

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 278

Senators Eklund, Lehner

A BILL

To amend sections 119.01, 149.43, 2967.03, 5149.01, 1
5149.07, 5149.10, 5149.101, and 5149.11 of the 2
Revised Code to modify parole procedures 3
regarding prisoner access to information and 4
materials, presence of counsel, uniform 5
standards, and appeals of decisions. 6

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

Section 1. That sections 119.01, 149.43, 2967.03, 5149.01, 7
5149.07, 5149.10, 5149.101, and 5149.11 of the Revised Code be 8
amended to read as follows: 9

Sec. 119.01. As used in sections 119.01 to 119.13 of the 10
Revised Code: 11

(A) (1) "Agency" means, except as limited by this division, 12
any official, board, or commission having authority to 13
promulgate rules or make adjudications in the civil service 14
commission, the division of liquor control, the department of 15
taxation, the industrial commission, the bureau of workers' 16
compensation, the functions of any administrative or executive 17
officer, department, division, bureau, board, or commission of 18
the government of the state specifically made subject to 19

sections 119.01 to 119.13 of the Revised Code, and the licensing 20
functions of any administrative or executive officer, 21
department, division, bureau, board, or commission of the 22
government of the state having the authority or responsibility 23
of issuing, suspending, revoking, or canceling licenses. 24

Sections 119.01 to 119.13 of the Revised Code do not apply 25
to the public utilities commission. Sections 119.01 to 119.13 of 26
the Revised Code do not apply to the utility radiological safety 27
board; to the controlling board; to actions of the 28
superintendent of financial institutions and the superintendent 29
of insurance in the taking possession of, and rehabilitation or 30
liquidation of, the business and property of banks, savings and 31
loan associations, savings banks, credit unions, insurance 32
companies, associations, reciprocal fraternal benefit societies, 33
and bond investment companies; to any action taken by the 34
division of securities under section 1707.201 of the Revised 35
Code; or to any action that may be taken by the superintendent 36
of financial institutions under section 1113.03, 1121.06, 37
1121.10, 1125.09, 1125.12, 1125.18, 1349.33, 1733.35, 1733.361, 38
1733.37, or 1761.03 of the Revised Code. 39

Sections 119.01 to 119.13 of the Revised Code do not apply 40
to actions of the industrial commission or the bureau of 41
workers' compensation under sections 4123.01 to 4123.94 of the 42
Revised Code with respect to all matters of adjudication, or to 43
the actions of the industrial commission, bureau of workers' 44
compensation board of directors, and bureau of workers' 45
compensation under division (D) of section 4121.32, sections 46
4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 4123.411, 47
4123.44, 4123.442, 4127.07, divisions (B), (C), and (E) of 48
section 4131.04, and divisions (B), (C), and (E) of section 49
4131.14 of the Revised Code with respect to all matters 50

concerning the establishment of premium, contribution, and 51
assessment rates. 52

(2) "Agency" also means any official or work unit having 53
authority to promulgate rules or make adjudications in the 54
department of job and family services, but only with respect to 55
both of the following: 56

(a) The adoption, amendment, or rescission of rules that 57
section 5101.09 of the Revised Code requires be adopted in 58
accordance with this chapter; 59

(b) The issuance, suspension, revocation, or cancellation 60
of licenses. 61

(3) "Agency" also means the adult parole authority of the 62
department of rehabilitation and correction, but only with 63
respect to the following: 64

(a) The adoption of rules; 65

(b) The conduct of hearings, provided that if any 66
provision of Chapter 2967. or 5149. of the Revised Code 67
conflicts with the provisions of this chapter regarding the 68
conduct of hearings, the provision of Chapter 2967. or 5149. of 69
the Revised Code controls and the hearing shall be conducted in 70
accordance with that provision instead of the provision of this 71
chapter; 72

(c) Parole decisions made by the parole board, but only 73
with respect to appeals of those parole decisions. 74

(B) "License" means any license, permit, certificate, 75
commission, or charter issued by any agency. "License" does not 76
include any arrangement whereby a person or government entity 77
furnishes medicaid services under a provider agreement with the 78

department of medicaid. 79

(C) "Rule" means any rule, regulation, or standard, having 80
a general and uniform operation, adopted, promulgated, and 81
enforced by any agency under the authority of the laws governing 82
such agency, and includes any appendix to a rule. "Rule" does 83
not include any internal management rule of an agency unless the 84
internal management rule affects private rights and does not 85
include any guideline adopted pursuant to section 3301.0714 of 86
the Revised Code. 87

(D) "Adjudication" means the determination by the highest 88
or ultimate authority of an agency of the rights, duties, 89
privileges, benefits, or legal relationships of a specified 90
person, but does not include the issuance of a license in 91
response to an application with respect to which no question is 92
raised, nor other acts of a ministerial nature. With respect to 93
a parole decision made by the parole board, "adjudication" means 94
the parole decision. 95

(E) "Hearing" means a public hearing by any agency in 96
compliance with procedural safeguards afforded by sections 97
119.01 to 119.13 of the Revised Code. 98

(F) "Person" means a person, firm, corporation, 99
association, or partnership. 100

(G) "Party" means the person whose interests are the 101
subject of an adjudication by an agency. 102

(H) "Appeal" means the procedure by which a person, 103
aggrieved by a finding, decision, order, or adjudication of any 104
agency, invokes the jurisdiction of a court. 105

(I) "Internal management rule" means any rule, regulation, 106
or standard governing the day-to-day staff procedures and 107

operations within an agency. 108

Sec. 149.43. (A) As used in this section: 109

(1) "Public record" means records kept by any public 110
office, including, but not limited to, state, county, city, 111
village, township, and school district units, and records 112
pertaining to the delivery of educational services by an 113
alternative school in this state kept by the nonprofit or for- 114
profit entity operating the alternative school pursuant to 115
section 3313.533 of the Revised Code. "Public record" does not 116
mean any of the following: 117

(a) Medical records; 118

(b) ~~Records~~ Institutional records maintained on 119
incarcerated individuals, records pertaining to probation and 120
parole proceedings except as otherwise specified in section 121
5149.11 of the Revised Code, records pertaining to probation 122
proceedings, records pertaining to proceedings related to the 123
imposition of community control sanctions and post-release 124
control sanctions, or records pertaining to proceedings related 125
to determinations under section 2967.271 of the Revised Code 126
regarding the release or maintained incarceration of an offender 127
to whom that section applies; 128

(c) Records pertaining to actions under section 2151.85 129
and division (C) of section 2919.121 of the Revised Code and to 130
appeals of actions arising under those sections; 131

(d) Records pertaining to adoption proceedings, including 132
the contents of an adoption file maintained by the department of 133
health under sections 3705.12 to 3705.124 of the Revised Code; 134

(e) Information in a record contained in the putative 135
father registry established by section 3107.062 of the Revised 136

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| Code, regardless of whether the information is held by the | 137 |
| department of job and family services or, pursuant to section | 138 |
| 3111.69 of the Revised Code, the office of child support in the | 139 |
| department or a child support enforcement agency; | 140 |
| (f) Records specified in division (A) of section 3107.52 | 141 |
| of the Revised Code; | 142 |
| (g) Trial preparation records; | 143 |
| (h) Confidential law enforcement investigatory records; | 144 |
| (i) Records containing information that is confidential | 145 |
| under section 2710.03 or 4112.05 of the Revised Code; | 146 |
| (j) DNA records stored in the DNA database pursuant to | 147 |
| section 109.573 of the Revised Code; | 148 |
| (k) Inmate records released by the department of | 149 |
| rehabilitation and correction to the department of youth | 150 |
| services or a court of record pursuant to division (E) of | 151 |
| section 5120.21 of the Revised Code; | 152 |
| (l) Records maintained by the department of youth services | 153 |
| pertaining to children in its custody released by the department | 154 |
| of youth services to the department of rehabilitation and | 155 |
| correction pursuant to section 5139.05 of the Revised Code; | 156 |
| (m) Intellectual property records; | 157 |
| (n) Donor profile records; | 158 |
| (o) Records maintained by the department of job and family | 159 |
| services pursuant to section 3121.894 of the Revised Code; | 160 |
| (p) Designated public service worker residential and | 161 |
| familial information; | 162 |
| (q) In the case of a county hospital operated pursuant to | 163 |

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| Chapter 339. of the Revised Code or a municipal hospital | 164 |
| operated pursuant to Chapter 749. of the Revised Code, | 165 |
| information that constitutes a trade secret, as defined in | 166 |
| section 1333.61 of the Revised Code; | 167 |
| (r) Information pertaining to the recreational activities | 168 |
| of a person under the age of eighteen; | 169 |
| (s) In the case of a child fatality review board acting | 170 |
| under sections 307.621 to 307.629 of the Revised Code or a | 171 |
| review conducted pursuant to guidelines established by the | 172 |
| director of health under section 3701.70 of the Revised Code, | 173 |
| records provided to the board or director, statements made by | 174 |
| board members during meetings of the board or by persons | 175 |
| participating in the director's review, and all work products of | 176 |
| the board or director, and in the case of a child fatality | 177 |
| review board, child fatality review data submitted by the board | 178 |
| to the department of health or a national child death review | 179 |
| database, other than the report prepared pursuant to division | 180 |
| (A) of section 307.626 of the Revised Code; | 181 |
| (t) Records provided to and statements made by the | 182 |
| executive director of a public children services agency or a | 183 |
| prosecuting attorney acting pursuant to section 5153.171 of the | 184 |
| Revised Code other than the information released under that | 185 |
| section; | 186 |
| (u) Test materials, examinations, or evaluation tools used | 187 |
| in an examination for licensure as a nursing home administrator | 188 |
| that the board of executives of long-term services and supports | 189 |
| administers under section 4751.15 of the Revised Code or | 190 |
| contracts under that section with a private or government entity | 191 |
| to administer; | 192 |

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| (v) Records the release of which is prohibited by state or federal law; | 193 194 |
| (w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code; | 195 196 197 |
| (x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency; | 198 199 200 201 202 203 |
| (y) Records listed in section 5101.29 of the Revised Code; | 204 |
| (z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section; | 205 206 207 |
| (aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility; | 208 209 210 |
| (bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division; | 211 212 213 |
| (cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code; | 214 215 216 |
| (dd) Personal information, as defined in section 149.45 of the Revised Code; | 217 218 |
| (ee) The confidential name, address, and other personally identifiable information of a program participant in the address | 219 220 |

confidentiality program established under sections 111.41 to 221
111.47 of the Revised Code, including the contents of any 222
application for absent voter's ballots, absent voter's ballot 223
identification envelope statement of voter, or provisional 224
ballot affirmation completed by a program participant who has a 225
confidential voter registration record, and records or portions 226
of records pertaining to that program that identify the number 227
of program participants that reside within a precinct, ward, 228
township, municipal corporation, county, or any other geographic 229
area smaller than the state. As used in this division, 230
"confidential address" and "program participant" have the 231
meaning defined in section 111.41 of the Revised Code. 232

(ff) Orders for active military service of an individual 233
serving or with previous service in the armed forces of the 234
United States, including a reserve component, or the Ohio 235
organized militia, except that, such order becomes a public 236
record on the day that is fifteen years after the published date 237
or effective date of the call to order; 238

(gg) The name, address, contact information, or other 239
personal information of an individual who is less than eighteen 240
years of age that is included in any record related to a traffic 241
accident involving a school vehicle in which the individual was 242
an occupant at the time of the accident; 243

(hh) Protected health information, as defined in 45 C.F.R. 244
160.103, that is in a claim for payment for a health care 245
product, service, or procedure, as well as any other health 246
claims data in another document that reveals the identity of an 247
individual who is the subject of the data or could be used to 248
reveal that individual's identity; 249

(ii) Any depiction by photograph, film, videotape, or 250

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| printed or digital image under either of the following | 251 |
| circumstances: | 252 |
| (i) The depiction is that of a victim of an offense the | 253 |
| release of which would be, to a reasonable person of ordinary | 254 |
| sensibilities, an offensive and objectionable intrusion into the | 255 |
| victim's expectation of bodily privacy and integrity. | 256 |
| (ii) The depiction captures or depicts the victim of a | 257 |
| sexually oriented offense, as defined in section 2950.01 of the | 258 |
| Revised Code, at the actual occurrence of that offense. | 259 |
| (jj) Restricted portions of a body-worn camera or | 260 |
| dashboard camera recording; | 261 |
| (kk) In the case of a fetal-infant mortality review board | 262 |
| acting under sections 3707.70 to 3707.77 of the Revised Code, | 263 |
| records, documents, reports, or other information presented to | 264 |
| the board or a person abstracting such materials on the board's | 265 |
| behalf, statements made by review board members during board | 266 |
| meetings, all work products of the board, and data submitted by | 267 |
| the board to the department of health or a national infant death | 268 |
| review database, other than the report prepared pursuant to | 269 |
| section 3707.77 of the Revised Code. | 270 |
| (ll) Records, documents, reports, or other information | 271 |
| presented to the pregnancy-associated mortality review board | 272 |
| established under section 3738.01 of the Revised Code, | 273 |
| statements made by board members during board meetings, all work | 274 |
| products of the board, and data submitted by the board to the | 275 |
| department of health, other than the biennial reports prepared | 276 |
| under section 3738.08 of the Revised Code; | 277 |
| (mm) Telephone numbers for a victim, as defined in section | 278 |
| 2930.01 of the Revised Code, a witness to a crime, or a party to | 279 |

a motor vehicle accident subject to the requirements of section 280
5502.11 of the Revised Code that are listed on any law 281
enforcement record or report. 282

A record that is not a public record under division (A) (1) 283
of this section and that, under law, is permanently retained 284
becomes a public record on the day that is seventy-five years 285
after the day on which the record was created, except for any 286
record protected by the attorney-client privilege, a trial 287
preparation record as defined in this section, a statement 288
prohibiting the release of identifying information signed under 289
section 3107.083 of the Revised Code, a denial of release form 290
filed pursuant to section 3107.46 of the Revised Code, or any 291
record that is exempt from release or disclosure under section 292
149.433 of the Revised Code. If the record is a birth 293
certificate and a biological parent's name redaction request 294
form has been accepted under section 3107.391 of the Revised 295
Code, the name of that parent shall be redacted from the birth 296
certificate before it is released under this paragraph. If any 297
other section of the Revised Code establishes a time period for 298
disclosure of a record that conflicts with the time period 299
specified in this section, the time period in the other section 300
prevails. 301

(2) "Confidential law enforcement investigatory record" 302
means any record that pertains to a law enforcement matter of a 303
criminal, quasi-criminal, civil, or administrative nature, but 304
only to the extent that the release of the record would create a 305
high probability of disclosure of any of the following: 306

(a) The identity of a suspect who has not been charged 307
with the offense to which the record pertains, or of an 308
information source or witness to whom confidentiality has been 309

reasonably promised; 310

(b) Information provided by an information source or 311
witness to whom confidentiality has been reasonably promised, 312
which information would reasonably tend to disclose the source's 313
or witness's identity; 314

(c) Specific confidential investigatory techniques or 315
procedures or specific investigatory work product; 316

(d) Information that would endanger the life or physical 317
safety of law enforcement personnel, a crime victim, a witness, 318
or a confidential information source. 319

(3) "Medical record" means any document or combination of 320
documents, except births, deaths, and the fact of admission to 321
or discharge from a hospital, that pertains to the medical 322
history, diagnosis, prognosis, or medical condition of a patient 323
and that is generated and maintained in the process of medical 324
treatment. 325

(4) "Trial preparation record" means any record that 326
contains information that is specifically compiled in reasonable 327
anticipation of, or in defense of, a civil or criminal action or 328
proceeding, including the independent thought processes and 329
personal trial preparation of an attorney. 330

(5) "Intellectual property record" means a record, other 331
than a financial or administrative record, that is produced or 332
collected by or for faculty or staff of a state institution of 333
higher learning in the conduct of or as a result of study or 334
research on an educational, commercial, scientific, artistic, 335
technical, or scholarly issue, regardless of whether the study 336
or research was sponsored by the institution alone or in 337
conjunction with a governmental body or private concern, and 338

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| that has not been publicly released, published, or patented. | 339 |
| (6) "Donor profile record" means all records about donors | 340 |
| or potential donors to a public institution of higher education | 341 |
| except the names and reported addresses of the actual donors and | 342 |
| the date, amount, and conditions of the actual donation. | 343 |
| (7) "Designated public service worker" means a peace | 344 |
| officer, parole officer, probation officer, bailiff, prosecuting | 345 |
| attorney, assistant prosecuting attorney, correctional employee, | 346 |
| county or multicounty corrections officer, community-based | 347 |
| correctional facility employee, youth services employee, | 348 |
| firefighter, EMT, medical director or member of a cooperating | 349 |
| physician advisory board of an emergency medical service | 350 |
| organization, state board of pharmacy employee, investigator of | 351 |
| the bureau of criminal identification and investigation, judge, | 352 |
| magistrate, or federal law enforcement officer. | 353 |
| (8) "Designated public service worker residential and | 354 |
| familial information" means any information that discloses any | 355 |
| of the following about a designated public service worker: | 356 |
| (a) The address of the actual personal residence of a | 357 |
| designated public service worker, except for the following | 358 |
| information: | 359 |
| (i) The address of the actual personal residence of a | 360 |
| prosecuting attorney or judge; and | 361 |
| (ii) The state or political subdivision in which a | 362 |
| designated public service worker resides. | 363 |
| (b) Information compiled from referral to or participation | 364 |
| in an employee assistance program; | 365 |
| (c) The social security number, the residential telephone | 366 |

number, any bank account, debit card, charge card, or credit
card number, or the emergency telephone number of, or any
medical information pertaining to, a designated public service
worker;

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

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

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

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

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

"Peace officer" has the meaning defined in section 109.71
of the Revised Code and also includes the superintendent and
troopers of the state highway patrol; it does not include the
sheriff of a county or a supervisory employee who, in the

absence of the sheriff, is authorized to stand in for, exercise 396
the authority of, and perform the duties of the sheriff. 397

"Correctional employee" means any employee of the 398
department of rehabilitation and correction who in the course of 399
performing the employee's job duties has or has had contact with 400
inmates and persons under supervision. 401

"County or multicounty corrections officer" means any 402
corrections officer employed by any county or multicounty 403
correctional facility. 404

"Youth services employee" means any employee of the 405
department of youth services who in the course of performing the 406
employee's job duties has or has had contact with children 407
committed to the custody of the department of youth services. 408

"Firefighter" means any regular, paid or volunteer, member 409
of a lawfully constituted fire department of a municipal 410
corporation, township, fire district, or village. 411

"EMT" means EMTs-basic, EMTs-I, and paramedics that 412
provide emergency medical services for a public emergency 413
medical service organization. "Emergency medical service 414
organization," "EMT-basic," "EMT-I," and "paramedic" have the 415
meanings defined in section 4765.01 of the Revised Code. 416

"Investigator of the bureau of criminal identification and 417
investigation" has the meaning defined in section 2903.11 of the 418
Revised Code. 419

"Federal law enforcement officer" has the meaning defined 420
in section 9.88 of the Revised Code. 421

(10) "Information pertaining to the recreational 422
activities of a person under the age of eighteen" means 423

information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

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

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

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

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

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

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

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

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

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

(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.

(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:

(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;

(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;

(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;

(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

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| person's guardian has been obtained; | 481 |
| (e) An act of severe violence against a person that | 482 |
| results in serious physical harm to the person, unless the act | 483 |
| and injury was effected by a peace officer or, subject to | 484 |
| division (H) (1) of this section, the consent of the injured | 485 |
| person or the injured person's guardian has been obtained; | 486 |
| (f) Grievous bodily harm to a peace officer, firefighter, | 487 |
| paramedic, or other first responder, occurring while the injured | 488 |
| person was engaged in the performance of official duties, | 489 |
| unless, subject to division (H) (1) of this section, the consent | 490 |
| of the injured person or the injured person's guardian has been | 491 |
| obtained; | 492 |
| (g) An act of severe violence resulting in serious | 493 |
| physical harm against a peace officer, firefighter, paramedic, | 494 |
| or other first responder, occurring while the injured person was | 495 |
| engaged in the performance of official duties, unless, subject | 496 |
| to division (H) (1) of this section, the consent of the injured | 497 |
| person or the injured person's guardian has been obtained; | 498 |
| (h) A person's nude body, unless, subject to division (H) | 499 |
| (1) of this section, the person's consent has been obtained; | 500 |
| (i) Protected health information, the identity of a person | 501 |
| in a health care facility who is not the subject of a law | 502 |
| enforcement encounter, or any other information in a health care | 503 |
| facility that could identify a person who is not the subject of | 504 |
| a law enforcement encounter; | 505 |
| (j) Information that could identify the alleged victim of | 506 |
| a sex offense, menacing by stalking, or domestic violence; | 507 |
| (k) Information, that does not constitute a confidential | 508 |
| law enforcement investigatory record, that could identify a | 509 |

person who provides sensitive or confidential information to a 510
law enforcement agency when the disclosure of the person's 511
identity or the information provided could reasonably be 512
expected to threaten or endanger the safety or property of the 513
person or another person; 514

(l) Personal information of a person who is not arrested, 515
cited, charged, or issued a written warning by a peace officer; 516

(m) Proprietary police contingency plans or tactics that 517
are intended to prevent crime and maintain public order and 518
safety; 519

(n) A personal conversation unrelated to work between 520
peace officers or between a peace officer and an employee of a 521
law enforcement agency; 522

(o) A conversation between a peace officer and a member of 523
the public that does not concern law enforcement activities; 524

(p) The interior of a residence, unless the interior of a 525
residence is the location of an adversarial encounter with, or a 526
use of force by, a peace officer; 527

(q) Any portion of the interior of a private business that 528
is not open to the public, unless an adversarial encounter with, 529
or a use of force by, a peace officer occurs in that location. 530

As used in division (A) (17) of this section: 531

"Grievous bodily harm" has the same meaning as in section 532
5924.120 of the Revised Code. 533

"Health care facility" has the same meaning as in section 534
1337.11 of the Revised Code. 535

"Protected health information" has the same meaning as in 536

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| 45 C.F.R. 160.103. | 537 |
| "Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code. | 538 539 |
| "Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases. | 540 541 542 543 |
| "Sex offense" has the same meaning as in section 2907.10 of the Revised Code. | 544 545 |
| "Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code. | 546 547 |
| (B) (1) Upon request and subject to division (B) (8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B) (8) of this section, upon request by any person, a public office or person responsible for public records shall make copies of the requested public record available to the requester at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except | 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 |

if federal or state law authorizes or requires a public office 566
to make the redaction. 567

(2) To facilitate broader access to public records, a 568
public office or the person responsible for public records shall 569
organize and maintain public records in a manner that they can 570
be made available for inspection or copying in accordance with 571
division (B) of this section. A public office also shall have 572
available a copy of its current records retention schedule at a 573
location readily available to the public. If a requester makes 574
an ambiguous or overly broad request or has difficulty in making 575
a request for copies or inspection of public records under this 576
section such that the public office or the person responsible 577
for the requested public record cannot reasonably identify what 578
public records are being requested, the public office or the 579
person responsible for the requested public record may deny the 580
request but shall provide the requester with an opportunity to 581
revise the request by informing the requester of the manner in 582
which records are maintained by the public office and accessed 583
in the ordinary course of the public office's or person's 584
duties. 585

(3) If a request is ultimately denied, in part or in 586
whole, the public office or the person responsible for the 587
requested public record shall provide the requester with an 588
explanation, including legal authority, setting forth why the 589
request was denied. If the initial request was provided in 590
writing, the explanation also shall be provided to the requester 591
in writing. The explanation shall not preclude the public office 592
or the person responsible for the requested public record from 593
relying upon additional reasons or legal authority in defending 594
an action commenced under division (C) of this section. 595

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

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

(6) If any person requests a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person requesting the copy under this division. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or

person responsible for the public record determines that it 627
reasonably can be duplicated as an integral part of the normal 628
operations of the public office or person responsible for the 629
public record. When the person requesting the copy makes a 630
choice under this division, the public office or person 631
responsible for the public record shall provide a copy of it in 632
accordance with the choice made by that person. Nothing in this 633
section requires a public office or person responsible for the 634
public record to allow the person requesting a copy of the 635
public record to make the copies of the public record. 636

(7) (a) Upon a request made in accordance with division (B) 637
of this section and subject to division (B) (6) of this section, 638
a public office or person responsible for public records shall 639
transmit a copy of a public record to any person by United 640
States mail or by any other means of delivery or transmission 641
within a reasonable period of time after receiving the request 642
for the copy. The public office or person responsible for the 643
public record may require the person making the request to pay 644
in advance the cost of postage if the copy is transmitted by 645
United States mail or the cost of delivery if the copy is 646
transmitted other than by United States mail, and to pay in 647
advance the costs incurred for other supplies used in the 648
mailing, delivery, or transmission. 649

(b) Any public office may adopt a policy and procedures 650
that it will follow in transmitting, within a reasonable period 651
of time after receiving a request, copies of public records by 652
United States mail or by any other means of delivery or 653
transmission pursuant to division (B) (7) of this section. A 654
public office that adopts a policy and procedures under division 655
(B) (7) of this section shall comply with them in performing its 656
duties under that division. 657

(c) In any policy and procedures adopted under division 658
(B) (7) of this section: 659

(i) A public office may limit the number of records 660
requested by a person that the office will physically deliver by 661
United States mail or by another delivery service to ten per 662
month, unless the person certifies to the office in writing that 663
the person does not intend to use or forward the requested 664
records, or the information contained in them, for commercial 665
purposes; 666

(ii) A public office that chooses to provide some or all 667
of its public records on a web site that is fully accessible to 668
and searchable by members of the public at all times, other than 669
during acts of God outside the public office's control or 670
maintenance, and that charges no fee to search, access, 671
download, or otherwise receive records provided on the web site, 672
may limit to ten per month the number of records requested by a 673
person that the office will deliver in a digital format, unless 674
the requested records are not provided on the web site and 675
unless the person certifies to the office in writing that the 676
person does not intend to use or forward the requested records, 677
or the information contained in them, for commercial purposes. 678

(iii) For purposes of division (B) (7) of this section, 679
"commercial" shall be narrowly construed and does not include 680
reporting or gathering news, reporting or gathering information 681
to assist citizen oversight or understanding of the operation or 682
activities of government, or nonprofit educational research. 683

(8) A public office or person responsible for public 684
records is not required to permit a person who is incarcerated 685
pursuant to a criminal conviction or a juvenile adjudication to 686
inspect or to obtain a copy of any public record concerning a 687

criminal investigation or prosecution or concerning what would 688
be a criminal investigation or prosecution if the subject of the 689
investigation or prosecution were an adult, unless the request 690
to inspect or to obtain a copy of the record is for the purpose 691
of acquiring information that is subject to release as a public 692
record under this section and the judge who imposed the sentence 693
or made the adjudication with respect to the person, or the 694
judge's successor in office, finds that the information sought 695
in the public record is necessary to support what appears to be 696
a justiciable claim of the person. 697

(9) (a) Upon written request made and signed by a 698
journalist, a public office, or person responsible for public 699
records, having custody of the records of the agency employing a 700
specified designated public service worker shall disclose to the 701
journalist the address of the actual personal residence of the 702
designated public service worker and, if the designated public 703
service worker's spouse, former spouse, or child is employed by 704
a public office, the name and address of the employer of the 705
designated public service worker's spouse, former spouse, or 706
child. The request shall include the journalist's name and title 707
and the name and address of the journalist's employer and shall 708
state that disclosure of the information sought would be in the 709
public interest. 710

(b) Division (B) (9) (a) of this section also applies to 711
journalist requests for: 712

(i) Customer information maintained by a municipally owned 713
or operated public utility, other than social security numbers 714
and any private financial information such as credit reports, 715
payment methods, credit card numbers, and bank account 716
information; 717

(ii) Information about minors involved in a school vehicle 718
accident as provided in division (A) (1) (gg) of this section, 719
other than personal information as defined in section 149.45 of 720
the Revised Code. 721

(c) As used in division (B) (9) of this section, 722
"journalist" means a person engaged in, connected with, or 723
employed by any news medium, including a newspaper, magazine, 724
press association, news agency, or wire service, a radio or 725
television station, or a similar medium, for the purpose of 726
gathering, processing, transmitting, compiling, editing, or 727
disseminating information for the general public. 728

(10) Upon a request made by a victim, victim's attorney, 729
or victim's representative, as that term is used in section 730
2930.02 of the Revised Code, a public office or person 731
responsible for public records shall transmit a copy of a 732
depiction of the victim as described in division (A) (1) (gg) of 733
this section to the victim, victim's attorney, or victim's 734
representative. 735

(C) (1) If a person allegedly is aggrieved by the failure 736
of a public office or the person responsible for public records 737
to promptly prepare a public record and to make it available to 738
the person for inspection in accordance with division (B) of 739
this section or by any other failure of a public office or the 740
person responsible for public records to comply with an 741
obligation in accordance with division (B) of this section, the 742
person allegedly aggrieved may do only one of the following, and 743
not both: 744

(a) File a complaint with the clerk of the court of claims 745
or the clerk of the court of common pleas under section 2743.75 746
of the Revised Code; 747

(b) Commence a mandamus action to obtain a judgment that 748
orders the public office or the person responsible for the 749
public record to comply with division (B) of this section, that 750
awards court costs and reasonable attorney's fees to the person 751
that instituted the mandamus action, and, if applicable, that 752
includes an order fixing statutory damages under division (C) (2) 753
of this section. The mandamus action may be commenced in the 754
court of common pleas of the county in which division (B) of 755
this section allegedly was not complied with, in the supreme 756
court pursuant to its original jurisdiction under Section 2 of 757
Article IV, Ohio Constitution, or in the court of appeals for 758
the appellate district in which division (B) of this section 759
allegedly was not complied with pursuant to its original 760
jurisdiction under Section 3 of Article IV, Ohio Constitution. 761

(2) If a requester transmits a written request by hand 762
delivery, electronic submission, or certified mail to inspect or 763
receive copies of any public record in a manner that fairly 764
describes the public record or class of public records to the 765
public office or person responsible for the requested public 766
records, except as otherwise provided in this section, the 767
requester shall be entitled to recover the amount of statutory 768
damages set forth in this division if a court determines that 769
the public office or the person responsible for public records 770
failed to comply with an obligation in accordance with division 771
(B) of this section. 772

The amount of statutory damages shall be fixed at one 773
hundred dollars for each business day during which the public 774
office or person responsible for the requested public records 775
failed to comply with an obligation in accordance with division 776
(B) of this section, beginning with the day on which the 777
requester files a mandamus action to recover statutory damages, 778

up to a maximum of one thousand dollars. The award of statutory damages shall not be construed as a penalty, but as compensation for injury arising from lost use of the requested information. The existence of this injury shall be conclusively presumed. The award of statutory damages shall be in addition to all other remedies authorized by this section.

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

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

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

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

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

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

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

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

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

(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division

(B) of this section. No discovery may be conducted on the issue 837
of the alleged bad faith of the public office or person 838
responsible for the public records. This division shall not be 839
construed as creating a presumption that the public office or 840
the person responsible for the public records acted in bad faith 841
when the office or person voluntarily made the public records 842
available to the relator for the first time after the relator 843
commenced the mandamus action, but before the court issued any 844
order described in this division. 845

(c) The court shall not award attorney's fees to the 846
relator if the court determines both of the following: 847

(i) That, based on the ordinary application of statutory 848
law and case law as it existed at the time of the conduct or 849
threatened conduct of the public office or person responsible 850
for the requested public records that allegedly constitutes a 851
failure to comply with an obligation in accordance with division 852
(B) of this section and that was the basis of the mandamus 853
action, a well-informed public office or person responsible for 854
the requested public records reasonably would believe that the 855
conduct or threatened conduct of the public office or person 856
responsible for the requested public records did not constitute 857
a failure to comply with an obligation in accordance with 858
division (B) of this section; 859

(ii) That a well-informed public office or person 860
responsible for the requested public records reasonably would 861
believe that the conduct or threatened conduct of the public 862
office or person responsible for the requested public records 863
would serve the public policy that underlies the authority that 864
is asserted as permitting that conduct or threatened conduct. 865

(4) All of the following apply to any award of reasonable 866

attorney's fees awarded under division (C) (3) (b) of this section: 867
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(a) The fees shall be construed as remedial and not punitive. 869
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(b) The fees awarded shall not exceed the total of the reasonable attorney's fees incurred before the public record was made available to the relator and the fees described in division (C) (4) (c) of this section. 871
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(c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees. 875
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(d) The court may reduce the amount of fees awarded if the court determines that, given the factual circumstances involved with the specific public records request, an alternative means should have been pursued to more effectively and efficiently resolve the dispute that was subject to the mandamus action filed under division (C) (1) of this section. 878
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(5) If the court does not issue a writ of mandamus under division (C) of this section and the court determines at that time that the bringing of the mandamus action was frivolous conduct as defined in division (A) of section 2323.51 of the Revised Code, the court may award to the public office all court costs, expenses, and reasonable attorney's fees, as determined by the court. 884
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(D) Chapter 1347. of the Revised Code does not limit the provisions of this section. 891
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(E) (1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their 893
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appropriate designees shall attend training approved by the 896
attorney general as provided in section 109.43 of the Revised 897
Code. A future official may satisfy the requirements of this 898
division by attending the training before taking office, 899
provided that the future official may not send a designee in the 900
future official's place. 901

(2) All public offices shall adopt a public records policy 902
in compliance with this section for responding to public records 903
requests. In adopting a public records policy under this 904
division, a public office may obtain guidance from the model 905
public records policy developed and provided to the public 906
office by the attorney general under section 109.43 of the 907
Revised Code. Except as otherwise provided in this section, the 908
policy may not limit the number of public records that the 909
public office will make available to a single person, may not 910
limit the number of public records that it will make available 911
during a fixed period of time, and may not establish a fixed 912
period of time before it will respond to a request for 913
inspection or copying of public records, unless that period is 914
less than eight hours. 915

The public office shall distribute the public records 916
policy adopted by the public office under this division to the 917
employee of the public office who is the records custodian or 918
records manager or otherwise has custody of the records of that 919
office. The public office shall require that employee to 920
acknowledge receipt of the copy of the public records policy. 921
The public office shall create a poster that describes its 922
public records policy and shall post the poster in a conspicuous 923
place in the public office and in all locations where the public 924
office has branch offices. The public office may post its public 925
records policy on the internet web site of the public office if 926

the public office maintains an internet web site. A public 927
office that has established a manual or handbook of its general 928
policies and procedures for all employees of the public office 929
shall include the public records policy of the public office in 930
the manual or handbook. 931

(F) (1) The bureau of motor vehicles may adopt rules 932
pursuant to Chapter 119. of the Revised Code to reasonably limit 933
the number of bulk commercial special extraction requests made 934
by a person for the same records or for updated records during a 935
calendar year. The rules may include provisions for charges to 936
be made for bulk commercial special extraction requests for the 937
actual cost of the bureau, plus special extraction costs, plus 938
ten per cent. The bureau may charge for expenses for redacting 939
information, the release of which is prohibited by law. 940

(2) As used in division (F) (1) of this section: 941

(a) "Actual cost" means the cost of depleted supplies, 942
records storage media costs, actual mailing and alternative 943
delivery costs, or other transmitting costs, and any direct 944
equipment operating and maintenance costs, including actual 945
costs paid to private contractors for copying services. 946

(b) "Bulk commercial special extraction request" means a 947
request for copies of a record for information in a format other 948
than the format already available, or information that cannot be 949
extracted without examination of all items in a records series, 950
class of records, or database by a person who intends to use or 951
forward the copies for surveys, marketing, solicitation, or 952
resale for commercial purposes. "Bulk commercial special 953
extraction request" does not include a request by a person who 954
gives assurance to the bureau that the person making the request 955
does not intend to use or forward the requested copies for 956

surveys, marketing, solicitation, or resale for commercial 957
purposes. 958

(c) "Commercial" means profit-seeking production, buying, 959
or selling of any good, service, or other product. 960

(d) "Special extraction costs" means the cost of the time 961
spent by the lowest paid employee competent to perform the task, 962
the actual amount paid to outside private contractors employed 963
by the bureau, or the actual cost incurred to create computer 964
programs to make the special extraction. "Special extraction 965
costs" include any charges paid to a public agency for computer 966
or records services. 967

(3) For purposes of divisions (F) (1) and (2) of this 968
section, "surveys, marketing, solicitation, or resale for 969
commercial purposes" shall be narrowly construed and does not 970
include reporting or gathering news, reporting or gathering 971
information to assist citizen oversight or understanding of the 972
operation or activities of government, or nonprofit educational 973
research. 974

(G) A request by a defendant, counsel of a defendant, or 975
any agent of a defendant in a criminal action that public 976
records related to that action be made available under this 977
section shall be considered a demand for discovery pursuant to 978
the Criminal Rules, except to the extent that the Criminal Rules 979
plainly indicate a contrary intent. The defendant, counsel of 980
the defendant, or agent of the defendant making a request under 981
this division shall serve a copy of the request on the 982
prosecuting attorney, director of law, or other chief legal 983
officer responsible for prosecuting the action. 984

(H) (1) Any portion of a body-worn camera or dashboard 985

camera recording described in divisions (A) (17) (b) to (h) of 986
this section may be released by consent of the subject of the 987
recording or a representative of that person, as specified in 988
those divisions, only if either of the following applies: 989

(a) The recording will not be used in connection with any 990
probable or pending criminal proceedings; 991

(b) The recording has been used in connection with a 992
criminal proceeding that was dismissed or for which a judgment 993
has been entered pursuant to Rule 32 of the Rules of Criminal 994
Procedure, and will not be used again in connection with any 995
probable or pending criminal proceedings. 996

(2) If a public office denies a request to release a 997
restricted portion of a body-worn camera or dashboard camera 998
recording, as defined in division (A) (17) of this section, any 999
person may file a mandamus action pursuant to this section or a 1000
complaint with the clerk of the court of claims pursuant to 1001
section 2743.75 of the Revised Code, requesting the court to 1002
order the release of all or portions of the recording. If the 1003
court considering the request determines that the filing 1004
articulates by clear and convincing evidence that the public 1005
interest in the recording substantially outweighs privacy 1006
interests and other interests asserted to deny release, the 1007
court shall order the public office to release the recording. 1008

Sec. 2967.03. (A) The adult parole authority may exercise 1009
its functions and duties in relation to the pardon, commutation 1010
of sentence, or reprieve of a convict upon direction of the 1011
governor or upon its own initiative. It may exercise its 1012
functions and duties in relation to ~~the~~ parole of a prisoner who 1013
is eligible for parole under statute upon the initiative of the 1014
head of the institution in which the prisoner is confined, or 1015

upon its own initiative. When a prisoner becomes eligible for 1016
parole, the head of the institution in which the prisoner is 1017
confined shall notify the authority in the manner prescribed by 1018
the authority. The authority ~~may~~ shall investigate and examine, 1019
or cause the investigation and examination of, prisoners 1020
confined in state correctional institutions concerning their 1021
conduct in the institutions, their ~~mental and moral~~ current 1022
qualities and characteristics, their skills and knowledge of a 1023
trade or profession, ~~their former means of livelihood, their~~ 1024
~~family relationships, and any other matters affecting their~~ 1025
fitness community support to assess suitability to be at liberty 1026
without being a threat to society. 1027

(B) The authority may recommend to the governor the 1028
pardon, commutation of sentence, or reprieve of any convict or 1029
prisoner ~~or grant a parole to any prisoner for whom parole is~~ 1030
~~authorized~~, if in its judgment there is reasonable ground to 1031
believe that granting a pardon, commutation, or reprieve to the 1032
convict ~~or paroling the prisoner~~ would further the interests of 1033
justice and be consistent with the welfare and security of 1034
society. The authority shall grant parole to any prisoner for 1035
whom parole is authorized or who is otherwise eligible for 1036
parole, after compliance with division (C) of this section and 1037
division (F) (3) of section 5149.10 of the Revised Code, unless 1038
the authority, after reviewing the institutional progress of the 1039
prisoner and the factors enumerated in section 5120:1-1-07 of 1040
the Administrative Code or the successor to that section, can 1041
show that release would neither further the interests of justice 1042
nor be consistent with the welfare and security of society. 1043
However, in any case, the authority shall not recommend a pardon 1044
or commutation of sentence, or grant ~~a~~ parole to, any convict or 1045
prisoner until the authority has complied with the applicable 1046

notice requirements of sections 2930.16 and 2967.12 of the 1047
Revised Code and until it has considered any statement made by a 1048
victim or a victim's representative that is relevant to the 1049
convict's or prisoner's case and that was sent to the authority 1050
pursuant to section 2930.17 of the Revised Code, any other 1051
statement made by a victim or a victim's representative that is 1052
relevant to the convict's or prisoner's case and that was 1053
received by the authority after it provided notice of the 1054
pendency of the action under sections 2930.16 and 2967.12 of the 1055
Revised Code, and any written statement of any person submitted 1056
to the court pursuant to division (I) of section 2967.12 of the 1057
Revised Code. If a victim, victim's representative, or the 1058
victim's spouse, parent, sibling, or child appears at a full 1059
board hearing of the parole board and gives testimony as 1060
authorized by section 5149.101 of the Revised Code, the 1061
authority shall consider the testimony given at that time in 1062
determining deciding whether to grant a parole, but the 1063
authority shall not consider any such testimony previously given 1064
by any such person and any such testimony given and considered 1065
shall not be the sole reason for a denial of parole. The trial 1066
judge and prosecuting attorney of the trial court in which a 1067
person was convicted shall furnish to the authority, at the 1068
request of the authority, a summarized statement of the facts 1069
proved at the trial and of all other facts having reference to 1070
the propriety of recommending a pardon or commutation or 1071
granting a parole, together with a recommendation for or against 1072
a pardon, commutation, or parole, and the reasons for the 1073
recommendation. The trial judge, the prosecuting attorney, 1074
specified law enforcement agency members, and a representative 1075
of the prisoner may appear at a full board hearing of the parole 1076
board and give testimony in regard to the grant of a parole to 1077
the prisoner as authorized by section 5149.101 of the Revised 1078

Code. All state and local officials shall furnish information to 1079
the authority, when so requested by it in the performance of its 1080
duties. 1081

(C) (1) A prisoner under consideration for parole may have 1082
the prisoner's counsel present at all prehearing interviews and 1083
conferences related to the parole decision. Counsel who is 1084
present at any such interview or conference may advise the 1085
prisoner but is not entitled to ask questions, present 1086
information, or otherwise participate in the interview or 1087
conference. The state is not required to appoint or provide 1088
counsel to a prisoner for purposes of any such interview or 1089
conference and is not required to pay any cost of counsel who 1090
represents or accompanies a prisoner for purposes of any such 1091
interview or conference. 1092

(2) If the parole board is considering whether to grant 1093
parole to a prisoner, the board shall make an official record of 1094
all information and materials it is considering in making the 1095
decision and, prior to making the decision, subject to division 1096
(C) (6) of this section, shall grant the prisoner full access to 1097
the record and permit the prisoner to review the record. 1098

(3) In making a decision as to whether to grant parole to 1099
a prisoner at any time after the uniform parole standards 1100
adopted by the adult parole authority under division (A) (1) of 1101
section 5149.10 of the Revised Code have taken effect, the 1102
parole board shall comply with those uniform parole standards. 1103

(4) A prisoner under consideration for parole may have the 1104
prisoner's counsel present at all hearings held to decide 1105
whether to grant parole to the prisoner. Counsel representing a 1106
prisoner at the hearing is entitled to fully participate in the 1107
hearing, including asking questions and presenting information. 1108

The state is not required to appoint or provide counsel to a 1109
prisoner for purposes of any such hearing and is not required to 1110
pay any cost of counsel who represents or accompanies a prisoner 1111
for purposes of any such hearing. 1112

(5) The parole board shall prepare and maintain an 1113
official record of all hearings held to decide whether to grant 1114
parole to a prisoner. The official record shall consist of an 1115
audio recording of the hearing and, in addition, also may 1116
include a video recording or a transcription of the hearing. The 1117
parole board shall permit the prisoner to hire a court reporter, 1118
at the prisoner's expense and, if the prisoner does so, shall 1119
permit the court reporter to attend the hearing and record and 1120
make a transcript of the hearing. Subject to division (C)(6) of 1121
this section, the board shall grant the prisoner full access to 1122
the record and permit the prisoner to review the record. 1123

(6) If any record described in division (C)(2) or (5) of 1124
this section contains information about a victim and if granting 1125
the prisoner access to the record and permitting the prisoner to 1126
review the record under division (C)(2) or (5) of this section 1127
would limit or interfere with the victim's right to be treated 1128
with fairness and respect for the victim's safety, dignity, and 1129
privacy guaranteed by Section 10a of Article I, Ohio 1130
Constitution, both of the following apply: 1131

(a) The personally identifiable information about the 1132
victim that, if released to the prisoner as described in 1133
division (C)(2) or (5) of this section, would limit or interfere 1134
with that right shall be redacted from the record before the 1135
prisoner is granted access to, or is permitted to review, the 1136
record. 1137

(b) If the prisoner has an attorney, the redaction 1138

requirement described in division (C)(6)(a) of this section does 1139
not apply with respect to the release of information to the 1140
attorney, provided the attorney agrees prior to the release to 1141
not discuss personally identifiable information with, or 1142
disclose personally identifiable information to, the prisoner. 1143

(7) A parole decision made by the parole board is an 1144
"adjudication" for purposes of Chapter 119. of the Revised Code. 1145

(D) The adult parole authority shall exercise its 1146
functions and duties in relation to the release of prisoners who 1147
are serving a definite prison term as a stated prison term in 1148
accordance with section 2967.28 of the Revised Code, and the 1149
authority and the department of rehabilitation and correction 1150
shall exercise their functions and duties in relation to the 1151
release of prisoners who are serving a non-life felony 1152
indefinite prison term as a stated prison term in accordance 1153
with sections 2967.271 and 2967.28 of the Revised Code. 1154

Sec. 5149.01. As used in Chapter 5149. of the Revised 1155
Code: 1156

(A) "Authority" means the adult parole authority created 1157
by section 5149.02 of the Revised Code. 1158

(B) "State correctional institution," "pardon," 1159
"commutation," "reprieve," "parole," "head of a state 1160
correctional institution," "convict," "prisoner," "parolee," 1161
"final release," and "parole violator" have the same meanings as 1162
in section 2967.01 of the Revised Code. 1163

(C) "Institutional parole review" means the initial parole 1164
board hearing conducted by parole board members with a prisoner. 1165

(D) "Full board hearing" means a parole board hearing 1166
conducted by a majority of parole board members as described in 1167

section 5149.101 of the Revised Code. 1168

(E) "Security level" means the security level in which an 1169
offender is classified under the inmate classification level 1170
system of the department of rehabilitation and correction that 1171
then is in effect. 1172

Sec. 5149.07. The department of rehabilitation and 1173
correction shall maintain central files and records pertaining 1174
to the work of the adult parole authority, including the 1175
official records of information and materials it considers in 1176
making a parole decision and of parole board hearings made under 1177
section 2967.03 or 5149.101 of the Revised Code, and shall 1178
coordinate the department's record-keeping with that of the 1179
adult parole authority. Additionally, the department shall not 1180
later than the first Monday of January of odd-numbered years 1181
prepare and submit to the governor for the governor's approval 1182
and signature a written report showing each case of pardon, 1183
commutation, or reprieve granted during the preceding biennium, 1184
stating the name and crime of the convict or prisoner, the 1185
sentence, its date, and the date of the clemency action, 1186
together with the reasons listed therefor in the governor's 1187
clemency record. The report shall conform to the requirements of 1188
Section 11 of Article III, Ohio Constitution. 1189

The department shall conduct research relative to the 1190
functioning of clemency, probation, and parole as part of the 1191
adult corrections program in this state, which research shall be 1192
designed to yield information upon which the division of parole 1193
and community services, the department of rehabilitation and 1194
correction, the governor, and the general assembly can base 1195
policy decisions. 1196

At the end of each quarter, the department shall submit to 1197

the chairpersons of the committees of the senate and the house 1198
of representatives that consider criminal justice legislation a 1199
report on the number and results of parole hearings conducted 1200
during the quarter and a list of persons incarcerated for 1201
committing offenses of violence who were granted parole and a 1202
summary of the terms and conditions of their parole. The 1203
department shall provide the committees with any documentation 1204
related to the reports that members of the committees may 1205
request. 1206

Upon request, the department shall provide a detailed 1207
statement, supported by documentation, of the reasons why a 1208
particular prisoner was granted parole to the law enforcement 1209
agency that arrested the prisoner, the prosecuting attorney who 1210
prosecuted the case, or any person who is a member of the 1211
general assembly at the time the person makes the request. 1212

Sec. 5149.10. (A) (1) The parole board shall consist of up 1213
to twelve members, one of whom shall be designated as 1214
chairperson by the director of the department of rehabilitation 1215
and correction and who shall continue as chairperson until a 1216
successor is designated, and any other personnel that are 1217
necessary for the orderly performance of the duties of the 1218
board. In addition to the rules authorized by section 5149.02 of 1219
the Revised Code, the ~~chief of the adult parole authority,~~ 1220
~~subject to the approval of the chief of the division of parole-~~ 1221
~~and community services and subject to this section,~~ shall adopt 1222
rules establishing uniform standards that the parole board must 1223
follow in making parole decisions after those rules have taken 1224
effect and rules governing the proceedings of the parole board. 1225
The rules establishing the standards and the rules governing the 1226
proceedings shall promote fairness and consistency in the 1227
outcome of parole decisions. The rules establishing uniform 1228

standards shall be adopted as soon as possible, but not later 1229
than ninety days, after the effective date of this amendment and 1230
shall include the provisions specified in division (F) of this 1231
section. Any subsequent amendment or rescission of those rules, 1232
or subsequent adoption of other rules establishing the standards 1233
or governing the proceedings, shall be in accordance with 1234
Chapter 119. of the Revised Code. The rules governing the 1235
proceedings shall be consistent with the provisions of division 1236
(C) of section 2967.03 of the Revised Code and shall provide for 1237
all of the following: 1238

(a) The procedure to be followed in institutional parole 1239
review, which shall require video conferencing and the recording 1240
of the video conferencing; 1241

(b) The convening of full board hearings; 1242

~~(b)~~ (c) The procedures to be followed in full board 1243
hearings; 1244

~~(e)~~ (d) General procedures to be followed in other hearings 1245
of the board and by the board's hearing officers; 1246

~~(d)~~ (e) A requirement that a majority of all the board 1247
members must agree to any recommendation of clemency transmitted 1248
to the governor; 1249

~~(e)~~ (f) For parole hearings, procedures for considering the 1250
report of the warden of the institution in which the eligible 1251
prisoner is incarcerated, submitted under section 5120.68 of the 1252
Revised Code. 1253

(2) When the board members sit as a full board, the 1254
chairperson shall preside. The chairperson shall also allocate 1255
the work of the parole board among the board members. The full 1256
board shall meet at least once each month. In the case of a tie 1257

vote on the full board, the chief of the adult parole authority 1258
shall cast the deciding vote. The chairperson may designate a 1259
person to serve in the chairperson's place. 1260

(3) Except for the chairperson~~and~~, the member appointed 1261
under division (B) (1) of this section, and the member appointed 1262
under division (B) (2) of this section, a member appointed to the 1263
parole board on or after September 30, 2011, shall be appointed 1264
to a six-year term. A member appointed as described in this 1265
division shall hold office from the date of appointment until 1266
the end of the term for which the member was appointed. A member 1267
appointed as described in this division is eligible for 1268
reappointment for another six-year term that may or may not be 1269
consecutive to the first six-year term. A member appointed as 1270
described in this division is not eligible for reappointment 1271
after serving two six-year terms whether or not served 1272
consecutively. Vacancies shall be filled in the same manner 1273
provided for original appointments. Any member appointed as 1274
described in this division to fill a vacancy occurring prior to 1275
the expiration date of the term for which the member's 1276
predecessor was appointed shall begin that member's first six- 1277
year term upon appointment, regardless of the time remaining in 1278
the term of the member's predecessor. A member appointed as 1279
described in this division shall continue in office subsequent 1280
to the expiration date of the member's term until the member's 1281
successor takes office or until a period of sixty days has 1282
elapsed, whichever occurs first. 1283

(4) Except as otherwise provided in division (B) (1) or (2) 1284
of this section, no person shall be appointed a member of the 1285
board who is not qualified by education or experience ~~in~~ 1286
~~correctional work, including law enforcement, prosecution of~~ 1287
~~offenses, advocating for the rights of victims of crime,~~ 1288

~~probation, or parole, in law, in social work, or in a~~ 1289
~~combination of the three categories. Parole board members shall~~ 1290
~~have diversity of race, gender, and occupation. The parole board~~ 1291
~~membership shall include:~~ 1292

(a) At least one member who is a psychologist or mental 1293
health professional by training, by occupation, or by training 1294
and occupation; 1295

(b) At least one member who is a social worker or another 1296
qualified individual with reentry experience; 1297

(c) At least one member who is a substance abuse 1298
specialist by training, by occupation, or by training and 1299
occupation; 1300

(d) At least one member who is a forensic scientist, 1301
criminologist, or data analyst; 1302

(e) At least one member who is a law enforcement 1303
professional, corrections officer, probation officer, or parole 1304
officer; 1305

(f) At least one member who is a criminal lawyer with 1306
prosecutorial or criminal defense experience. 1307

(B) (1) The director of rehabilitation and correction, in 1308
consultation with the governor, shall appoint one member of the 1309
board, who shall be a person who has been a victim of crime or 1310
who is a member of a victim's family or who represents an 1311
organization that advocates for the rights of victims of crime. 1312
After appointment, this member shall be an unclassified employee 1313
of the department of rehabilitation and correction. 1314

The initial appointment shall be for a term ending four 1315
years after July 1, 1996. Thereafter, the term of office of the 1316

member appointed under this division shall be for four years, 1317
with each term ending on the same day of the same month as did 1318
the term that it succeeds. The member shall hold office from the 1319
date of appointment until the end of the term for which the 1320
member was appointed and may be reappointed. Vacancies shall be 1321
filled in the manner provided for original appointments. Any 1322
member appointed under this division to fill a vacancy occurring 1323
prior to the expiration date of the term for which the member's 1324
predecessor was appointed shall hold office as a member for the 1325
remainder of that term. The member appointed under this division 1326
shall continue in office subsequent to the expiration date of 1327
the member's term until the member's successor takes office or 1328
until a period of sixty days has elapsed, whichever occurs 1329
first. 1330

The member appointed under this division shall be 1331
compensated in the same manner as other board members and shall 1332
be reimbursed for actual and necessary expenses incurred in the 1333
performance of the member's duties. The member may vote on all 1334
cases heard by the full board under section 5149.101 of the 1335
Revised Code, has such duties as are assigned by the chairperson 1336
of the board, and shall coordinate the member's activities with 1337
the office of victims' services created under section 5120.60 of 1338
the Revised Code. 1339

As used in this division, "crime," "member of the victim's 1340
family," and "victim" have the meanings given in section 2930.01 1341
of the Revised Code. 1342

(2) The director of rehabilitation and correction, in 1343
consultation with the governor, shall appoint one member of the 1344
board, who shall be a person who has experienced incarceration. 1345
After appointment, this member shall be an unclassified employee 1346

of the department of rehabilitation and correction. 1347

The initial appointment shall be for a term ending four 1348
years after appointment. Thereafter, the term of office of the 1349
member appointed under this division shall be for four years, 1350
with each term ending on the same day of the same month as did 1351
the term that it succeeds. The member shall hold office from the 1352
date of appointment until the end of the term for which the 1353
member was appointed and may be reappointed. Vacancies shall be 1354
filled in the manner provided for original appointments. Any 1355
member appointed under this division to fill a vacancy occurring 1356
prior to the expiration date of the term for which the member's 1357
predecessor was appointed shall hold office as a member for the 1358
remainder of that term. The member appointed under this division 1359
shall continue in office subsequent to the expiration date of 1360
the member's term until the member's successor takes office or 1361
until a period of sixty days has elapsed, whichever occurs 1362
first. 1363

The member appointed under this division shall be 1364
compensated in the same manner as other board members and shall 1365
be reimbursed for actual and necessary expenses incurred in the 1366
performance of the member's duties. The member may vote on all 1367
cases heard by the full board under section 5149.101 of the 1368
Revised Code and has such duties as are assigned by the 1369
chairperson of the board. 1370

(C) The chairperson shall submit all recommendations for 1371
or against clemency directly to the governor. 1372

(D) The chairperson shall transmit to the chief of the 1373
adult parole authority all ~~determinations~~ decisions for or 1374
against parole made by the board. Parole ~~determinations~~ 1375
decisions are final, except as otherwise provided in this 1376

division, and are not subject to review or change by the chief. 1377
A parole decision made by the parole board is an "adjudication" 1378
for purposes of Chapter 119. of the Revised Code. A prisoner may 1379
appeal a parole decision regarding the prisoner, pursuant to 1380
Chapter 119. of the Revised Code. 1381

(E) In addition to its duties pertaining to parole and 1382
clemency, if an offender is sentenced to a prison term pursuant 1383
to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or 1384
(c), or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the 1385
Revised Code, the parole board shall have control over the 1386
offender's service of the prison term during the entire term 1387
unless the board terminates its control in accordance with 1388
section 2971.04 of the Revised Code. The parole board may 1389
terminate its control over the offender's service of the prison 1390
term only in accordance with section 2971.04 of the Revised 1391
Code. 1392

(F) The rules establishing uniform standards that the 1393
parole board must follow in making parole decisions that are to 1394
be adopted under division (A) (1) of this section shall be 1395
adopted as soon as possible, but not later than ninety days, 1396
after the effective date of this amendment. Any subsequent 1397
amendment or rescission of those rules, or subsequent adoption 1398
of other rules establishing the standards, shall be in 1399
accordance with Chapter 119. of the Revised Code. The rules 1400
specified in this division shall be structured and policy-driven 1401
to promote fairness and consistency in the outcome of parole 1402
decisions and shall provide for all of the following: 1403

(1) The use of evidence-based risk assessment for 1404
recidivism for each offender; 1405

(2) The use of evidence-based tools for assessing the 1406

offender's readiness for reentry; 1407

(3) That a prisoner under consideration for parole shall 1408
be granted parole unless the parole board or panel conducting 1409
the parole decision proceeding decides, at the proceeding, that 1410
one or more of the following applies: 1411

(a) Regardless of the security level in which the prisoner 1412
is classified at the time of the proceeding, both of the 1413
following apply: 1414

(i) During the prisoner's incarceration, the prisoner 1415
committed institutional rule infractions that compromised the 1416
security of a state correctional institution, compromised the 1417
safety of the staff of a state correctional institution or its 1418
inmates, or caused physical harm or involved the threat of 1419
physical harm to the staff of a state correctional institution 1420
or its inmates, or committed a violation of law that was not 1421
prosecuted, and the infractions or violations demonstrate that 1422
the prisoner has not been rehabilitated. 1423

(ii) The prisoner's behavior while incarcerated, 1424
including, but not limited to the infractions and violations 1425
specified in division (F) (3) (a) (i) of this section, demonstrate 1426
that the prisoner continues to pose a threat to society. 1427

(b) Regardless of the security level in which the prisoner 1428
is classified at the time of the proceeding, the prisoner has 1429
been placed by the department of rehabilitation and correction 1430
in extended restrictive housing at any time within the year 1431
preceding the date of the hearing. 1432

(c) At the time of the proceeding, the prisoner is 1433
classified by the department of rehabilitation and correction as 1434
a security level three, four, or five, or at a higher security 1435

level. 1436

Sec. 5149.101. (A) (1) A ~~If a prisoner fails to meet the~~ 1437
conditions of presumptive parole specified in division (B) of 1438
section 2967.03 and division (F) (3) of section 5149.10 of the 1439
Revised Code, a board hearing officer, a board member, or the 1440
office of victims' services may petition the board for a full 1441
board hearing that relates to the proposed parole or re-parole 1442
of a prisoner. At a meeting of the board at which a majority of 1443
board members are present, the majority of those present shall 1444
determine whether a full board hearing shall be held. 1445

(2) A victim of a violation of section 2903.01 or 2903.02 1446
of the Revised Code, an offense of violence that is a felony of 1447
the first, second, or third degree, or an offense punished by a 1448
sentence of life imprisonment, the victim's representative, or 1449
any person described in division (B) (5) of this section may 1450
request the board to hold a full board hearing that relates to 1451
the proposed parole or re-parole of the person that committed 1452
the violation. If a victim, victim's representative, or other 1453
person requests a full board hearing pursuant to this division, 1454
the board shall hold a full board hearing. 1455

At least thirty days before the full hearing, except as 1456
otherwise provided in this division, the board shall give notice 1457
of the date, time, and place of the hearing to the victim 1458
regardless of whether the victim has requested the notification. 1459
The notice of the date, time, and place of the hearing shall not 1460
be given under this division to a victim if the victim has 1461
requested pursuant to division (B) (2) of section 2930.03 of the 1462
Revised Code that the notice not be provided to the victim. At 1463
least thirty days before the full board hearing and regardless 1464
of whether the victim has requested that the notice be provided 1465

or not be provided under this division to the victim, the board 1466
shall give similar notice to the prosecuting attorney in the 1467
case, the law enforcement agency that arrested the prisoner if 1468
any officer of that agency was a victim of the offense, and, if 1469
different than the victim, the person who requested the full 1470
hearing. If the prosecuting attorney has not previously been 1471
sent an institutional summary report with respect to the 1472
prisoner, upon the request of the prosecuting attorney, the 1473
board shall include with the notice sent to the prosecuting 1474
attorney an institutional summary report that covers the 1475
offender's participation while confined in a state correctional 1476
institution in training, work, and other rehabilitative 1477
activities and any disciplinary action taken against the 1478
offender while so confined. Upon the request of a law 1479
enforcement agency that has not previously been sent an 1480
institutional summary report with respect to the prisoner, the 1481
board also shall send a copy of the institutional summary report 1482
to the law enforcement agency. If notice is to be provided as 1483
described in this division, the board may give the notice by any 1484
reasonable means, including regular mail, telephone, and 1485
electronic mail, in accordance with division (D)(1) of section 1486
2930.16 of the Revised Code. If the notice is based on an 1487
offense committed prior to ~~the effective date of this amendment~~ 1488
March 22, 2013, the notice also shall include the opt-out 1489
information described in division (D)(1) of section 2930.16 of 1490
the Revised Code. The board, in accordance with division (D)(2) 1491
of section 2930.16 of the Revised Code, shall keep a record of 1492
all attempts to provide the notice, and of all notices provided, 1493
under this division. 1494

The preceding paragraph, and the notice-related provisions 1495
of divisions (E)(2) and (K) of section 2929.20, division (D)(1) 1496

of section 2930.16, division (H) of section 2967.12, division 1497
(E) (1) (b) of section 2967.19, division (A) (3) (b) of section 1498
2967.26, and division (D) (1) of section 2967.28 of the Revised 1499
Code enacted in the act in which this paragraph was enacted, 1500
shall be known as "Roberta's Law." 1501

(B) At a full board hearing that relates to the proposed 1502
parole or re-parole of a prisoner and that has been petitioned 1503
for or requested in accordance with division (A) of this 1504
section, the parole board shall permit the following persons to 1505
appear and to give testimony or to submit written statements: 1506

(1) The prosecuting attorney of the county in which the 1507
original indictment against the prisoner was found and members 1508
of any law enforcement agency that assisted in the prosecution 1509
of the original offense; 1510

(2) The judge of the court of common pleas who imposed the 1511
original sentence of incarceration upon the prisoner, or the 1512
judge's successor; 1513

(3) The victim of the original offense for which the 1514
prisoner is serving the sentence or, at that victim's request, 1515
the victim's representative designated pursuant to section 1516
2930.02 of the Revised Code; 1517

(4) The victim of any behavior that resulted in parole 1518
being revoked; 1519

(5) With respect to a full board hearing held pursuant to 1520
division (A) (2) of this section, all of the following: 1521

(a) The spouse of the victim of the original offense; 1522

(b) The parent or parents of the victim of the original 1523
offense; 1524

(c) The sibling of the victim of the original offense; 1525

(d) The child or children of the victim of the original offense. 1526
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(6) Counsel or some other person designated by the prisoner as a representative, as described in division (C) of this section. 1528
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(C) Except as otherwise provided in this division, a full board hearing of the parole board is not subject to section 121.22 of the Revised Code. The persons who may attend a full board hearing are the persons described in divisions (B) (1) to (6) of this section, and representatives of the press, radio and television stations, and broadcasting networks who are members of a generally recognized professional media organization. 1531
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At the request of a person described in division (B) (3) of this section, representatives of the news media described in this division shall be excluded from the hearing while that person is giving testimony at the hearing. The prisoner being considered for parole has no right to be present at the hearing, but may be represented by counsel or some other person designated by the prisoner. Counsel representing a prisoner at the hearing is entitled to fully participate in the hearing, including asking questions and presenting information. 1538
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If there is an objection at a full board hearing to a recommendation for the parole of a prisoner, the board may approve or disapprove the recommendation or defer its decision until a subsequent full board hearing. The board may permit interested persons other than those listed in this division and division (B) of this section to attend full board hearings pursuant to rules adopted by the adult parole authority. 1547
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(D) If the victim of the original offense died as a result 1554
of the offense and the offense was aggravated murder, murder, an 1555
offense of violence that is a felony of the first, second, or 1556
third degree, or an offense punished by a sentence of life 1557
imprisonment, the family of the victim may show at a full board 1558
hearing a video recording not exceeding five minutes in length 1559
memorializing the victim. 1560

(E) The adult parole authority shall adopt rules for the 1561
implementation of this section. The rules shall specify 1562
reasonable restrictions on the number of media representatives 1563
that may attend a hearing, based on considerations of space, and 1564
other procedures designed to accomplish an effective, orderly 1565
process for full board hearings. Any subsequent amendment or 1566
rescission of these rules, or subsequent adoption of other rules 1567
for the implementation of this section, shall be in accordance 1568
with Chapter 119. of the Revised Code. 1569

(F) The parole board shall prepare and maintain an 1570
official record of all full board hearings. Except as otherwise 1571
specified in this division, the board shall grant the prisoner 1572
full access to the record and permit the prisoner to review the 1573
record. Division (C) (6) of section 2967.03 of the Revised Code 1574
applies with respect to all records prepared and maintained 1575
under this division. 1576

Sec. 5149.11. In the exercise of any of the powers vested 1577
in the adult parole authority, the chief of the authority, any 1578
member of the board, or any hearing officer may administer oaths 1579
and in the name of the authority may issue subpoenas and 1580
subpoenas duces tecum. The authority may compel the attendance 1581
of witnesses and the production of records and papers of all 1582
kinds and description including any and all books, accounts, 1583

documents, memorandums, and transcripts of testimony, pertaining 1584
to any inquiry within the powers and duties of the authority. 1585
Upon the failure of any person to comply with any order of the 1586
authority or any subpoena or subpoena duces tecum lawfully 1587
issued, or upon the refusal of any witness to testify to any 1588
matter regarding which the witness may be lawfully interrogated, 1589
a judge of the court of common pleas of any county in this 1590
state, on the application of the authority, shall compel 1591
obedience by attachment proceedings for contempt, as in the case 1592
of disobedience of the requirements of a subpoena issued from a 1593
court of common pleas or a refusal to testify therein. 1594

Each witness who appears before the authority or before a 1595
member of the parole board by the authority's or member's order 1596
shall receive for attendance the fees and mileage provided for 1597
under section 119.094 of the Revised Code, and the fees and 1598
mileage shall be audited and paid out of the state treasury in 1599
the same manner as other expenses are audited and paid, upon the 1600
presentation of properly verified vouchers approved by the chief 1601
of the authority. 1602

The chief of the authority or a member of the board, or 1603
any party who is the subject of the investigation, may in any 1604
investigation cause depositions of witnesses residing within or 1605
without the state to be taken in the manner prescribed by 1606
sections 2319.08, 2319.09, 2319.11, and 2319.27 of the Revised 1607
Code and the Civil Rules. 1608

Copies of the proceedings, minutes, actions, findings, 1609
recommendations, orders, and other records of the authority or 1610
its predecessors shall be verified and certified to by the 1611
officer conducting or responsible for such and attested by the 1612
chief of the authority, and when certified and attested shall be 1613

received in evidence as proof of the facts therein stated. 1614

~~Minutes~~ Except as otherwise specified in this paragraph, 1615
minutes, actions, findings, recommendations, determinations, 1616
records, adjudications, decisions, and orders made and or kept 1617
by the adult parole authority or the parole board are public 1618
records. If any minutes, actions, findings, recommendations, 1619
determinations, records, adjudications, decisions, and orders 1620
made or kept by the adult parole authority or parole board that 1621
are a public record as described in this paragraph contain 1622
information about a victim and if the release of, or granting 1623
access to, the information would limit or interfere with the 1624
victim's right to be treated with fairness and respect for the 1625
victim's safety, dignity, and privacy guaranteed by Section 10a 1626
of Article I, Ohio Constitution, both of the following apply: 1627

(A) The personally identifiable information about the 1628
victim that, if released or made available as a public record, 1629
would limit or interfere with that right shall be redacted from 1630
the minutes, actions, findings, recommendations, determinations, 1631
records, adjudications, decisions, or orders before they are 1632
released or made available as a public record. 1633

(B) If the prisoner has an attorney, the redaction 1634
requirement described in division (A) of this section does not 1635
apply with respect to the release of information to the 1636
attorney, provided the attorney agrees prior to the release to 1637
not discuss personally identifiable information with, or 1638
disclose personally identifiable information to, the prisoner. 1639

Section 2. That existing sections 119.01, 149.43, 2967.03, 1640
5149.01, 5149.07, 5149.10, 5149.101, and 5149.11 of the Revised 1641
Code are hereby repealed. 1642

Section 3. Sections 119.01, 149.43, 2967.03, 5149.01, 1643
5149.07, 5149.10, 5149.101, and 5149.11 of the Revised Code, as 1644
amended by this act, apply with respect to the following: 1645

(A) All parole proceedings conducted and parole decisions 1646
made on or after the effective date of this act, regardless of 1647
whether the prisoner who is the subject of the proceeding 1648
committed, or was convicted of or pleaded guilty to, the offense 1649
for which the offender is imprisoned prior to, on, or after the 1650
effective date of the act; 1651

(B) Each prisoner who, on or after the effective date of 1652
this act, is serving a sentence of imprisonment under which the 1653
prisoner is eligible for parole, regardless of whether the 1654
prisoner committed, or was convicted of or pleaded guilty to, 1655
that offense prior to, on, or after the effective date of the 1656
act. 1657