

RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO

RULE 38.01. Ohio Sentencing Data Platform.

(A) Definition

As used in this rule, “Criminal Sentencing Commission” means the commission established by R.C. 181.21.

(B) Ohio sentencing data platform

(1) The Criminal Sentencing Commission shall establish, operate, and maintain the Ohio sentencing data platform to facilitate the electronic collection, analysis, and reporting of felony-sentencing data and the production of uniform sentencing entries and method of conviction entries.

(2) The Criminal Sentencing Commission shall designate courts of common pleas to participate in a pilot project of the Ohio sentencing data platform. Such courts shall be styled “pilot project courts.”

(C) Sentencing entries and forms

Each judge of a pilot project court shall prepare and submit a “Uniform Sentencing Entry” and appropriate “Method of Conviction Form” for each individual sentenced by the judge. The entry and forms are set forth in Appendix F to this rule. The entries and forms shall be submitted in electronic format through the Ohio Sentencing Data Platform.

RULE 44. Court Records - Definitions.

In addition to the applicability of these rules as described in Sup. R. 1, Sup. R. 44 through 47 apply to the Supreme Court.

As used in Sup. R. 44 through 47:

(A) “Actual cost” means the cost of depleted supplies; records storage media costs; actual mailing and alternative delivery costs, or other transmitting costs; and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.

(B) “Court record” means both a case document and an administrative document, regardless of physical form or characteristic, manner of creation, or method of storage.

(C)(1) “Case document” means a document and information in a document submitted to a court or filed with a clerk of court in a judicial action or proceeding, including exhibits, pleadings, motions, orders, and judgments, and any documentation prepared by the court

44 or clerk in the judicial action or proceeding, such as journals, dockets, and indices, subject
45 to the exclusions in division (C)(2) of this rule.

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47 (2) The term “case document” does not include the following:

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49 (a) A document or information in a document exempt from disclosure
50 under state, federal, or the common law;

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52 (b) Personal identifiers, as defined in division (H) of this rule;

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54 (c) A document or information in a document to which public access
55 has been restricted pursuant to division (E) of Sup. R. 45;

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57 (d) Except as relevant to the juvenile’s prosecution later as an adult, a
58 juvenile’s previous disposition in abuse, neglect, and dependency
59 cases, juvenile civil commitment files, post-adjudicatory residential
60 treatment facility reports, and post-adjudicatory releases of a juvenile’s
61 social history;

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63 (e) Notes, drafts, recommendations, advice, and research of judicial
64 officers and court staff;

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66 (f) Forms containing personal identifiers, as defined in division (H) of
67 this rule, submitted or filed pursuant to division (D)(2) of Sup. R. 45;

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69 (g) Information on or obtained from the Ohio Courts Network, except
70 that the information shall be available at the originating source if not
71 otherwise exempt from public access;

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73 (h) In a court of common pleas or a division thereof with domestic
74 relations or juvenile jurisdiction, the following documents, including but
75 not limited to those prepared pursuant to R.C. 2151.281, 3105.171(E)(3),
76 and 3109.04 and Sup.R. 48:

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78 (i) Health care documents, including but not limited to-physical
79 health, psychological health, psychiatric health, mental health, and
80 counseling documents;

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82 (ii) Drug and alcohol use assessments and pre-disposition
83 treatment facility reports;

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85 (iii) Guardian ad litem reports, including collateral source
86 documents attached to or filed with the reports;

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88 (iv) Home investigation reports, including collateral source
89 documents attached to or filed with the reports;

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(v) Child custody evaluations and reports, including collateral source documents attached to or filed with the reports;

(vi) Domestic violence risk assessments;

(vii) Supervised parenting time or companionship or visitation records and reports, including exchange records and reports;

(viii) Financial disclosure statements regarding property, debt, taxes, income, and expenses, including collateral source documents attached to or filed with records and statements;

(ix) Asset appraisals and evaluations;

(i) Documents and data on or obtained from the Ohio sentencing data platform, subject to the following exceptions:

(i) The documents and data shall be available at the originating source if not otherwise exempt from public access;

(ii) At the discretion of the Ohio Criminal Sentencing Commission, the commission may make documents and data available to the public via a portal on the platform.

(D) “Case file” means the compendium of case documents in a judicial action or proceeding.

(E) “File” means to deposit a document with a clerk of court, upon the occurrence of which the clerk time or date stamps and docket the document.

(F) “Submit” means to deliver a document to the custody of a court for consideration by the court.

(G)(1) “Administrative document” means a document and information in a document created, received, or maintained by a court that serves to record the administrative, fiscal, personnel, or management functions, policies, decisions, procedures, operations, organization, or other activities of the court, subject to the exclusions in division (G)(2) of this rule.

(2) The term “administrative document” does not include the following:

(a) A document or information in a document exempt from disclosure under state, federal, or the common law, or as set forth in the Rules for the Government of the Bar;

- 136 (b) Personal identifiers, as defined in division (H) of this rule;
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138 (c) A document or information in a document describing the type or
139 level of security in a court facility, including a court security plan and a
140 court security review conducted by a local court, the local court’s designee,
141 or the Supreme Court;
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143 (d) An administrative or technical security record-keeping document or
144 information;
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146 (e) Test questions, scoring keys, and licensing, certification, or court-
147 employment examination documents before the examination is
148 administered or if the same examination is to be administered again;
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150 (f) Computer programs, computer codes, computer filing systems, and
151 other software owned by a court or entrusted to it;
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153 (g) Information on or obtained from the Ohio Courts Network, except
154 that the information shall be available at the originating source if not
155 otherwise exempt from public access;
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157 (h) Data feeds by and between courts when using the Ohio Courts
158 Network;
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160 (i) Documents and data on or obtained from the Ohio sentencing data
161 platform, subject to the following exceptions:
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163 (i) The documents and data shall be available at the originating
164 source if not otherwise exempt from public access;
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166 (ii) At the discretion of the Ohio Criminal Sentencing
167 Commission, the commission may make documents and data
168 available to the public via a portal on the platform.
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170 (j) Data feeds by and between courts and the Ohio Criminal Sentencing
171 Commission when using the Ohio sentencing data platform.
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173 (H) “Personal identifiers” means social security numbers, except for the last four digits;
174 financial account numbers, including but not limited to debit card, charge card, and credit
175 card numbers; employer and employee identification numbers; and a juvenile’s name in an
176 abuse, neglect, or dependency case, except for the juvenile’s initials or a generic
177 abbreviation such as “CV” for “child victim.”
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179 (I) “Public access” means both direct access and remote access.
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181 (J) “Direct access” means the ability of any person to inspect and obtain a copy of a
182 court record at all reasonable times during regular business hours at the place where the
183 record is made available.

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185 (K) “Remote access” means the ability of any person to electronically search, inspect,
186 and copy a court record at a location other than the place where the record is made
187 available.

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189 (L) “Bulk distribution” means the distribution of a compilation of information from
190 more than one court record.

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192 (M)(1) “New compilation” means a collection of information obtained through the
193 selection, aggregation, or reformulation of information from more than one court record.

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195 (2) The term “new compilation” does not include a collection of information
196 produced by a computer system that is already programmed to provide the
197 requested output.