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# OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 44  
135<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Humphrey and Stewart

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### SUMMARY

- Requires the Chief of the Adult Parole Authority to adopt rules requiring that electronic recordings be made of Parole Board hearings.
- Provides that electronic records of Parole Board hearings are public records.

### DETAILED ANALYSIS

#### Electronic recordings of Parole Board hearings

##### Rules governing electronic recordings

Under current law, the Chief of the Adult Parole Authority (APA), subject to the approval of the Chief of the Division of Parole and Community Services, must adopt rules governing the proceedings of the Parole Board.<sup>1</sup>

The bill adds that the Chief of the APA must adopt rules requiring that electronic recordings be made of full Parole Board hearings and other hearings of the Parole Board.<sup>2</sup> The electronic recordings of Parole Board hearings must not include the following personal identifying information of any victim or member of the victim's immediate family: (1) name, (2) date of birth, (3) home or work address, (4) social security number, (5) age, (6) telephone number, (7) electronic mail address, or (8) any other information that is likely to identify the victim or member of the victim's immediate family. The bill defines "member of the victim's immediate family" as a spouse, child, stepchild, parent, stepparent, grandparent, brother, or sister of a victim.<sup>3</sup>

<sup>1</sup> R.C. 5149.10(A)(1).

<sup>2</sup> R.C. 5149.10(A)(1)(f).

<sup>3</sup> R.C. 5149.10(F)(1) and (2).

The bill requires that, upon the request of any party, person, or entity, including the inmate who is the subject of the hearing, the Department of Rehabilitation and Correction must provide the electronic recording of Parole Board hearing to the party, person, or entity making the request. If a party, person, or entity, including the inmate who is the subject of the hearing, wishes to have the electronic recording of Parole Board hearing transcribed, the party, person, or entity must do so at the party's, person's, or entity's own expense.<sup>4</sup>

Under current law, the Chief of the APA must adopt rules governing all of the following: (1) the convening of full Parole Board hearings, (2) the procedure to be followed in full Parole Board hearings, (3) general procedures to be followed in other hearings of the Parole Board and by the Parole Board's hearing officers, (4) a requirement that a majority of all the Parole Board members must agree to any recommendation of clemency transmitted to the Governor, and (5) for parole hearings, procedures for considering the report of the warden of the institution in which the eligible prisoner is incarcerated.<sup>5</sup>

### Public records

Under continuing law, a "public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school.<sup>6</sup>

The bill provides that electronic recordings of Parole Board hearings are public records. Under continuing law, other records pertaining to probation and parole proceedings, to proceedings related to the imposition of community control sanctions and post-release control sanctions, or to proceedings related to determinations for nonlife felony indefinite prison terms are not public records.<sup>7</sup>

## HISTORY

Action	Date
Introduced	02-15-23

ANHB0044IN-135/ks

<sup>4</sup> R.C. 5149.10(A)(1)(f).

<sup>5</sup> R.C. 5149.10(A)(1)(a) to (e).

<sup>6</sup> R.C. 149.43(A)(1).

<sup>7</sup> R.C. 149.43(A)(1)(b).