

**As Reported by the Senate State and Local Government and
Veterans Affairs Committee**

127th General Assembly

Regular Session

2007-2008

Sub. S. B. No. 248

Senator Austria

**Cosponsors: Senators Bocchieri, Buehrer, Carey, Cates, Coughlin, Faber,
Gardner, Harris, Jacobson, Mason, Mumper, Padgett, Schaffer, Schuring,
Spada, Smith, Grendell, Fedor, Roberts**

—

A B I L L

To amend sections 149.43, 317.24, 317.27, 2313.16, 1
2741.02, 2921.22, and 3345.01 and to enact 2
sections 2741.99, 3333.42, and 5913.11 of the 3
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, and to 13
require a report regarding the feasibility of a 14
National Guard Youth Challenge Program. 15
16

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

Section 1. That sections 149.43, 317.24, 317.27, 2313.16, 17

2741.02, 2921.22, and 3345.01 be amended and sections 2741.99, 18
3333.42, and 5913.11 of the Revised Code be enacted to read as 19
follows: 20

Sec. 149.43. (A) As used in this section: 21

(1) "Public record" means records kept by any public office, 22
including, but not limited to, state, county, city, village, 23
township, and school district units, and records pertaining to the 24
delivery of educational services by an alternative school in this 25
state kept by the nonprofit or for-profit entity operating the 26
alternative school pursuant to section 3313.533 of the Revised 27
Code. "Public record" does not mean any of the following: 28

(a) Medical records; 29

(b) Records pertaining to probation and parole proceedings or 30
to proceedings related to the imposition of community control 31
sanctions and post-release control sanctions; 32

(c) Records pertaining to actions under section 2151.85 and 33
division (C) of section 2919.121 of the Revised Code and to 34
appeals of actions arising under those sections; 35

(d) Records pertaining to adoption proceedings, including the 36
contents of an adoption file maintained by the department of 37
health under section 3705.12 of the Revised Code; 38

(e) Information in a record contained in the putative father 39
registry established by section 3107.062 of the Revised Code, 40
regardless of whether the information is held by the department of 41
job and family services or, pursuant to section 3111.69 of the 42
Revised Code, the office of child support in the department or a 43
child support enforcement agency; 44

(f) Records listed in division (A) of section 3107.42 of the 45
Revised Code or specified in division (A) of section 3107.52 of 46

the Revised Code;	47
(g) Trial preparation records;	48
(h) Confidential law enforcement investigatory records;	49
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	50 51
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	52 53
(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;	54 55 56 57
(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;	58 59 60 61
(m) Intellectual property records;	62
(n) Donor profile records;	63
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	64 65
(p) Peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT residential and familial information;	66 67 68 69
(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;	70 71 72 73 74
(r) Information pertaining to the recreational activities of	75

a person under the age of eighteen;	76
(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;	77 78 79 80 81
(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;	82 83 84 85
(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;	86 87 88 89 90
(v) Records the release of which is prohibited by state or federal law;	91 92
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	93 94 95
(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code;	96 97
(y) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	98 99 100 101 102 103
<u>(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of</u>	104 105

that section. 106

(2) "Confidential law enforcement investigatory record" means 107
any record that pertains to a law enforcement matter of a 108
criminal, quasi-criminal, civil, or administrative nature, but 109
only to the extent that the release of the record would create a 110
high probability of disclosure of any of the following: 111

(a) The identity of a suspect who has not been charged with 112
the offense to which the record pertains, or of an information 113
source or witness to whom confidentiality has been reasonably 114
promised; 115

(b) Information provided by an information source or witness 116
to whom confidentiality has been reasonably promised, which 117
information would reasonably tend to disclose the source's or 118
witness's identity; 119

(c) Specific confidential investigatory techniques or 120
procedures or specific investigatory work product; 121

(d) Information that would endanger the life or physical 122
safety of law enforcement personnel, a crime victim, a witness, or 123
a confidential information source. 124

(3) "Medical record" means any document or combination of 125
documents, except births, deaths, and the fact of admission to or 126
discharge from a hospital, that pertains to the medical history, 127
diagnosis, prognosis, or medical condition of a patient and that 128
is generated and maintained in the process of medical treatment. 129

(4) "Trial preparation record" means any record that contains 130
information that is specifically compiled in reasonable 131
anticipation of, or in defense of, a civil or criminal action or 132
proceeding, including the independent thought processes and 133
personal trial preparation of an attorney. 134

(5) "Intellectual property record" means a record, other than 135

a financial or administrative record, that is produced or 136
collected by or for faculty or staff of a state institution of 137
higher learning in the conduct of or as a result of study or 138
research on an educational, commercial, scientific, artistic, 139
technical, or scholarly issue, regardless of whether the study or 140
research was sponsored by the institution alone or in conjunction 141
with a governmental body or private concern, and that has not been 142
publicly released, published, or patented. 143

(6) "Donor profile record" means all records about donors or 144
potential donors to a public institution of higher education 145
except the names and reported addresses of the actual donors and 146
the date, amount, and conditions of the actual donation. 147

(7) "Peace officer, parole officer, prosecuting attorney, 148
assistant prosecuting attorney, correctional employee, youth 149
services employee, firefighter, or EMT residential and familial 150
information" means any information that discloses any of the 151
following about a peace officer, parole officer, prosecuting 152
attorney, assistant prosecuting attorney, correctional employee, 153
youth services employee, firefighter, or EMT: 154

(a) The address of the actual personal residence of a peace 155
officer, parole officer, assistant prosecuting attorney, 156
correctional employee, youth services employee, firefighter, or 157
EMT, except for the state or political subdivision in which the 158
peace officer, parole officer, assistant prosecuting attorney, 159
correctional employee, youth services employee, firefighter, or 160
EMT resides; 161

(b) Information compiled from referral to or participation in 162
an employee assistance program; 163

(c) The social security number, the residential telephone 164
number, any bank account, debit card, charge card, or credit card 165
number, or the emergency telephone number of, or any medical 166

information pertaining to, a peace officer, parole officer, 167
prosecuting attorney, assistant prosecuting attorney, correctional 168
employee, youth services employee, firefighter, or EMT; 169

(d) The name of any beneficiary of employment benefits, 170
including, but not limited to, life insurance benefits, provided 171
to a peace officer, parole officer, prosecuting attorney, 172
assistant prosecuting attorney, correctional employee, youth 173
services employee, firefighter, or EMT by the peace officer's, 174
parole officer's, prosecuting attorney's, assistant prosecuting 175
attorney's, correctional employee's, youth services employee's, 176
firefighter's, or EMT's employer; 177

(e) The identity and amount of any charitable or employment 178
benefit deduction made by the peace officer's, parole officer's, 179
prosecuting attorney's, assistant prosecuting attorney's, 180
correctional employee's, youth services employee's, firefighter's, 181
or EMT's employer from the peace officer's, parole officer's, 182
prosecuting attorney's, assistant prosecuting attorney's, 183
correctional employee's, youth services employee's, firefighter's, 184
or EMT's compensation unless the amount of the deduction is 185
required by state or federal law; 186

(f) The name, the residential address, the name of the 187
employer, the address of the employer, the social security number, 188
the residential telephone number, any bank account, debit card, 189
charge card, or credit card number, or the emergency telephone 190
number of the spouse, a former spouse, or any child of a peace 191
officer, parole officer, prosecuting attorney, assistant 192
prosecuting attorney, correctional employee, youth services 193
employee, firefighter, or EMT; 194

(g) A photograph of a peace officer who holds a position or 195
has an assignment that may include undercover or plain clothes 196
positions or assignments as determined by the peace officer's 197
appointing authority. 198

As used in divisions (A)(7) and (B)(9) of this section, 199
"peace officer" has the same meaning as in section 109.71 of the 200
Revised Code and also includes the superintendent and troopers of 201
the state highway patrol; it does not include the sheriff of a 202
county or a supervisory employee who, in the absence of the 203
sheriff, is authorized to stand in for, exercise the authority of, 204
and perform the duties of the sheriff. 205

As used in divisions (A)(7) and (B)(5) of this section, 206
"correctional employee" means any employee of the department of 207
rehabilitation and correction who in the course of performing the 208
employee's job duties has or has had contact with inmates and 209
persons under supervision. 210

As used in divisions (A)(7) and (B)(5) of this section, 211
"youth services employee" means any employee of the department of 212
youth services who in the course of performing the employee's job 213
duties has or has had contact with children committed to the 214
custody of the department of youth services. 215

As used in divisions (A)(7) and (B)(9) of this section, 216
"firefighter" means any regular, paid or volunteer, member of a 217
lawfully constituted fire department of a municipal corporation, 218
township, fire district, or village. 219

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 220
means EMTs-basic, EMTs-I, and paramedics that provide emergency 221
medical services for a public emergency medical service 222
organization. "Emergency medical service organization," 223
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 224
section 4765.01 of the Revised Code. 225

(8) "Information pertaining to the recreational activities of 226
a person under the age of eighteen" means information that is kept 227
in the ordinary course of business by a public office, that 228
pertains to the recreational activities of a person under the age 229

of eighteen years, and that discloses any of the following:	230
(a) The address or telephone number of a person under the age	231
of eighteen or the address or telephone number of that person's	232
parent, guardian, custodian, or emergency contact person;	233
(b) The social security number, birth date, or photographic	234
image of a person under the age of eighteen;	235
(c) Any medical record, history, or information pertaining to	236
a person under the age of eighteen;	237
(d) Any additional information sought or required about a	238
person under the age of eighteen for the purpose of allowing that	239
person to participate in any recreational activity conducted or	240
sponsored by a public office or to use or obtain admission	241
privileges to any recreational facility owned or operated by a	242
public office.	243
(9) "Community control sanction" has the same meaning as in	244
section 2929.01 of the Revised Code.	245
(10) "Post-release control sanction" has the same meaning as	246
in section 2967.01 of the Revised Code.	247
(11) "Redaction" means obscuring or deleting any information	248
that is exempt from the duty to permit public inspection or	249
copying from an item that otherwise meets the definition of a	250
"record" in section 149.011 of the Revised Code.	251
(12) "Designee" and "elected official" have the same meanings	252
as in section 109.43 of the Revised Code.	253
(B)(1) Upon request and subject to division (B)(8) of this	254
section, all public records responsive to the request shall be	255
promptly prepared and made available for inspection to any person	256
at all reasonable times during regular business hours. Subject to	257
division (B)(8) of this section, upon request, a public office or	258
person responsible for public records shall make copies of the	259

requested public record available at cost and within a reasonable 260
period of time. If a public record contains information that is 261
exempt from the duty to permit public inspection or to copy the 262
public record, the public office or the person responsible for the 263
public record shall make available all of the information within 264
the public record that is not exempt. When making that public 265
record available for public inspection or copying that public 266
record, the public office or the person responsible for the public 267
record shall notify the requester of any redaction or make the 268
redaction plainly visible. A redaction shall be deemed a denial of 269
a request to inspect or copy the redacted information, except if 270
federal or state law authorizes or requires a public office to 271
make the redaction. 272

(2) To facilitate broader access to public records, a public 273
office or the person responsible for public records shall organize 274
and maintain public records in a manner that they can be made 275
available for inspection or copying in accordance with division 276
(B) of this section. A public office also shall have available a 277
copy of its current records retention schedule at a location 278
readily available to the public. If a requester makes an ambiguous 279
or overly broad request or has difficulty in making a request for 280
copies or inspection of public records under this section such 281
that the public office or the person responsible for the requested 282
public record cannot reasonably identify what public records are 283
being requested, the public office or the person responsible for 284
the requested public record may deny the request but shall provide 285
the requester with an opportunity to revise the request by 286
informing the requester of the manner in which records are 287
maintained by the public office and accessed in the ordinary 288
course of the public office's or person's duties. 289

(3) If a request is ultimately denied, in part or in whole, 290
the public office or the person responsible for the requested 291

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

(4) Unless specifically required or authorized by state or 300
federal law or in accordance with division (B) of this section, no 301
public office or person responsible for public records may limit 302
or condition the availability of public records by requiring 303
disclosure of the requester's identity or the intended use of the 304
requested public record. Any requirement that the requester 305
disclose the requestor's identity or the intended use of the 306
requested public record constitutes a denial of the request. 307

(5) A public office or person responsible for public records 308
may ask a requester to make the request in writing, may ask for 309
the requester's identity, and may inquire about the intended use 310
of the information requested, but may do so only after disclosing 311
to the requester that a written request is not mandatory and that 312
the requester may decline to reveal the requester's identity or 313
the intended use and when a written request or disclosure of the 314
identity or intended use would benefit the requester by enhancing 315
the ability of the public office or person responsible for public 316
records to identify, locate, or deliver the public records sought 317
by the requester. 318

(6) If any person chooses to obtain a copy of a public record 319
in accordance with division (B) of this section, the public office 320
or person responsible for the public record may require that 321
person to pay in advance the cost involved in providing the copy 322
of the public record in accordance with the choice made by the 323

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

(7) Upon a request made in accordance with division (B) of 339
this section and subject to division (B)(6) of this section, a 340
public office or person responsible for public records shall 341
transmit a copy of a public record to any person by United States 342
mail or by any other means of delivery or transmission within a 343
reasonable period of time after receiving the request for the 344
copy. The public office or person responsible for the public 345
record may require the person making the request to pay in advance 346
the cost of postage if the copy is transmitted by United States 347
mail or the cost of delivery if the copy is transmitted other than 348
by United States mail, and to pay in advance the costs incurred 349
for other supplies used in the mailing, delivery, or transmission. 350

Any public office may adopt a policy and procedures that it 351
will follow in transmitting, within a reasonable period of time 352
after receiving a request, copies of public records by United 353
States mail or by any other means of delivery or transmission 354
pursuant to this division. A public office that adopts a policy 355

and procedures under this division shall comply with them in 356
performing its duties under this division. 357

In any policy and procedures adopted under this division, a 358
public office may limit the number of records requested by a 359
person that the office will transmit by United States mail to ten 360
per month, unless the person certifies to the office in writing 361
that the person does not intend to use or forward the requested 362
records, or the information contained in them, for commercial 363
purposes. For purposes of this division, "commercial" shall be 364
narrowly construed and does not include reporting or gathering 365
news, reporting or gathering information to assist citizen 366
oversight or understanding of the operation or activities of 367
government, or nonprofit educational research. 368

(8) A public office or person responsible for public records 369
is not required to permit a person who is incarcerated pursuant to 370
a criminal conviction or a juvenile adjudication to inspect or to 371
obtain a copy of any public record concerning a criminal 372
investigation or prosecution or concerning what would be a 373
criminal investigation or prosecution if the subject of the 374
investigation or prosecution were an adult, unless the request to 375
inspect or to obtain a copy of the record is for the purpose of 376
acquiring information that is subject to release as a public 377
record under this section and the judge who imposed the sentence 378
or made the adjudication with respect to the person, or the 379
judge's successor in office, finds that the information sought in 380
the public record is necessary to support what appears to be a 381
justiciable claim of the person. 382

(9) Upon written request made and signed by a journalist on 383
or after December 16, 1999, a public office, or person responsible 384
for public records, having custody of the records of the agency 385
employing a specified peace officer, parole officer, prosecuting 386
attorney, assistant prosecuting attorney, correctional employee, 387

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

As used in this division, "journalist" means a person engaged 404
in, connected with, or employed by any news medium, including a 405
newspaper, magazine, press association, news agency, or wire 406
service, a radio or television station, or a similar medium, for 407
the purpose of gathering, processing, transmitting, compiling, 408
editing, or disseminating information for the general public. 409

(C)(1) If a person allegedly is aggrieved by the failure of a 410
public office or the person responsible for public records to 411
promptly prepare a public record and to make it available to the 412
person for inspection in accordance with division (B) of this 413
section or by any other failure of a public office or the person 414
responsible for public records to comply with an obligation in 415
accordance with division (B) of this section, the person allegedly 416
aggrieved may commence a mandamus action to obtain a judgment that 417
orders the public office or the person responsible for the public 418
record to comply with division (B) of this section, that awards 419

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

If a requestor transmits a written request by hand delivery 431
or certified mail to inspect or receive copies of any public 432
record in a manner that fairly describes the public record or 433
class of public records to the public office or person responsible 434
for the requested public records, except as otherwise provided in 435
this section, the requestor shall be entitled to recover the 436
amount of statutory damages set forth in this division if a court 437
determines that the public office or the person responsible for 438
public records failed to comply with an obligation in accordance 439
with division (B) of this section. 440

The amount of statutory damages shall be fixed at one hundred 441
dollars for each business day during which the public office or 442
person responsible for the requested public records failed to 443
comply with an obligation in accordance with division (B) of this 444
section, beginning with the day on which the requester files a 445
mandamus action to recover statutory damages, up to a maximum of 446
one thousand dollars. The award of statutory damages shall not be 447
construed as a penalty, but as compensation for injury arising 448
from lost use of the requested information. The existence of this 449
injury shall be conclusively presumed. The award of statutory 450
damages shall be in addition to all other remedies authorized by 451

this section. 452

The court may reduce an award of statutory damages or not 453
award statutory damages if the court determines both of the 454
following: 455

(a) That, based on the ordinary application of statutory law 456
and case law as it existed at the time of the conduct or 457
threatened conduct of the public office or person responsible for 458
the requested public records that allegedly constitutes a failure 459
to comply with an obligation in accordance with division (B) of 460
this section and that was the basis of the mandamus action, a 461
well-informed public office or person responsible for the 462
requested public records reasonably would believe that the conduct 463
or threatened conduct of the public office or person responsible 464
for the requested public records did not constitute a failure to 465
comply with an obligation in accordance with division (B) of this 466
section; 467

(b) That a well-informed public office or person responsible 468
for the requested public records reasonably would believe that the 469
conduct or threatened conduct of the public office or person 470
responsible for the requested public records would serve the 471
public policy that underlies the authority that is asserted as 472
permitting that conduct or threatened conduct. 473

(2)(a) If the court issues a writ of mandamus that orders the 474
public office or the person responsible for the public record to 475
comply with division (B) of this section and determines that the 476
circumstances described in division (C)(1) of this section exist, 477
the court shall determine and award to the relator all court 478
costs. 479

(b) If the court renders a judgment that orders the public 480
office or the person responsible for the public record to comply 481
with division (B) of this section, the court may award reasonable 482

attorney's fees subject to reduction as described in division 483
(C)(2)(c) of this section. The court shall award reasonable 484
attorney's fees, subject to reduction as described in division 485
(C)(2)(c) of this section when either of the following applies: 486

(i) The public office or the person responsible for the 487
public records failed to respond affirmatively or negatively to 488
the public records request in accordance with the time allowed 489
under division (B) of this section. 490

(ii) The public office or the person responsible for the 491
public records promised to permit the relator to inspect or 492
receive copies of the public records requested within a specified 493
period of time but failed to fulfill that promise within that 494
specified period of time. 495

(c) Court costs and reasonable attorney's fees awarded under 496
this section shall be construed as remedial and not punitive. 497
Reasonable attorney's fees shall include reasonable fees incurred 498
to produce proof of the reasonableness and amount of the fees and 499
to otherwise litigate entitlement to the fees. The court may 500
reduce an award of attorney's fees to the relator or not award 501
attorney's fees to the relator if the court determines both of the 502
following: 503

(i) That, based on the ordinary application of statutory law 504
and case law as it existed at the time of the conduct or 505
threatened conduct of the public office or person responsible for 506
the requested public records that allegedly constitutes a failure 507
to comply with an obligation in accordance with division (B) of 508
this section and that was the basis of the mandamus action, a 509
well-informed public office or person responsible for the 510
requested public records reasonably would believe that the conduct 511
or threatened conduct of the public office or person responsible 512
for the requested public records did not constitute a failure to 513
comply with an obligation in accordance with division (B) of this 514

section; 515

(ii) That a well-informed public office or person responsible 516
for the requested public records reasonably would believe that the 517
conduct or threatened conduct of the public office or person 518
responsible for the requested public records as described in 519
division (C)(2)(c)(i) of this section would serve the public 520
policy that underlies the authority that is asserted as permitting 521
that conduct or threatened conduct. 522

(D) Chapter 1347. of the Revised Code does not limit the 523
provisions of this section. 524

(E)(1) To ensure that all employees of public offices are 525
appropriately educated about a public office's obligations under 526
division (B) of this section, all elected officials or their 527
appropriate designees shall attend training approved by the 528
attorney general as provided in section 109.43 of the Revised 529
Code. In addition, all public offices shall adopt a public records 530
policy in compliance with this section for responding to public 531
records requests. In adopting a public records policy under this 532
division, a public office may obtain guidance from the model 533
public records policy developed and provided to the public office 534
by the attorney general under section 109.43 of the Revised Code. 535
Except as otherwise provided in this section, the policy may not 536
limit the number of public records that the public office will 537
make available to a single person, may not limit the number of 538
public records that it will make available during a fixed period 539
of time, and may not establish a fixed period of time before it 540
will respond to a request for inspection or copying of public 541
records, unless that period is less than eight hours. 542

(2) The public office shall distribute the public records 543
policy adopted by the public office under division (E)(1) of this 544
section to the employee of the public office who is the records 545
custodian or records manager or otherwise has custody of the 546

records of that office. The public office shall require that 547
employee to acknowledge receipt of the copy of the public records 548
policy. The public office shall create a poster that describes its 549
public records policy and shall post the poster in a conspicuous 550
place in the public office and in all locations where the public 551
office has branch offices. The public office may post its public 552
records policy on the internet web site of the public office if 553
the public office maintains an internet web site. A public office 554
that has established a manual or handbook of its general policies 555
and procedures for all employees of the public office shall 556
include the public records policy of the public office in the 557
manual or handbook. 558

(F)(1) The bureau of motor vehicles may adopt rules pursuant 559
to Chapter 119. of the Revised Code to reasonably limit the number 560
of bulk commercial special extraction requests made by a person 561
for the same records or for updated records during a calendar 562
year. The rules may include provisions for charges to be made for 563
bulk commercial special extraction requests for the actual cost of 564
the bureau, plus special extraction costs, plus ten per cent. The 565
bureau may charge for expenses for redacting information, the 566
release of which is prohibited by law. 567

(2) As used in division (F)(1) of this section: 568

(a) "Actual cost" means the cost of depleted supplies, 569
records storage media costs, actual mailing and alternative 570
delivery costs, or other transmitting costs, and any direct 571
equipment operating and maintenance costs, including actual costs 572
paid to private contractors for copying services. 573

(b) "Bulk commercial special extraction request" means a 574
request for copies of a record for information in a format other 575
than the format already available, or information that cannot be 576
extracted without examination of all items in a records series, 577
class of records, or data base by a person who intends to use or 578

forward the copies for surveys, marketing, solicitation, or resale 579
for commercial purposes. "Bulk commercial special extraction 580
request" does not include a request by a person who gives 581
assurance to the bureau that the person making the request does 582
not intend to use or forward the requested copies for surveys, 583
marketing, solicitation, or resale for commercial purposes. 584

(c) "Commercial" means profit-seeking production, buying, or 585
selling of any good, service, or other product. 586

(d) "Special extraction costs" means the cost of the time 587
spent by the lowest paid employee competent to perform the task, 588
the actual amount paid to outside private contractors employed by 589
the bureau, or the actual cost incurred to create computer 590
programs to make the special extraction. "Special extraction 591
costs" include any charges paid to a public agency for computer or 592
records services. 593

(3) For purposes of divisions (F)(1) and (2) of this section, 594
"surveys, marketing, solicitation, or resale for commercial 595
purposes" shall be narrowly construed and does not include 596
reporting or gathering news, reporting or gathering information to 597
assist citizen oversight or understanding of the operation or 598
activities of government, or nonprofit educational research. 599

Sec. 317.24. (A) As used in this section: 600

(1) "Authorized party" means any of the following: 601

(a) The person who is the subject of the record of discharge; 602

(b) A county veterans service officer, or an 603
attorney-in-fact, agent, or other representative of the person who 604
is the subject of the record of discharge, if authorized to 605
inspect or copy the record of discharge by that person in a power 606
of attorney or other document; 607

(c) A person authorized, for good cause shown, by a court of 608

record to inspect or copy the record of discharge; 609

(d) If the person who is the subject of the record of 610
discharge is deceased, the executor or administrator, or an heir, 611
legatee, or devisee, of the person's estate or a funeral director 612
who is to perform the funeral for the deceased person. 613

(2) "Separation code" or "separation program number" means 614
the coded number or numbers used to specify the reasons for a 615
person's separation from active duty, as contained in one of the 616
following: 617

(a) Regarding a separation code, as contained in line 23 or 618
26 of a veteran's discharge paper, United States department of 619
defense form DD-214; 620

(b) Regarding a separation program number, as contained in 621
line 9(c) or line 11(c) of a veteran's discharge paper, under 622
prior versions of United States department of defense form DD-214. 623

(3) "Service-related document" means any United States 624
department of defense form DD-215 or DD-220, or any National Guard 625
Bureau form NGB-22 or NGB-22A. 626

(B)(1) Upon request of any discharged member of the armed 627
forces of the United States and presentation of the member's 628
discharge, the county recorder shall record the discharge in a 629
book to be furnished by the board of county commissioners for that 630
purpose. There shall be no fee for the recording. The record of 631
discharge, or a certified copy of the record, shall be received in 632
evidence in all cases where the original discharge would be 633
received. 634

(2)(a) A discharge recorded under division (B)(1) or (D) of 635
this section is not a public record under section 149.43 of the 636
Revised Code for a period of seventy-five years after the date of 637
the recording. During that period, the county recorder's office 638
shall make the record of discharge available only to an authorized 639

party or to a person other than an authorized party as provided by 640
division (B)(2)(b) of this section. Except as provided in section 641
317.27 of the Revised Code, the authorized party shall pay the 642
reasonable costs of copying the record of discharge. 643

(b) A person other than an authorized party may request to 644
view or receive a copy of a discharge record recorded under 645
division (B)(1) or (D) of this section. Upon such a person's 646
request, the county recorder's office shall provide a copy of the 647
discharged record to the person that shall be redacted to contain 648
only the name, rank, date of birth, date of discharge, and type of 649
discharge of the person who is the subject of the discharge 650
record. Except as provided in section 317.27 of the Revised Code, 651
a person other than an authorized party shall pay the reasonable 652
costs of copying the record of discharge. 653

~~(B)~~(C) Upon application by a person whose discharge has been 654
recorded pursuant to this section, the county recorder shall, 655
without fee, expunge the person's record of discharge, expunge the 656
person's separation program number or separation code from the 657
person's record of discharge and from any of the person's other 658
service-related documents that have been recorded, or expunge the 659
person's social security number from the person's record of 660
discharge and from any of the person's other service-related 661
documents that have been recorded. The application shall be in the 662
following form: 663

"APPLICATION FOR EXPUNGEMENT 664
OF DISCHARGE RECORD OR OTHER INFORMATION 665

I, (Name of Applicant), the undersigned, 666
hereby request the County Recorder of the County of 667
(Name of County), state of Ohio, to expunge my (Insert 668
Record of Discharge, Separation Program Number or Separation Code 669
from my Record of Discharge and other service-related documents, 670
or Social Security Number from my Record of Discharge and other 671

service-related documents). 672

Dated this day of, 673

.....
(Signature of Applicant)

Sworn to and subscribed before me by (Name of 674

Applicant) on, 675

.....
Notary Public 676

My commission expires, " 677

~~(C) "As used in this section:" 678~~

~~(1) "Separation code" or "separation program number" means 679
the coded number or numbers used to specify the reasons for a 680
person's separation from active duty, as contained in one of the 681
following: 682~~

~~(a) Regarding a separation code, as contained in line 23 or 683
26 of a veteran's discharge paper, United States department of 684
defense form DD-214; 685~~

~~(b) Regarding a separation program number, as contained in 686
line 9 (c) or line 11 (c) of a veteran's discharge paper, under 687
prior versions of United States department of defense form DD-214. 688~~

~~(2) "Service related document" means any United States 689
department of defense form DD-215 or DD-220, or any National Guard 690
Bureau form NGB-22 or NGB-22A. 691~~

(D) Upon the request of any person who served during World 692
War I or World War II as a member of any armed force of the 693
government of Poland or Czechoslovakia and participated while so 694
serving in armed conflict with an enemy of the United States and 695
who has been a citizen of the United States for at least ten 696
years, and the presentation of the person's discharge, the county 697
recorder shall record the person's discharge in a book to be 698

furnished by the board of county commissioners for that purpose. 699
No fee shall be charged for the recording. The record, or a 700
certified copy of it, shall be received in evidence in all cases 701
where the original would be received. 702

Sec. 317.27. On demand and tender of the proper fees, the 703
county recorder shall furnish to any person an accurate, certified 704
copy of any record in ~~his~~ the recorder's office other than a 705
record of discharge under section 317.24 of the Revised Code, and 706
affix ~~his~~ the recorder's official seal thereto. The recorder shall 707
issue, without charge, upon the request of ~~any discharged member~~ 708
~~of the armed forces~~ an authorized party, as defined in section 709
317.24 of the Revised Code or a person other than an authorized 710
party as defined in that section, one certified copy or one 711
certified photostatic copy of the recorded record of discharge 712
under that section, with the official seal of the county recorder 713
affixed thereto. 714

Any certified copy of any record, document, or map and any 715
transcription of records, required or permitted to be made by the 716
recorder, may be made by any method provided for the making of 717
records. 718

Sec. 2313.16. (A) Except as provided by section 2313.13 of 719
the Revised Code, the court of common pleas shall not excuse a 720
person who is liable to serve as a juror and who is drawn and 721
notified, unless it is shown to the satisfaction of the judge by 722
either the juror or another person acquainted with the facts that 723
one or more of the following applies: 724

(1) The interests of the public will be materially injured by 725
the juror's attendance. 726

(2) The juror's spouse or a near relative of the juror or the 727
juror's spouse has recently died or is dangerously ill. 728

(3) The juror is a cloistered member of a religious organization. 729
730

(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. 731
732
733
734
735
736
737

(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. 738
739
740
741
742
743
744
745

(6) The juror is over seventy-five years of age, and the juror requests to be excused. 746
747

(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. 748
749
750
751

(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. 752
753
754
755

(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. 756
757
758
759

(2) A prospective juror who requests to be excused as 760
provided in division (A)(6) of this section shall inform the 761
appropriate court employee appointed by the court of the 762
prospective juror's request to be so excused by not later than the 763
date on which the prospective juror is scheduled to appear for 764
jury duty. The prospective juror shall inform that court employee 765
of the request to be so excused by appearing in person before the 766
employee or contacting the employee by telephone, in writing, or 767
by electronic mail. 768

(C)(1) For purposes of this section, undue or extreme 769
physical or financial hardship is limited to circumstances in 770
which any of the following apply: 771

(a) The prospective juror would be required to abandon a 772
person under the prospective juror's personal care or supervision 773
due to the impossibility of obtaining an appropriate substitute 774
caregiver during the period of participation in the jury pool or 775
on the jury. 776

(b) The prospective juror would incur costs that would have a 777
substantial adverse impact on the payment of the prospective 778
juror's necessary daily living expenses or on those for whom the 779
prospective juror provides the principal means of support. 780

(c) The prospective juror would suffer physical hardship that 781
would result in illness or disease. 782

(2) Undue or extreme physical or financial hardship does not 783
exist solely based on the fact that a prospective juror will be 784
required to be absent from the prospective juror's place of 785
employment. 786

(D) A prospective juror who asks a judge to grant an excuse 787
based on undue or extreme physical or financial hardship shall 788
provide the judge with documentation that the judge finds to 789
clearly support the request to be excused. If a prospective juror 790

fails to provide satisfactory documentation, the court may deny 791
the request to be excused. 792

(E) When a prospective juror who is liable to serve is 793
excused in a case specified in this section, the prospective juror 794
can be excused only by the judge presiding in the case or a 795
representative of the judge. An excuse, including whether or not 796
it is a permanent excuse, approved pursuant to this section shall 797
not extend beyond that term. Every approved excuse shall be 798
recorded and filed with the commissioners of jurors. After 799
twenty-four months, a person excused from jury service shall 800
become eligible once again for qualification as a juror unless the 801
person was excused from service permanently. A person is excused 802
from jury service permanently only when the deciding judge 803
determines that the underlying grounds for being excused are of a 804
permanent nature. 805

Sec. 2741.02. (A) Except as otherwise provided in this 806
section, a person shall not use any aspect of an individual's 807
persona for a commercial purpose ~~during~~: 808

(1) During the individual's lifetime ~~or for~~; 809

(2) For a period of sixty years after the date of the 810
individual's death; or 811

(3) For a period of ten years after the date of death of a 812
deceased member of the Ohio national guard or the armed forces of 813
the United States. 814

(B) A person may use an individual's persona for a commercial 815
purpose during the individual's lifetime if the person first 816
obtains the written consent to use the individual's persona from a 817
person specified in section 2741.05 of the Revised Code. If an 818
individual whose persona is at issue has died, a person may use 819
the individual's persona for a commercial purpose if either of the 820

following applies: 821

(1) The person first obtains the written consent to use the 822
individual's persona from a person specified in section 2741.05 of 823
the Revised Code who owns the individual's right of publicity. 824

(2) The name of the individual whose persona is used was the 825
name of a business entity or a trade name at the time of the 826
individual's death. 827

(C) Subject to the terms of any agreement between a person 828
specified in section 2741.05 of the Revised Code and a person to 829
whom that person grants consent to use an individual's right of 830
publicity, a consent obtained before the death of an individual 831
whose persona is at issue remains valid after the individual's 832
death. 833

(D) For purposes of this section: 834

(1) A use of an aspect of an individual's persona in 835
connection with any news, public affairs, sports broadcast, or 836
account does not constitute a use for which consent is required 837
under division (A) of this section. 838

(2) A use of an aspect of an individual's persona in 839
connection with any political campaign and in compliance with 840
Title XXXV of the Revised Code does not constitute a use for which 841
consent is required under division (A) of this section. 842

(E) The owners or employees of any medium used for 843
advertising, including but not limited to, a newspaper, magazine, 844
radio or television network or station, cable television system, 845
billboard, transit ad, and global communications network, by whom 846
any advertisement or solicitation in violation of this section is 847
published or disseminated are not liable under this section or 848
section 2741.07 of the Revised Code unless it is established that 849
those owners or employees had knowledge of the unauthorized use of 850
the persona as prohibited by this section. 851

Sec. 2741.99. Whoever violates division (A)(3) of section 2741.02 of the Revised Code is guilty of a misdemeanor of the first degree. A criminal penalty imposed under this section is cumulative to a civil remedy under Chapter 2741. of the Revised Code. 852
853
854
855
856

Sec. 2921.22. (A) No (1) Except as provided in division (A)(2) of this section, no person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities. 857
858
859
860

(2) No person, knowing that a violation of division (B) of section 2913.04 of the Revised Code has been, or is being committed or that the person has received information derived from such a violation, shall knowingly fail to report the violation to law enforcement authorities. 861
862
863
864
865

(B) Except for conditions that are within the scope of division (E) of this section, no physician, limited practitioner, nurse, or other person giving aid to a sick or injured person shall negligently fail to report to law enforcement authorities any gunshot or stab wound treated or observed by the physician, limited practitioner, nurse, or person, or any serious physical harm to persons that the physician, limited practitioner, nurse, or person knows or has reasonable cause to believe resulted from an offense of violence. 866
867
868
869
870
871
872
873
874

(C) No person who discovers the body or acquires the first knowledge of the death of a person shall fail to report the death immediately to a physician whom the person knows to be treating the deceased for a condition from which death at such time would not be unexpected, or to a law enforcement officer, an ambulance service, an emergency squad, or the coroner in a political subdivision in which the body is discovered, the death is believed 875
876
877
878
879
880
881

to have occurred, or knowledge concerning the death is obtained. 882

(D) No person shall fail to provide upon request of the 883
person to whom a report required by division (C) of this section 884
was made, or to any law enforcement officer who has reasonable 885
cause to assert the authority to investigate the circumstances 886
surrounding the death, any facts within the person's knowledge 887
that may have a bearing on the investigation of the death. 888

(E)(1) As used in this division, "burn injury" means any of 889
the following: 890

(a) Second or third degree burns; 891

(b) Any burns to the upper respiratory tract or laryngeal 892
edema due to the inhalation of superheated air; 893

(c) Any burn injury or wound that may result in death; 894

(d) Any physical harm to persons caused by or as the result 895
of the use of fireworks, novelties and trick noisemakers, and wire 896
sparklers, as each is defined by section 3743.01 of the Revised 897
Code. 898

(2) No physician, nurse, or limited practitioner who, outside 899
a hospital, sanitarium, or other medical facility, attends or 900
treats a person who has sustained a burn injury that is inflicted 901
by an explosion or other incendiary device or that shows evidence 902
of having been inflicted in a violent, malicious, or criminal 903
manner shall fail to report the burn injury immediately to the 904
local arson, or fire and explosion investigation, bureau, if there 905
is a bureau of this type in the jurisdiction in which the person 906
is attended or treated, or otherwise to local law enforcement 907
authorities. 908

(3) No manager, superintendent, or other person in charge of 909
a hospital, sanitarium, or other medical facility in which a 910
person is attended or treated for any burn injury that is 911

inflicted by an explosion or other incendiary device or that shows 912
evidence of having been inflicted in a violent, malicious, or 913
criminal manner shall fail to report the burn injury immediately 914
to the local arson, or fire and explosion investigation, bureau, 915
if there is a bureau of this type in the jurisdiction in which the 916
person is attended or treated, or otherwise to local law 917
enforcement authorities. 918

(4) No person who is required to report any burn injury under 919
division (E)(2) or (3) of this section shall fail to file, within 920
three working days after attending or treating the victim, a 921
written report of the burn injury with the office of the state 922
fire marshal. The report shall comply with the uniform standard 923
developed by the state fire marshal pursuant to division (A)(15) 924
of section 3737.22 of the Revised Code. 925

(5) Anyone participating in the making of reports under 926
division (E) of this section or anyone participating in a judicial 927
proceeding resulting from the reports is immune from any civil or 928
criminal liability that otherwise might be incurred or imposed as 929
a result of such actions. Notwithstanding section 4731.22 of the 930
Revised Code, the physician-patient relationship is not a ground 931
for excluding evidence regarding a person's burn injury or the 932
cause of the burn injury in any judicial proceeding resulting from 933
a report submitted under division (E) of this section. 934

(F)(1) Any doctor of medicine or osteopathic medicine, 935
hospital intern or resident, registered or licensed practical 936
nurse, psychologist, social worker, independent social worker, 937
social work assistant, professional clinical counselor, or 938
professional counselor who knows or has reasonable cause to 939
believe that a patient or client has been the victim of domestic 940
violence, as defined in section 3113.31 of the Revised Code, shall 941
note that knowledge or belief and the basis for it in the 942
patient's or client's records. 943

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

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

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

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

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

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

(5) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program of treatment or services for drug dependent persons or persons in danger of drug dependence, which

program is maintained or conducted by a hospital, clinic, person, 975
agency, or organization certified pursuant to section 3793.06 of 976
the Revised Code. 977

(6) Disclosure would amount to revealing information acquired 978
by the actor in the course of the actor's duties in connection 979
with a bona fide program for providing counseling services to 980
victims of crimes that are violations of section 2907.02 or 981
2907.05 of the Revised Code or to victims of felonious sexual 982
penetration in violation of former section 2907.12 of the Revised 983
Code. As used in this division, "counseling services" include 984
services provided in an informal setting by a person who, by 985
education or experience, is competent to provide those services. 986

(H) No disclosure of information pursuant to this section 987
gives rise to any liability or recrimination for a breach of 988
privilege or confidence. 989

(I) Whoever violates division (A) or (B) of this section is 990
guilty of failure to report a crime. Violation of division (A)(1) 991
of this section is a misdemeanor of the fourth degree. Violation 992
of division (A)(2) or (B) of this section is a misdemeanor of the 993
second degree. 994

(J) Whoever violates division (C) or (D) of this section is 995
guilty of failure to report knowledge of a death, a misdemeanor of 996
the fourth degree. 997

(K)(1) Whoever negligently violates division (E) of this 998
section is guilty of a minor misdemeanor. 999

(2) Whoever knowingly violates division (E) of this section 1000
is guilty of a misdemeanor of the second degree. 1001

Sec. 3333.42. No state institution of higher education, as 1002
defined in section 3345.011 of the Revised Code, shall charge a 1003
nonresident student who is a member of the armed forces of the 1004

United States and who is stationed in this state pursuant to 1005
military orders, or who is the spouse or dependent child of such a 1006
student, rates for tuition and fees that are higher than the rates 1007
charged to an Ohio resident. 1008

Sec. 3345.01. Except as provided in sections 3333.17 and, 1009
3333.32, and 3333.42 of the Revised Code, the board of trustees of 1010
a state university or college, as defined in section 3345.12 of 1011
the Revised Code, may charge reasonable tuition for the attendance 1012
of pupils who are nonresidents of Ohio. 1013

Sec. 5913.11. (A) There is hereby created the Ohio military 1014
medal of distinction. The adjutant general shall design the medal 1015
and coordinate an eligibility establishment program. An individual 1016
is eligible for the medal if the individual was killed in the line 1017
of duty while doing one of the following: 1018

(1) Engaging in an action against an enemy of the United 1019
States; 1020

(2) Engaging in military operations involving conflict with 1021
an opposing foreign force; 1022

(3) Serving with friendly foreign forces engaged in an armed 1023
conflict against an opposing armed force in which the United 1024
States is not a belligerent party; or 1025

(4) Serving in a combat zone designated by presidential 1026
order. 1027

(B) To receive the Ohio military medal of distinction, an 1028
individual shall be at least one of the following: 1029

(1) At the time the member was killed in the line of duty: 1030

(a) An Ohio national guard member who is a resident of this 1031
state; 1032

(b) A United States military reserves member who is a 1033

resident of this state; 1034

(c) A United States armed forces member who is either a 1035
resident of this state or stationed in this state by a United 1036
States department of defense order. 1037

(2) An Ohio national guard, United States military reserves, 1038
or United States armed forces member who attended a public or 1039
private educational institution in this state at any time and was 1040
killed in the line of duty. 1041

(C) At least once per year, both houses of the general 1042
assembly shall obtain a list of eligible medal recipients from the 1043
adjutant general and meet in joint convention to recognize the 1044
medal recipients for the prior year. 1045

Section 2. That existing sections 149.43, 317.24, 317.27, 1046
2313.16, 2741.02, 2921.22, and 3345.01 of the Revised Code are 1047
hereby repealed. 1048

Section 3. The Adjutant General shall examine and make 1049
recommendations on the feasibility of establishing an Ohio 1050
National Guard Youth Challenge Program. The Adjutant General shall 1051
issue a report of the Adjutant General's findings and 1052
recommendations to the President of the Senate, the Speaker of the 1053
House of Representatives, and the Governor not later than August 1054
1, 2008. 1055

Section 4. Section 149.43 of the Revised Code is presented in 1056
this act as a composite of the section as amended by both Sub. 1057
H.B. 9 and Sub. H.B. 141 of the 126th General Assembly. The 1058
General Assembly, applying the principle stated in division (B) of 1059
section 1.52 of the Revised Code that amendments are to be 1060
harmonized if reasonably capable of simultaneous operation, finds 1061
that the composite is the resulting version of the section in 1062
effect prior to the effective date of the section as presented in 1063

this act.

1064