

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

H. B. No. 6

Representative Barnes

A BILL

To enact section 2927.22 of the Revised Code to 1
prohibit a person who publishes or disseminates 2
criminal record information from soliciting or 3
accepting a fee to remove, correct, modify, or 4
refrain from publishing or otherwise 5
disseminating the information and to provide 6
criminal and civil remedies for a violation of 7
the prohibition. 8

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

Section 1. That section 2927.22 of the Revised Code be 9
enacted to read as follows: 10

Sec. 2927.22. (A) As used in this section: 11

(1) "Booking photograph" means a photograph of a subject 12
individual that was taken in this state by an arresting law 13
enforcement agency. 14

(2) "Criminal record information" means a booking 15
photograph or the name, address, charges filed, or description 16
of a subject individual who is asserted or implied to have 17
engaged in illegal conduct. 18

(3) "Law enforcement agency" has the same meaning as in 19
section 109.573 of the Revised Code. 20

(4) "Subject individual" means an individual who was 21
arrested and had the individual's photograph taken by a law 22
enforcement agency during the processing of the arrest. 23

(B) No person engaged in publishing or otherwise 24
disseminating criminal record information through a print or 25
electronic medium shall negligently solicit or accept from a 26
subject individual the payment of a fee or other consideration 27
to remove, correct, modify, or refrain from publishing or 28
otherwise disseminating criminal record information. 29

(C) A violation of division (B) of this section is misuse 30
of criminal record information, a misdemeanor of the first 31
degree. 32

(D) Each payment solicited or accepted in violation of 33
this section constitutes a separate violation. 34

(E) In a civil action brought pursuant to section 2307.60 35
of the Revised Code for a violation of this section, a subject 36
individual who suffers a loss or harm as a result of the 37
violation may be awarded an amount equal to ten thousand dollars 38
or actual and punitive damages, whichever is greater, and in 39
addition may be awarded reasonable attorney's fees, court costs, 40
and any other remedies provided by law. Humiliation or 41
embarrassment shall be adequate to show that the plaintiff has 42
incurred damages. No physical manifestation of either 43
humiliation or embarrassment is necessary for damages to be 44
shown. 45