



Sub. H.B. 500

124th General Assembly

(As Reported by H. Local Government and Townships)

Reps. Manning, Carmichael, Fessler, DeWine, Seitz, Setzer, Carano, Reinhard, Schaffer, Perry, Allen, Roman, Damschroder, Hartnett, Williams, Webster, Lendrum, Schmidt, Schneider, Flowers, Metzger, Brinkman

BILL SUMMARY

- Requires state agencies and county offices to send a notice (in a prescribed format) to property owners that permits them to opt out of publication, before the agencies or offices publish certain photographs of the owners' homes or businesses on the Internet.

CONTENT AND OPERATION

Notice of intent--in general and response time

The bill requires any state agency or county office that intends to publish a photograph (other than an aerial or satellite photograph) of a home or business on the Internet to send to the owners of the affected property a notice of that intent, in a prescribed format, by regular mail, before publishing the photograph. Included in the notice must be a form that the property owners can sign and return to opt out of that and any future publication of such a photograph of their home or business on the Internet by the particular state agency or county office. Each state agency or county office must allow at least 30 days after the mailing of the notice for the property owners to return the opt out of publication form, before the agency or office publishes the photograph on the Internet. In lieu of the owners taking that action, however, their executor, administrator, assignee, fiduciary, or attorney-in-fact may sign and return the opt out of publication form within the period of time the agency or office specifies in the notice. (Sec. 9.09(A), (B), (D), and (F)(2).)

Exception

The bill does not allow persons who must register their residence address with the sheriff under Ohio's Megan's Law because of a conviction of a sexually oriented offense, to opt out of the publication of a photograph of their home *or*

business on the Internet by a state agency or county office. The required notice of intent to property owners mentioned above, as well as the required opt out of publication form explained below, must include a notice to that effect, and any person signing the form affirms that he or she is not so required to register. (Sec. 9.09 (A), (C), and (D).)

Format of form

The bill requires a state agency's or county office's notice of intent, and the opt out of publication form it includes, to be in a specified format. That notice will state the specific purpose for which the agency or office intends to publish the photograph of the home or business and include the actual time period within which the opt out of publication form must be returned to be effective. While the notice states a particular purpose, the opt out of publication form, when returned timely to an agency or office, is an "opt out" for all purposes for which that agency or office may wish to then and in the future publish a photograph of the home or business on the Internet. (Sec. 9.09(A) and (D).)

Miscellaneous

The bill provides that nothing in it creates a private cause of action against any state agency or county office, or any of its officers or employees, for any injury, death, or loss to person or property allegedly arising from the agency's or office's publication of a photograph of a home or business on the Internet, or its failure to remove such a published photograph from the Internet (sec. 9.09(E)).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-07-02	pp. 1366-1367
Reported, H. Local Gov't & Townships	11-21-02	pp. 2113-2114

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