



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Cody Weisbrodt

Sub. H.B. 451

132nd General Assembly

(As Reported by H. Gov't Accountability & Oversight)

Reps. Retherford, Thompson, Seitz, Johnson, Carfagna, DeVitis, Hill, Ryan, Becker, Householder, Butler, Edwards, Sprague, Wiggam, Young, Arndt, Brinkman, Patton, Schaffer, Romanchuk, Dean, Greenspan, Hambley, Riedel, Koehler, Lanese, Blessing, Dever, Anielski, R. Smith, Reineke, LaTourette, Hood, Manning, Gavarone, Merrin, Rezabek, Perales, Zeltwanger, Stein, Cupp, Hagan, Scherer, Roegner, Green, Brenner, Keller, Ginter, Lipps, Huffman, Sweeney, Cera, Sykes, Kick, Kelly, Henne, Gonzales, Celebrezze, Strahorn, Fedor, Patterson, Galonski, Lepore-Hagan, Schuring, Howse, Boyd, Ashford, Barnes, Rogers, Boggs

BILL SUMMARY

- Exempts from the Public Records Law a depiction of a crime victim if the release of the depiction would be an objectionable intrusion of a reasonable person's expectation of bodily privacy, or if the depiction contains or captures the victim of a sexually oriented offense at the actual occurrence of the offense.
- Allows a victim, victim's attorney, or victim's representative to request and receive a copy of a depiction of the victim from a public office despite the exemption.
- Names the bill the "Victims Privacy and Protection Act."
- Declares an emergency.

CONTENT AND OPERATION

Depiction of certain crime victims not a public record

The bill exempts certain depictions of victims of crime under specified circumstances from the definition of public records in the Public Records Law. Under the bill, any depiction by photograph, film, videotape, digital image, or visual or printed material is not a public record if: (1) it depicts a victim of an offense and the release of the depiction would be an offensive and objectionable intrusion of a reasonable person's expectation of bodily privacy and integrity, or (2) it depicts or captures the victim of a sexually oriented offense, as defined in the Sex Offender

Registration and Notification (SORN) Law located in R.C. Chapter 2950., at the actual occurrence of the offense.¹

Under continuing Public Records Law, any person may request to inspect or obtain copies of public records from a public office. When it receives a public records request, and unless part or all of a record is exempt from release, a public office must provide inspection of the requested records promptly and at no cost, or provide copies at cost within a reasonable period of time. Therefore, under the bill, if a person makes a public records request for a record that contains a depiction of a victim of an offense the release of which would cause an objectionable intrusion of the victim's bodily privacy, or a depiction of a victim of a sexually oriented offense at the occurrence of the offense, the public office may withhold or redact the record as the bill requires.²

Depiction may be released to certain persons

The bill allows a victim, victim's attorney, or victim's representative, as that term is defined in the Rights of Victims of Crimes Law, to request a copy of a depiction that would otherwise be exempt from the Public Records Law under the bill.³ The public office or person responsible for records is required to transmit the depiction to the victim, victim's attorney, or victim's representative upon receiving the request.

Name of act

The bill states that it is to be known as the "Victims Privacy and Protection Act."⁴

Emergency clause

The bill includes an emergency clause to immediately ensure that the Public Records Law cannot be used to violate a victim's bodily privacy and integrity.⁵

HISTORY

ACTION	DATE
Introduced	12-13-17
Reported, H. Gov't Accountability & Oversight	02-28-18

H0451-RH-132.docx/ar

¹ R.C. 149.43(A)(1)(gg); R.C. 2950.01, not in the bill.

² R.C. 149.43(A)(1)(gg) and (B).

³ R.C. 149.43(B)(10); R.C. 2930.02, not in the bill.

⁴ Section 3.

⁵ Section 4.

