

Keep Ohio on PAHR

Provide Access to Historical Records!

Ohio House Bill 139

Historical Records provide valuable insight into our collective history as a state, as a society, and as families. Research of these records is requested by historians and genealogists, both professionals and family history practitioners, for a variety of reasons. The National Genealogical Society recently initiated a Declaration of Rights advocating for access to federal, state, and local government records, indicating that thousands of professional genealogists do research every day on behalf of clients, government agencies, and attorneys.

House Bill 139 would eliminate the public records exemption for permanently retained record 100 years after the date of its creation. Records included in this exemption would include:

- Adoptions
- Lunacy Records
- County Home Registers
- Children's Home Registers
- Inheritance Tax Records
- Veterans' Relief Records

A few counties have already made local rulings through their Probate Court Judges opening Probate Court records after 100 years. However, in other counties these records are permanently closed, creating a situation where records that are accessible in one county are closed in another. The closed time period of 100 years takes into consideration any complications or emotional impact that opening these records might have for certain individuals since it allows the timespan of at least one generation to have passed.

In recent years access restrictions have been lifted on other records of historical importance. For example, in 2015 the Ohio General Assembly passed legislation opening confidential records of the Department of Mental Health and Addiction Services fifty years after the patient's death. In 2008, the General Assembly passed legislation opening up Veterans' Discharge Records seventy-five years after the date of the recording. At the federal level, United States census records are opened after seventy-two years. In 2013, the U.S. Department of Health and Human Services changed its privacy rules so that individually identifiable health information is no longer protected fifty years after the patient's death. Several other states have already passed open access legislation for similar types of historical records:

California (2005, 75 years)
Florida (2013, 50 years)
Georgia (2012, 75 years)
Hawaii (1991, 80 years)
Illinois (2007, 75 years)
Indiana (2014, 75 years)
Kentucky (1958, 50 years)

Nevada (1983, 30 years)
New Mexico (2005, 100 years)
Oregon (1979, 75 years)
Rhode Island (1991, 50 years)
Virginia (2006, 75 years)
Washington (2011, 75 years)

Over for list of Sponsor and co-sponsors for H.B. 139



House Bill 139 Primary Sponsors

Representative Rick Perales (R)
and Representative Candice Keller (R)

Cosponsors, Representatives:

1. Steve Hambley (R)
2. Teresa Fedor (D)
3. Bill Seitz (R)
4. Bill Dean (R)

April 2017 Status

H.B. 139 was introduced on March 21, 2017.

H.B. 139 was referred to the State and Local Government Committee on April 14, 2017.

H.B. 139 sponsor testimony scheduled for April 25, 2017.

Supporting Organizations:

1. County Archivists and Records Managers Association (CARMA)
2. Ohio Genealogical Society
3. Adoption Network Cleveland
4. Society of Ohio Archivists
5. Ohio Historical Records Advisory Board
6. Public Children Services Association of Ohio
7. State Archives of Ohio

For more information or to get involved, visit Keep Ohio on PAHR on Facebook, or contact Robin Heise, CARMA Legislative Committee, (937) 562-6489.