

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 270

Senator Tavares

**Cosponsors: Senators Schiavoni, Brown, Thomas, O'Brien, Sykes, Skindell,
Williams, Yuko**

A BILL

To amend sections 101.34, 121.22, and 149.43, to 1
enact sections 101.341 and 101.67 of the Revised 2
Code, and to amend Section 321.10 of Am. Sub. 3
H.B. 49 of the 132nd General Assembly to require 4
that all legislative employers have a sexual 5
harassment policy on file, to create the General 6
Assembly Sexual Harassment Task Force, to 7
authorize the Office of Legislative Inspector 8
General to investigate sexual harassment claims 9
within the General Assembly, to exempt from 10
Public Records Law the identity of a complainant 11
and victim of a sexual harassment complaint, and 12
to make an appropriation. 13

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

Section 1. That sections 101.34, 121.22, and 149.43 be 14
amended and sections 101.341 and 101.67 of the Revised Code be 15
enacted to read as follows: 16

Sec. 101.34. (A) There is hereby created a joint 17
legislative ethics committee to serve the general assembly. The 18

committee shall be composed of twelve members, six each from the 19
two major political parties, and each member shall serve on the 20
committee during the member's term as a member of that general 21
assembly. Six members of the committee shall be members of the 22
house of representatives appointed by the speaker of the house 23
of representatives, not more than three from the same political 24
party, and six members of the committee shall be members of the 25
senate appointed by the president of the senate, not more than 26
three from the same political party. A vacancy in the committee 27
shall be filled for the unexpired term in the same manner as an 28
original appointment. The members of the committee shall be 29
appointed within fifteen days after the first day of the first 30
regular session of each general assembly and the committee shall 31
meet and proceed to recommend an ethics code not later than 32
thirty days after the first day of the first regular session of 33
each general assembly. 34

In the first regular session of each general assembly, the 35
speaker of the house of representatives shall appoint the 36
chairperson of the committee from among the house members of the 37
committee, and the president of the senate shall appoint the 38
vice-chairperson of the committee from among the senate members 39
of the committee. In the second regular session of each general 40
assembly, the president of the senate shall appoint the 41
chairperson of the committee from among the senate members of 42
the committee, and the speaker of the house of representatives 43
shall appoint the vice-chairperson of the committee from among 44
the house members of the committee. The chairperson, vice- 45
chairperson, and members of the committee shall serve until 46
their respective successors are appointed or until they are no 47
longer members of the general assembly. 48

The committee shall meet at the call of the chairperson or 49

upon the written request of seven members of the committee. 50

(B) The joint legislative ethics committee: 51

(1) Shall recommend a code of ethics that is consistent 52
with law to govern all members and employees of each house of 53
the general assembly and all candidates for the office of member 54
of each house; 55

(2) May receive and hear any complaint that alleges a 56
breach of any privilege of either house, or misconduct of any 57
member, employee, or candidate, or any violation of the 58
appropriate code of ethics; 59

(3) May obtain information with respect to any complaint 60
filed pursuant to this section and section 101.341 of the 61
Revised Code and to that end may enforce the attendance and 62
testimony of witnesses, and the production of books and papers; 63

(4) May recommend whatever sanction is appropriate with 64
respect to a particular member, employee, or candidate as will 65
best maintain in the minds of the public a good opinion of the 66
conduct and character of members and employees of the general 67
assembly; 68

(5) May recommend legislation to the general assembly 69
relating to the conduct and ethics of members and employees of 70
and candidates for the general assembly; 71

(6) (a) Shall employ an executive director for the 72
committee and may employ other staff as the committee determines 73
necessary to assist it in exercising its powers and duties. The 74
executive director and staff of the committee shall be known as 75
the office of legislative inspector general. At least one member 76
of the staff of the committee shall be an attorney at law 77
licensed to practice law in this state. The appointment and 78

removal of the executive director shall require the approval of 79
at least eight members of the committee; 80

(b) Shall employ at least one member of the staff of the 81
committee who shall be responsible for investigating sexual 82
harassment complaints filed under section 101.341 of the Revised 83
Code. 84

(7) May employ a special counsel to assist the committee 85
in exercising its powers and duties. The appointment and removal 86
of a special counsel shall require the approval of at least 87
eight members of the committee. 88

(8) Shall act as an advisory body to the general assembly 89
and to individual members, candidates, and employees on 90
questions relating to ethics, possible conflicts of interest, 91
and financial disclosure; 92

(9) Shall provide for the proper forms on which a 93
statement required pursuant to section 102.02 or 102.021 of the 94
Revised Code shall be filed and instructions as to the filing of 95
the statement; 96

(10) Exercise the powers and duties prescribed under 97
sections 101.70 to 101.79, sections 101.90 to 101.98, Chapter 98
102., and sections 121.60 to 121.69 of the Revised Code; 99

(11) Adopt, in accordance with section 111.15 of the 100
Revised Code, any rules that are necessary to implement and 101
clarify Chapter 102. and sections 101.341, 2921.42, and 2921.43 102
of the Revised Code. 103

(C) There is hereby created in the state treasury the 104
joint legislative ethics committee fund. All money collected 105
from registration fees and late filing fees prescribed under 106
sections 101.72, 101.92, and 121.62 of the Revised Code shall be 107

deposited into the state treasury to the credit of the fund. 108
Money credited to the fund and any interest and earnings from 109
the fund shall be used solely for the operation of the joint 110
legislative ethics committee and the office of legislative 111
inspector general and for the purchase of data storage and 112
computerization facilities for the statements filed with the 113
committee under sections 101.73, 101.74, 101.93, 101.94, 121.63, 114
and 121.64 of the Revised Code. 115

(D) The chairperson of the joint legislative ethics 116
committee shall issue a written report, not later than the 117
thirty-first day of January of each year, to the speaker and 118
minority leader of the house of representatives and to the 119
president and minority leader of the senate that lists the 120
number of committee meetings and investigations the committee 121
conducted during the immediately preceding calendar year and the 122
number of advisory opinions it issued during the immediately 123
preceding calendar year. 124

(E) Any investigative report that contains facts and 125
findings regarding a complaint filed with the joint legislative 126
ethics committee and that is prepared by the staff of the 127
committee or a special counsel to the committee shall become a 128
public record upon its acceptance by a vote of the majority of 129
the members of the committee, except for any names of specific 130
individuals and entities contained in the report, and except as 131
provided under division (A)(1)(gg) of section 149.43 of the 132
Revised Code. If the committee recommends disciplinary action or 133
reports its findings to the appropriate prosecuting authority 134
for proceedings in prosecution of the violations alleged in the 135
complaint, the investigatory report regarding the complaint 136
shall become a public record in its entirety. 137

(F) (1) Any file obtained by or in the possession of the 138
former house ethics committee or former senate ethics committee 139
shall become the property of the joint legislative ethics 140
committee. Any such file is confidential if either of the 141
following applies: 142

(a) It is confidential under section 102.06 of the Revised 143
Code or the legislative code of ethics. 144

(b) If the file was obtained from the former house ethics 145
committee or from the former senate ethics committee, it was 146
confidential under any statute or any provision of a code of 147
ethics that governed the file. 148

(2) As used in this division, "file" includes, but is not 149
limited to, evidence, documentation, or any other tangible 150
thing. 151

(G) There is hereby created in the state treasury the 152
joint legislative ethics committee investigative and financial 153
disclosure fund. Investment earnings of the fund shall be 154
credited to the fund. All moneys credited to the fund shall be 155
used solely for expenses related to the investigative and 156
financial disclosure functions of the committee. 157

Sec. 101.341. (A) As used in this section: 158

"Executive agency lobbyist" has the meaning as in division 159
(H) of section 121.60 of the Revised Code. 160

"General assembly staff" has the meaning as in division 161
(A) (3) of section 101.30 of the Revised Code. 162

"Legislative agent" has the meaning as in division (F) of 163
section 101.70 of the Revised Code. 164

"Legislative staff" has the meaning as in division (A) (2) 165

of section 101.30 of the Revised Code. 166

"Retirement system lobbyist" has the meaning as in 167
division (H) of section 101.90 of the Revised Code. 168

(B) The office of legislative inspector general shall 169
receive and investigate a sexual harassment complaint by or 170
against a member of the general assembly, legislative staff, 171
general assembly staff, executive agency lobbyist, legislative 172
agent, or retirement system lobbyist. 173

(C) The office of legislative inspector general, upon 174
receiving a sexual harassment complaint, shall do all of the 175
following: 176

(1) Obtain information to investigate the complaint, 177
including statements from any witnesses and the production of 178
any relevant documents; 179

(2) Provide for the person the complaint is filed against 180
to submit a response to the complaint; 181

(3) Recommend appropriate disciplinary measures or 182
sanctions after completing the investigation, if necessary. 183

(D) Any document obtained by or in the possession of the 184
office of legislative inspector general for purposes of 185
investigating a sexual harassment complaint under this section 186
shall be confidential. 187

Sec. 101.67. (A) As used in this section, "legislative 188
employer" means a person or agency that employs a person to 189
engage with or work for the general assembly for any portion of 190
that person's time while employed. A legislative employer 191
includes all of the following: 192

(1) The house of representatives; 193

<u>(2) The senate;</u>	194
<u>(3) The capitol square review and advisory board;</u>	195
<u>(4) The state highway patrol;</u>	196
<u>(5) An employer of a legislative agent as defined in</u> <u>section 101.70 of the Revised Code;</u>	197 198
<u>(6) An employer of a retirement system lobbyist as defined</u> <u>in section 101.90 of the Revised Code;</u>	199 200
<u>(7) An employer of an executive agency lobbyist as defined</u> <u>in section 121.60 of the Revised Code.</u>	201 202
<u>(B) (1) A legislative employer shall have a sexual</u> <u>harassment policy on file and available to all employees for</u> <u>review.</u>	203 204 205
<u>(2) The sexual harassment policy shall include all of the</u> <u>following:</u>	206 207
<u>(a) A definition of harassing and inappropriate conduct,</u> <u>including what makes certain behavior more or less severe than</u> <u>other behavior by providing examples;</u>	208 209 210
<u>(b) A detailed complaint process designed to promote early</u> <u>communication of any harassing behavior experienced by an</u> <u>employee;</u>	211 212 213
<u>(c) A summary of the investigation process, including</u> <u>rights and obligations of the complainant, victim, if different</u> <u>from the complainant, and the accused;</u>	214 215 216
<u>(d) An outline of possible disciplinary actions for a</u> <u>substantiated complaint, including the types and severity of</u> <u>conduct that is likely to lead to sexual harassment training,</u> <u>intermediate discipline, or termination.</u>	217 218 219 220

(3) The sexual harassment policy is a public record under 221
section 149.43 of the Revised Code. 222

(4) The legislative employer shall file a copy of the 223
sexual harassment policy with the joint legislative ethics 224
committee not later than ninety days after the effective date of 225
this section, and every two years thereafter. The committee's 226
copy of the policy is a public record under section 149.43 of 227
the Revised Code. 228

(5) A legislative employer shall review its sexual 229
harassment policy at least every two years and shall update the 230
policy as necessary. 231

(C) A legislative employer annually shall provide sexual 232
harassment training to its employees that addresses at least all 233
of the contents required to be in a sexual harassment policy 234
under this section. 235

(D) (1) There is established the general assembly sexual 236
harassment task force, consisting of the following members: 237

(a) Two members of the senate, with one being appointed by 238
the president of the senate and one being appointed by the 239
minority leader of the senate; 240

(b) Two legislative staff members of the senate, with one 241
being appointed by the president of the senate and one being 242
appointed by the minority leader of the senate; 243

(c) Two members of the house of representatives, with one 244
being appointed by the speaker of the house of representatives 245
and one being appointed by the minority leader of the house of 246
representatives; 247

(d) Two legislative staff members of the house of 248

representatives, with one being appointed by the speaker of the 249
house of representatives and one being appointed by the minority 250
leader of the house of representatives. 251

(e) The members of the task force shall select from its 252
membership one member of the majority party and one member of 253
the minority party to serve as co-chairs of the task force. 254

(2) A member of the task force shall serve until the 255
member is no longer a member of the general assembly or a staff 256
member of the general assembly. 257

(3) The task force shall do all of the following: 258

(a) Every two years, review the sexual harassment policies 259
required under this section; 260

(b) Review and recommend best practices for legislative 261
employers for training, discipline, and prevention of sexual 262
harassment; 263

(c) Conduct an annual anonymous survey of employees of 264
legislative employers to determine existing attitudes and 265
experiences regarding sexual harassment. The results of the 266
survey are a public record under section 149.43 of the Revised 267
Code, except identifying details of any individual; 268

(d) Recommend necessary legislative or administrative 269
changes to address concerns raised by review of sexual 270
harassment policies and anonymous surveys conducted; 271

(e) Recommend best practices for prevention, recognition, 272
reporting, training, the role of bystanders, and overall 273
creation of a supportive and safe environment for all engaging 274
with the general assembly. 275

(4) Every two years, the task force shall make 276

<u>recommendations to legislative employers based on the</u>	277
<u>requirements under division (C) of this section.</u>	278
<u>(5) Upon approval by a majority of the task force members,</u>	279
<u>a member may invite any person as a full member, nonvoting</u>	280
<u>member, or consultant to the task force.</u>	281
<u>(6) The task force shall meet at least quarterly and,</u>	282
<u>except as provided under division (G) (9) of section 121.22 of</u>	283
<u>the Revised Code, be open to the public under that section.</u>	284
Sec. 121.22. (A) This section shall be liberally construed	285
to require public officials to take official action and to	286
conduct all deliberations upon official business only in open	287
meetings unless the subject matter is specifically excepted by	288
law.	289
(B) As used in this section:	290
(1) "Public body" means any of the following:	291
(a) Any board, commission, committee, council, or similar	292
decision-making body of a state agency, institution, or	293
authority, and any legislative authority or board, commission,	294
committee, council, agency, authority, or similar decision-	295
making body of any county, township, municipal corporation,	296
school district, or other political subdivision or local public	297
institution;	298
(b) Any committee or subcommittee of a body described in	299
division (B) (1) (a) of this section;	300
(c) A court of jurisdiction of a sanitary district	301
organized wholly for the purpose of providing a water supply for	302
domestic, municipal, and public use when meeting for the purpose	303
of the appointment, removal, or reappointment of a member of the	304

board of directors of such a district pursuant to section 305
6115.10 of the Revised Code, if applicable, or for any other 306
matter related to such a district other than litigation 307
involving the district. As used in division (B)(1)(c) of this 308
section, "court of jurisdiction" has the same meaning as "court" 309
in section 6115.01 of the Revised Code. 310

(2) "Meeting" means any prearranged discussion of the 311
public business of the public body by a majority of its members. 312

(3) "Regulated individual" means either of the following: 313

(a) A student in a state or local public educational 314
institution; 315

(b) A person who is, voluntarily or involuntarily, an 316
inmate, patient, or resident of a state or local institution 317
because of criminal behavior, mental illness, an intellectual 318
disability, disease, disability, age, or other condition 319
requiring custodial care. 320

(4) "Public office" has the same meaning as in section 321
149.011 of the Revised Code. 322

(C) All meetings of any public body are declared to be 323
public meetings open to the public at all times. A member of a 324
public body shall be present in person at a meeting open to the 325
public to be considered present or to vote at the meeting and 326
for purposes of determining whether a quorum is present at the 327
meeting. 328

The minutes of a regular or special meeting of any public 329
body shall be promptly prepared, filed, and maintained and shall 330
be open to public inspection. The minutes need only reflect the 331
general subject matter of discussions in executive sessions 332
authorized under division (G) or (J) of this section. 333

(D) This section does not apply to any of the following:	334
(1) A grand jury;	335
(2) An audit conference conducted by the auditor of state	336
or independent certified public accountants with officials of	337
the public office that is the subject of the audit;	338
(3) The adult parole authority when its hearings are	339
conducted at a correctional institution for the sole purpose of	340
interviewing inmates to determine parole or pardon;	341
(4) The organized crime investigations commission	342
established under section 177.01 of the Revised Code;	343
(5) Meetings of a child fatality review board established	344
under section 307.621 of the Revised Code, meetings related to a	345
review conducted pursuant to guidelines established by the	346
director of health under section 3701.70 of the Revised Code,	347
and meetings conducted pursuant to sections 5153.171 to 5153.173	348
of the Revised Code;	349
(6) The state medical board when determining whether to	350
suspend a certificate without a prior hearing pursuant to	351
division (G) of either section 4730.25 or 4731.22 of the Revised	352
Code;	353
(7) The board of nursing when determining whether to	354
suspend a license or certificate without a prior hearing	355
pursuant to division (B) of section 4723.281 of the Revised	356
Code;	357
(8) The state board of pharmacy when determining whether	358
to suspend a license without a prior hearing pursuant to	359
division (D) of section 4729.16 of the Revised Code;	360
(9) The state chiropractic board when determining whether	361

to suspend a license without a hearing pursuant to section	362
4734.37 of the Revised Code;	363
(10) The executive committee of the emergency response	364
commission when determining whether to issue an enforcement	365
order or request that a civil action, civil penalty action, or	366
criminal action be brought to enforce Chapter 3750. of the	367
Revised Code;	368
(11) The board of directors of the nonprofit corporation	369
formed under section 187.01 of the Revised Code or any committee	370
thereof, and the board of directors of any subsidiary of that	371
corporation or a committee thereof;	372
(12) An audit conference conducted by the audit staff of	373
the department of job and family services with officials of the	374
public office that is the subject of that audit under section	375
5101.37 of the Revised Code;	376
(13) The occupational therapy section of the occupational	377
therapy, physical therapy, and athletic trainers board when	378
determining whether to suspend a license or limited permit	379
without a hearing pursuant to division (D) of section 4755.11 of	380
the Revised Code;	381
(14) The physical therapy section of the occupational	382
therapy, physical therapy, and athletic trainers board when	383
determining whether to suspend a license without a hearing	384
pursuant to division (E) of section 4755.47 of the Revised Code;	385
(15) The athletic trainers section of the occupational	386
therapy, physical therapy, and athletic trainers board when	387
determining whether to suspend a license without a hearing	388
pursuant to division (D) of section 4755.64 of the Revised Code.	389
(E) The controlling board, the tax credit authority, or	390

the minority development financing advisory board, when meeting 391
to consider granting assistance pursuant to Chapter 122. or 166. 392
of the Revised Code, in order to protect the interest of the 393
applicant or the possible investment of public funds, by 394
unanimous vote of all board or authority members present, may 395
close the meeting during consideration of the following 396
information confidentially received by the authority or board 397
from the applicant: 398

(1) Marketing plans; 399

(2) Specific business strategy; 400

(3) Production techniques and trade secrets; 401

(4) Financial projections; 402

(5) Personal financial statements of the applicant or 403
members of the applicant's immediate family, including, but not 404
limited to, tax records or other similar information not open to 405
public inspection. 406

The vote by the authority or board to accept or reject the 407
application, as well as all proceedings of the authority or 408
board not subject to this division, shall be open to the public 409
and governed by this section. 410

(F) Every public body, by rule, shall establish a 411
reasonable method whereby any person may determine the time and 412
place of all regularly scheduled meetings and the time, place, 413
and purpose of all special meetings. A public body shall not 414
hold a special meeting unless it gives at least twenty-four 415
hours' advance notice to the news media that have requested 416
notification, except in the event of an emergency requiring 417
immediate official action. In the event of an emergency, the 418
member or members calling the meeting shall notify the news 419

media that have requested notification immediately of the time, 420
place, and purpose of the meeting. 421

The rule shall provide that any person, upon request and 422
payment of a reasonable fee, may obtain reasonable advance 423
notification of all meetings at which any specific type of 424
public business is to be discussed. Provisions for advance 425
notification may include, but are not limited to, mailing the 426
agenda of meetings to all subscribers on a mailing list or 427
mailing notices in self-addressed, stamped envelopes provided by 428
the person. 429

(G) Except as provided in divisions (G)(8) and (J) of this 430
section, the members of a public body may hold an executive 431
session only after a majority of a quorum of the public body 432
determines, by a roll call vote, to hold an executive session 433
and only at a regular or special meeting for the sole purpose of 434
the consideration of any of the following matters: 435

(1) To consider the appointment, employment, dismissal, 436
discipline, promotion, demotion, or compensation of a public 437
employee or official, or the investigation of charges or 438
complaints against a public employee, official, licensee, or 439
regulated individual, unless the public employee, official, 440
licensee, or regulated individual requests a public hearing. 441
Except as otherwise provided by law, no public body shall hold 442
an executive session for the discipline of an elected official 443
for conduct related to the performance of the elected official's 444
official duties or for the elected official's removal from 445
office. If a public body holds an executive session pursuant to 446
division (G)(1) of this section, the motion and vote to hold 447
that executive session shall state which one or more of the 448
approved purposes listed in division (G)(1) of this section are 449

the purposes for which the executive session is to be held, but 450
need not include the name of any person to be considered at the 451
meeting. 452

(2) To consider the purchase of property for public 453
purposes, the sale of property at competitive bidding, or the 454
sale or other disposition of unneeded, obsolete, or unfit-for- 455
use property in accordance with section 505.10 of the Revised 456
Code, if premature disclosure of information would give an 457
unfair competitive or bargaining advantage to a person whose 458
personal, private interest is adverse to the general public 459
interest. No member of a public body shall use division (G) (2) 460
of this section as a subterfuge for providing covert information 461
to prospective buyers or sellers. A purchase or sale of public 462
property is void if the seller or buyer of the public property 463
has received covert information from a member of a public body 464
that has not been disclosed to the general public in sufficient 465
time for other prospective buyers and sellers to prepare and 466
submit offers. 467

If the minutes of the public body show that all meetings 468
and deliberations of the public body have been conducted in 469
compliance with this section, any instrument executed by the 470
public body purporting to convey, lease, or otherwise dispose of 471
any right, title, or interest in any public property shall be 472
conclusively presumed to have been executed in compliance with 473
this section insofar as title or other interest of any bona fide 474
purchasers, lessees, or transferees of the property is 475
concerned. 476

(3) Conferences with an attorney for the public body 477
concerning disputes involving the public body that are the 478
subject of pending or imminent court action; 479

(4) Preparing for, conducting, or reviewing negotiations	480
or bargaining sessions with public employees concerning their	481
compensation or other terms and conditions of their employment;	482
(5) Matters required to be kept confidential by federal	483
law or regulations or state statutes;	484
(6) Details relative to the security arrangements and	485
emergency response protocols for a public body or a public	486
office, if disclosure of the matters discussed could reasonably	487
be expected to jeopardize the security of the public body or	488
public office;	489
(7) In the case of a county hospital operated pursuant to	490
Chapter 339. of the Revised Code, a joint township hospital	491
operated pursuant to Chapter 513. of the Revised Code, or a	492
municipal hospital operated pursuant to Chapter 749. of the	493
Revised Code, to consider trade secrets, as defined in section	494
1333.61 of the Revised Code;	495
(8) To consider confidential information related to the	496
marketing plans, specific business strategy, production	497
techniques, trade secrets, or personal financial statements of	498
an applicant for economic development assistance, or to	499
negotiations with other political subdivisions respecting	500
requests for economic development assistance, provided that both	501
of the following conditions apply:	502
(a) The information is directly related to a request for	503
economic development assistance that is to be provided or	504
administered under any provision of Chapter 715., 725., 1724.,	505
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to	506
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to	507
5709.81 of the Revised Code, or that involves public	508

infrastructure improvements or the extension of utility services 509
that are directly related to an economic development project. 510

(b) A unanimous quorum of the public body determines, by a 511
roll call vote, that the executive session is necessary to 512
protect the interests of the applicant or the possible 513
investment or expenditure of public funds to be made in 514
connection with the economic development project. 515

(9) To consider information necessary to fulfill the 516
duties of the general assembly sexual harassment task force 517
under section 101.67 of the Revised Code. 518

If a public body holds an executive session to consider 519
any of the matters listed in divisions (G) (2) to ~~(8)~~ (9) of this 520
section, the motion and vote to hold that executive session 521
shall state which one or more of the approved matters listed in 522
those divisions are to be considered at the executive session. 523

A public body specified in division (B) (1) (c) of this 524
section shall not hold an executive session when meeting for the 525
purposes specified in that division. 526

(H) A resolution, rule, or formal action of any kind is 527
invalid unless adopted in an open meeting of the public body. A 528
resolution, rule, or formal action adopted in an open meeting 529
that results from deliberations in a meeting not open to the 530
public is invalid unless the deliberations were for a purpose 531
specifically authorized in division (G) or (J) of this section 532
and conducted at an executive session held in compliance with 533
this section. A resolution, rule, or formal action adopted in an 534
open meeting is invalid if the public body that adopted the 535
resolution, rule, or formal action violated division (F) of this 536
section. 537

(I) (1) Any person may bring an action to enforce this 538
section. An action under division (I) (1) of this section shall 539
be brought within two years after the date of the alleged 540
violation or threatened violation. Upon proof of a violation or 541
threatened violation of this section in an action brought by any 542
person, the court of common pleas shall issue an injunction to 543
compel the members of the public body to comply with its 544
provisions. 545

(2) (a) If the court of common pleas issues an injunction 546
pursuant to division (I) (1) of this section, the court shall 547
order the public body that it enjoins to pay a civil forfeiture 548
of five hundred dollars to the party that sought the injunction 549
and shall award to that party all court costs and, subject to 550
reduction as described in division (I) (2) of this section, 551
reasonable attorney's fees. The court, in its discretion, may 552
reduce an award of attorney's fees to the party that sought the 553
injunction or not award attorney's fees to that party if the 554
court determines both of the following: 555

(i) That, based on the ordinary application of statutory 556
law and case law as it existed at the time of violation or 557
threatened violation that was the basis of the injunction, a 558
well-informed public body reasonably would believe that the 559
public body was not violating or threatening to violate this 560
section; 561

(ii) That a well-informed public body reasonably would 562
believe that the conduct or threatened conduct that was the 563
basis of the injunction would serve the public policy that 564
underlies the authority that is asserted as permitting that 565
conduct or threatened conduct. 566

(b) If the court of common pleas does not issue an 567

injunction pursuant to division (I)(1) of this section and the 568
court determines at that time that the bringing of the action 569
was frivolous conduct, as defined in division (A) of section 570
2323.51 of the Revised Code, the court shall award to the public 571
body all court costs and reasonable attorney's fees, as 572
determined by the court. 573

(3) Irreparable harm and prejudice to the party that 574
sought the injunction shall be conclusively and irrebuttably 575
presumed upon proof of a violation or threatened violation of 576
this section. 577

(4) A member of a public body who knowingly violates an 578
injunction issued pursuant to division (I)(1) of this section 579
may be removed from office by an action brought in the court of 580
common pleas for that purpose by the prosecuting attorney or the 581
attorney general. 582

(J)(1) Pursuant to division (C) of section 5901.09 of the 583
Revised Code, a veterans service commission shall hold an 584
executive session for one or more of the following purposes 585
unless an applicant requests a public hearing: 586

(a) Interviewing an applicant for financial assistance 587
under sections 5901.01 to 5901.15 of the Revised Code; 588

(b) Discussing applications, statements, and other 589
documents described in division (B) of section 5901.09 of the 590
Revised Code; 591

(c) Reviewing matters relating to an applicant's request 592
for financial assistance under sections 5901.01 to 5901.15 of 593
the Revised Code. 594

(2) A veterans service commission shall not exclude an 595
applicant for, recipient of, or former recipient of financial 596

assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance.

(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance.

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:

(a) Medical records;

(b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;

(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to

appeals of actions arising under those sections;	626
(d) Records pertaining to adoption proceedings, including	627
the contents of an adoption file maintained by the department of	628
health under sections 3705.12 to 3705.124 of the Revised Code;	629
(e) Information in a record contained in the putative	630
father registry established by section 3107.062 of the Revised	631
Code, regardless of whether the information is held by the	632
department of job and family services or, pursuant to section	633
3111.69 of the Revised Code, the office of child support in the	634
department or a child support enforcement agency;	635
(f) Records specified in division (A) of section 3107.52	636
of the Revised Code;	637
(g) Trial preparation records;	638
(h) Confidential law enforcement investigatory records;	639
(i) Records containing information that is confidential	640
under section 2710.03 or 4112.05 of the Revised Code;	641
(j) DNA records stored in the DNA database pursuant to	642
section 109.573 of the Revised Code;	643
(k) Inmate records released by the department of	644
rehabilitation and correction to the department of youth	645
services or a court of record pursuant to division (E) of	646
section 5120.21 of the Revised Code;	647
(l) Records maintained by the department of youth services	648
pertaining to children in its custody released by the department	649
of youth services to the department of rehabilitation and	650
correction pursuant to section 5139.05 of the Revised Code;	651
(m) Intellectual property records;	652

(n) Donor profile records;	653
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	654 655
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer residential and familial information;	656 657 658 659 660 661 662
(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;	663 664 665 666 667
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	668 669
(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 board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	670 671 672 673 674 675 676 677 678 679 680 681

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

(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;

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

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

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

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

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

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

(bb) Records described in division (C) of section 187.04 711
of the Revised Code that are not designated to be made available 712
to the public as provided in that division; 713

(cc) Information and records that are made confidential, 714
privileged, and not subject to disclosure under divisions (B) 715
and (C) of section 2949.221 of the Revised Code; 716

(dd) Personal information, as defined in section 149.45 of 717
the Revised Code; 718

(ee) The confidential name, address, and other personally 719
identifiable information of a program participant in the address 720
confidentiality program established under sections 111.41 to 721
111.47 of the Revised Code, including the contents of any 722
application for absent voter's ballots, absent voter's ballot 723
identification envelope statement of voter, or provisional 724
ballot affirmation completed by a program participant who has a 725
confidential voter registration record, and records or portions 726
of records pertaining to that program that identify the number 727
of program participants that reside within a precinct, ward, 728
township, municipal corporation, county, or any other geographic 729
area smaller than the state. As used in this division, 730
"confidential address" and "program participant" have the 731
meaning defined in section 111.41 of the Revised Code. 732

(ff) Orders for active military service of an individual 733
serving or with previous service in the armed forces of the 734
United States, including a reserve component, or the Ohio 735
organized militia, except that, such order becomes a public 736
record on the day that is fifteen years after the published date 737
or effective date of the call to order. 738

(gg) The name or identifying information of a complainant 739

or victim of a sexual harassment complaint and a complaint being 740
investigated or records related to an ongoing investigation of a 741
sexual harassment complaint. 742

(2) "Confidential law enforcement investigatory record" 743
means any record that pertains to a law enforcement matter of a 744
criminal, quasi-criminal, civil, or administrative nature, but 745
only to the extent that the release of the record would create a 746
high probability of disclosure of any of the following: 747

(a) The identity of a suspect who has not been charged 748
with the offense to which the record pertains, or of an 749
information source or witness to whom confidentiality has been 750
reasonably promised; 751

(b) Information provided by an information source or 752
witness to whom confidentiality has been reasonably promised, 753
which information would reasonably tend to disclose the source's 754
or witness's identity; 755

(c) Specific confidential investigatory techniques or 756
procedures or specific investigatory work product; 757

(d) Information that would endanger the life or physical 758
safety of law enforcement personnel, a crime victim, a witness, 759
or a confidential information source. 760

(3) "Medical record" means any document or combination of 761
documents, except births, deaths, and the fact of admission to 762
or discharge from a hospital, that pertains to the medical 763
history, diagnosis, prognosis, or medical condition of a patient 764
and that is generated and maintained in the process of medical 765
treatment. 766

(4) "Trial preparation record" means any record that 767
contains information that is specifically compiled in reasonable 768

anticipation of, or in defense of, a civil or criminal action or 769
proceeding, including the independent thought processes and 770
personal trial preparation of an attorney. 771

(5) "Intellectual property record" means a record, other 772
than a financial or administrative record, that is produced or 773
collected by or for faculty or staff of a state institution of 774
higher learning in the conduct of or as a result of study or 775
research on an educational, commercial, scientific, artistic, 776
technical, or scholarly issue, regardless of whether the study 777
or research was sponsored by the institution alone or in 778
conjunction with a governmental body or private concern, and 779
that has not been publicly released, published, or patented. 780

(6) "Donor profile record" means all records about donors 781
or potential donors to a public institution of higher education 782
except the names and reported addresses of the actual donors and 783
the date, amount, and conditions of the actual donation. 784

(7) "Peace officer, parole officer, probation officer, 785
bailiff, prosecuting attorney, assistant prosecuting attorney, 786
correctional employee, community-based correctional facility 787
employee, youth services employee, firefighter, EMT, 788
investigator of the bureau of criminal identification and 789
investigation, or federal law enforcement officer residential 790
and familial information" means any information that discloses 791
any of the following about a peace officer, parole officer, 792
probation officer, bailiff, prosecuting attorney, assistant 793
prosecuting attorney, correctional employee, community-based 794
correctional facility employee, youth services employee, 795
firefighter, EMT, investigator of the bureau of criminal 796
identification and investigation, or federal law enforcement 797
officer: 798

(a) The address of the actual personal residence of a	799
peace officer, parole officer, probation officer, bailiff,	800
assistant prosecuting attorney, correctional employee,	801
community-based correctional facility employee, youth services	802
employee, firefighter, EMT, an investigator of the bureau of	803
criminal identification and investigation, or federal law	804
enforcement officer, except for the state or political	805
subdivision in which the peace officer, parole officer,	806
probation officer, bailiff, assistant prosecuting attorney,	807
correctional employee, community-based correctional facility	808
employee, youth services employee, firefighter, EMT,	809
investigator of the bureau of criminal identification and	810
investigation, or federal law enforcement officer resides;	811
(b) Information compiled from referral to or participation	812
in an employee assistance program;	813
(c) The social security number, the residential telephone	814
number, any bank account, debit card, charge card, or credit	815
card number, or the emergency telephone number of, or any	816
medical information pertaining to, a peace officer, parole	817
officer, probation officer, bailiff, prosecuting attorney,	818
assistant prosecuting attorney, correctional employee,	819
community-based correctional facility employee, youth services	820
employee, firefighter, EMT, investigator of the bureau of	821
criminal identification and investigation, or federal law	822
enforcement officer;	823
(d) The name of any beneficiary of employment benefits,	824
including, but not limited to, life insurance benefits, provided	825
to a peace officer, parole officer, probation officer, bailiff,	826
prosecuting attorney, assistant prosecuting attorney,	827
correctional employee, community-based correctional facility	828

employee, youth services employee, firefighter, EMT, 829
investigator of the bureau of criminal identification and 830
investigation, or federal law enforcement officer by the peace 831
officer's, parole officer's, probation officer's, bailiff's, 832
prosecuting attorney's, assistant prosecuting attorney's, 833
correctional employee's, community-based correctional facility 834
employee's, youth services employee's, firefighter's, EMT's, 835
investigator of the bureau of criminal identification and 836
investigation's, or federal law enforcement officer's employer; 837

(e) The identity and amount of any charitable or 838
employment benefit deduction made by the peace officer's, parole 839
officer's, probation officer's, bailiff's, prosecuting 840
attorney's, assistant prosecuting attorney's, correctional 841
employee's, community-based correctional facility employee's, 842
youth services employee's, firefighter's, EMT's, investigator of 843
the bureau of criminal identification and investigation's, or 844
federal law enforcement officer's employer from the peace 845
officer's, parole officer's, probation officer's, bailiff's, 846
prosecuting attorney's, assistant prosecuting attorney's, 847
correctional employee's, community-based correctional facility 848
employee's, youth services employee's, firefighter's, EMT's, 849
investigator of the bureau of criminal identification and 850
investigation's, or federal law enforcement officer's 851
compensation unless the amount of the deduction is required by 852
state or federal law; 853

(f) The name, the residential address, the name of the 854
employer, the address of the employer, the social security 855
number, the residential telephone number, any bank account, 856
debit card, charge card, or credit card number, or the emergency 857
telephone number of the spouse, a former spouse, or any child of 858
a peace officer, parole officer, probation officer, bailiff, 859

prosecuting attorney, assistant prosecuting attorney, 860
correctional employee, community-based correctional facility 861
employee, youth services employee, firefighter, EMT, 862
investigator of the bureau of criminal identification and 863
investigation, or federal law enforcement officer; 864

(g) A photograph of a peace officer who holds a position 865
or has an assignment that may include undercover or plain 866
clothes positions or assignments as determined by the peace 867
officer's appointing authority. 868

As used in divisions (A) (7) and (B) (9) of this section, 869
"peace officer" has the same meaning as in section 109.71 of the 870
Revised Code and also includes the superintendent and troopers 871
of the state highway patrol; it does not include the sheriff of 872
a county or a supervisory employee who, in the absence of the 873
sheriff, is authorized to stand in for, exercise the authority 874
of, and perform the duties of the sheriff. 875

As used in divisions (A) (7) and (B) (9) of this section, 876
"correctional employee" means any employee of the department of 877
rehabilitation and correction who in the course of performing 878
the employee's job duties has or has had contact with inmates 879
and persons under supervision. 880

As used in divisions (A) (7) and (B) (9) of this section, 881
"youth services employee" means any employee of the department 882
of youth services who in the course of performing the employee's 883
job duties has or has had contact with children committed to the 884
custody of the department of youth services. 885

As used in divisions (A) (7) and (B) (9) of this section, 886
"firefighter" means any regular, paid or volunteer, member of a 887
lawfully constituted fire department of a municipal corporation, 888

township, fire district, or village. 889

As used in divisions (A) (7) and (B) (9) of this section, 890
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 891
emergency medical services for a public emergency medical 892
service organization. "Emergency medical service organization," 893
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 894
in section 4765.01 of the Revised Code. 895

As used in divisions (A) (7) and (B) (9) of this section, 896
"investigator of the bureau of criminal identification and 897
investigation" has the meaning defined in section 2903.11 of the 898
Revised Code. 899

As used in divisions (A) (7) and (B) (9) of this section, 900
"federal law enforcement officer" has the meaning defined in 901
section 9.88 of the Revised Code. 902

(8) "Information pertaining to the recreational activities 903
of a person under the age of eighteen" means information that is 904
kept in the ordinary course of business by a public office, that 905
pertains to the recreational activities of a person under the 906
age of eighteen years, and that discloses any of the following: 907

(a) The address or telephone number of a person under the 908
age of eighteen or the address or telephone number of that 909
person's parent, guardian, custodian, or emergency contact 910
person; 911

(b) The social security number, birth date, or 912
photographic image of a person under the age of eighteen; 913

(c) Any medical record, history, or information pertaining 914
to a person under the age of eighteen; 915

(d) Any additional information sought or required about a 916

person under the age of eighteen for the purpose of allowing 917
that person to participate in any recreational activity 918
conducted or sponsored by a public office or to use or obtain 919
admission privileges to any recreational facility owned or 920
operated by a public office. 921

(9) "Community control sanction" has the same meaning as 922
in section 2929.01 of the Revised Code. 923

(10) "Post-release control sanction" has the same meaning 924
as in section 2967.01 of the Revised Code. 925

(11) "Redaction" means obscuring or deleting any 926
information that is exempt from the duty to permit public 927
inspection or copying from an item that otherwise meets the 928
definition of a "record" in section 149.011 of the Revised Code. 929

(12) "Designee" and "elected official" have the same 930
meanings as in section 109.43 of the Revised Code. 931

(B) (1) Upon request and subject to division (B) (8) of this 932
section, all public records responsive to the request shall be 933
promptly prepared and made available for inspection to any 934
person at all reasonable times during regular business hours. 935
Subject to division (B) (8) of this section, upon request, a 936
public office or person responsible for public records shall 937
make copies of the requested public record available at cost and 938
within a reasonable period of time. If a public record contains 939
information that is exempt from the duty to permit public 940
inspection or to copy the public record, the public office or 941
the person responsible for the public record shall make 942
available all of the information within the public record that 943
is not exempt. When making that public record available for 944
public inspection or copying that public record, the public 945

office or the person responsible for the public record shall 946
notify the requester of any redaction or make the redaction 947
plainly visible. A redaction shall be deemed a denial of a 948
request to inspect or copy the redacted information, except if 949
federal or state law authorizes or requires a public office to 950
make the redaction. 951

(2) To facilitate broader access to public records, a 952
public office or the person responsible for public records shall 953
organize and maintain public records in a manner that they can 954
be made available for inspection or copying in accordance with 955
division (B) of this section. A public office also shall have 956
available a copy of its current records retention schedule at a 957
location readily available to the public. If a requester makes 958
an ambiguous or overly broad request or has difficulty in making 959
a request for copies or inspection of public records under this 960
section such that the public office or the person responsible 961
for the requested public record cannot reasonably identify what 962
public records are being requested, the public office or the 963
person responsible for the requested public record may deny the 964
request but shall provide the requester with an opportunity to 965
revise the request by informing the requester of the manner in 966
which records are maintained by the public office and accessed 967
in the ordinary course of the public office's or person's 968
duties. 969

(3) If a request is ultimately denied, in part or in 970
whole, the public office or the person responsible for the 971
requested public record shall provide the requester with an 972
explanation, including legal authority, setting forth why the 973
request was denied. If the initial request was provided in 974
writing, the explanation also shall be provided to the requester 975
in writing. The explanation shall not preclude the public office 976

or the person responsible for the requested public record from 977
relying upon additional reasons or legal authority in defending 978
an action commenced under division (C) of this section. 979

(4) Unless specifically required or authorized by state or 980
federal law or in accordance with division (B) of this section, 981
no public office or person responsible for public records may 982
limit or condition the availability of public records by 983
requiring disclosure of the requester's identity or the intended 984
use of the requested public record. Any requirement that the 985
requester disclose the requester's identity or the intended use 986
of the requested public record constitutes a denial of the 987
request. 988

(5) A public office or person responsible for public 989
records may ask a requester to make the request in writing, may 990
ask for the requester's identity, and may inquire about the 991
intended use of the information requested, but may do so only 992
after disclosing to the requester that a written request is not 993
mandatory and that the requester may decline to reveal the 994
requester's identity or the intended use and when a written 995
request or disclosure of the identity or intended use would 996
benefit the requester by enhancing the ability of the public 997
office or person responsible for public records to identify, 998
locate, or deliver the public records sought by the requester. 999

(6) If any person chooses to obtain a copy of a public 1000
record in accordance with division (B) of this section, the 1001
public office or person responsible for the public record may 1002
require that person to pay in advance the cost involved in 1003
providing the copy of the public record in accordance with the 1004
choice made by the person seeking the copy under this division. 1005
The public office or the person responsible for the public 1006

record shall permit that person to choose to have the public 1007
record duplicated upon paper, upon the same medium upon which 1008
the public office or person responsible for the public record 1009
keeps it, or upon any other medium upon which the public office 1010
or person responsible for the public record determines that it 1011
reasonably can be duplicated as an integral part of the normal 1012
operations of the public office or person responsible for the 1013
public record. When the person seeking the copy makes a choice 1014
under this division, the public office or person responsible for 1015
the public record shall provide a copy of it in accordance with 1016
the choice made by the person seeking the copy. Nothing in this 1017
section requires a public office or person responsible for the 1018
public record to allow the person seeking a copy of the public 1019
record to make the copies of the public record. 1020

(7) (a) Upon a request made in accordance with division (B) 1021
of this section and subject to division (B) (6) of this section, 1022
a public office or person responsible for public records shall 1023
transmit a copy of a public record to any person by United 1024
States mail or by any other means of delivery or transmission 1025
within a reasonable period of time after receiving the request 1026
for the copy. The public office or person responsible for the 1027
public record may require the person making the request to pay 1028
in advance the cost of postage if the copy is transmitted by 1029
United States mail or the cost of delivery if the copy is 1030
transmitted other than by United States mail, and to pay in 1031
advance the costs incurred for other supplies used in the 1032
mailing, delivery, or transmission. 1033

(b) Any public office may adopt a policy and procedures 1034
that it will follow in transmitting, within a reasonable period 1035
of time after receiving a request, copies of public records by 1036
United States mail or by any other means of delivery or 1037

transmission pursuant to division (B)(7) of this section. A 1038
public office that adopts a policy and procedures under division 1039
(B)(7) of this section shall comply with them in performing its 1040
duties under that division. 1041

(c) In any policy and procedures adopted under division 1042
(B)(7) of this section: 1043

(i) A public office may limit the number of records 1044
requested by a person that the office will physically deliver by 1045
United States mail or by another delivery service to ten per 1046
month, unless the person certifies to the office in writing that 1047
the person does not intend to use or forward the requested 1048
records, or the information contained in them, for commercial 1049
purposes; 1050

(ii) A public office that chooses to provide some or all 1051
of its public records on a web site that is fully accessible to 1052
and searchable by members of the public at all times, other than 1053
during acts of God outside the public office's control or 1054
maintenance, and that charges no fee to search, access, 1055
download, or otherwise receive records provided on the web site, 1056
may limit to ten per month the number of records requested by a 1057
person that the office will deliver in a digital format, unless 1058
the requested records are not provided on the web site and 1059
unless the person certifies to the office in writing that the 1060
person does not intend to use or forward the requested records, 1061
or the information contained in them, for commercial purposes. 1062

(iii) For purposes of division (B)(7) of this section, 1063
"commercial" shall be narrowly construed and does not include 1064
reporting or gathering news, reporting or gathering information 1065
to assist citizen oversight or understanding of the operation or 1066
activities of government, or nonprofit educational research. 1067

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

(9) (a) Upon written request made and signed by a journalist on or after December 16, 1999, a public office, or person responsible for public records, having custody of the records of the agency employing a specified peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer shall disclose to the journalist the address of the actual personal residence of the peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer and, if the peace officer's, parole

officer's, probation officer's, bailiff's, prosecuting 1099
attorney's, assistant prosecuting attorney's, correctional 1100
employee's, community-based correctional facility employee's, 1101
youth services employee's, firefighter's, EMT's, investigator of 1102
the bureau of criminal identification and investigation's, or 1103
federal law enforcement officer's spouse, former spouse, or 1104
child is employed by a public office, the name and address of 1105
the employer of the peace officer's, parole officer's, probation 1106
officer's, bailiff's, prosecuting attorney's, assistant 1107
prosecuting attorney's, correctional employee's, community-based 1108
correctional facility employee's, youth services employee's, 1109
firefighter's, EMT's, investigator of the bureau of criminal 1110
identification and investigation's, or federal law enforcement 1111
officer's spouse, former spouse, or child. The request shall 1112
include the journalist's name and title and the name and address 1113
of the journalist's employer and shall state that disclosure of 1114
the information sought would be in the public interest. 1115

(b) Division (B) (9) (a) of this section also applies to 1116
journalist requests for customer information maintained by a 1117
municipally owned or operated public utility, other than social 1118
security numbers and any private financial information such as 1119
credit reports, payment methods, credit card numbers, and bank 1120
account information. 1121

(c) As used in division (B) (9) of this section, 1122
"journalist" means a person engaged in, connected with, or 1123
employed by any news medium, including a newspaper, magazine, 1124
press association, news agency, or wire service, a radio or 1125
television station, or a similar medium, for the purpose of 1126
gathering, processing, transmitting, compiling, editing, or 1127
disseminating information for the general public. 1128

(C) (1) If a person allegedly is aggrieved by the failure 1129
of a public office or the person responsible for public records 1130
to promptly prepare a public record and to make it available to 1131
the person for inspection in accordance with division (B) of 1132
this section or by any other failure of a public office or the 1133
person responsible for public records to comply with an 1134
obligation in accordance with division (B) of this section, the 1135
person allegedly aggrieved may do only one of the following, and 1136
not both: 1137

(a) File a complaint with the clerk of the court of claims 1138
or the clerk of the court of common pleas under section 2743.75 1139
of the Revised Code; 1140

(b) Commence a mandamus action to obtain a judgment that 1141
orders the public office or the person responsible for the 1142
public record to comply with division (B) of this section, that 1143
awards court costs and reasonable attorney's fees to the person 1144
that instituted the mandamus action, and, if applicable, that 1145
includes an order fixing statutory damages under division (C) (2) 1146
of this section. The mandamus action may be commenced in the 1147
court of common pleas of the county in which division (B) of 1148
this section allegedly was not complied with, in the supreme 1149
court pursuant to its original jurisdiction under Section 2 of 1150
Article IV, Ohio Constitution, or in the court of appeals for 1151
the appellate district in which division (B) of this section 1152
allegedly was not complied with pursuant to its original 1153
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1154

(2) If a requester transmits a written request by hand 1155
delivery or certified mail to inspect or receive copies of any 1156
public record in a manner that fairly describes the public 1157
record or class of public records to the public office or person 1158

responsible for the requested public records, except as 1159
otherwise provided in this section, the requester shall be 1160
entitled to recover the amount of statutory damages set forth in 1161
this division if a court determines that the public office or 1162
the person responsible for public records failed to comply with 1163
an obligation in accordance with division (B) of this section. 1164

The amount of statutory damages shall be fixed at one 1165
hundred dollars for each business day during which the public 1166
office or person responsible for the requested public records 1167
failed to comply with an obligation in accordance with division 1168
(B) of this section, beginning with the day on which the 1169
requester files a mandamus action to recover statutory damages, 1170
up to a maximum of one thousand dollars. The award of statutory 1171
damages shall not be construed as a penalty, but as compensation 1172
for injury arising from lost use of the requested information. 1173
The existence of this injury shall be conclusively presumed. The 1174
award of statutory damages shall be in addition to all other 1175
remedies authorized by this section. 1176

The court may reduce an award of statutory damages or not 1177
award statutory damages if the court determines both of the 1178
following: 1179

(a) That, based on the ordinary application of statutory 1180
law and case law as it existed at the time of the conduct or 1181
threatened conduct of the public office or person responsible 1182
for the requested public records that allegedly constitutes a 1183
failure to comply with an obligation in accordance with division 1184
(B) of this section and that was the basis of the mandamus 1185
action, a well-informed public office or person responsible for 1186
the requested public records reasonably would believe that the 1187
conduct or threatened conduct of the public office or person 1188

responsible for the requested public records did not constitute 1189
a failure to comply with an obligation in accordance with 1190
division (B) of this section; 1191

(b) That a well-informed public office or person 1192
responsible for the requested public records reasonably would 1193
believe that the conduct or threatened conduct of the public 1194
office or person responsible for the requested public records 1195
would serve the public policy that underlies the authority that 1196
is asserted as permitting that conduct or threatened conduct. 1197

(3) In a mandamus action filed under division (C) (1) of 1198
this section, the following apply: 1199

(a) (i) If the court orders the public office or the person 1200
responsible for the public record to comply with division (B) of 1201
this section, the court shall determine and award to the relator 1202
all court costs, which shall be construed as remedial and not 1203
punitive. 1204

(ii) If the court makes a determination described in 1205
division (C) (3) (b) (iii) of this section, the court shall 1206
determine and award to the relator all court costs, which shall 1207
be construed as remedial and not punitive. 1208

(b) If the court renders a judgment that orders the public 1209
office or the person responsible for the public record to comply 1210
with division (B) of this section or if the court determines any 1211
of the following, the court may award reasonable attorney's fees 1212
to the relator, subject to the provisions of division (C) (4) of 1213
this section: 1214

(i) The public office or the person responsible for the 1215
public records failed to respond affirmatively or negatively to 1216
the public records request in accordance with the time allowed 1217

under division (B) of this section. 1218

(ii) The public office or the person responsible for the 1219
public records promised to permit the relator to inspect or 1220
receive copies of the public records requested within a 1221
specified period of time but failed to fulfill that promise 1222
within that specified period of time. 1223

(iii) The public office or the person responsible for the 1224
public records acted in bad faith when the office or person 1225
voluntarily made the public records available to the relator for 1226
the first time after the relator commenced the mandamus action, 1227
but before the court issued any order concluding whether or not 1228
the public office or person was required to comply with division 1229
(B) of this section. No discovery may be conducted on the issue 1230
of the alleged bad faith of the public office or person 1231
responsible for the public records. This division shall not be 1232
construed as creating a presumption that the public office or 1233
the person responsible for the public records acted in bad faith 1234
when the office or person voluntarily made the public records 1235
available to the relator for the first time after the relator 1236
commenced the mandamus action, but before the court issued any 1237
order described in this division. 1238

(c) The court shall not award attorney's fees to the 1239
relator if the court determines both of the following: 1240

(i) That, based on the ordinary application of statutory 1241
law and case law as it existed at the time of the conduct or 1242
threatened conduct of the public office or person responsible 1243
for the requested public records that allegedly constitutes a 1244
failure to comply with an obligation in accordance with division 1245
(B) of this section and that was the basis of the mandamus 1246
action, a well-informed public office or person responsible for 1247

the requested public records reasonably would believe that the 1248
conduct or threatened conduct of the public office or person 1249
responsible for the requested public records did not constitute 1250
a failure to comply with an obligation in accordance with 1251
division (B) of this section; 1252

(ii) That a well-informed public office or person 1253
responsible for the requested public records reasonably would 1254
believe that the conduct or threatened conduct of the public 1255
office or person responsible for the requested public records 1256
would serve the public policy that underlies the authority that 1257
is asserted as permitting that conduct or threatened conduct. 1258

(4) All of the following apply to any award of reasonable 1259
attorney's fees awarded under division (C) (3) (b) of this 1260
section: 1261

(a) The fees shall be construed as remedial and not 1262
punitive. 1263

(b) The fees awarded shall not exceed the total of the 1264
reasonable attorney's fees incurred before the public record was 1265
made available to the relator and the fees described in division 1266
(C) (4) (c) of this section. 1267

(c) Reasonable attorney's fees shall include reasonable 1268
fees incurred to produce proof of the reasonableness and amount 1269
of the fees and to otherwise litigate entitlement to the fees. 1270

(d) The court may reduce the amount of fees awarded if the 1271
court determines that, given the factual circumstances involved 1272
with the specific public records request, an alternative means 1273
should have been pursued to more effectively and efficiently 1274
resolve the dispute that was subject to the mandamus action 1275
filed under division (C) (1) of this section. 1276

(5) If the court does not issue a writ of mandamus under 1277
division (C) of this section and the court determines at that 1278
time that the bringing of the mandamus action was frivolous 1279
conduct as defined in division (A) of section 2323.51 of the 1280
Revised Code, the court may award to the public office all court 1281
costs, expenses, and reasonable attorney's fees, as determined 1282
by the court. 1283

(D) Chapter 1347. of the Revised Code does not limit the 1284
provisions of this section. 1285

(E) (1) To ensure that all employees of public offices are 1286
appropriately educated about a public office's obligations under 1287
division (B) of this section, all elected officials or their 1288
appropriate designees shall attend training approved by the 1289
attorney general as provided in section 109.43 of the Revised 1290
Code. In addition, all public offices shall adopt a public 1291
records policy in compliance with this section for responding to 1292
public records requests. In adopting a public records policy 1293
under this division, a public office may obtain guidance from 1294
the model public records policy developed and provided to the 1295
public office by the attorney general under section 109.43 of 1296
the Revised Code. Except as otherwise provided in this section, 1297
the policy may not limit the number of public records that the 1298
public office will make available to a single person, may not 1299
limit the number of public records that it will make available 1300
during a fixed period of time, and may not establish a fixed 1301
period of time before it will respond to a request for 1302
inspection or copying of public records, unless that period is 1303
less than eight hours. 1304

(2) The public office shall distribute the public records 1305
policy adopted by the public office under division (E) (1) of 1306

this section to the employee of the public office who is the 1307
records custodian or records manager or otherwise has custody of 1308
the records of that office. The public office shall require that 1309
employee to acknowledge receipt of the copy of the public 1310
records policy. The public office shall create a poster that 1311
describes its public records policy and shall post the poster in 1312
a conspicuous place in the public office and in all locations 1313
where the public office has branch offices. The public office 1314
may post its public records policy on the internet web site of 1315
the public office if the public office maintains an internet web 1316
site. A public office that has established a manual or handbook 1317
of its general policies and procedures for all employees of the 1318
public office shall include the public records policy of the 1319
public office in the manual or handbook. 1320

(F) (1) The bureau of motor vehicles may adopt rules 1321
pursuant to Chapter 119. of the Revised Code to reasonably limit 1322
the number of bulk commercial special extraction requests made 1323
by a person for the same records or for updated records during a 1324
calendar year. The rules may include provisions for charges to 1325
be made for bulk commercial special extraction requests for the 1326
actual cost of the bureau, plus special extraction costs, plus 1327
ten per cent. The bureau may charge for expenses for redacting 1328
information, the release of which is prohibited by law. 1329

(2) As used in division (F) (1) of this section: 1330

(a) "Actual cost" means the cost of depleted supplies, 1331
records storage media costs, actual mailing and alternative 1332
delivery costs, or other transmitting costs, and any direct 1333
equipment operating and maintenance costs, including actual 1334
costs paid to private contractors for copying services. 1335

(b) "Bulk commercial special extraction request" means a 1336

request for copies of a record for information in a format other 1337
than the format already available, or information that cannot be 1338
extracted without examination of all items in a records series, 1339
class of records, or database by a person who intends to use or 1340
forward the copies for surveys, marketing, solicitation, or 1341
resale for commercial purposes. "Bulk commercial special 1342
extraction request" does not include a request by a person who 1343
gives assurance to the bureau that the person making the request 1344
does not intend to use or forward the requested copies for 1345
surveys, marketing, solicitation, or resale for commercial 1346
purposes. 1347

(c) "Commercial" means profit-seeking production, buying, 1348
or selling of any good, service, or other product. 1349

(d) "Special extraction costs" means the cost of the time 1350
spent by the lowest paid employee competent to perform the task, 1351
the actual amount paid to outside private contractors employed 1352
by the bureau, or the actual cost incurred to create computer 1353
programs to make the special extraction. "Special extraction 1354
costs" include any charges paid to a public agency for computer 1355
or records services. 1356

(3) For purposes of divisions (F) (1) and (2) of this 1357
section, "surveys, marketing, solicitation, or resale for 1358
commercial purposes" shall be narrowly construed and does not 1359
include reporting or gathering news, reporting or gathering 1360
information to assist citizen oversight or understanding of the 1361
operation or activities of government, or nonprofit educational 1362
research. 1363

(G) A request by a defendant, counsel of a defendant, or 1364
any agent of a defendant in a criminal action that public 1365
records related to that action be made available under this 1366

section shall be considered a demand for discovery pursuant to 1367
the Criminal Rules, except to the extent that the Criminal Rules 1368
plainly indicate a contrary intent. The defendant, counsel of 1369
the defendant, or agent of the defendant making a request under 1370
this division shall serve a copy of the request on the 1371
prosecuting attorney, director of law, or other chief legal 1372
officer responsible for prosecuting the action. 1373

Section 2. That existing sections 101.34, 121.22, and 1374
149.43 of the Revised Code are hereby repealed. 1375

Section 3. That Section 321.10 of Am. Sub. H.B. 49 of the 1376
132nd General Assembly be amended to read as follows: 1377

Sec. 321.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 1378

General Revenue Fund 1379

GRF	028321	Legislative Ethics	\$ 550,000	\$ 550,000	1380
		Committee	<u>670,000</u>	<u>670,000</u>	1381
TOTAL GRF		General Revenue Fund	\$ 550,000	\$ 550,000	1382
			<u>670,000</u>	<u>670,000</u>	1383

Dedicated Purpose Fund Group 1384

4G70	028601	Joint Legislative	\$ 150,000	\$ 150,000	1385
		Ethics Committee			1386
5HN0	028602	Investigations	\$ 10,000	\$ 10,000	1387
		and Financial			1388
		Disclosure			1389
TOTAL DPF		Dedicated Purpose Fund	\$ 160,000	\$ 160,000	1390

Group 1391

TOTAL ALL BUDGET FUND GROUPS	\$ 710,000	\$ 710,000	1392
	<u>830,000</u>	<u>830,000</u>	1393
LEGISLATIVE ETHICS COMMITTEE			1394
On July 1, 2017, or as soon as possible thereafter, the			1395
Legislative Inspector General of the Joint Legislative Ethics			1396
Committee may certify to the Director of Budget and Management			1397
an amount up to the unexpended, unencumbered balance of the			1398
foregoing appropriation item 028321, Legislative Ethics			1399
Committee, at the end of fiscal year 2017 to be reappropriated			1400
to fiscal year 2018. The amount certified is hereby			1401
reappropriated to the same appropriation item for fiscal year			1402
2018.			1403
On July 1, 2018, or as soon as possible thereafter, the			1404
Legislative Inspector General of the Joint Legislative Ethics			1405
Committee may certify to the Director of Budget and Management			1406
an amount up to the unexpended, unencumbered balance of the			1407
foregoing appropriation item 028321, Legislative Ethics			1408
Committee, at the end of fiscal year 2018 to be reappropriated			1409
to fiscal year 2019. The amount certified is hereby			1410
reappropriated to the same appropriation item for fiscal year			1411
2019.			1412
Section 4. That existing Section 321.10 of Am. Sub. H.B.			1413
49 of the 132nd General Assembly is hereby repealed.			1414
Section 5. Section 121.22 of the Revised Code is presented in			1415
this act as a composite of the section as amended by both Sub. H.B.			1416
158 and Sub. H.B. 413 of the 131st General Assembly. The General			1417
Assembly, applying the principle stated in division (B) of section			1418
1.52 of the Revised Code that amendments are to be harmonized if			1419
reasonably capable of simultaneous operation, finds that the			1420

composite is the resulting version of the section in effect prior	1421
to the effective date of the section as presented in this act.	1422