

As Introduced

**126th General Assembly
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H. B. No. 141

**Representatives Willamowski, Aslanides, Combs, McGregor, Seitz, Perry,
Hartnett, Faber, Barrett, Taylor, Gilb, Hagan, Reidelbach**

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A B I L L

To amend sections 149.43, 2921.24, 2921.25, and 1
4501.271 of the Revised Code to give parole 2
officers, probation officers, and field officers 3
the same options as peace officers with respect to 4
confidentiality of certain personal information. 5

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

Section 1. That sections 149.43, 2921.24, 2921.25, and 6
4501.271 of the Revised Code be amended to read as follows: 7

Sec. 149.43. (A) As used in this section: 8

(1) "Public record" means records kept by any public office, 9
including, but not limited to, state, county, city, village, 10
township, and school district units, and records pertaining to the 11
delivery of educational services by an alternative school in Ohio 12
kept by a nonprofit or for profit entity operating such 13
alternative school pursuant to section 3313.533 of the Revised 14
Code. "Public record" does not mean any of the following: 15

(a) Medical records; 16

(b) Records pertaining to probation and parole proceedings or 17
to proceedings related to the imposition of community control 18

sanctions and post-release control sanctions;	19
(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;	20 21 22
(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;	23 24 25
(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;	26 27 28 29 30 31
(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;	32 33 34
(g) Trial preparation records;	35
(h) Confidential law enforcement investigatory records;	36
(i) Records containing information that is confidential under section 2317.023 or 4112.05 of the Revised Code;	37 38
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	39 40
(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;	41 42 43 44
(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;	45 46 47 48

(m) Intellectual property records;	49
(n) Donor profile records;	50
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	51 52
(p) Peace officer, <u>parole officer, probation officer, field officer</u> , firefighter, or EMT residential and familial information;	53 54
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	55 56 57 58 59
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	60 61
(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;	62 63 64 65 66
(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;	67 68 69 70
(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;	71 72 73 74 75
(v) Records the release of which is prohibited by state or federal law;	76 77
(w) Proprietary information of or relating to any person that	78

is submitted to or compiled by the Ohio venture capital authority 79
created under section 150.01 of the Revised Code; 80

(x) Information reported and evaluations conducted pursuant 81
to section 3701.072 of the Revised Code. 82

(2) "Confidential law enforcement investigatory record" means 83
any record that pertains to a law enforcement matter of a 84
criminal, quasi-criminal, civil, or administrative nature, but 85
only to the extent that the release of the record would create a 86
high probability of disclosure of any of the following: 87

(a) The identity of a suspect who has not been charged with 88
the offense to which the record pertains, or of an information 89
source or witness to whom confidentiality has been reasonably 90
promised; 91

(b) Information provided by an information source or witness 92
to whom confidentiality has been reasonably promised, which 93
information would reasonably tend to disclose the source's or 94
witness's identity; 95

(c) Specific confidential investigatory techniques or 96
procedures or specific investigatory work product; 97

(d) Information that would endanger the life or physical 98
safety of law enforcement personnel, a crime victim, a witness, or 99
a confidential information source. 100

(3) "Medical record" means any document or combination of 101
documents, except births, deaths, and the fact of admission to or 102
discharge from a hospital, that pertains to the medical history, 103
diagnosis, prognosis, or medical condition of a patient and that 104
is generated and maintained in the process of medical treatment. 105

(4) "Trial preparation record" means any record that contains 106
information that is specifically compiled in reasonable 107
anticipation of, or in defense of, a civil or criminal action or 108

proceeding, including the independent thought processes and 109
personal trial preparation of an attorney. 110

(5) "Intellectual property record" means a record, other than 111
a financial or administrative record, that is produced or 112
collected by or for faculty or staff of a state institution of 113
higher learning in the conduct of or as a result of study or 114
research on an educational, commercial, scientific, artistic, 115
technical, or scholarly issue, regardless of whether the study or 116
research was sponsored by the institution alone or in conjunction 117
with a governmental body or private concern, and that has not been 118
publicly released, published, or patented. 119

(6) "Donor profile record" means all records about donors or 120
potential donors to a public institution of higher education 121
except the names and reported addresses of the actual donors and 122
the date, amount, and conditions of the actual donation. 123

(7) "Peace officer, parole officer, probation officer, field 124
officer, firefighter, or EMT residential and familial information" 125
means either of the following: 126

(a) Any information maintained in a personnel record of a 127
peace officer, parole officer, probation officer, field officer, 128
firefighter, or EMT that discloses any of the following: 129

(i) The address of the actual personal residence of a peace 130
officer, parole officer, probation officer, field officer, 131
firefighter, or EMT, except for the state or political subdivision 132
in which the peace officer, firefighter, or EMT resides; 133

(ii) Information compiled from referral to or participation 134
in an employee assistance program; 135

(iii) The social security number, the residential telephone 136
number, any bank account, debit card, charge card, or credit card 137
number, or the emergency telephone number of, or any medical 138

information pertaining to, a peace officer, parole officer, 139
probation officer, field officer, firefighter, or EMT; 140

(iv) The name of any beneficiary of employment benefits, 141
including, but not limited to, life insurance benefits, provided 142
to a peace officer, parole officer, probation officer, field 143
officer, firefighter, or EMT by the peace officer's, parole 144
officer's, probation officer's, field officer's, firefighter's, or 145
EMT's employer; 146

(v) The identity and amount of any charitable or employment 147
benefit deduction made by the peace officer's, parole officer's, 148
probation officer's, field officer's, firefighter's, or EMT's 149
employer from the peace officer's, parole officer's, probation 150
officer's, field officer's, firefighter's, or EMT's compensation 151
unless the amount of the deduction is required by state or federal 152
law; 153

(vi) The name, the residential address, the name of the 154
employer, the address of the employer, the social security number, 155
the residential telephone number, any bank account, debit card, 156
charge card, or credit card number, or the emergency telephone 157
number of the spouse, a former spouse, or any child of a peace 158
officer, parole officer, probation officer, field officer, 159
firefighter, or EMT. 160

(b) Any record that identifies a person's occupation as a 161
peace officer, parole officer, probation officer, field officer, 162
firefighter, or EMT other than statements required to include the 163
disclosure of that fact under the campaign finance law. 164

As used in divisions (A)(7) and (B)(5) of this section, 165
"peace officer" has the same meaning as in section 109.71 of the 166
Revised Code and also includes the superintendent and troopers of 167
the state highway patrol; it does not include the sheriff of a 168
county or a supervisory employee who, in the absence of the 169

sheriff, is authorized to stand in for, exercise the authority of, 170
and perform the duties of the sheriff. 171

As used in divisions (A)(7) and (B)(5) of this section, 172
"firefighter" means any regular, paid or volunteer, member of a 173
lawfully constituted fire department of a municipal corporation, 174
township, fire district, or village. 175

As used in divisions (A)(7) and (B)(5) of this section, "EMT" 176
means EMTs-basic, EMTs-I, and paramedics that provide emergency 177
medical services for a public emergency medical service 178
organization. "Emergency medical service organization," 179
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 180
section 4765.01 of the Revised Code. 181

(8) "Information pertaining to the recreational activities of 182
a person under the age of eighteen" means information that is kept 183
in the ordinary course of business by a public office, that 184
pertains to the recreational activities of a person under the age 185
of eighteen years, and that discloses any of the following: 186

(a) The address or telephone number of a person under the age 187
of eighteen or the address or telephone number of that person's 188
parent, guardian, custodian, or emergency contact person; 189

(b) The social security number, birth date, or photographic 190
image of a person under the age of eighteen; 191

(c) Any medical record, history, or information pertaining to 192
a person under the age of eighteen; 193

(d) Any additional information sought or required about a 194
person under the age of eighteen for the purpose of allowing that 195
person to participate in any recreational activity conducted or 196
sponsored by a public office or to use or obtain admission 197
privileges to any recreational facility owned or operated by a 198
public office. 199

(9) "Community control sanction" has the same meaning as in 200
section 2929.01 of the Revised Code. 201

(10) "Post-release control sanction" has the same meaning as 202
in section 2967.01 of the Revised Code. 203

(B)(1) Subject to division (B)(4) of this section, all public 204
records shall be promptly prepared and made available for 205
inspection to any person at all reasonable times during regular 206
business hours. Subject to division (B)(4) of this section, upon 207
request, a public office or person responsible for public records 208
shall make copies available at cost, within a reasonable period of 209
time. In order to facilitate broader access to public records, 210
public offices shall maintain public records in a manner that they 211
can be made available for inspection in accordance with this 212
division. 213

(2) If any person chooses to obtain a copy of a public record 214
in accordance with division (B)(1) of this section, the public 215
office or person responsible for the public record shall permit 216
that person to choose to have the public record duplicated upon 217
paper, upon the same medium upon which the public office or person 218
responsible for the public record keeps it, or upon any other 219
medium upon which the public office or person responsible for the 220
public record determines that it reasonably can be duplicated as 221
an integral part of the normal operations of the public office or 222
person responsible for the public record. When the person seeking 223
the copy makes a choice under this division, the public office or 224
person responsible for the public record shall provide a copy of 225
it in accordance with the choice made by the person seeking the 226
copy. 227

(3) Upon a request made in accordance with division (B)(1) of 228
this section, a public office or person responsible for public 229
records shall transmit a copy of a public record to any person by 230

United States mail within a reasonable period of time after 231
receiving the request for the copy. The public office or person 232
responsible for the public record may require the person making 233
the request to pay in advance the cost of postage and other 234
supplies used in the mailing. 235

Any public office may adopt a policy and procedures that it 236
will follow in transmitting, within a reasonable period of time 237
after receiving a request, copies of public records by United 238
States mail pursuant to this division. A public office that adopts 239
a policy and procedures under this division shall comply with them 240
in performing its duties under this division. 241

In any policy and procedures adopted under this division, a 242
public office may limit the number of records requested by a 243
person that the office will transmit by United States mail to ten 244
per month, unless the person certifies to the office in writing 245
that the person does not intend to use or forward the requested 246
records, or the information contained in them, for commercial 247
purposes. For purposes of this division, "commercial" shall be 248
narrowly construed and does not include reporting or gathering 249
news, reporting or gathering information to assist citizen 250
oversight or understanding of the operation or activities of 251
government, or nonprofit educational research. 252

(4) A public office or person responsible for public records 253
is not required to permit a person who is incarcerated pursuant to 254
a criminal conviction or a juvenile adjudication to inspect or to 255
obtain a copy of any public record concerning a criminal 256
investigation or prosecution or concerning what would be a 257
criminal investigation or prosecution if the subject of the 258
investigation or prosecution were an adult, unless the request to 259
inspect or to obtain a copy of the record is for the purpose of 260
acquiring information that is subject to release as a public 261
record under this section and the judge who imposed the sentence 262

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
justiciable claim of the person.

(5) Upon written request made and signed by a journalist on
or after December 16, 1999, a public office, or person responsible
for public records, having custody of the records of the agency
employing a specified peace officer, parole officer, probation
officer, field officer, firefighter, or EMT shall disclose to the
journalist the address of the actual personal residence of the
peace officer, parole officer, probation officer, field officer,
firefighter or EMT and, if the peace officer's, parole officer's,
probation officer's, field officer's, firefighter's or EMT's
spouse, former spouse, or child is employed by a public office,
the name and address of the employer of the peace officer's,
parole officer's, probation officer's, field officer's,
firefighter's, or EMT's spouse, former spouse, or child. The
request shall include the journalist's name and title and the name
and address of the journalist's employer and shall state that
disclosure of the information sought would be in the public
interest.

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

(C) If a person allegedly is aggrieved by the failure of a
public office to promptly prepare a public record and to make it
available to the person for inspection in accordance with division
(B) of this section, or if a person who has requested a copy of a

public record allegedly is aggrieved by the failure of a public 295
office or the person responsible for the public record to make a 296
copy available to the person allegedly aggrieved in accordance 297
with division (B) of this section, the person allegedly aggrieved 298
may commence a mandamus action to obtain a judgment that orders 299
the public office or the person responsible for the public record 300
to comply with division (B) of this section and that awards 301
reasonable attorney's fees to the person that instituted the 302
mandamus action. The mandamus action may be commenced in the court 303
of common pleas of the county in which division (B) of this 304
section allegedly was not complied with, in the supreme court 305
pursuant to its original jurisdiction under Section 2 of Article 306
IV, Ohio Constitution, or in the court of appeals for the 307
appellate district in which division (B) of this section allegedly 308
was not complied with pursuant to its original jurisdiction under 309
Section 3 of Article IV, Ohio Constitution. 310

(D) Chapter 1347. of the Revised Code does not limit the 311
provisions of this section. 312

(E)(1) The bureau of motor vehicles may adopt rules pursuant 313
to Chapter 119. of the Revised Code to reasonably limit the number 314
of bulk commercial special extraction requests made by a person 315
for the same records or for updated records during a calendar 316
year. The rules may include provisions for charges to be made for 317
bulk commercial special extraction requests for the actual cost of 318
the bureau, plus special extraction costs, plus ten per cent. The 319
bureau may charge for expenses for redacting information, the 320
release of which is prohibited by law. 321

(2) As used in divisions (B)(3) and (E)(1) of this section: 322

(a) "Actual cost" means the cost of depleted supplies, 323
records storage media costs, actual mailing and alternative 324
delivery costs, or other transmitting costs, and any direct 325

equipment operating and maintenance costs, including actual costs 326
paid to private contractors for copying services. 327

(b) "Bulk commercial special extraction request" means a 328
request for copies of a record for information in a format other 329
than the format already available, or information that cannot be 330
extracted without examination of all items in a records series, 331
class of records, or data base by a person who intends to use or 332
forward the copies for surveys, marketing, solicitation, or resale 333
for commercial purposes. "Bulk commercial special extraction 334
request" does not include a request by a person who gives 335
assurance to the bureau that the person making the request does 336
not intend to use or forward the requested copies for surveys, 337
marketing, solicitation, or resale for commercial purposes. 338

(c) "Commercial" means profit-seeking production, buying, or 339
selling of any good, service, or other product. 340

(d) "Special extraction costs" means the cost of the time 341
spent by the lowest paid employee competent to perform the task, 342
the actual amount paid to outside private contractors employed by 343
the bureau, or the actual cost incurred to create computer 344
programs to make the special extraction. "Special extraction 345
costs" include any charges paid to a public agency for computer or 346
records services. 347

(3) For purposes of divisions (E)(1) and (2) of this section, 348
"commercial surveys, marketing, solicitation, or resale" shall be 349
narrowly construed and does not include reporting or gathering 350
news, reporting or gathering information to assist citizen 351
oversight or understanding of the operation or activities of 352
government, or nonprofit educational research. 353

Sec. 2921.24. (A) No officer or employee of a law enforcement 354
agency or court, or of the office of the clerk of any court, shall 355

disclose during the pendency of any criminal case the home address 356
of any peace officer, as defined in section 2935.01 of the Revised 357
Code, parole officer, probation officer, or field officer who is a 358
witness or arresting officer in the case. 359

(B) Division (A) of this section does not prohibit a peace 360
officer, parole officer, probation officer, or field officer from 361
disclosing ~~his~~ the officer's own home address, and does not apply 362
to any person who discloses the home address of a peace officer, 363
parole officer, probation officer, or field officer pursuant to a 364
court-ordered disclosure under division (C) of this section. 365

(C) The court in which any criminal case is pending may order 366
the disclosure of the home address of any peace officer, parole 367
officer, probation officer, or field officer who is a witness or 368
arresting officer in the case, if the court determines after a 369
written request for the disclosure that good cause exists for 370
disclosing the home address of the ~~peace~~ officer. 371

(D) Whoever violates division (A) of this section is guilty 372
of disclosure of confidential information, a misdemeanor of the 373
fourth degree. 374

Sec. 2921.25. No judge of a court of record, or mayor 375
presiding over a mayor's court, shall order a peace officer, as 376
defined in section 2935.01 of the Revised Code, parole officer, 377
probation officer, or field officer who is a witness in a criminal 378
case, to disclose ~~his~~ the officer's home address during ~~his~~ the 379
officer's examination in the case, unless the judge or mayor 380
determines that the defendant has a right to the disclosure. 381

Sec. 4501.271. (A)(1) A peace officer, parole officer, 382
probation officer, or field officer may file a written request 383
with the bureau of motor vehicles to do either or both of the 384
following: 385

(a) Prohibit disclosure of the ~~peace~~ officer's residence address as contained in motor vehicle records of the bureau; 386
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(b) Provide a business address to be displayed on the ~~peace~~ officer's driver's license or certificate of registration, or both. 388
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(2) The ~~peace~~ officer shall file the request described in division (A)(1) of this section on a form provided by the registrar of motor vehicles and shall provide any documentary evidence verifying the person's status as a peace officer, parole officer, probation officer, or field officer and the officer's business address that the registrar requires pursuant to division (G) of this section. 391
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(B)(1) Except as provided in division (C) of this section, if a peace officer, parole officer, probation officer, or field officer has filed a request under division (A) of this section, neither the registrar nor an employee or contractor of the bureau of motor vehicles shall knowingly disclose the residence address of the ~~peace~~ officer that the bureau obtained in connection with a motor vehicle record. 398
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(2) In accordance with section 149.43 of the Revised Code, the registrar or an employee or contractor of the bureau shall make available for inspection or copying a motor vehicle record of a peace officer, parole officer, probation officer, or field officer who has filed a request under division (A) of this section if the record is a public record under that section, but shall obliterate the residence address of the ~~peace~~ officer from the record before making the record available for inspection or copying. The business address of the ~~peace~~ officer may be made available in response to a valid request under section 149.43 of the Revised Code. 405
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(C) Notwithstanding division (B)(2) of section 4501.27 of the 416

Revised Code, the registrar or an employee or contractor of the 417
bureau may disclose the residence address of a peace officer, 418
parole officer, probation officer, or field officer who files a 419
request under division (A) of this section only in accordance with 420
division (B)(1) of section 4501.27 of the Revised Code or pursuant 421
to a court order. 422

(D) If a peace officer, parole officer, probation officer, or 423
field officer files a request under division (A)(1)(b) of this 424
section, the officer shall still provide a residence address in 425
any application for a driver's license or license renewal and in 426
any application for a motor vehicle registration or registration 427
renewal. In accordance with sections 4503.101 and 4507.09 of the 428
Revised Code, an officer shall notify the registrar of any change 429
in the officer's residence within ten days after the change 430
occurs. 431

(E) A certificate of registration issued to a peace officer, 432
parole officer, probation officer, or field officer who files a 433
request under division (A)(1)(b) of this section shall display the 434
business address of the officer. Notwithstanding section 4507.13 435
of the Revised Code, a driver's license issued to ~~a peace~~ an 436
officer who files a request under division (A)(1)(b) of this 437
section shall display the business address of the officer. 438

(F) The registrar may utilize the residence address of a 439
peace officer, parole officer, probation officer, or field officer 440
who files a request under division (A)(1)(b) of this section in 441
carrying out the functions of the bureau of motor vehicles, 442
including determining the district of registration for any 443
applicable motor vehicle tax levied under Chapter 4504. of the 444
Revised Code, determining whether tailpipe emissions inspections 445
are required, and financial responsibility verification. 446

(G) The registrar shall adopt rules governing a request for 447

confidentiality of a peace officer's, parole officer's, probation officer's, or field officer's residence address or use of a business address, including the documentary evidence required to verify the person's status as a peace officer, parole officer, probation officer, or field officer, the length of time that the request will be valid, procedures for ensuring that the bureau of motor vehicles receives notice of any change in a person's status as a peace officer, parole officer, probation officer, or field officer, and any other procedures the registrar considers necessary. The rules of the registrar may require a ~~peace~~ an officer to surrender any certificate of registration and any driver's license bearing the business address of the officer and, upon payment of any applicable fees, to receive a certificate of registration and license bearing the officer's residence address, whenever the officer no longer is associated with that business address.

(H) As used in this section: 464

(1) "Motor vehicle record" has the same meaning as in section 4501.27 of the Revised Code. 465
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(2) "Peace officer" means those persons described in division (A)(1), (2), (4), (5), (6), (9), (10), (12), or (13) of section 109.71 of the Revised Code, the house sergeant at arms appointed under division (B)(1) of section 101.311 of the Revised Code, and any assistant sergeant at arms appointed under division (C)(1) of section 101.311 of the Revised Code. "Peace officer" includes state highway patrol troopers but does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff. 467
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Section 2. That existing sections 149.43, 2921.24, 2921.25, and 4501.271 of the Revised Code are hereby repealed. 477
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