OCG Bill Review — H.B. 565 (Grand Jury Privacy and Protection Act)

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Bill Review No. 009 · RL-2026-049 · 11/16/26 · Version 1.0

Bottom line: H.B. 565 would add one new exemption to Ohio's Public Records Act: a grand juror's name and home address, and the grand jury foreperson's signature, would no longer be public records. It responds to the Ohio Supreme Court's December 2024 decision in *State ex rel. Culgan v. Jefferson County Clerk of Courts*, which ordered a county clerk to release grand jurors' names and the foreperson's signature from 1997–98 grand jury reports because no exemption covered them. Addresses were not at issue in that case; the bill adds them. Six justices supported ordering the names released, though they split on other points; Justice Stewart would have withheld them under the grand jury secrecy rule.

The bill passed the House 96–0 in May 2026 with 42 cosponsors from both parties. Every witness in the committee record reviewed supported it: the sponsors and three prosecutors' offices. No open-government, media or defense group has taken a position on the record. The testimony describes risks to jurors but cites no Ohio incident of harassment after a records request. Senate Judiciary heard sponsor testimony November 10 and has proponent and opponent hearings set for November 17 and 18. One question the record does not address: for court records in cases filed since July 1, 2009, public access is governed by the Supreme Court's own rules, not the Public Records Act, so the bill's reach there depends on those rules. Section 7 identifies four drafting issues.

Item	Detail
Bill	H.B. 565, 136th General Assembly — "to exempt from disclosure under Public Records Law, the name and address of a grand juror and the signature of a grand-jury foreperson, and to name this act the Grand Jury Privacy and Protection Act"
Sponsors	Reps. Dontavius Jarrells (D-1st District) and Mike Odioso (R-30th District); 42 cosponsors in the passed version, 26 Democrats and 16 Republicans
House action	Introduced Nov 4, 2025; four Judiciary hearings; reported and passed 96–0 on May 20, 2026
Senate action	Introduced May 21, 2026; referred to Judiciary Jun 2, 2026; sponsor testimony Nov 10, 2026; 2nd and 3rd hearings Nov 17 and 18, 2026
Version reviewed	As Passed by the House (same text as reported, apart from cosponsors), with LSC's analysis and LBO's fiscal note for that version
Lame-duck flag	Yes. The bill needs Senate passage, and House concurrence if amended, before the General Assembly ends.
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1. What the bill does, in plain language

H.B. 565 does two things.

1. **Exempts grand juror identities from public records requests.** A new exemption, R.C. 149.43(A)(1)(ccc), removes three items from the definition of a public record: the name of a grand juror, the address of a grand juror's actual residence, and the signature of a grand jury foreperson. It applies to grand jurors impaneled by an Ohio court of common pleas who have taken the grand juror's oath under R.C. 2939.06. Federal grand juries are not affected.[1]
2. **Names the act** the "Grand Jury Privacy and Protection Act" (Section 3).

A public office holding a record that contains these items must withhold them and release the rest, as with other exemptions. Under continuing law, a record that is not public and is permanently retained generally becomes public 75 years after it was created, subject to exceptions in the statute and to any other law protecting the record.

LBO expects a minimal fiscal effect: some added staff time to redact records, absorbed within existing resources.[2] The note does not address possible changes to clerks' electronic filing systems, handling of historical records, or public copies of indictments.

2. Provision by provision

Statute	Topic	Current law	H.B. 565
149.43(A)(1)(ccc) (new)	Public records exemptions	No exemption for grand juror names, addresses or the foreperson's signature; *Culgan* ordered their release	Grand juror name, residence address and foreperson signature are not public records, for jurors impaneled and sworn under R.C. 2939.06
149.43(A) (unchanged)	75-year rule	Non-public records that are permanently retained generally become public after 75 years, with exceptions	Would generally apply to the new exemption
Section 3 (uncodified)	Name	—	"Grand Jury Privacy and Protection Act"

3. Context

The *Culgan* decision. In 2023 Clifford Culgan asked the Jefferson County clerk of courts for grand jury final reports from October 1997 through January 1998. The clerk redacted the grand jurors' names and the foreperson's signature, relying on an earlier decision about prospective jurors' names and addresses. The Supreme Court ordered release. It held that the grand jurors "executed the responsibilities of the grand jury," so their names and the foreperson's signature document the grand jury's work, and that the earlier case "does not stand for such a rule."[3] The lead per curiam opinion was joined by Justices Fischer, DeWine and Deters. Chief Justice Kennedy, joined by Justice Donnelly, agreed the names must be released but would have awarded damages; Justice Brunner also concurred in part. Justice Stewart was the only justice who would have withheld the names, citing Criminal Rule 6(E)'s bar on disclosing "the vote of any grand juror" and arguing that releasing

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[1] Ohio Legislative Service Commission, *Bill Analysis: H.B. 565, As Passed by the House*, 136th General Assembly, June 2, 2026, https://www.legislature.ohio.gov/download?key=28217.

[2] Ohio Legislative Service Commission, Legislative Budget Office, *Fiscal Note & Local Impact Statement: H.B. 565, As Passed by the House*, May 21, 2026, https://www.legislature.ohio.gov/download?key=28099.

[3] *State ex rel. Culgan v. Jefferson Cty. Clerk of Courts*, 178 Ohio St.3d 86, 2024-Ohio-5699, ¶¶ 17–20, 28–29, 41–42, https://supremecourt.ohio.gov/rod/docs/pdf/0/2024/2024-Ohio-5699.pdf.

names effectively reveals votes. The Court denied statutory damages because the clerk's position had been reasonable.[4]

Which law governs court records. *Culgan* was decided under the Public Records Act because the records came from cases filed before July 1, 2009. For court case documents in cases filed on or after that date, the Supreme Court has held that its own public access rules, not R.C. 149.43, are "the sole vehicle" for access.[5] Those rules exclude from public case documents any "document or information in a document exempt from disclosure under state, federal, or the common law."[6] An exemption added to the Public Records Act would likely reach newer court records through that exclusion, which the Court can amend. The public access rules were renumbered in 2026 as Sup.R. 11.09 to 11.16.[7]

Grand jury secrecy. Grand jurors swear under R.C. 2939.06 to "keep secret all proceedings of the grand jury," and Criminal Rule 6(E) bars disclosing deliberations and any juror's vote. Neither, the Court found, made the jurors' names exempt from the Public Records Act. H.B. 260 and S.B. 61, pending bills that remove court-procedure statutes overtaken by court rules (see OCG Bill Review No. 005), amend R.C. 2939.06 but keep the oath.

Juror privacy and oversight. Withholding individual names is different from withholding information about who serves. A defendant can challenge a grand jury's selection or a juror's qualifications by motion under Criminal Rule 6, through the court rather than a public records request.[8] The bill does not provide for anonymized data on the makeup of grand juries, and the record does not show whether courts publish such data now. Whether the public could still check grand juries for problems in selection, without names, is a question the record does not answer.

Related bill. H.B. 478, also before Senate Judiciary this week, would create a jury tampering offense.

When	Event
Nov 4, 2025	Introduced
Feb 4, 2026	House Judiciary: sponsor testimony
Feb 11, 2026	3 proponents (Hamilton County and Butler County prosecutors; Ohio Prosecuting Attorneys Association)
Feb 18, 2026	3rd hearing; no testimony
May 20, 2026	House Judiciary 4th hearing: reported; House passes 96–0
Jun 2, 2026	Referred to Senate Judiciary
Nov 10, 2026	Senate Judiciary: sponsor testimony
Nov 17–18, 2026	Senate Judiciary: proponent hearing, then opponent and interested-party hearing (scheduled)

4. Who is for and against, and why

Every witness identified in the committee record reviewed supported the bill. No opponent or interested party has testified. That reflects who testified, not the views of groups that did not.

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[4] *State ex rel. Culgan v. Jefferson Cty. Clerk of Courts*, 178 Ohio St.3d 86, 2024-Ohio-5699, ¶¶ 17–20, 28–29, 41–42, https://supremecourt.ohio.gov/rod/docs/pdf/0/2024/2024-Ohio-5699.pdf.

[5] *State ex rel. Harris v. Pureval*, 155 Ohio St.3d 343, 2018-Ohio-4718, quoting *State ex rel. Richfield v. Laria*, 138 Ohio St.3d 168, 2014-Ohio-243; *State ex rel. Parker Bey v. Byrd*, 160 Ohio St.3d 141, 2020-Ohio-2766, ¶¶ 11–15, https://supremecourt.ohio.gov/rod/docs/pdf/0/2020/2020-ohio-2766.pdf.

[6] Sup.R. 44(C)(2)(a) (as amended through Oct. 15, 2024; renumbered in 2026 as part of Sup.R. 11.09 to 11.16).

[7] Rules of Superintendence for the Courts of Ohio, Sup.R. 11.09, https://www.courtrules.net/ohio/ohio-superintendence/rule-11.09.

[8] Reps. Dontavius Jarrells and Mike Odioso, sponsor testimony on H.B. 565, House Judiciary Committee, February 4, 2026; Senate Judiciary Committee, November 10, 2026.

Affected parties were not contacted for comment before this release. Positions reflect the public record as of November 16, 2026. Responses received later will be added in a revised version.

On the record

Witness	Hearing	Position	Stated reasons
Reps. Jarrells (D) and Odioso (R), sponsors	House Judiciary (Feb 4, 2026); Senate Judiciary (Nov 10, 2026)	Sponsor	*Culgan* exposed "ordinary citizens … to public identification simply for fulfilling a civic duty"; secrecy lets jurors deliberate "free from intimidation, pressure, or harassment"; jurors may hear up to 15 cases a day.[9]
Connie Pillich, Hamilton County Prosecutor	Feb 11, 2026	Proponent	Corrects "an unintended omission"; the Court "just followed the law as written"; jurors deciding gang, homicide and domestic violence cases "could be harassed or assaulted for how they voted."[10]
Mike Gmoser, Butler County Prosecutor	Feb 11, 2026	Proponent	"The privacy and anonymity of grand jurors is a bedrock of American criminal justice."[11]
Ohio Prosecuting Attorneys Association (Louis Tobin)	Feb 11, 2026	Proponent	Prosecutors report that jurors' "number one concern" is their safety; identifiable jurors create openings "for the criminal element to attempt to influence grand jury deliberations."[12]

Affected interests with no public position found

Interest	Provision affecting them
News media and open-government organizations	Lose access to grand juror names in records
Criminal defendants and the defense bar	Cannot use public records requests to learn grand jurors' identities, for example to check composition or qualifications
Clerks of courts	Must redact names and foreperson signatures in responses to requests
Courts and the Supreme Court	Reach of the exemption to newer court records depends on the public access rules
Grand jurors	Names and addresses protected from requests

5. Pros and cons by lens

These are the arguments each camp would likely make, not documented positions and not OCG positions.

	Conservative lens	Liberal lens
Pros	Protects citizens doing a civic duty from intimidation by criminal defendants and associates. Supports prosecutors and the integrity of indictments. Restores a long-assumed protection.	Protects ordinary people, including those from overpoliced neighborhoods, from retaliation and online harassment. Encourages a broad cross-section of residents to serve.

[9] Reps. Dontavius Jarrells and Mike Odioso, sponsor testimony on H.B. 565, House Judiciary Committee, February 4, 2026; Senate Judiciary Committee, November 10, 2026.

[10] Connie Pillich, Hamilton County Prosecuting Attorney, proponent testimony on H.B. 565, House Judiciary Committee, February 11, 2026.

[11] Mike Gmoser, Butler County Prosecuting Attorney, proponent statement on H.B. 565, House Judiciary Committee, February 11, 2026.

[12] Louis Tobin, Ohio Prosecuting Attorneys Association, written proponent testimony on H.B. 565, House Judiciary Committee, February 11, 2026.

	Conservative lens	Liberal lens
Cons	Adds another exemption to the Public Records Act; open government is a check on government power.	The grand jury is the least visible step in a prosecution; hiding who served makes it harder to examine whether grand juries reflect their communities.
Likely split	Law-and-order conservatives vs. transparency and limited-government conservatives	Juror-protection advocates vs. open-records and criminal-justice reform advocates

Common ground in the record: the bill passed 96–0 with sponsors and cosponsors from both parties. **Points either lens could raise:** whether a narrower rule, such as delayed release after a set number of years, would serve both safety and accountability.

6. Process record

Metric	H.B. 565
Hearings	House Judiciary: 4 (Feb 4, 11, 18, May 20, 2026). Senate Judiciary: 1 held (Nov 10, 2026); 2 scheduled (Nov 17, 18)
Testimony	Sponsors plus 3 proponents, all prosecutors; 0 opponents or interested parties
House committee vote	The votes page shows 13–0.[13] The committee minutes record "11 yeas and 0 nays."[14] OCG could not retrieve a member-by-member list.
House floor vote	96–0 (May 20, 2026), with members of both parties voting yes[15]
Committee to floor	Reported and passed the same day, May 20, 2026
Cosponsors	42: 26 Democrats, 16 Republicans
Time in Senate	About five months from referral to first hearing
Fiscal note	Minimal; redaction costs absorbed[16]
Lame-duck or omnibus	Lame duck: yes. Omnibus: no; one subsection
Comment requests	None sent before release (2026 lame-duck reviews; see section 4)

[13] Ohio General Assembly, "House Bill 565: Votes," accessed November 16, 2026, https://www.legislature.ohio.gov/legislation/136/hb565/votes.

[14] Ohio House Judiciary Committee, minutes, May 20, 2026.

[15] Ohio General Assembly, "House Bill 565: Votes," accessed November 16, 2026, https://www.legislature.ohio.gov/legislation/136/hb565/votes.

[16] Ohio Legislative Service Commission, Legislative Budget Office, *Fiscal Note & Local Impact Statement: H.B. 565, As Passed by the House*, May 21, 2026, https://www.legislature.ohio.gov/download?key=28099.

7. Drafting issues and implementation risks

Sections 3 and 7 reflect OCG's reading of the bill text and current law. They have not been reviewed by an attorney and are not legal advice.

The text raises four drafting questions. None is rated High. An issue describes what the text does or leaves open, not anyone's intent.

#	Issue (R.C.)	Type	What the text does	Interests affected	Severity
1	**Newer court records.** 149.43(A)(1)(ccc)	Legal question	The bill amends only the Public Records Act. For case documents in cases filed on or after July 1, 2009, the Supreme Court's public access rules govern, and they exclude information "exempt from disclosure under state … law." The exemption would likely carry over through that clause (Sup.R. 44(C)(2)(a), now part of Sup.R. 11.09 to 11.16), but the protection for most current court records would then rest on a court rule the Court can change. Whether the clause reaches every kind of grand jury document a court holds has not been tested. Records held by prosecutors and other public offices are covered directly.	Grand jurors; clerks; courts; requesters	Low–Medium
2	**Who is covered.** 149.43(A)(1)(ccc)	Textual	The qualifier "who has been impaneled and who has sworn an oath under section 2939.06" follows "grand-jury foreperson" after a comma. Read most naturally it applies to all three items, so summoned jurors who were not impaneled, or alternates not yet sworn, fall outside. *Culgan* indicates prospective jurors' names may not be records at all, which narrows the gap.	Prospective and alternate grand jurors	Low
3	**Old records and the 75-year rule.** 149.43(A)	Textual	The exemption applies to records already held, such as the 1997–98 reports in *Culgan*. If those reports are permanently retained and no other law protects them, the 75-year rule would make the names public again around 2072–73. The bill does not address whether that outcome is intended.	Grand jurors; historians; requesters	Low
4	**Foreperson signature on indictments.** 149.43(A)(1)(ccc)	Implementation	The foreperson's signature is required on every indictment under Criminal Rule 6(F). Public copies of indictments would need the signature redacted; LBO treats this as minimal work. The bill does not say whether the foreperson's printed name, which often accompanies the signature, is covered as "the name of a grand juror."	Clerks; prosecutors	Low

Type: *Textual* = confirmed in the bill's text or official documents. *Implementation* = depends on rules or practice not yet written. *Legal question* = depends on how a court would apply other law. **Severity:** *High* = a demonstrated conflict affecting public property, statutory rights or public money at scale. *Medium* = fraud, accountability, liability or coordination exposure the text leaves open. *Low* = administrative.

8. Open questions

1. **Will anyone testify against the bill** at the Senate's November 18 opponent hearing? No open-government, media or defense group has testified in either chamber.
2. **Has any Ohio grand juror been threatened or contacted** after a *Culgan*-type request? The testimony describes risks and concerns but cites no Ohio incident.
3. **Was the House committee vote 13–0 or 11–0?** The votes page and the minutes differ.
4. **Will the Supreme Court amend its public access rules** to name the exemption expressly for court records?
5. **Should trial (petit) jurors' names be treated the same way?** The bill covers only grand jurors.
6. **Do Ohio courts publish anonymized information on grand jury makeup,** and should the bill require it?

About this review

What this is. OCG Bill Reviews are Research Center publications. They describe what a bill does, who has taken a position on it, and how it has moved through the General Assembly. Ohio Common Ground does not endorse or oppose legislation, candidates or parties. Nothing in this review is a recommendation to vote for or against this bill.

Version and date. This review covers H.B. 565 As Passed by the House, as of November 16, 2026. Bills change through substitutes and amendments, so a later version may differ. Updates are posted at ohiocommonground.com.

Sources. Figures and statements of law come from primary government sources: bill text, analyses from LSC's Office of Research and Drafting, Legislative Budget Office fiscal notes, committee records, minutes and votes, and court decisions. Statements in testimony are reported as the witness's statement. A figure that cannot be traced to a primary source is left out.

Method. Each review follows the OCG Legislative Review Standard:

1. Plain-language summary and provision-by-provision comparison against current law.
2. Context: earlier versions, related bills, recent law and litigation.
3. Positions on the record, from committee testimony and public statements. Interests affected by a provision are listed separately; being affected is not treated as support or opposition.
4. Lens analysis: the arguments conservative and liberal observers would likely make. These are hypothetical, attributed arguments, not documented positions and not OCG positions.
5. Process record: measurable facts about hearings, testimony, timing and sponsorship.
6. Drafting issues: places where the text is ambiguous, incomplete or leaves discretion unchecked, each tied to a section of the Revised Code and labeled by type. An issue describes what the text does or leaves open, not anyone's intent.
7. Open questions the public record does not yet answer.

Not legal advice. This review is not legal advice. Anyone with a legal question should contact the responsible court or an attorney.

Corrections. Report errors through ohiocommonground.com. Corrections made before release are logged in the working draft. Substantive changes after release are issued as a new version.

Sources

Primary

- H.B. 565, As Passed by the House; As Reported by House Judiciary

- LSC Bill Analysis, As Passed by the House; LBO Fiscal Note, As Passed by the House
- H.B. 565 committee activity, status and votes; House Judiciary minutes, May 20, 2026; Senate Judiciary notices for Nov 17 and 18, 2026
- Written testimony: Reps. Jarrells and Odioso (House and Senate); Hamilton County Prosecutor; Butler County Prosecutor; Ohio Prosecuting Attorneys Association
- *State ex rel. Culgan v. Jefferson Cty. Clerk of Courts*, 2024-Ohio-5699; *State ex rel. Parker Bey v. Byrd*, 2020-Ohio-2766; *State ex rel. Harris v. Pureval*, 2018-Ohio-4718; Rules of Superintendence, public access rules

Revision history

Version	Date	Change
1.0	11/16/26	Initial release.