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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 314
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Isaacsohn and Ray

Christopher Glass, Attorney

SUMMARY

- Permits public records keepers to initiate court proceedings to limit or deny harassing or disruptive public records requests.
- Permits private contractors to respond to requests for voluminous public records.

DETAILED ANALYSIS

Limit harassing or disruptive requests

The bill empowers public offices and persons responsible for public records to seek a court order to limit or deny a public records request where (1) a requester submits multiple requests to the same office or person, and (2) based on the volume or repeated nature of the requests, the officer or person has reason to believe the requests are intended to harass the office or person or disrupt the essential functions of the office or person. While the action is pending a final order of the court, the requirement that the office or person respond to the request is tolled.¹

If the court determines by a preponderance of the evidence that the requests are intended to harass or disrupt, the court may limit or deny the requests. The court also may issue an order denying any such future request submitted to the office or person by the requester if the court determines by a preponderance of the evidence that the requester is likely to submit future harassing or disruptive requests. Orders issued remain in force indefinitely unless otherwise stated in the order.²

¹ R.C. 149.43(B)(2)(c)(i) and (ii).

² R.C. 149.43(B)(2)(c)(iii).

Currently, the Ohio Public Records Law³ generally requires every public office, when requested, to promptly prepare public records and make them available for inspection and provide copies at cost. For more information, see LSC's Members Brief on [Ohio's Public Records Law \(PDF\)](#).⁴

Exceptions

Under the bill, a public office or person responsible for public records may not initiate the judicial process outlined above against a requester who is any of the following:

1. A journalist;
2. A *pro se* litigant seeking records pertaining to litigation in which the *pro se* litigant is a named party;
3. A state agency, including public colleges and universities, as well as the staff and agents of a public defender or government attorney.⁵

A public office or person responsible for public records may require a requester who the office or person knows or has reason to believe is a public defender to provide, within five business days, documentary evidence sufficient to prove that the requested records relate to a matter that is within the scope of the requester's employment with a public defender's office or selection or appointment as alternative counsel. If the requester fails to provide sufficient evidence, the office or person may proceed with a judicial action as detailed above.⁶

Private contractors

The bill permits a public office or person responsible for public records to engage a private contractor to respond to voluminous public records requests on behalf of the office or person. The office or person may include the cost of the contractor's services in calculating the cost of providing the copy of the public record.⁷

HISTORY

Action	Date
Introduced	06-03-25

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³ R.C. 149.43.

⁴ Available at lsc.ohio.gov/publications/members-briefs.

⁵ R.C. 149.43(B)(2)(c)(iv) and (v).

⁶ R.C. 149.43(A)(1)(yy) and (18) and (B)(2)(c)(vi) and (11); R.C. 120.33, not in the bill.

⁷ R.C. 149.43(B)(6)(a).