

Bill 315 And Access to Information

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House Bill 315 (HB 315), signed by Governor Mike DeWine, allows police to charge money for the “estimated cost” of processing a video when body cam footage is requested.¹ Beginning this month, both state and local law enforcement agencies can charge up to \$750 for the preparation of their video records for inspection or production.² The money is supposed to cover the costs of things such as blurring, redacting, producing the video records, and any other staff time that goes into compliance with a request.³ In this blog, I will address the background of HB 315, along with some of the purported state interests for it. Then, I want to explain the consequences of HB 315 on chilling access to information, along with some of the other significant arguments against it.

It is important to understand what is required of law enforcement under the Ohio Public Records Act. This Act essentially provides an avenue for people to request government records at the state level, while also providing an enforcement mechanism to ensure compliance if the public office has failed to satisfy a records request.⁴ This law applies to law enforcement agencies. Similar to the federal Freedom of Information Act (FOIA), the Act contains exemptions. For example, law enforcement does not have to disclose confidential law enforcement investigatory records.⁵ These are any record that relate to a law enforcement matter including: the identity of a suspect who has not yet been charged;⁶ information that could disclose a witness’s identity;⁷ confidential investigatory techniques;⁸ and information that would endanger the life or physical safety of a law enforcement officer, crime victim, witness, or confidential source of information.⁹

The purported reason behind HB 315 is protecting officers from harassment and discouraging requesters who try to bog down law enforcement functions.¹⁰ Supporters of this bill argue that activists and social media bloggers mass-request footage,¹¹ which requires personnel to respond to these requests rather than being out on the street.¹² They argue that this is especially

¹ Morgan Trau, *How Ohio police justify charging hundreds of dollars for bodycam video*, OHIO CAP. J. (Jan. 6, 2025), <https://ohiocapitaljournal.com/2025/01/06/how-ohio-police-justify-charging-hundreds-of-dollars-for-bodycam-video/> [<https://perma.cc/S7ZY-55HB>].

² *Ohio House Bill 315 Summary*, BRICKER GRAYDON (Feb. 7, 2025), <https://www.brickergraydon.com/insights/publications/Ohio-House-Bill-315-Summary> [<https://perma.cc/65RF-MYVS>].

³ *Id.*

⁴ *Ohio Public Records Act Frequently Asked Questions*, Columbus State Cmty. Coll. (Dec. 2017), <https://www.csc.edu/employee/doing-business/pdf/Public%20Records%20FAQs.pdf> [<https://perma.cc/A785-NBVC>].

⁵ OHIO REV. CODE §149.43(2).

⁶ OHIO REV. CODE §149.43(2)(a).

⁷ OHIO REV. CODE §149.43(2)(b).

⁸ OHIO REV. CODE §149.43(2)(c).

⁹ OHIO REV. CODE §149.43(2)(d).

¹⁰ Trau, *supra* note 1.

¹¹ Sophia Perricone, *Ohio sheriffs navigate transparency costs with new video charge law*, WTOL 11 (Apr. 2, 2025, 8:03PM), <https://www.wtol.com/article/news/local/ohio-sheriffs-explain-why-they-understand-charge-body-dash-camera-video-under-new-law/512-081c4569-7ac2-45a1-8773-e558302f8584> [<https://perma.cc/A6VH-CVPX>].

¹² Trau, *supra* note 1.

troublesome for understaffed municipalities. They say that the people who request footage to post online and monetize make it more difficult for investigators, attorneys, and journalists, all of whom need the footage for more legitimate purposes.¹³ They claim that this will speed up the process of obtaining necessary records for legitimate purposes.¹⁴

HB 315 leaves it to the discretion of law enforcement agencies whether they want to charge.¹⁵ This is something that law enforcement will begin to consider, and it seems that some local departments are not rushing to implement it right away.¹⁶ Governor Mike DeWine says that if it has any “unforeseen consequences,” he will take legislative action to amend the language of the Bill.¹⁷

For some, the DeWine’s promise to amend the language is not enough to assuage their concerns surrounding governmental transparency and the freedom of the press. To start, many feel entitled to this information, especially because taxpayer dollars go towards the police uniforms and body cams.¹⁸ Although this will inevitably impact the press and their ability to obtain information, they likely have the funding and resources available to get the necessary footage. Further, it’s apparent that some departments want to provide the traditional press with their requested material at no cost.¹⁹

Law enforcement’s discretion in deciding how to charge and who to charge for information requests could also lead to a chilling effect on requests under the Ohio Public Information Act. Because the press is likely going to have more access to the footage (because of both their own resources and the willingness of law enforcement agencies to comply with their requests), this Bill is going to target normal people.²⁰ This is a major concern for individuals who encounter law enforcement and later wish to receive the footage. For some, a fee could make accessing this footage impossible.

Another issue with HB 315 is that it is not tailored to addressing the purported issue of social media influencers mass-requesting footage.²¹ This ties back to the other discretionary issue that will likely arise: law enforcement agencies picking and choosing who to charge. This could lead to lawsuits regarding discrimination, the First Amendment, and more.²² The critique of giving these agencies discretion is difficult, as a law that requires law enforcement agencies to charge requesters of body cam footage would be far more intrusive. Despite that, the discretion law enforcement currently enjoys is still very risky. It will be up to individual agencies to determine a non-discriminatory system for charging requesters, if they decide to charge at all.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Ohio House Bill 315 Summary, supra note 2.*

¹⁶ Ava Boldizar, *How an incoming law will affect Ohioans access to police body camera video*, Fox8 (Jan. 15, 2025, 10:04AM), <https://fox8.com/news/how-an-incoming-law-will-affect-ohioans-access-to-police-body-camera-video/> [<https://perma.cc/4KYU-Y2MK>].

¹⁷ *Id.*

¹⁸ Trau, *supra note 1.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ Boldizar, *supra note 16.*

²² *Id.*

Interestingly, there is also concern surrounding the way that HB 315 was passed. It was signed by Governor DeWine at 11PM.²³ The policy was not public, and it had no hearing before “being snuck into the legislation.”²⁴ There are concerns that the way HB 315 was signed indicates a lack of thoughtfulness.

HB 315 takes effect this month. It changes the way that Ohioans can access crucial information in the form of body cam footage. This material is not only important for transparency reasons, but the ability to request this footage is a tool that the citizenry uses to hold our government and law enforcement agencies accountable. There is no guarantee that law enforcement agencies across the state will adopt this new power in a uniform way or even adopt it at all. The reasons behind HB 315 promise efficiency, better use of taxpayer money, and the ability to discourage social media influencers from mass-requesting information and harassment. There are concerns that it is not actually tailored to this goal, and that it will likely result in disparate applications with the potential for lawsuits. Only time will tell how Ohio agencies will use their discretion under HB 315.

²³ Trau, *supra* note 1.

²⁴ *Id.*