

As Reported by the House Civil and Commercial Law Committee

128th General Assembly

Regular Session

2009-2010

Sub. H. B. No. 391

Representative Chandler

**Cosponsors: Representatives Harris, Weddington, Williams, B., Boyd, Foley,
Fende, Domenick, Yuko, Williams, S., Brown, Murray, Ujvagi, Garland,
Phillips, Heard, Hagan, Lehner, Okey**

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A B I L L

To amend sections 149.43, 149.45, 319.28, 319.54, 1
2903.213, 2903.214, 3113.31, 3503.15, and 3509.03 2
and to enact sections 111.31, 111.32, 111.321, 3
111.33 to 111.40, 2901.44, and 3503.151 of the 4
Revised Code to establish an address 5
confidentiality program for individuals who 6
reasonably believe that they are in danger of 7
being threatened or physically harmed by another 8
person, to exclude the residential and familial 9
information of a federal law enforcement officer 10
from the definition of a public record, to include 11
federal law enforcement officers among the 12
protected individuals who are authorized to 13
request a public office other than the county 14
auditor to redact the person's address from any 15
record made available to the general public on the 16
internet, and to include those officers among the 17
protected individuals who may request the county 18
auditor to replace the person's name with the 19
person's initials on the general tax list and 20
duplicate. 21

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

Section 1. That sections 149.43, 149.45, 319.28, 319.54, 22
2903.213, 2903.214, 3113.31, 3503.15, and 3509.03 be amended and 23
sections 111.31, 111.32, 111.321, 111.33, 111.34, 111.35, 111.36, 24
111.37, 111.38, 111.39, 111.40, 2901.44, and 3503.151 of the 25
Revised Code be enacted to read as follows: 26

Sec. 111.31. As used in sections 111.31 to 111.40 of the 27
Revised Code: 28

(A) "Address" means a residential street address, school 29
address, or work address of a person as specified on an 30
application to be a program participant under section 111.32 of 31
the Revised Code. 32

(B) "Application assistant" means a person who is designated 33
by a court of common pleas, a municipal court, a county court, or 34
the secretary of state to help individuals complete applications 35
to be program participants and who has received training and 36
certification from the secretary of state for that purpose. 37

(C) "Confidential address" means an address that is required 38
to be kept confidential once a program participant is certified 39
under division (D) of section 111.32 of the Revised Code. 40

(D) "Governmental entity" means the state, a political 41
subdivision of the state, or any department, agency, board, 42
commission, or other instrumentality of the state or a political 43
subdivision of the state. 44

(E) "Guardian," "incompetent," "parent," and "ward" have the 45
same meanings as in section 2111.01 of the Revised Code. 46

(F) "Program participant" means a person certified as a 47
program participant under sections 111.31 to 111.40 of the Revised 48

Code. 49

(G) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code. 50
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(H) "Tier II sex offender/child-victim offender" and "tier III sex offender/child-victim offender" have the same meanings as in section 2950.01 of the Revised Code. 52
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Sec. 111.32. (A) An adult person, a parent, or a guardian acting on behalf of a minor, incompetent, or ward may apply with the assistance of an application assistant to the secretary of state to have an address designated by the secretary of state serve as the person's address or the address of the minor, incompetent, or ward. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed under sections 111.31 to 111.40 of the Revised Code and, except as otherwise provided in division (B) of this section, if it contains all of the following: 55
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(1) A sworn statement by the applicant that the applicant fears for the safety of the applicant, the applicant's children, or the minor, incompetent, or ward on whose behalf the application is made and that one or more of the following apply: 65
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(a) The applicant provides proof that the applicant, any of the applicant's children, or the minor, incompetent, or ward on whose behalf the application is made is a victim of a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2911.211, 2919.22, or 2919.25 of the Revised Code. 69
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(b) The applicant provides proof that the applicant, any of the applicant's children, or the minor, incompetent, or ward on whose behalf the application is made has a protection order issued or consent agreement approved under section 2903.213, 2903.214, or 75
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3113.31 of the Revised Code or a protection order issued by a 79
court of another state that has been registered under section 80
2919.272 of the Revised Code. 81

(c) The applicant reasonably fears that the applicant, any of 82
the applicant's children, or the minor, incompetent, or ward on 83
whose behalf the application is made is in danger of being 84
threatened or physically harmed by another person. 85

(2) A designation of the secretary of state as the agent for 86
the purposes of receiving service of process and the receipt of 87
mail; 88

(3) The mailing address at which the applicant may be 89
contacted by the secretary of state, and the telephone number or 90
numbers at which the applicant may be called by the secretary of 91
state; 92

(4) The new address or addresses that the applicant requests 93
not be disclosed for the reason that disclosure will increase the 94
risk that the applicant, the applicant's children, or the minor, 95
incompetent, or ward on whose behalf the application is made will 96
be threatened or physically harmed by another person; 97

(5) The signature of the applicant, the name, work address, 98
and signature of the application assistant who assisted the 99
applicant in applying to become a program participant, and the 100
date on which the applicant and application assistant signed the 101
application; 102

(6) The name, occupation if known, and contact information if 103
known of the person the applicant reasonably believes will 104
threaten or physically harm the applicant, the applicant's 105
children, or the minor, incompetent, or ward on whose behalf the 106
application is made. 107

(B)(1) If the applicant under division (A) of this section is 108
a tier II sex offender/child-victim offender or a tier III sex 109

offender/child-victim offender or is a parent or a guardian acting 110
on behalf of a minor, incompetent, or ward who is a tier II sex 111
offender/child-victim offender or a tier III sex 112
offender/child-victim offender, the secretary of state shall 113
approve the applicant's application if it is filed in the manner 114
and on the form prescribed under sections 111.31 to 111.40 of the 115
Revised Code and if it contains all of the following: 116

(a) A sworn statement by the applicant that the applicant 117
fears for the safety of the applicant, the applicant's children, 118
or the minor, incompetent, or ward on whose behalf the application 119
is made and proof that the applicant, any of the applicant's 120
children, or the minor, incompetent, or ward on whose behalf the 121
application is made has a protection order issued or consent 122
agreement approved under section 2903.213, 2903.214, or 3113.31 of 123
the Revised Code or a protection order issued by a court of 124
another state that has been registered under section 2919.272 of 125
the Revised Code; 126

(b) The information specified in divisions (A)(2) to (6) of 127
this section. 128

(2) If the secretary of state approves the application under 129
division (B)(1) of this section and certifies the applicant or the 130
minor, incompetent, or ward on whose behalf the application is 131
made as a program participant under division (D) of this section, 132
the secretary of state shall notify the law enforcement agency 133
that has jurisdiction in the territory in which the confidential 134
address of the applicant or the minor, incompetent, or ward on 135
whose behalf the application is made is located that the applicant 136
or the minor, incompetent, or ward on whose behalf the application 137
is made is a participant in the address confidentiality program. 138

(C) Any person who files an application under division (A) or 139
(B) of this section shall file the application with the office of 140
the secretary of state. 141

(D) Upon the filing of a properly completed application, the secretary of state shall certify the applicant or the minor, incompetent, or ward on whose behalf the application is filed as a program participant. The certification of a program participant shall be valid for four years after the date of the filing of the application for the program participant unless the certification is withdrawn or invalidated before the end of that four-year period. A program participant may renew the program participant's certification pursuant to the renewal procedure adopted by the secretary of state under section 111.40 of the Revised Code.

(E) No person shall falsely attest in an application that disclosure of the applicant's address would endanger the applicant's safety, the safety of the applicant's children, or the safety of the minor, incompetent, or ward on whose behalf the application is made or knowingly provide false or incorrect information upon making an application. A violation of this prohibition shall be grounds for removal from the address confidentiality program.

Sec. 111.321. (A) In any criminal action involving a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2911.211, 2919.22, or 2919.25 of the Revised Code, upon the conviction or plea of guilty of the defendant, the court shall notify in writing the victim of the offense if an adult person or a parent or guardian acting on behalf of the victim who is a minor, incompetent, or ward of the right of the person to apply with the assistance of an application assistant to the secretary of state under sections 111.31 to 111.40 of the Revised Code to have an address designated by the secretary of state serve as the person's address or the address of the minor, incompetent, or ward. The person may apply with the assistance of an application assistant to the secretary of state pursuant to

those sections to have an address designated by the secretary of 174
state serve as the person's address or the address of the minor, 175
incompetent, or ward. 176

(B) In any proceeding under section 2903.213 of the Revised 177
Code, upon the issuance of a protection order, the court shall 178
notify in writing the person who filed the motion for the 179
protection order of the right of the person to apply with the 180
assistance of an application assistant to the secretary of state 181
under sections 111.31 to 111.40 of the Revised Code to have an 182
address designated by the secretary of state serve as the person's 183
address or the address of the person on whose behalf the 184
protection order was issued. The person who filed the motion for 185
the protection order may apply with the assistance of an 186
application assistant to the secretary of state pursuant to those 187
sections to have an address designated by the secretary of state 188
serve as the person's address or the address of the person on 189
whose behalf the protection order was issued. 190

(C) In any proceeding under section 2903.214 or 3113.31 of 191
the Revised Code, upon the issuance of a protection order or the 192
approval of a consent agreement, the court shall notify in writing 193
the petitioner in the proceeding of the right of the petitioner to 194
apply with the assistance of an application assistant to the 195
secretary of state under sections 111.31 to 111.40 of the Revised 196
Code to have an address designated by the secretary of state serve 197
as the petitioner's address or the address of the person on whose 198
behalf the protection order was issued or the consent agreement 199
was approved. The petitioner may apply with the assistance of an 200
application assistant to the secretary of state pursuant to those 201
sections to have an address designated by the secretary of state 202
serve as the petitioner's address or the address of the person on 203
whose behalf the protection order was issued or the consent 204
agreement was approved. 205

Sec. 111.33. (A) A program participant may request that a governmental entity use the address designated by the secretary of state as the program participant's address. Except as otherwise provided in division (D) or (E) of this section, if the program participant requests that a governmental entity use that address, the governmental entity shall accept that address.

(B) A program participant may use the address designated by the secretary of state as the program participant's address at the program participant's place of employment.

(C)(1) The office of the secretary of state shall daily place all first class mail of a program participant that the secretary of state receives that day into an envelope or package and mail that envelope or package to the program participant at the mailing address of the program participant provided in the program participant's application under section 111.32 of the Revised Code.

(2) The secretary of state may contract with the United States postal service to establish special postal rates for the envelopes or packages used in mailing a program participant's first class mail under this section.

(D) Division (A) of this section does not apply to a municipal-owned public utility. The confidential addresses of participants of the address confidentiality program that are maintained by a municipal-owned public utility are not a public record and shall not be released by a municipal-owned public utility or by any employee of a municipal-owned public utility.

(E) Division (A) of this section does not apply to any of the following:

(1) A county sheriff with respect to the confidential address of a program participant who is a tier II sex

offender/child-victim offender or a tier III sex 236
offender/child-victim offender that is contained in the records 237
possessed by the sheriff under division (A) of section 2950.081 of 238
the Revised Code or division (E) of section 2950.11 of the Revised 239
Code or in a database established by the sheriff under division 240
(C) of section 2950.081 of the Revised Code; 241

(2) The attorney general with respect to the confidential 242
address of a program participant who is a tier II sex 243
offender/child-victim offender or a tier III sex 244
offender/child-victim offender that is contained in the database 245
established through the bureau of criminal identification and 246
investigation under division (A)(11) of section 2950.13 of the 247
Revised Code. 248

Sec. 111.34. (A) Except as otherwise provided in this 249
section, a program participant who is a qualified elector may vote 250
by absent voter's ballots under Chapter 3509. of the Revised Code. 251
The program participant shall apply to the secretary of state for 252
those ballots using the participant's confidential address. 253
Bipartisan teams of employees of the office of the secretary of 254
state shall determine the precinct in which the program 255
participant resides and the ballot style that the program 256
participant should receive and shall request the program 257
participant absent voter's ballot from the board of elections. The 258
board of elections shall send to the secretary of state the 259
ballots appropriate for the precinct where the participant's true 260
residence is located. The office of the secretary of state shall 261
forward the ballot to the program participant and instruct the 262
program participant to return the program participant's ballot to 263
the office of the secretary of state. Bipartisan teams of 264
employees of the office of the secretary of state shall verify 265
that the program participant is registered and eligible to vote 266
using the secretary of state's participant voter registration 267

system and that the ballot envelope was properly completed before 268
forwarding for tabulation the ballot to the board of elections in 269
the county where the program participant voter resides. The absent 270
voter's ballots provided to program participants shall be referred 271
to as "ACP absent voter's ballots." The board of elections shall 272
accept all ballots forwarded by the secretary of state that are 273
postmarked prior to election day for up to ten days after election 274
day. 275

(B) Each employee of the office of the secretary of state who 276
serves on a bipartisan team that handles program participants' 277
absent voter's ballots shall subscribe to an oath that the 278
employee will faithfully execute the employee's duties to the best 279
of the employee's ability. 280

(C) Except as otherwise provided in sections 111.35 and 281
111.36 of the Revised Code and notwithstanding any provision of 282
sections 3503.15 and 3503.26 or any other section of the Revised 283
Code to the contrary, the secretary of state shall not disclose or 284
make a program participant's voter registration record available 285
for public inspection or copying. A program participant's voter 286
registration record will be subject to a mandatory audit every 287
four years by the auditor of state. The results of that audit are 288
not a public record and shall be kept only by the auditor of state 289
and the secretary of state. 290

(D) "Bipartisan teams" means two designated employees of the 291
office of the secretary of state who are from different political 292
parties. 293

Sec. 111.35. (A) A person may petition the court of common 294
pleas of Franklin county for a hearing to order the secretary of 295
state to make a program participant's confidential address 296
available to the person. 297

(B) Upon the filing of a petition under this section, the 298

court shall fix a date for a hearing on it and require the clerk 299
of the court of common pleas of Franklin county to serve a notice 300
of the date, time, place, and purpose of the hearing upon the 301
petitioner and the program participant. The clerk shall notify by 302
electronic means the secretary of state on behalf of the program 303
participant and shall send the notice by certified mail, return 304
receipt requested, to the participant. 305

(C) Upon receipt of a notice under division (B) of this 306
section by the secretary of state, the secretary of state shall 307
forward by certified mail, return receipt requested, a copy of the 308
individual notice to the program participant at the program 309
participant's confidential address. The return receipt shall be 310
addressed to the clerk of the applicable court of common pleas. 311
The court shall not hear the petition until the clerk receives the 312
return receipt containing proof of service of the notice upon the 313
program participant. 314

(D) At a hearing under this section, the program participant 315
or the program participant's attorney may appear and be heard. 316
After the hearing and considering the testimony, the court shall 317
issue the requested order only if good cause is shown for the 318
order and it appears to the court by clear and convincing evidence 319
that the disclosure of the program participant's confidential 320
address will not increase the risk that the program participant 321
will be threatened or harmed by another person. 322

Sec. 111.36. (A) Notwithstanding any provision of sections 323
3503.15 and 3503.26 or any other section of the Revised Code to 324
the contrary, the secretary of state shall not disclose or make a 325
program participant's confidential address available for 326
inspection or copying, except under the following circumstances: 327

(1)(a) The secretary of state shall disclose a program 328
participant's confidential address to a law enforcement officer, 329

prosecuting attorney, city director of law, or similar chief legal officer, or their designees, acting pursuant to a search warrant, subpoena, or court order. 330
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(b) A law enforcement officer may obtain the confidential address of a program participant from an electronic database maintained by the secretary of state under section 111.40 of the Revised Code and accessed through existing electronic databases that are regularly used by law enforcement officers if none of the following applies to the law enforcement officer: 333
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(i) The officer is the offender of a violation as described in division (A)(1)(a) of section 111.32 of the Revised Code. 339
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(ii) The officer is the person against whom a protection order is issued or a consent agreement is approved as described in division (A)(1)(b) of section 111.32 of the Revised Code. 341
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(iii) The officer is the person an applicant reasonably fears as causing the danger of being threatened or physically harmed as described in division (A)(1)(c) of section 111.32 of the Revised Code. 344
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(2) If a court orders that a program participant's confidential address be made available to a person under section 111.35 of the Revised Code, the secretary of state shall make it available to the person named in the court order. 348
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(3) If the secretary of state has canceled a program participant's certification under section 111.37 of the Revised Code, the secretary of state may make the address available for inspection or copying under section 3503.26 of the Revised Code. 352
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(B)(1) No person who obtains the confidential address of a program participant from the office of the secretary of state shall, with knowledge that the confidential address is protected in the address confidentiality program established under sections 111.31 to 111.40 of the Revised Code, knowingly disclose the 356
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confidential address to any person not authorized to receive that 361
confidential address. 362

(2) Division (B)(1) of this section does not apply to either 363
of the following: 364

(a) Any disclosure of the confidential address of a program 365
participant to a law enforcement officer acting within the scope 366
of the officer's duties in the investigation or prosecution of a 367
criminal offense; 368

(b) Any disclosure of the confidential address of a program 369
participant in any grand jury proceeding, any judicial proceeding, 370
or any filing, notice, discovery, motion, or other process 371
incident to a judicial proceeding. 372

(3) Whoever violates division (B)(1) of this section is 373
guilty of a felony of the fifth degree. 374

Sec. 111.37. (A) The secretary of state shall immediately 375
cancel the certification of a program participant under either of 376
the following circumstances: 377

(1) The program participant's application contained one or 378
more false statements. 379

(2) The program participant requests to cease being a program 380
participant. 381

(B) The secretary of state may cancel the certification of a 382
program participant if the program participant's address changes 383
from any address listed on the application made under section 384
111.32 of the Revised Code, unless the program participant or the 385
person who applied for the program on behalf of the program 386
participant provides the secretary of state with written notice of 387
the change of address within five days after the change of address 388
occurs. 389

Sec. 111.38. (A) The secretary of state may designate one or more employees or volunteers of various shelters for victims of domestic violence or other agencies within a county that serve victims of abuse to serve as application assistants for the applicants. 390
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(B) Application assistants shall comply with the requirements for training and certification adopted by the secretary of state under section 111.40 of the Revised Code. 395
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Sec. 111.39. (A) Notwithstanding any provision of Chapter 2743. or any other section of the Revised Code to the contrary, the state and the office of the secretary of state are not liable in damages for injury, death, or loss to person or property that allegedly arises from the performance of the secretary of state's duties under sections 111.31 to 111.40 of the Revised Code. Section 9.86 of the Revised Code applies to all officers and employees of the office of the secretary of state in relation to that performance. 398
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(B) Any assistance or counseling rendered to program applicants or program participants by the office of the secretary of state or by certified application assistants is not legal advice. 407
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Sec. 111.40. (A) The secretary of state shall adopt rules under Chapter 119. of the Revised Code to facilitate the administration of sections 111.31 to 111.40 of the Revised Code. 411
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(B) The secretary of state also shall adopt rules under Chapter 119. of the Revised Code to establish the following: 414
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(1) Guidelines for maintaining the confidentiality of the voter registration records of program participants; 416
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(2) Requirements for the training and certification of 418

application assistants; 419

(3) The application for certification as a program 420
participant; 421

(4) The procedure for renewal of certification as a program 422
participant. 423

(C) The secretary of state shall prescribe forms necessary 424
for the administration of the address confidentiality program, 425
including, but not limited to, an address confidentiality program 426
identification card. Application assistants and other persons 427
involved in registering participants in the address 428
confidentiality program shall use the forms prescribed by the 429
secretary of state. 430

(D)(1) The secretary of state shall maintain an electronic 431
database that contains the names and confidential addresses of 432
participants in the address confidentiality program and any other 433
information that the secretary of state considers appropriate 434
regarding the participants. Except as otherwise provided in this 435
division, the database is not a public record open for inspection 436
under section 149.43 of the Revised Code. Subject to division 437
(A)(1)(b) of section 111.36 of the Revised Code, any law 438
enforcement officer may access the database to obtain the 439
confidential address of a program participant. 440

(2) The secretary of state and the attorney general shall 441
enter into a memorandum of understanding to make any data 442
pertaining to participants in the address confidentiality program 443
available in a secure manner to law enforcement officers while 444
maintaining a high level of safety for program participants. 445

Sec. 149.43. (A) As used in this section: 446

(1) "Public record" means records kept by any public office, 447
including, but not limited to, state, county, city, village, 448

township, and school district units, and records pertaining to the 449
delivery of educational services by an alternative school in this 450
state kept by the nonprofit or for-profit entity operating the 451
alternative school pursuant to section 3313.533 of the Revised 452
Code. "Public record" does not mean any of the following: 453

- (a) Medical records; 454
- (b) Records pertaining to probation and parole proceedings or 455
to proceedings related to the imposition of community control 456
sanctions and post-release control sanctions; 457
- (c) Records pertaining to actions under section 2151.85 and 458
division (C) of section 2919.121 of the Revised Code and to 459
appeals of actions arising under those sections; 460
- (d) Records pertaining to adoption proceedings, including the 461
contents of an adoption file maintained by the department of 462
health under section 3705.12 of the Revised Code; 463
- (e) Information in a record contained in the putative father 464
registry established by section 3107.062 of the Revised Code, 465
regardless of whether the information is held by the department of 466
job and family services or, pursuant to section 3111.69 of the 467
Revised Code, the office of child support in the department or a 468
child support enforcement agency; 469
- (f) Records listed in division (A) of section 3107.42 of the 470
Revised Code or specified in division (A) of section 3107.52 of 471
the Revised Code; 472
- (g) Trial preparation records; 473
- (h) Confidential law enforcement investigatory records; 474
- (i) Records containing information that is confidential under 475
section 2710.03 or 4112.05 of the Revised Code; 476
- (j) DNA records stored in the DNA database pursuant to 477
section 109.573 of the Revised Code; 478

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| (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; | 479 480 481 482 |
| (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; | 483 484 485 486 |
| (m) Intellectual property records; | 487 |
| (n) Donor profile records; | 488 |
| (o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code; | 489 490 |
| (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, <u>or federal law enforcement officer</u> residential and familial information; | 491 492 493 494 495 |
| (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; | 496 497 498 499 500 |
| (r) Information pertaining to the recreational activities of a person under the age of eighteen; | 501 502 |
| (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 | 503 504 505 506 507 508 |

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| prepared pursuant to division (A) of section 307.626 of the | 509 |
| Revised Code; | 510 |
| (t) Records provided to and statements made by the executive | 511 |
| director of a public children services agency or a prosecuting | 512 |
| attorney acting pursuant to section 5153.171 of the Revised Code | 513 |
| other than the information released under that section; | 514 |
| (u) Test materials, examinations, or evaluation tools used in | 515 |
| an examination for licensure as a nursing home administrator that | 516 |
| the board of examiners of nursing home administrators administers | 517 |
| under section 4751.04 of the Revised Code or contracts under that | 518 |
| section with a private or government entity to administer; | 519 |
| (v) Records the release of which is prohibited by state or | 520 |
| federal law; | 521 |
| (w) Proprietary information of or relating to any person that | 522 |
| is submitted to or compiled by the Ohio venture capital authority | 523 |
| created under section 150.01 of the Revised Code; | 524 |
| (x) Information reported and evaluations conducted pursuant | 525 |
| to section 3701.072 of the Revised Code; | 526 |
| (y) Financial statements and data any person submits for any | 527 |
| purpose to the Ohio housing finance agency or the controlling | 528 |
| board in connection with applying for, receiving, or accounting | 529 |
| for financial assistance from the agency, and information that | 530 |
| identifies any individual who benefits directly or indirectly from | 531 |
| financial assistance from the agency; | 532 |
| (z) Records listed in section 5101.29 of the Revised Code. | 533 |
| (aa) Discharges recorded with a county recorder under section | 534 |
| 317.24 of the Revised Code, as specified in division (B)(2) of | 535 |
| that section; | 536 |
| (bb) <u>Subject to any provision in sections 111.31 to 111.40 of</u> | 537 |
| <u>the Revised Code, the confidential address of a participant of the</u> | 538 |

address confidentiality program, and all of the records pertaining 539
to the address confidentiality program, established under those 540
sections. 541

(2) "Confidential law enforcement investigatory record" means 542
any record that pertains to a law enforcement matter of a 543
criminal, quasi-criminal, civil, or administrative nature, but 544
only to the extent that the release of the record would create a 545
high probability of disclosure of any of the following: 546

(a) The identity of a suspect who has not been charged with 547
the offense to which the record pertains, or of an information 548
source or witness to whom confidentiality has been reasonably 549
promised; 550

(b) Information provided by an information source or witness 551
to whom confidentiality has been reasonably promised, which 552
information would reasonably tend to disclose the source's or 553
witness's identity; 554

(c) Specific confidential investigatory techniques or 555
procedures or specific investigatory work product; 556

(d) Information that would endanger the life or physical 557
safety of law enforcement personnel, a crime victim, a witness, or 558
a confidential information source. 559

(3) "Medical record" means any document or combination of 560
documents, except births, deaths, and the fact of admission to or 561
discharge from a hospital, that pertains to the medical history, 562
diagnosis, prognosis, or medical condition of a patient and that 563
is generated and maintained in the process of medical treatment. 564

(4) "Trial preparation record" means any record that contains 565
information that is specifically compiled in reasonable 566
anticipation of, or in defense of, a civil or criminal action or 567
proceeding, including the independent thought processes and 568
personal trial preparation of an attorney. 569

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

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

(7) "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, or federal law enforcement officer residential and familial information" means any information that discloses any of the following about a 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, or federal law enforcement officer:

(a) The address of the actual personal residence of a peace officer, parole officer, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, ~~or an~~ investigator of the bureau of criminal identification and investigation, or federal law enforcement officer, except for the state or political subdivision in which the peace officer, parole officer, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, ~~or~~ investigator of the

bureau of criminal identification and investigation, or federal 602
law enforcement officer resides; 603

(b) Information compiled from referral to or participation in 604
an employee assistance program; 605

(c) The social security number, the residential telephone 606
number, any bank account, debit card, charge card, or credit card 607
number, or the emergency telephone number of, or any medical 608
information pertaining to, a peace officer, parole officer, 609
prosecuting attorney, assistant prosecuting attorney, correctional 610
employee, youth services employee, firefighter, EMT, ~~or~~ 611
investigator of the bureau of criminal identification and 612
investigation, or federal law enforcement officer; 613

(d) The name of any beneficiary of employment benefits, 614
including, but not limited to, life insurance benefits, provided 615
to a peace officer, parole officer, prosecuting attorney, 616
assistant prosecuting attorney, correctional employee, youth 617
services employee, firefighter, EMT, ~~or~~ investigator of the bureau 618
of criminal identification and investigation, or federal law 619
enforcement officer by the peace officer's, parole officer's, 620
prosecuting attorney's, assistant prosecuting attorney's, 621
correctional employee's, youth services employee's, firefighter's, 622
EMT's, ~~or~~ investigator of the bureau of criminal identification 623
and investigation's, or federal law enforcement officer's 624
employer; 625

(e) The identity and amount of any charitable or employment 626
benefit deduction made by the peace officer's, parole officer's, 627
prosecuting attorney's, assistant prosecuting attorney's, 628
correctional employee's, youth services employee's, firefighter's, 629
EMT's, ~~or~~ investigator of the bureau of criminal identification 630
and investigation's, or federal law enforcement officer's employer 631
from the peace officer's, parole officer's, prosecuting 632
attorney's, assistant prosecuting attorney's, correctional 633

employee's, youth services employee's, firefighter's, EMT's, ~~or~~ 634
investigator of the bureau of criminal identification and 635
investigation's, or federal law enforcement officer's compensation 636
unless the amount of the deduction is required by state or federal 637
law; 638

(f) The name, the residential address, the name of the 639
employer, the address of the employer, the social security number, 640
the residential telephone number, any bank account, debit card, 641
charge card, or credit card number, or the emergency telephone 642
number of the spouse, a former spouse, or any child of a peace 643
officer, parole officer, prosecuting attorney, assistant 644
prosecuting attorney, correctional employee, youth services 645
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 646
criminal identification and investigation, or federal law 647
enforcement officer; 648

(g) A photograph of a peace officer or federal law 649
enforcement officer who holds a position or has an assignment that 650
may include undercover or plain clothes positions or assignments 651
as determined by the peace officer's or federal law enforcement 652
officer's appointing authority. 653

As used in divisions (A)(7) and (B)(9) of this section, 654
"peace officer" has the same meaning as in section 109.71 of the 655
Revised Code and also includes the superintendent and troopers of 656
the state highway patrol; it does not include the sheriff of a 657
county or a supervisory employee who, in the absence of the 658
sheriff, is authorized to stand in for, exercise the authority of, 659
and perform the duties of the sheriff. 660

As used in divisions (A)(7) and (B)(5) of this section, 661
"correctional employee" means any employee of the department of 662
rehabilitation and correction who in the course of performing the 663
employee's job duties has or has had contact with inmates and 664
persons under supervision. 665

As used in divisions (A)(7) and (B)(5) of this section, 666
"youth services employee" means any employee of the department of 667
youth services who in the course of performing the employee's job 668
duties has or has had contact with children committed to the 669
custody of the department of youth services. 670

As used in divisions (A)(7) and (B)(9) of this section, 671
"firefighter" means any regular, paid or volunteer, member of a 672
lawfully constituted fire department of a municipal corporation, 673
township, fire district, or village. 674

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 675
means EMTs-basic, EMTs-I, and paramedics that provide emergency 676
medical services for a public emergency medical service 677
organization. "Emergency medical service organization," 678
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 679
section 4765.01 of the Revised Code. 680

As used in divisions (A)(7) and (B)(9) of this section, 681
"investigator of the bureau of criminal identification and 682
investigation" has the meaning defined in section 2903.11 of the 683
Revised Code. 684

As used in divisions (A)(7) and (B)(9) of this section, 685
"federal law enforcement officer" means any officer of the United 686
States who is authorized by federal law to conduct any 687
investigation of, and make any arrest for, any offense against the 688
United States in violation of federal law. 689

(8) "Information pertaining to the recreational activities of 690
a person under the age of eighteen" means information that is kept 691
in the ordinary course of business by a public office, that 692
pertains to the recreational activities of a person under the age 693
of eighteen years, and that discloses any of the following: 694

(a) The address or telephone number of a person under the age 695
of eighteen or the address or telephone number of that person's 696

parent, guardian, custodian, or emergency contact person; 697

(b) The social security number, birth date, or photographic 698
image of a person under the age of eighteen; 699

(c) Any medical record, history, or information pertaining to 700
a person under the age of eighteen; 701

(d) Any additional information sought or required about a 702
person under the age of eighteen for the purpose of allowing that 703
person to participate in any recreational activity conducted or 704
sponsored by a public office or to use or obtain admission 705
privileges to any recreational facility owned or operated by a 706
public office. 707

(9) "Community control sanction" has the same meaning as in 708
section 2929.01 of the Revised Code. 709

(10) "Post-release control sanction" has the same meaning as 710
in section 2967.01 of the Revised Code. 711

(11) "Redaction" means obscuring or deleting any information 712
that is exempt from the duty to permit public inspection or 713
copying from an item that otherwise meets the definition of a 714
"record" in section 149.011 of the Revised Code. 715

(12) "Designee" and "elected official" have the same meanings 716
as in section 109.43 of the Revised Code. 717

(B)(1) Upon request and subject to division (B)(8) of this 718
section, all public records responsive to the request shall be 719
promptly prepared and made available for inspection to any person 720
at all reasonable times during regular business hours. Subject to 721
division (B)(8) of this section, upon request, a public office or 722
person responsible for public records shall make copies of the 723
requested public record available at cost and within a reasonable 724
period of time. If a public record contains information that is 725
exempt from the duty to permit public inspection or to copy the 726

public record, the public office or the person responsible for the 727
public record shall make available all of the information within 728
the public record that is not exempt. When making that public 729
record available for public inspection or copying that public 730
record, the public office or the person responsible for the public 731
record shall notify the requester of any redaction or make the 732
redaction plainly visible. A redaction shall be deemed a denial of 733
a request to inspect or copy the redacted information, except if 734
federal or state law authorizes or requires a public office to 735
make the redaction. 736

(2) To facilitate broader access to public records, a public 737
office or the person responsible for public records shall organize 738
and maintain public records in a manner that they can be made 739
available for inspection or copying in accordance with division 740
(B) of this section. A public office also shall have available a 741
copy of its current records retention schedule at a location 742
readily available to the public. If a requester makes an ambiguous 743
or overly broad request or has difficulty in making a request for 744
copies or inspection of public records under this section such 745
that the public office or the person responsible for the requested 746
public record cannot reasonably identify what public records are 747
being requested, the public office or the person responsible for 748
the requested public record may deny the request but shall provide 749
the requester with an opportunity to revise the request by 750
informing the requester of the manner in which records are 751
maintained by the public office and accessed in the ordinary 752
course of the public office's or person's duties. 753

(3) If a request is ultimately denied, in part or in whole, 754
the public office or the person responsible for the requested 755
public record shall provide the requester with an explanation, 756
including legal authority, setting forth why the request was 757
denied. If the initial request was provided in writing, the 758

explanation also shall be provided to the requester in writing. 759
The explanation shall not preclude the public office or the person 760
responsible for the requested public record from relying upon 761
additional reasons or legal authority in defending an action 762
commenced under division (C) of this section. 763

(4) Unless specifically required or authorized by state or 764
federal law or in accordance with division (B) of this section, no 765
public office or person responsible for public records may limit 766
or condition the availability of public records by requiring 767
disclosure of the requester's identity or the intended use of the 768
requested public record. Any requirement that the requester 769
disclose the requestor's identity or the intended use of the 770
requested public record constitutes a denial of the request. 771

(5) A public office or person responsible for public records 772
may ask a requester to make the request in writing, may ask for 773
the requester's identity, and may inquire about the intended use 774
of the information requested, but may do so only after disclosing 775
to the requester that a written request is not mandatory and that 776
the requester may decline to reveal the requester's identity or 777
the intended use and when a written request or disclosure of the 778
identity or intended use would benefit the requester by enhancing 779
the ability of the public office or person responsible for public 780
records to identify, locate, or deliver the public records sought 781
by the requester. 782

(6) If any person chooses to obtain a copy of a public record 783
in accordance with division (B) of this section, the public office 784
or person responsible for the public record may require that 785
person to pay in advance the cost involved in providing the copy 786
of the public record in accordance with the choice made by the 787
person seeking the copy under this division. The public office or 788
the person responsible for the public record shall permit that 789
person to choose to have the public record duplicated upon paper, 790

upon the same medium upon which the public office or person 791
responsible for the public record keeps it, or upon any other 792
medium upon which the public office or person responsible for the 793
public record determines that it reasonably can be duplicated as 794
an integral part of the normal operations of the public office or 795
person responsible for the public record. When the person seeking 796
the copy makes a choice under this division, the public office or 797
person responsible for the public record shall provide a copy of 798
it in accordance with the choice made by the person seeking the 799
copy. Nothing in this section requires a public office or person 800
responsible for the public record to allow the person seeking a 801
copy of the public record to make the copies of the public record. 802

(7) Upon a request made in accordance with division (B) of 803
this section and subject to division (B)(6) of this section, a 804
public office or person responsible for public records shall 805
transmit a copy of a public record to any person by United States 806
mail or by any other means of delivery or transmission within a 807
reasonable period of time after receiving the request for the 808
copy. The public office or person responsible for the public 809
record may require the person making the request to pay in advance 810
the cost of postage if the copy is transmitted by United States 811
mail or the cost of delivery if the copy is transmitted other than 812
by United States mail, and to pay in advance the costs incurred 813
for other supplies used in the mailing, delivery, or transmission. 814

Any public office may adopt a policy and procedures that it 815
will follow in transmitting, within a reasonable period of time 816
after receiving a request, copies of public records by United 817
States mail or by any other means of delivery or transmission 818
pursuant to this division. A public office that adopts a policy 819
and procedures under this division shall comply with them in 820
performing its duties under this division. 821

In any policy and procedures adopted under this division, a 822

public office may limit the number of records requested by a 823
person that the office will transmit by United States mail to ten 824
per month, unless the person certifies to the office in writing 825
that the person does not intend to use or forward the requested 826
records, or the information contained in them, for commercial 827
purposes. For purposes of this division, "commercial" shall be 828
narrowly construed and does not include reporting or gathering 829
news, reporting or gathering information to assist citizen 830
oversight or understanding of the operation or activities of 831
government, or nonprofit educational research. 832

(8) A public office or person responsible for public records 833
is not required to permit a person who is incarcerated pursuant to 834
a criminal conviction or a juvenile adjudication to inspect or to 835
obtain a copy of any public record concerning a criminal 836
investigation or prosecution or concerning what would be a 837
criminal investigation or prosecution if the subject of the 838
investigation or prosecution were an adult, unless the request to 839
inspect or to obtain a copy of the record is for the purpose of 840
acquiring information that is subject to release as a public 841
record under this section and the judge who imposed the sentence 842
or made the adjudication with respect to the person, or the 843
judge's successor in office, finds that the information sought in 844
the public record is necessary to support what appears to be a 845
justiciable claim of the person. 846

(9) Upon written request made and signed by a journalist on 847
or after December 16, 1999, a public office, or person responsible 848
for public records, having custody of the records of the agency 849
employing a specified peace officer, parole officer, prosecuting 850
attorney, assistant prosecuting attorney, correctional employee, 851
youth services employee, firefighter, EMT, ~~or~~ investigator of the 852
bureau of criminal identification and investigation, or federal 853
law enforcement officer shall disclose to the journalist the 854

address of the actual personal residence of the peace officer, 855
parole officer, prosecuting attorney, assistant prosecuting 856
attorney, correctional employee, youth services employee, 857
firefighter, EMT, ~~or~~ investigator of the bureau of criminal 858
identification and investigation, or federal law enforcement 859
officer and, if the peace officer's, parole officer's, prosecuting 860
attorney's, assistant prosecuting attorney's, correctional 861
employee's, youth services employee's, firefighter's, EMT's, ~~or~~ 862
investigator of the bureau of criminal identification and 863
investigation's, or federal law enforcement officer's spouse, 864
former spouse, or child is employed by a public office, the name 865
and address of the employer of the peace officer's, parole 866
officer's, prosecuting attorney's, assistant prosecuting 867
attorney's, correctional employee's, youth services employee's, 868
firefighter's, EMT's, ~~or~~ investigator of the bureau of criminal 869
identification and investigation's, or federal law enforcement 870
officer's spouse, former spouse, or child. The request shall 871
include the journalist's name and title and the name and address 872
of the journalist's employer and shall state that disclosure of 873
the information sought would be in the public interest. 874

As used in this division, "journalist" means a person engaged 875
in, connected with, or employed by any news medium, including a 876
newspaper, magazine, press association, news agency, or wire 877
service, a radio or television station, or a similar medium, for 878
the purpose of gathering, processing, transmitting, compiling, 879
editing, or disseminating information for the general public. 880

(C)(1) If a person allegedly is aggrieved by the failure of a 881
public office or the person responsible for public records to 882
promptly prepare a public record and to make it available to the 883
person for inspection in accordance with division (B) of this 884
section or by any other failure of a public office or the person 885
responsible for public records to comply with an obligation in 886

accordance with division (B) of this section, the person allegedly 887
aggrieved may commence a mandamus action to obtain a judgment that 888
orders the public office or the person responsible for the public 889
record to comply with division (B) of this section, that awards 890
court costs and reasonable attorney's fees to the person that 891
instituted the mandamus action, and, if applicable, that includes 892
an order fixing statutory damages under division (C)(1) of this 893
section. The mandamus action may be commenced in the court of 894
common pleas of the county in which division (B) of this section 895
allegedly was not complied with, in the supreme court pursuant to 896
its original jurisdiction under Section 2 of Article IV, Ohio 897
Constitution, or in the court of appeals for the appellate 898
district in which division (B) of this section allegedly was not 899
complied with pursuant to its original jurisdiction under Section 900
3 of Article IV, Ohio Constitution. 901

If a requestor transmits a written request by hand delivery 902
or certified mail to inspect or receive copies of any public 903
record in a manner that fairly describes the public record or 904
class of public records to the public office or person responsible 905
for the requested public records, except as otherwise provided in 906
this section, the requestor shall be entitled to recover the 907
amount of statutory damages set forth in this division if a court 908
determines that the public office or the person responsible for 909
public records failed to comply with an obligation in accordance 910
with division (B) of this section. 911

The amount of statutory damages shall be fixed at one hundred 912
dollars for each business day during which the public office or 913
person responsible for the requested public records failed to 914
comply with an obligation in accordance with division (B) of this 915
section, beginning with the day on which the requester files a 916
mandamus action to recover statutory damages, up to a maximum of 917
one thousand dollars. The award of statutory damages shall not be 918

construed as a penalty, but as compensation for injury arising 919
from lost use of the requested information. The existence of this 920
injury shall be conclusively presumed. The award of statutory 921
damages shall be in addition to all other remedies authorized by 922
this section. 923

The court may reduce an award of statutory damages or not 924
award statutory damages if the court determines both of the 925
following: 926

(a) That, based on the ordinary application of statutory law 927
and case law as it existed at the time of the conduct or 928
threatened conduct of the public office or person responsible for 929
the requested public records that allegedly constitutes a failure 930
to comply with an obligation in accordance with division (B) of 931
this section and that was the basis of the mandamus action, a 932
well-informed public office or person responsible for the 933
requested public records reasonably would believe that the conduct 934
or threatened conduct of the public office or person responsible 935
for the requested public records did not constitute a failure to 936
comply with an obligation in accordance with division (B) of this 937
section; 938

(b) That a well-informed public office or person responsible 939
for the requested public records reasonably would believe that the 940
conduct or threatened conduct of the public office or person 941
responsible for the requested public records would serve the 942
public policy that underlies the authority that is asserted as 943
permitting that conduct or threatened conduct. 944

(2)(a) If the court issues a writ of mandamus that orders the 945
public office or the person responsible for the public record to 946
comply with division (B) of this section and determines that the 947
circumstances described in division (C)(1) of this section exist, 948
the court shall determine and award to the relator all court 949
costs. 950

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

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

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

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

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

or threatened conduct of the public office or person responsible 983
for the requested public records did not constitute a failure to 984
comply with an obligation in accordance with division (B) of this 985
section; 986

(ii) That a well-informed public office or person responsible 987
for the requested public records reasonably would believe that the 988
conduct or threatened conduct of the public office or person 989
responsible for the requested public records as described in 990
division (C)(2)(c)(i) of this section would serve the public 991
policy that underlies the authority that is asserted as permitting 992
that conduct or threatened conduct. 993

(D) Chapter 1347. of the Revised Code does not limit the 994
provisions of this section. 995

(E)(1) To ensure that all employees of public offices are 996
appropriately educated about a public office's obligations under 997
division (B) of this section, all elected officials or their 998
appropriate designees shall attend training approved by the 999
attorney general as provided in section 109.43 of the Revised 1000
Code. In addition, all public offices shall adopt a public records 1001
policy in compliance with this section for responding to public 1002
records requests. In adopting a public records policy under this 1003
division, a public office may obtain guidance from the model 1004
public records policy developed and provided to the public office 1005
by the attorney general under section 109.43 of the Revised Code. 1006
Except as otherwise provided in this section, the policy may not 1007
limit the number of public records that the public office will 1008
make available to a single person, may not limit the number of 1009
public records that it will make available during a fixed period 1010
of time, and may not establish a fixed period of time before it 1011
will respond to a request for inspection or copying of public 1012
records, unless that period is less than eight hours. 1013

(2) The public office shall distribute the public records 1014

policy adopted by the public office under division (E)(1) of this 1015
section to the employee of the public office who is the records 1016
custodian or records manager or otherwise has custody of the 1017
records of that office. The public office shall require that 1018
employee to acknowledge receipt of the copy of the public records 1019
policy. The public office shall create a poster that describes its 1020
public records policy and shall post the poster in a conspicuous 1021
place in the public office and in all locations where the public 1022
office has branch offices. The public office may post its public 1023
records policy on the internet web site of the public office if 1024
the public office maintains an internet web site. A public office 1025
that has established a manual or handbook of its general policies 1026
and procedures for all employees of the public office shall 1027
include the public records policy of the public office in the 1028
manual or handbook. 1029

(F)(1) The bureau of motor vehicles may adopt rules pursuant 1030
to Chapter 119. of the Revised Code to reasonably limit the number 1031
of bulk commercial special extraction requests made by a person 1032
for the same records or for updated records during a calendar 1033
year. The rules may include provisions for charges to be made for 1034
bulk commercial special extraction requests for the actual cost of 1035
the bureau, plus special extraction costs, plus ten per cent. The 1036
bureau may charge for expenses for redacting information, the 1037
release of which is prohibited by law. 1038

(2) As used in division (F)(1) of this section: 1039

(a) "Actual cost" means the cost of depleted supplies, 1040
records storage media costs, actual mailing and alternative 1041
delivery costs, or other transmitting costs, and any direct 1042
equipment operating and maintenance costs, including actual costs 1043
paid to private contractors for copying services. 1044

(b) "Bulk commercial special extraction request" means a 1045
request for copies of a record for information in a format other 1046

than the format already available, or information that cannot be 1047
extracted without examination of all items in a records series, 1048
class of records, or data base by a person who intends to use or 1049
forward the copies for surveys, marketing, solicitation, or resale 1050
for commercial purposes. "Bulk commercial special extraction 1051
request" does not include a request by a person who gives 1052
assurance to the bureau that the person making the request does 1053
not intend to use or forward the requested copies for surveys, 1054
marketing, solicitation, or resale for commercial purposes. 1055

(c) "Commercial" means profit-seeking production, buying, or 1056
selling of any good, service, or other product. 1057

(d) "Special extraction costs" means the cost of the time 1058
spent by the lowest paid employee competent to perform the task, 1059
the actual amount paid to outside private contractors employed by 1060
the bureau, or the actual cost incurred to create computer 1061
programs to make the special extraction. "Special extraction 1062
costs" include any charges paid to a public agency for computer or 1063
records services. 1064

(3) For purposes of divisions (F)(1) and (2) of this section, 1065
"surveys, marketing, solicitation, or resale for commercial 1066
purposes" shall be narrowly construed and does not include 1067
reporting or gathering news, reporting or gathering information to 1068
assist citizen oversight or understanding of the operation or 1069
activities of government, or nonprofit educational research. 1070

Sec. 149.45. (A) As used in this section: 1071

(1) "Personal information" means any of the following: 1072

(a) An individual's social security number; 1073

(b) An individual's federal tax identification number; 1074

(c) An individual's driver's license number or state 1075
identification number; 1076

(d) An individual's checking account number, savings account number, or credit card number. 1077
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(2) "Public record" and "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, or federal law enforcement officer residential and familial information" have the same meanings as in section 149.43 of the Revised Code. 1079
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(3) "Truncate" means to redact all but the last four digits of an individual's social security number. 1086
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(4) "Federal law enforcement officer" means any officer of the United States who is authorized by federal law to conduct any investigation of, and make any arrest for, any offense against the United States in violation of federal law. 1088
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(B)(1) No public office or person responsible for a public office's public records shall make available to the general public on the internet any document that contains an individual's social security number without otherwise redacting, encrypting, or truncating the social security number. 1092
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(2) A public office or person responsible for a public office's public records that prior to the effective date of this section made available to the general public on the internet any document that contains an individual's social security number shall redact, encrypt, or truncate the social security number from that document. 1097
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(3) Divisions (B)(1) and (2) of this section do not apply to documents that are only accessible through the internet with a password. 1103
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(C)(1) An individual may request that a public office or a person responsible for a public office's public records redact 1106
1107

personal information of that individual from any record made 1108
available to the general public on the internet. An individual who 1109
makes a request for redaction pursuant to this division shall make 1110
the request in writing on a form developed by the attorney general 1111
and shall specify the personal information to be redacted and 1112
provide any information that identifies the location of that 1113
personal information within a document that contains that personal 1114
information. 1115

(2) Upon receiving a request for a redaction pursuant to 1116
division (C)(1) of this section, a public office or a person 1117
responsible for a public office's public records shall act within 1118
five business days in accordance with the request to redact the 1119
personal information of the individual from any record made 1120
available to the general public on the internet, if practicable. 1121
If a redaction is not practicable, the public office or person 1122
responsible for the public office's public records shall verbally 1123
or in writing within five business days after receiving the 1124
written request explain to the individual why the redaction is 1125
impracticable. 1126

(3) The attorney general shall develop a form to be used by 1127
an individual to request a redaction pursuant to division (C)(1) 1128
of this section. The form shall include a place to provide any 1129
information that identifies the location of the personal 1130
information to be redacted. 1131

(D)(1) A peace officer, parole officer, prosecuting attorney, 1132
assistant prosecuting attorney, correctional employee, youth 1133
services employee, firefighter, EMT, ~~or~~ investigator of the bureau 1134
of criminal identification and investigation, or federal law 1135
enforcement officer may request that a public office other than a 1136
county auditor or a person responsible for the public records of a 1137
public office other than a county auditor redact the address of 1138
the person making the request from any record made available to 1139

the general public on the internet that includes peace officer, 1140
parole officer, prosecuting attorney, assistant prosecuting 1141
attorney, correctional employee, youth services employee, 1142
firefighter, EMT, ~~or~~ investigator of the bureau of criminal 1143
identification and investigation, or federal law enforcement 1144
officer residential and familial information of the person making 1145
the request. A person who makes a request for a redaction pursuant 1146
to this division shall make the request in writing and on a form 1147
developed by the attorney general. 1148

(2) Upon receiving a written request for a redaction pursuant 1149
to division (D)(1) of this section, a public office other than a 1150
county auditor or a person responsible for the public records of a 1151
public office other than a county auditor shall act within five 1152
business days in accordance with the request to redact the address 1153
of the peace officer, parole officer, prosecuting attorney, 1154
assistant prosecuting attorney, correctional employee, youth 1155
services employee, firefighter, EMT, ~~or~~ investigator of the bureau 1156
of criminal identification and investigation, or federal law 1157
enforcement officer making the request from any record made 1158
available to the general public on the internet that includes 1159
peace officer, parole officer, prosecuting attorney, assistant 1160
prosecuting attorney, correctional employee, youth services 1161
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1162
criminal identification and investigation, or federal law 1163
enforcement officer residential and familial information of the 1164
person making the request, if practicable. If a redaction is not 1165
practicable, the public office or person responsible for the 1166
public office's public records shall verbally or in writing within 1167
five business days after receiving the written request explain to 1168
the peace officer, parole officer, prosecuting attorney, assistant 1169
prosecuting attorney, correctional employee, youth services 1170
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1171
criminal identification and investigation, or federal law 1172

enforcement officer why the redaction is impracticable. 1173

(3) Except as provided in this section and section 319.28 of 1174
the Revised Code, a public office other than an employer of a 1175
peace officer, parole officer, prosecuting attorney, assistant 1176
prosecuting attorney, correctional employee, youth services 1177
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1178
criminal identification and investigation, or federal law 1179
enforcement officer or a person responsible for the public records 1180
of the employer is not required to redact the residential and 1181
familial information of the peace officer, parole officer, 1182
prosecuting attorney, assistant prosecuting attorney, correctional 1183
employee, youth services employee, firefighter, EMT, ~~or~~ 1184
investigator of the bureau of criminal identification and 1185
investigation, or federal law enforcement officer from other 1186
records maintained by the public office. 1187

(4) The attorney general shall develop a form to be used by a 1188
peace officer, parole officer, prosecuting attorney, assistant 1189
prosecuting attorney, correctional employee, youth services 1190
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1191
criminal identification and investigation, or federal law 1192
enforcement officer to request a redaction pursuant to division 1193
(D)(1) of this section. The form shall include a place to provide 1194
any information that identifies the location of the address of a 1195
peace officer, parole officer, prosecuting attorney, assistant 1196
prosecuting attorney, correctional employee, youth services 1197
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1198
criminal identification and investigation, or federal law 1199
enforcement officer to be redacted. 1200

(E)(1) If a public office or a person responsible for a 1201
public office's public records becomes aware that an electronic 1202
record of that public office that is made available to the general 1203
public on the internet contains an individual's social security 1204

number that was mistakenly not redacted, encrypted, or truncated 1205
as required by division (B)(1) or (2) of this section, the public 1206
office or person responsible for the public office's public 1207
records shall redact, encrypt, or truncate the individual's social 1208
security number within a reasonable period of time. 1209

(2) A public office or a person responsible for a public 1210
office's public records is not liable in damages in a civil action 1211
for any harm an individual allegedly sustains as a result of the 1212
inclusion of that individual's personal information on any record 1213
made available to the general public on the internet or any harm a 1214
peace officer, parole officer, prosecuting attorney, assistant 1215
prosecuting attorney, correctional employee, youth services 1216
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1217
criminal identification and investigation, or federal law 1218
enforcement officer sustains as a result of the inclusion of the 1219
address of the peace officer, parole officer, prosecuting 1220
attorney, assistant prosecuting attorney, correctional employee, 1221
youth services employee, firefighter, EMT, ~~or~~ investigator of the 1222
bureau of criminal identification and investigation, or federal 1223
law enforcement officer on any record made available to the 1224
general public on the internet in violation of this section unless 1225
the public office or person responsible for the public office's 1226
public records acted with malicious purpose, in bad faith, or in a 1227
wanton or reckless manner or division (A)(6)(a) or (c) of section 1228
2744.03 of the Revised Code applies. 1229

Sec. 319.28. (A) Except as otherwise provided in division (B) 1230
of this section, on or before the first Monday of August, 1231
annually, the county auditor shall compile and make up a general 1232
tax list of real and public utility property in the county, either 1233
in tabular form and alphabetical order, or, with the consent of 1234
the county treasurer, by listing all parcels in a permanent parcel 1235
number sequence to which a separate alphabetical index is keyed, 1236

containing the names of the several persons, companies, firms, 1237
partnerships, associations, and corporations in whose names real 1238
property has been listed in each township, municipal corporation, 1239
special district, or separate school district, or part of either 1240
in the auditor's county, placing separately, in appropriate 1241
columns opposite each name, the description of each tract, lot, or 1242
parcel of real estate, the value of each tract, lot, or parcel, 1243
the value of the improvements thereon, and of the names of the 1244
several public utilities whose property, subject to taxation on 1245
the general tax list and duplicate, has been apportioned by the 1246
department of taxation to the county, and the amount so 1247
apportioned to each township, municipal corporation, special 1248
district, or separate school district or part of either in the 1249
auditor's county, as shown by the certificates of apportionment of 1250
public utility property. If the name of the owner of any tract, 1251
lot, or parcel of real estate is unknown to the auditor, "unknown" 1252
shall be entered in the column of names opposite said tract, lot, 1253
or parcel. Such lists shall be prepared in duplicate. On or before 1254
the first Monday of September in each year, the auditor shall 1255
correct such lists in accordance with the additions and deductions 1256
ordered by the tax commissioner and by the county board of 1257
revision, and shall certify and on the first day of October 1258
deliver one copy thereof to the county treasurer. The copies 1259
prepared by the auditor shall constitute the auditor's general tax 1260
list and treasurer's general duplicate of real and public utility 1261
property for the current year. 1262

Once a permanent parcel numbering system has been established 1263
in any county as provided by the preceding paragraph, such system 1264
shall remain in effect until otherwise agreed upon by the county 1265
auditor and county treasurer. 1266

(B)(1) A peace officer, parole officer, prosecuting attorney, 1267
assistant prosecuting attorney, correctional employee, youth 1268

services employee, firefighter, EMT, ~~or~~ investigator of the bureau 1269
of criminal identification and investigation, or federal law 1270
enforcement officer may submit a written request by affidavit to 1271
the county auditor requesting the county auditor to remove the 1272
name of the peace officer, parole officer, prosecuting attorney, 1273
assistant prosecuting attorney, correctional employee, youth 1274
services employee, firefighter, EMT, ~~or~~ investigator of the bureau 1275
of criminal identification and investigation, or federal law 1276
enforcement officer from any record made available to the general 1277
public on the internet or a publicly accessible database and the 1278
general tax list of real and public utility property and the 1279
general duplicate of real and public utility property and insert 1280
the initials of the peace officer, parole officer, prosecuting 1281
attorney, assistant prosecuting attorney, correctional employee, 1282
youth services employee, firefighter, EMT, ~~or~~ investigator of the 1283
bureau of criminal identification and investigation, or federal 1284
law enforcement officer on any record made available to the 1285
general public on the internet or a publicly accessible database 1286
and the general tax list of real and public utility property and 1287
the general duplicate of real and public utility property as the 1288
name of the peace officer, parole officer, prosecuting attorney, 1289
assistant prosecuting attorney, correctional employee, youth 1290
services employee, firefighter, EMT, ~~or~~ investigator of the bureau 1291
of criminal identification and investigation, or federal law 1292
enforcement officer that appears on the deed. 1293

(2) Upon receiving a written request by affidavit described 1294
in division (B)(1) of this section, the county auditor shall act 1295
within five business days in accordance with the request to remove 1296
the name of the peace officer, parole officer, prosecuting 1297
attorney, assistant prosecuting attorney, correctional employee, 1298
youth services employee, firefighter, EMT, ~~or~~ investigator of the 1299
bureau of criminal identification and investigation, or federal 1300
law enforcement officer from any record made available to the 1301

general public on the internet or a publicly accessible database 1302
and the general tax list of real and public utility property and 1303
the general duplicate of real and public utility property and 1304
insert initials of the peace officer, parole officer, prosecuting 1305
attorney, assistant prosecuting attorney, correctional employee, 1306
youth services employee, firefighter, EMT, ~~or~~ investigator of the 1307
bureau of criminal identification and investigation, or federal 1308
law enforcement officer on any record made available to the 1309
general public on the internet or a publicly accessible database 1310
and the general tax list of real and public utility property and 1311
the general duplicate of real and public utility property, if 1312
practicable. If the removal and insertion is not practicable, the 1313
county auditor shall verbally or in writing within five business 1314
days after receiving the written request explain to the peace 1315
officer, parole officer, prosecuting attorney, assistant 1316
prosecuting attorney, correctional employee, youth services 1317
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1318
criminal identification and investigation, or federal law 1319
enforcement officer why the removal and insertion is 1320
impracticable. 1321

(C) As used in this section, "federal law enforcement 1322
officer" means any officer of the United States who is authorized 1323
by federal law to conduct any investigation of, and make any 1324
arrest for, any offense against the United States in violation of 1325
federal law. 1326

Sec. 319.54. (A) On all moneys collected by the county 1327
treasurer on any tax duplicate of the county, other than estate 1328
tax duplicates, and on all moneys received as advance payments of 1329
personal property and classified property taxes, the county 1330
auditor, on settlement with the treasurer and tax commissioner, on 1331
or before the date prescribed by law for such settlement or any 1332
lawful extension of such date, shall be allowed as compensation 1333

for the county auditor's services the following percentages: 1334

(1) On the first one hundred thousand dollars, two and 1335
one-half per cent; 1336

(2) On the next two million dollars, eight thousand three 1337
hundred eighteen ten-thousandths of one per cent; 1338

(3) On the next two million dollars, six thousand six hundred 1339
fifty-five ten-thousandths of one per cent; 1340

(4) On all further sums, one thousand six hundred sixty-three 1341
ten-thousandths of one per cent. 1342

If any settlement is not made on or before the date 1343
prescribed by law for such settlement or any lawful extension of 1344
such date, the aggregate compensation allowed to the auditor shall 1345
be reduced one per cent for each day such settlement is delayed 1346
after the prescribed date. No penalty shall apply if the auditor 1347
and treasurer grant all requests for advances up to ninety per 1348
cent of the settlement pursuant to section 321.34 of the Revised 1349
Code. The compensation allowed in accordance with this section on 1350
settlements made before the dates prescribed by law, or the 1351
reduced compensation allowed in accordance with this section on 1352
settlements made after the date prescribed by law or any lawful 1353
extension of such date, shall be apportioned ratably by the 1354
auditor and deducted from the shares or portions of the revenue 1355
payable to the state as well as to the county, townships, 1356
municipal corporations, and school districts. 1357

(B) For the purpose of reimbursing county auditors for the 1358
expenses associated with the increased number of applications for 1359
reductions in real property taxes under sections 323.152 and 1360
4503.065 of the Revised Code that result from the amendment of 1361
those sections by Am. Sub. H.B. 119 of the 127th general assembly, 1362
there shall be paid from the state's general revenue fund to the 1363
county treasury, to the credit of the real estate assessment fund 1364

created by section 325.31 of the Revised Code, an amount equal to 1365
one per cent of the total annual amount of property tax relief 1366
reimbursement paid to that county under sections 323.156 and 1367
4503.068 of the Revised Code for the preceding tax year. Payments 1368
made under this division shall be made at the same times and in 1369
the same manner as payments made under section 323.156 of the 1370
Revised Code. 1371

(C) From all moneys collected by the county treasurer on any 1372
tax duplicate of the county, other than estate tax duplicates, and 1373
on all moneys received as advance payments of personal property 1374
and classified property taxes, there shall be paid into the county 1375
treasury to the credit of the real estate assessment fund created 1376
by section 325.31 of the Revised Code, an amount to be determined 1377
by the county auditor, which shall not exceed the percentages 1378
prescribed in divisions (C)(1) and (2) of this section. 1379

(1) For payments made after June 30, 2007, and before 2011, 1380
the following percentages: 1381

(a) On the first five hundred thousand dollars, four per 1382
cent; 1383

(b) On the next five million dollars, two per cent; 1384

(c) On the next five million dollars, one per cent; 1385

(d) On all further sums not exceeding one hundred fifty 1386
million dollars, three-quarters of one per cent; 1387

(e) On amounts exceeding one hundred fifty million dollars, 1388
five hundred eighty-five thousandths of one per cent. 1389

(2) For payments made in or after 2011, the following 1390
percentages: 1391

(a) On the first five hundred thousand dollars, four per 1392
cent; 1393

(b) On the next ten million dollars, two per cent; 1394

(c) On amounts exceeding ten million five hundred thousand 1395
dollars, three-fourths of one per cent. 1396

Such compensation shall be apportioned ratably by the auditor 1397
and deducted from the shares or portions of the revenue payable to 1398
the state as well as to the county, townships, municipal 1399
corporations, and school districts. 1400

(D) Each county auditor shall receive four per cent of the 1401
amount of tax collected and paid into the county treasury, on 1402
property omitted and placed by the county auditor on the tax 1403
duplicate. 1404

(E) On all estate tax moneys collected by the county 1405
treasurer, the county auditor, on settlement semiannually with the 1406
tax commissioner, shall be allowed, as compensation for the 1407
auditor's services under Chapter 5731. of the Revised Code, the 1408
following percentages: 1409

(1) Four per cent on the first one hundred thousand dollars; 1410

(2) One-half of one per cent on all additional sums. 1411

Such percentages shall be computed upon the amount collected 1412
and reported at each semiannual settlement, and shall be for the 1413
use of the general fund of the county. 1414

(F) On all cigarette license moneys collected by the county 1415
treasurer, the county auditor, on settlement semiannually with the 1416
treasurer, shall be allowed as compensation for the auditor's 1417
services in the issuing of such licenses one-half of one per cent 1418
of such moneys, to be apportioned ratably and deducted from the 1419
shares of the revenue payable to the county and subdivisions, for 1420
the use of the general fund of the county. 1421

(G) The county auditor shall charge and receive fees as 1422
follows: 1423

(1) For deeds of land sold for taxes to be paid by the 1424

purchaser, five dollars; 1425

(2) For the transfer or entry of land, lot, or part of lot, 1426
or the transfer or entry on or after January 1, 2000, of a used 1427
manufactured home or mobile home as defined in section 5739.0210 1428
of the Revised Code, fifty cents for each transfer or entry, to be 1429
paid by the person requiring it; 1430

(3) For receiving statements of value and administering 1431
section 319.202 of the Revised Code, one dollar, or ten cents for 1432
each one hundred dollars or fraction of one hundred dollars, 1433
whichever is greater, of the value of the real property 1434
transferred or, for sales occurring on or after January 1, 2000, 1435
the value of the used manufactured home or used mobile home, as 1436
defined in section 5739.0210 of the Revised Code, transferred, 1437
except no fee shall be charged when the transfer is made: 1438

(a) To or from the United States, this state, or any 1439
instrumentality, agency, or political subdivision of the United 1440
States or this state; 1441

(b) Solely in order to provide or release security for a debt 1442
or obligation; 1443

(c) To confirm or correct a deed previously executed and 1444
recorded or when a current owner on any record made available to 1445
the general public on the internet or a publicly accessible 1446
database and the general tax list of real and public utility 1447
property and the general duplicate of real and public utility 1448
property is a peace officer, parole officer, prosecuting attorney, 1449
assistant prosecuting attorney, correctional employee, youth 1450
services employee, firefighter, EMT, ~~or~~ investigator of the bureau 1451
of criminal identification and investigation, or federal law 1452
enforcement officer and is changing the current owner name listed 1453
on any record made available to the general public on the internet 1454
or a publicly accessible database and the general tax list of real 1455

and public utility property and the general duplicate of real and public utility property to the initials of the current owner as prescribed in division (B)(1) of section 319.28 of the Revised Code;

(d) To evidence a gift, in trust or otherwise and whether revocable or irrevocable, between husband and wife, or parent and child or the spouse of either;

(e) On sale for delinquent taxes or assessments;

(f) Pursuant to court order, to the extent that such transfer is not the result of a sale effected or completed pursuant to such order;

(g) Pursuant to a reorganization of corporations or unincorporated associations or pursuant to the dissolution of a corporation, to the extent that the corporation conveys the property to a stockholder as a distribution in kind of the corporation's assets in exchange for the stockholder's shares in the dissolved corporation;

(h) By a subsidiary corporation to its parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of the subsidiary's stock;

(i) By lease, whether or not it extends to mineral or mineral rights, unless the lease is for a term of years renewable forever;

(j) When the value of the real property or the manufactured or mobile home or the value of the interest that is conveyed does not exceed one hundred dollars;

(k) Of an occupied residential property, including a manufactured or mobile home, being transferred to the builder of a new residence or to the dealer of a new manufactured or mobile home when the former residence is traded as part of the consideration for the new residence or new manufactured or mobile

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|---|--|
| home; | 1486 |
| (l) To a grantee other than a dealer in real property or in manufactured or mobile homes, solely for the purpose of, and as a step in, the prompt sale of the real property or manufactured or mobile home to others; | 1487 1488 1489 1490 |
| (m) To or from a person when no money or other valuable and tangible consideration readily convertible into money is paid or to be paid for the real estate or manufactured or mobile home and the transaction is not a gift; | 1491 1492 1493 1494 |
| (n) Pursuant to division (B) of section 317.22 of the Revised Code, or section 2113.61 of the Revised Code, between spouses or to a surviving spouse pursuant to section 5302.17 of the Revised Code as it existed prior to April 4, 1985, between persons pursuant to section 5302.17 or 5302.18 of the Revised Code on or after April 4, 1985, to a person who is a surviving, survivorship tenant pursuant to section 5302.17 of the Revised Code on or after April 4, 1985, or pursuant to section 5309.45 of the Revised Code; | 1495 1496 1497 1498 1499 1500 1501 1502 |
| (o) To a trustee acting on behalf of minor children of the deceased; | 1503 1504 |
| (p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars; | 1505 1506 |
| (q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code; | 1507 1508 |
| (r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such transfer is without consideration and is in furtherance of the charitable or public purposes of such organization; | 1509 1510 1511 1512 1513 |
| (s) Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is | 1514 1515 |

| | |
|---|--|
| paid or to be paid for the real property or manufactured or mobile home; | 1516 1517 |
| (t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust; | 1518 1519 |
| (u) To the grantor of a trust by a trustee of the trust, when the transfer is made to the grantor pursuant to the exercise of the grantor's power to revoke the trust or to withdraw trust assets; | 1520 1521 1522 1523 |
| (v) To the beneficiaries of a trust if the fee was paid on the transfer from the grantor of the trust to the trustee or if the transfer is made pursuant to trust provisions which became irrevocable at the death of the grantor; | 1524 1525 1526 1527 |
| (w) To a corporation for incorporation into a sports facility constructed pursuant to section 307.696 of the Revised Code; | 1528 1529 |
| (x) Between persons pursuant to section 5302.18 of the Revised Code; | 1530 1531 |
| (y) From a county land reutilization corporation organized under Chapter 1724. of the Revised Code to a third party. | 1532 1533 |
| The auditor shall compute and collect the fee. The auditor shall maintain a numbered receipt system, as prescribed by the tax commissioner, and use such receipt system to provide a receipt to each person paying a fee. The auditor shall deposit the receipts of the fees on conveyances in the county treasury daily to the credit of the general fund of the county, except that fees charged and received under division (G)(3) of this section for a transfer of real property to a county land reutilization corporation shall be credited to the county land reutilization corporation fund established under section 321.263 of the Revised Code. | 1534 1535 1536 1537 1538 1539 1540 1541 1542 1543 |
| The real property transfer fee provided for in division (G)(3) of this section shall be applicable to any conveyance of | 1544 1545 |

real property presented to the auditor on or after January 1, 1546
1968, regardless of its time of execution or delivery. 1547

The transfer fee for a used manufactured home or used mobile 1548
home shall be computed by and paid to the county auditor of the 1549
county in which the home is located immediately prior to the 1550
transfer. 1551

(H) As used in this section, "federal law enforcement 1552
officer" means any officer of the United States who is authorized 1553
by federal law to conduct any investigation of, and make any 1554
arrest for, any offense against the United States in violation of 1555
federal law. 1556

Sec. 2901.44. (A) In any criminal action involving a 1557
violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 1558
2903.22, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 1559
2907.08, 2907.09, 2911.211, 2919.22, or 2919.25 of the Revised 1560
Code, upon the conviction or plea of guilty of the defendant, the 1561
court shall notify in writing the victim of the offense if an 1562
adult person or a parent or guardian acting on behalf of the 1563
victim who is a minor, incompetent, or ward of the right of the 1564
person to apply with the assistance of an application assistant to 1565
the secretary of state under sections 111.31 to 111.40 of the 1566
Revised Code to have an address designated by the secretary of 1567
state serve as the person's address or the address of the minor, 1568
incompetent, or ward. The person may apply with the assistance of 1569
an application assistant to the secretary of state pursuant to 1570
those sections to have an address designated by the secretary of 1571
state serve as the person's address or the address of the minor, 1572
incompetent, or ward. 1573

(B) As used in this section: 1574

(1) "Guardian," "incompetent," "parent," and "ward" have the 1575
same meanings as in section 2111.01 of the Revised Code. 1576

(2) "Application assistant" has the same meaning as in 1577
section 111.31 of the Revised Code. 1578

Sec. 2903.213. (A) Except when the complaint involves a 1579
person who is a family or household member as defined in section 1580
2919.25 of the Revised Code, upon the filing of a complaint that 1581
alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 1582
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 1583
a municipal ordinance substantially similar to section 2903.13, 1584
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 1585
the commission of a sexually oriented offense, the complainant, 1586
the alleged victim, or a family or household member of an alleged 1587
victim may file a motion that requests the issuance of a 1588
protection order as a pretrial condition of release of the alleged 1589
offender, in addition to any bail set under Criminal Rule 46. The 1590
motion shall be filed with the clerk of the court that has 1591
jurisdiction of the case at any time after the filing of the 1592
complaint. If the complaint involves a person who is a family or 1593
household member, the complainant, the alleged victim, or the 1594
family or household member may file a motion for a temporary 1595
protection order pursuant to section 2919.26 of the Revised Code. 1596

(B) A motion for a protection order under this section shall 1597
be prepared on a form that is provided by the clerk of the court, 1598
and the form shall be substantially as follows: 1599

"Motion for Protection Order 1600
..... 1601

Name and address of court 1602

State of Ohio 1603

v. No. 1604

..... 1605

Name of Defendant 1606

(Name of person), moves the court to issue a protection order 1607
containing terms designed to ensure the safety and protection of 1608
the complainant or the alleged victim in the above-captioned case, 1609
in relation to the named defendant, pursuant to its authority to 1610
issue a protection order under section 2903.213 of the Revised 1611
Code. 1612

A complaint, a copy of which has been attached to this 1613
motion, has been filed in this court charging the named defendant 1614
with a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 1615
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 1616
a municipal ordinance substantially similar to section 2903.13, 1617
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 1618
the commission of a sexually oriented offense. 1619

I understand that I must appear before the court, at a time 1620
set by the court not later than the next day that the court is in 1621
session after the filing of this motion, for a hearing on the 1622
motion, and that any protection order granted pursuant to this 1623
motion is a pretrial condition of release and is effective only 1624
until the disposition of the criminal proceeding arising out of 1625
the attached complaint or until the issuance under section 1626
2903.214 of the Revised Code of a protection order arising out of 1627
the same activities as those that were the basis of the attached 1628
complaint. 1629

..... 1630

Signature of person 1631

..... 1632

Address of person" 1633

(C)(1) As soon as possible after the filing of a motion that 1634
requests the issuance of a protection order under this section, 1635
but not later than the next day that the court is in session after 1636
the filing of the motion, the court shall conduct a hearing to 1637

determine whether to issue the order. The person who requested the order shall appear before the court and provide the court with the information that it requests concerning the basis of the motion. If the court finds that the safety and protection of the complainant or the alleged victim may be impaired by the continued presence of the alleged offender, the court may issue a protection order under this section, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant or the alleged victim, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant or the alleged victim.

(2)(a) If the court issues a protection order under this section that includes a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant or the alleged victim, the order shall clearly state that the order cannot be waived or nullified by an invitation to the alleged offender from the complainant, the alleged victim, or a family or household member to enter the residence, school, business, or place of employment or by the alleged offender's entry into one of those places otherwise upon the consent of the complainant, the alleged victim, or a family or household member.

(b) Division (C)(2)(a) of this section does not limit any discretion of a court to determine that an alleged offender charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance substantially equivalent to that section, or with contempt of court, which charge is based on an alleged violation of a protection order issued under this section, did not commit the violation or was not in contempt of court.

(D)(1) Except when the complaint involves a person who is a

family or household member as defined in section 2919.25 of the Revised Code, upon the filing of a complaint that alleges a violation specified in division (A) of this section, the court, upon its own motion, may issue a protection order under this section as a pretrial condition of release of the alleged offender if it finds that the safety and protection of the complainant or the alleged victim may be impaired by the continued presence of the alleged offender.

(2) If the court issues a protection order under this section as an ex parte order, it shall conduct, as soon as possible after the issuance of the order but not later than the next day that the court is in session after its issuance, a hearing to determine whether the order should remain in effect, be modified, or be revoked. The hearing shall be conducted under the standards set forth in division (C) of this section.

(3) If a municipal court or a county court issues a protection order under this section and if, subsequent to the issuance of the order, the alleged offender who is the subject of the order is bound over to the court of common pleas for prosecution of a felony arising out of the same activities as those that were the basis of the complaint upon which the order is based, notwithstanding the fact that the order was issued by a municipal court or county court, the order shall remain in effect, as though it were an order of the court of common pleas, while the charges against the alleged offender are pending in the court of common pleas, for the period of time described in division (E)(2) of this section, and the court of common pleas has exclusive jurisdiction to modify the order issued by the municipal court or county court. This division applies when the alleged offender is bound over to the court of common pleas as a result of the person waiving a preliminary hearing on the felony charge, as a result of the municipal court or county court having determined at a

preliminary hearing that there is probable cause to believe that 1702
the felony has been committed and that the alleged offender 1703
committed it, as a result of the alleged offender having been 1704
indicted for the felony, or in any other manner. 1705

(E) A protection order that is issued as a pretrial condition 1706
of release under this section: 1707

(1) Is in addition to, but shall not be construed as a part 1708
of, any bail set under Criminal Rule 46; 1709

(2) Is effective only until the disposition, by the court 1710
that issued the order or, in the circumstances described in 1711
division (D)(3) of this section, by the court of common pleas to 1712
which the alleged offender is bound over for prosecution, of the 1713
criminal proceeding arising out of the complaint upon which the 1714
order is based or until the issuance under section 2903.214 of the 1715
Revised Code of a protection order arising out of the same 1716
activities as those that were the basis of the complaint filed 1717
under this section; 1718

(3) Shall not be construed as a finding that the alleged 1719
offender committed the alleged offense and shall not be introduced 1720
as evidence of the commission of the offense at the trial of the 1721
alleged offender on the complaint upon which the order is based. 1722

(F) A person who meets the criteria for bail under Criminal 1723
Rule 46 and who, if required to do so pursuant to that rule, 1724
executes or posts bond or deposits cash or securities as bail, 1725
shall not be held in custody pending a hearing before the court on 1726
a motion requesting a protection order under this section. 1727

(G)(1) A copy of a protection order that is issued under this 1728
section shall be issued by the court to the complainant, to the 1729
alleged victim, to the person who requested the order, to the 1730
defendant, and to all law enforcement agencies that have 1731
jurisdiction to enforce the order. The court shall direct that a 1732

copy of the order be delivered to the defendant on the same day 1733
that the order is entered. If a municipal court or a county court 1734
issues a protection order under this section and if, subsequent to 1735
the issuance of the order, the defendant who is the subject of the 1736
order is bound over to the court of common pleas for prosecution 1737
as described in division (D)(3) of this section, the municipal 1738
court or county court shall direct that a copy of the order be 1739
delivered to the court of common pleas to which the defendant is 1740
bound over. 1741

(2) Upon the issuance of a protection order under this 1742
section, the court shall provide the parties to the order with the 1743
following notice orally or by form: 1744

"NOTICE 1745

If you are convicted of a misdemeanor crime involving 1746
violence in which you are or were a spouse, intimate partner, 1747
parent, or guardian of the victim or are or were involved in 1748
another, similar relationship with the victim, it may be unlawful 1749
for you to possess or purchase a firearm, including a rifle, 1750
pistol, or revolver, or ammunition pursuant to federal law under 1751
18 U.S.C. 922(g)(9). If you have any questions whether this law 1752
makes it illegal for you to possess or purchase a firearm or 1753
ammunition, you should consult an attorney." 1754

(3) All law enforcement agencies shall establish and maintain 1755
an index for the protection orders delivered to the agencies 1756
pursuant to division (G)(1) of this section. With respect to each 1757
order delivered, each agency shall note on the index the date and 1758
time of the agency's receipt of the order. 1759

(4) Regardless of whether the petitioner has registered the 1760
protection order in the county in which the officer's agency has 1761
jurisdiction, any officer of a law enforcement agency shall 1762
enforce a protection order issued pursuant to this section in 1763
accordance with the provisions of the order. 1764

(H) Upon a violation of a protection order issued pursuant to 1765
this section, the court may issue another protection order under 1766
this section, as a pretrial condition of release, that modifies 1767
the terms of the order that was violated. 1768

(I) Notwithstanding any provision of law to the contrary and 1769
regardless of whether a protection order is issued or a consent 1770
agreement is approved by a court of another county or by a court 1771
of another state, no court or unit of state or local government 1772
shall charge any fee, cost, deposit, or money in connection with 1773
the filing of a motion pursuant to this section, in connection 1774
with the filing, issuance, registration, or service of a 1775
protection order or consent agreement, or for obtaining certified 1776
copies of a protection order or consent agreement. 1777

(J)(1) Upon the issuance of a protection order under this 1778
section, the court shall notify in writing the person who filed 1779
the motion for the issuance of the order of the right of the 1780
person to apply with the assistance of an application assistant to 1781
the secretary of state under sections 111.31 to 111.40 of the 1782
Revised Code to have an address designated by the secretary of 1783
state serve as the person's address or the address of the person 1784
on whose behalf the protection order was issued. The person who 1785
filed the motion for the issuance of the protection order may 1786
apply with the assistance of an application assistant to the 1787
secretary of state pursuant to those sections to have an address 1788
designated by the secretary of state serve as the person's address 1789
or the address of the person on whose behalf the protection order 1790
was issued. 1791

(2) As used in division (J)(1) of this section, "application 1792
assistant" has the same meaning as in section 111.31 of the 1793
Revised Code. 1794

(K) As used in this section, "sexually oriented offense" has 1795
the same meaning as in section 2950.01 of the Revised Code. 1796

| | |
|---|--|
| Sec. 2903.214. (A) As used in this section: | 1797 |
| (1) "Court" means the court of common pleas of the county in which the person to be protected by the protection order resides. | 1798 1799 |
| (2) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section. | 1800 1801 |
| (3) "Family or household member" has the same meaning as in section 3113.31 of the Revised Code. | 1802 1803 |
| (4) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code. | 1804 1805 |
| (5) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. | 1806 1807 |
| (6) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code. | 1808 1809 |
| (B) The court has jurisdiction over all proceedings under this section. | 1810 1811 |
| (C) A person may seek relief under this section for the person, or any parent or adult household member may seek relief under this section on behalf of any other family or household member, by filing a petition with the court. The petition shall contain or state all of the following: | 1812 1813 1814 1815 1816 |
| (1) An allegation that the respondent engaged in a violation of section 2903.211 of the Revised Code against the person to be protected by the protection order or committed a sexually oriented offense against the person to be protected by the protection order, including a description of the nature and extent of the violation; | 1817 1818 1819 1820 1821 1822 |
| (2) If the petitioner seeks relief in the form of electronic monitoring of the respondent, an allegation that at any time preceding the filing of the petition the respondent engaged in | 1823 1824 1825 |

conduct that would cause a reasonable person to believe that the health, welfare, or safety of the person to be protected was at risk, a description of the nature and extent of that conduct, and an allegation that the respondent presents a continuing danger to the person to be protected;

(3) A request for relief under this section.

(D)(1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing as soon as possible after the petition is filed, but not later than the next day that the court is in session after the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, that the court finds necessary for the safety and protection of the person to be protected by the order. Immediate and present danger to the person to be protected by the protection order constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the person to be protected by the protection order with bodily harm or in which the respondent previously has been convicted of or pleaded guilty to a violation of section 2903.211 of the Revised Code or a sexually oriented offense against the person to be protected by the protection order.

(2)(a) If the court, after an ex parte hearing, issues a protection order described in division (E) of this section, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. Under any of the following circumstances or for any of the following

reasons, the court may grant a continuance of the full hearing to 1858
a reasonable time determined by the court: 1859

(i) Prior to the date scheduled for the full hearing under 1860
this division, the respondent has not been served with the 1861
petition filed pursuant to this section and notice of the full 1862
hearing. 1863

(ii) The parties consent to the continuance. 1864

(iii) The continuance is needed to allow a party to obtain 1865
counsel. 1866

(iv) The continuance is needed for other good cause. 1867

(b) An ex parte order issued under this section does not 1868
expire because of a failure to serve notice of the full hearing 1869
upon the respondent before the date set for the full hearing under 1870
division (D)(2)(a) of this section or because the court grants a 1871
continuance under that division. 1872

(3) If a person who files a petition pursuant to this section 1873
does not request an ex parte order, or if a person requests an ex 1874
parte order but the court does not issue an ex parte order after 1875
an ex parte hearing, the court shall proceed as in a normal civil 1876
action and grant a full hearing on the matter. 1877

(E)(1)(a) After an ex parte or full hearing, the court may 1878
issue any protection order, with or without bond, that contains 1879
terms designed to ensure the safety and protection of the person 1880
to be protected by the protection order, including, but not 1881
limited to, a requirement that the respondent refrain from 1882
entering the residence, school, business, or place of employment 1883
of the petitioner or family or household member. If the court 1884
includes a requirement that the respondent refrain from entering 1885
the residence, school, business, or place of employment of the 1886
petitioner or family or household member in the order, it also 1887
shall include in the order provisions of the type described in 1888

division (E)(5) of this section. 1889

(b) After a full hearing, if the court considering a petition 1890
that includes an allegation of the type described in division 1891
(C)(2) of this section, or the court upon its own motion, finds 1892
upon clear and convincing evidence that the petitioner reasonably 1893
believed that the respondent's conduct at any time preceding the 1894
filing of the petition endangered the health, welfare, or safety 1895
of the person to be protected and that the respondent presents a 1896
continuing danger to the person to be protected, the court may 1897
order that the respondent be electronically monitored for a period 1898
of time and under the terms and conditions that the court 1899
determines are appropriate. Electronic monitoring shall be in 1900
addition to any other relief granted to the petitioner. 1901

(2)(a) Any protection order issued pursuant to this section 1902
shall be valid until a date certain but not later than five years 1903
from the date of its issuance. 1904

(b) Any protection order issued pursuant to this section may 1905
be renewed in the same manner as the original order was issued. 1906

(3) A court may not issue a protection order that requires a 1907
petitioner to do or to refrain from doing an act that the court 1908
may require a respondent to do or to refrain from doing under 1909
division (E)(1) of this section unless all of the following apply: 1910

(a) The respondent files a separate petition for a protection 1911
order in accordance with this section. 1912

(b) The petitioner is served with notice of the respondent's 1913
petition at least forty-eight hours before the court holds a 1914
hearing with respect to the respondent's petition, or the 1915
petitioner waives the right to receive this notice. 1916

(c) If the petitioner has requested an ex parte order 1917
pursuant to division (D) of this section, the court does not delay 1918
any hearing required by that division beyond the time specified in 1919

that division in order to consolidate the hearing with a hearing 1920
on the petition filed by the respondent. 1921

(d) After a full hearing at which the respondent presents 1922
evidence in support of the request for a protection order and the 1923
petitioner is afforded an opportunity to defend against that 1924
evidence, the court determines that the petitioner has committed a 1925
violation of section 2903.211 of the Revised Code against the 1926
person to be protected by the protection order issued pursuant to 1927
this section, has committed a sexually oriented offense against 1928
the person to be protected by the protection order, or has 1929
violated a protection order issued pursuant to section 2903.213 of 1930
the Revised Code relative to the person to be protected by the 1931
protection order issued pursuant to this section. 1932

(4) No protection order issued pursuant to this section shall 1933
in any manner affect title to any real property. 1934

(5)(a) If the court issues a protection order under this 1935
section that includes a requirement that the alleged offender 1936
refrain from entering the residence, school, business, or place of 1937
employment of the petitioner or a family or household member, the 1938
order shall clearly state that the order cannot be waived or 1939
nullified by an invitation to the alleged offender from the 1940
complainant to enter the residence, school, business, or place of 1941
employment or by the alleged offender's entry into one of those 1942
places otherwise upon the consent of the petitioner or family or 1943
household member. 1944

(b) Division (E)(5)(a) of this section does not limit any 1945
discretion of a court to determine that an alleged offender 1946
charged with a violation of section 2919.27 of the Revised Code, 1947
with a violation of a municipal ordinance substantially equivalent 1948
to that section, or with contempt of court, which charge is based 1949
on an alleged violation of a protection order issued under this 1950
section, did not commit the violation or was not in contempt of 1951

court. 1952

(F)(1) The court shall cause the delivery of a copy of any 1953
protection order that is issued under this section to the 1954
petitioner, to the respondent, and to all law enforcement agencies 1955
that have jurisdiction to enforce the order. The court shall 1956
direct that a copy of the order be delivered to the respondent on 1957
the same day that the order is entered. 1958

(2) Upon the issuance of a protection order under this 1959
section, the court shall provide the parties to the order with the 1960
following notice orally or by form: 1961

"NOTICE 1962

As a result of this order, it may be unlawful for you to 1963
possess or purchase a firearm, including a rifle, pistol, or 1964
revolver, or ammunition pursuant to federal law under 18 U.S.C. 1965
922(g)(8). If you have any questions whether this law makes it 1966
illegal for you to possess or purchase a firearm or ammunition, 1967
you should consult an attorney." 1968

(3) All law enforcement agencies shall establish and maintain 1969
an index for the protection orders delivered to the agencies 1970
pursuant to division (F)(1) of this section. With respect to each 1971
order delivered, each agency shall note on the index the date and 1972
time that it received the order. 1973

(4) Regardless of whether the petitioner has registered the 1974
protection order in the county in which the officer's agency has 1975
jurisdiction pursuant to division (M) of this section, any officer 1976
of a law enforcement agency shall enforce a protection order 1977
issued pursuant to this section by any court in this state in 1978
accordance with the provisions of the order, including removing 1979
the respondent from the premises, if appropriate. 1980

(G) Any proceeding under this section shall be conducted in 1981
accordance with the Rules of Civil Procedure, except that a 1982

protection order may be obtained under this section with or 1983
without bond. An order issued under this section, other than an ex 1984
parte order, that grants a protection order, or that refuses to 1985
grant a protection order, is a final, appealable order. The 1986
remedies and procedures provided in this section are in addition 1987
to, and not in lieu of, any other available civil or criminal 1988
remedies. 1989

(H) The filing of proceedings under this section does not 1990
excuse a person from filing any report or giving any notice 1991
required by section 2151.421 of the Revised Code or by any other 1992
law. 1993

(I) Any law enforcement agency that investigates an alleged 1994
violation of section 2903.211 of the Revised Code or an alleged 1995
commission of a sexually oriented offense shall provide 1996
information to the victim and the family or household members of 1997
the victim regarding the relief available under this section and 1998
section 2903.213 of the Revised Code. 1999

(J) Notwithstanding any provision of law to the contrary and 2000
regardless of whether a protection order is issued or a consent 2001
agreement is approved by a court of another county or by a court 2002
of another state, no court or unit of state or local government 2003
shall charge any fee, cost, deposit, or money in connection with 2004
the filing of a petition pursuant to this section, in connection 2005
with the filing, issuance, registration, or service of a 2006
protection order or consent agreement, or for obtaining a 2007
certified copy of a protection order or consent agreement. 2008

(K)(1) A person who violates a protection order issued under 2009
this section is subject to the following sanctions: 2010

(a) Criminal prosecution for a violation of section 2919.27 2011
of the Revised Code, if the violation of the protection order 2012
constitutes a violation of that section; 2013

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| (b) Punishment for contempt of court. | 2014 |
| (2) The punishment of a person for contempt of court for violation of a protection order issued under this section does not bar criminal prosecution of the person for a violation of section 2919.27 of the Revised Code. However, a person punished for contempt of court is entitled to credit for the punishment imposed upon conviction of a violation of that section, and a person convicted of a violation of that section shall not subsequently be punished for contempt of court arising out of the same activity. | 2015 2016 2017 2018 2019 2020 2021 2022 |
| (L) In all stages of a proceeding under this section, a petitioner may be accompanied by a victim advocate. | 2023 2024 |
| (M)(1) A petitioner who obtains a protection order under this section or a protection order under section 2903.213 of the Revised Code may provide notice of the issuance or approval of the order to the judicial and law enforcement officials in any county other than the county in which the order is issued by registering that order in the other county pursuant to division (M)(2) of this section and filing a copy of the registered order with a law enforcement agency in the other county in accordance with that division. A person who obtains a protection order issued by a court of another state may provide notice of the issuance of the order to the judicial and law enforcement officials in any county of this state by registering the order in that county pursuant to section 2919.272 of the Revised Code and filing a copy of the registered order with a law enforcement agency in that county. | 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 |
| (2) A petitioner may register a protection order issued pursuant to this section or section 2903.213 of the Revised Code in a county other than the county in which the court that issued the order is located in the following manner: | 2039 2040 2041 2042 |
| (a) The petitioner shall obtain a certified copy of the order from the clerk of the court that issued the order and present that | 2043 2044 |

certified copy to the clerk of the court of common pleas or the 2045
clerk of a municipal court or county court in the county in which 2046
the order is to be registered. 2047

(b) Upon accepting the certified copy of the order for 2048
registration, the clerk of the court of common pleas, municipal 2049
court, or county court shall place an endorsement of registration 2050
on the order and give the petitioner a copy of the order that 2051
bears that proof of registration. 2052

(3) The clerk of each court of common pleas, municipal court, 2053
or county court shall maintain a registry of certified copies of 2054
protection orders that have been issued by courts in other 2055
counties pursuant to this section or section 2903.213 of the 2056
Revised Code and that have been registered with the clerk. 2057

(N) If the court orders electronic monitoring of the 2058
respondent under this section, the court shall direct the 2059
sheriff's office or any other appropriate law enforcement agency 2060
to install the electronic monitoring device and to monitor the 2061
respondent. Unless the court determines that the respondent is 2062
indigent, the court shall order the respondent to pay the cost of 2063
the installation and monitoring of the electronic monitoring 2064
device. If the court determines that the respondent is indigent, 2065
the cost of the installation and monitoring of the electronic 2066
monitoring device may be paid out of funds from the reparations 2067
fund created pursuant to section 2743.191 of the Revised Code. The 2068
total amount of costs for the installation and monitoring of 2069
electronic monitoring devices paid pursuant to this division from 2070
the reparations fund shall not exceed three hundred thousand 2071
dollars per year. The attorney general may promulgate rules 2072
pursuant to section 111.15 of the Revised Code to govern payments 2073
made from the reparations fund pursuant to this division. The 2074
rules may include reasonable limits on the total cost paid 2075
pursuant to this division per respondent, the amount of the three 2076

hundred thousand dollars allocated to each county, and how 2077
invoices may be submitted by a county, court, or other entity. 2078

(O)(1) Upon the issuance of a protection order under this 2079
section, the court shall notify the petitioner in writing of the 2080
right of the petitioner to apply with the assistance of an 2081
application assistant to the secretary of state under sections 2082
111.31 to 111.40 of the Revised Code to have an address designated 2083
by the secretary of state serve as the petitioner's address or the 2084
address of the person on whose behalf the protection order was 2085
issued. The petitioner may apply with the assistance of an 2086
application assistant to the secretary of state pursuant to those 2087
sections to have an address designated by the secretary of state 2088
serve as the petitioner's address or the address of the person on 2089
whose behalf the protection order was issued. 2090

(2) As used in division (O)(1) of this section, "application 2091
assistant" has the same meaning as in section 111.31 of the 2092
Revised Code. 2093

Sec. 3113.31. (A) As used in this section: 2094

(1) "Domestic violence" means the occurrence of one or more 2095
of the following acts against a family or household member: 2096

(a) Attempting to cause or recklessly causing bodily injury; 2097

(b) Placing another person by the threat of force in fear of 2098
imminent serious physical harm or committing a violation of 2099
section 2903.211 or 2911.211 of the Revised Code; 2100

(c) Committing any act with respect to a child that would 2101
result in the child being an abused child, as defined in section 2102
2151.031 of the Revised Code; 2103

(d) Committing a sexually oriented offense. 2104

(2) "Court" means the domestic relations division of the 2105
court of common pleas in counties that have a domestic relations 2106

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| division, and the court of common pleas in counties that do not | 2107 |
| have a domestic relations division. | 2108 |
| (3) "Family or household member" means any of the following: | 2109 |
| (a) Any of the following who is residing with or has resided | 2110 |
| with the respondent: | 2111 |
| (i) A spouse, a person living as a spouse, or a former spouse | 2112 |
| of the respondent; | 2113 |
| (ii) A parent or a child of the respondent, or another person | 2114 |
| related by consanguinity or affinity to the respondent; | 2115 |
| (iii) A parent or a child of a spouse, person living as a | 2116 |
| spouse, or former spouse of the respondent, or another person | 2117 |
| related by consanguinity or affinity to a spouse, person living as | 2118 |
| a spouse, or former spouse of the respondent. | 2119 |
| (b) The natural parent of any child of whom the respondent is | 2120 |
| the other natural parent or is the putative other natural parent. | 2121 |
| (4) "Person living as a spouse" means a person who is living | 2122 |
| or has lived with the respondent in a common law marital | 2123 |
| relationship, who otherwise is cohabiting with the respondent, or | 2124 |
| who otherwise has cohabited with the respondent within five years | 2125 |
| prior to the date of the alleged occurrence of the act in | 2126 |
| question. | 2127 |
| (5) "Victim advocate" means a person who provides support and | 2128 |
| assistance for a person who files a petition under this section. | 2129 |
| (6) "Sexually oriented offense" has the same meaning as in | 2130 |
| section 2950.01 of the Revised Code. | 2131 |
| (B) The court has jurisdiction over all proceedings under | 2132 |
| this section. The petitioner's right to relief under this section | 2133 |
| is not affected by the petitioner's leaving the residence or | 2134 |
| household to avoid further domestic violence. | 2135 |
| (C) A person may seek relief under this section on the | 2136 |

person's own behalf, or any parent or adult household member may 2137
seek relief under this section on behalf of any other family or 2138
household member, by filing a petition with the court. The 2139
petition shall contain or state: 2140

(1) An allegation that the respondent engaged in domestic 2141
violence against a family or household member of the respondent, 2142
including a description of the nature and extent of the domestic 2143
violence; 2144

(2) The relationship of the respondent to the petitioner, and 2145
to the victim if other than the petitioner; 2146

(3) A request for relief under this section. 2147

(D)(1) If a person who files a petition pursuant to this 2148
section requests an ex parte order, the court shall hold an ex 2149
parte hearing on the same day that the petition is filed. The 2150
court, for good cause shown at the ex parte hearing, may enter any 2151
temporary orders, with or without bond, including, but not limited 2152
to, an order described in division (E)(1)(a), (b), or (c) of this 2153
section, that the court finds necessary to protect the family or 2154
household member from domestic violence. Immediate and present 2155
danger of domestic violence to the family or household member 2156
constitutes good cause for purposes of this section. Immediate and 2157
present danger includes, but is not limited to, situations in 2158
which the respondent has threatened the family or household member 2159
with bodily harm, in which the respondent has threatened the 2160
family or household member with a sexually oriented offense, or in 2161
which the respondent previously has been convicted of or pleaded 2162
guilty to an offense that constitutes domestic violence against 2163
the family or household member. 2164

(2)(a) If the court, after an ex parte hearing, issues an 2165
order described in division (E)(1)(b) or (c) of this section, the 2166
court shall schedule a full hearing for a date that is within 2167

seven court days after the ex parte hearing. If any other type of protection order that is authorized under division (E) of this section is issued by the court after an ex parte hearing, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court shall hold the full hearing on the date scheduled under this division unless the court grants a continuance of the hearing in accordance with this division. Under any of the following circumstances or for any of the following reasons, the court may grant a continuance of the full hearing to a reasonable time determined by the court:

(i) Prior to the date scheduled for the full hearing under this division, the respondent has not been served with the petition filed pursuant to this section and notice of the full hearing.

(ii) The parties consent to the continuance.

(iii) The continuance is needed to allow a party to obtain counsel.

(iv) The continuance is needed for other good cause.

(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D)(2)(a) of this section or because the court grants a continuance under that division.

(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.

(E)(1) After an ex parte or full hearing, the court may grant

any protection order, with or without bond, or approve any consent 2199
agreement to bring about a cessation of domestic violence against 2200
the family or household members. The order or agreement may: 2201

(a) Direct the respondent to refrain from abusing or from 2202
committing sexually oriented offenses against the family or 2203
household members; 2204

(b) Grant possession of the residence or household to the 2205
petitioner or other family or household member, to the exclusion 2206
of the respondent, by evicting the respondent, when the residence 2207
or household is owned or leased solely by the petitioner or other 2208
family or household member, or by ordering the respondent to 2209
vacate the premises, when the residence or household is jointly 2210
owned or leased by the respondent, and the petitioner or other 2211
family or household member; 2212

(c) When the respondent has a duty to support the petitioner 2213
or other family or household member living in the residence or 2214
household and the respondent is the sole owner or lessee of the 2215
residence or household, grant possession of the residence or 2216
household to the petitioner or other family or household member, 2217
to the exclusion of the respondent, by ordering the respondent to 2218
vacate the premises, or, in the case of a consent agreement, allow 2219
the respondent to provide suitable, alternative housing; 2220

(d) Temporarily allocate parental rights and responsibilities 2221
for the care of, or establish temporary parenting time rights with 2222
regard to, minor children, if no other court has determined, or is 2223
determining, the allocation of parental rights and 2224
responsibilities for the minor children or parenting time rights; 2225

(e) Require the respondent to maintain support, if the 2226
respondent customarily provides for or contributes to the support 2227
of the family or household member, or if the respondent has a duty 2228
to support the petitioner or family or household member; 2229

| | |
|--|--|
| (f) Require the respondent, petitioner, victim of domestic violence, or any combination of those persons, to seek counseling; | 2230 2231 |
| (g) Require the respondent to refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member; | 2232 2233 2234 |
| (h) Grant other relief that the court considers equitable and fair, including, but not limited to, ordering the respondent to permit the use of a motor vehicle by the petitioner or other family or household member and the apportionment of household and family personal property. | 2235 2236 2237 2238 2239 |
| (2) If a protection order has been issued pursuant to this section in a prior action involving the respondent and the petitioner or one or more of the family or household members or victims, the court may include in a protection order that it issues a prohibition against the respondent returning to the residence or household. If it includes a prohibition against the respondent returning to the residence or household in the order, it also shall include in the order provisions of the type described in division (E)(7) of this section. This division does not preclude the court from including in a protection order or consent agreement, in circumstances other than those described in this division, a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment of the petitioner or a family or household member, and, if the court includes any requirement of that type in an order or agreement, the court also shall include in the order provisions of the type described in division (E)(7) of this section. | 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 |
| (3)(a) Any protection order issued or consent agreement approved under this section shall be valid until a date certain, but not later than five years from the date of its issuance or approval unless modified or terminated as provided in division | 2258 2259 2260 2261 |

(E)(8) of this section. 2262

(b) Subject to the limitation on the duration of an order or 2263
agreement set forth in division (E)(3)(a) of this section, any 2264
order under division (E)(1)(d) of this section shall terminate on 2265
the date that a court in an action for divorce, dissolution of 2266
marriage, or legal separation brought by the petitioner or 2267
respondent issues an order allocating parental rights and 2268
responsibilities for the care of children or on the date that a 2269
juvenile court in an action brought by the petitioner or 2270
respondent issues an order awarding legal custody of minor 2271
children. Subject to the limitation on the duration of an order or 2272
agreement set forth in division (E)(3)(a) of this section, any 2273
order under division (E)(1)(e) of this section shall terminate on 2274
the date that a court in an action for divorce, dissolution of 2275
marriage, or legal separation brought by the petitioner or 2276
respondent issues a support order or on the date that a juvenile 2277
court in an action brought by the petitioner or respondent issues 2278
a support order. 2279

(c) Any protection order issued or consent agreement approved 2280
pursuant to this section may be renewed in the same manner as the 2281
original order or agreement was issued or approved. 2282

(4) A court may not issue a protection order that requires a 2283
petitioner to do or to refrain from doing an act that the court 2284
may require a respondent to do or to refrain from doing under 2285
division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this 2286
section unless all of the following apply: 2287

(a) The respondent files a separate petition for a protection 2288
order in accordance with this section. 2289

(b) The petitioner is served notice of the respondent's 2290
petition at least forty-eight hours before the court holds a 2291
hearing with respect to the respondent's petition, or the 2292

petitioner waives the right to receive this notice. 2293

(c) If the petitioner has requested an ex parte order 2294
pursuant to division (D) of this section, the court does not delay 2295
any hearing required by that division beyond the time specified in 2296
that division in order to consolidate the hearing with a hearing 2297
on the petition filed by the respondent. 2298

(d) After a full hearing at which the respondent presents 2299
evidence in support of the request for a protection order and the 2300
petitioner is afforded an opportunity to defend against that 2301
evidence, the court determines that the petitioner has committed 2302
an act of domestic violence or has violated a temporary protection 2303
order issued pursuant to section 2919.26 of the Revised Code, that 2304
both the petitioner and the respondent acted primarily as 2305
aggressors, and that neither the petitioner nor the respondent 2306
acted primarily in self-defense. 2307

(5) No protection order issued or consent agreement approved 2308
under this section shall in any manner affect title to any real 2309
property. 2310

(6)(a) If a petitioner, or the child of a petitioner, who 2311
obtains a protection order or consent agreement pursuant to 2312
division (E)(1) of this section or a temporary protection order 2313
pursuant to section 2919.26 of the Revised Code and is the subject 2314
of a parenting time order issued pursuant to section 3109.051 or 2315
3109.12 of the Revised Code or a visitation or companionship order 2316
issued pursuant to section 3109.051, 3109.11, or 3109.12 of the 2317
Revised Code or division (E)(1)(d) of this section granting 2318
parenting time rights to the respondent, the court may require the 2319
public children services agency of the county in which the court 2320
is located to provide supervision of the respondent's exercise of 2321
parenting time or visitation or companionship rights with respect 2322
to the child for a period not to exceed nine months, if the court 2323
makes the following findings of fact: 2324

(i) The child is in danger from the respondent; 2325

(ii) No other person or agency is available to provide the 2326
supervision. 2327

(b) A court that requires an agency to provide supervision 2328
pursuant to division (E)(6)(a) of this section shall order the 2329
respondent to reimburse the agency for the cost of providing the 2330
supervision, if it determines that the respondent has sufficient 2331
income or resources to pay that cost. 2332

(7)(a) If a protection order issued or consent agreement 2333
approved under this section includes a requirement that the 2334
respondent be evicted from or vacate the residence or household or 2335
refrain from entering the residence, school, business, or place of 2336
employment of the petitioner or a family or household member, the 2337
order or agreement shall state clearly that the order or agreement 2338
cannot be waived or nullified by an invitation to the respondent 2339
from the petitioner or other family or household member to enter 2340
the residence, school, business, or place of employment or by the 2341
respondent's entry into one of those places otherwise upon the 2342
consent of the petitioner or other family or household member. 2343

(b) Division (E)(7)(a) of this section does not limit any 2344
discretion of a court to determine that a respondent charged with 2345
a violation of section 2919.27 of the Revised Code, with a 2346
violation of a municipal ordinance substantially equivalent to 2347
that section, or with contempt of court, which charge is based on 2348
an alleged violation of a protection order issued or consent 2349
agreement approved under this section, did not commit the 2350
violation or was not in contempt of court. 2351

(8)(a) The court may modify or terminate as provided in 2352
division (E)(8) of this section a protection order or consent 2353
agreement that was issued after a full hearing under this section. 2354
The court that issued the protection order or approved the consent 2355

agreement shall hear a motion for modification or termination of 2356
the protection order or consent agreement pursuant to division 2357
(E)(8) of this section. 2358

(b) Either the petitioner or the respondent of the original 2359
protection order or consent agreement may bring a motion for 2360
modification or termination of a protection order or consent 2361
agreement that was issued or approved after a full hearing. The 2362
court shall require notice of the motion to be made as provided by 2363
the Rules of Civil Procedure. If the petitioner for the original 2364
protection order or consent agreement has requested that the 2365
petitioner's address be kept confidential, the court shall not 2366
disclose the address to the respondent of the original protection 2367
order or consent agreement or any other person, except as 2368
otherwise required by law. The moving party has the burden of 2369
proof to show, by a preponderance of the evidence, that 2370
modification or termination of the protection order or consent 2371
agreement is appropriate because either the protection order or 2372
consent agreement is no longer needed or because the terms of the 2373
original protection order or consent agreement are no longer 2374
appropriate. 2375

(c) In considering whether to modify or terminate a 2376
protection order or consent agreement issued or approved under 2377
this section, the court shall consider all relevant factors, 2378
including, but not limited to, the following: 2379

(i) Whether the petitioner consents to modification or 2380
termination of the protection order or consent agreement; 2381

(ii) Whether the petitioner fears the respondent; 2382

(iii) The current nature of the relationship between the 2383
petitioner and the respondent; 2384

(iv) The circumstances of the petitioner and respondent, 2385
including the relative proximity of the petitioner's and 2386

| | |
|---|--------------------------------------|
| respondent's workplaces and residences and whether the petitioner and respondent have minor children together; | 2387 2388 |
| (v) Whether the respondent has complied with the terms and conditions of the original protection order or consent agreement; | 2389 2390 |
| (vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol; | 2391 2392 |
| (vii) Whether the respondent has been convicted of or pleaded guilty to an offense of violence since the issuance of the protection order or approval of the consent agreement; | 2393 2394 2395 |
| (viii) Whether any other protection orders, consent agreements, restraining orders, or no contact orders have been issued against the respondent pursuant to this section, section 2919.26 of the Revised Code, any other provision of state law, or the law of any other state; | 2396 2397 2398 2399 2400 |
| (ix) Whether the respondent has participated in any domestic violence treatment, intervention program, or other counseling addressing domestic violence and whether the respondent has completed the treatment, program, or counseling; | 2401 2402 2403 2404 |
| (x) The time that has elapsed since the protection order was issued or since the consent agreement was approved; | 2405 2406 |
| (xi) The age and health of the respondent; | 2407 |
| (xii) When the last incident of abuse, threat of harm, or commission of a sexually oriented offense occurred or other relevant information concerning the safety and protection of the petitioner or other protected parties. | 2408 2409 2410 2411 |
| (d) If a protection order or consent agreement is modified or terminated as provided in division (E)(8) of this section, the court shall issue copies of the modified or terminated order or agreement as provided in division (F) of this section. A petitioner may also provide notice of the modification or | 2412 2413 2414 2415 2416 |

termination to the judicial and law enforcement officials in any 2417
county other than the county in which the order or agreement is 2418
modified or terminated as provided in division (N) of this 2419
section. 2420

(e) If the respondent moves for modification or termination 2421
of a protection order or consent agreement pursuant to this 2422
section, the court may assess costs against the respondent for the 2423
filing of the motion. 2424

(F)(1) A copy of any protection order, or consent agreement, 2425
that is issued, approved, modified, or terminated under this 2426
section shall be issued by the court to the petitioner, to the 2427
respondent, and to all law enforcement agencies that have 2428
jurisdiction to enforce the order or agreement. The court shall 2429
direct that a copy of an order be delivered to the respondent on 2430
the same day that the order is entered. 2431

(2) Upon the issuance of a protection order or the approval 2432
of a consent agreement under this section, the court shall provide 2433
the parties to the order or agreement with the following notice 2434
orally or by form: 2435

"NOTICE 2436

As a result of this order or consent agreement, it may be 2437
unlawful for you to possess or purchase a firearm, including a 2438
rifle, pistol, or revolver, or ammunition pursuant to federal law 2439
under 18 U.S.C. 922(g)(8). If you have any questions whether this 2440
law makes it illegal for you to possess or purchase a firearm or 2441
ammunition, you should consult an attorney." 2442

(3) All law enforcement agencies shall establish and maintain 2443
an index for the protection orders and the approved consent 2444
agreements delivered to the agencies pursuant to division (F)(1) 2445
of this section. With respect to each order and consent agreement 2446
delivered, each agency shall note on the index the date and time 2447

that it received the order or consent agreement. 2448

(4) Regardless of whether the petitioner has registered the 2449
order or agreement in the county in which the officer's agency has 2450
jurisdiction pursuant to division (N) of this section, any officer 2451
of a law enforcement agency shall enforce a protection order 2452
issued or consent agreement approved by any court in this state in 2453
accordance with the provisions of the order or agreement, 2454
including removing the respondent from the premises, if 2455
appropriate. 2456

(G) Any proceeding under this section shall be conducted in 2457
accordance with the Rules of Civil Procedure, except that an order 2458
under this section may be obtained with or without bond. An order 2459
issued under this section, other than an ex parte order, that 2460
grants a protection order or approves a consent agreement, that 2461
refuses to grant a protection order or approve a consent agreement 2462
that modifies or terminates a protection order or consent 2463
agreement, or that refuses to modify or terminate a protection 2464
order or consent agreement, is a final, appealable order. The 2465
remedies and procedures provided in this section are in addition 2466
to, and not in lieu of, any other available civil or criminal 2467
remedies. 2468

(H) The filing of proceedings under this section does not 2469
excuse a person from filing any report or giving any notice 2470
required by section 2151.421 of the Revised Code or by any other 2471
law. When a petition under this section alleges domestic violence 2472
against minor children, the court shall report the fact, or cause 2473
reports to be made, to a county, township, or municipal peace 2474
officer under section 2151.421 of the Revised Code. 2475

(I) Any law enforcement agency that investigates a domestic 2476
dispute shall provide information to the family or household 2477
members involved regarding the relief available under this section 2478
and section 2919.26 of the Revised Code. 2479

(J) Notwithstanding any provision of law to the contrary and
regardless of whether a protection order is issued or a consent
agreement is approved by a court of another county or a court of
another state, no court or unit of state or local government shall
charge any fee, cost, deposit, or money in connection with the
filing of a petition pursuant to this section or in connection
with the filing, issuance, registration, or service of a
protection order or consent agreement, or for obtaining a
certified copy of a protection order or consent agreement.

(K)(1) The court shall comply with Chapters 3119., 3121.,
3123., and 3125. of the Revised Code when it makes or modifies an
order for child support under this section.

(2) If any person required to pay child support under an
order made under this section on or after April 15, 1985, or
modified under this section on or after December 31, 1986, is
found in contempt of court for failure to make support payments
under the order, the court that makes the finding, in addition to
any other penalty or remedy imposed, shall assess all court costs
arising out of the contempt proceeding against the person and
require the person to pay any reasonable attorney's fees of any
adverse party, as determined by the court, that arose in relation
to the act of contempt.

(L)(1) A person who violates a protection order issued or a
consent agreement approved under this section is subject to the
following sanctions:

(a) Criminal prosecution for a violation of section 2919.27
of the Revised Code, if the violation of the protection order or
consent agreement constitutes a violation of that section;

(b) Punishment for contempt of court.

(2) The punishment of a person for contempt of court for
violation of a protection order issued or a consent agreement

approved under this section does not bar criminal prosecution of 2511
the person for a violation of section 2919.27 of the Revised Code. 2512
However, a person punished for contempt of court is entitled to 2513
credit for the punishment imposed upon conviction of a violation 2514
of that section, and a person convicted of a violation of that 2515
section shall not subsequently be punished for contempt of court 2516
arising out of the same activity. 2517

(M) In all stages of a proceeding under this section, a 2518
petitioner may be accompanied by a victim advocate. 2519

(N)(1) A petitioner who obtains a protection order or consent 2520
agreement under this section or a temporary protection order under 2521
section 2919.26 of the Revised Code may provide notice of the 2522
issuance or approval of the order or agreement to the judicial and 2523
law enforcement officials in any county other than the county in 2524
which the order is issued or the agreement is approved by 2525
registering that order or agreement in the other county pursuant 2526
to division (N)(2) of this section and filing a copy of the 2527
registered order or registered agreement with a law enforcement 2528
agency in the other county in accordance with that division. A 2529
person who obtains a protection order issued by a court of another 2530
state may provide notice of the issuance of the order to the 2531
judicial and law enforcement officials in any county of this state 2532
by registering the order in that county pursuant to section 2533
2919.272 of the Revised Code and filing a copy of the registered 2534
order with a law enforcement agency in that county. 2535

(2) A petitioner may register a temporary protection order, 2536
protection order, or consent agreement in a county other than the 2537
county in which the court that issued the order or approved the 2538
agreement is located in the following manner: 2539

(a) The petitioner shall obtain a certified copy of the order 2540
or agreement from the clerk of the court that issued the order or 2541
approved the agreement and present that certified copy to the 2542

clerk of the court of common pleas or the clerk of a municipal 2543
court or county court in the county in which the order or 2544
agreement is to be registered. 2545

(b) Upon accepting the certified copy of the order or 2546
agreement for registration, the clerk of the court of common 2547
pleas, municipal court, or county court shall place an endorsement 2548
of registration on the order or agreement and give the petitioner 2549
a copy of the order or agreement that bears that proof of 2550
registration. 2551

(3) The clerk of each court of common pleas, the clerk of 2552
each municipal court, and the clerk of each county court shall 2553
maintain a registry of certified copies of temporary protection 2554
orders, protection orders, or consent agreements that have been 2555
issued or approved by courts in other counties and that have been 2556
registered with the clerk. 2557

(O)(1) Upon the issuance of a protection order or the 2558
approval of a consent agreement under this section, the court 2559
shall notify the petitioner in writing of the right of the 2560
petitioner to apply with the assistance of an application 2561
assistant to the secretary of state under sections 111.31 to 2562
111.40 of the Revised Code to have an address designated by the 2563
secretary of state serve as the petitioner's address or the 2564
address of the person on whose behalf the protection order was 2565
issued or the consent agreement was approved. The petitioner may 2566
apply with the assistance of an application assistant to the 2567
secretary of state pursuant to those sections to have an address 2568
designated by the secretary of state serve as the petitioner's 2569
address or the address of the person on whose behalf the 2570
protection order was issued or the consent agreement was approved. 2571

(2) As used in division (O)(1) of this section, "application 2572
assistant" has the same meaning as in section 111.31 of the 2573
Revised Code. 2574

Sec. 3503.15. (A) The secretary of state shall establish and 2575
maintain a statewide voter registration database that shall be 2576
continuously available to each board of elections and to other 2577
agencies as authorized by law. 2578

(B) The statewide voter registration database established 2579
under this section shall be the official list of registered voters 2580
for all elections conducted in this state. 2581

(C) The statewide voter registration database established 2582
under this section shall, at a minimum, include all of the 2583
following: 2584

(1) An electronic network that connects all board of 2585
elections offices with the office of the secretary of state and 2586
with the offices of all other boards of elections; 2587

(2) A computer program that harmonizes the records contained 2588
in the database with records maintained by each board of 2589
elections; 2590

(3) An interactive computer program that allows access to the 2591
records contained in the database by each board of elections and 2592
by any persons authorized by the secretary of state to add, 2593
delete, modify, or print database records, and to conduct updates 2594
of the database; 2595

(4) A search program capable of verifying registered voters 2596
and their registration information by name, driver's license 2597
number, birth date, social security number, or current address; 2598

(5) Safeguards and components to ensure that the integrity, 2599
security, and confidentiality of the voter registration 2600
information is maintained. 2601

(D) The secretary of state shall adopt rules pursuant to 2602
Chapter 119. of the Revised Code doing all of the following: 2603

(1) Specifying the manner in which existing voter 2604

registration records maintained by boards of elections shall be 2605
converted to electronic files for inclusion in the statewide voter 2606
registration database; 2607

(2) Establishing a uniform method for entering voter 2608
registration records into the statewide voter registration 2609
database on an expedited basis, but not less than once per day, if 2610
new registration information is received; 2611

(3) Establishing a uniform method for purging canceled voter 2612
registration records from the statewide voter registration 2613
database in accordance with section 3503.21 of the Revised Code; 2614

(4) Specifying the persons authorized to add, delete, modify, 2615
or print records contained in the statewide voter registration 2616
database and to make updates of that database; 2617

(5) Establishing a process for annually auditing the 2618
information contained in the statewide voter registration 2619
database; 2620

(6) Establishing a process to keep the voter registration 2621
record of a person who is a program participant under sections 2622
111.31 to 111.40 of the Revised Code confidential and not 2623
available for public inspection. 2624

(E) A board of elections promptly shall purge a voter's name 2625
and voter registration information from the statewide voter 2626
registration database in accordance with the rules adopted by the 2627
secretary of state under division (D)(3) of this section after the 2628
cancellation of a voter's registration under section 3503.21 of 2629
the Revised Code. 2630

(F) The secretary of state shall provide training in the 2631
operation of the statewide voter registration database to each 2632
board of elections and to any persons authorized by the secretary 2633
of state to add, delete, modify, or print database records, and to 2634
conduct updates of the database. 2635

(G)(1) The statewide voter registration database established 2636
under this section shall be made available on a web site of the 2637
office of the secretary of state as follows: 2638

(a) Except as otherwise provided in division (G)(1)(b) of 2639
this section, only the following information from the statewide 2640
voter registration database regarding a registered voter shall be 2641
made available on the web site: 2642

(i) The voter's name; 2643

(ii) The voter's address; 2644

(iii) The voter's precinct number; 2645

(iv) The voter's voting history. 2646

(b) During the thirty days before the day of a primary or 2647
general election, the web site interface of the statewide voter 2648
registration database shall permit a voter to search for the 2649
polling location at which that voter may cast a ballot. 2650

(2) The secretary of state shall establish, by rule adopted 2651
under Chapter 119. of the Revised Code, a process for boards of 2652
elections to notify the secretary of state of changes in the 2653
locations of precinct polling places for the purpose of updating 2654
the information made available on the secretary of state's web 2655
site under division (G)(1)(b) of this section. Those rules shall 2656
require a board of elections, during the thirty days before the 2657
day of a primary or general election, to notify the secretary of 2658
state within one business day of any change to the location of a 2659
precinct polling place within the county. 2660

(3) During the thirty days before the day of a primary or 2661
general election, not later than one business day after receiving 2662
a notification from a county pursuant to division (G)(2) of this 2663
section that the location of a precinct polling place has changed, 2664
the secretary of state shall update that information on the 2665

secretary of state's web site for the purpose of division 2666
(G)(1)(b) of this section. 2667

Sec. 3503.151. Notwithstanding any other provision of Chapter 2668
3503. of the Revised Code, the secretary of state shall maintain 2669
the voter registration records for participants in the address 2670
confidentiality program under sections 111.32 to 111.40 of the 2671
Revised Code who are registered or choose to register to vote. The 2672
secretary of state shall process new voter registration records 2673
and maintain existing voter registration records in the same 2674
manner as county boards of elections. 2675

Sec. 3509.03. Except as provided in section 3509.031 or 2676
division (B) of section 3509.08 of the Revised Code, any qualified 2677
elector desiring to vote absent voter's ballots at an election 2678
shall make written application for those ballots to the director 2679
of elections of the county in which the elector's voting residence 2680
is located. The application need not be in any particular form but 2681
shall contain all of the following: 2682

(A) The elector's name; 2683

(B) The elector's signature; 2684

(C) The address at which the elector is registered to vote; 2685

(D) The elector's date of birth; 2686

(E) One of the following: 2687

(1) The elector's driver's license number; 2688

(2) The last four digits of the elector's social security 2689
number; 2690

(3) A copy of the elector's current and valid photo 2691
identification, a copy of a military identification, or a copy of 2692
a current utility bill, bank statement, government check, 2693
paycheck, or other government document, other than a notice of an 2694

election mailed by a board of elections under section 3501.19 of 2695
the Revised Code or a notice of voter registration mailed by a 2696
board of elections under section 3503.19 of the Revised Code, that 2697
shows the name and address of the elector. 2698

(F) A statement identifying the election for which absent 2699
voter's ballots are requested; 2700

(G) A statement that the person requesting the ballots is a 2701
qualified elector; 2702

(H) If the request is for primary election ballots, the 2703
elector's party affiliation; 2704

(I) If the elector desires ballots to be mailed to the 2705
elector, the address to which those ballots shall be mailed. 2706

A voter who will be outside the United States on the day of 2707
any election during a calendar year may use a single federal post 2708
card application to apply for absent voter's ballots. Those 2709
ballots shall be sent to the voter for use at the primary and 2710
general elections in that year and any special election to be held 2711
on the day in that year specified by division (E) of section 2712
3501.01 of the Revised Code for the holding of a primary election, 2713
designated by the general assembly for the purpose of submitting 2714
constitutional amendments proposed by the general assembly to the 2715
voters of the state unless the voter reports a change in the 2716
voter's voting status to the board of elections or the voter's 2717
intent to vote in any such election in the precinct in this state 2718
where the voter is registered to vote. A single federal postcard 2719
application shall be processed by the board of elections pursuant 2720
to section 3509.04 of the Revised Code the same as if the voter 2721
had applied separately for absent voter's ballots for each 2722
election. When mailing absent voter's ballots to a voter who 2723
applied for them by single federal post card application, the 2724
board shall enclose notification to the voter that the voter must 2725

report to the board subsequent changes in the voter's voting 2726
status or the voter's subsequent intent to vote in any such 2727
election in the precinct in this state where the voter is 2728
registered to vote. Such notification shall be in a form 2729
prescribed by the secretary of state. As used in this section, 2730
"voting status" means the voter's name at the time the voter 2731
applied for absent voter's ballots by single federal post card 2732
application and the voter's address outside the United States to 2733
which the voter requested that those ballots be sent. 2734

~~Each~~ Except as provided in section 111.34 of the Revised 2735
Code, each application for absent voter's ballots shall be 2736
delivered to the director not earlier than the first day of 2737
January of the year of the elections for which the absent voter's 2738
ballots are requested or not earlier than ninety days before the 2739
day of the election at which the ballots are to be voted, 2740
whichever is earlier, and not later than twelve noon of the third 2741
day before the day of the election at which the ballots are to be 2742
voted, or not later than the close of regular business hours on 2743
the day before the day of the election at which the ballots are to 2744
be voted if the application is delivered in person to the office 2745
of the board. 2746

Section 2. That existing sections 149.43, 149.45, 319.28, 2747
319.54, 2903.213, 2903.214, 3113.31, 3503.15, and 3509.03 of the 2748
Revised Code are hereby repealed. 2749