

December 23, 2024

The Honorable Charles E. Coulson
Lake County Prosecuting Attorney
105 Main Street
Painesville, OH 44077

SYLLABUS:

2024-007

1. The protection afforded a crime victim's information by R.C. 2930.07 (name, address, or other identifying information) applies to criminal or delinquent cases, and it attaches to the case documents associated with those cases. In civil matters, it applies only when protected "case documents" from criminal cases are used or sought for use in the civil case.
2. A clerk of courts is not required to automatically or preemptively redact a victim's information from all records relating to a civil protection order prior to a violation of the order. The redaction requirement is triggered only when the protection order is violated. For a violation of a protection order, an offense of violence, or a sexually oriented offense, the requirement to redact documents for that case applies automatically when the criminal or delinquent matter is filed with the clerk of courts; the victim does not

need to file a specific request pursuant to R.C. 2930.07(D)(1)(a)(ii).

3. Amendments to R.C. 2930.07(D) and R.C. 149.43(A)(1)(rr) after the decision in *State ex rel. Summers v. Fox*, 2020-Ohio-5585 now provide specific exemptions to the public records laws for crime victims and prohibit the release of unredacted records in a criminal or delinquent case. The protection of redacting a victim's information does not extend to civil cases, except when documents from a delinquent or criminal case are used or sought for use in civil matters. Then only redacted documents may be used.



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OPINION NO. 2024-007

The Honorable Charles E. Coulson
Lake County Prosecuting Attorney
105 Main Street
Painesville, OH 44077

Dear Prosecutor Coulson:

You have requested an opinion regarding Marsy's Law.
I have framed your question as follows:

1. Can a victim request to have the victim's information redacted from any type of case maintained by the Clerk of Courts that contains the victim's information, or does the protection in R.C. 2930.07 only apply to criminal cases involving the victim?
2. Is the Clerk of Courts required to automatically redact the victim's information from all records related to a civil protection order *prior to a violation* to avoid an accidental release of information, if (1) the protection order is later violated and (2) the victim has not submitted a request to redact?

3. What effect, if any, does *State ex rel. Summers v. Fox*, 2020-Ohio-5585 have now, based on the significant amendments to R.C. 2930.07(D)?

I

To properly address your questions, some background information regarding Marsy's Law will be useful.

A. Marsy's Law

In 2018, Marsy's Law was added to the Ohio Constitution in Article I, Section 10a; the statutory protections for victims are codified in R.C. Chapter 2930. The intent of both the constitutional and the statutory provisions are to provide "Ohio's crime victims with meaningful rights in the criminal justice process and the ability to enforce these rights through counsel." *Ohio Crime Victim Justice Center*, Marsy's Law, <https://www.ocvjc.org/marsys-law> (accessed Dec. 17, 2024) [<https://perma.cc/28LT-UVS8>].

Statutory changes to R.C. Chapter 2930 that enhanced crime victims' protections and filled gaps in coverage were effectuated by 2022 Am.Sub.H.B. No. 343 (the "April bill"). Additional amendments followed in July 2023 (the "July bill"). 2023 Am.Sub.S.B. No. 16. Among other changes, these bills redefined key terms and clarified the duties of

public record-keepers to redact documents related to victims. The April bill updated R.C. 2930.01(H) to incorporate the definition of “victim” from Article I, Section 10(a)(D) of the Ohio Constitution:

As used in this section, “victim” means a person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. The term “victim” does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim.

2022 Am.Sub.H.B. No. 343, 80.

Notably, this definition does not require a conviction, charge, or indictment for a person to be considered a victim; it requires only the *occurrence* of the criminal or delinquent act. Nor does this definition include a person only involved in a civil matter.

While these bills affected a range of provisions in R.C. Chapter 2930, which is understandably expansive, the focus of this opinion is on only those sections relevant to the inquiry received: R.C.

149.43, the public records law; R.C. 2930.04, addressing the victim's rights request form; and R.C. 2930.07, protecting the privacy of victims' identifying information. I will outline the relevant updates below.

B. Public Records Law

The April bill added R.C. 149.43(A)(1)(pp) (re-lettered to the current "(rr)" in 2023 Am.Sub.H.B. No. 33, 357) to the public records law to exclude from the definition of public records those "[r]ecords, documents, and information the release of which is prohibited under sections 2930.04 and 2930.07 of the Revised Code." The effect is to protect from release in a public records request *unredacted* case documents identified in R.C. 2930.04 and 2930.07 through both this specific carveout, as well as the catchall in R.C. 149.43(A)(1)(v) which prohibits the release of records "prohibited by state or federal law."

C. Victim's Rights Request Form

R.C. 2930.04 specifies the contents of the victim's rights form and its initial provision to a crime victim at initial contact by law enforcement officers and agencies. This form is not a public record. R.C. 2930.04(B)(1)(p) and (C)(1). As of April 2023, completion of this request form served to assert the

victim's rights under the Constitution and R.C. Chapter 2930.

R.C. 2930.04 was significantly modified by the July bill. First, the official responsible for producing a sample victim's rights request form was changed to the Attorney General from the Supreme Court. R.C. 2930.04(A). Second, the July bill amended the statute in response to urgent law enforcement concerns that complying with existing provisions requiring officers to go over the victim's rights forms with a victim on the scene would be difficult for a large law enforcement agency with many crimes to handle or an agency that is short staffed.

To assist victims of the most heinous and traumatizing offenses – violating a protection order (VPO), an offense of violence, or a sexually oriented offense – the change requires their documents to automatically be redacted if they are unable to complete the victim's rights request form. *See* R.C. 2919.27 (VPO); R.C. 2901.01(A)(9) (listing the offenses of violence); R.C. 2950.01(A) (listing sexually oriented offenses). *Ohio General Assembly, House Civil Justice Committee, <https://www.ohiochannel.org/video/ohio-house-civil-justice-committee-6-20-2023>, testimony of Representative Andrea White, amendment sponsor (minutes 22:59 through 50:03), June 20, 2023.* These violent offense victims must receive a review

of the victim's rights form, be given a copy of the victim's rights form (whether the victim completes it or not at the time), and be provided information to access the online booklet that explains all of the victim's rights. These victims are automatically opted into the victim privacy and notification provisions. Non-violent offense victims receive an information card, which includes information on how to obtain a copy of the victim's rights form and the online booklet about their rights. R.C. 2930.04(E)(2).

The General Assembly provided such automatic redaction for victims of these specific crimes to alleviate the stress of having to complete a form while ensuring personal protection in the immediate aftermath of a traumatic event, and to allow law enforcement officers to focus on investigating or apprehending the suspect.

D. Protecting Victims' Privacy Rights

Most relevant to the inquiry presented is R.C. 2930.07(D). The statute reads:

(D)(1)(a)(i) On written request of the victim or victim's representative to a law enforcement agency, prosecutor's office, or court, ***all case documents related to the cases or matters***

specified by the victim maintained by the entity to whom the victim or victim's representative submitted the request shall be redacted prior to public release pursuant to section 149.43 of the Revised Code to remove the name, address, or other identifying information of the victim.

(ii) If the victim of violating a protection order, an offense of violence, or a sexually oriented offense, or the victim's representative, *was unable to complete the form* at the time of first contact with law enforcement pursuant to section 2930.04 of the Revised Code, until the victim's initial interaction with a prosecutor, *all case documents related to the cases or matters currently before the court regarding that offense* shall be redacted prior to public release pursuant to section 149.43 of the Revised Code to remove the name, address, or other identifying information of the victim.

(b) If the victim or victim's representative *uses the victims' rights request form to request*

redaction, that redaction request applies only to the case or cases to which the form pertains. If the victim requests redaction using some other manner than the victims' rights request form, that written request shall specify the cases or matters to which the request applies.

(Emphasis added.) 2023 Am.Sub.S.B. No. 16, 47.

A "case document," after the July 2023 amendment, is defined as:

a document or information in a document, ***or audio or video recording of a victim of violating a protection order, an offense of violence, or a sexually oriented offense,*** regarding a case that is submitted to a court, a law enforcement agency or officer, or a prosecutor or filed with a clerk of court, including, but not limited to, pleadings, motions, exhibits, transcripts, orders, and judgments, or any documentation, ***including audio or video recordings of a victim of violating a protection order, an offense of violence, or a sexually oriented***

offense, prepared or created by a court, clerk of court, or law enforcement agency or officer, or a prosecutor regarding a case.

(Emphasis applied to added text.) R.C. 2930.07(A)(1)(a); 2023 Am.Sub.S.B. No. 16, 46.

A “case,” as defined for Chapter 2930, is “a delinquency proceeding and all related activity or a criminal prosecution and all related activity.” R.C. 2930.01(L); *see* 1999 Am.Sub.H.B. No. 3, 36 (defining “case”). “Prosecution” refers to prosecuting criminal charges or a delinquency complaint in juvenile court. R.C. 2930.01(N). While these terms are used frequently in various situations and judicial proceedings, “[u]nder R.C. 2930.01’s express terms, the definitions in the victim’s rights chapter are limited to that chapter.” *State v. Allen*, 2019-Ohio-4757, ¶13. For that reason, only the narrow definitions of these terms apply to R.C. Chapter 2930. *See, e.g., In re Pitts*, 2023-Ohio-2794, ¶19-21 (6th Dist.) (noting the limited applicability of R.C. Chapter 2930). The term “matter” is not defined in the Revised Code, so its common meaning is used: it refers to “[a] subject under consideration . . . involving a dispute or litigation.” *Black’s Law Dictionary* (11th Ed. 2019); *State ex rel. Wolfe v. Delaware Cty. Bd. of Elections*, 88 Ohio St.3d 182, 184 (2000); R.C. 1.42.

Meaning Under Current Law

Applying this all together, then, what does R.C. 2930.07(D) allow or protect?

R.C. 2930.07(D) states that its protection applies to “all case documents related to the cases or matters.” Based on the above definitions, this terminology covers criminal and delinquency proceedings. This is consistent with the intent of Marsy’s Law to “secure for victims justice and due process *throughout the criminal and juvenile justice systems.*” Ohio Const., art. I, §10a(A) (emphasis added); *see also State ex rel. Cleveland Elec. Illum. Co. v. Euclid*, 169 Ohio St. 476, 479 (1959) (“[I]t is a basic presumption in statutory construction that the General Assembly is not presumed to do a vain or useless thing, and that when language is inserted in a statute it is inserted to accomplish some definite purpose”). Based upon the inherent differences between criminal or delinquent proceedings and civil proceedings, it can be concluded that civil matters “were excluded by deliberate choice, not inadvertence.” *Summerville v. City of Forest Park*, 2010-Ohio-6280, ¶35 (quoting *Barnhart v. Peabody Coal Co.*, 537 U.S. 149, 168 (2003)).

While Marsy’s Law protections do not extend to purely civil matters, they do attach to the case documents created for purposes of a criminal or

delinquency proceeding. As such, the requirement to redact a case document continues even if a document from the criminal or delinquency proceeding is sought in a civil matter. Examples could include police reports from a criminal case used in a full hearing for a civil protection order or other documents used in custody hearings. From a practical standpoint, this closes a potential loophole through which otherwise protected case documents could nevertheless be obtained through the institution of a civil case (as will be addressed in further detail in my answer to Question #3). Further, this reading of the statute avoids “a construction that would render any provision meaningless or superfluous.” *State v. Taylor*, 2014-Ohio-460, ¶23 (citing *Rhodes v. New Philadelphia*, 2011-Ohio-3279, ¶23).

It should be noted that, by definition, a person becomes a “victim” when a criminal or delinquent act occurs, even if charges have not yet been filed. But a document is only considered a “case document” under the definition of “case” once a criminal charge or delinquency complaint has been filed and a proceeding has been instituted. Other documents created or obtained during the investigation or pre-charging period by law enforcement officers or prosecutors would be protected by R.C. 149.43(A)(1)(h) (confidential law enforcement investigatory records) and R.C. 149.43(A)(1)(g) (trial

preparation records). *See also* R.C. 149.43(A)(2) (defining confidential law enforcement investigatory record) and R.C. 149.43(A)(4) (defining trial preparation record). Once a “case,” as defined in R.C. 2930.01(L), is instituted by the filing of a criminal charge or delinquency complaint, these materials become “case documents,” subject to the protections of R.C. 2930.07(D) and exempt from public records release under R.C. 149.43(A)(1)(rr) and R.C. 149.43(A)(1)(v).

II

This inquiry concerns public record requests for civil protection orders which are obtained in circumstances when no criminal cases or charges are pending (addressed below in Question #2).

Briefly, there are two broad categories of protection orders in law: (1) a criminal protection order that is issued upon the filing of a complaint or indictment alleging a violation of the law and only exists while the criminal case is ongoing; and (2) a civil protection order, which exists separately from any criminal case, has a duration unrelated to any other case, and requires only allegations of threatening or criminal behavior but not an indictment or charges. R.C. 2903.213(A); R.C. 2919.26(A)(1); R.C. 3113.31; R.C. 2903.214; R.C. 2151.34. Which protection order, civil or criminal, is obtained depends upon the

conduct alleged or charged, the nature of the relationship between the perpetrator and victim, and the age of the perpetrator.

Turning now to the questions presented:

1. *Can a victim request to have his or her information redacted from any type of case maintained by the Clerk of Courts (Clerk) that contains his/her information, or does the protection in R.C. 2930.07 only apply to criminal cases involving the victim?*

By the plain language of R.C. 2930.07(D)(1)(a)(i), a victim is permitted to *request* that all case documents related to cases or matters that the victim specifies be redacted. *See also* R.C. 2930.07(D)(1)(b) (if the victim’s rights request form is used, it “applies only to the case or cases to which the form pertains,” and if the victim submits a written request in a format other than the request form, the victim must make clear which cases or matters are sought to be redacted). The language is broad: the victim can *request* that *all* case documents – documents, information, and audio or video (in the three serious crime categories) – be redacted in *any* case or matter *in addition to* the case in which the individual is presently a victim.

Compare the language in R.C. 2930.07(D)(1)(a)(i) to that in (D)(1)(a)(ii). The language of R.C. 2930.07(D)(1)(a)(i) broadly permits the victim to request redaction of case documents in any criminal or delinquency cases; a redaction which carries over to any civil matter in which those protected case documents are used or sought to be used. Moreover, the definition of “case” does not indicate that the criminal case or delinquency proceeding still needs to be pending, so this could include closed matters. *See Cyan, Inc. v. Beaver Cty. Emps. Retirement Fund*, 583 U.S. 416, 426 (2018) (“The statute says what it says – or perhaps better put here, does not say what it does not say”).

R.C. 2930.07(D)(1)(a)(ii) confers an automatic privacy (redaction) requirement on all materials related to the victims of the three specified serious crime categories, but the automatic privacy requirement is expressly limited to the materials “*regarding that offense*.” Unlike the preceding section, which allows a victim to broadly select the cases or matters by request, the automatic protection applies narrowly only to the instant offense.

If R.C. 2930.07(D)(1)(a)(i) pertained to redaction of only the current case, the General Assembly would have used the same phrasing there as it did in R.C. 2930.07(D)(1)(a)(ii). But it did not use that

phrasing. See 1985 Ohio Atty.Gen.Ops. No. 85-010, at 2-38 (“The difference in language between . . . two provisions of the same chapter of the Revised Code, clearly indicates that the General Assembly intended different meanings to be attached to the different language”); see also 2022 Ohio Atty.Gen.Ops. No. 2022-017, Slip Op. at 7; 2-82.

It is only “case documents,” however — those relating to a case (“a delinquency proceeding and all related activity or a criminal prosecution and all related activity”) — that must be redacted. R.C. 2930.01(L); R.C. 2930.01(N); R.C. 2930.01(K). So, while the statute extends the victims’ authority to request redaction to any criminal or delinquency case and civil matters, only the case documents that are from the criminal or delinquency case would be required to be redacted in the civil matter to ensure that the protections of R.C. 2930.07 are maintained.

2. Is the Clerk of Courts required to automatically redact the victim’s information from all records related to a civil protection order prior to a violation to avoid an accidental release of information, if (1) the protection order is later violated and (2) the victim has not submitted a request to redact? How would the Clerk of Courts know if R.C. 2930.07(D)(1)(a)(ii) applies?

The Clerk “is the custodian of the court’s public records.” 1994 Ohio Atty.Gen.Ops. No. 94-089, at 2-440; R.C. 2303.08, 2903.09, and 2303.26. And “[w]hen statutes impose a duty on a particular official to oversee records, that official is the ‘person responsible’ under R.C. 149.43(B)” to handle public records requests. *State ex rel. MADD v. Gosser*, 20 Ohio St.3d 30, 33 (1985). So, it is the Clerk who is responsible for handling public records requests for the court of common pleas.

Pursuant to R.C. 2930.07(C), the Clerk “shall have *full and complete access* to the name, address, or other identifying information of the victim or victim’s representative” and is not prohibited from “*maintaining unredacted records* of a victim’s or victim’s representative’s name, contact information, and identifying information for its own records and use or a public office or public official from allowing another public office or public official to access or obtain copies of its unredacted records.” (emphasis added). However, when a specific criminal or delinquent case occurs, the Clerk is prohibited from releasing unredacted documents under R.C. 149.43(A)(1)(v) and R.C. 2930.07(D) (and, though not included in the text of R.C. 2930.07(C), is also prohibited from releasing such documents by R.C. 149.43(A)(1)(rr)). R.C. 2930.07(C).

Because the requirement to redact does not apply in civil-only matters (except when case documents from a criminal or delinquency case subject to redaction are used or sought to be used in a civil matter), redaction would not apply to a civil protection order unless and until the protection order is violated and a criminal or delinquent case arising from it is instituted. Up to that point, there is no crime, delinquent act, or “case,” and therefore there are no “case documents.” This is supported by the plain language of R.C. 2930.07(D)(1)(a)(ii), which specifically uses the phrase “violation of a protection order,” as distinguished from a protection order that has not been violated. Thus, because (1) the Clerk is required to maintain unredacted documents, (2) R.C. Chapter 2930 does not apply to purely civil matters, and (3) no case subject to redaction exists until the protection order is violated, R.C. 2930.07(D) does not require the Clerk to preemptively redact a civil protection order in anticipation of a request to disclose. R.C. 2930.07(C).

There is a practical reason that an unviolated civil protection order must remain unredacted. A protection order without the name or address of the person sought to be protected could not convey the information needed to identify the person who is to be protected (*e.g.*, for a school seeking necessary information to protect a child). Nor could a

responding officer ascertain that a protection order was violated if the personal information describing the person to be protected or the places from which the other party is restricted has been redacted from the document. *See, e.g.*, R.C. 2903.213(G) (copies of a protection order provided to law enforcement agencies with appropriate jurisdiction); *see also* R.C. 2151.34(F), and 2903.214(F); *see also* Ohio Legal Help, *Civil Stalking & Sexually Oriented Offense Protection Orders* <https://www.ohiolegalhelp.org/topic/stalking-soo-cpo> (accessed Dec. 16, 2024) [<https://perma.cc/UBA6-ULZQ>]; R.C. 2930.07(F)(6) (disclosing contact information to agencies providing victim services). “Civil-protection-order statutes ‘were not enacted for the purpose of alleviating uncomfortable situations, but to prevent the type of persistent and threatening harassment that leaves victims in constant fear of physical danger [or mental distress].” *S.Y. v. A.L.*, 2023-Ohio-3964, ¶36 (6th Dist.) (quoting *Kramer v. Kramer*, 2002-Ohio-4383, ¶17 (3d Dist.)).

Once the VPO charge comes into existence, the case begins and R.C. 2930.07(D)(1)(a)(ii) takes effect. When the protection order is violated, a crime occurs and the VPO charge or complaint is subsequently filed with the court, whether it be the judge, Clerk, or magistrate. *See, e.g.*, R.C. 2935.08, *et seq.*, Crim.R. 4. Because the Clerk is the custodian of court records, the Clerk becomes aware of the filing.

Also at this point, the civil protection order becomes a “case document” (as evidence upon which the VPO charge is based) and R.C. 2930.07(C) “prohibits the public release of unredacted case documents pursuant to division (A)(1)(v) of section 149.43 of the Revised Code and division (D) of this section.” *See also* R.C. 149.43(A)(1)(rr). Because this is automatic and the Clerk has a duty to “take measures to prevent the public disclosure of the name, address, or other identifying information of the victim or victim's representative through the use of redaction” under R.C. 2930.07(C), the Clerk should commence redacting public requests for the protection order immediately upon the filing of the VPO charge. *See also* R.C. 2303.901(A)(1); Sup.R. 45(E).

Ultimately, if the Clerk receives a public records request that includes “case documents,” as defined, the unredacted copies are protected from release because they are *not* public records pursuant to the specific carveout in R.C. 149.43(A)(1)(rr) and the general exemption in R.C. 149.43(A)(1)(v). *See also* R.C. 2930.07(C). And if a request comes in another form, like a subpoena, R.C. 2930.07 also prohibits the release of unredacted documents containing a victim's identifying information unless the victim does not complete the victim's rights form.

3. *What effect, if any, does State ex rel. Summers v. Fox have now, based on the significant amendments to R.C. 2930.07(D)?*

In *State ex rel. Summers v. Fox*, 2020-Ohio-5585, the Supreme Court of Ohio considered a public records request in a civil dispute involving a criminal case that was no longer pending. In that case, the Court rejected the argument that a federal case, holding that crime victims have privacy rights, created a carveout from the Ohio public records law under R.C. 149.43(A)(1)(v). The *Summers* court reasoned that the exception to disclosure under the public record law in R.C. 149.43(A)(1)(v) applied only to *statutory* prohibitions enacted in federal or state law. *Summers* at ¶41 (“But [*Bloch v. Ribar*, 156 F.3d 673 (6th Cir.1998)], which dealt with a civil-rights [sic] claim under 42 U.S.C. 1983, is of limited value here. The holding cited by the county and J.K. resulted from an equitable weighing of the victim’s privacy interests against the state’s interests favoring disclosure. *Bloch* at 686. *Bloch* is not a public-records case and it did not create the categorical exception to disclosure under federal law required by R.C. 149.43(A)(1)(v)”); *but see Doe v. City of Mansfield*, 2023 WL 1822208, *6 (6th Cir. Feb. 8, 2023) (“This Court has made it clear that the Ohio Public Records Act yields to the Fourteenth Amendment”). Next, the court also rejected the idea that the constitutional protections in Article I,

Section 10a of the Ohio Constitution provided an exception to the public records law because it relates only to criminal or delinquency proceedings and not civil matters. *Summers* at ¶42.

As noted, since the *Summers* decision in 2020 there have been considerable modifications to Marsy's Law and Ohio public records law. But the most important changes were (1) the addition of R.C. 149.43(A)(1)(rr) and (2) the enhancement of R.C. 2930.07 in April and July 2023.

The first holding in *Summers*, which concerned the lack of a statutory prohibition on disclosure of victims' privacy, no longer applies because an express exemption is now included in the public records law for victims' identifying information in case documents. Accordingly, any public office or public official that is charged with the responsibility of knowing the name, address, or other identifying information of a victim or victim's representative as part of the office's or official's duties must refuse to disclose unredacted documents, as required by R.C. 149.43(A)(1)(rr), R.C. 2930.07(C) and (D), or, generally, R.C. 149.43(A)(1)(v). *See Savransky v. Mahoning Cty. Prosecutor's Office*, 2023-Ohio-3089, ¶22 (Ct. of Cl.) (changes to Marsy's Law in early 2023 "increase[ed] the scope of R.C. 149.43(A)(1)(v)"); *see also* R.C. 2930.07(F)(5) (when a defendant includes victim information in filings,

that information is not considered a public record if the victim has requested redaction).

The second holding in *Summers* still applies in part. Nothing in Marsy's Law has changed to expand the scope of its protections to purely civil matters or documents filed in a purely civil case. However, if a case document from a criminal or delinquency case is used or sought to be obtained in a civil proceeding, the victim's identifying information remains protected from disclosure, assuming the victim has not waived or failed to request this privacy protection by not completing the victim's rights request form. *See generally*, R.C. 2930.04 and 2930.07. This ensures that a requester cannot circumvent the protections of R.C. Chapter 2930 by instituting a civil matter and seeking documents therein.

A final consideration: *Summers*, reasoning that the underlying criminal prosecution was over, held that the protections in Marsy's Law no longer applied. Under the recent modifications made to Marsy's Law, there is no indication of when the protections end — that is, when the “case” as defined is over, or if the ending of the “case” would be the end of privacy protections. That is a question of fact for a court to determine.

In sum, the 2023 modifications to Marsy's Law and the Ohio public records law strengthen victims' rights and affect the issues presented by the holding in *Summers*. Now, there is an express exception to public records law for victims' information, and the expanded definition of "case document" ensures that protected documents are not otherwise obtained in a civil matter.

Conclusion

Accordingly, it is my opinion, and you are hereby advised that:

1. The protection afforded a crime victim's information by R.C. 2930.07 (name, address, or other identifying information) applies to criminal or delinquent cases, and it attaches to the case documents associated with those cases. In civil matters, it applies only when protected "case documents" from criminal cases are used or sought for use in the civil case.
2. A clerk of courts is not required to automatically or preemptively redact a victim's information from all records relating to a civil protection order prior to a violation of the order. The redaction requirement is triggered only when the protection order is

violated. For a violation of a protection order, an offense of violence, or a sexually oriented offense, the requirement to redact documents for that case applies automatically when the criminal or delinquent matter is filed with the clerk of courts; the victim does not need to file a specific request pursuant to R.C. 2930.07(D)(1)(a)(ii).

3. Amendments to R.C. 2930.07(D) and R.C. 149.43(A)(1)(rr) after the decision in *State ex rel. Summers v. Fox*, 2020-Ohio-5585 now provide specific exemptions to the public records laws for crime victims and prohibit the release of unredacted records in a criminal or delinquent case. The protection of redacting a victim's information does not extend to civil cases, except when documents from a delinquent or criminal case are used or sought for use in civil matters. Then only redacted documents may be used.

Respectfully,



DAVE YOST
Ohio Attorney General