



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

Nicholas A. Keller

### **Sub. H.B. 341**

132nd General Assembly  
(As Reported by S. Judiciary)

**Reps.** Huffman and Cera, Becker, Butler, Gavarone, Goodman, Lipps, Riedel, Reineke, Retherford, Rezabek, Sprague, Thompson, Antonio, Boccieri, Boggs, Celebrezze, Craig, Fedor, Reece, Rogers, K. Smith, Strahorn, Sweeney, West, Anielski, Arndt, Ashford, Barnes, Boyd, Brown, Carfagna, Faber, Galonski, Ginter, Greenspan, Hill, Holmes, Howse, Hughes, Johnson, Landis, LaTourette, Leland, Lepore-Hagan, Manning, Miller, O'Brien, Patterson, Patton, Pelanda, Perales, Romanchuk, Ryan, Schuring, Sheehy, Stein, Sykes, Young

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## **BILL SUMMARY**

- Adds judges and magistrates to the list of professions whose residential and familial information is exempted from disclosure under the Public Records Law.
- Consolidates the list of exempted professions into the term "designated public service worker."
- Permits a judge or magistrate to request that the judge or magistrate's address be redacted from any record of a public office that is publicly available on the Internet in which the judge or magistrate's residential and familial information appears, except for the records of a county auditor.
- Permits a judge or magistrate to request that the county auditor replace the judge or magistrate's name with the judge or magistrate's initials in records publicly available on the Internet or in a database.
- Permits spouses of designated public service workers whose residential and familial information is exempt from disclosure under the Public Records Law to also file an affidavit to have their names removed from the property tax list.
- Changes the name of the "Domestic Relations-Juvenile-Probate Division" of the Logan County Court of Common Pleas to the "Family Court Division," and specifies that the administrative judge of the Family Court Division is the clerk of the Family Court Division.

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## CONTENT AND OPERATION

### Public records

#### **Judge or magistrate's residential and familial information not a public record**

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.<sup>1</sup> The bill exempts a judge or magistrate's residential and familial information from disclosure under the Public Records Law, and consolidates the list of professions whose residential and familial information is exempt from disclosure as a public record into the term "designated public service worker."<sup>2</sup> The bill defines "designated public service worker" as a "peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, judge, magistrate, or federal law enforcement officer."

Under continuing law, and generally under the bill for judges and magistrates, designated public service worker's residential and familial information exempt from the Public Records Law includes:

- The address of the actual personal residence of a designated public service worker except for the following information:
  - The address of the actual personal residence of a prosecuting attorney or judge; and
  - The state or political subdivision in which a designated public service worker resides.
- Information compiled from referral to or participation in an employee assistance program;
- The Social Security number, residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency

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<sup>1</sup> R.C. 149.43(B).

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



telephone number of, or any medical information of a designated public service worker;

- The name of any beneficiary of employment benefits, including life insurance benefits, provided to a designated public service worker by the worker's employer;
- The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the worker's compensation, unless state or federal law requires the deduction;
- The name, residential address, employer, employer's address, Social Security number, residential telephone number, bank account, debit card, charge card, or credit card number, or emergency telephone number of the spouse, former spouse, or any child of a designated public service worker; and
- A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.<sup>3</sup>

There are two significant exceptions to the general exemption of a designated public service worker's residential and familial information from disclosure under the Public Records Law. One applies only to elected officials, including judges, and one applies to all designated public service workers and under the bill also applies to judges and magistrates.

First, because a judge is required to include the judge's residential address on a declaration of candidacy under continuing law, a judge's address is not exempt from disclosure.<sup>4</sup> Prosecutors are similarly treated under continuing law. A prosecutor's address is not exempt from disclosure because a prosecutor must also include their residential address on a declaration of candidacy. This exception does not apply to magistrates, who are not elected and therefore do not file declarations of candidacy.

Additionally, continuing law allows a journalist to submit a written request to a public office that employs a person whose residential and familial information is exempted from the Public Records Law for the actual personal address of the person.<sup>5</sup>

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<sup>3</sup> R.C. 149.43(A)(8).

<sup>4</sup> R.C. 149.43(A)(8)(a); R.C. 3513.07, not in the bill.

<sup>5</sup> R.C. 149.43(B)(9)(a).



The journalist may also request the name and address of the employer of the person's spouse, former spouse, or child if they are also employed by a public office. This process also applies to a judge or magistrate under the bill.

### **Judge or magistrate may request address be redacted from available online records**

Under the bill, a judge or magistrate may request that the judge or magistrate's address be redacted from a record in which the judge or magistrate's residential and familial information appears and that is available to the public on the Internet. Continuing law allows a designated public service worker to submit a request to a public office, except for a county auditor, to redact the worker's address from any record in which the worker's residential and familial information appears that is publicly available on the Internet.<sup>6</sup> The request must be made in writing by the designated public service worker whose information appears in the online record. The public office must redact the worker's address from the public record, or if the redaction is impractical, provide an explanation of the impracticality of the request within five business days of receiving the request. The bill includes judges and magistrates in this process.

### **Judge or magistrate may request name be replaced with initials in county auditor records**

The bill also permits a judge or magistrate to request that the judge or magistrate's name be redacted from public records by the county auditor and replaced with the judge's initials. Under continuing law, any person whose residential and familial information is exempt from the Public Records Law may submit an affidavit to the person's county auditor requesting that the person's name be removed from records available to the public online or in a database, and instead replaced with the person's initials.<sup>7</sup> The county auditor must replace the person's name with their initials as they appear on the deed for the relevant property, or if the removal is impractical, provide a written explanation of the impracticality of the request within five business days of receiving the request.

### **Spouses may request names removed from the property tax list**

The bill permits spouses of those individuals whose residential and familial information is exempt from disclosure under the Public Records Law to also file an affidavit to have their names removed from the property tax list.

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<sup>6</sup> R.C. 149.45(D)(1).

<sup>7</sup> R.C. 319.28(B), not in the bill.



Under continuing law, applicable to spouses under the bill, a person whose residential and familial information is not a public record under the Public Records Law may submit an affidavit to the county auditor requesting the county auditor to remove the name of the person from any record made available to the general public on the Internet or a publicly accessible database and from the general tax list and duplicate of real and public utility property and to replace the name with the person's initials. When the county auditor receives the affidavit, the auditor must act on the request within five business days if practicable. If the removal and reinsertion is not practicable, the auditor must explain to the requester, within five days after receiving the affidavit, why the removal and insertion is impracticable.<sup>8</sup>

## **Family Court Division of the Logan County Court of Common Pleas**

The bill also changes the name of the "Domestic Relations-Juvenile-Probate Division" of the Logan County Court of Common Pleas to the "Family Court Division." Additionally, the bill specifies that the administrative judge of the Family Court Division is the clerk of the Family Court Division. The bill removes the requirement under current law that the clerk of the Logan County Court of Common Pleas keep all of the journals, records, books, papers, and files pertaining to domestic relations cases in that court.<sup>9</sup>

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	09-11-17
Reported, H. Gov't Accountability & Oversight	12-07-17
Passed House (95-2)	01-31-18
Reported, S. Judiciary	11-28-18

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<sup>8</sup> R.C. 319.28(B).

<sup>9</sup> R.C. 2101.024 and 2301.03.

