



Ohio Legislative Service Commission

Bill Analysis

Dennis M. Papp

S.B. 60

130th General Assembly
(As Introduced)

Sens. Uecker, Jordan, Beagle

BILL SUMMARY

- Repeals the "journalist access exception" to the general prohibition on the release of confidential records relative to the issuance, renewal, suspension, or revocation of a concealed handgun license.

CONTENT AND OPERATION

Background

The Concealed Carry Law (R.C. 2923.124 to 2923.1213 and related provisions of R.C. 311.41) provides for the issuance by a sheriff of two types of licenses to carry a concealed handgun – a standard license and a temporary emergency license. The Law sets forth application procedures for a standard license or renewal of a standard license, application procedures for a temporary emergency license, the criteria that an applicant must satisfy in order to be issued or renew the license, and criteria for replacement of an issued license that is lost or destroyed. A sheriff who receives an application for either type of license or for renewal of a standard license must conduct a criminal records check and incompetency records check. If, after conducting the records checks, the sheriff will issue or renew the license, the sheriff generally must destroy all records other than the application that were made with respect to the records checks within 20 days after conducting the records checks. The Law provides for a sheriff's suspension or revocation of an issued or renewed license if certain specified circumstances occur or are present.¹

¹ R.C. 311.41, 2923.125, 2923.128, and 2923.1213, not in the bill.

Confidential records possessed by sheriff and journalist's exception

Existing law

Currently, notwithstanding the state's Public Records Law, subject to a "journalist's access exception" described in the next paragraph, the records that a sheriff keeps relative to the issuance, renewal, suspension, or revocation of a concealed handgun license, including, but not limited to, completed applications for the issuance or renewal of a standard license, completed affidavits submitted with an application for a temporary emergency license, reports of criminal records checks and incompetency records checks, and applicants' Social Security numbers and fingerprints obtained with respect to those records checks, are confidential and are not public records. Except as described in the next paragraph with respect to the "journalist's exception," no person may release or otherwise disseminate records that are confidential as described in this paragraph unless required to do so pursuant to a court order.²

Existing law provides a "journalist's access exception" to the concealed handgun license confidentiality provisions described in the preceding paragraph. The exception specifies that, on or after April 8, 2004, a "journalist" (see below) may submit to a sheriff a signed, written request to view the name, county of residence, and date of birth of each person to whom the sheriff has issued, renewed, or issued a replacement for a concealed handgun license, or a signed, written request to view the name, county of residence, and date of birth of each person for whom the sheriff has suspended or revoked a concealed handgun license. The exception applies with respect to both standard licenses and temporary emergency licenses. The request must include the journalist's name and title, include the name and address of the journalist's employer, and state that disclosure of the information sought would be in the public interest. If a journalist submits a signed, written request to the sheriff to view the information described in this paragraph, the sheriff must grant the journalist's request. The journalist may not copy the name, county of residence, or date of birth of each person to or for whom the sheriff has issued, suspended, or revoked a license described in this division. As used in this exception, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.³

² R.C. 2923.129(B)(1).

³ R.C. 2923.129(B)(2).



Under existing law, unchanged by the bill, a violation of a prohibition described above is the offense of "illegal release of confidential concealed handgun license records," a felony of the fifth degree. In addition to any criminal penalties imposed for the violation, if the offender is a sheriff, an employee of a sheriff, or any other public officer or employee and the violation was willful and deliberate, the offender is subject to a \$1,000 civil fine. Any person harmed by the violation has a private cause of action against the offender for any injury, death, or loss to person or property that is a proximate result of the violation and may recover court costs and attorney's fees related to the action.⁴

Operation of the bill

The bill repeals the "journalist access exception" to the concealed handgun license confidentiality provisions that is described above and amends the confidentiality provisions to conform them to that repeal.⁵

Other records regarding concealed handgun licenses – unchanged by the bill

Currently, unchanged by the bill, a sheriff who issues or renews a standard license or issues a temporary concealed license must make available through the Law Enforcement Automated Data System (LEADS) all information contained on the license and, if the license subsequently is suspended or revoked, must make available through the System a notation of that fact.⁶ Law enforcement agencies may make use of the information a sheriff makes available through LEADS under this provision for law enforcement purposes only. The information is confidential and is not a public record. A person who releases or otherwise disseminates this information obtained through LEADS in a manner not described in this paragraph is guilty of a violation of R.C. 2913.04. The person who commits the violation also is subject to the \$1,000 civil fine and the private cause of action described above in "**Confidential records possessed by sheriff and journalist's exception.**"⁷

Under existing law, unchanged by the bill, each sheriff must report to the Ohio Peace Officer Training Commission (the OPOTC) the number of standard and temporary emergency concealed handgun licenses that the sheriff issued, suspended, revoked, or denied during the previous quarter of the calendar year, the number of

⁴ R.C. 2923.129(E).

⁵ R.C. 2923.129(B).

⁶ R.C. 2923.125(H) and 2923.1213(B) and (D), not in the bill.

⁷ R.C. 2923.129(D).

applications for standard licenses for which processing was suspended during the previous quarter of the calendar year, and the number of standard licenses that the sheriff renewed during the previous quarter of the calendar year. The sheriff may not include in the report the name or any other identifying information of an applicant or licensee. The sheriff must report that information in a manner that permits the OPOTC to maintain the statistics described in the next paragraph and to timely prepare the statistical report described in that division. The information that the OPOTC receives under this provision is a public record kept by the OPOTC for the purposes of the state's Public Records Law.⁸

The OPOTC is required to maintain statistics with respect to the issuance, suspension, revocation, and denial of standard and temporary emergency concealed handgun licenses, the suspension of processing of applications for standard licenses, and the renewal of standard licenses, as reported by the sheriffs under the provision described in the preceding paragraph. Not later than March 1 in each year, the OPOTC must submit a statistical report to the Governor, the Senate President, and the Speaker of the House of Representatives indicating the number of standard and temporary emergency concealed handgun licenses that were issued, suspended, revoked, or denied during the previous calendar year, the number of applications for standard licenses for which processing was suspended during the previous calendar year, and the number of standard licenses that were renewed during the previous calendar year. Nothing in the statistics or the statistical report may identify, or enable the identification of, any individual who was issued or denied a license, for whom a license was renewed, whose license was suspended or revoked, or for whom application processing was suspended. The statistics and the statistical report are public records for the purpose of the state's Public Records Law.⁹

HISTORY

ACTION	DATE
Introduced	03-05-13

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⁸ R.C. 2923.129(C).

⁹ R.C. 109.731(C), not in the bill.

