



ENACTMENT NEWS

House Bill 425 **Police Body Camera Records & Other Record Sealing** **Effective Date: April 8, 2019**

On January 7, 2019, Governor Kasich signed House Bill 425 (Reps. Antani and Craig) into law. The bill mainly addresses what portions of police body camera footage are considered public records but it also contains two amendments relative to record sealing and language that was introduced in 132 HB 49 (Biennial Budget): *ex parte* order expungements and third party private record-cleaning companies. The Ohio House passed HB 425 on June 27, 2018 by a unanimous vote, and the Senate similarly passed the bill unanimously on December 27, 2018. It takes effect 90 days after receiving the governor's signature, April 8, 2019.

HB 49 of the 132nd General Assembly contained language pertinent to requests to a court to have criminal records sealed. The language created a pilot program whereby courts were required to utilize a third-party contracting with the State Attorney General that could, for an opt-out-only fee, look through non-government records and "clean" them of mention of the criminal record, akin to sealing in a non-government context. The pilot program expired in September 2018 and HB 425 contained language that eliminated it completely.

HB 49 of the 132nd General Assembly also contained language requiring the automatic expungement of any *ex parte* protection order that does not result in a hearing at which a protection order is issued. Although the expungement was to be automatic and *sua sponte*, the language also required some window of time for appeals to be asserted. HB 425 contained language to mitigate some of the impact of the HB 49 language. First, criminal stalking protection orders and criminal domestic violence temporary protection orders under RC 2903.213 and 2919.26 are now not subject at all to the requirement that *ex parte* orders be expunged *sua sponte*. Second, the others types of protection orders (juvenile at RC 2151.34; civil stalking at 2903.214; and civil domestic violence temporary at 3113.31) are no longer required to be expunged – but must be sealed – and the window for appeals is clarified to be either when all appeals are exhausted or when no one has exercised a right of appeal.