



# OHIO LEGISLATIVE SERVICE COMMISSION

Robert Meeker

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 64 of the 132nd G.A.  
(L\_132\_0738-1)

**Status:** In House Community and Family Advancement

**Sponsor:** Reps. Schuring and Reece

**Local Impact Statement Procedure Required:** No

**Subject:** Mistaken identity redaction mechanism

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### State & Local Fiscal Highlights

- The bill's mistaken identity redaction mechanism will generate minimal annual expenses for the state and local criminal justice systems that likely can be handled with existing staff and appropriated resources.

### Detailed Fiscal Analysis

The bill requires law enforcement agencies, prosecutors, courts, and other government agencies to take certain actions to ensure the redaction of information contained in official records related to the apprehension, arrest, charging, or trial of a person for a criminal offense based on mistaken identity. The bill also requires the destruction of all photographs and fingerprints that are in the records for that offense.

When an arrest is made based on mistaken identity, but no charges are filed, the bill requires a law enforcement agency to diligently search for and redact from its official records all information identifying the person arrested, destroy all fingerprints and photographs, and notify the arrested person of their right to apply for a court order to require the agency to comply with its duty to redact and destroy records.

When a charge is filed, but dismissed, the prosecutor must notify the court in which the charge was pending. Upon receipt, the court is required to issue three types of "redaction" orders. The issuance of the orders is automatic; the court does not hold a hearing before issuing them. The orders are directed as follows: (1) the law enforcement agency that arrested the person, (2) the Office of the Attorney General's Bureau of Criminal Identification and Investigation (BCII), and (3) any other public office or agency that has official records relating to the person's apprehension, arrest, charging, or trial.

The bill's redaction mechanism will generate additional work to be performed by certain state and local offices and agencies. However, given the relative infrequency that redaction orders based on mistaken identity are expected to be issued, it is likely that the additional work and costs will be minimal and absorbed using existing staff and appropriated resources.

## **Synopsis of Fiscal Effect Changes**

The substitute bill (L\_132\_0738-1) removes the mechanism for the "expungement" of official records that was in the As Introduced version of the bill and replaces it with a mechanism for the "redaction" of information from official records and destruction of all related photographs and fingerprints. The fiscal effects of these two versions of the bill, however, generally are the same.

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