

**As Passed by the House**

**133rd General Assembly**

**Regular Session**

**2019-2020**

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

**Representatives LaRe, Abrams**

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

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**A BILL**

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

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

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

**Sec. 111.42.** (A) A person to whom all of the following 13  
applies may apply to the secretary of state with the assistance 14  
of an application assistant to become a participant in the 15  
address confidentiality program, in which an address designated 16

by the secretary of state serves as the person's address or the 17  
address of the minor, incompetent, or ward on whose behalf the 18  
person is applying: 19

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

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

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

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

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

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

(1) A notarized statement by the applicant that the 43  
applicant fears for the safety of the applicant, a member of the 44  
applicant's household, or the minor, incompetent, or ward on 45

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

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

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

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

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

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

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

any claim that may arise from participation in the address 75  
confidentiality program. 76

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

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

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

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

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

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

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

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

to vote; 103

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

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

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

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

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

(F) (1) A program participant who continues to be eligible 128  
to participate in the address confidentiality program may renew 129  
the program participant's certification by submitting a renewal 130  
application to the secretary of state with the assistance of an 131

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

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

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

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

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

(B) A program participant who acquires an ownership 159  
interest in real property in this state after being certified a 160

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

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

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

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

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

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

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

(e) Packages, parcels, ~~periodicals,~~ or catalogs that have 189

received prior authorization from the office of the secretary of 190  
state for forwarding under this section. 191

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

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

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

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

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

~~(D)~~ (E) (1) A program participant may submit to the 216  
secretary of state, on a form prescribed by the secretary of 217  
state, an authorization for the secretary of state to disclose 218

confidential information concerning the program participant 219  
under one or more of the following circumstances, as indicated 220  
on the authorization form: 221

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

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

(i) A judge or magistrate; 230

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

(iii) A school administrator; 233

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

(v) An administrator of a food pantry. 235

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

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

(3) Upon receiving a request for information concerning a 245

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

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

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

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

expires; 275

(4) The program participant's program participant 276  
identification number; 277

(5) The address at which the program participant may 278  
receive mail through the office of the secretary of state; 279

(6) The legal description and street address of the real 280  
property in which the program participant has an ownership 281  
interest, which shall be the same as the legal description and 282  
street address included on any instrument concerning the real 283  
property that includes the program participant's name and that 284  
has been presented to the county recorder for recording; 285

(7) The program participant's signature. 286

(B) When the county recorder receives a properly completed 287  
real property confidentiality notice under division (A) of this 288  
section, the county recorder promptly shall transmit copies of 289  
the notice to the secretary of state, and to the county auditor, 290  
treasurer, and engineer. 291

(C) (1) Except as otherwise provided in divisions (D) and 292  
(F) of this section, after a program participant has submitted a 293  
properly completed real property confidentiality notice under 294  
division (A) of this section, the county recorder, auditor, 295  
treasurer, and engineer shall not disclose to any person the 296  
program participant's name, telephone number, electronic mail 297  
address, or program participant identification number, the 298  
address at which the program participant may receive mail 299  
through the office of the secretary of state, or any other 300  
information that may be used to identify the program 301  
participant, in conjunction with the legal description, parcel 302  
identification number, or street address of the real property in 303

which the program participant has an ownership interest or any 304  
other information that may be used to identify the real 305  
property. If the county recorder receives a request for that 306  
information for the purpose of performing a title examination, 307  
the county recorder shall comply with division (G) of this 308  
section, and inform the requestor of the procedure to apply to 309  
the secretary of state for authorization under division (E) of 310  
this section. 311

(2) If a program participant is a party to a court of 312  
common pleas proceeding, the program participant may provide a 313  
properly completed real property confidentiality notice to the 314  
clerk of the court of common pleas. Upon such notice, the clerk 315  
of the court of common pleas shall notify the secretary of state 316  
that the program participant has provided a real property 317  
confidentiality notice to the clerk of the court of common 318  
pleas, and shall not otherwise disclose to any person the 319  
information described in division (C)(1) of this section. 320

(D) The county recorder, auditor, treasurer, or engineer 321  
or the clerk of the court of common pleas may disclose the 322  
information described in division (C) of this section if any of 323  
the following apply: 324

(1) The information is disclosed to the staff of the 325  
county recorder, auditor, treasurer, or engineer or the staff of 326  
the clerk of the court of common pleas in order to carry out the 327  
duties of the office. 328

(2) The program participant is the person to whom the 329  
information is to be disclosed. 330

(3) The program participant has provided a notarized 331  
statement to the secretary of state, authorizing the disclosure 332

to that person for a specific purpose described in the 333  
statement, and the secretary of state has issued a written 334  
authorization to the county recorder, auditor, treasurer, or 335  
engineer, or to the clerk of the court of common pleas, as 336  
applicable, to disclose the information to that person. 337

(4) The person to whom the information is to be disclosed 338  
provides a written authorization issued by the secretary of 339  
state under division (E) of this section to disclose the 340  
information for the purpose of performing a title examination. 341

(5) A court of competent jurisdiction orders the 342  
disclosure, as described in section 111.46 of the Revised Code. 343

(E) (1) A person who requires access to the information 344  
described in division (C) of this section for the purpose of 345  
performing a title examination may apply to the secretary of 346  
state for a written authorization. 347

(2) The person shall submit to the secretary of state, on 348  
a form prescribed by the secretary of state, a written 349  
application that includes all of the following: 350

(a) The applicant's name, title, address, and affiliated 351  
organization, if any; 352

(b) The purpose for which the applicant is requesting 353  
access to the information; 354

(c) The applicant's relationship to the program 355  
participant, if any; 356

(d) A legal description of the real property subject to 357  
the title examination; 358

(e) A statement that the applicant will treat the 359  
information as confidential and will use the information only 360

for the purpose identified in the application; 361

(f) The applicant's signature; 362

(g) Any other information required by the secretary of 363  
state. 364

(3) After the secretary of state receives an application 365  
submitted under division (E) of this section, the secretary of 366  
state shall, within ten business days, provide the applicant 367  
with a written response approving or denying the application. 368  
The secretary of state shall approve the application if the 369  
secretary of state determines that the application is properly 370  
completed; that the information the applicant seeks is subject 371  
to division (C) of this section; and that the applicant is 372  
seeking the information only for the purpose of performing a 373  
bona fide title examination. If the information the applicant 374  
seeks is not subject to division (C) of this section, the 375  
secretary of state shall, within ten business days, notify the 376  
applicant of that fact and, if applicable, shall send a notice 377  
to the county recorder, auditor, treasurer, and engineer and to 378  
the clerk of the court of common pleas under division (F) (3) of 379  
this section. 380

(F) Upon the occurrence of any of the following, the 381  
county recorder, auditor, treasurer, and engineer and the clerk 382  
of the court of common pleas shall cease to keep confidential 383  
the information described in division (C) of this section and 384  
shall make the information available to the public in the same 385  
manner as other information concerning real property: 386

(1) The program participant ceases to hold a recorded 387  
ownership interest in the real property that is the subject of 388  
the real property confidentiality notice. When the county 389

recorder receives notice that the program participant has ceased 390  
to hold that ownership interest, the county recorder promptly 391  
shall revoke the real property confidentiality notice and notify 392  
the secretary of state, and the county auditor, treasurer, and 393  
engineer of that revocation. The secretary of state shall then, 394  
if applicable, notify the clerk of the court of common pleas of 395  
that revocation. 396

(2) The program participant submits a notarized revocation 397  
of the real property confidentiality notice to the county 398  
recorder. Upon receiving the revocation, the county recorder 399  
promptly shall transmit copies of the revocation to the 400  
secretary of state, and to the county auditor, treasurer, and 401  
engineer, and the secretary of state shall, if applicable, 402  
transmit a copy of the revocation to the clerk of the court of 403  
common pleas. 404

(3) The county recorder, auditor, treasurer, or engineer 405  
or the clerk of the court of common pleas receive a notice from 406  
the secretary of state that the program participant's 407  
certification has been canceled under section 111.45 of the 408  
Revised Code. 409

(4) Pursuant to the order of a court of competent 410  
jurisdiction. 411

(G) Nothing in this section shall preclude an individual's 412  
name from being recorded and indexed for the purpose of giving 413  
notice of an ownership interest, lien, or other encumbrance on 414  
real property. On such records, if the record contains the 415  
information described in division (C) of this section, the 416  
county auditor, recorder, treasurer, or engineer, or the clerk 417  
of the court of common pleas, if applicable, shall redact the 418  
legal description of the property, parcel identification number, 419

or street address of the real property in which the program 420  
participant has an ownership interest or any other information 421  
that may be used to identify the real property, on any versions 422  
of the documents available to the public. 423

(H) No real estate broker as defined in section 4735.01 of 424  
the Revised Code, land professional under section 4735.023 of 425  
the Revised Code, title examiner, attorney, or county official 426  
shall be held liable for damages resulting from the failure to 427  
discover a defect in title, failure to properly index or record 428  
a person's interest in property, or failure to alert a 429  
professional to rely on confidential information, when such 430  
failure was the proximate result of an individual's 431  
participation in the address confidentiality program, 432  
notwithstanding the negligence of the real estate broker, land 433  
professional, title examiner, attorney, or county official. 434

**Sec. 111.432.** (A) A program participant who seeks to 435  
acquire an ownership interest in real property in this state 436  
after becoming a program participant may provide to any person 437  
involved in the acquisition process written notice on a form 438  
prescribed by the secretary of state. The written notice shall 439  
include all of the following: 440

(1) The program participant's name; 441

(2) A statement that the program participant is a program 442  
participant; 443

(3) A statement that the person receiving the notice is 444  
prohibited from disclosing the information specified in division 445  
(B) of this section except as provided in that division. 446

(B) After receiving a written notice described in division 447  
(A) of this section, the person shall not disclose the program 448

participant's name, telephone number, electronic mail address, 449  
or any other information that may be used to identify the 450  
program participant, in conjunction with the legal description, 451  
street address, or other information identifying the real 452  
property the program participant acquires or seeks to acquire 453  
unless the program participant provides written notice 454  
authorizing the disclosure for a specific purpose described in 455  
the notice or a court of competent jurisdiction orders the 456  
disclosure. 457

**Sec. 111.45.** (A) The secretary of state shall cancel the 458  
certification of a program participant if any of the following 459  
are true: 460

(1) The program participant's application contained one or 461  
more false statements. 462

(2) The program participant has filed a written, notarized 463  
request with the secretary of state, on a form prescribed by the 464  
secretary of state, asking to cease being a program participant. 465

(3) The program participant's certification has expired 466  
and the program participant has not renewed the certification in 467  
accordance with division (F) of section 111.42 of the Revised 468  
Code not later than the deadline specified by the secretary of 469  
state by rule to renew the certification. 470

(B) Upon canceling a certification under division (A) of 471  
this section, the secretary of state shall notify, within ten 472  
business days, do both of the following: 473

(1) Notify the director of the board of elections of the 474  
county in which the former program participant resides; 475

(2) Notify the county recorder, auditor, treasurer, and 476  
engineer and the clerk of the court of common pleas of each 477

county in which the former program participant has filed real 478  
property confidentiality notices under section 111.431 of the 479  
Revised Code that have not been revoked under that section. 480

**Sec. 111.46.** (A) The secretary of state shall make 481  
available to the attorney general, for inclusion ~~into~~ in the 482  
Ohio law enforcement gateway, the name, telephone number, and 483  
confidential address of each program participant. Access to 484  
information in the gateway regarding an address confidentiality 485  
program participant may only be granted to chiefs of police, 486  
village marshals, county sheriffs, county prosecuting attorneys, 487  
and a designee of each of these individuals. 488

(B) (1) (a) A city director of law or similar chief legal 489  
officer who requires access to a program participant's 490  
confidential address or telephone number for a legitimate 491  
governmental purpose may petition the court of common pleas of 492  
Franklin county to order the secretary of state to make that 493  
confidential address or telephone number available to the 494  
petitioner. 495

~~(B) (b)~~ A city director of law or similar chief legal 496  
officer who requires access to information that is subject to a 497  
real property confidentiality notice under section 111.431 of 498  
the Revised Code for a legitimate governmental purpose may 499  
petition the court of common pleas of the county in which the 500  
real property is located or the court of common pleas of 501  
Franklin county to make that information available to the 502  
petitioner. 503

(2) Upon the filing of a petition under division (B) (1) of 504  
this section, the court shall fix a date for a hearing on it and 505  
shall require the clerk of the court to serve a notice of the 506  
date, time, place, and purpose of the hearing upon the 507

petitioner. The clerk also shall serve that notice upon the 508  
secretary of state so that the secretary of state may send the 509  
notice to the program participant in accordance with division 510  
~~(C)~~ (B) (3) of this section, and, if applicable, upon the county 511  
recorder, auditor, treasurer, or engineer or the clerk of the 512  
court of common pleas of the county in which the real property 513  
is located. 514

~~(C)~~ (3) Upon receiving a notice under division (B) (2) of 515  
this section, the secretary of state immediately shall send a 516  
copy of the notice to the program participant by certified mail, 517  
return receipt requested. 518

~~(D)~~ (4) At a hearing held under this section, the 519  
petitioner shall appear, and the program participant or the 520  
program participant's attorney may appear and be heard. After 521  
the hearing and considering the testimony, the court shall issue 522  
the requested order only if it appears to the court by clear and 523  
convincing evidence that the disclosure of the ~~program~~ 524  
~~participant's confidential address or telephone number~~ 525  
information to the petitioner is necessary for a legitimate 526  
governmental purpose. 527

~~(E)~~ (C) Upon request by a city director of law or similar 528  
chief legal officer, who intends to petition ~~the a~~ court for 529  
access to an individual's ~~address or telephone number~~ 530  
confidential information under division (B) of this section, the 531  
secretary of state shall, within ten business days, confirm 532  
whether the individual is a program participant but shall not 533  
disclose any other information concerning a program participant. 534

(D) If a program participant is a child's parent, 535  
guardian, or legal custodian, the program participant is a party 536  
to a child custody or child support proceeding concerning the 537

child, and another party to the proceeding requests the court to 538  
disclose the program participant's confidential address or 539  
telephone number, or if the court seeks to disclose the 540  
confidential information sua sponte, the court shall do all of 541  
the following: 542

(1) If a party requests the disclosure, direct the 543  
requestor to file a pleading detailing the necessity for the 544  
disclosure; 545

(2) Schedule a hearing on the matter; 546

(3) Provide the program participant with a copy of the 547  
pleading, if filed; and 548

(4) Provide the parties adequate notice of the hearing. 549

If a party requests the disclosure of a participant's 550  
confidential information, or if the court seeks to release the 551  
confidential information sua sponte, the requestor shall have 552  
the burden to show, or the court must find, by clear and 553  
convincing evidence, that the disclosure is necessary, and that 554  
the disclosure does not pose a risk of harm to the program 555  
participant or the child. If the requestor does not meet this 556  
burden or the court does not make this finding, the court shall 557  
deny the request. If the requestor meets this burden or the 558  
court makes this finding, the court shall document its findings 559  
of fact, and may direct the program participant to release the 560  
confidential address or telephone number, or the court may 561  
disclose the program participant's confidential address or 562  
telephone number. 563

**Sec. 111.48.** There is in the state treasury the address 564  
confidentiality program fund. The fund shall consist of money 565  
paid into the fund pursuant to division ~~(B) (10)~~ (B) (11) of 566

section 2929.18 and division (D) of section 2929.28 of the 567  
Revised Code and any money appropriated to the fund by the 568  
general assembly or donated to the fund. The secretary of state 569  
shall use the money in the fund for the purpose of administering 570  
the address confidentiality program described in sections 111.41 571  
to 111.47 of the Revised Code. 572

**Sec. 111.99.** (A) No person who submits an application 573  
under section 111.42 of the Revised Code shall knowingly make a 574  
false attestation in the application that the applicant fears 575  
for the applicant's safety, the safety of a member of the 576  
applicant's household, or the safety of the minor, incompetent, 577  
or ward on whose behalf the application is made because the 578  
applicant, household member, minor, incompetent, or ward is a 579  
victim of domestic violence, menacing by stalking, human 580  
trafficking, trafficking in persons, rape, or sexual battery. 581

(B) No person who has access to a confidential address or 582  
telephone number, to information that is subject to a real 583  
property confidentiality notice under section 111.431 of the 584  
Revised Code, or to information that is subject to a written 585  
notice under section 111.432 of the Revised Code, because of the 586  
person's employment or official position shall knowingly 587  
disclose that confidential ~~address or telephone number~~ 588  
information to any person, except as required by law. 589

(C) No person who obtains a confidential address or 590  
telephone number from the Ohio law enforcement gateway shall 591  
knowingly disclose that confidential address or telephone number 592  
to any person, except as is necessary for a law enforcement 593  
purpose when related to the performance of official duties, or 594  
for another legitimate governmental purpose. 595

(D) No person who obtains information that is subject to a 596

real property confidentiality notice under section 111.431 of 597  
the Revised Code for the purpose of conducting a title 598  
examination under division (E) of that section shall knowingly 599  
disclose that confidential information to any person, except for 600  
the purpose identified in the application submitted under that 601  
division. 602

(E) No person who obtains information that is subject to a 603  
written notice under section 111.432 of the Revised Code for a 604  
purpose specified in a written notice authorizing disclosure 605  
provided by a program participant shall knowingly disclose that 606  
confidential information to any person, except for the purpose 607  
identified in the written notice. 608

(F) Whoever violates this section is guilty of a 609  
misdemeanor of the first degree. 610

**Sec. 149.43.** (A) As used in this section: 611

(1) "Public record" means records kept by any public 612  
office, including, but not limited to, state, county, city, 613  
village, township, and school district units, and records 614  
pertaining to the delivery of educational services by an 615  
alternative school in this state kept by the nonprofit or for- 616  
profit entity operating the alternative school pursuant to 617  
section 3313.533 of the Revised Code. "Public record" does not 618  
mean any of the following: 619

(a) Medical records; 620

(b) Records pertaining to probation and parole 621  
proceedings, to proceedings related to the imposition of 622  
community control sanctions and post-release control sanctions, 623  
or to proceedings related to determinations under section 624  
2967.271 of the Revised Code regarding the release or maintained 625

incarceration of an offender to whom that section applies; 626

(c) Records pertaining to actions under section 2151.85 627  
and division (C) of section 2919.121 of the Revised Code and to 628  
appeals of actions arising under those sections; 629

(d) Records pertaining to adoption proceedings, including 630  
the contents of an adoption file maintained by the department of 631  
health under sections 3705.12 to 3705.124 of the Revised Code; 632

(e) Information in a record contained in the putative 633  
father registry established by section 3107.062 of the Revised 634  
Code, regardless of whether the information is held by the 635  
department of job and family services or, pursuant to section 636  
3111.69 of the Revised Code, the office of child support in the 637  
department or a child support enforcement agency; 638

(f) Records specified in division (A) of section 3107.52 639  
of the Revised Code; 640

(g) Trial preparation records; 641

(h) Confidential law enforcement investigatory records; 642

(i) Records containing information that is confidential 643  
under section 2710.03 or 4112.05 of the Revised Code; 644

(j) DNA records stored in the DNA database pursuant to 645  
section 109.573 of the Revised Code; 646

(k) Inmate records released by the department of 647  
rehabilitation and correction to the department of youth 648  
services or a court of record pursuant to division (E) of 649  
section 5120.21 of the Revised Code; 650

(l) Records maintained by the department of youth services 651  
pertaining to children in its custody released by the department 652

of youth services to the department of rehabilitation and 653  
correction pursuant to section 5139.05 of the Revised Code; 654

(m) Intellectual property records; 655

(n) Donor profile records; 656

(o) Records maintained by the department of job and family 657  
services pursuant to section 3121.894 of the Revised Code; 658

(p) Designated public service worker residential and 659  
familial information; 660

(q) In the case of a county hospital operated pursuant to 661  
Chapter 339. of the Revised Code or a municipal hospital 662  
operated pursuant to Chapter 749. of the Revised Code, 663  
information that constitutes a trade secret, as defined in 664  
section 1333.61 of the Revised Code; 665

(r) Information pertaining to the recreational activities 666  
of a person under the age of eighteen; 667

(s) In the case of a child fatality review board acting 668  
under sections 307.621 to 307.629 of the Revised Code or a 669  
review conducted pursuant to guidelines established by the 670  
director of health under section 3701.70 of the Revised Code, 671  
records provided to the board or director, statements made by 672  
board members during meetings of the board or by persons 673  
participating in the director's review, and all work products of 674  
the board or director, and in the case of a child fatality 675  
review board, child fatality review data submitted by the board 676  
to the department of health or a national child death review 677  
database, other than the report prepared pursuant to division 678  
(A) of section 307.626 of the Revised Code; 679

(t) Records provided to and statements made by the 680

executive director of a public children services agency or a 681  
prosecuting attorney acting pursuant to section 5153.171 of the 682  
Revised Code other than the information released under that 683  
section; 684

(u) Test materials, examinations, or evaluation tools used 685  
in an examination for licensure as a nursing home administrator 686  
that the board of executives of long-term services and supports 687  
administers under section 4751.15 of the Revised Code or 688  
contracts under that section with a private or government entity 689  
to administer; 690

(v) Records the release of which is prohibited by state or 691  
federal law; 692

(w) Proprietary information of or relating to any person 693  
that is submitted to or compiled by the Ohio venture capital 694  
authority created under section 150.01 of the Revised Code; 695

(x) Financial statements and data any person submits for 696  
any purpose to the Ohio housing finance agency or the 697  
controlling board in connection with applying for, receiving, or 698  
accounting for financial assistance from the agency, and 699  
information that identifies any individual who benefits directly 700  
or indirectly from financial assistance from the agency; 701

(y) Records listed in section 5101.29 of the Revised Code; 702

(z) Discharges recorded with a county recorder under 703  
section 317.24 of the Revised Code, as specified in division (B) 704  
(2) of that section; 705

(aa) Usage information including names and addresses of 706  
specific residential and commercial customers of a municipally 707  
owned or operated public utility; 708

(bb) Records described in division (C) of section 187.04 709  
of the Revised Code that are not designated to be made available 710  
to the public as provided in that division; 711

(cc) Information and records that are made confidential, 712  
privileged, and not subject to disclosure under divisions (B) 713  
and (C) of section 2949.221 of the Revised Code; 714

(dd) Personal information, as defined in section 149.45 of 715  
the Revised Code; 716

(ee) The confidential name, address, and other personally 717  
identifiable information of a program participant in the address 718  
confidentiality program established under sections 111.41 to 719  
111.47 of the Revised Code, including the contents of any 720  
application for absent voter's ballots, absent voter's ballot 721  
identification envelope statement of voter, or provisional 722  
ballot affirmation completed by a program participant who has a 723  
confidential voter registration record, ~~and,~~ records or portions 724  
of records pertaining to that program that identify the number 725  
of program participants that reside within a precinct, ward, 726  
township, municipal corporation, county, or any other geographic 727  
area smaller than the state; any real property confidentiality 728  
notice filed under section 111.431 of the Revised Code and the 729  
information described in division (C) of that section; and any 730  
written notice provided under section 111.432 of the Revised 731  
Code and the information described in division (B) of that 732  
section. As used in this division, "confidential address" and 733  
"program participant" have the meaning defined in section 111.41 734  
of the Revised Code. 735

(ff) Orders for active military service of an individual 736  
serving or with previous service in the armed forces of the 737  
United States, including a reserve component, or the Ohio 738

organized militia, except that, such order becomes a public 739  
record on the day that is fifteen years after the published date 740  
or effective date of the call to order; 741

(gg) The name, address, contact information, or other 742  
personal information of an individual who is less than eighteen 743  
years of age that is included in any record related to a traffic 744  
accident involving a school vehicle in which the individual was 745  
an occupant at the time of the accident; 746

(hh) Protected health information, as defined in 45 C.F.R. 747  
160.103, that is in a claim for payment for a health care 748  
product, service, or procedure, as well as any other health 749  
claims data in another document that reveals the identity of an 750  
individual who is the subject of the data or could be used to 751  
reveal that individual's identity; 752

(ii) Any depiction by photograph, film, videotape, or 753  
printed or digital image under either of the following 754  
circumstances: 755

(i) The depiction is that of a victim of an offense the 756  
release of which would be, to a reasonable person of ordinary 757  
sensibilities, an offensive and objectionable intrusion into the 758  
victim's expectation of bodily privacy and integrity. 759

(ii) The depiction captures or depicts the victim of a 760  
sexually oriented offense, as defined in section 2950.01 of the 761  
Revised Code, at the actual occurrence of that offense. 762

(jj) Restricted portions of a body-worn camera or 763  
dashboard camera recording; 764

(kk) In the case of a fetal-infant mortality review board 765  
acting under sections 3707.70 to 3707.77 of the Revised Code, 766  
records, documents, reports, or other information presented to 767

the board or a person abstracting such materials on the board's 768  
behalf, statements made by review board members during board 769  
meetings, all work products of the board, and data submitted by 770  
the board to the department of health or a national infant death 771  
review database, other than the report prepared pursuant to 772  
section 3707.77 of the Revised Code. 773

(ll) Records, documents, reports, or other information 774  
presented to the pregnancy-associated mortality review board 775  
established under section 3738.01 of the Revised Code, 776  
statements made by board members during board meetings, all work 777  
products of the board, and data submitted by the board to the 778  
department of health, other than the biennial reports prepared 779  
under section 3738.08 of the Revised Code; 780

(mm) Telephone numbers for a victim, as defined in section 781  
2930.01 of the Revised Code, a witness to a crime, or a party to 782  
a motor vehicle accident subject to the requirements of section 783  
5502.11 of the Revised Code that are listed on any law 784  
enforcement record or report. 785

A record that is not a public record under division (A) (1) 786  
of this section and that, under law, is permanently retained 787  
becomes a public record on the day that is seventy-five years 788  
after the day on which the record was created, except for any 789  
record protected by the attorney-client privilege, a trial 790  
preparation record as defined in this section, a statement 791  
prohibiting the release of identifying information signed under 792  
section 3107.083 of the Revised Code, a denial of release form 793  
filed pursuant to section 3107.46 of the Revised Code, or any 794  
record that is exempt from release or disclosure under section 795  
149.433 of the Revised Code. If the record is a birth 796  
certificate and a biological parent's name redaction request 797

form has been accepted under section 3107.391 of the Revised 798  
Code, the name of that parent shall be redacted from the birth 799  
certificate before it is released under this paragraph. If any 800  
other section of the Revised Code establishes a time period for 801  
disclosure of a record that conflicts with the time period 802  
specified in this section, the time period in the other section 803  
prevails. 804

(2) "Confidential law enforcement investigatory record" 805  
means any record that pertains to a law enforcement matter of a 806  
criminal, quasi-criminal, civil, or administrative nature, but 807  
only to the extent that the release of the record would create a 808  
high probability of disclosure of any of the following: 809

(a) The identity of a suspect who has not been charged 810  
with the offense to which the record pertains, or of an 811  
information source or witness to whom confidentiality has been 812  
reasonably promised; 813

(b) Information provided by an information source or 814  
witness to whom confidentiality has been reasonably promised, 815  
which information would reasonably tend to disclose the source's 816  
or witness's identity; 817

(c) Specific confidential investigatory techniques or 818  
procedures or specific investigatory work product; 819

(d) Information that would endanger the life or physical 820  
safety of law enforcement personnel, a crime victim, a witness, 821  
or a confidential information source. 822

(3) "Medical record" means any document or combination of 823  
documents, except births, deaths, and the fact of admission to 824  
or discharge from a hospital, that pertains to the medical 825  
history, diagnosis, prognosis, or medical condition of a patient 826

and that is generated and maintained in the process of medical 827  
treatment. 828

(4) "Trial preparation record" means any record that 829  
contains information that is specifically compiled in reasonable 830  
anticipation of, or in defense of, a civil or criminal action or 831  
proceeding, including the independent thought processes and 832  
personal trial preparation of an attorney. 833

(5) "Intellectual property record" means a record, other 834  
than a financial or administrative record, that is produced or 835  
collected by or for faculty or staff of a state institution of 836  
higher learning in the conduct of or as a result of study or 837  
research on an educational, commercial, scientific, artistic, 838  
technical, or scholarly issue, regardless of whether the study 839  
or research was sponsored by the institution alone or in 840  
conjunction with a governmental body or private concern, and 841  
that has not been publicly released, published, or patented. 842

(6) "Donor profile record" means all records about donors 843  
or potential donors to a public institution of higher education 844  
except the names and reported addresses of the actual donors and 845  
the date, amount, and conditions of the actual donation. 846

(7) "Designated public service worker" means a peace 847  
officer, parole officer, probation officer, bailiff, prosecuting 848  
attorney, assistant prosecuting attorney, correctional employee, 849  
county or multicounty corrections officer, community-based 850  
correctional facility employee, youth services employee, 851  
firefighter, EMT, medical director or member of a cooperating 852  
physician advisory board of an emergency medical service 853  
organization, state board of pharmacy employee, investigator of 854  
the bureau of criminal identification and investigation, judge, 855  
magistrate, or federal law enforcement officer. 856

(8) "Designated public service worker residential and 857  
familial information" means any information that discloses any 858  
of the following about a designated public service worker: 859

(a) The address of the actual personal residence of a 860  
designated public service worker, except for the following 861  
information: 862

(i) The address of the actual personal residence of a 863  
prosecuting attorney or judge; and 864

(ii) The state or political subdivision in which a 865  
designated public service worker resides. 866

(b) Information compiled from referral to or participation 867  
in an employee assistance program; 868

(c) The social security number, the residential telephone 869  
number, any bank account, debit card, charge card, or credit 870  
card number, or the emergency telephone number of, or any 871  
medical information pertaining to, a designated public service 872  
worker; 873

(d) The name of any beneficiary of employment benefits, 874  
including, but not limited to, life insurance benefits, provided 875  
to a designated public service worker by the designated public 876  
service worker's employer; 877

(e) The identity and amount of any charitable or 878  
employment benefit deduction made by the designated public 879  
service worker's employer from the designated public service 880  
worker's compensation, unless the amount of the deduction is 881  
required by state or federal law; 882

(f) The name, the residential address, the name of the 883  
employer, the address of the employer, the social security 884

number, the residential telephone number, any bank account, 885  
debit card, charge card, or credit card number, or the emergency 886  
telephone number of the spouse, a former spouse, or any child of 887  
a designated public service worker; 888

(g) A photograph of a peace officer who holds a position 889  
or has an assignment that may include undercover or plain 890  
clothes positions or assignments as determined by the peace 891  
officer's appointing authority. 892

(9) As used in divisions (A) (7) and (15) to (17) of this 893  
section: 894

"Peace officer" has the meaning defined in section 109.71 895  
of the Revised Code and also includes the superintendent and 896  
troopers of the state highway patrol; it does not include the 897  
sheriff of a county or a supervisory employee who, in the 898  
absence of the sheriff, is authorized to stand in for, exercise 899  
the authority of, and perform the duties of the sheriff. 900

"Correctional employee" means any employee of the 901  
department of rehabilitation and correction who in the course of 902  
performing the employee's job duties has or has had contact with 903  
inmates and persons under supervision. 904

"County or multicounty corrections officer" means any 905  
corrections officer employed by any county or multicounty 906  
correctional facility. 907

"Youth services employee" means any employee of the 908  
department of youth services who in the course of performing the 909  
employee's job duties has or has had contact with children 910  
committed to the custody of the department of youth services. 911

"Firefighter" means any regular, paid or volunteer, member 912  
of a lawfully constituted fire department of a municipal 913

corporation, township, fire district, or village. 914

"EMT" means EMTs-basic, EMTs-I, and paramedics that 915  
provide emergency medical services for a public emergency 916  
medical service organization. "Emergency medical service 917  
organization," "EMT-basic," "EMT-I," and "paramedic" have the 918  
meanings defined in section 4765.01 of the Revised Code. 919

"Investigator of the bureau of criminal identification and 920  
investigation" has the meaning defined in section 2903.11 of the 921  
Revised Code. 922

"Federal law enforcement officer" has the meaning defined 923  
in section 9.88 of the Revised Code. 924

(10) "Information pertaining to the recreational 925  
activities of a person under the age of eighteen" means 926  
information that is kept in the ordinary course of business by a 927  
public office, that pertains to the recreational activities of a 928  
person under the age of eighteen years, and that discloses any 929  
of the following: 930

(a) The address or telephone number of a person under the 931  
age of eighteen or the address or telephone number of that 932  
person's parent, guardian, custodian, or emergency contact 933  
person; 934

(b) The social security number, birth date, or 935  
photographic image of a person under the age of eighteen; 936

(c) Any medical record, history, or information pertaining 937  
to a person under the age of eighteen; 938

(d) Any additional information sought or required about a 939  
person under the age of eighteen for the purpose of allowing 940  
that person to participate in any recreational activity 941

conducted or sponsored by a public office or to use or obtain 942  
admission privileges to any recreational facility owned or 943  
operated by a public office. 944

(11) "Community control sanction" has the meaning defined 945  
in section 2929.01 of the Revised Code. 946

(12) "Post-release control sanction" has the meaning 947  
defined in section 2967.01 of the Revised Code. 948

(13) "Redaction" means obscuring or deleting any 949  
information that is exempt from the duty to permit public 950  
inspection or copying from an item that otherwise meets the 951  
definition of a "record" in section 149.011 of the Revised Code. 952

(14) "Designee," "elected official," and "future official" 953  
have the meanings defined in section 109.43 of the Revised Code. 954

(15) "Body-worn camera" means a visual and audio recording 955  
device worn on the person of a peace officer while the peace 956  
officer is engaged in the performance of the peace officer's 957  
duties. 958

(16) "Dashboard camera" means a visual and audio recording 959  
device mounted on a peace officer's vehicle or vessel that is 960  
used while the peace officer is engaged in the performance of 961  
the peace officer's duties. 962

(17) "Restricted portions of a body-worn camera or 963  
dashboard camera recording" means any visual or audio portion of 964  
a body-worn camera or dashboard camera recording that shows, 965  
communicates, or discloses any of the following: 966

(a) The image or identity of a child or information that 967  
could lead to the identification of a child who is a primary 968  
subject of the recording when the law enforcement agency knows 969

or has reason to know the person is a child based on the law 970  
enforcement agency's records or the content of the recording; 971

(b) The death of a person or a deceased person's body, 972  
unless the death was caused by a peace officer or, subject to 973  
division (H)(1) of this section, the consent of the decedent's 974  
executor or administrator has been obtained; 975

(c) The death of a peace officer, firefighter, paramedic, 976  
or other first responder, occurring while the decedent was 977  
engaged in the performance of official duties, unless, subject 978  
to division (H)(1) of this section, the consent of the 979  
decedent's executor or administrator has been obtained; 980

(d) Grievous bodily harm, unless the injury was effected 981  
by a peace officer or, subject to division (H)(1) of this 982  
section, the consent of the injured person or the injured 983  
person's guardian has been obtained; 984

(e) An act of severe violence against a person that 985  
results in serious physical harm to the person, unless the act 986  
and injury was effected by a peace officer or, subject to 987  
division (H)(1) of this section, the consent of the injured 988  
person or the injured person's guardian has been obtained; 989

(f) Grievous bodily harm to a peace officer, firefighter, 990  
paramedic, or other first responder, occurring while the injured 991  
person was engaged in the performance of official duties, 992  
unless, subject to division (H)(1) of this section, the consent 993  
of the injured person or the injured person's guardian has been 994  
obtained; 995

(g) An act of severe violence resulting in serious 996  
physical harm against a peace officer, firefighter, paramedic, 997  
or other first responder, occurring while the injured person was 998

engaged in the performance of official duties, unless, subject 999  
to division (H) (1) of this section, the consent of the injured 1000  
person or the injured person's guardian has been obtained; 1001

(h) A person's nude body, unless, subject to division (H) 1002  
(1) of this section, the person's consent has been obtained; 1003

(i) Protected health information, the identity of a person 1004  
in a health care facility who is not the subject of a law 1005  
enforcement encounter, or any other information in a health care 1006  
facility that could identify a person who is not the subject of 1007  
a law enforcement encounter; 1008

(j) Information that could identify the alleged victim of 1009  
a sex offense, menacing by stalking, or domestic violence; 1010

(k) Information, that does not constitute a confidential 1011  
law enforcement investigatory record, that could identify a 1012  
person who provides sensitive or confidential information to a 1013  
law enforcement agency when the disclosure of the person's 1014  
identity or the information provided could reasonably be 1015  
expected to threaten or endanger the safety or property of the 1016  
person or another person; 1017

(l) Personal information of a person who is not arrested, 1018  
cited, charged, or issued a written warning by a peace officer; 1019

(m) Proprietary police contingency plans or tactics that 1020  
are intended to prevent crime and maintain public order and 1021  
safety; 1022

(n) A personal conversation unrelated to work between 1023  
peace officers or between a peace officer and an employee of a 1024  
law enforcement agency; 1025

(o) A conversation between a peace officer and a member of 1026

the public that does not concern law enforcement activities; 1027

(p) The interior of a residence, unless the interior of a 1028  
residence is the location of an adversarial encounter with, or a 1029  
use of force by, a peace officer; 1030

(q) Any portion of the interior of a private business that 1031  
is not open to the public, unless an adversarial encounter with, 1032  
or a use of force by, a peace officer occurs in that location. 1033

As used in division (A) (17) of this section: 1034

"Grievous bodily harm" has the same meaning as in section 1035  
5924.120 of the Revised Code. 1036

"Health care facility" has the same meaning as in section 1037  
1337.11 of the Revised Code. 1038

"Protected health information" has the same meaning as in 1039  
45 C.F.R. 160.103. 1040

"Law enforcement agency" has the same meaning as in 1041  
section 2925.61 of the Revised Code. 1042

"Personal information" means any government-issued 1043  
identification number, date of birth, address, financial 1044  
information, or criminal justice information from the law 1045  
enforcement automated data system or similar databases. 1046

"Sex offense" has the same meaning as in section 2907.10 1047  
of the Revised Code. 1048

"Firefighter," "paramedic," and "first responder" have the 1049  
same meanings as in section 4765.01 of the Revised Code. 1050

(B) (1) Upon request and subject to division (B) (8) of this 1051  
section, all public records responsive to the request shall be 1052  
promptly prepared and made available for inspection to any 1053

person at all reasonable times during regular business hours. 1054  
Subject to division (B) (8) of this section, upon request by any 1055  
person, a public office or person responsible for public records 1056  
shall make copies of the requested public record available to 1057  
the requester at cost and within a reasonable period of time. If 1058  
a public record contains information that is exempt from the 1059  
duty to permit public inspection or to copy the public record, 1060  
the public office or the person responsible for the public 1061  
record shall make available all of the information within the 1062  
public record that is not exempt. When making that public record 1063  
available for public inspection or copying that public record, 1064  
the public office or the person responsible for the public 1065  
record shall notify the requester of any redaction or make the 1066  
redaction plainly visible. A redaction shall be deemed a denial 1067  
of a request to inspect or copy the redacted information, except 1068  
if federal or state law authorizes or requires a public office 1069  
to make the redaction. 1070

(2) To facilitate broader access to public records, a 1071  
public office or the person responsible for public records shall 1072  
organize and maintain public records in a manner that they can 1073  
be made available for inspection or copying in accordance with 1074  
division (B) of this section. A public office also shall have 1075  
available a copy of its current records retention schedule at a 1076  
location readily available to the public. If a requester makes 1077  
an ambiguous or overly broad request or has difficulty in making 1078  
a request for copies or inspection of public records under this 1079  
section such that the public office or the person responsible 1080  
for the requested public record cannot reasonably identify what 1081  
public records are being requested, the public office or the 1082  
person responsible for the requested public record may deny the 1083  
request but shall provide the requester with an opportunity to 1084

revise the request by informing the requester of the manner in 1085  
which records are maintained by the public office and accessed 1086  
in the ordinary course of the public office's or person's 1087  
duties. 1088

(3) If a request is ultimately denied, in part or in 1089  
whole, the public office or the person responsible for the 1090  
requested public record shall provide the requester with an 1091  
explanation, including legal authority, setting forth why the 1092  
request was denied. If the initial request was provided in 1093  
writing, the explanation also shall be provided to the requester 1094  
in writing. The explanation shall not preclude the public office 1095  
or the person responsible for the requested public record from 1096  
relying upon additional reasons or legal authority in defending 1097  
an action commenced under division (C) of this section. 1098

(4) Unless specifically required or authorized by state or 1099  
federal law or in accordance with division (B) of this section, 1100  
no public office or person responsible for public records may 1101  
limit or condition the availability of public records by 1102  
requiring disclosure of the requester's identity or the intended 1103  
use of the requested public record. Any requirement that the 1104  
requester disclose the requester's identity or the intended use 1105  
of the requested public record constitutes a denial of the 1106  
request. 1107

(5) A public office or person responsible for public 1108  
records may ask a requester to make the request in writing, may 1109  
ask for the requester's identity, and may inquire about the 1110  
intended use of the information requested, but may do so only 1111  
after disclosing to the requester that a written request is not 1112  
mandatory, that the requester may decline to reveal the 1113  
requester's identity or the intended use, and when a written 1114

request or disclosure of the identity or intended use would 1115  
benefit the requester by enhancing the ability of the public 1116  
office or person responsible for public records to identify, 1117  
locate, or deliver the public records sought by the requester. 1118

(6) If any person requests a copy of a public record in 1119  
accordance with division (B) of this section, the public office 1120  
or person responsible for the public record may require that 1121  
person to pay in advance the cost involved in providing the copy 1122  
of the public record in accordance with the choice made by the 1123  
person requesting the copy under this division. The public 1124  
office or the person responsible for the public record shall 1125  
permit that person to choose to have the public record 1126  
duplicated upon paper, upon the same medium upon which the 1127  
public office or person responsible for the public record keeps 1128  
it, or upon any other medium upon which the public office or 1129  
person responsible for the public record determines that it 1130  
reasonably can be duplicated as an integral part of the normal 1131  
operations of the public office or person responsible for the 1132  
public record. When the person requesting the copy makes a 1133  
choice under this division, the public office or person 1134  
responsible for the public record shall provide a copy of it in 1135  
accordance with the choice made by that person. Nothing in this 1136  
section requires a public office or person responsible for the 1137  
public record to allow the person requesting a copy of the 1138  
public record to make the copies of the public record. 1139

(7) (a) Upon a request made in accordance with division (B) 1140  
of this section and subject to division (B) (6) of this section, 1141  
a public office or person responsible for public records shall 1142  
transmit a copy of a public record to any person by United 1143  
States mail or by any other means of delivery or transmission 1144  
within a reasonable period of time after receiving the request 1145

for the copy. The public office or person responsible for the 1146  
public record may require the person making the request to pay 1147  
in advance the cost of postage if the copy is transmitted by 1148  
United States mail or the cost of delivery if the copy is 1149  
transmitted other than by United States mail, and to pay in 1150  
advance the costs incurred for other supplies used in the 1151  
mailing, delivery, or transmission. 1152

(b) Any public office may adopt a policy and procedures 1153  
that it will follow in transmitting, within a reasonable period 1154  
of time after receiving a request, copies of public records by 1155  
United States mail or by any other means of delivery or 1156  
transmission pursuant to division (B) (7) of this section. A 1157  
public office that adopts a policy and procedures under division 1158  
(B) (7) of this section shall comply with them in performing its 1159  
duties under that division. 1160

(c) In any policy and procedures adopted under division 1161  
(B) (7) of this section: 1162

(i) A public office may limit the number of records 1163  
requested by a person that the office will physically deliver by 1164  
United States mail or by another delivery service to ten per 1165  
month, unless the person certifies to the office in writing that 1166  
the person does not intend to use or forward the requested 1167  
records, or the information contained in them, for commercial 1168  
purposes; 1169

(ii) A public office that chooses to provide some or all 1170  
of its public records on a web site that is fully accessible to 1171  
and searchable by members of the public at all times, other than 1172  
during acts of God outside the public office's control or 1173  
maintenance, and that charges no fee to search, access, 1174  
download, or otherwise receive records provided on the web site, 1175

may limit to ten per month the number of records requested by a 1176  
person that the office will deliver in a digital format, unless 1177  
the requested records are not provided on the web site and 1178  
unless the person certifies to the office in writing that the 1179  
person does not intend to use or forward the requested records, 1180  
or the information contained in them, for commercial purposes. 1181

(iii) For purposes of division (B)(7) of this section, 1182  
"commercial" shall be narrowly construed and does not include 1183  
reporting or gathering news, reporting or gathering information 1184  
to assist citizen oversight or understanding of the operation or 1185  
activities of government, or nonprofit educational research. 1186

(8) A public office or person responsible for public 1187  
records is not required to permit a person who is incarcerated 1188  
pursuant to a criminal conviction or a juvenile adjudication to 1189  
inspect or to obtain a copy of any public record concerning a 1190  
criminal investigation or prosecution or concerning what would 1191  
be a criminal investigation or prosecution if the subject of the 1192  
investigation or prosecution were an adult, unless the request 1193  
to inspect or to obtain a copy of the record is for the purpose 1194  
of acquiring information that is subject to release as a public 1195  
record under this section and the judge who imposed the sentence 1196  
or made the adjudication with respect to the person, or the 1197  
judge's successor in office, finds that the information sought 1198  
in the public record is necessary to support what appears to be 1199  
a justiciable claim of the person. 1200

(9) (a) Upon written request made and signed by a 1201  
journalist, a public office, or person responsible for public 1202  
records, having custody of the records of the agency employing a 1203  
specified designated public service worker shall disclose to the 1204  
journalist the address of the actual personal residence of the 1205

designated public service worker and, if the designated public 1206  
service worker's spouse, former spouse, or child is employed by 1207  
a public office, the name and address of the employer of the 1208  
designated public service worker's spouse, former spouse, or 1209  
child. The request shall include the journalist's name and title 1210  
and the name and address of the journalist's employer and shall 1211  
state that disclosure of the information sought would be in the 1212  
public interest. 1213

(b) Division (B) (9) (a) of this section also applies to 1214  
journalist requests for: 1215

(i) Customer information maintained by a municipally owned 1216  
or operated public utility, other than social security numbers 1217  
and any private financial information such as credit reports, 1218  
payment methods, credit card numbers, and bank account 1219  
information; 1220

(ii) Information about minors involved in a school vehicle 1221  
accident as provided in division (A) (1) (gg) of this section, 1222  
other than personal information as defined in section 149.45 of 1223  
the Revised Code. 1224

(c) As used in division (B) (9) of this section, 1225  
"journalist" means a person engaged in, connected with, or 1226  
employed by any news medium, including a newspaper, magazine, 1227  
press association, news agency, or wire service, a radio or 1228  
television station, or a similar medium, for the purpose of 1229  
gathering, processing, transmitting, compiling, editing, or 1230  
disseminating information for the general public. 1231

(10) Upon a request made by a victim, victim's attorney, 1232  
or victim's representative, as that term is used in section 1233  
2930.02 of the Revised Code, a public office or person 1234

responsible for public records shall transmit a copy of a 1235  
depiction of the victim as described in division (A) (1) (gg) of 1236  
this section to the victim, victim's attorney, or victim's 1237  
representative. 1238

(C) (1) If a person allegedly is aggrieved by the failure 1239  
of a public office or the person responsible for public records 1240  
to promptly prepare a public record and to make it available to 1241  
the person for inspection in accordance with division (B) of 1242  
this section or by any other failure of a public office or the 1243  
person responsible for public records to comply with an 1244  
obligation in accordance with division (B) of this section, the 1245  
person allegedly aggrieved may do only one of the following, and 1246  
not both: 1247

(a) File a complaint with the clerk of the court of claims 1248  
or the clerk of the court of common pleas under section 2743.75 1249  
of the Revised Code; 1250

(b) Commence a mandamus action to obtain a judgment that 1251  
orders the public office or the person responsible for the 1252  
public record to comply with division (B) of this section, that 1253  
awards court costs and reasonable attorney's fees to the person 1254  
that instituted the mandamus action, and, if applicable, that 1255  
includes an order fixing statutory damages under division (C) (2) 1256  
of this section. The mandamus action may be commenced in the 1257  
court of common pleas of the county in which division (B) of 1258  
this section allegedly was not complied with, in the supreme 1259  
court pursuant to its original jurisdiction under Section 2 of 1260  
Article IV, Ohio Constitution, or in the court of appeals for 1261  
the appellate district in which division (B) of this section 1262  
allegedly was not complied with pursuant to its original 1263  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1264

(2) If a requester transmits a written request by hand 1265  
delivery, electronic submission, or certified mail to inspect or 1266  
receive copies of any public record in a manner that fairly 1267  
describes the public record or class of public records to the 1268  
public office or person responsible for the requested public 1269  
records, except as otherwise provided in this section, the 1270  
requester shall be entitled to recover the amount of statutory 1271  
damages set forth in this division if a court determines that 1272  
the public office or the person responsible for public records 1273  
failed to comply with an obligation in accordance with division 1274  
(B) of this section. 1275

The amount of statutory damages shall be fixed at one 1276  
hundred dollars for each business day during which the public 1277  
office or person responsible for the requested public records 1278  
failed to comply with an obligation in accordance with division 1279  
(B) of this section, beginning with the day on which the 1280  
requester files a mandamus action to recover statutory damages, 1281  
up to a maximum of one thousand dollars. The award of statutory 1282  
damages shall not be construed as a penalty, but as compensation 1283  
for injury arising from lost use of the requested information. 1284  
The existence of this injury shall be conclusively presumed. The 1285  
award of statutory damages shall be in addition to all other 1286  
remedies authorized by this section. 1287

The court may reduce an award of statutory damages or not 1288  
award statutory damages if the court determines both of the 1289  
following: 1290

(a) That, based on the ordinary application of statutory 1291  
law and case law as it existed at the time of the conduct or 1292  
threatened conduct of the public office or person responsible 1293  
for the requested public records that allegedly constitutes a 1294

failure to comply with an obligation in accordance with division 1295  
(B) of this section and that was the basis of the mandamus 1296  
action, a well-informed public office or person responsible for 1297  
the requested public records reasonably would believe that the 1298  
conduct or threatened conduct of the public office or person 1299  
responsible for the requested public records did not constitute 1300  
a failure to comply with an obligation in accordance with 1301  
division (B) of this section; 1302

(b) That a well-informed public office or person 1303  
responsible for the requested public records reasonably would 1304  
believe that the conduct or threatened conduct of the public 1305  
office or person responsible for the requested public records 1306  
would serve the public policy that underlies the authority that 1307  
is asserted as permitting that conduct or threatened conduct. 1308

(3) In a mandamus action filed under division (C) (1) of 1309  
this section, the following apply: 1310

(a) (i) If the court orders the public office or the person 1311  
responsible for the public record to comply with division (B) of 1312  
this section, the court shall determine and award to the relator 1313  
all court costs, which shall be construed as remedial and not 1314  
punitive. 1315

(ii) If the court makes a determination described in 1316  
division (C) (3) (b) (iii) of this section, the court shall 1317  
determine and award to the relator all court costs, which shall 1318  
be construed as remedial and not punitive. 1319

(b) If the court renders a judgment that orders the public 1320  
office or the person responsible for the public record to comply 1321  
with division (B) of this section or if the court determines any 1322  
of the following, the court may award reasonable attorney's fees 1323

to the relator, subject to division (C) (4) of this section: 1324

(i) The public office or the person responsible for the 1325  
public records failed to respond affirmatively or negatively to 1326  
the public records request in accordance with the time allowed 1327  
under division (B) of this section. 1328

(ii) The public office or the person responsible for the 1329  
public records promised to permit the relator to inspect or 1330  
receive copies of the public records requested within a 1331  
specified period of time but failed to fulfill that promise 1332  
within that specified period of time. 1333

(iii) The public office or the person responsible for the 1334  
public records acted in bad faith when the office or person 1335  
voluntarily made the public records available to the relator for 1336  
the first time after the relator commenced the mandamus action, 1337  
but before the court issued any order concluding whether or not 1338  
the public office or person was required to comply with division 1339  
(B) of this section. No discovery may be conducted on the issue 1340  
of the alleged bad faith of the public office or person 1341  
responsible for the public records. This division shall not be 1342  
construed as creating a presumption that the public office or 1343  
the person responsible for the public records acted in bad faith 1344  
when the office or person voluntarily made the public records 1345  
available to the relator for the first time after the relator 1346  
commenced the mandamus action, but before the court issued any 1347  
order described in this division. 1348

(c) The court shall not award attorney's fees to the 1349  
relator if the court determines both of the following: 1350

(i) That, based on the ordinary application of statutory 1351  
law and case law as it existed at the time of the conduct or 1352

threatened conduct of the public office or person responsible 1353  
for the requested public records that allegedly constitutes a 1354  
failure to comply with an obligation in accordance with division 1355  
(B) of this section and that was the basis of the mandamus 1356  
action, a well-informed public office or person responsible for 1357  
the requested public records reasonably would believe that the 1358  
conduct or threatened conduct of the public office or person 1359  
responsible for the requested public records did not constitute 1360  
a failure to comply with an obligation in accordance with 1361  
division (B) of this section; 1362

(ii) That a well-informed public office or person 1363  
responsible for the requested public records reasonably would 1364  
believe that the conduct or threatened conduct of the public 1365  
office or person responsible for the requested public records 1366  
would serve the public policy that underlies the authority that 1367  
is asserted as permitting that conduct or threatened conduct. 1368

(4) All of the following apply to any award of reasonable 1369  
attorney's fees awarded under division (C) (3) (b) of this 1370  
section: 1371

(a) The fees shall be construed as remedial and not 1372  
punitive. 1373

(b) The fees awarded shall not exceed the total of the 1374  
reasonable attorney's fees incurred before the public record was 1375  
made available to the relator and the fees described in division 1376  
(C) (4) (c) of this section. 1377

(c) Reasonable attorney's fees shall include reasonable 1378  
fees incurred to produce proof of the reasonableness and amount 1379  
of the fees and to otherwise litigate entitlement to the fees. 1380

(d) The court may reduce the amount of fees awarded if the 1381

court determines that, given the factual circumstances involved 1382  
with the specific public records request, an alternative means 1383  
should have been pursued to more effectively and efficiently 1384  
resolve the dispute that was subject to the mandamus action 1385  
filed under division (C) (1) of this section. 1386

(5) If the court does not issue a writ of mandamus under 1387  
division (C) of this section and the court determines at that 1388  
time that the bringing of the mandamus action was frivolous 1389  
conduct as defined in division (A) of section 2323.51 of the 1390  
Revised Code, the court may award to the public office all court 1391  
costs, expenses, and reasonable attorney's fees, as determined 1392  
by the court. 1393

(D) Chapter 1347. of the Revised Code does not limit the 1394  
provisions of this section. 1395

(E) (1) To ensure that all employees of public offices are 1396  
appropriately educated about a public office's obligations under 1397  
division (B) of this section, all elected officials or their 1398  
appropriate designees shall attend training approved by the 1399  
attorney general as provided in section 109.43 of the Revised 1400  
Code. A future official may satisfy the requirements of this 1401  
division by attending the training before taking office, 1402  
provided that the future official may not send a designee in the 1403  
future official's place. 1404

(2) All public offices shall adopt a public records policy 1405  
in compliance with this section for responding to public records 1406  
requests. In adopting a public records policy under this 1407  
division, a public office may obtain guidance from the model 1408  
public records policy developed and provided to the public 1409  
office by the attorney general under section 109.43 of the 1410  
Revised Code. Except as otherwise provided in this section, the 1411

policy may not limit the number of public records that the 1412  
public office will make available to a single person, may not 1413  
limit the number of public records that it will make available 1414  
during a fixed period of time, and may not establish a fixed 1415  
period of time before it will respond to a request for 1416  
inspection or copying of public records, unless that period is 1417  
less than eight hours. 1418

The public office shall distribute the public records 1419  
policy adopted by the public office under this division to the 1420  
employee of the public office who is the records custodian or 1421  
records manager or otherwise has custody of the records of that 1422  
office. The public office shall require that employee to 1423  
acknowledge receipt of the copy of the public records policy. 1424  
The public office shall create a poster that describes its 1425  
public records policy and shall post the poster in a conspicuous 1426  
place in the public office and in all locations where the public 1427  
office has branch offices. The public office may post its public 1428  
records policy on the internet web site of the public office if 1429  
the public office maintains an internet web site. A public 1430  
office that has established a manual or handbook of its general 1431  
policies and procedures for all employees of the public office 1432  
shall include the public records policy of the public office in 1433  
the manual or handbook. 1434

(F) (1) The bureau of motor vehicles may adopt rules 1435  
pursuant to Chapter 119. of the Revised Code to reasonably limit 1436  
the number of bulk commercial special extraction requests made 1437  
by a person for the same records or for updated records during a 1438  
calendar year. The rules may include provisions for charges to 1439  
be made for bulk commercial special extraction requests for the 1440  
actual cost of the bureau, plus special extraction costs, plus 1441  
ten per cent. The bureau may charge for expenses for redacting 1442

information, the release of which is prohibited by law. 1443

(2) As used in division (F)(1) of this section: 1444

(a) "Actual cost" means the cost of depleted supplies, 1445  
records storage media costs, actual mailing and alternative 1446  
delivery costs, or other transmitting costs, and any direct 1447  
equipment operating and maintenance costs, including actual 1448  
costs paid to private contractors for copying services. 1449

(b) "Bulk commercial special extraction request" means a 1450  
request for copies of a record for information in a format other 1451  
than the format already available, or information that cannot be 1452  
extracted without examination of all items in a records series, 1453  
class of records, or database by a person who intends to use or 1454  
forward the copies for surveys, marketing, solicitation, or 1455  
resale for commercial purposes. "Bulk commercial special 1456  
extraction request" does not include a request by a person who 1457  
gives assurance to the bureau that the person making the request 1458  
does not intend to use or forward the requested copies for 1459  
surveys, marketing, solicitation, or resale for commercial 1460  
purposes. 1461

(c) "Commercial" means profit-seeking production, buying, 1462  
or selling of any good, service, or other product. 1463

(d) "Special extraction costs" means the cost of the time 1464  
spent by the lowest paid employee competent to perform the task, 1465  
the actual amount paid to outside private contractors employed 1466  
by the bureau, or the actual cost incurred to create computer 1467  
programs to make the special extraction. "Special extraction 1468  
costs" include any charges paid to a public agency for computer 1469  
or records services. 1470

(3) For purposes of divisions (F)(1) and (2) of this 1471

section, "surveys, marketing, solicitation, or resale for 1472  
commercial purposes" shall be narrowly construed and does not 1473  
include reporting or gathering news, reporting or gathering 1474  
information to assist citizen oversight or understanding of the 1475  
operation or activities of government, or nonprofit educational 1476  
research. 1477

(G) A request by a defendant, counsel of a defendant, or 1478  
any agent of a defendant in a criminal action that public 1479  
records related to that action be made available under this 1480  
section shall be considered a demand for discovery pursuant to 1481  
the Criminal Rules, except to the extent that the Criminal Rules 1482  
plainly indicate a contrary intent. The defendant, counsel of 1483  
the defendant, or agent of the defendant making a request under 1484  
this division shall serve a copy of the request on the 1485  
prosecuting attorney, director of law, or other chief legal 1486  
officer responsible for prosecuting the action. 1487

(H) (1) Any portion of a body-worn camera or dashboard 1488  
camera recording described in divisions (A) (17) (b) to (h) of 1489  
this section may be released by consent of the subject of the 1490  
recording or a representative of that person, as specified in 1491  
those divisions, only if either of the following applies: 1492

(a) The recording will not be used in connection with any 1493  
probable or pending criminal proceedings; 1494

(b) The recording has been used in connection with a 1495  
criminal proceeding that was dismissed or for which a judgment 1496  
has been entered pursuant to Rule 32 of the Rules of Criminal 1497  
Procedure, and will not be used again in connection with any 1498  
probable or pending criminal proceedings. 1499

(2) If a public office denies a request to release a 1500

restricted portion of a body-worn camera or dashboard camera 1501  
recording, as defined in division (A)(17) of this section, any 1502  
person may file a mandamus action pursuant to this section or a 1503  
complaint with the clerk of the court of claims pursuant to 1504  
section 2743.75 of the Revised Code, requesting the court to 1505  
order the release of all or portions of the recording. If the 1506  
court considering the request determines that the filing 1507  
articulates by clear and convincing evidence that the public 1508  
interest in the recording substantially outweighs privacy 1509  
interests and other interests asserted to deny release, the 1510  
court shall order the public office to release the recording. 1511

**Sec. 315.25.** (A) The county engineer shall make and keep, 1512  
in a book provided for that purpose, an accurate record of all 1513  
surveys made by ~~him~~ the engineer or ~~his~~ the engineer's deputies 1514  
for the purpose of locating any land or road lines, or fixing 1515  
any corner or monument by which it may be determined, whether 1516  
official or otherwise. Such surveys shall include corners, 1517  
distances, azimuths, angles, calculations, plats, and a 1518  
description of the monuments set up, with such references 1519  
thereto as will aid in finding the names of the parties for whom 1520  
the surveys are made, and the date of making such surveys. Such 1521  
book shall be kept as a public record by the engineer at ~~his~~ the 1522  
engineer's office, and it shall be at all proper times open to 1523  
inspection and examination by all persons interested therein. 1524  
Any other surveys made in the county by competent surveyors, 1525  
certified by such surveyor to be correct and deemed worthy of 1526  
preservation, may, by order of the board of county 1527  
commissioners, be recorded by the engineer. 1528

(B) The county engineer shall keep confidential 1529  
information that is subject to a real property confidentiality 1530  
notice under section 111.431 of the Revised Code, in accordance 1531

with that section.

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

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

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(C) If a person presents an instrument of writing to the  
county recorder for recording and the county recorder, pursuant  
to division (B) of this section, refuses to record the  
instrument, the person has a cause of action for an order from  
the court of common pleas in the county that the county recorder  
serves, to require the county recorder to record the instrument.  
If the court determines that the instrument is required or

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authorized by the Revised Code to be recorded and is not 1562  
materially false or fraudulent, it shall order the county 1563  
recorder to record the instrument. 1564

(D) The county recorder shall keep confidential 1565  
information that is subject to a real property confidentiality 1566  
notice under section 111.431 of the Revised Code, in accordance 1567  
with that section. 1568

**Sec. 317.32.** The county recorder shall charge and collect 1569  
the following fees, to include, except as otherwise provided in 1570  
division (A) (2) of this section, base fees for the recorder's 1571  
services and housing trust fund fees collected pursuant to 1572  
section 317.36 of the Revised Code: 1573

(A) (1) Except as otherwise provided in division (A) (2) of 1574  
this section, for recording and indexing an instrument if the 1575  
photocopy or any similar process is employed, a base fee of 1576  
seventeen dollars for the first two pages and a housing trust 1577  
fund fee of seventeen dollars, and a base fee of four dollars 1578  
and a housing trust fund fee of four dollars for each subsequent 1579  
page, size eight and one-half inches by fourteen inches, or 1580  
fraction of a page, including the caption page, of such 1581  
instrument; 1582

(2) For recording and indexing an instrument described in 1583  
division (D) of section 317.08 of the Revised Code if the 1584  
photocopy or any similar process is employed, a fee of twenty- 1585  
eight dollars for the first two pages to be deposited as 1586  
specified elsewhere in this division, and a fee of eight dollars 1587  
to be deposited in the same manner for each subsequent page, 1588  
size eight and one-half inches by fourteen inches, or fraction 1589  
of a page, including the caption page, of that instrument. If 1590  
the county recorder's technology fund has been established under 1591

section 317.321 of the Revised Code, of the twenty-eight 1592  
dollars, fourteen dollars shall be deposited into the county 1593  
treasury to the credit of the county recorder's technology fund 1594  
and fourteen dollars shall be deposited into the county treasury 1595  
to the credit of the county general fund. If the county 1596  
recorder's technology fund has not been established, the twenty- 1597  
eight dollars shall be deposited into the county treasury to the 1598  
credit of the county general fund. 1599

(B) For certifying a ~~photocopy~~ copy or electronic record 1600  
from the record previously recorded, a base fee of one dollar 1601  
and a housing trust fund fee of one dollar per page, size eight 1602  
and one-half inches by fourteen inches, or fraction of a page; 1603  
for each certification if the recorder's seal is required, 1604  
except as to instruments issued by the armed forces of the 1605  
United States, a base fee of fifty cents and a housing trust 1606  
fund fee of fifty cents; 1607

(C) For entering or indexing any ~~marginal~~ reference by 1608  
separate recorded instrument, a base fee of two dollars and a 1609  
housing trust fund fee of two dollars for each ~~marginal~~ 1610  
reference set out in that instrument, in addition to the fees 1611  
set forth in division (A) (1) of this section; 1612

(D) For indexing in the real estate mortgage records, 1613  
pursuant to section 1309.519 of the Revised Code, financing 1614  
statements covering crops growing or to be grown, timber to be 1615  
cut, minerals or the like, including oil and gas, accounts 1616  
subject to section 1309.301 of the Revised Code, or fixture 1617  
filings made pursuant to section 1309.334 of the Revised Code, a 1618  
base fee of two dollars and a housing trust fund fee of two 1619  
dollars for each name indexed; 1620

(E) For filing zoning resolutions, including text and 1621

maps, in the office of the recorder as required under sections 1622  
303.11 and 519.11 of the Revised Code, a base fee of twenty-five 1623  
dollars and a housing trust fund fee of twenty-five dollars, 1624  
regardless of the size or length of the resolutions; 1625

(F) For filing zoning amendments, including text and maps, 1626  
in the office of the recorder as required under sections 303.12 1627  
and 519.12 of the Revised Code, a base fee of ten dollars and a 1628  
housing trust fund fee of ten dollars regardless of the size or 1629  
length of the amendments; 1630

(G) For photocopying a document, other than at the time of 1631  
recording and indexing as provided for in division (A)(1) or (2) 1632  
of this section, a base fee of one dollar and a housing trust 1633  
fund fee of one dollar per page, size eight and one-half inches 1634  
by fourteen inches, or fraction thereof; 1635

(H) For local facsimile transmission of a document, a base 1636  
fee of one dollar and a housing trust fund fee of one dollar per 1637  
page, size eight and one-half inches by fourteen inches, or 1638  
fraction thereof; for long distance facsimile transmission of a 1639  
document, a base fee of two dollars and a housing trust fund fee 1640  
of two dollars per page, size eight and one-half inches by 1641  
fourteen inches, or fraction thereof; 1642

(I) For recording a declaration executed pursuant to 1643  
section 2133.02 of the Revised Code or a durable power of 1644  
attorney for health care executed pursuant to section 1337.12 of 1645  
the Revised Code, or both a declaration and a durable power of 1646  
attorney for health care, a base fee of at least fourteen 1647  
dollars but not more than twenty dollars and a housing trust 1648  
fund fee of at least fourteen dollars but not more than twenty 1649  
dollars. 1650

In any county in which the recorder employs the 1651  
photostatic or any similar process for recording maps, plats, or 1652  
prints the recorder shall determine, charge, and collect for the 1653  
recording or rerecording of any map, plat, or print, a base fee 1654  
of five cents and a housing trust fund fee of five cents per 1655  
square inch, for each square inch of the map, plat, or print 1656  
filed for that recording or rerecording, with a minimum base fee 1657  
of twenty dollars and a minimum housing trust fund fee of twenty 1658  
dollars; for certifying a copy from the record, a base fee of 1659  
two cents and a housing trust fund fee of two cents per square 1660  
inch of the record, with a minimum base fee of two dollars and a 1661  
minimum housing trust fund fee of two dollars. 1662

The fees provided in this section shall be paid upon the 1663  
presentation of the instruments for record or upon the 1664  
application for any certified copy of the record, except that 1665  
the payment of fees for providing copies of instruments 1666  
conveying or extinguishing agricultural easements to the office 1667  
of farmland preservation in the department of agriculture under 1668  
division (H) of section 5301.691 of the Revised Code shall be 1669  
governed by that division, and payment of fees for electronic 1670  
recording may be made by electronic funds transfer, automated 1671  
clearing house, or other electronic means after presentation. 1672

The fees provided for in this section shall not apply to 1673  
the recording, indexing, or making of a certified copy or to the 1674  
filing of any instrument by a county land reutilization 1675  
corporation, ~~its~~. 1676

The fees provided for in this section shall not apply to 1677  
the recording, indexing, or making of a certified copy or to the 1678  
filing of any instrument by a county land reutilization 1679  
corporation's wholly owned subsidiary, or any other electing 1680

subdivision as defined in section 5722.01 of the Revised Code if 1681  
the wholly owned subsidiary or the electing subdivision is 1682  
acting in capacity consistent with the purpose of the land 1683  
reutilization program. 1684

**Sec. 319.28.** (A) Except as otherwise provided in division 1685  
(B) of this section, on or before the first Monday of August, 1686  
annually, the county auditor shall compile and make up a general 1687  
tax list of real and public utility property in the county, 1688  
either in tabular form and alphabetical order, or, with the 1689  
consent of the county treasurer, by listing all parcels in a 1690  
permanent parcel number sequence to which a separate 1691  
alphabetical index is keyed, containing the names of the several 1692  
persons, companies, firms, partnerships, associations, and 1693  
corporations in whose names real property has been listed in 1694  
each township, municipal corporation, special district, or 1695  
separate school district, or part of either in the auditor's 1696  
county, placing separately, in appropriate columns opposite each 1697  
name, the description of each tract, lot, or parcel of real 1698  
estate, the value of each tract, lot, or parcel, the value of 1699  
the improvements thereon, and of the names of the several public 1700  
utilities whose property, subject to taxation on the general tax 1701  
list and duplicate, has been apportioned by the department of 1702  
taxation to the county, and the amount so apportioned to each 1703  
township, municipal corporation, special district, or separate 1704  
school district or part of either in the auditor's county, as 1705  
shown by the certificates of apportionment of public utility 1706  
property. If the name of the owner of any tract, lot, or parcel 1707  
of real estate is unknown to the auditor, "unknown" shall be 1708  
entered in the column of names opposite said tract, lot, or 1709  
parcel. Such lists shall be prepared in duplicate. On or before 1710  
the first Monday of September in each year, the auditor shall 1711

correct such lists in accordance with the additions and 1712  
deductions ordered by the tax commissioner and by the county 1713  
board of revision, and shall certify and on the first day of 1714  
October deliver one copy thereof to the county treasurer. The 1715  
copies prepared by the auditor shall constitute the auditor's 1716  
general tax list and treasurer's general duplicate of real and 1717  
public utility property for the current year. 1718

Once a permanent parcel numbering system has been 1719  
established in any county as provided by the preceding 1720  
paragraph, such system shall remain in effect until otherwise 1721  
agreed upon by the county auditor and county treasurer. 1722

(B) (1) An individual, or the spouse of that individual, 1723  
whose residential and familial information is not a public 1724  
record under divisions (A) (1) (p) and (A) (7) of section 149.43 of 1725  
the Revised Code may submit an affidavit to the county auditor 1726  
requesting the county auditor to remove the name of the 1727  
individual filing the affidavit from any record made available 1728  
to the general public on the internet or a publicly accessible 1729  
database, and from the general tax list and duplicate\_of real 1730  
and public utility property, and to instead insert the 1731  
individual's initials on any such record, and on the general tax 1732  
list and duplicate of real and public utility property as the 1733  
name of the individual that appears on the deed. 1734

(2) Upon receiving an affidavit described in division (B) 1735  
(1) of this section, the county auditor shall act within five 1736  
business days in accordance with the request to remove the 1737  
individual's name from any record made available to the general 1738  
public on the internet or a publicly accessible database, and 1739  
from the general tax list and duplicate of real and public 1740  
utility property and insert the individual's initials on any 1741

such record and on the general tax list and duplicate of real 1742  
and public utility property, if practicable. If the removal and 1743  
insertion is not practicable, the county auditor shall verbally 1744  
or in writing within five business days after receiving the 1745  
affidavit explain to the individual why the removal and 1746  
insertion is impracticable. 1747

(C) The county auditor shall keep confidential information 1748  
that is subject to a real property confidentiality notice under 1749  
section 111.431 of the Revised Code, in accordance with that 1750  
section. 1751

Sec. 321.25. The county treasurer shall keep confidential 1752  
information that is subject to a real property confidentiality 1753  
notice under section 111.431 of the Revised Code, in accordance 1754  
with that section. 1755

Sec. 2303.12. (A) The clerk of the court of common pleas 1756  
shall keep at least four books. They shall be called the 1757  
appearance docket, trial docket and printed duplicates of the 1758  
trial docket for the use of the court and the officers thereof, 1759  
journal, and execution docket.~~He~~ The clerk shall also keep a 1760  
record in book form or ~~he~~ the clerk may prepare a record by 1761  
using any photostatic, photographic, miniature photographic, 1762  
film, microfilm, or microphotographic process, electrostatic 1763  
process, perforated tape, magnetic tape, or other 1764  
electromagnetic means, electronic data processing, machine 1765  
readable media, graphic or video display, or any combination 1766  
thereof, which correctly and accurately copies or reproduces the 1767  
original document, paper, or instrument in writing.~~He~~ The clerk 1768  
shall use materials that comply with the minimum standards of 1769  
quality for permanent photographic records prescribed by the 1770  
National Bureau of Standards.~~He~~ The clerk shall keep an index 1771

to the trial docket and to the printed duplicates of the trial 1772  
docket and of the journal direct, and to the appearance docket, 1773  
record, and execution docket, direct and reverse. All clerks 1774  
keeping records and information by the methods described in this 1775  
section shall keep and make readily available to the public the 1776  
machine and equipment necessary to reproduce the records and 1777  
information in a readable form. 1778

(B) The clerk of the court of common pleas shall keep 1779  
confidential information that is subject to a real property 1780  
confidentiality notice under section 111.431 of the Revised 1781  
Code, in accordance with that section. 1782

**Sec. 5301.255.** (A) A memorandum of trust that satisfies 1783  
both of the following may be presented for recordation in the 1784  
office of the county recorder of any county in which real 1785  
property that is subject to the trust is located: 1786

(1) The memorandum shall be executed by the trustee of the 1787  
trust and acknowledged by the trustee of the trust in accordance 1788  
with section 5301.01 of the Revised Code. 1789

(2) The memorandum shall state all of the following: 1790

(a) The name and address of the trustee of the trust; 1791

(b) The date of execution of the trust; 1792

(c) The powers specified in the trust relative to the 1793  
acquisition, sale, or encumbering of real property by the 1794  
trustee or the conveyance of real property by the trustee, and 1795  
any restrictions upon those powers. 1796

(B) A memorandum of trust that satisfies divisions (A) (1) 1797  
and (2) of this section also may set forth the substance or 1798  
actual text of provisions of the trust that are not described in 1799

those divisions. 1800

(C) A memorandum of trust that satisfies divisions (A) (1) 1801  
and (2) of this section shall constitute notice only of the 1802  
information contained in it. 1803

(D) Upon the presentation for recordation of a memorandum 1804  
of trust that satisfies divisions (A) (1) and (2) of this section 1805  
and the payment of the requisite fee prescribed in section 1806  
317.32 of the Revised Code, a county recorder shall record the 1807  
memorandum of trust in the official records described in 1808  
division (A) ~~(18)~~ (17) of section 317.08 of the Revised Code, if 1809  
the memorandum of trust describes specific real property, or in 1810  
the official records described in division (A) ~~(24)~~ (23) of that 1811  
section, if the memorandum of trust does not describe specific 1812  
real property. 1813

**Section 2.** That existing sections 111.42, 111.43, 111.45, 1814  
111.46, 111.48, 111.99, 149.43, 315.25, 317.13, 317.32, 319.28, 1815  
2303.12, and 5301.255 of the Revised Code are hereby repealed. 1816