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Senator Austria

**Cosponsors: Senators Bocchieri, Buehrer, Carey, Cates, Coughlin, Faber,
Gardner, Harris, Jacobson, Mason, Mumper, Padgett, Schaffer, Schuring,
Spada, Smith, Grendell, Fedor, Roberts, Amstutz, Kearney, Sawyer, Schuler,
Stivers, Wagoner, Wilson**

**Representatives Batchelder, Boyd, Celeste, Chandler, Ciafardini, Coley,
DeBose, Domenick, Dyer, Flowers, Gardner, Gibbs, Goyal, Grady, Hagan, J.,
Hite, Hughes, Letson, Mandel, McGregor, R., Nero, Schindel, Schlichter,
Uecker, Wachtmann, Widener, Williams, S., Yuko, Zehringer**

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A B I L L

To amend sections 149.43, 317.24, 317.27, 2313.16, 1
2741.02, 2921.22, 3345.01, and 5903.02 and to 2
enact sections 2741.99, 3333.42, and 5913.11 of 3
the Revised Code to exempt certain armed forces 4
discharges from inspection or copying as a public 5
record, to prohibit failing to report the 6
unauthorized use of certain electronic property to 7
law enforcement authorities, to excuse certain 8
military persons from jury duty, to establish a 9
criminal penalty for unlawfully using a deceased 10
military person's persona, to establish tuition 11
benefits for certain military persons, to create 12
the Ohio Military Medal of Distinction, to clarify 13
available remedies for actions under the Uniformed 14
Services Employment and Reemployment Rights Act of 15
1994, and to require a report regarding the 16

feasibility of a National Guard Youth Challenge 17
Program. 18

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

Section 1. That sections 149.43, 317.24, 317.27, 2313.16, 19
2741.02, 2921.22, 3345.01, and 5903.02 be amended and sections 20
2741.99, 3333.42, and 5913.11 of the Revised Code be enacted to 21
read as follows: 22

Sec. 149.43. (A) As used in this section: 23

(1) "Public record" means records kept by any public office, 24
including, but not limited to, state, county, city, village, 25
township, and school district units, and records pertaining to the 26
delivery of educational services by an alternative school in this 27
state kept by the nonprofit or for-profit entity operating the 28
alternative school pursuant to section 3313.533 of the Revised 29
Code. "Public record" does not mean any of the following: 30

(a) Medical records; 31

(b) Records pertaining to probation and parole proceedings or 32
to proceedings related to the imposition of community control 33
sanctions and post-release control sanctions; 34

(c) Records pertaining to actions under section 2151.85 and 35
division (C) of section 2919.121 of the Revised Code and to 36
appeals of actions arising under those sections; 37

(d) Records pertaining to adoption proceedings, including the 38
contents of an adoption file maintained by the department of 39
health under section 3705.12 of the Revised Code; 40

(e) Information in a record contained in the putative father 41
registry established by section 3107.062 of the Revised Code, 42
regardless of whether the information is held by the department of 43

job and family services or, pursuant to section 3111.69 of the	44
Revised Code, the office of child support in the department or a	45
child support enforcement agency;	46
(f) Records listed in division (A) of section 3107.42 of the	47
Revised Code or specified in division (A) of section 3107.52 of	48
the Revised Code;	49
(g) Trial preparation records;	50
(h) Confidential law enforcement investigatory records;	51
(i) Records containing information that is confidential under	52
section 2710.03 or 4112.05 of the Revised Code;	53
(j) DNA records stored in the DNA database pursuant to	54
section 109.573 of the Revised Code;	55
(k) Inmate records released by the department of	56
rehabilitation and correction to the department of youth services	57
or a court of record pursuant to division (E) of section 5120.21	58
of the Revised Code;	59
(l) Records maintained by the department of youth services	60
pertaining to children in its custody released by the department	61
of youth services to the department of rehabilitation and	62
correction pursuant to section 5139.05 of the Revised Code;	63
(m) Intellectual property records;	64
(n) Donor profile records;	65
(o) Records maintained by the department of job and family	66
services pursuant to section 3121.894 of the Revised Code;	67
(p) Peace officer, parole officer, prosecuting attorney,	68
assistant prosecuting attorney, correctional employee, youth	69
services employee, firefighter, or EMT residential and familial	70
information;	71
(q) In the case of a county hospital operated pursuant to	72

Chapter 339. of the Revised Code or a municipal hospital operated	73
pursuant to Chapter 749. of the Revised Code, information that	74
constitutes a trade secret, as defined in section 1333.61 of the	75
Revised Code;	76
(r) Information pertaining to the recreational activities of	77
a person under the age of eighteen;	78
(s) Records provided to, statements made by review board	79
members during meetings of, and all work products of a child	80
fatality review board acting under sections 307.621 to 307.629 of	81
the Revised Code, other than the report prepared pursuant to	82
section 307.626 of the Revised Code;	83
(t) Records provided to and statements made by the executive	84
director of a public children services agency or a prosecuting	85
attorney acting pursuant to section 5153.171 of the Revised Code	86
other than the information released under that section;	87
(u) Test materials, examinations, or evaluation tools used in	88
an examination for licensure as a nursing home administrator that	89
the board of examiners of nursing home administrators administers	90
under section 4751.04 of the Revised Code or contracts under that	91
section with a private or government entity to administer;	92
(v) Records the release of which is prohibited by state or	93
federal law;	94
(w) Proprietary information of or relating to any person that	95
is submitted to or compiled by the Ohio venture capital authority	96
created under section 150.01 of the Revised Code;	97
(x) Information reported and evaluations conducted pursuant	98
to section 3701.072 of the Revised Code;	99
(y) Financial statements and data any person submits for any	100
purpose to the Ohio housing finance agency or the controlling	101
board in connection with applying for, receiving, or accounting	102

for financial assistance from the agency, and information that 103
identifies any individual who benefits directly or indirectly from 104
financial assistance from the agency; 105

(z) Discharges recorded with a county recorder under section 106
317.24 of the Revised Code, as specified in division (B)(2) of 107
that section. 108

(2) "Confidential law enforcement investigatory record" means 109
any record that pertains to a law enforcement matter of a 110
criminal, quasi-criminal, civil, or administrative nature, but 111
only to the extent that the release of the record would create a 112
high probability of disclosure of any of the following: 113

(a) The identity of a suspect who has not been charged with 114
the offense to which the record pertains, or of an information 115
source or witness to whom confidentiality has been reasonably 116
promised; 117

(b) Information provided by an information source or witness 118
to whom confidentiality has been reasonably promised, which 119
information would reasonably tend to disclose the source's or 120
witness's identity; 121

(c) Specific confidential investigatory techniques or 122
procedures or specific investigatory work product; 123

(d) Information that would endanger the life or physical 124
safety of law enforcement personnel, a crime victim, a witness, or 125
a confidential information source. 126

(3) "Medical record" means any document or combination of 127
documents, except births, deaths, and the fact of admission to or 128
discharge from a hospital, that pertains to the medical history, 129
diagnosis, prognosis, or medical condition of a patient and that 130
is generated and maintained in the process of medical treatment. 131

(4) "Trial preparation record" means any record that contains 132

information that is specifically compiled in reasonable 133
anticipation of, or in defense of, a civil or criminal action or 134
proceeding, including the independent thought processes and 135
personal trial preparation of an attorney. 136

(5) "Intellectual property record" means a record, other than 137
a financial or administrative record, that is produced or 138
collected by or for faculty or staff of a state institution of 139
higher learning in the conduct of or as a result of study or 140
research on an educational, commercial, scientific, artistic, 141
technical, or scholarly issue, regardless of whether the study or 142
research was sponsored by the institution alone or in conjunction 143
with a governmental body or private concern, and that has not been 144
publicly released, published, or patented. 145

(6) "Donor profile record" means all records about donors or 146
potential donors to a public institution of higher education 147
except the names and reported addresses of the actual donors and 148
the date, amount, and conditions of the actual donation. 149

(7) "Peace officer, parole officer, prosecuting attorney, 150
assistant prosecuting attorney, correctional employee, youth 151
services employee, firefighter, or EMT residential and familial 152
information" means any information that discloses any of the 153
following about a peace officer, parole officer, prosecuting 154
attorney, assistant prosecuting attorney, correctional employee, 155
youth services employee, firefighter, or EMT: 156

(a) The address of the actual personal residence of a peace 157
officer, parole officer, assistant prosecuting attorney, 158
correctional employee, youth services employee, firefighter, or 159
EMT, except for the state or political subdivision in which the 160
peace officer, parole officer, assistant prosecuting attorney, 161
correctional employee, youth services employee, firefighter, or 162
EMT resides; 163

(b) Information compiled from referral to or participation in 164
an employee assistance program; 165

(c) The social security number, the residential telephone 166
number, any bank account, debit card, charge card, or credit card 167
number, or the emergency telephone number of, or any medical 168
information pertaining to, a peace officer, parole officer, 169
prosecuting attorney, assistant prosecuting attorney, correctional 170
employee, youth services employee, firefighter, or EMT; 171

(d) The name of any beneficiary of employment benefits, 172
including, but not limited to, life insurance benefits, provided 173
to a peace officer, parole officer, prosecuting attorney, 174
assistant prosecuting attorney, correctional employee, youth 175
services employee, firefighter, or EMT by the peace officer's, 176
parole officer's, prosecuting attorney's, assistant prosecuting 177
attorney's, correctional employee's, youth services employee's, 178
firefighter's, or EMT's employer; 179

(e) The identity and amount of any charitable or employment 180
benefit deduction made by the peace officer's, parole officer's, 181
prosecuting attorney's, assistant prosecuting attorney's, 182
correctional employee's, youth services employee's, firefighter's, 183
or EMT's employer from the peace officer's, parole officer's, 184
prosecuting attorney's, assistant prosecuting attorney's, 185
correctional employee's, youth services employee's, firefighter's, 186
or EMT's compensation unless the amount of the deduction is 187
required by state or federal law; 188

(f) The name, the residential address, the name of the 189
employer, the address of the employer, the social security number, 190
the residential telephone number, any bank account, debit card, 191
charge card, or credit card number, or the emergency telephone 192
number of the spouse, a former spouse, or any child of a peace 193
officer, parole officer, prosecuting attorney, assistant 194
prosecuting attorney, correctional employee, youth services 195

employee, firefighter, or EMT; 196

(g) A photograph of a peace officer who holds a position or 197
has an assignment that may include undercover or plain clothes 198
positions or assignments as determined by the peace officer's 199
appointing authority. 200

As used in divisions (A)(7) and (B)(9) of this section, 201
"peace officer" has the same meaning as in section 109.71 of the 202
Revised Code and also includes the superintendent and troopers of 203
the state highway patrol; it does not include the sheriff of a 204
county or a supervisory employee who, in the absence of the 205
sheriff, is authorized to stand in for, exercise the authority of, 206
and perform the duties of the sheriff. 207

As used in divisions (A)(7) and (B)(5) of this section, 208
"correctional employee" means any employee of the department of 209
rehabilitation and correction who in the course of performing the 210
employee's job duties has or has had contact with inmates and 211
persons under supervision. 212

As used in divisions (A)(7) and (B)(5) of this section, 213
"youth services employee" means any employee of the department of 214
youth services who in the course of performing the employee's job 215
duties has or has had contact with children committed to the 216
custody of the department of youth services. 217

As used in divisions (A)(7) and (B)(9) of this section, 218
"firefighter" means any regular, paid or volunteer, member of a 219
lawfully constituted fire department of a municipal corporation, 220
township, fire district, or village. 221

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 222
means EMTs-basic, EMTs-I, and paramedics that provide emergency 223
medical services for a public emergency medical service 224
organization. "Emergency medical service organization," 225
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 226

section 4765.01 of the Revised Code.	227
(8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:	228
(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;	229
(b) The social security number, birth date, or photographic image of a person under the age of eighteen;	230
(c) Any medical record, history, or information pertaining to a person under the age of eighteen;	231
(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.	232
(9) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	233
(10) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	234
(11) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.	235
(12) "Designee" and "elected official" have the same meanings as in section 109.43 of the Revised Code.	236
(B)(1) Upon request and subject to division (B)(8) of this	237

section, all public records responsive to the request shall be 257
promptly prepared and made available for inspection to any person 258
at all reasonable times during regular business hours. Subject to 259
division (B)(8) of this section, upon request, a public office or 260
person responsible for public records shall make copies of the 261
requested public record available at cost and within a reasonable 262
period of time. If a public record contains information that is 263
exempt from the duty to permit public inspection or to copy the 264
public record, the public office or the person responsible for the 265
public record shall make available all of the information within 266
the public record that is not exempt. When making that public 267
record available for public inspection or copying that public 268
record, the public office or the person responsible for the public 269
record shall notify the requester of any redaction or make the 270
redaction plainly visible. A redaction shall be deemed a denial of 271
a request to inspect or copy the redacted information, except if 272
federal or state law authorizes or requires a public office to 273
make the redaction. 274

(2) To facilitate broader access to public records, a public 275
office or the person responsible for public records shall organize 276
and maintain public records in a manner that they can be made 277
available for inspection or copying in accordance with division 278
(B) of this section. A public office also shall have available a 279
copy of its current records retention schedule at a location 280
readily available to the public. If a requester makes an ambiguous 281
or overly broad request or has difficulty in making a request for 282
copies or inspection of public records under this section such 283
that the public office or the person responsible for the requested 284
public record cannot reasonably identify what public records are 285
being requested, the public office or the person responsible for 286
the requested public record may deny the request but shall provide 287
the requester with an opportunity to revise the request by 288
informing the requester of the manner in which records are 289

maintained by the public office and accessed in the ordinary 290
course of the public office's or person's duties. 291

(3) If a request is ultimately denied, in part or in whole, 292
the public office or the person responsible for the requested 293
public record shall provide the requester with an explanation, 294
including legal authority, setting forth why the request was 295
denied. If the initial request was provided in writing, the 296
explanation also shall be provided to the requester in writing. 297
The explanation shall not preclude the public office or the person 298
responsible for the requested public record from relying upon 299
additional reasons or legal authority in defending an action 300
commenced under division (C) of this section. 301

(4) Unless specifically required or authorized by state or 302
federal law or in accordance with division (B) of this section, no 303
public office or person responsible for public records may limit 304
or condition the availability of public records by requiring 305
disclosure of the requester's identity or the intended use of the 306
requested public record. Any requirement that the requester 307
disclose the requestor's identity or the intended use of the 308
requested public record constitutes a denial of the request. 309

(5) A public office or person responsible for public records 310
may ask a requester to make the request in writing, may ask for 311
the requester's identity, and may inquire about the intended use 312
of the information requested, but may do so only after disclosing 313
to the requester that a written request is not mandatory and that 314
the requester may decline to reveal the requester's identity or 315
the intended use and when a written request or disclosure of the 316
identity or intended use would benefit the requester by enhancing 317
the ability of the public office or person responsible for public 318
records to identify, locate, or deliver the public records sought 319
by the requester. 320

(6) If any person chooses to obtain a copy of a public record 321

in accordance with division (B) of this section, the public office 322
or person responsible for the public record may require that 323
person to pay in advance the cost involved in providing the copy 324
of the public record in accordance with the choice made by the 325
person seeking the copy under this division. The public office or 326
the person responsible for the public record shall permit that 327
person to choose to have the public record duplicated upon paper, 328
upon the same medium upon which the public office or person 329
responsible for the public record keeps it, or upon any other 330
medium upon which the public office or person responsible for the 331
public record determines that it reasonably can be duplicated as 332
an integral part of the normal operations of the public office or 333
person responsible for the public record. When the person seeking 334
the copy makes a choice under this division, the public office or 335
person responsible for the public record shall provide a copy of 336
it in accordance with the choice made by the person seeking the 337
copy. Nothing in this section requires a public office or person 338
responsible for the public record to allow the person seeking a 339
copy of the public record to make the copies of the public record. 340

(7) Upon a request made in accordance with division (B) of 341
this section and subject to division (B)(6) of this section, a 342
public office or person responsible for public records shall 343
transmit a copy of a public record to any person by United States 344
mail or by any other means of delivery or transmission within a 345
reasonable period of time after receiving the request for the 346
copy. The public office or person responsible for the public 347
record may require the person making the request to pay in advance 348
the cost of postage if the copy is transmitted by United States 349
mail or the cost of delivery if the copy is transmitted other than 350
by United States mail, and to pay in advance the costs incurred 351
for other supplies used in the mailing, delivery, or transmission. 352

Any public office may adopt a policy and procedures that it 353

will follow in transmitting, within a reasonable period of time 354
after receiving a request, copies of public records by United 355
States mail or by any other means of delivery or transmission 356
pursuant to this division. A public office that adopts a policy 357
and procedures under this division shall comply with them in 358
performing its duties under this division. 359

In any policy and procedures adopted under this division, a 360
public office may limit the number of records requested by a 361
person that the office will transmit by United States mail to ten 362
per month, unless the person certifies to the office in writing 363
that the person does not intend to use or forward the requested 364
records, or the information contained in them, for commercial 365
purposes. For purposes of this division, "commercial" shall be 366
narrowly construed and does not include reporting or gathering 367
news, reporting or gathering information to assist citizen 368
oversight or understanding of the operation or activities of 369
government, or nonprofit educational research. 370

(8) A public office or person responsible for public records 371
is not required to permit a person who is incarcerated pursuant to 372
a criminal conviction or a juvenile adjudication to inspect or to 373
obtain a copy of any public record concerning a criminal 374
investigation or prosecution or concerning what would be a 375
criminal investigation or prosecution if the subject of the 376
investigation or prosecution were an adult, unless the request to 377
inspect or to obtain a copy of the record is for the purpose of 378
acquiring information that is subject to release as a public 379
record under this section and the judge who imposed the sentence 380
or made the adjudication with respect to the person, or the 381
judge's successor in office, finds that the information sought in 382
the public record is necessary to support what appears to be a 383
justiciable claim of the person. 384

(9) Upon written request made and signed by a journalist on 385

or after December 16, 1999, a public office, or person responsible 386
for public records, having custody of the records of the agency 387
employing a specified peace officer, parole officer, prosecuting 388
attorney, assistant prosecuting attorney, correctional employee, 389
youth services employee, firefighter, or EMT shall disclose to the 390
journalist the address of the actual personal residence of the 391
peace officer, parole officer, prosecuting attorney, assistant 392
prosecuting attorney, correctional employee, youth services 393
employee, firefighter, or EMT and, if the peace officer's, parole 394
officer's, prosecuting attorney's, assistant prosecuting 395
attorney's, correctional employee's, youth services employee's, 396
firefighter's, or EMT's spouse, former spouse, or child is 397
employed by a public office, the name and address of the employer 398
of the peace officer's, parole officer's, prosecuting attorney's, 399
assistant prosecuting attorney's, correctional employee's, youth 400
services employee's, firefighter's, or EMT's spouse, former 401
spouse, or child. The request shall include the journalist's name 402
and title and the name and address of the journalist's employer 403
and shall state that disclosure of the information sought would be 404
in the public interest. 405

As used in this division, "journalist" means a person engaged 406
in, connected with, or employed by any news medium, including a 407
newspaper, magazine, press association, news agency, or wire 408
service, a radio or television station, or a similar medium, for 409
the purpose of gathering, processing, transmitting, compiling, 410
editing, or disseminating information for the general public. 411

(C)(1) If a person allegedly is aggrieved by the failure of a 412
public office or the person responsible for public records to 413
promptly prepare a public record and to make it available to the 414
person for inspection in accordance with division (B) of this 415
section or by any other failure of a public office or the person 416
responsible for public records to comply with an obligation in 417

accordance with division (B) of this section, the person allegedly 418
aggrieved may commence a mandamus action to obtain a judgment that 419
orders the public office or the person responsible for the public 420
record to comply with division (B) of this section, that awards 421
court costs and reasonable attorney's fees to the person that 422
instituted the mandamus action, and, if applicable, that includes 423
an order fixing statutory damages under division (C)(1) of this 424
section. The mandamus action may be commenced in the court of 425
common pleas of the county in which division (B) of this section 426
allegedly was not complied with, in the supreme court pursuant to 427
its original jurisdiction under Section 2 of Article IV, Ohio 428
Constitution, or in the court of appeals for the appellate 429
district in which division (B) of this section allegedly was not 430
complied with pursuant to its original jurisdiction under Section 431
3 of Article IV, Ohio Constitution. 432

If a requestor transmits a written request by hand delivery 433
or certified mail to inspect or receive copies of any public 434
record in a manner that fairly describes the public record or 435
class of public records to the public office or person responsible 436
for the requested public records, except as otherwise provided in 437
this section, the requestor shall be entitled to recover the 438
amount of statutory damages set forth in this division if a court 439
determines that the public office or the person responsible for 440
public records failed to comply with an obligation in accordance 441
with division (B) of this section. 442

The amount of statutory damages shall be fixed at one hundred 443
dollars for each business day during which the public office or 444
person responsible for the requested public records failed to 445
comply with an obligation in accordance with division (B) of this 446
section, beginning with the day on which the requester files a 447
mandamus action to recover statutory damages, up to a maximum of 448
one thousand dollars. The award of statutory damages shall not be 449

construed as a penalty, but as compensation for injury arising 450
from lost use of the requested information. The existence of this 451
injury shall be conclusively presumed. The award of statutory 452
damages shall be in addition to all other remedies authorized by 453
this section. 454

The court may reduce an award of statutory damages or not 455
award statutory damages if the court determines both of the 456
following: 457

(a) That, based on the ordinary application of statutory law 458
and case law as it existed at the time of the conduct or 459
threatened conduct of the public office or person responsible for 460
the requested public records that allegedly constitutes a failure 461
to comply with an obligation in accordance with division (B) of 462
this section and that was the basis of the mandamus action, a 463
well-informed public office or person responsible for the 464
requested public records reasonably would believe that the conduct 465
or threatened conduct of the public office or person responsible 466
for the requested public records did not constitute a failure to 467
comply with an obligation in accordance with division (B) of this 468
section; 469

(b) That a well-informed public office or person responsible 470
for the requested public records reasonably would believe that the 471
conduct or threatened conduct of the public office or person 472
responsible for the requested public records would serve the 473
public policy that underlies the authority that is asserted as 474
permitting that conduct or threatened conduct. 475

(2)(a) If the court issues a writ of mandamus that orders the 476
public office or the person responsible for the public record to 477
comply with division (B) of this section and determines that the 478
circumstances described in division (C)(1) of this section exist, 479
the court shall determine and award to the relator all court 480
costs. 481

(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section, the court may award reasonable attorney's fees subject to reduction as described in division (C)(2)(c) of this section. The court shall award reasonable attorney's fees, subject to reduction as described in division (C)(2)(c) of this section when either of the following applies:

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

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

(c) Court costs and reasonable attorney's fees awarded under this section shall be construed as remedial and not punitive. Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees. The court may reduce an award of attorney's fees to the relator or not award attorney's fees to the relator if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct

or threatened conduct of the public office or person responsible 514
for the requested public records did not constitute a failure to 515
comply with an obligation in accordance with division (B) of this 516
section; 517

(ii) That a well-informed public office or person responsible 518
for the requested public records reasonably would believe that the 519
conduct or threatened conduct of the public office or person 520
responsible for the requested public records as described in 521
division (C)(2)(c)(i) of this section would serve the public 522
policy that underlies the authority that is asserted as permitting 523
that conduct or threatened conduct. 524

(D) Chapter 1347. of the Revised Code does not limit the 525
provisions of this section. 526

(E)(1) To ensure that all employees of public offices are 527
appropriately educated about a public office's obligations under 528
division (B) of this section, all elected officials or their 529
appropriate designees shall attend training approved by the 530
attorney general as provided in section 109.43 of the Revised 531
Code. In addition, all public offices shall adopt a public records 532
policy in compliance with this section for responding to public 533
records requests. In adopting a public records policy under this 534
division, a public office may obtain guidance from the model 535
public records policy developed and provided to the public office 536
by the attorney general under section 109.43 of the Revised Code. 537
Except as otherwise provided in this section, the policy may not 538
limit the number of public records that the public office will 539
make available to a single person, may not limit the number of 540
public records that it will make available during a fixed period 541
of time, and may not establish a fixed period of time before it 542
will respond to a request for inspection or copying of public 543
records, unless that period is less than eight hours. 544

(2) The public office shall distribute the public records 545

policy adopted by the public office under division (E)(1) of this 546
section to the employee of the public office who is the records 547
custodian or records manager or otherwise has custody of the 548
records of that office. The public office shall require that 549
employee to acknowledge receipt of the copy of the public records 550
policy. The public office shall create a poster that describes its 551
public records policy and shall post the poster in a conspicuous 552
place in the public office and in all locations where the public 553
office has branch offices. The public office may post its public 554
records policy on the internet web site of the public office if 555
the public office maintains an internet web site. A public office 556
that has established a manual or handbook of its general policies 557
and procedures for all employees of the public office shall 558
include the public records policy of the public office in the 559
manual or handbook. 560

(F)(1) The bureau of motor vehicles may adopt rules pursuant 561
to Chapter 119. of the Revised Code to reasonably limit the number 562
of bulk commercial special extraction requests made by a person 563
for the same records or for updated records during a calendar 564
year. The rules may include provisions for charges to be made for 565
bulk commercial special extraction requests for the actual cost of 566
the bureau, plus special extraction costs, plus ten per cent. The 567
bureau may charge for expenses for redacting information, the 568
release of which is prohibited by law. 569

(2) As used in division (F)(1) of this section: 570

(a) "Actual cost" means the cost of depleted supplies, 571
records storage media costs, actual mailing and alternative 572
delivery costs, or other transmitting costs, and any direct 573
equipment operating and maintenance costs, including actual costs 574
paid to private contractors for copying services. 575

(b) "Bulk commercial special extraction request" means a 576
request for copies of a record for information in a format other 577

than the format already available, or information that cannot be 578
extracted without examination of all items in a records series, 579
class of records, or data base by a person who intends to use or 580
forward the copies for surveys, marketing, solicitation, or resale 581
for commercial purposes. "Bulk commercial special extraction 582
request" does not include a request by a person who gives 583
assurance to the bureau that the person making the request does 584
not intend to use or forward the requested copies for surveys, 585
marketing, solicitation, or resale for commercial purposes. 586

(c) "Commercial" means profit-seeking production, buying, or 587
selling of any good, service, or other product. 588

(d) "Special extraction costs" means the cost of the time 589
spent by the lowest paid employee competent to perform the task, 590
the actual amount paid to outside private contractors employed by 591
the bureau, or the actual cost incurred to create computer 592
programs to make the special extraction. "Special extraction 593
costs" include any charges paid to a public agency for computer or 594
records services. 595

(3) For purposes of divisions (F)(1) and (2) of this section, 596
"surveys, marketing, solicitation, or resale for commercial 597
purposes" shall be narrowly construed and does not include 598
reporting or gathering news, reporting or gathering information to 599
assist citizen oversight or understanding of the operation or 600
activities of government, or nonprofit educational research. 601

Sec. 317.24. (A) As used in this section: 602

(1) "Authorized party" means any of the following: 603

(a) The person who is the subject of the record of discharge; 604

(b) A county veterans service officer, or an 605
attorney-in-fact, agent, or other representative of the person who 606
is the subject of the record of discharge, if authorized to 607

inspect or copy the record of discharge by that person in a power 608
of attorney or other document; 609

(c) A person authorized, for good cause shown, by a court of 610
record to inspect or copy the record of discharge; 611

(d) If the person who is the subject of the record of 612
discharge is deceased, the executor or administrator, or an heir, 613
legatee, or devisee, of the person's estate or a funeral director 614
who is to perform the funeral for the deceased person. 615

(2) "Separation code" or "separation program number" means 616
the coded number or numbers used to specify the reasons for a 617
person's separation from active duty, as contained in one of the 618
following: 619

(a) Regarding a separation code, as contained in line 23 or 620
26 of a veteran's discharge paper, United States department of 621
defense form DD-214; 622

(b) Regarding a separation program number, as contained in 623
line 9(c) or line 11(c) of a veteran's discharge paper, under 624
prior versions of United States department of defense form DD-214. 625

(3) "Service-related document" means any United States 626
department of defense form DD-215 or DD-220, or any National Guard 627
Bureau form NGB-22 or NGB-22A. 628

(B)(1) Upon request of any discharged member of the armed 629
forces of the United States and presentation of the member's 630
discharge, the county recorder shall record the discharge in a 631
book to be furnished by the board of county commissioners for that 632
purpose. There shall be no fee for the recording. The record of 633
discharge, or a certified copy of the record, shall be received in 634
evidence in all cases where the original discharge would be 635
received. 636

(2)(a) A discharge recorded under division (B)(1) or (D) of 637

this section is not a public record under section 149.43 of the 638
Revised Code for a period of seventy-five years after the date of 639
the recording. During that period, the county recorder's office 640
shall make the record of discharge available only to an authorized 641
party or to a person other than an authorized party as provided by 642
division (B)(2)(b) of this section. Except as provided in section 643
317.27 of the Revised Code, the authorized party shall pay the 644
reasonable costs of copying the record of discharge. 645

(b) A person other than an authorized party may request to 646
view or receive a copy of a discharge record recorded under 647
division (B)(1) or (D) of this section. Upon such a person's 648
request, the county recorder's office shall provide a copy of the 649
discharged record to the person that shall be redacted to contain 650
only the name, rank, date of birth, date of discharge, and type of 651
discharge of the person who is the subject of the discharge 652
record. Except as provided in section 317.27 of the Revised Code, 653
a person other than an authorized party shall pay the reasonable 654
costs of copying the record of discharge. 655

~~(B)~~(C) Upon application by a person whose discharge has been 656
recorded pursuant to this section, the county recorder shall, 657
without fee, expunge the person's record of discharge, expunge the 658
person's separation program number or separation code from the 659
person's record of discharge and from any of the person's other 660
service-related documents that have been recorded, or expunge the 661
person's social security number from the person's record of 662
discharge and from any of the person's other service-related 663
documents that have been recorded. The application shall be in the 664
following form: 665

"APPLICATION FOR EXPUNGEMENT 666
OF DISCHARGE RECORD OR OTHER INFORMATION 667

I, (Name of Applicant), the undersigned, 668
hereby request the County Recorder of the County of 669

(Name of County), state of Ohio, to expunge my (Insert
Record of Discharge, Separation Program Number or Separation Code
from my Record of Discharge and other service-related documents,
or Social Security Number from my Record of Discharge and other
service-related documents).

Dated this day of,

.....

(Signature of Applicant)

Sworn to and subscribed before me by (Name of
Applicant) on,

.....

Notary Public

My commission expires,"

~~(C) "As used in this section:~~

~~(1) "Separation code" or "separation program number" means
the coded number or numbers used to specify the reasons for a
person's separation from active duty, as contained in one of the
following:~~

~~(a) Regarding a separation code, as contained in line 23 or
26 of a veteran's discharge paper, United States department of
defense form DD-214;~~

~~(b) Regarding a separation program number, as contained in
line 9 (c) or line 11 (c) of a veteran's discharge paper, under
prior versions of United States department of defense form DD-214.~~

~~(2) "Service related document" means any United States
department of defense form DD-215 or DD-220, or any National Guard
Bureau form NGB-22 or NGB-22A.~~

(D) Upon the request of any person who served during World
War I or World War II as a member of any armed force of the
government of Poland or Czechoslovakia and participated while so

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serving in armed conflict with an enemy of the United States and
who has been a citizen of the United States for at least ten
years, and the presentation of the person's discharge, the county
recorder shall record the person's discharge in a book to be
furnished by the board of county commissioners for that purpose.
No fee shall be charged for the recording. The record, or a
certified copy of it, shall be received in evidence in all cases
where the original would be received.

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Sec. 317.27. On demand and tender of the proper fees, the
county recorder shall furnish to any person an accurate, certified
copy of any record in ~~his~~ the recorder's office other than a
record of discharge under section 317.24 of the Revised Code, and
affix ~~his~~ the recorder's official seal thereto. The recorder shall
issue, without charge, upon the request of ~~any discharged member~~
~~of the armed forces~~ an authorized party, as defined in section
317.24 of the Revised Code or a person other than an authorized
party as defined in that section, one certified copy or one
certified photostatic copy of the recorded record of discharge
under that section, with the official seal of the county recorder
affixed thereto.

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Any certified copy of any record, document, or map and any
transcription of records, required or permitted to be made by the
recorder, may be made by any method provided for the making of
records.

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Sec. 2313.16. (A) Except as provided by section 2313.13 of
the Revised Code, the court of common pleas shall not excuse a
person who is liable to serve as a juror and who is drawn and
notified, unless it is shown to the satisfaction of the judge by
either the juror or another person acquainted with the facts that
one or more of the following applies:

- (1) The interests of the public will be materially injured by the juror's attendance. 727
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- (2) The juror's spouse or a near relative of the juror or the juror's spouse has recently died or is dangerously ill. 729
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- (3) The juror is a cloistered member of a religious organization. 731
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- (4) The prospective juror has a mental or physical condition that causes the prospective juror to be incapable of performing jury service. The prospective juror, or the prospective juror's personal representative, must provide the court with documentation from a physician licensed to practice medicine verifying that a mental or physical condition renders the prospective juror unfit for jury service for a period of up to twenty-four months. 733
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- (5) Jury service would otherwise cause undue or extreme physical or financial hardship to the prospective juror or a person under the care or supervision of the prospective juror. A judge of the court for which the prospective juror was called to jury service shall make undue or extreme physical or financial hardship determinations. The judge may delegate the authority to make these determinations to an appropriate court employee appointed by the court. 740
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- (6) The juror is over seventy-five years of age, and the juror requests to be excused. 748
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- (7) The prospective juror is an active member of a recognized amish sect and requests to be excused because of the prospective juror's sincere belief that as a result of that membership the prospective juror cannot pass judgment in a judicial matter. 750
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- (8) The prospective juror is on active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code. 754
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(B)(1) A prospective juror who requests to be excused from jury service under this section shall take all actions necessary to obtain a ruling on that request by not later than the date on which the prospective juror is scheduled to appear for jury duty.

(2) A prospective juror who requests to be excused as provided in division (A)(6) of this section shall inform the appropriate court employee appointed by the court of the prospective juror's request to be so excused by not later than the date on which the prospective juror is scheduled to appear for jury duty. The prospective juror shall inform that court employee of the request to be so excused by appearing in person before the employee or contacting the employee by telephone, in writing, or by electronic mail.

(C)(1) For purposes of this section, undue or extreme physical or financial hardship is limited to circumstances in which any of the following apply:

(a) The prospective juror would be required to abandon a person under the prospective juror's personal care or supervision due to the impossibility of obtaining an appropriate substitute caregiver during the period of participation in the jury pool or on the jury.

(b) The prospective juror would incur costs that would have a substantial adverse impact on the payment of the prospective juror's necessary daily living expenses or on those for whom the prospective juror provides the principal means of support.

(c) The prospective juror would suffer physical hardship that would result in illness or disease.

(2) Undue or extreme physical or financial hardship does not exist solely based on the fact that a prospective juror will be required to be absent from the prospective juror's place of employment.

(D) A prospective juror who asks a judge to grant an excuse 789
based on undue or extreme physical or financial hardship shall 790
provide the judge with documentation that the judge finds to 791
clearly support the request to be excused. If a prospective juror 792
fails to provide satisfactory documentation, the court may deny 793
the request to be excused. 794

(E) When a prospective juror who is liable to serve is 795
excused in a case specified in this section, the prospective juror 796
can be excused only by the judge presiding in the case or a 797
representative of the judge. An excuse, including whether or not 798
it is a permanent excuse, approved pursuant to this section shall 799
not extend beyond that term. Every approved excuse shall be 800
recorded and filed with the commissioners of jurors. After 801
twenty-four months, a person excused from jury service shall 802
become eligible once again for qualification as a juror unless the 803
person was excused from service permanently. A person is excused 804
from jury service permanently only when the deciding judge 805
determines that the underlying grounds for being excused are of a 806
permanent nature. 807

Sec. 2741.02. (A) Except as otherwise provided in this 808
section, a person shall not use any aspect of an individual's 809
persona for a commercial purpose ~~during~~: 810

(1) During the individual's lifetime ~~or for~~; 811

(2) For a period of sixty years after the date of the 812
individual's death; or 813

(3) For a period of ten years after the date of death of a 814
deceased member of the Ohio national guard or the armed forces of 815
the United States. 816

(B) A person may use an individual's persona for a commercial 817
purpose during the individual's lifetime if the person first 818

obtains the written consent to use the individual's persona from a person specified in section 2741.05 of the Revised Code. If an individual whose persona is at issue has died, a person may use the individual's persona for a commercial purpose if either of the following applies:

(1) The person first obtains the written consent to use the individual's persona from a person specified in section 2741.05 of the Revised Code who owns the individual's right of publicity.

(2) The name of the individual whose persona is used was the name of a business entity or a trade name at the time of the individual's death.

(C) Subject to the terms of any agreement between a person specified in section 2741.05 of the Revised Code and a person to whom that person grants consent to use an individual's right of publicity, a consent obtained before the death of an individual whose persona is at issue remains valid after the individual's death.

(D) For purposes of this section:

(1) A use of an aspect of an individual's persona in connection with any news, public affairs, sports broadcast, or account does not constitute a use for which consent is required under division (A) of this section.

(2) A use of an aspect of an individual's persona in connection with any political campaign and in compliance with Title XXXV of the Revised Code does not constitute a use for which consent is required under division (A) of this section.

(E) The owners or employees of any medium used for advertising, including but not limited to, a newspaper, magazine, radio or television network or station, cable television system, billboard, transit ad, and global communications network, by whom any advertisement or solicitation in violation of this section is

published or disseminated are not liable under this section or 850
section 2741.07 of the Revised Code unless it is established that 851
those owners or employees had knowledge of the unauthorized use of 852
the persona as prohibited by this section. 853

Sec. 2741.99. Whoever violates division (A)(3) of section 854
2741.02 of the Revised Code is guilty of a misdemeanor of the 855
first degree. A criminal penalty imposed under this section is 856
cumulative to a civil remedy under Chapter 2741. of the Revised 857
Code. 858

Sec. 2921.22. (A) ~~No~~ (1) Except as provided in division 859
(A)(2) of this section, no person, knowing that a felony has been 860
or is being committed, shall knowingly fail to report such 861
information to law enforcement authorities. 862

(2) No person, knowing that a violation of division (B) of 863
section 2913.04 of the Revised Code has been, or is being 864
committed or that the person has received information derived from 865
such a violation, shall knowingly fail to report the violation to 866
law enforcement authorities. 867

(B) Except for conditions that are within the scope of 868
division (E) of this section, no physician, limited practitioner, 869
nurse, or other person giving aid to a sick or injured person 870
shall negligently fail to report to law enforcement authorities 871
any gunshot or stab wound treated or observed by the physician, 872
limited practitioner, nurse, or person, or any serious physical 873
harm to persons that the physician, limited practitioner, nurse, 874
or person knows or has reasonable cause to believe resulted from 875
an offense of violence. 876

(C) No person who discovers the body or acquires the first 877
knowledge of the death of a person shall fail to report the death 878
immediately to a physician whom the person knows to be treating 879

the deceased for a condition from which death at such time would 880
not be unexpected, or to a law enforcement officer, an ambulance 881
service, an emergency squad, or the coroner in a political 882
subdivision in which the body is discovered, the death is believed 883
to have occurred, or knowledge concerning the death is obtained. 884

(D) No person shall fail to provide upon request of the 885
person to whom a report required by division (C) of this section 886
was made, or to any law enforcement officer who has reasonable 887
cause to assert the authority to investigate the circumstances 888
surrounding the death, any facts within the person's knowledge 889
that may have a bearing on the investigation of the death. 890

(E)(1) As used in this division, "burn injury" means any of 891
the following: 892

(a) Second or third degree burns; 893

(b) Any burns to the upper respiratory tract or laryngeal 894
edema due to the inhalation of superheated air; 895

(c) Any burn injury or wound that may result in death; 896

(d) Any physical harm to persons caused by or as the result 897
of the use of fireworks, novelties and trick noisemakers, and wire 898
sparklers, as each is defined by section 3743.01 of the Revised 899
Code. 900

(2) No physician, nurse, or limited practitioner who, outside 901
a hospital, sanitarium, or other medical facility, attends or 902
treats a person who has sustained a burn injury that is inflicted 903
by an explosion or other incendiary device or that shows evidence 904
of having been inflicted in a violent, malicious, or criminal 905
manner shall fail to report the burn injury immediately to the 906
local arson, or fire and explosion investigation, bureau, if there 907
is a bureau of this type in the jurisdiction in which the person 908
is attended or treated, or otherwise to local law enforcement 909
authorities. 910

(3) No manager, superintendent, or other person in charge of 911
a hospital, sanitarium, or other medical facility in which a 912
person is attended or treated for any burn injury that is 913
inflicted by an explosion or other incendiary device or that shows 914
evidence of having been inflicted in a violent, malicious, or 915
criminal manner shall fail to report the burn injury immediately 916
to the local arson, or fire and explosion investigation, bureau, 917
if there is a bureau of this type in the jurisdiction in which the 918
person is attended or treated, or otherwise to local law 919
enforcement authorities. 920

(4) No person who is required to report any burn injury under 921
division (E)(2) or (3) of this section shall fail to file, within 922
three working days after attending or treating the victim, a 923
written report of the burn injury with the office of the state 924
fire marshal. The report shall comply with the uniform standard 925
developed by the state fire marshal pursuant to division (A)(15) 926
of section 3737.22 of the Revised Code. 927

(5) Anyone participating in the making of reports under 928
division (E) of this section or anyone participating in a judicial 929
proceeding resulting from the reports is immune from any civil or 930
criminal liability that otherwise might be incurred or imposed as 931
a result of such actions. Notwithstanding section 4731.22 of the 932
Revised Code, the physician-patient relationship is not a ground 933
for excluding evidence regarding a person's burn injury or the 934
cause of the burn injury in any judicial proceeding resulting from 935
a report submitted under division (E) of this section. 936

(F)(1) Any doctor of medicine or osteopathic medicine, 937
hospital intern or resident, registered or licensed practical 938
nurse, psychologist, social worker, independent social worker, 939
social work assistant, professional clinical counselor, or 940
professional counselor who knows or has reasonable cause to 941
believe that a patient or client has been the victim of domestic 942

violence, as defined in section 3113.31 of the Revised Code, shall 943
note that knowledge or belief and the basis for it in the 944
patient's or client's records. 945

(2) Notwithstanding section 4731.22 of the Revised Code, the 946
doctor-patient privilege shall not be a ground for excluding any 947
information regarding the report containing the knowledge or 948
belief noted under division (F)(1) of this section, and the 949
information may be admitted as evidence in accordance with the 950
Rules of Evidence. 951

(G) Divisions (A) and (D) of this section do not require 952
disclosure of information, when any of the following applies: 953

(1) The information is privileged by reason of the 954
relationship between attorney and client; doctor and patient; 955
licensed psychologist or licensed school psychologist and client; 956
member of the clergy, rabbi, minister, or priest and any person 957
communicating information confidentially to the member of the 958
clergy, rabbi, minister, or priest for a religious counseling 959
purpose of a professional character; husband and wife; or a 960
communications assistant and those who are a party to a 961
telecommunications relay service call. 962

(2) The information would tend to incriminate a member of the 963
actor's immediate family. 964

(3) Disclosure of the information would amount to revealing a 965
news source, privileged under section 2739.04 or 2739.12 of the 966
Revised Code. 967

(4) Disclosure of the information would amount to disclosure 968
by a member of the ordained clergy of an organized religious body 969
of a confidential communication made to that member of the clergy 970
in that member's capacity as a member of the clergy by a person 971
seeking the aid or counsel of that member of the clergy. 972

(5) Disclosure would amount to revealing information acquired 973

by the actor in the course of the actor's duties in connection 974
with a bona fide program of treatment or services for drug 975
dependent persons or persons in danger of drug dependence, which 976
program is maintained or conducted by a hospital, clinic, person, 977
agency, or organization certified pursuant to section 3793.06 of 978
the Revised Code. 979

(6) Disclosure would amount to revealing information acquired 980
by the actor in the course of the actor's duties in connection 981
with a bona fide program for providing counseling services to 982
victims of crimes that are violations of section 2907.02 or 983
2907.05 of the Revised Code or to victims of felonious sexual 984
penetration in violation of former section 2907.12 of the Revised 985
Code. As used in this division, "counseling services" include 986
services provided in an informal setting by a person who, by 987
education or experience, is competent to provide those services. 988

(H) No disclosure of information pursuant to this section 989
gives rise to any liability or recrimination for a breach of 990
privilege or confidence. 991

(I) Whoever violates division (A) or (B) of this section is 992
guilty of failure to report a crime. Violation of division (A)(1) 993
of this section is a misdemeanor of the fourth degree. Violation 994
of division (A)(2) or (B) of this section is a misdemeanor of the 995
second degree. 996

(J) Whoever violates division (C) or (D) of this section is 997
guilty of failure to report knowledge of a death, a misdemeanor of 998
the fourth degree. 999

(K)(1) Whoever negligently violates division (E) of this 1000
section is guilty of a minor misdemeanor. 1001

(2) Whoever knowingly violates division (E) of this section 1002
is guilty of a misdemeanor of the second degree. 1003

Sec. 3333.42. No state institution of higher education, as 1004
defined in section 3345.011 of the Revised Code, shall charge a 1005
nonresident student who is a member of the armed forces of the 1006
United States and who is stationed in this state pursuant to 1007
military orders, or who is the spouse or dependent child of such a 1008
student, rates for tuition and fees that are higher than the rates 1009
charged to an Ohio resident. 1010

Sec. 3345.01. Except as provided in sections 3333.17 and, 1011
3333.32, and 3333.42 of the Revised Code, the board of trustees of 1012
a state university or college, as defined in section 3345.12 of 1013
the Revised Code, may charge reasonable tuition for the attendance 1014
of pupils who are nonresidents of Ohio. 1015

Sec. 5903.02. (A) As used in this section, "uniformed 1016
services" and "service in the uniformed services" have the same 1017
meanings as in the "Uniformed Services Employment and Reemployment 1018
Rights Act of 1994," 108 Stat. 3149, 38 U.S.C.A. 4303. 1019

(B) Any person whose absence from a position of employment is 1021
necessitated by reason of service in the uniformed services or in 1022
the Ohio organized militia has the same reinstatement and 1023
reemployment rights in this state that a person has under the 1024
"Uniformed Services Employment and Reemployment Rights Act of 1025
1994." A person who is denied a reinstatement or reemployment 1026
right pursuant to this section has a cause of action for the same 1027
remedies as a person has under the "Uniformed Services Employment 1028
and Reemployment Rights Act of 1994." The court of common pleas, 1029
notwithstanding any sum limitation established by decision of a 1030
board of county commissioners pursuant to section 2305.01 of the 1031
Revised Code, shall have exclusive original jurisdiction for such 1032
actions, unless the defendant is the state, in which case the 1033

court of claims shall have exclusive original jurisdiction 1034
pursuant to division (C) of this section. 1035

(C) A person who seeks reinstatement or reemployment rights 1036
with the state, pursuant to this section, may bring an action in 1037
the court of claims pursuant to this section or section 4323 of 1038
the "Uniformed Services Employment and Reemployment Rights Act of 1039
1994." 1040

(D) In any action or proceeding to enforce a provision of 1041
this section, the court shall require the defendant to pay the 1042
court costs if the plaintiff is the prevailing party in the action 1043
or proceeding. If the plaintiff is not the prevailing party, the 1044
court may use its discretion in allocating court costs among the 1045
parties to the action. 1046

(E) In any action or proceeding to enforce a provision of 1047
this section the court may award to a plaintiff who prevails in 1048
such action or proceeding reasonable attorney's fees, expert 1049
witness fees, and other litigation expenses. If the plaintiff does 1050
not receive a favorable judgment from the court in that action, 1051
the court shall not require the plaintiff to reimburse the state 1052
or the defendant for attorney's fees. 1053

(F) The director of administrative services shall adopt rules 1054
in accordance with Chapter 119. of the Revised Code for the 1055
implementation of this chapter with respect to persons in public 1056
service. 1057

(G) A person is not entitled to a remedy in a state action 1058
under division (B) or (C) of this section if the person has 1059
received a remedy based on the same facts under the "Uniformed 1060
Services Employment and Reemployment Rights Act of 1994." If a 1061
person has received a remedy in a state action under division (B) 1062
or (C) of this section and then receives a remedy based on the 1063
same facts under the "Uniformed Services Employment and 1064

Reemployment Rights Act of 1994," the person shall reimburse the 1065
judgment debtor the value of the federal remedy or the state 1066
remedy whichever is less. 1067

Sec. 5913.11. (A) There is hereby created the Ohio military 1068
medal of distinction. The adjutant general shall design the medal 1069
and coordinate an eligibility establishment program. An individual 1070
is eligible for the medal if the individual was killed in the line 1071
of duty while doing one of the following: 1072

(1) Engaging in an action against an enemy of the United 1073
States; 1074

(2) Engaging in military operations involving conflict with 1075
an opposing foreign force; 1076

(3) Serving with friendly foreign forces engaged in an armed 1077
conflict against an opposing armed force in which the United 1078
States is not a belligerent party; or 1079

(4) Serving in a combat zone designated by presidential 1080
order. 1081

(B) To receive the Ohio military medal of distinction, an 1082
individual shall be at least one of the following at the time the 1083
member was killed in the line of duty: 1084

(1) An Ohio national guard member who is a resident of this 1085
state; 1086

(2) A United States military reserves member who is a 1087
resident of this state; 1088

(3) A United States armed forces member who is either a 1089
resident of this state or stationed in this state by a United 1090
States department of defense order. 1091

(C) At least once per year, both houses of the general 1092
assembly shall obtain a list of eligible medal recipients from the 1093

adjutant general and meet in joint convention to recognize the 1094
medal recipients for the prior year. 1095

Section 2. That existing sections 149.43, 317.24, 317.27, 1096
2313.16, 2741.02, 2921.22, 3345.01, and 5903.02 of the Revised 1097
Code are hereby repealed. 1098

Section 3. The Adjutant General shall examine and make 1099
recommendations on the feasibility of establishing an Ohio 1100
National Guard Youth Challenge Program. The Adjutant General shall 1101
issue a report of the Adjutant General's findings and 1102
recommendations to the President of the Senate, the Speaker of the 1103
House of Representatives, and the Governor not later than the 1104
effective date of this act. 1105

Section 4. Section 149.43 of the Revised Code is presented in 1106
this act as a composite of the section as amended by both Sub. 1107
H.B. 9 and Sub. H.B. 141 of the 126th General Assembly. The 1108
General Assembly, applying the principle stated in division (B) of 1109
section 1.52 of the Revised Code that amendments are to be 1110
harmonized if reasonably capable of simultaneous operation, finds 1111
that the composite is the resulting version of the section in 1112
effect prior to the effective date of the section as presented in 1113
this act. 1114