



OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

Jeff Hobday

H.B. 6

132nd General Assembly
(As Passed by the General Assembly)

Reps. Barnes, Manning, Rezabek, Cupp, Kent, Rogers, Anielski, Arndt, Craig, Dever, DeVitis, Duffey, Fedor, Gavarone, Ginter, Green, Householder, Howse, Ingram, Landis, McColley, Miller, O'Brien, Patmon, Patterson, Patton, Perales, Ramos, Reece, Reineke, Schaffer, Scherer, Seitz, R. Smith, Sprague, West, Young

Sens. Coley, Eklund, Bacon, Balderson, Beagle, Brown, Dolan, Hackett, Hite, Hoagland, Huffman, Jordan, Kunze, LaRose, Lehner, Manning, O'Brien, Oelslager, Schiavoni, Skindell, Sykes, Tavares, Terhar, Thomas, Uecker, Wilson

Effective date: January 18, 2018

ACT SUMMARY

- Prohibits a person engaged in publishing or disseminating criminal record information from soliciting or accepting payment in exchange for removing, correcting, modifying, or refraining from publishing or disseminating the information.
- Makes a violation of the prohibition a first degree misdemeanor.
- Allows a victim who sues for a violation of the prohibition to be awarded specified damages, in addition to attorney's fees, costs, and other remedies.

CONTENT AND OPERATION

Creation of criminal offense

The act creates the offense of "misuse of criminal record information." The act prohibits a person engaged in publishing or otherwise disseminating criminal record information in print or electronic form from negligently soliciting or accepting from a subject individual the payment of a fee or other consideration to remove, correct,

* This version updates the effective date.

modify, or refrain from publishing or disseminating criminal record information.¹ A "subject individual" is an individual who was arrested and had the individual's photograph taken by a law enforcement agency during the processing of the arrest. "Criminal record information" means any of the following:²

- A photograph of the subject individual taken in Ohio by an arresting law enforcement agency (i.e., a booking photograph);
- The subject individual's name;
- The subject individual's address;
- The charges filed against the subject individual;
- A description of the subject individual who is asserted or implied to have engaged in illegal conduct.

Criminal penalty for violation

The act makes misuse of criminal record information a first degree misdemeanor. Each payment solicited or accepted in violation of the prohibition is a separate violation.³

Civil action for damages

Continuing law allows an individual injured by a criminal act to sue for damages.⁴ Under the act, in such a lawsuit for a violation of the act's criminal prohibition described above, the individual may be awarded the greater of \$10,000 or actual and punitive damages. The individual also may be awarded reasonable attorney's fees, court costs, and any other remedies provided by law. Under the act, humiliation or embarrassment is adequate to show that the individual has incurred damages. The individual does not need to prove a physical manifestation of humiliation or embarrassment to show damages.⁵

¹ R.C. 2927.22(B) and (C).

² R.C. 2927.22(A).

³ R.C. 2927.22(C) and (D).

⁴ R.C. 2307.60, not in the act.

⁵ R.C. 2927.22(E).



HISTORY

ACTION	DATE
Introduced	02-01-17
Reported, H. Criminal Justice	03-08-17
Passed House (90-4)	03-15-17
Reported, S. Judiciary	09-27-17
Passed Senate (33-0)	09-27-17

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