



## **H.B. 553**

125th General Assembly  
(As Introduced)

**Rep. Brinkman**

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### **BILL SUMMARY**

- Allows victims of domestic violence and of stalkers to change their names pursuant to probate court procedures that involve confidentiality and nondisclosure requirements.
- Limits public access to the street addresses in board of elections records of certain registered voters who are protected by specified protection orders, temporary protection orders, or consent agreements.
- Generally permits driver licensees to have their date of birth, residence address, and county of residence excluded from display on their licenses.
- Limits public access to police and State Highway Patrol accident reports and associated documents and statements.

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### **CONTENT AND OPERATION**

#### **Confidentiality of name changes of victims of domestic violence and of stalkers**

The bill allows an "eligible person" desiring a change of name to file an application in the probate court of the county in which the eligible person resides. The bill defines "eligible person" as a person (1) who is protected by a protection order, a temporary protection order, or consent agreement issued or entered into under Ohio law pertaining to domestic violence or stalking or a similar order or agreement issued or entered into under a similar statute of another state or (2) who has been the victim of the offense of menacing by stalking or domestic violence or of any other domestic violence-related offense or stalking offense in Ohio or another state. The application must set forth that the applicant has been a bona fide resident of the county for at least three months before filing the application, the cause for which the change of name is sought, and the requested new name. Upon proof that the applicant is an "eligible person" and that the facts show

reasonable and proper cause for changing the applicant's name, the probate court may order the change of name. (R.C. 2717.02(B).)

An eligible person who applies for a change of name also may apply to change the name of a *minor* of whom the eligible person has custody. The application must be made in the same manner as the eligible person's name change application. In deciding whether to order the change of the minor's name, the court must consider the interests of other persons in the minor's welfare. (R.C. 2717.02(C).)

An application and the proceedings had pursuant to it must be *sealed*. If the court orders a change of name, the applicant's or minor's new name and address must be kept *confidential* and must not be disclosed in the court's records, including the order, *that are made available to the public*. The applicant's or minor's new name and address may be disclosed only pursuant to an order of a court. (R.C. 2717.02(D).)

#### **Confidentiality of street addresses of certain registered voters**

Under the bill, if an "eligible person" (defined as set forth previously) submits to a board of elections a copy of a protection order, temporary protection order, or consent agreement and a signed statement that the person has good reason to believe that the physical safety of the person or a member of the person's family residing with the person would be jeopardized if the person's street address were open to public inspection, the board must do all of the following (R.C. 3503.15):

- Keep the person's street address confidential as long as the order or agreement remains in effect.
- Allow inspection of the person's street address by a law enforcement agency or as directed by a court order.
- Use the person's street address for election-related purposes as required by state or federal law.
- Exclude the person's street address from the list of registered voters filed with the commissioners of jurors each December as required by current law.

The bill relatedly amends the Public Records Law to explicitly exclude from inspection and copying as a "public record" the street address of a registered voter who is protected by a protection order, temporary protection order, or

consent agreement, to the extent of its confidentiality under the provisions described above (R.C. 149.43(A)(1)(z)).

**Driver's residence address and date of birth information optional on driver's license**

Current law requires that every driver's license display on it, among other information, the licensee's date of birth, residence address, and county of residence. The bill instead requires that the license display the licensee's date of birth, residence address, and county of residence *unless the licensee requests that any of this information not be displayed*. The bill does specify, however, that this information must be displayed if *federal law* so requires. (R.C. 4507.13(A).)

**Motor vehicle accident reports**

Current law requires a law enforcement agency or the Director of Public Safety on behalf of the State Highway Patrol to furnish a copy of certain motor vehicle accident reports and associated documents or statements to any person claiming an interest arising out of an accident, or to the person's attorney, upon payment of a nonrefundable fee that must not exceed \$4 or, if the Patrol investigated the accident, a nonrefundable fee of \$4. The Director of Public Safety, however, may withhold reports prepared by the Patrol until all criminal prosecution has been concluded. (R.C. 5502.12.)

The bill instead requires that the accident reports and associated documents or statements only be provided *upon submission of documentation supporting the person's claim of interest or a court order authorizing release of a report*. The bill also adds a precise definition of a "person claiming an interest arising out of a motor vehicle accident"--specifically, a person involved in the accident or a person who may be subject to criminal or civil liability as a result of the accident, the person's insurer, or, if the person is a minor, the person's parent or guardian. (R.C. 5502.12.)

Relatedly, the bill prohibits a law enforcement agency, a person, and the Director of Public Safety from furnishing any accident report to any person except as specifically authorized (1) by the bill's provisions described above or in any other provision of law or (2) by a court order. And, the bill retains the authority of the Director of Public Safety to withhold Patrol accident reports that otherwise could be furnished until all criminal prosecution has been concluded. (R.C. 5502.12.)

Tied to these provisions of the bill is a change to the Public Records Law. The bill amends the Law to exclude from inspection and copying as a "public record" certain motor vehicle accident reports prepared by local law enforcement

agencies and accident reports prepared by the State Highway Patrol. (R.C. 149.43(A)(1)(y).)<sup>1</sup>

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	09-23-04	p. 2163

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<sup>1</sup> *Local law enforcement agencies are required to report accidents involving fatalities, personal injuries, or property damage of more than \$400 to the Director of Public Safety (R.C. 5502.11--not in the bill).*