

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,
111.48, 111.99, 149.43, 315.25, 317.13, 317.32,
319.28, 2303.12, and 5301.255 and to enact
sections 111.431, 111.432, and 321.25 of the
Revised Code to make changes to the Address
Confidentiality Program administered by the
Secretary of State and to make changes to county
recorder fees.

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

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

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

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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, trafficking in persons, rape, or sexual battery;	48 49
(2) A statement that the application assistant recommends that the applicant or the minor, incompetent, or ward, as applicable, participate in the address confidentiality program;	50 51 52
(3) A knowing and voluntary designation of the secretary of state as the agent for the purposes of receiving service of process and the receipt of mail;	53 54 55
(4) The mailing address and telephone number or numbers at which the secretary of state may contact the applicant;	56 57
(5) The address or addresses of the applicant's residence, school, institution of higher education, business, or place of employment that the applicant requests not be disclosed for the reason that disclosure will increase the risk that the applicant, a member of the applicant's household, or the minor, incompetent, or ward on whose behalf the application is made will be threatened or physically harmed by another person;	58 59 60 61 62 63 64
(6) The signature of the applicant, the name and signature of the application assistant who assisted the applicant, and the date on which the applicant and the application assistant signed the application;	65 66 67 68
(7) Except for a claim based on the performance or nonperformance of a public duty that was manifestly outside the scope of the officer's or employee's office or employment or in which the officer or employee acted with malicious purpose, in bad faith, or in a wanton or reckless manner, a voluntary release and waiver of all future claims against the state for any claim that may arise from participation in the address confidentiality program.	69 70 71 72 73 74 75 76

(C) Upon receiving a properly completed application under division (B) of this section, the secretary of state shall, <u>within ten business days,</u> do all of the following:	77 78 79
(1) Certify the applicant or the minor, incompetent, or ward on whose behalf the application is filed as a program participant;	80 81 82
(2) Designate each eligible address listed in the application as a confidential address;	83 84
(3) Issue the program participant a unique program participant identification number;	85 86
(4) Issue the program participant an address confidentiality program authorization card, which shall be valid during the period that the program participant remains certified to participate in the address confidentiality program, and which shall include the address at which the program participant may receive mail through the office of the secretary of state;	87 88 89 90 91 92
(5) Provide information to the program participant concerning <u>all of the following:</u>	93 94
(a) The manner in which the program participant may use the secretary of state as the program participant's agent for the purposes of receiving mail and receiving service of process and the types of mail that the secretary of state will forward to the program participant;	95 96 97 98 99
(b) The process to register to vote and to vote as a program participant, if the program participant is eligible to vote;	100 101 102 103
(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 (E)(1)(a) — (D)(1)(a) to (d) — (e) of this section, the office of the secretary of state	192 193 194 195
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.	196 197 198 199
(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.	200 201 202 203 204 205 206 207 208
(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.	209 210 211
(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.	212 213 214 215
(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	216 217 218 219 220

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

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

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 participant, if any;</u>	365
<u>(d) A legal description of the real property subject to the title examination;</u>	367
<u>(e) A statement that the applicant will treat the information as confidential and will use the information only for the purpose identified in the application;</u>	369
<u>(f) The applicant's signature;</u>	372
<u>(g) Any other information required by the secretary of state.</u>	373
<u>(3) After the secretary of state receives an application submitted under division (E) of this section, the secretary of state shall, within ten business days, provide the applicant with a written response approving or denying the application. The secretary of state shall approve the application if the secretary of state determines that the application is properly completed; that the information the applicant seeks is subject to division (C) of this section; and that the applicant is seeking the information only for the purpose of performing a bona fide title examination. If the information the applicant seeks is not subject to division (C) of this section, the secretary of state shall, within ten business days, notify the applicant of that fact and, if applicable, shall send a notice to the county recorder, auditor, treasurer, and engineer and to the clerk of the court of common pleas under division (F)(3) of this section.</u>	375
<u>(F) Upon the occurrence of any of the following, the county recorder, auditor, treasurer, and engineer and the clerk</u>	391
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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 name from being recorded and indexed for the purpose of giving notice of an ownership interest, lien, or other encumbrance on real property. On such records, if the record contains the information described in division (C) of this section, the county auditor, recorder, treasurer, or engineer, or the clerk of the court of common pleas, if applicable, shall redact the legal description of the property, parcel identification number, or street address of the real property in which the program participant has an ownership interest or any other information that may be used to identify the real property, on any versions of the documents available to the public. The county auditor, recorder, treasurer, or engineer, for the purpose of indexing a program participant's records, may use the program participant's fictitious name listed in the program participant's real property confidentiality notice.

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

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

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
accordance with division (F) of section 111.42 of the Revised
Code not later than the deadline specified by the secretary of
state by rule to renew the certification.

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

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

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

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

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

(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.

(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.

(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.

(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

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 pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:	628 629 630 631 632 633
(a) Medical records;	634
(b) Records pertaining to probation and parole proceedings, to proceedings related to the imposition of community control sanctions and post-release control sanctions, or to proceedings related to determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;	635 636 637 638 639 640
(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;	641 642 643
(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;	644 645 646
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	647 648 649 650 651 652
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	653 654
(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 accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	712 713 714 715
(y) Records listed in section 5101.29 of the Revised Code;	716
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section;	717 718 719
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	720 721 722
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	723 724 725
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;	726 727 728
(dd) Personal information, as defined in section 149.45 of the Revised Code;	729 730
(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot identification envelope statement of voter, or provisional ballot affirmation completed by a program participant who has a confidential voter registration record, and; records or portions of records pertaining to that program that identify the number of program participants that reside within a precinct, ward,	731 732 733 734 735 736 737 738 739 740

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

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

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

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

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

(i) The depiction is that of a victim of an offense the release of which would be, to a reasonable person of ordinary sensibilities, an offensive and objectionable intrusion into the victim's expectation of bodily privacy and integrity.	770 771 772 773
(ii) The depiction captures or depicts the victim of a sexually oriented offense, as defined in section 2950.01 of the Revised Code, at the actual occurrence of that offense.	774 775 776
(jj) Restricted portions of a body-worn camera or dashboard camera recording;	777 778
(kk) In the case of a fetal-infant mortality review board acting under sections 3707.70 to 3707.77 of the Revised Code, records, documents, reports, or other information presented to the board or a person abstracting such materials on the board's behalf, statements made by review board members during board meetings, all work products of the board, and data submitted by the board to the department of health or a national infant death review database, other than the report prepared pursuant to section 3707.77 of the Revised Code.	779 780 781 782 783 784 785 786 787
(ll) Records, documents, reports, or other information presented to the pregnancy-associated mortality review board established under section 3738.01 of the Revised Code, statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of health, other than the biennial reports prepared under section 3738.08 of the Revised Code;	788 789 790 791 792 793 794
(mm) Telephone numbers for a victim, as defined in section 2930.01 of the Revised Code, a witness to a crime, or a party to a motor vehicle accident subject to the requirements of section 5502.11 of the Revised Code that are listed on any law	795 796 797 798

enforcement record or report, other than when requested by an
insurer or insurance agent investigating an insurance claim
resulting from a motor vehicle accident. 799
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A record that is not a public record under division (A) (1)
of this section and that, under law, is permanently retained
becomes a public record on the day that is seventy-five years
after the day on which the record was created, except for any
record protected by the attorney-client privilege, a trial
preparation record as defined in this section, a statement
prohibiting the release of identifying information signed under
section 3107.083 of the Revised Code, a denial of release form
filed pursuant to section 3107.46 of the Revised Code, or any
record that is exempt from release or disclosure under section
149.433 of the Revised Code. If the record is a birth
certificate and a biological parent's name redaction request
form has been accepted under section 3107.391 of the Revised
Code, the name of that parent shall be redacted from the birth
certificate before it is released under this paragraph. If any
other section of the Revised Code establishes a time period for
disclosure of a record that conflicts with the time period
specified in this section, the time period in the other section
prevails. 802
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(2) "Confidential law enforcement investigatory record"
means any record that pertains to a law enforcement matter of a
criminal, quasi-criminal, civil, or administrative nature, but
only to the extent that the release of the record would create a
high probability of disclosure of any of the following: 821
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(a) The identity of a suspect who has not been charged
with the offense to which the record pertains, or of an
information source or witness to whom confidentiality has been
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reasonably promised;	829
(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;	830 831 832 833
(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;	834 835
(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.	836 837 838
(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.	839 840 841 842 843 844
(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.	845 846 847 848 849
(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and	850 851 852 853 854 855 856 857

that has not been publicly released, published, or patented.	858
(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.	859 860 861 862
(7) "Designated public service worker" means a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, county or multicounty corrections officer, community-based correctional facility employee, youth services employee, firefighter, EMT, medical director or member of a cooperating physician advisory board of an emergency medical service organization, state board of pharmacy employee, investigator of the bureau of criminal identification and investigation, judge, magistrate, or federal law enforcement officer.	863 864 865 866 867 868 869 870 871 872
(8) "Designated public service worker residential and familial information" means any information that discloses any of the following about a designated public service worker:	873 874 875
(a) The address of the actual personal residence of a designated public service worker, except for the following information:	876 877 878
(i) The address of the actual personal residence of a prosecuting attorney or judge; and	879 880
(ii) The state or political subdivision in which a designated public service worker resides.	881 882
(b) Information compiled from referral to or participation in an employee assistance program;	883 884
(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;	886 887 888 889
(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;	890 891 892 893
(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;	894 895 896 897 898
(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;	899 900 901 902 903 904
(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.	905 906 907 908
(9) As used in divisions (A) (7) and (15) to (17) of this section:	909 910
"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	911 912 913 914

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

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:	943 944 945 946
(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;	947 948 949 950
(b) The social security number, birth date, or photographic image of a person under the age of eighteen;	951 952
(c) Any medical record, history, or information pertaining to a person under the age of eighteen;	953 954
(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.	955 956 957 958 959 960
(11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code.	961 962
(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.	963 964
(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.	965 966 967 968
(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.	969 970

(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.	971 972 973 974
(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.	975 976 977 978
(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:	979 980 981 982
(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;	983 984 985 986 987
(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;	988 989 990 991
(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;	992 993 994 995 996
(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	997 998 999

person's guardian has been obtained;	1000
(e) An act of severe violence against a person that results in serious physical harm to the person, unless the act and injury was effected by a peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;	1001 1002 1003 1004 1005
(f) Grievous bodily harm to a peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;	1006 1007 1008 1009 1010 1011
(g) An act of severe violence resulting in serious physical harm against a peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;	1012 1013 1014 1015 1016 1017
(h) A person's nude body, unless, subject to division (H)(1) of this section, the person's consent has been obtained;	1018 1019
(i) Protected health information, the identity of a person in a health care facility who is not the subject of a law enforcement encounter, or any other information in a health care facility that could identify a person who is not the subject of a law enforcement encounter;	1020 1021 1022 1023 1024
(j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence;	1025 1026
(k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a	1027 1028

person who provides sensitive or confidential information to a law enforcement agency when the disclosure of the person's identity or the information provided could reasonably be expected to threaten or endanger the safety or property of the person or another person;	1029 1030 1031 1032 1033
(l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer;	1034 1035
(m) Proprietary police contingency plans or tactics that are intended to prevent crime and maintain public order and safety;	1036 1037 1038
(n) A personal conversation unrelated to work between peace officers or between a peace officer and an employee of a law enforcement agency;	1039 1040 1041
(o) A conversation between a peace officer and a member of the public that does not concern law enforcement activities;	1042 1043
(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a peace officer;	1044 1045 1046
(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location.	1047 1048 1049
As used in division (A) (17) of this section:	1050
"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	1051 1052
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	1053 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 section 2925.61 of the Revised Code.	1057 1058
"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.	1059 1060 1061 1062
"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.	1063 1064
"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.	1065 1066
(18) "Insurer" and "insurance agent" have the same meanings as in section 3905.01 of the Revised Code.	1067 1068
(B) (1) Upon request and subject to division (B) (8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B) (8) of this section, upon request by any person, a public office or person responsible for public records shall make copies of the requested public record available to the requester at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record shall make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the	1069 1070 1071 1072 1073 1074 1075 1076 1077 1078 1079 1080 1081 1082 1083 1084

redaction plainly visible. A redaction shall be deemed a denial
of a request to inspect or copy the redacted information, except
if federal or state law authorizes or requires a public office
to make the redaction. 1085
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(2) To facilitate broader access to public records, a
public office or the person responsible for public records shall
organize and maintain public records in a manner that they can
be made available for inspection or copying in accordance with
division (B) of this section. A public office also shall have
available a copy of its current records retention schedule at a
location readily available to the public. If a requester makes
an ambiguous or overly broad request or has difficulty in making
a request for copies or inspection of public records under this
section such that the public office or the person responsible
for the requested public record cannot reasonably identify what
public records are being requested, the public office or the
person responsible for the requested public record may deny the
request but shall provide the requester with an opportunity to
revise the request by informing the requester of the manner in
which records are maintained by the public office and accessed
in the ordinary course of the public office's or person's
duties. 1089
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(3) If a request is ultimately denied, in part or in
whole, the public office or the person responsible for the
requested public record shall provide the requester with an
explanation, including legal authority, setting forth why the
request was denied. If the initial request was provided in
writing, the explanation also shall be provided to the requester
in writing. The explanation shall not preclude the public office
or the person responsible for the requested public record from
relying upon additional reasons or legal authority in defending
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an action commenced under division (C) of this section.

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

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

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

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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 or the clerk of the court of common pleas under section 2743.75 of the Revised Code;	1266 1267 1268
(b) Commence a mandamus action to obtain a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, that awards court costs and reasonable attorney's fees to the person that instituted the mandamus action, and, if applicable, that includes an order fixing statutory damages under division (C) (2) of this section. The mandamus action may be commenced in the court of common pleas of the county in which division (B) of this section allegedly was not complied with, in the supreme court pursuant to its original jurisdiction under Section 2 of Article IV, Ohio Constitution, or in the court of appeals for the appellate district in which division (B) of this section allegedly was not complied with pursuant to its original jurisdiction under Section 3 of Article IV, Ohio Constitution.	1269 1270 1271 1272 1273 1274 1275 1276 1277 1278 1279 1280 1281 1282
(2) If a requester transmits a written request by hand delivery, electronic submission, or certified mail to inspect or receive copies of any public record in a manner that fairly describes the public record or class of public records to the public office or person responsible for the requested public records, except as otherwise provided in this section, the requester shall be entitled to recover the amount of statutory damages set forth in this division if a court determines that the public office or the person responsible for public records failed to comply with an obligation in accordance with division (B) of this section.	1283 1284 1285 1286 1287 1288 1289 1290 1291 1292 1293
The amount of statutory damages shall be fixed at one hundred dollars for each business day during which the public	1294 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 this section, the following apply:	1327
(a) (i) If the court orders the public office or the person responsible for the public record to comply with division (B) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.	1329
(ii) If the court makes a determination described in division (C)(3)(b)(iii) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.	1334
(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section or if the court determines any of the following, the court may award reasonable attorney's fees to the relator, subject to division (C)(4) of this section:	1338
(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.	1343
(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.	1347
(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for	1352

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
is asserted as permitting that conduct or threatened conduct. 1385
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(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
appropriately educated about a public office's obligations under
division (B) of this section, all elected officials or their
appropriate designees shall attend training approved by the
attorney general as provided in section 109.43 of the Revised
Code. A future official may satisfy the requirements of this
division by attending the training before taking office,
provided that the future official may not send a designee in the
future official's place.

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

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

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 <u>the engineer</u> or his <u>the engineer's</u> 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
this section, for recording and indexing an instrument if the
photocopy or any similar process is employed, a base fee of
seventeen dollars for the first two pages and a housing trust
fund fee of seventeen dollars, and a base fee of four dollars
and a housing trust fund fee of four dollars for each subsequent
page, size eight and one-half inches by fourteen inches, or
fraction of a page, including the caption page, of such
instrument; 1595
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(2) For recording and indexing an instrument described in
division (D) of section 317.08 of the Revised Code if the
photocopy or any similar process is employed, a fee of twenty-
eight dollars for the first two pages to be deposited as
specified elsewhere in this division, and a fee of eight dollars
to be deposited in the same manner for each subsequent page,
size eight and one-half inches by fourteen inches, or fraction
of a page, including the caption page, of that instrument. If
the county recorder's technology fund has been established under
section 317.321 of the Revised Code, of the twenty-eight
dollars, fourteen dollars shall be deposited into the county
treasury to the credit of the county recorder's technology fund
and fourteen dollars shall be deposited into the county treasury
to the credit of the county general fund. If the county
recorder's technology fund has not been established, the twenty-
eight dollars shall be deposited into the county treasury to the
credit of the county general fund. 1604
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(B) For certifying a photocopy copy or electronic record
from the record previously recorded, a base fee of one dollar
and a housing trust fund fee of one dollar per page, size eight
and one-half inches by fourteen inches, or fraction of a page;
for each certification if the recorder's seal is required, 1621
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except as to instruments issued by the armed forces of the United States, a base fee of fifty cents and a housing trust fund fee of fifty cents;	1626 1627 1628
(C) For entering <u>or indexing</u> any marginal reference by separate recorded instrument, a base fee of two dollars and a housing trust fund fee of two dollars for each marginal reference set out in that instrument, in addition to the fees set forth in division (A) (1) of this section;	1629 1630 1631 1632 1633
(D) For indexing in the real estate mortgage records, pursuant to section 1309.519 of the Revised Code, financing statements covering crops growing or to be grown, timber to be cut, minerals or the like, including oil and gas, accounts subject to section 1309.301 of the Revised Code, or fixture filings made pursuant to section 1309.334 of the Revised Code, a 	1634 1635 1636 1637 1638 1639 1640 1641
(E) For filing zoning resolutions, including text and maps, in the office of the recorder as required under sections 303.11 and 519.11 of the Revised Code, a base fee of twenty-five dollars and a housing trust fund fee of twenty-five dollars, regardless of the size or length of the resolutions;	1642 1643 1644 1645 1646
(F) For filing zoning amendments, including text and maps, in the office of the recorder as required under sections 303.12 and 519.12 of the Revised Code, a base fee of ten dollars and a housing trust fund fee of ten dollars regardless of the size or length of the amendments;	1647 1648 1649 1650 1651
(G) For photocopying a document, other than at the time of recording and indexing as provided for in division (A) (1) or (2) of this section, a base fee of one dollar and a housing trust	1652 1653 1654

fund fee of one dollar per page, size eight and one-half inches by fourteen inches, or fraction thereof;	1655 1656
(H) For local facsimile transmission of a document, a base fee of one dollar and a housing trust fund fee of one dollar per page, size eight and one-half inches by fourteen inches, or fraction thereof; for long distance facsimile transmission of a document, a base fee of two dollars and a housing trust fund fee of two dollars per page, size eight and one-half inches by fourteen inches, or fraction thereof;	1657 1658 1659 1660 1661 1662 1663
(I) For recording a declaration executed pursuant to section 2133.02 of the Revised Code or a durable power of attorney for health care executed pursuant to section 1337.12 of the Revised Code, or both a declaration and a durable power of attorney for health care, a base fee of at least fourteen dollars but not more than twenty dollars and a housing trust fund fee of at least fourteen dollars but not more than twenty dollars.	1664 1665 1666 1667 1668 1669 1670 1671
In any county in which the recorder employs the photostatic or any similar process for recording maps, plats, or prints the recorder shall determine, charge, and collect for the recording or rerecording of any map, plat, or print, a base fee of five cents and a housing trust fund fee of five cents per square inch, for each square inch of the map, plat, or print filed for that recording or rerecording, with a minimum base fee of twenty dollars and a minimum housing trust fund fee of twenty dollars; for certifying a copy from the record, a base fee of two cents and a housing trust fund fee of two cents per square inch of the record, with a minimum base fee of two dollars and a minimum housing trust fund fee of two dollars.	1672 1673 1674 1675 1676 1677 1678 1679 1680 1681 1682 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.

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

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

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

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office of the county recorder of any county in which real
property that is subject to the trust is located: 1806
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(1) The memorandum shall be executed by the trustee of the
trust and acknowledged by the trustee of the trust in accordance
with section 5301.01 of the Revised Code. 1808
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(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
acquisition, sale, or encumbering of real property by the
trustee or the conveyance of real property by the trustee, and
any restrictions upon those powers. 1814
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(B) A memorandum of trust that satisfies divisions (A) (1)
and (2) of this section also may set forth the substance or
actual text of provisions of the trust that are not described in
those divisions. 1818
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(C) A memorandum of trust that satisfies divisions (A) (1)
and (2) of this section shall constitute notice only of the
information contained in it. 1822
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(D) Upon the presentation for recordation of a memorandum
of trust that satisfies divisions (A) (1) and (2) of this section
and the payment of the requisite fee prescribed in section
317.32 of the Revised Code, a county recorder shall record the
memorandum of trust in the official records described in
division (A)~~(18)~~(17) of section 317.08 of the Revised Code, if
the memorandum of trust describes specific real property, or in
the official records described in division (A)~~(24)~~(23) of that
section, if the memorandum of trust does not describe specific
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real property. 1834

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