should have been pursued to more effectively and efficiently 829  
resolve the dispute that was subject to the mandamus action 830  
filed under division (C) (1) of this section. 831

(5) If the court does not issue a writ of mandamus under 832  
division (C) of this section and the court determines at that 833  
time that the bringing of the mandamus action was frivolous 834  
conduct as defined in division (A) of section 2323.51 of the 835  
Revised Code, the court may award to the public office all court 836

costs, expenses, and reasonable attorney's fees, as determined 837  
by the court. 838

(D) Chapter 1347. of the Revised Code does not limit the 839  
provisions of this section. 840

(E) (1) To ensure that all employees of public offices are 841  
appropriately educated about a public office's obligations under 842  
division (B) of this section, all elected officials or their 843  
appropriate designees shall attend training approved by the 844  
attorney general as provided in section 109.43 of the Revised 845  
Code. A future official may satisfy the requirements of this 846  
division by attending the training before taking office, 847  
provided that the future official may not send a designee in the 848  
future official's place. 849

(2) All public offices shall adopt a public records policy 850  
in compliance with this section for responding to public records 851  
requests. In adopting a public records policy under this 852  
division, a public office may obtain guidance from the model 853  
public records policy developed and provided to the public 854  
office by the attorney general under section 109.43 of the 855  
Revised Code. Except as otherwise provided in this section, the 856  
policy may not limit the number of public records that the 857  
public office will make available to a single person, may not 858  
limit the number of public records that it will make available 859  
during a fixed period of time, and may not establish a fixed 860  
period of time before it will respond to a request for 861  
inspection or copying of public records, unless that period is 862  
less than eight hours. 863

The public office shall distribute the public records 864  
policy adopted by the public office under this division to the 865  
employee of the public office who is the records custodian or 866

records manager or otherwise has custody of the records of that 867  
office. The public office shall require that employee to 868  
acknowledge receipt of the copy of the public records policy. 869  
The public office shall create a poster that describes its 870  
public records policy and shall post the poster in a conspicuous 871  
place in the public office and in all locations where the public 872  
office has branch offices. The public office may post its public 873  
records policy on the internet web site of the public office if 874  
the public office maintains an internet web site. A public 875  
office that has established a manual or handbook of its general 876  
policies and procedures for all employees of the public office 877  
shall include the public records policy of the public office in 878  
the manual or handbook. 879

(F) (1) The bureau of motor vehicles may adopt rules 880  
pursuant to Chapter 119. of the Revised Code to reasonably limit 881  
the number of bulk commercial special extraction requests made 882  
by a person for the same records or for updated records during a 883  
calendar year. The rules may include provisions for charges to 884  
be made for bulk commercial special extraction requests for the 885  
actual cost of the bureau, plus special extraction costs, plus 886  
ten per cent. The bureau may charge for expenses for redacting 887  
information, the release of which is prohibited by law. 888

(2) As used in division (F) (1) of this section: 889

(a) "Actual cost" means the cost of depleted supplies, 890  
records storage media costs, actual mailing and alternative 891  
delivery costs, or other transmitting costs, and any direct 892  
equipment operating and maintenance costs, including actual 893  
costs paid to private contractors for copying services. 894

(b) "Bulk commercial special extraction request" means a 895  
request for copies of a record for information in a format other 896

than the format already available, or information that cannot be 897  
extracted without examination of all items in a records series, 898  
class of records, or database by a person who intends to use or 899  
forward the copies for surveys, marketing, solicitation, or 900  
resale for commercial purposes. "Bulk commercial special 901  
extraction request" does not include a request by a person who 902  
gives assurance to the bureau that the person making the request 903  
does not intend to use or forward the requested copies for 904  
surveys, marketing, solicitation, or resale for commercial 905  
purposes. 906

(c) "Commercial" means profit-seeking production, buying, 907  
or selling of any good, service, or other product. 908

(d) "Special extraction costs" means the cost of the time 909  
spent by the lowest paid employee competent to perform the task, 910  
the actual amount paid to outside private contractors employed 911  
by the bureau, or the actual cost incurred to create computer 912  
programs to make the special extraction. "Special extraction 913  
costs" include any charges paid to a public agency for computer 914  
or records services. 915

(3) For purposes of divisions (F) (1) and (2) of this 916  
section, "surveys, marketing, solicitation, or resale for 917  
commercial purposes" shall be narrowly construed and does not 918  
include reporting or gathering news, reporting or gathering 919  
information to assist citizen oversight or understanding of the 920  
operation or activities of government, or nonprofit educational 921  
research. 922

(G) A request by a defendant, counsel of a defendant, or 923  
any agent of a defendant in a criminal action that public 924  
records related to that action be made available under this 925  
section shall be considered a demand for discovery pursuant to 926



the Criminal Rules, except to the extent that the Criminal Rules 927  
plainly indicate a contrary intent. The defendant, counsel of 928  
the defendant, or agent of the defendant making a request under 929  
this division shall serve a copy of the request on the 930  
prosecuting attorney, director of law, or other chief legal 931  
officer responsible for prosecuting the action. 932

(H) (1) Any portion of a body-worn camera or dashboard 933  
camera recording described in divisions (A) (17) (b) to (h) of 934  
this section may be released by consent of the subject of the 935  
recording or a representative of that person, as specified in 936  
those divisions, only if either of the following applies: 937

(a) The recording will not be used in connection with any 938  
probable or pending criminal proceedings; 939

(b) The recording has been used in connection with a 940  
criminal proceeding that was dismissed or for which a judgment 941  
has been entered pursuant to Rule 32 of the Rules of Criminal 942  
Procedure, and will not be used again in connection with any 943  
probable or pending criminal proceedings. 944

(2) If a public office denies a request to release a 945  
restricted portion of a body-worn camera or dashboard camera 946  
recording, as defined in division (A) (17) of this section, any 947  
person may file a mandamus action pursuant to this section or a 948  
complaint with the clerk of the court of claims pursuant to 949  
section 2743.75 of the Revised Code, requesting the court to 950  
order the release of all or portions of the recording. If the 951  
court considering the request determines that the filing 952  
articulates by clear and convincing evidence that the public 953  
interest in the recording substantially outweighs privacy 954  
interests and other interests asserted to deny release, the 955  
court shall order the public office to release the recording. 956

**Sec. 5149.10.** (A) (1) The parole board shall consist of up to twelve members, one of whom shall be designated as chairperson by the director of the department of rehabilitation and correction and who shall continue as chairperson until a successor is designated, and any other personnel that are necessary for the orderly performance of the duties of the board. In addition to the rules authorized by section 5149.02 of the Revised Code, the chief of the adult parole authority, subject to the approval of the chief of the division of parole and community services and subject to this section, shall adopt rules governing the proceedings of the parole board. The rules shall provide for all of the following:

(a) The convening of full board hearings;

(b) The procedures to be followed in full board hearings;

(c) General procedures to be followed in other hearings of the board and by the board's hearing officers;

(d) A requirement that a majority of all the board members must agree to any recommendation of clemency transmitted to the governor;

(e) For parole hearings, procedures for considering the report of the warden of the institution in which the eligible prisoner is incarcerated, submitted under section 5120.68 of the Revised Code;

(f) A requirement that electronic recordings be made of full parole board hearings and other hearings of the board and that upon request of any party, person, or entity, including the inmate who is the subject of the hearing, the department of rehabilitation and correction shall provide the electronic recording to the party, person, or entity making the request. If

a party, person, or entity, including the inmate who is the 986  
subject of the hearing, wishes to have a recording transcribed, 987  
the party, person, or entity shall do so at the party's, 988  
person's, or entity's own expense. 989

(2) When the board members sit as a full board, the 990  
chairperson shall preside. The chairperson shall also allocate 991  
the work of the parole board among the board members. The full 992  
board shall meet at least once each month. In the case of a tie 993  
vote on the full board, the chief of the adult parole authority 994  
shall cast the deciding vote. The chairperson may designate a 995  
person to serve in the chairperson's place. 996

(3) Except for the chairperson and the member appointed 997  
under division (B) of this section, a member appointed to the 998  
parole board on or after September 30, 2011, shall be appointed 999  
to a six-year term. A member appointed as described in this 1000  
division shall hold office from the date of appointment until 1001  
the end of the term for which the member was appointed. A member 1002  
appointed as described in this division is eligible for 1003  
reappointment for another six-year term that may or may not be 1004  
consecutive to the first six-year term. A member appointed as 1005  
described in this division is not eligible for reappointment 1006  
after serving two six-year terms whether or not served 1007  
consecutively. Vacancies shall be filled in the same manner 1008  
provided for original appointments. Any member appointed as 1009  
described in this division to fill a vacancy occurring prior to 1010  
the expiration date of the term for which the member's 1011  
predecessor was appointed shall begin that member's first six- 1012  
year term upon appointment, regardless of the time remaining in 1013  
the term of the member's predecessor. A member appointed as 1014  
described in this division shall continue in office subsequent 1015  
to the expiration date of the member's term until the member's 1016

successor takes office or until a period of sixty days has 1017  
elapsed, whichever occurs first. 1018

(4) Except as otherwise provided in division (B) of this 1019  
section, no person shall be appointed a member of the board who 1020  
is not qualified by education or experience in correctional 1021  
work, including law enforcement, prosecution of offenses, 1022  
advocating for the rights of victims of crime, probation, or 1023  
parole, in law, in social work, or in a combination of the three 1024  
categories. 1025

(B) The director of rehabilitation and correction, in 1026  
consultation with the governor, shall appoint one member of the 1027  
board, who shall be a person who has been a victim of crime or 1028  
who is a member of a victim's family or who represents an 1029  
organization that advocates for the rights of victims of crime. 1030  
After appointment, this member shall be an unclassified employee 1031  
of the department of rehabilitation and correction. 1032

The initial appointment shall be for a term ending four 1033  
years after July 1, 1996. Thereafter, the term of office of the 1034  
member appointed under this division shall be for four years, 1035  
with each term ending on the same day of the same month as did 1036  
the term that it succeeds. The member shall hold office from the 1037  
date of appointment until the end of the term for which the 1038  
member was appointed and may be reappointed. Vacancies shall be 1039  
filled in the manner provided for original appointments. Any 1040  
member appointed under this division to fill a vacancy occurring 1041  
prior to the expiration date of the term for which the member's 1042  
predecessor was appointed shall hold office as a member for the 1043  
remainder of that term. The member appointed under this division 1044  
shall continue in office subsequent to the expiration date of 1045  
the member's term until the member's successor takes office or 1046

until a period of sixty days has elapsed, whichever occurs 1047  
first. 1048

The member appointed under this division shall be 1049  
compensated in the same manner as other board members and shall 1050  
be reimbursed for actual and necessary expenses incurred in the 1051  
performance of the member's duties. The member may vote on all 1052  
cases heard by the full board under section 5149.101 of the 1053  
Revised Code, has such duties as are assigned by the chairperson 1054  
of the board, and shall coordinate the member's activities with 1055  
the office of victims' services created under section 5120.60 of 1056  
the Revised Code. 1057

As used in this division, "crime," "member of the victim's 1058  
family," and "victim" have the meanings given in section 2930.01 1059  
of the Revised Code. 1060

(C) The chairperson shall submit all recommendations for 1061  
or against clemency directly to the governor. 1062

(D) The chairperson shall transmit to the chief of the 1063  
adult parole authority all determinations for or against parole 1064  
made by the board. Parole determinations are final and are not 1065  
subject to review or change by the chief. 1066

(E) In addition to its duties pertaining to parole and 1067  
clemency, if an offender is sentenced to a prison term pursuant 1068  
to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or 1069  
(c), or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the 1070  
Revised Code, the parole board shall have control over the 1071  
offender's service of the prison term during the entire term 1072  
unless the board terminates its control in accordance with 1073  
section 2971.04 of the Revised Code. The parole board may 1074  
terminate its control over the offender's service of the prison 1075

term only in accordance with section 2971.04 of the Revised Code. 1076  
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(F)(1) The electronic recordings of hearings of the parole board as provided in division (A)(1)(f) of this section shall not include the following personal identifying information of any victim of a crime or a member of the victim's immediate family: 1078  
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(a) Name; 1083

(b) Date of birth; 1084

(c) Home or work address; 1085

(d) Social security number; 1086

(e) Age; 1087

(f) Telephone number; 1088

(g) Electronic mail address; 1089

(h) Any other information that is likely to identify the victim or a member of the victim's immediate family. 1090  
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(2) As used in division (F) of this section, "member of the victim's immediate family" means a spouse, child, stepchild, parent, stepparent, grandparent, or brother or sister of a victim. 1092  
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**Section 2.** That existing sections 149.43 and 5149.10 of the Revised Code are hereby repealed. 1096  
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