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MANSFIELD DIVISION OF POLICE

Breakdown of House Bill 315 (2025)

State or local law enforcement agency video public records (R.C. 149.43)

- Authorizes a state or local law enforcement agency to include in its public records policy the requirement that a requester pay the **estimated actual cost** before beginning the process of preparing a video record for inspection or production. <u>Ohio Legislature</u>
- Specifies that the state or local law enforcement agency may charge the **actual cost**, not to exceed **\$75 per hour of video produced**, **nor \$750 total**. Ohio Legislature

So the law, as passed, inserts or amends R.C. 149.43 to include a new subsection (or to modify an existing one) authorizing these fee-rules for law enforcement video records.

From legal commentary/analysis of the enrolled bill:

- The term "actual cost" is defined broadly to include:
 - Reviewing the video,
 - Blurring or otherwise obscuring content,
 - · Redacting,
 - Uploading or producing the video file,
 - Costs of the storage medium on which the record is produced,
 - · Staff time, and
 - Any other relevant overhead necessary for compliance. <u>Roetzel & Andress</u>
- The agency may require the requester to pay the estimated actual cost up front, before beginning the review/processing. <u>Roetzel & Andress</u>
- The agency must provide the estimate within **five business days** of receiving the request, if it intends to charge such a fee. <u>Roetzel & Andress</u>
- If the actual cost exceeds the estimate, the agency may charge the requester the
 additional amount, but only up to 20% more than the estimate (i.e., the "overrun" is
 capped). Roetzel & Andress
- The fee scheme is optional the law does not require every law enforcement agency to charge; it allows them to adopt this in their public records policy. <u>Roetzel & Andress+2Ohio Capital Journal+2</u>
- The effective date of these video-record provisions is April 2, 2025. Roetzel & Andress