



Ohio Legislative Service Commission

Bill Analysis

Wendy H. Gridley

S.B. 105

128th General Assembly
(As Introduced)

Sens. Patton, Seitz

BILL SUMMARY

- Prohibits broadcasting an actual 9-1-1 call that has been made available as a public record.
- Prescribes a \$10,000 fine for violation of the prohibition.

CONTENT AND OPERATION

Background

The Public Records Law generally requires every public office to prepare promptly all public records and make them available for inspection at all reasonable times during regular business hours. Upon request and within a reasonable period of time, a public office or person responsible for public records generally must make copies available at cost. Additionally, the public record generally must be provided in the format requested, including duplicated upon paper, upon the same medium that the public office or person responsible for the public record keeps it, or upon any other medium that the public office or person responsible for the public record determines reasonably can be duplicated. (R.C. 149.43, not in the bill.)

In 1996, the Ohio Supreme Court held that tapes of 9-1-1 calls are public records, subject to release under the Public Records Law.¹ Subsequently, the Court held that a transcript of a 9-1-1 call did not satisfy a public records request for a copy of an audiotape of a 9-1-1 emergency call when the public office kept the record in audiotape format. The Court found that the public office keeping the records ignored the provision of the Public Records Law authorizing the person requesting the public

¹ *State ex rel. Cincinnati Enquirer v. Hamilton Cty.* (1996), 75 Ohio St.3d 374.

record to choose to have the record duplicated in the same medium that the public office keeps it.²

The bill

The bill declares that a recording of a 9-1-1 call is a public record for purposes of the Public Records Law. However, the bill prohibits a recording of a 9-1-1 call that has been made available as a public record from being played over a broadcast medium such as radio, television, or the Internet. The bill specifies that this restriction does not prohibit reading a transcript of a recording of a 9-1-1 call over a broadcast medium; "it prohibits only causing a recording to give out an actual 9-1-1 call over a broadcast medium." The bill establishes a \$10,000 fine for violation of its prohibition on broadcasting a 9-1-1 tape released pursuant to a public records request.

HISTORY

ACTION	DATE
Introduced	04-09-09

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² *State ex rel. Dispatch Printing Co. v. Morrow Cty. Prosecutor's Office* (2005), 105 Ohio St.3d 172.

