



OHIO LEGISLATIVE SERVICE COMMISSION

Maggie Wolniewicz

Fiscal Note & Local Impact Statement

Bill: S.B. 33 of the 132nd G.A.

Status: As Passed by the Senate

Sponsor: Sen. Eklund

Local Impact Statement Procedure Required: No

Subject: Traffic or criminal case defendant access to information in LEADS

The bill allows disclosure of information from the Law Enforcement Automated Data System (LEADS) to a defendant in a traffic or criminal case when formally requested pursuant to the rules of discovery in such a case. Based on discussions with the Department of Public Safety (DPS), which administers LEADS, prosecutors currently have the ability to access the system and disclose information to a defendant and their counsel in these cases. This suggests that the bill is essentially codifying current practice.

The bill also permits a court that is hearing such a case, upon a motion made by a prosecutor, to order the redaction of certain personally identifying information involving a witness, law enforcement officer, or prosecutor from the information to be disclosed. The magnitude of the work to perform the required redaction is uncertain, but could be significant enough as to necessitate the hiring of additional staff depending on the number of cases in which a prosecutor makes a motion for, and a court subsequently orders, the redaction of information. According to DPS, it is not possible to redact information from LEADS electronically, so any court-ordered redaction would likely need to be done by hand. It is unclear as to who would be responsible for actually redacting the information: the state, in this instance DPS, or the local criminal justice system, e.g., a prosecutor, the court, the clerk of court, or law enforcement.

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