



# OHIO LEGISLATIVE SERVICE COMMISSION

## Bill Analysis

Margaret E. Marcy

### **S.B. 362**

131st General Assembly  
(As Introduced)

**Sens.** Hughes, Cafaro, Yuko, Patton

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## **BILL SUMMARY**

- Specifies that personal, residential, and familial information of former and retired peace officers are not public records.
- Allows a former or retired peace officer to request the BMV to use a former business address on the officer's driver's license and vehicle registration and to request the BMV to prohibit the disclosure of the former officer's residence address as contained in the BMV's records.

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## **CONTENT AND OPERATION**

### **Personal information of former peace officers**

#### **Public records**

The bill specifies that certain personal, residential, and familial information of former and retired peace officers are not public records (see "**Personal information that is not a public record**," below).<sup>1</sup> Under current law, such information of persons currently employed as peace officers are not public records. However, personal, residential, and familial information of any person who previously served as a peace officer is a public record. As such, that information can be disclosed if it is kept by any public office. The bill limits that disclosure.<sup>2</sup>

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<sup>1</sup> R.C. 149.43. Public records are the records kept by any public office, including state, county, city, village, township, and school district units, and such records must be made available and provided on request.

<sup>2</sup> R.C. 149.43(A)(1)(p) and (7).

## **Personal information that is not a public record**

The exemption from public records disclosure established by the bill includes the following information: the officer's personal residence address; information compiled from referral to or participation in an employee assistance program; Social Security number; residential telephone number; any bank account, debit card, charge card, or credit card number; emergency contact information; medical information; the names of any beneficiary of employment benefits; the identity and amount of any charitable or employment benefit deduction made by an employer from the officer's compensation; the personal information (address, employment, Social Security number, telephone number, financial information, and emergency contact information) for any spouse or child of the officer; and photographs of the officer if he or she held a position or went on assignments that included undercover or plain clothes operations.<sup>3</sup>

## **Driver's license and registration**

The bill allows a former or retired peace officer to request the Bureau of Motor Vehicles (BMV) to use a prior business address on the former officer's drivers' license and motor vehicle registration and to request the BMV to prohibit disclosure of the officer's residence address as contained in the BMV's records. Under current law, only presently employed peace officers may file such a request.<sup>4</sup> The bill requires the Registrar to adopt rules governing such requests from former peace officers.<sup>5</sup>

Under the bill, while a former peace officer may request that his or her residential address not be disclosed or displayed, the former officer must still provide his or her actual residential address in any application for a driver's license or vehicle registration. The Registrar may utilize that address in carrying out the regular functions of the BMV, such as determining motor vehicle taxes, determining whether an E-Check is required, or financial responsibility verification.<sup>6</sup> Additionally, the BMV may still disclose the residence address of a former peace officer for uses related to carrying out the purposes of any specified federal automobile-related act. Such matters include: motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles and dealers

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<sup>3</sup> R.C. 149.43(A)(7)(a) to (g).

<sup>4</sup> R.C. 4501.271(A).

<sup>5</sup> R.C. 4501.271(G).

<sup>6</sup> R.C. 4501.271(D) and (F).



by motor vehicle manufacturers; and removal of nonowner records from the original owner records of motor vehicle manufacturers.<sup>7</sup>

Current law applies the above provisions to currently employed peace officers.

### **Supplemental information**

The term peace officer for purposes of the law related to public records means any of the following:

(1) A deputy sheriff, marshal, deputy marshal, member of the organized police department of a township or municipal corporation, member of a township police district or joint police district police force, member of a police force employed by a metropolitan housing authority, or township constable, who is commissioned and employed as a peace officer by a political subdivision of this state or by a metropolitan housing authority, and whose primary duties are to preserve the peace, to protect life and property, and to enforce the laws of this state, ordinances of a municipal corporation, resolutions of a township, or regulations of a board of county commissioners or board of township trustees, or any of those laws, ordinances, resolutions, or regulations;

(2) A police officer who is employed by a railroad company and appointed and commissioned by the Secretary of State;

(3) Employees of the Department of Taxation engaged in the enforcement of the law related to the state cigarette tax and designated by the Tax Commissioner for peace officer training for purposes of the delegation of investigation powers;

(4) An undercover drug agent;

(5) Enforcement agents of the Department of Public Safety designated by the Director of Public Safety;

(6) An employee of the Department of Natural Resources who is a natural resources law enforcement staff officer, a natural resources officer, a forest-fire investigator, or a wildlife officer;

(7) A designated employee of a park district;

(8) A designated employee of a conservancy district;

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<sup>7</sup> R.C. 4501.271(C) and 4501.27(B)(1), not in the bill.



(9) A police officer who is employed by a hospital that employs and maintains its own proprietary police department or security department, and who is appointed and commissioned by the Secretary of State;

(10) Designated veterans' homes police officers;

(11) A police officer who is employed by a qualified nonprofit corporation police department;

(12) A state university law enforcement officer or a person serving as a state university law enforcement officer;

(13) A special police officer employed by the Department of Mental Health and Addiction Services or the Department of Developmental Disabilities;

(14) A member of a campus police department;

(15) A member of a police force employed by a regional transit authority;

(16) Investigators appointed by the Auditor of State who are engaged in enforcement activities;

(17) A special police officer designated by the Superintendent of the State Highway Patrol;

(18) A special police officer employed by a port authority;

(19) A special police officer employed by a municipal corporation who is employed on a permanent basis at a municipal airport, or other municipal air navigation facility, that has scheduled operations, and that is required to be under a security program and is governed by aviation security rules of the Transportation Security Administration of the U.S. Department of Transportation;

(20) A police officer who is employed by an owner or operator of an amusement park that has an average yearly attendance in excess of 600,000 guests and that employs and maintains its own proprietary police department or security department, and who is appointed and commissioned by a judge of the appropriate municipal court or county court;

(21) A police officer who is employed by a bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions, who has been appointed and commissioned by the Secretary of State;



(22) An investigator of the Bureau of Criminal Identification and Investigation who is commissioned by the Superintendent of the Bureau as a special agent for the purpose of assisting law enforcement officers or providing emergency assistance to peace officers;

(23) An appointed state fire marshal law enforcement officer; and

(24) Certain gaming agents.<sup>8</sup>

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## HISTORY

ACTION	DATE
Introduced	11-10-16

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<sup>8</sup> R.C. 109.71(A).

