



David M. Gold

Bill Analysis
Legislative Service Commission

H.B. 572

123rd General Assembly
(As Introduced)

Reps. Jacobson, Clancy, Allen, Boyd, Buchy, Damschroder, DePiero, Flannery, Grendell, Harris, Hartnett, Hollister, Hoops, Jerse, Jolivette, Krupinski, Metelsky, Netzley, Pringle, Redfern, Sullivan, Tiberi, Vesper, Williams

BILL SUMMARY

- Generally prohibits disclosure by the Bureau of Motor Vehicles of the residential address of a peace officer who has requested confidentiality.

CONTENT AND OPERATION

Existing law

Existing law prohibits the personnel and contractors of the Bureau of Motor Vehicles (BMV) from knowingly disclosing or otherwise making available "personal information" about individuals obtained in connection with motor vehicle records, except as provided by law (sec. 4501.27(A)).¹ The exceptions include mandatory disclosure when the personal information sought is for the purpose of carrying out certain federal laws relating to driver safety, vehicle emissions, automobile recalls, and other specified matters (sec. 4501.27(B)(1) and (G)(4)). Numerous other *exceptions are permissive* and allow disclosure of personal information for purposes such as carrying out governmental functions, market research, and verifying the accuracy of information supplied to a legitimate business (sec. 4501.27(B)(2)).

¹ "Personal information" is defined as information that identifies an individual, including, but not limited to, a photograph or digital image, Social Security number, driver or driver's license identification number, name, telephone number, medical or disability information, or address other than zip code number (sec. 4501.27(G)(3)).

Changes proposed by the bill

The bill allows a peace officer to prohibit permissive disclosures of certain "address" information by filing on a specified form a written request with the BMV that his or her *residential address* in the BMV's motor vehicle records not be disclosed. The bill authorizes the Registrar of Motor Vehicles to establish the procedures for filing these nondisclosure requests.² Once a request has been filed, BMV personnel and contractors may not knowingly disclose the peace officer's residential address if it is sought pursuant to one of existing law's permissive exceptions, unless the BMV personnel or contractors are required by court order to do so. (Secs. 4501.27(B)(2) and 4501.271(A), (B)(1), (C), (D), and (E)(1).)

If a record containing a peace officer's residential address is a "public record," BMV personnel or contractors must make the record available but must obliterate the address before making the record available for copying or inspection in accordance with the Public Records Law (sec. 4501.271(B)(2)).

Finally, the bill uses the broad definition of "peace officer" contained in the Peace Officer Training Commission Law (see **COMMENT**), specifically includes State Highway Patrol troopers within the term, and excludes from the term sheriffs and supervisory employees who act for a sheriff in the sheriff's absence (sec. 4501.271(E)(2); sec. 109.71(A)--not in the bill).

COMMENT

The Peace Officer Training Commission Law defines "peace officer" as follows (sec. 109.71(A)):

(1) A deputy sheriff, marshal, deputy marshal, member of the organized police department of a township or municipal corporation, member of a township police district or joint township police district police force, member of a police force employed by a metropolitan housing authority, or township constable, who is commissioned and employed as a peace officer by an Ohio political subdivision or by a metropolitan housing authority, and whose primary duties are to preserve the peace, to protect life and property, and to enforce the laws of this state, ordinances of a municipal corporation, resolutions of a township, or regulations of a board of

² *The Registrar of Motor Vehicles' procedures governing a request for confidentiality of a peace officer's residential address may include documentary evidence to verify peace officer status, the length of time within which the request will be valid, notification to the BMV if peace officer status is changed, etc. (sec. 4501.271(A) and (D)).*

county commissioners or board of township trustees, or any of those laws, ordinances, resolutions, or regulations;

(2) A police officer who is employed by a railroad company and appointed and commissioned by the governor;

(3) Employees of the Department of Taxation engaged in the enforcement of Cigarette Tax Law and designated by the Tax Commissioner for peace officer training for purposes of the delegation of certain investigation powers;

(4) An undercover drug agent;

(5) Enforcement agents of the Department of Public Safety designated by the Director of Public Safety;

(6) An employee of the Department of Natural Resources who is a natural resources law enforcement staff officer, a park officer, a forest officer, a preserve officer, a wildlife officer, or a state watercraft officer;

(7) Designated employees of a metropolitan park district or township park district;

(8) Designated employees of a conservancy district;

(9) A police officer who is employed by a hospital that employs and maintains its own proprietary police department or security department, and who is appointed and commissioned by the governor;

(10) Ohio Veterans' Home police officers;

(11) A police officer who is employed by a qualified nonprofit corporation police department;

(12) A state university law enforcement officer or certain persons serving as a state university law enforcement officer on a permanent basis on June 19, 1978;

(13) A special police officer employed by the Department of Mental Health or the Department of Mental Retardation and Developmental Disabilities;

(14) A member of a campus police department;

(15) A member of a police force employed by a Regional Transit Authority;



(16) Investigators appointed by the Auditor of State and engaged in the enforcement of the Auditor of State's Law;

(17) Certain special police officers designated by the Superintendent of the State Highway Patrol.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-08-00	p. 1586

H0572-I.123/rss