



Diana C. Fox

Bill Analysis
Legislative Service Commission

H.B. 241

125th General Assembly
(As Introduced)

Reps. Trakas, C. Evans, Kearns, Aslanides, Allen

BILL SUMMARY

- Requires the owner, operator, or other person in control of a hotel or SRO facility to provide a law enforcement officer with access to the guest registry provided the officer submits a written statement to the person in control stating that the officer has reasonable suspicion that a specified person staying in the hotel or SRO facility has engaged in or is engaging in criminal activity.

CONTENT AND OPERATION

The bill requires the owner, operator, or other person in control of a hotel or SRO facility to provide a law enforcement officer with access to the hotel's or facility's guest registry if the officer requests access to the guest registry by submitting a written statement to the owner, operator, or other person in control that specifies that the officer has a reasonable suspicion that a specified person has engaged in or is engaging in criminal activity and is staying in the hotel or facility.¹ Only if a specific state or federal law prohibits the release of such information may an owner, operator, or other person in control of a hotel or SRO facility refuse to provide the access required by the bill. (R.C. 3731.17.)

¹ An "SRO facility" is "a facility with more than five sleeping rooms that is kept, used, maintained, advertised, or held out to the public as a place where sleeping rooms are offered on a single room occupancy (SRO) basis and that is intended for use as a primary residence for residential guests for a period of more than thirty days" and does not include "agricultural labor camps, apartment houses, lodging houses, rooming houses, or hospital or college dormitories." (R.C. 3731.01(A)(2), not in the bill.)

COMMENT

It does not appear that a court has addressed the issue of whether a person has a reasonable expectation of privacy in a hotel guest registry. However, the U.S. Supreme Court has held that a person may have a reasonable expectation of privacy in a hotel room, and thus hotel rooms can be entitled to the same Fourth Amendment protections as a home. (See e.g. *Hoffa v. U.S.*, 385 U.S. 293 (1966).) This finding means that a law enforcement officer generally needs a search warrant or probable cause (a reasonable belief that a particular person has committed a particular crime) to conduct a constitutional search of an occupied hotel room. Since there appears to not be any case addressing a person's expectation of privacy in a hotel guest registry, it is unknown whether the bill's "reasonable suspicion" standard presents a potential Fourth Amendment question.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	07-01-03	p. 1004

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