

**As Reported by the House Local Government and Townships  
Committee**

**124th General Assembly  
Regular Session  
2001-2002**

**Sub. H. B. No. 500**

**REPRESENTATIVES Manning, Carmichael, Fessler, DeWine, Seitz, Setzer,  
Carano, Reinhard, Schaffer, Perry, Allen, Roman, Damschroder, Hartnett,  
Williams, Webster, Lendrum, Schmidt, Schneider, Flowers, Metzger,  
Brinkman**

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**A B I L L**

To enact section 9.09 of the Revised Code to require 1  
state agencies and county offices to send a notice 2  
to property owners that permits them to opt out of 3  
publication, before the agencies or offices publish 4  
photographs of the owners' homes or businesses on 5  
the Internet, and to prescribe the form of that 6  
notice. 7

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 9.09 of the Revised Code be enacted 8  
to read as follows: 9

**Sec. 9.09.** (A) Notwithstanding any other section of the 10  
Revised Code to the contrary, any state agency or county office 11  
that intends to publish a photograph of a home or business on the 12  
internet shall send to the owners of the affected property by 13  
regular mail a notice of the agency's or office's intent, before 14  
so publishing the photograph. The notice shall include a form that 15  
the property owners, or their executor, administrator, assignee, 16  
fiduciary, or attorney-in-fact, may sign and return to the state 17

agency or county office and that, except as otherwise provided in  
this section, permits the property owners by doing so to opt out  
of that and any future publication of a photograph of their home  
or business on the internet by the particular state agency or  
county office. The notice also shall state that any property owner  
who is required to register with the sheriff under section 2950.04  
of the Revised Code because of a conviction of a sexually oriented  
offense may not opt out of the publication of a photograph of the  
owner's home or business on the internet.

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(B) After mailing the notice required by division (A) of this  
section, a state agency or county office seeking to publish a  
photograph of a home or business on the internet shall allow at  
least thirty days for the property owners, or their executor,  
administrator, assignee, fiduciary, or attorney-in-fact, to sign  
and return the form permitting the property owners, except as  
otherwise provided in this section, to opt out of that publication  
and any future publication of such a photograph on the internet by  
that state agency or county office, before that state agency or  
county office publishes the photograph of their home or business  
on the internet.

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(C) A person required to register with the sheriff under  
section 2950.04 of the Revised Code is not permitted to opt out of  
the publication on the internet of a photograph of any home or  
business the person owns under this section.

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(D) The notice required by division (A) of this section shall  
be in substantially the following form:

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"NOTICE OF INTENT TO PUBLISH PHOTOGRAPH  
OF HOME OR BUSINESS

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To: .....

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(Names of affected property owners)

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(Mailing address of affected property owners)

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NOTICE OF INTENT

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You are hereby notified that ..... (name of this  
state agency or county office) intends to publish on the Internet  
a photograph of your home or business located at .....  
(address of the affected property) for the purpose of  
..... (purpose of publication).

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EXCEPT AS MENTIONED BELOW, YOU MAY OPT OUT OF THIS AND ANY  
FUTURE PUBLICATION OF SUCH A PHOTOGRAPH ON THE INTERNET BY  
..... (name of this state agency or county office). To  
opt out, you, or your executor, administrator, assignee,  
fiduciary, or attorney-in-fact, must sign the attached form  
entitled "Notice to Opt Out of Publication" and return it to  
..... (name of this state agency or county office) within  
..... (specify a time period, but not less than 30 days)  
days of the mailing date of this notice. IF THE ATTACHED FORM IS  
NOT SO SIGNED AND RECEIVED BY ..... (name of this state  
agency or county office) WITHIN THIS PERIOD, THE PHOTOGRAPH OF  
YOUR HOME OR BUSINESS WILL BE PUBLISHED ON THE INTERNET FOR THE  
DESCRIBED PURPOSE, AND FUTURE SUCH PHOTOGRAPHS POSSIBLY MAY BE  
PUBLISHED ON THE INTERNET FOR THAT OR OTHER PURPOSES BY .....  
(name of this state agency or county office).

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If you are required to register with a county sheriff because  
you have been convicted of a sexually oriented offense, you are  
not permitted to opt out of this and any future publication of  
such a photograph on the Internet by ..... (name of this state  
agency or county office).

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NOTICE TO OPT OUT OF PUBLICATION

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To: .....  
(Name of state agency or county office--to be  
filled in by applicable agency or office)  
.....  
(Mailing address of state agency or county

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office--to be filled in by applicable agency or office)

I/We have been informed that ..... (name of state agency or county office--to be filled in by applicable agency or office) intends to publish on the Internet a photograph of my/our home or business located at ..... (address of the affected property--to be filled in by applicable agency or office) for the purpose of ..... (purpose of publication--to be filled in by applicable agency or office). I am/We are returning this signed form to indicate my/our desire to opt out of this photograph publication, and all future photograph publications, of my/our home or business by such agency or office on the Internet. I/WE UNDERSTAND THAT BY RETURNING THIS SIGNED FORM, ..... (name of state agency or county office--to be filled in by applicable agency or office) WILL NOT PUBLISH A PHOTOGRAPH OF MY/OUR HOME OR BUSINESS ON THE INTERNET NOW OR IN THE FUTURE FOR THE DESCRIBED PURPOSE OR ANY OTHER PURPOSE. I/We affirm that I am not/we are not required to register with a county sheriff because of a conviction of a sexually oriented offense and ineligible for that reason to opt out of this photograph publication, and all future photograph publications, of my/our home or business by such agency or office on the Internet.

.....  
(Signature(s) of affected property owner(s)--or signature of their executor, administrator, assignee, fiduciary, or attorney-in-fact (include title))

.....  
(Name(s) of affected property owner(s))

.....  
Mailing address of affected property owner(s))

.....  
(Date)."

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(E) Nothing in this section creates a private cause of action 109  
against any state agency or county office, or any of its officers 110  
or employees, for any injury, death, or loss to person or property 111  
allegedly arising from the agency's or office's publication of a 112  
photograph of a home or business on the internet or failure to 113  
remove a published photograph of a home or business from the 114  
internet. 115

(F) As used in this section: 116

(1) "Internet" means the international computer network of 117  
both federal and nonfederal interoperable packet switched data 118  
networks, including the graphical subnetwork called the world wide 119  
web. 120

(2) "Photograph" does not include an aerial or satellite 121  
photograph. 122

(3) "State agency" has the same meaning as in section 1.60 of 123  
the Revised Code. 124

(4) "County office" has the same meaning as in section 307.80 125  
of the Revised Code. 126