



# Ohio Legislative Service Commission

## Final Analysis

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### Sub. H.B. 64

129th General Assembly  
(As Passed by the General Assembly)

**Reps.** Ruhl and Burke, Murray, Snitchler, Maag, Combs, Phillips, Stebelton, Boose, McClain, Grossman, Patmon, J. Adams, Winburn, Garland, Hayes, Bubb, Slaby, R. Adams, Amstutz, Ashford, Barnes, Blair, Blessing, Buchy, Budish, Butler, Celeste, Dovilla, Fedor, Gerberry, Gonzales, Hackett, C. Hagan, Hall, Heard, Landis, Letson, Newbold, O'Brien, Pillich, Schuring, Uecker, Weddington, Batchelder

**Sens.** Turner, Kearney, Bacon, Brown, Cafaro, Daniels, Faber, Gillmor, Grendell, Hite, Hughes, Jones, LaRose, Lehner, Manning, Obhof, Patton, Sawyer, Schaffer, Schiavoni, Smith, Tavares, Wagoner, Widener, Wilson

**Effective date:** October 17, 2011

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## ACT SUMMARY

- Includes five synthetic cannabinoids commonly known as K2 or Spice as Schedule I controlled substances with the result that all Revised Code provisions pertaining to Schedule I controlled substances, including the drug offenses, apply to those five synthetic cannabinoids except as otherwise specified in the act.
- Provides that "possession of Spice" is a minor misdemeanor.
- Provides that "trafficking in Spice" is a fifth degree felony or, if committed in the vicinity of a school or juvenile, a fourth degree felony.
- Provides that if Spice is the drug involved in the offense of "corrupting another with drugs" the penalty for the offense is a fourth degree felony or, if committed in the vicinity of a school, a third degree felony (the same as if marihuana was the drug involved in the offense).
- Adds six synthetic derivatives of cathinone that have been found in bath salts to the list of Schedule I controlled hallucinogenic substances.

- Defines "controlled substance analog" for the purposes of the Controlled Substances Law and provides that controlled substance analogs must be treated as Schedule I controlled substances.
- Specifies that the residential and familial information of probation officers and bailiffs is not a public record.

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## CONTENT AND OPERATION

### Inclusion of Spice as Schedule I controlled hallucinogenic substance

#### Operation of the act

The act includes five synthetic cannabinoids commonly known as K2 or Spice as Schedule I controlled substances. Specifically, the act includes as a Schedule I controlled substance any material, compound, mixture, or preparation that contains any quantity of any of the following hallucinogenic substances, including their salts, isomers, and salts of isomers, unless specifically excepted under federal drug abuse control laws, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) 1-pentyl-3-(1-naphthoyl) indole (some trade or other names: JWH-018);

(2) 1-butyl-3-(1-naphthoyl) indole (some trade or other names: JWH-073);

(3) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (some trade or other names: JWH-200);

(4) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: CP-47,497);

(5) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: cannabicyclohexanol; CP-47,497 C8 homologue).

Throughout the remainder of this analysis, these five listed synthetic cannabinoids are simply referred to as "Spice." They are included within the portion of Schedule I that lists hallucinogens that are Schedule I controlled substances.<sup>1</sup> Consequently, all of the Revised Code provisions pertaining to controlled substances (see "**Ohio law**" under "**Background**," below) will apply to Spice.

### **Controlled substances and continuing law**

Continuing law defines a "controlled substance" as any drug, compound, mixture, preparation, or substance included in Schedule I, II, III, IV, or V of Ohio's Controlled Substances Law.<sup>2</sup> Schedules I, II, III, IV, and V are established by statute,<sup>3</sup> but continuing law provides that the Schedules are amended automatically to reflect changes in the federal Drug Abuse Control Law Schedules that are made by the U.S. Attorney General and that the Schedules are subject to changes in them made by rule adopted by the State Board of Pharmacy.<sup>4</sup> Schedule I contains controlled substances that generally are considered to be the most dangerous (e.g., heroin, L.S.D., marijuana, mescaline, peyote, psilocybin, tetrahydrocannabinols, hashish, methaqualone, *Salvia divinorum*, etc.), whereas Schedule V contains controlled substances that generally are considered to be less potent but still dangerous (e.g., not more than specified small amounts of codeine or opium in medicinal usage, ephedrine unless otherwise exempted, etc.). Schedules II, III, and IV controlled substances fit in a continuum, as to potency and dangerousness, between Schedules I and V.

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<sup>1</sup> R.C. 3719.41 (Schedule I, (C)(35), (36), (37), (38), and (39)).

<sup>2</sup> R.C. 3719.01, not in the act.

<sup>3</sup> R.C. 3719.41.

<sup>4</sup> R.C. 3719.43 and 3719.44, not in the act.

## Possession of Spice

Continuing law prohibits a person from knowingly obtaining, possessing, or using a controlled substance.<sup>5</sup> Since the act includes Spice, or a compound, mixture, preparation, or substance containing Spice, as a Schedule I controlled substance, this prohibition applies to Spice. Under the act, if the drug involved in a violation of this prohibition is Spice, the offender is guilty of "possession of Spice," a minor misdemeanor.<sup>6</sup> Continuing law provides for higher penalties when a person knowingly obtains, possesses, or uses a controlled substance that is a compound, mixture, preparation, or substance included in Schedule I or II, but includes an exception for marihuana, cocaine, L.S.D., heroin, and hashish. The penalties that apply when marihuana, cocaine, L.S.D., heroin, or hashish is the drug involved in the violation differ from those that apply when any other Schedule I or II controlled substance is involved in the violation. The act includes Spice in this list of exceptions<sup>7</sup> and, as discussed above, possession of Spice is a minor misdemeanor.

## Trafficking in Spice

Continuing law prohibits a person from knowingly selling or offering to sell a controlled substance or preparing for shipment, shipping, transporting, delivering, preparing for distribution, or distributing a controlled substance, when the offender knows or has reasonable cause to believe that the controlled substance is intended for sale or resale by the offender or another person.<sup>8</sup> Since the act includes Spice or a compound, mixture, preparation, or substance containing Spice, as a controlled substance, this prohibition applies to Spice. Under the act, a person who violates this prohibition when it involves Spice or a compound, mixture, preparation, or substance containing Spice is guilty of "trafficking in Spice." Except as described below, trafficking in Spice is a fifth degree felony and, when determining whether to impose a prison term on the offender, the court must consider the purposes of felony sentencing (to protect the public from future crime by the offender and others and to punish the offender), the seriousness of the conduct, and the likelihood of the offender's recidivism.<sup>9</sup> Trafficking in Spice is a fourth degree felony if the offense is committed in the vicinity of a school or in the vicinity of a juvenile. In that situation, the court must

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<sup>5</sup> R.C. 2925.11(A).

<sup>6</sup> R.C. 2925.11(C)(8).

<sup>7</sup> R.C. 2925.11(C)(1).

<sup>8</sup> R.C. 2925.03(A).

<sup>9</sup> R.C. 2925.03(C)(8)(a) and 2929.13(C), not in the act.

consider the same factors as described above when determining whether to impose a prison term on the offender.<sup>10</sup>

Law generally unchanged by the act provides for higher penalties when a person knowingly sells or offers to sell a compound, mixture, preparation, or substance contained in Schedule I or II, or prepares for shipment, ships, transports, delivers, prepares for distribution, or distributes any such compound, mixture, preparation, or substance when the offender knows or has reasonable cause to believe that the controlled substance is intended for sale or resale by the offender or another person, but includes an exception for marihuana, cocaine, L.S.D., heroin, and hashish. The penalties that apply when marihuana, cocaine, L.S.D., heroin, or hashish is the drug involved in the violation differ from those that apply when any other Schedule I or II controlled substance is involved in the violation. The act includes Spice in this list of exceptions,<sup>11</sup> and, as discussed above, trafficking in Spice is a fourth or fifth degree felony.

### **Corrupting another with drugs**

Continuing law prohibits a person from knowingly doing any of the following:<sup>12</sup>

(1) By force, threat, or deception, administering to another or inducing or causing another to use a controlled substance;

(2) By any means, administering or furnishing to another or inducing or causing another to use a controlled substance with purpose to cause serious physical harm to the other person, or with purpose to cause the other person to become drug dependent;

(3) By any means, administering or furnishing to another or inducing or causing another to use a controlled substance, and thereby causing serious physical harm to the other person, or causing the other person to become drug dependent;

(4) By any means, furnishing or administering a controlled substance to a juvenile who is at least two years the offender's junior, when the offender knows the age of the juvenile or is reckless in that regard, or inducing or causing a juvenile who is at least two years the offender's junior to use a controlled substance or commit a felony drug abuse offense, when the offender knows the age of the juvenile or is reckless in that regard, or use a juvenile to perform certain activity related to the commission of a felony drug abuse offense or to prevent an arrest for the commission of that offense.

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<sup>10</sup> R.C. 2925.03(C)(8)(b) and 2929.13(C), not in the act.

<sup>11</sup> R.C. 2925.03(C)(1).

<sup>12</sup> R.C. 2925.02(A).

A person who violates any of the prohibitions described above in (1) to (4) is guilty of "corrupting another with drugs," and the penalty depends upon the involved controlled substance. Since the act makes Spice a controlled substance, all of the prohibitions apply to Spice. Under the act, if the controlled substance is Spice, "corrupting another with drugs" is a fourth degree felony and, when determining whether to impose a prison term on the offender, the court must consider the purposes of felony sentencing (to protect the public from future crime by the offender and others and to punish the offender), the seriousness of the conduct, and the likelihood of the offender's recidivism. If the offense involves Spice and was committed in the vicinity of a school, the violation is a third degree felony. In that situation, the court must consider the same factors as described above when determining whether to impose a prison term on the offender.<sup>13</sup>

Law largely unchanged by the act provides for higher penalties, generally, when a person commits the offense of "corrupting another with drugs" and the compound, mixture, preparation, or substance involved is included in Schedule I or II, but includes an exception for marihuana, cocaine, L.S.D., heroin, and hashish. The penalties that apply when marihuana, cocaine, L.S.D., heroin, or hashish is the drug involved in the violation differ from those that apply when any other Schedule I or II controlled substance is involved in the violation. The act includes Spice in this list of exceptions<sup>14</sup> and, as discussed above, "corrupting another with drugs" is a third or fourth degree felony, if the controlled substance involved is Spice.

The act additionally excepts Spice from the mandatory prison terms the court must impose if the offender is found to be guilty of "corrupting another with drugs" and the court additionally finds that the offender is a major drug offender. Continuing law already includes marihuana in this exception.<sup>15</sup>

### **Inclusion of synthetic derivatives of cathinone as Schedule I controlled hallucinogenic substances**

The act adds the following six synthetic derivatives of cathinone that have been found in bath salts to the list of Schedule I controlled hallucinogenic substances: methydone (3,4-methylenedioxy-methcathinone); MDPV (3,4-methylenedioxy-pyrovalerone); mephedrone (4-methylmethcathinone); 4-methoxymethcathinone; 4-fluoromethcathinone; and 3-fluoromethcathinone.

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<sup>13</sup> R.C. 2925.02(C)(3).

<sup>14</sup> R.C. 2925.02(C)(1).

<sup>15</sup> R.C. 2925.02(E).

Continuing law compiles controlled substances in five schedules. Drug offenses involving schedule I controlled substances are subject to the severest penalties.<sup>16</sup>

Whenever any activity involving a Schedule I controlled substance is prohibited that activity will be prohibited with respect to the above described synthetic derivatives of cathinone, and the penalty for violating the penalty will be the same as in continuing law for that activity involving other Schedule I controlled substances.

### **Controlled substance analog**

The act defines "controlled substance analog" for the purposes of the Controlled Substances Law as generally a substance to which both of the following apply:<sup>17</sup>

(1) The chemical structure of the substance is substantially similar to the structure of a controlled substance in Schedule I or II.

(2) One of the following applies regarding the substance:

(a) The substance has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II.

(b) With respect to a particular person, that person represents or intends the substance to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II.

"Controlled substance analog" does not include any of the following:<sup>18</sup>

(1) A controlled substance;

(2) Any substance for which there is an approved new drug application;

(3) With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with respect to that substance is pursuant to that exemption;

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<sup>16</sup> R.C. 3719.41 (Schedule I, (C)(40) to (45)).

<sup>17</sup> R.C. 3719.01(HH)(1).

<sup>18</sup> R.C. 3719.01(HH)(2).

(4) Any substance to the extent it is not intended for human consumption before the exemption described in (2) above takes effect with respect to that substance.

### **Controlled substance analog treated as Schedule I controlled substance**

The act requires that a controlled substance analog, to the extent it is intended for human consumption, be treated for purposes of any provision of Ohio law as a Schedule I controlled substance.<sup>19</sup>

### **Background for drug-related provisions**

#### **Ohio law**

The sale and distribution of controlled substances is regulated pursuant to R.C. Chapters 3719. and 4729., and a series of criminal offenses contained in those Chapters and R.C. Chapter 2925. prohibit the sale, distribution, possession, use, manufacture, etc., of controlled substances other than in accordance with the regulatory provisions of R.C. Chapters 3719. and 4729. or in accordance with specified exceptions to the prohibitions. The criminal penalties for many controlled substance offenses vary, depending on whether the drug involved in the offense is a Schedule I, II, III, IV, or V controlled substance, with violations involving a Schedule I or II controlled substance generally being classified as a higher degree of misdemeanor or felony than the same offenses involving Schedule III, IV, or V controlled substances.

Fifteen ongoing Revised Code sections that are not affected by the act use the term "Schedule I controlled substance" in substantive provisions. Most of those sections are contained in the Drug Offenses Law and use the term in criminal prohibitions, in determining the penalty for a prohibition, or in related provisions.<sup>20</sup> Others pertain to criminal sentencing, penalties under the Controlled Substances Law, licensing of terminal distributors, and penalties under the Pharmacy Law.<sup>21</sup>

#### **Federal policy and law**

The U.S. Drug Enforcement Agency (DEA), issued a final order on March 1, 2011, to temporarily place five synthetic cannabinoids into the Controlled Substances Act (CSA) pursuant to the temporary scheduling provisions. The substances are 1-pentyl-3-(1-naphthoyl)indole (JWH-018), 1-butyl-3-(1-naphthoyl)indole (JWH-073), 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200), 5-(1,1-dimethylheptyl)-2-[(1R,3S)-

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<sup>19</sup> R.C. 3719.013.

<sup>20</sup> R.C. 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.11, 2925.22, 2925.23, 2925.36, and 2925.51.

<sup>21</sup> R.C. 2929.14, 3719.99, 4729.54, and 4729.99.

3-hydroxycyclohexyl]-phenol (CP-47,497), and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol; CP-47,497 C8 homologue).

The Comprehensive Crime Control Act of 1984,<sup>22</sup> which was signed into law on October 12, 1984, gives the U.S. Attorney General the authority to temporarily place a substance into Schedule I of the CSA for one year if he finds that such action is necessary to avoid imminent hazard to the public safety. According to the final order, "[t]he temporary placement of these five synthetic cannabinoids into Schedule I of the CSA is necessary in order to avoid an imminent hazard to the public safety. First, these substances are not intended for human consumption, but there has been a rapid and significant increase in abuse of these substances in the United States. As a result of this abuse, synthetic cannabinoids are banned in at least 18 states in the United States and several countries, and all five branches of the U.S. military prohibit military personnel from possessing or using synthetic cannabinoids. Second, law enforcement has seized synthetic cannabinoids in conjunction with controlled substances and based on self-reports to law enforcement and health care professionals, synthetic cannabinoids are abused for their psychoactive properties. Third, numerous state and local public health departments and poison control centers have issued health warnings describing the adverse health effects associated with synthetic cannabinoids. Based on scientific data currently available, these five substances have the potential to be extremely harmful and, therefore, pose an imminent hazard to the public safety."<sup>23</sup>

## **Public Records Law – exclusion of residential and familial information of probation officers and bailiffs**

### **Introduction**

The state's Public Records Law, unchanged by the act, provides that, upon request and subject to an exception regarding certain incarcerated persons, all "public records" responsive to the request must be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Upon request and subject to that exception, a public office or person responsible for public records must make copies of the requested public record available at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or the person responsible for the public record must make available all of the information within the public record that is not exempt. When making that public record available for public inspection or copying that public record, the public office or the person

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<sup>22</sup> Pub. L. 98-473.

<sup>23</sup> Federal Register Volume 76, Number 40 (Tuesday, March 1, 2011).

responsible for the public record must notify the requester of any redaction or make the redaction plainly visible. A redaction is deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction. The Law sets forth other procedures regarding public records and the satisfaction of a request for them, provides for a mandamus action for persons aggrieved by a failure to comply with its provisions, and provides sanctions that apply if a judgment in a mandamus action is rendered against a public office or person responsible for the public record.<sup>24</sup>

### **"Public records" and exclusions**

As used in the Public Records Law, except as described below, "public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in Ohio kept by the nonprofit or for profit entity operating the alternative school. A provision of the Public Records Law, largely unchanged by the act, excluded many types of records from the definition of "public record," including "peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the Bureau of Criminal Identification and Investigation residential and familial information."

As used in the Public Records Law prior to the act, "peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the Bureau of Criminal Identification and Investigation residential and familial information" was defined as any information that discloses any of the following about a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the Bureau:

- (1) The address of the actual personal residence of a person in any of the specified categories of persons, except for the state or political subdivision in which the person resides;
- (2) Information compiled from referral to or participation in an employee assistance program;
- (3) The Social Security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone

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<sup>24</sup> R.C. 149.43.

number of, or any medical information pertaining to, a person in any of the specified categories of persons;

(4) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a person in any of the specified categories of persons by the person's employer;

(5) The identity and amount of any charitable or employment benefit deduction made by the employer of a person in any of the specified categories of persons from the person's compensation unless the amount of the deduction is required by state or federal law;

(6) The name, the residential address, the name of the employer, the address of the employer, the Social Security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a person in any of the specified categories of persons;

(7) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.

The act does all of the following:<sup>25</sup>

(1) Expands the definition of "peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the Bureau of Criminal Identification and Investigation residential and familial information" so that it also includes probation officers and bailiffs;

(2) Modifies the term itself so that it will refer to "peace officer, parole officer, *probation officer, bailiff*, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the Bureau of Criminal Identification and Investigation residential and familial information";

(3) Modifies the related exclusion from the definition of "public record" so that it now excludes from that definition "peace officer, parole officer, *probation officer, bailiff*, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the Bureau of Criminal Identification and Investigation residential and familial information."

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<sup>25</sup> R.C. 149.43(A)(1)(p) and (A)(7).

## **Journalist access to specified information regarding a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the Bureau of Criminal Identification and Investigation**

In a requirement of the Public Records Law that was largely unchanged by the act, upon written request made and signed by a journalist on or after December 16, 1999, a public office, or person responsible for public records, having custody of the records of the agency employing a specified peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the Bureau of Criminal Identification and Investigation is required to disclose to the journalist the address of the actual personal residence of the specified person and, if the specified person's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the specified person's spouse, former spouse, or child. The request must include the journalist's name and title and the name and address of the journalist's employer and state that disclosure of the information sought would be in the public interest. As used in this provision, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public. The definition is unchanged by the act.

The act expands this journalist access provision so that it also applies to the address of the actual personal residence of a probation officer or bailiff and, if the probation officer's or bailiff's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the probation officer's or bailiff's spouse, former spouse, or child.<sup>26</sup>

### **Limitation on Internet publication of public records**

Law largely unchanged by the act authorizes a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the Bureau of Criminal Identification and Investigation to request that a public office other than a county auditor or a person responsible for the public records of any such public office redact the address of the person making the request from any record made available to the general public on the Internet that includes "peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the Bureau of Criminal Identification and

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<sup>26</sup> R.C. 149.43(B)(9).

Investigation residential and familial information" of the person making the request. Upon receiving a written request for such a redaction, a public office other than a county auditor or a person responsible for the public records must act within five business days in accordance with the request to redact the address of the requesting person from any record made available to the general public on the Internet that includes "peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the Bureau of Criminal Identification and Investigation residential and familial information" of the requesting person. If a redaction is not practicable, the public office or person responsible for the records must verbally or in writing within five business days after receiving the written request explain to the requesting person why the redaction is impracticable. A public office or person responsible for a public office's public records is not liable in civil damages in a civil action for any harm that a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the Bureau of Criminal Identification and Investigation sustains as a result of the inclusion of the individual's address on any record made available to the general public on the Internet in violation of a redaction request unless the public office or person responsible for the public office's public records acted with malicious purpose, in bad faith, or in a wanton or reckless manner, or, the acts or omissions of an employee were manifestly outside the scope of the employee's employment or official responsibilities. Subject to limited specified exceptions, a public office other than an employer of a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the Bureau of Criminal Identification and Investigation or a person responsible for the public records of the employer is not required to redact the "residential and familial information of the peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the Bureau of Criminal Identification and Investigation" from other records maintained by the public office.

The act incorporates into the provisions governing the Internet publication of public records, by reference, the expanded definition of "peace officer, parole officer, *probation officer, bailiff*, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the Bureau of Criminal Identification and Investigation residential and familial information" the act adopts under the Public Records Law, and it modifies all of the provisions described in the preceding paragraph so that they now apply to "peace officer, parole officer, *probation officer, bailiff*, prosecuting attorney, assistant prosecuting attorney, correctional

employee, youth services employee, firefighter, EMT, or investigator of the Bureau of Criminal Identification and Investigation residential and familial information."<sup>27</sup>

Continuing law, unchanged by the act, also generally prohibits a public office or person responsible for a public office's public records from making available to the general public on the Internet any document that contains an individual's Social Security number without otherwise redacting, encrypting, or truncating the Social Security number and authorizes any individual to request that a public office or a person responsible for a public office's public records redact personal information of that individual from any record made available to the general public on the Internet.<sup>28</sup>

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## HISTORY

ACTION	DATE
Introduced	02-01-11
Reported, H. Criminal Justice	03-09-11
Passed House (95-1)	03-16-11
Reported, S. Judiciary – Criminal Justice	06-22-11
Passed Senate (33-0)	06-28-11
House concurred in Senate amendments (97-1)	06-28-11

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<sup>27</sup> R.C. 149.45(A), (D), and (E).

<sup>28</sup> R.C. 149.45(A) to (C).

