

**As Reported by the House Civil Justice Committee**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. S. B. No. 4**

**Senator Roegner**

**Cosponsors: Senators Manning, Antonio, Blessing, Brenner, Cirino, Craig, Dolan, Fedor, Gavarone, Hackett, Hoagland, Huffman, S., Johnson, Kunze, Maharath, O'Brien, Peterson, Reineke, Schaffer, Schuring, Sykes, Thomas, Williams, Wilson, Yuko Representative Galonski**

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**A BILL**

To amend sections 149.43 and 5913.01 of the Revised  
Code to include emergency service  
telecommunicators, protective services workers,  
certain Ohio National Guard members, and certain  
mental health care providers as individuals  
whose residential and familial information is  
exempt from disclosure under the Public Records  
Law.

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

**Section 1.** That sections 149.43 and 5913.01 of the Revised  
Code be amended to read as follows:

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

(1) "Public record" means records kept by any public  
office, including, but not limited to, state, county, city,  
village, township, and school district units, and records  
pertaining to the delivery of educational services by an  
alternative school in this state kept by the nonprofit or for-

profit entity operating the alternative school pursuant to 17  
section 3313.533 of the Revised Code. "Public record" does not 18  
mean any of the following: 19

(a) Medical records; 20

(b) Records pertaining to probation and parole 21  
proceedings, to proceedings related to the imposition of 22  
community control sanctions and post-release control sanctions, 23  
or to proceedings related to determinations under section 24  
2967.271 of the Revised Code regarding the release or maintained 25  
incarceration of an offender to whom that section applies; 26

(c) Records pertaining to actions under section 2151.85 27  
and division (C) of section 2919.121 of the Revised Code and to 28  
appeals of actions arising under those sections; 29

(d) Records pertaining to adoption proceedings, including 30  
the contents of an adoption file maintained by the department of 31  
health under sections 3705.12 to 3705.124 of the Revised Code; 32

(e) Information in a record contained in the putative 33  
father registry established by section 3107.062 of the Revised 34  
Code, regardless of whether the information is held by the 35  
department of job and family services or, pursuant to section 36  
3111.69 of the Revised Code, the office of child support in the 37  
department or a child support enforcement agency; 38

(f) Records specified in division (A) of section 3107.52 39  
of the Revised Code; 40

(g) Trial preparation records; 41

(h) Confidential law enforcement investigatory records; 42

(i) Records containing information that is confidential 43  
under section 2710.03 or 4112.05 of the Revised Code; 44

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| (j) DNA records stored in the DNA database pursuant to           | 45 |
| section 109.573 of the Revised Code;                             | 46 |
| (k) Inmate records released by the department of                 | 47 |
| rehabilitation and correction to the department of youth         | 48 |
| services or a court of record pursuant to division (E) of        | 49 |
| section 5120.21 of the Revised Code;                             | 50 |
| (l) Records maintained by the department of youth services       | 51 |
| pertaining to children in its custody released by the department | 52 |
| of youth services to the department of rehabilitation and        | 53 |
| correction pursuant to section 5139.05 of the Revised Code;      | 54 |
| (m) Intellectual property records;                               | 55 |
| (n) Donor profile records;                                       | 56 |
| (o) Records maintained by the department of job and family       | 57 |
| services pursuant to section 3121.894 of the Revised Code;       | 58 |
| (p) Designated public service worker residential and             | 59 |
| familial information;                                            | 60 |
| (q) In the case of a county hospital operated pursuant to        | 61 |
| Chapter 339. of the Revised Code or a municipal hospital         | 62 |
| operated pursuant to Chapter 749. of the Revised Code,           | 63 |
| information that constitutes a trade secret, as defined in       | 64 |
| section 1333.61 of the Revised Code;                             | 65 |
| (r) Information pertaining to the recreational activities        | 66 |
| of a person under the age of eighteen;                           | 67 |
| (s) In the case of a child fatality review board acting          | 68 |
| under sections 307.621 to 307.629 of the Revised Code or a       | 69 |
| review conducted pursuant to guidelines established by the       | 70 |
| director of health under section 3701.70 of the Revised Code,    | 71 |
| records provided to the board or director, statements made by    | 72 |

board members during meetings of the board or by persons 73  
participating in the director's review, and all work products of 74  
the board or director, and in the case of a child fatality 75  
review board, child fatality review data submitted by the board 76  
to the department of health or a national child death review 77  
database, other than the report prepared pursuant to division 78  
(A) of section 307.626 of the Revised Code; 79

(t) Records provided to and statements made by the 80  
executive director of a public children services agency or a 81  
prosecuting attorney acting pursuant to section 5153.171 of the 82  
Revised Code other than the information released under that 83  
section; 84

(u) Test materials, examinations, or evaluation tools used 85  
in an examination for licensure as a nursing home administrator 86  
that the board of executives of long-term services and supports 87  
administers under section 4751.15 of the Revised Code or 88  
contracts under that section with a private or government entity 89  
to administer; 90

(v) Records the release of which is prohibited by state or 91  
federal law; 92

(w) Proprietary information of or relating to any person 93  
that is submitted to or compiled by the Ohio venture capital 94  
authority created under section 150.01 of the Revised Code; 95

(x) Financial statements and data any person submits for 96  
any purpose to the Ohio housing finance agency or the 97  
controlling board in connection with applying for, receiving, or 98  
accounting for financial assistance from the agency, and 99  
information that identifies any individual who benefits directly 100  
or indirectly from financial assistance from the agency; 101

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|------------------------------------------------------------------|-----|
| (y) Records listed in section 5101.29 of the Revised Code;       | 102 |
| (z) Discharges recorded with a county recorder under             | 103 |
| section 317.24 of the Revised Code, as specified in division (B) | 104 |
| (2) of that section;                                             | 105 |
| (aa) Usage information including names and addresses of          | 106 |
| specific residential and commercial customers of a municipally   | 107 |
| owned or operated public utility;                                | 108 |
| (bb) Records described in division (C) of section 187.04         | 109 |
| of the Revised Code that are not designated to be made available | 110 |
| to the public as provided in that division;                      | 111 |
| (cc) Information and records that are made confidential,         | 112 |
| privileged, and not subject to disclosure under divisions (B)    | 113 |
| and (C) of section 2949.221 of the Revised Code;                 | 114 |
| (dd) Personal information, as defined in section 149.45 of       | 115 |
| the Revised Code;                                                | 116 |
| (ee) The confidential name, address, and other personally        | 117 |
| identifiable information of a program participant in the address | 118 |
| confidentiality program established under sections 111.41 to     | 119 |
| 111.47 of the Revised Code, including the contents of any        | 120 |
| application for absent voter's ballots, absent voter's ballot    | 121 |
| identification envelope statement of voter, or provisional       | 122 |
| ballot affirmation completed by a program participant who has a  | 123 |
| confidential voter registration record, and records or portions  | 124 |
| of records pertaining to that program that identify the number   | 125 |
| of program participants that reside within a precinct, ward,     | 126 |
| township, municipal corporation, county, or any other geographic | 127 |
| area smaller than the state. As used in this division,           | 128 |
| "confidential address" and "program participant" have the        | 129 |
| meaning defined in section 111.41 of the Revised Code.           | 130 |

(ff) Orders for active military service of an individual 131  
serving or with previous service in the armed forces of the 132  
United States, including a reserve component, or the Ohio 133  
organized militia, except that, such order becomes a public 134  
record on the day that is fifteen years after the published date 135  
or effective date of the call to order; 136

(gg) The name, address, contact information, or other 137  
personal information of an individual who is less than eighteen 138  
years of age that is included in any record related to a traffic 139  
accident involving a school vehicle in which the individual was 140  
an occupant at the time of the accident; 141

(hh) Protected health information, as defined in 45 C.F.R. 142  
160.103, that is in a claim for payment for a health care 143  
product, service, or procedure, as well as any other health 144  
claims data in another document that reveals the identity of an 145  
individual who is the subject of the data or could be used to 146  
reveal that individual's identity; 147

(ii) Any depiction by photograph, film, videotape, or 148  
printed or digital image under either of the following 149  
circumstances: 150

(i) The depiction is that of a victim of an offense the 151  
release of which would be, to a reasonable person of ordinary 152  
sensibilities, an offensive and objectionable intrusion into the 153  
victim's expectation of bodily privacy and integrity. 154

(ii) The depiction captures or depicts the victim of a 155  
sexually oriented offense, as defined in section 2950.01 of the 156  
Revised Code, at the actual occurrence of that offense. 157

(jj) Restricted portions of a body-worn camera or 158  
dashboard camera recording; 159

(kk) In the case of a fetal-infant mortality review board 160  
acting under sections 3707.70 to 3707.77 of the Revised Code, 161  
records, documents, reports, or other information presented to 162  
the board or a person abstracting such materials on the board's 163  
behalf, statements made by review board members during board 164  
meetings, all work products of the board, and data submitted by 165  
the board to the department of health or a national infant death 166  
review database, other than the report prepared pursuant to 167  
section 3707.77 of the Revised Code. 168

(ll) Records, documents, reports, or other information 169  
presented to the pregnancy-associated mortality review board 170  
established under section 3738.01 of the Revised Code, 171  
statements made by board members during board meetings, all work 172  
products of the board, and data submitted by the board to the 173  
department of health, other than the biennial reports prepared 174  
under section 3738.08 of the Revised Code; 175

(mm) Telephone numbers for a victim, as defined in section 176  
2930.01 of the Revised Code, a witness to a crime, or a party to 177  
a motor vehicle accident subject to the requirements of section 178  
5502.11 of the Revised Code that are listed on any law 179  
enforcement record or report. 180

A record that is not a public record under division (A) (1) 181  
of this section and that, under law, is permanently retained 182  
becomes a public record on the day that is seventy-five years 183  
after the day on which the record was created, except for any 184  
record protected by the attorney-client privilege, a trial 185  
preparation record as defined in this section, a statement 186  
prohibiting the release of identifying information signed under 187  
section 3107.083 of the Revised Code, a denial of release form 188  
filed pursuant to section 3107.46 of the Revised Code, or any 189

record that is exempt from release or disclosure under section 190  
149.433 of the Revised Code. If the record is a birth 191  
certificate and a biological parent's name redaction request 192  
form has been accepted under section 3107.391 of the Revised 193  
Code, the name of that parent shall be redacted from the birth 194  
certificate before it is released under this paragraph. If any 195  
other section of the Revised Code establishes a time period for 196  
disclosure of a record that conflicts with the time period 197  
specified in this section, the time period in the other section 198  
prevails. 199

(2) "Confidential law enforcement investigatory record" 200  
means any record that pertains to a law enforcement matter of a 201  
criminal, quasi-criminal, civil, or administrative nature, but 202  
only to the extent that the release of the record would create a 203  
high probability of disclosure of any of the following: 204

(a) The identity of a suspect who has not been charged 205  
with the offense to which the record pertains, or of an 206  
information source or witness to whom confidentiality has been 207  
reasonably promised; 208

(b) Information provided by an information source or 209  
witness to whom confidentiality has been reasonably promised, 210  
which information would reasonably tend to disclose the source's 211  
or witness's identity; 212

(c) Specific confidential investigatory techniques or 213  
procedures or specific investigatory work product; 214

(d) Information that would endanger the life or physical 215  
safety of law enforcement personnel, a crime victim, a witness, 216  
or a confidential information source. 217

(3) "Medical record" means any document or combination of 218

documents, except births, deaths, and the fact of admission to 219  
or discharge from a hospital, that pertains to the medical 220  
history, diagnosis, prognosis, or medical condition of a patient 221  
and that is generated and maintained in the process of medical 222  
treatment. 223

(4) "Trial preparation record" means any record that 224  
contains information that is specifically compiled in reasonable 225  
anticipation of, or in defense of, a civil or criminal action or 226  
proceeding, including the independent thought processes and 227  
personal trial preparation of an attorney. 228

(5) "Intellectual property record" means a record, other 229  
than a financial or administrative record, that is produced or 230  
collected by or for faculty or staff of a state institution of 231  
higher learning in the conduct of or as a result of study or 232  
research on an educational, commercial, scientific, artistic, 233  
technical, or scholarly issue, regardless of whether the study 234  
or research was sponsored by the institution alone or in 235  
conjunction with a governmental body or private concern, and 236  
that has not been publicly released, published, or patented. 237

(6) "Donor profile record" means all records about donors 238  
or potential donors to a public institution of higher education 239  
except the names and reported addresses of the actual donors and 240  
the date, amount, and conditions of the actual donation. 241

(7) "Designated public service worker" means a peace 242  
officer, parole officer, probation officer, bailiff, prosecuting 243  
attorney, assistant prosecuting attorney, correctional employee, 244  
county or multicounty corrections officer, community-based 245  
correctional facility employee, designated Ohio national guard 246  
member, protective services worker, youth services employee, 247  
firefighter, EMT, medical director or member of a cooperating 248

physician advisory board of an emergency medical service 249  
organization, state board of pharmacy employee, investigator of 250  
the bureau of criminal identification and investigation, 251  
emergency service telecommunicator, forensic mental health 252  
provider, mental health evaluation provider, regional 253  
psychiatric hospital employee, judge, magistrate, or federal law 254  
enforcement officer. 255

(8) "Designated public service worker residential and 256  
familial information" means any information that discloses any 257  
of the following about a designated public service worker: 258

(a) The address of the actual personal residence of a 259  
designated public service worker, except for the following 260  
information: 261

(i) The address of the actual personal residence of a 262  
prosecuting attorney or judge; and 263

(ii) The state or political subdivision in which a 264  
designated public service worker resides. 265

(b) Information compiled from referral to or participation 266  
in an employee assistance program; 267

(c) The social security number, the residential telephone 268  
number, any bank account, debit card, charge card, or credit 269  
card number, or the emergency telephone number of, or any 270  
medical information pertaining to, a designated public service 271  
worker; 272

(d) The name of any beneficiary of employment benefits, 273  
including, but not limited to, life insurance benefits, provided 274  
to a designated public service worker by the designated public 275  
service worker's employer; 276

(e) The identity and amount of any charitable or 277  
employment benefit deduction made by the designated public 278  
service worker's employer from the designated public service 279  
worker's compensation, unless the amount of the deduction is 280  
required by state or federal law; 281

(f) The name, the residential address, the name of the 282  
employer, the address of the employer, the social security 283  
number, the residential telephone number, any bank account, 284  
debit card, charge card, or credit card number, or the emergency 285  
telephone number of the spouse, a former spouse, or any child of 286  
a designated public service worker; 287

(g) A photograph of a peace officer who holds a position 288  
or has an assignment that may include undercover or plain 289  
clothes positions or assignments as determined by the peace 290  
officer's appointing authority. 291

(9) As used in divisions (A) (7) and (15) to (17) of this 292  
section: 293

"Peace officer" has the meaning defined in section 109.71 294  
of the Revised Code and also includes the superintendent and 295  
troopers of the state highway patrol; it does not include the 296  
sheriff of a county or a supervisory employee who, in the 297  
absence of the sheriff, is authorized to stand in for, exercise 298  
the authority of, and perform the duties of the sheriff. 299

"Correctional employee" means any employee of the 300  
department of rehabilitation and correction who in the course of 301  
performing the employee's job duties has or has had contact with 302  
inmates and persons under supervision. 303

"County or multicounty corrections officer" means any 304  
corrections officer employed by any county or multicounty 305

correctional facility. 306

"Designated Ohio national guard member" means a member of 307  
the Ohio national guard who is participating in duties related 308  
to remotely piloted aircraft, including, but not limited to, 309  
pilots, sensor operators, and mission intelligence personnel, 310  
duties related to special forces operations, or duties related 311  
to cybersecurity, and is designated by the adjutant general as a 312  
designated public service worker for those purposes. 313

"Protective services worker" means any employee of a 314  
county agency who is responsible for child protective services, 315  
child support services, or adult protective services. 316

"Youth services employee" means any employee of the 317  
department of youth services who in the course of performing the 318  
employee's job duties has or has had contact with children 319  
committed to the custody of the department of youth services. 320

"Firefighter" means any regular, paid or volunteer, member 321  
of a lawfully constituted fire department of a municipal 322  
corporation, township, fire district, or village. 323

"EMT" means EMTs-basic, EMTs-I, and paramedics that 324  
provide emergency medical services for a public emergency 325  
medical service organization. "Emergency medical service 326  
organization," "EMT-basic," "EMT-I," and "paramedic" have the 327  
meanings defined in section 4765.01 of the Revised Code. 328

"Investigator of the bureau of criminal identification and 329  
investigation" has the meaning defined in section 2903.11 of the 330  
Revised Code. 331

"Emergency service telecommunicator" has the meaning 332  
defined in section 4742.01 of the Revised Code. 333

"Forensic mental health provider" means any employee of a 334  
community mental health service provider or local alcohol, drug 335  
addiction, and mental health services board who, in the course 336  
of the employee's duties, has contact with persons committed to 337  
a local alcohol, drug addiction, and mental health services 338  
board by a court order pursuant to section 2945.38, 2945.39, 339  
2945.40, or 2945.402 of the Revised Code. 340

"Mental health evaluation provider" means an individual 341  
who, under Chapter 5122. of the Revised Code, examines a 342  
respondent who is alleged to be a mentally ill person subject to 343  
court order, as defined in section 5122.01 of the Revised Code, 344  
and reports to the probate court the respondent's mental 345  
condition. 346

"Regional psychiatric hospital employee" means any 347  
employee of the department of mental health and addiction 348  
services who, in the course of performing the employee's duties, 349  
has contact with patients committed to the department of mental 350  
health and addiction services by a court order pursuant to 351  
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 352  
Code. 353

"Federal law enforcement officer" has the meaning defined 354  
in section 9.88 of the Revised Code. 355

(10) "Information pertaining to the recreational 356  
activities of a person under the age of eighteen" means 357  
information that is kept in the ordinary course of business by a 358  
public office, that pertains to the recreational activities of a 359  
person under the age of eighteen years, and that discloses any 360  
of the following: 361

(a) The address or telephone number of a person under the 362

age of eighteen or the address or telephone number of that 363  
person's parent, guardian, custodian, or emergency contact 364  
person; 365

(b) The social security number, birth date, or 366  
photographic image of a person under the age of eighteen; 367

(c) Any medical record, history, or information pertaining 368  
to a person under the age of eighteen; 369

(d) Any additional information sought or required about a 370  
person under the age of eighteen for the purpose of allowing 371  
that person to participate in any recreational activity 372  
conducted or sponsored by a public office or to use or obtain 373  
admission privileges to any recreational facility owned or 374  
operated by a public office. 375

(11) "Community control sanction" has the meaning defined 376  
in section 2929.01 of the Revised Code. 377

(12) "Post-release control sanction" has the meaning 378  
defined in section 2967.01 of the Revised Code. 379

(13) "Redaction" means obscuring or deleting any 380  
information that is exempt from the duty to permit public 381  
inspection or copying from an item that otherwise meets the 382  
definition of a "record" in section 149.011 of the Revised Code. 383

(14) "Designee," "elected official," and "future official" 384  
have the meanings defined in section 109.43 of the Revised Code. 385

(15) "Body-worn camera" means a visual and audio recording 386  
device worn on the person of a peace officer while the peace 387  
officer is engaged in the performance of the peace officer's 388  
duties. 389

(16) "Dashboard camera" means a visual and audio recording 390

device mounted on a peace officer's vehicle or vessel that is 391  
used while the peace officer is engaged in the performance of 392  
the peace officer's duties. 393

(17) "Restricted portions of a body-worn camera or 394  
dashboard camera recording" means any visual or audio portion of 395  
a body-worn camera or dashboard camera recording that shows, 396  
communicates, or discloses any of the following: 397

(a) The image or identity of a child or information that 398  
could lead to the identification of a child who is a primary 399  
subject of the recording when the law enforcement agency knows 400  
or has reason to know the person is a child based on the law 401  
enforcement agency's records or the content of the recording; 402

(b) The death of a person or a deceased person's body, 403  
unless the death was caused by a peace officer or, subject to 404  
division (H)(1) of this section, the consent of the decedent's 405  
executor or administrator has been obtained; 406

(c) The death of a peace officer, firefighter, paramedic, 407  
or other first responder, occurring while the decedent was 408  
engaged in the performance of official duties, unless, subject 409  
to division (H)(1) of this section, the consent of the 410  
decedent's executor or administrator has been obtained; 411

(d) Grievous bodily harm, unless the injury was effected 412  
by a peace officer or, subject to division (H)(1) of this 413  
section, the consent of the injured person or the injured 414  
person's guardian has been obtained; 415

(e) An act of severe violence against a person that 416  
results in serious physical harm to the person, unless the act 417  
and injury was effected by a peace officer or, subject to 418  
division (H)(1) of this section, the consent of the injured 419

person or the injured person's guardian has been obtained; 420

(f) Grievous bodily harm to a peace officer, firefighter, 421  
paramedic, or other first responder, occurring while the injured 422  
person was engaged in the performance of official duties, 423  
unless, subject to division (H)(1) of this section, the consent 424  
of the injured person or the injured person's guardian has been 425  
obtained; 426

(g) An act of severe violence resulting in serious 427  
physical harm against a peace officer, firefighter, paramedic, 428  
or other first responder, occurring while the injured person was 429  
engaged in the performance of official duties, unless, subject 430  
to division (H)(1) of this section, the consent of the injured 431  
person or the injured person's guardian has been obtained; 432

(h) A person's nude body, unless, subject to division (H) 433  
(1) of this section, the person's consent has been obtained; 434

(i) Protected health information, the identity of a person 435  
in a health care facility who is not the subject of a law 436  
enforcement encounter, or any other information in a health care 437  
facility that could identify a person who is not the subject of 438  
a law enforcement encounter; 439

(j) Information that could identify the alleged victim of 440  
a sex offense, menacing by stalking, or domestic violence; 441

(k) Information, that does not constitute a confidential 442  
law enforcement investigatory record, that could identify a 443  
person who provides sensitive or confidential information to a 444  
law enforcement agency when the disclosure of the person's 445  
identity or the information provided could reasonably be 446  
expected to threaten or endanger the safety or property of the 447  
person or another person; 448

(l) Personal information of a person who is not arrested, 449  
cited, charged, or issued a written warning by a peace officer; 450

(m) Proprietary police contingency plans or tactics that 451  
are intended to prevent crime and maintain public order and 452  
safety; 453

(n) A personal conversation unrelated to work between 454  
peace officers or between a peace officer and an employee of a 455  
law enforcement agency; 456

(o) A conversation between a peace officer and a member of 457  
the public that does not concern law enforcement activities; 458

(p) The interior of a residence, unless the interior of a 459  
residence is the location of an adversarial encounter with, or a 460  
use of force by, a peace officer; 461

(q) Any portion of the interior of a private business that 462  
is not open to the public, unless an adversarial encounter with, 463  
or a use of force by, a peace officer occurs in that location. 464

As used in division (A) (17) of this section: 465

"Grievous bodily harm" has the same meaning as in section 466  
5924.120 of the Revised Code. 467

"Health care facility" has the same meaning as in section 468  
1337.11 of the Revised Code. 469

"Protected health information" has the same meaning as in 470  
45 C.F.R. 160.103. 471

"Law enforcement agency" has the same meaning as in 472  
section 2925.61 of the Revised Code. 473

"Personal information" means any government-issued 474  
identification number, date of birth, address, financial 475

information, or criminal justice information from the law 476  
enforcement automated data system or similar databases. 477

"Sex offense" has the same meaning as in section 2907.10 478  
of the Revised Code. 479

"Firefighter," "paramedic," and "first responder" have the 480  
same meanings as in section 4765.01 of the Revised Code. 481

(B) (1) Upon request by any person and subject to division 482  
(B) (8) of this section, all public records responsive to the 483  
request shall be promptly prepared and made available for 484  
inspection to ~~any person~~ the requester at all reasonable times 485  
during regular business hours. Subject to division (B) (8) of 486  
this section, upon request by any person, a public office or 487  
person responsible for public records shall make copies of the 488  
requested public record available to the requester at cost and 489  
within a reasonable period of time. If a public record contains 490  
information that is exempt from the duty to permit public 491  
inspection or to copy the public record, the public office or 492  
the person responsible for the public record shall make 493  
available all of the information within the public record that 494  
is not exempt. When making that public record available for 495  
public inspection or copying that public record, the public 496  
office or the person responsible for the public record shall 497  
notify the requester of any redaction or make the redaction 498  
plainly visible. A redaction shall be deemed a denial of a 499  
request to inspect or copy the redacted information, except if 500  
federal or state law authorizes or requires a public office to 501  
make the redaction. 502

(2) To facilitate broader access to public records, a 503  
public office or the person responsible for public records shall 504  
organize and maintain public records in a manner that they can 505

be made available for inspection or copying in accordance with 506  
division (B) of this section. A public office also shall have 507  
available a copy of its current records retention schedule at a 508  
location readily available to the public. If a requester makes 509  
an ambiguous or overly broad request or has difficulty in making 510  
a request for copies or inspection of public records under this 511  
section such that the public office or the person responsible 512  
for the requested public record cannot reasonably identify what 513  
public records are being requested, the public office or the 514  
person responsible for the requested public record may deny the 515  
request but shall provide the requester with an opportunity to 516  
revise the request by informing the requester of the manner in 517  
which records are maintained by the public office and accessed 518  
in the ordinary course of the public office's or person's 519  
duties. 520

(3) If a request is ultimately denied, in part or in 521  
whole, the public office or the person responsible for the 522  
requested public record shall provide the requester with an 523  
explanation, including legal authority, setting forth why the 524  
request was denied. If the initial request was provided in 525  
writing, the explanation also shall be provided to the requester 526  
in writing. The explanation shall not preclude the public office 527  
or the person responsible for the requested public record from 528  
relying upon additional reasons or legal authority in defending 529  
an action commenced under division (C) of this section. 530

(4) Unless specifically required or authorized by state or 531  
federal law or in accordance with division (B) of this section, 532  
no public office or person responsible for public records may 533  
limit or condition the availability of public records by 534  
requiring disclosure of the requester's identity or the intended 535  
use of the requested public record. Any requirement that the 536

requester disclose the requester's identity or the intended use 537  
of the requested public record constitutes a denial of the 538  
request. 539

(5) A public office or person responsible for public 540  
records may ask a requester to make the request in writing, may 541  
ask for the requester's identity, and may inquire about the 542  
intended use of the information requested, but may do so only 543  
after disclosing to the requester that a written request is not 544  
mandatory, that the requester may decline to reveal the 545  
requester's identity or the intended use, and when a written 546  
request or disclosure of the identity or intended use would 547  
benefit the requester by enhancing the ability of the public 548  
office or person responsible for public records to identify, 549  
locate, or deliver the public records sought by the requester. 550

(6) If any person requests a copy of a public record in 551  
accordance with division (B) of this section, the public office 552  
or person responsible for the public record may require ~~that~~ 553  
~~person the requester~~ to pay in advance the cost involved in 554  
providing the copy of the public record in accordance with the 555  
choice made by the ~~person requesting the copy requester~~ under 556  
this division. The public office or the person responsible for 557  
the public record shall permit ~~that person the requester~~ to 558  
choose to have the public record duplicated upon paper, upon the 559  
same medium upon which the public office or person responsible 560  
for the public record keeps it, or upon any other medium upon 561  
which the public office or person responsible for the public 562  
record determines that it reasonably can be duplicated as an 563  
integral part of the normal operations of the public office or 564  
person responsible for the public record. When the ~~person~~ 565  
~~requesting the copy requester~~ makes a choice under this 566  
division, the public office or person responsible for the public 567

record shall provide a copy of it in accordance with the choice 568  
made by ~~that person~~the requester. Nothing in this section 569  
requires a public office or person responsible for the public 570  
record to allow the ~~person requesting~~requester of a copy of the 571  
public record to make the copies of the public record. 572

(7) (a) Upon a request made in accordance with division (B) 573  
of this section and subject to division (B) (6) of this section, 574  
a public office or person responsible for public records shall 575  
transmit a copy of a public record to any person by United 576  
States mail or by any other means of delivery or transmission 577  
within a reasonable period of time after receiving the request 578  
for the copy. The public office or person responsible for the 579  
public record may require the person making the request to pay 580  
in advance the cost of postage if the copy is transmitted by 581  
United States mail or the cost of delivery if the copy is 582  
transmitted other than by United States mail, and to pay in 583  
advance the costs incurred for other supplies used in the 584  
mailing, delivery, or transmission. 585

(b) Any public office may adopt a policy and procedures 586  
that it will follow in transmitting, within a reasonable period 587  
of time after receiving a request, copies of public records by 588  
United States mail or by any other means of delivery or 589  
transmission pursuant to division (B) (7) of this section. A 590  
public office that adopts a policy and procedures under division 591  
(B) (7) of this section shall comply with them in performing its 592  
duties under that division. 593

(c) In any policy and procedures adopted under division 594  
(B) (7) of this section: 595

(i) A public office may limit the number of records 596  
requested by a person that the office will physically deliver by 597

United States mail or by another delivery service to ten per 598  
month, unless the person certifies to the office in writing that 599  
the person does not intend to use or forward the requested 600  
records, or the information contained in them, for commercial 601  
purposes; 602

(ii) A public office that chooses to provide some or all 603  
of its public records on a web site that is fully accessible to 604  
and searchable by members of the public at all times, other than 605  
during acts of God outside the public office's control or 606  
maintenance, and that charges no fee to search, access, 607  
download, or otherwise receive records provided on the web site, 608  
may limit to ten per month the number of records requested by a 609  
person that the office will deliver in a digital format, unless 610  
the requested records are not provided on the web site and 611  
unless the person certifies to the office in writing that the 612  
person does not intend to use or forward the requested records, 613  
or the information contained in them, for commercial purposes. 614

(iii) For purposes of division (B)(7) of this section, 615  
"commercial" shall be narrowly construed and does not include 616  
reporting or gathering news, reporting or gathering information 617  
to assist citizen oversight or understanding of the operation or 618  
activities of government, or nonprofit educational research. 619

(8) A public office or person responsible for public 620  
records is not required to permit a person who is incarcerated 621  
pursuant to a criminal conviction or a juvenile adjudication to 622  
inspect or to obtain a copy of any public record concerning a 623  
criminal investigation or prosecution or concerning what would 624  
be a criminal investigation or prosecution if the subject of the 625  
investigation or prosecution were an adult, unless the request 626  
to inspect or to obtain a copy of the record is for the purpose 627

of acquiring information that is subject to release as a public 628  
record under this section and the judge who imposed the sentence 629  
or made the adjudication with respect to the person, or the 630  
judge's successor in office, finds that the information sought 631  
in the public record is necessary to support what appears to be 632  
a justiciable claim of the person. 633

(9) (a) Upon written request made and signed by a 634  
journalist, a public office, or person responsible for public 635  
records, having custody of the records of the agency employing a 636  
specified designated public service worker shall disclose to the 637  
journalist the address of the actual personal residence of the 638  
designated public service worker and, if the designated public 639  
service worker's spouse, former spouse, or child is employed by 640  
a public office, the name and address of the employer of the 641  
designated public service worker's spouse, former spouse, or 642  
child. The request shall include the journalist's name and title 643  
and the name and address of the journalist's employer and shall 644  
state that disclosure of the information sought would be in the 645  
public interest. 646

(b) Division (B) (9) (a) of this section also applies to 647  
journalist requests for: 648

(i) Customer information maintained by a municipally owned 649  
or operated public utility, other than social security numbers 650  
and any private financial information such as credit reports, 651  
payment methods, credit card numbers, and bank account 652  
information; 653

(ii) Information about minors involved in a school vehicle 654  
accident as provided in division (A) (1) (gg) of this section, 655  
other than personal information as defined in section 149.45 of 656  
the Revised Code. 657

(c) As used in division (B) (9) of this section, 658  
"journalist" means a person engaged in, connected with, or 659  
employed by any news medium, including a newspaper, magazine, 660  
press association, news agency, or wire service, a radio or 661  
television station, or a similar medium, for the purpose of 662  
gathering, processing, transmitting, compiling, editing, or 663  
disseminating information for the general public. 664

(10) Upon a request made by a victim, victim's attorney, 665  
or victim's representative, as that term is used in section 666  
2930.02 of the Revised Code, a public office or person 667  
responsible for public records shall transmit a copy of a 668  
depiction of the victim as described in division (A) (1) ~~(99)~~ (ii) 669  
of this section to the victim, victim's attorney, or victim's 670  
representative. 671

(C) (1) If a person allegedly is aggrieved by the failure 672  
of a public office or the person responsible for public records 673  
to promptly prepare a public record and to make it available to 674  
the person for inspection in accordance with division (B) of 675  
this section or by any other failure of a public office or the 676  
person responsible for public records to comply with an 677  
obligation in accordance with division (B) of this section, the 678  
person allegedly aggrieved may do only one of the following, and 679  
not both: 680

(a) File a complaint with the clerk of the court of claims 681  
or the clerk of the court of common pleas under section 2743.75 682  
of the Revised Code; 683

(b) Commence a mandamus action to obtain a judgment that 684  
orders the public office or the person responsible for the 685  
public record to comply with division (B) of this section, that 686  
awards court costs and reasonable attorney's fees to the person 687

that instituted the mandamus action, and, if applicable, that 688  
includes an order fixing statutory damages under division (C) (2) 689  
of this section. The mandamus action may be commenced in the 690  
court of common pleas of the county in which division (B) of 691  
this section allegedly was not complied with, in the supreme 692  
court pursuant to its original jurisdiction under Section 2 of 693  
Article IV, Ohio Constitution, or in the court of appeals for 694  
the appellate district in which division (B) of this section 695  
allegedly was not complied with pursuant to its original 696  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 697

(2) If a requester transmits a written request by hand 698  
delivery, electronic submission, or certified mail to inspect or 699  
receive copies of any public record in a manner that fairly 700  
describes the public record or class of public records to the 701  
public office or person responsible for the requested public 702  
records, except as otherwise provided in this section, the 703  
requester shall be entitled to recover the amount of statutory 704  
damages set forth in this division if a court determines that 705  
the public office or the person responsible for public records 706  
failed to comply with an obligation in accordance with division 707  
(B) of this section. 708

The amount of statutory damages shall be fixed at one 709  
hundred dollars for each business day during which the public 710  
office or person responsible for the requested public records 711  
failed to comply with an obligation in accordance with division 712  
(B) of this section, beginning with the day on which the 713  
requester files a mandamus action to recover statutory damages, 714  
up to a maximum of one thousand dollars. The award of statutory 715  
damages shall not be construed as a penalty, but as compensation 716  
for injury arising from lost use of the requested information. 717  
The existence of this injury shall be conclusively presumed. The 718

award of statutory damages shall be in addition to all other 719  
remedies authorized by this section. 720

The court may reduce an award of statutory damages or not 721  
award statutory damages if the court determines both of the 722  
following: 723

(a) That, based on the ordinary application of statutory 724  
law and case law as it existed at the time of the conduct or 725  
threatened conduct of the public office or person responsible 726  
for the requested public records that allegedly constitutes a 727  
failure to comply with an obligation in accordance with division 728  
(B) of this section and that was the basis of the mandamus 729  
action, a well-informed public office or person responsible for 730  
the requested public records reasonably would believe that the 731  
conduct or threatened conduct of the public office or person 732  
responsible for the requested public records did not constitute 733  
a failure to comply with an obligation in accordance with 734  
division (B) of this section; 735

(b) That a well-informed public office or person 736  
responsible for the requested public records reasonably would 737  
believe that the conduct or threatened conduct of the public 738  
office or person responsible for the requested public records 739  
would serve the public policy that underlies the authority that 740  
is asserted as permitting that conduct or threatened conduct. 741

(3) In a mandamus action filed under division (C) (1) of 742  
this section, the following apply: 743

(a) (i) If the court orders the public office or the person 744  
responsible for the public record to comply with division (B) of 745  
this section, the court shall determine and award to the relator 746  
all court costs, which shall be construed as remedial and not 747

punitive. 748

(ii) If the court makes a determination described in 749  
division (C) (3) (b) (iii) of this section, the court shall 750  
determine and award to the relator all court costs, which shall 751  
be construed as remedial and not punitive. 752

(b) If the court renders a judgment that orders the public 753  
office or the person responsible for the public record to comply 754  
with division (B) of this section or if the court determines any 755  
of the following, the court may award reasonable attorney's fees 756  
to the relator, subject to division (C) (4) of this section: 757

(i) The public office or the person responsible for the 758  
public records failed to respond affirmatively or negatively to 759  
the public records request in accordance with the time allowed 760  
under division (B) of this section. 761

(ii) The public office or the person responsible for the 762  
public records promised to permit the relator to inspect or 763  
receive copies of the public records requested within a 764  
specified period of time but failed to fulfill that promise 765  
within that specified period of time. 766

(iii) The public office or the person responsible for the 767  
public records acted in bad faith when the office or person 768  
voluntarily made the public records available to the relator for 769  
the first time after the relator commenced the mandamus action, 770  
but before the court issued any order concluding whether or not 771  
the public office or person was required to comply with division 772  
(B) of this section. No discovery may be conducted on the issue 773  
of the alleged bad faith of the public office or person 774  
responsible for the public records. This division shall not be 775  
construed as creating a presumption that the public office or 776

the person responsible for the public records acted in bad faith 777  
when the office or person voluntarily made the public records 778  
available to the relator for the first time after the relator 779  
commenced the mandamus action, but before the court issued any 780  
order described in this division. 781

(c) The court shall not award attorney's fees to the 782  
relator if the court determines both of the following: 783

(i) That, based on the ordinary application of statutory 784  
law and case law as it existed at the time of the conduct or 785  
threatened conduct of the public office or person responsible 786  
for the requested public records that allegedly constitutes a 787  
failure to comply with an obligation in accordance with division 788  
(B) of this section and that was the basis of the mandamus 789  
action, a well-informed public office or person responsible for 790  
the requested public records reasonably would believe that the 791  
conduct or threatened conduct of the public office or person 792  
responsible for the requested public records did not constitute 793  
a failure to comply with an obligation in accordance with 794  
division (B) of this section; 795

(ii) That a well-informed public office or person 796  
responsible for the requested public records reasonably would 797  
believe that the conduct or threatened conduct of the public 798  
office or person responsible for the requested public records 799  
would serve the public policy that underlies the authority that 800  
is asserted as permitting that conduct or threatened conduct. 801

(4) All of the following apply to any award of reasonable 802  
attorney's fees awarded under division (C) (3) (b) of this 803  
section: 804

(a) The fees shall be construed as remedial and not 805

punitive. 806

(b) The fees awarded shall not exceed the total of the 807  
reasonable attorney's fees incurred before the public record was 808  
made available to the relator and the fees described in division 809  
(C) (4) (c) of this section. 810

(c) Reasonable attorney's fees shall include reasonable 811  
fees incurred to produce proof of the reasonableness and amount 812  
of the fees and to otherwise litigate entitlement to the fees. 813

(d) The court may reduce the amount of fees awarded if the 814  
court determines that, given the factual circumstances involved 815  
with the specific public records request, an alternative means 816  
should have been pursued to more effectively and efficiently 817  
resolve the dispute that was subject to the mandamus action 818  
filed under division (C) (1) of this section. 819

(5) If the court does not issue a writ of mandamus under 820  
division (C) of this section and the court determines at that 821  
time that the bringing of the mandamus action was frivolous 822  
conduct as defined in division (A) of section 2323.51 of the 823  
Revised Code, the court may award to the public office all court 824  
costs, expenses, and reasonable attorney's fees, as determined 825  
by the court. 826

(D) Chapter 1347. of the Revised Code does not limit the 827  
provisions of this section. 828

(E) (1) To ensure that all employees of public offices are 829  
appropriately educated about a public office's obligations under 830  
division (B) of this section, all elected officials or their 831  
appropriate designees shall attend training approved by the 832  
attorney general as provided in section 109.43 of the Revised 833  
Code. A future official may satisfy the requirements of this 834

division by attending the training before taking office, 835  
provided that the future official may not send a designee in the 836  
future official's place. 837

(2) All public offices shall adopt a public records policy 838  
in compliance with this section for responding to public records 839  
requests. In adopting a public records policy under this 840  
division, a public office may obtain guidance from the model 841  
public records policy developed and provided to the public 842  
office by the attorney general under section 109.43 of the 843  
Revised Code. Except as otherwise provided in this section, the 844  
policy may not limit the number of public records that the 845  
public office will make available to a single person, may not 846  
limit the number of public records that it will make available 847  
during a fixed period of time, and may not establish a fixed 848  
period of time before it will respond to a request for 849  
inspection or copying of public records, unless that period is 850  
less than eight hours. 851

The public office shall distribute the public records 852  
policy adopted by the public office under this division to the 853  
employee of the public office who is the records custodian or 854  
records manager or otherwise has custody of the records of that 855  
office. The public office shall require that employee to 856  
acknowledge receipt of the copy of the public records policy. 857  
The public office shall create a poster that describes its 858  
public records policy and shall post the poster in a conspicuous 859  
place in the public office and in all locations where the public 860  
office has branch offices. The public office may post its public 861  
records policy on the internet web site of the public office if 862  
the public office maintains an internet web site. A public 863  
office that has established a manual or handbook of its general 864  
policies and procedures for all employees of the public office 865

shall include the public records policy of the public office in 866  
the manual or handbook. 867

(F) (1) The bureau of motor vehicles may adopt rules 868  
pursuant to Chapter 119. of the Revised Code to reasonably limit 869  
the number of bulk commercial special extraction requests made 870  
by a person for the same records or for updated records during a 871  
calendar year. The rules may include provisions for charges to 872  
be made for bulk commercial special extraction requests for the 873  
actual cost of the bureau, plus special extraction costs, plus 874  
ten per cent. The bureau may charge for expenses for redacting 875  
information, the release of which is prohibited by law. 876

(2) As used in division (F) (1) of this section: 877

(a) "Actual cost" means the cost of depleted supplies, 878  
records storage media costs, actual mailing and alternative 879  
delivery costs, or other transmitting costs, and any direct 880  
equipment operating and maintenance costs, including actual 881  
costs paid to private contractors for copying services. 882

(b) "Bulk commercial special extraction request" means a 883  
request for copies of a record for information in a format other 884  
than the format already available, or information that cannot be 885  
extracted without examination of all items in a records series, 886  
class of records, or database by a person who intends to use or 887  
forward the copies for surveys, marketing, solicitation, or 888  
resale for commercial purposes. "Bulk commercial special 889  
extraction request" does not include a request by a person who 890  
gives assurance to the bureau that the person making the request 891  
does not intend to use or forward the requested copies for 892  
surveys, marketing, solicitation, or resale for commercial 893  
purposes. 894

(c) "Commercial" means profit-seeking production, buying, 895  
or selling of any good, service, or other product. 896

(d) "Special extraction costs" means the cost of the time 897  
spent by the lowest paid employee competent to perform the task, 898  
the actual amount paid to outside private contractors employed 899  
by the bureau, or the actual cost incurred to create computer 900  
programs to make the special extraction. "Special extraction 901  
costs" include any charges paid to a public agency for computer 902  
or records services. 903

(3) For purposes of divisions (F) (1) and (2) of this 904  
section, "surveys, marketing, solicitation, or resale for 905  
commercial purposes" shall be narrowly construed and does not 906  
include reporting or gathering news, reporting or gathering 907  
information to assist citizen oversight or understanding of the 908  
operation or activities of government, or nonprofit educational 909  
research. 910

(G) A request by a defendant, counsel of a defendant, or 911  
any agent of a defendant in a criminal action that public 912  
records related to that action be made available under this 913  
section shall be considered a demand for discovery pursuant to 914  
the Criminal Rules, except to the extent that the Criminal Rules 915  
plainly indicate a contrary intent. The defendant, counsel of 916  
the defendant, or agent of the defendant making a request under 917  
this division shall serve a copy of the request on the 918  
prosecuting attorney, director of law, or other chief legal 919  
officer responsible for prosecuting the action. 920

(H) (1) Any portion of a body-worn camera or dashboard 921  
camera recording described in divisions (A) (17) (b) to (h) of 922  
this section may be released by consent of the subject of the 923  
recording or a representative of that person, as specified in 924

those divisions, only if either of the following applies: 925

(a) The recording will not be used in connection with any 926  
probable or pending criminal proceedings; 927

(b) The recording has been used in connection with a 928  
criminal proceeding that was dismissed or for which a judgment 929  
has been entered pursuant to Rule 32 of the Rules of Criminal 930  
Procedure, and will not be used again in connection with any 931  
probable or pending criminal proceedings. 932

(2) If a public office denies a request to release a 933  
restricted portion of a body-worn camera or dashboard camera 934  
recording, as defined in division (A)(17) of this section, any 935  
person may file a mandamus action pursuant to this section or a 936  
complaint with the clerk of the court of claims pursuant to 937  
section 2743.75 of the Revised Code, requesting the court to 938  
order the release of all or portions of the recording. If the 939  
court considering the request determines that the filing 940  
articulates by clear and convincing evidence that the public 941  
interest in the recording substantially outweighs privacy 942  
interests and other interests asserted to deny release, the 943  
court shall order the public office to release the recording. 944

**Sec. 5913.01.** (A) The adjutant general is the commander 945  
and administrative head of the Ohio organized militia. The 946  
adjutant general shall: 947

(1) Be provided offices and shall keep them open during 948  
usual business hours; 949

(2) Have and maintain custody of all military records, 950  
correspondence, and other documents of the Ohio organized 951  
militia; 952

(3) Superintend the preparation of all returns and reports 953

required by the United States from the state on military 954  
matters; 955

(4) Keep a roster of all officers of the Ohio organized 956  
militia, including retired officers; 957

(5) Whenever necessary, cause the military provisions of 958  
the Revised Code and the orders, regulations, pamphlets, 959  
circulars, and memorandums of the adjutant general's department 960  
to be printed and distributed to the organizations of the Ohio 961  
organized militia; 962

(6) Prepare and issue all necessary Ohio organized militia 963  
forms and attest to all commissions issued to officers of the 964  
Ohio organized militia; 965

(7) Have a seal, and all copies of orders, records, and 966  
papers in the adjutant general's office certified and 967  
authenticated with that seal shall be competent evidence in like 968  
manner as if the originals were produced. All orders issued from 969  
the adjutant general's office shall bear a duplicate of the 970  
seal. 971

(8) Keep and preserve the arms, ordnance, equipment, and 972  
all other military property belonging to the state or issued to 973  
the state by the federal government and issue any regulations 974  
necessary to keep, preserve, and repair the property as 975  
conditions demand; 976

(9) Issue adjutant general's property to the units of the 977  
Ohio organized militia as the necessity of the service or 978  
organizational or allowance tables requires; 979

(10) Submit an annual report to the governor at such time 980  
as the governor requires of the transaction of the adjutant 981  
general's department, setting forth the strength and condition 982

of the Ohio organized militia and other matters that the 983  
adjutant general chooses; 984

(11) Designate members of the Ohio national guard, who are 985  
participating in duties related to remotely piloted aircraft, 986  
including, but not limited to, pilots, sensor operators, and 987  
mission intelligence personnel, duties related to special forces 988  
operations, or duties related to cybersecurity, as designated 989  
public service workers under section 149.43 of the Revised Code; 990

(12) Command the joint force headquarters of the Ohio 991  
national guard. 992

(B) The adjutant general shall issue and distribute all 993  
orders issued in the name of the governor as the commander in 994  
chief of the Ohio organized militia and perform the duties that 995  
the governor directs and other duties prescribed by law. 996

(C) The adjutant general may enter into cooperative 997  
agreements, contractual arrangements, or agreements for the 998  
acceptance of grants with the United States or any agency or 999  
department of the United States, other states, any department or 1000  
political subdivision of this state, or any person or body 1001  
politic, to accomplish the purposes of the adjutant general's 1002  
department. The adjutant general shall cooperate with, and not 1003  
infringe upon, the rights of other state departments, divisions, 1004  
boards, commissions, and agencies, political subdivisions, and 1005  
other public officials and public and private agencies when the 1006  
interests of the adjutant general's department and those other 1007  
entities overlap. 1008

The funds made available by the United States for the 1009  
exclusive use of the department shall be expended only by the 1010  
department and only for the purposes for which the federal funds 1011

were appropriated. In accepting federal funds, the department 1012  
agrees to abide by the terms and conditions of the grant or 1013  
cooperative agreement and further agrees to expend the federal 1014  
funds in accordance with the laws and regulations of the United 1015  
States. 1016

**Section 2.** That existing sections 149.43 and 5913.01 of 1017  
the Revised Code are hereby repealed. 1018