

As Introduced

**128th General Assembly
Regular Session
2009-2010**

H. B. No. 327

Representative Combs

Cosponsors: Representatives Grossman, Domenick

—

A B I L L

To amend section 149.43 and to enact sections 1
2921.06, 2921.07, and 2921.08 of the Revised Code 2
to prohibit jury tampering, to exclude jury 3
questionnaires and similar documents from public 4
records requests, to require all attorneys and 5
parties to legal proceedings to return all jury 6
questionnaires and other records or notations 7
containing jurors' names, addresses, and phone 8
numbers to the court at the conclusion of a trial, 9
and to prohibit juror harassment. 10

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

Section 1. That section 149.43 be amended and sections 11
2921.06, 2921.07, and 2921.08 of the Revised Code be enacted to 12
read as follows: 13

Sec. 149.43. (A) As used in this section: 14

(1) "Public record" means records kept by any public office, 15
including, but not limited to, state, county, city, village, 16
township, and school district units, and records pertaining to the 17
delivery of educational services by an alternative school in this 18
state kept by the nonprofit or for-profit entity operating the 19

alternative school pursuant to section 3313.533 of the Revised	20
Code. "Public record" does not mean any of the following:	21
(a) Medical records;	22
(b) Records pertaining to probation and parole proceedings or	23
to proceedings related to the imposition of community control	24
sanctions and post-release control sanctions;	25
(c) Records pertaining to actions under section 2151.85 and	26
division (C) of section 2919.121 of the Revised Code and to	27
appeals of actions arising under those sections;	28
(d) Records pertaining to adoption proceedings, including the	29
contents of an adoption file maintained by the department of	30
health under section 3705.12 of the Revised Code;	31
(e) Information in a record contained in the putative father	32
registry established by section 3107.062 of the Revised Code,	33
regardless of whether the information is held by the department of	34
job and family services or, pursuant to section 3111.69 of the	35
Revised Code, the office of child support in the department or a	36
child support enforcement agency;	37
(f) Records listed in division (A) of section 3107.42 of the	38
Revised Code or specified in division (A) of section 3107.52 of	39
the Revised Code;	40
(g) Trial preparation records;	41
(h) Confidential law enforcement investigatory records;	42
(i) Records containing information that is confidential under	43
section 2710.03 or 4112.05 of the Revised Code;	44
(j) DNA records stored in the DNA database pursuant to	45
section 109.573 of the Revised Code;	46
(k) Inmate records released by the department of	47
rehabilitation and correction to the department of youth services	48
or a court of record pursuant to division (E) of section 5120.21	49

of the Revised Code;	50
(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;	51 52 53 54
(m) Intellectual property records;	55
(n) Donor profile records;	56
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	57 58
(p) Peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information;	59 60 61 62 63
(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;	64 65 66 67 68
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	69 70
(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, and child fatality review data submitted by the child fatality review board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	71 72 73 74 75 76 77 78
(t) Records provided to and statements made by the executive	79

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;

(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;

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

(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;

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

(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;

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

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

(bb) A jury questionnaire used or obtained by a court to select potential jurors and any list or official document containing the names and addresses of jurors or former jurors.

(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a

criminal, quasi-criminal, civil, or administrative nature, but 110
only to the extent that the release of the record would create a 111
high probability of disclosure of any of the following: 112

(a) The identity of a suspect who has not been charged with 113
the offense to which the record pertains, or of an information 114
source or witness to whom confidentiality has been reasonably 115
promised; 116

(b) Information provided by an information source or witness 117
to whom confidentiality has been reasonably promised, which 118
information would reasonably tend to disclose the source's or 119
witness's identity; 120

(c) Specific confidential investigatory techniques or 121
procedures or specific investigatory work product; 122

(d) Information that would endanger the life or physical 123
safety of law enforcement personnel, a crime victim, a witness, or 124
a confidential information source. 125

(3) "Medical record" means any document or combination of 126
documents, except births, deaths, and the fact of admission to or 127
discharge from a hospital, that pertains to the medical history, 128
diagnosis, prognosis, or medical condition of a patient and that 129
is generated and maintained in the process of medical treatment. 130

(4) "Trial preparation record" means any record that contains 131
information that is specifically compiled in reasonable 132
anticipation of, or in defense of, a civil or criminal action or 133
proceeding, including the independent thought processes and 134
personal trial preparation of an attorney. 135

(5) "Intellectual property record" means a record, other than 136
a financial or administrative record, that is produced or 137
collected by or for faculty or staff of a state institution of 138
higher learning in the conduct of or as a result of study or 139
research on an educational, commercial, scientific, artistic, 140

technical, or scholarly issue, regardless of whether the study or 141
research was sponsored by the institution alone or in conjunction 142
with a governmental body or private concern, and that has not been 143
publicly released, published, or patented. 144

(6) "Donor profile record" means all records about donors or 145
potential donors to a public institution of higher education 146
except the names and reported addresses of the actual donors and 147
the date, amount, and conditions of the actual donation. 148

(7) "Peace officer, parole officer, prosecuting attorney, 149
assistant prosecuting attorney, correctional employee, youth 150
services employee, firefighter, EMT, or investigator of the bureau 151
of criminal identification and investigation residential and 152
familial information" means any information that discloses any of 153
the following about a peace officer, parole officer, prosecuting 154
attorney, assistant prosecuting attorney, correctional employee, 155
youth services employee, firefighter, EMT, or investigator of the 156
bureau of criminal identification and investigation: 157

(a) The address of the actual personal residence of a peace 159
officer, parole officer, assistant prosecuting attorney, 160
correctional employee, youth services employee, firefighter, EMT, 161
or an investigator of the bureau of criminal identification and 162
investigation, except for the state or political subdivision in 163
which the peace officer, parole officer, assistant prosecuting 164
attorney, correctional employee, youth services employee, 165
firefighter, EMT, or investigator of the bureau of criminal 166
identification and investigation resides; 167

(b) Information compiled from referral to or participation in 168
an employee assistance program; 169

(c) The social security number, the residential telephone 170
number, any bank account, debit card, charge card, or credit card 171

number, or the emergency telephone number of, or any medical 172
information pertaining to, a peace officer, parole officer, 173
prosecuting attorney, assistant prosecuting attorney, correctional 174
employee, youth services employee, firefighter, EMT, or 175
investigator of the bureau of criminal identification and 176
investigation; 177

(d) The name of any beneficiary of employment benefits, 178
including, but not limited to, life insurance benefits, provided 179
to a peace officer, parole officer, prosecuting attorney, 180
assistant prosecuting attorney, correctional employee, youth 181
services employee, firefighter, EMT, or investigator of the bureau 182
of criminal identification and investigation by the peace 183
officer's, parole officer's, prosecuting attorney's, assistant 184
prosecuting attorney's, correctional employee's, youth services 185
employee's, firefighter's, EMT's, or investigator of the bureau of 186
criminal identification and investigation's employer; 187

(e) The identity and amount of any charitable or employment 188
benefit deduction made by the peace officer's, parole officer's, 189
prosecuting attorney's, assistant prosecuting attorney's, 190
correctional employee's, youth services employee's, firefighter's, 191
EMT's, or investigator of the bureau of criminal identification 192
and investigation's employer from the peace officer's, parole 193
officer's, prosecuting attorney's, assistant prosecuting 194
attorney's, correctional employee's, youth services employee's, 195
firefighter's, EMT's, or investigator of the bureau of criminal 196
identification and investigation's compensation unless the amount 197
of the deduction is required by state or federal law; 198

(f) The name, the residential address, the name of the 199
employer, the address of the employer, the social security number, 200
the residential telephone number, any bank account, debit card, 201
charge card, or credit card number, or the emergency telephone 202
number of the spouse, a former spouse, or any child of a peace 203

officer, parole officer, prosecuting attorney, assistant 204
prosecuting attorney, correctional employee, youth services 205
employee, firefighter, EMT, or investigator of the bureau of 206
criminal identification and investigation; 207

(g) A photograph of a peace officer who holds a position or 208
has an assignment that may include undercover or plain clothes 209
positions or assignments as determined by the peace officer's 210
appointing authority. 211

As used in divisions (A)(7) and (B)(9) of this section, 212
"peace officer" has the same meaning as in section 109.71 of the 213
Revised Code and also includes the superintendent and troopers of 214
the state highway patrol; it does not include the sheriff of a 215
county or a supervisory employee who, in the absence of the 216
sheriff, is authorized to stand in for, exercise the authority of, 217
and perform the duties of the sheriff. 218

As used in divisions (A)(7) and (B)(5) of this section, 219
"correctional employee" means any employee of the department of 220
rehabilitation and correction who in the course of performing the 221
employee's job duties has or has had contact with inmates and 222
persons under supervision. 223

As used in divisions (A)(7) and (B)(5) of this section, 224
"youth services employee" means any employee of the department of 225
youth services who in the course of performing the employee's job 226
duties has or has had contact with children committed to the 227
custody of the department of youth services. 228

As used in divisions (A)(7) and (B)(9) of this section, 229
"firefighter" means any regular, paid or volunteer, member of a 230
lawfully constituted fire department of a municipal corporation, 231
township, fire district, or village. 232

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 233
means EMTs-basic, EMTs-I, and paramedics that provide emergency 234

medical services for a public emergency medical service 235
organization. "Emergency medical service organization," 236
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 237
section 4765.01 of the Revised Code. 238

As used in divisions (A)(7) and (B)(9) of this section, 239
"investigator of the bureau of criminal identification and 240
investigation" has the meaning defined in section 2903.11 of the 241
Revised Code. 242

(8) "Information pertaining to the recreational activities of 243
a person under the age of eighteen" means information that is kept 244
in the ordinary course of business by a public office, that 245
pertains to the recreational activities of a person under the age 246
of eighteen years, and that discloses any of the following: 247

(a) The address or telephone number of a person under the age 248
of eighteen or the address or telephone number of that person's 249
parent, guardian, custodian, or emergency contact person; 250

(b) The social security number, birth date, or photographic 251
image of a person under the age of eighteen; 252

(c) Any medical record, history, or information pertaining to 253
a person under the age of eighteen; 254

(d) Any additional information sought or required about a 255
person under the age of eighteen for the purpose of allowing that 256
person to participate in any recreational activity conducted or 257
sponsored by a public office or to use or obtain admission 258
privileges to any recreational facility owned or operated by a 259
public office. 260

(9) "Community control sanction" has the same meaning as in 261
section 2929.01 of the Revised Code. 262

(10) "Post-release control sanction" has the same meaning as 263
in section 2967.01 of the Revised Code. 264

(11) "Redaction" means obscuring or deleting any information 265
that is exempt from the duty to permit public inspection or 266
copying from an item that otherwise meets the definition of a 267
"record" in section 149.011 of the Revised Code. 268

(12) "Designee" and "elected official" have the same meanings 269
as in section 109.43 of the Revised Code. 270

(B)(1) Upon request and subject to division (B)(8) of this 271
section, all public records responsive to the request shall be 272
promptly prepared and made available for inspection to any person 273
at all reasonable times during regular business hours. Subject to 274
division (B)(8) of this section, upon request, a public office or 275
person responsible for public records shall make copies of the 276
requested public record available at cost and within a reasonable 277
period of time. If a public record contains information that is 278
exempt from the duty to permit public inspection or to copy the 279
public record, the public office or the person responsible for the 280
public record shall make available all of the information within 281
the public record that is not exempt. When making that public 282
record available for public inspection or copying that public 283
record, the public office or the person responsible for the public 284
record shall notify the requester of any redaction or make the 285
redaction plainly visible. A redaction shall be deemed a denial of 286
a request to inspect or copy the redacted information, except if 287
federal or state law authorizes or requires a public office to 288
make the redaction. 289

(2) To facilitate broader access to public records, a public 290
office or the person responsible for public records shall organize 291
and maintain public records in a manner that they can be made 292
available for inspection or copying in accordance with division 293
(B) of this section. A public office also shall have available a 294
copy of its current records retention schedule at a location 295
readily available to the public. If a requester makes an ambiguous 296

or overly broad request or has difficulty in making a request for 297
copies or inspection of public records under this section such 298
that the public office or the person responsible for the requested 299
public record cannot reasonably identify what public records are 300
being requested, the public office or the person responsible for 301
the requested public record may deny the request but shall provide 302
the requester with an opportunity to revise the request by 303
informing the requester of the manner in which records are 304
maintained by the public office and accessed in the ordinary 305
course of the public office's or person's duties. 306

(3) If a request is ultimately denied, in part or in whole, 307
the public office or the person responsible for the requested 308
public record shall provide the requester with an explanation, 309
including legal authority, setting forth why the request was 310
denied. If the initial request was provided in writing, the 311
explanation also shall be provided to the requester in writing. 312
The explanation shall not preclude the public office or the person 313
responsible for the requested public record from relying upon 314
additional reasons or legal authority in defending an action 315
commenced under division (C) of this section. 316

(4) Unless specifically required or authorized by state or 317
federal law or in accordance with division (B) of this section, no 318
public office or person responsible for public records may limit 319
or condition the availability of public records by requiring 320
disclosure of the requester's identity or the intended use of the 321
requested public record. Any requirement that the requester 322
disclose the requestor's identity or the intended use of the 323
requested public record constitutes a denial of the request. 324

(5) A public office or person responsible for public records 325
may ask a requester to make the request in writing, may ask for 326
the requester's identity, and may inquire about the intended use 327
of the information requested, but may do so only after disclosing 328

to the requester that a written request is not mandatory and that 329
the requester may decline to reveal the requester's identity or 330
the intended use and when a written request or disclosure of the 331
identity or intended use would benefit the requester by enhancing 332
the ability of the public office or person responsible for public 333
records to identify, locate, or deliver the public records sought 334
by the requester. 335

(6) If any person chooses to obtain a copy of a public record 336
in accordance with division (B) of this section, the public office 337
or person responsible for the public record may require that 338
person to pay in advance the cost involved in providing the copy 339
of the public record in accordance with the choice made by the 340
person seeking the copy under this division. The public office or 341
the person responsible for the public record shall permit that 342
person to choose to have the public record duplicated upon paper, 343
upon the same medium upon which the public office or person 344
responsible for the public record keeps it, or upon any other 345
medium upon which the public office or person responsible for the 346
public record determines that it reasonably can be duplicated as 347
an integral part of the normal operations of the public office or 348
person responsible for the public record. When the person seeking 349
the copy makes a choice under this division, the public office or 350
person responsible for the public record shall provide a copy of 351
it in accordance with the choice made by the person seeking the 352
copy. Nothing in this section requires a public office or person 353
responsible for the public record to allow the person seeking a 354
copy of the public record to make the copies of the public record. 355

(7) Upon a request made in accordance with division (B) of 356
this section and subject to division (B)(6) of this section, a 357
public office or person responsible for public records shall 358
transmit a copy of a public record to any person by United States 359
mail or by any other means of delivery or transmission within a 360

reasonable period of time after receiving the request for the 361
copy. The public office or person responsible for the public 362
record may require the person making the request to pay in advance 363
the cost of postage if the copy is transmitted by United States 364
mail or the cost of delivery if the copy is transmitted other than 365
by United States mail, and to pay in advance the costs incurred 366
for other supplies used in the mailing, delivery, or transmission. 367

Any public office may adopt a policy and procedures that it 368
will follow in transmitting, within a reasonable period of time 369
after receiving a request, copies of public records by United 370
States mail or by any other means of delivery or transmission 371
pursuant to this division. A public office that adopts a policy 372
and procedures under this division shall comply with them in 373
performing its duties under this division. 374

In any policy and procedures adopted under this division, a 375
public office may limit the number of records requested by a 376
person that the office will transmit by United States mail to ten 377
per month, unless the person certifies to the office in writing 378
that the person does not intend to use or forward the requested 379
records, or the information contained in them, for commercial 380
purposes. For purposes of this division, "commercial" shall be 381
narrowly construed and does not include reporting or gathering 382
news, reporting or gathering information to assist citizen 383
oversight or understanding of the operation or activities of 384
government, or nonprofit educational research. 385

(8) A public office or person responsible for public records 386
is not required to permit a person who is incarcerated pursuant to 387
a criminal conviction or a juvenile adjudication to inspect or to 388
obtain a copy of any public record concerning a criminal 389
investigation or prosecution or concerning what would be a 390
criminal investigation or prosecution if the subject of the 391
investigation or prosecution were an adult, unless the request to 392

inspect or to obtain a copy of the record is for the purpose of 393
acquiring information that is subject to release as a public 394
record under this section and the judge who imposed the sentence 395
or made the adjudication with respect to the person, or the 396
judge's successor in office, finds that the information sought in 397
the public record is necessary to support what appears to be a 398
justiciable claim of the person. 399

(9) Upon written request made and signed by a journalist on 400
or after December 16, 1999, a public office, or person responsible 401
for public records, having custody of the records of the agency 402
employing a specified peace officer, parole officer, prosecuting 403
attorney, assistant prosecuting attorney, correctional employee, 404
youth services employee, firefighter, EMT, or investigator of the 405
bureau of criminal identification and investigation shall disclose 406
to the journalist the address of the actual personal residence of 407
the peace officer, parole officer, prosecuting attorney, assistant 408
prosecuting attorney, correctional employee, youth services 409
employee, firefighter, EMT, or investigator of the bureau of 410
criminal identification and investigation and, if the peace 411
officer's, parole officer's, prosecuting attorney's, assistant 412
prosecuting attorney's, correctional employee's, youth services 413
employee's, firefighter's, EMT's, or investigator of the bureau of 414
criminal identification and investigation's spouse, former spouse, 415
or child is employed by a public office, the name and address of 416
the employer of the peace officer's, parole officer's, prosecuting 417
attorney's, assistant prosecuting attorney's, correctional 418
employee's, youth services employee's, firefighter's, EMT's, or 419
investigator of the bureau of criminal identification and 420
investigation's spouse, former spouse, or child. The request shall 421
include the journalist's name and title and the name and address 422
of the journalist's employer and shall state that disclosure of 423
the information sought would be in the public interest. 424

As used in this division, "journalist" means a person engaged 426
in, connected with, or employed by any news medium, including a 427
newspaper, magazine, press association, news agency, or wire 428
service, a radio or television station, or a similar medium, for 429
the purpose of gathering, processing, transmitting, compiling, 430
editing, or disseminating information for the general public. 431

(C)(1) If a person allegedly is aggrieved by the failure of a 432
public office or the person responsible for public records to 433
promptly prepare a public record and to make it available to the 434
person for inspection in accordance with division (B) of this 435
section or by any other failure of a public office or the person 436
responsible for public records to comply with an obligation in 437
accordance with division (B) of this section, the person allegedly 438
aggrieved may commence a mandamus action to obtain a judgment that 439
orders the public office or the person responsible for the public 440
record to comply with division (B) of this section, that awards 441
court costs and reasonable attorney's fees to the person that 442
instituted the mandamus action, and, if applicable, that includes 443
an order fixing statutory damages under division (C)(1) of this 444
section. The mandamus action may be commenced in the court of 445
common pleas of the county in which division (B) of this section 446
allegedly was not complied with, in the supreme court pursuant to 447
its original jurisdiction under Section 2 of Article IV, Ohio 448
Constitution, or in the court of appeals for the appellate 449
district in which division (B) of this section allegedly was not 450
complied with pursuant to its original jurisdiction under Section 451
3 of Article IV, Ohio Constitution. 452

If a requestor transmits a written request by hand delivery 453
or certified mail to inspect or receive copies of any public 454
record in a manner that fairly describes the public record or 455
class of public records to the public office or person responsible 456
for the requested public records, except as otherwise provided in 457

this section, the requestor shall be entitled to recover the 458
amount of statutory damages set forth in this division if a court 459
determines that the public office or the person responsible for 460
public records failed to comply with an obligation in accordance 461
with division (B) of this section. 462

The amount of statutory damages shall be fixed at one hundred 463
dollars for each business day during which the public office or 464
person responsible for the requested public records failed to 465
comply with an obligation in accordance with division (B) of this 466
section, beginning with the day on which the requester files a 467
mandamus action to recover statutory damages, up to a maximum of 468
one thousand dollars. The award of statutory damages shall not be 469
construed as a penalty, but as compensation for injury arising 470
from lost use of the requested information. The existence of this 471
injury shall be conclusively presumed. The award of statutory 472
damages shall be in addition to all other remedies authorized by 473
this section. 474

The court may reduce an award of statutory damages or not 475
award statutory damages if the court determines both of the 476
following: 477

(a) That, based on the ordinary application of statutory law 478
and case law as it existed at the time of the conduct or 479
threatened conduct of the public office or person responsible for 480
the requested public records that allegedly constitutes a failure 481
to comply with an obligation in accordance with division (B) of 482
this section and that was the basis of the mandamus action, a 483
well-informed public office or person responsible for the 484
requested public records reasonably would believe that the conduct 485
or threatened conduct of the public office or person responsible 486
for the requested public records did not constitute a failure to 487
comply with an obligation in accordance with division (B) of this 488
section; 489

(b) That a well-informed public office or person responsible 490
for the requested public records reasonably would believe that the 491
conduct or threatened conduct of the public office or person 492
responsible for the requested public records would serve the 493
public policy that underlies the authority that is asserted as 494
permitting that conduct or threatened conduct. 495

(2)(a) If the court issues a writ of mandamus that orders the 496
public office or the person responsible for the public record to 497
comply with division (B) of this section and determines that the 498
circumstances described in division (C)(1) of this section exist, 499
the court shall determine and award to the relator all court 500
costs. 501

(b) If the court renders a judgment that orders the public 502
office or the person responsible for the public record to comply 503
with division (B) of this section, the court may award reasonable 504
attorney's fees subject to reduction as described in division 505
(C)(2)(c) of this section. The court shall award reasonable 506
attorney's fees, subject to reduction as described in division 507
(C)(2)(c) of this section when either of the following applies: 508

(i) The public office or the person responsible for the 509
public records failed to respond affirmatively or negatively to 510
the public records request in accordance with the time allowed 511
under division (B) of this section. 512

(ii) The public office or the person responsible for the 513
public records promised to permit the relator to inspect or 514
receive copies of the public records requested within a specified 515
period of time but failed to fulfill that promise within that 516
specified period of time. 517

(c) Court costs and reasonable attorney's fees awarded under 518
this section shall be construed as remedial and not punitive. 519
Reasonable attorney's fees shall include reasonable fees incurred 520

to produce proof of the reasonableness and amount of the fees and 521
to otherwise litigate entitlement to the fees. The court may 522
reduce an award of attorney's fees to the relator or not award 523
attorney's fees to the relator if the court determines both of the 524
following: 525

(i) That, based on the ordinary application of statutory law 526
and case law as it existed at the time of the conduct or 527
threatened conduct of the public office or person responsible for 528
the requested public records that allegedly constitutes a failure 529
to comply with an obligation in accordance with division (B) of 530
this section and that was the basis of the mandamus action, a 531
well-informed public office or person responsible for the 532
requested public records reasonably would believe that the conduct 533
or threatened conduct of the public office or person responsible 534
for the requested public records did not constitute a failure to 535
comply with an obligation in accordance with division (B) of this 536
section; 537

(ii) That a well-informed public office or person responsible 538
for the requested public records reasonably would believe that the 539
conduct or threatened conduct of the public office or person 540
responsible for the requested public records as described in 541
division (C)(2)(c)(i) of this section would serve the public 542
policy that underlies the authority that is asserted as permitting 543
that conduct or threatened conduct. 544

(D) Chapter 1347. of the Revised Code does not limit the 545
provisions of this section. 546

(E)(1) To ensure that all employees of public offices are 547
appropriately educated about a public office's obligations under 548
division (B) of this section, all elected officials or their 549
appropriate designees shall attend training approved by the 550
attorney general as provided in section 109.43 of the Revised 551
Code. In addition, all public offices shall adopt a public records 552

policy in compliance with this section for responding to public 553
records requests. In adopting a public records policy under this 554
division, a public office may obtain guidance from the model 555
public records policy developed and provided to the public office 556
by the attorney general under section 109.43 of the Revised Code. 557
Except as otherwise provided in this section, the policy may not 558
limit the number of public records that the public office will 559
make available to a single person, may not limit the number of 560
public records that it will make available during a fixed period 561
of time, and may not establish a fixed period of time before it 562
will respond to a request for inspection or copying of public 563
records, unless that period is less than eight hours. 564

(2) The public office shall distribute the public records 565
policy adopted by the public office under division (E)(1) of this 566
section to the employee of the public office who is the records 567
custodian or records manager or otherwise has custody of the 568
records of that office. The public office shall require that 569
employee to acknowledge receipt of the copy of the public records 570
policy. The public office shall create a poster that describes its 571
public records policy and shall post the poster in a conspicuous 572
place in the public office and in all locations where the public 573
office has branch offices. The public office may post its public 574
records policy on the internet web site of the public office if 575
the public office maintains an internet web site. A public office 576
that has established a manual or handbook of its general policies 577
and procedures for all employees of the public office shall 578
include the public records policy of the public office in the 579
manual or handbook. 580

(F)(1) The bureau of motor vehicles may adopt rules pursuant 581
to Chapter 119. of the Revised Code to reasonably limit the number 582
of bulk commercial special extraction requests made by a person 583
for the same records or for updated records during a calendar 584

year. The rules may include provisions for charges to be made for 585
bulk commercial special extraction requests for the actual cost of 586
the bureau, plus special extraction costs, plus ten per cent. The 587
bureau may charge for expenses for redacting information, the 588
release of which is prohibited by law. 589

(2) As used in division (F)(1) of this section: 590

(a) "Actual cost" means the cost of depleted supplies, 591
records storage media costs, actual mailing and alternative 592
delivery costs, or other transmitting costs, and any direct 593
equipment operating and maintenance costs, including actual costs 594
paid to private contractors for copying services. 595

(b) "Bulk commercial special extraction request" means a 596
request for copies of a record for information in a format other 597
than the format already available, or information that cannot be 598
extracted without examination of all items in a records series, 599
class of records, or data base by a person who intends to use or 600
forward the copies for surveys, marketing, solicitation, or resale 601
for commercial purposes. "Bulk commercial special extraction 602
request" does not include a request by a person who gives 603
assurance to the bureau that the person making the request does 604
not intend to use or forward the requested copies for surveys, 605
marketing, solicitation, or resale for commercial purposes. 606

(c) "Commercial" means profit-seeking production, buying, or 607
selling of any good, service, or other product. 608

(d) "Special extraction costs" means the cost of the time 609
spent by the lowest paid employee competent to perform the task, 610
the actual amount paid to outside private contractors employed by 611
the bureau, or the actual cost incurred to create computer 612
programs to make the special extraction. "Special extraction 613
costs" include any charges paid to a public agency for computer or 614
records services. 615

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

Sec. 2921.06. (A) A jury questionnaire used or obtained by a court to select potential jurors and any list or official document containing the names and addresses of jurors or former jurors is confidential and is not a public record under section 149.43 of the Revised Code. No person shall knowingly disseminate any jury questionnaire or list or official document containing the names and addresses of jurors or former jurors.

(B) At the conclusion of a trial, each attorney and party to the legal proceeding shall return to the court all jury questionnaires and other records, documents, and notations that contain a juror's name, address, or telephone number.

(C) This section does not apply to any judge or any member of the judge's staff acting on behalf of the judge, or to court personnel, acting in anticipation of or in preparation for legal proceedings.

(D) Whoever violates this section is guilty of invasion of juror privacy, a minor misdemeanor on the first offense and a misdemeanor of the second degree on each subsequent offense.

Sec. 2921.07. (A) No person, outside of official courtroom proceedings and with regard to the performance of the juror's official duties, shall knowingly attempt to tamper with, influence, intimidate, or pressure a juror who will be entering into, has already commenced, or has completed the jury deliberation process.

(B) Whoever violates this section is guilty of jury tampering, a felony of the third degree. 646
647

Sec. 2921.08. (A) No person shall knowingly harass a juror or former juror for the purpose of obtaining information regarding the deliberations of a jury on which the juror or former juror serves or served or regarding information about the means by which or the reasons why the jury reached its verdict. 648
649
650
651
652

(B) In a prosecution under this section, the trier of fact may infer that the accused acted knowingly if the accused continued to attempt to obtain information from the juror or former juror after the juror or former juror notified the accused that the juror or former juror did not want to discuss the jury deliberations. 653
654
655
656
657
658

(C) Whoever violates this section is guilty of juror harassment, a misdemeanor of the first degree on the first offense and a felony of the fifth degree on each subsequent offense. 659
660
661

Section 2. That existing section 149.43 of the Revised Code is hereby repealed. 662
663