



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Margaret E. Marcy

Sub. H.B. 115

132nd General Assembly

(As Reported by S. Government Oversight and Reform)

Reps. Gavarone and Wiggam, Ryan, Greenspan, Kick, Goodman, Hambley, Thompson, Arndt, Lipps, Patton, Stein, Riedel, Ginter, Conditt, Boyd, Barnes, Kent, LaTourette, Sheehy, Anielski, Antonio, Boggs, Brenner, Butler, Carfagna, Craig, Cupp, Dever, Duffey, Edwards, Galonski, Green, Hagan, Hill, Holmes, Householder, Howse, Huffman, Hughes, Ingram, Johnson, Keller, Koehler, Landis, Lanese, Leland, Lepore-Hagan, Manning, McColley, Merrin, O'Brien, Patterson, Perales, Reineke, Retherford, Rezabek, Rogers, Romanchuk, Schaffer, Scherer, Schuring, Seitz, Slaby, K. Smith, R. Smith, Sprague, Sweeney, West, Young

Sens. Bacon, Coley

BILL SUMMARY

- Requires the Department of Public Safety (DPS) to create a database of persons who voluntarily register as being diagnosed with a communication disability or a disability that can impair communication.
- Authorizes a person diagnosed with a communication disability or a disability that can impair communication, or the person's parent or guardian, to register the person to be included in the database.
- Requires DPS make the database available to state and local law enforcement officers through the Law Enforcement Automated Data System (LEADS).
- Specifies that information in the database is not a public record.
- Establishes a process by which a person can be removed from the database.
- Requires the Opportunities for Ohioans with Disabilities Agency (OODA) to develop a verification form for purposes of registration.
- Specifies what information must be included on the verification form, including driver's license or identification card numbers, license plate numbers of vehicles owned or operated by the person with a communication disability or disability that can impair communication, and certification by a health care professional.

- Requires OODA and DPS to make the verification form available on each of their respective websites.

CONTENT AND OPERATION

Communication disability database

The bill requires the Department of Public Safety (DPS) to create a database of persons who voluntarily register as being diagnosed with a communication disability or disability that can impair communication. DPS must make the database available to state and local law enforcement officers through the Law Enforcement Automated Data System (LEADS).¹

Either the person who has been diagnosed with the communication disability or disability that can impair communication (diagnosed person), if the person is 18 years old or older, or the diagnosed person's parent or guardian, if the diagnosed person is a minor or is a ward under a guardianship, may register with DPS to include the person in the database.²

Under the bill, a communication disability is a human condition involving an impairment in the human's ability to receive, send, process, or comprehend concepts or verbal, nonverbal, or graphic symbol systems. The communication disability can either result in a primary disability or may be secondary to other disabilities.³ Likewise, under the bill, a "disability that can impair communication" is a human condition with symptoms that can impair the human's ability to receive, send, process, or comprehend concepts or verbal, nonverbal, or graphic symbol systems. A disability that can impair communication is meant to encompass conditions such as post-traumatic stress disorder.⁴

Verification form

As part of registering for the database, the diagnosed person or the person's parent or guardian must complete a verification form and submit it to DPS.⁵ Under the

¹ R.C. 5502.08(B) and (E)(1).

² R.C. 5502.08(C) and (D).

³ R.C. 3304.23(A)(1).

⁴ R.C. 3304.23(A)(2).

⁵ R.C. 5502.08(C) and (D).



bill, the verification form must be developed by the Opportunities for Ohioans with Disabilities Agency (OODA).⁶ The form must include all of the following information:

- (1) The name of the diagnosed person;
- (2) The name of the person completing the form on behalf of the diagnosed person (if a parent or guardian is filling out the form);
- (3) The relationship between the person completing the form and the diagnosed person (if a parent or guardian is filling out the form);
- (4) The driver's license or state identification card number issued to the diagnosed person (if the person has one);
- (5) The license plate number of each vehicle owned, operated, regularly occupied, or registered in the name of the diagnosed person;
- (6) A physician, psychiatrist, or psychologist's signed certification that the diagnosed person has been diagnosed with a communication disability;
- (7) The name, business address, business telephone number, and medical license number of the certifying physician, psychiatrist, or psychologist;
- (8) The signature of the diagnosed person or person completing the form on behalf of the diagnosed person; and
- (9) A place where the diagnosed person or person completing the form on behalf of the diagnosed person may indicate the desire to be removed from the database.⁷

As indicated above, a diagnosed person may complete the verification form, if that person is 18 years old or older and is not under a guardianship. A diagnosed person's parent or parents may complete the form, if the diagnosed person is a minor (for example, a 16 year old who has just obtained his or her own driver's license). A guardian may complete the form, regardless of the age of the diagnosed person, if the diagnosed person is under a guardianship.⁸ A guardian may be any person, association, or corporation assigned by the probate court to care for and manage the diagnosed person, the diagnosed person's property, or both.⁹

⁶ R.C. 3304.23(B).

⁷ R.C. 3304.23(C).

⁸ R.C. 3304.23(D).

⁹ R.C. 3304.23(A)(3); R.C. 2111.01(A), not in the bill.



The bill requires DPS and OODA to make the verification form available on each of their respective websites.¹⁰

Information in the database

The database must include information provided on a completed verification form that DPS determines is necessary for a law enforcement officer to identify a person as diagnosed with a communication disability or disability that can impair communication.¹¹ Thus, DPS will determine which information from the verification form will be included in LEADS and made available to state or local law enforcement officers.¹² Under the bill, the information included in the database is not a public record subject to inspection or copying under the Public Records Law.¹³

Removal from database

A diagnosed person, or the parent or guardian of a diagnosed person, who is included in the database, may request to have the diagnosed person removed from the database. To request removal, the person, parent, or guardian must submit the verification form, but is only required to fill out the information pertaining to the names, relationship, signature, and indication of desired removal. On receipt of the properly completed form, DPS must remove the diagnosed person from the database.¹⁴

HISTORY

ACTION	DATE
Introduced	03-07-17
Reported, H. Community & Family Advancement	05-01-17
Passed House (96-0)	05-17-17
Reported, S. Gov't Oversight & Reform	02-22-18

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¹⁰ R.C. 3304.23(E).

¹¹ R.C. 5502.08(B) to (D).

¹² R.C. 5502.08(E)(1).

¹³ R.C. 5502.08(E)(2).

¹⁴ R.C. 5502.08(F).

