

As Introduced

**130th General Assembly
Regular Session
2013-2014**

S. B. No. 366

Senator Turner

Cosponsors: Senators Cafaro, Brown, Schiavoni, Tavares

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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, and to amend the version of section 21
149.43 of the Revised Code that is scheduled to 22
take effect on March 20, 2015, to continue the 23

provisions of this act on and after that effective 24
date. 25

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

Section 1. That sections 149.43, 149.45, 319.28, 319.54, 26
2903.213, 2903.214, 3113.31, 3503.15, and 3509.03 be amended and 27
sections 111.31, 111.32, 111.321, 111.33, 111.34, 111.35, 111.36, 28
111.37, 111.38, 111.39, 111.40, 2901.44, and 3503.151 of the 29
Revised Code be enacted to read as follows: 30

Sec. 111.31. As used in sections 111.31 to 111.40 of the 31
Revised Code: 32

(A) "Address" means a residential street address, school 33
address, or work address of a person as specified on an 34
application to be a program participant under section 111.32 of 35
the Revised Code. 36

(B) "Application assistant" means a person who is designated 37
by the secretary of state to help individuals complete 38
applications to be program participants and who has received 39
training and certification from the secretary of state for that 40
purpose. 41

(C) "Confidential address" means an address that is required 42
to be kept confidential once a program participant is certified 43
under division (C) of section 111.32 of the Revised Code. 44

(D) "Governmental entity" means the state, a political 45
subdivision of the state, or any department, agency, board, 46
commission, or other instrumentality of the state or a political 47
subdivision of the state. 48

(E) "Guardian," "incompetent," "parent," and "ward" have the 49
same meanings as in section 2111.01 of the Revised Code. 50

(F) "Program participant" means a person certified as a program participant under sections 111.31 to 111.40 of the Revised Code. 51
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(G) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code. 54
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(H) "Tier I sex offender/child-victim offender," "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. 56
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Sec. 111.32. (A) Subject to division (E) of this section, 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 if it contains all of the following: 60
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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: 69
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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. 73
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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 79
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whose behalf the application is made has a protection order issued 81
or consent agreement approved under section 2903.213, 2903.214, or 82
3113.31 of the Revised Code or a protection order issued by a 83
court of another state that has been registered under section 84
2919.272 of the Revised Code. 85

(c) The applicant reasonably fears that the applicant, any of 86
the applicant's children, or the minor, incompetent, or ward on 87
whose behalf the application is made is in danger of being 88
threatened or physically harmed by another person. 89

(2) A designation of the secretary of state as the agent for 90
the purposes of receiving service of process and the receipt of 91
mail; 92

(3) The mailing address at which the applicant may be 93
contacted by the secretary of state, and the telephone number or 94
numbers at which the applicant may be called by the secretary of 95
state; 96

(4) The new address or addresses that the applicant requests 97
not be disclosed for the reason that disclosure will increase the 98
risk that the applicant, the applicant's children, or the minor, 99
incompetent, or ward on whose behalf the application is made will 100
be threatened or physically harmed by another person; 101

(5) The signature of the applicant, the name, work address, 102
and signature of the application assistant who assisted the 103
applicant in applying to become a program participant, and the 104
date on which the applicant and application assistant signed the 105
application; 106

(6) The name, occupation if known, and contact information if 107
known of the person the applicant reasonably believes will 108
threaten or physically harm the applicant, the applicant's 109
children, or the minor, incompetent, or ward on whose behalf the 110
application is made. 111

(B) Any person who files an application under division (A) of this section shall file the application with the office of the secretary of state. 112
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(C) 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. 115
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(D) 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. 125
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(E) No tier I sex offender/child-victim offender, tier II sex offender/child-victim offender, or tier III sex offender/child-victim offender is eligible to apply to the secretary of state to have an address designated by the secretary of state serve as the person's address under sections 111.31 to 111.40 of the Revised Code. 133
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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 139
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Code, upon the conviction or plea of guilty of the defendant, the 143
court shall notify in writing the victim of the offense if an 144
adult person or a parent or guardian acting on behalf of the 145
victim who is a minor, incompetent, or ward of the right of the 146
person to apply with the assistance of an application assistant to 147
the secretary of state under sections 111.31 to 111.40 of the 148
Revised Code to have an address designated by the secretary of 149
state serve as the person's address or the address of the minor, 150
incompetent, or ward. The person may apply with the assistance of 151
an application assistant to the secretary of state pursuant to 152
those sections to have an address designated by the secretary of 153
state serve as the person's address or the address of the minor, 154
incompetent, or ward. 155

(B) In any proceeding under section 2903.213 of the Revised 156
Code, upon the issuance of a protection order, the court shall 157
notify in writing the person who filed the motion for the 158
protection order of the right of the person to apply with the 159
assistance of an application assistant to the secretary of state 160
under sections 111.31 to 111.40 of the Revised Code to have an 161
address designated by the secretary of state serve as the person's 162
address or the address of the person on whose behalf the 163
protection order was issued. The person who filed the motion for 164
the protection order may apply with the assistance of an 165
application assistant to the secretary of state pursuant to those 166
sections to have an address designated by the secretary of state 167
serve as the person's address or the address of the person on 168
whose behalf the protection order was issued. 169

(C) In any proceeding under section 2903.214 or 3113.31 of 170
the Revised Code, upon the issuance of a protection order or the 171
approval of a consent agreement, the court shall notify in writing 172
the petitioner in the proceeding of the right of the petitioner to 173
apply with the assistance of an application assistant to the 174

secretary of state under sections 111.31 to 111.40 of the Revised 175
Code to have an address designated by the secretary of state serve 176
as the petitioner's address or the address of the person on whose 177
behalf the protection order was issued or the consent agreement 178
was approved. The petitioner may apply with the assistance of an 179
application assistant to the secretary of state pursuant to those 180
sections to have an address designated by the secretary of state 181
serve as the petitioner's address or the address of the person on 182
whose behalf the protection order was issued or the consent 183
agreement was approved. 184

Sec. 111.33. (A) A program participant may request that a 185
governmental entity use the address designated by the secretary of 186
state as the program participant's address. Except as otherwise 187
provided in division (D) of this section, if the program 188
participant requests that a governmental entity use that address, 189
the governmental entity shall accept that address. 190

(B) A program participant may use the address designated by 191
the secretary of state as the program participant's address at the 192
program participant's place of employment. 193

(C)(1) The office of the secretary of state shall daily place 194
all first class mail of a program participant that the secretary 195
of state receives that day into an envelope or package and mail 196
that envelope or package to the program participant at the mailing 197
address of the program participant provided in the program 198
participant's application under section 111.32 of the Revised 199
Code. 200

(2) The secretary of state may contract with the United 201
States postal service to establish special postal rates for the 202
envelopes or packages used in mailing a program participant's 203
first class mail under this section. 204

(D) Division (A) of this section does not apply to a 205

municipal-owned public utility. The confidential addresses of 206
participants of the address confidentiality program that are 207
maintained by a municipal-owned public utility are not a public 208
record and shall not be released by a municipal-owned public 209
utility or by any employee of a municipal-owned public utility. 210

Sec. 111.34. (A) Except as otherwise provided in this 211
section, a program participant who is a qualified elector may vote 212
by absent voter's ballots under Chapter 3509. of the Revised Code. 213
The program participant shall apply to the secretary of state for 214
those ballots using the participant's confidential address. 215
Bipartisan teams of employees of the office of the secretary of 216
state shall determine the precinct in which the program 217
participant resides and the ballot style that the program 218
participant should receive and shall request the program 219
participant absent voter's ballot from the board of elections. The 220
board of elections shall send to the secretary of state the 221
ballots appropriate for the precinct where the participant's true 222
residence is located. The office of the secretary of state shall 223
forward the ballot to the program participant and instruct the 224
program participant to return the program participant's ballot to 225
the office of the secretary of state. Bipartisan teams of 226
employees of the office of the secretary of state shall verify 227
that the program participant is registered and eligible to vote 228
using the secretary of state's participant voter registration 229
system and that the ballot envelope was properly completed before 230
forwarding for tabulation the ballot to the board of elections in 231
the county where the program participant voter resides. The absent 232
voter's ballots provided to program participants shall be referred 233
to as "ACP absent voter's ballots." The board of elections shall 234
accept all ballots forwarded by the secretary of state that are 235
postmarked prior to election day for up to ten days after election 236
day. 237

(B) Each employee of the office of the secretary of state who serves on a bipartisan team that handles program participants' absent voter's ballots shall subscribe to an oath that the employee will faithfully execute the employee's duties to the best of the employee's ability. 238
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(C) Except as otherwise provided in sections 111.35 and 111.36 of the Revised Code and notwithstanding any provision of sections 3503.15 and 3503.26 or any other section of the Revised Code to the contrary, the secretary of state shall not disclose or make a program participant's voter registration record available for public inspection or copying. A program participant's voter registration record will be subject to a mandatory audit every four years by the auditor of state. The results of that audit are not a public record and shall be kept only by the auditor of state and the secretary of state. 243
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(D) "Bipartisan teams" means two designated employees of the office of the secretary of state who are from different political parties. 253
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Sec. 111.35. (A) A person may petition the court of common pleas of Franklin county for a hearing to order the secretary of state to make a program participant's confidential address available to the person. 256
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(B) Upon the filing of a petition under this section, the court shall fix a date for a hearing on it and require the clerk of the court of common pleas of Franklin county to serve a notice of the date, time, place, and purpose of the hearing upon the petitioner and the program participant. The clerk shall notify by electronic means the secretary of state on behalf of the program participant and shall send the notice by certified mail, return receipt requested, to the participant. 260
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(C) Upon receipt of a notice under division (B) of this 268

section by the secretary of state, the secretary of state shall 269
forward by certified mail, return receipt requested, a copy of the 270
individual notice to the program participant at the program 271
participant's confidential address. The return receipt shall be 272
addressed to the clerk of the applicable court of common pleas. 273
The court shall not hear the petition until the clerk receives the 274
return receipt containing proof of service of the notice upon the 275
program participant. 276

(D) At a hearing under this section, the program participant 277
or the program participant's attorney may appear and be heard. 278
After the hearing and considering the testimony, the court shall 279
issue the requested order only if good cause is shown for the 280
order and it appears to the court by clear and convincing evidence 281
that the disclosure of the program participant's confidential 282
address will not increase the risk that the program participant 283
will be threatened or harmed by another person. 284

Sec. 111.36. (A) Notwithstanding any provision of sections 285
3503.15 and 3503.26 or any other section of the Revised Code to 286
the contrary, the secretary of state shall not disclose or make a 287
program participant's confidential address available for 288
inspection or copying, except under the following circumstances: 289

(1)(a) The secretary of state shall disclose a program 290
participant's confidential address to a law enforcement officer, 291
prosecuting attorney, city director of law, or similar chief legal 292
officer, or their designees, acting pursuant to a search warrant, 293
subpoena, or court order. 294

(b) A law enforcement officer may obtain the confidential 295
address of a program participant from an electronic database 296
maintained by the secretary of state under section 111.40 of the 297
Revised Code and accessed through existing electronic databases 298
that are regularly used by law enforcement officers if none of the 299

<u>following applies to the law enforcement officer:</u>	300
<u>(i) The officer is the offender of a violation as described</u>	301
<u>in division (A)(1)(a) of section 111.32 of the Revised Code.</u>	302
<u>(ii) The officer is the person against whom a protection</u>	303
<u>order is issued or a consent agreement is approved as described in</u>	304
<u>division (A)(1)(b) of section 111.32 of the Revised Code.</u>	305
<u>(iii) The officer is the person an applicant reasonably fears</u>	306
<u>as causing the danger of being threatened or physically harmed as</u>	307
<u>described in division (A)(1)(c) of section 111.32 of the Revised</u>	308
<u>Code.</u>	309
<u>(2) If a court orders that a program participant's</u>	310
<u>confidential address be made available to a person under section</u>	311
<u>111.35 of the Revised Code, the secretary of state shall make it</u>	312
<u>available to the person named in the court order.</u>	313
<u>(3) If the secretary of state has canceled a program</u>	314
<u>participant's certification under section 111.37 of the Revised</u>	315
<u>Code, the secretary of state may make the address available for</u>	316
<u>inspection or copying under section 3503.26 of the Revised Code.</u>	317
<u>(B)(1) No person who obtains the confidential address of a</u>	318
<u>program participant from the office of the secretary of state</u>	319
<u>shall, with knowledge that the confidential address is protected</u>	320
<u>in the address confidentiality program established under sections</u>	321
<u>111.31 to 111.40 of the Revised Code, knowingly disclose the</u>	322
<u>confidential address to any person not authorized to receive that</u>	323
<u>confidential address.</u>	324
<u>(2) Division (B)(1) of this section does not apply to either</u>	325
<u>of the following:</u>	326
<u>(a) Any disclosure of the confidential address of a program</u>	327
<u>participant to a law enforcement officer acting within the scope</u>	328
<u>of the officer's duties in the investigation or prosecution of a</u>	329

criminal offense; 330

(b) Any disclosure of the confidential address of a program participant in any grand jury proceeding, any judicial proceeding, or any filing, notice, discovery, motion, or other process incident to a judicial proceeding. 331
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(3) Whoever violates division (B)(1) of this section is guilty of a felony of the fifth degree. 335
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Sec. 111.37. (A) The secretary of state shall immediately cancel the certification of a program participant under either of the following circumstances: 337
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(1) The program participant's application contained one or more false statements. 340
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(2) The program participant requests to cease being a program participant. 342
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(B) The secretary of state may cancel the certification of a program participant if the program participant's address changes from any address listed on the application made under section 111.32 of the Revised Code, unless the program participant or the person who applied for the program on behalf of the program participant provides the secretary of state with written notice of the change of address within five days after the change of address occurs. 344
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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. 352
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(B) Application assistants shall comply with the requirements for training and certification adopted by the secretary of state 357
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under section 111.40 of the Revised Code. 359

Sec. 111.39. (A) Notwithstanding any provision of Chapter 360
2743. or any other section of the Revised Code to the contrary, 361
the state and the office of the secretary of state are not liable 362
in damages for injury, death, or loss to person or property that 363
allegedly arises from the performance of the secretary of state's 364
duties under sections 111.31 to 111.40 of the Revised Code. 365
Section 9.86 of the Revised Code applies to all officers and 366
employees of the office of the secretary of state in relation to 367
that performance. 368

(B) Any assistance or counseling rendered to program 369
applicants or program participants by the office of the secretary 370
of state or by certified application assistants is not legal 371
advice. 372

Sec. 111.40. (A) The secretary of state shall adopt rules 373
under Chapter 119. of the Revised Code to facilitate the 374
administration of sections 111.31 to 111.40 of the Revised Code. 375

(B) The secretary of state also shall adopt rules under 376
Chapter 119. of the Revised Code to establish the following: 377

(1) Guidelines for maintaining the confidentiality of the 378
voter registration records of program participants; 379

(2) Requirements for the training and certification of 380
application assistants; 381

(3) The application for certification as a program 382
participant; 383

(4) The procedure for renewal of certification as a program 384
participant. 385

(C) The secretary of state shall prescribe forms necessary 386
for the administration of the address confidentiality program, 387

including, but not limited to, an address confidentiality program 388
identification card. Application assistants and other persons 389
involved in registering participants in the address 390
confidentiality program shall use the forms prescribed by the 391
secretary of state. 392

(D)(1) The secretary of state shall maintain an electronic 393
database that contains the names and confidential addresses of 394
participants in the address confidentiality program and any other 395
information that the secretary of state considers appropriate 396
regarding the participants. Except as otherwise provided in this 397
division, the database is not a public record open for inspection 398
under section 149.43 of the Revised Code. Subject to division 399
(A)(1)(b) of section 111.36 of the Revised Code, any law 400
enforcement officer may access the database to obtain the 401
confidential address of a program participant. 402

(2) The secretary of state and the attorney general shall 403
enter into a memorandum of understanding to make any data 404
pertaining to participants in the address confidentiality program 405
available in a secure manner to law enforcement officers while 406
maintaining a high level of safety for program participants. 407

Sec. 149.43. (A) As used in this section: 408

(1) "Public record" means records kept by any public office, 409
including, but not limited to, state, county, city, village, 410
township, and school district units, and records pertaining to the 411
delivery of educational services by an alternative school in this 412
state kept by the nonprofit or for-profit entity operating the 413
alternative school pursuant to section 3313.533 of the Revised 414
Code. "Public record" does not mean any of the following: 415

(a) Medical records; 416

(b) Records pertaining to probation and parole proceedings or 417

to proceedings related to the imposition of community control	418
sanctions and post-release control sanctions;	419
(c) Records pertaining to actions under section 2151.85 and	420
division (C) of section 2919.121 of the Revised Code and to	421
appeals of actions arising under those sections;	422
(d) Records pertaining to adoption proceedings, including the	423
contents of an adoption file maintained by the department of	424
health under section 3705.12 of the Revised Code;	425
(e) Information in a record contained in the putative father	426
registry established by section 3107.062 of the Revised Code,	427
regardless of whether the information is held by the department of	428
job and family services or, pursuant to section 3111.69 of the	429
Revised Code, the office of child support in the department or a	430
child support enforcement agency;	431
(f) Records listed in division (A) of section 3107.42 of the	432
Revised Code or specified in division (A) of section 3107.52 of	433
the Revised Code;	434
(g) Trial preparation records;	435
(h) Confidential law enforcement investigatory records;	436
(i) Records containing information that is confidential under	437
section 2710.03 or 4112.05 of the Revised Code;	438
(j) DNA records stored in the DNA database pursuant to	439
section 109.573 of the Revised Code;	440
(k) Inmate records released by the department of	441
rehabilitation and correction to the department of youth services	442
or a court of record pursuant to division (E) of section 5120.21	443
of the Revised Code;	444
(l) Records maintained by the department of youth services	445
pertaining to children in its custody released by the department	446
of youth services to the department of rehabilitation and	447

correction pursuant to section 5139.05 of the Revised Code;	448
(m) Intellectual property records;	449
(n) Donor profile records;	450
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	451 452
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility 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;	453 454 455 456 457 458 459
(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;	460 461 462 463 464
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	465 466
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, and child fatality review data submitted by the child fatality review board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	467 468 469 470 471 472 473 474
(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	475 476 477

other than the information released under that section;	478
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	479 480 481 482 483 484
(v) Records the release of which is prohibited by state or federal law;	485 486
(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;	487 488 489
(x) 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;	490 491 492 493 494 495
(y) Records listed in section 5101.29 of the Revised Code;	496
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;	497 498 499
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	500 501 502
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	503 504 505
<u>(cc) Subject to any provision in sections 111.31 to 111.40 of the Revised Code, the confidential address of a participant of the</u>	506 507

address confidentiality program, and all of the records pertaining 508
to the address confidentiality program, established under those 509
sections. 510

(2) "Confidential law enforcement investigatory record" means 511
any record that pertains to a law enforcement matter of a 512
criminal, quasi-criminal, civil, or administrative nature, but 513
only to the extent that the release of the record would create a 514
high probability of disclosure of any of the following: 515

(a) The identity of a suspect who has not been charged with 516
the offense to which the record pertains, or of an information 517
source or witness to whom confidentiality has been reasonably 518
promised; 519

(b) Information provided by an information source or witness 520
to whom confidentiality has been reasonably promised, which 521
information would reasonably tend to disclose the source's or 522
witness's identity; 523

(c) Specific confidential investigatory techniques or 524
procedures or specific investigatory work product; 525

(d) Information that would endanger the life or physical 526
safety of law enforcement personnel, a crime victim, a witness, or 527
a confidential information source. 528

(3) "Medical record" means any document or combination of 529
documents, except births, deaths, and the fact of admission to or 530
discharge from a hospital, that pertains to the medical history, 531
diagnosis, prognosis, or medical condition of a patient and that 532
is generated and maintained in the process of medical treatment. 533

(4) "Trial preparation record" means any record that contains 534
information that is specifically compiled in reasonable 535
anticipation of, or in defense of, a civil or criminal action or 536
proceeding, including the independent thought processes and 537
personal trial preparation of an attorney. 538

(5) "Intellectual property record" means a record, other than 539
a financial or administrative record, that is produced or 540
collected by or for faculty or staff of a state institution of 541
higher learning in the conduct of or as a result of study or 542
research on an educational, commercial, scientific, artistic, 543
technical, or scholarly issue, regardless of whether the study or 544
research was sponsored by the institution alone or in conjunction 545
with a governmental body or private concern, and that has not been 546
publicly released, published, or patented. 547

(6) "Donor profile record" means all records about donors or 548
potential donors to a public institution of higher education 549
except the names and reported addresses of the actual donors and 550
the date, amount, and conditions of the actual donation. 551

(7) "Peace officer, parole officer, probation officer, 552
bailiff, prosecuting attorney, assistant prosecuting attorney, 553
correctional employee, community-based correctional facility 554
employee, youth services employee, firefighter, EMT, ~~or~~ 555
investigator of the bureau of criminal identification and 556
investigation, or federal law enforcement officer residential and 557
familial information" means any information that discloses any of 558
the following about a peace officer, parole officer, probation 559
officer, bailiff, prosecuting attorney, assistant prosecuting 560
attorney, correctional employee, community-based correctional 561
facility employee, youth services employee, firefighter, EMT, ~~or~~ 562
investigator of the bureau of criminal identification and 563
investigation, or federal law enforcement officer: 564

(a) The address of the actual personal residence of a peace 565
officer, parole officer, probation officer, bailiff, assistant 566
prosecuting attorney, correctional employee, community-based 567
correctional facility employee, youth services employee, 568
firefighter, EMT, ~~or an~~ investigator of the bureau of criminal 569
identification and investigation, or federal law enforcement 570

officer, except for the state or political subdivision in which 571
the peace officer, parole officer, probation officer, bailiff, 572
assistant prosecuting attorney, correctional employee, 573
community-based correctional facility employee, youth services 574
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 575
criminal identification and investigation, or federal law 576
enforcement officer resides; 577

(b) Information compiled from referral to or participation in 578
an employee assistance program; 579

(c) The social security number, the residential telephone 580
number, any bank account, debit card, charge card, or credit card 581
number, or the emergency telephone number of, or any medical 582
information pertaining to, a peace officer, parole officer, 583
probation officer, bailiff, prosecuting attorney, assistant 584
prosecuting attorney, correctional employee, community-based 585
correctional facility employee, youth services employee, 586
firefighter, EMT, ~~or~~ investigator of the bureau of criminal 587
identification and investigation, or federal law enforcement 588
officer; 589

(d) The name of any beneficiary of employment benefits, 590
including, but not limited to, life insurance benefits, provided 591
to a peace officer, parole officer, probation officer, bailiff, 592
prosecuting attorney, assistant prosecuting attorney, correctional 593
employee, community-based correctional facility employee, youth 594
services employee, firefighter, EMT, ~~or~~ investigator of the bureau 595
of criminal identification and investigation, or federal law 596
enforcement officer by the peace officer's, parole officer's, 597
probation officer's, bailiff's, prosecuting attorney's, assistant 598
prosecuting attorney's, correctional employee's, community-based 599
correctional facility employee's, youth services employee's, 600
firefighter's, EMT's, ~~or~~ investigator of the bureau of criminal 601
identification and investigation's, or federal law enforcement 602

officer's employer; 603

(e) The identity and amount of any charitable or employment 604
benefit deduction made by the peace officer's, parole officer's, 605
probation officer's, bailiff's, prosecuting attorney's, assistant 606
prosecuting attorney's, correctional employee's, community-based 607
correctional facility employee's, youth services employee's, 608
firefighter's, EMT's, ~~or~~ investigator of the bureau of criminal 609
identification and investigation's, or federal law enforcement 610
officer's employer from the peace officer's, parole officer's, 611
probation officer's, bailiff's, prosecuting attorney's, assistant 612
prosecuting attorney's, correctional employee's, community-based 613
correctional facility employee's, youth services employee's, 614
firefighter's, EMT's, ~~or~~ investigator of the bureau of criminal 615
identification and investigation's, or federal law enforcement 616
officer's compensation unless the amount of the deduction is 617
required by state or federal law; 618

(f) The name, the residential address, the name of the 619
employer, the address of the employer, the social security number, 620
the residential telephone number, any bank account, debit card, 621
charge card, or credit card number, or the emergency telephone 622
number of the spouse, a former spouse, or any child of a peace 623
officer, parole officer, probation officer, bailiff, prosecuting 624
attorney, assistant prosecuting attorney, correctional employee, 625
community-based correctional facility employee, youth services 626
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 627
criminal identification and investigation, or federal law 628
enforcement officer; 629

(g) A photograph of a peace officer or federal law 630
enforcement officer who holds a position or has an assignment that 631
may include undercover or plain clothes positions or assignments 632
as determined by the peace officer's or federal law enforcement 633
officer's appointing authority. 634

As used in divisions (A)(7) and (B)(9) of this section, 635
"peace officer" has the same meaning as in section 109.71 of the 636
Revised Code and also includes the superintendent and troopers of 637
the state highway patrol; it does not include the sheriff of a 638
county or a supervisory employee who, in the absence of the 639
sheriff, is authorized to stand in for, exercise the authority of, 640
and perform the duties of the sheriff. 641

As used in divisions (A)(7) and (B)~~(5)~~(9) of this section, 642
"correctional employee" means any employee of the department of 643
rehabilitation and correction who in the course of performing the 644
employee's job duties has or has had contact with inmates and 645
persons under supervision. 646

As used in divisions (A)(7) and (B)~~(5)~~(9) of this section, 647
"youth services employee" means any employee of the department of 648
youth services who in the course of performing the employee's job 649
duties has or has had contact with children committed to the 650
custody of the department of youth services. 651

As used in divisions (A)(7) and (B)(9) of this section, 652
"firefighter" means any regular, paid or volunteer, member of a 653
lawfully constituted fire department of a municipal corporation, 654
township, fire district, or village. 655

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 656
means EMTs-basic, EMTs-I, and paramedics that provide emergency 657
medical services for a public emergency medical service 658
organization. "Emergency medical service organization," 659
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 660
section 4765.01 of the Revised Code. 661

As used in divisions (A)(7) and (B)(9) of this section, 662
"investigator of the bureau of criminal identification and 663
investigation" has the meaning defined in section 2903.11 of the 664
Revised Code. 665

As used in divisions (A)(7) and (B)(9) of this section, 666
"federal law enforcement officer" means any officer of the United 667
States who is authorized by federal law to conduct any 668
investigation of, and make any arrest for, any offense against the 669
United States in violation of federal law. 670

(8) "Information pertaining to the recreational activities of 671
a person under the age of eighteen" means information that is kept 672
in the ordinary course of business by a public office, that 673
pertains to the recreational activities of a person under the age 674
of eighteen years, and that discloses any of the following: 675

(a) The address or telephone number of a person under the age 676
of eighteen or the address or telephone number of that person's 677
parent, guardian, custodian, or emergency contact person; 678

(b) The social security number, birth date, or photographic 679
image of a person under the age of eighteen; 680

(c) Any medical record, history, or information pertaining to 681
a person under the age of eighteen; 682

(d) Any additional information sought or required about a 683
person under the age of eighteen for the purpose of allowing that 684
person to participate in any recreational activity conducted or 685
sponsored by a public office or to use or obtain admission 686
privileges to any recreational facility owned or operated by a 687
public office. 688

(9) "Community control sanction" has the same meaning as in 689
section 2929.01 of the Revised Code. 690

(10) "Post-release control sanction" has the same meaning as 691
in section 2967.01 of the Revised Code. 692

(11) "Redaction" means obscuring or deleting any information 693
that is exempt from the duty to permit public inspection or 694
copying from an item that otherwise meets the definition of a 695

"record" in section 149.011 of the Revised Code. 696

(12) "Designee" and "elected official" have the same meanings 697
as in section 109.43 of the Revised Code. 698

(B)(1) Upon request and subject to division (B)(8) of this 699
section, all public records responsive to the request shall be 700
promptly prepared and made available for inspection to any person 701
at all reasonable times during regular business hours. Subject to 702
division (B)(8) of this section, upon request, a public office or 703
person responsible for public records shall make copies of the 704
requested public record available at cost and within a reasonable 705
period of time. If a public record contains information that is 706
exempt from the duty to permit public inspection or to copy the 707
public record, the public office or the person responsible for the 708
public record shall make available all of the information within 709
the public record that is not exempt. When making that public 710
record available for public inspection or copying that public 711
record, the public office or the person responsible for the public 712
record shall notify the requester of any redaction or make the 713
redaction plainly visible. A redaction shall be deemed a denial of 714
a request to inspect or copy the redacted information, except if 715
federal or state law authorizes or requires a public office to 716
make the redaction. 717

(2) To facilitate broader access to public records, a public 718
office or the person responsible for public records shall organize 719
and maintain public records in a manner that they can be made 720
available for inspection or copying in accordance with division 721
(B) of this section. A public office also shall have available a 722
copy of its current records retention schedule at a location 723
readily available to the public. If a requester makes an ambiguous 724
or overly broad request or has difficulty in making a request for 725
copies or inspection of public records under this section such 726
that the public office or the person responsible for the requested 727

public record cannot reasonably identify what public records are 728
being requested, the public office or the person responsible for 729
the requested public record may deny the request but shall provide 730
the requester with an opportunity to revise the request by 731
informing the requester of the manner in which records are 732
maintained by the public office and accessed in the ordinary 733
course of the public office's or person's duties. 734

(3) If a request is ultimately denied, in part or in whole, 735
the public office or the person responsible for the requested 736
public record shall provide the requester with an explanation, 737
including legal authority, setting forth why the request was 738
denied. If the initial request was provided in writing, the 739
explanation also shall be provided to the requester in writing. 740
The explanation shall not preclude the public office or the person 741
responsible for the requested public record from relying upon 742
additional reasons or legal authority in defending an action 743
commenced under division (C) of this section. 744

(4) Unless specifically required or authorized by state or 745
federal law or in accordance with division (B) of this section, no 746
public office or person responsible for public records may limit 747
or condition the availability of public records by requiring 748
disclosure of the requester's identity or the intended use of the 749
requested public record. Any requirement that the requester 750
disclose the requestor's identity or the intended use of the 751
requested public record constitutes a denial of the request. 752

(5) A public office or person responsible for public records 753
may ask a requester to make the request in writing, may ask for 754
the requester's identity, and may inquire about the intended use 755
of the information requested, but may do so only after disclosing 756
to the requester that a written request is not mandatory and that 757
the requester may decline to reveal the requester's identity or 758
the intended use and when a written request or disclosure of the 759

identity or intended use would benefit the requester by enhancing 760
the ability of the public office or person responsible for public 761
records to identify, locate, or deliver the public records sought 762
by the requester. 763

(6) If any person chooses to obtain a copy of a public record 764
in accordance with division (B) of this section, the public office 765
or person responsible for the public record may require that 766
person to pay in advance the cost involved in providing the copy 767
of the public record in accordance with the choice made by the 768
person seeking the copy under this division. The public office or 769
the person responsible for the public record shall permit that 770
person to choose to have the public record duplicated upon paper, 771
upon the same medium upon which the public office or person 772
responsible for the public record keeps it, or upon any other 773
medium upon which the public office or person responsible for the 774
public record determines that it reasonably can be duplicated as 775
an integral part of the normal operations of the public office or 776
person responsible for the public record. When the person seeking 777
the copy makes a choice under this division, the public office or 778
person responsible for the public record shall provide a copy of 779
it in accordance with the choice made by the person seeking the 780
copy. Nothing in this section requires a public office or person 781
responsible for the public record to allow the person seeking a 782
copy of the public record to make the copies of the public record. 783

(7) Upon a request made in accordance with division (B) of 784
this section and subject to division (B)(6) of this section, a 785
public office or person responsible for public records shall 786
transmit a copy of a public record to any person by United States 787
mail or by any other means of delivery or transmission within a 788
reasonable period of time after receiving the request for the 789
copy. The public office or person responsible for the public 790
record may require the person making the request to pay in advance 791

the cost of postage if the copy is transmitted by United States 792
mail or the cost of delivery if the copy is transmitted other than 793
by United States mail, and to pay in advance the costs incurred 794
for other supplies used in the mailing, delivery, or transmission. 795

Any public office may adopt a policy and procedures that it 796
will follow in transmitting, within a reasonable period of time 797
after receiving a request, copies of public records by United 798
States mail or by any other means of delivery or transmission 799
pursuant to this division. A public office that adopts a policy 800
and procedures under this division shall comply with them in 801
performing its duties under this division. 802

In any policy and procedures adopted under this division, a 803
public office may limit the number of records requested by a 804
person that the office will transmit by United States mail to ten 805
per month, unless the person certifies to the office in writing 806
that the person does not intend to use or forward the requested 807
records, or the information contained in them, for commercial 808
purposes. For purposes of this division, "commercial" shall be 809
narrowly construed and does not include reporting or gathering 810
news, reporting or gathering information to assist citizen 811
oversight or understanding of the operation or activities of 812
government, or nonprofit educational research. 813

(8) A public office or person responsible for public records 814
is not required to permit a person who is incarcerated pursuant to 815
a criminal conviction or a juvenile adjudication to inspect or to 816
obtain a copy of any public record concerning a criminal 817
investigation or prosecution or concerning what would be a 818
criminal investigation or prosecution if the subject of the 819
investigation or prosecution were an adult, unless the request to 820
inspect or to obtain a copy of the record is for the purpose of 821
acquiring information that is subject to release as a public 822
record under this section and the judge who imposed the sentence 823

or made the adjudication with respect to the person, or the 824
judge's successor in office, finds that the information sought in 825
the public record is necessary to support what appears to be a 826
justiciable claim of the person. 827

(9)(a) Upon written request made and signed by a journalist 828
on or after December 16, 1999, a public office, or person 829
responsible for public records, having custody of the records of 830
the agency employing a specified peace officer, parole officer, 831
probation officer, bailiff, prosecuting attorney, assistant 832
prosecuting attorney, correctional employee, community-based 833
correctional facility employee, youth services employee, 834
firefighter, EMT, ~~or~~ investigator of the bureau of criminal 835
identification and investigation, or federal law enforcement 836
officer shall disclose to the journalist the address of the actual 837
personal residence of the peace officer, parole officer, probation 838
officer, bailiff, prosecuting attorney, assistant prosecuting 839
attorney, correctional employee, community-based correctional 840
facility employee, youth services employee, firefighter, EMT, ~~or~~ 841
investigator of the bureau of criminal identification and 842
investigation, or federal law enforcement officer and, if the 843
peace officer's, parole officer's, probation officer's, bailiff's, 844
prosecuting attorney's, assistant prosecuting attorney's, 845
correctional employee's, community-based correctional facility 846
employee's, youth services employee's, firefighter's, EMT's, ~~or~~ 847
investigator of the bureau of criminal identification and 848
investigation's, or federal law enforcement officer's spouse, 849
former spouse, or child is employed by a public office, the name 850
and address of the employer of the peace officer's, parole 851
officer's, probation officer's, bailiff's, prosecuting attorney's, 852
assistant prosecuting attorney's, correctional employee's, 853
community-based correctional facility employee's, youth services 854
employee's, firefighter's, EMT's, ~~or~~ investigator of the bureau of 855
criminal identification and investigation's, or federal law 856

enforcement officer's spouse, former spouse, or child. The request 857
shall include the journalist's name and title and the name and 858
address of the journalist's employer and shall state that 859
disclosure of the information sought would be in the public 860
interest. 861

(b) Division (B)(9)(a) of this section also applies to 862
journalist requests for customer information maintained by a 863
municipally owned or operated public utility, other than social 864
security numbers and any private financial information such as 865
credit reports, payment methods, credit card numbers, and bank 866
account information. 867

(c) As used in division (B)(9) of this section, "journalist" 868
means a person engaged in, connected with, or employed by any news 869
medium, including a newspaper, magazine, press association, news 870
agency, or wire service, a radio or television station, or a 871
similar medium, for the purpose of gathering, processing, 872
transmitting, compiling, editing, or disseminating information for 873
the general public. 874

(C)(1) If a person allegedly is aggrieved by the failure of a 875
public office or the person responsible for public records to 876
promptly prepare a public record and to make it available to the 877
person for inspection in accordance with division (B) of this 878
section or by any other failure of a public office or the person 879
responsible for public records to comply with an obligation in 880
accordance with division (B) of this section, the person allegedly 881
aggrieved may commence a mandamus action to obtain a judgment that 882
orders the public office or the person responsible for the public 883
record to comply with division (B) of this section, that awards 884
court costs and reasonable attorney's fees to the person that 885
instituted the mandamus action, and, if applicable, that includes 886
an order fixing statutory damages under division (C)(1) of this 887
section. The mandamus action may be commenced in the court of 888

common pleas of the county in which division (B) of this section 889
allegedly was not complied with, in the supreme court pursuant to 890
its original jurisdiction under Section 2 of Article IV, Ohio 891
Constitution, or in the court of appeals for the appellate 892
district in which division (B) of this section allegedly was not 893
complied with pursuant to its original jurisdiction under Section 894
3 of Article IV, Ohio Constitution. 895

If a requestor transmits a written request by hand delivery 896
or certified mail to inspect or receive copies of any public 897
record in a manner that fairly describes the public record or 898
class of public records to the public office or person responsible 899
for the requested public records, except as otherwise provided in 900
this section, the requestor shall be entitled to recover the 901
amount of statutory damages set forth in this division if a court 902
determines that the public office or the person responsible for 903
public records failed to comply with an obligation in accordance 904
with division (B) of this section. 905

The amount of statutory damages shall be fixed at one hundred 906
dollars for each business day during which the public office or 907
person responsible for the requested public records failed to 908
comply with an obligation in accordance with division (B) of this 909
section, beginning with the day on which the requester files a 910
mandamus action to recover statutory damages, up to a maximum of 911
one thousand dollars. The award of statutory damages shall not be 912
construed as a penalty, but as compensation for injury arising 913
from lost use of the requested information. The existence of this 914
injury shall be conclusively presumed. The award of statutory 915
damages shall be in addition to all other remedies authorized by 916
this section. 917

The court may reduce an award of statutory damages or not 918
award statutory damages if the court determines both of the 919
following: 920

(a) That, based on the ordinary application of statutory law 921
and case law as it existed at the time of the conduct or 922
threatened conduct of the public office or person responsible for 923
the requested public records that allegedly constitutes a failure 924
to comply with an obligation in accordance with division (B) of 925
this section and that was the basis of the mandamus action, a 926
well-informed public office or person responsible for the 927
requested public records reasonably would believe that the conduct 928
or threatened conduct of the public office or person responsible 929
for the requested public records did not constitute a failure to 930
comply with an obligation in accordance with division (B) of this 931
section; 932

(b) That a well-informed public office or person responsible 933
for the requested public records reasonably would believe that the 934
conduct or threatened conduct of the public office or person 935
responsible for the requested public records would serve the 936
public policy that underlies the authority that is asserted as 937
permitting that conduct or threatened conduct. 938

(2)(a) If the court issues a writ of mandamus that orders the 939
public office or the person responsible for the public record to 940
comply with division (B) of this section and determines that the 941
circumstances described in division (C)(1) of this section exist, 942
the court shall determine and award to the relator all court 943
costs. 944

(b) If the court renders a judgment that orders the public 945
office or the person responsible for the public record to comply 946
with division (B) of this section, the court may award reasonable 947
attorney's fees subject to reduction as described in division 948
(C)(2)(c) of this section. The court shall award reasonable 949
attorney's fees, subject to reduction as described in division 950
(C)(2)(c) of this section when either of the following applies: 951

(i) The public office or the person responsible for the 952

public records failed to respond affirmatively or negatively to 953
the public records request in accordance with the time allowed 954
under division (B) of this section. 955

(ii) The public office or the person responsible for the 956
public records promised to permit the relator to inspect or 957
receive copies of the public records requested within a specified 958
period of time but failed to fulfill that promise within that 959
specified period of time. 960

(c) Court costs and reasonable attorney's fees awarded under 961
this section shall be construed as remedial and not punitive. 962
Reasonable attorney's fees shall include reasonable fees incurred 963
to produce proof of the reasonableness and amount of the fees and 964
to otherwise litigate entitlement to the fees. The court may 965
reduce an award of attorney's fees to the relator or not award 966
attorney's fees to the relator if the court determines both of the 967
following: 968

(i) That, based on the ordinary application of statutory law 969
and case law as it existed at the time of the conduct or 970
threatened conduct of the public office or person responsible for 971
the requested public records that allegedly constitutes a failure 972
to comply with an obligation in accordance with division (B) of 973
this section and that was the basis of the mandamus action, a 974
well-informed public office or person responsible for the 975
requested public records reasonably would believe that the conduct 976
or threatened conduct of the public office or person responsible 977
for the requested public records did not constitute a failure to 978
comply with an obligation in accordance with division (B) of this 979
section; 980

(ii) That a well-informed public office or person responsible 981
for the requested public records reasonably would believe that the 982
conduct or threatened conduct of the public office or person 983
responsible for the requested public records as described in 984

division (C)(2)(c)(i) of this section would serve the public 985
policy that underlies the authority that is asserted as permitting 986
that conduct or threatened conduct. 987

(D) Chapter 1347. of the Revised Code does not limit the 988
provisions of this section. 989

(E)(1) To ensure that all employees of public offices are 990
appropriately educated about a public office's obligations under 991
division (B) of this section, all elected officials or their 992
appropriate designees shall attend training approved by the 993
attorney general as provided in section 109.43 of the Revised 994
Code. In addition, all public offices shall adopt a public records 995
policy in compliance with this section for responding to public 996
records requests. In adopting a public records policy under this 997
division, a public office may obtain guidance from the model 998
public records policy developed and provided to the public office 999
by the attorney general under section 109.43 of the Revised Code. 1000
Except as otherwise provided in this section, the policy may not 1001
limit the number of public records that the public office will 1002
make available to a single person, may not limit the number of 1003
public records that it will make available during a fixed period 1004
of time, and may not establish a fixed period of time before it 1005
will respond to a request for inspection or copying of public 1006
records, unless that period is less than eight hours. 1007

(2) The public office shall distribute the public records 1008
policy adopted by the public office under division (E)(1) of this 1009
section to the employee of the public office who is the records 1010
custodian or records manager or otherwise has custody of the 1011
records of that office. The public office shall require that 1012
employee to acknowledge receipt of the copy of the public records 1013
policy. The public office shall create a poster that describes its 1014
public records policy and shall post the poster in a conspicuous 1015
place in the public office and in all locations where the public 1016

office has branch offices. The public office may post its public 1017
records policy on the internet web site of the public office if 1018
the public office maintains an internet web site. A public office 1019
that has established a manual or handbook of its general policies 1020
and procedures for all employees of the public office shall 1021
include the public records policy of the public office in the 1022
manual or handbook. 1023

(F)(1) The bureau of motor vehicles may adopt rules pursuant 1024
to Chapter 119. of the Revised Code to reasonably limit the number 1025
of bulk commercial special extraction requests made by a person 1026
for the same records or for updated records during a calendar 1027
year. The rules may include provisions for charges to be made for 1028
bulk commercial special extraction requests for the actual cost of 1029
the bureau, plus special extraction costs, plus ten per cent. The 1030
bureau may charge for expenses for redacting information, the 1031
release of which is prohibited by law. 1032

(2) As used in division (F)(1) of this section: 1033

(a) "Actual cost" means the cost of depleted supplies, 1034
records storage media costs, actual mailing and alternative 1035
delivery costs, or other transmitting costs, and any direct 1036
equipment operating and maintenance costs, including actual costs 1037
paid to private contractors for copying services. 1038

(b) "Bulk commercial special extraction request" means a 1039
request for copies of a record for information in a format other 1040
than the format already available, or information that cannot be 1041
extracted without examination of all items in a records series, 1042
class of records, or database by a person who intends to use or 1043
forward the copies for surveys, marketing, solicitation, or resale 1044
for commercial purposes. "Bulk commercial special extraction 1045
request" does not include a request by a person who gives 1046
assurance to the bureau that the person making the request does 1047
not intend to use or forward the requested copies for surveys, 1048

marketing, solicitation, or resale for commercial purposes. 1049

(c) "Commercial" means profit-seeking production, buying, or 1050
selling of any good, service, or other product. 1051

(d) "Special extraction costs" means the cost of the time 1052
spent by the lowest paid employee competent to perform the task, 1053
the actual amount paid to outside private contractors employed by 1054
the bureau, or the actual cost incurred to create computer 1055
programs to make the special extraction. "Special extraction 1056
costs" include any charges paid to a public agency for computer or 1057
records services. 1058

(3) For purposes of divisions (F)(1) and (2) of this section, 1059
"surveys, marketing, solicitation, or resale for commercial 1060
purposes" shall be narrowly construed and does not include 1061
reporting or gathering news, reporting or gathering information to 1062
assist citizen oversight or understanding of the operation or 1063
activities of government, or nonprofit educational research. 1064

Sec. 149.45. (A) As used in this section: 1065

(1) "Personal information" means any of the following: 1066

(a) An individual's social security number; 1067

(b) An individual's federal tax identification number; 1068

(c) An individual's driver's license number or state 1069
identification number; 1070

(d) An individual's checking account number, savings account 1071
number, or credit card number. 1072

(2) "Public record" and "peace officer, parole officer, 1073
probation officer, bailiff, prosecuting attorney, assistant 1074
prosecuting attorney, correctional employee, youth services 1075
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1076
criminal identification and investigation, or federal law 1077

enforcement officer residential and familial information have the 1078
same meanings as in section 149.43 of the Revised Code. 1079

(3) "Truncate" means to redact all but the last four digits 1080
of an individual's social security number. 1081

(4) "Federal law enforcement officer" means any officer of 1082
the United States who is authorized by federal law to conduct any 1083
investigation of, and make any arrest for, any offense against the 1084
United States in violation of federal law. 1085

(B)(1) No public office or person responsible for a public 1086
office's public records shall make available to the general public 1087
on the internet any document that contains an individual's social 1088
security number without otherwise redacting, encrypting, or 1089
truncating the social security number. 1090

(2) A public office or person responsible for a public 1091
office's public records that prior to ~~the effective date of this~~ 1092
~~section~~ October 17, 2011, made available to the general public on 1093
the internet any document that contains an individual's social 1094
security number shall redact, encrypt, or truncate the social 1095
security number from that document. 1096

(3) Divisions (B)(1) and (2) of this section do not apply to 1097
documents that are only accessible through the internet with a 1098
password. 1099

(C)(1) An individual may request that a public office or a 1100
person responsible for a public office's public records redact 1101
personal information of that individual from any record made 1102
available to the general public on the internet. An individual who 1103
makes a request for redaction pursuant to this division shall make 1104
the request in writing on a form developed by the attorney general 1105
and shall specify the personal information to be redacted and 1106
provide any information that identifies the location of that 1107
personal information within a document that contains that personal 1108

information. 1109

(2) Upon receiving a request for a redaction pursuant to 1110
division (C)(1) of this section, a public office or a person 1111
responsible for a public office's public records shall act within 1112
five business days in accordance with the request to redact the 1113
personal information of the individual from any record made 1114
available to the general public on the internet, if practicable. 1115
If a redaction is not practicable, the public office or person 1116
responsible for the public office's public records shall verbally 1117
or in writing within five business days after receiving the 1118
written request explain to the individual why the redaction is 1119
impracticable. 1120

(3) The attorney general shall develop a form to be used by 1121
an individual to request a redaction pursuant to division (C)(1) 1122
of this section. The form shall include a place to provide any 1123
information that identifies the location of the personal 1124
information to be redacted. 1125

(D)(1) A peace officer, parole officer, probation officer, 1126
bailiff, prosecuting attorney, assistant prosecuting attorney, 1127
correctional employee, youth services employee, firefighter, EMT, 1128
~~or~~ investigator of the bureau of criminal identification and 1129
investigation, or federal law enforcement officer may request that 1130
a public office other than a county auditor or a person 1131
responsible for the public records of a public office other than a 1132
county auditor redact the address of the person making the request 1133
from any record made available to the general public on the 1134
internet that includes peace officer, parole officer, probation 1135
officer, bailiff, prosecuting attorney, assistant prosecuting 1136
attorney, correctional employee, youth services employee, 1137
firefighter, EMT, ~~or~~ investigator of the bureau of criminal 1138
identification and investigation, or federal law enforcement 1139
officer residential and familial information of the person making 1140

the request. A person who makes a request for a redaction pursuant 1141
to this division shall make the request in writing and on a form 1142
developed by the attorney general. 1143

(2) Upon receiving a written request for a redaction pursuant 1144
to division (D)(1) of this section, a public office other than a 1145
county auditor or a person responsible for the public records of a 1146
public office other than a county auditor shall act within five 1147
business days in accordance with the request to redact the address 1148
of the peace officer, parole officer, probation officer, bailiff, 1149
prosecuting attorney, assistant prosecuting attorney, correctional 1150
employee, youth services employee, firefighter, EMT, ~~or~~ 1151
investigator of the bureau of criminal identification and 1152
investigation, or federal law enforcement officer making the 1153
request from any record made available to the general public on 1154
the internet that includes peace officer, parole officer, 1155
probation officer, bailiff, prosecuting attorney, assistant 1156
prosecuting attorney, correctional employee, youth services 1157
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1158
criminal identification and investigation, or federal law 1159
enforcement officer residential and familial information of the 1160
person making the request, if practicable. If a redaction is not 1161
practicable, the public office or person responsible for the 1162
public office's public records shall verbally or in writing within 1163
five business days after receiving the written request explain to 1164
the peace officer, parole officer, probation officer, bailiff, 1165
prosecuting attorney, assistant prosecuting attorney, correctional 1166
employee, youth services employee, firefighter, EMT, ~~or~~ 1167
investigator of the bureau of criminal identification and 1168
investigation, or federal law enforcement officer why the 1169
redaction is impracticable. 1170

(3) Except as provided in this section and section 319.28 of 1171
the Revised Code, a public office other than an employer of a 1172

peace officer, parole officer, probation officer, bailiff, 1173
prosecuting attorney, assistant prosecuting attorney, correctional 1174
employee, youth services employee, firefighter, EMT, ~~or~~ 1175
investigator of the bureau of criminal identification and 1176
investigation, or federal law enforcement officer or a person 1177
responsible for the public records of the employer is not required 1178
to redact the residential and familial information of the peace 1179
officer, parole officer, probation officer, bailiff, prosecuting 1180
attorney, assistant prosecuting attorney, correctional employee, 1181
youth services employee, firefighter, EMT, ~~or~~ investigator of the 1182
bureau of criminal identification and investigation, or federal 1183
law enforcement officer from other records maintained by the 1184
public office. 1185

(4) The attorney general shall develop a form to be used by a 1186
peace officer, parole officer, probation officer, bailiff, 1187
prosecuting attorney, assistant prosecuting attorney, correctional 1188
employee, youth services employee, firefighter, EMT, ~~or~~ 1189
investigator of the bureau of criminal identification and 1190
investigation, or federal law enforcement officer to request a 1191
redaction pursuant to division (D)(1) of this section. The form 1192
shall include a place to provide any information that identifies 1193
the location of the address of a peace officer, parole officer, 1194
probation officer, bailiff, prosecuting attorney, assistant 1195
prosecuting attorney, correctional employee, youth services 1196
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 1197
criminal identification and investigation, or federal law 1198
enforcement officer to be redacted. 1199

(E)(1) If a public office or a person responsible for a 1200
public office's public records becomes aware that an electronic 1201
record of that public office that is made available to the general 1202
public on the internet contains an individual's social security 1203
number that was mistakenly not redacted, encrypted, or truncated 1204

as required by division (B)(1) or (2) of this section, the public office or person responsible for the public office's public records shall redact, encrypt, or truncate the individual's social security number within a reasonable period of time.

(2) A public office or a person responsible for a public office's public records is not liable in damages in a civil action for any harm an individual allegedly sustains as a result of the inclusion of that individual's personal information on any record made available to the general public on the internet or any harm a peace officer, parole officer, probation officer, bailiff, 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 sustains as a result of the inclusion of the address of the peace officer, parole officer, probation officer, bailiff, 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 on any record made available to the general public on the internet in violation of this section unless the public office or person responsible for the public office's public records acted with malicious purpose, in bad faith, or in a wanton or reckless manner or division (A)(6)(a) or (c) of section 2744.03 of the Revised Code applies.

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

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

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, or its wholly owned subsidiary, to a third party.	1532 1533 1534
(4) For the cost of publishing the delinquent manufactured home tax list, the delinquent tax list, and the delinquent vacant land tax list, a flat fee, as determined by the county auditor, to be charged to the owner of a home on the delinquent manufactured home tax list or the property owner of land on the delinquent tax list or the delinquent vacant land tax list.	1535 1536 1537 1538 1539 1540
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	1541 1542 1543 1544 1545

credit of the general fund of the county, except that fees charged 1546
and received under division (G)(3) of this section for a transfer 1547
of real property to a county land reutilization corporation shall 1548
be credited to the county land reutilization corporation fund 1549
established under section 321.263 of the Revised Code. 1550

The real property transfer fee provided for in division 1551
(G)(3) of this section shall be applicable to any conveyance of 1552
real property presented to the auditor on or after January 1, 1553
1968, regardless of its time of execution or delivery. 1554

The transfer fee for a used manufactured home or used mobile 1555
home shall be computed by and paid to the county auditor of the 1556
county in which the home is located immediately prior to the 1557
transfer. 1558

(H) "Federal law enforcement officer" means any officer of 1559
the United States who is authorized by federal law to conduct any 1560
investigation of, and make any arrest for, any offense against the 1561
United States in violation of federal law. 1562

Sec. 2901.44. (A) In any criminal action involving a 1563
violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 1564
2903.22, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 1565
2907.08, 2907.09, 2911.211, 2919.22, or 2919.25 of the Revised 1566
Code, upon the conviction or plea of guilty of the defendant, the 1567
court shall notify in writing the victim of the offense if an 1568
adult person or a parent or guardian acting on behalf of the 1569
victim who is a minor, incompetent, or ward of the right of the 1570
person to apply with the assistance of an application assistant to 1571
the secretary of state under sections 111.31 to 111.40 of the 1572
Revised Code to have an address designated by the secretary of 1573
state serve as the person's address or the address of the minor, 1574
incompetent, or ward. The person may apply with the assistance of 1575
an application assistant to the secretary of state pursuant to 1576

those sections to have an address designated by the secretary of 1577
state serve as the person's address or the address of the minor, 1578
incompetent, or ward. 1579

(B) As used in this section: 1580

(1) "Guardian," "incompetent," "parent," and "ward" have the 1581
same meanings as in section 2111.01 of the Revised Code. 1582

(2) "Application assistant" has the same meaning as in 1583
section 111.31 of the Revised Code. 1584

Sec. 2903.213. (A) Except when the complaint involves a 1585
person who is a family or household member as defined in section 1586
2919.25 of the Revised Code, upon the filing of a complaint that 1587
alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 1588
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 1589
a municipal ordinance substantially similar to section 2903.13, 1590
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 1591
the commission of a sexually oriented offense, the complainant, 1592
the alleged victim, or a family or household member of an alleged 1593
victim may file a motion that requests the issuance of a 1594
protection order as a pretrial condition of release of the alleged 1595
offender, in addition to any bail set under Criminal Rule 46. The 1596
motion shall be filed with the clerk of the court that has 1597
jurisdiction of the case at any time after the filing of the 1598
complaint. If the complaint involves a person who is a family or 1599
household member, the complainant, the alleged victim, or the 1600
family or household member may file a motion for a temporary 1601
protection order pursuant to section 2919.26 of the Revised Code. 1602

(B) A motion for a protection order under this section shall 1603
be prepared on a form that is provided by the clerk of the court, 1604
and the form shall be substantially as follows: 1605

"Motion for Protection Order 1606

.....	1607
Name and address of court	1608
State of Ohio	1609
v. No.	1610
.....	1611
Name of Defendant	1612
(Name of person), moves the court to issue a protection order	1613
containing terms designed to ensure the safety and protection of	1614
the complainant or the alleged victim in the above-captioned case,	1615
in relation to the named defendant, pursuant to its authority to	1616
issue a protection order under section 2903.213 of the Revised	1617
Code.	1618
A complaint, a copy of which has been attached to this	1619
motion, has been filed in this court charging the named defendant	1620
with a violation of section 2903.11, 2903.12, 2903.13, 2903.21,	1621
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of	1622
a municipal ordinance substantially similar to section 2903.13,	1623
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or	1624
the commission of a sexually oriented offense.	1625
I understand that I must appear before the court, at a time	1626
set by the court not later than the next day that the court is in	1627
session after the filing of this motion, for a hearing on the	1628
motion, and that any protection order granted pursuant to this	1629
motion is a pretrial condition of release and is effective only	1630
until the disposition of the criminal proceeding arising out of	1631
the attached complaint or until the issuance under section	1632
2903.214 of the Revised Code of a protection order arising out of	1633
the same activities as those that were the basis of the attached	1634
complaint.	1635
.....	1636
Signature of person	1637

..... 1638

Address of person" 1639

(C)(1) As soon as possible after the filing of a motion that 1640
requests the issuance of a protection order under this section, 1641
but not later than the next day that the court is in session after 1642
the filing of the motion, the court shall conduct a hearing to 1643
determine whether to issue the order. The person who requested the 1644
order shall appear before the court and provide the court with the 1645
information that it requests concerning the basis of the motion. 1646
If the court finds that the safety and protection of the 1647
complainant or the alleged victim may be impaired by the continued 1648
presence of the alleged offender, the court may issue a protection 1649
order under this section, as a pretrial condition of release, that 1650
contains terms designed to ensure the safety and protection of the 1651
complainant or the alleged victim, including a requirement that 1652
the alleged offender refrain from entering the residence, school, 1653
business, or place of employment of the complainant or the alleged 1654
victim. 1655

(2)(a) If the court issues a protection order under this 1656
section that includes a requirement that the alleged offender 1657
refrain from entering the residence, school, business, or place of 1658
employment of the complainant or the alleged victim, the order 1659
shall clearly state that the order cannot be waived or nullified 1660
by an invitation to the alleged offender from the complainant, the 1661
alleged victim, or a family or household member to enter the 1662
residence, school, business, or place of employment or by the 1663
alleged offender's entry into one of those places otherwise upon 1664
the consent of the complainant, the alleged victim, or a family or 1665
household member. 1666

(b) Division (C)(2)(a) of this section does not limit any 1667
discretion of a court to determine that an alleged offender 1668
charged with a violation of section 2919.27 of the Revised Code, 1669

with a violation of a municipal ordinance substantially equivalent 1670
to that section, or with contempt of court, which charge is based 1671
on an alleged violation of a protection order issued under this 1672
section, did not commit the violation or was not in contempt of 1673
court. 1674

(D)(1) Except when the complaint involves a person who is a 1675
family or household member as defined in section 2919.25 of the 1676
Revised Code, upon the filing of a complaint that alleges a 1677
violation specified in division (A) of this section, the court, 1678
upon its own motion, may issue a protection order under this 1679
section as a pretrial condition of release of the alleged offender 1680
if it finds that the safety and protection of the complainant or 1681
the alleged victim may be impaired by the continued presence of 1682
the alleged offender. 1683

(2) If the court issues a protection order under this section 1684
as an ex parte order, it shall conduct, as soon as possible after 1685
the issuance of the order but not later than the next day that the 1686
court is in session after its issuance, a hearing to determine 1687
whether the order should remain in effect, be modified, or be 1688
revoked. The hearing shall be conducted under the standards set 1689
forth in division (C) of this section. 1690

(3) If a municipal court or a county court issues a 1691
protection order under this section and if, subsequent to the 1692
issuance of the order, the alleged offender who is the subject of 1693
the order is bound over to the court of common pleas for 1694
prosecution of a felony arising out of the same activities as 1695
those that were the basis of the complaint upon which the order is 1696
based, notwithstanding the fact that the order was issued by a 1697
municipal court or county court, the order shall remain in effect, 1698
as though it were an order of the court of common pleas, while the 1699
charges against the alleged offender are pending in the court of 1700
common pleas, for the period of time described in division (E)(2) 1701

of this section, and the court of common pleas has exclusive 1702
jurisdiction to modify the order issued by the municipal court or 1703
county court. This division applies when the alleged offender is 1704
bound over to the court of common pleas as a result of the person 1705
waiving a preliminary hearing on the felony charge, as a result of 1706
the municipal court or county court having determined at a 1707
preliminary hearing that there is probable cause to believe that 1708
the felony has been committed and that the alleged offender 1709
committed it, as a result of the alleged offender having been 1710
indicted for the felony, or in any other manner. 1711

(E) A protection order that is issued as a pretrial condition 1712
of release under this section: 1713

(1) Is in addition to, but shall not be construed as a part 1714
of, any bail set under Criminal Rule 46; 1715

(2) Is effective only until the disposition, by the court 1716
that issued the order or, in the circumstances described in 1717
division (D)(3) of this section, by the court of common pleas to 1718
which the alleged offender is bound over for prosecution, of the 1719
criminal proceeding arising out of the complaint upon which the 1720
order is based or until the issuance under section 2903.214 of the 1721
Revised Code of a protection order arising out of the same 1722
activities as those that were the basis of the complaint filed 1723
under this section; 1724

(3) Shall not be construed as a finding that the alleged 1725
offender committed the alleged offense and shall not be introduced 1726
as evidence of the commission of the offense at the trial of the 1727
alleged offender on the complaint upon which the order is based. 1728

(F) A person who meets the criteria for bail under Criminal 1729
Rule 46 and who, if required to do so pursuant to that rule, 1730
executes or posts bond or deposits cash or securities as bail, 1731
shall not be held in custody pending a hearing before the court on 1732

a motion requesting a protection order under this section. 1733

(G)(1) A copy of a protection order that is issued under this 1734
section shall be issued by the court to the complainant, to the 1735
alleged victim, to the person who requested the order, to the 1736
defendant, and to all law enforcement agencies that have 1737
jurisdiction to enforce the order. The court shall direct that a 1738
copy of the order be delivered to the defendant on the same day 1739
that the order is entered. If a municipal court or a county court 1740
issues a protection order under this section and if, subsequent to 1741
the issuance of the order, the defendant who is the subject of the 1742
order is bound over to the court of common pleas for prosecution 1743
as described in division (D)(3) of this section, the municipal 1744
court or county court shall direct that a copy of the order be 1745
delivered to the court of common pleas to which the defendant is 1746
bound over. 1747

(2) All law enforcement agencies shall establish and maintain 1748
an index for the protection orders delivered to the agencies 1749
pursuant to division (G)(1) of this section. With respect to each 1750
order delivered, each agency shall note on the index the date and 1751
time of the agency's receipt of the order. 1752

(3) Regardless of whether the petitioner has registered the 1753
protection order in the county in which the officer's agency has 1754
jurisdiction, any officer of a law enforcement agency shall 1755
enforce a protection order issued pursuant to this section in 1756
accordance with the provisions of the order. 1757

(H) Upon a violation of a protection order issued pursuant to 1758
this section, the court may issue another protection order under 1759
this section, as a pretrial condition of release, that modifies 1760
the terms of the order that was violated. 1761

(I)(1) Subject to division (I)(2) of this section and 1762
regardless of whether a protection order is issued or a consent 1763

agreement is approved by a court of another county or by a court 1764
of another state, no court or unit of state or local government 1765
shall charge the movant any fee, cost, deposit, or money in 1766
connection with the filing of a motion pursuant to this section, 1767
in connection with the filing, issuance, registration, 1768
modification, enforcement, dismissal, withdrawal, or service of a 1769
protection order, consent agreement, or witness subpoena or for 1770
obtaining certified copies of a protection order or consent 1771
agreement. 1772

(2) Regardless of whether a protection order is issued or a 1773
consent agreement is approved pursuant to this section, if the 1774
defendant is convicted the court may assess costs against the 1775
defendant in connection with the filing, issuance, registration, 1776
modification, enforcement, dismissal, withdrawal, or service of a 1777
protection order, consent agreement, or witness subpoena or for 1778
obtaining a certified copy of a protection order or consent 1779
agreement. 1780

(J) Upon the issuance of a protection order under this 1781
section, the court shall notify in writing the person who filed 1782
the motion for the issuance of the order of the right of the 1783
person to apply with the assistance of an application assistant to 1784
the secretary of state under sections 111.31 to 111.40 of the 1785
Revised Code to have an address designated by the secretary of 1786
state serve as the person's address or the address of the person 1787
on whose behalf the protection order was issued. The person who 1788
filed the motion for the issuance of the protection order may 1789
apply with the assistance of an application assistant to the 1790
secretary of state pursuant to those sections to have an address 1791
designated by the secretary of state serve as the person's address 1792
or the address of the person on whose behalf the protection order 1793
was issued. 1794

(K) As used in this section, ~~"sexually:~~ 1795

(1) "Sexually oriented offense" has the same meaning as in 1796
section 2950.01 of the Revised Code. 1797

(2) "Application assistant" has the same meaning as in 1798
section 111.31 of the Revised Code. 1799

Sec. 2903.214. (A) As used in this section: 1800

(1) "Court" means the court of common pleas of the county in 1801
which the person to be protected by the protection order resides. 1802

(2) "Victim advocate" means a person who provides support and 1803
assistance for a person who files a petition under this section. 1804

(3) "Family or household member" has the same meaning as in 1805
section 3113.31 of the Revised Code. 1806

(4) "Protection order issued by a court of another state" has 1807
the same meaning as in section 2919.27 of the Revised Code. 1808

(5) "Sexually oriented offense" has the same meaning as in 1809
section 2950.01 of the Revised Code. 1810

(6) "Electronic monitoring" has the same meaning as in 1811
section 2929.01 of the Revised Code. 1812

(B) The court has jurisdiction over all proceedings under 1813
this section. 1814

(C) A person may seek relief under this section for the 1815
person, or any parent or adult household member may seek relief 1816
under this section on behalf of any other family or household 1817
member, by filing a petition with the court. The petition shall 1818
contain or state all of the following: 1819

(1) An allegation that the respondent is eighteen years of 1820
age or older and engaged in a violation of section 2903.211 of the 1821
Revised Code against the person to be protected by the protection 1822
order or committed a sexually oriented offense against the person 1823
to be protected by the protection order, including a description 1824

of the nature and extent of the violation; 1825

(2) If the petitioner seeks relief in the form of electronic 1826
monitoring of the respondent, an allegation that at any time 1827
preceding the filing of the petition the respondent engaged in 1828
conduct that would cause a reasonable person to believe that the 1829
health, welfare, or safety of the person to be protected was at 1830
risk, a description of the nature and extent of that conduct, and 1831
an allegation that the respondent presents a continuing danger to 1832
the person to be protected; 1833

(3) A request for relief under this section. 1834

(D)(1) If a person who files a petition pursuant to this 1835
section requests an ex parte order, the court shall hold an ex 1836
parte hearing as soon as possible after the petition is filed, but 1837
not later than the next day that the court is in session after the 1838
petition is filed. The court, for good cause shown at the ex parte 1839
hearing, may enter any temporary orders, with or without bond, 1840
that the court finds necessary for the safety and protection of 1841
the person to be protected by the order. Immediate and present 1842
danger to the person to be protected by the protection order 1843
constitutes good cause for purposes of this section. Immediate and 1844
present danger includes, but is not limited to, situations in 1845
which the respondent has threatened the person to be protected by 1846
the protection order with bodily harm or in which the respondent 1847
previously has been convicted of or pleaded guilty to a violation 1848
of section 2903.211 of the Revised Code or a sexually oriented 1849
offense against the person to be protected by the protection 1850
order. 1851

(2)(a) If the court, after an ex parte hearing, issues a 1852
protection order described in division (E) of this section, the 1853
court shall schedule a full hearing for a date that is within ten 1854
court days after the ex parte hearing. The court shall give the 1855
respondent notice of, and an opportunity to be heard at, the full 1856

hearing. The court shall hold the full hearing on the date 1857
scheduled under this division unless the court grants a 1858
continuance of the hearing in accordance with this division. Under 1859
any of the following circumstances or for any of the following 1860
reasons, the court may grant a continuance of the full hearing to 1861
a reasonable time determined by the court: 1862

(i) Prior to the date scheduled for the full hearing under 1863
this division, the respondent has not been served with the 1864
petition filed pursuant to this section and notice of the full 1865
hearing. 1866

(ii) The parties consent to the continuance. 1867

(iii) The continuance is needed to allow a party to obtain 1868
counsel. 1869

(iv) The continuance is needed for other good cause. 1870

(b) An ex parte order issued under this section does not 1871
expire because of a failure to serve notice of the full hearing 1872
upon the respondent before the date set for the full hearing under 1873
division (D)(2)(a) of this section or because the court grants a 1874
continuance under that division. 1875

(3) If a person who files a petition pursuant to this section 1876
does not request an ex parte order, or if a person requests an ex 1877
parte order but the court does not issue an ex parte order after 1878
an ex parte hearing, the court shall proceed as in a normal civil 1879
action and grant a full hearing on the matter. 1880

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

includes a requirement that the respondent refrain from entering 1888
the residence, school, business, or place of employment of the 1889
petitioner or family or household member in the order, it also 1890
shall include in the order provisions of the type described in 1891
division (E)(5) of this section. 1892

(b) After a full hearing, if the court considering a petition 1893
that includes an allegation of the type described in division 1894
(C)(2) of this section, or the court upon its own motion, finds 1895
upon clear and convincing evidence that the petitioner reasonably 1896
believed that the respondent's conduct at any time preceding the 1897
filing of the petition endangered the health, welfare, or safety 1898
of the person to be protected and that the respondent presents a 1899
continuing danger to the person to be protected, the court may 1900
order that the respondent be electronically monitored for a period 1901
of time and under the terms and conditions that the court 1902
determines are appropriate. Electronic monitoring shall be in 1903
addition to any other relief granted to the petitioner. 1904

(2)(a) Any protection order issued pursuant to this section 1905
shall be valid until a date certain but not later than five years 1906
from the date of its issuance. 1907

(b) Any protection order issued pursuant to this section may 1908
be renewed in the same manner as the original order was issued. 1909

(3) A court may not issue a protection order that requires a 1910
petitioner to do or to refrain from doing an act that the court 1911
may require a respondent to do or to refrain from doing under 1912
division (E)(1) of this section unless all of the following apply: 1913

(a) The respondent files a separate petition for a protection 1914
order in accordance with this section. 1915

(b) The petitioner is served with notice of the respondent's 1916
petition at least forty-eight hours before the court holds a 1917
hearing with respect to the respondent's petition, or the 1918

petitioner waives the right to receive this notice. 1919

(c) If the petitioner has requested an ex parte order 1920
pursuant to division (D) of this section, the court does not delay 1921
any hearing required by that division beyond the time specified in 1922
that division in order to consolidate the hearing with a hearing 1923
on the petition filed by the respondent. 1924

(d) After a full hearing at which the respondent presents 1925
evidence in support of the request for a protection order and the 1926
petitioner is afforded an opportunity to defend against that 1927
evidence, the court determines that the petitioner has committed a 1928
violation of section 2903.211 of the Revised Code against the 1929
person to be protected by the protection order issued pursuant to 1930
division (E)(3) of this section, has committed a sexually oriented 1931
offense against the person to be protected by the protection order 1932
issued pursuant to division (E)(3) of this section, or has 1933
violated a protection order issued pursuant to section 2903.213 of 1934
the Revised Code relative to the person to be protected by the 1935
protection order issued pursuant to division (E)(3) of this 1936
section. 1937

(4) No protection order issued pursuant to this section shall 1938
in any manner affect title to any real property. 1939

(5)(a) If the court issues a protection order under this 1940
section that includes a requirement that the alleged offender 1941
refrain from entering the residence, school, business, or place of 1942
employment of the petitioner or a family or household member, the 1943
order shall clearly state that the order cannot be waived or 1944
nullified by an invitation to the alleged offender from the 1945
complainant to enter the residence, school, business, or place of 1946
employment or by the alleged offender's entry into one of those 1947
places otherwise upon the consent of the petitioner or family or 1948
household member. 1949

(b) Division (E)(5)(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.

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

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

"NOTICE

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

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

(4) Regardless of whether the petitioner has registered the
protection order in the county in which the officer's agency has

jurisdiction pursuant to division (M) of this section, any officer 1981
of a law enforcement agency shall enforce a protection order 1982
issued pursuant to this section by any court in this state in 1983
accordance with the provisions of the order, including removing 1984
the respondent from the premises, if appropriate. 1985

(G) Any proceeding under this section shall be conducted in 1986
accordance with the Rules of Civil Procedure, except that a 1987
protection order may be obtained under this section with or 1988
without bond. An order issued under this section, other than an ex 1989
parte order, that grants a protection order, or that refuses to 1990
grant a protection order, is a final, appealable order. The 1991
remedies and procedures provided in this section are in addition 1992
to, and not in lieu of, any other available civil or criminal 1993
remedies. 1994

(H) The filing of proceedings under this section does not 1995
excuse a person from filing any report or giving any notice 1996
required by section 2151.421 of the Revised Code or by any other 1997
law. 1998

(I) Any law enforcement agency that investigates an alleged 1999
violation of section 2903.211 of the Revised Code or an alleged 2000
commission of a sexually oriented offense shall provide 2001
information to the victim and the family or household members of 2002
the victim regarding the relief available under this section and 2003
section 2903.213 of the Revised Code. 2004

(J)(1) Subject to division (J)(2) of this section and 2005
regardless of whether a protection order is issued or a consent 2006
agreement is approved by a court of another county or by a court 2007
of another state, no court or unit of state or local government 2008
shall charge the petitioner any fee, cost, deposit, or money in 2009
connection with the filing of a petition pursuant to this section, 2010
in connection with the filing, issuance, registration, 2011
modification, enforcement, dismissal, withdrawal, or service of a 2012

protection order, consent agreement, or witness subpoena or for 2013
obtaining a certified copy of a protection order or consent 2014
agreement. 2015

(2) Regardless of whether a protection order is issued or a 2016
consent agreement is approved pursuant to this section, the court 2017
may assess costs against the respondent in connection with the 2018
filing, issuance, registration, modification, enforcement, 2019
dismissal, withdrawal, or service of a protection order, consent 2020
agreement, or witness subpoena or for obtaining a certified copy 2021
of a protection order or consent agreement. 2022

(K)(1) A person who violates a protection order issued under 2023
this section is subject to the following sanctions: 2024

(a) Criminal prosecution for a violation of section 2919.27 2025
of the Revised Code, if the violation of the protection order 2026
constitutes a violation of that section; 2027

(b) Punishment for contempt of court. 2028

(2) The punishment of a person for contempt of court for 2029
violation of a protection order issued under this section does not 2030
bar criminal prosecution of the person for a violation of section 2031
2919.27 of the Revised Code. However, a person punished for 2032
contempt of court is entitled to credit for the punishment imposed 2033
upon conviction of a violation of that section, and a person 2034
convicted of a violation of that section shall not subsequently be 2035
punished for contempt of court arising out of the same activity. 2036

(L) In all stages of a proceeding under this section, a 2037
petitioner may be accompanied by a victim advocate. 2038

(M)(1) A petitioner who obtains a protection order under this 2039
section or a protection order under section 2903.213 of the 2040
Revised Code may provide notice of the issuance or approval of the 2041
order to the judicial and law enforcement officials in any county 2042
other than the county in which the order is issued by registering 2043

that order in the other county pursuant to division (M)(2) of this 2044
section and filing a copy of the registered order with a law 2045
enforcement agency in the other county in accordance with that 2046
division. A person who obtains a protection order issued by a 2047
court of another state may provide notice of the issuance of the 2048
order to the judicial and law enforcement officials in any county 2049
of this state by registering the order in that county pursuant to 2050
section 2919.272 of the Revised Code and filing a copy of the 2051
registered order with a law enforcement agency in that county. 2052

(2) A petitioner may register a protection order issued 2053
pursuant to this section or section 2903.213 of the Revised Code 2054
in a county other than the county in which the court that issued 2055
the order is located in the following manner: 2056

(a) The petitioner shall obtain a certified copy of the order 2057
from the clerk of the court that issued the order and present that 2058
certified copy to the clerk of the court of common pleas or the 2059
clerk of a municipal court or county court in the county in which 2060
the order is to be registered. 2061

(b) Upon accepting the certified copy of the order for 2062
registration, the clerk of the court of common pleas, municipal 2063
court, or county court shall place an endorsement of registration 2064
on the order and give the petitioner a copy of the order that 2065
bears that proof of registration. 2066

(3) The clerk of each court of common pleas, municipal court, 2067
or county court shall maintain a registry of certified copies of 2068
protection orders that have been issued by courts in other 2069
counties pursuant to this section or section 2903.213 of the 2070
Revised Code and that have been registered with the clerk. 2071

(N)(1) If the court orders electronic monitoring of the 2072
respondent under this section, the court shall direct the 2073
sheriff's office or any other appropriate law enforcement agency 2074

to install the electronic monitoring device and to monitor the respondent. Unless the court determines that the respondent is indigent, the court shall order the respondent to pay the cost of the installation and monitoring of the electronic monitoring device. If the court determines that the respondent is indigent and subject to the maximum amount allowable to be paid in any year from the fund and the rules promulgated by the attorney general under division (N)(2) of this section, the cost of the installation and monitoring of the electronic monitoring device may be paid out of funds from the reparations fund created pursuant to section 2743.191 of the Revised Code. The total amount of costs for the installation and monitoring of electronic monitoring devices paid pursuant to this division and sections 2151.34 and 2919.27 of the Revised Code from the reparations fund shall not exceed three hundred thousand dollars per year.

(2) The attorney general may promulgate rules pursuant to section 111.15 of the Revised Code to govern payments made from the reparations fund pursuant to this division and sections 2151.34 and 2919.27 of the Revised Code. The rules may include reasonable limits on the total cost paid pursuant to this division and sections 2151.34 and 2919.27 of the Revised Code per respondent, the amount of the three hundred thousand dollars allocated to each county, and how invoices may be submitted by a county, court, or other entity.

(O)(1) Upon the issuance of a protection order under this section, the court shall notify the petitioner in writing of the right of the petitioner 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 petitioner's address or the address of the person on whose behalf the protection order was issued. The petitioner may apply with the assistance of an

application assistant to the secretary of state pursuant to those 2107
sections to have an address designated by the secretary of state 2108
serve as the petitioner's address or the address of the person on 2109
whose behalf the protection order was issued. 2110

(2) As used in division (O)(1) of this section, "application 2111
assistant" has the same meaning as in section 111.31 of the 2112
Revised Code. 2113

Sec. 3113.31. (A) As used in this section: 2114

(1) "Domestic violence" means the occurrence of one or more 2115
of the following acts against a family or household member: 2116

(a) Attempting to cause or recklessly causing bodily injury; 2117

(b) Placing another person by the threat of force in fear of 2118
imminent serious physical harm or committing a violation of 2119
section 2903.211 or 2911.211 of the Revised Code; 2120

(c) Committing any act with respect to a child that would 2121
result in the child being an abused child, as defined in section 2122
2151.031 of the Revised Code; 2123

(d) Committing a sexually oriented offense. 2124

(2) "Court" means the domestic relations division of the 2125
court of common pleas in counties that have a domestic relations 2126
division and the court of common pleas in counties that do not 2127
have a domestic relations division, or the juvenile division of 2128
the court of common pleas of the county in which the person to be 2129
protected by a protection order issued or a consent agreement 2130
approved under this section resides if the respondent is less than 2131
eighteen years of age. 2132

(3) "Family or household member" means any of the following: 2133

(a) Any of the following who is residing with or has resided 2134
with the respondent: 2135

(i) A spouse, a person living as a spouse, or a former spouse of the respondent;	2136 2137
(ii) A parent, a foster parent, or a child of the respondent, or another person related by consanguinity or affinity to the respondent;	2138 2139 2140
(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent.	2141 2142 2143 2144
(b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.	2145 2146
(4) "Person living as a spouse" means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question.	2147 2148 2149 2150 2151 2152
(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.	2153 2154
(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.	2155 2156
(B) The court has jurisdiction over all proceedings under this section. The petitioner's right to relief under this section is not affected by the petitioner's leaving the residence or household to avoid further domestic violence.	2157 2158 2159 2160
(C) A person may seek relief under this section on the person's own behalf, 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:	2161 2162 2163 2164 2165

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

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

(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 on the same day that the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, including, but not limited to, an order described in division (E)(1)(a), (b), or (c) of this section, that the court finds necessary to protect the family or household member from domestic violence. Immediate and present danger of domestic violence to the family or household member 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 family or household member with bodily harm, in which the respondent has threatened the family or household member with a sexually oriented offense, or in which the respondent previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense that constitutes domestic violence against the family or household member.

(2)(a) If the court, after an ex parte hearing, issues an order described in division (E)(1)(b) or (c) of this section, the court shall schedule a full hearing for a date that is within 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
agreement to bring about a cessation of domestic violence against
the family or household members. The order or agreement may:

(a) Direct the respondent to refrain from abusing or from committing sexually oriented offenses against the family or household members;	2228 2229 2230
(b) Grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by evicting the respondent, when the residence or household is owned or leased solely by the petitioner or other family or household member, or by ordering the respondent to vacate the premises, when the residence or household is jointly owned or leased by the respondent, and the petitioner or other family or household member;	2231 2232 2233 2234 2235 2236 2237 2238
(c) When the respondent has a duty to support the petitioner or other family or household member living in the residence or household and the respondent is the sole owner or lessee of the residence or household, grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by ordering the respondent to vacate the premises, or, in the case of a consent agreement, allow the respondent to provide suitable, alternative housing;	2239 2240 2241 2242 2243 2244 2245 2246
(d) Temporarily allocate parental rights and responsibilities for the care of, or establish temporary parenting time rights with regard to, minor children, if no other court has determined, or is determining, the allocation of parental rights and responsibilities for the minor children or parenting time rights;	2247 2248 2249 2250 2251
(e) Require the respondent to maintain support, if the respondent customarily provides for or contributes to the support of the family or household member, or if the respondent has a duty to support the petitioner or family or household member;	2252 2253 2254 2255
(f) Require the respondent, petitioner, victim of domestic violence, or any combination of those persons, to seek counseling;	2256 2257
(g) Require the respondent to refrain from entering the	2258

residence, school, business, or place of employment of the 2259
petitioner or family or household member; 2260

(h) Grant other relief that the court considers equitable and 2261
fair, including, but not limited to, ordering the respondent to 2262
permit the use of a motor vehicle by the petitioner or other 2263
family or household member and the apportionment of household and 2264
family personal property. 2265

(2) If a protection order has been issued pursuant to this 2266
section in a prior action involving the respondent and the 2267
petitioner or one or more of the family or household members or 2268
victims, the court may include in a protection order that it 2269
issues a prohibition against the respondent returning to the 2270
residence or household. If it includes a prohibition against the 2271
respondent returning to the residence or household in the order, 2272
it also shall include in the order provisions of the type 2273
described in division (E)(7) of this section. This division does 2274
not preclude the court from including in a protection order or 2275
consent agreement, in circumstances other than those described in 2276
this division, a requirement that the respondent be evicted from 2277
or vacate the residence or household or refrain from entering the 2278
residence, school, business, or place of employment of the 2279
petitioner or a family or household member, and, if the court 2280
includes any requirement of that type in an order or agreement, 2281
the court also shall include in the order provisions of the type 2282
described in division (E)(7) of this section. 2283

(3)(a) Any protection order issued or consent agreement 2284
approved under this section shall be valid until a date certain, 2285
but not later than five years from the date of its issuance or 2286
approval, or not later than the date a respondent who is less than 2287
eighteen years of age attains nineteen years of age, unless 2288
modified or terminated as provided in division (E)(8) of this 2289
section. 2290

(b) Subject to the limitation on the duration of an order or agreement set forth in division (E)(3)(a) of this section, any order under division (E)(1)(d) of this section shall terminate on the date that a court in an action for divorce, dissolution of marriage, or legal separation brought by the petitioner or respondent issues an order allocating parental rights and responsibilities for the care of children or on the date that a juvenile court in an action brought by the petitioner or respondent issues an order awarding legal custody of minor children. Subject to the limitation on the duration of an order or agreement set forth in division (E)(3)(a) of this section, any order under division (E)(1)(e) of this section shall terminate on the date that a court in an action for divorce, dissolution of marriage, or legal separation brought by the petitioner or respondent issues a support order or on the date that a juvenile court in an action brought by the petitioner or respondent issues a support order.

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

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

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

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

(c) If the petitioner has requested an ex parte order 2322
pursuant to division (D) of this section, the court does not delay 2323
any hearing required by that division beyond the time specified in 2324
that division in order to consolidate the hearing with a hearing 2325
on the petition filed by the respondent. 2326

(d) After a full hearing at which the respondent presents 2327
evidence in support of the request for a protection order and the 2328
petitioner is afforded an opportunity to defend against that 2329
evidence, the court determines that the petitioner has committed 2330
an act of domestic violence or has violated a temporary protection 2331
order issued pursuant to section 2919.26 of the Revised Code, that 2332
both the petitioner and the respondent acted primarily as 2333
aggressors, and that neither the petitioner nor the respondent 2334
acted primarily in self-defense. 2335

(5) No protection order issued or consent agreement approved 2336
under this section shall in any manner affect title to any real 2337
property. 2338

(6)(a) If a petitioner, or the child of a petitioner, who 2339
obtains a protection order or consent agreement pursuant to 2340
division (E)(1) of this section or a temporary protection order 2341
pursuant to section 2919.26 of the Revised Code and is the subject 2342
of a parenting time order issued pursuant to section 3109.051 or 2343
3109.12 of the Revised Code or a visitation or companionship order 2344
issued pursuant to section 3109.051, 3109.11, or 3109.12 of the 2345
Revised Code or division (E)(1)(d) of this section granting 2346
parenting time rights to the respondent, the court may require the 2347
public children services agency of the county in which the court 2348
is located to provide supervision of the respondent's exercise of 2349
parenting time or visitation or companionship rights with respect 2350
to the child for a period not to exceed nine months, if the court 2351
makes the following findings of fact: 2352

(i) The child is in danger from the respondent; 2353

(ii) No other person or agency is available to provide the supervision. 2354
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(b) A court that requires an agency to provide supervision pursuant to division (E)(6)(a) of this section shall order the respondent to reimburse the agency for the cost of providing the supervision, if it determines that the respondent has sufficient income or resources to pay that cost. 2356
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(7)(a) If a protection order issued or consent agreement approved under this section includes 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, the order or agreement shall state clearly that the order or agreement cannot be waived or nullified by an invitation to the respondent from the petitioner or other family or household member to enter the residence, school, business, or place of employment or by the respondent's entry into one of those places otherwise upon the consent of the petitioner or other family or household member. 2361
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(b) Division (E)(7)(a) of this section does not limit any discretion of a court to determine that a respondent 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 or consent agreement approved under this section, did not commit the violation or was not in contempt of court. 2372
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(8)(a) The court may modify or terminate as provided in division (E)(8) of this section a protection order or consent agreement that was issued after a full hearing under this section. The court that issued the protection order or approved the consent agreement shall hear a motion for modification or termination of the protection order or consent agreement pursuant to division 2380
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(E)(8) of this section. 2386

(b) Either the petitioner or the respondent of the original 2387
protection order or consent agreement may bring a motion for 2388
modification or termination of a protection order or consent 2389
agreement that was issued or approved after a full hearing. The 2390
court shall require notice of the motion to be made as provided by 2391
the Rules of Civil Procedure. If the petitioner for the original 2392
protection order or consent agreement has requested that the 2393
petitioner's address be kept confidential, the court shall not 2394
disclose the address to the respondent of the original protection 2395
order or consent agreement or any other person, except as 2396
otherwise required by law. The moving party has the burden of 2397
proof to show, by a preponderance of the evidence, that 2398
modification or termination of the protection order or consent 2399
agreement is appropriate because either the protection order or 2400
consent agreement is no longer needed or because the terms of the 2401
original protection order or consent agreement are no longer 2402
appropriate. 2403

(c) In considering whether to modify or terminate a 2404
protection order or consent agreement issued or approved under 2405
this section, the court shall consider all relevant factors, 2406
including, but not limited to, the following: 2407

(i) Whether the petitioner consents to modification or 2408
termination of the protection order or consent agreement; 2409

(ii) Whether the petitioner fears the respondent; 2410

(iii) The current nature of the relationship between the 2411
petitioner and the respondent; 2412

(iv) The circumstances of the petitioner and respondent, 2413
including the relative proximity of the petitioner's and 2414
respondent's workplaces and residences and whether the petitioner 2415
and respondent have minor children together; 2416

(v) Whether the respondent has complied with the terms and conditions of the original protection order or consent agreement;	2417 2418
(vi) Whether the respondent has a continuing involvement with illegal drugs or alcohol;	2419 2420
(vii) Whether the respondent has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for an offense of violence since the issuance of the protection order or approval of the consent agreement;	2421 2422 2423 2424
(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;	2425 2426 2427 2428 2429
(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;	2430 2431 2432 2433
(x) The time that has elapsed since the protection order was issued or since the consent agreement was approved;	2434 2435
(xi) The age and health of the respondent;	2436
(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.	2437 2438 2439 2440
(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 termination to the judicial and law enforcement officials in any	2441 2442 2443 2444 2445 2446

county other than the county in which the order or agreement is 2447
modified or terminated as provided in division (N) of this 2448
section. 2449

(e) If the respondent moves for modification or termination 2450
of a protection order or consent agreement pursuant to this 2451
section and the court denies the motion, the court may assess 2452
costs against the respondent for the filing of the motion. 2453

(9) Any protection order issued or any consent agreement 2454
approved pursuant to this section shall include a provision that 2455
the court will automatically seal all of the records of the 2456
proceeding in which the order is issued or agreement approved on 2457
the date the respondent attains the age of nineteen years unless 2458
the petitioner provides the court with evidence that the 2459
respondent has not complied with all of the terms of the 2460
protection order or consent agreement. The protection order or 2461
consent agreement shall specify the date when the respondent 2462
attains the age of nineteen years. 2463

(F)(1) A copy of any protection order, or consent agreement, 2464
that is issued, approved, modified, or terminated under this 2465
section shall be issued by the court to the petitioner, to the 2466
respondent, and to all law enforcement agencies that have 2467
jurisdiction to enforce the order or agreement. The court shall 2468
direct that a copy of an order be delivered to the respondent on 2469
the same day that the order is entered. 2470

(2) Upon the issuance of a protection order or the approval 2471
of a consent agreement under this section, the court shall provide 2472
the parties to the order or agreement with the following notice 2473
orally or by form: 2474

"NOTICE 2475

As a result of this order or consent agreement, it may be 2476
unlawful for you to possess or purchase a firearm, including a 2477

rifle, pistol, or revolver, or ammunition pursuant to federal law 2478
under 18 U.S.C. 922(g)(8). If you have any questions whether this 2479
law makes it illegal for you to possess or purchase a firearm or 2480
ammunition, you should consult an attorney." 2481

(3) All law enforcement agencies shall establish and maintain 2482
an index for the protection orders and the approved consent 2483
agreements delivered to the agencies pursuant to division (F)(1) 2484
of this section. With respect to each order and consent agreement 2485
delivered, each agency shall note on the index the date and time 2486
that it received the order or consent agreement. 2487

(4) Regardless of whether the petitioner has registered the 2488
order or agreement in the county in which the officer's agency has 2489
jurisdiction pursuant to division (N) of this section, any officer 2490
of a law enforcement agency shall enforce a protection order 2491
issued or consent agreement approved by any court in this state in 2492
accordance with the provisions of the order or agreement, 2493
including removing the respondent from the premises, if 2494
appropriate. 2495

(G) Any proceeding under this section shall be conducted in 2496
accordance with the Rules of Civil Procedure, except that an order 2497
under this section may be obtained with or without bond. An order 2498
issued under this section, other than an ex parte order, that 2499
grants a protection order or approves a consent agreement, that 2500
refuses to grant a protection order or approve a consent agreement 2501
that modifies or terminates a protection order or consent 2502
agreement, or that refuses to modify or terminate a protection 2503
order or consent agreement, is a final, appealable order. The 2504
remedies and procedures provided in this section are in addition 2505
to, and not in lieu of, any other available civil or criminal 2506
remedies. 2507

(H) The filing of proceedings under this section does not 2508
excuse a person from filing any report or giving any notice 2509

required by section 2151.421 of the Revised Code or by any other 2510
law. When a petition under this section alleges domestic violence 2511
against minor children, the court shall report the fact, or cause 2512
reports to be made, to a county, township, or municipal peace 2513
officer under section 2151.421 of the Revised Code. 2514

(I) Any law enforcement agency that investigates a domestic 2515
dispute shall provide information to the family or household 2516
members involved regarding the relief available under this section 2517
and section 2919.26 of the Revised Code. 2518

(J)(1) Subject to divisions (E)(8)(e) and (J)(2) of this 2519
section and regardless of whether a protection order is issued or 2520
a consent agreement is approved by a court of another county or a 2521
court of another state, no court or unit of state or local 2522
government shall charge the petitioner any fee, cost, deposit, or 2523
money in connection with the filing of a petition pursuant to this 2524
section or in connection with the filing, issuance, registration, 2525
modification, enforcement, dismissal, withdrawal, or service of a 2526
protection order, consent agreement, or witness subpoena or for 2527
obtaining a certified copy of a protection order or consent 2528
agreement. 2529

(2) Regardless of whether a protection order is issued or a 2530
consent agreement is approved pursuant to this section, the court 2531
may assess costs against the respondent in connection with the 2532
filing, issuance, registration, modification, enforcement, 2533
dismissal, withdrawal, or service of a protection order, consent 2534
agreement, or witness subpoena or for obtaining a certified copy 2535
of a protection order or consent agreement. 2536

(K)(1) The court shall comply with Chapters 3119., 3121., 2537
3123., and 3125. of the Revised Code when it makes or modifies an 2538
order for child support under this section. 2539

(2) If any person required to pay child support under an 2540

order made under this section on or after April 15, 1985, or 2541
modified under this section on or after December 31, 1986, is 2542
found in contempt of court for failure to make support payments 2543
under the order, the court that makes the finding, in addition to 2544
any other penalty or remedy imposed, shall assess all court costs 2545
arising out of the contempt proceeding against the person and 2546
require the person to pay any reasonable attorney's fees of any 2547
adverse party, as determined by the court, that arose in relation 2548
to the act of contempt. 2549

(L)(1) A person who violates a protection order issued or a 2550
consent agreement approved under this section is subject to the 2551
following sanctions: 2552

(a) Criminal prosecution or a delinquent child proceeding for 2553
a violation of section 2919.27 of the Revised Code, if the 2554
violation of the protection order or consent agreement constitutes 2555
a violation of that section; 2556

(b) Punishment for contempt of court. 2557

(2) The punishment of a person for contempt of court for 2558
violation of a protection order issued or a consent agreement 2559
approved under this section does not bar criminal prosecution of 2560
the person or a delinquent child proceeding concerning the person 2561
for a violation of section 2919.27 of the Revised Code. However, a 2562
person punished for contempt of court is entitled to credit for 2563
the punishment imposed upon conviction of or adjudication as a 2564
delinquent child for a violation of that section, and a person 2565
convicted of or adjudicated a delinquent child for a violation of 2566
that section shall not subsequently be punished for contempt of 2567
court arising out of the same activity. 2568

(M) In all stages of a proceeding under this section, a 2569
petitioner may be accompanied by a victim advocate. 2570

(N)(1) A petitioner who obtains a protection order or consent 2571

agreement under this section or a temporary protection order under 2572
section 2919.26 of the Revised Code may provide notice of the 2573
issuance or approval of the order or agreement to the judicial and 2574
law enforcement officials in any county other than the county in 2575
which the order is issued or the agreement is approved by 2576
registering that order or agreement in the other county pursuant 2577
to division (N)(2) of this section and filing a copy of the 2578
registered order or registered agreement with a law enforcement 2579
agency in the other county in accordance with that division. A 2580
person who obtains a protection order issued by a court of another 2581
state may provide notice of the issuance of the order to the 2582
judicial and law enforcement officials in any county of this state 2583
by registering the order in that county pursuant to section 2584
2919.272 of the Revised Code and filing a copy of the registered 2585
order with a law enforcement agency in that county. 2586

(2) A petitioner may register a temporary protection order, 2587
protection order, or consent agreement in a county other than the 2588
county in which the court that issued the order or approved the 2589
agreement is located in the following manner: 2590

(a) The petitioner shall obtain a certified copy of the order 2591
or agreement from the clerk of the court that issued the order or 2592
approved the agreement and present that certified copy to the 2593
clerk of the court of common pleas or the clerk of a municipal 2594
court or county court in the county in which the order or 2595
agreement is to be registered. 2596

(b) Upon accepting the certified copy of the order or 2597
agreement for registration, the clerk of the court of common 2598
pleas, municipal court, or county court shall place an endorsement 2599
of registration on the order or agreement and give the petitioner 2600
a copy of the order or agreement that bears that proof of 2601
registration. 2602

(3) The clerk of each court of common pleas, the clerk of 2603

each municipal court, and the clerk of each county court shall 2604
maintain a registry of certified copies of temporary protection 2605
orders, protection orders, or consent agreements that have been 2606
issued or approved by courts in other counties and that have been 2607
registered with the clerk. 2608

(O)(1) Upon the issuance of a protection order or the 2609
approval of a consent agreement under this section, the court 2610
shall notify the petitioner in writing of the right of the 2611
petitioner to apply with the assistance of an application 2612
assistant to the secretary of state under sections 111.31 to 2613
111.40 of the Revised Code to have an address designated by the 2614
secretary of state serve as the petitioner's address or the 2615
address of the person on whose behalf the protection order was 2616
issued or the consent agreement was approved. The petitioner may 2617
apply with the assistance of an application assistant to the 2618
secretary of state pursuant to those sections to have an address 2619
designated by the secretary of state serve as the petitioner's 2620
address or the address of the person on whose behalf the 2621
protection order was issued or the consent agreement was approved. 2622

(2) As used in division (O)(1) of this section, "application 2623
assistant" has the same meaning as in section 111.31 of the 2624
Revised Code. 2625

(P) Nothing in this section prohibits the domestic relations 2626
division of a court of common pleas in counties that have a 2627
domestic relations division or a court of common pleas in counties 2628
that do not have a domestic relations division from designating a 2629
minor child as a protected party on a protection order or consent 2630
agreement. 2631

Sec. 3503.15. (A)(1) The secretary of state shall establish 2632
and maintain a statewide voter registration database that shall be 2633
administered by the office of the secretary of state and made 2634

continuously available to each board of elections and to other 2635
agencies as authorized by law. 2636

(2)(a) State agencies, including, but not limited to, the 2637
department of health, bureau of motor vehicles, department of job 2638
and family services, and the department of rehabilitation and 2639
corrections, shall provide any information and data to the 2640
secretary of state that is collected in the course of normal 2641
business and that is necessary to register to vote, to update an 2642
elector's registration, or to maintain the statewide voter 2643
registration database established pursuant to this section, except 2644
where prohibited by federal law or regulation. The secretary of 2645
state shall ensure that any information or data provided to the 2646
secretary of state that is confidential in the possession of the 2647
entity providing the data remains confidential while in the 2648
possession of the secretary of state. No public office, and no 2649
public official or employee, shall sell that information or data 2650
or use that information or data for profit. 2651

(b) Information provided under this division for maintenance 2652
of the statewide voter registration database shall not be used to 2653
update the name or address of a registered elector. The name or 2654
address of a registered elector shall only be updated as a result 2655
of the elector's actions in filing a notice of change of name, 2656
change of address, or both. 2657

(c) A board of elections shall contact a registered elector 2658
pursuant to the rules adopted under division (D)(7) of this 2659
section to verify the accuracy of the information in the statewide 2660
voter registration database regarding that elector if that 2661
information does not conform with information provided under 2662
division (A)(2)(a) of this section and the discrepancy would 2663
affect the elector's eligibility to cast a regular ballot. 2664

(3)(a) The secretary of state shall enter into agreements to 2665

share information or data that is in the possession of the 2666
secretary of state with other states or groups of states, as the 2667
secretary of state considers necessary, in order to maintain the 2668
statewide voter registration database established pursuant to this 2669
section. Except as otherwise provided in division (A)(3)(b) of 2670
this section, the secretary of state shall ensure that any 2671
information or data provided to the secretary of state that is 2672
confidential in the possession of the state providing the data 2673
remains confidential while in the possession of the secretary of 2674
state. 2675

(b) The secretary of state may provide such otherwise 2676
confidential information or data to persons or organizations that 2677
are engaging in legitimate governmental purposes related to the 2678
maintenance of the statewide voter registration database. The 2679
secretary of state shall adopt rules pursuant to Chapter 119. of 2680
the Revised Code identifying the persons or organizations who may 2681
receive that information or data. The secretary of state shall not 2682
share that information or data with a person or organization not 2683
identified in those rules. The secretary of state shall ensure 2684
that a person or organization that receives confidential 2685
information or data under this division keeps the information or 2686
data confidential in the person's or organization's possession by, 2687
at a minimum, entering into a confidentiality agreement with the 2688
person or organization. Any confidentiality agreement entered into 2689
under this division shall include a requirement that the person or 2690
organization submit to the jurisdiction of this state in the event 2691
that the person or organization breaches the agreement. 2692

(4) No person or entity that receives information or data 2693
under division (A)(3) of this section shall sell the information 2694
or data or use the information or data for profit. 2695

(B) The statewide voter registration database established 2696
under this section shall be the official list of registered voters 2697

for all elections conducted in this state. 2698

(C) The statewide voter registration database established 2699
under this section shall, at a minimum, include all of the 2700
following: 2701

(1) An electronic network that connects all board of 2702
elections offices with the office of the secretary of state and 2703
with the offices of all other boards of elections; 2704

(2) A computer program that harmonizes the records contained 2705
in the database with records maintained by each board of 2706
elections; 2707

(3) An interactive computer program that allows access to the 2708
records contained in the database by each board of elections and 2709
by any persons authorized by the secretary of state to add, 2710
delete, modify, or print database records, and to conduct updates 2711
of the database; 2712

(4) A search program capable of verifying registered voters 2713
and their registration information by name, driver's license 2714
number, birth date, social security number, or current address; 2715

(5) Safeguards and components to ensure that the integrity, 2716
security, and confidentiality of the voter registration 2717
information is maintained; 2718

(6) Methods to retain canceled voter registration records for 2719
not less than five years after they are canceled and to record the 2720
reason for their cancellation. 2721

(D) The secretary of state shall adopt rules pursuant to 2722
Chapter 119. of the Revised Code doing all of the following: 2723

(1) Specifying the manner in which existing voter 2724
registration records maintained by boards of elections shall be 2725
converted to electronic files for inclusion in the statewide voter 2726
registration database; 2727

(2) Establishing a uniform method for entering voter registration records into the statewide voter registration database on an expedited basis, but not less than once per day, if new registration information is received;	2728 2729 2730 2731
(3) Establishing a uniform method for purging canceled voter registration records from the statewide voter registration database in accordance with section 3503.21 of the Revised Code;	2732 2733 2734
(4) Specifying the persons authorized to add, delete, modify, or print records contained in the statewide voter registration database and to make updates of that database;	2735 2736 2737
(5) Establishing a process for annually auditing the information contained in the statewide voter registration database;	2738 2739 2740
(6) Establishing, by mutual agreement with the bureau of motor vehicles, the content and format of the information and data the bureau of motor vehicles shall provide to the secretary of state under division (A)(2)(a) of this section and the frequency with which the bureau shall provide that information and data;	2741 2742 2743 2744 2745
(7) Establishing a uniform method for addressing instances in which records contained in the statewide voter registration database do not conform with records maintained by an agency, state, or group of states described in division (A)(2)(a) or (3)(a) of this section. That method shall prohibit an elector's voter registration from being canceled on the sole basis that the information in the registration record does not conform to records maintained by such an agency;	2746 2747 2748 2749 2750 2751 2752 2753
<u>(8) Establishing a process to keep the voter registration record of a person who is a program participant under sections 111.31 to 111.40 of the Revised Code confidential and not available for public inspection.</u>	2754 2755 2756 2757
(E) A board of elections promptly shall purge a voter's name	2758

and voter registration information from the statewide voter 2759
registration database in accordance with the rules adopted by the 2760
secretary of state under division (D)(3) of this section after the 2761
cancellation of a voter's registration under section 3503.21 of 2762
the Revised Code. 2763

(F) The secretary of state shall provide training in the 2764
operation of the statewide voter registration database to each 2765
board of elections and to any persons authorized by the secretary 2766
of state to add, delete, modify, or print database records, and to 2767
conduct updates of the database. 2768

(G)(1) The statewide voter registration database established 2769
under this section shall be made available on a web site of the 2770
office of the secretary of state as follows: 2771

(a) Except as otherwise provided in division (G)(1)(b) of 2772
this section, the following information from the statewide voter 2773
registration database regarding a registered voter shall be made 2774
available on the web site: 2775

(i) The voter's name; 2776

(ii) The voter's address; 2777

(iii) The voter's precinct number; 2778

(iv) The voter's voting history. 2779

(b) During the thirty days before the day of a primary or 2780
general election, the web site interface of the statewide voter 2781
registration database shall permit a voter to search for the 2782
polling location at which that voter may cast a ballot. 2783

(2) The secretary of state shall establish, by rule adopted 2784
under Chapter 119. of the Revised Code, a process for boards of 2785
elections to notify the secretary of state of changes in the 2786
locations of precinct polling places for the purpose of updating 2787
the information made available on the secretary of state's web 2788

site under division (G)(1)(b) of this section. Those rules shall 2789
require a board of elections, during the thirty days before the 2790
day of a primary or general election, to notify the secretary of 2791
state within one business day of any change to the location of a 2792
precinct polling place within the county. 2793

(3) During the thirty days before the day of a primary or 2794
general election, not later than one business day after receiving 2795
a notification from a county pursuant to division (G)(2) of this 2796
section that the location of a precinct polling place has changed, 2797
the secretary of state shall update that information on the 2798
secretary of state's web site for the purpose of division 2799
(G)(1)(b) of this section. 2800

Sec. 3503.151. Notwithstanding any other provision of Chapter 2801
3503. of the Revised Code, the secretary of state shall maintain 2802
the voter registration records for participants in the address 2803
confidentiality program under sections 111.32 to 111.40 of the 2804
Revised Code who are registered or choose to register to vote. The 2805
secretary of state shall process new voter registration records 2806
and maintain existing voter registration records in the same 2807
manner as county boards of elections. 2808

Sec. 3509.03. Except as provided in division (B) of section 2809
3509.08 of the Revised Code, any qualified elector desiring to 2810
vote absent voter's ballots at an election shall make written 2811
application for those ballots to the director of elections of the 2812
county in which the elector's voting residence is located. The 2813
application need not be in any particular form but shall contain 2814
all of the following: 2815

(A) The elector's name; 2816

(B) The elector's signature; 2817

(C) The address at which the elector is registered to vote; 2818

(D) The elector's date of birth;	2819
(E) One of the following:	2820
(1) The elector's driver's license number;	2821
(2) The last four digits of the elector's social security number;	2822 2823
(3) A copy of the elector's current and valid photo identification, a copy of a military identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.	2824 2825 2826 2827 2828 2829 2830
(F) A statement identifying the election for which absent voter's ballots are requested;	2831 2832
(G) A statement that the person requesting the ballots is a qualified elector;	2833 2834
(H) If the request is for primary election ballots, the elector's party affiliation;	2835 2836
(I) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed.	2837 2838
Each <u>Except as provided in section 111.34 of the Revised</u> <u>Code, each</u> application for absent voter's ballots shall be	2839 2840
delivered to the director not earlier than the first day of	2841
January of the year of the elections for which the absent voter's	2842
ballots are requested or not earlier than ninety days before the	2843
day of the election at which the ballots are to be voted,	2844
whichever is earlier, and not later than twelve noon of the third	2845
day before the day of the election at which the ballots are to be	2846
voted, or not later than six p.m. on the last Friday before the	2847
day of the election at which the ballots are to be voted if the	2848

application is delivered in person to the office of the board. 2849

A board of elections that mails an absent voter's ballot 2850
application to an elector under this section shall not prepay the 2851
return postage for that application. 2852

Except as otherwise provided in this section and in sections 2853
3505.24 and 3509.08 of the Revised Code, an election official 2854
shall not fill out any portion of an application for absent 2855
voter's ballots on behalf of an applicant. The secretary of state 2856
or a board of elections may preprint only an applicant's name and 2857
address on an application for absent voter's ballots before 2858
mailing that application to the applicant. 2859

Section 2. That existing sections 149.43, 149.45, 319.28, 2860
319.54, 2903.213, 2903.214, 3113.31, 3503.15, and 3509.03 of the 2861
Revised Code are hereby repealed. 2862

Section 3. That the version of section 149.43 of the Revised 2863
Code that is scheduled to take effect March 20, 2015, be amended 2864
to read as follows: 2865

Sec. 149.43. (A) As used in this section: 2866

(1) "Public record" means records kept by any public office, 2867
including, but not limited to, state, county, city, village, 2868
township, and school district units, and records pertaining to the 2869
delivery of educational services by an alternative school in this 2870
state kept by the nonprofit or for-profit entity operating the 2871
alternative school pursuant to section 3313.533 of the Revised 2872
Code. "Public record" does not mean any of the following: 2873

(a) Medical records; 2874

(b) Records pertaining to probation and parole proceedings or 2875
to proceedings related to the imposition of community control 2876
sanctions and post-release control sanctions; 2877

(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;	2878 2879 2880
(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;	2881 2882 2883
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	2884 2885 2886 2887 2888 2889
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	2890 2891
(g) Trial preparation records;	2892
(h) Confidential law enforcement investigatory records;	2893
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	2894 2895
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	2896 2897
(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;	2898 2899 2900 2901
(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;	2902 2903 2904 2905
(m) Intellectual property records;	2906
(n) Donor profile records;	2907

(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	2908 2909
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility 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;	2910 2911 2912 2913 2914 2915 2916
(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;	2917 2918 2919 2920 2921
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	2922 2923
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, and child fatality review data submitted by the child fatality review board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	2924 2925 2926 2927 2928 2929 2930 2931
(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;	2932 2933 2934 2935
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports	2936 2937 2938

administers under section 4751.04 of the Revised Code or contracts	2939
under that section with a private or government entity to	2940
administer;	2941
(v) Records the release of which is prohibited by state or	2942
federal law;	2943
(w) Proprietary information of or relating to any person that	2944
is submitted to or compiled by the Ohio venture capital authority	2945
created under section 150.01 of the Revised Code;	2946
(x) Financial statements and data any person submits for any	2947
purpose to the Ohio housing finance agency or the controlling	2948
board in connection with applying for, receiving, or accounting	2949
for financial assistance from the agency, and information that	2950
identifies any individual who benefits directly or indirectly from	2951
financial assistance from the agency;	2952
(y) Records listed in section 5101.29 of the Revised Code;	2953
(z) Discharges recorded with a county recorder under section	2954
317.24 of the Revised Code, as specified in division (B)(2) of	2955
that section;	2956
(aa) Usage information including names and addresses of	2957
specific residential and commercial customers of a municipally	2958
owned or operated public utility;	2959
(bb) Records described in division (C) of section 187.04 of	2960
the Revised Code that are not designated to be made available to	2961
the public as provided in that division;	2962
(cc) <u>Subject to any provision in sections 111.31 to 111.40 of</u>	2963
<u>the Revised Code, the confidential address of a participant of the</u>	2964
<u>address confidentiality program, and all of the records pertaining</u>	2965
<u>to the address confidentiality program, established under those</u>	2966
<u>sections.</u>	2967
(2) "Confidential law enforcement investigatory record" means	2968

any record that pertains to a law enforcement matter of a 2969
criminal, quasi-criminal, civil, or administrative nature, but 2970
only to the extent that the release of the record would create a 2971
high probability of disclosure of any of the following: 2972

(a) The identity of a suspect who has not been charged with 2973
the offense to which the record pertains, or of an information 2974
source or witness to whom confidentiality has been reasonably 2975
promised; 2976

(b) Information provided by an information source or witness 2977
to whom confidentiality has been reasonably promised, which 2978
information would reasonably tend to disclose the source's or 2979
witness's identity; 2980

(c) Specific confidential investigatory techniques or 2981
procedures or specific investigatory work product; 2982

(d) Information that would endanger the life or physical 2983
safety of law enforcement personnel, a crime victim, a witness, or 2984
a confidential information source. 2985

(3) "Medical record" means any document or combination of 2986
documents, except births, deaths, and the fact of admission to or 2987
discharge from a hospital, that pertains to the medical history, 2988
diagnosis, prognosis, or medical condition of a patient and that 2989
is generated and maintained in the process of medical treatment. 2990

(4) "Trial preparation record" means any record that contains 2991
information that is specifically compiled in reasonable 2992
anticipation of, or in defense of, a civil or criminal action or 2993
proceeding, including the independent thought processes and 2994
personal trial preparation of an attorney. 2995

(5) "Intellectual property record" means a record, other than 2996
a financial or administrative record, that is produced or 2997
collected by or for faculty or staff of a state institution of 2998
higher learning in the conduct of or as a result of study or 2999

research on an educational, commercial, scientific, artistic, 3000
technical, or scholarly issue, regardless of whether the study or 3001
research was sponsored by the institution alone or in conjunction 3002
with a governmental body or private concern, and that has not been 3003
publicly released, published, or patented. 3004

(6) "Donor profile record" means all records about donors or 3005
potential donors to a public institution of higher education 3006
except the names and reported addresses of the actual donors and 3007
the date, amount, and conditions of the actual donation. 3008

(7) "Peace officer, parole officer, probation officer, 3009
bailiff, prosecuting attorney, assistant prosecuting attorney, 3010
correctional employee, community-based correctional facility 3011
employee, youth services employee, firefighter, EMT, ~~or~~ 3012
investigator of the bureau of criminal identification and 3013
investigation, or federal law enforcement officer residential and 3014
familial information" means any information that discloses any of 3015
the following about a peace officer, parole officer, probation 3016
officer, bailiff, prosecuting attorney, assistant prosecuting 3017
attorney, correctional employee, community-based correctional 3018
facility employee, youth services employee, firefighter, EMT, ~~or~~ 3019
investigator of the bureau of criminal identification and 3020
investigation, or federal law enforcement officer: 3021

(a) The address of the actual personal residence of a peace 3022
officer, parole officer, probation officer, bailiff, assistant 3023
prosecuting attorney, correctional employee, community-based 3024
correctional facility employee, youth services employee, 3025
firefighter, EMT, ~~or an~~ investigator of the bureau of criminal 3026
identification and investigation, or federal law enforcement 3027
officer, except for the state or political subdivision in which 3028
the peace officer, parole officer, probation officer, bailiff, 3029
assistant prosecuting attorney, correctional employee, 3030
community-based correctional facility employee, youth services 3031

employee, firefighter, EMT, ~~or~~ investigator of the bureau of 3032
criminal identification and investigation, or federal law 3033
enforcement officer resides; 3034

(b) Information compiled from referral to or participation in 3035
an employee assistance program; 3036

(c) The social security number, the residential telephone 3037
number, any bank account, debit card, charge card, or credit card 3038
number, or the emergency telephone number of, or any medical 3039
information pertaining to, a peace officer, parole officer, 3040
probation officer, bailiff, prosecuting attorney, assistant 3041
prosecuting attorney, correctional employee, community-based 3042
correctional facility employee, youth services employee, 3043
firefighter, EMT, ~~or~~ investigator of the bureau of criminal 3044
identification and investigation, or federal law enforcement 3045
officer; 3046

(d) The name of any beneficiary of employment benefits, 3047
including, but not limited to, life insurance benefits, provided 3048
to a peace officer, parole officer, probation officer, bailiff, 3049
prosecuting attorney, assistant prosecuting attorney, correctional 3050
employee, community-based correctional facility employee, youth 3051
services employee, firefighter, EMT, ~~or~~ investigator of the bureau 3052
of criminal identification and investigation, or federal law 3053
enforcement officer by the peace officer's, parole officer's, 3054
probation officer's, bailiff's, prosecuting attorney's, assistant 3055
prosecuting attorney's, correctional employee's, community-based 3056
correctional facility employee's, youth services employee's, 3057
firefighter's, EMT's, ~~or~~ investigator of the bureau of criminal 3058
identification and investigation's, or federal law enforcement 3059
officer's employer; 3060

(e) The identity and amount of any charitable or employment 3061
benefit deduction made by the peace officer's, parole officer's, 3062
probation officer's, bailiff's, prosecuting attorney's, assistant 3063

prosecuting attorney's, correctional employee's, community-based 3064
correctional facility employee's, youth services employee's, 3065
firefighter's, EMT's, ~~or~~ investigator of the bureau of criminal 3066
identification and investigation's, or federal law enforcement 3067
officer's employer from the peace officer's, parole officer's, 3068
probation officer's, bailiff's, prosecuting attorney's, assistant 3069
prosecuting attorney's, correctional employee's, community-based 3070
correctional facility employee's, youth services employee's, 3071
firefighter's, EMT's, ~~or~~ investigator of the bureau of criminal 3072
identification and investigation's, or federal law enforcement 3073
officer's compensation unless the amount of the deduction is 3074
required by state or federal law; 3075

(f) The name, the residential address, the name of the 3076
employer, the address of the employer, the social security number, 3077
the residential telephone number, any bank account, debit card, 3078
charge card, or credit card number, or the emergency telephone 3079
number of the spouse, a former spouse, or any child of a peace 3080
officer, parole officer, probation officer, bailiff, prosecuting 3081
attorney, assistant prosecuting attorney, correctional employee, 3082
community-based correctional facility employee, youth services 3083
employee, firefighter, EMT, ~~or~~ investigator of the bureau of 3084
criminal identification and investigation, or federal law 3085
enforcement officer; 3086

(g) A photograph of a peace officer or federal law 3087
enforcement officer who holds a position or has an assignment that 3088
may include undercover or plain clothes positions or assignments 3089
as determined by the peace officer's or federal law enforcement 3090
officer's appointing authority. 3091

As used in divisions (A)(7) and (B)(9) of this section, 3092
"peace officer" has the same meaning as in section 109.71 of the 3093
Revised Code and also includes the superintendent and troopers of 3094
the state highway patrol; it does not include the sheriff of a 3095

county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

As used in divisions (A)(7) and (B)(9) of this section, "correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.

As used in divisions (A)(7) and (B)(9) of this section, "youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

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

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

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

As used in divisions (A)(7) and (B)(9) of this section, "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

<u>United States in violation of federal law.</u>	3127
(8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:	3128 3129 3130 3131 3132
(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;	3133 3134 3135
(b) The social security number, birth date, or photographic image of a person under the age of eighteen;	3136 3137
(c) Any medical record, history, or information pertaining to a person under the age of eighteen;	3138 3139
(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.	3140 3141 3142 3143 3144 3145
(9) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	3146 3147
(10) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	3148 3149
(11) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.	3150 3151 3152 3153
(12) "Designee" and "elected official" have the same meanings as in section 109.43 of the Revised Code.	3154 3155
(B)(1) Upon request and subject to division (B)(8) of this	3156

section, all public records responsive to the request shall be 3157
promptly prepared and made available for inspection to any person 3158
at all reasonable times during regular business hours. Subject to 3159
division (B)(8) of this section, upon request, a public office or 3160
person responsible for public records shall make copies of the 3161
requested public record available at cost and within a reasonable 3162
period of time. If a public record contains information that is 3163
exempt from the duty to permit public inspection or to copy the 3164
public record, the public office or the person responsible for the 3165
public record shall make available all of the information within 3166
the public record that is not exempt. When making that public 3167
record available for public inspection or copying that public 3168
record, the public office or the person responsible for the public 3169
record shall notify the requester of any redaction or make the 3170
redaction plainly visible. A redaction shall be deemed a denial of 3171
a request to inspect or copy the redacted information, except if 3172
federal or state law authorizes or requires a public office to 3173
make the redaction. 3174

(2) To facilitate broader access to public records, a public 3175
office or the person responsible for public records shall organize 3176
and maintain public records in a manner that they can be made 3177
available for inspection or copying in accordance with division 3178
(B) of this section. A public office also shall have available a 3179
copy of its current records retention schedule at a location 3180
readily available to the public. If a requester makes an ambiguous 3181
or overly broad request or has difficulty in making a request for 3182
copies or inspection of public records under this section such 3183
that the public office or the person responsible for the requested 3184
public record cannot reasonably identify what public records are 3185
being requested, the public office or the person responsible for 3186
the requested public record may deny the request but shall provide 3187
the requester with an opportunity to revise the request by 3188
informing the requester of the manner in which records are 3189

maintained by the public office and accessed in the ordinary 3190
course of the public office's or person's duties. 3191

(3) If a request is ultimately denied, in part or in whole, 3192
the public office or the person responsible for the requested 3193
public record shall provide the requester with an explanation, 3194
including legal authority, setting forth why the request was 3195
denied. If the initial request was provided in writing, the 3196
explanation also shall be provided to the requester in writing. 3197
The explanation shall not preclude the public office or the person 3198
responsible for the requested public record from relying upon 3199
additional reasons or legal authority in defending an action 3200
commenced under division (C) of this section. 3201

(4) Unless specifically required or authorized by state or 3202
federal law or in accordance with division (B) of this section, no 3203
public office or person responsible for public records may limit 3204
or condition the availability of public records by requiring 3205
disclosure of the requester's identity or the intended use of the 3206
requested public record. Any requirement that the requester 3207
disclose the requestor's identity or the intended use of the 3208
requested public record constitutes a denial of the request. 3209

(5) A public office or person responsible for public records 3210
may ask a requester to make the request in writing, may ask for 3211
the requester's identity, and may inquire about the intended use 3212
of the information requested, but may do so only after disclosing 3213
to the requester that a written request is not mandatory and that 3214
the requester may decline to reveal the requester's identity or 3215
the intended use and when a written request or disclosure of the 3216
identity or intended use would benefit the requester by enhancing 3217
the ability of the public office or person responsible for public 3218
records to identify, locate, or deliver the public records sought 3219
by the requester. 3220

(6) If any person chooses to obtain a copy of a public record 3221

in accordance with division (B) of this section, the public office 3222
or person responsible for the public record may require that 3223
person to pay in advance the cost involved in providing the copy 3224
of the public record in accordance with the choice made by the 3225
person seeking the copy under this division. The public office or 3226
the person responsible for the public record shall permit that 3227
person to choose to have the public record duplicated upon paper, 3228
upon the same medium upon which the public office or person 3229
responsible for the public record keeps it, or upon any other 3230
medium upon which the public office or person responsible for the 3231
public record determines that it reasonably can be duplicated as 3232
an integral part of the normal operations of the public office or 3233
person responsible for the public record. When the person seeking 3234
the copy makes a choice under this division, the public office or 3235
person responsible for the public record shall provide a copy of 3236
it in accordance with the choice made by the person seeking the 3237
copy. Nothing in this section requires a public office or person 3238
responsible for the public record to allow the person seeking a 3239
copy of the public record to make the copies of the public record. 3240

(7) Upon a request made in accordance with division (B) of 3241
this section and subject to division (B)(6) of this section, a 3242
public office or person responsible for public records shall 3243
transmit a copy of a public record to any person by United States 3244
mail or by any other means of delivery or transmission within a 3245
reasonable period of time after receiving the request for the 3246
copy. The public office or person responsible for the public 3247
record may require the person making the request to pay in advance 3248
the cost of postage if the copy is transmitted by United States 3249
mail or the cost of delivery if the copy is transmitted other than 3250
by United States mail, and to pay in advance the costs incurred 3251
for other supplies used in the mailing, delivery, or transmission. 3252

Any public office may adopt a policy and procedures that it 3253

will follow in transmitting, within a reasonable period of time 3254
after receiving a request, copies of public records by United 3255
States mail or by any other means of delivery or transmission 3256
pursuant to this division. A public office that adopts a policy 3257
and procedures under this division shall comply with them in 3258
performing its duties under this division. 3259

In any policy and procedures adopted under this division, a 3260
public office may limit the number of records requested by a 3261
person that the office will transmit by United States mail to ten 3262
per month, unless the person certifies to the office in writing 3263
that the person does not intend to use or forward the requested 3264
records, or the information contained in them, for commercial 3265
purposes. For purposes of this division, "commercial" shall be 3266
narrowly construed and does not include reporting or gathering 3267
news, reporting or gathering information to assist citizen 3268
oversight or understanding of the operation or activities of 3269
government, or nonprofit educational research. 3270

(8) A public office or person responsible for public records 3271
is not required to permit a person who is incarcerated pursuant to 3272
a criminal conviction or a juvenile adjudication to inspect or to 3273
obtain a copy of any public record concerning a criminal 3274
investigation or prosecution or concerning what would be a 3275
criminal investigation or prosecution if the subject of the 3276
investigation or prosecution were an adult, unless the request to 3277
inspect or to obtain a copy of the record is for the purpose of 3278
acquiring information that is subject to release as a public 3279
record under this section and the judge who imposed the sentence 3280
or made the adjudication with respect to the person, or the 3281
judge's successor in office, finds that the information sought in 3282
the public record is necessary to support what appears to be a 3283
justiciable claim of the person. 3284

(9)(a) Upon written request made and signed by a journalist 3285

on or after December 16, 1999, a public office, or person 3286
responsible for public records, having custody of the records of 3287
the agency employing a specified peace officer, parole officer, 3288
probation officer, bailiff, prosecuting attorney, assistant 3289
prosecuting attorney, correctional employee, community-based 3290
correctional facility employee, youth services employee, 3291
firefighter, EMT, ~~or~~ investigator of the bureau of criminal 3292
identification and investigation, or federal law enforcement 3293
officer shall disclose to the journalist the address of the actual 3294
personal residence of the peace officer, parole officer, probation 3295
officer, bailiff, prosecuting attorney, assistant prosecuting 3296
attorney, correctional employee, community-based correctional 3297
facility employee, youth services employee, firefighter, EMT, ~~or~~ 3298
investigator of the bureau of criminal identification and 3299
investigation, or federal law enforcement officer and, if the 3300
peace officer's, parole officer's, probation officer's, bailiff's, 3301
prosecuting attorney's, assistant prosecuting attorney's, 3302
correctional employee's, community-based correctional facility 3303
employee's, youth services employee's, firefighter's, EMT's, ~~or~~ 3304
investigator of the bureau of criminal identification and 3305
investigation's, or federal law enforcement officer's spouse, 3306
former spouse, or child is employed by a public office, the name 3307
and address of the employer of the peace officer's, parole 3308
officer's, probation officer's, bailiff's, prosecuting attorney's, 3309
assistant prosecuting attorney's, correctional employee's, 3310
community-based correctional facility employee's, youth services 3311
employee's, firefighter's, EMT's, ~~or~~ investigator of the bureau of 3312
criminal identification and investigation's, or federal law 3313
enforcement officer's spouse, former spouse, or child. The request 3314
shall include the journalist's name and title and the name and 3315
address of the journalist's employer and shall state that 3316
disclosure of the information sought would be in the public 3317
interest. 3318

(b) Division (B)(9)(a) of this section also applies to 3319
journalist requests for customer information maintained by a 3320
municipally owned or operated public utility, other than social 3321
security numbers and any private financial information such as 3322
credit reports, payment methods, credit card numbers, and bank 3323
account information. 3324

(c) As used in division (B)(9) of this section, "journalist" 3325
means a person engaged in, connected with, or employed by any news 3326
medium, including a newspaper, magazine, press association, news 3327
agency, or wire service, a radio or television station, or a 3328
similar medium, for the purpose of gathering, processing, 3329
transmitting, compiling, editing, or disseminating information for 3330
the general public. 3331

(C)(1) If a person allegedly is aggrieved by the failure of a 3332
public office or the person responsible for public records to 3333
promptly prepare a public record and to make it available to the 3334
person for inspection in accordance with division (B) of this 3335
section or by any other failure of a public office or the person 3336
responsible for public records to comply with an obligation in 3337
accordance with division (B) of this section, the person allegedly 3338
aggrieved may commence a mandamus action to obtain a judgment that 3339
orders the public office or the person responsible for the public 3340
record to comply with division (B) of this section, that awards 3341
court costs and reasonable attorney's fees to the person that 3342
instituted the mandamus action, and, if applicable, that includes 3343
an order fixing statutory damages under division (C)(1) of this 3344
section. The mandamus action may be commenced in the court of 3345
common pleas of the county in which division (B) of this section 3346
allegedly was not complied with, in the supreme court pursuant to 3347
its original jurisdiction under Section 2 of Article IV, Ohio 3348
Constitution, or in the court of appeals for the appellate 3349
district in which division (B) of this section allegedly was not 3350

complied with pursuant to its original jurisdiction under Section 3351
3 of Article IV, Ohio Constitution. 3352

If a requestor transmits a written request by hand delivery 3353
or certified mail to inspect or receive copies of any public 3354
record in a manner that fairly describes the public record or 3355
class of public records to the public office or person responsible 3356
for the requested public records, except as otherwise provided in 3357
this section, the requestor shall be entitled to recover the 3358
amount of statutory damages set forth in this division if a court 3359
determines that the public office or the person responsible for 3360
public records failed to comply with an obligation in accordance 3361
with division (B) of this section. 3362

The amount of statutory damages shall be fixed at one hundred 3363
dollars for each business day during which the public office or 3364
person responsible for the requested public records failed to 3365
comply with an obligation in accordance with division (B) of this 3366
section, beginning with the day on which the requester files a 3367
mandamus action to recover statutory damages, up to a maximum of 3368
one thousand dollars. The award of statutory damages shall not be 3369
construed as a penalty, but as compensation for injury arising 3370
from lost use of the requested information. The existence of this 3371
injury shall be conclusively presumed. The award of statutory 3372
damages shall be in addition to all other remedies authorized by 3373
this section. 3374

The court may reduce an award of statutory damages or not 3375
award statutory damages if the court determines both of the 3376
following: 3377

(a) That, based on the ordinary application of statutory law 3378
and case law as it existed at the time of the conduct or 3379
threatened conduct of the public office or person responsible for 3380
the requested public records that allegedly constitutes a failure 3381
to comply with an obligation in accordance with division (B) of 3382

this section and that was the basis of the mandamus action, a 3383
well-informed public office or person responsible for the 3384
requested public records reasonably would believe that the conduct 3385
or threatened conduct of the public office or person responsible 3386
for the requested public records did not constitute a failure to 3387
comply with an obligation in accordance with division (B) of this 3388
section; 3389

(b) That a well-informed public office or person responsible 3390
for the requested public records reasonably would believe that the 3391
conduct or threatened conduct of the public office or person 3392
responsible for the requested public records would serve the 3393
public policy that underlies the authority that is asserted as 3394
permitting that conduct or threatened conduct. 3395

(2)(a) If the court issues a writ of mandamus that orders the 3396
public office or the person responsible for the public record to 3397
comply with division (B) of this section and determines that the 3398
circumstances described in division (C)(1) of this section exist, 3399
the court shall determine and award to the relator all court 3400
costs. 3401

(b) If the court renders a judgment that orders the public 3402
office or the person responsible for the public record to comply 3403
with division (B) of this section, the court may award reasonable 3404
attorney's fees subject to reduction as described in division 3405
(C)(2)(c) of this section. The court shall award reasonable 3406
attorney's fees, subject to reduction as described in division 3407
(C)(2)(c) of this section when either of the following applies: 3408

(i) The public office or the person responsible for the 3409
public records failed to respond affirmatively or negatively to 3410
the public records request in accordance with the time allowed 3411
under division (B) of this section. 3412

(ii) The public office or the person responsible for the 3413

public records promised to permit the relator to inspect or 3414
receive copies of the public records requested within a specified 3415
period of time but failed to fulfill that promise within that 3416
specified period of time. 3417

(c) Court costs and reasonable attorney's fees awarded under 3418
this section shall be construed as remedial and not punitive. 3419
Reasonable attorney's fees shall include reasonable fees incurred 3420
to produce proof of the reasonableness and amount of the fees and 3421
to otherwise litigate entitlement to the fees. The court may 3422
reduce an award of attorney's fees to the relator or not award 3423
attorney's fees to the relator if the court determines both of the 3424
following: 3425

(i) That, based on the ordinary application of statutory law 3426
and case law as it existed at the time of the conduct or 3427
threatened conduct of the public office or person responsible for 3428
the requested public records that allegedly constitutes a failure 3429
to comply with an obligation in accordance with division (B) of 3430
this section and that was the basis of the mandamus action, a 3431
well-informed public office or person responsible for the 3432
requested public records reasonably would believe that the conduct 3433
or threatened conduct of the public office or person responsible 3434
for the requested public records did not constitute a failure to 3435
comply with an obligation in accordance with division (B) of this 3436
section; 3437

(ii) That a well-informed public office or person responsible 3438
for the requested public records reasonably would believe that the 3439
conduct or threatened conduct of the public office or person 3440
responsible for the requested public records as described in 3441
division (C)(2)(c)(i) of this section would serve the public 3442
policy that underlies the authority that is asserted as permitting 3443
that conduct or threatened conduct. 3444

(D) Chapter 1347. of the Revised Code does not limit the 3445

provisions of this section. 3446

(E)(1) To ensure that all employees of public offices are 3447
appropriately educated about a public office's obligations under 3448
division (B) of this section, all elected officials or their 3449
appropriate designees shall attend training approved by the 3450
attorney general as provided in section 109.43 of the Revised 3451
Code. In addition, all public offices shall adopt a public records 3452
policy in compliance with this section for responding to public 3453
records requests. In adopting a public records policy under this 3454
division, a public office may obtain guidance from the model 3455
public records policy developed and provided to the public office 3456
by the attorney general under section 109.43 of the Revised Code. 3457
Except as otherwise provided in this section, the policy may not 3458
limit the number of public records that the public office will 3459
make available to a single person, may not limit the number of 3460
public records that it will make available during a fixed period 3461
of time, and may not establish a fixed period of time before it 3462
will respond to a request for inspection or copying of public 3463
records, unless that period is less than eight hours. 3464

(2) The public office shall distribute the public records 3465
policy adopted by the public office under division (E)(1) of this 3466
section to the employee of the public office who is the records 3467
custodian or records manager or otherwise has custody of the 3468
records of that office. The public office shall require that 3469
employee to acknowledge receipt of the copy of the public records 3470
policy. The public office shall create a poster that describes its 3471
public records policy and shall post the poster in a conspicuous 3472
place in the public office and in all locations where the public 3473
office has branch offices. The public office may post its public 3474
records policy on the internet web site of the public office if 3475
the public office maintains an internet web site. A public office 3476
that has established a manual or handbook of its general policies 3477

and procedures for all employees of the public office shall 3478
include the public records policy of the public office in the 3479
manual or handbook. 3480

(F)(1) The bureau of motor vehicles may adopt rules pursuant 3481
to Chapter 119. of the Revised Code to reasonably limit the number 3482
of bulk commercial special extraction requests made by a person 3483
for the same records or for updated records during a calendar 3484
year. The rules may include provisions for charges to be made for 3485
bulk commercial special extraction requests for the actual cost of 3486
the bureau, plus special extraction costs, plus ten per cent. The 3487
bureau may charge for expenses for redacting information, the 3488
release of which is prohibited by law. 3489

(2) As used in division (F)(1) of this section: 3490

(a) "Actual cost" means the cost of depleted supplies, 3491
records storage media costs, actual mailing and alternative 3492
delivery costs, or other transmitting costs, and any direct 3493
equipment operating and maintenance costs, including actual costs 3494
paid to private contractors for copying services. 3495

(b) "Bulk commercial special extraction request" means a 3496
request for copies of a record for information in a format other 3497
than the format already available, or information that cannot be 3498
extracted without examination of all items in a records series, 3499
class of records, or database by a person who intends to use or 3500
forward the copies for surveys, marketing, solicitation, or resale 3501
for commercial purposes. "Bulk commercial special extraction 3502
request" does not include a request by a person who gives 3503
assurance to the bureau that the person making the request does 3504
not intend to use or forward the requested copies for surveys, 3505
marketing, solicitation, or resale for commercial purposes. 3506

(c) "Commercial" means profit-seeking production, buying, or 3507
selling of any good, service, or other product. 3508

(d) "Special extraction costs" means the cost of the time 3509
spent by the lowest paid employee competent to perform the task, 3510
the actual amount paid to outside private contractors employed by 3511
the bureau, or the actual cost incurred to create computer 3512
programs to make the special extraction. "Special extraction 3513
costs" include any charges paid to a public agency for computer or 3514
records services. 3515

(3) For purposes of divisions (F)(1) and (2) of this section, 3516
"surveys, marketing, solicitation, or resale for commercial 3517
purposes" shall be narrowly construed and does not include 3518
reporting or gathering news, reporting or gathering information to 3519
assist citizen oversight or understanding of the operation or 3520
activities of government, or nonprofit educational research. 3521

Section 4. That the existing version of section 149.43 of the 3522
Revised Code that is scheduled to take effect March 20, 2015, is 3523
hereby repealed. 3524