

**As Passed by the Senate**

**129th General Assembly  
Regular Session  
2011-2012**

**Sub. S. B. No. 61**

**Senator Wilson**

**Cosponsors: Senators Wagoner, Cafaro, Grendell, Bacon, Seitz, Jordan,  
Jones, Daniels, Beagle, Manning, Hite, Oelslager**

—

**A B I L L**

To amend sections 149.43, 149.45, 2923.13, and 1  
2923.14 of the Revised Code to specify that the 2  
residential and familial information of probation 3  
officers and bailiffs is not a public record; to 4  
conform the restoration of civil firearm rights 5  
with federal law and U.S. Supreme Court case law; 6  
to eliminate the prohibition against persons with 7  
certain misdemeanor drug offense convictions 8  
acquiring or possessing firearms or dangerous 9  
ordnance; and to allow restoration of civil 10  
firearm rights for firearms that are dangerous 11  
ordnance. 12

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

**Section 1.** That sections 149.43, 149.45, 2923.13, and 2923.14 13  
of the Revised Code be amended to read as follows: 14

**Sec. 149.43.** (A) As used in this section: 15

(1) "Public record" means records kept by any public office, 16  
including, but not limited to, state, county, city, village, 17  
township, and school district units, and records pertaining to the 18

delivery of educational services by an alternative school in this	19
state kept by the nonprofit or for-profit entity operating the	20
alternative school pursuant to section 3313.533 of the Revised	21
Code. "Public record" does not mean any of the following:	22
(a) Medical records;	23
(b) Records pertaining to probation and parole proceedings or	24
to proceedings related to the imposition of community control	25
sanctions and post-release control sanctions;	26
(c) Records pertaining to actions under section 2151.85 and	27
division (C) of section 2919.121 of the Revised Code and to	28
appeals of actions arising under those sections;	29
(d) Records pertaining to adoption proceedings, including the	30
contents of an adoption file maintained by the department of	31
health under section 3705.12 of the Revised Code;	32
(e) Information in a record contained in the putative father	33
registry established by section 3107.062 of the Revised Code,	34
regardless of whether the information is held by the department of	35
job and family services or, pursuant to section 3111.69 of the	36
Revised Code, the office of child support in the department or a	37
child support enforcement agency;	38
(f) Records listed in division (A) of section 3107.42 of the	39
Revised Code or specified in division (A) of section 3107.52 of	40
the Revised Code;	41
(g) Trial preparation records;	42
(h) Confidential law enforcement investigatory records;	43
(i) Records containing information that is confidential under	44
section 2710.03 or 4112.05 of the Revised Code;	45
(j) DNA records stored in the DNA database pursuant to	46
section 109.573 of the Revised Code;	47
(k) Inmate records released by the department of	48

rehabilitation and correction to the department of youth services 49  
or a court of record pursuant to division (E) of section 5120.21 50  
of the Revised Code; 51

(l) Records maintained by the department of youth services 52  
pertaining to children in its custody released by the department 53  
of youth services to the department of rehabilitation and 54  
correction pursuant to section 5139.05 of the Revised Code; 55

(m) Intellectual property records; 56

(n) Donor profile records; 57

(o) Records maintained by the department of job and family 58  
services pursuant to section 3121.894 of the Revised Code; 59

(p) Peace officer, parole officer, probation officer, 60  
bailiff, prosecuting attorney, assistant prosecuting attorney, 61  
correctional employee, youth services employee, firefighter, EMT, 62  
or investigator of the bureau of criminal identification and 63  
investigation residential and familial information; 64

(q) In the case of a county hospital operated pursuant to 65  
Chapter 339. of the Revised Code or a municipal hospital operated 66  
pursuant to Chapter 749. of the Revised Code, information that 67  
constitutes a trade secret, as defined in section 1333.61 of the 68  
Revised Code; 69

(r) Information pertaining to the recreational activities of 70  
a person under the age of eighteen; 71

(s) Records provided to, statements made by review board 72  
members during meetings of, and all work products of a child 73  
fatality review board acting under sections 307.621 to 307.629 of 74  
the Revised Code, and child fatality review data submitted by the 75  
child fatality review board to the department of health or a 76  
national child death review database, other than the report 77  
prepared pursuant to division (A) of section 307.626 of the 78

Revised Code;	79
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	80 81 82 83
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	84 85 86 87 88
(v) Records the release of which is prohibited by state or federal law;	89 90
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	91 92 93
(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code;	94 95
(y) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	96 97 98 99 100 101
(z) Records listed in section 5101.29 of the Revised Code.	102
(aa) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section.	103 104 105
(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but	106 107 108

only to the extent that the release of the record would create a 109  
high probability of disclosure of any of the following: 110

(a) The identity of a suspect who has not been charged with 111  
the offense to which the record pertains, or of an information 112  
source or witness to whom confidentiality has been reasonably 113  
promised; 114

(b) Information provided by an information source or witness 115  
to whom confidentiality has been reasonably promised, which 116  
information would reasonably tend to disclose the source's or 117  
witness's identity; 118

(c) Specific confidential investigatory techniques or 119  
procedures or specific investigatory work product; 120

(d) Information that would endanger the life or physical 121  
safety of law enforcement personnel, a crime victim, a witness, or 122  
a confidential information source. 123

(3) "Medical record" means any document or combination of 124  
documents, except births, deaths, and the fact of admission to or 125  
discharge from a hospital, that pertains to the medical history, 126  
diagnosis, prognosis, or medical condition of a patient and that 127  
is generated and maintained in the process of medical treatment. 128

(4) "Trial preparation record" means any record that contains 129  
information that is specifically compiled in reasonable 130  
anticipation of, or in defense of, a civil or criminal action or 131  
proceeding, including the independent thought processes and 132  
personal trial preparation of an attorney. 133

(5) "Intellectual property record" means a record, other than 134  
a financial or administrative record, that is produced or 135  
collected by or for faculty or staff of a state institution of 136  
higher learning in the conduct of or as a result of study or 137  
research on an educational, commercial, scientific, artistic, 138  
technical, or scholarly issue, regardless of whether the study or 139

research was sponsored by the institution alone or in conjunction 140  
with a governmental body or private concern, and that has not been 141  
publicly released, published, or patented. 142

(6) "Donor profile record" means all records about donors or 143  
potential donors to a public institution of higher education 144  
except the names and reported addresses of the actual donors and 145  
the date, amount, and conditions of the actual donation. 146

(7) "Peace officer, parole officer, probation officer, 147  
bailiff, prosecuting attorney, assistant prosecuting attorney, 148  
correctional employee, youth services employee, firefighter, EMT, 149  
or investigator of the bureau of criminal identification and 150  
investigation residential and familial information" means any 151  
information that discloses any of the following about a peace 152  
officer, parole officer, probation officer, bailiff, prosecuting 153  
attorney, assistant prosecuting attorney, correctional employee, 154  
youth services employee, firefighter, EMT, or investigator of the 155  
bureau of criminal identification and investigation: 156

(a) The address of the actual personal residence of a peace 157  
officer, parole officer, probation officer, bailiff, assistant 158  
prosecuting attorney, correctional employee, youth services 159  
employee, firefighter, EMT, or an investigator of the bureau of 160  
criminal identification and investigation, except for the state or 161  
political subdivision in which the peace officer, parole officer, 162  
probation officer, bailiff, assistant prosecuting attorney, 163  
correctional employee, youth services employee, firefighter, EMT, 164  
or investigator of the bureau of criminal identification and 165  
investigation resides; 166

(b) Information compiled from referral to or participation in 167  
an employee assistance program; 168

(c) The social security number, the residential telephone 169  
number, any bank account, debit card, charge card, or credit card 170

number, or the emergency telephone number of, or any medical 171  
information pertaining to, a peace officer, parole officer, 172  
probation officer, bailiff, prosecuting attorney, assistant 173  
prosecuting attorney, correctional employee, youth services 174  
employee, firefighter, EMT, or investigator of the bureau of 175  
criminal identification and investigation; 176

(d) The name of any beneficiary of employment benefits, 177  
including, but not limited to, life insurance benefits, provided 178  
to a peace officer, parole officer, probation officer, bailiff, 179  
prosecuting attorney, assistant prosecuting attorney, correctional 180  
employee, youth services employee, firefighter, EMT, or 181  
investigator of the bureau of criminal identification and 182  
investigation by the peace officer's, parole officer's, probation 183  
officer's, bailiff's, prosecuting attorney's, assistant 184  
prosecuting attorney's, correctional employee's, youth services 185  
employee's, firefighter's, EMT's, or investigator of the bureau of 186  
criminal identification and investigation's employer; 187

(e) The identity and amount of any charitable or employment 188  
benefit deduction made by the peace officer's, parole officer's, 189  
probation officer's, bailiff's, prosecuting attorney's, assistant 190  
prosecuting attorney's, correctional employee's, youth services 191  
employee's, firefighter's, EMT's, or investigator of the bureau of 192  
criminal identification and investigation's employer from the 193  
peace officer's, parole officer's, probation officer's, bailiff's, 194  
prosecuting attorney's, assistant prosecuting attorney's, 195  
correctional employee's, youth services employee's, firefighter's, 196  
EMT's, or investigator of the bureau of criminal identification 197  
and investigation's compensation unless the amount of the 198  
deduction is required by state or federal law; 199

(f) The name, the residential address, the name of the 200  
employer, the address of the employer, the social security number, 201  
the residential telephone number, any bank account, debit card, 202

charge card, or credit card number, or the emergency telephone 203  
number of the spouse, a former spouse, or any child of a peace 204  
officer, parole officer, probation officer, bailiff, prosecuting 205  
attorney, assistant prosecuting attorney, correctional employee, 206  
youth services employee, firefighter, EMT, or investigator of the 207  
bureau of criminal identification and investigation; 208

(g) A photograph of a peace officer who holds a position or 209  
has an assignment that may include undercover or plain clothes 210  
positions or assignments as determined by the peace officer's 211  
appointing authority. 212

As used in divisions (A)(7) and (B)(9) of this section, 213  
"peace officer" has the same meaning as in section 109.71 of the 214  
Revised Code and also includes the superintendent and troopers of 215  
the state highway patrol; it does not include the sheriff of a 216  
county or a supervisory employee who, in the absence of the 217  
sheriff, is authorized to stand in for, exercise the authority of, 218  
and perform the duties of the sheriff. 219

As used in divisions (A)(7) and (B)(5) of this section, 220  
"correctional employee" means any employee of the department of 221  
rehabilitation and correction who in the course of performing the 222  
employee's job duties has or has had contact with inmates and 223  
persons under supervision. 224

As used in divisions (A)(7) and (B)(5) of this section, 225  
"youth services employee" means any employee of the department of 226  
youth services who in the course of performing the employee's job 227  
duties has or has had contact with children committed to the 228  
custody of the department of youth services. 229

As used in divisions (A)(7) and (B)(9) of this section, 230  
"firefighter" means any regular, paid or volunteer, member of a 231  
lawfully constituted fire department of a municipal corporation, 232  
township, fire district, or village. 233



As used in divisions (A)(7) and (B)(9) of this section, "EMT" 234  
means EMTs-basic, EMTs-I, and paramedics that provide emergency 235  
medical services for a public emergency medical service 236  
organization. "Emergency medical service organization," 237  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 238  
section 4765.01 of the Revised Code. 239

As used in divisions (A)(7) and (B)(9) of this section, 240  
"investigator of the bureau of criminal identification and 241  
investigation" has the meaning defined in section 2903.11 of the 242  
Revised Code. 243

(8) "Information pertaining to the recreational activities of 244  
a person under the age of eighteen" means information that is kept 245  
in the ordinary course of business by a public office, that 246  
pertains to the recreational activities of a person under the age 247  
of eighteen years, and that discloses any of the following: 248

(a) The address or telephone number of a person under the age 249  
of eighteen or the address or telephone number of that person's 250  
parent, guardian, custodian, or emergency contact person; 251

(b) The social security number, birth date, or photographic 252  
image of a person under the age of eighteen; 253

(c) Any medical record, history, or information pertaining to 254  
a person under the age of eighteen; 255

(d) Any additional information sought or required about a 256  
person under the age of eighteen for the purpose of allowing that 257  
person to participate in any recreational activity conducted or 258  
sponsored by a public office or to use or obtain admission 259  
privileges to any recreational facility owned or operated by a 260  
public office. 261

(9) "Community control sanction" has the same meaning as in 262  
section 2929.01 of the Revised Code. 263

(10) "Post-release control sanction" has the same meaning as 264  
in section 2967.01 of the Revised Code. 265

(11) "Redaction" means obscuring or deleting any information 266  
that is exempt from the duty to permit public inspection or 267  
copying from an item that otherwise meets the definition of a 268  
"record" in section 149.011 of the Revised Code. 269

(12) "Designee" and "elected official" have the same meanings 270  
as in section 109.43 of the Revised Code. 271

(B)(1) Upon request and subject to division (B)(8) of this 272  
section, all public records responsive to the request shall be 273  
promptly prepared and made available for inspection to any person 274  
at all reasonable times during regular business hours. Subject to 275  
division (B)(8) of this section, upon request, a public office or 276  
person responsible for public records shall make copies of the 277  
requested public record available at cost and within a reasonable 278  
period of time. If a public record contains information that is 279  
exempt from the duty to permit public inspection or to copy the 280  
public record, the public office or the person responsible for the 281  
public record shall make available all of the information within 282  
the public record that is not exempt. When making that public 283  
record available for public inspection or copying that public 284  
record, the public office or the person responsible for the public 285  
record shall notify the requester of any redaction or make the 286  
redaction plainly visible. A redaction shall be deemed a denial of 287  
a request to inspect or copy the redacted information, except if 288  
federal or state law authorizes or requires a public office to 289  
make the redaction. 290

(2) To facilitate broader access to public records, a public 291  
office or the person responsible for public records shall organize 292  
and maintain public records in a manner that they can be made 293  
available for inspection or copying in accordance with division 294  
(B) of this section. A public office also shall have available a 295

copy of its current records retention schedule at a location 296  
readily available to the public. If a requester makes an ambiguous 297  
or overly broad request or has difficulty in making a request for 298  
copies or inspection of public records under this section such 299  
that the public office or the person responsible for the requested 300  
public record cannot reasonably identify what public records are 301  
being requested, the public office or the person responsible for 302  
the requested public record may deny the request but shall provide 303  
the requester with an opportunity to revise the request by 304  
informing the requester of the manner in which records are 305  
maintained by the public office and accessed in the ordinary 306  
course of the public office's or person's duties. 307

(3) If a request is ultimately denied, in part or in whole, 308  
the public office or the person responsible for the requested 309  
public record shall provide the requester with an explanation, 310  
including legal authority, setting forth why the request was 311  
denied. If the initial request was provided in writing, the 312  
explanation also shall be provided to the requester in writing. 313  
The explanation shall not preclude the public office or the person 314  
responsible for the requested public record from relying upon 315  
additional reasons or legal authority in defending an action 316  
commenced under division (C) of this section. 317

(4) Unless specifically required or authorized by state or 318  
federal law or in accordance with division (B) of this section, no 319  
public office or person responsible for public records may limit 320  
or condition the availability of public records by requiring 321  
disclosure of the requester's identity or the intended use of the 322  
requested public record. Any requirement that the requester 323  
disclose the requestor's identity or the intended use of the 324  
requested public record constitutes a denial of the request. 325

(5) A public office or person responsible for public records 326  
may ask a requester to make the request in writing, may ask for 327

the requester's identity, and may inquire about the intended use 328  
of the information requested, but may do so only after disclosing 329  
to the requester that a written request is not mandatory and that 330  
the requester may decline to reveal the requester's identity or 331  
the intended use and when a written request or disclosure of the 332  
identity or intended use would benefit the requester by enhancing 333  
the ability of the public office or person responsible for public 334  
records to identify, locate, or deliver the public records sought 335  
by the requester. 336

(6) If any person chooses to obtain a copy of a public record 337  
in accordance with division (B) of this section, the public office 338  
or person responsible for the public record may require that 339  
person to pay in advance the cost involved in providing the copy 340  
of the public record in accordance with the choice made by the 341  
person seeking the copy under this division. The public office or 342  
the person responsible for the public record shall permit that 343  
person to choose to have the public record duplicated upon paper, 344  
upon the same medium upon which the public office or person 345  
responsible for the public record keeps it, or upon any other 346  
medium upon which the public office or person responsible for the 347  
public record determines that it reasonably can be duplicated as 348  
an integral part of the normal operations of the public office or 349  
person responsible for the public record. When the person seeking 350  
the copy makes a choice under this division, the public office or 351  
person responsible for the public record shall provide a copy of 352  
it in accordance with the choice made by the person seeking the 353  
copy. Nothing in this section requires a public office or person 354  
responsible for the public record to allow the person seeking a 355  
copy of the public record to make the copies of the public record. 356

(7) Upon a request made in accordance with division (B) of 357  
this section and subject to division (B)(6) of this section, a 358  
public office or person responsible for public records shall 359

transmit a copy of a public record to any person by United States 360  
mail or by any other means of delivery or transmission within a 361  
reasonable period of time after receiving the request for the 362  
copy. The public office or person responsible for the public 363  
record may require the person making the request to pay in advance 364  
the cost of postage if the copy is transmitted by United States 365  
mail or the cost of delivery if the copy is transmitted other than 366  
by United States mail, and to pay in advance the costs incurred 367  
for other supplies used in the mailing, delivery, or transmission. 368

Any public office may adopt a policy and procedures that it 369  
will follow in transmitting, within a reasonable period of time 370  
after receiving a request, copies of public records by United 371  
States mail or by any other means of delivery or transmission 372  
pursuant to this division. A public office that adopts a policy 373  
and procedures under this division shall comply with them in 374  
performing its duties under this division. 375

In any policy and procedures adopted under this division, a 376  
public office may limit the number of records requested by a 377  
person that the office will transmit by United States mail to ten 378  
per month, unless the person certifies to the office in writing 379  
that the person does not intend to use or forward the requested 380  
records, or the information contained in them, for commercial 381  
purposes. For purposes of this division, "commercial" shall be 382  
narrowly construed and does not include reporting or gathering 383  
news, reporting or gathering information to assist citizen 384  
oversight or understanding of the operation or activities of 385  
government, or nonprofit educational research. 386

(8) A public office or person responsible for public records 387  
is not required to permit a person who is incarcerated pursuant to 388  
a criminal conviction or a juvenile adjudication to inspect or to 389  
obtain a copy of any public record concerning a criminal 390  
investigation or prosecution or concerning what would be a 391

criminal investigation or prosecution if the subject of the 392  
investigation or prosecution were an adult, unless the request to 393  
inspect or to obtain a copy of the record is for the purpose of 394  
acquiring information that is subject to release as a public 395  
record under this section and the judge who imposed the sentence 396  
or made the adjudication with respect to the person, or the 397  
judge's successor in office, finds that the information sought in 398  
the public record is necessary to support what appears to be a 399  
justiciable claim of the person. 400

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

shall include the journalist's name and title and the name and 425  
address of the journalist's employer and shall state that 426  
disclosure of the information sought would be in the public 427  
interest. 428

As used in this division, "journalist" means a person engaged 429  
in, connected with, or employed by any news medium, including a 430  
newspaper, magazine, press association, news agency, or wire 431  
service, a radio or television station, or a similar medium, for 432  
the purpose of gathering, processing, transmitting, compiling, 433  
editing, or disseminating information for the general public. 434

(C)(1) If a person allegedly is aggrieved by the failure of a 435  
public office or the person responsible for public records to 436  
promptly prepare a public record and to make it available to the 437  
person for inspection in accordance with division (B) of this 438  
section or by any other failure of a public office or the person 439  
responsible for public records to comply with an obligation in 440  
accordance with division (B) of this section, the person allegedly 441  
aggrieved may commence a mandamus action to obtain a judgment that 442  
orders the public office or the person responsible for the public 443  
record to comply with division (B) of this section, that awards 444  
court costs and reasonable attorney's fees to the person that 445  
instituted the mandamus action, and, if applicable, that includes 446  
an order fixing statutory damages under division (C)(1) of this 447  
section. The mandamus action may be commenced in the court of 448  
common pleas of the county in which division (B) of this section 449  
allegedly was not complied with, in the supreme court pursuant to 450  
its original jurisdiction under Section 2 of Article IV, Ohio 451  
Constitution, or in the court of appeals for the appellate 452  
district in which division (B) of this section allegedly was not 453  
complied with pursuant to its original jurisdiction under Section 454  
3 of Article IV, Ohio Constitution. 455

If a requestor transmits a written request by hand delivery 456

or certified mail to inspect or receive copies of any public 457  
record in a manner that fairly describes the public record or 458  
class of public records to the public office or person responsible 459  
for the requested public records, except as otherwise provided in 460  
this section, the requestor shall be entitled to recover the 461  
amount of statutory damages set forth in this division if a court 462  
determines that the public office or the person responsible for 463  
public records failed to comply with an obligation in accordance 464  
with division (B) of this section. 465

The amount of statutory damages shall be fixed at one hundred 466  
dollars for each business day during which the public office or 467  
person responsible for the requested public records failed to 468  
comply with an obligation in accordance with division (B) of this 469  
section, beginning with the day on which the requester files a 470  
mandamus action to recover statutory damages, up to a maximum of 471  
one thousand dollars. The award of statutory damages shall not be 472  
construed as a penalty, but as compensation for injury arising 473  
from lost use of the requested information. The existence of this 474  
injury shall be conclusively presumed. The award of statutory 475  
damages shall be in addition to all other remedies authorized by 476  
this section. 477

The court may reduce an award of statutory damages or not 478  
award statutory damages if the court determines both of the 479  
following: 480

(a) That, based on the ordinary application of statutory law 481  
and case law as it existed at the time of the conduct or 482  
threatened conduct of the public office or person responsible for 483  
the requested public records that allegedly constitutes a failure 484  
to comply with an obligation in accordance with division (B) of 485  
this section and that was the basis of the mandamus action, a 486  
well-informed public office or person responsible for the 487  
requested public records reasonably would believe that the conduct 488



or threatened conduct of the public office or person responsible 489  
for the requested public records did not constitute a failure to 490  
comply with an obligation in accordance with division (B) of this 491  
section; 492

(b) That a well-informed public office or person responsible 493  
for the requested public records reasonably would believe that the 494  
conduct or threatened conduct of the public office or person 495  
responsible for the requested public records would serve the 496  
public policy that underlies the authority that is asserted as 497  
permitting that conduct or threatened conduct. 498

(2)(a) If the court issues a writ of mandamus that orders the 499  
public office or the person responsible for the public record to 500  
comply with division (B) of this section and determines that the 501  
circumstances described in division (C)(1) of this section exist, 502  
the court shall determine and award to the relator all court 503  
costs. 504

(b) If the court renders a judgment that orders the public 505  
office or the person responsible for the public record to comply 506  
with division (B) of this section, the court may award reasonable 507  
attorney's fees subject to reduction as described in division 508  
(C)(2)(c) of this section. The court shall award reasonable 509  
attorney's fees, subject to reduction as described in division 510  
(C)(2)(c) of this section when either of the following applies: 511

(i) The public office or the person responsible for the 512  
public records failed to respond affirmatively or negatively to 513  
the public records request in accordance with the time allowed 514  
under division (B) of this section. 515

(ii) The public office or the person responsible for the 516  
public records promised to permit the relator to inspect or 517  
receive copies of the public records requested within a specified 518  
period of time but failed to fulfill that promise within that 519

specified period of time. 520

(c) Court costs and reasonable attorney's fees awarded under 521  
this section shall be construed as remedial and not punitive. 522  
Reasonable attorney's fees shall include reasonable fees incurred 523  
to produce proof of the reasonableness and amount of the fees and 524  
to otherwise litigate entitlement to the fees. The court may 525  
reduce an award of attorney's fees to the relator or not award 526  
attorney's fees to the relator if the court determines both of the 527  
following: 528

(i) That, based on the ordinary application of statutory law 529  
and case law as it existed at the time of the conduct or 530  
threatened conduct of the public office or person responsible for 531  
the requested public records that allegedly constitutes a failure 532  
to comply with an obligation in accordance with division (B) of 533  
this section and that was the basis of the mandamus action, a 534  
well-informed public office or person responsible for the 535  
requested public records reasonably would believe that the conduct 536  
or threatened conduct of the public office or person responsible 537  
for the requested public records did not constitute a failure to 538  
comply with an obligation in accordance with division (B) of this 539  
section; 540

(ii) That a well-informed public office or person responsible 541  
for the requested public records reasonably would believe that the 542  
conduct or threatened conduct of the public office or person 543  
responsible for the requested public records as described in 544  
division (C)(2)(c)(i) of this section would serve the public 545  
policy that underlies the authority that is asserted as permitting 546  
that conduct or threatened conduct. 547

(D) Chapter 1347. of the Revised Code does not limit the 548  
provisions of this section. 549

(E)(1) To ensure that all employees of public offices are 550

appropriately educated about a public office's obligations under 551  
division (B) of this section, all elected officials or their 552  
appropriate designees shall attend training approved by the 553  
attorney general as provided in section 109.43 of the Revised 554  
Code. In addition, all public offices shall adopt a public records 555  
policy in compliance with this section for responding to public 556  
records requests. In adopting a public records policy under this 557  
division, a public office may obtain guidance from the model 558  
public records policy developed and provided to the public office 559  
by the attorney general under section 109.43 of the Revised Code. 560  
Except as otherwise provided in this section, the policy may not 561  
limit the number of public records that the public office will 562  
make available to a single person, may not limit the number of 563  
public records that it will make available during a fixed period 564  
of time, and may not establish a fixed period of time before it 565  
will respond to a request for inspection or copying of public 566  
records, unless that period is less than eight hours. 567

(2) The public office shall distribute the public records 568  
policy adopted by the public office under division (E)(1) of this 569  
section to the employee of the public office who is the records 570  
custodian or records manager or otherwise has custody of the 571  
records of that office. The public office shall require that 572  
employee to acknowledge receipt of the copy of the public records 573  
policy. The public office shall create a poster that describes its 574  
public records policy and shall post the poster in a conspicuous 575  
place in the public office and in all locations where the public 576  
office has branch offices. The public office may post its public 577  
records policy on the internet web site of the public office if 578  
the public office maintains an internet web site. A public office 579  
that has established a manual or handbook of its general policies 580  
and procedures for all employees of the public office shall 581  
include the public records policy of the public office in the 582  
manual or handbook. 583

(F)(1) The bureau of motor vehicles may adopt rules pursuant 584  
to Chapter 119. of the Revised Code to reasonably limit the number 585  
of bulk commercial special extraction requests made by a person 586  
for the same records or for updated records during a calendar 587  
year. The rules may include provisions for charges to be made for 588  
bulk commercial special extraction requests for the actual cost of 589  
the bureau, plus special extraction costs, plus ten per cent. The 590  
bureau may charge for expenses for redacting information, the 591  
release of which is prohibited by law. 592

(2) As used in division (F)(1) of this section: 593

(a) "Actual cost" means the cost of depleted supplies, 594  
records storage media costs, actual mailing and alternative 595  
delivery costs, or other transmitting costs, and any direct 596  
equipment operating and maintenance costs, including actual costs 597  
paid to private contractors for copying services. 598

(b) "Bulk commercial special extraction request" means a 599  
request for copies of a record for information in a format other 600  
than the format already available, or information that cannot be 601  
extracted without examination of all items in a records series, 602  
class of records, or data base by a person who intends to use or 603  
forward the copies for surveys, marketing, solicitation, or resale 604  
for commercial purposes. "Bulk commercial special extraction 605  
request" does not include a request by a person who gives 606  
assurance to the bureau that the person making the request does 607  
not intend to use or forward the requested copies for surveys, 608  
marketing, solicitation, or resale for commercial purposes. 609

(c) "Commercial" means profit-seeking production, buying, or 610  
selling of any good, service, or other product. 611

(d) "Special extraction costs" means the cost of the time 612  
spent by the lowest paid employee competent to perform the task, 613  
the actual amount paid to outside private contractors employed by 614

the bureau, or the actual cost incurred to create computer 615  
programs to make the special extraction. "Special extraction 616  
costs" include any charges paid to a public agency for computer or 617  
records services. 618

(3) For purposes of divisions (F)(1) and (2) of this section, 619  
"surveys, marketing, solicitation, or resale for commercial 620  
purposes" shall be narrowly construed and does not include 621  
reporting or gathering news, reporting or gathering information to 622  
assist citizen oversight or understanding of the operation or 623  
activities of government, or nonprofit educational research. 624

**Sec. 149.45.** (A) As used in this section: 625

(1) "Personal information" means any of the following: 626

(a) An individual's social security number; 627

(b) An individual's federal tax identification number; 628

(c) An individual's driver's license number or state 629  
identification number; 630

(d) An individual's checking account number, savings account 631  
number, or credit card number. 632

(2) "Public record" and "peace officer, parole officer, 633  
probation officer, bailiff, prosecuting attorney, assistant 634  
prosecuting attorney, correctional employee, youth services 635  
employee, firefighter, EMT, or investigator of the bureau of 636  
criminal identification and investigation residential and familial 637  
information" have the same meanings as in section 149.43 of the 638  
Revised Code. 639

(3) "Truncate" means to redact all but the last four digits 640  
of an individual's social security number. 641

(B)(1) No public office or person responsible for a public 642  
office's public records shall make available to the general public 643

on the internet any document that contains an individual's social security number without otherwise redacting, encrypting, or truncating the social security number.

(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.

(3) Divisions (B)(1) and (2) of this section do not apply to documents that are only accessible through the internet with a password.

(C)(1) An individual may request that a public office or a person responsible for a public office's public records redact personal information of that individual from any record made available to the general public on the internet. An individual who makes a request for redaction pursuant to this division shall make the request in writing on a form developed by the attorney general and shall specify the personal information to be redacted and provide any information that identifies the location of that personal information within a document that contains that personal information.

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

impracticable. 676

(3) The attorney general shall develop a form to be used by 677  
an individual to request a redaction pursuant to division (C)(1) 678  
of this section. The form shall include a place to provide any 679  
information that identifies the location of the personal 680  
information to be redacted. 681

(D)(1) A peace officer, parole officer, probation officer, 682  
bailiff, prosecuting attorney, assistant prosecuting attorney, 683  
correctional employee, youth services employee, firefighter, EMT, 684  
or investigator of the bureau of criminal identification and 685  
investigation may request that a public office other than a county 686  
auditor or a person responsible for the public records of a public 687  
office other than a county auditor redact the address of the 688  
person making the request from any record made available to the 689  
general public on the internet that includes peace officer, parole 690  
officer, probation officer, bailiff, prosecuting attorney, 691  
assistant prosecuting attorney, correctional employee, youth 692  
services employee, firefighter, EMT, or investigator of the bureau 693  
of criminal identification and investigation residential and 694  
familial information of the person making the request. A person 695  
who makes a request for a redaction pursuant to this division 696  
shall make the request in writing and on a form developed by the 697  
attorney general. 698

(2) Upon receiving a written request for a redaction pursuant 699  
to division (D)(1) of this section, a public office other than a 700  
county auditor or a person responsible for the public records of a 701  
public office other than a county auditor shall act within five 702  
business days in accordance with the request to redact the address 703  
of the peace officer, parole officer, probation officer, bailiff, 704  
prosecuting attorney, assistant prosecuting attorney, correctional 705  
employee, youth services employee, firefighter, EMT, or 706  
investigator of the bureau of criminal identification and 707

investigation making the request from any record made available to 708  
the general public on the internet that includes peace officer, 709  
parole officer, probation officer, bailiff, prosecuting attorney, 710  
assistant prosecuting attorney, correctional employee, youth 711  
services employee, firefighter, EMT, or investigator of the bureau 712  
of criminal identification and investigation residential and 713  
familial information of the person making the request, if 714  
practicable. If a redaction is not practicable, the public office 715  
or person responsible for the public office's public records shall 716  
verbally or in writing within five business days after receiving 717  
the written request explain to the peace officer, parole officer, 718  
probation officer, bailiff, prosecuting attorney, assistant 719  
prosecuting attorney, correctional employee, youth services 720  
employee, firefighter, EMT, or investigator of the bureau of 721  
criminal identification and investigation why the redaction is 722  
impracticable. 723

(3) Except as provided in this section and section 319.28 of 724  
the Revised Code, a public office other than an employer of a 725  
peace officer, parole officer, probation officer, bailiff, 726  
prosecuting attorney, assistant prosecuting attorney, correctional 727  
employee, youth services employee, firefighter, EMT, or 728  
investigator of the bureau of criminal identification and 729  
investigation or a person responsible for the public records of 730  
the employer is not required to redact the residential and 731  
familial information of the peace officer, parole officer, 732  
probation officer, bailiff, prosecuting attorney, assistant 733  
prosecuting attorney, correctional employee, youth services 734  
employee, firefighter, EMT, or investigator of the bureau of 735  
criminal identification and investigation from other records 736  
maintained by the public office. 737

(4) The attorney general shall develop a form to be used by a 738  
peace officer, parole officer, probation officer, bailiff, 739



prosecuting attorney, assistant prosecuting attorney, correctional 740  
employee, youth services employee, firefighter, EMT, or 741  
investigator of the bureau of criminal identification and 742  
investigation to request a redaction pursuant to division (D)(1) 743  
of this section. The form shall include a place to provide any 744  
information that identifies the location of the address of a peace 745  
officer, parole officer, probation officer, bailiff, prosecuting 746  
attorney, assistant prosecuting attorney, correctional employee, 747  
youth services employee, firefighter, EMT, or investigator of the 748  
bureau of criminal identification and investigation to be 749  
redacted. 750

(E)(1) If a public office or a person responsible for a 751  
public office's public records becomes aware that an electronic 752  
record of that public office that is made available to the general 753  
public on the internet contains an individual's social security 754  
number that was mistakenly not redacted, encrypted, or truncated 755  
as required by division (B)(1) or (2) of this section, the public 756  
office or person responsible for the public office's public 757  
records shall redact, encrypt, or truncate the individual's social 758  
security number within a reasonable period of time. 759

(2) A public office or a person responsible for a public 760  
office's public records is not liable in damages in a civil action 761  
for any harm an individual allegedly sustains as a result of the 762  
inclusion of that individual's personal information on any record 763  
made available to the general public on the internet or any harm a 764  
peace officer, parole officer, probation officer, bailiff, 765  
prosecuting attorney, assistant prosecuting attorney, correctional 766  
employee, youth services employee, firefighter, EMT, or 767  
investigator of the bureau of criminal identification and 768  
investigation sustains as a result of the inclusion of the address 769  
of the peace officer, parole officer, probation officer, bailiff, 770  
prosecuting attorney, assistant prosecuting attorney, correctional 771

employee, youth services employee, firefighter, EMT, or 772  
investigator of the bureau of criminal identification and 773  
investigation on any record made available to the general public 774  
on the internet in violation of this section unless the public 775  
office or person responsible for the public office's public 776  
records acted with malicious purpose, in bad faith, or in a wanton 777  
or reckless manner or division (A)(6)(a) or (c) of section 2744.03 778  
of the Revised Code applies. 779

**Sec. 2923.13.** (A) Unless relieved from disability as provided 780  
in section 2923.14 of the Revised Code, no person shall knowingly 781  
acquire, have, carry, or use any firearm or dangerous ordnance, if 782  
any of the following apply: 783

(1) The person is a fugitive from justice. 784

(2) The person is under indictment for or has been convicted 785  
of any felony offense of violence or has been adjudicated a 786  
delinquent child for the commission of an offense that, if 787  
committed by an adult, would have been a felony offense of 788  
violence. 789

(3) The person is under indictment for or has been convicted 790  
of any felony offense involving the illegal possession, use, sale, 791  
administration, distribution, or trafficking in any drug of abuse 792  
or has been adjudicated a delinquent child for the commission of 793  
an offense that, if committed by an adult, would have been ~~an~~ a 794  
felony offense involving the illegal possession, use, sale, 795  
administration, distribution, or trafficking in any drug of abuse. 796

(4) The person is drug dependent, in danger of drug 797  
dependence, or a chronic alcoholic. 798

(5) The person is under adjudication of mental incompetence, 799  
has been adjudicated as a mental defective, has been committed to 800  
a mental institution, has been found by a court to be a mentally 801

ill person subject to hospitalization by court order, or is an 802  
involuntary patient other than one who is a patient only for 803  
purposes of observation. As used in this division, "mentally ill 804  
person subject to hospitalization by court order" and "patient" 805  
have the same meanings as in section 5122.01 of the Revised Code. 806

(B) Whoever violates this section is guilty of having weapons 807  
while under disability, a felony of the third degree. 808

**Sec. 2923.14.** (A) Any person who, ~~solely by reason of the~~ 809  
~~person's disability under division (A)(2) or (3) of section~~ 810  
~~2923.13 of the Revised Code,~~ is prohibited from acquiring, having, 811  
carrying, or using firearms, may apply to the court of common 812  
pleas in the county in which the person resides for relief from 813  
such prohibition. 814

(B) The application shall recite the following: 815

(1) All indictments, convictions, or adjudications upon which 816  
the applicant's disability is based, the sentence imposed and 817  
served, and any release granted under a community control 818  
sanction, post-release control sanction, or parole, any partial or 819  
conditional pardon granted, or other disposition of each case, or, 820  
if the disability is based upon a factor other than an indictment, 821  
a conviction, or an adjudication, the factor upon which the 822  
disability is based and all details related to that factor; 823

(2) Facts showing the applicant to be a fit subject for 824  
relief under this section. 825

(C) A copy of the application shall be served on the county 826  
prosecutor. The county prosecutor shall cause the matter to be 827  
investigated and shall raise before the court any objections to 828  
granting relief that the investigation reveals. 829

(D) Upon hearing, the court may grant the applicant relief 830  
pursuant to this section, if all of the following apply: 831

(1) <del>The</del> <u>One of the following applies:</u>	832
<u>(a) If the disability is based upon an indictment, a conviction, or an adjudication, the applicant has been fully discharged from imprisonment, community control, post-release control, and parole, or, if the applicant is under indictment, has been released on bail or recognizance.</u>	833 834 835 836 837
<u>(b) If the disability is based upon a factor other than an indictment, a conviction, or an adjudication, that factor no longer is applicable to the applicant.</u>	838 839 840
(2) The applicant has led a law-abiding life since discharge or release, and appears likely to continue to do so.	841 842
(3) The applicant is not otherwise prohibited by law from acquiring, having, or using firearms.	843 844
(E) Costs of the proceeding shall be charged as in other civil cases, and taxed to the applicant.	845 846
(F) Relief from disability granted pursuant to this section <u>restores the applicant to all civil firearm rights to the full extent enjoyed by any citizen, and is subject to the following conditions:</u>	847 848 849 850
(1) Applies only with respect to indictments, convictions, or adjudications, <u>or to the other factor, recited in the application as the basis for the applicant's disability;</u>	851 852 853
(2) Applies only with respect to firearms lawfully acquired, possessed, carried, or used by the applicant;	854 855
(3) <del>Does not apply with respect to dangerous ordnance;</del>	856
<del>(4)</del> May be revoked by the court at any time for good cause shown and upon notice to the applicant;	857 858
<del>(5)</del> (4) Is automatically void upon commission by the applicant of any offense set forth in division (A)(2) or (3) of section 2923.13 of the Revised Code, or upon the applicant's becoming one	859 860 861

of the class of persons named in division (A)(1), (4), or (5) of 862  
that section. 863

(G) As used in this section: 864

(1) "Community control sanction" has the same meaning as in 865  
section 2929.01 of the Revised Code. 866

(2) "Post-release control" and "post-release control 867  
sanction" have the same meanings as in section 2967.01 of the 868  
Revised Code. 869

**Section 2.** That existing sections 149.43, 149.45, 2923.13, 870  
and 2923.14 of the Revised Code are hereby repealed. 871

**Section 3.** It is the intent of the General Assembly in 872  
amending section 2923.14 of the Revised Code to apply the 873  
amendments to that section retroactively to any restoration of 874  
rights granted previously to any applicant under section 2923.14 875  
of the Revised Code or under any previous version of that section. 876  
The General Assembly is explicitly making this amendment to 877  
clarify that relief from a weapons disability granted under 878  
section 2923.14 of the Revised Code restores a person's civil 879  
firearm rights to such an extent that the uniform federal ban on 880  
possessing any firearms at all, 18 U.S.C. 922(g)(1), does not 881  
apply to that person, in correlation with the U.S. Supreme Court's 882  
interpretation of 18 U.S.C. 921(a)(20) in *Caron v. U.S.* (1998), 883  
524 U.S. 308. 884