



H.B. 141

126th General Assembly
(As Introduced)

**Reps. Willamowski, Aslanides, Combs, McGregor, Seitz, Perry, Hartnett,
Faber, Barrett, Taylor, Gilb, Hagan, Reidelbach**

BILL SUMMARY

- Excludes from the definition of "public record" in the Public Records Law residential and familial information of parole, probation, and field officers to the same extent as that information is excluded in relation to peace officers.
- Allows journalists to obtain from public offices and persons responsible for public records residential and familial information of parole, probation, and field officers to the same extent as they may obtain that information as it relates to peace officers.
- Extends the prohibitions of disclosure of the home addresses of peace officers in criminal cases, and the exceptions to the prohibitions, to disclosure of the home addresses of parole, probation, and field officers.
- Extends to parole, probation, and field officers to the same extent and subject to the same conditions as apply to peace officers the right to request the Bureau of Motor Vehicles to not disclose residence addresses and to have business addresses displayed on driver's licenses and certificates of registration.

CONTENT AND OPERATION

Public Records Law

The Public Records Law generally requires that public records be made available for public inspection at all reasonable times during regular business hours. The current law defines "public record" as a record kept by a public office and records pertaining to the delivery of educational services by an alternative school in Ohio kept by a nonprofit or for profit entity operating the school,

excluding specified types of records. Under the current version of the law and the several versions that will take effect later this year, the exclusions include "peace officer, firefighter, or EMT residential and familial information." The bill expands this exclusion to include "parole officer, probation officer, and field officer" residential and familial information. (R.C. 149.43(A)(1)(p).)

"Peace officer, firefighter, or EMT residential and familial information" means (1) any record that identifies a person's occupation as a peace officer, firefighter, or EMT, except for statements required to include the disclosure of that fact under the Campaign Finance Law or (2) any information maintained in a personnel record of a peace officer, firefighter, or EMT that discloses any of the following:

(a) The address of the actual personal residence of a peace officer, firefighter, or EMT, except for the state or political subdivision in which the peace officer, firefighter, or EMT resides;

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

(c) The Social Security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer, firefighter, or EMT;

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, firefighter, or EMT by the peace officer's, firefighter's, or EMT's employer;

(e) The identity and amount of any charitable or employment benefit deduction made by the peace officer's, firefighter's, or EMT's employer from the peace officer's, firefighter's, or EMT's compensation unless the amount of the deduction is required by state or federal law;

(f) The name, the residential address, the name of the employer, the address of the employer, the Social Security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a peace officer, firefighter, or EMT.

The bill expands this definition to include "parole officer, probation officer, and field officer" and inserts in the definition of "peace officer, *parole officer, probation officer, field officer*, firefighter, of EMT residential and familial

information" parole officer, probation officer, field officer wherever peace officer, firefighter, or EMT now appear. (R.C. 149.43(A)(7).)

Notwithstanding the exclusion of peace officer, firefighter, and EMT residential and familial information from the definition of public record, the Public Records Law requires that upon written request made and signed by a journalist, a public office, or person responsible for public records, having custody of the records of an agency that employs a specified peace officer, firefighter, or EMT must disclose to the journalist the address of the actual personal residence of the peace officer, firefighter, or EMT and, if the peace officer's, firefighter's, or EMT's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the peace officer's, firefighter's, or EMT's spouse, former spouse, or child. The request must include the journalist's name and title and the name and address of the journalist's employer and must state that disclosure of the information sought would be in the public interest. The bill expands this journalist disclosure procedure to the records of parole officers, probation officers, and field officers. (R.C. 149.43(B)(5).)

Disclosure of home addresses in criminal cases

Current law prohibits an officer or employee of a law enforcement agency or court or the office of the clerk of any court from disclosing, during the pendency of a criminal case, the home address of a peace officer who is a witness or arresting officer in the case. The prohibition does not apply to a peace officer who discloses the officer's own home address or to a person who discloses a peace officer's home address pursuant to the order of a court that determines upon written request that good cause for disclosure exists. Current law also prohibits a judge of a court of record or a mayor presiding over a mayor's court from ordering a peace officer who is a witness in a criminal case to disclose the officer's home address during the officer's examination in the case unless the judge or mayor determines that the defendant has a right to the disclosure.

The bill extends these prohibitions against disclosure of the home addresses of peace officers in criminal cases, and the exceptions to the prohibitions, to the disclosure of the home addresses of parole officers, probation officers, and field officers. (R.C. 2921.24 and 2921.25.)

Disclosure of residence addresses in motor vehicle records

Current law authorizes a peace officer to file a written request with the Bureau of Motor Vehicles (BMV) to do either or both of the following: (1) prohibit disclosure of the officer's residence as contained in BMV records, (2) provide a business address to be displayed on the officer's driver's license or certificate of registration, or both. The request must be filed on a form provided

by the Registrar of Motor Vehicles and include documentary evidence verifying the person's status as a peace officer and the officer's business address. The officer must still provide a residence address in an application for a license or registration, or a renewal of either, and the Registrar may use the residence address to carry out BMV functions.

Once a request has been filed, neither the Registrar nor an employee or contractor of the BMV may knowingly disclose the peace officer's residence address except pursuant to a court order or for use in connection with any of the following matters (specified in R.C. 4501.27, not in the bill) to carry out the purposes of federal automobile-related acts:

- (a) Motor vehicle or driver safety and theft;
- (b) Motor vehicle emissions;
- (c) Motor vehicle product alterations, recalls, or advisories;
- (d) Performance monitoring of motor vehicles and dealers by motor vehicle manufacturers;
- (e) Removal of non-owner records from the original owner records of motor vehicle manufacturers.

Operation of the bill

The bill extends to parole officers, probation offices, and field officers the right to request BMV to not disclose their residence addresses and to have business addresses displayed on their driver's licenses and certificates of registration to the same extent and subject to the same conditions as apply to peace officers under current law. (R.C. 4501.271.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-22-05	p. 352

h0141-i-126.doc/kl