



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

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**Bill:** H.B. 77 of the 128th G.A.

**Date:** March 31, 2009

**Status:** As Introduced

**Sponsor:** Rep. Snitchler

**Local Impact Statement Procedure Required:** No — Minimal cost

**Contents:** Allows federal law enforcement employees to request the redaction of certain personal information under current procedures in the Public Records Law

### State Fiscal Highlights

- No direct fiscal effect on the state.

### Local Fiscal Highlights

#### LOCAL GOVERNMENT

FY 2009 — FUTURE YEARS

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#### Counties, Municipalities, and Townships

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Revenues

- 0 -

Expenditures

Potential negligible increase in administrative costs

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Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- The bill adds federal law enforcement officers to the list of law enforcement and public safety personnel who may request that residential and familial information may be redacted from public records. The bill would affect county auditors, county recorders, and various municipal agencies, such as city auditors.
- As current law already provides for such a procedure for other law enforcement and other public safety personnel, the cost to handle requests from federal law enforcement officers would most probably be negligible. Federal law enforcement employees covered by the bill would be those working Federal Bureau of Investigation, the Drug Enforcement Agency, the U.S. Marshall's Office, and so forth.

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## Detailed Fiscal Analysis

### Bill Content

The bill modifies several definitions in the Public Records' Law by adding federal law enforcement officers to the list of specific public safety and law enforcement employees who may request that their residential and familial information be excluded from disclosure in public records requests. In addition, the bill expands the journalist disclosure procedure in existing law to also allow journalists to use the procedure to obtain the address of the actual personal residence of a federal law enforcement officer and certain other related information. The bill also includes civil immunities that are currently provided to public offices under the Public Records' Law.

The federal law enforcement employees covered under the bill would be in such agencies as the Federal Bureau of Investigation, the Drug Enforcement Administration; the U.S. Marshals Service; the Federal Bureau of Prisons; the Bureau of Alcohol, Tobacco, and Firearms; the Immigration and Naturalization Service; and the U.S. Secret Service. Overall, since under current law a procedure already exists whereby other law enforcement and public safety personnel may request that residential and familial information be withheld from various public records, adding federal law enforcement officers to this list would impose negligible, if any, additional costs for local governments.

### County Auditor Tax List Requests

Each year, county auditors are required to compile a general tax list of real and public utility property in their county by listing all parcels in the county containing the names of the persons, companies, firms, and so forth the real property has been listed under. The bill permits a person in a federal public safety, justice and corrections vocation such as those noted above to request that a county auditor replace that person's name from the general tax list of real and public utility property and its duplicate with the person's first and last initials as the name of the person appears on the deed. The county auditor is to act within five business days if the request is practicable. If the request is not practicable, the county auditor must notify the requestor within five business days and explain why the request is not feasible. The bill also prohibits county auditors from charging a real property conveyance fee to a person making such a request. In prior research concerning the redaction of personal information of law enforcement officers, the Ohio County Auditors Association informed LSC that replacing a person's name with his or her initials would not be burdensome, as it would involve nothing more than entering any necessary changes in a computer.

## **Other Affected Offices**

The bill would also cover certain information concerning federal law enforcement officers retained by other public offices. For county recorders, there might be some negligible costs to cover requests made by federal law enforcement officers. On the municipal level, the cost for city auditors and other offices that retain personal information subject to redaction under the bill would also be minimal. Variables affecting the overall cost include (1) the number of federal law enforcement officers making such requests, (2) the public offices to which the requests are made, and (3) the number and type of records maintained by the public office that would have to be redacted.