

**As Reported by the Senate Local Government, Public Safety and  
Veterans Affairs Committee**

**133rd General Assembly**

**Regular Session  
2019-2020**

**Am. Sub. H. B. No. 429**

**Representatives LaRe, Abrams**

**Cosponsors: Representatives Carfagna, Cross, Ghanbari, Wilkin, Richardson,  
Hambley, Baldrige, Clites, Crossman, Edwards, Galonski, Grendell, Hicks-  
Hudson, Ingram, Koehler, Lanese, Liston, Miller, J., O'Brien, Perales, Plummer,  
Robinson, Roemer, Rogers, Russo, Sweeney, West**

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**A BILL**

To amend sections 111.42, 111.43, 111.45, 111.46, 1  
111.48, 111.99, 149.43, 315.25, 317.13, 317.32, 2  
319.28, 2303.12, and 5301.255 and to enact 3  
sections 111.431, 111.432, and 321.25 of the 4  
Revised Code to make changes to the Address 5  
Confidentiality Program administered by the 6  
Secretary of State and to make changes to county 7  
recorder fees. 8

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

**Section 1.** That sections 111.42, 111.43, 111.45, 111.46, 9  
111.48, 111.99, 149.43, 315.25, 317.13, 317.32, 319.28, 2303.12, 10  
and 5301.255 be amended and sections 111.431, 111.432, and 11  
321.25 of the Revised Code be enacted to read as follows: 12

**Sec. 111.42.** (A) A person to whom all of the following 13  
applies may apply to the secretary of state with the assistance 14  
of an application assistant to become a participant in the 15

address confidentiality program, in which an address designated 16  
by the secretary of state serves as the person's address or the 17  
address of the minor, incompetent, or ward on whose behalf the 18  
person is applying: 19

(1) The applicant is an adult who is applying on behalf of 20  
the person's self or is a parent or guardian applying on behalf 21  
of a minor, incompetent, or ward. 22

(2) The applicant or the minor, incompetent, or ward, as 23  
applicable, resides, works, or attends a school or an 24  
institution of higher education in this state. 25

~~(3) The applicant or the minor, incompetent, or ward, as 26  
applicable, is changing residence. 27~~

~~(4) The applicant fears for the safety of the applicant, a 28  
member of the applicant's household, or the minor, incompetent, 29  
or ward on whose behalf the application is made because the 30  
applicant, household member, minor, incompetent, or ward is a 31  
victim of domestic violence, menacing by stalking, human 32  
trafficking, trafficking in persons, rape, or sexual battery. 33~~

~~(5)-(4) The applicant or the minor, incompetent, or ward, 34  
as applicable, is not a tier I sex offender/child-victim 35  
offender, a tier II sex offender/child-victim offender, or a 36  
tier III sex offender/child-victim offender. 37~~

(B) An application to become a participant in the address 38  
confidentiality program shall be made on a form prescribed by 39  
the secretary of state and filed in the office of the secretary 40  
of state in the manner prescribed by the secretary of state. The 41  
application shall contain all of the following: 42

(1) A notarized statement by the applicant that the 43  
applicant fears for the safety of the applicant, a member of the 44

applicant's household, or the minor, incompetent, or ward on 45  
whose behalf the application is made because the applicant, 46  
household member, minor, incompetent, or ward is a victim of 47  
domestic violence, menacing by stalking, human trafficking, 48  
trafficking in persons, rape, or sexual battery; 49

(2) A statement that the application assistant recommends 50  
that the applicant or the minor, incompetent, or ward, as 51  
applicable, participate in the address confidentiality program; 52

(3) A knowing and voluntary designation of the secretary 53  
of state as the agent for the purposes of receiving service of 54  
process and the receipt of mail; 55

(4) The mailing address and telephone number or numbers at 56  
which the secretary of state may contact the applicant; 57

(5) The address or addresses of the applicant's residence, 58  
school, institution of higher education, business, or place of 59  
employment that the applicant requests not be disclosed for the 60  
reason that disclosure will increase the risk that the 61  
applicant, a member of the applicant's household, or the minor, 62  
incompetent, or ward on whose behalf the application is made 63  
will be threatened or physically harmed by another person; 64

(6) The signature of the applicant, the name and signature 65  
of the application assistant who assisted the applicant, and the 66  
date on which the applicant and the application assistant signed 67  
the application; 68

(7) Except for a claim based on the performance or 69  
nonperformance of a public duty that was manifestly outside the 70  
scope of the officer's or employee's office or employment or in 71  
which the officer or employee acted with malicious purpose, in 72  
bad faith, or in a wanton or reckless manner, a voluntary 73

release and waiver of all future claims against the state for 74  
any claim that may arise from participation in the address 75  
confidentiality program. 76

(C) Upon receiving a properly completed application under 77  
division (B) of this section, the secretary of state shall, 78  
within ten business days, do all of the following: 79

(1) Certify the applicant or the minor, incompetent, or 80  
ward on whose behalf the application is filed as a program 81  
participant; 82

(2) Designate each eligible address listed in the 83  
application as a confidential address; 84

(3) Issue the program participant a unique program 85  
participant identification number; 86

(4) Issue the program participant an address 87  
confidentiality program authorization card, which shall be valid 88  
during the period that the program participant remains certified 89  
to participate in the address confidentiality program, and which 90  
shall include the address at which the program participant may 91  
receive mail through the office of the secretary of state; 92

(5) Provide information to the program participant 93  
concerning all of the following: 94

(a) The manner in which the program participant may use 95  
the secretary of state as the program participant's agent for 96  
the purposes of receiving mail and receiving service of process 97  
and the types of mail that the secretary of state will forward 98  
to the program participant; 99

~~(6) Provide information to the program participant 100~~  
~~concerning the (b) The process to register to vote and to vote 101~~

as a program participant, if the program participant is eligible 102  
to vote; 103

(c) The process to file a real property confidentiality 104  
notice with the county recorder concerning any real property in 105  
which the program participant acquires an ownership interest 106  
after being certified a program participant and after the 107  
effective date of this amendment; 108

(d) The use of a written notice to persons involved in the 109  
acquisition of real property under section 111.432 of the 110  
Revised Code; 111

(e) The process to authorize the secretary of state to 112  
disclose confidential information concerning the program 113  
participant under certain circumstances, as described in 114  
division (E) of section 111.43 of the Revised Code. 115

(D) A program participant shall update the person's 116  
application information, within thirty days after any change has 117  
occurred, by submitting a notice of change to the office of the 118  
secretary of state on a form prescribed by the secretary of 119  
state. The secretary of state may, with proper notice, cancel a 120  
program participant's certification if the participant is found 121  
to be unreachable for a period of sixty days or more. 122

(E) The certification of a program participant shall be 123  
valid for four years after the date of the filing of the 124  
application for the program participant unless the certification 125  
is withdrawn or invalidated before the end of that four-year 126  
period. 127

(F) (1) A program participant who continues to be eligible 128  
to participate in the address confidentiality program may renew 129  
the program participant's certification by submitting a renewal 130

application to the secretary of state with the assistance of an 131  
application assistant. The renewal application shall be on a 132  
form prescribed by the secretary of state and shall contain all 133  
of the information described in division (B) of this section. 134

(2) The secretary of state may prescribe by rule a grace 135  
period during which a program participant whose certification 136  
has expired may renew the program participant's certification 137  
without being considered to have ceased being a program 138  
participant during that period. 139

(3) When a program participant renews the program 140  
participant's certification, the program participant shall 141  
continue to use the program participant's original program 142  
participant identification number. 143

(G) A tier I sex offender/child-victim offender, a tier II 144  
sex offender/child-victim offender, or a tier III sex 145  
offender/child-victim offender is not eligible to participate in 146  
the address confidentiality program described in sections 111.41 147  
to 111.99 of the Revised Code. 148

**Sec. 111.43.** (A) A program participant may request that a 149  
governmental entity, other than a board of elections, use the 150  
address designated by the secretary of state as the program 151  
participant's address. Except as otherwise provided in division 152  
~~(D)~~(E) of this section and in section 111.44 of the Revised 153  
Code, if the program participant requests that a governmental 154  
entity use that address, the governmental entity shall accept 155  
that address. The program participant ~~may~~shall provide the 156  
program participant's address confidentiality program 157  
authorization card as proof of the program participant's status. 158

(B) A program participant who acquires an ownership 159

interest in real property in this state after being certified a 160  
program participant and after the effective date of this 161  
amendment may submit a real property confidentiality notice to 162  
the county recorder of the county in which the real property is 163  
located, as described in section 111.431 of the Revised Code. 164

(C) If a program participant's employer, school, or 165  
institution of higher education is not a governmental entity, 166  
the program participant may request that the employer, school, 167  
or institution of higher education use the address designated by 168  
the secretary of state as the program participant's address. The 169  
program participant may provide the program participant's 170  
address confidentiality program authorization card as proof of 171  
the program participant's status. 172

~~(C) (1)~~ (D) (1) The office of the secretary of state shall, 173  
on each day that the secretary of state's office is open for 174  
business, place all of the following that the secretary of state 175  
receives on behalf of a program participant into an envelope or 176  
package and mail that envelope or package to the program 177  
participant at the mailing address the program participant 178  
provided to the secretary of state for that purpose: 179

(a) First class letters, flats, packages, or parcels 180  
delivered via the United States postal service, including 181  
priority, express, and certified mail; 182

(b) Packages or parcels that are clearly identifiable as 183  
containing pharmaceutical agents or medical supplies; 184

(c) Packages, parcels, periodicals, or catalogs that are 185  
clearly identifiable as being sent by a governmental entity; 186

(d) Periodicals to which the program participant 187  
subscribes; 188

(e) Packages, parcels, ~~periodicals,~~ or catalogs that have 189  
received prior authorization from the office of the secretary of 190  
state for forwarding under this section. 191

(2) Except as provided in divisions ~~(C)(1)(a)~~ (D)(1)(a) to 192  
~~(d)~~ (e) of this section, the office of the secretary of state 193  
shall not forward any packages, parcels, periodicals, or 194  
catalogs received on behalf of a program participant. 195

(3) The secretary of state may contract with the United 196  
States postal service to establish special postal rates for the 197  
envelopes or packages used in forwarding a program participant's 198  
mail under this section. 199

(4) (a) Upon receiving service of process on behalf of a 200  
program participant, the office of the secretary of state shall 201  
immediately forward the process by certified mail, return 202  
receipt requested, to the program participant at the mailing 203  
address the program participant provided to the secretary of 204  
state for that purpose. Service of process upon the office of 205  
the secretary of state on behalf of a program participant 206  
constitutes service upon the program participant under rule 4.2 207  
of the Rules of Civil Procedure. 208

(b) The secretary of state may prescribe by rule the 209  
manner in which process may be served on the secretary of state 210  
as the agent of a program participant. 211

(c) Upon request by a person who intends to serve process 212  
on an individual, the secretary of state shall confirm whether 213  
the individual is a program participant but shall not disclose 214  
any other information concerning a program participant. 215

~~(D)~~ (E) (1) A program participant may submit to the 216  
secretary of state, on a form prescribed by the secretary of 217

state, an authorization for the secretary of state to disclose 218  
confidential information concerning the program participant 219  
under one or more of the following circumstances, as indicated 220  
on the authorization form: 221

(a) To an official or employee of the United States postal 222  
service for the purpose of performing the secretary of state's 223  
duties under division (D) of this section; 224

(b) To any of the following persons for the purpose of 225  
confirming the program participant's status as a program 226  
participant, for the purpose of verifying the program 227  
participant's residence address, or for other similar purposes 228  
in order to assist the program participant: 229

(i) A judge or magistrate; 230

(ii) An official or employee of the bureau of motor 231  
vehicles; 232

(iii) A school administrator; 233

(iv) An administrator of a public assistance program; 234

(v) An administrator of a food pantry. 235

(c) To another person identified on the authorization form 236  
for a purpose indicated on the authorization form. 237

(2) A person authorized under division (E) (1) of this 238  
section to receive a program participant's confidential 239  
information may request only the information that the person or 240  
the person's office requires under normal circumstances. The 241  
person cannot require the disclosure of information as a 242  
condition of receiving any services to which the applicant or 243  
participant is otherwise entitled. 244

(3) Upon receiving a request for information concerning a 245  
program participant who has submitted a valid authorization form 246  
under division (E) (1) of this section, the secretary of state 247  
shall determine whether the authorization form permits the 248  
secretary of state to disclose the information to the requestor 249  
and, if so, within ten business days, shall disclose that 250  
information to the requestor along with the following statement: 251  
"You are not permitted to redisclose the following information 252  
for any reason. Failure to protect the confidentiality of this 253  
information is a violation of state law." 254

(F) Division (A) of this section does not apply to a 255  
municipal-owned public utility. The confidential addresses of 256  
participants of the address confidentiality program that are 257  
maintained by a municipal-owned public utility are not a public 258  
record and shall not be released by a municipal-owned public 259  
utility or by any employee of a municipal-owned public utility. 260

**Sec. 111.431.** (A) A program participant who acquires an 261  
ownership interest in real property in this state after being 262  
certified as a participant in the address confidentiality 263  
program, may submit a real property confidentiality notice to 264  
the county recorder of the county in which the real property is 265  
located. The program participant shall provide the program 266  
participant's address confidentiality program authorization card 267  
as proof of the program participant's status. A real property 268  
confidentiality notice shall be on a form prescribed by the 269  
secretary of state and shall include all of the following: 270

(1) The program participant's full name; 271

(2) The last four digits of the program participant's 272  
social security number; 273

<u>(3) The date the program participant's certification expires;</u>	274 275
<u>(4) The program participant's program participant identification number;</u>	276 277
<u>(5) The address at which the program participant may receive mail through the office of the secretary of state;</u>	278 279
<u>(6) The legal description and street address of the real property in which the program participant has an ownership interest, which shall be the same as the legal description and street address included on any instrument concerning the real property that includes the program participant's name and that has been presented to the county recorder for recording;</u>	280 281 282 283 284 285
<u>(7) A fictitious name, chosen by the secretary of state, that may be used by a county recorder, auditor, treasurer, or engineer or the clerk of the court of common pleas for internal indexing purposes;</u>	286 287 288 289
<u>(8) The program participant's signature.</u>	290
<u>(B) When the county recorder receives a properly completed real property confidentiality notice under division (A) of this section, the county recorder promptly shall transmit copies of the notice to the secretary of state, and to the county auditor, treasurer, and engineer.</u>	291 292 293 294 295
<u>(C) (1) Except as otherwise provided in divisions (D) and (F) of this section, after a program participant has submitted a properly completed real property confidentiality notice under division (A) of this section, the county recorder, auditor, treasurer, and engineer shall not disclose to any person the program participant's name, telephone number, electronic mail address, or program participant identification number, the</u>	296 297 298 299 300 301 302

address at which the program participant may receive mail 303  
through the office of the secretary of state, or any other 304  
information that may be used to identify the program 305  
participant, in conjunction with the legal description, parcel 306  
identification number, or street address of the real property in 307  
which the program participant has an ownership interest or any 308  
other information that may be used to identify the real 309  
property. If the county recorder receives a request for that 310  
information for the purpose of performing a title examination, 311  
the county recorder shall comply with division (G) of this 312  
section, and inform the requestor of the procedure to apply to 313  
the secretary of state for authorization under division (E) of 314  
this section. If the county recorder, auditor, treasurer, or 315  
engineer receives a real property confidentiality notice under 316  
this section, the county recorder, auditor, treasurer, or 317  
engineer shall bring any existing publicly available records or 318  
databases into conformity with this section not later than five 319  
business days after receiving the real property confidentiality 320  
notice. 321

(2) If a program participant is a party to a court of 322  
common pleas proceeding, the program participant may provide a 323  
properly completed real property confidentiality notice to the 324  
clerk of the court of common pleas. Upon such notice, the clerk 325  
of the court of common pleas shall notify the secretary of state 326  
that the program participant has provided a real property 327  
confidentiality notice to the clerk of the court of common 328  
pleas, and shall not otherwise disclose to any person the 329  
information described in division (C) (1) of this section. 330

(D) The county recorder, auditor, treasurer, or engineer 331  
or the clerk of the court of common pleas may disclose the 332  
information described in division (C) of this section if any of 333

the following apply: 334

(1) The information is disclosed to the staff of the 335  
county recorder, auditor, treasurer, or engineer or the staff of 336  
the clerk of the court of common pleas in order to carry out the 337  
duties of the office. 338

(2) The program participant is the person to whom the 339  
information is to be disclosed. 340

(3) The program participant has provided a notarized 341  
statement to the secretary of state, authorizing the disclosure 342  
to that person for a specific purpose described in the 343  
statement, and the secretary of state has issued a written 344  
authorization to the county recorder, auditor, treasurer, or 345  
engineer, or to the clerk of the court of common pleas, as 346  
applicable, to disclose the information to that person. 347

(4) The person to whom the information is to be disclosed 348  
provides a written authorization issued by the secretary of 349  
state under division (E) of this section to disclose the 350  
information for the purpose of performing a title examination. 351

(5) A court of competent jurisdiction orders the 352  
disclosure, as described in section 111.46 of the Revised Code. 353

(E) (1) A person who requires access to the information 354  
described in division (C) of this section for the purpose of 355  
performing a title examination may apply to the secretary of 356  
state for a written authorization. 357

(2) The person shall submit to the secretary of state, on 358  
a form prescribed by the secretary of state, a written 359  
application that includes all of the following: 360

(a) The applicant's name, title, address, and affiliated 361

<u>organization, if any;</u>	362
<u>(b) The purpose for which the applicant is requesting access to the information;</u>	363
<u>(c) The applicant's relationship to the program participant, if any;</u>	364
<u>(d) A legal description of the real property subject to the title examination;</u>	365
<u>(e) A statement that the applicant will treat the information as confidential and will use the information only for the purpose identified in the application;</u>	366
<u>(f) The applicant's signature;</u>	369
<u>(g) Any other information required by the secretary of state.</u>	370
<u>(3) After the secretary of state receives an application submitted under division (E) of this section, the secretary of state shall, within ten business days, provide the applicant with a written response approving or denying the application. The secretary of state shall approve the application if the secretary of state determines that the application is properly completed; that the information the applicant seeks is subject to division (C) of this section; and that the applicant is seeking the information only for the purpose of performing a bona fide title examination. If the information the applicant seeks is not subject to division (C) of this section, the secretary of state shall, within ten business days, notify the applicant of that fact and, if applicable, shall send a notice to the county recorder, auditor, treasurer, and engineer and to the clerk of the court of common pleas under division (F) (3) of this section.</u>	371
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(F) Upon the occurrence of any of the following, the 391  
county recorder, auditor, treasurer, and engineer and the clerk 392  
of the court of common pleas shall cease to keep confidential 393  
the information described in division (C) of this section and 394  
shall make the information available to the public in the same 395  
manner as other information concerning real property: 396

(1) The program participant ceases to hold a recorded 397  
ownership interest in the real property that is the subject of 398  
the real property confidentiality notice. When the county 399  
recorder receives notice that the program participant has ceased 400  
to hold that ownership interest, the county recorder promptly 401  
shall revoke the real property confidentiality notice and notify 402  
the secretary of state, and the county auditor, treasurer, and 403  
engineer of that revocation. The secretary of state shall then, 404  
if applicable, notify the clerk of the court of common pleas of 405  
that revocation. 406

(2) The program participant submits a notarized revocation 407  
of the real property confidentiality notice to the county 408  
recorder. Upon receiving the revocation, the county recorder 409  
promptly shall transmit copies of the revocation to the 410  
secretary of state, and to the county auditor, treasurer, and 411  
engineer, and the secretary of state shall, if applicable, 412  
transmit a copy of the revocation to the clerk of the court of 413  
common pleas. 414

(3) The county recorder, auditor, treasurer, or engineer 415  
or the clerk of the court of common pleas receive a notice from 416  
the secretary of state that the program participant's 417  
certification has been canceled under section 111.45 of the 418  
Revised Code. 419

(4) Pursuant to the order of a court of competent 420

jurisdiction. 421

(G) Nothing in this section shall preclude an individual's 422  
name from being recorded and indexed for the purpose of giving 423  
notice of an ownership interest, lien, or other encumbrance on 424  
real property. On such records, if the record contains the 425  
information described in division (C) of this section, the 426  
county auditor, recorder, treasurer, or engineer, or the clerk 427  
of the court of common pleas, if applicable, shall redact the 428  
legal description of the property, parcel identification number, 429  
or street address of the real property in which the program 430  
participant has an ownership interest or any other information 431  
that may be used to identify the real property, on any versions 432  
of the documents available to the public. The county auditor, 433  
recorder, treasurer, or engineer, for the purpose of indexing a 434  
program participant's records, may use the program participant's 435  
fictitious name listed in the program participant's real 436  
property confidentiality notice. 437

(H) No real estate broker as defined in section 4735.01 of 438  
the Revised Code, land professional under section 4735.023 of 439  
the Revised Code, title examiner, attorney, or county official 440  
shall be held liable for damages resulting from the failure to 441  
discover a defect in title, failure to properly index or record 442  
a person's interest in property, or failure to alert a 443  
professional to rely on confidential information, when such 444  
failure was the proximate result of an individual's 445  
participation in the address confidentiality program, 446  
notwithstanding the negligence of the real estate broker, land 447  
professional, title examiner, attorney, or county official. 448

**Sec. 111.432.** (A) A program participant who seeks to 449  
acquire an ownership interest in real property in this state 450

after becoming a program participant may provide to any person 451  
involved in the acquisition process written notice on a form 452  
prescribed by the secretary of state. The written notice shall 453  
include all of the following: 454

(1) The program participant's name; 455

(2) A statement that the program participant is a program 456  
participant; 457

(3) A statement that the person receiving the notice is 458  
prohibited from disclosing the information specified in division 459  
(B) of this section except as provided in that division. 460

(B) After receiving a written notice described in division 461  
(A) of this section, the person shall not disclose the program 462  
participant's name, telephone number, electronic mail address, 463  
or any other information that may be used to identify the 464  
program participant, in conjunction with the legal description, 465  
street address, or other information identifying the real 466  
property the program participant acquires or seeks to acquire 467  
unless the program participant provides written notice 468  
authorizing the disclosure for a specific purpose described in 469  
the notice or a court of competent jurisdiction orders the 470  
disclosure. 471

**Sec. 111.45.** (A) The secretary of state shall cancel the 472  
certification of a program participant if any of the following 473  
are true: 474

(1) The program participant's application contained one or 475  
more false statements. 476

(2) The program participant has filed a written, notarized 477  
request with the secretary of state, on a form prescribed by the 478  
secretary of state, asking to cease being a program participant. 479

(3) The program participant's certification has expired 480  
and the program participant has not renewed the certification in 481  
accordance with division (F) of section 111.42 of the Revised 482  
Code not later than the deadline specified by the secretary of 483  
state by rule to renew the certification. 484

(B) Upon canceling a certification under division (A) of 485  
this section, the secretary of state shall notify, within ten 486  
business days, do both of the following: 487

(1) Notify the director of the board of elections of the 488  
county in which the former program participant resides; 489

(2) Notify the county recorder, auditor, treasurer, and 490  
engineer and the clerk of the court of common pleas of each 491  
county in which the former program participant has filed real 492  
property confidentiality notices under section 111.431 of the 493  
Revised Code that have not been revoked under that section. 494

**Sec. 111.46.** (A) The secretary of state shall make 495  
available to the attorney general, for inclusion ~~into~~ in the 496  
Ohio law enforcement gateway, the name, telephone number, and 497  
confidential address of each program participant. Access to 498  
information in the gateway regarding an address confidentiality 499  
program participant may only be granted to chiefs of police, 500  
village marshals, county sheriffs, county prosecuting attorneys, 501  
and a designee of each of these individuals. 502

(B) (1) (a) A city director of law or similar chief legal 503  
officer who requires access to a program participant's 504  
confidential address or telephone number for a legitimate 505  
governmental purpose may petition the court of common pleas of 506  
Franklin county to order the secretary of state to make that 507  
confidential address or telephone number available to the 508

petitioner. 509

~~(B)~~ (b) A city director of law or similar chief legal officer who requires access to information that is subject to a real property confidentiality notice under section 111.431 of the Revised Code for a legitimate governmental purpose may petition the court of common pleas of the county in which the real property is located or the court of common pleas of Franklin county to make that information available to the petitioner. 510  
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(2) Upon the filing of a petition under division (B) (1) of this section, the court shall fix a date for a hearing on it and shall require the clerk of the court to serve a notice of the date, time, place, and purpose of the hearing upon the petitioner. The clerk also shall serve that notice upon the secretary of state so that the secretary of state may send the notice to the program participant in accordance with division ~~(C)~~ (B) (3) of this section, and, if applicable, upon the county recorder, auditor, treasurer, or engineer or the clerk of the court of common pleas of the county in which the real property is located. 518  
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~~(C)~~ (3) Upon receiving a notice under division (B) (2) of this section, the secretary of state immediately shall send a copy of the notice to the program participant by certified mail, return receipt requested. 529  
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~~(D)~~ (4) At a hearing held under this section, the petitioner shall appear, and the program participant or the program participant's attorney may appear and be heard. After the hearing and considering the testimony, the court shall issue the requested order only if it appears to the court by clear and convincing evidence that the disclosure of the ~~program~~ 533  
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~~participant's confidential address or telephone number~~ 539  
information to the petitioner is necessary for a legitimate 540  
governmental purpose. 541

~~(E)~~ (C) Upon request by a city director of law or similar 542  
chief legal officer, who intends to petition ~~the a~~ court for 543  
access to an individual's ~~address or telephone number~~ 544  
confidential information under division (B) of this section, the 545  
secretary of state shall, within ten business days, confirm 546  
whether the individual is a program participant but shall not 547  
disclose any other information concerning a program participant. 548

(D) If a program participant is a child's parent, 549  
guardian, or legal custodian, the program participant is a party 550  
to a child custody or child support proceeding concerning the 551  
child, and another party to the proceeding requests the court to 552  
disclose the program participant's confidential address or 553  
telephone number, or if the court seeks to disclose the 554  
confidential information sua sponte, the court shall do all of 555  
the following: 556

(1) If a party requests the disclosure, direct the 557  
requestor to file a pleading detailing the necessity for the 558  
disclosure; 559

(2) Schedule a hearing on the matter; 560

(3) Provide the program participant with a copy of the 561  
pleading, if filed; and 562

(4) Provide the parties adequate notice of the hearing. 563

If a party requests the disclosure of a participant's 564  
confidential information, or if the court seeks to release the 565  
confidential information sua sponte, the requestor shall have 566  
the burden to show, or the court must find, by clear and 567

convincing evidence, that the disclosure is necessary, and that 568  
the disclosure does not pose a risk of harm to the program 569  
participant or the child. If the requestor does not meet this 570  
burden or the court does not make this finding, the court shall 571  
deny the request. If the requestor meets this burden or the 572  
court makes this finding, the court shall document its findings 573  
of fact, and may direct the program participant to release the 574  
confidential address or telephone number, or the court may 575  
disclose the program participant's confidential address or 576  
telephone number. 577

**Sec. 111.48.** There is in the state treasury the address 578  
confidentiality program fund. The fund shall consist of money 579  
paid into the fund pursuant to division ~~(B) (10)~~ (B) (11) of 580  
section 2929.18 and division (D) of section 2929.28 of the 581  
Revised Code and any money appropriated to the fund by the 582  
general assembly or donated to the fund. The secretary of state 583  
shall use the money in the fund for the purpose of administering 584  
the address confidentiality program described in sections 111.41 585  
to 111.47 of the Revised Code. 586

**Sec. 111.99.** (A) No person who submits an application 587  
under section 111.42 of the Revised Code shall knowingly make a 588  
false attestation in the application that the applicant fears 589  
for the applicant's safety, the safety of a member of the 590  
applicant's household, or the safety of the minor, incompetent, 591  
or ward on whose behalf the application is made because the 592  
applicant, household member, minor, incompetent, or ward is a 593  
victim of domestic violence, menacing by stalking, human 594  
trafficking, trafficking in persons, rape, or sexual battery. 595

(B) No person who has access to a confidential address or 596  
telephone number, to information that is subject to a real 597

property confidentiality notice under section 111.431 of the 598  
Revised Code, or to information that is subject to a written 599  
notice under section 111.432 of the Revised Code, because of the 600  
person's employment or official position shall knowingly 601  
disclose that confidential ~~address or telephone number~~ 602  
information to any person, except as required by law. 603

(C) No person who obtains a confidential address or 604  
telephone number from the Ohio law enforcement gateway shall 605  
knowingly disclose that confidential address or telephone number 606  
to any person, except as is necessary for a law enforcement 607  
purpose when related to the performance of official duties, or 608  
for another legitimate governmental purpose. 609

(D) No person who obtains information that is subject to a 610  
real property confidentiality notice under section 111.431 of 611  
the Revised Code for the purpose of conducting a title 612  
examination under division (E) of that section shall knowingly 613  
disclose that confidential information to any person, except for 614  
the purpose identified in the application submitted under that 615  
division. 616

(E) No person who obtains information that is subject to a 617  
written notice under section 111.432 of the Revised Code for a 618  
purpose specified in a written notice authorizing disclosure 619  
provided by a program participant shall knowingly disclose that 620  
confidential information to any person, except for the purpose 621  
identified in the written notice. 622

(F) Whoever violates this section is guilty of a 623  
misdemeanor of the first degree. 624

**Sec. 149.43.** (A) As used in this section: 625

(1) "Public record" means records kept by any public 626

office, including, but not limited to, state, county, city, 627  
village, township, and school district units, and records 628  
pertaining to the delivery of educational services by an 629  
alternative school in this state kept by the nonprofit or for- 630  
profit entity operating the alternative school pursuant to 631  
section 3313.533 of the Revised Code. "Public record" does not 632  
mean any of the following: 633

(a) Medical records; 634

(b) Records pertaining to probation and parole 635  
proceedings, to proceedings related to the imposition of 636  
community control sanctions and post-release control sanctions, 637  
or to proceedings related to determinations under section 638  
2967.271 of the Revised Code regarding the release or maintained 639  
incarceration of an offender to whom that section applies; 640

(c) Records pertaining to actions under section 2151.85 641  
and division (C) of section 2919.121 of the Revised Code and to 642  
appeals of actions arising under those sections; 643

(d) Records pertaining to adoption proceedings, including 644  
the contents of an adoption file maintained by the department of 645  
health under sections 3705.12 to 3705.124 of the Revised Code; 646

(e) Information in a record contained in the putative 647  
father registry established by section 3107.062 of the Revised 648  
Code, regardless of whether the information is held by the 649  
department of job and family services or, pursuant to section 650  
3111.69 of the Revised Code, the office of child support in the 651  
department or a child support enforcement agency; 652

(f) Records specified in division (A) of section 3107.52 653  
of the Revised Code; 654

(g) Trial preparation records; 655

(h) Confidential law enforcement investigatory records;	656
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	657 658
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	659 660
(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;	661 662 663 664
(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;	665 666 667 668
(m) Intellectual property records;	669
(n) Donor profile records;	670
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	671 672
(p) Designated public service worker residential and familial information;	673 674
(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;	675 676 677 678 679
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	680 681
(s) In the case of a child fatality review board acting	682

under sections 307.621 to 307.629 of the Revised Code or a 683  
review conducted pursuant to guidelines established by the 684  
director of health under section 3701.70 of the Revised Code, 685  
records provided to the board or director, statements made by 686  
board members during meetings of the board or by persons 687  
participating in the director's review, and all work products of 688  
the board or director, and in the case of a child fatality 689  
review board, child fatality review data submitted by the board 690  
to the department of health or a national child death review 691  
database, other than the report prepared pursuant to division 692  
(A) of section 307.626 of the Revised Code; 693

(t) Records provided to and statements made by the 694  
executive director of a public children services agency or a 695  
prosecuting attorney acting pursuant to section 5153.171 of the 696  
Revised Code other than the information released under that 697  
section; 698

(u) Test materials, examinations, or evaluation tools used 699  
in an examination for licensure as a nursing home administrator 700  
that the board of executives of long-term services and supports 701  
administers under section 4751.15 of the Revised Code or 702  
contracts under that section with a private or government entity 703  
to administer; 704

(v) Records the release of which is prohibited by state or 705  
federal law; 706

(w) Proprietary information of or relating to any person 707  
that is submitted to or compiled by the Ohio venture capital 708  
authority created under section 150.01 of the Revised Code; 709

(x) Financial statements and data any person submits for 710  
any purpose to the Ohio housing finance agency or the 711

controlling board in connection with applying for, receiving, or 712  
accounting for financial assistance from the agency, and 713  
information that identifies any individual who benefits directly 714  
or indirectly from financial assistance from the agency; 715

(y) Records listed in section 5101.29 of the Revised Code; 716

(z) Discharges recorded with a county recorder under 717  
section 317.24 of the Revised Code, as specified in division (B) 718  
(2) of that section; 719

(aa) Usage information including names and addresses of 720  
specific residential and commercial customers of a municipally 721  
owned or operated public utility; 722

(bb) Records described in division (C) of section 187.04 723  
of the Revised Code that are not designated to be made available 724  
to the public as provided in that division; 725

(cc) Information and records that are made confidential, 726  
privileged, and not subject to disclosure under divisions (B) 727  
and (C) of section 2949.221 of the Revised Code; 728

(dd) Personal information, as defined in section 149.45 of 729  
the Revised Code; 730

(ee) The confidential name, address, and other personally 731  
identifiable information of a program participant in the address 732  
confidentiality program established under sections 111.41 to 733  
111.47 of the Revised Code, including the contents of any 734  
application for absent voter's ballots, absent voter's ballot 735  
identification envelope statement of voter, or provisional 736  
ballot affirmation completed by a program participant who has a 737  
confidential voter registration record, ~~and,~~ records or portions 738  
of records pertaining to that program that identify the number 739  
of program participants that reside within a precinct, ward, 740

township, municipal corporation, county, or any other geographic 741  
area smaller than the state; any real property confidentiality 742  
notice filed under section 111.431 of the Revised Code and the 743  
information described in division (C) of that section; and any 744  
written notice provided under section 111.432 of the Revised 745  
Code and the information described in division (B) of that 746  
section. As used in this division, "confidential address" and 747  
"program participant" have the meaning defined in section 111.41 748  
of the Revised Code. 749

(ff) Orders for active military service of an individual 750  
serving or with previous service in the armed forces of the 751  
United States, including a reserve component, or the Ohio 752  
organized militia, except that, such order becomes a public 753  
record on the day that is fifteen years after the published date 754  
or effective date of the call to order; 755

(gg) The name, address, contact information, or other 756  
personal information of an individual who is less than eighteen 757  
years of age that is included in any record related to a traffic 758  
accident involving a school vehicle in which the individual was 759  
an occupant at the time of the accident; 760

(hh) Protected health information, as defined in 45 C.F.R. 761  
160.103, that is in a claim for payment for a health care 762  
product, service, or procedure, as well as any other health 763  
claims data in another document that reveals the identity of an 764  
individual who is the subject of the data or could be used to 765  
reveal that individual's identity; 766

(ii) Any depiction by photograph, film, videotape, or 767  
printed or digital image under either of the following 768  
circumstances: 769

(i) The depiction is that of a victim of an offense the 770  
release of which would be, to a reasonable person of ordinary 771  
sensibilities, an offensive and objectionable intrusion into the 772  
victim's expectation of bodily privacy and integrity. 773

(ii) The depiction captures or depicts the victim of a 774  
sexually oriented offense, as defined in section 2950.01 of the 775  
Revised Code, at the actual occurrence of that offense. 776

(jj) Restricted portions of a body-worn camera or 777  
dashboard camera recording; 778

(kk) In the case of a fetal-infant mortality review board 779  
acting under sections 3707.70 to 3707.77 of the Revised Code, 780  
records, documents, reports, or other information presented to 781  
the board or a person abstracting such materials on the board's 782  
behalf, statements made by review board members during board 783  
meetings, all work products of the board, and data submitted by 784  
the board to the department of health or a national infant death 785  
review database, other than the report prepared pursuant to 786  
section 3707.77 of the Revised Code. 787

(ll) Records, documents, reports, or other information 788  
presented to the pregnancy-associated mortality review board 789  
established under section 3738.01 of the Revised Code, 790  
statements made by board members during board meetings, all work 791  
products of the board, and data submitted by the board to the 792  
department of health, other than the biennial reports prepared 793  
under section 3738.08 of the Revised Code; 794

(mm) Telephone numbers for a victim, as defined in section 795  
2930.01 of the Revised Code, a witness to a crime, or a party to 796  
a motor vehicle accident subject to the requirements of section 797  
5502.11 of the Revised Code that are listed on any law 798

enforcement record or report. 799

A record that is not a public record under division (A) (1) 800  
of this section and that, under law, is permanently retained 801  
becomes a public record on the day that is seventy-five years 802  
after the day on which the record was created, except for any 803  
record protected by the attorney-client privilege, a trial 804  
preparation record as defined in this section, a statement 805  
prohibiting the release of identifying information signed under 806  
section 3107.083 of the Revised Code, a denial of release form 807  
filed pursuant to section 3107.46 of the Revised Code, or any 808  
record that is exempt from release or disclosure under section 809  
149.433 of the Revised Code. If the record is a birth 810  
certificate and a biological parent's name redaction request 811  
form has been accepted under section 3107.391 of the Revised 812  
Code, the name of that parent shall be redacted from the birth 813  
certificate before it is released under this paragraph. If any 814  
other section of the Revised Code establishes a time period for 815  
disclosure of a record that conflicts with the time period 816  
specified in this section, the time period in the other section 817  
prevails. 818

(2) "Confidential law enforcement investigatory record" 819  
means any record that pertains to a law enforcement matter of a 820  
criminal, quasi-criminal, civil, or administrative nature, but 821  
only to the extent that the release of the record would create a 822  
high probability of disclosure of any of the following: 823

(a) The identity of a suspect who has not been charged 824  
with the offense to which the record pertains, or of an 825  
information source or witness to whom confidentiality has been 826  
reasonably promised; 827

(b) Information provided by an information source or 828

witness to whom confidentiality has been reasonably promised, 829  
which information would reasonably tend to disclose the source's 830  
or witness's identity; 831

(c) Specific confidential investigatory techniques or 832  
procedures or specific investigatory work product; 833

(d) Information that would endanger the life or physical 834  
safety of law enforcement personnel, a crime victim, a witness, 835  
or a confidential information source. 836

(3) "Medical record" means any document or combination of 837  
documents, except births, deaths, and the fact of admission to 838  
or discharge from a hospital, that pertains to the medical 839  
history, diagnosis, prognosis, or medical condition of a patient 840  
and that is generated and maintained in the process of medical 841  
treatment. 842

(4) "Trial preparation record" means any record that 843  
contains information that is specifically compiled in reasonable 844  
anticipation of, or in defense of, a civil or criminal action or 845  
proceeding, including the independent thought processes and 846  
personal trial preparation of an attorney. 847

(5) "Intellectual property record" means a record, other 848  
than a financial or administrative record, that is produced or 849  
collected by or for faculty or staff of a state institution of 850  
higher learning in the conduct of or as a result of study or 851  
research on an educational, commercial, scientific, artistic, 852  
technical, or scholarly issue, regardless of whether the study 853  
or research was sponsored by the institution alone or in 854  
conjunction with a governmental body or private concern, and 855  
that has not been publicly released, published, or patented. 856

(6) "Donor profile record" means all records about donors 857

or potential donors to a public institution of higher education 858  
except the names and reported addresses of the actual donors and 859  
the date, amount, and conditions of the actual donation. 860

(7) "Designated public service worker" means a peace 861  
officer, parole officer, probation officer, bailiff, prosecuting 862  
attorney, assistant prosecuting attorney, correctional employee, 863  
county or multicounty corrections officer, community-based 864  
correctional facility employee, youth services employee, 865  
firefighter, EMT, medical director or member of a cooperating 866  
physician advisory board of an emergency medical service 867  
organization, state board of pharmacy employee, investigator of 868  
the bureau of criminal identification and investigation, judge, 869  
magistrate, or federal law enforcement officer. 870

(8) "Designated public service worker residential and 871  
familial information" means any information that discloses any 872  
of the following about a designated public service worker: 873

(a) The address of the actual personal residence of a 874  
designated public service worker, except for the following 875  
information: 876

(i) The address of the actual personal residence of a 877  
prosecuting attorney or judge; and 878

(ii) The state or political subdivision in which a 879  
designated public service worker resides. 880

(b) Information compiled from referral to or participation 881  
in an employee assistance program; 882

(c) The social security number, the residential telephone 883  
number, any bank account, debit card, charge card, or credit 884  
card number, or the emergency telephone number of, or any 885  
medical information pertaining to, a designated public service 886

worker; 887

(d) The name of any beneficiary of employment benefits, 888  
including, but not limited to, life insurance benefits, provided 889  
to a designated public service worker by the designated public 890  
service worker's employer; 891

(e) The identity and amount of any charitable or 892  
employment benefit deduction made by the designated public 893  
service worker's employer from the designated public service 894  
worker's compensation, unless the amount of the deduction is 895  
required by state or federal law; 896

(f) The name, the residential address, the name of the 897  
employer, the address of the employer, the social security 898  
number, the residential telephone number, any bank account, 899  
debit card, charge card, or credit card number, or the emergency 900  
telephone number of the spouse, a former spouse, or any child of 901  
a designated public service worker; 902

(g) A photograph of a peace officer who holds a position 903  
or has an assignment that may include undercover or plain 904  
clothes positions or assignments as determined by the peace 905  
officer's appointing authority. 906

(9) As used in divisions (A) (7) and (15) to (17) of this 907  
section: 908

"Peace officer" has the meaning defined in section 109.71 909  
of the Revised Code and also includes the superintendent and 910  
troopers of the state highway patrol; it does not include the 911  
sheriff of a county or a supervisory employee who, in the 912  
absence of the sheriff, is authorized to stand in for, exercise 913  
the authority of, and perform the duties of the sheriff. 914

"Correctional employee" means any employee of the 915

department of rehabilitation and correction who in the course of 916  
performing the employee's job duties has or has had contact with 917  
inmates and persons under supervision. 918

"County or multicounty corrections officer" means any 919  
corrections officer employed by any county or multicounty 920  
correctional facility. 921

"Youth services employee" means any employee of the 922  
department of youth services who in the course of performing the 923  
employee's job duties has or has had contact with children 924  
committed to the custody of the department of youth services. 925

"Firefighter" means any regular, paid or volunteer, member 926  
of a lawfully constituted fire department of a municipal 927  
corporation, township, fire district, or village. 928

"EMT" means EMTs-basic, EMTs-I, and paramedics that 929  
provide emergency medical services for a public emergency 930  
medical service organization. "Emergency medical service 931  
organization," "EMT-basic," "EMT-I," and "paramedic" have the 932  
meanings defined in section 4765.01 of the Revised Code. 933

"Investigator of the bureau of criminal identification and 934  
investigation" has the meaning defined in section 2903.11 of the 935  
Revised Code. 936

"Federal law enforcement officer" has the meaning defined 937  
in section 9.88 of the Revised Code. 938

(10) "Information pertaining to the recreational 939  
activities of a person under the age of eighteen" means 940  
information that is kept in the ordinary course of business by a 941  
public office, that pertains to the recreational activities of a 942  
person under the age of eighteen years, and that discloses any 943  
of the following: 944

(a) The address or telephone number of a person under the	945
age of eighteen or the address or telephone number of that	946
person's parent, guardian, custodian, or emergency contact	947
person;	948
(b) The social security number, birth date, or	949
photographic image of a person under the age of eighteen;	950
(c) Any medical record, history, or information pertaining	951
to a person under the age of eighteen;	952
(d) Any additional information sought or required about a	953
person under the age of eighteen for the purpose of allowing	954
that person to participate in any recreational activity	955
conducted or sponsored by a public office or to use or obtain	956
admission privileges to any recreational facility owned or	957
operated by a public office.	958
(11) "Community control sanction" has the meaning defined	959
in section 2929.01 of the Revised Code.	960
(12) "Post-release control sanction" has the meaning	961
defined in section 2967.01 of the Revised Code.	962
(13) "Redaction" means obscuring or deleting any	963
information that is exempt from the duty to permit public	964
inspection or copying from an item that otherwise meets the	965
definition of a "record" in section 149.011 of the Revised Code.	966
(14) "Designee," "elected official," and "future official"	967
have the meanings defined in section 109.43 of the Revised Code.	968
(15) "Body-worn camera" means a visual and audio recording	969
device worn on the person of a peace officer while the peace	970
officer is engaged in the performance of the peace officer's	971
duties.	972

(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.	973 974 975 976
(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:	977 978 979 980
(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the law enforcement agency knows or has reason to know the person is a child based on the law enforcement agency's records or the content of the recording;	981 982 983 984 985
(b) The death of a person or a deceased person's body, unless the death was caused by a peace officer or, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;	986 987 988 989
(c) The death of a peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;	990 991 992 993 994
(d) Grievous bodily harm, unless the injury was effected by a peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;	995 996 997 998
(e) An act of severe violence against a person that results in serious physical harm to the person, unless the act and injury was effected by a peace officer or, subject to	999 1000 1001

division (H) (1) of this section, the consent of the injured 1002  
person or the injured person's guardian has been obtained; 1003

(f) Grievous bodily harm to a peace officer, firefighter, 1004  
paramedic, or other first responder, occurring while the injured 1005  
person was engaged in the performance of official duties, 1006  
unless, subject to division (H) (1) of this section, the consent 1007  
of the injured person or the injured person's guardian has been 1008  
obtained; 1009

(g) An act of severe violence resulting in serious 1010  
physical harm against a peace officer, firefighter, paramedic, 1011  
or other first responder, occurring while the injured person was 1012  
engaged in the performance of official duties, unless, subject 1013  
to division (H) (1) of this section, the consent of the injured 1014  
person or the injured person's guardian has been obtained; 1015

(h) A person's nude body, unless, subject to division (H) 1016  
(1) of this section, the person's consent has been obtained; 1017

(i) Protected health information, the identity of a person 1018  
in a health care facility who is not the subject of a law 1019  
enforcement encounter, or any other information in a health care 1020  
facility that could identify a person who is not the subject of 1021  
a law enforcement encounter; 1022

(j) Information that could identify the alleged victim of 1023  
a sex offense, menacing by stalking, or domestic violence; 1024

(k) Information, that does not constitute a confidential 1025  
law enforcement investigatory record, that could identify a 1026  
person who provides sensitive or confidential information to a 1027  
law enforcement agency when the disclosure of the person's 1028  
identity or the information provided could reasonably be 1029  
expected to threaten or endanger the safety or property of the 1030

person or another person;	1031
(1) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer;	1032 1033
(m) Proprietary police contingency plans or tactics that are intended to prevent crime and maintain public order and safety;	1034 1035 1036
(n) A personal conversation unrelated to work between peace officers or between a peace officer and an employee of a law enforcement agency;	1037 1038 1039
(o) A conversation between a peace officer and a member of the public that does not concern law enforcement activities;	1040 1041
(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a peace officer;	1042 1043 1044
(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location.	1045 1046 1047
As used in division (A) (17) of this section:	1048
"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	1049 1050
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	1051 1052
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	1053 1054
"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code.	1055 1056
"Personal information" means any government-issued	1057

identification number, date of birth, address, financial 1058  
information, or criminal justice information from the law 1059  
enforcement automated data system or similar databases. 1060

"Sex offense" has the same meaning as in section 2907.10 1061  
of the Revised Code. 1062

"Firefighter," "paramedic," and "first responder" have the 1063  
same meanings as in section 4765.01 of the Revised Code. 1064

(B) (1) Upon request and subject to division (B) (8) of this 1065  
section, all public records responsive to the request shall be 1066  
promptly prepared and made available for inspection to any 1067  
person at all reasonable times during regular business hours. 1068  
Subject to division (B) (8) of this section, upon request by any 1069  
person, a public office or person responsible for public records 1070  
shall make copies of the requested public record available to 1071  
the requester at cost and within a reasonable period of time. If 1072  
a public record contains information that is exempt from the 1073  
duty to permit public inspection or to copy the public record, 1074  
the public office or the person responsible for the public 1075  
record shall make available all of the information within the 1076  
public record that is not exempt. When making that public record 1077  
available for public inspection or copying that public record, 1078  
the public office or the person responsible for the public 1079  
record shall notify the requester of any redaction or make the 1080  
redaction plainly visible. A redaction shall be deemed a denial 1081  
of a request to inspect or copy the redacted information, except 1082  
if federal or state law authorizes or requires a public office 1083  
to make the redaction. 1084

(2) To facilitate broader access to public records, a 1085  
public office or the person responsible for public records shall 1086  
organize and maintain public records in a manner that they can 1087

be made available for inspection or copying in accordance with 1088  
division (B) of this section. A public office also shall have 1089  
available a copy of its current records retention schedule at a 1090  
location readily available to the public. If a requester makes 1091  
an ambiguous or overly broad request or has difficulty in making 1092  
a request for copies or inspection of public records under this 1093  
section such that the public office or the person responsible 1094  
for the requested public record cannot reasonably identify what 1095  
public records are being requested, the public office or the 1096  
person responsible for the requested public record may deny the 1097  
request but shall provide the requester with an opportunity to 1098  
revise the request by informing the requester of the manner in 1099  
which records are maintained by the public office and accessed 1100  
in the ordinary course of the public office's or person's 1101  
duties. 1102

(3) If a request is ultimately denied, in part or in 1103  
whole, the public office or the person responsible for the 1104  
requested public record shall provide the requester with an 1105  
explanation, including legal authority, setting forth why the 1106  
request was denied. If the initial request was provided in 1107  
writing, the explanation also shall be provided to the requester 1108  
in writing. The explanation shall not preclude the public office 1109  
or the person responsible for the requested public record from 1110  
relying upon additional reasons or legal authority in defending 1111  
an action commenced under division (C) of this section. 1112

(4) Unless specifically required or authorized by state or 1113  
federal law or in accordance with division (B) of this section, 1114  
no public office or person responsible for public records may 1115  
limit or condition the availability of public records by 1116  
requiring disclosure of the requester's identity or the intended 1117  
use of the requested public record. Any requirement that the 1118

requester disclose the requester's identity or the intended use 1119  
of the requested public record constitutes a denial of the 1120  
request. 1121

(5) A public office or person responsible for public 1122  
records may ask a requester to make the request in writing, may 1123  
ask for the requester's identity, and may inquire about the 1124  
intended use of the information requested, but may do so only 1125  
after disclosing to the requester that a written request is not 1126  
mandatory, that the requester may decline to reveal the 1127  
requester's identity or the intended use, and when a written 1128  
request or disclosure of the identity or intended use would 1129  
benefit the requester by enhancing the ability of the public 1130  
office or person responsible for public records to identify, 1131  
locate, or deliver the public records sought by the requester. 1132

(6) If any person requests a copy of a public record in 1133  
accordance with division (B) of this section, the public office 1134  
or person responsible for the public record may require that 1135  
person to pay in advance the cost involved in providing the copy 1136  
of the public record in accordance with the choice made by the 1137  
person requesting the copy under this division. The public 1138  
office or the person responsible for the public record shall 1139  
permit that person to choose to have the public record 1140  
duplicated upon paper, upon the same medium upon which the 1141  
public office or person responsible for the public record keeps 1142  
it, or upon any other medium upon which the public office or 1143  
person responsible for the public record determines that it 1144  
reasonably can be duplicated as an integral part of the normal 1145  
operations of the public office or person responsible for the 1146  
public record. When the person requesting the copy makes a 1147  
choice under this division, the public office or person 1148  
responsible for the public record shall provide a copy of it in 1149

accordance with the choice made by that person. Nothing in this 1150  
section requires a public office or person responsible for the 1151  
public record to allow the person requesting a copy of the 1152  
public record to make the copies of the public record. 1153

(7) (a) Upon a request made in accordance with division (B) 1154  
of this section and subject to division (B) (6) of this section, 1155  
a public office or person responsible for public records shall 1156  
transmit a copy of a public record to any person by United 1157  
States mail or by any other means of delivery or transmission 1158  
within a reasonable period of time after receiving the request 1159  
for the copy. The public office or person responsible for the 1160  
public record may require the person making the request to pay 1161  
in advance the cost of postage if the copy is transmitted by 1162  
United States mail or the cost of delivery if the copy is 1163  
transmitted other than by United States mail, and to pay in 1164  
advance the costs incurred for other supplies used in the 1165  
mailing, delivery, or transmission. 1166

(b) Any public office may adopt a policy and procedures 1167  
that it will follow in transmitting, within a reasonable period 1168  
of time after receiving a request, copies of public records by 1169  
United States mail or by any other means of delivery or 1170  
transmission pursuant to division (B) (7) of this section. A 1171  
public office that adopts a policy and procedures under division 1172  
(B) (7) of this section shall comply with them in performing its 1173  
duties under that division. 1174

(c) In any policy and procedures adopted under division 1175  
(B) (7) of this section: 1176

(i) A public office may limit the number of records 1177  
requested by a person that the office will physically deliver by 1178  
United States mail or by another delivery service to ten per 1179

month, unless the person certifies to the office in writing that 1180  
the person does not intend to use or forward the requested 1181  
records, or the information contained in them, for commercial 1182  
purposes; 1183

(ii) A public office that chooses to provide some or all 1184  
of its public records on a web site that is fully accessible to 1185  
and searchable by members of the public at all times, other than 1186  
during acts of God outside the public office's control or 1187  
maintenance, and that charges no fee to search, access, 1188  
download, or otherwise receive records provided on the web site, 1189  
may limit to ten per month the number of records requested by a 1190  
person that the office will deliver in a digital format, unless 1191  
the requested records are not provided on the web site and 1192  
unless the person certifies to the office in writing that the 1193  
person does not intend to use or forward the requested records, 1194  
or the information contained in them, for commercial purposes. 1195

(iii) For purposes of division (B) (7) of this section, 1196  
"commercial" shall be narrowly construed and does not include 1197  
reporting or gathering news, reporting or gathering information 1198  
to assist citizen oversight or understanding of the operation or 1199  
activities of government, or nonprofit educational research. 1200

(8) A public office or person responsible for public 1201  
records is not required to permit a person who is incarcerated 1202  
pursuant to a criminal conviction or a juvenile adjudication to 1203  
inspect or to obtain a copy of any public record concerning a 1204  
criminal investigation or prosecution or concerning what would 1205  
be a criminal investigation or prosecution if the subject of the 1206  
investigation or prosecution were an adult, unless the request 1207  
to inspect or to obtain a copy of the record is for the purpose 1208  
of acquiring information that is subject to release as a public 1209

record under this section and the judge who imposed the sentence 1210  
or made the adjudication with respect to the person, or the 1211  
judge's successor in office, finds that the information sought 1212  
in the public record is necessary to support what appears to be 1213  
a justiciable claim of the person. 1214

(9) (a) Upon written request made and signed by a 1215  
journalist, a public office, or person responsible for public 1216  
records, having custody of the records of the agency employing a 1217  
specified designated public service worker shall disclose to the 1218  
journalist the address of the actual personal residence of the 1219  
designated public service worker and, if the designated public 1220  
service worker's spouse, former spouse, or child is employed by 1221  
a public office, the name and address of the employer of the 1222  
designated public service worker's spouse, former spouse, or 1223  
child. The request shall include the journalist's name and title 1224  
and the name and address of the journalist's employer and shall 1225  
state that disclosure of the information sought would be in the 1226  
public interest. 1227

(b) Division (B) (9) (a) of this section also applies to 1228  
journalist requests for: 1229

(i) Customer information maintained by a municipally owned 1230  
or operated public utility, other than social security numbers 1231  
and any private financial information such as credit reports, 1232  
payment methods, credit card numbers, and bank account 1233  
information; 1234

(ii) Information about minors involved in a school vehicle 1235  
accident as provided in division (A) (1) (gg) of this section, 1236  
other than personal information as defined in section 149.45 of 1237  
the Revised Code. 1238

(c) As used in division (B) (9) of this section, 1239  
"journalist" means a person engaged in, connected with, or 1240  
employed by any news medium, including a newspaper, magazine, 1241  
press association, news agency, or wire service, a radio or 1242  
television station, or a similar medium, for the purpose of 1243  
gathering, processing, transmitting, compiling, editing, or 1244  
disseminating information for the general public. 1245

(10) Upon a request made by a victim, victim's attorney, 1246  
or victim's representative, as that term is used in section 1247  
2930.02 of the Revised Code, a public office or person 1248  
responsible for public records shall transmit a copy of a 1249  
depiction of the victim as described in division (A) (1) (gg) of 1250  
this section to the victim, victim's attorney, or victim's 1251  
representative. 1252

(C) (1) If a person allegedly is aggrieved by the failure 1253  
of a public office or the person responsible for public records 1254  
to promptly prepare a public record and to make it available to 1255  
the person for inspection in accordance with division (B) of 1256  
this section or by any other failure of a public office or the 1257  
person responsible for public records to comply with an 1258  
obligation in accordance with division (B) of this section, the 1259  
person allegedly aggrieved may do only one of the following, and 1260  
not both: 1261

(a) File a complaint with the clerk of the court of claims 1262  
or the clerk of the court of common pleas under section 2743.75 1263  
of the Revised Code; 1264

(b) Commence a mandamus action to obtain a judgment that 1265  
orders the public office or the person responsible for the 1266  
public record to comply with division (B) of this section, that 1267  
awards court costs and reasonable attorney's fees to the person 1268

that instituted the mandamus action, and, if applicable, that 1269  
includes an order fixing statutory damages under division (C) (2) 1270  
of this section. The mandamus action may be commenced in the 1271  
court of common pleas of the county in which division (B) of 1272  
this section allegedly was not complied with, in the supreme 1273  
court pursuant to its original jurisdiction under Section 2 of 1274  
Article IV, Ohio Constitution, or in the court of appeals for 1275  
the appellate district in which division (B) of this section 1276  
allegedly was not complied with pursuant to its original 1277  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1278

(2) If a requester transmits a written request by hand 1279  
delivery, electronic submission, or certified mail to inspect or 1280  
receive copies of any public record in a manner that fairly 1281  
describes the public record or class of public records to the 1282  
public office or person responsible for the requested public 1283  
records, except as otherwise provided in this section, the 1284  
requester shall be entitled to recover the amount of statutory 1285  
damages set forth in this division if a court determines that 1286  
the public office or the person responsible for public records 1287  
failed to comply with an obligation in accordance with division 1288  
(B) of this section. 1289

The amount of statutory damages shall be fixed at one 1290  
hundred dollars for each business day during which the public 1291  
office or person responsible for the requested public records 1292  
failed to comply with an obligation in accordance with division 1293  
(B) of this section, beginning with the day on which the 1294  
requester files a mandamus action to recover statutory damages, 1295  
up to a maximum of one thousand dollars. The award of statutory 1296  
damages shall not be construed as a penalty, but as compensation 1297  
for injury arising from lost use of the requested information. 1298  
The existence of this injury shall be conclusively presumed. The 1299

award of statutory damages shall be in addition to all other 1300  
remedies authorized by this section. 1301

The court may reduce an award of statutory damages or not 1302  
award statutory damages if the court determines both of the 1303  
following: 1304

(a) That, based on the ordinary application of statutory 1305  
law and case law as it existed at the time of the conduct or 1306  
threatened conduct of the public office or person responsible 1307  
for the requested public records that allegedly constitutes a 1308  
failure to comply with an obligation in accordance with division 1309  
(B) of this section and that was the basis of the mandamus 1310  
action, a well-informed public office or person responsible for 1311  
the requested public records reasonably would believe that the 1312  
conduct or threatened conduct of the public office or person 1313  
responsible for the requested public records did not constitute 1314  
a failure to comply with an obligation in accordance with 1315  
division (B) of this section; 1316

(b) That a well-informed public office or person 1317  
responsible for the requested public records reasonably would 1318  
believe that the conduct or threatened conduct of the public 1319  
office or person responsible for the requested public records 1320  
would serve the public policy that underlies the authority that 1321  
is asserted as permitting that conduct or threatened conduct. 1322

(3) In a mandamus action filed under division (C) (1) of 1323  
this section, the following apply: 1324

(a) (i) If the court orders the public office or the person 1325  
responsible for the public record to comply with division (B) of 1326  
this section, the court shall determine and award to the relator 1327  
all court costs, which shall be construed as remedial and not 1328

punitive. 1329

(ii) If the court makes a determination described in 1330  
division (C) (3) (b) (iii) of this section, the court shall 1331  
determine and award to the relator all court costs, which shall 1332  
be construed as remedial and not punitive. 1333

(b) If the court renders a judgment that orders the public 1334  
office or the person responsible for the public record to comply 1335  
with division (B) of this section or if the court determines any 1336  
of the following, the court may award reasonable attorney's fees 1337  
to the relator, subject to division (C) (4) of this section: 1338

(i) The public office or the person responsible for the 1339  
public records failed to respond affirmatively or negatively to 1340  
the public records request in accordance with the time allowed 1341  
under division (B) of this section. 1342

(ii) The public office or the person responsible for the 1343  
public records promised to permit the relator to inspect or 1344  
receive copies of the public records requested within a 1345  
specified period of time but failed to fulfill that promise 1346  
within that specified period of time. 1347

(iii) The public office or the person responsible for the 1348  
public records acted in bad faith when the office or person 1349  
voluntarily made the public records available to the relator for 1350  
the first time after the relator commenced the mandamus action, 1351  
but before the court issued any order concluding whether or not 1352  
the public office or person was required to comply with division 1353  
(B) of this section. No discovery may be conducted on the issue 1354  
of the alleged bad faith of the public office or person 1355  
responsible for the public records. This division shall not be 1356  
construed as creating a presumption that the public office or 1357

the person responsible for the public records acted in bad faith 1358  
when the office or person voluntarily made the public records 1359  
available to the relator for the first time after the relator 1360  
commenced the mandamus action, but before the court issued any 1361  
order described in this division. 1362

(c) The court shall not award attorney's fees to the 1363  
relator if the court determines both of the following: 1364

(i) That, based on the ordinary application of statutory 1365  
law and case law as it existed at the time of the conduct or 1366  
threatened conduct of the public office or person responsible 1367  
for the requested public records that allegedly constitutes a 1368  
failure to comply with an obligation in accordance with division 1369  
(B) of this section and that was the basis of the mandamus 1370  
action, a well-informed public office or person responsible for 1371  
the requested public records reasonably would believe that the 1372  
conduct or threatened conduct of the public office or person 1373  
responsible for the requested public records did not constitute 1374  
a failure to comply with an obligation in accordance with 1375  
division (B) of this section; 1376

(ii) That a well-informed public office or person 1377  
responsible for the requested public records reasonably would 1378  
believe that the conduct or threatened conduct of the public 1379  
office or person responsible for the requested public records 1380  
would serve the public policy that underlies the authority that 1381  
is asserted as permitting that conduct or threatened conduct. 1382

(4) All of the following apply to any award of reasonable 1383  
attorney's fees awarded under division (C) (3) (b) of this 1384  
section: 1385

(a) The fees shall be construed as remedial and not 1386

punitive. 1387

(b) The fees awarded shall not exceed the total of the 1388  
reasonable attorney's fees incurred before the public record was 1389  
made available to the relator and the fees described in division 1390  
(C) (4) (c) of this section. 1391

(c) Reasonable attorney's fees shall include reasonable 1392  
fees incurred to produce proof of the reasonableness and amount 1393  
of the fees and to otherwise litigate entitlement to the fees. 1394

(d) The court may reduce the amount of fees awarded if the 1395  
court determines that, given the factual circumstances involved 1396  
with the specific public records request, an alternative means 1397  
should have been pursued to more effectively and efficiently 1398  
resolve the dispute that was subject to the mandamus action 1399  
filed under division (C) (1) of this section. 1400

(5) If the court does not issue a writ of mandamus under 1401  
division (C) of this section and the court determines at that 1402  
time that the bringing of the mandamus action was frivolous 1403  
conduct as defined in division (A) of section 2323.51 of the 1404  
Revised Code, the court may award to the public office all court 1405  
costs, expenses, and reasonable attorney's fees, as determined 1406  
by the court. 1407

(D) Chapter 1347. of the Revised Code does not limit the 1408  
provisions of this section. 1409

(E) (1) To ensure that all employees of public offices are 1410  
appropriately educated about a public office's obligations under 1411  
division (B) of this section, all elected officials or their 1412  
appropriate designees shall attend training approved by the 1413  
attorney general as provided in section 109.43 of the Revised 1414  
Code. A future official may satisfy the requirements of this 1415

division by attending the training before taking office, 1416  
provided that the future official may not send a designee in the 1417  
future official's place. 1418

(2) All public offices shall adopt a public records policy 1419  
in compliance with this section for responding to public records 1420  
requests. In adopting a public records policy under this 1421  
division, a public office may obtain guidance from the model 1422  
public records policy developed and provided to the public 1423  
office by the attorney general under section 109.43 of the 1424  
Revised Code. Except as otherwise provided in this section, the 1425  
policy may not limit the number of public records that the 1426  
public office will make available to a single person, may not 1427  
limit the number of public records that it will make available 1428  
during a fixed period of time, and may not establish a fixed 1429  
period of time before it will respond to a request for 1430  
inspection or copying of public records, unless that period is 1431  
less than eight hours. 1432

The public office shall distribute the public records 1433  
policy adopted by the public office under this division to the 1434  
employee of the public office who is the records custodian or 1435  
records manager or otherwise has custody of the records of that 1436  
office. The public office shall require that employee to 1437  
acknowledge receipt of the copy of the public records policy. 1438  
The public office shall create a poster that describes its 1439  
public records policy and shall post the poster in a conspicuous 1440  
place in the public office and in all locations where the public 1441  
office has branch offices. The public office may post its public 1442  
records policy on the internet web site of the public office if 1443  
the public office maintains an internet web site. A public 1444  
office that has established a manual or handbook of its general 1445  
policies and procedures for all employees of the public office 1446

shall include the public records policy of the public office in 1447  
the manual or handbook. 1448

(F) (1) The bureau of motor vehicles may adopt rules 1449  
pursuant to Chapter 119. of the Revised Code to reasonably limit 1450  
the number of bulk commercial special extraction requests made 1451  
by a person for the same records or for updated records during a 1452  
calendar year. The rules may include provisions for charges to 1453  
be made for bulk commercial special extraction requests for the 1454  
actual cost of the bureau, plus special extraction costs, plus 1455  
ten per cent. The bureau may charge for expenses for redacting 1456  
information, the release of which is prohibited by law. 1457

(2) As used in division (F) (1) of this section: 1458

(a) "Actual cost" means the cost of depleted supplies, 1459  
records storage media costs, actual mailing and alternative 1460  
delivery costs, or other transmitting costs, and any direct 1461  
equipment operating and maintenance costs, including actual 1462  
costs paid to private contractors for copying services. 1463

(b) "Bulk commercial special extraction request" means a 1464  
request for copies of a record for information in a format other 1465  
than the format already available, or information that cannot be 1466  
extracted without examination of all items in a records series, 1467  
class of records, or database by a person who intends to use or 1468  
forward the copies for surveys, marketing, solicitation, or 1469  
resale for commercial purposes. "Bulk commercial special 1470  
extraction request" does not include a request by a person who 1471  
gives assurance to the bureau that the person making the request 1472  
does not intend to use or forward the requested copies for 1473  
surveys, marketing, solicitation, or resale for commercial 1474  
purposes. 1475

(c) "Commercial" means profit-seeking production, buying, 1476  
or selling of any good, service, or other product. 1477

(d) "Special extraction costs" means the cost of the time 1478  
spent by the lowest paid employee competent to perform the task, 1479  
the actual amount paid to outside private contractors employed 1480  
by the bureau, or the actual cost incurred to create computer 1481  
programs to make the special extraction. "Special extraction 1482  
costs" include any charges paid to a public agency for computer 1483  
or records services. 1484

(3) For purposes of divisions (F) (1) and (2) of this 1485  
section, "surveys, marketing, solicitation, or resale for 1486  
commercial purposes" shall be narrowly construed and does not 1487  
include reporting or gathering news, reporting or gathering 1488  
information to assist citizen oversight or understanding of the 1489  
operation or activities of government, or nonprofit educational 1490  
research. 1491

(G) A request by a defendant, counsel of a defendant, or 1492  
any agent of a defendant in a criminal action that public 1493  
records related to that action be made available under this 1494  
section shall be considered a demand for discovery pursuant to 1495  
the Criminal Rules, except to the extent that the Criminal Rules 1496  
plainly indicate a contrary intent. The defendant, counsel of 1497  
the defendant, or agent of the defendant making a request under 1498  
this division shall serve a copy of the request on the 1499  
prosecuting attorney, director of law, or other chief legal 1500  
officer responsible for prosecuting the action. 1501

(H) (1) Any portion of a body-worn camera or dashboard 1502  
camera recording described in divisions (A) (17) (b) to (h) of 1503  
this section may be released by consent of the subject of the 1504  
recording or a representative of that person, as specified in 1505

those divisions, only if either of the following applies: 1506

(a) The recording will not be used in connection with any 1507  
probable or pending criminal proceedings; 1508

(b) The recording has been used in connection with a 1509  
criminal proceeding that was dismissed or for which a judgment 1510  
has been entered pursuant to Rule 32 of the Rules of Criminal 1511  
Procedure, and will not be used again in connection with any 1512  
probable or pending criminal proceedings. 1513

(2) If a public office denies a request to release a 1514  
restricted portion of a body-worn camera or dashboard camera 1515  
recording, as defined in division (A) (17) of this section, any 1516  
person may file a mandamus action pursuant to this section or a 1517  
complaint with the clerk of the court of claims pursuant to 1518  
section 2743.75 of the Revised Code, requesting the court to 1519  
order the release of all or portions of the recording. If the 1520  
court considering the request determines that the filing 1521  
articulates by clear and convincing evidence that the public 1522  
interest in the recording substantially outweighs privacy 1523  
interests and other interests asserted to deny release, the 1524  
court shall order the public office to release the recording. 1525

**Sec. 315.25.** (A) The county engineer shall make and keep, 1526  
in a book provided for that purpose, an accurate record of all 1527  
surveys made by ~~him~~ the engineer or ~~his~~ the engineer's deputies 1528  
for the purpose of locating any land or road lines, or fixing 1529  
any corner or monument by which it may be determined, whether 1530  
official or otherwise. Such surveys shall include corners, 1531  
distances, azimuths, angles, calculations, plats, and a 1532  
description of the monuments set up, with such references 1533  
thereto as will aid in finding the names of the parties for whom 1534  
the surveys are made, and the date of making such surveys. Such 1535

book shall be kept as a public record by the engineer at ~~his~~ the 1536  
engineer's office, and it shall be at all proper times open to 1537  
inspection and examination by all persons interested therein. 1538  
Any other surveys made in the county by competent surveyors, 1539  
certified by such surveyor to be correct and deemed worthy of 1540  
preservation, may, by order of the board of county 1541  
commissioners, be recorded by the engineer. 1542

(B) The county engineer shall keep confidential 1543  
information that is subject to a real property confidentiality 1544  
notice under section 111.431 of the Revised Code, in accordance 1545  
with that section. 1546

**Sec. 317.13.** (A) Except as otherwise provided in division 1547  
(B) of this section, the county recorder shall record in the 1548  
official records, in legible handwriting, typewriting, or 1549  
printing, or by any authorized photographic or electronic 1550  
process, all deeds, mortgages, plats, or other instruments of 1551  
writing that are required or authorized by the Revised Code to 1552  
be recorded and that are presented to the county recorder for 1553  
that purpose. The county recorder shall record the instruments 1554  
in regular succession, according to the priority of 1555  
presentation, and shall enter the file number at the beginning 1556  
of the record. On the record of each instrument, the county 1557  
recorder shall record the date and precise time the instrument 1558  
was presented for record. All records made, prior to July 28, 1559  
1949, by means authorized by this section or by section 9.01 of 1560  
the Revised Code shall be deemed properly made. 1561

(B) The county recorder may refuse to record an instrument 1562  
of writing presented for recording if the instrument is not 1563  
required or authorized by the Revised Code to be recorded or the 1564  
county recorder has reasonable cause to believe the instrument 1565

is materially false or fraudulent. This division does not create 1566  
a duty upon a recorder to inspect, evaluate, or investigate an 1567  
instrument of writing that is presented for recording. 1568

(C) If a person presents an instrument of writing to the 1569  
county recorder for recording and the county recorder, pursuant 1570  
to division (B) of this section, refuses to record the 1571  
instrument, the person has a cause of action for an order from 1572  
the court of common pleas in the county that the county recorder 1573  
serves, to require the county recorder to record the instrument. 1574  
If the court determines that the instrument is required or 1575  
authorized by the Revised Code to be recorded and is not 1576  
materially false or fraudulent, it shall order the county 1577  
recorder to record the instrument. 1578

(D) The county recorder shall keep confidential 1579  
information that is subject to a real property confidentiality 1580  
notice under section 111.431 of the Revised Code, in accordance 1581  
with that section. A copy of the real property confidentiality 1582  
notice shall accompany subsequent recordings of the property, 1583  
unless the program participant's certification has been canceled 1584  
under section 111.431 or 111.45 of the Revised Code. 1585

**Sec. 317.32.** The county recorder shall charge and collect 1586  
the following fees, to include, except as otherwise provided in 1587  
division (A)(2) of this section, base fees for the recorder's 1588  
services and housing trust fund fees collected pursuant to 1589  
section 317.36 of the Revised Code: 1590

(A) (1) Except as otherwise provided in division (A)(2) of 1591  
this section, for recording and indexing an instrument if the 1592  
photocopy or any similar process is employed, a base fee of 1593  
seventeen dollars for the first two pages and a housing trust 1594  
fund fee of seventeen dollars, and a base fee of four dollars 1595

and a housing trust fund fee of four dollars for each subsequent 1596  
page, size eight and one-half inches by fourteen inches, or 1597  
fraction of a page, including the caption page, of such 1598  
instrument; 1599

(2) For recording and indexing an instrument described in 1600  
division (D) of section 317.08 of the Revised Code if the 1601  
photocopy or any similar process is employed, a fee of twenty- 1602  
eight dollars for the first two pages to be deposited as 1603  
specified elsewhere in this division, and a fee of eight dollars 1604  
to be deposited in the same manner for each subsequent page, 1605  
size eight and one-half inches by fourteen inches, or fraction 1606  
of a page, including the caption page, of that instrument. If 1607  
the county recorder's technology fund has been established under 1608  
section 317.321 of the Revised Code, of the twenty-eight 1609  
dollars, fourteen dollars shall be deposited into the county 1610  
treasury to the credit of the county recorder's technology fund 1611  
and fourteen dollars shall be deposited into the county treasury 1612  
to the credit of the county general fund. If the county 1613  
recorder's technology fund has not been established, the twenty- 1614  
eight dollars shall be deposited into the county treasury to the 1615  
credit of the county general fund. 1616

(B) For certifying a ~~photocopy~~ copy or electronic record 1617  
from the record previously recorded, a base fee of one dollar 1618  
and a housing trust fund fee of one dollar per page, size eight 1619  
and one-half inches by fourteen inches, or fraction of a page; 1620  
for each certification if the recorder's seal is required, 1621  
except as to instruments issued by the armed forces of the 1622  
United States, a base fee of fifty cents and a housing trust 1623  
fund fee of fifty cents; 1624

(C) For entering or indexing any ~~marginal~~ reference by 1625

separate recorded instrument, a base fee of two dollars and a 1626  
housing trust fund fee of two dollars for each ~~marginal~~ 1627  
reference set out in that instrument, in addition to the fees 1628  
set forth in division (A) (1) of this section; 1629

(D) For indexing in the real estate mortgage records, 1630  
pursuant to section 1309.519 of the Revised Code, financing 1631  
statements covering crops growing or to be grown, timber to be 1632  
cut, minerals or the like, including oil and gas, accounts 1633  
subject to section 1309.301 of the Revised Code, or fixture 1634  
filings made pursuant to section 1309.334 of the Revised Code, a 1635  
base fee of two dollars and a housing trust fund fee of two 1636  
dollars for each name indexed; 1637

(E) For filing zoning resolutions, including text and 1638  
maps, in the office of the recorder as required under sections 1639  
303.11 and 519.11 of the Revised Code, a base fee of twenty-five 1640  
dollars and a housing trust fund fee of twenty-five dollars, 1641  
regardless of the size or length of the resolutions; 1642

(F) For filing zoning amendments, including text and maps, 1643  
in the office of the recorder as required under sections 303.12 1644  
and 519.12 of the Revised Code, a base fee of ten dollars and a 1645  
housing trust fund fee of ten dollars regardless of the size or 1646  
length of the amendments; 1647

(G) For photocopying a document, other than at the time of 1648  
recording and indexing as provided for in division (A) (1) or (2) 1649  
of this section, a base fee of one dollar and a housing trust 1650  
fund fee of one dollar per page, size eight and one-half inches 1651  
by fourteen inches, or fraction thereof; 1652

(H) For local facsimile transmission of a document, a base 1653  
fee of one dollar and a housing trust fund fee of one dollar per 1654

page, size eight and one-half inches by fourteen inches, or 1655  
fraction thereof; for long distance facsimile transmission of a 1656  
document, a base fee of two dollars and a housing trust fund fee 1657  
of two dollars per page, size eight and one-half inches by 1658  
fourteen inches, or fraction thereof; 1659

(I) For recording a declaration executed pursuant to 1660  
section 2133.02 of the Revised Code or a durable power of 1661  
attorney for health care executed pursuant to section 1337.12 of 1662  
the Revised Code, or both a declaration and a durable power of 1663  
attorney for health care, a base fee of at least fourteen 1664  
dollars but not more than twenty dollars and a housing trust 1665  
fund fee of at least fourteen dollars but not more than twenty 1666  
dollars. 1667

In any county in which the recorder employs the 1668  
photostatic or any similar process for recording maps, plats, or 1669  
prints the recorder shall determine, charge, and collect for the 1670  
recording or rerecording of any map, plat, or print, a base fee 1671  
of five cents and a housing trust fund fee of five cents per 1672  
square inch, for each square inch of the map, plat, or print 1673  
filed for that recording or rerecording, with a minimum base fee 1674  
of twenty dollars and a minimum housing trust fund fee of twenty 1675  
dollars; for certifying a copy from the record, a base fee of 1676  
two cents and a housing trust fund fee of two cents per square 1677  
inch of the record, with a minimum base fee of two dollars and a 1678  
minimum housing trust fund fee of two dollars. 1679

The fees provided in this section shall be paid upon the 1680  
presentation of the instruments for record or upon the 1681  
application for any certified copy of the record, except that 1682  
the payment of fees for providing copies of instruments 1683  
conveying or extinguishing agricultural easements to the office 1684

of farmland preservation in the department of agriculture under 1685  
division (H) of section 5301.691 of the Revised Code shall be 1686  
governed by that division, and payment of fees for electronic 1687  
recording may be made by electronic funds transfer, automated 1688  
clearing house, or other electronic means after presentation. 1689

The fees provided for in this section shall not apply to 1690  
the recording, indexing, or making of a certified copy or to the 1691  
filing of any instrument by a county land reutilization 1692  
corporation, ~~its~~. 1693

The fees provided for in this section shall not apply to 1694  
the recording, indexing, or making of a certified copy or to the 1695  
filing of any instrument by a county land reutilization 1696  
corporation's wholly owned subsidiary, or any other electing 1697  
subdivision as defined in section 5722.01 of the Revised Code if 1698  
the wholly owned subsidiary or the electing subdivision is 1699  
acting in capacity consistent with the purpose of the land 1700  
reutilization program. 1701

**Sec. 319.28.** (A) Except as otherwise provided in division 1702  
(B) of this section, on or before the first Monday of August, 1703  
annually, the county auditor shall compile and make up a general 1704  
tax list of real and public utility property in the county, 1705  
either in tabular form and alphabetical order, or, with the 1706  
consent of the county treasurer, by listing all parcels in a 1707  
permanent parcel number sequence to which a separate 1708  
alphabetical index is keyed, containing the names of the several 1709  
persons, companies, firms, partnerships, associations, and 1710  
corporations in whose names real property has been listed in 1711  
each township, municipal corporation, special district, or 1712  
separate school district, or part of either in the auditor's 1713  
county, placing separately, in appropriate columns opposite each 1714

name, the description of each tract, lot, or parcel of real 1715  
estate, the value of each tract, lot, or parcel, the value of 1716  
the improvements thereon, and of the names of the several public 1717  
utilities whose property, subject to taxation on the general tax 1718  
list and duplicate, has been apportioned by the department of 1719  
taxation to the county, and the amount so apportioned to each 1720  
township, municipal corporation, special district, or separate 1721  
school district or part of either in the auditor's county, as 1722  
shown by the certificates of apportionment of public utility 1723  
property. If the name of the owner of any tract, lot, or parcel 1724  
of real estate is unknown to the auditor, "unknown" shall be 1725  
entered in the column of names opposite said tract, lot, or 1726  
parcel. Such lists shall be prepared in duplicate. On or before 1727  
the first Monday of September in each year, the auditor shall 1728  
correct such lists in accordance with the additions and 1729  
deductions ordered by the tax commissioner and by the county 1730  
board of revision, and shall certify and on the first day of 1731  
October deliver one copy thereof to the county treasurer. The 1732  
copies prepared by the auditor shall constitute the auditor's 1733  
general tax list and treasurer's general duplicate of real and 1734  
public utility property for the current year. 1735

Once a permanent parcel numbering system has been 1736  
established in any county as provided by the preceding 1737  
paragraph, such system shall remain in effect until otherwise 1738  
agreed upon by the county auditor and county treasurer. 1739

(B) (1) An individual, or the spouse of that individual, 1740  
whose residential and familial information is not a public 1741  
record under divisions (A) (1) (p) and (A) (7) of section 149.43 of 1742  
the Revised Code may submit an affidavit to the county auditor 1743  
requesting the county auditor to remove the name of the 1744  
individual filing the affidavit from any record made available 1745

to the general public on the internet or a publicly accessible 1746  
database, and from the general tax list and duplicate\_of real 1747  
and public utility property, and to instead insert the 1748  
individual's initials on any such record, and on the general tax 1749  
list and duplicate of real and public utility property as the 1750  
name of the individual that appears on the deed. 1751

(2) Upon receiving an affidavit described in division (B) 1752  
(1) of this section, the county auditor shall act within five 1753  
business days in accordance with the request to remove the 1754  
individual's name from any record made available to the general 1755  
public on the internet or a publicly accessible database, and 1756  
from the general tax list and duplicate of real and public 1757  
utility property and insert the individual's initials on any 1758  
such record and on the general tax list and duplicate of real 1759  
and public utility property, if practicable. If the removal and 1760  
insertion is not practicable, the county auditor shall verbally 1761  
or in writing within five business days after receiving the 1762  
affidavit explain to the individual why the removal and 1763  
insertion is impracticable. 1764

(C) The county auditor shall keep confidential information 1765  
that is subject to a real property confidentiality notice under 1766  
section 111.431 of the Revised Code, in accordance with that 1767  
section. 1768

Sec. 321.25. The county treasurer shall keep confidential 1769  
information that is subject to a real property confidentiality 1770  
notice under section 111.431 of the Revised Code, in accordance 1771  
with that section. 1772

Sec. 2303.12. (A) The clerk of the court of common pleas 1773  
shall keep at least four books. They shall be called the 1774  
appearance docket, trial docket and printed duplicates of the 1775

trial docket for the use of the court and the officers thereof, 1776  
journal, and execution docket. ~~He~~ The clerk shall also keep a 1777  
record in book form or ~~he~~ the clerk may prepare a record by 1778  
using any photostatic, photographic, miniature photographic, 1779  
film, microfilm, or microphotographic process, electrostatic 1780  
process, perforated tape, magnetic tape, or other 1781  
electromagnetic means, electronic data processing, machine 1782  
readable media, graphic or video display, or any combination 1783  
thereof, which correctly and accurately copies or reproduces the 1784  
original document, paper, or instrument in writing. ~~He~~ The clerk 1785  
shall use materials that comply with the minimum standards of 1786  
quality for permanent photographic records prescribed by the 1787  
National Bureau of Standards. ~~He~~ The clerk shall keep an index 1788  
to the trial docket and to the printed duplicates of the trial 1789  
docket and of the journal direct, and to the appearance docket, 1790  
record, and execution docket, direct and reverse. All clerks 1791  
keeping records and information by the methods described in this 1792  
section shall keep and make readily available to the public the 1793  
machine and equipment necessary to reproduce the records and 1794  
information in a readable form. 1795

(B) The clerk of the court of common pleas shall keep 1796  
confidential information that is subject to a real property 1797  
confidentiality notice under section 111.431 of the Revised 1798  
Code, in accordance with that section. 1799

**Sec. 5301.255.** (A) A memorandum of trust that satisfies 1800  
both of the following may be presented for recordation in the 1801  
office of the county recorder of any county in which real 1802  
property that is subject to the trust is located: 1803

(1) The memorandum shall be executed by the trustee of the 1804  
trust and acknowledged by the trustee of the trust in accordance 1805

with section 5301.01 of the Revised Code. 1806

(2) The memorandum shall state all of the following: 1807

(a) The name and address of the trustee of the trust; 1808

(b) The date of execution of the trust; 1809

(c) The powers specified in the trust relative to the 1810  
acquisition, sale, or encumbering of real property by the 1811  
trustee or the conveyance of real property by the trustee, and 1812  
any restrictions upon those powers. 1813

(B) A memorandum of trust that satisfies divisions (A) (1) 1814  
and (2) of this section also may set forth the substance or 1815  
actual text of provisions of the trust that are not described in 1816  
those divisions. 1817

(C) A memorandum of trust that satisfies divisions (A) (1) 1818  
and (2) of this section shall constitute notice only of the 1819  
information contained in it. 1820

(D) Upon the presentation for recordation of a memorandum 1821  
of trust that satisfies divisions (A) (1) and (2) of this section 1822  
and the payment of the requisite fee prescribed in section 1823  
317.32 of the Revised Code, a county recorder shall record the 1824  
memorandum of trust in the official records described in 1825  
division (A) ~~(18)~~ (17) of section 317.08 of the Revised Code, if 1826  
the memorandum of trust describes specific real property, or in 1827  
the official records described in division (A) ~~(24)~~ (23) of that 1828  
section, if the memorandum of trust does not describe specific 1829  
real property. 1830

**Section 2.** That existing sections 111.42, 111.43, 111.45, 1831  
111.46, 111.48, 111.99, 149.43, 315.25, 317.13, 317.32, 319.28, 1832  
2303.12, and 5301.255 of the Revised Code are hereby repealed. 1833

**Section 3.** Sections 1 and 2 of this act take effect six 1834  
months after the effective date of this section. 1835