



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 451 of the 132nd G.A.

**Status:** As Reported by House Government Accountability and Oversight

**Sponsor:** Rep. Retherford

**Local Impact Statement Procedure Required:** No

**Subject:** Public Records Law exemption for certain depictions of a crime victim

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### State & Local Fiscal Highlights

- The bill's Public Records Law exemption may minimally increase the annual costs that state and local criminal justice agencies incur: (1) to train staff in public records policy, and (2) to expend additional staff time and effort to ensure that, in response to any given public records request, exempted information is not disclosed.

### Detailed Fiscal Analysis

The bill, which contains an emergency clause, exempts from the Public Records Law a depiction of a crime victim if: (1) the release of the depiction would be an objectionable intrusion of a reasonable person's expectation of bodily privacy, or (2) the depiction contains or captures the victim of a sexually oriented offense at the actual occurrence of the offense. Thus, if a person, other than the victim or the victim's attorney or representative, requests a record from a public office that contains such a depiction, the office would either withhold or redact the objectionable part of the record.

The bill will affect state and criminal justice agencies (police departments, prosecutors, public defenders, and state law enforcement agencies) in responding to public records requests and may increase, to some degree, the cost that such an agency incurs to ensure that exempted portions of a record are not disclosed.

It is uncertain whether a given agency will experience an increase in workload related to ensuring that exempted information is not disclosed, as the volume of requests for these records varies by office. However, as requests for these records appear to be infrequent, any increase in administrative work, including additional time and effort to comply with the exemption, will be minimal and easily handled utilizing existing staff and resources. Presumably, staff responsible for complying with public records requests will require additional training related to the disclosure exemption. The expectation is that the cost to adjust existing public records training and public records policy is not likely to exceed minimal.