



**Sub. H.B. 141**

126th General Assembly  
(As Reported by H. Judiciary)

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

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**BILL SUMMARY**

- Replaces the exclusion from the definition of "public record" for "peace officer, firefighter, and EMT residential and familial information" with an exclusion from the definition of "public record" for "information incidental to the employment of a peace officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT."
- In the Public Records Law, replaces the definition of "peace officer, firefighter, or EMT residential and familial information" with a definition for "information incidental to the employment of a peace officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT" that is similar to the replaced definition and specifically excepts information in court records from the definition.
- Allows journalists to obtain from public offices and persons responsible for public records the address of the actual personal residence of a prosecuting attorney, assistant prosecuting attorney, correctional employee, or youth services employee and the name and address of the employer of such a person's spouse, former spouse, or child if employed by a public office to the same extent as they may obtain that information as it relates to peace officers, firefighters, or EMTs.
- 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 correctional employees and youth services employees.

- Extends to correctional employees and youth services employees 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.

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## CONTENT AND OPERATION

### Public Records Law

#### Existing 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." (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.

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. (R.C. 149.43(B)(5).)

### **Operation of the bill**

The bill replaces the exemption from the definition of "public record" for "peace officer, firefighter, or EMT residential and familial information" with an exemption from the definition of "public record" for "information incidental to the employment of a peace officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT" (R.C. 149.43(A)(1)(p)). Similarly, the bill replaces the definition of "peace officer, firefighter, or EMT residential and familial information" with a definition of "information incidental to the employment of a peace officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT." With a few exceptions, the types of information included in the definition added by the bill, and therefore exempted from disclosure under the Public Records Law, are the same as under the definition in current law that is replaced by the bill. The bill extends this exemption to information related to prosecuting attorneys (other than a prosecuting attorney's residential address), assistant prosecuting attorneys, correctional employees, and youth services employees. Under current law, the information covered by the definition is limited to information maintained in a personnel record. The bill

removes this limitation. Under current law, information in statements required to disclose a person's occupation under the Campaign Finance Law is not exempted from disclosure. The bill eliminates the reference to the Campaign Finance Law and states that information incidental to employment does not include information contained in records filed in court. (R.C. 149.43(A)(7).)

The bill defines "correctional employee" as 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. The bill defines "youth services employee" as 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. (R.C. 149.43(A)(7).)

The bill expands the journalist disclosure procedure under current law to also allow journalists to obtain the address of the actual personal residence of a prosecuting attorney, assistant prosecuting attorney, correctional employee, or youth services employee and to obtain the name and address of the employer of such a person's spouse, former spouse, or child if the person's spouse, former spouse, or child is employed by a public office (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 correctional employees and youth services employees. (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 correctional employees and youth services employees 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.)

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	03-22-05	p. 352
Reported, H. Judiciary	10-13-05	pp. 1722-1723

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