



OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

Nicholas A. Keller

Sub. H.B. 341

132nd General Assembly
(As Passed by the General Assembly)

Reps. Huffman and Cera, Becker, Butler, Gavarone, Goodman, Lipps, Riedel, Reineke, Retherford, Rezabek, Sprague, Thompson, Antonio, Boccieri, Boggs, Celebrezze, Craig, Fedor, Reece, Rogers, K. Smith, Strahorn, Sweeney, West, Anielski, Arndt, Ashford, Barnes, Boyd, Brown, Carfagna, Faber, Galonski, Ginter, Greenspan, Hill, Holmes, Howse, Hughes, T. Johnson, Landis, LaTourette, Leland, Lepore-Hagan, Manning, Miller, O'Brien, Patterson, Patton, Pelanda, Perales, Romanchuk, Ryan, Schuring, Sheehy, Stein, Sykes, Young

Sens. Bacon, Coley, Dolan, Eklund, Hackett, Hoagland, Lehner, Obhof, O'Brien, Peterson, Terhar, Thomas, Uecker, Williams, Wilson, Yuko

Effective date: April 5, 2019

ACT SUMMARY

- Exempts residential and familial information of judges and magistrates from disclosure under the Public Records Law.
- Permits a magistrate to have the magistrate's address redacted from any record of a public office that is publicly available on the Internet, except for the records of a county auditor.
- Permits a judge or magistrate to have the county auditor replace the judge's or magistrate's name with the judge's or magistrate's initials in records publicly available on the Internet or in a database.
- Permits spouses of designated public service workers whose residential and familial information is exempt from disclosure under the Public Records Law to also have their names removed from the property tax list.
- Consolidates the list of exempted professions into the term "designated public service worker."

- Changes the name of the "Domestic Relations-Juvenile-Probate Division" of the Logan County Court of Common Pleas to the "Family Court Division," and makes the administrative judge of the Family Court Division the clerk of that Division.

CONTENT AND OPERATION

Public records

Judge's or magistrate's residential, familial information

The act exempts a judge's or magistrate's residential and familial information from the definition of "public record"¹ in the Public Records Law, and thereby exempts that information from public disclosure. Judges and magistrates join an expansive list of protected officials, described as "designated public service workers" in the act,² whose residential and familial information is protected under continuing law. The "residential and familial information" of judges and magistrates exempted by the act comprises:³

- The address of the actual personal residence of a magistrate, except the state or political subdivision in which the magistrate resides (see paragraph immediately following this list regarding judges);
- Information compiled from a judge's or magistrate's referral to or participation in an employee assistance program;
- Social Security number, residential telephone number, any bank account, debit card, charge card, or credit card number, or emergency telephone number;
- Any medical information of a judge or magistrate;
- The name of any beneficiary of employment benefits, including life insurance, provided to a judge or magistrate;
- The identity and amount of any charitable or employment benefit deduction made by a judge's or magistrate's employer from compensation, unless state or federal law requires the deduction;

¹ R.C. 149.43(A)(1)(p).

² R.C. 149.43(A)(7).

³ R.C. 149.43(A)(8).



- The name, residential address, employer, employer's address, Social Security number, residential and emergency telephone numbers, and bank account, debit card, charge card, or credit card number of the spouse, former spouse, or child of a judge or magistrate.

Under continuing law, because a judge is required to include the judge's residential address on a declaration of candidacy, a judge's address is subject to disclosure.⁴

Additionally, continuing law allows a journalist to submit a written request to a public office that employs a person whose residential and familial information is exempted from the Public Records Law for the person's actual personal address. The journalist may also request the name and address of the employer of the person's spouse, former spouse, or child if they are also employed by a public office. The act applies this process to a magistrate's information.⁵

Magistrate request address redaction from online records

The act includes judges and magistrates in a preexisting process under which they may request that their addresses be redacted from records that are available to the public on the Internet. The preexisting law allows a designated public service worker to request a public office, except for a county auditor, to redact the worker's address from any record that is publicly available on the Internet. The request must be made in writing by the designated public service worker whose information appears in the record. The public office must redact the worker's address from the public record, or if the redaction is impractical, explain the impracticality within five business days of receiving the request.⁶

Judge, magistrate name replaced with initials in county auditor records

The act also includes judges and magistrates in a preexisting process to request that their names be redacted from public records by the county auditor and replaced with their initials. Under the preexisting law, any person whose residential and familial information is exempt from the Public Records Law may submit an affidavit to the county auditor requesting that their names be replaced with their initials in records available to the public online or in a database.

⁴ R.C. 149.43(A)(8)(a)(i); R.C. 3513.07, not in the act.

⁵ R.C. 149.43(B)(9)(a).

⁶ R.C. 149.45(D).



This provision is further extended under the act to spouses of those individuals whose residential and familial information is exempt from public records disclosure.⁷

After receiving an affidavit, the county auditor must replace the requester's name with the initials as they appear on the deed for the property. If the removal is impractical, the county auditor must, within five business days of receiving the request, explain the impracticality to the requester.⁸

Consolidation of exempted professions

The act consolidates the list of professions whose residential and familial information is exempt from public record disclosure into the term "designated public service worker." It defines "designated public service worker" as a "peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, judge, magistrate, or federal law enforcement officer."⁹ The term "designated public service worker" replaces this list throughout the Public Records Law.

Family Court Division, Logan County Court of Common Pleas

The act changes the name of the "Domestic Relations-Juvenile-Probate Division" of the Logan County Court of Common Pleas to the "Family Court Division." It makes the administrative judge of the Family Court Division the clerk of that Division. Relatedly, the act relieves the clerk of the Logan County Court of Common Pleas of the duty to keep the journals, records, books, papers, and files pertaining to domestic relations cases in that court.¹⁰

⁷ R.C. 319.28(A).

⁸ R.C. 319.28(B).

⁹ R.C. 149.43(A)(7). In late 2018, the General Assembly passed two other acts, [S.B. 214](#) and [S.B. 229](#), which added the following individuals to the public records exemptions allowed for "designated public service workers": county and multicounty corrections officers, State Board of Pharmacy employees, and medical directors and members of cooperating physician advisory boards of emergency medical service organizations.

¹⁰ R.C. 2101.024 and 2301.03.



HISTORY

ACTION	DATE
Introduced	09-11-17
Reported, H. Gov't Accountability & Oversight	12-07-17
Passed House (95-2)	01-31-18
Reported, S. Judiciary	11-28-18
Passed Senate (32-0)	12-19-18
House concurred in Senate amendments (88-1)	12-27-18

