



# *ENACTMENT SUMMARY*

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## **House Bill 265**

### **Privacy Protections for Designated Public Service Workers**

### **Public Record Lawsuits**

### **Pre-Sentence Investigation Confidentiality**

### **Vexatious Litigators**

Effective April 9, 2025

On January 8, 2025, Governor DeWine signed into law House Bill 265 (Rep. Wiggam and Rep. Hall), which allows former designated public service workers to opt in to the public-records and other privacy protections afforded to current designated public service workers.

#### Privacy Protections for Designated Public Service Workers

Under existing law, “designated public service workers” (a designation which includes judges and magistrates) may request that certain personal and identifying information be redacted from or replaced on public websites and databases. The bill extends these protections to former designated public service workers, provided the former worker include with their request a letter from their former employer confirming that the worker held the qualifying employment position for at least five years and left service in good standing. The bill also provides that a designated public service worker’s work schedule is not a public record, but “work schedule” does not include a judge’s or magistrate’s docket of cases.

#### Public Record Lawsuits

Under continuing law, a person may file a complaint in court or commence a mandamus action against a public office or person responsible for a public records request violation. The new law requires the aggrieved person to first transmit a complaint to the public office or person responsible for public records *before bringing the claim to court*. The public office or person responsible for public records then has 3 business days to cure. Upon the expiration of the period, the aggrieved person may bring the claim to court along with a written affirmation that states that: (1) the person properly transmitted the complaint to the public office or person responsible for public records; (2) at least 3 business days before filing the suit; **and** (3) the alleged violation was not cured or otherwise resolved. If the aggrieved person fails to file such affirmation, the suit must be dismissed.

Under current law and unchanged by the bill, a person may recover statutory damages in connection with a lawsuit commenced under the Public Records Law. Under the new law, statutory damages are unavailable to persons committed to the custody of ODRC, DYS, or the U.S. Bureau of Prisons. RC 149.43

### Vexatious Litigators

A vexatious litigator (per court determination under RC 2323.52(D)) **cannot** request public records **unless** (1) they have leave to do so from the court of common pleas and (2) an order from the court specifying with particularity what public records the person may request. RC 2323.52(J)(1) Nothing in the new law provides a process for obtaining this “leave to proceed” with a public records request or court order setting the parameters of the request.

### Pre-Sentence Investigation Confidentiality

Under continuing law, the contents of a presentence investigation report are confidential and not a public record. Existing law authorizes the court to access the contents of a PSI under certain circumstances and the new law clarifies that the contents of a PSI, in whole or in part, may be shared between courts. RC 2951.03(D)(1)

The bill passed the Ohio House by a vote of 89-0 on May 8, 2024 and the Ohio Senate by a vote of 30-0 on December 18, 2024. The House voted the same day to concur on Senate amendments, by a vote of 90-0. It was signed into law on January 8, 2025 and becomes effective on April 9, 2025.