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Synopsis of Senate Committee Amendments

(This synopsis does not address amendments that may have been adopted on the Senate Floor.)

H.B. 265 of the 135th General Assembly

Senate Judiciary

Christopher Glass, Attorney

The Senate Judiciary Committee adopted amendments as follows.

State agency records

- Establishes that each state agency is for all purposes to be considered in exclusive possession, custody, and control of its own records.

Status of state agencies and officials in litigation

- Establishes that a state agency or public official is not to be considered a party to any litigation unless either the agency or official intervenes in the litigation or is named in the case caption in conjunction with a pleading specifying factual allegations against the agency or official giving rise to at least one justiciable claim.

Public record lawsuits

- Requires that a person allegedly aggrieved by a violation of the Public Records Law must transmit a complaint to the public office or person responsible for public records allegedly responsible for the violation before bringing a claim in court.
- Establishes a three-day period in which a public office or person responsible for public records may cure or address an alleged violation of the Public Records Law and prohibits a person allegedly aggrieved from filing an action in court under the Public Records Law before the expiration of the period.
- Makes statutory damages under the Public Records Law unavailable to certain incarcerated persons.

Criminal investigation records

- Specifies that the term “public record concerning a criminal investigation or prosecution concerning what would be a criminal investigation or prosecution if the subject of the investigation were an adult” includes personnel files, payroll records, and attendance records of a designated public service worker, making these records inaccessible to

certain incarcerated individuals via public records request unless certain requirements are met.

Elected officials

- Removes elected officials from the bill's definition of the term "qualifying former designated public service worker."

Vexatious litigators

- Prohibits vexatious litigators from requesting public records without the leave of a court and a court order.
- Permits a public office or person responsible for public records to require identification from a public records requestor if the public office or person responsible for public records knows or has reasonable cause to believe that the requestor is a vexatious litigator.

Presentence investigation report sharing

- Clarifies that the contents of a presentence investigation report or part of a presentence investigation report may be shared between courts.