

As Introduced

134th General Assembly

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H. B. No. 93

Representatives Abrams, LaRe

**Cosponsors: Representatives Richardson, Carfagna, Johnson, Ingram, Seitz,
Zeltwanger, Koehler, Riedel, Gross, Cross, Carruthers, Plummer, Sheehy**

A BILL

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

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

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

Sec. 111.42. (A) A person to whom all of the following 13
applies may apply to the secretary of state with the assistance 14
of an application assistant to become a participant in the 15
address confidentiality program, in which an address designated 16
by the secretary of state serves as the person's address or the 17
address of the minor, incompetent, or ward on whose behalf the 18

person is applying: 19

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

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

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

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

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

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

(1) A notarized statement by the applicant that the 43
applicant fears for the safety of the applicant, a member of the 44
applicant's household, or the minor, incompetent, or ward on 45
whose behalf the application is made because the applicant, 46
household member, minor, incompetent, or ward is a victim of 47

domestic violence, menacing by stalking, human trafficking, 48
trafficking in persons, rape, or sexual battery; 49

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

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

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

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

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

(7) Except for a claim based on the performance or 69
nonperformance of a public duty that was manifestly outside the 70
scope of the officer's or employee's office or employment or in 71
which the officer or employee acted with malicious purpose, in 72
bad faith, or in a wanton or reckless manner, a voluntary 73
release and waiver of all future claims against the state for 74
any claim that may arise from participation in the address 75
confidentiality program. 76

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

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

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

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

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

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

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

~~(6) Provide information to the program participant~~ 100
~~concerning the~~ (b) The process to register to vote and to vote 101
as a program participant, if the program participant is eligible 102
to vote; 103

(c) The process to file a real property confidentiality 104

notice with the county recorder concerning any real property in 105
which the program participant acquires an ownership interest 106
after being certified a program participant and after the 107
effective date of this amendment; 108

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

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

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

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

(F) (1) A program participant who continues to be eligible 128
to participate in the address confidentiality program may renew 129
the program participant's certification by submitting a renewal 130
application to the secretary of state with the assistance of an 131
application assistant. The renewal application shall be on a 132
form prescribed by the secretary of state and shall contain all 133

of the information described in division (B) of this section. 134

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

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

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

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

(B) A program participant who acquires an ownership 159
interest in real property in this state after being certified a 160
program participant and after the effective date of this 161
amendment may submit a real property confidentiality notice to 162

the county recorder of the county in which the real property is 163
located, as described in section 111.431 of the Revised Code. 164

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

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

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

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

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

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

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

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

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

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

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

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

~~(D)~~ (E)(1) A program participant may submit to the secretary of state, on a form prescribed by the secretary of state, an authorization for the secretary of state to disclose confidential information concerning the program participant under one or more of the following circumstances, as indicated

<u>on the authorization form:</u>	221
<u>(a) To an official or employee of the United States postal</u>	222
<u>service for the purpose of performing the secretary of state's</u>	223
<u>duties under division (D) of this section;</u>	224
<u>(b) To any of the following persons for the purpose of</u>	225
<u>confirming the program participant's status as a program</u>	226
<u>participant, for the purpose of verifying the program</u>	227
<u>participant's residence address, or for other similar purposes</u>	228
<u>in order to assist the program participant:</u>	229
<u>(i) A judge or magistrate;</u>	230
<u>(ii) An official or employee of the bureau of motor</u>	231
<u>vehicles;</u>	232
<u>(iii) A school administrator;</u>	233
<u>(iv) An administrator of a public assistance program;</u>	234
<u>(v) An administrator of a food pantry.</u>	235
<u>(c) To another person identified on the authorization form</u>	236
<u>for a purpose indicated on the authorization form.</u>	237
<u>(2) A person authorized under division (E) (1) of this</u>	238
<u>section to receive a program participant's confidential</u>	239
<u>information may request only the information that the person or</u>	240
<u>the person's office requires under normal circumstances. The</u>	241
<u>person cannot require the disclosure of information as a</u>	242
<u>condition of receiving any services to which the applicant or</u>	243
<u>participant is otherwise entitled.</u>	244
<u>(3) Upon receiving a request for information concerning a</u>	245
<u>program participant who has submitted a valid authorization form</u>	246
<u>under division (E) (1) of this section, the secretary of state</u>	247

shall determine whether the authorization form permits the 248
secretary of state to disclose the information to the requestor 249
and, if so, within ten business days, shall disclose that 250
information to the requestor along with the following statement: 251
"You are not permitted to redisclose the following information 252
for any reason. Failure to protect the confidentiality of this 253
information is a violation of state law." 254

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

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

- (1) The program participant's full name; 271
- (2) The last four digits of the program participant's 272
social security number; 273
- (3) The date the program participant's certification 274
expires; 275
- (4) The program participant's program participant 276

<u>identification number;</u>	277
<u>(5) The address at which the program participant may</u>	278
<u>receive mail through the office of the secretary of state;</u>	279
<u>(6) The legal description and street address of the real</u>	280
<u>property in which the program participant has an ownership</u>	281
<u>interest, which shall be the same as the legal description and</u>	282
<u>street address included on any instrument concerning the real</u>	283
<u>property that includes the program participant's name and that</u>	284
<u>has been presented to the county recorder for recording;</u>	285
<u>(7) A fictitious name, chosen by the secretary of state,</u>	286
<u>that may be used by a county recorder, auditor, treasurer, or</u>	287
<u>engineer or the clerk of the court of common pleas for internal</u>	288
<u>indexing purposes;</u>	289
<u>(8) The program participant's signature.</u>	290
<u>(B) When the county recorder receives a properly completed</u>	291
<u>real property confidentiality notice under division (A) of this</u>	292
<u>section, the county recorder promptly shall transmit copies of</u>	293
<u>the notice to the secretary of state, and to the county auditor,</u>	294
<u>treasurer, and engineer.</u>	295
<u>(C) (1) Except as otherwise provided in divisions (D) and</u>	296
<u>(F) of this section, after a program participant has submitted a</u>	297
<u>properly completed real property confidentiality notice under</u>	298
<u>division (A) of this section, the county recorder, auditor,</u>	299
<u>treasurer, and engineer shall not disclose to any person the</u>	300
<u>program participant's name, telephone number, electronic mail</u>	301
<u>address, or program participant identification number, the</u>	302
<u>address at which the program participant may receive mail</u>	303
<u>through the office of the secretary of state, or any other</u>	304
<u>information that may be used to identify the program</u>	305

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

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

(D) The county recorder, auditor, treasurer, or engineer 331
or the clerk of the court of common pleas may disclose the 332
information described in division (C) of this section if any of 333
the following apply: 334

(1) The information is disclosed to the staff of the 335

county recorder, auditor, treasurer, or engineer or the staff of 336
the clerk of the court of common pleas in order to carry out the 337
duties of the office. 338

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

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

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

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

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

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

(a) The applicant's name, title, address, and affiliated 361
organization, if any; 362

(b) The purpose for which the applicant is requesting 363

<u>access to the information;</u>	364
<u>(c) The applicant's relationship to the program</u>	365
<u>participant, if any;</u>	366
<u>(d) A legal description of the real property subject to</u>	367
<u>the title examination;</u>	368
<u>(e) A statement that the applicant will treat the</u>	369
<u>information as confidential and will use the information only</u>	370
<u>for the purpose identified in the application;</u>	371
<u>(f) The applicant's signature;</u>	372
<u>(g) Any other information required by the secretary of</u>	373
<u>state.</u>	374
<u>(3) After the secretary of state receives an application</u>	375
<u>submitted under division (E) of this section, the secretary of</u>	376
<u>state shall, within ten business days, provide the applicant</u>	377
<u>with a written response approving or denying the application.</u>	378
<u>The secretary of state shall approve the application if the</u>	379
<u>secretary of state determines that the application is properly</u>	380
<u>completed; that the information the applicant seeks is subject</u>	381
<u>to division (C) of this section; and that the applicant is</u>	382
<u>seeking the information only for the purpose of performing a</u>	383
<u>bona fide title examination. If the information the applicant</u>	384
<u>seeks is not subject to division (C) of this section, the</u>	385
<u>secretary of state shall, within ten business days, notify the</u>	386
<u>applicant of that fact and, if applicable, shall send a notice</u>	387
<u>to the county recorder, auditor, treasurer, and engineer and to</u>	388
<u>the clerk of the court of common pleas under division (F) (3) of</u>	389
<u>this section.</u>	390
<u>(F) Upon the occurrence of any of the following, the</u>	391
<u>county recorder, auditor, treasurer, and engineer and the clerk</u>	392

of the court of common pleas shall cease to keep confidential 393
the information described in division (C) of this section and 394
shall make the information available to the public in the same 395
manner as other information concerning real property: 396

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

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

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

(4) Pursuant to the order of a court of competent 420
jurisdiction. 421

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

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

Sec. 111.432. (A) A program participant who seeks to 449
acquire an ownership interest in real property in this state 450
after becoming a program participant may provide to any person 451
involved in the acquisition process written notice on a form 452

prescribed by the secretary of state. The written notice shall 453
include all of the following: 454

(1) The program participant's name; 455

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

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

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

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

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

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

(3) The program participant's certification has expired 480

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

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

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

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

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

(B) (1) (a) A city director of law or similar chief legal 503
officer who requires access to a program participant's 504
confidential address or telephone number for a legitimate 505
governmental purpose may petition the court of common pleas of 506
Franklin county to order the secretary of state to make that 507
confidential address or telephone number available to the 508
petitioner. 509

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

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

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

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

(2) Schedule a hearing on the matter; 560

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

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

If a party requests the disclosure of a participant's 564
confidential information, or if the court seeks to release the 565
confidential information sua sponte, the requestor shall have 566
the burden to show, or the court must find, by clear and 567
convincing evidence, that the disclosure is necessary, and that 568

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

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

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

(B) No person who has access to a confidential address or 596
telephone number, to information that is subject to a real 597
property confidentiality notice under section 111.431 of the 598

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

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

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

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

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

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

(1) "Public record" means records kept by any public 626
office, including, but not limited to, state, county, city, 627

village, township, and school district units, and records	628
pertaining to the delivery of educational services by an	629
alternative school in this state kept by the nonprofit or for-	630
profit entity operating the alternative school pursuant to	631
section 3313.533 of the Revised Code. "Public record" does not	632
mean any of the following:	633
(a) Medical records;	634
(b) Records pertaining to probation and parole	635
proceedings, to proceedings related to the imposition of	636
community control sanctions and post-release control sanctions,	637
or to proceedings related to determinations under section	638
2967.271 of the Revised Code regarding the release or maintained	639
incarceration of an offender to whom that section applies;	640
(c) Records pertaining to actions under section 2151.85	641
and division (C) of section 2919.121 of the Revised Code and to	642
appeals of actions arising under those sections;	643
(d) Records pertaining to adoption proceedings, including	644
the contents of an adoption file maintained by the department of	645
health under sections 3705.12 to 3705.124 of the Revised Code;	646
(e) Information in a record contained in the putative	647
father registry established by section 3107.062 of the Revised	648
Code, regardless of whether the information is held by the	649
department of job and family services or, pursuant to section	650
3111.69 of the Revised Code, the office of child support in the	651
department or a child support enforcement agency;	652
(f) Records specified in division (A) of section 3107.52	653
of the Revised Code;	654
(g) Trial preparation records;	655

(h) Confidential law enforcement investigatory records;	656
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	657 658
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	659 660
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	661 662 663 664
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	665 666 667 668
(m) Intellectual property records;	669
(n) Donor profile records;	670
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	671 672
(p) Designated public service worker residential and familial information;	673 674
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	675 676 677 678 679
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	680 681
(s) In the case of a child fatality review board acting	682

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

enforcement record or report, other than when requested by an 799
insurer or insurance agent investigating an insurance claim 800
resulting from a motor vehicle accident. 801

A record that is not a public record under division (A) (1) 802
of this section and that, under law, is permanently retained 803
becomes a public record on the day that is seventy-five years 804
after the day on which the record was created, except for any 805
record protected by the attorney-client privilege, a trial 806
preparation record as defined in this section, a statement 807
prohibiting the release of identifying information signed under 808
section 3107.083 of the Revised Code, a denial of release form 809
filed pursuant to section 3107.46 of the Revised Code, or any 810
record that is exempt from release or disclosure under section 811
149.433 of the Revised Code. If the record is a birth 812
certificate and a biological parent's name redaction request 813
form has been accepted under section 3107.391 of the Revised 814
Code, the name of that parent shall be redacted from the birth 815
certificate before it is released under this paragraph. If any 816
other section of the Revised Code establishes a time period for 817
disclosure of a record that conflicts with the time period 818
specified in this section, the time period in the other section 819
prevails. 820

(2) "Confidential law enforcement investigatory record" 821
means any record that pertains to a law enforcement matter of a 822
criminal, quasi-criminal, civil, or administrative nature, but 823
only to the extent that the release of the record would create a 824
high probability of disclosure of any of the following: 825

(a) The identity of a suspect who has not been charged 826
with the offense to which the record pertains, or of an 827
information source or witness to whom confidentiality has been 828

reasonably promised; 829

(b) Information provided by an information source or 830
witness to whom confidentiality has been reasonably promised, 831
which information would reasonably tend to disclose the source's 832
or witness's identity; 833

(c) Specific confidential investigatory techniques or 834
procedures or specific investigatory work product; 835

(d) Information that would endanger the life or physical 836
safety of law enforcement personnel, a crime victim, a witness, 837
or a confidential information source. 838

(3) "Medical record" means any document or combination of 839
documents, except births, deaths, and the fact of admission to 840
or discharge from a hospital, that pertains to the medical 841
history, diagnosis, prognosis, or medical condition of a patient 842
and that is generated and maintained in the process of medical 843
treatment. 844

(4) "Trial preparation record" means any record that 845
contains information that is specifically compiled in reasonable 846
anticipation of, or in defense of, a civil or criminal action or 847
proceeding, including the independent thought processes and 848
personal trial preparation of an attorney. 849

(5) "Intellectual property record" means a record, other 850
than a financial or administrative record, that is produced or 851
collected by or for faculty or staff of a state institution of 852
higher learning in the conduct of or as a result of study or 853
research on an educational, commercial, scientific, artistic, 854
technical, or scholarly issue, regardless of whether the study 855
or research was sponsored by the institution alone or in 856
conjunction with a governmental body or private concern, and 857

that has not been publicly released, published, or patented. 858

(6) "Donor profile record" means all records about donors 859
or potential donors to a public institution of higher education 860
except the names and reported addresses of the actual donors and 861
the date, amount, and conditions of the actual donation. 862

(7) "Designated public service worker" means a peace 863
officer, parole officer, probation officer, bailiff, prosecuting 864
attorney, assistant prosecuting attorney, correctional employee, 865
county or multicounty corrections officer, community-based 866
correctional facility employee, youth services employee, 867
firefighter, EMT, medical director or member of a cooperating 868
physician advisory board of an emergency medical service 869
organization, state board of pharmacy employee, investigator of 870
the bureau of criminal identification and investigation, judge, 871
magistrate, or federal law enforcement officer. 872

(8) "Designated public service worker residential and 873
familial information" means any information that discloses any 874
of the following about a designated public service worker: 875

(a) The address of the actual personal residence of a 876
designated public service worker, except for the following 877
information: 878

(i) The address of the actual personal residence of a 879
prosecuting attorney or judge; and 880

(ii) The state or political subdivision in which a 881
designated public service worker resides. 882

(b) Information compiled from referral to or participation 883
in an employee assistance program; 884

(c) The social security number, the residential telephone 885

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	915
the authority of, and perform the duties of the sheriff.	916
"Correctional employee" means any employee of the	917
department of rehabilitation and correction who in the course of	918
performing the employee's job duties has or has had contact with	919
inmates and persons under supervision.	920
"County or multicounty corrections officer" means any	921
corrections officer employed by any county or multicounty	922
correctional facility.	923
"Youth services employee" means any employee of the	924
department of youth services who in the course of performing the	925
employee's job duties has or has had contact with children	926
committed to the custody of the department of youth services.	927
"Firefighter" means any regular, paid or volunteer, member	928
of a lawfully constituted fire department of a municipal	929
corporation, township, fire district, or village.	930
"EMT" means EMTs-basic, EMTs-I, and paramedics that	931
provide emergency medical services for a public emergency	932
medical service organization. "Emergency medical service	933
organization," "EMT-basic," "EMT-I," and "paramedic" have the	934
meanings defined in section 4765.01 of the Revised Code.	935
"Investigator of the bureau of criminal identification and	936
investigation" has the meaning defined in section 2903.11 of the	937
Revised Code.	938
"Federal law enforcement officer" has the meaning defined	939
in section 9.88 of the Revised Code.	940
(10) "Information pertaining to the recreational	941
activities of a person under the age of eighteen" means	942

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

person's guardian has been obtained; 1000

(e) An act of severe violence against a person that 1001
results in serious physical harm to the person, unless the act 1002
and injury was effected by a peace officer or, subject to 1003
division (H)(1) of this section, the consent of the injured 1004
person or the injured person's guardian has been obtained; 1005

(f) Grievous bodily harm to a peace officer, firefighter, 1006
paramedic, or other first responder, occurring while the injured 1007
person was engaged in the performance of official duties, 1008
unless, subject to division (H)(1) of this section, the consent 1009
of the injured person or the injured person's guardian has been 1010
obtained; 1011

(g) An act of severe violence resulting in serious 1012
physical harm against a peace officer, firefighter, paramedic, 1013
or other first responder, occurring while the injured person was 1014
engaged in the performance of official duties, unless, subject 1015
to division (H)(1) of this section, the consent of the injured 1016
person or the injured person's guardian has been obtained; 1017

(h) A person's nude body, unless, subject to division (H) 1018
(1) of this section, the person's consent has been obtained; 1019

(i) Protected health information, the identity of a person 1020
in a health care facility who is not the subject of a law 1021
enforcement encounter, or any other information in a health care 1022
facility that could identify a person who is not the subject of 1023
a law enforcement encounter; 1024

(j) Information that could identify the alleged victim of 1025
a sex offense, menacing by stalking, or domestic violence; 1026

(k) Information, that does not constitute a confidential 1027
law enforcement investigatory record, that could identify a 1028

person who provides sensitive or confidential information to a 1029
law enforcement agency when the disclosure of the person's 1030
identity or the information provided could reasonably be 1031
expected to threaten or endanger the safety or property of the 1032
person or another person; 1033

(l) Personal information of a person who is not arrested, 1034
cited, charged, or issued a written warning by a peace officer; 1035

(m) Proprietary police contingency plans or tactics that 1036
are intended to prevent crime and maintain public order and 1037
safety; 1038

(n) A personal conversation unrelated to work between 1039
peace officers or between a peace officer and an employee of a 1040
law enforcement agency; 1041

(o) A conversation between a peace officer and a member of 1042
the public that does not concern law enforcement activities; 1043

(p) The interior of a residence, unless the interior of a 1044
residence is the location of an adversarial encounter with, or a 1045
use of force by, a peace officer; 1046

(q) Any portion of the interior of a private business that 1047
is not open to the public, unless an adversarial encounter with, 1048
or a use of force by, a peace officer occurs in that location. 1049

As used in division (A) (17) of this section: 1050

"Grievous bodily harm" has the same meaning as in section 1051
5924.120 of the Revised Code. 1052

"Health care facility" has the same meaning as in section 1053
1337.11 of the Revised Code. 1054

"Protected health information" has the same meaning as in 1055

45 C.F.R. 160.103. 1056

"Law enforcement agency" has the same meaning as in 1057
section 2925.61 of the Revised Code. 1058

"Personal information" means any government-issued 1059
identification number, date of birth, address, financial 1060
information, or criminal justice information from the law 1061
enforcement automated data system or similar databases. 1062

"Sex offense" has the same meaning as in section 2907.10 1063
of the Revised Code. 1064

"Firefighter," "paramedic," and "first responder" have the 1065
same meanings as in section 4765.01 of the Revised Code. 1066

(18) "Insurer" and "insurance agent" have the same 1067
meanings as in section 3905.01 of the Revised Code. 1068

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

redaction plainly visible. A redaction shall be deemed a denial 1085
of a request to inspect or copy the redacted information, except 1086
if federal or state law authorizes or requires a public office 1087
to make the redaction. 1088

(2) To facilitate broader access to public records, a 1089
public office or the person responsible for public records shall 1090
organize and maintain public records in a manner that they can 1091
be made available for inspection or copying in accordance with 1092
division (B) of this section. A public office also shall have 1093
available a copy of its current records retention schedule at a 1094
location readily available to the public. If a requester makes 1095
an ambiguous or overly broad request or has difficulty in making 1096
a request for copies or inspection of public records under this 1097
section such that the public office or the person responsible 1098
for the requested public record cannot reasonably identify what 1099
public records are being requested, the public office or the 1100
person responsible for the requested public record may deny the 1101
request but shall provide the requester with an opportunity to 1102
revise the request by informing the requester of the manner in 1103
which records are maintained by the public office and accessed 1104
in the ordinary course of the public office's or person's 1105
duties. 1106

(3) If a request is ultimately denied, in part or in 1107
whole, the public office or the person responsible for the 1108
requested public record shall provide the requester with an 1109
explanation, including legal authority, setting forth why the 1110
request was denied. If the initial request was provided in 1111
writing, the explanation also shall be provided to the requester 1112
in writing. The explanation shall not preclude the public office 1113
or the person responsible for the requested public record from 1114
relying upon additional reasons or legal authority in defending 1115

an action commenced under division (C) of this section. 1116

(4) Unless specifically required or authorized by state or 1117
federal law or in accordance with division (B) of this section, 1118
no public office or person responsible for public records may 1119
limit or condition the availability of public records by 1120
requiring disclosure of the requester's identity or the intended 1121
use of the requested public record. Any requirement that the 1122
requester disclose the requester's identity or the intended use 1123
of the requested public record constitutes a denial of the 1124
request. 1125

(5) A public office or person responsible for public 1126
records may ask a requester to make the request in writing, may 1127
ask for the requester's identity, and may inquire about the 1128
intended use of the information requested, but may do so only 1129
after disclosing to the requester that a written request is not 1130
mandatory, that the requester may decline to reveal the 1131
requester's identity or the intended use, and when a written 1132
request or disclosure of the identity or intended use would 1133
benefit the requester by enhancing the ability of the public 1134
office or person responsible for public records to identify, 1135
locate, or deliver the public records sought by the requester. 1136

(6) If any person requests a copy of a public record in 1137
accordance with division (B) of this section, the public office 1138
or person responsible for the public record may require that 1139
person to pay in advance the cost involved in providing the copy 1140
of the public record in accordance with the choice made by the 1141
person requesting the copy under this division. The public 1142
office or the person responsible for the public record shall 1143
permit that person to choose to have the public record 1144
duplicated upon paper, upon the same medium upon which the 1145

public office or person responsible for the public record keeps 1146
it, or upon any other medium upon which the public office or 1147
person responsible for the public record determines that it 1148
reasonably can be duplicated as an integral part of the normal 1149
operations of the public office or person responsible for the 1150
public record. When the person requesting the copy makes a 1151
choice under this division, the public office or person 1152
responsible for the public record shall provide a copy of it in 1153
accordance with the choice made by that person. Nothing in this 1154
section requires a public office or person responsible for the 1155
public record to allow the person requesting a copy of the 1156
public record to make the copies of the public record. 1157

(7) (a) Upon a request made in accordance with division (B) 1158
of this section and subject to division (B) (6) of this section, 1159
a public office or person responsible for public records shall 1160
transmit a copy of a public record to any person by United 1161
States mail or by any other means of delivery or transmission 1162
within a reasonable period of time after receiving the request 1163
for the copy. The public office or person responsible for the 1164
public record may require the person making the request to pay 1165
in advance the cost of postage if the copy is transmitted by 1166
United States mail or the cost of delivery if the copy is 1167
transmitted other than by United States mail, and to pay in 1168
advance the costs incurred for other supplies used in the 1169
mailing, delivery, or transmission. 1170

(b) Any public office may adopt a policy and procedures 1171
that it will follow in transmitting, within a reasonable period 1172
of time after receiving a request, copies of public records by 1173
United States mail or by any other means of delivery or 1174
transmission pursuant to division (B) (7) of this section. A 1175
public office that adopts a policy and procedures under division 1176

(B) (7) of this section shall comply with them in performing its 1177
duties under that division. 1178

(c) In any policy and procedures adopted under division 1179
(B) (7) of this section: 1180

(i) A public office may limit the number of records 1181
requested by a person that the office will physically deliver by 1182
United States mail or by another delivery service to ten per 1183
month, unless the person certifies to the office in writing that 1184
the person does not intend to use or forward the requested 1185
records, or the information contained in them, for commercial 1186
purposes; 1187

(ii) A public office that chooses to provide some or all 1188
of its public records on a web site that is fully accessible to 1189
and searchable by members of the public at all times, other than 1190
during acts of God outside the public office's control or 1191
maintenance, and that charges no fee to search, access, 1192
download, or otherwise receive records provided on the web site, 1193
may limit to ten per month the number of records requested by a 1194
person that the office will deliver in a digital format, unless 1195
the requested records are not provided on the web site and 1196
unless the person certifies to the office in writing that the 1197
person does not intend to use or forward the requested records, 1198
or the information contained in them, for commercial purposes. 1199

(iii) For purposes of division (B) (7) of this section, 1200
"commercial" shall be narrowly construed and does not include 1201
reporting or gathering news, reporting or gathering information 1202
to assist citizen oversight or understanding of the operation or 1203
activities of government, or nonprofit educational research. 1204

(8) A public office or person responsible for public 1205

records is not required to permit a person who is incarcerated 1206
pursuant to a criminal conviction or a juvenile adjudication to 1207
inspect or to obtain a copy of any public record concerning a 1208
criminal investigation or prosecution or concerning what would 1209
be a criminal investigation or prosecution if the subject of the 1210
investigation or prosecution were an adult, unless the request 1211
to inspect or to obtain a copy of the record is for the purpose 1212
of acquiring information that is subject to release as a public 1213
record under this section and the judge who imposed the sentence 1214
or made the adjudication with respect to the person, or the 1215
judge's successor in office, finds that the information sought 1216
in the public record is necessary to support what appears to be 1217
a justiciable claim of the person. 1218

(9) (a) Upon written request made and signed by a 1219
journalist, a public office, or person responsible for public 1220
records, having custody of the records of the agency employing a 1221
specified designated public service worker shall disclose to the 1222
journalist the address of the actual personal residence of the 1223
designated public service worker and, if the designated public 1224
service worker's spouse, former spouse, or child is employed by 1225
a public office, the name and address of the employer of the 1226
designated public service worker's spouse, former spouse, or 1227
child. The request shall include the journalist's name and title 1228
and the name and address of the journalist's employer and shall 1229
state that disclosure of the information sought would be in the 1230
public interest. 1231

(b) Division (B) (9) (a) of this section also applies to 1232
journalist requests for: 1233

(i) Customer information maintained by a municipally owned 1234
or operated public utility, other than social security numbers 1235

and any private financial information such as credit reports, 1236
payment methods, credit card numbers, and bank account 1237
information; 1238

(ii) Information about minors involved in a school vehicle 1239
accident as provided in division (A)(1)(gg) of this section, 1240
other than personal information as defined in section 149.45 of 1241
the Revised Code. 1242

(c) As used in division (B)(9) of this section, 1243
"journalist" means a person engaged in, connected with, or 1244
employed by any news medium, including a newspaper, magazine, 1245
press association, news agency, or wire service, a radio or 1246
television station, or a similar medium, for the purpose of 1247
gathering, processing, transmitting, compiling, editing, or 1248
disseminating information for the general public. 1249

(10) Upon a request made by a victim, victim's attorney, 1250
or victim's representative, as that term is used in section 1251
2930.02 of the Revised Code, a public office or person 1252
responsible for public records shall transmit a copy of a 1253
depiction of the victim as described in division (A)(1)(ii) of 1254
this section to the victim, victim's attorney, or victim's 1255
representative. 1256

(C)(1) If a person allegedly is aggrieved by the failure 1257
of a public office or the person responsible for public records 1258
to promptly prepare a public record and to make it available to 1259
the person for inspection in accordance with division (B) of 1260
this section or by any other failure of a public office or the 1261
person responsible for public records to comply with an 1262
obligation in accordance with division (B) of this section, the 1263
person allegedly aggrieved may do only one of the following, and 1264
not both: 1265

(a) File a complaint with the clerk of the court of claims 1266
or the clerk of the court of common pleas under section 2743.75 1267
of the Revised Code; 1268

(b) Commence a mandamus action to obtain a judgment that 1269
orders the public office or the person responsible for the 1270
public record to comply with division (B) of this section, that 1271
awards court costs and reasonable attorney's fees to the person 1272
that instituted the mandamus action, and, if applicable, that 1273
includes an order fixing statutory damages under division (C) (2) 1274
of this section. The mandamus action may be commenced in the 1275
court of common pleas of the county in which division (B) of 1276
this section allegedly was not complied with, in the supreme 1277
court pursuant to its original jurisdiction under Section 2 of 1278
Article IV, Ohio Constitution, or in the court of appeals for 1279
the appellate district in which division (B) of this section 1280
allegedly was not complied with pursuant to its original 1281
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1282

(2) If a requester transmits a written request by hand 1283
delivery, electronic submission, or certified mail to inspect or 1284
receive copies of any public record in a manner that fairly 1285
describes the public record or class of public records to the 1286
public office or person responsible for the requested public 1287
records, except as otherwise provided in this section, the 1288
requester shall be entitled to recover the amount of statutory 1289
damages set forth in this division if a court determines that 1290
the public office or the person responsible for public records 1291
failed to comply with an obligation in accordance with division 1292
(B) of this section. 1293

The amount of statutory damages shall be fixed at one 1294
hundred dollars for each business day during which the public 1295

office or person responsible for the requested public records 1296
failed to comply with an obligation in accordance with division 1297
(B) of this section, beginning with the day on which the 1298
requester files a mandamus action to recover statutory damages, 1299
up to a maximum of one thousand dollars. The award of statutory 1300
damages shall not be construed as a penalty, but as compensation 1301
for injury arising from lost use of the requested information. 1302
The existence of this injury shall be conclusively presumed. The 1303
award of statutory damages shall be in addition to all other 1304
remedies authorized by this section. 1305

The court may reduce an award of statutory damages or not 1306
award statutory damages if the court determines both of the 1307
following: 1308

(a) That, based on the ordinary application of statutory 1309
law and case law as it existed at the time of the conduct or 1310
threatened conduct of the public office or person responsible 1311
for the requested public records that allegedly constitutes a 1312
failure to comply with an obligation in accordance with division 1313
(B) of this section and that was the basis of the mandamus 1314
action, a well-informed public office or person responsible for 1315
the requested public records reasonably would believe that the 1316
conduct or threatened conduct of the public office or person 1317
responsible for the requested public records did not constitute 1318
a failure to comply with an obligation in accordance with 1319
division (B) of this section; 1320

(b) That a well-informed public office or person 1321
responsible for the requested public records reasonably would 1322
believe that the conduct or threatened conduct of the public 1323
office or person responsible for the requested public records 1324
would serve the public policy that underlies the authority that 1325

is asserted as permitting that conduct or threatened conduct. 1326

(3) In a mandamus action filed under division (C) (1) of 1327
this section, the following apply: 1328

(a) (i) If the court orders the public office or the person 1329
responsible for the public record to comply with division (B) of 1330
this section, the court shall determine and award to the relator 1331
all court costs, which shall be construed as remedial and not 1332
punitive. 1333

(ii) If the court makes a determination described in 1334
division (C) (3) (b) (iii) of this section, the court shall 1335
determine and award to the relator all court costs, which shall 1336
be construed as remedial and not punitive. 1337

(b) If the court renders a judgment that orders the public 1338
office or the person responsible for the public record to comply 1339
with division (B) of this section or if the court determines any 1340
of the following, the court may award reasonable attorney's fees 1341
to the relator, subject to division (C) (4) of this section: 1342

(i) The public office or the person responsible for the 1343
public records failed to respond affirmatively or negatively to 1344
the public records request in accordance with the time allowed 1345
under division (B) of this section. 1346

(ii) The public office or the person responsible for the 1347
public records promised to permit the relator to inspect or 1348
receive copies of the public records requested within a 1349
specified period of time but failed to fulfill that promise 1350
within that specified period of time. 1351

(iii) The public office or the person responsible for the 1352
public records acted in bad faith when the office or person 1353
voluntarily made the public records available to the relator for 1354

the first time after the relator commenced the mandamus action, 1355
but before the court issued any order concluding whether or not 1356
the public office or person was required to comply with division 1357
(B) of this section. No discovery may be conducted on the issue 1358
of the alleged bad faith of the public office or person 1359
responsible for the public records. This division shall not be 1360
construed as creating a presumption that the public office or 1361
the person responsible for the public records acted in bad faith 1362
when the office or person voluntarily made the public records 1363
available to the relator for the first time after the relator 1364
commenced the mandamus action, but before the court issued any 1365
order described in this division. 1366

(c) The court shall not award attorney's fees to the 1367
relator if the court determines both of the following: 1368

(i) That, based on the ordinary application of statutory 1369
law and case law as it existed at the time of the conduct or 1370
threatened conduct of the public office or person responsible 1371
for the requested public records that allegedly constitutes a 1372
failure to comply with an obligation in accordance with division 1373
(B) of this section and that was the basis of the mandamus 1374
action, a well-informed public office or person responsible for 1375
the requested public records reasonably would believe that the 1376
conduct or threatened conduct of the public office or person 1377
responsible for the requested public records did not constitute 1378
a failure to comply with an obligation in accordance with 1379
division (B) of this section; 1380

(ii) That a well-informed public office or person 1381
responsible for the requested public records reasonably would 1382
believe that the conduct or threatened conduct of the public 1383
office or person responsible for the requested public records 1384

would serve the public policy that underlies the authority that 1385
is asserted as permitting that conduct or threatened conduct. 1386

(4) All of the following apply to any award of reasonable 1387
attorney's fees awarded under division (C) (3) (b) of this 1388
section: 1389

(a) The fees shall be construed as remedial and not 1390
punitive. 1391

(b) The fees awarded shall not exceed the total of the 1392
reasonable attorney's fees incurred before the public record was 1393
made available to the relator and the fees described in division 1394
(C) (4) (c) of this section. 1395

(c) Reasonable attorney's fees shall include reasonable 1396
fees incurred to produce proof of the reasonableness and amount 1397
of the fees and to otherwise litigate entitlement to the fees. 1398

(d) The court may reduce the amount of fees awarded if the 1399
court determines that, given the factual circumstances involved 1400
with the specific public records request, an alternative means 1401
should have been pursued to more effectively and efficiently 1402
resolve the dispute that was subject to the mandamus action 1403
filed under division (C) (1) of this section. 1404

(5) If the court does not issue a writ of mandamus under 1405
division (C) of this section and the court determines at that 1406
time that the bringing of the mandamus action was frivolous 1407
conduct as defined in division (A) of section 2323.51 of the 1408
Revised Code, the court may award to the public office all court 1409
costs, expenses, and reasonable attorney's fees, as determined 1410
by the court. 1411

(D) Chapter 1347. of the Revised Code does not limit the 1412
provisions of this section. 1413

(E) (1) To ensure that all employees of public offices are 1414
appropriately educated about a public office's obligations under 1415
division (B) of this section, all elected officials or their 1416
appropriate designees shall attend training approved by the 1417
attorney general as provided in section 109.43 of the Revised 1418
Code. A future official may satisfy the requirements of this 1419
division by attending the training before taking office, 1420
provided that the future official may not send a designee in the 1421
future official's place. 1422

(2) All public offices shall adopt a public records policy 1423
in compliance with this section for responding to public records 1424
requests. In adopting a public records policy under this 1425
division, a public office may obtain guidance from the model 1426
public records policy developed and provided to the public 1427
office by the attorney general under section 109.43 of the 1428
Revised Code. Except as otherwise provided in this section, the 1429
policy may not limit the number of public records that the 1430
public office will make available to a single person, may not 1431
limit the number of public records that it will make available 1432
during a fixed period of time, and may not establish a fixed 1433
period of time before it will respond to a request for 1434
inspection or copying of public records, unless that period is 1435
less than eight hours. 1436

The public office shall distribute the public records 1437
policy adopted by the public office under this division to the 1438
employee of the public office who is the records custodian or 1439
records manager or otherwise has custody of the records of that 1440
office. The public office shall require that employee to 1441
acknowledge receipt of the copy of the public records policy. 1442
The public office shall create a poster that describes its 1443
public records policy and shall post the poster in a conspicuous 1444

place in the public office and in all locations where the public 1445
office has branch offices. The public office may post its public 1446
records policy on the internet web site of the public office if 1447
the public office maintains an internet web site. A public 1448
office that has established a manual or handbook of its general 1449
policies and procedures for all employees of the public office 1450
shall include the public records policy of the public office in 1451
the manual or handbook. 1452

(F) (1) The bureau of motor vehicles may adopt rules 1453
pursuant to Chapter 119. of the Revised Code to reasonably limit 1454
the number of bulk commercial special extraction requests made 1455
by a person for the same records or for updated records during a 1456
calendar year. The rules may include provisions for charges to 1457
be made for bulk commercial special extraction requests for the 1458
actual cost of the bureau, plus special extraction costs, plus 1459
ten per cent. The bureau may charge for expenses for redacting 1460
information, the release of which is prohibited by law. 1461

(2) As used in division (F) (1) of this section: 1462

(a) "Actual cost" means the cost of depleted supplies, 1463
records storage media costs, actual mailing and alternative 1464
delivery costs, or other transmitting costs, and any direct 1465
equipment operating and maintenance costs, including actual 1466
costs paid to private contractors for copying services. 1467

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

extraction request" does not include a request by a person who 1475
gives assurance to the bureau that the person making the request 1476
does not intend to use or forward the requested copies for 1477
surveys, marketing, solicitation, or resale for commercial 1478
purposes. 1479

(c) "Commercial" means profit-seeking production, buying, 1480
or selling of any good, service, or other product. 1481

(d) "Special extraction costs" means the cost of the time 1482
spent by the lowest paid employee competent to perform the task, 1483
the actual amount paid to outside private contractors employed 1484
by the bureau, or the actual cost incurred to create computer 1485
programs to make the special extraction. "Special extraction 1486
costs" include any charges paid to a public agency for computer 1487
or records services. 1488

(3) For purposes of divisions (F) (1) and (2) of this 1489
section, "surveys, marketing, solicitation, or resale for 1490
commercial purposes" shall be narrowly construed and does not 1491
include reporting or gathering news, reporting or gathering 1492
information to assist citizen oversight or understanding of the 1493
operation or activities of government, or nonprofit educational 1494
research. 1495

(G) A request by a defendant, counsel of a defendant, or 1496
any agent of a defendant in a criminal action that public 1497
records related to that action be made available under this 1498
section shall be considered a demand for discovery pursuant to 1499
the Criminal Rules, except to the extent that the Criminal Rules 1500
plainly indicate a contrary intent. The defendant, counsel of 1501
the defendant, or agent of the defendant making a request under 1502
this division shall serve a copy of the request on the 1503
prosecuting attorney, director of law, or other chief legal 1504

officer responsible for prosecuting the action. 1505

(H) (1) Any portion of a body-worn camera or dashboard 1506
camera recording described in divisions (A) (17) (b) to (h) of 1507
this section may be released by consent of the subject of the 1508
recording or a representative of that person, as specified in 1509
those divisions, only if either of the following applies: 1510

(a) The recording will not be used in connection with any 1511
probable or pending criminal proceedings; 1512

(b) The recording has been used in connection with a 1513
criminal proceeding that was dismissed or for which a judgment 1514
has been entered pursuant to Rule 32 of the Rules of Criminal 1515
Procedure, and will not be used again in connection with any 1516
probable or pending criminal proceedings. 1517

(2) If a public office denies a request to release a 1518
restricted portion of a body-worn camera or dashboard camera 1519
recording, as defined in division (A) (17) of this section, any 1520
person may file a mandamus action pursuant to this section or a 1521
complaint with the clerk of the court of claims pursuant to 1522
section 2743.75 of the Revised Code, requesting the court to 1523
order the release of all or portions of the recording. If the 1524
court considering the request determines that the filing 1525
articulates by clear and convincing evidence that the public 1526
interest in the recording substantially outweighs privacy 1527
interests and other interests asserted to deny release, the 1528
court shall order the public office to release the recording. 1529

Sec. 315.25. (A) The county engineer shall make and keep, 1530
in a book provided for that purpose, an accurate record of all 1531
surveys made by ~~him~~ the engineer or ~~his~~ the engineer's deputies 1532
for the purpose of locating any land or road lines, or fixing 1533

any corner or monument by which it may be determined, whether 1534
official or otherwise. Such surveys shall include corners, 1535
distances, azimuths, angles, calculations, plats, and a 1536
description of the monuments set up, with such references 1537
thereto as will aid in finding the names of the parties for whom 1538
the surveys are made, and the date of making such surveys. Such 1539
book shall be kept as a public record by the engineer at ~~his~~ the 1540
engineer's office, and it shall be at all proper times open to 1541
inspection and examination by all persons interested therein. 1542
Any other surveys made in the county by competent surveyors, 1543
certified by such surveyor to be correct and deemed worthy of 1544
preservation, may, by order of the board of county 1545
commissioners, be recorded by the engineer. 1546

(B) The county engineer shall keep confidential 1547
information that is subject to a real property confidentiality 1548
notice under section 111.431 of the Revised Code, in accordance 1549
with that section. 1550

Sec. 317.13. (A) Except as otherwise provided in division 1551
(B) of this section, the county recorder shall record in the 1552
official records, in legible handwriting, typewriting, or 1553
printing, or by any authorized photographic or electronic 1554
process, all deeds, mortgages, plats, or other instruments of 1555
writing that are required or authorized by the Revised Code to 1556
be recorded and that are presented to the county recorder for 1557
that purpose. The county recorder shall record the instruments 1558
in regular succession, according to the priority of 1559
presentation, and shall enter the file number at the beginning 1560
of the record. On the record of each instrument, the county 1561
recorder shall record the date and precise time the instrument 1562
was presented for record. All records made, prior to July 28, 1563
1949, by means authorized by this section or by section 9.01 of 1564

the Revised Code shall be deemed properly made. 1565

(B) The county recorder may refuse to record an instrument 1566
of writing presented for recording if the instrument is not 1567
required or authorized by the Revised Code to be recorded or the 1568
county recorder has reasonable cause to believe the instrument 1569
is materially false or fraudulent. This division does not create 1570
a duty upon a recorder to inspect, evaluate, or investigate an 1571
instrument of writing that is presented for recording. 1572

(C) If a person presents an instrument of writing to the 1573
county recorder for recording and the county recorder, pursuant 1574
to division (B) of this section, refuses to record the 1575
instrument, the person has a cause of action for an order from 1576
the court of common pleas in the county that the county recorder 1577
serves, to require the county recorder to record the instrument. 1578
If the court determines that the instrument is required or 1579
authorized by the Revised Code to be recorded and is not 1580
materially false or fraudulent, it shall order the county 1581
recorder to record the instrument. 1582

(D) The county recorder shall keep confidential 1583
information that is subject to a real property confidentiality 1584
notice under section 111.431 of the Revised Code, in accordance 1585
with that section. A copy of the real property confidentiality 1586
notice shall accompany subsequent recordings of the property, 1587
unless the program participant's certification has been canceled 1588
under section 111.431 or 111.45 of the Revised Code. 1589

Sec. 317.32. The county recorder shall charge and collect 1590
the following fees, to include, except as otherwise provided in 1591
division (A) (2) of this section, base fees for the recorder's 1592
services and housing trust fund fees collected pursuant to 1593
section 317.36 of the Revised Code: 1594

(A) (1) Except as otherwise provided in division (A) (2) of 1595
this section, for recording and indexing an instrument if the 1596
photocopy or any similar process is employed, a base fee of 1597
seventeen dollars for the first two pages and a housing trust 1598
fund fee of seventeen dollars, and a base fee of four dollars 1599
and a housing trust fund fee of four dollars for each subsequent 1600
page, size eight and one-half inches by fourteen inches, or 1601
fraction of a page, including the caption page, of such 1602
instrument; 1603

(2) For recording and indexing an instrument described in 1604
division (D) of section 317.08 of the Revised Code if the 1605
photocopy or any similar process is employed, a fee of twenty- 1606
eight dollars for the first two pages to be deposited as 1607
specified elsewhere in this division, and a fee of eight dollars 1608
to be deposited in the same manner for each subsequent page, 1609
size eight and one-half inches by fourteen inches, or fraction 1610
of a page, including the caption page, of that instrument. If 1611
the county recorder's technology fund has been established under 1612
section 317.321 of the Revised Code, of the twenty-eight 1613
dollars, fourteen dollars shall be deposited into the county 1614
treasury to the credit of the county recorder's technology fund 1615
and fourteen dollars shall be deposited into the county treasury 1616
to the credit of the county general fund. If the county 1617
recorder's technology fund has not been established, the twenty- 1618
eight dollars shall be deposited into the county treasury to the 1619
credit of the county general fund. 1620

(B) For certifying a ~~photocopy~~ copy or electronic record 1621
from the record previously recorded, a base fee of one dollar 1622
and a housing trust fund fee of one dollar per page, size eight 1623
and one-half inches by fourteen inches, or fraction of a page; 1624
for each certification if the recorder's seal is required, 1625

except as to instruments issued by the armed forces of the 1626
United States, a base fee of fifty cents and a housing trust 1627
fund fee of fifty cents; 1628

(C) For entering or indexing any ~~marginal~~-reference by 1629
separate recorded instrument, a base fee of two dollars and a 1630
housing trust fund fee of two dollars for each ~~marginal~~- 1631
reference set out in that instrument, in addition to the fees 1632
set forth in division (A) (1) of this section; 1633

(D) For indexing in the real estate mortgage records, 1634
pursuant to section 1309.519 of the Revised Code, financing 1635
statements covering crops growing or to be grown, timber to be 1636
cut, minerals or the like, including oil and gas, accounts 1637
subject to section 1309.301 of the Revised Code, or fixture 1638
filings made pursuant to section 1309.334 of the Revised Code, a 1639
base fee of two dollars and a housing trust fund fee of two 1640
dollars for each name indexed; 1641

(E) For filing zoning resolutions, including text and 1642
maps, in the office of the recorder as required under sections 1643
303.11 and 519.11 of the Revised Code, a base fee of twenty-five 1644
dollars and a housing trust fund fee of twenty-five dollars, 1645
regardless of the size or length of the resolutions; 1646

(F) For filing zoning amendments, including text and maps, 1647
in the office of the recorder as required under sections 303.12 1648
and 519.12 of the Revised Code, a base fee of ten dollars and a 1649
housing trust fund fee of ten dollars regardless of the size or 1650
length of the amendments; 1651

(G) For photocopying a document, other than at the time of 1652
recording and indexing as provided for in division (A) (1) or (2) 1653
of this section, a base fee of one dollar and a housing trust 1654

fund fee of one dollar per page, size eight and one-half inches 1655
by fourteen inches, or fraction thereof; 1656

(H) For local facsimile transmission of a document, a base 1657
fee of one dollar and a housing trust fund fee of one dollar per 1658
page, size eight and one-half inches by fourteen inches, or 1659
fraction thereof; for long distance facsimile transmission of a 1660
document, a base fee of two dollars and a housing trust fund fee 1661
of two dollars per page, size eight and one-half inches by 1662
fourteen inches, or fraction thereof; 1663

(I) For recording a declaration executed pursuant to 1664
section 2133.02 of the Revised Code or a durable power of 1665
attorney for health care executed pursuant to section 1337.12 of 1666
the Revised Code, or both a declaration and a durable power of 1667
attorney for health care, a base fee of at least fourteen 1668
dollars but not more than twenty dollars and a housing trust 1669
fund fee of at least fourteen dollars but not more than twenty 1670
dollars. 1671

In any county in which the recorder employs the 1672
photostatic or any similar process for recording maps, plats, or 1673
prints the recorder shall determine, charge, and collect for the 1674
recording or rerecording of any map, plat, or print, a base fee 1675
of five cents and a housing trust fund fee of five cents per 1676
square inch, for each square inch of the map, plat, or print 1677
filed for that recording or rerecording, with a minimum base fee 1678
of twenty dollars and a minimum housing trust fund fee of twenty 1679
dollars; for certifying a copy from the record, a base fee of 1680
two cents and a housing trust fund fee of two cents per square 1681
inch of the record, with a minimum base fee of two dollars and a 1682
minimum housing trust fund fee of two dollars. 1683

The fees provided in this section shall be paid upon the 1684

presentation of the instruments for record or upon the 1685
application for any certified copy of the record, except that 1686
the payment of fees for providing copies of instruments 1687
conveying or extinguishing agricultural easements to the office 1688
of farmland preservation in the department of agriculture under 1689
division (H) of section 5301.691 of the Revised Code shall be 1690
governed by that division, and payment of fees for electronic 1691
recording may be made by electronic funds transfer, automated 1692
clearing house, or other electronic means after presentation. 1693

The fees provided for in this section shall not apply to 1694
the recording, indexing, or making of a certified copy or to the 1695
filing of any instrument by a county land reutilization 1696
corporation, ~~its~~. 1697

The fees provided for in this section shall not apply to 1698
the recording, indexing, or making of a certified copy or to the 1699
filing of any instrument by a county land reutilization 1700
corporation's wholly owned subsidiary, or any other electing 1701
subdivision as defined in section 5722.01 of the Revised Code if 1702
the wholly owned subsidiary or the electing subdivision is 1703
acting in capacity consistent with the purpose of the land 1704
reutilization program. 1705

Sec. 319.28. (A) Except as otherwise provided in division 1706
(B) of this section, on or before the first Monday of August, 1707
annually, the county auditor shall compile and make up a general 1708
tax list of real and public utility property in the county, 1709
either in tabular form and alphabetical order, or, with the 1710
consent of the county treasurer, by listing all parcels in a 1711
permanent parcel number sequence to which a separate 1712
alphabetical index is keyed, containing the names of the several 1713
persons, companies, firms, partnerships, associations, and 1714

corporations in whose names real property has been listed in 1715
each township, municipal corporation, special district, or 1716
separate school district, or part of either in the auditor's 1717
county, placing separately, in appropriate columns opposite each 1718
name, the description of each tract, lot, or parcel of real 1719
estate, the value of each tract, lot, or parcel, the value of 1720
the improvements thereon, and of the names of the several public 1721
utilities whose property, subject to taxation on the general tax 1722
list and duplicate, has been apportioned by the department of 1723
taxation to the county, and the amount so apportioned to each 1724
township, municipal corporation, special district, or separate 1725
school district or part of either in the auditor's county, as 1726
shown by the certificates of apportionment of public utility 1727
property. If the name of the owner of any tract, lot, or parcel 1728
of real estate is unknown to the auditor, "unknown" shall be 1729
entered in the column of names opposite said tract, lot, or 1730
parcel. Such lists shall be prepared in duplicate. On or before 1731
the first Monday of September in each year, the auditor shall 1732
correct such lists in accordance with the additions and 1733
deductions ordered by the tax commissioner and by the county 1734
board of revision, and shall certify and on the first day of 1735
October deliver one copy thereof to the county treasurer. The 1736
copies prepared by the auditor shall constitute the auditor's 1737
general tax list and treasurer's general duplicate of real and 1738
public utility property for the current year. 1739

Once a permanent parcel numbering system has been 1740
established in any county as provided by the preceding 1741
paragraph, such system shall remain in effect until otherwise 1742
agreed upon by the county auditor and county treasurer. 1743

(B) (1) An individual, or the spouse of that individual, 1744
whose residential and familial information is not a public 1745

record under divisions (A) (1) (p) and (A) (7) of section 149.43 of 1746
the Revised Code may submit an affidavit to the county auditor 1747
requesting the county auditor to remove the name of the 1748
individual filing the affidavit from any record made available 1749
to the general public on the internet or a publicly accessible 1750
database, and from the general tax list and duplicate_of real 1751
and public utility property, and to instead insert the 1752
individual's initials on any such record, and on the general tax 1753
list and duplicate of real and public utility property as the 1754
name of the individual that appears on the deed. 1755

(2) Upon receiving an affidavit described in division (B) 1756
(1) of this section, the county auditor shall act within five 1757
business days in accordance with the request to remove the 1758
individual's name from any record made available to the general 1759
public on the internet or a publicly accessible database, and 1760
from the general tax list and duplicate of real and public 1761
utility property and insert the individual's initials on any 1762
such record and on the general tax list and duplicate of real 1763
and public utility property, if practicable. If the removal and 1764
insertion is not practicable, the county auditor shall verbally 1765
or in writing within five business days after receiving the 1766
affidavit explain to the individual why the removal and 1767
insertion is impracticable. 1768

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

Sec. 321.25. The county treasurer shall keep confidential 1773
information that is subject to a real property confidentiality 1774
notice under section 111.431 of the Revised Code, in accordance 1775

with that section. 1776

Sec. 2303.12. (A) The clerk of the court of common pleas 1777
shall keep at least four books. They shall be called the 1778
appearance docket, trial docket and printed duplicates of the 1779
trial docket for the use of the court and the officers thereof, 1780
journal, and execution docket.~~He~~ The clerk shall also keep a 1781
record in book form or ~~he~~ the clerk may prepare a record by 1782
using any photostatic, photographic, miniature photographic, 1783
film, microfilm, or microphotographic process, electrostatic 1784
process, perforated tape, magnetic tape, or other 1785
electromagnetic means, electronic data processing, machine 1786
readable media, graphic or video display, or any combination 1787
thereof, which correctly and accurately copies or reproduces the 1788
original document, paper, or instrument in writing.~~He~~ The clerk 1789
shall use materials that comply with the minimum standards of 1790
quality for permanent photographic records prescribed by the 1791
National Bureau of Standards.~~He~~ The clerk shall keep an index 1792
to the trial docket and to the printed duplicates of the trial 1793
docket and of the journal direct, and to the appearance docket, 1794
record, and execution docket, direct and reverse. All clerks 1795
keeping records and information by the methods described in this 1796
section shall keep and make readily available to the public the 1797
machine and equipment necessary to reproduce the records and 1798
information in a readable form. 1799

(B) The clerk of the court of common pleas shall keep 1800
confidential information that is subject to a real property 1801
confidentiality notice under section 111.431 of the Revised 1802
Code, in accordance with that section. 1803

Sec. 5301.255. (A) A memorandum of trust that satisfies 1804
both of the following may be presented for recordation in the 1805

office of the county recorder of any county in which real 1806
property that is subject to the trust is located: 1807

(1) The memorandum shall be executed by the trustee of the 1808
trust and acknowledged by the trustee of the trust in accordance 1809
with section 5301.01 of the Revised Code. 1810

(2) The memorandum shall state all of the following: 1811

(a) The name and address of the trustee of the trust; 1812

(b) The date of execution of the trust; 1813

(c) The powers specified in the trust relative to the 1814
acquisition, sale, or encumbering of real property by the 1815
trustee or the conveyance of real property by the trustee, and 1816
any restrictions upon those powers. 1817

(B) A memorandum of trust that satisfies divisions (A) (1) 1818
and (2) of this section also may set forth the substance or 1819
actual text of provisions of the trust that are not described in 1820
those divisions. 1821

(C) A memorandum of trust that satisfies divisions (A) (1) 1822
and (2) of this section shall constitute notice only of the 1823
information contained in it. 1824

(D) Upon the presentation for recordation of a memorandum 1825
of trust that satisfies divisions (A) (1) and (2) of this section 1826
and the payment of the requisite fee prescribed in section 1827
317.32 of the Revised Code, a county recorder shall record the 1828
memorandum of trust in the official records described in 1829
division (A) ~~(18)~~ (17) of section 317.08 of the Revised Code, if 1830
the memorandum of trust describes specific real property, or in 1831
the official records described in division (A) ~~(24)~~ (23) of that 1832
section, if the memorandum of trust does not describe specific 1833

real property. 1834

Section 2. That existing sections 111.42, 111.43, 111.45, 1835
111.46, 111.48, 111.99, 149.43, 315.25, 317.13, 317.32, 319.28, 1836
2303.12, and 5301.255 of the Revised Code are hereby repealed. 1837