

DeWine signs bill allowing fee increases for public video records, including from police

Governor signs bill allowing state and local police to charge up to \$750 per video reviewed and produced in response to a public records request

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Gov. Mike DeWine signed legislation Thursday that would allow law enforcement agencies in Ohio to charge record requesters for processing video that is a public record.

The law could affect footage from police officers' dashboard and body cameras and surveillance video inside jails, which are public record in Ohio.

Newspapers and news organizations urged DeWine to use his power to strike the provision from the expansive bill that originally addressed township zoning laws. The NAACP Ohio, Common Cause Ohio, ACLU of Ohio and other organizations sent a letter to the governor, asking him to veto the provision.

The provision was added to House Bill 315 during the closing hours of the two-year legislative session in December. It did not receive public hearings.

"I strongly support the public's – and the news media's – right to access public records. The language in House Bill 315 doesn't change that right," DeWine said in a press release sent Thursday night.

The legislation will mark a major shift in Ohio's open record law, allowing state and local law enforcement to charge up to \$750 per video reviewed and produced in response to a public records request. Payment in advance would be required.

"It is good that the language in House Bill 315 does not include a mandatory fee, but instead it is optional at the discretion of the agency," DeWine said. "It is also good the user fees are capped and directly related to the cost of production."

Currently, governments are only allowed to charge nominal fees for the cost of copying the records onto paper, a thumb drive or another medium.

The proposed fees to produce footage from body worn, dash-mounted or surveillance cameras could discourage news media, individuals or organizations from pursuing information about police shootings, arrests or other encounters.

DeWine is open to changing the law in the future.

"If the language in House Bill 315 related to public records turns out to have unforeseen consequences, I will work with the General Assembly to amend the language to address such legitimate concerns," he said.