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Synopsis of Senate Committee Amendments

(This synopsis does not address amendments that may have been adopted on the Senate Floor.)

H.B. 31 of the 136th General Assembly

Senate Judiciary

Nicholas A. Keller, Attorney

The Senate Judiciary Committee made the following changes to the bill:

Institutional health care records

Allows the prosecuting attorney to obtain health care records from the Department of Rehabilitation and Correction (DRC) for purposes of presenting information relevant to a motion by the sentencing court to consider judicial release for a nonlife offender who is in imminent danger of death, is medically incapacitated, or who has a terminal illness.

Allows for the disclosure of any information in an inmate's institutional summary report regardless of whether the record is considered a "public record."

Requires, for hearings before the full Parole Board, that the Parole Board include in any notice to the prosecuting attorney with the subject inmate's institutional summary report any medical records or other health care records related to a medical condition or diagnoses that the offender asserts in seeking parole.¹

Specified parole hearings and protected information

Excludes from the definition of a public record subject to disclosure, and protects from subpoena, discovery, or admission into evidence in another matter, any written and oral statements provided by a victim or victim's representative to DRC in connection with the pendency of any pardon, commutation, or parole, and any personally identifying information or information likely to identify a victim or a member of the victim's family contained in an electronic recording of a full parole board hearing.

Replaces references to "other parole board hearings" with references to "specified parole board hearings" or to existing law revocation hearings and post-release control violation hearings, narrowing the scope of the bill's electronic recording requirement to those specified hearings.

¹ R.C. 2929.20, 5120.21, and 5149.101.

Protects certain health information of incarcerated persons from disclosure in a recording, summary, or other communication concerning a parole board hearing.

Creates a civil cause of action for a victim or incarcerated person who is injured as a result of a prohibited disclosure of protected information under the bill.²

Disclosure of single validated risk assessment tool report

Allows an authorized user of Ohio's single validated risk assessment tool to disclose any report generated by the tool to attorneys of prisoners and prosecutors for purposes related to parole proceedings.³

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² R.C. 149.43, 5149.10, and 5149.102.

³ R.C. 5120.115.