



Ohio Legislative Service Commission

Sub. Bill Comparative Synopsis

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Sub. H.B. 172

131st General Assembly
(H. Commerce & Labor)

The most recent substitute version of H.B. 172 of the 131st General Assembly, LSC 131 0852-6, replaces the regulation of business entities providing criminal record information proposed in the As Introduced version of H.B. 172 by creating the offense of misuse of criminal record information. Summaries of each bill are provided below.

LSC 131 0852-6 (substitute version)

- Prohibits a person engaged in publishing or otherwise disseminating criminal record information through a print or electronic medium from negligently soliciting or accepting from a subject individual the payment of a fee or other consideration to remove, correct, modify, or refrain from publishing or otherwise disseminating criminal record information (R.C. 2927.21(B)).
- Makes a violation of the prohibition a first degree misdemeanor (R.C. 2927.21(C)).
- Makes each payment solicited or accepted in violation of the prohibition a separate violation (R.C. 2927.21(D)).
- Specifies that, in a lawsuit for damages for a criminal act under continuing law, a subject individual who suffers a loss or harm as a result of a violation may be awarded \$10,000 or actual and punitive damages, whichever is greater, and reasonable attorney's fees, court costs, and any other remedies provided by law (R.C. 2927.21(E)).
- Specifies that humiliation or embarrassment is adequate to show that the plaintiff has incurred damages in a lawsuit, and does not require physical manifestation of either humiliation or embarrassment to be necessary for damages to be shown (R.C. 2927.21(E)).
- Defines "criminal record information" as a booking photograph or the name, address, charges filed, or description of a subject individual who is asserted or implied to have engaged in illegal conduct (R.C. 2927.21(A)(2)).

- Defines "subject individual" as any individual who was arrested and had the subject individual's photograph taken by a law enforcement agency during the processing of the arrest (R.C. 2927.21(A)(4)).

As Introduced (previous version)

- Enacts the Fair and Accurate Publishing of Criminal Records Law (R.C. 1349.71(B)).
- Requires certain business entities that publish criminal record information about individuals to ensure that the information is complete, accurate, and current (R.C. 1349.72(A)).
- Specifies that criminal record information is complete if the information reflects the notations of arrest and the filing and disposition of criminal charges, as applicable (R.C. 1349.72(A)).
- Establishes a procedure by which an individual may dispute the completeness and accuracy of published criminal record information and requires a business entity to correct information that is incomplete, inaccurate, or outdated (R.C. 1349.72).
- Prohibits a business entity from publishing any criminal records information that the entity has knowledge or has received notice that a court has issued an order sealing or expunging the record (R.C. 1349.73(A)).
- Prohibits a business entity from charging a fee for the investigation or removal or correction of criminal record information and prohibits a business entity from continuing to publish incomplete, inaccurate, or outdated information (R.C. 1349.72(C) and (D)).
- Creates a civil cause of action through which an individual may seek damages of up to \$500 per violation or each day of a continuing violation, and injunctive relief, costs, and attorney's fees (R.C. 1349.73(B)).
- Creates a civil cause of action through which the Attorney General or a prosecuting attorney may seek civil penalties of up to \$500 per violation or each day of a continuing violation and injunctive relief against a business entity that fails to meet its obligations under the bill or violates the bill's prohibition (R.C. 1349.74).
- Provides that the foregoing actions and remedies are not exclusive (R.C. 1349.73(C) and 1349.74(G)).
- Requires every business entity to have an agent in Ohio upon whom any process or notice permitted under the bill may be served and requires the Secretary of State to

adopt rules for the implementation of the requirement for business entities that are not required to have an agent under another provision of law (R.C. 1349.75).

- Defines "business entity" as a person that publishes criminal record information and requires either (1) the payment of a fee in an amount of \$150 or more or other consideration of comparable value to remove criminal record information or (2) a fee or other consideration to correct or modify criminal record information (R.C. 1349.71(A)(1)).
- Defines "criminal record information" as information about a person's involvement in the criminal justice system, including descriptions or notes of arrests or criminal charges, photographs of the person taken pursuant to an arrest or other involvement in the criminal justice system, and personal identifying information, such as a name, address, or Social Security number that is displayed in conjunction with any other record of the person's involvement in the criminal justice system (R.C. 1349.71(A)(2) and (3)).

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