



# Ohio Legislative Service Commission

## Bill Analysis

Andrea Holmes

### **S.B. 61**

130th General Assembly  
(As Introduced)

**Sens.** Beagle, Lehner, Seitz, Smith

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## **BILL SUMMARY**

- Prohibits a law enforcement agency or a law enforcement officer or other employee of the agency who knows or should know that a motor vehicle accident report contains personal information with regard to a minor from making the report available to the general public on the Internet without redacting or encrypting the personal information pertaining to the minor.
- Specifies that a law enforcement agency or a law enforcement officer or other employee of the agency who fails to comply with the prohibition described in the preceding dotpoint is entitled to immunity from liability under certain specified circumstances.
- Specifies that the bill does not require a law enforcement agency, or a law enforcement officer or other employee of the agency, to redact or encrypt personal information from a motor vehicle accident report that was made available to the general public on the Internet before the effective date of the bill.

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## **CONTENT AND OPERATION**

### **Operation of the bill**

Under the bill, if a law enforcement agency or a law enforcement officer or other employee of the agency knows or should know that a motor vehicle accident report contains personal information with regard to a minor, the agency, officer, or employee is prohibited from making the report available to the general public on the Internet without redacting or encrypting the personal information pertaining to the minor.<sup>1</sup> A

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<sup>1</sup> R.C. 149.451(B).

law enforcement agency or a law enforcement officer or other employee of the agency who fails to comply with the prohibition described in the previous sentence is entitled to immunity from liability on the same grounds as those defined in R.C. 149.45(E)(2) (see "**Immunity from liability**," below).<sup>2</sup> The provisions of this bill do not require a law enforcement agency, or a law enforcement officer or other employee of the agency, to redact or encrypt personal information from a motor vehicle accident report that was made available to the general public on the Internet before the effective date of the bill.<sup>3</sup>

### **Immunity from liability**

R.C. 149.45(E)(2) specifies that a public office or a person responsible for a public office's public records is not liable in damages in a civil action for any harm an individual allegedly sustains as a result of the inclusion of that individual's personal information on any record made available to the general public on the Internet or any harm a 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 sustains as a result of the inclusion of the address of the 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 on any record made available to the general public on the Internet in violation of this section unless any of the following apply:<sup>4</sup>

(1) 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.

(2) The public office or person responsible for the public office's public records committed acts or omissions that were manifestly outside the scope of the public office's or person's employment or official responsibilities.

(3) Civil liability is expressly imposed upon the public office or person responsible for the public office's public records by a section of the Revised Code.

The bill specifies that the immunity described in the preceding paragraph applies to a law enforcement agency or a law enforcement officer or other employee of the

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<sup>2</sup> R.C. 149.451(C).

<sup>3</sup> R.C. 149.451(D).

<sup>4</sup> R.C. 149.45(E)(2) (not in the bill), including references to R.C. 2744.03(A)(6)(a) and (c) (not in the bill).

agency who fails to comply with the prohibition described above under "**Operation of the bill.**"<sup>5</sup>

## Definitions

As used in the bill:

**"Law enforcement agency"** means an organization or unit made up of law enforcement officers, which is defined as any of the following:<sup>6</sup>

(1) A sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, member of a police force employed by a Metropolitan Housing Authority, or state highway patrol trooper;

(2) An officer, agent, or employee of the state or any of its agencies, instrumentalities, or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of that statutory duty and authority;

(3) A mayor, in the mayor's capacity as chief conservator of the peace within the mayor's municipal corporation;

(4) A member of an auxiliary police force organized by county, township, or municipal law enforcement authorities, within the scope of the member's appointment or commission;

(5) A person lawfully called to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;

(6) A person appointed by a mayor as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed;

(7) A member of the organized militia of this state or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;

(8) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor;

(9) A veterans' home police officer;

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<sup>5</sup> R.C. 149.451(C).

<sup>6</sup> R.C. 149.451(A)(1), by reference to R.C. 2901.01(A)(11) (not in the bill).



(10) A member of a police force employed by a Regional Transit Authority;

(11) A special police officer employed by a Port Authority;

(12) The House of Representatives Sergeant at Arms if the House of Representatives Sergeant at Arms has arrest authority and an Assistant House of Representatives Sergeant at Arms;

(13) The Senate Sergeant at Arms and an Assistant Senate Sergeant at Arms;

(14) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations and that is required to be under a security program and is governed by aviation security rules of the Transportation Security Administration of the United States Department of Transportation.

**"Minor"** means a person who is less than 18 years of age.<sup>7</sup>

**"Personal information"** means any of the following information with regard to a minor: the residential address excluding the designation of the city, village, or township of residence, electronic mail address, telephone number, and place of employment.<sup>8</sup>

**"Address"** means the number of the house, apartment, or other dwelling, the street name, and the postal zip code.<sup>9</sup>

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## HISTORY

ACTION	DATE
Introduced	03-05-13

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<sup>7</sup> R.C. 149.451(A)(2).

<sup>8</sup> R.C. 149.451(A)(3).

<sup>9</sup> R.C. 149.451(A)(4).

