

As Introduced

**124th General Assembly
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S. B. No. 258

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A B I L L

To amend sections 109.572 and 149.43 and to enact 1
sections 149.433, 505.381, 737.081, and 737.221 of 2
the Revised Code to require background checks on 3
firefighters and to exempt from the Public Records 4
Law specified residential and familial information 5
of a member of a fire department and certain 6
security-related information. 7

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

Section 1. That sections 109.572 and 149.43 be amended and 8
sections 149.433, 505.381, 737.081, and 737.221 of the Revised 9
Code be enacted to read as follows: 10

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 11
section 2151.86, 3301.32, 3301.541, 3319.39, 5104.012, 5104.013, 12
or 5153.111 of the Revised Code, a completed form prescribed 13
pursuant to division (C)(1) of this section, and a set of 14
fingerprint impressions obtained in the manner described in 15
division (C)(2) of this section, the superintendent of the bureau 16
of criminal identification and investigation shall conduct a 17
criminal records check in the manner described in division (B) of 18
this section to determine whether any information exists that 19
indicates that the person who is the subject of the request 20

previously has been convicted of or pleaded guilty to any of the 21
following: 22

(a) A violation of section 2903.01, 2903.02, 2903.03, 23
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 24
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 25
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 26
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 27
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 28
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 29
2925.06, or 3716.11 of the Revised Code, felonious sexual 30
penetration in violation of former section 2907.12 of the Revised 31
Code, a violation of section 2905.04 of the Revised Code as it 32
existed prior to July 1, 1996, a violation of section 2919.23 of 33
the Revised Code that would have been a violation of section 34
2905.04 of the Revised Code as it existed prior to July 1, 1996, 35
had the violation been committed prior to that date, or a 36
violation of section 2925.11 of the Revised Code that is not a 37
minor drug possession offense; 38

(b) A violation of an existing or former law of this state, 39
any other state, or the United States that is substantially 40
equivalent to any of the offenses listed in division (A)(1)(a) of 41
this section. 42

(2) On receipt of a request pursuant to section 5123.081 of 43
the Revised Code with respect to an applicant for employment in 44
any position with the department of mental retardation and 45
developmental disabilities, pursuant to section 5126.28 of the 46
Revised Code with respect to an applicant for employment in any 47
position with a county board of mental retardation and 48
developmental disabilities, or pursuant to section 5126.281 of the 49
Revised Code with respect to an applicant for employment in a 50
direct services position with an entity contracting with a county 51
board for employment, a completed form prescribed pursuant to 52

division (C)(1) of this section, and a set of fingerprint
impressions obtained in the manner described in division (C)(2) of
this section, the superintendent of the bureau of criminal
identification and investigation shall conduct a criminal records
check. The superintendent shall conduct the criminal records check
in the manner described in division (B) of this section to
determine whether any information exists that indicates that the
person who is the subject of the request has been convicted of or
pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03,
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04,
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21,
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322,
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22,
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, or
3716.11 of the Revised Code;

(b) An existing or former municipal ordinance or law of this
state, any other state, or the United States that is substantially
equivalent to any of the offenses listed in division (A)(2)(a) of
this section.

(3) On receipt of a request pursuant to section 173.41,
3712.09, 3721.121, or 3722.151 of the Revised Code, a completed
form prescribed pursuant to division (C)(1) of this section, and a
set of fingerprint impressions obtained in the manner described in
division (C)(2) of this section, the superintendent of the bureau
of criminal identification and investigation shall conduct a
criminal records check with respect to any person who has applied
for employment in a position that involves providing direct care
to an older adult. The superintendent shall conduct the criminal
records check in the manner described in division (B) of this
section to determine whether any information exists that indicates

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that the person who is the subject of the request previously has
been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03,
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05,
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31,
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11,
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21,
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36,
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13,
2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) An existing or former law of this state, any other state,
or the United States that is substantially equivalent to any of
the offenses listed in division (A)(3)(a) of this section.

(4) On receipt of a request pursuant to section 3701.881 of
the Revised Code with respect to an applicant for employment with
a home health agency as a person responsible for the care,
custody, or control of a child, a completed form prescribed
pursuant to division (C)(1) of this section, and a set of
fingerprint impressions obtained in the manner described in
division (C)(2) of this section, the superintendent of the bureau
of criminal identification and investigation shall conduct a
criminal records check. The superintendent shall conduct the
criminal records check in the manner described in division (B) of
this section to determine whether any information exists that
indicates that the person who is the subject of the request
previously has been convicted of or pleaded guilty to any of the
following:

(a) A violation of section 2903.01, 2903.02, 2903.03,
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04,
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21,

2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 117
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 118
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 119
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 120
violation of section 2925.11 of the Revised Code that is not a 121
minor drug possession offense; 122

(b) An existing or former law of this state, any other state, 123
or the United States that is substantially equivalent to any of 124
the offenses listed in division (A)(4)(a) of this section. 125

(5) On receipt of a request pursuant to section 3701.881 of 126
the Revised Code with respect to an applicant for employment with 127
a home health agency in a position that involves providing direct 128
care to an older adult, a completed form prescribed pursuant to 129
division (C)(1) of this section, and a set of fingerprint 130
impressions obtained in the manner described in division (C)(2) of 131
this section, the superintendent of the bureau of criminal 132
identification and investigation shall conduct a criminal records 133
check. The superintendent shall conduct the criminal records check 134
in the manner described in division (B) of this section to 135
determine whether any information exists that indicates that the 136
person who is the subject of the request previously has been 137
convicted of or pleaded guilty to any of the following: 138

(a) A violation of section 2903.01, 2903.02, 2903.03, 139
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 140
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 141
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 142
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 143
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 144
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 145
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 146
2925.22, 2925.23, or 3716.11 of the Revised Code; 147

(b) An existing or former law of this state, any other state, 148

or the United States that is substantially equivalent to any of 149
the offenses listed in division (A)(5)(a) of this section. 150

(6) On receipt of a request pursuant to section 505.381, 151
737.081, or 737.221 of the Revised Code, a completed form 152
prescribed pursuant to division (C)(1) of this section, and a set 153
of fingerprint impressions obtained in the manner described in 154
division (C)(2) of this section, the superintendent of the bureau 155
of criminal identification and investigation shall conduct a 156
criminal records check in the manner described in division (B) of 157
this section to determine whether any information exists that 158
indicates that the person who is the subject of the request 159
previously has been convicted of or pleaded guilty to any of the 160
following: 161

(a) A felony; 162

(b) A violation of section 2909.03 of the Revised Code; 163

(c) A violation of an existing or former law of this state, 164
any other state, or the United States that is substantially 165
equivalent to any of the offenses listed in division (A)(6)(a) or 166
(b) of this section. 167

(7) When conducting a criminal records check upon a request 168
pursuant to section 3319.39 of the Revised Code for an applicant 169
who is a teacher, in addition to the determination made under 170
division (A)(1) of this section, the superintendent shall 171
determine whether any information exists that indicates that the 172
person who is the subject of the request previously has been 173
convicted of or pleaded guilty to any offense specified in section 174
3319.31 of the Revised Code. 175

+7)(8) When conducting a criminal records check on a request 176
pursuant to section 2151.86 of the Revised Code for a person who 177
is a prospective foster caregiver or who is eighteen years old or 178
older and resides in the home of a prospective foster caregiver, 179

the superintendent, in addition to the determination made under 180
division (A)(1) of this section, shall determine whether any 181
information exists that indicates that the person has been 182
convicted of or pleaded guilty to a violation of: 183

(a) Section 2909.02 or 2909.03 of the Revised Code; 184

(b) An existing or former law of this state, any other state, 185
or the United States that is substantially equivalent to section 186
2909.02 or 2909.03 of the Revised Code. 187

~~(8)~~(9) Not later than thirty days after the date the 188
superintendent receives the request, completed form, and 189
fingerprint impressions, the superintendent shall send the person, 190
board, or entity that made the request any information, other than 191
information the dissemination of which is prohibited by federal 192
law, the superintendent determines exists with respect to the 193
person who is the subject of the request that indicates that the 194
person previously has been convicted of or pleaded guilty to any 195
offense listed or described in division (A)(1), (2), (3), (4), 196
(5), (6), ~~or (7)~~, or (8) of this section, as appropriate. The 197
superintendent shall send the person, board, or entity that made 198
the request a copy of the list of offenses specified in division 199
(A)(1), (2), (3), (4), (5), (6), ~~or (7)~~, or (8) of this section, 200
as appropriate. If the request was made under section 3701.881 of 201
the Revised Code with regard to an applicant who may be both 202
responsible for the care, custody, or control of a child and 203
involved in providing direct care to an older adult, the 204
superintendent shall provide a list of the offenses specified in 205
divisions (A)(4) and (5) of this section. 206

(B) The superintendent shall conduct any criminal records 207
check requested under section 173.41, 505.381, 737.081, 737.221, 208
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 209
3722.151, 5104.012, 5104.013, 5123.081, 5126.28, 5126.281, or 210
5153.111 of the Revised Code as follows: 211

(1) The superintendent shall review or cause to be reviewed 212
any relevant information gathered and compiled by the bureau under 213
division (A) of section 109.57 of the Revised Code that relates to 214
the person who is the subject of the request, including any 215
relevant information contained in records that have been sealed 216
under section 2953.32 of the Revised Code; 217

(2) If the request received by the superintendent asks for 218
information from the federal bureau of investigation, the 219
superintendent shall request from the federal bureau of 220
investigation any information it has with respect to the person 221
who is the subject of the request and shall review or cause to be 222
reviewed any information the superintendent receives from that 223
bureau. 224

(C)(1) The superintendent shall prescribe a form to obtain 225
the information necessary to conduct a criminal records check from 226
any person for whom a criminal records check is required by 227
section 173.41, 505.381, 737.081, 737.221, 2151.86, 3301.32, 228
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 229
5104.012, 5104.013, 5123.081, 5126.28, 5126.281, or 5153.111 of 230
the Revised Code. The form that the superintendent prescribes 231
pursuant to this division may be in a tangible format, in an 232
electronic format, or in both tangible and electronic formats. 233

(2) The superintendent shall prescribe standard impression 234
sheets to obtain the fingerprint impressions of any person for 235
whom a criminal records check is required by section 173.41, 236
505.381, 737.081, 737.221, 2151.86, 3301.32, 3301.541, 3319.39, 237
3701.881, 3712.09, 3721.121, 3722.151, 5104.012, 5104.013, 238
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. Any 239
person for whom a records check is required by any of those 240
sections shall obtain the fingerprint impressions at a county 241
sheriff's office, municipal police department, or any other entity 242
with the ability to make fingerprint impressions on the standard 243

impression sheets prescribed by the superintendent. The office, 244
department, or entity may charge the person a reasonable fee for 245
making the impressions. The standard impression sheets the 246
superintendent prescribes pursuant to this division may be in a 247
tangible format, in an electronic format, or in both tangible and 248
electronic formats. 249

(3) Subject to division (D) of this section, the 250
superintendent shall prescribe and charge a reasonable fee for 251
providing a criminal records check requested under section 173.41, 252
505.381, 737.081, 737.221, 2151.86, 3301.32, 3301.541, 3319.39, 253
3701.881, 3712.09, 3721.121, 3722.151, 5104.012, 5104.013, 254
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 255
person making a criminal records request under section 173.41, 256
505.381, 737.081, 737.221, 2151.86, 3301.32, 3301.541, 3319.39, 257
3701.881, 3712.09, 3721.121, 3722.151, 5104.012, 5104.013, 258
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code shall 259
pay the fee prescribed pursuant to this division. A person making 260
a request under section 3701.881 of the Revised Code for a 261
criminal records check for an applicant who may be both 262
responsible for the care, custody, or control of a child and 263
involved in providing direct care to an older adult shall pay one 264
fee for the request. 265

(4) The superintendent of the bureau of criminal 266
identification and investigation may prescribe methods of 267
forwarding fingerprint impressions and information necessary to 268
conduct a criminal records check, which methods shall include, but 269
not be limited to, an electronic method. 270

(D) A determination whether any information exists that 271
indicates that a person previously has been convicted of or 272
pleaded guilty to any offense listed or described in division 273
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 274
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), ~~or (A)(7)(a) or (b)~~, or 275

(A)(8)(a) or (b) of this section that is made by the 276
superintendent with respect to information considered in a 277
criminal records check in accordance with this section is valid 278
for the person who is the subject of the criminal records check 279
for a period of one year from the date upon which the 280
superintendent makes the determination. During the period in which 281
the determination in regard to a person is valid, if another 282
request under this section is made for a criminal records check 283
for that person, the superintendent shall provide the information 284
that is the basis for the superintendent's initial determination 285
at a lower fee than the fee prescribed for the initial criminal 286
records check. 287

(E) As used in this section: 288

(1) "Criminal records check" means any criminal records check 289
conducted by the superintendent of the bureau of criminal 290
identification and investigation in accordance with division (B) 291
of this section. 292

(2) "Minor drug possession offense" has the same meaning as 293
in section 2925.01 of the Revised Code. 294

(3) "Older adult" means a person age sixty or older. 295

Sec. 149.43. (A) As used in this section: 296

(1) "Public record" means records kept by any public office, 297
including, but not limited to, state, county, city, village, 298
township, and school district units, and records pertaining to the 299
delivery of educational services by an alternative school in Ohio 300
kept by a nonprofit or for profit entity operating such 301
alternative school pursuant to section 3313.533 of the Revised 302
Code. "Public record" does not mean any of the following: 303

(a) Medical records; 304

(a) Medical records; 305

(b) Records pertaining to probation and parole proceedings;	306
(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;	307 308 309
(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;	310 311 312
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	313 314 315 316 317 318
(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;	319 320 321
(g) Trial preparation records;	322
(h) Confidential law enforcement investigatory records;	323
(i) Records containing information that is confidential under section 2317.023 or 4112.05 of the Revised Code;	324 325
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	326 327
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	328 329 330 331
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	332 333 334 335

(m) Intellectual property records;	336
(n) Donor profile records;	337
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	338 339
(p) Peace officer residential and familial information;	340
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	341 342 343
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	344 345
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, other than the report prepared pursuant to section 307.626 of the Revised Code;	346 347 348 349 350
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	351 352 353 354
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	355 356 357 358 359 360
(v) Records the release of which is prohibited by state or federal law;	361 362
<u>(w) Firefighter residential and familial information.</u>	363
(2) "Confidential law enforcement investigatory record" means	364

any record that pertains to a law enforcement matter of a 365
criminal, quasi-criminal, civil, or administrative nature, but 366
only to the extent that the release of the record would create a 367
high probability of disclosure of any of the following: 368

(a) The identity of a suspect who has not been charged with 369
the offense to which the record pertains, or of an information 370
source or witness to whom confidentiality has been reasonably 371
promised; 372

(b) Information provided by an information source or witness 373
to whom confidentiality has been reasonably promised, which 374
information would reasonably tend to disclose the source's or 375
witness's identity; 376

(c) Specific confidential investigatory techniques or 377
procedures or specific investigatory work product; 378

(d) Information that would endanger the life or physical 379
safety of law enforcement personnel, a crime victim, a witness, or 380
a confidential information source. 381

(3) "Medical record" means any document or combination of 382
documents, except births, deaths, and the fact of admission to or 383
discharge from a hospital, that pertains to the medical history, 384
diagnosis, prognosis, or medical condition of a patient and that 385
is generated and maintained in the process of medical treatment. 386

(4) "Trial preparation record" means any record that contains 387
information that is specifically compiled in reasonable 388
anticipation of, or in defense of, a civil or criminal action or 389
proceeding, including the independent thought processes and 390
personal trial preparation of an attorney. 391

(5) "Intellectual property record" means a record, other than 392
a financial or administrative record, that is produced or 393
collected by or for faculty or staff of a state institution of 394
higher learning in the conduct of or as a result of study or 395

research on an educational, commercial, scientific, artistic, 396
technical, or scholarly issue, regardless of whether the study or 397
research was sponsored by the institution alone or in conjunction 398
with a governmental body or private concern, and that has not been 399
publicly released, published, or patented. 400

(6) "Donor profile record" means all records about donors or 401
potential donors to a public institution of higher education 402
except the names and reported addresses of the actual donors and 403
the date, amount, and conditions of the actual donation. 404

(7) "Peace officer residential and familial information" 405
means either of the following: 406

(a) Any information maintained in a personnel record of a 407
peace officer that discloses any of the following: 408

(i) The address of the actual personal residence of a peace 409
officer, except for the state or political subdivision in which 410
the peace officer resides; 411

(ii) Information compiled from referral to or participation 412
in an employee assistance program; 413

(iii) The social security number, the residential telephone 414
number, any bank account, debit card, charge card, or credit card 415
number, or the emergency telephone number of, or any medical 416
information pertaining to, a peace officer; 417

(iv) The name of any beneficiary of employment benefits, 418
including, but not limited to, life insurance benefits, provided 419
to a peace officer by the peace officer's employer; 420

(v) The identity and amount of any charitable or employment 421
benefit deduction made by the peace officer's employer from the 422
peace officer's compensation unless the amount of the deduction is 423
required by state or federal law; 424

(vi) The name, the residential address, the name of the 425

employer, the address of the employer, the social security number, 426
the residential telephone number, any bank account, debit card, 427
charge card, or credit card number, or the emergency telephone 428
number of the spouse, a former spouse, or any child of a peace 429
officer. 430

(b) Any record that identifies a person's occupation as a 431
peace officer other than statements required to include the 432
disclosure of that fact under the campaign finance law. 433

As used in divisions (A)(7) and (B)(5) of this section, 434
"peace officer" has the same meaning as in section 109.71 of the 435
Revised Code and also includes the superintendent and troopers of 436
the state highway patrol; it does not include the sheriff of a 437
county or a supervisory employee who, in the absence of the 438
sheriff, is authorized to stand in for, exercise the authority of, 439
and perform the duties of the sheriff. 440

(8) "Information pertaining to the recreational activities of 441
a person under the age of eighteen" means information that is kept 442
in the ordinary course of business by a public office, that 443
pertains to the recreational activities of a person under the age 444
of eighteen years, and that discloses any of the following: 445

(a) The address or telephone number of a person under the age 446
of eighteen or the address or telephone number of that person's 447
parent, guardian, custodian, or emergency contact person; 448

(b) The social security number, birth date, or photographic 449
image of a person under the age of eighteen; 450

(c) Any medical record, history, or information pertaining to 451
a person under the age of eighteen; 452

(d) Any additional information sought or required about a 453
person under the age of eighteen for the purpose of allowing that 454
person to participate in any recreational activity conducted or 455
sponsored by a public office or to use or obtain admission 456

privileges to any recreational facility owned or operated by a
public office.

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(B)(1) Subject to division (B)(4) of this section, all public
records shall be promptly prepared and made available for
inspection to any person at all reasonable times during regular
business hours. Subject to division (B)(4) of this section, upon
request, a public office or person responsible for public records
shall make copies available at cost, within a reasonable period of
time. In order to facilitate broader access to public records,
public offices shall maintain public records in a manner that they
can be made available for inspection in accordance with this
division.

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(2) If any person chooses to obtain a copy of a public record
in accordance with division (B)(1) of this section, the public
office or person responsible for the public record shall permit
that person to choose to have the public record duplicated upon
paper, upon the same medium upon which the public office or person
responsible for the public record keeps it, or upon any other
medium upon which the public office or person responsible for the
public record determines that it reasonably can be duplicated as
an integral part of the normal operations of the public office or
person responsible for the public record. When the person seeking
the copy makes a choice under this division, the public office or
person responsible for the public record shall provide a copy of
it in accordance with the choice made by the person seeking the
copy.

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(3) Upon a request made in accordance with division (B)(1) of
this section, a public office or person responsible for public
records shall transmit a copy of a public record to any person by
United States mail within a reasonable period of time after
receiving the request for the copy. The public office or person
responsible for the public record may require the person making

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the request to pay in advance the cost of postage and other
supplies used in the mailing.

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Any public office may adopt a policy and procedures that it
will follow in transmitting, within a reasonable period of time
after receiving a request, copies of public records by United
States mail pursuant to this division. A public office that adopts
a policy and procedures under this division shall comply with them
in performing its duties under this division.

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In any policy and procedures adopted under this division, a
public office may limit the number of records requested by a
person that the office will transmit by United States mail to ten
per month, unless the person certifies to the office in writing
that the person does not intend to use or forward the requested
records, or the information contained in them, for commercial
purposes. For purposes of this division, "commercial" shall be
narrowly construed and does not include reporting or gathering
news, reporting or gathering information to assist citizen
oversight or understanding of the operation or activities of
government, or nonprofit educational research.

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(4) A public office or person responsible for public records
is not required to permit a person who is incarcerated pursuant to
a criminal conviction or a juvenile adjudication to inspect or to
obtain a copy of any public record concerning a criminal
investigation or prosecution or concerning what would be a
criminal investigation or prosecution if the subject of the
investigation or prosecution were an adult, unless the request to
inspect or to obtain a copy of the record is for the purpose of
acquiring information that is subject to release as a public
record under this section and the judge who imposed the sentence
or made the adjudication with respect to the person, or the
judge's successor in office, finds that the information sought in
the public record is necessary to support what appears to be a

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justiciable claim of the person. 521

(5) Upon written request made and signed by a journalist on 522
or after December 16, 1999, a public office, or person responsible 523
for public records, having custody of the records of the agency 524
employing a specified peace officer shall disclose to the 525
journalist the address of the actual personal residence of the 526
peace officer and, if the peace officer's spouse, former spouse, 527
or child is employed by a public office, the name and address of 528
the employer of the peace officer's spouse, former spouse, or 529
child. The request shall include the journalist's name and title 530
and the name and address of the journalist's employer and shall 531
state that disclosure of the information sought would be in the 532
public interest. 533

As used in division (B)(5) of this section, "journalist" 534
means a person engaged in, connected with, or employed by any news 535
medium, including a newspaper, magazine, press association, news 536
agency, or wire service, a radio or television station, or a 537
similar medium, for the purpose of gathering, processing, 538
transmitting, compiling, editing, or disseminating information for 539
the general public. 540

(C) If a person allegedly is aggrieved by the failure of a 541
public office to promptly prepare a public record and to make it 542
available to the person for inspection in accordance with division 543
(B) of this section, or if a person who has requested a copy of a 544
public record allegedly is aggrieved by the failure of a public 545
office or the person responsible for the public record to make a 546
copy available to the person allegedly aggrieved in accordance 547
with division (B) of this section, the person allegedly aggrieved 548
may commence a mandamus action to obtain a judgment that orders 549
the public office or the person responsible for the public record 550
to comply with division (B) of this section and that awards 551
reasonable attorney's fees to the person that instituted the 552

mandamus action. The mandamus action may be commenced in the court 553
of common pleas of the county in which division (B) of this 554
section allegedly was not complied with, in the supreme court 555
pursuant to its original jurisdiction under Section 2 of Article 556
IV, Ohio Constitution, or in the court of appeals for the 557
appellate district in which division (B) of this section allegedly 558
was not complied with pursuant to its original jurisdiction under 559
Section 3 of Article IV, Ohio Constitution. 560

(D) Chapter 1347. of the Revised Code does not limit the 561
provisions of this section. 562

(E)(1) The bureau of motor vehicles may adopt rules pursuant 563
to Chapter 119. of the Revised Code to reasonably limit the number 564
of bulk commercial special extraction requests made by a person 565
for the same records or for updated records during a calendar 566
year. The rules may include provisions for charges to be made for 567
bulk commercial special extraction requests for the actual cost of 568
the bureau, plus special extraction costs, plus ten per cent. The 569
bureau may charge for expenses for redacting information, the 570
release of which is prohibited by law. 571

(2) As used in divisions (B)(3) and (E)(1) of this section: 572

(a) "Actual cost" means the cost of depleted supplies, 573
records storage media costs, actual mailing and alternative 574
delivery costs, or other transmitting costs, and any direct 575
equipment operating and maintenance costs, including actual costs 576
paid to private contractors for copying services. 577

(b) "Bulk commercial special extraction request" means a 578
request for copies of a record for information in a format other 579
than the format already available, or information that cannot be 580
extracted without examination of all items in a records series, 581
class of records, or data base by a person who intends to use or 582
forward the copies for surveys, marketing, solicitation, or resale 583

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

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

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

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

Sec. 149.433. (A) As used in this section:

(1) "Act of terrorism" has the same meaning as in section 2909.21 of the Revised Code.

(2) "Infrastructure record" means any record that discloses the configuration of a public office's critical systems including, but not limited to, communication, computer, electrical, mechanical, ventilation, water, and plumbing systems, security codes, or the infrastructure or structural configuration of the building in which a public office is located. "Infrastructure record" does not mean a simple floor plan that discloses only the

spatial relationship of components of a public office or the building in which a public office is located.

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(3) "Security record" means either of the following:

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(a) Any record that contains information directly used for protecting or maintaining the security of a public office against attack, interference, or sabotage;

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(b) Any record assembled, prepared, or maintained by a public office or public body to prevent, mitigate, or respond to acts of terrorism, including any of the following:

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(i) Those portions of records containing specific and unique vulnerability assessments or specific and unique response plans either of which is intended to prevent or mitigate acts of terrorism, and communication codes or deployment plans of law enforcement or emergency response personnel;

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(ii) Specific intelligence information and specific investigative records shared by federal and international law enforcement agencies with state and local law enforcement and public safety agencies;

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(iii) National security records classified under federal executive order and not subject to public disclosure under federal law that are shared by federal agencies, and other records related to national security briefings to assist state and local government with domestic preparedness for acts of terrorism.

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(B) A record kept by a public office that is a security record or an infrastructure record is not a public record under section 149.43 of the Revised Code and is not subject to mandatory release or disclosure under that section.

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(C) Notwithstanding any other section of the Revised Code, a public office's or a public employee's disclosure of a security record or infrastructure record that is necessary for

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construction, renovation, or remodeling work on any public building or project does not constitute public disclosure for purposes of waiving division (B) of this section and does not result in that record becoming a public record for purposes of section 149.43 of the Revised Code.

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Sec. 505.381. (A) The fire chief of a township or fire district shall request the superintendent of BCII to conduct a criminal records check with respect to any person who is under final consideration for appointment or employment as a full-time paid firefighter and may request the superintendent of BCII to conduct a criminal records check with respect to any person who is under final consideration for appointment as a volunteer firefighter.

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(B) If a person subject to a criminal records check does not present proof that the person has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five-year period the superintendent of BCII has requested information about the person from the federal bureau of investigation in a criminal records check, the fire chief of the township or fire district may request that the superintendent of BCII obtain information from the federal bureau of investigation as a part of the criminal records check. If the person subject to the criminal records check presents proof that the person has been a resident of this state for that five-year period, the fire chief may request that the superintendent of BCII include information from the federal bureau of investigation in the criminal records check.

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A fire chief required by division (A) of this section to request a criminal records check shall provide to each person subject to a criminal records check a copy of the form prescribed

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pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from the person, and forward the completed form and impression sheet to the superintendent of BCII at the time the criminal records check is requested.

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Any person subject to a criminal records check who receives pursuant to this division a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If a person subject to a criminal records check, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the appointing authority shall not appoint or employ the person as a permanent full-time paid firefighter or a volunteer firefighter.

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(C)(1) No appointing authority shall appoint or employ a person as a permanent full-time paid firefighter or a volunteer firefighter if the person previously has been convicted of or pleaded guilty to any of the following, unless the person meets rehabilitation standards established in rules adopted under division (F) of this section:

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(a) A felony;

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(b) A violation of section 2909.03 of the Revised Code;

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(c) A violation of an existing or former law of this state, any other state, or the United States that is substantially

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equivalent to any of the offenses described in division (C)(1)(a) or (b) of this section.

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(2) The appointing authority may appoint or employ a person as a permanent full-time paid firefighter or volunteer firefighter conditionally until the criminal records check required by this section is completed and the fire chief receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (C)(1) of this section, the person subject to the criminal records check does not qualify for appointment or employment, the fire chief shall release the person from appointment or employment.

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(D) The fire chief shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request pursuant to division (A) of this section. The fire chief may charge the person subject to the criminal records check a fee for the costs the fire chief incurs in obtaining the criminal records check. A fee charged under this division shall not exceed the amount of fees the fire chief pays for the criminal records check. If a fee is charged under this division, the fire chief shall notify the person who is the applicant at the time of the person's initial application for appointment or employment of the amount of the fee and that, unless the fee is paid, the person who is the applicant will not be considered for appointment or employment.

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(E) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the person who is the

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subject of the criminal records check or the person's 738
representative or the fire chief requesting the criminal records 739
check or the fire chief's representative. 740

(F) The appointing authority shall adopt rules in accordance 741
with Chapter 119. of the Revised Code to implement this section. 742
The rules shall include rehabilitation standards a person who has 743
been convicted of or pleaded guilty to an offense listed in 744
division (C)(1) of this section must meet for the appointing 745
authority to appoint or employ the person as a permanent full-time 746
paid firefighter or a volunteer firefighter. 747

(G) The fire chief who requests a criminal records check 748
shall inform each person who is the applicant, at the time of the 749
person's initial application for appointment or employment that 750
the person subject to the criminal records check is required to 751
provide a set of impressions of the person's fingerprints and that 752
a criminal records check is required to be conducted and 753
satisfactorily completed in accordance with section 109.572 of the 754
Revised Code. 755

(H) As used in this section: 756

(1) "Appointing authority" means any person or body that has 757
the authority to hire, appoint, or employ permanent, full-time 758
paid firefighters and volunteer firefighters under sections 759
505.39, 737.08, and 737.22 of the Revised Code. 760

(2) "Criminal records check" has the same meaning as in 761
section 109.572 of the Revised Code. 762

(3) "Superintendent of BCII" has the same meaning as in 763
section 2151.86 of the Revised Code. 764

Sec. 737.081. (A) The fire chief of a city fire department 765
shall request the superintendent of BCII to conduct a criminal 766
records check with respect to any person who is under final 767

consideration for appointment or employment as a full-time paid firefighter and may request the superintendent of BCII to conduct a criminal records check with respect to any person who is under final consideration for appointment as a volunteer firefighter. 768
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(B) If a person subject to a criminal records check does not present proof that the person has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five-year period the superintendent of BCII has requested information about the person from the federal bureau of investigation in a criminal records check, the fire chief of the city may request that the superintendent of BCII obtain information from the federal bureau of investigation as a part of the criminal records check. If the person subject to the criminal records check presents proof that the person has been a resident of this state for that five-year period, the fire chief may request that the superintendent of BCII include information from the federal bureau of investigation in the criminal records check. 772
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A fire chief required by division (A) of this section to request a criminal records check shall provide to each person subject to a criminal records check a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from the person, and forward the completed form and impression sheet to the superintendent of BCII at the time the criminal records check is requested. 787
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Any person subject to a criminal records check who receives pursuant to this division a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a 797
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copy of an impression sheet prescribed pursuant to division (C)(2) 800
of that section and who is requested to complete the form and 801
provide a set of fingerprint impressions shall complete the form 802
or provide all the information necessary to complete the form and 803
shall provide the impression sheet with the impressions of the 804
person's fingerprints. If a person subject to a criminal records 805
check, upon request, fails to provide the information necessary to 806
complete the form or fails to provide impressions of the person's 807
fingerprints, the appointing authority shall not appoint or employ 808
the person as a permanent full-time paid firefighter or a 809
volunteer firefighter. 810

(C)(1) No appointing authority shall appoint or employ a 811
person as a permanent full-time paid firefighter or a volunteer 812
firefighter if the person previously has been convicted of or 813
pleaded guilty to any of the following, unless the person meets 814
rehabilitation standards established in rules adopted under 815
division (F) of this section: 816

(a) A felony; 817

(b) A violation of section 2909.03 of the Revised Code; 818

(c) An existing or former law of this state, any other state, 819
or the United States that is substantially equivalent to any 820
offense listed in division (C)(1)(a) or (b) of this section. 821

(2) The appointing authority may appoint or employ a person 822
as a permanent full-time paid firefighter or volunteer firefighter 823
conditionally until the criminal records check required by this 824
section is completed and the fire chief receives the results of 825
the criminal records check. If the results of the criminal records 826
check indicate that, pursuant to division (C)(1) of this section, 827
the person subject to the criminal records check does not qualify 828
for appointment or employment, the fire chief shall release the 829
person from appointment or employment. 830

(D) The fire chief shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request pursuant to division (A) of this section. The fire chief may charge the person subject to the criminal records check a fee for the costs the fire chief incurs in obtaining the criminal records check. A fee charged under this division shall not exceed the amount of fees the fire chief pays for the criminal records check. If a fee is charged under this division, the fire chief shall notify the person who is the applicant at the time of the person's initial application for appointment or employment of the amount of the fee and that, unless the fee is paid, the person who is the applicant will not be considered for appointment or employment. 831
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(E) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the person who is the subject of the criminal records check or the person's representative or the fire chief requesting the criminal records check or the fire chief's representative. 846
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(F) The appointing authority shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall include rehabilitation standards a person who has been convicted of or pleaded guilty to an offense listed in division (C)(1) of this section must meet for the appointing authority to appoint or employ the person as a permanent full-time paid firefighter or a volunteer firefighter. 855
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(G) The fire chief who requests a criminal records check 862

shall inform each person who is the applicant, at the time of the person's initial application for appointment or employment that the person subject to the criminal records check is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code.

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(H) As used in this section:

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(1) "Appointing authority" has the same meaning as in section 505.381 of the Revised Code.

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(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

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(3) "Superintendent of BCII" has the same meaning as in section 2151.86 of the Revised Code.

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Sec. 737.221. (A) The fire chief of a village fire department shall request the superintendent of BCII to conduct a criminal records check with respect to any person who is under final consideration for appointment or employment as a full-time paid firefighter and may request the superintendent of BCII to conduct a criminal records check with respect to any person who is under final consideration for appointment as a volunteer firefighter.

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(B) If a person subject to a criminal records check does not present proof that the person has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five-year period the superintendent of BCII has requested information about the person from the federal bureau of investigation in a criminal records check, the fire chief of the village fire department may request that the superintendent of BCII obtain information from the federal bureau

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of investigation as a part of the criminal records check. If the person subject to the criminal records check presents proof that the person has been a resident of this state for that five-year period, the fire chief may request that the superintendent of BCII include information from the federal bureau of investigation in the criminal records check.

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A fire chief required by division (A) of this section to request a criminal records check shall provide to each person subject to a criminal records check a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from the person, and forward the completed form and impression sheet to the superintendent of BCII at the time the criminal records check is requested.

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Any person subject to a criminal records check who receives pursuant to this division a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If a person subject to a criminal records check, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the appointing authority shall not appoint or employ the person as a permanent full-time paid firefighter or a volunteer firefighter.

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(C)(1) No appointing authority shall appoint or employ a person as a permanent full-time paid firefighter or a volunteer

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firefighter if the person previously has been convicted of or 925
pleaded guilty to any of the following, unless the person meets 926
rehabilitation standards established in rules adopted under 927
division (F) of this section: 928

(a) A felony; 929

(b) A violation of section 2909.03 of the Revised Code; 930

(c) An existing or former law of this state, any other state, 931
or the United States that is substantially equivalent to any 932
offense listed in division (C)(1)(a) or (b) of this section. 933

(2) The appointing authority may appoint or employ a person 934
as a permanent full-time paid firefighter or volunteer firefighter 935
conditionally until the criminal records check required by this 936
section is completed and the fire chief receives the results of 937
the criminal records check. If the results of the criminal records 938
check indicate that, pursuant to division (C)(1) of this section, 939
the person subject to the criminal records check does not qualify 940
for appointment or employment, the fire chief shall release the 941
person from appointment or employment. 942

(D) The fire chief shall pay to the bureau of criminal 943
identification and investigation the fee prescribed pursuant to 944
division (C)(3) of section 109.572 of the Revised Code for each 945
criminal records check conducted in accordance with that section 946
upon a request pursuant to division (A) of this section. The fire 947
chief may charge the person subject to the criminal records check 948
a fee for the costs the fire chief incurs in obtaining the 949
criminal records check. A fee charged under this division shall 950
not exceed the amount of fees the fire chief pays for the criminal 951
records check. If a fee is charged under this division, the fire 952
chief shall notify the person who is the applicant at the time of 953
the person's initial application for appointment or employment of 954
the amount of the fee and that, unless the fee is paid, the person 955

who is the applicant will not be considered for appointment or employment.

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(E) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the person who is the subject of the criminal records check or the person's representative or the fire chief requesting the criminal records check or the fire chief's representative.

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(F) The appointing authority shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall include rehabilitation standards a person who has been convicted of or pleaded guilty to an offense listed in division (C)(1) of this section must meet for the appointing authority to appoint or employ the person as a permanent full-time paid firefighter or a volunteer firefighter.

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(G) The fire chief who requests a criminal records check shall inform each person who is the applicant, at the time of the person's initial application for appointment or employment that the person subject to the criminal records check is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code.

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(H) As used in this section:

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(1) "Appointing authority" has the same meaning as in section 505.381 of the Revised Code.

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(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

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(3) "Superintendent of BCII" has the same meaning as in 987
section 2151.86 of the Revised Code. 988

Section 2. That existing sections 109.572 and 149.43 of the 989
Revised Code are hereby repealed. 990

Section 3. Section 109.572 of the Revised Code is presented 991
in this act as a composite of the section as amended by both Sub. 992
H.B. 448 and Sub. H.B. 538 of the 123rd General Assembly. The 993
General Assembly, applying the principle stated in division (B) of 994
section 1.52 of the Revised Code that amendments are to be 995
harmonized if reasonably capable of simultaneous operation, finds 996
that the composite is the resulting version of the section in 997
effect prior to the effective date of the section as presented in 998
this act. 999