

As Introduced

135th General Assembly

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H. B. No. 44

Representatives Humphrey, Stewart

**Cosponsors: Representatives Russo, Williams, Miller, A., Klopfenstein, Brent,
Forhan, Upchurch, Sweeney, Weinstein, Hillyer, Jarrells, Liston**

A BILL

To amend sections 149.43 and 5149.10 of the Revised 1
Code to require electronic recordings to be made 2
of all parole board hearings, excluding certain 3
personal identifying information, and to make 4
those electronic recordings "public records" 5
under the Public Records Law. 6

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

Section 1. That sections 149.43 and 5149.10 of the Revised 7
Code be amended to read as follows: 8

Sec. 149.43. (A) As used in this section: 9

(1) "Public record" means records kept by any public 10
office, including, but not limited to, state, county, city, 11
village, township, and school district units, and records 12
pertaining to the delivery of educational services by an 13
alternative school in this state kept by the nonprofit or for- 14
profit entity operating the alternative school pursuant to 15
section 3313.533 of the Revised Code. "Public record" does not 16
mean any of the following: 17

(a) Medical records;	18
(b) Records pertaining to probation and parole	19
proceedings, <u>except the electronic recordings of hearings of the</u>	20
<u>parole board made as provided in section 5149.10 of the Revised</u>	21
<u>Code,</u> to proceedings related to the imposition of community	22
control sanctions and post-release control sanctions, or to	23
proceedings related to determinations under section 2967.271 of	24
the Revised Code regarding the release or maintained	25
incarceration of an offender to whom that section applies;	26
(c) Records pertaining to actions under section 2151.85	27
and division (C) of section 2919.121 of the Revised Code and to	28
appeals of actions arising under those sections;	29
(d) Records pertaining to adoption proceedings, including	30
the contents of an adoption file maintained by the department of	31
health under sections 3705.12 to 3705.124 of the Revised Code;	32
(e) Information in a record contained in the putative	33
father registry established by section 3107.062 of the Revised	34
Code, regardless of whether the information is held by the	35
department of job and family services or, pursuant to section	36
3111.69 of the Revised Code, the office of child support in the	37
department or a child support enforcement agency;	38
(f) Records specified in division (A) of section 3107.52	39
of the Revised Code;	40
(g) Trial preparation records;	41
(h) Confidential law enforcement investigatory records;	42
(i) Records containing information that is confidential	43
under section 2710.03 or 4112.05 of the Revised Code;	44
(j) DNA records stored in the DNA database pursuant to	45

section 109.573 of the Revised Code; 46

(k) Inmate records released by the department of 47
rehabilitation and correction to the department of youth 48
services or a court of record pursuant to division (E) of 49
section 5120.21 of the Revised Code; 50

(l) Records maintained by the department of youth services 51
pertaining to children in its custody released by the department 52
of youth services to the department of rehabilitation and 53
correction pursuant to section 5139.05 of the Revised Code; 54

(m) Intellectual property records; 55

(n) Donor profile records; 56

(o) Records maintained by the department of job and family 57
services pursuant to section 3121.894 of the Revised Code; 58

(p) Designated public service worker residential and 59
familial information; 60

(q) In the case of a county hospital operated pursuant to 61
Chapter 339. of the Revised Code or a municipal hospital 62
operated pursuant to Chapter 749. of the Revised Code, 63
information that constitutes a trade secret, as defined in 64
section 1333.61 of the Revised Code; 65

(r) Information pertaining to the recreational activities 66
of a person under the age of eighteen; 67

(s) In the case of a child fatality review board acting 68
under sections 307.621 to 307.629 of the Revised Code or a 69
review conducted pursuant to guidelines established by the 70
director of health under section 3701.70 of the Revised Code, 71
records provided to the board or director, statements made by 72
board members during meetings of the board or by persons 73

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

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

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

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

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

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

(y) Records listed in section 5101.29 of the Revised Code; 102

(z) Discharges recorded with a county recorder under 103
section 317.24 of the Revised Code, as specified in division (B) 104
(2) of that section; 105

(aa) Usage information including names and addresses of 106
specific residential and commercial customers of a municipally 107
owned or operated public utility; 108

(bb) Records described in division (C) of section 187.04 109
of the Revised Code that are not designated to be made available 110
to the public as provided in that division; 111

(cc) Information and records that are made confidential, 112
privileged, and not subject to disclosure under divisions (B) 113
and (C) of section 2949.221 of the Revised Code; 114

(dd) Personal information, as defined in section 149.45 of 115
the Revised Code; 116

(ee) The confidential name, address, and other personally 117
identifiable information of a program participant in the address 118
confidentiality program established under sections 111.41 to 119
111.47 of the Revised Code, including the contents of any 120
application for absent voter's ballots, absent voter's ballot 121
identification envelope statement of voter, or provisional 122
ballot affirmation completed by a program participant who has a 123
confidential voter registration record, and records or portions 124
of records pertaining to that program that identify the number 125
of program participants that reside within a precinct, ward, 126
township, municipal corporation, county, or any other geographic 127
area smaller than the state. As used in this division, 128
"confidential address" and "program participant" have the 129
meaning defined in section 111.41 of the Revised Code. 130

(ff) Orders for active military service of an individual 131

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

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

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

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

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

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

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

(kk) In the case of a fetal-infant mortality review board 160

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

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

(mm) Except as otherwise provided in division (A) (1) (oo) 176
of this section, telephone numbers for a victim, as defined in 177
section 2930.01 of the Revised Code or a witness to a crime that 178
are listed on any law enforcement record or report. 179

(nn) A preneed funeral contract, as defined in section 180
4717.01 of the Revised Code, and contract terms and personally 181
identifying information of a preneed funeral contract, that is 182
contained in a report submitted by or for a funeral home to the 183
board of embalmers and funeral directors under division (C) of 184
section 4717.13, division (J) of section 4717.31, or section 185
4717.41 of the Revised Code. 186

(oo) Telephone numbers for a party to a motor vehicle 187
accident subject to the requirements of section 5502.11 of the 188
Revised Code that are listed on any law enforcement record or 189
report, except that the telephone numbers described in this 190

division are not excluded from the definition of "public record" 191
under this division on and after the thirtieth day after the 192
occurrence of the motor vehicle accident. 193

A record that is not a public record under division (A) (1) 194
of this section and that, under law, is permanently retained 195
becomes a public record on the day that is seventy-five years 196
after the day on which the record was created, except for any 197
record protected by the attorney-client privilege, a trial 198
preparation record as defined in this section, a statement 199
prohibiting the release of identifying information signed under 200
section 3107.083 of the Revised Code, a denial of release form 201
filed pursuant to section 3107.46 of the Revised Code, or any 202
record that is exempt from release or disclosure under section 203
149.433 of the Revised Code. If the record is a birth 204
certificate and a biological parent's name redaction request 205
form has been accepted under section 3107.391 of the Revised 206
Code, the name of that parent shall be redacted from the birth 207
certificate before it is released under this paragraph. If any 208
other section of the Revised Code establishes a time period for 209
disclosure of a record that conflicts with the time period 210
specified in this section, the time period in the other section 211
prevails. 212

(2) "Confidential law enforcement investigatory record" 213
means any record that pertains to a law enforcement matter of a 214
criminal, quasi-criminal, civil, or administrative nature, but 215
only to the extent that the release of the record would create a 216
high probability of disclosure of any of the following: 217

(a) The identity of a suspect who has not been charged 218
with the offense to which the record pertains, or of an 219
information source or witness to whom confidentiality has been 220

reasonably promised; 221

(b) Information provided by an information source or 222
witness to whom confidentiality has been reasonably promised, 223
which information would reasonably tend to disclose the source's 224
or witness's identity; 225

(c) Specific confidential investigatory techniques or 226
procedures or specific investigatory work product; 227

(d) Information that would endanger the life or physical 228
safety of law enforcement personnel, a crime victim, a witness, 229
or a confidential information source. 230

(3) "Medical record" means any document or combination of 231
documents, except births, deaths, and the fact of admission to 232
or discharge from a hospital, that pertains to the medical 233
history, diagnosis, prognosis, or medical condition of a patient 234
and that is generated and maintained in the process of medical 235
treatment. 236

(4) "Trial preparation record" means any record that 237
contains information that is specifically compiled in reasonable 238
anticipation of, or in defense of, a civil or criminal action or 239
proceeding, including the independent thought processes and 240
personal trial preparation of an attorney. 241

(5) "Intellectual property record" means a record, other 242
than a financial or administrative record, that is produced or 243
collected by or for faculty or staff of a state institution of 244
higher learning in the conduct of or as a result of study or 245
research on an educational, commercial, scientific, artistic, 246
technical, or scholarly issue, regardless of whether the study 247
or research was sponsored by the institution alone or in 248
conjunction with a governmental body or private concern, and 249

that has not been publicly released, published, or patented. 250

(6) "Donor profile record" means all records about donors 251
or potential donors to a public institution of higher education 252
except the names and reported addresses of the actual donors and 253
the date, amount, and conditions of the actual donation. 254

(7) "Designated public service worker" means a peace 255
officer, parole officer, probation officer, bailiff, prosecuting 256
attorney, assistant prosecuting attorney, correctional employee, 257
county or multicounty corrections officer, community-based 258
correctional facility employee, designated Ohio national guard 259
member, protective services worker, youth services employee, 260
firefighter, EMT, medical director or member of a cooperating 261
physician advisory board of an emergency medical service 262
organization, state board of pharmacy employee, investigator of 263
the bureau of criminal identification and investigation, 264
emergency service telecommunicator, forensic mental health 265
provider, mental health evaluation provider, regional 266
psychiatric hospital employee, judge, magistrate, or federal law 267
enforcement officer. 268

(8) "Designated public service worker residential and 269
familial information" means any information that discloses any 270
of the following about a designated public service worker: 271

(a) The address of the actual personal residence of a 272
designated public service worker, except for the following 273
information: 274

(i) The address of the actual personal residence of a 275
prosecuting attorney or judge; and 276

(ii) The state or political subdivision in which a 277
designated public service worker resides. 278

(b) Information compiled from referral to or participation	279
in an employee assistance program;	280
(c) The social security number, the residential telephone	281
number, any bank account, debit card, charge card, or credit	282
card number, or the emergency telephone number of, or any	283
medical information pertaining to, a designated public service	284
worker;	285
(d) The name of any beneficiary of employment benefits,	286
including, but not limited to, life insurance benefits, provided	287
to a designated public service worker by the designated public	288
service worker's employer;	289
(e) The identity and amount of any charitable or	290
employment benefit deduction made by the designated public	291
service worker's employer from the designated public service	292
worker's compensation, unless the amount of the deduction is	293
required by state or federal law;	294
(f) The name, the residential address, the name of the	295
employer, the address of the employer, the social security	296
number, the residential telephone number, any bank account,	297
debit card, charge card, or credit card number, or the emergency	298
telephone number of the spouse, a former spouse, or any child of	299
a designated public service worker;	300
(g) A photograph of a peace officer who holds a position	301
or has an assignment that may include undercover or plain	302
clothes positions or assignments as determined by the peace	303
officer's appointing authority.	304
(9) As used in divisions (A) (7) and (15) to (17) of this	305
section:	306
"Peace officer" has the meaning defined in section 109.71	307

of the Revised Code and also includes the superintendent and 308
troopers of the state highway patrol; it does not include the 309
sheriff of a county or a supervisory employee who, in the 310
absence of the sheriff, is authorized to stand in for, exercise 311
the authority of, and perform the duties of the sheriff. 312

"Correctional employee" means any employee of the 313
department of rehabilitation and correction who in the course of 314
performing the employee's job duties has or has had contact with 315
inmates and persons under supervision. 316

"County or multicounty corrections officer" means any 317
corrections officer employed by any county or multicounty 318
correctional facility. 319

"Designated Ohio national guard member" means a member of 320
the Ohio national guard who is participating in duties related 321
to remotely piloted aircraft, including, but not limited to, 322
pilots, sensor operators, and mission intelligence personnel, 323
duties related to special forces operations, or duties related 324
to cybersecurity, and is designated by the adjutant general as a 325
designated public service worker for those purposes. 326

"Protective services worker" means any employee of a 327
county agency who is responsible for child protective services, 328
child support services, or adult protective services. 329

"Youth services employee" means any employee of the 330
department of youth services who in the course of performing the 331
employee's job duties has or has had contact with children 332
committed to the custody of the department of youth services. 333

"Firefighter" means any regular, paid or volunteer, member 334
of a lawfully constituted fire department of a municipal 335
corporation, township, fire district, or village. 336

"EMT" means EMTs-basic, EMTs-I, and paramedics that 337
provide emergency medical services for a public emergency 338
medical service organization. "Emergency medical service 339
organization," "EMT-basic," "EMT-I," and "paramedic" have the 340
meanings defined in section 4765.01 of the Revised Code. 341

"Investigator of the bureau of criminal identification and 342
investigation" has the meaning defined in section 2903.11 of the 343
Revised Code. 344

"Emergency service telecommunicator" has the meaning 345
defined in section 4742.01 of the Revised Code. 346

"Forensic mental health provider" means any employee of a 347
community mental health service provider or local alcohol, drug 348
addiction, and mental health services board who, in the course 349
of the employee's duties, has contact with persons committed to 350
a local alcohol, drug addiction, and mental health services 351
board by a court order pursuant to section 2945.38, 2945.39, 352
2945.40, or 2945.402 of the Revised Code. 353

"Mental health evaluation provider" means an individual 354
who, under Chapter 5122. of the Revised Code, examines a 355
respondent who is alleged to be a mentally ill person subject to 356
court order, as defined in section 5122.01 of the Revised Code, 357
and reports to the probate court the respondent's mental 358
condition. 359

"Regional psychiatric hospital employee" means any 360
employee of the department of mental health and addiction 361
services who, in the course of performing the employee's duties, 362
has contact with patients committed to the department of mental 363
health and addiction services by a court order pursuant to 364
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 365

Code. 366

"Federal law enforcement officer" has the meaning defined 367
in section 9.88 of the Revised Code. 368

(10) "Information pertaining to the recreational 369
activities of a person under the age of eighteen" means 370
information that is kept in the ordinary course of business by a 371
public office, that pertains to the recreational activities of a 372
person under the age of eighteen years, and that discloses any 373
of the following: 374

(a) The address or telephone number of a person under the 375
age of eighteen or the address or telephone number of that 376
person's parent, guardian, custodian, or emergency contact 377
person; 378

(b) The social security number, birth date, or 379
photographic image of a person under the age of eighteen; 380

(c) Any medical record, history, or information pertaining 381
to a person under the age of eighteen; 382

(d) Any additional information sought or required about a 383
person under the age of eighteen for the purpose of allowing 384
that person to participate in any recreational activity 385
conducted or sponsored by a public office or to use or obtain 386
admission privileges to any recreational facility owned or 387
operated by a public office. 388

(11) "Community control sanction" has the meaning defined 389
in section 2929.01 of the Revised Code. 390

(12) "Post-release control sanction" has the meaning 391
defined in section 2967.01 of the Revised Code. 392

(13) "Redaction" means obscuring or deleting any 393

information that is exempt from the duty to permit public 394
inspection or copying from an item that otherwise meets the 395
definition of a "record" in section 149.011 of the Revised Code. 396

(14) "Designee," "elected official," and "future official" 397
have the meanings defined in section 109.43 of the Revised Code. 398

(15) "Body-worn camera" means a visual and audio recording 399
device worn on the person of a peace officer while the peace 400
officer is engaged in the performance of the peace officer's 401
duties. 402

(16) "Dashboard camera" means a visual and audio recording 403
device mounted on a peace officer's vehicle or vessel that is 404
used while the peace officer is engaged in the performance of 405
the peace officer's duties. 406

(17) "Restricted portions of a body-worn camera or 407
dashboard camera recording" means any visual or audio portion of 408
a body-worn camera or dashboard camera recording that shows, 409
communicates, or discloses any of the following: 410

(a) The image or identity of a child or information that 411
could lead to the identification of a child who is a primary 412
subject of the recording when the law enforcement agency knows 413
or has reason to know the person is a child based on the law 414
enforcement agency's records or the content of the recording; 415

(b) The death of a person or a deceased person's body, 416
unless the death was caused by a peace officer or, subject to 417
division (H)(1) of this section, the consent of the decedent's 418
executor or administrator has been obtained; 419

(c) The death of a peace officer, firefighter, paramedic, 420
or other first responder, occurring while the decedent was 421
engaged in the performance of official duties, unless, subject 422

to division (H)(1) of this section, the consent of the 423
decedent's executor or administrator has been obtained; 424

(d) Grievous bodily harm, unless the injury was effected 425
by a peace officer or, subject to division (H)(1) of this 426
section, the consent of the injured person or the injured 427
person's guardian has been obtained; 428

(e) An act of severe violence against a person that 429
results in serious physical harm to the person, unless the act 430
and injury was effected by a peace officer or, subject to 431
division (H)(1) of this section, the consent of the injured 432
person or the injured person's guardian has been obtained; 433

(f) Grievous bodily harm to a peace officer, firefighter, 434
paramedic, or other first responder, occurring while the injured 435
person was engaged in the performance of official duties, 436
unless, subject to division (H)(1) of this section, the consent 437
of the injured person or the injured person's guardian has been 438
obtained; 439

(g) An act of severe violence resulting in serious 440
physical harm against a peace officer, firefighter, paramedic, 441
or other first responder, occurring while the injured person was 442
engaged in the performance of official duties, unless, subject 443
to division (H)(1) of this section, the consent of the injured 444
person or the injured person's guardian has been obtained; 445

(h) A person's nude body, unless, subject to division (H) 446
(1) of this section, the person's consent has been obtained; 447

(i) Protected health information, the identity of a person 448
in a health care facility who is not the subject of a law 449
enforcement encounter, or any other information in a health care 450
facility that could identify a person who is not the subject of 451

a law enforcement encounter; 452

(j) Information that could identify the alleged victim of 453
a sex offense, menacing by stalking, or domestic violence; 454

(k) Information, that does not constitute a confidential 455
law enforcement investigatory record, that could identify a 456
person who provides sensitive or confidential information to a 457
law enforcement agency when the disclosure of the person's 458
identity or the information provided could reasonably be 459
expected to threaten or endanger the safety or property of the 460
person or another person; 461

(l) Personal information of a person who is not arrested, 462
cited, charged, or issued a written warning by a peace officer; 463

(m) Proprietary police contingency plans or tactics that 464
are intended to prevent crime and maintain public order and 465
safety; 466

(n) A personal conversation unrelated to work between 467
peace officers or between a peace officer and an employee of a 468
law enforcement agency; 469

(o) A conversation between a peace officer and a member of 470
the public that does not concern law enforcement activities; 471

(p) The interior of a residence, unless the interior of a 472
residence is the location of an adversarial encounter with, or a 473
use of force by, a peace officer; 474

(q) Any portion of the interior of a private business that 475
is not open to the public, unless an adversarial encounter with, 476
or a use of force by, a peace officer occurs in that location. 477

As used in division (A) (17) of this section: 478

"Grievous bodily harm" has the same meaning as in section 479
5924.120 of the Revised Code. 480

"Health care facility" has the same meaning as in section 481
1337.11 of the Revised Code. 482

"Protected health information" has the same meaning as in 483
45 C.F.R. 160.103. 484

"Law enforcement agency" has the same meaning as in 485
section 2925.61 of the Revised Code. 486

"Personal information" means any government-issued 487
identification number, date of birth, address, financial 488
information, or criminal justice information from the law 489
enforcement automated data system or similar databases. 490

"Sex offense" has the same meaning as in section 2907.10 491
of the Revised Code. 492

"Firefighter," "paramedic," and "first responder" have the 493
same meanings as in section 4765.01 of the Revised Code. 494

(B) (1) Upon request by any person and subject to division 495
(B) (8) of this section, all public records responsive to the 496
request shall be promptly prepared and made available for 497
inspection to the requester at all reasonable times during 498
regular business hours. Subject to division (B) (8) of this 499
section, upon request by any person, a public office or person 500
responsible for public records shall make copies of the 501
requested public record available to the requester at cost and 502
within a reasonable period of time. If a public record contains 503
information that is exempt from the duty to permit public 504
inspection or to copy the public record, the public office or 505
the person responsible for the public record shall make 506
available all of the information within the public record that 507

is not exempt. When making that public record available for 508
public inspection or copying that public record, the public 509
office or the person responsible for the public record shall 510
notify the requester of any redaction or make the redaction 511
plainly visible. A redaction shall be deemed a denial of a 512
request to inspect or copy the redacted information, except if 513
federal or state law authorizes or requires a public office to 514
make the redaction. 515

(2) To facilitate broader access to public records, a 516
public office or the person responsible for public records shall 517
organize and maintain public records in a manner that they can 518
be made available for inspection or copying in accordance with 519
division (B) of this section. A public office also shall have 520
available a copy of its current records retention schedule at a 521
location readily available to the public. If a requester makes 522
an ambiguous or overly broad request or has difficulty in making 523
a request for copies or inspection of public records under this 524
section such that the public office or the person responsible 525
for the requested public record cannot reasonably identify what 526
public records are being requested, the public office or the 527
person responsible for the requested public record may deny the 528
request but shall provide the requester with an opportunity to 529
revise the request by informing the requester of the manner in 530
which records are maintained by the public office and accessed 531
in the ordinary course of the public office's or person's 532
duties. 533

(3) If a request is ultimately denied, in part or in 534
whole, the public office or the person responsible for the 535
requested public record shall provide the requester with an 536
explanation, including legal authority, setting forth why the 537
request was denied. If the initial request was provided in 538

writing, the explanation also shall be provided to the requester 539
in writing. The explanation shall not preclude the public office 540
or the person responsible for the requested public record from 541
relying upon additional reasons or legal authority in defending 542
an action commenced under division (C) of this section. 543

(4) Unless specifically required or authorized by state or 544
federal law or in accordance with division (B) of this section, 545
no public office or person responsible for public records may 546
limit or condition the availability of public records by 547
requiring disclosure of the requester's identity or the intended 548
use of the requested public record. Any requirement that the 549
requester disclose the requester's identity or the intended use 550
of the requested public record constitutes a denial of the 551
request. 552

(5) A public office or person responsible for public 553
records may ask a requester to make the request in writing, may 554
ask for the requester's identity, and may inquire about the 555
intended use of the information requested, but may do so only 556
after disclosing to the requester that a written request is not 557
mandatory, that the requester may decline to reveal the 558
requester's identity or the intended use, and when a written 559
request or disclosure of the identity or intended use would 560
benefit the requester by enhancing the ability of the public 561
office or person responsible for public records to identify, 562
locate, or deliver the public records sought by the requester. 563

(6) If any person requests a copy of a public record in 564
accordance with division (B) of this section, the public office 565
or person responsible for the public record may require the 566
requester to pay in advance the cost involved in providing the 567
copy of the public record in accordance with the choice made by 568

the requester under this division. The public office or the 569
person responsible for the public record shall permit the 570
requester to choose to have the public record duplicated upon 571
paper, upon the same medium upon which the public office or 572
person responsible for the public record keeps it, or upon any 573
other medium upon which the public office or person responsible 574
for the public record determines that it reasonably can be 575
duplicated as an integral part of the normal operations of the 576
public office or person responsible for the public record. When 577
the requester makes a choice under this division, the public 578
office or person responsible for the public record shall provide 579
a copy of it in accordance with the choice made by the 580
requester. Nothing in this section requires a public office or 581
person responsible for the public record to allow the requester 582
of a copy of the public record to make the copies of the public 583
record. 584

(7) (a) Upon a request made in accordance with division (B) 585
of this section and subject to division (B) (6) of this section, 586
a public office or person responsible for public records shall 587
transmit a copy of a public record to any person by United 588
States mail or by any other means of delivery or transmission 589
within a reasonable period of time after receiving the request 590
for the copy. The public office or person responsible for the 591
public record may require the person making the request to pay 592
in advance the cost of postage if the copy is transmitted by 593
United States mail or the cost of delivery if the copy is 594
transmitted other than by United States mail, and to pay in 595
advance the costs incurred for other supplies used in the 596
mailing, delivery, or transmission. 597

(b) Any public office may adopt a policy and procedures 598
that it will follow in transmitting, within a reasonable period 599

of time after receiving a request, copies of public records by 600
United States mail or by any other means of delivery or 601
transmission pursuant to division (B) (7) of this section. A 602
public office that adopts a policy and procedures under division 603
(B) (7) of this section shall comply with them in performing its 604
duties under that division. 605

(c) In any policy and procedures adopted under division 606
(B) (7) of this section: 607

(i) A public office may limit the number of records 608
requested by a person that the office will physically deliver by 609
United States mail or by another delivery service to ten per 610
month, unless the person certifies to the office in writing that 611
the person does not intend to use or forward the requested 612
records, or the information contained in them, for commercial 613
purposes; 614

(ii) A public office that chooses to provide some or all 615
of its public records on a web site that is fully accessible to 616
and searchable by members of the public at all times, other than 617
during acts of God outside the public office's control or 618
maintenance, and that charges no fee to search, access, 619
download, or otherwise receive records provided on the web site, 620
may limit to ten per month the number of records requested by a 621
person that the office will deliver in a digital format, unless 622
the requested records are not provided on the web site and 623
unless the person certifies to the office in writing that the 624
person does not intend to use or forward the requested records, 625
or the information contained in them, for commercial purposes. 626

(iii) For purposes of division (B) (7) of this section, 627
"commercial" shall be narrowly construed and does not include 628
reporting or gathering news, reporting or gathering information 629

to assist citizen oversight or understanding of the operation or 630
activities of government, or nonprofit educational research. 631

(8) A public office or person responsible for public 632
records is not required to permit a person who is incarcerated 633
pursuant to a criminal conviction or a juvenile adjudication to 634
inspect or to obtain a copy of any public record concerning a 635
criminal investigation or prosecution or concerning what would 636
be a criminal investigation or prosecution if the subject of the 637
investigation or prosecution were an adult, unless the request 638
to inspect or to obtain a copy of the record is for the purpose 639
of acquiring information that is subject to release as a public 640
record under this section and the judge who imposed the sentence 641
or made the adjudication with respect to the person, or the 642
judge's successor in office, finds that the information sought 643
in the public record is necessary to support what appears to be 644
a justiciable claim of the person. 645

(9) (a) Upon written request made and signed by a 646
journalist, a public office, or person responsible for public 647
records, having custody of the records of the agency employing a 648
specified designated public service worker shall disclose to the 649
journalist the address of the actual personal residence of the 650
designated public service worker and, if the designated public 651
service worker's spouse, former spouse, or child is employed by 652
a public office, the name and address of the employer of the 653
designated public service worker's spouse, former spouse, or 654
child. The request shall include the journalist's name and title 655
and the name and address of the journalist's employer and shall 656
state that disclosure of the information sought would be in the 657
public interest. 658

(b) Division (B) (9) (a) of this section also applies to 659

journalist requests for: 660

(i) Customer information maintained by a municipally owned 661
or operated public utility, other than social security numbers 662
and any private financial information such as credit reports, 663
payment methods, credit card numbers, and bank account 664
information; 665

(ii) Information about minors involved in a school vehicle 666
accident as provided in division (A)(1)(gg) of this section, 667
other than personal information as defined in section 149.45 of 668
the Revised Code. 669

(c) As used in division (B)(9) of this section, 670
"journalist" means a person engaged in, connected with, or 671
employed by any news medium, including a newspaper, magazine, 672
press association, news agency, or wire service, a radio or 673
television station, or a similar medium, for the purpose of 674
gathering, processing, transmitting, compiling, editing, or 675
disseminating information for the general public. 676

(10) Upon a request made by a victim, victim's attorney, 677
or victim's representative, as that term is used in section 678
2930.02 of the Revised Code, a public office or person 679
responsible for public records shall transmit a copy of a 680
depiction of the victim as described in division (A)(1)(ii) of 681
this section to the victim, victim's attorney, or victim's 682
representative. 683

(C)(1) If a person allegedly is aggrieved by the failure 684
of a public office or the person responsible for public records 685
to promptly prepare a public record and to make it available to 686
the person for inspection in accordance with division (B) of 687
this section or by any other failure of a public office or the 688

person responsible for public records to comply with an 689
obligation in accordance with division (B) of this section, the 690
person allegedly aggrieved may do only one of the following, and 691
not both: 692

(a) File a complaint with the clerk of the court of claims 693
or the clerk of the court of common pleas under section 2743.75 694
of the Revised Code; 695

(b) Commence a mandamus action to obtain a judgment that 696
orders the public office or the person responsible for the 697
public record to comply with division (B) of this section, that 698
awards court costs and reasonable attorney's fees to the person 699
that instituted the mandamus action, and, if applicable, that 700
includes an order fixing statutory damages under division (C) (2) 701
of this section. The mandamus action may be commenced in the 702
court of common pleas of the county in which division (B) of 703
this section allegedly was not complied with, in the supreme 704
court pursuant to its original jurisdiction under Section 2 of 705
Article IV, Ohio Constitution, or in the court of appeals for 706
the appellate district in which division (B) of this section 707
allegedly was not complied with pursuant to its original 708
jurisdiction under Section 3 of Article IV, Ohio Constitution. 709

(2) If a requester transmits a written request by hand 710
delivery, electronic submission, or certified mail to inspect or 711
receive copies of any public record in a manner that fairly 712
describes the public record or class of public records to the 713
public office or person responsible for the requested public 714
records, except as otherwise provided in this section, the 715
requester shall be entitled to recover the amount of statutory 716
damages set forth in this division if a court determines that 717
the public office or the person responsible for public records 718

failed to comply with an obligation in accordance with division 719
(B) of this section. 720

The amount of statutory damages shall be fixed at one 721
hundred dollars for each business day during which the public 722
office or person responsible for the requested public records 723
failed to comply with an obligation in accordance with division 724
(B) of this section, beginning with the day on which the 725
requester files a mandamus action to recover statutory damages, 726
up to a maximum of one thousand dollars. The award of statutory 727
damages shall not be construed as a penalty, but as compensation 728
for injury arising from lost use of the requested information. 729
The existence of this injury shall be conclusively presumed. The 730
award of statutory damages shall be in addition to all other 731
remedies authorized by this section. 732

The court may reduce an award of statutory damages or not 733
award statutory damages if the court determines both of the 734
following: 735

(a) That, based on the ordinary application of statutory 736
law and case law as it existed at the time of the conduct or 737
threatened conduct of the public office or person responsible 738
for the requested public records that allegedly constitutes a 739
failure to comply with an obligation in accordance with division 740
(B) of this section and that was the basis of the mandamus 741
action, a well-informed public office or person responsible for 742
the requested public records reasonably would believe that the 743
conduct or threatened conduct of the public office or person 744
responsible for the requested public records did not constitute 745
a failure to comply with an obligation in accordance with 746
division (B) of this section; 747

(b) That a well-informed public office or person 748

responsible for the requested public records reasonably would 749
believe that the conduct or threatened conduct of the public 750
office or person responsible for the requested public records 751
would serve the public policy that underlies the authority that 752
is asserted as permitting that conduct or threatened conduct. 753

(3) In a mandamus action filed under division (C) (1) of 754
this section, the following apply: 755

(a) (i) If the court orders the public office or the person 756
responsible for the public record to comply with division (B) of 757
this section, the court shall determine and award to the relator 758
all court costs, which shall be construed as remedial and not 759
punitive. 760

(ii) If the court makes a determination described in 761
division (C) (3) (b) (iii) of this section, the court shall 762
determine and award to the relator all court costs, which shall 763
be construed as remedial and not punitive. 764

(b) If the court renders a judgment that orders the public 765
office or the person responsible for the public record to comply 766
with division (B) of this section or if the court determines any 767
of the following, the court may award reasonable attorney's fees 768
to the relator, subject to division (C) (4) of this section: 769

(i) The public office or the person responsible for the 770
public records failed to respond affirmatively or negatively to 771
the public records request in accordance with the time allowed 772
under division (B) of this section. 773

(ii) The public office or the person responsible for the 774
public records promised to permit the relator to inspect or 775
receive copies of the public records requested within a 776
specified period of time but failed to fulfill that promise 777

within that specified period of time. 778

(iii) The public office or the person responsible for the 779
public records acted in bad faith when the office or person 780
voluntarily made the public records available to the relator for 781
the first time after the relator commenced the mandamus action, 782
but before the court issued any order concluding whether or not 783
the public office or person was required to comply with division 784
(B) of this section. No discovery may be conducted on the issue 785
of the alleged bad faith of the public office or person 786
responsible for the public records. This division shall not be 787
construed as creating a presumption that the public office or 788
the person responsible for the public records acted in bad faith 789
when the office or person voluntarily made the public records 790
available to the relator for the first time after the relator 791
commenced the mandamus action, but before the court issued any 792
order described in this division. 793

(c) The court shall not award attorney's fees to the 794
relator if the court determines both of the following: 795

(i) That, based on the ordinary application of statutory 796
law and case law as it existed at the time of the conduct or 797
threatened conduct of the public office or person responsible 798
for the requested public records that allegedly constitutes a 799
failure to comply with an obligation in accordance with division 800
(B) of this section and that was the basis of the mandamus 801
action, a well-informed public office or person responsible for 802
the requested public records reasonably would believe that the 803
conduct or threatened conduct of the public office or person 804
responsible for the requested public records did not constitute 805
a failure to comply with an obligation in accordance with 806
division (B) of this section; 807

(ii) That a well-informed public office or person 808
responsible for the requested public records reasonably would 809
believe that the conduct or threatened conduct of the public 810
office or person responsible for the requested public records 811
would serve the public policy that underlies the authority that 812
is asserted as permitting that conduct or threatened conduct. 813

(4) All of the following apply to any award of reasonable 814
attorney's fees awarded under division (C) (3) (b) of this 815
section: 816

(a) The fees shall be construed as remedial and not 817
punitive. 818

(b) The fees awarded shall not exceed the total of the 819
reasonable attorney's fees incurred before the public record was 820
made available to the relator and the fees described in division 821
(C) (4) (c) of this section. 822

(c) Reasonable attorney's fees shall include reasonable 823
fees incurred to produce proof of the reasonableness and amount 824
of the fees and to otherwise litigate entitlement to the fees. 825

(d) The court may reduce the amount of fees awarded if the 826
court determines that, given the factual circumstances involved 827
with the specific public records request, an alternative means 828
should have been pursued to more effectively and efficiently 829
resolve the dispute that was subject to the mandamus action 830
filed under division (C) (1) of this section. 831

(5) If the court does not issue a writ of mandamus under 832
division (C) of this section and the court determines at that 833
time that the bringing of the mandamus action was frivolous 834
conduct as defined in division (A) of section 2323.51 of the 835
Revised Code, the court may award to the public office all court 836

costs, expenses, and reasonable attorney's fees, as determined 837
by the court. 838

(D) Chapter 1347. of the Revised Code does not limit the 839
provisions of this section. 840

(E) (1) To ensure that all employees of public offices are 841
appropriately educated about a public office's obligations under 842
division (B) of this section, all elected officials or their 843
appropriate designees shall attend training approved by the 844
attorney general as provided in section 109.43 of the Revised 845
Code. A future official may satisfy the requirements of this 846
division by attending the training before taking office, 847
provided that the future official may not send a designee in the 848
future official's place. 849

(2) All public offices shall adopt a public records policy 850
in compliance with this section for responding to public records 851
requests. In adopting a public records policy under this 852
division, a public office may obtain guidance from the model 853
public records policy developed and provided to the public 854
office by the attorney general under section 109.43 of the 855
Revised Code. Except as otherwise provided in this section, the 856
policy may not limit the number of public records that the 857
public office will make available to a single person, may not 858
limit the number of public records that it will make available 859
during a fixed period of time, and may not establish a fixed 860
period of time before it will respond to a request for 861
inspection or copying of public records, unless that period is 862
less than eight hours. 863

The public office shall distribute the public records 864
policy adopted by the public office under this division to the 865
employee of the public office who is the records custodian or 866

records manager or otherwise has custody of the records of that 867
office. The public office shall require that employee to 868
acknowledge receipt of the copy of the public records policy. 869
The public office shall create a poster that describes its 870
public records policy and shall post the poster in a conspicuous 871
place in the public office and in all locations where the public 872
office has branch offices. The public office may post its public 873
records policy on the internet web site of the public office if 874
the public office maintains an internet web site. A public 875
office that has established a manual or handbook of its general 876
policies and procedures for all employees of the public office 877
shall include the public records policy of the public office in 878
the manual or handbook. 879

(F) (1) The bureau of motor vehicles may adopt rules 880
pursuant to Chapter 119. of the Revised Code to reasonably limit 881
the number of bulk commercial special extraction requests made 882
by a person for the same records or for updated records during a 883
calendar year. The rules may include provisions for charges to 884
be made for bulk commercial special extraction requests for the 885
actual cost of the bureau, plus special extraction costs, plus 886
ten per cent. The bureau may charge for expenses for redacting 887
information, the release of which is prohibited by law. 888

(2) As used in division (F) (1) of this section: 889

(a) "Actual cost" means the cost of depleted supplies, 890
records storage media costs, actual mailing and alternative 891
delivery costs, or other transmitting costs, and any direct 892
equipment operating and maintenance costs, including actual 893
costs paid to private contractors for copying services. 894

(b) "Bulk commercial special extraction request" means a 895
request for copies of a record for information in a format other 896

than the format already available, or information that cannot be 897
extracted without examination of all items in a records series, 898
class of records, or database by a person who intends to use or 899
forward the copies for surveys, marketing, solicitation, or 900
resale for commercial purposes. "Bulk commercial special 901
extraction request" does not include a request by a person who 902
gives assurance to the bureau that the person making the request 903
does not intend to use or forward the requested copies for 904
surveys, marketing, solicitation, or resale for commercial 905
purposes. 906

(c) "Commercial" means profit-seeking production, buying, 907
or selling of any good, service, or other product. 908

(d) "Special extraction costs" means the cost of the time 909
spent by the lowest paid employee competent to perform the task, 910
the actual amount paid to outside private contractors employed 911
by the bureau, or the actual cost incurred to create computer 912
programs to make the special extraction. "Special extraction 913
costs" include any charges paid to a public agency for computer 914
or records services. 915

(3) For purposes of divisions (F) (1) and (2) of this 916
section, "surveys, marketing, solicitation, or resale for 917
commercial purposes" shall be narrowly construed and does not 918
include reporting or gathering news, reporting or gathering 919
information to assist citizen oversight or understanding of the 920
operation or activities of government, or nonprofit educational 921
research. 922

(G) A request by a defendant, counsel of a defendant, or 923
any agent of a defendant in a criminal action that public 924
records related to that action be made available under this 925
section shall be considered a demand for discovery pursuant to 926

the Criminal Rules, except to the extent that the Criminal Rules 927
plainly indicate a contrary intent. The defendant, counsel of 928
the defendant, or agent of the defendant making a request under 929
this division shall serve a copy of the request on the 930
prosecuting attorney, director of law, or other chief legal 931
officer responsible for prosecuting the action. 932

(H) (1) Any portion of a body-worn camera or dashboard 933
camera recording described in divisions (A) (17) (b) to (h) of 934
this section may be released by consent of the subject of the 935
recording or a representative of that person, as specified in 936
those divisions, only if either of the following applies: 937

(a) The recording will not be used in connection with any 938
probable or pending criminal proceedings; 939

(b) The recording has been used in connection with a 940
criminal proceeding that was dismissed or for which a judgment 941
has been entered pursuant to Rule 32 of the Rules of Criminal 942
Procedure, and will not be used again in connection with any 943
probable or pending criminal proceedings. 944

(2) If a public office denies a request to release a 945
restricted portion of a body-worn camera or dashboard camera 946
recording, as defined in division (A) (17) of this section, any 947
person may file a mandamus action pursuant to this section or a 948
complaint with the clerk of the court of claims pursuant to 949
section 2743.75 of the Revised Code, requesting the court to 950
order the release of all or portions of the recording. If the 951
court considering the request determines that the filing 952
articulates by clear and convincing evidence that the public 953
interest in the recording substantially outweighs privacy 954
interests and other interests asserted to deny release, the 955
court shall order the public office to release the recording. 956

Sec. 5149.10. (A) (1) The parole board shall consist of up 957
to twelve members, one of whom shall be designated as 958
chairperson by the director of the department of rehabilitation 959
and correction and who shall continue as chairperson until a 960
successor is designated, and any other personnel that are 961
necessary for the orderly performance of the duties of the 962
board. In addition to the rules authorized by section 5149.02 of 963
the Revised Code, the chief of the adult parole authority, 964
subject to the approval of the chief of the division of parole 965
and community services and subject to this section, shall adopt 966
rules governing the proceedings of the parole board. The rules 967
shall provide for all of the following: 968

(a) The convening of full board hearings; 969

(b) The procedures to be followed in full board hearings; 970

(c) General procedures to be followed in other hearings of 971
the board and by the board's hearing officers; 972

(d) A requirement that a majority of all the board members 973
must agree to any recommendation of clemency transmitted to the 974
governor; 975

(e) For parole hearings, procedures for considering the 976
report of the warden of the institution in which the eligible 977
prisoner is incarcerated, submitted under section 5120.68 of the 978
Revised Code; 979

(f) A requirement that electronic recordings be made of 980
full parole board hearings and other hearings of the board and 981
that upon request of any party, person, or entity, including the 982
inmate who is the subject of the hearing, the department of 983
rehabilitation and correction shall provide the electronic 984
recording to the party, person, or entity making the request. If 985

a party, person, or entity, including the inmate who is the 986
subject of the hearing, wishes to have a recording transcribed, 987
the party, person, or entity shall do so at the party's, 988
person's, or entity's own expense. 989

(2) When the board members sit as a full board, the 990
chairperson shall preside. The chairperson shall also allocate 991
the work of the parole board among the board members. The full 992
board shall meet at least once each month. In the case of a tie 993
vote on the full board, the chief of the adult parole authority 994
shall cast the deciding vote. The chairperson may designate a 995
person to serve in the chairperson's place. 996

(3) Except for the chairperson and the member appointed 997
under division (B) of this section, a member appointed to the 998
parole board on or after September 30, 2011, shall be appointed 999
to a six-year term. A member appointed as described in this 1000
division shall hold office from the date of appointment until 1001
the end of the term for which the member was appointed. A member 1002
appointed as described in this division is eligible for 1003
reappointment for another six-year term that may or may not be 1004
consecutive to the first six-year term. A member appointed as 1005
described in this division is not eligible for reappointment 1006
after serving two six-year terms whether or not served 1007
consecutively. Vacancies shall be filled in the same manner 1008
provided for original appointments. Any member appointed as 1009
described in this division to fill a vacancy occurring prior to 1010
the expiration date of the term for which the member's 1011
predecessor was appointed shall begin that member's first six- 1012
year term upon appointment, regardless of the time remaining in 1013
the term of the member's predecessor. A member appointed as 1014
described in this division shall continue in office subsequent 1015
to the expiration date of the member's term until the member's 1016

successor takes office or until a period of sixty days has 1017
elapsed, whichever occurs first. 1018

(4) Except as otherwise provided in division (B) of this 1019
section, no person shall be appointed a member of the board who 1020
is not qualified by education or experience in correctional 1021
work, including law enforcement, prosecution of offenses, 1022
advocating for the rights of victims of crime, probation, or 1023
parole, in law, in social work, or in a combination of the three 1024
categories. 1025

(B) The director of rehabilitation and correction, in 1026
consultation with the governor, shall appoint one member of the 1027
board, who shall be a person who has been a victim of crime or 1028
who is a member of a victim's family or who represents an 1029
organization that advocates for the rights of victims of crime. 1030
After appointment, this member shall be an unclassified employee 1031
of the department of rehabilitation and correction. 1032

The initial appointment shall be for a term ending four 1033
years after July 1, 1996. Thereafter, the term of office of the 1034
member appointed under this division shall be for four years, 1035
with each term ending on the same day of the same month as did 1036
the term that it succeeds. The member shall hold office from the 1037
date of appointment until the end of the term for which the 1038
member was appointed and may be reappointed. Vacancies shall be 1039
filled in the manner provided for original appointments. Any 1040
member appointed under this division to fill a vacancy occurring 1041
prior to the expiration date of the term for which the member's 1042
predecessor was appointed shall hold office as a member for the 1043
remainder of that term. The member appointed under this division 1044
shall continue in office subsequent to the expiration date of 1045
the member's term until the member's successor takes office or 1046

until a period of sixty days has elapsed, whichever occurs 1047
first. 1048

The member appointed under this division shall be 1049
compensated in the same manner as other board members and shall 1050
be reimbursed for actual and necessary expenses incurred in the 1051
performance of the member's duties. The member may vote on all 1052
cases heard by the full board under section 5149.101 of the 1053
Revised Code, has such duties as are assigned by the chairperson 1054
of the board, and shall coordinate the member's activities with 1055
the office of victims' services created under section 5120.60 of 1056
the Revised Code. 1057

As used in this division, "crime," "member of the victim's 1058
family," and "victim" have the meanings given in section 2930.01 1059
of the Revised Code. 1060

(C) The chairperson shall submit all recommendations for 1061
or against clemency directly to the governor. 1062

(D) The chairperson shall transmit to the chief of the 1063
adult parole authority all determinations for or against parole 1064
made by the board. Parole determinations are final and are not 1065
subject to review or change by the chief. 1066

(E) In addition to its duties pertaining to parole and 1067
clemency, if an offender is sentenced to a prison term pursuant 1068
to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or 1069
(c), or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the 1070
Revised Code, the parole board shall have control over the 1071
offender's service of the prison term during the entire term 1072
unless the board terminates its control in accordance with 1073
section 2971.04 of the Revised Code. The parole board may 1074
terminate its control over the offender's service of the prison 1075

term only in accordance with section 2971.04 of the Revised 1076
Code. 1077

(F) (1) The electronic recordings of hearings of the parole 1078
board as provided in division (A) (1) (f) of this section shall 1079
not include the following personal identifying information of 1080
any victim of a crime or a member of the victim's immediate 1081
family: 1082

(a) Name; 1083

(b) Date of birth; 1084

(c) Home or work address; 1085

(d) Social security number; 1086

(e) Age; 1087

(f) Telephone number; 1088

(g) Electronic mail address; 1089

(h) Any other information that is likely to identify the 1090
victim or a member of the victim's immediate family. 1091

(2) As used in division (F) of this section, "member of 1092
the victim's immediate family" means a spouse, child, stepchild, 1093
parent, stepparent, grandparent, or brother or sister of a 1094
victim. 1095

Section 2. That existing sections 149.43 and 5149.10 of 1096
the Revised Code are hereby repealed. 1097