



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

Dennis M. Papp

### **Sub. H.B. 451**

132nd General Assembly  
(As Passed by the House)

**Reps.** Retherford, Thompson, Seitz, Johnson, Carfagna, DeVitis, Hill, Ryan, Becker, Householder, Butler, Edwards, Sprague, Wiggam, Young, Arndt, Brinkman, Patton, Schaffer, Romanchuk, Dean, Greenspan, Hambley, Riedel, Koehler, Lanese, Blessing, Dever, Anielski, R. Smith, Reineke, LaTourette, Hood, Manning, Gavarone, Merrin, Rezabek, Perales, Zeltwanger, Stein, Cupp, Hagan, Scherer, Roegner, Green, Brenner, Keller, Ginter, Lipps, Huffman, Sweeney, Kick, Henne, Gonzales, Celebrezze, Schuring, Slaby

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## **BILL SUMMARY**

- Exempts from the Public Records Law a depiction: (1) of a crime victim the release of which a reasonable person would see as an offensive and objectionable intrusion into the victim's expectation of bodily privacy and integrity, or (2) that captures or depicts a sexually oriented offense victim at the actual occurrence of the offense.
- Allows a victim, victim's attorney, or victim's representative to request and receive a copy of a depiction of the victim of a type described in the preceding dotpoint from a public office despite the exemption.
- Names the bill the "Victims Privacy and Protection Act."

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## **CONTENT AND OPERATION**

### **Depiction of certain crime victims not a public record**

The bill exempts certain depictions of victims of crime under specified circumstances from the definition of "public records" in the Public Records Law. Under the bill, any depiction by photograph, film, videotape, digital image, or visual or printed material is not a public record if: (1) it is that of a victim of an offense the release of which would be, to a reasonable person of ordinary sensibilities, an offensive and objectionable intrusion into the victim's expectation of bodily privacy and integrity, or (2) it depicts or captures the victim of a sexually oriented offense, as defined in the Sex

Offender Registration and Notification (SORN) Law located in R.C. Chapter 2950., at the actual occurrence of the offense.<sup>1</sup>

Under the existing Public Records Law, unchanged by the bill, any person may request to inspect or obtain copies of public records from a public office. When it receives a public records request, except for information within the requested record that is exempt from release, a public office must provide inspection of the requested record promptly and at no cost, or provide copies of it at cost within a reasonable period of time. Therefore, under the bill, if a person makes a public records request for a record that is a depiction of a victim of an offense the release of which would be, to a reasonable person of ordinary sensibilities, an offensive and objectionable intrusion into the victim's expectation of bodily privacy and integrity or that is a depiction that captures or depicts the victim of a sexually oriented offense at the actual occurrence of the offense, the record is not a public record that is subject to inspection or copying under the Public Records Law.<sup>2</sup>

Currently, a "public record" is a record kept by any public office, including state, county, city, village, township, and school district units, or a record 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, but it does not include any of the more than 30 specified types of records (all of which the bill retains as excluded types of records). As used in the Public Records Law, unchanged by the bill, "record" includes any document, device, or item, regardless of physical form or characteristic and including an electronic record, created or received by or coming under the jurisdiction of any public office of the state or a political subdivision, that serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.<sup>3</sup>

### **Depiction may be released to certain persons**

The bill allows a victim, victim's attorney, or victim's representative, as that term is defined in the Rights of Victims of Crimes Law located in R.C. Chapter 2930., to request a copy of a victim-related depiction that would otherwise be exempt from the Public Records Law under the bill. The public office or person responsible for public

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<sup>1</sup> R.C. 149.43(A)(1)(gg); R.C. 2950.01, not in the bill.

<sup>2</sup> R.C. 149.43(A)(1)(gg) and (B).

<sup>3</sup> R.C. 149.43(A); R.C. 149.011(G), not in the bill.



records is required to transmit a copy of the depiction to the victim, victim's attorney, or victim's representative upon receiving the request. <sup>4</sup>

**Name of act**

The bill states that it is to be known as the "Victims Privacy and Protection Act."<sup>5</sup>

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**HISTORY**

ACTION	DATE
Introduced	12-13-17
Reported, H. Gov't Accountability & Oversight	02-28-18
Passed by the House (71-23)	03-21-18

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<sup>4</sup> R.C. 149.43(B)(10); R.C. 2930.02, not in the bill.

<sup>5</sup> Section 3.

