

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 610**

**Representative Cupp**

**Cosponsors: Representatives Riedel, Smith, T., Galonski, Miranda, Lightbody,  
Miller, J.**

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**A BILL**

To amend sections 109.42, 149.43, 2151.356, 1  
2151.358, 2152.20, 2152.81, 2152.811, 2907.02, 2  
2907.05, 2907.10, 2929.18, 2929.20, 2929.22, 3  
2929.28, 2930.01, 2930.02, 2930.03, 2930.04, 4  
2930.05, 2930.06, 2930.062, 2930.08, 2930.09, 5  
2930.11, 2930.12, 2930.13, 2930.14, 2930.15, 6  
2930.16, 2930.17, 2930.18, 2930.19, 2937.11, 7  
2945.481, 2945.482, 2945.72, 2947.051, 2951.041, 8  
and 2953.32; to enact new section 2930.07 and 9  
sections 2152.203, 2929.281, 2930.041, 2930.042, 10  
2930.043, 2930.044, 2930.051, 2930.063, 11  
2930.071, 2930.072, 2930.121, 2930.131, 12  
2930.161, 2930.162, 2930.163, 2930.171, 13  
2930.191, and 2945.483; and to repeal section 14  
2930.07 of the Revised Code to make changes 15  
relative to the rights of crime victims. 16

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

**Section 1.** That sections 109.42, 149.43, 2151.356, 17  
2151.358, 2152.20, 2152.81, 2152.811, 2907.02, 2907.05, 2907.10, 18

2929.18, 2929.20, 2929.22, 2929.28, 2930.01, 2930.02, 2930.03, 19  
2930.04, 2930.05, 2930.06, 2930.062, 2930.08, 2930.09, 2930.11, 20  
2930.12, 2930.13, 2930.14, 2930.15, 2930.16, 2930.17, 2930.18, 21  
2930.19, 2937.11, 2945.481, 2945.482, 2945.72, 2947.051, 22  
2951.041, and 2953.32 be amended and new section 2930.07 and 23  
sections 2152.203, 2929.281, 2930.041, 2930.042, 2930.043, 24  
2930.044, 2930.051, 2930.063, 2930.071, 2930.072, 2930.121, 25  
2930.131, 2930.161, 2930.162, 2930.163, 2930.171, 2930.191, and 26  
2945.483 of the Revised Code be enacted to read as follows: 27

**Sec. 109.42.** (A) The attorney general shall prepare and 28  
have printed a pamphlet that contains a compilation of all 29  
constitutional provisions and statutes relative to victim's 30  
rights in which the attorney general lists and explains the 31  
constitutional provisions and statutes in the form of a victim's 32  
bill of rights. The attorney general shall create the victim's 33  
rights request/waiver form, which shall include the information 34  
specified in section 2930.04 of the Revised Code, or a 35  
substantially similar form, and shall distribute the pamphlet 36  
and form to all sheriffs, marshals, municipal corporation and 37  
township police departments, constables, and other law 38  
enforcement agencies, to all prosecuting attorneys, city 39  
directors of law, village solicitors, and other similar chief 40  
legal officers of municipal corporations, and to organizations 41  
that represent or provide services for victims of crime. The 42  
victim's bill of rights set forth in the pamphlet shall contain 43  
a description of all of the rights of victims that are provided 44  
for in the Ohio Constitution, or in Chapter 2930. or ~~in~~ any 45  
other section of the Revised Code and shall include, but not be 46  
limited to, all of the following: 47

(1) The right of a victim ~~or~~ and a victim's 48  
representative, if applicable, to attend a proceeding before a 49

grand jury, in a juvenile case, or in a criminal case ~~pursuant~~ 50  
~~to a subpoena~~ without being discharged from the victim's or 51  
victim's representative's employment, having the victim's or 52  
victim's representative's employment terminated, having the 53  
victim's or victim's representative's pay decreased or withheld, 54  
or otherwise being punished, penalized, or threatened as a 55  
result of time lost from regular employment because of the 56  
victim's or victim's representative's attendance at the 57  
~~proceeding pursuant to the subpoena~~, as set forth in section 58  
2151.211, 2930.18, 2939.121, or 2945.451 of the Revised Code; 59

(2) The potential availability pursuant to section 60  
2151.359 or 2152.61 of the Revised Code of a forfeited 61  
recognizance to pay damages caused by a child when the 62  
delinquency of the child or child's violation of probation or 63  
community control is found to be proximately caused by the 64  
failure of the child's parent or guardian to subject the child 65  
to reasonable parental authority or to faithfully discharge the 66  
conditions of probation or community control; 67

(3) The availability of awards of reparations pursuant to 68  
sections 2743.51 to 2743.72 of the Revised Code for injuries 69  
caused by criminal offenses; 70

~~(4) The right of the victim in certain criminal or 71  
juvenile cases or a victim's representative to receive, pursuant 72  
to section 2930.06 of the Revised Code, notice of the date, 73  
time, and place of the trial or delinquency proceeding in the 74  
case or, if there will not be a trial or delinquency proceeding, 75  
information from the prosecutor, as defined in section 2930.01 76  
of the Revised Code, regarding the disposition of the case;~~ 77

~~(5) The right of the victim in certain criminal or 78  
juvenile cases or a victim's representative to receive, pursuant 79~~

~~to section 2930.04, 2930.05, or 2930.06 of the Revised Code,~~ 80  
~~notice of the name of the person charged with the violation, the~~ 81  
~~case or docket number assigned to the charge, and a telephone~~ 82  
~~number or numbers that can be called to obtain information about~~ 83  
~~the disposition of the case;~~ 84

~~(6) The right of the victim in certain criminal or~~ 85  
~~juvenile cases or of the victim's representative pursuant to~~ 86  
~~section 2930.13 or 2930.14 of the Revised Code, subject to any~~ 87  
~~reasonable terms set by the court as authorized under section~~ 88  
~~2930.14 of the Revised Code, to make a statement about the~~ 89  
~~victimization and, if applicable, a statement relative to the~~ 90  
~~sentencing or disposition of the offender;~~ 91

~~(7) The opportunity to obtain a court order, pursuant to~~ 92  
~~section 2945.04 of the Revised Code, to prevent or stop the~~ 93  
~~commission of the offense of intimidation of a crime victim or~~ 94  
~~witness or an offense against the person or property of the~~ 95  
~~complainant, or of the complainant's ward or child;~~ 96

~~(8) (5) The right of the victim in certain criminal or~~ 97  
~~juvenile cases or a~~ and the ~~victim's representative pursuant to~~ 98  
the Ohio Constitution and sections 2151.38, 2929.20, 2930.10, 99  
2930.16, and 2930.17 of the Revised Code to receive notice of a 100  
pending motion for judicial release, release pursuant to section 101  
2967.19 of the Revised Code, or other early release of the 102  
person who committed the offense against the victim, to make an 103  
oral or written a statement orally, in writing, or both at the 104  
court hearing on the motion, and to be notified of the court's 105  
decision on the motion; 106

~~(9) (6) The right of the victim in certain criminal or~~ 107  
~~juvenile cases or a~~ and the ~~victim's representative, if~~ 108  
applicable, pursuant to the Ohio Constitution and section 109

2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised Code to receive notice of any pending commutation, pardon, parole, transitional control, discharge, other form of authorized release, post-release control, or supervised release for the person who committed the offense against the victim or any application for release of that person and to send a written statement relative to the victimization and the pending action to the adult parole authority or the release authority of the department of youth services;

~~(10)~~ (7) The right of the victim to bring a civil action pursuant to sections 2969.01 to 2969.06 of the Revised Code to obtain money from the offender's profit fund;

~~(11)~~ (8) The right, pursuant to section 3109.09 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully damages property through the commission of an act that would be a theft offense, as defined in section 2913.01 of the Revised Code, if committed by an adult;

~~(12)~~ (9) The right, pursuant to section 3109.10 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully and maliciously assaults a person;

~~(13)~~ (10) The possibility of receiving right of the victim, pursuant to section 2152.20, 2152.203, 2929.18, 2929.28, or 2929.281 of the Revised Code, to receive restitution from an offender or a delinquent child pursuant to section 2152.20, 2929.18, or 2929.28 of the Revised Code;

~~(14) The right of the victim in certain criminal or juvenile cases or a victim's representative, pursuant to section 2930.16 of the Revised Code, to receive notice of the escape from confinement or custody of the person who committed the offense, to receive that notice from the custodial agency of the person at the victim's last address or telephone number provided to the custodial agency, and to receive notice that, if either the victim's address or telephone number changes, it is in the victim's interest to provide the new address or telephone number to the custodial agency;~~

~~(15)~~ (11) The right of a victim of domestic violence, including domestic violence in a dating relationship as defined in section 3113.31 of the Revised Code, to seek the issuance of a civil protection order pursuant to that section, the right of a victim of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code, a violation of a substantially similar municipal ordinance, or an offense of violence who is a family or household member of the offender at the time of the offense to seek the issuance of a temporary protection order pursuant to section 2919.26 of the Revised Code, and the right of both types of victims to be accompanied by a victim advocate during court proceedings;

~~(16)~~ (12) The right of a victim of a sexually oriented offense or of a child-victim oriented offense that is committed by a person who is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing the offense and who is in a category specified in division (B) of section 2950.10 of the Revised Code to receive, pursuant to that section, notice that the person has registered with a sheriff under section 2950.04, 2950.041, or 2950.05 of the Revised Code and notice of the person's name, the person's residence that is

registered, and the offender's school, institution of higher 170  
education, or place of employment address or addresses that are 171  
registered, the person's photograph, and a summary of the manner 172  
in which the victim must make a request to receive the notice. 173  
As used in this division, "sexually oriented offense" and 174  
"child-victim oriented offense" have the same meanings as in 175  
section 2950.01 of the Revised Code. 176

~~(17)~~ (13) The right of a victim of certain sexually 177  
violent offenses committed by an offender who also is convicted 178  
of or pleads guilty to a sexually violent predator specification 179  
and who is sentenced to a prison term pursuant to division (A) 180  
(3) of section 2971.03 of the Revised Code, of a victim of a 181  
violation of division (A) (1) (b) of section 2907.02 of the 182  
Revised Code committed on or after January 2, 2007, by an 183  
offender who is sentenced for the violation pursuant to division 184  
(B) (1) (a), (b), or (c) of section 2971.03 of the Revised Code, 185  
of a victim of an attempted rape committed on or after January 186  
2, 2007, by an offender who also is convicted of or pleads 187  
guilty to a specification of the type described in section 188  
2941.1418, 2941.1419, or 2941.1420 of the Revised Code and is 189  
sentenced for the violation pursuant to division (B) (2) (a), (b), 190  
or (c) of section 2971.03 of the Revised Code, and of a victim 191  
of an offense that is described in division (B) (3) (a), (b), (c), 192  
or (d) of section 2971.03 of the Revised Code and is committed 193  
by an offender who is sentenced pursuant to one of those 194  
divisions to receive, pursuant to section 2930.16 of the Revised 195  
Code, notice of a hearing to determine whether to modify the 196  
requirement that the offender serve the entire prison term in a 197  
state correctional facility, whether to continue, revise, or 198  
revoke any existing modification of that requirement, or whether 199  
to terminate the prison term. As used in this division, 200

"sexually violent offense" and "sexually violent predator  
specification" have the same meanings as in section 2971.01 of  
the Revised Code. 201  
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203

(B) (1) (a) ~~Subject to division (B) (1) (c) of this section, a~~ 204  
A prosecuting attorney, assistant prosecuting attorney, city 205  
director of law, assistant city director of law, village 206  
solicitor, assistant village solicitor, or similar chief legal 207  
officer of a municipal corporation or an assistant of any of 208  
those officers who prosecutes an offense committed in this 209  
state, upon first contact with the victim of the offense, the 210  
victim's family, or the victim's dependents, shall give the 211  
victim, the victim's family, or the victim's dependents a copy 212  
of the victim's rights request/waiver form, or a substantially 213  
similar form, and pamphlet prepared pursuant to division (A) of 214  
this section and explain, upon request, the information in the 215  
form and pamphlet to the victim, the victim's family, or the 216  
victim's dependents. 217

(b) ~~Subject to division (B) (1) (c) of this section, a~~ 218  
A law enforcement agency that investigates ~~an~~ a criminal offense or 219  
delinquent act committed in this state shall give the victim of 220  
the criminal offense or delinquent act, the victim's family, or 221  
the victim's dependents a copy of the form and pamphlet prepared 222  
pursuant to division (A) of this section at one of the following 223  
times: 224

(i) Upon first contact with the victim, the victim's 225  
family, or the victim's dependents; 226

(ii) If the ~~offense or delinquent act is an offense of~~ 227  
~~violence, if the~~ circumstances of the criminal offense or 228  
delinquent act and the condition of the victim, the victim's 229  
family, or the victim's dependents indicate that the victim, the 230

victim's family, or the victim's dependents will not be able to 231  
understand the significance of the form and pamphlet upon first 232  
contact with the agency, and if the agency anticipates that it 233  
will have an additional contact with the victim, the victim's 234  
family, or the victim's dependents, upon the agency's second 235  
contact with the victim, the victim's family, or the victim's 236  
dependents. 237

If the agency does not give the victim, the victim's 238  
family, or the victim's dependents a copy of the form and 239  
pamphlet upon first contact with them and does not have a second 240  
contact with the victim, the victim's family, or the victim's 241  
dependents, the agency shall mail a copy of the form and 242  
pamphlet to the victim, the victim's family, or the victim's 243  
dependents at their last known address. 244

~~(c) In complying on and after December 9, 1994, with the 245  
duties imposed by division (B) (1) (a) or (b) of this section, an 246  
official or a law enforcement agency shall use copies of the 247  
pamphlet that are in the official's or agency's possession on 248  
December 9, 1994, until the official or agency has distributed 249  
all of those copies. After the official or agency has 250  
distributed all of those copies, the official or agency shall 251  
use only copies of the pamphlet that contain at least the 252  
information described in divisions (A) (1) to (17) of this 253  
section. 254~~

~~(2) The failure of a law enforcement agency or of a 255  
prosecuting attorney, assistant prosecuting attorney, city 256  
director of law, assistant city director of law, village 257  
solicitor, assistant village solicitor, or similar chief legal 258  
officer of a municipal corporation or an assistant to any of 259  
those officers to give, as required by division (B) (1) of this 260~~

~~section, the victim of an offense or delinquent act, the  
victim's family, or the victim's dependents a copy of the  
pamphlet prepared pursuant to division (A) of this section does  
not give the victim, the victim's family, the victim's  
dependents, or a victim's representative any rights under  
section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to  
2969.06, 3109.09, or 3109.10 of the Revised Code or under any  
other provision of the Revised Code and does not affect any  
right under those sections.~~

~~(3) A law enforcement agency, a prosecuting attorney or  
assistant prosecuting attorney, or a city director of law,  
assistant city director of law, village solicitor, assistant  
village solicitor, or similar chief legal officer of a municipal  
corporation that distributes a copy of the form and pamphlet  
prepared pursuant to division (A) of this section shall not be  
required to distribute a copy of an information card or other  
printed material provided by the clerk of the court of claims  
pursuant to section 2743.71 of the Revised Code.~~

(C) The cost of printing and distributing the form and  
pamphlet prepared pursuant to division (A) of this section shall  
be paid out of the reparations fund, created pursuant to section  
2743.191 of the Revised Code, in accordance with division (D) of  
that section.

(D) As used in this section:

(1) ~~"Victim's Criminal offense, delinquent act, and  
victim's representative" has have the same meaning meanings as~~  
in section 2930.01 of the Revised Code;

(2) "Victim advocate" has the same meaning as in section  
2919.26 of the Revised Code.

<b>Sec. 149.43.</b> (A) As used in this section:	290
(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:	291 292 293 294 295 296 297 298
(a) Medical records;	299
(b) Records pertaining to probation and parole proceedings, to proceedings related to the imposition of community control sanctions and post-release control sanctions, or to proceedings related to determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;	300 301 302 303 304 305
(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;	306 307 308
(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;	309 310 311
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	312 313 314 315 316 317
(f) Records specified in division (A) of section 3107.52	318

of the Revised Code;	319
(g) Trial preparation records;	320
(h) Confidential law enforcement investigatory records;	321
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	322 323
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	324 325
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	326 327 328 329
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	330 331 332 333
(m) Intellectual property records;	334
(n) Donor profile records;	335
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	336 337
(p) Designated public service worker residential and familial information;	338 339
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	340 341 342 343 344
(r) Information pertaining to the recreational activities	345

of a person under the age of eighteen; 346

(s) In the case of a child fatality review board acting 347  
under sections 307.621 to 307.629 of the Revised Code or a 348  
review conducted pursuant to guidelines established by the 349  
director of health under section 3701.70 of the Revised Code, 350  
records provided to the board or director, statements made by 351  
board members during meetings of the board or by persons 352  
participating in the director's review, and all work products of 353  
the board or director, and in the case of a child fatality 354  
review board, child fatality review data submitted by the board 355  
to the department of health or a national child death review 356  
database, other than the report prepared pursuant to division 357  
(A) of section 307.626 of the Revised Code; 358

(t) Records provided to and statements made by the 359  
executive director of a public children services agency or a 360  
prosecuting attorney acting pursuant to section 5153.171 of the 361  
Revised Code other than the information released under that 362  
section; 363

(u) Test materials, examinations, or evaluation tools used 364  
in an examination for licensure as a nursing home administrator 365  
that the board of executives of long-term services and supports 366  
administers under section 4751.15 of the Revised Code or 367  
contracts under that section with a private or government entity 368  
to administer; 369

(v) Records the release of which is prohibited by state or 370  
federal law; 371

(w) Proprietary information of or relating to any person 372  
that is submitted to or compiled by the Ohio venture capital 373  
authority created under section 150.01 of the Revised Code; 374

(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	375 376 377 378 379 380
(y) Records listed in section 5101.29 of the Revised Code;	381
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section;	382 383 384
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	385 386 387
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	388 389 390
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;	391 392 393
(dd) Personal information, as defined in section 149.45 of the Revised Code;	394 395
(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot identification envelope statement of voter, or provisional ballot affirmation completed by a program participant who has a confidential voter registration record, and records or portions	396 397 398 399 400 401 402 403

of records pertaining to that program that identify the number 404  
of program participants that reside within a precinct, ward, 405  
township, municipal corporation, county, or any other geographic 406  
area smaller than the state. As used in this division, 407  
"confidential address" and "program participant" have the 408  
meaning defined in section 111.41 of the Revised Code. 409

(ff) Orders for active military service of an individual 410  
serving or with previous service in the armed forces of the 411  
United States, including a reserve component, or the Ohio 412  
organized militia, except that, such order becomes a public 413  
record on the day that is fifteen years after the published date 414  
or effective date of the call to order; 415

(gg) The name, address, contact information, or other 416  
personal information of an individual who is less than eighteen 417  
years of age that is included in any record related to a traffic 418  
accident involving a school vehicle in which the individual was 419  
an occupant at the time of the accident; 420

(hh) Protected health information, as defined in 45 C.F.R. 421  
160.103, that is in a claim for payment for a health care 422  
product, service, or procedure, as well as any other health 423  
claims data in another document that reveals the identity of an 424  
individual who is the subject of the data or could be used to 425  
reveal that individual's identity; 426

(ii) Any depiction by photograph, film, videotape, or 427  
printed or digital image under either of the following 428  
circumstances: 429

(i) The depiction is that of a victim of an offense the 430  
release of which would be, to a reasonable person of ordinary 431  
sensibilities, an offensive and objectionable intrusion into the 432

victim's expectation of bodily privacy and integrity.	433
(ii) The depiction captures or depicts the victim of a sexually oriented offense, as defined in section 2950.01 of the Revised Code, at the actual occurrence of that offense.	434 435 436
(jj) Restricted portions of a body-worn camera or dashboard camera recording;	437 438
(kk) In the case of a fetal-infant mortality review board acting under sections 3707.70 to 3707.77 of the Revised Code, records, documents, reports, or other information presented to the board or a person abstracting such materials on the board's behalf, statements made by review board members during board meetings, all work products of the board, and data submitted by the board to the department of health or a national infant death review database, other than the report prepared pursuant to section 3707.77 of the Revised Code.	439 440 441 442 443 444 445 446 447
(ll) Records, documents, reports, or other information presented to the pregnancy-associated mortality review board established under section 3738.01 of the Revised Code, statements made by board members during board meetings, all work products of the board, and data submitted by the board to the department of health, other than the biennial reports prepared under section 3738.08 of the Revised Code;	448 449 450 451 452 453 454
(mm) Telephone numbers for a victim, as defined in section 2930.01 of the Revised Code, a witness to a crime, or a party to a motor vehicle accident subject to the requirements of section 5502.11 of the Revised Code that are listed on any law enforcement record or report;	455 456 457 458 459
<u>(nn) Records, documents, and information the release of which is prohibited under section 2930.07 of the Revised Code.</u>	460 461

A record that is not a public record under division (A) (1) 462  
of this section and that, under law, is permanently retained 463  
becomes a public record on the day that is seventy-five years 464  
after the day on which the record was created, except for any 465  
record protected by the attorney-client privilege, a trial 466  
preparation record as defined in this section, a statement 467  
prohibiting the release of identifying information signed under 468  
section 3107.083 of the Revised Code, a denial of release form 469  
filed pursuant to section 3107.46 of the Revised Code, or any 470  
record that is exempt from release or disclosure under section 471  
149.433 of the Revised Code. If the record is a birth 472  
certificate and a biological parent's name redaction request 473  
form has been accepted under section 3107.391 of the Revised 474  
Code, the name of that parent shall be redacted from the birth 475  
certificate before it is released under this paragraph. If any 476  
other section of the Revised Code establishes a time period for 477  
disclosure of a record that conflicts with the time period 478  
specified in this section, the time period in the other section 479  
prevails. 480

(2) "Confidential law enforcement investigatory record" 481  
means any record that pertains to a law enforcement matter of a 482  
criminal, quasi-criminal, civil, or administrative nature, but 483  
only to the extent that the release of the record would create a 484  
high probability of disclosure of any of the following: 485

(a) The identity of a suspect who has not been charged 486  
with the offense to which the record pertains, or of an 487  
information source or witness to whom confidentiality has been 488  
reasonably promised; 489

(b) Information provided by an information source or 490  
witness to whom confidentiality has been reasonably promised, 491

which information would reasonably tend to disclose the source's	492
or witness's identity;	493
(c) Specific confidential investigatory techniques or	494
procedures or specific investigatory work product;	495
(d) Information that would endanger the life or physical	496
safety of law enforcement personnel, a crime victim, a witness,	497
or a confidential information source.	498
(3) "Medical record" means any document or combination of	499
documents, except births, deaths, and the fact of admission to	500
or discharge from a hospital, that pertains to the medical	501
history, diagnosis, prognosis, or medical condition of a patient	502
and that is generated and maintained in the process of medical	503
treatment.	504
(4) "Trial preparation record" means any record that	505
contains information that is specifically compiled in reasonable	506
anticipation of, or in defense of, a civil or criminal action or	507
proceeding, including the independent thought processes and	508
personal trial preparation of an attorney.	509
(5) "Intellectual property record" means a record, other	510
than a financial or administrative record, that is produced or	511
collected by or for faculty or staff of a state institution of	512
higher learning in the conduct of or as a result of study or	513
research on an educational, commercial, scientific, artistic,	514
technical, or scholarly issue, regardless of whether the study	515
or research was sponsored by the institution alone or in	516
conjunction with a governmental body or private concern, and	517
that has not been publicly released, published, or patented.	518
(6) "Donor profile record" means all records about donors	519
or potential donors to a public institution of higher education	520

except the names and reported addresses of the actual donors and 521  
the date, amount, and conditions of the actual donation. 522

(7) "Designated public service worker" means a peace 523  
officer, parole officer, probation officer, bailiff, prosecuting 524  
attorney, assistant prosecuting attorney, correctional employee, 525  
county or multicounty corrections officer, community-based 526  
correctional facility employee, youth services employee, 527  
firefighter, EMT, medical director or member of a cooperating 528  
physician advisory board of an emergency medical service 529  
organization, state board of pharmacy employee, investigator of 530  
the bureau of criminal identification and investigation, judge, 531  
magistrate, or federal law enforcement officer. 532

(8) "Designated public service worker residential and 533  
familial information" means any information that discloses any 534  
of the following about a designated public service worker: 535

(a) The address of the actual personal residence of a 536  
designated public service worker, except for the following 537  
information: 538

(i) The address of the actual personal residence of a 539  
prosecuting attorney or judge; and 540

(ii) The state or political subdivision in which a 541  
designated public service worker resides. 542

(b) Information compiled from referral to or participation 543  
in an employee assistance program; 544

(c) The social security number, the residential telephone 545  
number, any bank account, debit card, charge card, or credit 546  
card number, or the emergency telephone number of, or any 547  
medical information pertaining to, a designated public service 548  
worker; 549

(d) The name of any beneficiary of employment benefits, 550  
including, but not limited to, life insurance benefits, provided 551  
to a designated public service worker by the designated public 552  
service worker's employer; 553

(e) The identity and amount of any charitable or 554  
employment benefit deduction made by the designated public 555  
service worker's employer from the designated public service 556  
worker's compensation, unless the amount of the deduction is 557  
required by state or federal law; 558

(f) The name, the residential address, the name of the 559  
employer, the address of the employer, the social security 560  
number, the residential telephone number, any bank account, 561  
debit card, charge card, or credit card number, or the emergency 562  
telephone number of the spouse, a former spouse, or any child of 563  
a designated public service worker; 564

(g) A photograph of a peace officer who holds a position 565  
or has an assignment that may include undercover or plain 566  
clothes positions or assignments as determined by the peace 567  
officer's appointing authority. 568

(9) As used in divisions (A) (7) and (15) to (17) of this 569  
section: 570

"Peace officer" has the meaning defined in section 109.71 571  
of the Revised Code and also includes the superintendent and 572  
troopers of the state highway patrol; it does not include the 573  
sheriff of a county or a supervisory employee who, in the 574  
absence of the sheriff, is authorized to stand in for, exercise 575  
the authority of, and perform the duties of the sheriff. 576

"Correctional employee" means any employee of the 577  
department of rehabilitation and correction who in the course of 578

performing the employee's job duties has or has had contact with	579
inmates and persons under supervision.	580
"County or multicounty corrections officer" means any	581
corrections officer employed by any county or multicounty	582
correctional facility.	583
"Youth services employee" means any employee of the	584
department of youth services who in the course of performing the	585
employee's job duties has or has had contact with children	586
committed to the custody of the department of youth services.	587
"Firefighter" means any regular, paid or volunteer, member	588
of a lawfully constituted fire department of a municipal	589
corporation, township, fire district, or village.	590
"EMT" means EMTs-basic, EMTs-I, and paramedics that	591
provide emergency medical services for a public emergency	592
medical service organization. "Emergency medical service	593
organization," "EMT-basic," "EMT-I," and "paramedic" have the	594
meanings defined in section 4765.01 of the Revised Code.	595
"Investigator of the bureau of criminal identification and	596
investigation" has the meaning defined in section 2903.11 of the	597
Revised Code.	598
"Federal law enforcement officer" has the meaning defined	599
in section 9.88 of the Revised Code.	600
(10) "Information pertaining to the recreational	601
activities of a person under the age of eighteen" means	602
information that is kept in the ordinary course of business by a	603
public office, that pertains to the recreational activities of a	604
person under the age of eighteen years, and that discloses any	605
of the following:	606

(a) The address or telephone number of a person under the 607  
age of eighteen or the address or telephone number of that 608  
person's parent, guardian, custodian, or emergency contact 609  
person; 610

(b) The social security number, birth date, or 611  
photographic image of a person under the age of eighteen; 612

(c) Any medical record, history, or information pertaining 613  
to a person under the age of eighteen; 614

(d) Any additional information sought or required about a 615  
person under the age of eighteen for the purpose of allowing 616  
that person to participate in any recreational activity 617  
conducted or sponsored by a public office or to use or obtain 618  
admission privileges to any recreational facility owned or 619  
operated by a public office. 620

(11) "Community control sanction" has the meaning defined 621  
in section 2929.01 of the Revised Code. 622

(12) "Post-release control sanction" has the meaning 623  
defined in section 2967.01 of the Revised Code. 624

(13) "Redaction" means obscuring or deleting any 625  
information that is exempt from the duty to permit public 626  
inspection or copying from an item that otherwise meets the 627  
definition of a "record" in section 149.011 of the Revised Code. 628

(14) "Designee," "elected official," and "future official" 629  
have the meanings defined in section 109.43 of the Revised Code. 630

(15) "Body-worn camera" means a visual and audio recording 631  
device worn on the person of a peace officer while the peace 632  
officer is engaged in the performance of the peace officer's 633  
duties. 634

(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.

(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:

(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the law enforcement agency knows or has reason to know the person is a child based on the law enforcement agency's records or the content of the recording;

(b) The death of a person or a deceased person's body, unless the death was caused by a peace officer or, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(c) The death of a peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(d) Grievous bodily harm, unless the injury was effected by a peace officer or, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(e) An act of severe violence against a person that results in serious physical harm to the person, unless the act and injury was effected by a peace officer or, subject to

division (H) (1) of this section, the consent of the injured 664  
person or the injured person's guardian has been obtained; 665

(f) Grievous bodily harm to a peace officer, firefighter, 666  
paramedic, or other first responder, occurring while the injured 667  
person was engaged in the performance of official duties, 668  
unless, subject to division (H) (1) of this section, the consent 669  
of the injured person or the injured person's guardian has been 670  
obtained; 671

(g) An act of severe violence resulting in serious 672  
physical harm against a peace officer, firefighter, paramedic, 673  
or other first responder, occurring while the injured person was 674  
engaged in the performance of official duties, unless, subject 675  
to division (H) (1) of this section, the consent of the injured 676  
person or the injured person's guardian has been obtained; 677

(h) A person's nude body, unless, subject to division (H) 678  
(1) of this section, the person's consent has been obtained; 679

(i) Protected health information, the identity of a person 680  
in a health care facility who is not the subject of a law 681  
enforcement encounter, or any other information in a health care 682  
facility that could identify a person who is not the subject of 683  
a law enforcement encounter; 684

(j) Information that could identify the alleged victim of 685  
a sex offense, menacing by stalking, or domestic violence; 686

(k) Information, that does not constitute a confidential 687  
law enforcement investigatory record, that could identify a 688  
person who provides sensitive or confidential information to a 689  
law enforcement agency when the disclosure of the person's 690  
identity or the information provided could reasonably be 691  
expected to threaten or endanger the safety or property of the 692

person or another person;	693
(1) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer;	694 695
(m) Proprietary police contingency plans or tactics that are intended to prevent crime and maintain public order and safety;	696 697 698
(n) A personal conversation unrelated to work between peace officers or between a peace officer and an employee of a law enforcement agency;	699 700 701
(o) A conversation between a peace officer and a member of the public that does not concern law enforcement activities;	702 703
(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a peace officer;	704 705 706
(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location.	707 708 709
As used in division (A) (17) of this section:	710
"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	711 712
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	713 714
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	715 716
"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code.	717 718
"Personal information" means any government-issued	719

identification number, date of birth, address, financial 720  
information, or criminal justice information from the law 721  
enforcement automated data system or similar databases. 722

"Sex offense" has the same meaning as in section 2907.10 723  
of the Revised Code. 724

"Firefighter," "paramedic," and "first responder" have the 725  
same meanings as in section 4765.01 of the Revised Code. 726

(B) (1) Upon request and subject to division (B) (8) of this 727  
section, all public records responsive to the request shall be 728  
promptly prepared and made available for inspection to any 729  
person at all reasonable times during regular business hours. 730  
Subject to division (B) (8) of this section, upon request by any 731  
person, a public office or person responsible for public records 732  
shall make copies of the requested public record available to 733  
the requester at cost and within a reasonable period of time. If 734  
a public record contains information that is exempt from the 735  
duty to permit public inspection or to copy the public record, 736  
the public office or the person responsible for the public 737  
record shall make available all of the information within the 738  
public record that is not exempt. When making that public record 739  
available for public inspection or copying that public record, 740  
the public office or the person responsible for the public 741  
record shall notify the requester of any redaction or make the 742  
redaction plainly visible. A redaction shall be deemed a denial 743  
of a request to inspect or copy the redacted information, except 744  
if federal or state law authorizes or requires a public office 745  
to make the redaction. 746

(2) To facilitate broader access to public records, a 747  
public office or the person responsible for public records shall 748  
organize and maintain public records in a manner that they can 749

be made available for inspection or copying in accordance with 750  
division (B) of this section. A public office also shall have 751  
available a copy of its current records retention schedule at a 752  
location readily available to the public. If a requester makes 753  
an ambiguous or overly broad request or has difficulty in making 754  
a request for copies or inspection of public records under this 755  
section such that the public office or the person responsible 756  
for the requested public record cannot reasonably identify what 757  
public records are being requested, the public office or the 758  
person responsible for the requested public record may deny the 759  
request but shall provide the requester with an opportunity to 760  
revise the request by informing the requester of the manner in 761  
which records are maintained by the public office and accessed 762  
in the ordinary course of the public office's or person's 763  
duties. 764

(3) If a request is ultimately denied, in part or in 765  
whole, the public office or the person responsible for the 766  
requested public record shall provide the requester with an 767  
explanation, including legal authority, setting forth why the 768  
request was denied. If the initial request was provided in 769  
writing, the explanation also shall be provided to the requester 770  
in writing. The explanation shall not preclude the public office 771  
or the person responsible for the requested public record from 772  
relying upon additional reasons or legal authority in defending 773  
an action commenced under division (C) of this section. 774

(4) Unless specifically required or authorized by state or 775  
federal law or in accordance with division (B) of this section, 776  
no public office or person responsible for public records may 777  
limit or condition the availability of public records by 778  
requiring disclosure of the requester's identity or the intended 779  
use of the requested public record. Any requirement that the 780

requester disclose the requester's identity or the intended use 781  
of the requested public record constitutes a denial of the 782  
request. 783

(5) A public office or person responsible for public 784  
records may ask a requester to make the request in writing, may 785  
ask for the requester's identity, and may inquire about the 786  
intended use of the information requested, but may do so only 787  
after disclosing to the requester that a written request is not 788  
mandatory, that the requester may decline to reveal the 789  
requester's identity or the intended use, and when a written 790  
request or disclosure of the identity or intended use would 791  
benefit the requester by enhancing the ability of the public 792  
office or person responsible for public records to identify, 793  
locate, or deliver the public records sought by the requester. 794

(6) If any person requests a copy of a public record in 795  
accordance with division (B) of this section, the public office 796  
or person responsible for the public record may require that 797  
person to pay in advance the cost involved in providing the copy 798  
of the public record in accordance with the choice made by the 799  
person requesting the copy under this division. The public 800  
office or the person responsible for the public record shall 801  
permit that person to choose to have the public record 802  
duplicated upon paper, upon the same medium upon which the 803  
public office or person responsible for the public record keeps 804  
it, or upon any other medium upon which the public office or 805  
person responsible for the public record determines that it 806  
reasonably can be duplicated as an integral part of the normal 807  
operations of the public office or person responsible for the 808  
public record. When the person requesting the copy makes a 809  
choice under this division, the public office or person 810  
responsible for the public record shall provide a copy of it in 811

accordance with the choice made by that person. Nothing in this 812  
section requires a public office or person responsible for the 813  
public record to allow the person requesting a copy of the 814  
public record to make the copies of the public record. 815

(7) (a) Upon a request made in accordance with division (B) 816  
of this section and subject to division (B) (6) of this section, 817  
a public office or person responsible for public records shall 818  
transmit a copy of a public record to any person by United 819  
States mail or by any other means of delivery or transmission 820  
within a reasonable period of time after receiving the request 821  
for the copy. The public office or person responsible for the 822  
public record may require the person making the request to pay 823  
in advance the cost of postage if the copy is transmitted by 824  
United States mail or the cost of delivery if the copy is 825  
transmitted other than by United States mail, and to pay in 826  
advance the costs incurred for other supplies used in the 827  
mailing, delivery, or transmission. 828

(b) Any public office may adopt a policy and procedures 829  
that it will follow in transmitting, within a reasonable period 830  
of time after receiving a request, copies of public records by 831  
United States mail or by any other means of delivery or 832  
transmission pursuant to division (B) (7) of this section. A 833  
public office that adopts a policy and procedures under division 834  
(B) (7) of this section shall comply with them in performing its 835  
duties under that division. 836

(c) In any policy and procedures adopted under division 837  
(B) (7) of this section: 838

(i) A public office may limit the number of records 839  
requested by a person that the office will physically deliver by 840  
United States mail or by another delivery service to ten per 841

month, unless the person certifies to the office in writing that 842  
the person does not intend to use or forward the requested 843  
records, or the information contained in them, for commercial 844  
purposes; 845

(ii) A public office that chooses to provide some or all 846  
of its public records on a web site that is fully accessible to 847  
and searchable by members of the public at all times, other than 848  
during acts of God outside the public office's control or 849  
maintenance, and that charges no fee to search, access, 850  
download, or otherwise receive records provided on the web site, 851  
may limit to ten per month the number of records requested by a 852  
person that the office will deliver in a digital format, unless 853  
the requested records are not provided on the web site and 854  
unless the person certifies to the office in writing that the 855  
person does not intend to use or forward the requested records, 856  
or the information contained in them, for commercial purposes. 857

(iii) For purposes of division (B) (7) of this section, 858  
"commercial" shall be narrowly construed and does not include 859  
reporting or gathering news, reporting or gathering information 860  
to assist citizen oversight or understanding of the operation or 861  
activities of government, or nonprofit educational research. 862

(8) A public office or person responsible for public 863  
records is not required to permit a person who is incarcerated 864  
pursuant to a criminal conviction or a juvenile adjudication to 865  
inspect or to obtain a copy of any public record concerning a 866  
criminal investigation or prosecution or concerning what would 867  
be a criminal investigation or prosecution if the subject of the 868  
investigation or prosecution were an adult, unless the request 869  
to inspect or to obtain a copy of the record is for the purpose 870  
of acquiring information that is subject to release as a public 871

record under this section and the judge who imposed the sentence 872  
or made the adjudication with respect to the person, or the 873  
judge's successor in office, finds that the information sought 874  
in the public record is necessary to support what appears to be 875  
a justiciable claim of the person. 876

(9) (a) Upon written request made and signed by a 877  
journalist, a public office, or person responsible for public 878  
records, having custody of the records of the agency employing a 879  
specified designated public service worker shall disclose to the 880  
journalist the address of the actual personal residence of the 881  
designated public service worker and, if the designated public 882  
service worker's spouse, former spouse, or child is employed by 883  
a public office, the name and address of the employer of the 884  
designated public service worker's spouse, former spouse, or 885  
child. The request shall include the journalist's name and title 886  
and the name and address of the journalist's employer and shall 887  
state that disclosure of the information sought would be in the 888  
public interest. 889

(b) Division (B) (9) (a) of this section also applies to 890  
journalist requests for: 891

(i) Customer information maintained by a municipally owned 892  
or operated public utility, other than social security numbers 893  
and any private financial information such as credit reports, 894  
payment methods, credit card numbers, and bank account 895  
information; 896

(ii) Information about minors involved in a school vehicle 897  
accident as provided in division (A) (1) (gg) of this section, 898  
other than personal information as defined in section 149.45 of 899  
the Revised Code. 900

(c) As used in division (B) (9) of this section, 901  
"journalist" means a person engaged in, connected with, or 902  
employed by any news medium, including a newspaper, magazine, 903  
press association, news agency, or wire service, a radio or 904  
television station, or a similar medium, for the purpose of 905  
gathering, processing, transmitting, compiling, editing, or 906  
disseminating information for the general public. 907

(10) Upon a request made by a victim, victim's attorney, 908  
or victim's representative, as that term is used in section 909  
2930.02 of the Revised Code, a public office or person 910  
responsible for public records shall transmit a copy of a 911  
depiction of the victim as described in division (A) (1) (gg) of 912  
this section to the victim, victim's attorney, or victim's 913  
representative. 914

(C) (1) If a person allegedly is aggrieved by the failure 915  
of a public office or the person responsible for public records 916  
to promptly prepare a public record and to make it available to 917  
the person for inspection in accordance with division (B) of 918  
this section or by any other failure of a public office or the 919  
person responsible for public records to comply with an 920  
obligation in accordance with division (B) of this section, the 921  
person allegedly aggrieved may do only one of the following, and 922  
not both: 923

(a) File a complaint with the clerk of the court of claims 924  
or the clerk of the court of common pleas under section 2743.75 925  
of the Revised Code; 926

(b) Commence a mandamus action to obtain a judgment that 927  
orders the public office or the person responsible for the 928  
public record to comply with division (B) of this section, that 929  
awards court costs and reasonable attorney's fees to the person 930

that instituted the mandamus action, and, if applicable, that 931  
includes an order fixing statutory damages under division (C) (2) 932  
of this section. The mandamus action may be commenced in the 933  
court of common pleas of the county in which division (B) of 934  
this section allegedly was not complied with, in the supreme 935  
court pursuant to its original jurisdiction under Section 2 of 936  
Article IV, Ohio Constitution, or in the court of appeals for 937  
the appellate district in which division (B) of this section 938  
allegedly was not complied with pursuant to its original 939  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 940

(2) If a requester transmits a written request by hand 941  
delivery, electronic submission, or certified mail to inspect or 942  
receive copies of any public record in a manner that fairly 943  
describes the public record or class of public records to the 944  
public office or person responsible for the requested public 945  
records, except as otherwise provided in this section, the 946  
requester shall be entitled to recover the amount of statutory 947  
damages set forth in this division if a court determines that 948  
the public office or the person responsible for public records 949  
failed to comply with an obligation in accordance with division 950  
(B) of this section. 951

The amount of statutory damages shall be fixed at one 952  
hundred dollars for each business day during which the public 953  
office or person responsible for the requested public records 954  
failed to comply with an obligation in accordance with division 955  
(B) of this section, beginning with the day on which the 956  
requester files a mandamus action to recover statutory damages, 957  
up to a maximum of one thousand dollars. The award of statutory 958  
damages shall not be construed as a penalty, but as compensation 959  
for injury arising from lost use of the requested information. 960  
The existence of this injury shall be conclusively presumed. The 961

award of statutory damages shall be in addition to all other 962  
remedies authorized by this section. 963

The court may reduce an award of statutory damages or not 964  
award statutory damages if the court determines both of the 965  
following: 966

(a) That, based on the ordinary application of statutory 967  
law and case law as it existed at the time of the conduct or 968  
threatened conduct of the public office or person responsible 969  
for the requested public records that allegedly constitutes a 970  
failure to comply with an obligation in accordance with division 971  
(B) of this section and that was the basis of the mandamus 972  
action, a well-informed public office or person responsible for 973  
the requested public records reasonably would believe that the 974  
conduct or threatened conduct of the public office or person 975  
responsible for the requested public records did not constitute 976  
a failure to comply with an obligation in accordance with 977  
division (B) of this section; 978

(b) That a well-informed public office or person 979  
responsible for the requested public records reasonably would 980  
believe that the conduct or threatened conduct of the public 981  
office or person responsible for the requested public records 982  
would serve the public policy that underlies the authority that 983  
is asserted as permitting that conduct or threatened conduct. 984

(3) In a mandamus action filed under division (C) (1) of 985  
this section, the following apply: 986

(a) (i) If the court orders the public office or the person 987  
responsible for the public record to comply with division (B) of 988  
this section, the court shall determine and award to the relator 989  
all court costs, which shall be construed as remedial and not 990

punitive.	991
(ii) If the court makes a determination described in	992
division (C) (3) (b) (iii) of this section, the court shall	993
determine and award to the relator all court costs, which shall	994
be construed as remedial and not punitive.	995
(b) If the court renders a judgment that orders the public	996
office or the person responsible for the public record to comply	997
with division (B) of this section or if the court determines any	998
of the following, the court may award reasonable attorney's fees	999
to the relator, subject to division (C) (4) of this section:	1000
(i) The public office or the person responsible for the	1001
public records failed to respond affirmatively or negatively to	1002
the public records request in accordance with the time allowed	1003
under division (B) of this section.	1004
(ii) The public office or the person responsible for the	1005
public records promised to permit the relator to inspect or	1006
receive copies of the public records requested within a	1007
specified period of time but failed to fulfill that promise	1008
within that specified period of time.	1009
(iii) The public office or the person responsible for the	1010
public records acted in bad faith when the office or person	1011
voluntarily made the public records available to the relator for	1012
the first time after the relator commenced the mandamus action,	1013
but before the court issued any order concluding whether or not	1014
the public office or person was required to comply with division	1015
(B) of this section. No discovery may be conducted on the issue	1016
of the alleged bad faith of the public office or person	1017
responsible for the public records. This division shall not be	1018
construed as creating a presumption that the public office or	1019

the person responsible for the public records acted in bad faith 1020  
when the office or person voluntarily made the public records 1021  
available to the relator for the first time after the relator 1022  
commenced the mandamus action, but before the court issued any 1023  
order described in this division. 1024

(c) The court shall not award attorney's fees to the 1025  
relator if the court determines both of the following: 1026

(i) That, based on the ordinary application of statutory 1027  
law and case law as it existed at the time of the conduct or 1028  
threatened conduct of the public office or person responsible 1029  
for the requested public records that allegedly constitutes a 1030  
failure to comply with an obligation in accordance with division 1031  
(B) of this section and that was the basis of the mandamus 1032  
action, a well-informed public office or person responsible for 1033  
the requested public records reasonably would believe that the 1034  
conduct or threatened conduct of the public office or person 1035  
responsible for the requested public records did not constitute 1036  
a failure to comply with an obligation in accordance with 1037  
division (B) of this section; 1038

(ii) That a well-informed public office or person 1039  
responsible for the requested public records reasonably would 1040  
believe that the conduct or threatened conduct of the public 1041  
office or person responsible for the requested public records 1042  
would serve the public policy that underlies the authority that 1043  
is asserted as permitting that conduct or threatened conduct. 1044

(4) All of the following apply to any award of reasonable 1045  
attorney's fees awarded under division (C) (3) (b) of this 1046  
section: 1047

(a) The fees shall be construed as remedial and not 1048

punitive. 1049

(b) The fees awarded shall not exceed the total of the 1050  
reasonable attorney's fees incurred before the public record was 1051  
made available to the relator and the fees described in division 1052  
(C) (4) (c) of this section. 1053

(c) Reasonable attorney's fees shall include reasonable 1054  
fees incurred to produce proof of the reasonableness and amount 1055  
of the fees and to otherwise litigate entitlement to the fees. 1056

(d) The court may reduce the amount of fees awarded if the 1057  
court determines that, given the factual circumstances involved 1058  
with the specific public records request, an alternative means 1059  
should have been pursued to more effectively and efficiently 1060  
resolve the dispute that was subject to the mandamus action 1061  
filed under division (C) (1) of this section. 1062

(5) If the court does not issue a writ of mandamus under 1063  
division (C) of this section and the court determines at that 1064  
time that the bringing of the mandamus action was frivolous 1065  
conduct as defined in division (A) of section 2323.51 of the 1066  
Revised Code, the court may award to the public office all court 1067  
costs, expenses, and reasonable attorney's fees, as determined 1068  
by the court. 1069

(D) Chapter 1347. of the Revised Code does not limit the 1070  
provisions of this section. 1071

(E) (1) To ensure that all employees of public offices are 1072  
appropriately educated about a public office's obligations under 1073  
division (B) of this section, all elected officials or their 1074  
appropriate designees shall attend training approved by the 1075  
attorney general as provided in section 109.43 of the Revised 1076  
Code. A future official may satisfy the requirements of this 1077

division by attending the training before taking office, 1078  
provided that the future official may not send a designee in the 1079  
future official's place. 1080

(2) All public offices shall adopt a public records policy 1081  
in compliance with this section for responding to public records 1082  
requests. In adopting a public records policy under this 1083  
division, a public office may obtain guidance from the model 1084  
public records policy developed and provided to the public 1085  
office by the attorney general under section 109.43 of the 1086  
Revised Code. Except as otherwise provided in this section, the 1087  
policy may not limit the number of public records that the 1088  
public office will make available to a single person, may not 1089  
limit the number of public records that it will make available 1090  
during a fixed period of time, and may not establish a fixed 1091  
period of time before it will respond to a request for 1092  
inspection or copying of public records, unless that period is 1093  
less than eight hours. 1094

The public office shall distribute the public records 1095  
policy adopted by the public office under this division to the 1096  
employee of the public office who is the records custodian or 1097  
records manager or otherwise has custody of the records of that 1098  
office. The public office shall require that employee to 1099  
acknowledge receipt of the copy of the public records policy. 1100  
The public office shall create a poster that describes its 1101  
public records policy and shall post the poster in a conspicuous 1102  
place in the public office and in all locations where the public 1103  
office has branch offices. The public office may post its public 1104  
records policy on the internet web site of the public office if 1105  
the public office maintains an internet web site. A public 1106  
office that has established a manual or handbook of its general 1107  
policies and procedures for all employees of the public office 1108

shall include the public records policy of the public office in 1109  
the manual or handbook. 1110

(F) (1) The bureau of motor vehicles may adopt rules 1111  
pursuant to Chapter 119. of the Revised Code to reasonably limit 1112  
the number of bulk commercial special extraction requests made 1113  
by a person for the same records or for updated records during a 1114  
calendar year. The rules may include provisions for charges to 1115  
be made for bulk commercial special extraction requests for the 1116  
actual cost of the bureau, plus special extraction costs, plus 1117  
ten per cent. The bureau may charge for expenses for redacting 1118  
information, the release of which is prohibited by law. 1119

(2) As used in division (F) (1) of this section: 1120

(a) "Actual cost" means the cost of depleted supplies, 1121  
records storage media costs, actual mailing and alternative 1122  
delivery costs, or other transmitting costs, and any direct 1123  
equipment operating and maintenance costs, including actual 1124  
costs paid to private contractors for copying services. 1125

(b) "Bulk commercial special extraction request" means a 1126  
request for copies of a record for information in a format other 1127  
than the format already available, or information that cannot be 1128  
extracted without examination of all items in a records series, 1129  
class of records, or database by a person who intends to use or 1130  
forward the copies for surveys, marketing, solicitation, or 1131  
resale for commercial purposes. "Bulk commercial special 1132  
extraction request" does not include a request by a person who 1133  
gives assurance to the bureau that the person making the request 1134  
does not intend to use or forward the requested copies for 1135  
surveys, marketing, solicitation, or resale for commercial 1136  
purposes. 1137

(c) "Commercial" means profit-seeking production, buying, 1138  
or selling of any good, service, or other product. 1139

(d) "Special extraction costs" means the cost of the time 1140  
spent by the lowest paid employee competent to perform the task, 1141  
the actual amount paid to outside private contractors employed 1142  
by the bureau, or the actual cost incurred to create computer 1143  
programs to make the special extraction. "Special extraction 1144  
costs" include any charges paid to a public agency for computer 1145  
or records services. 1146

(3) For purposes of divisions (F) (1) and (2) of this 1147  
section, "surveys, marketing, solicitation, or resale for 1148  
commercial purposes" shall be narrowly construed and does not 1149  
include reporting or gathering news, reporting or gathering 1150  
information to assist citizen oversight or understanding of the 1151  
operation or activities of government, or nonprofit educational 1152  
research. 1153

(G) A request by a defendant, counsel of a defendant, or 1154  
any agent of a defendant in a criminal action that public 1155  
records related to that action be made available under this 1156  
section shall be considered a demand for discovery pursuant to 1157  
the Criminal Rules, except to the extent that the Criminal Rules 1158  
plainly indicate a contrary intent. The defendant, counsel of 1159  
the defendant, or agent of the defendant making a request under 1160  
this division shall serve a copy of the request on the 1161  
prosecuting attorney, director of law, or other chief legal 1162  
officer responsible for prosecuting the action. 1163

(H) (1) Any portion of a body-worn camera or dashboard 1164  
camera recording described in divisions (A) (17) (b) to (h) of 1165  
this section may be released by consent of the subject of the 1166  
recording or a representative of that person, as specified in 1167

those divisions, only if either of the following applies: 1168

(a) The recording will not be used in connection with any 1169  
probable or pending criminal proceedings; 1170

(b) The recording has been used in connection with a 1171  
criminal proceeding that was dismissed or for which a judgment 1172  
has been entered pursuant to Rule 32 of the Rules of Criminal 1173  
Procedure, and will not be used again in connection with any 1174  
probable or pending criminal proceedings. 1175

(2) If a public office denies a request to release a 1176  
restricted portion of a body-worn camera or dashboard camera 1177  
recording, as defined in division (A)(17) of this section, any 1178  
person may file a mandamus action pursuant to this section or a 1179  
complaint with the clerk of the court of claims pursuant to 1180  
section 2743.75 of the Revised Code, requesting the court to 1181  
order the release of all or portions of the recording. If the 1182  
court considering the request determines that the filing 1183  
articulates by clear and convincing evidence that the public 1184  
interest in the recording substantially outweighs privacy 1185  
interests and other interests asserted to deny release, the 1186  
court shall order the public office to release the recording. 1187

**Sec. 2151.356.** (A) The records of a case in which a person 1188  
was adjudicated a delinquent child for committing a violation of 1189  
section 2903.01, 2903.02, or 2907.02 of the Revised Code shall 1190  
not be sealed under this section. 1191

(B)(1) The juvenile court shall promptly order the 1192  
immediate sealing of records pertaining to a juvenile in any of 1193  
the following circumstances: 1194

(a) If the court receives a record from a public office or 1195  
agency under division (B)(2) of this section; 1196

(b) If a person was brought before or referred to the court for allegedly committing a delinquent or unruly act and the case was resolved without the filing of a complaint against the person with respect to that act pursuant to section 2151.27 of the Revised Code;

(c) If a person was charged with violating division (E) (1) of section 4301.69 of the Revised Code and the person has successfully completed a diversion program under division (E) (2) (a) of section 4301.69 of the Revised Code with respect to that charge;

(d) If a complaint was filed against a person alleging that the person was a delinquent child, an unruly child, or a juvenile traffic offender and the court dismisses the complaint after a trial on the merits of the case or finds the person not to be a delinquent child, an unruly child, or a juvenile traffic offender;

(e) Notwithstanding division (C) of this section and subject to section 2151.358 of the Revised Code, if a person has been adjudicated an unruly child, that person has attained eighteen years of age, and the person is not under the jurisdiction of the court in relation to a complaint alleging the person to be a delinquent child.

(2) The appropriate public office or agency shall immediately deliver all original records at that public office or agency pertaining to a juvenile to the court, if the person was arrested or taken into custody for allegedly committing a delinquent or unruly act, no complaint was filed against the person with respect to the commission of the act pursuant to section 2151.27 of the Revised Code, and the person was not brought before or referred to the court for the commission of

the act. The records delivered to the court as required under 1227  
this division shall not include fingerprints, DNA specimens, and 1228  
DNA records described under division (A) (3) of section 2151.357 1229  
of the Revised Code. 1230

(C) (1) The juvenile court shall consider the sealing of 1231  
records pertaining to a juvenile upon the court's own motion or 1232  
upon the application of a person if the person has been 1233  
adjudicated a delinquent child for committing an act other than 1234  
a violation of section 2903.01, 2903.02, or 2907.02 of the 1235  
Revised Code, an unruly child, or a juvenile traffic offender 1236  
and if, at the time of the motion or application, the person is 1237  
not under the jurisdiction of the court in relation to a 1238  
complaint alleging the person to be a delinquent child. The 1239  
court shall not require a fee for the filing of the application. 1240  
The motion or application may be made on or after the time 1241  
specified in whichever of the following is applicable: 1242

(a) If the person is under eighteen years of age, at any 1243  
time after six months after any of the following events occur: 1244

(i) The termination of any order made by the court in 1245  
relation to the adjudication; 1246

(ii) The unconditional discharge of the person from the 1247  
department of youth services with respect to a dispositional 1248  
order made in relation to the adjudication or from an 1249  
institution or facility to which the person was committed 1250  
pursuant to a dispositional order made in relation to the 1251  
adjudication; 1252

(iii) The court enters an order under section 2152.84 or 1253  
2152.85 of the Revised Code that contains a determination that 1254  
the child is no longer a juvenile offender registrant. 1255

(b) If the person is eighteen years of age or older, at any time after the later of the following:	1256 1257
(i) The person's attainment of eighteen years of age;	1258
(ii) The occurrence of any event identified in divisions (C) (1) (a) (i) to (iii) of this section.	1259 1260
(2) In making the determination whether to seal records pursuant to division (C) (1) of this section, all of the following apply:	1261 1262 1263
(a) The court may require a person filing an application under division (C) (1) of this section to submit any relevant documentation to support the application.	1264 1265 1266
(b) The court may cause an investigation to be made to determine if the person who is the subject of the proceedings has been rehabilitated to a satisfactory degree.	1267 1268 1269
(c) The court shall promptly, <u>but not less than sixty days prior to the hearing,</u> notify the prosecuting attorney of any proceedings to seal records initiated pursuant to division (C) (1) of this section. <u>The prosecutor shall provide timely notice to a victim and a victim's representative, if applicable, if the victim or victim's representative requested notice of the proceedings in the underlying case.</u>	1270 1271 1272 1273 1274 1275 1276
(d) (i) The prosecuting attorney may file a response with the court within thirty days of receiving notice of the sealing proceedings.	1277 1278 1279
(ii) If the prosecuting attorney does not file a response with the court or if the prosecuting attorney files a response but indicates that the prosecuting attorney does not object to the sealing of the records, the court may order the records of	1280 1281 1282 1283

the person that are under consideration to be sealed without 1284  
conducting a hearing on the motion or application. If the court 1285  
decides in its discretion to conduct a hearing on the motion or 1286  
application, the court shall conduct the hearing within thirty 1287  
days after making that decision and shall give notice, by 1288  
regular mail, of the date, time, and location of the hearing to 1289  
the prosecuting attorney and to the person who is the subject of 1290  
the records under consideration. The victim, the victim's 1291  
representative, and the victim's attorney, if applicable, may be 1292  
present and heard orally, in writing, or both at any hearing 1293  
under this division. The court shall consider the oral and 1294  
written statement of any victim, victim's representative, and 1295  
victim's attorney, if applicable. 1296

(iii) If the prosecuting attorney files a response with 1297  
the court that indicates that the prosecuting attorney objects 1298  
to the sealing of the records, the court shall conduct a hearing 1299  
on the motion or application within thirty days after the court 1300  
receives the response. The court shall give notice, by regular 1301  
mail, of the date, time, and location of the hearing to the 1302  
prosecuting attorney and to the person who is the subject of the 1303  
records under consideration. The victim, the victim's 1304  
representative, and the victim's attorney, if applicable, may be 1305  
present and heard orally, in writing, or both at any hearing 1306  
under this division. The court shall consider the oral and 1307  
written statement of any victim, victim's representative, and 1308  
victim's attorney, if applicable. 1309

(e) After conducting a hearing in accordance with division 1310  
(C) (2) (d) of this section or after due consideration when a 1311  
hearing is not conducted, except as provided in division (B) (1) 1312  
(c) of this section, the court may order the records of the 1313  
person that are the subject of the motion or application to be 1314

sealed if it finds that the person has been rehabilitated to a 1315  
satisfactory degree. In determining whether the person has been 1316  
rehabilitated to a satisfactory degree, the court may consider 1317  
all of the following: 1318

(i) The age of the person; 1319

(ii) The nature of the case; 1320

(iii) The cessation or continuation of delinquent, unruly, 1321  
or criminal behavior; 1322

(iv) The education and employment history of the person; 1323

(v) The granting of a new tier classification or 1324  
declassification from the juvenile offender registry pursuant to 1325  
section 2152.85 of the Revised Code, except for public registry- 1326  
qualified juvenile offender registrants; 1327

(vi) Any other circumstances that may relate to the 1328  
rehabilitation of the person who is the subject of the records 1329  
under consideration. 1330

(D) (1) (a) The juvenile court shall provide verbal notice 1331  
to a person whose records are sealed under division (B) of this 1332  
section, if that person is present in the court at the time the 1333  
court issues a sealing order, that explains what sealing a 1334  
record means, states that the person may apply to have those 1335  
records expunged under section 2151.358 of the Revised Code, and 1336  
explains what expunging a record means. 1337

(b) The juvenile court shall provide written notice to a 1338  
person whose records are sealed under division (B) of this 1339  
section by regular mail to the person's last known address, if 1340  
that person is not present in the court at the time the court 1341  
issues a sealing order and if the court does not seal the 1342

person's record upon the court's own motion, that explains what 1343  
sealing a record means, states that the person may apply to have 1344  
those records expunged under section 2151.358 of the Revised 1345  
Code, and explains what expunging a record means. 1346

(2) Upon final disposition of a case in which a person has 1347  
been adjudicated a delinquent child for committing an act other 1348  
than a violation of section 2903.01, 2903.02, or 2907.02 of the 1349  
Revised Code, an unruly child, or a juvenile traffic offender, 1350  
the juvenile court shall provide written notice to the person 1351  
that does all of the following: 1352

(a) States that the person may apply to the court for an 1353  
order to seal the record; 1354

(b) Explains what sealing a record means; 1355

(c) States that the person may apply to the court for an 1356  
order to expunge the record under section 2151.358 of the 1357  
Revised Code; 1358

(d) Explains what expunging a record means. 1359

(3) The department of youth services and any other 1360  
institution or facility that unconditionally discharges a person 1361  
who has been adjudicated a delinquent child, an unruly child, or 1362  
a juvenile traffic offender shall immediately give notice of the 1363  
discharge to the court that committed the person. The court 1364  
shall note the date of discharge on a separate record of 1365  
discharges of those natures. 1366

**Sec. 2151.358.** (A) The juvenile court shall expunge all 1367  
records sealed under section 2151.356 of the Revised Code five 1368  
years after the court issues a sealing order or upon the twenty- 1369  
third birthday of the person who is the subject of the sealing 1370  
order, whichever date is earlier. 1371

(B) Notwithstanding division (A) of this section, upon application by the person who has had a record sealed under section 2151.356 of the Revised Code, the juvenile court may expunge a record sealed under section 2151.356 of the Revised Code. In making the determination whether to expunge records, all of the following apply:

(1) The court may require a person filing an application for expungement to submit any relevant documentation to support the application.

(2) The court may cause an investigation to be made to determine if the person who is the subject of the proceedings has been rehabilitated to a satisfactory degree.

(3) The court shall promptly, but not less than sixty days prior to the hearing, notify the prosecuting attorney of any proceedings to expunge records. The prosecutor shall provide timely notice to a victim and the victim's representative, if applicable, if the victim or victim's representative requested notice of the proceedings in the underlying case.

(4) (a) The prosecuting attorney may file a response with the court within thirty days of receiving notice of the expungement proceedings.

(b) If the prosecuting attorney does not file a response with the court or if the prosecuting attorney files a response but indicates that the prosecuting attorney does not object to the expungement of the records, the court may order the records of the person that are under consideration to be expunged without conducting a hearing on the application. If the court decides in its discretion to conduct a hearing on the application, the court shall conduct the hearing within thirty

days after making that decision and shall give notice, by 1401  
regular mail, of the date, time, and location of the hearing to 1402  
the prosecuting attorney and to the person who is the subject of 1403  
the records under consideration. The victim and the victim's 1404  
representative, if applicable, may be present and heard orally, 1405  
in writing, or both at any hearing under this division. The 1406  
court shall consider the oral and written statement of any 1407  
victim, victim's representative, and victim's attorney, if 1408  
applicable. 1409

(c) If the prosecuting attorney files a response with the 1410  
court that indicates that the prosecuting attorney objects to 1411  
the expungement of the records, the court shall conduct a 1412  
hearing on the application within thirty days after the court 1413  
receives the response. The court shall give notice, by regular 1414  
mail, of the date, time, and location of the hearing to the 1415  
prosecuting attorney and to the person who is the subject of the 1416  
records under consideration. The victim and the victim's 1417  
representative, if applicable, may be present and heard orally, 1418  
in writing, or both at any hearing under this section. The court 1419  
shall consider the oral and written statement of any victim, 1420  
victim's representative, and victim's attorney, if applicable. 1421

(5) After conducting a hearing in accordance with division 1422  
(B) (4) of this section or after due consideration when a hearing 1423  
is not conducted, the court may order the records of the person 1424  
that are the subject of the application to be expunged if it 1425  
finds that the person has been rehabilitated to a satisfactory 1426  
degree. In determining whether the person has been rehabilitated 1427  
to a satisfactory degree, the court may consider all of the 1428  
following: 1429

(a) The age of the person; 1430

(b) The nature of the case;	1431
(c) The cessation or continuation of delinquent, unruly, or criminal behavior;	1432 1433
(d) The education and employment history of the person;	1434
(e) Any other circumstances that may relate to the rehabilitation of the person who is the subject of the records under consideration.	1435 1436 1437
(C) If the juvenile court is notified by any party in a civil action that a civil action has been filed based on a case the records for which are the subject of a sealing order, the juvenile court shall not expunge a record sealed under section 2151.356 of the Revised Code until the civil action has been resolved and is not subject to further appellate review, at which time the records shall be expunged pursuant to division (A) of this section.	1438 1439 1440 1441 1442 1443 1444 1445
(D) (1) A juvenile court that issues a protection order or approves a consent agreement under section 2151.34 or 3113.31 of the Revised Code shall automatically seal all of the records of the proceeding in which the order was issued or agreement approved on the date the person against whom the protection order was issued or the consent agreement approved attains the age of nineteen years if the court determines that the person has complied with all of the terms of the protection order or consent agreement.	1446 1447 1448 1449 1450 1451 1452 1453 1454
(2) In a proceeding under section 2151.34 of the Revised Code, if the juvenile court does not issue any protection order under division (E) of that section, the court shall automatically seal all of the records in that proceeding. In a proceeding under section 3113.31 of the Revised Code, if the	1455 1456 1457 1458 1459

juvenile court does not issue any protection order or approve 1460  
any consent agreement under division (E) of that section, the 1461  
court shall automatically seal all of the records in that 1462  
proceeding. 1463

(3) (a) If a juvenile court that issues a protection order 1464  
or approves a consent agreement under section 2151.34 or 3113.31 1465  
of the Revised Code determines that the person against whom the 1466  
protection order was issued or the consent agreement approved 1467  
has not complied with all of the terms of the protection order 1468  
or consent agreement, the court shall consider sealing all of 1469  
the records of the proceeding in which the order was issued or 1470  
agreement approved upon the court's own motion or upon the 1471  
application of a person. The court may make the motion or the 1472  
person who is the subject of the records under consideration may 1473  
apply for an order sealing the records of the proceeding at any 1474  
time after two years after the expiration of the protection 1475  
order or consent agreement. 1476

(b) In making a determination whether to seal records 1477  
pursuant to division (D) (3) of this section, all of the 1478  
following apply: 1479

(i) The court may require a person filing an application 1480  
under division (D) (3) of this section to submit any relevant 1481  
documentation to support the application. 1482

(ii) The court shall promptly notify the victim or the 1483  
victim's attorney of any proceedings to seal records initiated 1484  
pursuant to division (D) (3) of this section. 1485

(iii) The victim or the victim's attorney may file a 1486  
response with the court within thirty days of receiving notice 1487  
of the sealing proceedings. 1488

If the victim or the victim's attorney does not file a response with the court or if the victim or the victim's attorney files a response but indicates that the victim or the victim's attorney does not object to the sealing of the records, the court may order the records of the person that are under consideration to be sealed without conducting a hearing on the motion or application. If the court decides in its discretion to conduct a hearing on the motion or application, the court shall conduct the hearing within thirty days after making that decision and shall give notice, by regular mail, of the date, time, and location of the hearing to the victim or the victim's attorney and to the person who is the subject of the records under consideration.

If the victim or the victim's attorney files a response with the court that indicates that the victim or the victim's attorney objects to the sealing of the records, the court shall conduct a hearing on the motion or application within thirty days after the court receives the response. The court shall give notice, by regular mail, of the date, time, and location of the hearing to the victim or the victim's attorney and to the person who is the subject of the records under consideration.

(iv) After conducting a hearing in accordance with division (D) (3) (b) (iii) of this section or after due consideration when a hearing is not conducted, the court may order the records of the person that are the subject of the motion or application to be sealed.

(4) Inspection of the records sealed pursuant to division (D) (1), (2), or (3) of this section may be made only by the following persons or for the following purposes:

(a) By a law enforcement officer or prosecutor, or the

assistants of either, to determine whether the nature and 1519  
character of the offense with which a person is to be charged 1520  
would be affected by virtue of the person's previously having 1521  
been convicted of a crime; 1522

(b) By the parole or probation officer of the person who 1523  
is the subject of the records, for the exclusive use of the 1524  
officer in supervising the person while on parole or under a 1525  
community control sanction or a post-release control sanction, 1526  
and in making inquiries and written reports as requested by the 1527  
court or adult parole authority; 1528

(c) Upon application by the person who is the subject of 1529  
the records, by the persons named in the application; 1530

(d) By a law enforcement officer who was involved in the 1531  
case, for use in the officer's defense of a civil action arising 1532  
out of the officer's involvement in that case; 1533

(e) By a prosecuting attorney or the prosecuting 1534  
attorney's assistants, to determine a defendant's eligibility to 1535  
enter a pre-trial diversion program established pursuant to 1536  
section 2935.36 of the Revised Code; 1537

(f) By any law enforcement agency or any authorized 1538  
employee of a law enforcement agency or by the department of 1539  
rehabilitation and correction as part of a background 1540  
investigation of a person who applies for employment with the 1541  
agency as a law enforcement officer or with the department as a 1542  
corrections officer; 1543

(g) By any law enforcement agency or any authorized 1544  
employee of a law enforcement agency, for the purposes set forth 1545  
in, and in the manner provided in, section 2953.321 of the 1546  
Revised Code; 1547

(h) By the bureau of criminal identification and 1548  
investigation or any authorized employee of the bureau for the 1549  
purpose of providing information to a board or person pursuant 1550  
to division (F) or (G) of section 109.57 of the Revised Code; 1551

(i) By the bureau of criminal identification and 1552  
investigation or any authorized employee of the bureau for the 1553  
purpose of performing a criminal history records check on a 1554  
person to whom a certificate as prescribed in section 109.77 of 1555  
the Revised Code is to be awarded; 1556

(j) By the bureau of criminal identification and 1557  
investigation or any authorized employee of the bureau for the 1558  
purpose of conducting a criminal records check of an individual 1559  
pursuant to division (B) of section 109.572 of the Revised Code 1560  
that was requested pursuant to any of the sections identified in 1561  
division (B)(1) of that section; 1562

(k) By the bureau of criminal identification and 1563  
investigation, an authorized employee of the bureau, a sheriff, 1564  
or an authorized employee of a sheriff in connection with a 1565  
criminal records check described in section 311.41 of the 1566  
Revised Code; 1567

(l) By the attorney general or an authorized employee of 1568  
the attorney general or a court for purposes of determining a 1569  
person's classification pursuant to Chapter 2950. of the Revised 1570  
Code. 1571

When the nature and character of the offense with which a 1572  
person is to be charged would be affected by the information, it 1573  
may be used for the purpose of charging the person with an 1574  
offense. 1575

(E) In addition to the methods of expungement provided for 1576

in divisions (A) and (B) of this section, a person who has been 1577  
adjudicated a delinquent child for having committed an act that 1578  
would be a violation of section 2907.24, 2907.241, or 2907.25 of 1579  
the Revised Code if the child were an adult may apply to the 1580  
adjudicating court for the expungement of the record of 1581  
adjudication if the person's participation in the act was a 1582  
result of the person having been a victim of human trafficking. 1583  
The application shall be made in the same manner as an 1584  
application for expungement under section 2953.38 of the Revised 1585  
Code, and all of the provisions of that section shall apply to 1586  
the expungement procedure. 1587

(F) After the records have been expunged under this 1588  
section, the person who is the subject of the expunged records 1589  
properly may, and the court shall, reply that no record exists 1590  
with respect to the person upon any inquiry in the matter. 1591

**Sec. 2152.20.** (A) If a child is adjudicated a delinquent 1592  
child or a juvenile traffic offender, the court may order any of 1593  
the following dispositions, in addition to any other disposition 1594  
authorized or required by this chapter: 1595

(1) Impose a fine in accordance with the following 1596  
schedule: 1597

(a) For an act that would be a minor misdemeanor or an 1598  
unclassified misdemeanor if committed by an adult, a fine not to 1599  
exceed fifty dollars; 1600

(b) For an act that would be a misdemeanor of the fourth 1601  
degree if committed by an adult, a fine not to exceed one 1602  
hundred dollars; 1603

(c) For an act that would be a misdemeanor of the third 1604  
degree if committed by an adult, a fine not to exceed one 1605

hundred fifty dollars; 1606

(d) For an act that would be a misdemeanor of the second 1607  
degree if committed by an adult, a fine not to exceed two 1608  
hundred dollars; 1609

(e) For an act that would be a misdemeanor of the first 1610  
degree if committed by an adult, a fine not to exceed two 1611  
hundred fifty dollars; 1612

(f) For an act that would be a felony of the fifth degree 1613  
or an unclassified felony if committed by an adult, a fine not 1614  
to exceed three hundred dollars; 1615

(g) For an act that would be a felony of the fourth degree 1616  
if committed by an adult, a fine not to exceed four hundred 1617  
dollars; 1618

(h) For an act that would be a felony of the third degree 1619  
if committed by an adult, a fine not to exceed seven hundred 1620  
fifty dollars; 1621

(i) For an act that would be a felony of the second degree 1622  
if committed by an adult, a fine not to exceed one thousand 1623  
dollars; 1624

(j) For an act that would be a felony of the first degree 1625  
if committed by an adult, a fine not to exceed one thousand five 1626  
hundred dollars; 1627

(k) For an act that would be aggravated murder or murder 1628  
if committed by an adult, a fine not to exceed two thousand 1629  
dollars. 1630

(2) Require the child to pay costs; 1631

(3) Unless the child's ~~delinquent act or~~ juvenile traffic 1632

offense would be a minor misdemeanor if committed by an adult or 1633  
could be disposed of by the juvenile traffic violations bureau 1634  
serving the court under Traffic Rule 13.1 if the court has 1635  
established a juvenile traffic violations bureau, require the 1636  
child to make restitution to the victim of the child's 1637  
delinquent act or juvenile traffic offense or, if the victim is 1638  
deceased, to ~~a survivor~~ the estate of the victim in an amount 1639  
based upon the victim's economic loss caused by or related to 1640  
the delinquent act or juvenile traffic offense. The court may 1641  
not require a child to make restitution pursuant to this 1642  
division if the child's ~~delinquent act or~~ juvenile traffic 1643  
offense would be a minor misdemeanor if committed by an adult or 1644  
could be disposed of by the juvenile traffic violations bureau 1645  
serving the court under Traffic Rule 13.1 if the court has 1646  
established a juvenile traffic violations bureau. If the court 1647  
requires restitution under this division, the restitution shall 1648  
be made directly to the victim in open court or to the probation 1649  
department that serves the jurisdiction or the clerk of courts 1650  
on behalf of the victim. 1651

~~If the court requires restitution under this division, the 1652  
restitution may be in the form of a cash reimbursement paid in a 1653  
lump sum or in installments, the performance of repair work to 1654  
restore any damaged property to its original condition, the 1655  
performance of a reasonable amount of labor for the victim or 1656  
survivor of the victim, the performance of community service 1657  
work, any other form of restitution devised by the court, or any 1658  
combination of the previously described forms of restitution. 1659~~

~~If the court requires restitution under this division, the 1660  
court may base the restitution order on an amount recommended by 1661  
the victim or survivor of the victim, the delinquent child, the 1662  
juvenile traffic offender, a presentence investigation report, 1663~~

~~estimates or receipts indicating the cost of repairing or~~ 1664  
~~replacing property, and any other information, provided that the~~ 1665  
The victim, victim's representative, victim's attorney, if 1666  
applicable, the prosecuting attorney, or the delinquent child or 1667  
juvenile traffic offender may provide information relevant to 1668  
the determination of the amount of restitution. The amount the 1669  
court orders as restitution shall not exceed the amount of the 1670  
economic loss suffered by the victim as a direct and proximate 1671  
result of the delinquent act or juvenile traffic offense. If the 1672  
court decides to or is required to order restitution under this 1673  
division and the amount of the restitution is disputed by the 1674  
~~victim or survivor,~~ victim's estate, victim's representative, or 1675  
victim's attorney, if applicable, or by the delinquent child or 1676  
juvenile traffic offender, the court shall hold a hearing on the 1677  
restitution. ~~If the court requires restitution under this~~ 1678  
~~division, the court shall determine, or order the determination~~ 1679  
~~of, the amount of restitution to be paid by the delinquent child~~ 1680  
~~or juvenile traffic offender~~ The court shall determine the 1681  
amount of full restitution by a preponderance of the evidence. 1682  
All restitution payments shall be credited against any recovery 1683  
of economic loss in a civil action brought by or on behalf of 1684  
the victim against the delinquent child or juvenile traffic 1685  
offender or the delinquent child's or juvenile traffic 1686  
offender's parent, guardian, or other custodian. 1687

If the court requires restitution under this division, the 1688  
court may order that the delinquent child or juvenile traffic 1689  
offender pay a surcharge, in an amount not exceeding five per 1690  
cent of the amount of restitution otherwise ordered under this 1691  
division, to the entity responsible for collecting and 1692  
processing the restitution payments. 1693

The victim or the ~~survivor of the victim~~ victim's estate 1694

may request that the prosecuting authority file a motion, or the delinquent child or juvenile traffic offender may file a motion, for modification of the payment terms of any restitution ordered under this division. If the court grants the motion, it may modify the payment terms as it determines appropriate.

(4) Require the child to reimburse any or all of the costs incurred for services or sanctions provided or imposed, including, but not limited to, the following:

(a) All or part of the costs of implementing any community control imposed as a disposition under section 2152.19 of the Revised Code, including a supervision fee;

(b) All or part of the costs of confinement in a residential facility described in section 2152.19 of the Revised Code or in a department of youth services institution, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment provided, and the costs of repairing property the delinquent child damaged while so confined. The amount of reimbursement ordered for a child under this division shall not exceed the total amount of reimbursement the child is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement. The court may collect any reimbursement ordered under this division. If the court does not order reimbursement under this division, confinement costs may be assessed pursuant to a repayment policy adopted under section 2929.37 of the Revised Code and division (D) of section 307.93, division (A) of section 341.19, division (C) of section 341.23 or 753.16, division (C) of section 2301.56, or division (B) of section 341.14, 753.02, 753.04, or 2947.19 of the Revised Code.

(B) Chapter 2981. of the Revised Code applies to a child

who is adjudicated a delinquent child for violating section 1725  
2923.32 or 2923.42 of the Revised Code or for committing an act 1726  
that, if committed by an adult, would be a felony drug abuse 1727  
offense. 1728

(C) The court may hold a hearing if necessary to determine 1729  
whether a child is able to pay a sanction under this section. 1730

(D) If a child who is adjudicated a delinquent child is 1731  
indigent, the court shall consider imposing a term of community 1732  
service under division (A) of section 2152.19 of the Revised 1733  
Code in lieu of imposing a financial sanction under this 1734  
section. If a child who is adjudicated a delinquent child is not 1735  
indigent, the court may impose a term of community service under 1736  
that division in lieu of, or in addition to, imposing a 1737  
financial sanction under this section. ~~The court may order~~ 1738  
~~community service for an act that if committed by an adult would~~ 1739  
~~be a minor misdemeanor.~~ 1740

If a child fails to pay a financial sanction imposed under 1741  
this section, the court may impose a term of community service 1742  
in lieu of the sanction. 1743

(E) The clerk of the court, or another person authorized 1744  
by law or by the court to collect a financial sanction imposed 1745  
under this section, may do any of the following: 1746

(1) Enter into contracts with one or more public agencies 1747  
or private vendors for the collection of the amounts due under 1748  
the financial sanction, which amounts may include interest from 1749  
the date of imposition of the financial sanction; 1750

(2) Permit payment of all, or any portion of, the 1751  
financial sanction in installments, by credit or debit card, by 1752  
another type of electronic transfer, or by any other reasonable 1753

method, within any period of time, and on any terms that the 1754  
court considers just, except that the maximum time permitted for 1755  
payment shall not exceed five years. The clerk may pay any fee 1756  
associated with processing an electronic transfer out of public 1757  
money and may charge the fee to the delinquent child. 1758

(3) To defray administrative costs, charge a reasonable 1759  
fee to a child who elects a payment plan rather than a lump sum 1760  
payment of a financial sanction. 1761

Sec. 2152.203. (A) As used in this section, "criminal 1762  
offense" and "delinquent act" have the same meanings as in 1763  
section 2930.01 of the Revised Code. 1764

(B) In determining the amount of restitution under this 1765  
section, the court shall order full restitution for any past and 1766  
future expenses related to a victim's economic loss due to the 1767  
delinquent act or juvenile traffic offense. The court shall not 1768  
consider the delinquent child's or juvenile traffic offender's 1769  
present or future ability to pay restitution. The amount of 1770  
restitution shall be reduced by any payments to the victim for 1771  
economic or other loss made or due under a policy of insurance 1772  
or governmental program. 1773

A pending insurance or governmental program claim made by 1774  
a victim shall not delay a payment of restitution as ordered by 1775  
the court. Past and future economic loss includes, but is not 1776  
limited to, the following: 1777

(1) Full or partial payment for the value of stolen or 1778  
damaged property. The value of stolen or damaged property shall 1779  
be the replacement cost of the property or the actual cost of 1780  
repairing the property when repair is possible. 1781

(2) Medical expenses; 1782

<u>(3) Mental health counseling expenses;</u>	1783
<u>(4) Wages or profits lost due to injury of the victim and, if the victim is a minor, wages or profits lost by the minor victim's parent or guardian while caring for the injured minor victim. Lost wages include commission income as well as base wages. Commission income shall be established by evidence of commission income during the twelve-month period prior to the date of the delinquent act for which restitution is being ordered, unless good cause for a shorter time period is shown.</u>	1784 1785 1786 1787 1788 1789 1790 1791
<u>(5) Wages or profits lost by the victim and if the victim is a minor, wages or profits lost by the minor victim's parent or guardian due to time spent as a witness or assisting law enforcement or the prosecutor. Lost wages include commission income as well as base wages. Commission income shall be established as described in division (B) (4) of this section.</u>	1792 1793 1794 1795 1796 1797
<u>(6) Actual and reasonable attorney's fees and other costs accrued by a private entity on behalf of a victim;</u>	1798 1799
<u>(7) Expenses related to installing or increasing security related to felony or misdemeanor offenses of violence, including, but not limited to, a security device or system or the replacement or addition of locks;</u>	1800 1801 1802 1803
<u>(8) Expenses related to making a vehicle or residence accessible to the victim if the victim is partially permanently disabled or totally permanently disabled as a direct result of the delinquent act;</u>	1804 1805 1806 1807
<u>(9) Expenses related to monitoring the credit report of and repairing the credit of a victim of identity fraud for a period of time reasonably necessary to make the victim whole.</u>	1808 1809 1810
<u>(C) The court may order that restitution be made by a</u>	1811

single lump sum payment, partial payments at specified 1812  
intervals, in-kind payments, or a combination of payments at 1813  
specified intervals and in-kind payments. The length of time 1814  
over which scheduled payments are established shall be the 1815  
shortest time in which full payment reasonably can be made. In- 1816  
kind payments may be in the form of the return of property, 1817  
replacement of property, or if the victim agrees, services 1818  
rendered to the victim or a person or organization other than 1819  
the victim. The court may enter a restraining order or 1820  
injunction, require the execution of a satisfactory performance 1821  
bond, or take any other action to ensure payment of restitution. 1822

(D) Any money owed by the state or by a political 1823  
subdivision of the state to a delinquent child or juvenile 1824  
traffic offender who is required to make restitution under this 1825  
section, including any tax refund owed to the child or offender, 1826  
shall be assigned to the discharge of the child's or offender's 1827  
outstanding restitution obligation, subject to any superseding 1828  
federal statutes or regulations, including court-ordered support 1829  
obligations. 1830

(E) If a delinquent child or juvenile traffic offender is 1831  
required to make restitution under this section in the form of 1832  
monetary payments to more than one victim, the child or offender 1833  
shall make the payments to the victims in the following order of 1834  
priority: 1835

(1) Individuals; 1836

(2) Nonprofit organizations; 1837

(3) Business entities; 1838

(4) Governmental entities. 1839

(F) A court that orders restitution as part of a 1840

delinquent child's or juvenile traffic offender's disposition 1841  
under this section shall not suspend that part of the 1842  
disposition if the victim or victim's attorney, if applicable, 1843  
objects to the restitution part of the disposition being 1844  
suspended. 1845

(G) A restitution obligation imposed pursuant to this 1846  
section is not subject to discharge in bankruptcy or to any 1847  
other statutory or common-law proceeding for relief against 1848  
creditors, except to the extent required by federal law. 1849

(H) A restitution obligation imposed by a court does not 1850  
expire until paid in full. The court retains jurisdiction over 1851  
the restitution order until the delinquent child or juvenile 1852  
traffic offender attains twenty-one years of age and the 1853  
obligation shall continue to be enforceable by a victim, 1854  
victim's representative, or victim's attorney, if applicable, 1855  
until the obligation is satisfied or the child or offender 1856  
attains twenty-one years of age. Any restitution order 1857  
registered as a civil judgment shall not expire when the child 1858  
or offender attains twenty-one years of age. 1859

(I) If money that is received pursuant to an order of 1860  
restitution cannot be paid to the victim or the victim's estate 1861  
within sixty days of receipt, the person or agency that receives 1862  
the money shall provide written notice of that inability of 1863  
payment to a crime victim service organization at least sixty 1864  
days prior to paying the money to the division of unclaimed 1865  
funds. If the money cannot be paid to the victim or the victim's 1866  
estate after the expiration of sixty days from service of the 1867  
notice to the crime victim services organization, the person or 1868  
agency that received the money shall pay it to the division of 1869  
unclaimed funds. 1870

(J) The supreme court shall create a standardized form to 1871  
be made publicly available that provides guidance for victims 1872  
and victims' representatives regarding the compilation of 1873  
evidence to demonstrate losses for the purpose of this section. 1874

**Sec. 2152.81.** (A) (1) As used in this section, "victim" 1875  
includes any of the following persons: 1876

(a) A person who was a victim of a violation identified in 1877  
division (A) (2) of this section or an act that would be an 1878  
offense of violence if committed by an adult; 1879

(b) A person against whom was directed any conduct that 1880  
constitutes, or that is an element of, a violation identified in 1881  
division (A) (2) of this section or an act that would be an 1882  
offense of violence if committed by an adult. 1883

(2) In any proceeding in juvenile court involving a 1884  
complaint, indictment, or information in which a child is 1885  
charged with a violation of section 2905.03, 2905.05, 2907.02, 1886  
2907.03, 2907.05, 2907.06, 2907.07, 2907.09, 2907.21, 2907.23, 1887  
2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, or 1888  
2919.22 of the Revised Code or an act that would be an offense 1889  
of violence if committed by an adult and in which an alleged 1890  
victim of the violation or act was a child who was less than 1891  
~~thirteen~~sixteen years of age when the complaint or information 1892  
was filed or the indictment was returned, ~~the juvenile judge,~~ 1893  
upon motion of an attorney for the prosecution, the child 1894  
victim, or the child-victim's attorney, if applicable, and a 1895  
showing by a preponderance of the evidence that the child will 1896  
suffer serious emotional trauma if required to provide live 1897  
trial testimony, the juvenile judge shall order that the 1898  
testimony of the child victim be taken by deposition. The 1899  
prosecution, child victim, or child-victim's attorney, if 1900

applicable, also may request that the deposition be ~~videotaped-~~ 1901  
recorded in accordance with division (A) (3) of this section. The 1902  
judge shall notify the child victim whose deposition is to be 1903  
taken, the prosecution, the child-victim's attorney, if 1904  
applicable, and the attorney for the child who is charged with 1905  
the violation or act of the date, time, and place for taking the 1906  
deposition. The notice shall identify the child victim, in a 1907  
manner consistent with section 2930.07 of the Revised Code, who 1908  
is to be examined and shall indicate whether a request that the 1909  
deposition be ~~videotaped-recorded~~ has been made. The child who 1910  
is charged with the violation or act shall have the right to 1911  
attend the deposition and the right to be represented by 1912  
counsel. Depositions shall be taken in the manner provided in 1913  
civil cases, except that the judge in the proceeding shall 1914  
preside at the taking of the deposition and shall rule at that 1915  
time on any objections of the prosecution, the child victim, the 1916  
child-victim's attorney, if applicable, or the attorney for the 1917  
child charged with the violation or act. The prosecution and the 1918  
attorney for the child charged with the violation or act shall 1919  
have the right, as at an adjudication hearing, to full 1920  
examination and cross-examination of the child victim whose 1921  
deposition is to be taken. If a deposition taken under this 1922  
division is intended to be offered as evidence in the 1923  
proceeding, it shall be filed in the juvenile court in which the 1924  
action is pending and is admissible in the manner described in 1925  
division (B) of this section. If a deposition of a child victim 1926  
taken under this division is admitted as evidence at the 1927  
proceeding under division (B) of this section, the child victim 1928  
shall not be required to testify in person at the proceeding. 1929  
However, at any time before the conclusion of the proceeding, 1930  
the attorney for the child charged with the violation or act may 1931  
file a motion with the judge requesting that another deposition 1932

of the child victim be taken because new evidence material to 1933  
the defense of the child charged has been discovered that the 1934  
attorney for the child charged could not with reasonable 1935  
diligence have discovered prior to the taking of the admitted 1936  
deposition. Any motion requesting another deposition shall be 1937  
accompanied by supporting affidavits. Upon the filing of the 1938  
motion and affidavits, the court may order that additional 1939  
testimony of the child victim relative to the new evidence be 1940  
taken by another deposition. If the court orders the taking of 1941  
another deposition under this provision, the deposition shall be 1942  
taken in accordance with this division; if the admitted 1943  
deposition was a ~~videotaped~~ recorded deposition taken in 1944  
accordance with division (A) (3) of this section, the new 1945  
deposition also shall be ~~videotaped~~ recorded in accordance with 1946  
that division, and, in other cases, the new deposition may be 1947  
~~videotaped~~ recorded in accordance with that division. 1948

(3) If the prosecution, the child victim, or the child- 1949  
victim's attorney, if applicable, requests that a deposition to 1950  
be taken under division (A) (2) of this section be ~~videotaped~~ 1951  
recorded, the juvenile judge shall order that the deposition be 1952  
~~videotaped~~ recorded in accordance with this division. If a 1953  
juvenile judge issues an order to ~~video tape record~~ the 1954  
deposition, the judge shall exclude from the room in which the 1955  
deposition is to be taken every person except the child victim 1956  
giving the testimony, the judge, one or more interpreters if 1957  
needed, the attorneys for the prosecution, the child-victim's 1958  
attorney, if applicable, and the child who is charged with the 1959  
violation or act, any person needed to operate the equipment to 1960  
be used, one person, who is not a witness, chosen by the child 1961  
victim giving the deposition, the victim's representative, and 1962  
any person whose presence the judge determines would contribute 1963

to the welfare and well-being of the child victim giving the 1964  
deposition. The person chosen by the child victim ~~shall not be~~ 1965  
~~a witness in the proceeding and,~~ both before and during the 1966  
deposition, shall not discuss the testimony of the child victim 1967  
with any other witness in the proceeding. To the extent 1968  
feasible, any person operating the recording equipment shall be 1969  
restricted to a room adjacent to the room in which the 1970  
deposition is being taken, or to a location in the room in which 1971  
the deposition is being taken that is behind a screen or mirror 1972  
so that the person operating the recording equipment can see and 1973  
hear, but cannot be seen or heard by, the child victim giving 1974  
the deposition during the deposition. The child who is charged 1975  
with the violation or act shall be permitted to observe and hear 1976  
the testimony of the child victim giving the deposition on a 1977  
monitor, shall be provided with an electronic means of immediate 1978  
communication with the attorney of the child who is charged with 1979  
the violation or act during the testimony, and shall be 1980  
restricted to a location from which the child who is charged 1981  
with the violation or act cannot be seen or heard by the child 1982  
victim giving the deposition, except on a monitor provided for 1983  
that purpose. The child victim giving the deposition shall be 1984  
provided with a monitor on which the child victim can observe, 1985  
while giving testimony, the child who is charged with the 1986  
violation or act. The judge, at the judge's discretion, may 1987  
preside at the deposition by electronic means from outside the 1988  
room in which the deposition is to be taken; if the judge 1989  
presides by electronic means, the judge shall be provided with 1990  
monitors on which the judge can see each person in the room in 1991  
which the deposition is to be taken and with an electronic means 1992  
of communication with each person in that room, and each person 1993  
in the room shall be provided with a monitor on which that 1994  
person can see the judge and with an electronic means of 1995

communication with the judge. A deposition that is ~~videotaped-~~ 1996  
recorded under this division shall be taken and filed in the 1997  
manner described in division (A) (2) of this section and is 1998  
admissible in the manner described in this division and division 1999  
(B) of this section, and, if a deposition that is ~~videotaped-~~ 2000  
recorded under this division is admitted as evidence at the 2001  
proceeding, the child victim shall not be required to testify in 2002  
person at the proceeding. No deposition ~~videotaped-~~recorded 2003  
under this division shall be admitted as evidence at any 2004  
proceeding unless division (B) of this section is satisfied 2005  
relative to the deposition and all of the following apply 2006  
relative to the recording: 2007

(a) The recording is both aural and visual and is recorded 2008  
on film or videotape, or by other electronic means. 2009

(b) The recording is authenticated under the Rules of 2010  
Evidence and the Rules of Criminal Procedure as a fair and 2011  
accurate representation of what occurred, and the recording is 2012  
not altered other than at the direction and under the 2013  
supervision of the judge in the proceeding. 2014

(c) Each voice on the recording that is material to the 2015  
testimony on the recording or the making of the recording, as 2016  
determined by the judge, is identified. 2017

(d) Both the prosecution and the child who is charged with 2018  
the violation or act are afforded an opportunity to view the 2019  
recording before it is shown in the proceeding. 2020

(B) (1) At any proceeding in relation to which a deposition 2021  
was taken under division (A) of this section, the deposition or 2022  
a part of it is admissible in evidence upon motion of the 2023  
prosecution if the testimony in the deposition or the part to be 2024

admitted is not excluded by the hearsay rule and if the 2025  
deposition or the part to be admitted otherwise is admissible 2026  
under the Rules of Evidence. For purposes of this division, 2027  
testimony is not excluded by the hearsay rule if the testimony 2028  
is not hearsay under Evidence Rule 801; if the testimony is 2029  
within an exception to the hearsay rule set forth in Evidence 2030  
Rule 803; if the child victim who gave the testimony is 2031  
unavailable as a witness, as defined in Evidence Rule 804, and 2032  
the testimony is admissible under that rule; or if both of the 2033  
following apply: 2034

(a) The child who is charged with the violation or act had 2035  
an opportunity and similar motive at the time of the taking of 2036  
the deposition to develop the testimony by direct, cross, or 2037  
redirect examination. 2038

(b) The judge determines that there is reasonable cause to 2039  
believe that, if the child victim who gave the testimony in the 2040  
deposition were to testify in person at the proceeding, the 2041  
child victim would experience serious emotional trauma as a 2042  
result of the child victim's participation at the proceeding. 2043

(2) Objections to receiving in evidence a deposition or a 2044  
part of it under division (B) of this section shall be made as 2045  
provided in civil actions. 2046

(3) The provisions of divisions (A) and (B) of this 2047  
section are in addition to any other provisions of the Revised 2048  
Code, the Rules of Juvenile Procedure, the Rules of Criminal 2049  
Procedure, or the Rules of Evidence that pertain to the taking 2050  
or admission of depositions in a juvenile court proceeding and 2051  
do not limit the admissibility under any of those other 2052  
provisions of any deposition taken under division (A) of this 2053  
section or otherwise taken. 2054

(C) In any proceeding in juvenile court involving a 2055  
complaint, indictment, or information in which a child is 2056  
charged with a violation listed in division (A) (2) of this 2057  
section or an act that would be an offense of violence if 2058  
committed by an adult and in which an alleged victim of the 2059  
violation or offense was a child who was less than ~~thirteen-~~ 2060  
sixteen years of age when the complaint or information was filed 2061  
or indictment was returned, the prosecution or the child- 2062  
victim's attorney, if applicable, may file a motion with the 2063  
juvenile judge requesting the judge to order the testimony of 2064  
the child victim to be taken in a room other than the room in 2065  
which the proceeding is being conducted and be televised, by 2066  
closed circuit equipment, into the room in which the proceeding 2067  
is being conducted to be viewed by the child who is charged with 2068  
the violation or act and any other persons who are not permitted 2069  
in the room in which the testimony is to be taken but who would 2070  
have been present during the testimony of the child victim had 2071  
it been given in the room in which the proceeding is being 2072  
conducted. Except for good cause shown, the prosecution or the 2073  
child-victim's attorney, if applicable, shall file a motion 2074  
under this division at least seven days before the date of the 2075  
proceeding. The juvenile judge may issue the order upon the 2076  
motion of the prosecution or the child-victim's attorney, if 2077  
applicable, filed under this division, if the judge determines 2078  
that the child victim is unavailable to testify in the room in 2079  
which the proceeding is being conducted in the physical presence 2080  
of the child charged with the violation or act, due to one or 2081  
more of the reasons set forth in division (E) of this section. 2082  
If a juvenile judge issues an order of that nature, the judge 2083  
shall exclude from the room in which the testimony is to be 2084  
taken every person except a person described in division (A) (3) 2085  
of this section. The judge, at the judge's discretion, may 2086

preside during the giving of the testimony by electronic means 2087  
from outside the room in which it is being given, subject to the 2088  
limitations set forth in division (A) (3) of this section. To the 2089  
extent feasible, any person operating the televising equipment 2090  
shall be hidden from the sight and hearing of the child victim 2091  
giving the testimony, in a manner similar to that described in 2092  
division (A) (3) of this section. The child who is charged with 2093  
the violation or act shall be permitted to observe and hear the 2094  
testimony of the child victim giving the testimony on a monitor, 2095  
shall be provided with an electronic means of immediate 2096  
communication with the attorney of the child who is charged with 2097  
the violation or act during the testimony, and shall be 2098  
restricted to a location from which the child who is charged 2099  
with the violation or act cannot be seen or heard by the child 2100  
victim giving the testimony, except on a monitor provided for 2101  
that purpose. The child victim giving the testimony shall be 2102  
provided with a monitor on which the child victim can observe, 2103  
while giving testimony, the child who is charged with the 2104  
violation or act. 2105

(D) In any proceeding in juvenile court involving a 2106  
complaint, indictment, or information in which a child is 2107  
charged with a violation listed in division (A) (2) of this 2108  
section or an act that would be an offense of violence if 2109  
committed by an adult and in which an alleged victim of the 2110  
violation or offense was a child who was less than ~~thirteen~~ 2111  
sixteen years of age when the complaint or information was filed 2112  
or the indictment was returned, the prosecution or the child- 2113  
victim's attorney, if applicable, may file a motion with the 2114  
juvenile judge requesting the judge to order the testimony of 2115  
the child victim to be taken outside of the room in which the 2116  
proceeding is being conducted and be recorded for showing in the 2117

room in which the proceeding is being conducted before the 2118  
judge, the child who is charged with the violation or act, and 2119  
any other persons who would have been present during the 2120  
testimony of the child victim had it been given in the room in 2121  
which the proceeding is being conducted. Except for good cause 2122  
shown, the prosecution or the child-victim's attorney, if 2123  
applicable, shall file a motion under this division at least 2124  
seven days before the date of the proceeding. The juvenile judge 2125  
may issue the order upon the motion of the prosecution or the 2126  
child-victim's attorney, if applicable, filed under this 2127  
division, if the judge determines that the child victim is 2128  
unavailable to testify in the room in which the proceeding is 2129  
being conducted in the physical presence of the child charged 2130  
with the violation or act, due to one or more of the reasons set 2131  
forth in division (E) of this section. If a juvenile judge 2132  
issues an order of that nature, the judge shall exclude from the 2133  
room in which the testimony is to be taken every person except a 2134  
person described in division (A) (3) of this section. To the 2135  
extent feasible, any person operating the recording equipment 2136  
shall be hidden from the sight and hearing of the child victim 2137  
giving the testimony, in a manner similar to that described in 2138  
division (A) (3) of this section. The child who is charged with 2139  
the violation or act shall be permitted to observe and hear the 2140  
testimony of the child victim giving the testimony on a monitor, 2141  
shall be provided with an electronic means of immediate 2142  
communication with the attorney of the child who is charged with 2143  
the violation or act during the testimony, and shall be 2144  
restricted to a location from which the child who is charged 2145  
with the violation or act cannot be seen or heard by the child 2146  
victim giving the testimony, except on a monitor provided for 2147  
that purpose. The child victim giving the testimony shall be 2148  
provided with a monitor on which the child victim can observe, 2149

while giving testimony, the child who is charged with the 2150  
violation or act. No order for the taking of testimony by 2151  
recording shall be issued under this division unless the 2152  
provisions set forth in divisions (A) (3) (a), (b), (c), and (d) 2153  
of this section apply to the recording of the testimony. 2154

(E) For purposes of divisions (C) and (D) of this section, 2155  
a juvenile judge may order the testimony of a child victim to be 2156  
taken outside of the room in which a proceeding is being 2157  
conducted if the judge determines that the child victim is 2158  
unavailable to testify in the room in the physical presence of 2159  
the child charged with the violation or act due to one or more 2160  
of the following circumstances: 2161

(1) The persistent refusal of the child victim to testify 2162  
despite judicial requests to do so; 2163

(2) The inability of the child victim to communicate about 2164  
the alleged violation or offense because of extreme fear, 2165  
failure of memory, or another similar reason; 2166

(3) The substantial likelihood that the child victim will 2167  
suffer serious emotional trauma from so testifying. 2168

(F) (1) If a juvenile judge issues an order pursuant to 2169  
division (C) or (D) of this section that requires the testimony 2170  
of a child victim in a juvenile court proceeding to be taken 2171  
outside of the room in which the proceeding is being conducted, 2172  
the order shall specifically identify the child victim, in a 2173  
manner consistent with section 2930.07 of the Revised Code, to 2174  
whose testimony it applies, the order applies only during the 2175  
testimony of the specified child victim, and the child victim 2176  
giving the testimony shall not be required to testify at the 2177  
proceeding other than in accordance with the order. The 2178

authority of a judge to close the taking of a deposition under 2179  
division (A) (3) of this section or a proceeding under division 2180  
(C) or (D) of this section is in addition to the authority of a 2181  
judge to close a hearing pursuant to section 2151.35 of the 2182  
Revised Code. 2183

(2) A juvenile judge who makes any determination regarding 2184  
the admissibility of a deposition under divisions (A) and (B) of 2185  
this section, the ~~videotaping~~ recording of a deposition under 2186  
division (A) (3) of this section, or the taking of testimony 2187  
outside of the room in which a proceeding is being conducted 2188  
under division (C) or (D) of this section, shall enter the 2189  
determination and findings on the record in the proceeding. 2190

**Sec. 2152.811.** (A) As used in this section: 2191

(1) "Developmental disability" has the same meaning as in 2192  
section 5123.01 of the Revised Code. 2193

(2) "Victim with a developmental disability" includes any 2194  
of the following persons: 2195

(a) A person with a developmental disability who was a 2196  
victim of a violation identified in division (B) (1) of this 2197  
section or an act that would be an offense of violence if 2198  
committed by an adult; 2199

(b) A person with a developmental disability against whom 2200  
was directed any conduct that constitutes, or that is an element 2201  
of, a violation identified in division (B) (1) of this section or 2202  
an act that would be an offense of violence if committed by an 2203  
adult. 2204

(B) (1) In any proceeding in juvenile court involving a 2205  
complaint, indictment, or information in which a child is 2206  
charged with a violation of section 2903.16, 2903.34, 2903.341, 2207

2907.02, 2907.03, 2907.05, 2907.21, 2907.23, 2907.24, 2907.32, 2208  
2907.321, 2907.322, or 2907.323 of the Revised Code or an act 2209  
that would be an offense of violence if committed by an adult 2210  
and in which an alleged victim of the violation or act was a 2211  
person with a developmental disability, ~~the juvenile judge,~~ upon 2212  
motion of the prosecution or the victim's attorney, if 2213  
applicable, and a showing by a preponderance of the evidence 2214  
that the victim will suffer serious emotional trauma if required 2215  
to provide live trial testimony, the juvenile judge shall order 2216  
that the testimony of the victim with a developmental disability 2217  
be taken by deposition. The prosecution, the victim, or the 2218  
victim's attorney, if applicable, also may request that the 2219  
deposition be ~~videotaped~~ recorded in accordance with division 2220  
(B) (2) of this section. The judge shall notify the victim with a 2221  
developmental disability whose deposition is to be taken, the 2222  
prosecution, the victim's attorney, if applicable, and the 2223  
attorney for the child who is charged with the violation or act 2224  
of the date, time, and place for taking the deposition. The 2225  
notice shall identify the victim with a developmental 2226  
disability, in a manner consistent with section 2930.07 of the 2227  
Revised Code, who is to be examined and shall indicate whether a 2228  
request that the deposition be ~~videotaped~~ recorded has been 2229  
made. The child who is charged with the violation or act shall 2230  
have the right to attend the deposition and the right to be 2231  
represented by counsel. Depositions shall be taken in the manner 2232  
provided in civil cases, except that the judge in the proceeding 2233  
shall preside at the taking of the deposition and shall rule at 2234  
that time on any objections of the prosecution, the victim, or 2235  
the attorney for the child charged with the violation or act. 2236  
The prosecution and the attorney for the child charged with the 2237  
violation or act shall have the right, as at an adjudication 2238  
hearing, to full examination and cross-examination of the victim 2239

with a developmental disability whose deposition is to be taken. 2240

If a deposition taken under this division is intended to 2241  
be offered as evidence in the proceeding, it shall be filed in 2242  
the juvenile court in which the action is pending and is 2243  
admissible in the manner described in division (C) of this 2244  
section. If a deposition of a victim with a developmental 2245  
disability taken under this division is admitted as evidence at 2246  
the proceeding under division (C) of this section, the victim 2247  
with a developmental disability shall not be required to testify 2248  
in person at the proceeding. 2249

At any time before the conclusion of the proceeding, the 2250  
attorney for the child charged with the violation or act may 2251  
file a motion with the judge requesting that another deposition 2252  
of the victim with a developmental disability be taken because 2253  
new evidence material to the defense of the child charged has 2254  
been discovered that the attorney for the child charged could 2255  
not with reasonable diligence have discovered prior to the 2256  
taking of the admitted deposition. Any motion requesting another 2257  
deposition shall be accompanied by supporting affidavits. Upon 2258  
the filing of the motion and affidavits, the court may order 2259  
that additional testimony of the victim with a developmental 2260  
disability relative to the new evidence be taken by another 2261  
deposition. If the court orders the taking of another deposition 2262  
under this provision, the deposition shall be taken in 2263  
accordance with this division. If the admitted deposition was a 2264  
~~videotaped~~ recorded deposition taken in accordance with division 2265  
(B) (2) of this section, the new deposition also shall be 2266  
~~videotaped~~ recorded in accordance with that division. In other 2267  
cases, the new deposition may be ~~videotaped~~ recorded in 2268  
accordance with that division. 2269

(2) If the prosecution, victim, or victim's attorney, if 2270  
applicable, requests that a deposition to be taken under 2271  
division (B) (1) of this section be ~~videotaped~~ recorded, the 2272  
juvenile judge shall order that the deposition be ~~videotaped~~  
recorded in accordance with this division. If a juvenile judge 2273  
issues an order to ~~video tape record~~ the deposition, the judge 2274  
shall exclude from the room in which the deposition is to be 2275  
taken every person except the victim with a developmental 2276  
disability giving the testimony, the judge, one or more 2277  
interpreters if needed, the victim's attorney, if applicable, 2278  
the attorneys for the prosecution and the child who is charged 2279  
with the violation or act, any person needed to operate the 2280  
equipment to be used, one person, who is not a witness, chosen 2281  
by the victim with a developmental disability giving the 2282  
deposition, the victim's representative, and any person whose 2283  
presence the judge determines would contribute to the welfare 2284  
and well-being of the victim with a developmental disability 2285  
giving the deposition. The person chosen by the victim with a 2286  
developmental disability ~~shall not be a witness in the~~ 2287  
~~proceeding and,~~ both before and during the deposition, shall not 2288  
discuss the testimony of the victim with any other witness in 2289  
the proceeding. To the extent feasible, any person operating the 2290  
recording equipment shall be restricted to a room adjacent to 2291  
the room in which the deposition is being taken, or to a 2292  
location in the room in which the deposition is being taken that 2293  
is behind a screen or mirror so that the person operating the 2294  
recording equipment can see and hear, but cannot be seen or 2295  
heard by, the victim with a developmental disability giving the 2296  
deposition during the deposition. 2297  
2298

The child who is charged with the violation or act shall 2299  
be permitted to observe and hear the testimony of the victim 2300

with a developmental disability giving the deposition on a 2301  
monitor, shall be provided with an electronic means of immediate 2302  
communication with the attorney of the child who is charged with 2303  
the violation or act during the testimony, and shall be 2304  
restricted to a location from which the child who is charged 2305  
with the violation or act cannot be seen or heard by the victim 2306  
with a developmental disability giving the deposition, except on 2307  
a monitor provided for that purpose. The victim with a 2308  
developmental disability giving the deposition shall be provided 2309  
with a monitor on which the victim with a developmental 2310  
disability can observe, while giving testimony, the child who is 2311  
charged with the violation or act. The judge, at the judge's 2312  
discretion, may preside at the deposition by electronic means 2313  
from outside the room in which the deposition is to be taken; if 2314  
the judge presides by electronic means, the judge shall be 2315  
provided with monitors on which the judge can see each person in 2316  
the room in which the deposition is to be taken and with an 2317  
electronic means of communication with each person in that room, 2318  
and each person in the room shall be provided with a monitor on 2319  
which that person can see the judge and with an electronic means 2320  
of communication with the judge. A deposition that is ~~videotaped-~~ 2321  
recorded under this division shall be taken and filed in the 2322  
manner described in division (B) (1) of this section and is 2323  
admissible in the manner described in this division and division 2324  
(C) of this section. If a deposition that is ~~videotaped-~~ 2325  
recorded under this division is admitted as evidence at the proceeding, 2326  
the victim with a developmental disability shall not be required 2327  
to testify in person at the proceeding. No deposition ~~videotaped-~~ 2328  
recorded under this division shall be admitted as evidence at 2329  
any proceeding unless division (C) of this section is satisfied 2330  
relative to the deposition and all of the following apply 2331  
relative to the recording: 2332

(a) The recording is both aural and visual and is recorded 2333  
on film or videotape, or by other electronic means. 2334

(b) The recording is authenticated under the Rules of 2335  
Evidence and the Rules of Criminal Procedure as a fair and 2336  
accurate representation of what occurred, and the recording is 2337  
not altered other than at the direction and under the 2338  
supervision of the judge in the proceeding. 2339

(c) Each voice on the recording that is material to the 2340  
testimony on the recording or the making of the recording, as 2341  
determined by the judge, is identified. 2342

(d) Both the prosecution and the child who is charged with 2343  
the violation or act are afforded an opportunity to view the 2344  
recording before it is shown in the proceeding. 2345

(C) (1) At any proceeding in relation to which a deposition 2346  
was taken under division (B) of this section, the deposition or 2347  
a part of it is admissible in evidence upon motion of the 2348  
prosecution if the testimony in the deposition or the part to be 2349  
admitted is not excluded by the hearsay rule and if the 2350  
deposition or the part to be admitted otherwise is admissible 2351  
under the Rules of Evidence. For purposes of this division, 2352  
testimony is not excluded by the hearsay rule if the testimony 2353  
is not hearsay under Evidence Rule 801; the testimony is within 2354  
an exception to the hearsay rule set forth in Evidence Rule 803; 2355  
the victim with a developmental disability who gave the 2356  
testimony is unavailable as a witness, as defined in Evidence 2357  
Rule 804, and the testimony is admissible under that rule; or 2358  
both of the following apply: 2359

(a) The child who is charged with the violation or act had 2360  
an opportunity and similar motive at the time of the taking of 2361

the deposition to develop the testimony by direct, cross, or 2362  
redirect examination. 2363

(b) The judge determines that there is reasonable cause to 2364  
believe that, if the victim with a developmental disability who 2365  
gave the testimony in the deposition were to testify in person 2366  
at the proceeding, the victim with a developmental disability 2367  
would experience serious emotional trauma as a result of the 2368  
participation of the victim with a developmental disability at 2369  
the proceeding. 2370

(2) Objections to receiving in evidence a deposition or a 2371  
part of it under division (C) of this section shall be made as 2372  
provided in civil actions. 2373

(3) The provisions of divisions (B) and (C) of this 2374  
section are in addition to any other provisions of the Revised 2375  
Code, the Rules of Juvenile Procedure, the Rules of Criminal 2376  
Procedure, or the Rules of Evidence that pertain to the taking 2377  
or admission of depositions in a juvenile court proceeding and 2378  
do not limit the admissibility under any of those other 2379  
provisions of any deposition taken under division (B) of this 2380  
section or otherwise taken. 2381

(D) In any proceeding in juvenile court involving a 2382  
complaint, indictment, or information in which a child is 2383  
charged with a violation listed in division (B)(1) of this 2384  
section or an act that would be an offense of violence if 2385  
committed by an adult and in which an alleged victim of the 2386  
violation or offense was a person with a developmental 2387  
disability, the prosecution, the victim, or the victim's 2388  
attorney, if applicable, may file a motion with the juvenile 2389  
judge requesting the judge to order the testimony of the victim 2390  
with a developmental disability to be taken in a room other than 2391

the room in which the proceeding is being conducted and be 2392  
televised, by closed circuit equipment, into the room in which 2393  
the proceeding is being conducted to be viewed by the child who 2394  
is charged with the violation or act and any other persons who 2395  
are not permitted in the room in which the testimony is to be 2396  
taken but who would have been present during the testimony of 2397  
the victim with a developmental disability had it been given in 2398  
the room in which the proceeding is being conducted. Except for 2399  
good cause shown, the prosecution, the victim, or the victim's 2400  
attorney, if applicable, shall file a motion under this division 2401  
at least seven days before the date of the proceeding. The 2402  
juvenile judge may issue the order upon the motion of the 2403  
prosecution, the victim, or the victim's attorney, if 2404  
applicable, filed under this division, if the judge determines 2405  
that the victim with a developmental disability is unavailable 2406  
to testify in the room in which the proceeding is being 2407  
conducted in the physical presence of the child charged with the 2408  
violation or act for one or more of the reasons set forth in 2409  
division (F) of this section. If a juvenile judge issues an 2410  
order of that nature, the judge shall exclude from the room in 2411  
which the testimony is to be taken every person except a person 2412  
described in division (B) (2) of this section. The judge, at the 2413  
judge's discretion, may preside during the giving of the 2414  
testimony by electronic means from outside the room in which it 2415  
is being given, subject to the limitations set forth in division 2416  
(B) (2) of this section. To the extent feasible, any person 2417  
operating the televising equipment shall be hidden from the 2418  
sight and hearing of the victim with a developmental disability 2419  
giving the testimony, in a manner similar to that described in 2420  
division (B) (2) of this section. The child who is charged with 2421  
the violation or act shall be permitted to observe and hear the 2422  
testimony of the victim with a developmental disability giving 2423

the testimony on a monitor, shall be provided with an electronic 2424  
means of immediate communication with the attorney of the child 2425  
who is charged with the violation or act during the testimony, 2426  
and shall be restricted to a location from which the child who 2427  
is charged with the violation or act cannot be seen or heard by 2428  
the victim with a developmental disability giving the testimony, 2429  
except on a monitor provided for that purpose. The victim with a 2430  
developmental disability giving the testimony shall be provided 2431  
with a monitor on which the victim with a developmental 2432  
disability can observe, while giving testimony, the child who is 2433  
charged with the violation or act. 2434

(E) In any proceeding in juvenile court involving a 2435  
complaint, indictment, or information in which a child is 2436  
charged with a violation listed in division (B)(1) of this 2437  
section or an act that would be an offense of violence if 2438  
committed by an adult and in which an alleged victim of the 2439  
violation or offense was a person with a developmental 2440  
disability, the prosecution, the victim, or the victim's 2441  
attorney, if applicable, may file a motion with the juvenile 2442  
judge requesting the judge to order the testimony of the victim 2443  
with a developmental disability to be taken outside of the room 2444  
in which the proceeding is being conducted and be recorded for 2445  
showing in the room in which the proceeding is being conducted 2446  
before the judge, the child who is charged with the violation or 2447  
act, and any other persons who would have been present during 2448  
the testimony of the victim with a developmental disability had 2449  
it been given in the room in which the proceeding is being 2450  
conducted. Except for good cause shown, the 2451  
victim, or the victim's attorney, if applicable, shall file a 2452  
motion under this division at least seven days before the date 2453  
of the proceeding. The juvenile judge may issue the order upon 2454

the motion of the prosecution, the victim, or the victim's 2455  
attorney, if applicable, filed under this division, if the judge 2456  
determines that the victim with a developmental disability is 2457  
unavailable to testify in the room in which the proceeding is 2458  
being conducted in the physical presence of the child charged 2459  
with the violation or act, due to one or more of the reasons set 2460  
forth in division (F) of this section. If a juvenile judge 2461  
issues an order of that nature, the judge shall exclude from the 2462  
room in which the testimony is to be taken every person except a 2463  
person described in division (B) (2) of this section. To the 2464  
extent feasible, any person operating the recording equipment 2465  
shall be hidden from the sight and hearing of the victim with a 2466  
developmental disability giving the testimony, in a manner 2467  
similar to that described in division (B) (2) of this section. 2468  
The child who is charged with the violation or act shall be 2469  
permitted to observe and hear the testimony of the victim with a 2470  
developmental disability giving the testimony on a monitor, 2471  
shall be provided with an electronic means of immediate 2472  
communication with the attorney of the child who is charged with 2473  
the violation or act during the testimony, and shall be 2474  
restricted to a location from which the child who is charged 2475  
with the violation or act cannot be seen or heard by the victim 2476  
with a developmental disability giving the testimony, except on 2477  
a monitor provided for that purpose. The victim with a 2478  
developmental disability giving the testimony shall be provided 2479  
with a monitor on which the victim with a developmental 2480  
disability can observe, while giving testimony, the child who is 2481  
charged with the violation or act. No order for the taking of 2482  
testimony by recording shall be issued under this division 2483  
unless the provisions set forth in divisions (B) (2) (a), (b), 2484  
(c), and (d) of this section apply to the recording of the 2485  
testimony. 2486

(F) For purposes of divisions (D) and (E) of this section, 2487  
a juvenile judge may order the testimony of a victim with a 2488  
developmental disability to be taken outside of the room in 2489  
which a proceeding is being conducted if the judge determines 2490  
that the victim with a developmental disability is unavailable 2491  
to testify in the room in the physical presence of the child 2492  
charged with the violation or act due to one or more of the 2493  
following circumstances: 2494

(1) The persistent refusal of the victim with a 2495  
developmental disability to testify despite judicial requests to 2496  
do so; 2497

(2) The inability of the victim with a developmental 2498  
disability to communicate about the alleged violation or offense 2499  
because of extreme fear, failure of memory, or another similar 2500  
reason; 2501

(3) The substantial likelihood that the victim with a 2502  
developmental disability will suffer serious emotional trauma 2503  
from so testifying. 2504

(G) (1) If a juvenile judge issues an order pursuant to 2505  
division (D) or (E) of this section that requires the testimony 2506  
of a victim with a developmental disability in a juvenile court 2507  
proceeding to be taken outside of the room in which the 2508  
proceeding is being conducted, the order shall specifically 2509  
identify the victim with a developmental disability, in a manner 2510  
consistent with section 2930.07 of the Revised Code, to whose 2511  
testimony it applies, the order applies only during the 2512  
testimony of the specified victim with a developmental 2513  
disability, and the victim with a developmental disability 2514  
giving the testimony shall not be required to testify at the 2515  
proceeding other than in accordance with the order. The 2516

authority of a judge to close the taking of a deposition under 2517  
division (B) (2) of this section or a proceeding under division 2518  
(D) or (E) of this section is in addition to the authority of a 2519  
judge to close a hearing pursuant to section 2151.35 of the 2520  
Revised Code. 2521

(2) A juvenile judge who makes any determination regarding 2522  
the admissibility of a deposition under divisions (B) and (C) of 2523  
this section, the ~~videotaping~~ recording of a deposition under 2524  
division (B) (2) of this section, or the taking of testimony 2525  
outside of the room in which a proceeding is being conducted 2526  
under division (D) or (E) of this section shall enter the 2527  
determination and findings on the record in the proceeding. 2528

**Sec. 2907.02.** (A) (1) No person shall engage in sexual 2529  
conduct with another who is not the spouse of the offender or 2530  
who is the spouse of the offender but is living separate and 2531  
apart from the offender, when any of the following applies: 2532

(a) For the purpose of preventing resistance, the offender 2533  
substantially impairs the other person's judgment or control by 2534  
administering any drug, intoxicant, or controlled substance to 2535  
the other person surreptitiously or by force, threat of force, 2536  
or deception. 2537

(b) The other person is less than thirteen years of age, 2538  
whether or not the offender knows the age of the other person. 2539

(c) The other person's ability to resist or consent is 2540  
substantially impaired because of a mental or physical condition 2541  
or because of advanced age, and the offender knows or has 2542  
reasonable cause to believe that the other person's ability to 2543  
resist or consent is substantially impaired because of a mental 2544  
or physical condition or because of advanced age. 2545

(2) No person shall engage in sexual conduct with another 2546  
when the offender purposely compels the other person to submit 2547  
by force or threat of force. 2548

(B) Whoever violates this section is guilty of rape, a 2549  
felony of the first degree. If the offender under division (A) 2550  
(1) (a) of this section substantially impairs the other person's 2551  
judgment or control by administering any controlled substance, 2552  
as defined in section 3719.01 of the Revised Code, to the other 2553  
person surreptitiously or by force, threat of force, or 2554  
deception, the prison term imposed upon the offender shall be 2555  
one of the definite prison terms prescribed for a felony of the 2556  
first degree in division (A) (1) (b) of section 2929.14 of the 2557  
Revised Code that is not less than five years, except that if 2558  
the violation is committed on or after ~~the effective date of~~ 2559  
~~this amendment~~ March 22, 2019, the court shall impose as the 2560  
minimum prison term for the offense a mandatory prison term that 2561  
is one of the minimum terms prescribed for a felony of the first 2562  
degree in division (A) (1) (a) of section 2929.14 of the Revised 2563  
Code that is not less than five years. Except as otherwise 2564  
provided in this division, notwithstanding sections 2929.11 to 2565  
2929.14 of the Revised Code, an offender under division (A) (1) 2566  
(b) of this section shall be sentenced to a prison term or term 2567  
of life imprisonment pursuant to section 2971.03 of the Revised 2568  
Code. If an offender is convicted of or pleads guilty to a 2569  
violation of division (A) (1) (b) of this section, if the offender 2570  
was less than sixteen years of age at the time the offender 2571  
committed the violation of that division, and if the offender 2572  
during or immediately after the commission of the offense did 2573  
not cause serious physical harm to the victim, the victim was 2574  
ten years of age or older at the time of the commission of the 2575  
violation, and the offender has not previously been convicted of 2576

or pleaded guilty to a violation of this section or a 2577  
substantially similar existing or former law of this state, 2578  
another state, or the United States, the court shall not 2579  
sentence the offender to a prison term or term of life 2580  
imprisonment pursuant to section 2971.03 of the Revised Code, 2581  
and instead the court shall sentence the offender as otherwise 2582  
provided in this division. If an offender under division (A) (1) 2583  
(b) of this section previously has been convicted of or pleaded 2584  
guilty to violating division (A) (1) (b) of this section or to 2585  
violating an existing or former law of this state, another 2586  
state, or the United States that is substantially similar to 2587  
division (A) (1) (b) of this section, if the offender during or 2588  
immediately after the commission of the offense caused serious 2589  
physical harm to the victim, or if the victim under division (A) 2590  
(1) (b) of this section is less than ten years of age, in lieu of 2591  
sentencing the offender to a prison term or term of life 2592  
imprisonment pursuant to section 2971.03 of the Revised Code, 2593  
the court may impose upon the offender a term of life without 2594  
parole. If the court imposes a term of life without parole 2595  
pursuant to this division, division (F) of section 2971.03 of 2596  
the Revised Code applies, and the offender automatically is 2597  
classified a tier III sex offender/child-victim offender, as 2598  
described in that division. 2599

(C) A victim need not prove physical resistance to the 2600  
offender in prosecutions under this section. 2601

(D) Evidence of specific instances of the victim's sexual 2602  
activity, opinion evidence of the victim's sexual activity, and 2603  
reputation evidence of the victim's sexual activity shall not be 2604  
admitted under this section unless it involves evidence of the 2605  
origin of semen, pregnancy, or sexually transmitted disease or 2606  
infection, or the victim's past sexual activity with the 2607

offender, and only to the extent that the court finds that the 2608  
evidence is material to a fact at issue in the case and that its 2609  
inflammatory or prejudicial nature does not outweigh its 2610  
probative value. 2611

Evidence of specific instances of the defendant's sexual 2612  
activity, opinion evidence of the defendant's sexual activity, 2613  
and reputation evidence of the defendant's sexual activity shall 2614  
not be admitted under this section unless it involves evidence 2615  
of the origin of semen, pregnancy, or sexually transmitted 2616  
disease or infection, the defendant's past sexual activity with 2617  
the victim, or is admissible against the defendant under section 2618  
2945.59 of the Revised Code, and only to the extent that the 2619  
court finds that the evidence is material to a fact at issue in 2620  
the case and that its inflammatory or prejudicial nature does 2621  
not outweigh its probative value. 2622

(E) Prior to taking testimony or receiving evidence of any 2623  
sexual activity of the victim or the defendant in a proceeding 2624  
under this section, the court shall resolve the admissibility of 2625  
the proposed evidence in a hearing in chambers, which shall be 2626  
held at or before preliminary hearing and not less than three 2627  
days before trial, or for good cause shown during the trial. 2628

(F) Upon approval by the court, the victim may be 2629  
represented by counsel in any hearing in chambers or other 2630  
proceeding to resolve the admissibility of evidence. If the 2631  
victim is indigent or otherwise is unable to obtain the services 2632  
of counsel, the court, upon request, may appoint counsel to 2633  
represent the victim without cost to the victim. 2634

(G) It is not a defense to a charge under division (A) (2) 2635  
of this section that the offender and the victim were married or 2636  
were cohabiting at the time of the commission of the offense. 2637

Sec. 2907.05. (A) No person shall have sexual contact with 2638  
another, not the spouse of the offender; cause another, not the 2639  
spouse of the offender, to have sexual contact with the 2640  
offender; or cause two or more other persons to have sexual 2641  
contact when any of the following applies: 2642

(1) The offender purposely compels the other person, or 2643  
one of the other persons, to submit by force or threat of force. 2644

(2) For the purpose of preventing resistance, the offender 2645  
substantially impairs the judgment or control of the other 2646  
person or of one of the other persons by administering any drug, 2647  
intoxicant, or controlled substance to the other person 2648  
surreptitiously or by force, threat of force, or deception. 2649

(3) The offender knows that the judgment or control of the 2650  
other person or of one of the other persons is substantially 2651  
impaired as a result of the influence of any drug or intoxicant 2652  
administered to the other person with the other person's consent 2653  
for the purpose of any kind of medical or dental examination, 2654  
treatment, or surgery. 2655

(4) The other person, or one of the other persons, is less 2656  
than thirteen years of age, whether or not the offender knows 2657  
the age of that person. 2658

(5) The ability of the other person to resist or consent 2659  
or the ability of one of the other persons to resist or consent 2660  
is substantially impaired because of a mental or physical 2661  
condition or because of advanced age, and the offender knows or 2662  
has reasonable cause to believe that the ability to resist or 2663  
consent of the other person or of one of the other persons is 2664  
substantially impaired because of a mental or physical condition 2665  
or because of advanced age. 2666

(B) No person shall knowingly touch the genitalia of 2667  
another, when the touching is not through clothing, the other 2668  
person is less than twelve years of age, whether or not the 2669  
offender knows the age of that person, and the touching is done 2670  
with an intent to abuse, humiliate, harass, degrade, or arouse 2671  
or gratify the sexual desire of any person. 2672

(C) Whoever violates this section is guilty of gross 2673  
sexual imposition. 2674

(1) Except as otherwise provided in this section, gross 2675  
sexual imposition committed in violation of division (A) (1), 2676  
(2), (3), or (5) of this section is a felony of the fourth 2677  
degree. If the offender under division (A) (2) of this section 2678  
substantially impairs the judgment or control of the other 2679  
person or one of the other persons by administering any 2680  
controlled substance, as defined in section 3719.01 of the 2681  
Revised Code, to the person surreptitiously or by force, threat 2682  
of force, or deception, gross sexual imposition committed in 2683  
violation of division (A) (2) of this section is a felony of the 2684  
third degree. 2685

(2) Gross sexual imposition committed in violation of 2686  
division (A) (4) or (B) of this section is a felony of the third 2687  
degree. Except as otherwise provided in this division, for gross 2688  
sexual imposition committed in violation of division (A) (4) or 2689  
(B) of this section there is a presumption that a prison term 2690  
shall be imposed for the offense. The court shall impose on an 2691  
offender convicted of gross sexual imposition in violation of 2692  
division (A) (4) or (B) of this section a mandatory prison term, 2693  
as described in division (C) (3) of this section, for a felony of 2694  
the third degree if either of the following applies: 2695

(a) Evidence other than the testimony of the victim was 2696

admitted in the case corroborating the violation; 2697

(b) The offender previously was convicted of or pleaded 2698  
guilty to a violation of this section, rape, the former offense 2699  
of felonious sexual penetration, or sexual battery, and the 2700  
victim of the previous offense was less than thirteen years of 2701  
age. 2702

(3) A mandatory prison term required under division (C) (2) 2703  
of this section shall be a definite term from the range of 2704  
prison terms provided in division (A) (3) (a) of section 2929.14 2705  
of the Revised Code for a felony of the third degree. 2706

(D) A victim need not prove physical resistance to the 2707  
offender in prosecutions under this section. 2708

(E) Evidence of specific instances of the victim's sexual 2709  
activity, opinion evidence of the victim's sexual activity, and 2710  
reputation evidence of the victim's sexual activity shall not be 2711  
admitted under this section unless it involves evidence of the 2712  
origin of semen, pregnancy, or sexually transmitted disease or 2713  
infection, or the victim's past sexual activity with the 2714  
offender, and only to the extent that the court finds that the 2715  
evidence is material to a fact at issue in the case and that its 2716  
inflammatory or prejudicial nature does not outweigh its 2717  
probative value. 2718

Evidence of specific instances of the defendant's sexual 2719  
activity, opinion evidence of the defendant's sexual activity, 2720  
and reputation evidence of the defendant's sexual activity shall 2721  
not be admitted under this section unless it involves evidence 2722  
of the origin of semen, pregnancy, or sexually transmitted 2723  
disease or infection, the defendant's past sexual activity with 2724  
the victim, or is admissible against the defendant under section 2725

2945.59 of the Revised Code, and only to the extent that the court finds that the evidence is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

(F) Prior to taking testimony or receiving evidence of any sexual activity of the victim or the defendant in a proceeding under this section, the court shall resolve the admissibility of the proposed evidence in a hearing in chambers, which shall be held at or before preliminary hearing and not less than three days before trial, or for good cause shown during the trial.

(G) Upon approval by the court, the victim may be represented by counsel in any hearing in chambers or other proceeding to resolve the admissibility of evidence. If the victim is indigent or otherwise is unable to obtain the services of counsel, the court, upon request, may appoint counsel to represent the victim without cost to the victim.

**Sec. 2907.10.** (A) (1) A peace officer, prosecutor, ~~or~~ other public official, defendant, defendant's attorney, alleged juvenile offender, or alleged juvenile offender's attorney shall not ask or require a victim of an alleged sex offense to submit to a polygraph examination as a condition for proceeding with the investigation or prosecution of the alleged sex offense or for any other purpose.

(2) The refusal of the victim of an alleged sex offense to submit to a polygraph examination shall not prevent the investigation of the alleged sex offense, the filing of criminal charges with respect to the alleged sex offense, or the prosecution of the alleged perpetrator of the alleged sex offense.

(B) As used in this section:	2755
(1) "Peace officer" has the same meaning as in section 2921.51 of the Revised Code.	2756 2757
(2) "Polygraph examination" means any mechanical or electrical instrument or device of any type used or allegedly used to examine, test, or question an individual for the purpose of determining the individual's truthfulness.	2758 2759 2760 2761
(3) "Prosecution" means the prosecution of criminal charges in a criminal prosecution or the prosecution of a delinquent child complaint in a delinquency proceeding.	2762 2763 2764
(4) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.	2765 2766
(5) "Public official" has the same meaning as in section 117.01 of the Revised Code.	2767 2768
(6) "Sex offense" means a violation of any provision of sections 2907.02 to 2907.09 of the Revised Code.	2769 2770
<u>(7) "Alleged juvenile offender" has the same meaning as in section 2930.01 of the Revised Code.</u>	2771 2772
<b>Sec. 2929.18.</b> (A) Except as otherwise provided in this division and in addition to imposing court costs pursuant to section 2947.23 of the Revised Code, the court imposing a sentence upon an offender for a felony may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section or, in the circumstances specified in section 2929.32 of the Revised Code, may impose upon the offender a fine in accordance with that section, <u>and shall sentence the offender to make restitution pursuant to this section and section 2929.281 of the Revised Code.</u> Financial	2773 2774 2775 2776 2777 2778 2779 2780 2781 2782

sanctions that either are required to be or may be imposed 2783  
pursuant to this section include, but are not limited to, the 2784  
following: 2785

(1) Restitution by the offender to the victim of the 2786  
offender's ~~crime~~ criminal offense or ~~any survivor of the victim~~ 2787  
victim's estate, in an amount based on the victim's economic 2788  
loss. ~~If the court imposes restitution,~~ In open court, the court 2789  
shall order that ~~the full~~ restitution be made to the victim ~~in~~ 2790  
~~open court~~, to the adult probation department that serves the 2791  
county on behalf of the victim, to the clerk of courts, or to 2792  
another agency designated by the court. ~~If the court imposes~~ 2793  
~~restitution, at~~ At sentencing, the court shall determine the 2794  
amount of restitution to be made by the offender. ~~If the court~~ 2795  
~~imposes restitution, the court may base the amount of~~ 2796  
~~restitution it orders on an amount recommended by the victim,~~ 2797  
~~the offender, a presentence investigation report, estimates or~~ 2798  
~~receipts indicating the cost of repairing or replacing property,~~ 2799  
~~and other information, provided that the~~ The victim, victim's 2800  
representative, victim's attorney, if applicable, the prosecutor 2801  
or the prosecutor's designee, and the offender may provide 2802  
information relevant to the determination of the amount of 2803  
restitution. The amount the court orders as restitution shall 2804  
not exceed the amount of the economic loss suffered by the 2805  
victim as a direct and proximate result of the commission of the 2806  
offense. ~~If the court decides to impose restitution, the~~ The 2807  
court shall hold a hearing on restitution if the offender, 2808  
victim, ~~or survivor~~ victim's representative, or victim's estate 2809  
disputes the amount. The court shall determine the amount of 2810  
full restitution by a preponderance of the evidence. All 2811  
restitution payments shall be credited against any recovery of 2812  
economic loss in a civil action brought by the victim or ~~any~~ 2813

~~survivor of the victim~~ victim's estate against the offender. 2814

~~If the court imposes restitution, the~~ The court may order 2815  
that the offender pay a surcharge of not more than five per cent 2816  
of the amount of the restitution otherwise ordered to the entity 2817  
responsible for collecting and processing restitution payments. 2818

~~The victim or survivor,~~ victim's estate, or victim's 2819  
attorney, if applicable, may file a motion or request that the 2820  
prosecutor in the case file a motion, or the offender may file a 2821  
motion, for modification of the payment terms of any restitution 2822  
ordered. If the court grants the motion, it may modify the 2823  
payment terms as it determines appropriate but shall not reduce 2824  
the amount of restitution ordered, except as provided in 2825  
division (A) of section 2929.281 of the Revised Code. The court 2826  
shall not discharge restitution until it is fully paid by the 2827  
offender. 2828

(2) Except as provided in division (B) (1), (3), or (4) of 2829  
this section, a fine payable by the offender to the state, to a 2830  
political subdivision, or as described in division (B) (2) of 2831  
this section to one or more law enforcement agencies, with the 2832  
amount of the fine based on a standard percentage of the 2833  
offender's daily income over a period of time determined by the 2834  
court and based upon the seriousness of the offense. A fine 2835  
ordered under this division shall not exceed the maximum 2836  
conventional fine amount authorized for the level of the offense 2837  
under division (A) (3) of this section. 2838

(3) Except as provided in division (B) (1), (3), or (4) of 2839  
this section, a fine payable by the offender to the state, to a 2840  
political subdivision when appropriate for a felony, or as 2841  
described in division (B) (2) of this section to one or more law 2842  
enforcement agencies, in the following amount: 2843

(a) For a felony of the first degree, not more than twenty thousand dollars;	2844 2845
(b) For a felony of the second degree, not more than fifteen thousand dollars;	2846 2847
(c) For a felony of the third degree, not more than ten thousand dollars;	2848 2849
(d) For a felony of the fourth degree, not more than five thousand dollars;	2850 2851
(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.	2852 2853
(4) A state fine or costs as defined in section 2949.111 of the Revised Code.	2854 2855
(5) (a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:	2856 2857 2858
(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code;	2859 2860 2861
(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement;	2862 2863 2864 2865 2866 2867 2868
(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a	2869 2870 2871

court orders an offender to use under section 4510.13 of the Revised Code. 2872  
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(b) If the offender is sentenced to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the Revised Code that is to be served in a facility operated by a board of county commissioners, a legislative authority of a municipal corporation, or another local governmental entity, if, pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and section 2929.37 of the Revised Code, the board, legislative authority, or other local governmental entity requires prisoners to reimburse the county, municipal corporation, or other entity for its expenses incurred by reason of the prisoner's confinement, and if the court does not impose a financial sanction under division (A) (5) (a) (ii) of this section, confinement costs may be assessed pursuant to section 2929.37 of the Revised Code. In addition, the offender may be required to pay the fees specified in section 2929.38 of the Revised Code in accordance with that section. 2874  
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(c) Reimbursement by the offender for costs pursuant to section 2929.71 of the Revised Code. 2891  
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(B) (1) For a first, second, or third degree felony violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code, the sentencing court shall impose upon the offender a mandatory fine of at least one-half of, but not more than, the maximum statutory fine amount authorized for the level of the offense pursuant to division (A) (3) of this section. If an offender alleges in an affidavit filed with the court prior to sentencing that the offender is indigent and unable to pay the mandatory fine and if the court determines the offender is 2893  
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an indigent person and is unable to pay the mandatory fine 2902  
described in this division, the court shall not impose the 2903  
mandatory fine upon the offender. 2904

(2) Any mandatory fine imposed upon an offender under 2905  
division (B) (1) of this section and any fine imposed upon an 2906  
offender under division (A) (2) or (3) of this section for any 2907  
fourth or fifth degree felony violation of any provision of 2908  
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 2909  
to law enforcement agencies pursuant to division (F) of section 2910  
2925.03 of the Revised Code. 2911

(3) For a fourth degree felony OVI offense and for a third 2912  
degree felony OVI offense, the sentencing court shall impose 2913  
upon the offender a mandatory fine in the amount specified in 2914  
division (G) (1) (d) or (e) of section 4511.19 of the Revised 2915  
Code, whichever is applicable. The mandatory fine so imposed 2916  
shall be disbursed as provided in the division pursuant to which 2917  
it is imposed. 2918

(4) Notwithstanding any fine otherwise authorized or 2919  
required to be imposed under division (A) (2) or (3) or (B) (1) of 2920  
this section or section 2929.31 of the Revised Code for a 2921  
violation of section 2925.03 of the Revised Code, in addition to 2922  
any penalty or sanction imposed for that offense under section 2923  
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 2924  
in addition to the forfeiture of property in connection with the 2925  
offense as prescribed in Chapter 2981. of the Revised Code, the 2926  
court that sentences an offender for a violation of section 2927  
2925.03 of the Revised Code may impose upon the offender a fine 2928  
in addition to any fine imposed under division (A) (2) or (3) of 2929  
this section and in addition to any mandatory fine imposed under 2930  
division (B) (1) of this section. The fine imposed under division 2931

(B) (4) of this section shall be used as provided in division (H) 2932  
of section 2925.03 of the Revised Code. A fine imposed under 2933  
division (B) (4) of this section shall not exceed whichever of 2934  
the following is applicable: 2935

(a) The total value of any personal or real property in 2936  
which the offender has an interest and that was used in the 2937  
course of, intended for use in the course of, derived from, or 2938  
realized through conduct in violation of section 2925.03 of the 2939  
Revised Code, including any property that constitutes proceeds 2940  
derived from that offense; 2941

(b) If the offender has no interest in any property of the 2942  
type described in division (B) (4) (a) of this section or if it is 2943  
not possible to ascertain whether the offender has an interest 2944  
in any property of that type in which the offender may have an 2945  
interest, the amount of the mandatory fine for the offense 2946  
imposed under division (B) (1) of this section or, if no 2947  
mandatory fine is imposed under division (B) (1) of this section, 2948  
the amount of the fine authorized for the level of the offense 2949  
imposed under division (A) (3) of this section. 2950

(5) Prior to imposing a fine under division (B) (4) of this 2951  
section, the court shall determine whether the offender has an 2952  
interest in any property of the type described in division (B) 2953  
(4) (a) of this section. Except as provided in division (B) (6) or 2954  
(7) of this section, a fine that is authorized and imposed under 2955  
division (B) (4) of this section does not limit or affect the 2956  
imposition of the penalties and sanctions for a violation of 2957  
section 2925.03 of the Revised Code prescribed under those 2958  
sections or sections 2929.11 to 2929.18 of the Revised Code and 2959  
does not limit or affect a forfeiture of property in connection 2960  
with the offense as prescribed in Chapter 2981. of the Revised 2961

Code. 2962

(6) If the sum total of a mandatory fine amount imposed 2963  
for a first, second, or third degree felony violation of section 2964  
2925.03 of the Revised Code under division (B)(1) of this 2965  
section plus the amount of any fine imposed under division (B) 2966  
(4) of this section does not exceed the maximum statutory fine 2967  
amount authorized for the level of the offense under division 2968  
(A)(3) of this section or section 2929.31 of the Revised Code, 2969  
the court may impose a fine for the offense in addition to the 2970  
mandatory fine and the fine imposed under division (B)(4) of 2971  
this section. The sum total of the amounts of the mandatory 2972  
fine, the fine imposed under division (B)(4) of this section, 2973  
and the additional fine imposed under division (B)(6) of this 2974  
section shall not exceed the maximum statutory fine amount 2975  
authorized for the level of the offense under division (A)(3) of 2976  
this section or section 2929.31 of the Revised Code. The clerk 2977  
of the court shall pay any fine that is imposed under division 2978  
(B)(6) of this section to the county, township, municipal 2979  
corporation, park district as created pursuant to section 511.18 2980  
or 1545.04 of the Revised Code, or state law enforcement 2981  
agencies in this state that primarily were responsible for or 2982  
involved in making the arrest of, and in prosecuting, the 2983  
offender pursuant to division (F) of section 2925.03 of the 2984  
Revised Code. 2985

(7) If the sum total of the amount of a mandatory fine 2986  
imposed for a first, second, or third degree felony violation of 2987  
section 2925.03 of the Revised Code plus the amount of any fine 2988  
imposed under division (B)(4) of this section exceeds the 2989  
maximum statutory fine amount authorized for the level of the 2990  
offense under division (A)(3) of this section or section 2929.31 2991  
of the Revised Code, the court shall not impose a fine under 2992

division (B) (6) of this section. 2993

(8) (a) If an offender who is convicted of or pleads guilty 2994  
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2995  
2923.32, division (A) (1) or (2) of section 2907.323 involving a 2996  
minor, or division (B) (1), (2), (3), (4), or (5) of section 2997  
2919.22 of the Revised Code also is convicted of or pleads 2998  
guilty to a specification of the type described in section 2999  
2941.1422 of the Revised Code that charges that the offender 3000  
knowingly committed the offense in furtherance of human 3001  
trafficking, the sentencing court shall sentence the offender to 3002  
a financial sanction of restitution by the offender to the 3003  
victim or ~~any survivor of the victim~~ victim's estate, with the 3004  
restitution including the costs of housing, counseling, and 3005  
medical and legal assistance incurred by the victim as a direct 3006  
result of the offense and the greater of the following: 3007

(i) The gross income or value to the offender of the 3008  
victim's labor or services; 3009

(ii) The value of the victim's labor as guaranteed under 3010  
the minimum wage and overtime provisions of the "Federal Fair 3011  
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 3012  
state labor laws. 3013

(b) If a court imposing sentence upon an offender for a 3014  
felony is required to impose upon the offender a financial 3015  
sanction of restitution under division (B) (8) (a) of this 3016  
section, in addition to that financial sanction of restitution, 3017  
the court may sentence the offender to any other financial 3018  
sanction or combination of financial sanctions authorized under 3019  
this section, including a restitution sanction under division 3020  
(A) (1) of this section. 3021

(9) In addition to any other fine that is or may be 3022  
imposed under this section, the court imposing sentence upon an 3023  
offender for a felony that is a sexually oriented offense or a 3024  
child-victim oriented offense, as those terms are defined in 3025  
section 2950.01 of the Revised Code, may impose a fine of not 3026  
less than fifty nor more than five hundred dollars. 3027

(10) For a felony violation of division (A) of section 3028  
2921.321 of the Revised Code that results in the death of the 3029  
police dog or horse that is the subject of the violation, the 3030  
sentencing court shall impose upon the offender a mandatory fine 3031  
from the range of fines provided under division (A) (3) of this 3032  
section for a felony of the third degree. A mandatory fine 3033  
imposed upon an offender under division (B) (10) of this section 3034  
shall be paid to the law enforcement agency that was served by 3035  
the police dog or horse that was killed in the felony violation 3036  
of division (A) of section 2921.321 of the Revised Code to be 3037  
used as provided in division (E) (1) (b) of that section. 3038

(11) In addition to any other fine that is or may be 3039  
imposed under this section, the court imposing sentence upon an 3040  
offender for any of the following offenses that is a felony may 3041  
impose a fine of not less than seventy nor more than five 3042  
hundred dollars, which shall be transmitted to the treasurer of 3043  
state to be credited to the address confidentiality program fund 3044  
created by section 111.48 of the Revised Code: 3045

(a) Domestic violence; 3046

(b) Menacing by stalking; 3047

(c) Rape; 3048

(d) Sexual battery; 3049

(e) Trafficking in persons; 3050

(f) A violation of section 2905.01, 2905.02, 2907.21, 3051  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 3052  
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 3053  
section 2919.22 of the Revised Code, if the offender also is 3054  
convicted of a specification of the type described in section 3055  
2941.1422 of the Revised Code that charges that the offender 3056  
knowingly committed the offense in furtherance of human 3057  
trafficking. 3058

(C) (1) Except as provided in section 2951.021 of the 3059  
Revised Code, the offender shall pay reimbursements imposed upon 3060  
the offender pursuant to division (A) (5) (a) of this section to 3061  
pay the costs incurred by a county pursuant to any sanction 3062  
imposed under this section or section 2929.16 or 2929.17 of the 3063  
Revised Code or in operating a facility used to confine 3064  
offenders pursuant to a sanction imposed under section 2929.16 3065  
of the Revised Code to the county treasurer. The county 3066  
treasurer shall deposit the reimbursements in the sanction cost 3067  
reimbursement fund that each board of county commissioners shall 3068  
create in its county treasury. The county shall use the amounts 3069  
deposited in the fund to pay the costs incurred by the county 3070  
pursuant to any sanction imposed under this section or section 3071  
2929.16 or 2929.17 of the Revised Code or in operating a 3072  
facility used to confine offenders pursuant to a sanction 3073  
imposed under section 2929.16 of the Revised Code. 3074

(2) Except as provided in section 2951.021 of the Revised 3075  
Code, the offender shall pay reimbursements imposed upon the 3076  
offender pursuant to division (A) (5) (a) of this section to pay 3077  
the costs incurred by a municipal corporation pursuant to any 3078  
sanction imposed under this section or section 2929.16 or 3079  
2929.17 of the Revised Code or in operating a facility used to 3080  
confine offenders pursuant to a sanction imposed under section 3081

2929.16 of the Revised Code to the treasurer of the municipal corporation. The treasurer shall deposit the reimbursements in a special fund that shall be established in the treasury of each municipal corporation. The municipal corporation shall use the amounts deposited in the fund to pay the costs incurred by the municipal corporation pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code.

(3) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed pursuant to division (A) (5) (a) of this section for the costs incurred by a private provider pursuant to a sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code to the provider.

(D) Except as otherwise provided in this division, a financial sanction imposed pursuant to division (A) or (B) of this section is a judgment in favor of the state or a political subdivision in which the court that imposed the financial sanction is located, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed pursuant to division (A) (5) (a) (ii) of this section upon an offender who is incarcerated in a state facility or a municipal jail is a judgment in favor of the state or the municipal corporation, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed upon an offender pursuant to this section for costs incurred by a private provider of sanctions is a judgment in favor of the private provider, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of a mandatory fine imposed under division

(B) (10) of this section that is required under that division to 3113  
be paid to a law enforcement agency is a judgment in favor of 3114  
the specified law enforcement agency, and the offender subject 3115  
to the financial sanction is the judgment debtor. A financial 3116  
sanction of restitution imposed pursuant to division (A) (1) or 3117  
(B) (8) of this section is an order in favor of the victim of the 3118  
offender's criminal act that can be collected through a 3119  
certificate of judgment as described in division (D) (1) of this 3120  
section, through execution as described in division (D) (2) of 3121  
this section, or through an order as described in division (D) 3122  
(3) of this section, and the offender shall be considered for 3123  
purposes of the collection as the judgment debtor. Imposition of 3124  
a financial sanction and execution on the judgment does not 3125  
preclude any other power of the court to impose or enforce 3126  
sanctions on the offender. Once the financial sanction is 3127  
imposed as a judgment or order under this division, the victim, 3128  
private provider, state, or political subdivision may do any of 3129  
the following: 3130

(1) Obtain from the clerk of the court in which the 3131  
judgment was entered, at no cost, a certificate of judgment that 3132  
shall be in the same manner and form as a certificate of 3133  
judgment issued in a civil action; 3134

(2) Obtain execution of the judgment or order through any 3135  
available procedure, including: 3136

(a) An execution against the property of the judgment 3137  
debtor under Chapter 2329. of the Revised Code; 3138

(b) An execution against the person of the judgment debtor 3139  
under Chapter 2331. of the Revised Code; 3140

(c) A proceeding in aid of execution under Chapter 2333. 3141

of the Revised Code, including:	3142
(i) A proceeding for the examination of the judgment debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 of the Revised Code;	3143 3144 3145
(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;	3146 3147
(iii) A creditor's suit under section 2333.01 of the Revised Code.	3148 3149
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	3150 3151
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	3152 3153
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	3154 3155
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	3156 3157 3158 3159
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code. Before entering into a contract for the collection of amounts due from an offender	3160 3161 3162 3163 3164 3165 3166 3167 3168 3169

pursuant to any financial sanction imposed pursuant to this 3170  
section or section 2929.32 of the Revised Code, a court shall 3171  
comply with sections 307.86 to 307.92 of the Revised Code. 3172

(G) If a court that imposes a financial sanction under 3173  
division (A) or (B) of this section finds that an offender 3174  
satisfactorily has completed all other sanctions imposed upon 3175  
the offender and that all restitution that has been ordered has 3176  
been paid as ordered, the court may suspend any financial 3177  
sanctions imposed pursuant to this section or section 2929.32 of 3178  
the Revised Code that have not been paid. 3179

(H) No financial sanction imposed under this section or 3180  
section 2929.32 of the Revised Code shall preclude a victim from 3181  
bringing a civil action against the offender. 3182

(I) If the court imposes restitution, fines, fees, or 3183  
incarceration costs on a business or corporation, it is the duty 3184  
of the person authorized to make disbursements from the assets 3185  
of the business or corporation to pay the restitution, fines, 3186  
fees, or incarceration costs from those assets. 3187

(J) If an offender is sentenced to pay restitution, a 3188  
fine, fee, or incarceration costs, the clerk of the sentencing 3189  
court, on request, shall make the offender's payment history 3190  
available to the prosecutor, victim, victim's representative, 3191  
victim's attorney, if applicable, the probation department, and 3192  
the court without cost. 3193

**Sec. 2929.20.** (A) As used in this section: 3194

(1) (a) Except as provided in division (A) (1) (b) of this 3195  
section, "eligible offender" means any person who, on or after 3196  
April 7, 2009, is serving a stated prison term that includes one 3197  
or more nonmandatory prison terms. 3198

(b) "Eligible offender" does not include any person who,	3199
on or after April 7, 2009, is serving a stated prison term for	3200
any of the following criminal offenses that was a felony and was	3201
committed while the person held a public office in this state:	3202
(i) A violation of section 2921.02, 2921.03, 2921.05,	3203
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised	3204
Code;	3205
(ii) A violation of section 2913.42, 2921.04, 2921.11, or	3206
2921.12 of the Revised Code, when the conduct constituting the	3207
violation was related to the duties of the offender's public	3208
office or to the offender's actions as a public official holding	3209
that public office;	3210
(iii) A violation of an existing or former municipal	3211
ordinance or law of this or any other state or the United States	3212
that is substantially equivalent to any violation listed in	3213
division (A) (1) (b) (i) of this section;	3214
(iv) A violation of an existing or former municipal	3215
ordinance or law of this or any other state or the United States	3216
that is substantially equivalent to any violation listed in	3217
division (A) (1) (b) (ii) of this section, when the conduct	3218
constituting the violation was related to the duties of the	3219
offender's public office or to the offender's actions as a	3220
public official holding that public office;	3221
(v) A conspiracy to commit, attempt to commit, or	3222
complicity in committing any offense listed in division (A) (1)	3223
(b) (i) or described in division (A) (1) (b) (iii) of this section;	3224
(vi) A conspiracy to commit, attempt to commit, or	3225
complicity in committing any offense listed in division (A) (1)	3226
(b) (ii) or described in division (A) (1) (b) (iv) of this section,	3227

if the conduct constituting the offense that was the subject of 3228  
the conspiracy, that would have constituted the offense 3229  
attempted, or constituting the offense in which the offender was 3230  
complicit was or would have been related to the duties of the 3231  
offender's public office or to the offender's actions as a 3232  
public official holding that public office. 3233

(2) "Nonmandatory prison term" means a prison term that is 3234  
not a mandatory prison term. 3235

(3) "Public office" means any elected federal, state, or 3236  
local government office in this state. 3237

(4) "Victim's representative" has the same meaning as in 3238  
section 2930.01 of the Revised Code. 3239

(5) "Imminent danger of death," "medically incapacitated," 3240  
and "terminal illness" have the same meanings as in section 3241  
2967.05 of the Revised Code. 3242

(6) "Aggregated nonmandatory prison term or terms" means 3243  
the aggregate of the following: 3244

(a) All nonmandatory definite prison terms; 3245

(b) With respect to any non-life felony indefinite prison 3246  
term, all nonmandatory minimum prison terms imposed as part of 3247  
the non-life felony indefinite prison term or terms. 3248

(B) On the motion of an eligible offender or upon its own 3249  
motion, the sentencing court may reduce the eligible offender's 3250  
aggregated nonmandatory prison term or terms through a judicial 3251  
release under this section. 3252

(C) An eligible offender may file a motion for judicial 3253  
release with the sentencing court within the following 3254  
applicable periods: 3255

(1) If the aggregated nonmandatory prison term or terms is 3256  
less than two years, the eligible offender may file the motion 3257  
at any time after the offender is delivered to a state 3258  
correctional institution or, if the prison term includes a 3259  
mandatory prison term or terms, at any time after the expiration 3260  
of all mandatory prison terms. 3261

(2) If the aggregated nonmandatory prison term or terms is 3262  
at least two years but less than five years, the eligible 3263  
offender may file the motion not earlier than one hundred eighty 3264  
days after the offender is delivered to a state correctional 3265  
institution or, if the prison term includes a mandatory prison 3266  
term or terms, not earlier than one hundred eighty days after 3267  
the expiration of all mandatory prison terms. 3268

(3) If the aggregated nonmandatory prison term or terms is 3269  
five years, the eligible offender may file the motion not 3270  
earlier than the date on which the eligible offender has served 3271  
four years of the offender's stated prison term or, if the 3272  
prison term includes a mandatory prison term or terms, not 3273  
earlier than four years after the expiration of all mandatory 3274  
prison terms. 3275

(4) If the aggregated nonmandatory prison term or terms is 3276  
more than five years but not more than ten years, the eligible 3277  
offender may file the motion not earlier than the date on which 3278  
the eligible offender has served five years of the offender's 3279  
stated prison term or, if the prison term includes a mandatory 3280  
prison term or terms, not earlier than five years after the 3281  
expiration of all mandatory prison terms. 3282

(5) If the aggregated nonmandatory prison term or terms is 3283  
more than ten years, the eligible offender may file the motion 3284  
not earlier than the later of the date on which the offender has 3285

served one-half of the offender's stated prison term or the date 3286  
specified in division (C) (4) of this section. 3287

(D) Upon receipt of a timely motion for judicial release 3288  
filed by an eligible offender under division (C) of this section 3289  
or upon the sentencing court's own motion made within the 3290  
appropriate time specified in that division, the court may deny 3291  
the motion without a hearing or schedule a hearing on the 3292  
motion. The court shall not grant the motion without a hearing. 3293  
If a court denies a motion without a hearing, the court later 3294  
may consider judicial release for that eligible offender on a 3295  
subsequent motion filed by that eligible offender unless the 3296  
court denies the motion with prejudice. If a court denies a 3297  
motion with prejudice, the court may later consider judicial 3298  
release on its own motion. If a court denies a motion after a 3299  
hearing, the court shall not consider a subsequent motion for 3300  
that eligible offender. The court shall hold only one hearing 3301  
for any eligible offender. 3302

A hearing under this section shall be conducted in open 3303  
court not less than thirty or more than sixty days after the 3304  
motion is filed, provided that the court may delay the hearing 3305  
for one hundred eighty additional days. If the court holds a 3306  
hearing, the court shall enter a ruling on the motion within ten 3307  
days after the hearing. If the court denies the motion without a 3308  
hearing, the court shall enter its ruling on the motion within 3309  
sixty days after the motion is filed. 3310

(E) If a court schedules a hearing under division (D) of 3311  
this section, the court shall notify the eligible offender and 3312  
the head of the state correctional institution in which the 3313  
eligible offender is confined prior to the hearing. The head of 3314  
the state correctional institution immediately shall notify the 3315

appropriate person at the department of rehabilitation and 3316  
correction of the hearing, and the department within twenty-four 3317  
hours after receipt of the notice, shall post on the database it 3318  
maintains pursuant to section 5120.66 of the Revised Code the 3319  
offender's name and all of the information specified in division 3320  
(A) (1) (c) (i) of that section. If the court schedules a hearing 3321  
for judicial release, the court promptly shall give notice of 3322  
the hearing to the prosecuting attorney of the county in which 3323  
the eligible offender was indicted. Upon receipt of the notice 3324  
from the court, the prosecuting attorney shall do whichever of 3325  
the following is applicable: 3326

(1) Subject to division (E) (2) of this section, notify the 3327  
victim of the offense ~~or~~ and the victim's representative, if 3328  
applicable, pursuant to division (B) of section 2930.16 of the 3329  
Revised Code; 3330

(2) If the offense was an offense of violence that is a 3331  
felony of the first, second, or third degree, except as 3332  
otherwise provided in this division, notify the victim ~~or~~ and 3333  
the victim's representative, if applicable, of the hearing 3334  
regardless of whether the victim or victim's representative has 3335  
requested the notification. The notice of the hearing shall not 3336  
be given under this division to a victim or victim's 3337  
representative if the victim or victim's representative has 3338  
requested pursuant to division (B) (2) of section 2930.03 of the 3339  
Revised Code that the victim or the victim's representative not 3340  
be provided the notice. If notice is to be provided to a victim 3341  
or victim's representative under this division, the prosecuting 3342  
attorney may give the notice by any reasonable means, including 3343  
regular mail, telephone, and electronic mail, in accordance with 3344  
division (D) (1) of section 2930.16 of the Revised Code. If the 3345  
notice is based on an offense committed prior to March 22, 2013, 3346

the notice also shall include the opt-out information described 3347  
in division (D) (1) of section 2930.16 of the Revised Code. The 3348  
prosecuting attorney, in accordance with division (D) (2) of 3349  
section 2930.16 of the Revised Code, shall keep a record of all 3350  
attempts to provide the notice, and of all notices provided, 3351  
under this division. Division (E) (2) of this section, and the 3352  
notice-related provisions of division (K) of this section, 3353  
division (D) (1) of section 2930.16, division (H) of section 3354  
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 3355  
(b) of section 2967.26, division (D) (1) of section 2967.28, and 3356  
division (A) (2) of section 5149.101 of the Revised Code enacted 3357  
in the act in which division (E) (2) of this section was enacted, 3358  
shall be known as "Roberta's Law." 3359

(F) Upon an offender's successful completion of 3360  
rehabilitative activities, the head of the state correctional 3361  
institution may notify the sentencing court of the successful 3362  
completion of the activities. 3363

(G) Prior to the date of the hearing on a motion for 3364  
judicial release under this section, the head of the state 3365  
correctional institution in which the eligible offender is 3366  
confined shall send to the court an institutional summary report 3367  
on the eligible offender's conduct in the institution and in any 3368  
institution from which the eligible offender may have been 3369  
transferred. Upon the request of the prosecuting attorney of the 3370  
county in which the eligible offender was indicted or of any law 3371  
enforcement agency, the head of the state correctional 3372  
institution, at the same time the person sends the institutional 3373  
summary report to the court, also shall send a copy of the 3374  
report to the requesting prosecuting attorney and law 3375  
enforcement agencies. The institutional summary report shall 3376  
cover the eligible offender's participation in school, 3377

vocational training, work, treatment, and other rehabilitative 3378  
activities and any disciplinary action taken against the 3379  
eligible offender. The report shall be made part of the record 3380  
of the hearing. A presentence investigation report is not 3381  
required for judicial release. 3382

(H) If the court grants a hearing on a motion for judicial 3383  
release under this section, the eligible offender shall attend 3384  
the hearing if ordered to do so by the court. Upon receipt of a 3385  
copy of the journal entry containing the order, the head of the 3386  
state correctional institution in which the eligible offender is 3387  
incarcerated shall deliver the eligible offender to the sheriff 3388  
of the county in which the hearing is to be held. The sheriff 3389  
shall convey the eligible offender to and from the hearing. 3390

(I) At the hearing on a motion for judicial release under 3391  
this section, the court shall afford the eligible offender and 3392  
the eligible offender's attorney an opportunity to present 3393  
written and, if present, oral information relevant to the 3394  
motion. The court shall afford a similar opportunity to the 3395  
prosecuting attorney, the victim~~or,~~ the victim's 3396  
representative, the victim's attorney, if applicable, and any 3397  
other person the court determines is likely to present 3398  
additional relevant information. The court shall consider any 3399  
oral or written statement of a victim, victim's representative, 3400  
and victim's attorney, if applicable, made pursuant to section 3401  
2930.14 or 2930.17 of the Revised Code, any victim impact 3402  
statement prepared pursuant to section 2947.051 of the Revised 3403  
Code, and any report made under division (G) of this section. 3404  
The court may consider any written statement of any person 3405  
submitted to the court pursuant to division (L) of this section. 3406  
After ruling on the motion, the court shall notify the victim 3407  
and the victim's representative of the ruling in accordance with 3408

sections 2930.03 and 2930.16 of the Revised Code. 3409

(J) (1) A court shall not grant a judicial release under 3410  
this section to an eligible offender who is imprisoned for a 3411  
felony of the first or second degree, or to an eligible offender 3412  
who committed an offense under Chapter 2925. or 3719. of the 3413  
Revised Code and for whom there was a presumption under section 3414  
2929.13 of the Revised Code in favor of a prison term, unless 3415  
the court, with reference to factors under section 2929.12 of 3416  
the Revised Code, finds both of the following: 3417

(a) That a sanction other than a prison term would 3418  
adequately punish the offender and protect the public from 3419  
future criminal violations by the eligible offender because the 3420  
applicable factors indicating a lesser likelihood of recidivism 3421  
outweigh the applicable factors indicating a greater likelihood 3422  
of recidivism; 3423

(b) That a sanction other than a prison term would not 3424  
demean the seriousness of the offense because factors indicating 3425  
that the eligible offender's conduct in committing the offense 3426  
was less serious than conduct normally constituting the offense 3427  
outweigh factors indicating that the eligible offender's conduct 3428  
was more serious than conduct normally constituting the offense. 3429

(2) A court that grants a judicial release to an eligible 3430  
offender under division (J) (1) of this section shall specify on 3431  
the record both findings required in that division and also 3432  
shall list all the factors described in that division that were 3433  
presented at the hearing. 3434

(K) If the court grants a motion for judicial release 3435  
under this section, the court shall order the release of the 3436  
eligible offender, shall place the eligible offender under an 3437

appropriate community control sanction, under appropriate 3438  
conditions, and under the supervision of the department of 3439  
probation serving the court and shall reserve the right to 3440  
reimpose the sentence that it reduced if the offender violates 3441  
the sanction. If the court reimposes the reduced sentence, it 3442  
may do so either concurrently with, or consecutive to, any new 3443  
sentence imposed upon the eligible offender as a result of the 3444  
violation that is a new offense. Except as provided in division 3445  
(R) (2) of this section, the period of community control shall be 3446  
no longer than five years. The court, in its discretion, may 3447  
reduce the period of community control by the amount of time the 3448  
eligible offender spent in jail or prison for the offense and in 3449  
prison. If the court made any findings pursuant to division (J) 3450  
(1) of this section, the court shall serve a copy of the 3451  
findings upon counsel for the parties within fifteen days after 3452  
the date on which the court grants the motion for judicial 3453  
release. 3454

If the court grants a motion for judicial release, the 3455  
court shall notify the appropriate person at the department of 3456  
rehabilitation and correction, and the department shall post 3457  
notice of the release on the database it maintains pursuant to 3458  
section 5120.66 of the Revised Code. The court also shall notify 3459  
the prosecuting attorney of the county in which the eligible 3460  
offender was indicted that the motion has been granted. Unless 3461  
the victim or the victim's representative has requested pursuant 3462  
to division (B) (2) of section 2930.03 of the Revised Code that 3463  
the victim or victim's representative not be provided the 3464  
notice, the prosecuting attorney shall notify the victim ~~or~~ and 3465  
the victim's representative, if applicable, of the judicial 3466  
release in any manner, and in accordance with the same 3467  
procedures, pursuant to which the prosecuting attorney is 3468

authorized to provide notice of the hearing pursuant to division 3469  
(E) (2) of this section. If the notice is based on an offense 3470  
committed prior to March 22, 2013, the notice to the victim or 3471  
victim's representative also shall include the opt-out 3472  
information described in division (D) (1) of section 2930.16 of 3473  
the Revised Code. 3474

(L) In addition to and independent of the right of a 3475  
victim to make a statement pursuant to section 2930.14, 2930.17, 3476  
or 2946.051 of the Revised Code and any right of a person to 3477  
present written information or make a statement pursuant to 3478  
division (I) of this section, any person may submit to the 3479  
court, at any time prior to the hearing on the offender's motion 3480  
for judicial release, a written statement concerning the effects 3481  
of the offender's ~~crime or crimes~~ criminal offense, the 3482  
circumstances surrounding the ~~crime or crimes~~ criminal offense, 3483  
the manner in which the ~~crime or crimes were~~ criminal offense 3484  
was perpetrated, and the person's opinion as to whether the 3485  
offender should be released. 3486

(M) The changes to this section that are made on September 3487  
30, 2011, apply to any judicial release decision made on or 3488  
after September 30, 2011, for any eligible offender. 3489

(N) Notwithstanding the eligibility requirements specified 3490  
in division (A) of this section and the filing time frames 3491  
specified in division (C) of this section and notwithstanding 3492  
the findings required under division (J) of this section, the 3493  
sentencing court, upon the court's own motion and after 3494  
considering whether the release of the offender into society 3495  
would create undue risk to public safety, may grant a judicial 3496  
release to an offender who is not serving a life sentence at any 3497  
time during the offender's imposed sentence when the director of 3498

rehabilitation and correction certifies to the sentencing court 3499  
through the chief medical officer for the department of 3500  
rehabilitation and correction that the offender is in imminent 3501  
danger of death, is medically incapacitated, or is suffering 3502  
from a terminal illness. 3503

(O) The director of rehabilitation and correction shall 3504  
not certify any offender under division (N) of this section who 3505  
is serving a death sentence. 3506

(P) A motion made by the court under division (N) of this 3507  
section is subject to the notice, hearing, and other procedural 3508  
requirements specified in divisions (D), (E), (G), (H), (I), 3509  
(K), and (L) of this section, except for the following: 3510

(1) The court may waive the offender's appearance at any 3511  
hearing scheduled by the court if the offender's condition makes 3512  
it impossible for the offender to participate meaningfully in 3513  
the proceeding. 3514

(2) The court may grant the motion without a hearing, 3515  
provided that the prosecuting attorney ~~and, victim or, and~~ 3516  
victim's representative, if applicable, to whom notice of the 3517  
hearing was provided under division (E) of this section indicate 3518  
that they do not wish to participate in the hearing or present 3519  
information relevant to the motion. 3520

(Q) The court may request health care records from the 3521  
department of rehabilitation and correction to verify the 3522  
certification made under division (N) of this section. 3523

(R) (1) If the court grants judicial release under division 3524  
(N) of this section, the court shall do all of the following: 3525

(a) Order the release of the offender; 3526

(b) Place the offender under an appropriate community control sanction, under appropriate conditions;

(c) Place the offender under the supervision of the department of probation serving the court or under the supervision of the adult parole authority.

(2) The court, in its discretion, may revoke the judicial release if the offender violates the community control sanction described in division (R) (1) of this section. The period of that community control is not subject to the five-year limitation described in division (K) of this section and shall not expire earlier than the date on which all of the offender's mandatory prison terms expire.

(S) If the health of an offender who is released under division (N) of this section improves so that the offender is no longer terminally ill, medically incapacitated, or in imminent danger of death, the court shall, upon the court's own motion, revoke the judicial release. The court shall not grant the motion without a hearing unless the offender waives a hearing. If a hearing is held, the court shall afford the offender and the offender's attorney an opportunity to present written and, if the offender or the offender's attorney is present, oral information relevant to the motion. The court shall afford a similar opportunity to the prosecuting attorney, the victim ~~or,~~ the victim's representative, the victim's attorney, if applicable, and any other person the court determines is likely to present additional relevant information. A court that grants a motion under this division shall specify its findings on the record.

**Sec. 2929.22.** (A) Unless a mandatory jail term is required to be imposed by division (G) of section 1547.99, division (B)

of section 4510.14, division (G) of section 4511.19 of the Revised Code, or any other provision of the Revised Code a court that imposes a sentence under this chapter upon an offender for a misdemeanor or minor misdemeanor has discretion to determine the most effective way to achieve the purposes and principles of sentencing set forth in section 2929.21 of the Revised Code.

Unless a specific sanction is required to be imposed or is precluded from being imposed by the section setting forth an offense or the penalty for an offense or by any provision of sections 2929.23 to 2929.28 of the Revised Code, a court that imposes a sentence upon an offender for a misdemeanor may impose on the offender any sanction or combination of sanctions under sections 2929.24 to 2929.28 of the Revised Code. The court shall not impose a sentence that imposes an unnecessary burden on local government resources.

(B) (1) In determining the appropriate sentence for a misdemeanor, the court shall consider all of the following factors:

(a) The nature and circumstances of the offense or offenses;

(b) Whether the circumstances regarding the offender and the offense or offenses indicate that the offender has a history of persistent criminal activity and that the offender's character and condition reveal a substantial risk that the offender will commit another offense;

(c) Whether the circumstances regarding the offender and the offense or offenses indicate that the offender's history, character, and condition reveal a substantial risk that the offender will be a danger to others and that the offender's

conduct has been characterized by a pattern of repetitive, 3586  
compulsive, or aggressive behavior with heedless indifference to 3587  
the consequences; 3588

(d) Whether the victim's youth, age, disability, or other 3589  
factor made the victim particularly vulnerable to the offense or 3590  
made the impact of the offense more serious; 3591

(e) Whether the offender is likely to commit future crimes 3592  
in general, in addition to the circumstances described in 3593  
divisions (B) (1) (b) and (c) of this section; 3594

(f) Whether the offender has an emotional, mental, or 3595  
physical condition that is traceable to the offender's service 3596  
in the armed forces of the United States and that was a 3597  
contributing factor in the offender's commission of the offense 3598  
or offenses; 3599

(g) The offender's military service record. 3600

(2) In determining the appropriate sentence for a 3601  
misdemeanor, in addition to complying with division (B) (1) of 3602  
this section, the court may consider any other factors that are 3603  
relevant to achieving the purposes and principles of sentencing 3604  
set forth in section 2929.21 of the Revised Code. 3605

(C) Before imposing a jail term as a sentence for a 3606  
misdemeanor, a court shall consider the appropriateness of 3607  
imposing a community control sanction or a combination of 3608  
community control sanctions under sections 2929.25, 2929.26, 3609  
2929.27, and 2929.28 of the Revised Code. A court may impose the 3610  
longest jail term authorized under section 2929.24 of the 3611  
Revised Code only upon offenders who commit the worst forms of 3612  
the offense or upon offenders whose conduct and response to 3613  
prior sanctions for prior offenses demonstrate that the 3614

imposition of the longest jail term is necessary to deter the 3615  
offender from committing a future ~~crime~~ criminal offense. 3616

(D) (1) A sentencing court shall consider any relevant oral 3617  
~~or~~ and written statement made by the victim, the victim's 3618  
representative, the victim's attorney, if applicable, the 3619  
defendant, the defense attorney, or the prosecuting authority 3620  
regarding sentencing for a misdemeanor. This division does not 3621  
create any rights to notice other than those rights authorized 3622  
by Chapter 2930. of the Revised Code. 3623

(2) At the time of sentencing for a misdemeanor or as soon 3624  
as possible after sentencing, the court shall notify the victim 3625  
of the offense of the victim's right to file an application for 3626  
an award of reparations pursuant to sections 2743.51 to 2743.72 3627  
of the Revised Code. 3628

**Sec. 2929.28.** (A) In addition to imposing court costs 3629  
pursuant to section 2947.23 of the Revised Code, the court 3630  
imposing a sentence upon an offender for a misdemeanor, 3631  
including a minor misdemeanor, may sentence the offender to any 3632  
financial sanction or combination of financial sanctions 3633  
authorized under this section and, if the offender is being 3634  
sentenced for a criminal offense as defined in section 2930.01 3635  
of the Revised Code, shall sentence the offender to make 3636  
restitution pursuant to this section and section 2929.281 of the 3637  
Revised Code. If the court, in its discretion or as required by 3638  
this section, imposes one or more financial sanctions, the 3639  
financial sanctions that may be imposed pursuant to this section 3640  
include, but are not limited to, the following: 3641

(1) Unless the misdemeanor offense ~~is a minor misdemeanor~~ 3642  
~~or~~ could be disposed of by the traffic violations bureau serving 3643  
the court under Traffic Rule 13, restitution by the offender to 3644

the victim of the offender's crime or ~~any survivor of the victim-~~ 3645  
~~victim's estate,~~ in an amount based on the victim's economic 3646  
loss. The court may not impose restitution as a sanction 3647  
pursuant to this division if the offense ~~is a minor misdemeanor-~~ 3648  
~~or~~ could be disposed of by the traffic violations bureau serving 3649  
the court under Traffic Rule 13. If the court requires 3650  
restitution, the court shall order that the restitution be made 3651  
to the victim in open court or to the adult probation department 3652  
that serves the jurisdiction or the clerk of the court on behalf 3653  
of the victim. 3654

~~If the court imposes restitution, the~~ The court shall 3655  
determine the amount of restitution to be paid by the offender. 3656  
~~If the court imposes restitution, the court may base the amount-~~ 3657  
~~of restitution it orders on an amount recommended by the victim,~~ 3658  
~~the offender, a presentence investigation report, estimates or-~~ 3659  
~~receipts indicating the cost of repairing or replacing property,~~ 3660  
~~and other information, provided that the~~ The victim, victim's 3661  
representative, victim's attorney, if applicable, the prosecutor 3662  
or the prosecutor's designee, and the offender may provide 3663  
information relevant to the determination of the amount of 3664  
restitution. The amount the court orders as restitution shall 3665  
not exceed the amount of the economic loss suffered by the 3666  
victim as a direct and proximate result of the commission of the 3667  
offense. If the court decides to or is required to impose 3668  
restitution, the court shall hold an evidentiary hearing on 3669  
restitution if the offender, victim, ~~or survivor~~ victim's 3670  
representative, victim's attorney, if applicable, or victim's 3671  
estate disputes the amount of restitution. ~~If the court holds an-~~ 3672  
~~evidentiary hearing, at the hearing the victim or survivor has-~~ 3673  
~~the burden to prove by a preponderance of the evidence the-~~ 3674  
~~amount of restitution sought from the offender~~ The court shall 3675

determine the amount of full restitution by a preponderance of 3676  
the evidence. 3677

All restitution payments shall be credited against any 3678  
recovery of economic loss in a civil action brought by the 3679  
victim or ~~any survivor of the victim~~ victim's estate against the 3680  
offender. No person may introduce evidence of an award of 3681  
restitution under this section in a civil action for purposes of 3682  
imposing liability against an insurer under section 3937.18 of 3683  
the Revised Code. 3684

~~If the court imposes restitution, the~~ The court may order 3685  
that the offender pay a surcharge, of not more than five per 3686  
cent of the amount of the restitution otherwise ordered, to the 3687  
entity responsible for collecting and processing restitution 3688  
payments. 3689

~~The victim or survivor,~~ victim's attorney, if applicable, 3690  
or the attorney for the victim's estate may request that the 3691  
prosecutor in the case file a motion, or the offender may file a 3692  
motion, for modification of the payment terms of any restitution 3693  
ordered. If the court grants the motion, it may modify the 3694  
payment terms as it determines appropriate but shall not reduce 3695  
the amount of restitution ordered, except as provided in 3696  
division (A) of section 2929.281 of the Revised Code. 3697

(2) A fine of the type described in divisions (A) (2) (a) 3698  
and (b) of this section payable to the appropriate entity as 3699  
required by law: 3700

(a) A fine in the following amount: 3701

(i) For a misdemeanor of the first degree, not more than 3702  
one thousand dollars; 3703

(ii) For a misdemeanor of the second degree, not more than 3704

seven hundred fifty dollars; 3705

(iii) For a misdemeanor of the third degree, not more than 3706  
five hundred dollars; 3707

(iv) For a misdemeanor of the fourth degree, not more than 3708  
two hundred fifty dollars; 3709

(v) For a minor misdemeanor, not more than one hundred 3710  
fifty dollars. 3711

(b) A state fine or cost as defined in section 2949.111 of 3712  
the Revised Code. 3713

(3) (a) Reimbursement by the offender of any or all of the 3714  
costs of sanctions incurred by the government, including, but 3715  
not limited to, the following: 3716

(i) All or part of the costs of implementing any community 3717  
control sanction, including a supervision fee under section 3718  
2951.021 of the Revised Code and the costs of global positioning 3719  
system device monitoring; 3720

(ii) All or part of the costs of confinement in a jail or 3721  
other residential facility, including, but not limited to, a per 3722  
diem fee for room and board, the costs of medical and dental 3723  
treatment, and the costs of repairing property damaged by the 3724  
offender while confined; 3725

(iii) All or part of the cost of purchasing and using an 3726  
immobilizing or disabling device, including a certified ignition 3727  
interlock device, or a remote alcohol monitoring device that a 3728  
court orders an offender to use under section 4510.13 of the 3729  
Revised Code. 3730

(b) The amount of reimbursement ordered under division (A) 3731  
(3) (a) of this section shall not exceed the total amount of 3732

reimbursement the offender is able to pay and shall not exceed 3733  
the actual cost of the sanctions. The court may collect any 3734  
amount of reimbursement the offender is required to pay under 3735  
that division. If the court does not order reimbursement under 3736  
that division, confinement costs may be assessed pursuant to a 3737  
repayment policy adopted under section 2929.37 of the Revised 3738  
Code. In addition, the offender may be required to pay the fees 3739  
specified in section 2929.38 of the Revised Code in accordance 3740  
with that section. 3741

(B) If the court determines a hearing is necessary, the 3742  
court may hold a hearing to determine whether the offender is 3743  
able to pay the financial sanction imposed pursuant to this 3744  
section or court costs or is likely in the future to be able to 3745  
pay the sanction or costs. 3746

If the court determines that the offender is indigent and 3747  
unable to pay the financial sanction or court costs, the court 3748  
shall consider imposing and may impose a term of community 3749  
service under division (A) of section 2929.27 of the Revised 3750  
Code in lieu of imposing a financial sanction or court costs. If 3751  
the court does not determine that the offender is indigent, the 3752  
court may impose a term of community service under division (A) 3753  
of section 2929.27 of the Revised Code in lieu of or in addition 3754  
to imposing a financial sanction under this section and in 3755  
addition to imposing court costs. The court may order community 3756  
service for a minor misdemeanor pursuant to division (D) of 3757  
section 2929.27 of the Revised Code in lieu of or in addition to 3758  
imposing a financial sanction under this section and in addition 3759  
to imposing court costs. If a person fails to pay a financial 3760  
sanction or court costs, the court may order community service 3761  
in lieu of the financial sanction or court costs. 3762

(C) (1) The offender shall pay reimbursements imposed upon 3763  
the offender pursuant to division (A) (3) of this section to pay 3764  
the costs incurred by a county pursuant to any sanction imposed 3765  
under this section or section 2929.26 or 2929.27 of the Revised 3766  
Code or in operating a facility used to confine offenders 3767  
pursuant to a sanction imposed under section 2929.26 of the 3768  
Revised Code to the county treasurer. The county treasurer shall 3769  
deposit the reimbursements in the county's general fund. The 3770  
county shall use the amounts deposited in the fund to pay the 3771  
costs incurred by the county pursuant to any sanction imposed 3772  
under this section or section 2929.26 or 2929.27 of the Revised 3773  
Code or in operating a facility used to confine offenders 3774  
pursuant to a sanction imposed under section 2929.26 of the 3775  
Revised Code. 3776

(2) The offender shall pay reimbursements imposed upon the 3777  
offender pursuant to division (A) (3) of this section to pay the 3778  
costs incurred by a municipal corporation pursuant to any 3779  
sanction imposed under this section or section 2929.26 or 3780  
2929.27 of the Revised Code or in operating a facility used to 3781  
confine offenders pursuant to a sanction imposed under section 3782  
2929.26 of the Revised Code to the treasurer of the municipal 3783  
corporation. The treasurer shall deposit the reimbursements in 3784  
the municipal corporation's general fund. The municipal 3785  
corporation shall use the amounts deposited in the fund to pay 3786  
the costs incurred by the municipal corporation pursuant to any 3787  
sanction imposed under this section or section 2929.26 or 3788  
2929.27 of the Revised Code or in operating a facility used to 3789  
confine offenders pursuant to a sanction imposed under section 3790  
2929.26 of the Revised Code. 3791

(3) The offender shall pay reimbursements imposed pursuant 3792  
to division (A) (3) of this section for the costs incurred by a 3793

private provider pursuant to a sanction imposed under this 3794  
section or section 2929.26 or 2929.27 of the Revised Code to the 3795  
provider. 3796

(D) In addition to any other fine that is or may be 3797  
imposed under this section, the court imposing sentence upon an 3798  
offender for misdemeanor domestic violence or menacing by 3799  
stalking may impose a fine of not less than seventy nor more 3800  
than five hundred dollars, which shall be transmitted to the 3801  
treasurer of state to be credited to the address confidentiality 3802  
program fund created by section 111.48 of the Revised Code. 3803

(E) Except as otherwise provided in this division, a 3804  
financial sanction imposed under division (A) of this section is 3805  
a judgment in favor of the state or the political subdivision 3806  
that operates the court that imposed the financial sanction, and 3807  
the offender subject to the financial sanction is the judgment 3808  
debtor. A financial sanction of reimbursement imposed pursuant 3809  
to division (A) (3) (a) (i) of this section upon an offender is a 3810  
judgment in favor of the entity administering the community 3811  
control sanction, and the offender subject to the financial 3812  
sanction is the judgment debtor. A financial sanction of 3813  
reimbursement imposed pursuant to division (A) (3) (a) (ii) of this 3814  
section upon an offender confined in a jail or other residential 3815  
facility is a judgment in favor of the entity operating the jail 3816  
or other residential facility, and the offender subject to the 3817  
financial sanction is the judgment debtor. A financial sanction 3818  
of restitution imposed pursuant to division (A) (1) of this 3819  
section is an order in favor of the victim of the offender's 3820  
criminal act that can be collected through a certificate of 3821  
judgment as described in division (E) (1) of this section, 3822  
through execution as described in division (E) (2) of this 3823  
section, or through an order as described in division (E) (3) of 3824

this section, and the offender shall be considered for purposes 3825  
of the collection as the judgment debtor. 3826

Once the financial sanction is imposed as a judgment or 3827  
order under this division, the victim, private provider, state, 3828  
or political subdivision may do any of the following: 3829

(1) Obtain from the clerk of the court in which the 3830  
judgment was entered, at no charge, a certificate of judgment 3831  
that shall be in the same manner and form as a certificate of 3832  
judgment issued in a civil action; 3833

(2) Obtain execution of the judgment or order through any 3834  
available procedure, including any of the procedures identified 3835  
in divisions ~~(E) (1)~~ (D) (1) and (2) of section 2929.18 of the 3836  
Revised Code. 3837

(3) Obtain an order for the assignment of wages of the 3838  
judgment debtor under section 1321.33 of the Revised Code. 3839

(F) The civil remedies authorized under division (E) of 3840  
this section for the collection of the financial sanction 3841  
supplement, but do not preclude, enforcement of the criminal 3842  
sentence. 3843

(G) Each court imposing a financial sanction upon an 3844  
offender under this section may designate the clerk of the court 3845  
or another person to collect the financial sanction. The clerk, 3846  
or another person authorized by law or the court to collect the 3847  
financial sanction may do the following: 3848

(1) Enter into contracts with one or more public agencies 3849  
or private vendors for the collection of amounts due under the 3850  
sanction. Before entering into a contract for the collection of 3851  
amounts due from an offender pursuant to any financial sanction 3852  
imposed pursuant to this section, a court shall comply with 3853

sections 307.86 to 307.92 of the Revised Code. 3854

(2) Permit payment of all or any portion of the sanction 3855  
in installments, by financial transaction device if the court is 3856  
a county court or a municipal court operated by a county, by 3857  
credit or debit card or by another electronic transfer if the 3858  
court is a municipal court not operated by a county, or by any 3859  
other reasonable method, in any time, and on any terms that 3860  
court considers just, except that the maximum time permitted for 3861  
payment shall not exceed five years. If the court is a county 3862  
court or a municipal court operated by a county, the acceptance 3863  
of payments by any financial transaction device shall be 3864  
governed by the policy adopted by the board of county 3865  
commissioners of the county pursuant to section 301.28 of the 3866  
Revised Code. If the court is a municipal court not operated by 3867  
a county, the clerk may pay any fee associated with processing 3868  
an electronic transfer out of public money or may charge the fee 3869  
to the offender. 3870

(3) To defray administrative costs, charge a reasonable 3871  
fee to an offender who elects a payment plan rather than a lump 3872  
sum payment of any financial sanction. 3873

(H) No financial sanction imposed under this section shall 3874  
preclude a victim from bringing a civil action against the 3875  
offender. 3876

(I) If the court imposes restitution, fines, fees, or 3877  
incarceration costs on a business or corporation, it is the duty 3878  
of the person authorized to make disbursements from assets of 3879  
the business or corporation to pay the restitution, fines, fees, 3880  
or incarceration costs from those assets. 3881

(J) If an offender is sentenced to pay restitution, a 3882

fine, fee, or incarceration costs, the clerk of the sentencing 3883  
court, on request, shall make the offender's payment history 3884  
available to the victim, victim's representative, victim's 3885  
attorney, if applicable, the prosecutor, the probation 3886  
department, and the court without cost. 3887

**Sec. 2929.281.** (A) In determining the amount of 3888  
restitution at the time of sentencing under this section, the 3889  
court shall order full restitution for any past and future 3890  
expenses related to a victim's economic loss as a result of the 3891  
criminal offense. The court shall not consider the offender's 3892  
present or future ability to pay restitution. The amount of 3893  
restitution shall be reduced by any payments to the victim for 3894  
economic or other loss made under a policy of insurance or 3895  
governmental program. 3896

A pending insurance or governmental program claim made by 3897  
a victim shall not delay a payment of restitution as ordered by 3898  
the court. Past and future economic loss includes, but is not 3899  
limited to, the following: 3900

(1) Full or partial payment for the value of stolen or 3901  
damaged property. The value of stolen or damaged property shall 3902  
be the replacement cost of the property or the actual cost of 3903  
repairing the property when repair is possible. 3904

(2) Medical expenses; 3905

(3) Mental health counseling expenses; 3906

(4) Wages or profits lost due to injury of the victim and, 3907  
if the victim is a minor, wages or profits lost by the minor 3908  
victim's parent or guardian while caring for the injured minor 3909  
victim. Lost wages include commission income as well as base 3910  
wages. Commission income shall be established by evidence of 3911

commission income during the twelve-month period prior to the 3912  
date of the crime for which restitution is being ordered, unless 3913  
good cause for a shorter time period is shown. 3914

(5) Wages or profits lost by the victim and if the victim 3915  
is a minor, wages or profits lost by the minor victim's parent 3916  
or guardian due to time spent as a witness or assisting law 3917  
enforcement or the prosecutor. Lost wages include commission 3918  
income as well as base wages. Commission income shall be 3919  
established as described in division (A) (4) of this section. 3920

(6) Actual and reasonable attorney's fees and other costs 3921  
accrued by a private entity on behalf of a victim; 3922

(7) Expenses incurred by an adult victim in relocating 3923  
away from an offender, including, but not limited to, deposits 3924  
for utilities, deposits for rental housing, temporary food and 3925  
lodging expenses, and clothing and personal items; 3926

(8) Expenses related to installing or increasing security 3927  
related to felony or misdemeanor offenses of violence, 3928  
including, but not limited to, a security device or system or 3929  
the replacement or addition of locks; 3930

(9) Expenses related to making a vehicle or residence 3931  
accessible to the victim if the victim is partially permanently 3932  
disabled or totally permanently disabled as a direct result of 3933  
the crime; 3934

(10) Expenses related to monitoring the credit report of 3935  
and repairing the credit of a victim of identity fraud or a 3936  
period of time reasonably necessary to make the victim whole. 3937

(B) The court may order that restitution be made by a 3938  
single lump sum payment, partial payments at specified 3939  
intervals, in-kind payments, or a combination of payments at 3940

specified intervals and in-kind payments. The length of time 3941  
over which scheduled payments are established shall be the 3942  
shortest time in which full payment reasonably can be made. In- 3943  
kind payments may be in the form of the return of property, 3944  
replacement of property, or if the victim agrees, services 3945  
rendered to the victim or a person or organization other than 3946  
the victim. The court may enter a restraining order or 3947  
injunction, require the execution of a satisfactory performance 3948  
bond, or take any other action to ensure payment of restitution, 3949  
including an order that bail moneys deposited with the clerk of 3950  
court be applied to payment of restitution. 3951

(C) Any money owed by the state or by a political 3952  
subdivision of the state to an offender who is required to make 3953  
restitution under this section, including any tax refund owed to 3954  
the offender, shall be assigned to the discharge of the 3955  
offender's outstanding restitution obligation, subject to 3956  
federal law or regulations and including court-ordered support 3957  
obligations. 3958

(D) If an offender is required to make restitution under 3959  
this section in the form of monetary payments to more than one 3960  
victim, the offender shall make the payments to the victims in 3961  
the following order of priority: 3962

(1) Individuals; 3963

(2) Nonprofit organizations; 3964

(3) Business entities; 3965

(4) Governmental entities. 3966

(E) A court that imposes restitution on an offender as 3967  
part of the offender's sentence under this section shall not 3968  
suspend that part of the offender's sentence if the victim, the 3969

victim's representative, or the victim's attorney, if 3970  
applicable, objects to the suspension of the restitution part of 3971  
the sentence. 3972

(F) A restitution obligation imposed pursuant to this 3973  
section is not subject to discharge in bankruptcy or to any 3974  
other statutory or common-law proceeding for relief against 3975  
creditors, except to the extent required by federal law. 3976

(G) A restitution obligation imposed by a court does not 3977  
expire until paid in full. The court retains jurisdiction over 3978  
the restitution order and the obligation shall continue to be 3979  
enforceable by a victim, victim's representative, victim's 3980  
attorney, if applicable, or victim's estate until the obligation 3981  
is satisfied. 3982

(H) If money that is received pursuant to a sentence of 3983  
restitution cannot be paid to the victim or the victim's estate 3984  
within sixty days of receipt, the person or agency that receives 3985  
the money shall provide written notice of that inability of 3986  
payment to a crime victim service organization at least sixty 3987  
days prior to paying the money to the division of unclaimed 3988  
funds. If the money cannot be paid to the victim or the victim's 3989  
estate after the expiration of sixty days from service of the 3990  
notice to the crime victim service organization, the person or 3991  
agency that received the money shall pay it to the division of 3992  
unclaimed funds. 3993

(I) The supreme court shall create a standardized form to 3994  
be made publicly available that provides guidance for victims 3995  
and victims' representatives regarding the compilation of 3996  
evidence to demonstrate losses for the purpose of this section. 3997

**Sec. 2930.01.** As used in this chapter, unless otherwise 3998

<u>defined in any section in this chapter:</u>	3999
(A) " <del>Crime</del> <u>Criminal offense</u> " means <del>any of the following:</del>	4000
<del>(1) A felony;</del>	4001
<del>(2) A violation of section 2903.05, 2903.06, 2903.13,</del>	4002
<del>2903.21, 2903.211, 2903.22, 2907.06, 2919.25, or 2921.04 of the</del>	4003
<del>Revised Code, a violation of section 2903.07 of the Revised Code</del>	4004
<del>as it existed prior to March 23, 2000, or a violation of a</del>	4005
<del>substantially equivalent municipal ordinance;</del>	4006
<del>(3) A violation of division (A) or (B) of section 4511.19,</del>	4007
<del>division (A) or (B) of section 1547.11, or division (A) (3) of</del>	4008
<del>section 4561.15 of the Revised Code or of a municipal ordinance</del>	4009
<del>substantially similar to any of those divisions that is the</del>	4010
<del>proximate cause of a vehicle, streetcar, trackless trolley,</del>	4011
<del>aquatic device, or aircraft accident in which the victim</del>	4012
<del>receives injuries for which the victim receives medical</del>	4013
<del>treatment either at the scene of the accident by emergency</del>	4014
<del>medical services personnel or at a hospital, ambulatory care</del>	4015
<del>facility, physician's office, specialist's office, or other</del>	4016
<del>medical care facility.</del>	4017
<del>(4) A motor vehicle accident to which both of the</del>	4018
<del>following apply:</del>	4019
<del>(a) The motor vehicle accident is caused by a violation of</del>	4020
<del>a provision of the Revised Code that is a misdemeanor of the</del>	4021
<del>first degree or higher.</del>	4022
<del>(b) As a result of the motor vehicle accident, the victim</del>	4023
<del>receives injuries for which the victim receives medical</del>	4024
<del>treatment either at the scene of the accident by emergency</del>	4025
<del>medical services personnel or at a hospital, ambulatory care</del>	4026
<del>facility, physician's office, specialist's office, or other</del>	4027

medical care facility, an alleged act or omission committed by a 4028  
person that is punishable by incarceration and is not disposed 4029  
of by the traffic violations bureau serving the court under 4030  
Traffic Rule 13. 4031

(B) "Custodial agency" means one of the following: 4032

(1) The entity that has custody of a defendant or an 4033  
alleged juvenile offender who is incarcerated for a ~~crime~~ 4034  
criminal offense, is under detention for the commission of a 4035  
~~specified~~ delinquent act, or who is detained after a finding of 4036  
incompetence to stand trial or not guilty by reason of insanity 4037  
relative to a ~~crime~~ criminal offense, including any of the 4038  
following: 4039

(a) The department of rehabilitation and correction or the 4040  
adult parole authority; 4041

(b) A county sheriff; 4042

(c) The entity that administers a jail, as defined in 4043  
section 2929.01 of the Revised Code; 4044

(d) The entity that administers a community-based 4045  
correctional facility and program or a district community-based 4046  
correctional facility and program; 4047

(e) The department of mental health and addiction services 4048  
or other entity to which a defendant found incompetent to stand 4049  
trial or not guilty by reason of insanity is committed. 4050

(2) The entity that has custody of an alleged juvenile 4051  
offender pursuant to an order of disposition of a juvenile 4052  
court, including the department of youth services or a school, 4053  
camp, institution, or other facility operated for the care of 4054  
delinquent children. 4055

(C) "Defendant" means a person who is alleged to be the perpetrator of a ~~crime in a police report or~~ criminal offense in a complaint, indictment, or information that charges the commission of a ~~crime~~ criminal offense and that provides the basis for the criminal prosecution and subsequent proceedings to which this chapter makes reference.

(D) "Member of the victim's family" means a spouse, child, stepchild, sibling, parent, stepparent, grandparent, or other relative of a victim but does not include a person who is charged with, convicted of, or adjudicated to be a delinquent child for the ~~crime~~ criminal offense or ~~specified~~ delinquent act against the victim or another ~~crime~~ criminal offense or ~~specified~~ delinquent act arising from the same conduct, criminal episode, or plan.

(E) "Prosecutor" means one of the following:

(1) With respect to a criminal case, it has the same meaning as in section 2935.01 of the Revised Code and also includes the attorney general and, when appropriate, the employees of any person listed in section 2935.01 of the Revised Code or of the attorney general.

(2) With respect to a delinquency proceeding, it includes any person listed in division (C) of section 2935.01 of the Revised Code or an employee of a person listed in that division who prosecutes a delinquency proceeding.

(F) "Public agency" means an office, agency, department, bureau, or other governmental entity of the state or of a political subdivision of the state.

(G) "Public official" has the same meaning as in section 2921.01 of the Revised Code.

- (H) "Victim" ~~means either of the following:~~ 4085
- ~~(1) A person who is identified as the victim of a crime or specified delinquent act in a police report or in a complaint, indictment, or information that charges the commission of a crime and that provides the basis for the criminal prosecution or delinquency proceeding and subsequent proceedings to which this chapter makes reference.~~ 4086  
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- ~~(2) A person who receives injuries as a result of a vehicle, streetcar, trackless trolley, aquatic device, or aircraft accident that is proximately caused by a violation described in division (A) (3) of this section or a motor vehicle accident that is proximately caused by a violation described in division (A) (4) of this section and who receives medical treatment as described in division (A) (3) or (4) of this section, whichever is applicable has the same meaning as in Section 10a of Article I of the Ohio Constitution.~~ 4092  
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- (I) "Victim's representative" means a member of the victim's family or another person who pursuant to the authority of section 2930.02 of the Revised Code exercises the rights of a victim under this chapter. 4101  
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4103  
4104
- (J) "Court" means a court of common pleas, juvenile court, municipal court, or county court. 4105  
4106
- (K) "Delinquency proceeding" means all proceedings in a juvenile court that are related to a case in which a complaint has been filed alleging that a child is a delinquent child. 4107  
4108  
4109
- (L) "Case" means a delinquency proceeding and all related activity or a criminal prosecution and all related activity. 4110  
4111
- (M) The "defense" means the defense against criminal charges in a criminal prosecution or the defense against a 4112  
4113

delinquent child complaint in a delinquency proceeding. 4114

(N) The "prosecution" means the prosecution of criminal 4115  
charges in a criminal prosecution or the prosecution of a 4116  
delinquent child complaint in a delinquency proceeding. 4117

(O) "~~Specified delinquent~~ Delinquent act" means ~~any of the~~ 4118  
~~following:~~ 4119

~~(1) An alleged act or omission committed by a child 4120  
that if committed by an adult would be a felony;~~ 4121

~~(2) An act committed by a child that is a violation of a 4122  
section listed in division (A) (1) or (2) of this section or is a 4123  
violation of a substantially equivalent municipal ordinance;~~ 4124

~~(3) An act committed by a child that is described in 4125  
division (A) (3) or (4) of this section, regardless of whether 4126  
the child is competent, that is punishable by incarceration and 4127  
is not disposed of by the juvenile traffic violations bureau 4128  
serving the court under Traffic Rule 13.1. 4129~~

(P) (1) "Alleged juvenile offender" means a child who is 4130  
alleged to have committed a ~~specified delinquent act~~ in a police 4131  
report or in a complaint in juvenile court that charges the 4132  
commission of a ~~specified delinquent act~~ and that provides the 4133  
basis for the delinquency proceeding and all subsequent 4134  
proceedings to which this chapter makes reference. 4135

(2) As used in divisions (O) and (P) (1) of this section, 4136  
"child" has the same meaning as in section 2151.011 of the 4137  
Revised Code. 4138

(Q) "Motor vehicle accident" means any accident involving 4139  
a motor vehicle. 4140

(R) "Motor vehicle" has the same meaning as in section 4141

4509.01 of the Revised Code. 4142

(S) "Aircraft" has the same meaning as in section 4561.01 4143  
of the Revised Code. 4144

(T) "Aquatic device" means any vessel, or any water skis, 4145  
aquaplane, or similar device. 4146

(U) "Vehicle," "streetcar," and "trackless trolley" have 4147  
the same meanings as in section 4511.01 of the Revised Code. 4148

(V) "Vehicle, streetcar, trackless trolley, aquatic 4149  
device, or aircraft accident" means any accident involving a 4150  
vehicle, streetcar, trackless trolley, aquatic device, or 4151  
aircraft. 4152

(W) "Vessel" has the same meaning as in section 1546.01 of 4153  
the Revised Code. 4154

(X) "Victim advocate" means a person employed or 4155  
authorized by a public or private entity who provides support 4156  
and assistance for a victim of a criminal offense or delinquent 4157  
act in relation to criminal, civil, administrative, and 4158  
delinquency cases or proceedings and recovery efforts related to 4159  
the criminal offense or delinquent act. 4160

(Y) "Victim's attorney" means an attorney retained by the 4161  
victim for the purpose of asserting the victim's constitutional 4162  
and statutory rights. 4163

(Z) "Prosecutor's designee" means any person or entity 4164  
designated by the prosecuting attorney but does not include a 4165  
court or court employee. 4166

(AA) "Suspect" means a person who is alleged to be the 4167  
perpetrator of a criminal offense. 4168

Sec. 2930.02. (A) If Any of the following persons may, 4169  
subject to the prohibition on the unauthorized practice of law 4170  
under section 4705.07 of the Revised Code, exercise the rights 4171  
of a victim under this chapter as the victim's representative: 4172

(1) Any person designated by the victim; 4173

(2) A member of the victim's family or a victim advocate 4174  
if a victim is a minor or is incapacitated, incompetent, or 4175  
deceased, or if the victim chooses to designate another person, 4176  
a member of a victim's family or another person may exercise the 4177  
rights of the victim under this chapter as the victim's 4178  
representative, subject to division (D) of this section; 4179

(3) If the case involves a violation of section 2903.01, 4180  
2903.02, 2903.03, 2903.04, 2903.041, 2903.05, or 2903.06 of the 4181  
Revised Code, a member of the deceased victim's family, a victim 4182  
advocate, or another person designated by one or more members of 4183  
the deceased victim's family. 4184

(B) If the prosecutor in the case or the court has a 4185  
reasonable basis to believe that the victim's representative is 4186  
not acting in the interests of the child victim, victim with a 4187  
developmental disability, or an incapacitated or incompetent 4188  
victim, the prosecutor shall file a motion with the court 4189  
setting forth the reasonable basis for that belief and the court 4190  
shall hold a hearing to determine whether the victim's 4191  
representative is acting in the interests of the victim. The 4192  
court shall make this determination by a preponderance of the 4193  
evidence. If the court finds that the victim's representative is 4194  
not acting in the interests of the victim, the court shall 4195  
appoint a court appointed special advocate, a guardian ad litem, 4196  
or a victim advocate to act as a victim's representative instead 4197  
of the previously appointed victim's representative. 4198

(C) If more than one person seeks to act as the victim's representative for a particular victim, the court that has jurisdiction over the criminal matter or the court in which the criminal prosecution or delinquency proceeding is held shall designate one of those persons as the victim's representative. If a victim does not want to have anyone act as the victim's representative, the court shall order that only the victim may exercise the rights of a victim under this chapter.

~~(B)~~ (D) If pursuant to division (A) of this section a victim's representative is to exercise the rights of a victim, the victim ~~or victim's representative~~ shall notify law enforcement and the prosecutor, or, if it is a delinquency proceeding and a prosecutor is not involved in the case, shall notify the court that the victim's representative is to act for the victim. When a victim ~~or victim's representative~~ has so notified law enforcement and the prosecutor, or the court, all ~~notice notices~~ under this chapter shall be sent ~~only~~ to the victim and the victim's representative, all rights under this chapter shall be granted ~~only~~ to the victim and the victim's representative, and all references in this chapter to a victim, except the references to a victim in section 2930.071 of the Revised Code, shall be interpreted as being references to the victim and the victim's representative unless the victim informs the notifying authority that the victim ~~also wishes~~ does not wish to receive the notices or exercise the rights. ~~If division (B) of section 2930.03 of the Revised Code requires a victim to make a request in order to receive any notice of a type described in this division and if a victim's representative is to exercise the rights of the victim, the victim's representative shall make the request~~

(E) A suspect, defendant, offender, alleged juvenile

offender, or delinquent child may not act as a victim's 4230  
representative relative to the criminal offense or delinquent 4231  
act involving the victim. 4232

**Sec. 2930.03.** (A) A person or entity required or 4233  
authorized under this chapter to give notice to a victim shall 4234  
give the notice to the victim by any means reasonably calculated 4235  
to provide prompt actual notice. Except when a provision 4236  
requires that notice is to be given in a specific manner, a 4237  
notice may be oral or written. 4238

(B) (1) Except for receipt of the initial information and 4239  
notice required to be given to a victim under divisions (A) and 4240  
~~(B)~~ ~~(C)~~ of section 2930.04, section 2930.05, and divisions (A) 4241  
and ~~(B)~~ ~~(C)~~ of section 2930.06 of the Revised Code and the 4242  
notice required to be given to a victim under division (D) of 4243  
section 2930.16 of the Revised Code, a victim who wishes to 4244  
receive any notice authorized by this chapter shall make a 4245  
request for the notice to the prosecutor or the custodial agency 4246  
that is to provide the notice, as specified in this chapter. If 4247  
the victim does not make a request as described in this 4248  
division, the prosecutor or custodial agency is not required to 4249  
provide any notice described in this chapter other than the 4250  
initial information and notice required to be given to a victim 4251  
under divisions (A) and ~~(B)~~ ~~(C)~~ of section 2930.04, section 4252  
2930.05, and divisions (A) and ~~(B)~~ ~~(C)~~ of section 2930.06 of the 4253  
Revised Code and the notice required to be given to a victim 4254  
under division (D) of section 2930.16 of the Revised Code. 4255

(2) A victim who does not wish to receive any of the 4256  
notices required to be given to a victim under division (E) (2) 4257  
or (K) of section 2929.20, division (D) of section 2930.16, 4258  
division (H) of section 2967.12, division (E) (1) (b) of section 4259

2967.19, division (A) (3) (b) of section 2967.26, division (D) (1) 4260  
of section 2967.28, or division (A) (2) of section 5149.101 of 4261  
the Revised Code shall make a request to the prosecutor or 4262  
custodial agency that is to provide the particular notice that 4263  
the notice not be provided to the victim. Unless the victim 4264  
makes a request as described in this division, the prosecutor or 4265  
custodial agency shall provide the notices required to be given 4266  
to a victim under division (E) (2) or (K) of section 2929.20, 4267  
division (D) of section 2930.16, division (H) of section 4268  
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 4269  
(b) of section 2967.26, division (D) (1) of section 2967.28, or 4270  
division (A) (2) of section 5149.101 of the Revised Code in any 4271  
manner, and in accordance with the procedures, specified in the 4272  
particular division. This division also applies to a victim's 4273  
representative or a member of a victim's immediate family that 4274  
is authorized to receive any of the notices specified in this 4275  
division. 4276

(C) A person or agency that is required to furnish notice 4277  
under this chapter shall give the notice to the victim at the 4278  
address or telephone number provided to the person or agency by 4279  
the victim. A victim who requests to receive notice under this 4280  
chapter as described in division (B) of this section shall 4281  
inform the person or agency of the name, address, or telephone 4282  
number of the victim and of any change to that information. 4283

(D) A person or agency that has furnished information to a 4284  
victim in accordance with any requirement or authorization under 4285  
this chapter shall notify the victim promptly of any significant 4286  
changes to that information. 4287

(E) Divisions (A) to (D) of this section do not apply 4288  
regarding a notice that a prosecutor is required to provide 4289

under section 2930.061 of the Revised Code. A prosecutor 4290  
required to provide notice under that section shall provide the 4291  
notice as specified in that section. 4292

**Sec. 2930.04.** (A) ~~After~~On its initial contact with a 4293  
victim of a ~~crime~~criminal offense or delinquent act, the law 4294  
enforcement agency responsible for investigating the ~~crime~~ 4295  
criminal offense or delinquent act promptly shall ~~give to~~ 4296  
provide the victim, in writing, with a victim's rights 4297  
request/waiver form or a substantially similar form that does 4298  
all of the following ~~information~~: 4299

(1) ~~An explanation of the victim's rights under this~~ 4300  
~~chapter~~ Allows for the victim and victim's representative to 4301  
request the applicable rights to which the victim and victim's 4302  
representative are entitled, on request, under this section; 4303

(2) ~~Information about medical, counseling, housing,~~ 4304  
~~emergency, and any other services that are available to a~~ 4305  
Provides a method for the victim to designate a representative 4306  
if the victim chooses; 4307

(3) ~~Information about compensation for victims under the~~ 4308  
~~reparations program in sections 2743.51 to 2743.72 of the~~ 4309  
~~Revised Code and the name, street address, and telephone number~~ 4310  
~~of the agency to contact to apply for an award of reparations~~ 4311  
~~under those sections;~~ 4312

~~(4) Information about protection that is available to the~~ 4313  
~~victim, including protective orders issued by a court~~ Includes 4314  
signature lines for acknowledgment by the law enforcement 4315  
agency, prosecutor, or custodial agency and victim and victim's 4316  
representative; 4317

(4) Includes the address or contact information for the 4318

applicable law enforcement agency, prosecutor, or custodial 4319  
agency; 4320

(5) Includes the address, telephone number, and electronic 4321  
mail address, if applicable, for the victim and victim 4322  
representative, if applicable. 4323

(B) ~~As soon as practicable after~~ (1) A person, who by 4324  
reason of that person's regular business activities, is the 4325  
subject of multiple and continuing criminal offenses or 4326  
delinquent acts as a potential victim, may opt out of notices 4327  
and rights available pursuant to the Ohio Constitution, Chapter 4328  
2930. of the Revised Code, and other laws providing victims with 4329  
rights for future offenses by giving a written notification form 4330  
to the appropriate prosecutor or the prosecutor's designee. 4331

(2) The form shall include the name and address of the 4332  
person's business and the period of time that the person wishes 4333  
to opt out of receiving the notices and rights available. The 4334  
form may also state that the person is only interested in the 4335  
notices described in this section if restitution is at issue. It 4336  
shall be signed by the person or another person with management 4337  
authority over the business. 4338

(C) At the time of its initial contact with a victim of a 4339  
~~crime~~ criminal offense or delinquent act, or as soon as 4340  
practicable following the initial contact, the law enforcement 4341  
agency responsible for investigating the ~~crime~~ criminal offense 4342  
or delinquent act shall ~~give to~~ provide the victim, in writing, 4343  
all of the following information: 4344

(1) ~~The business telephone number of the law enforcement~~ 4345  
~~officer assigned to investigate the case;~~ 4346

~~(2) The office address and business telephone number of~~ 4347

~~the prosecutor in the case;~~ 4348

~~(3) A statement that, if the victim is not notified of the~~ 4349  
~~arrest of the offender in the case within a reasonable period of~~ 4350  
~~time, the victim may contact the law enforcement agency to learn~~ 4351  
~~the status of the case. The victim's rights under this section~~ 4352  
~~and the victim's bill of rights under Section 10a of Article I~~ 4353  
~~of the Ohio Constitution, including the right to exercise these~~ 4354  
~~rights through counsel;~~ 4355

(2) The availability of crisis intervention services, 4356  
housing, and emergency and medical services, or contact 4357  
information for statewide organizations that can direct victims 4358  
to local resources; 4359

(3) The procedures and resources available for the 4360  
protection of the victim, including protection orders issued by 4361  
the courts; 4362

(4) Information about public and private victim services 4363  
programs, including, but not limited to, the crime victims 4364  
compensation program and emergency shelter programs, or, if 4365  
local information is not available, contact information for 4366  
statewide organizations that can direct a victim to these types 4367  
of resources; 4368

(5) The police report number, if applicable, business 4369  
telephone number of the law enforcement agency investigating the 4370  
victim's case, and the office address and business telephone 4371  
number of the prosecutor in the victim's case, when available. 4372

~~(C)~~ (D) The law enforcement officer responsible for 4373  
providing information under this section shall use reasonable 4374  
efforts to identify the victim. At a minimum, this information 4375  
should be disseminated to the individual or individuals 4376

identified in the police report as victims. If the law 4377  
enforcement officer generates a report, the law enforcement 4378  
agency shall collect and retain an executed copy of the victim's 4379  
rights request/waiver form, or a substantially similar form. If 4380  
at the time of contact with a law enforcement agency the victim 4381  
does not request or waive the victim's applicable rights, the 4382  
law enforcement agency shall designate this on the form. The 4383  
victim's refusal to request or waive the victim's applicable 4384  
rights shall be considered an assertion of the victim's rights. 4385

(E) If a suspect is arrested, the law enforcement agency 4386  
shall submit an executed copy of the victim's rights 4387  
request/waiver form to the custodial agency as soon as 4388  
practicable once the law enforcement agency learns of the 4389  
suspect's arrest. On the filing of charges or a complaint, the 4390  
law enforcement agency shall submit an executed copy of that 4391  
form to the prosecutor. The prosecutor shall file the assertion 4392  
of rights portion of that form, but not the victim's or the 4393  
victim's representative's contact information portion of that 4394  
form, with the court within seven days of initiation of a 4395  
criminal prosecution. 4396

(F) If a suspect is cited and released, the law 4397  
enforcement agency responsible for investigating the offense 4398  
shall inform the victim and the victim's representative, if 4399  
applicable, of the court date, if known, and how to obtain 4400  
additional information from the clerk of the court about the 4401  
arraignment or initial appearance. 4402

(G) To the extent that the information required by this 4403  
section is provided in the form and pamphlet prepared pursuant 4404  
to section 109.42 of the Revised Code or in the information card 4405  
or other material prepared pursuant to section 2743.71 of the 4406

Revised Code, the law enforcement agency may fulfill that 4407  
portion of its obligations under this section by giving that 4408  
form, pamphlet, information card, or other material to the 4409  
victim. 4410

Sec. 2930.041. (A) Pursuant to the "Americans with 4411  
Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101, as 4412  
amended, a victim with a disability has the right to a qualified 4413  
or certified interpreter at all court proceedings, all meetings 4414  
with the prosecutor, and all investigative contacts with law 4415  
enforcement, the probation department, the department of 4416  
rehabilitation and correction, and the department of youth 4417  
services, at no cost to the victim. 4418

(B) A victim who is non-English speaking or has limited 4419  
English proficiency has the right to a qualified or certified 4420  
interpreter at all court proceedings, all meetings with the 4421  
prosecutor, and all investigative contacts with law enforcement, 4422  
the probation department, the department of rehabilitation and 4423  
correction, and the department of youth services, at no cost to 4424  
the victim. 4425

(C) The victim's right to a qualified or certified 4426  
interpreter under division (B) of this section is subject to 4427  
availability but is not subject to the cost of retaining a 4428  
qualified or certified interpreter. Any agency described in 4429  
division (B) of this section that is unable to provide a victim 4430  
with a qualified or certified interpreter as required by 4431  
division (B) of this section shall maintain records of the 4432  
agency's attempt to comply with this requirement. 4433

(D) As used in this section, "qualified interpreter" has 4434  
the same meaning as in the "Americans with Disabilities Act of 4435  
1990," 42 U.S.C. 12101, as amended. 4436

Sec. 2930.042. In all inactive cases involving one or more 4437  
criminal offenses or delinquent acts for which the statute of 4438  
limitations is longer than three years, the law enforcement 4439  
agency investigating the criminal offense or delinquent act 4440  
shall provide the victim and victim's representative, if 4441  
applicable, with notice as to whether an inactive case is 4442  
reopened or closed, unless the victim has waived the right to 4443  
notifications. 4444

Sec. 2930.043. A victim shall not be required to pay for a 4445  
copy of any public records related to the victim's case. 4446

Sec. 2930.044. A person who has not previously been 4447  
identified as a victim by law enforcement, including a person 4448  
claiming to be directly or proximately harmed as a result of the 4449  
criminal offense or delinquent act, shall affirmatively identify 4450  
the person's self to law enforcement, the prosecutor, and the 4451  
courts in order to receive the information and exercise the 4452  
rights described in this chapter. 4453

Sec. 2930.05. (A) Within a reasonable period of time after 4454  
the arrest or detention of a defendant or an alleged juvenile 4455  
offender for a ~~crime~~ the underlying criminal offense or 4456  
~~specified~~ delinquent act, the law enforcement agency that 4457  
investigates the ~~crime~~ criminal offense or ~~specified~~ delinquent 4458  
act shall give the victim of the ~~crime~~ or ~~specified delinquent~~ 4459  
~~act~~ or the victim's representative notice of all of the 4460  
following: 4461

(1) The arrest or detention once the investigating law 4462  
enforcement agency has knowledge of the arrest or detention; 4463

(2) The name of the defendant or alleged juvenile offender 4464  
once the investigating law enforcement agency has knowledge of 4465

the name of the defendant or alleged juvenile offender; 4466

(3) ~~Whether~~ That the defendant or alleged juvenile 4467  
offender ~~is~~ may be eligible for pretrial release or for release 4468  
from detention; 4469

(4) The telephone number of the law enforcement agency; 4470

(5) The victim's and the victim's representative's right, 4471  
if applicable, to telephone the custodial agency to ascertain 4472  
whether the defendant or alleged juvenile offender has been 4473  
released from custody or from detention; 4474

(6) That, on request of the victim or the victim's 4475  
representative, the prosecutor or the prosecutor's designee 4476  
shall provide the victim and the victim's representative, if 4477  
applicable, with a copy of the terms and conditions of bond; 4478

(7) Procedures for obtaining additional information from 4479  
the clerk of the court about the time, place, and date of the 4480  
arraignment or initial appearance of the defendant or alleged 4481  
juvenile offender; 4482

(8) If the defendant or alleged juvenile offender is 4483  
arrested or detained by another law enforcement agency, the 4484  
applicable pick-up radius and whether the investigating law 4485  
enforcement agency will pick up the defendant or alleged 4486  
juvenile offender. 4487

(B) (1) If a defendant or alleged juvenile offender has 4488  
been released from custody on a bond or personal recognizance or 4489  
has been released from detention and the prosecutor in the case 4490  
has received the affidavit of a victim stating that the 4491  
defendant or alleged juvenile offender, or someone acting at the 4492  
defendant's or alleged juvenile offender's direction, has 4493  
committed or threatened to commit one or more acts of violence, 4494

harassment, or intimidation against the victim, the victim's 4495  
family, or the victim's representative, the prosecutor may file 4496  
a motion asking the court to reconsider the conditions of the 4497  
bond or personal recognizance granted to the defendant or 4498  
alleged juvenile offender or to consider returning the defendant 4499  
or alleged juvenile offender to detention. 4500

(2) If the prosecutor elects not to file a motion under 4501  
division (B) (1) of this section, the prosecutor or the 4502  
prosecutor's designee shall inform the victim as soon as 4503  
practicable that the victim or the victim's attorney may file a 4504  
petition asking the court to reconsider the conditions of the 4505  
bond or personal recognizance granted to the defendant or 4506  
alleged juvenile offender. 4507

Sec. 2930.051. A custodial agency shall notify the 4508  
investigating law enforcement agency of the incarceration of a 4509  
defendant or detention of an alleged juvenile offender once the 4510  
investigating law enforcement agency is known to the custodial 4511  
agency. 4512

Sec. 2930.06. (A) (1) The prosecutor in a case or the 4513  
prosecutor's designee, to the extent practicable, shall confer 4514  
with the victim ~~in the case before~~ and, upon the victim's 4515  
request, the victim's representative at each of the following 4516  
stages: 4517

(a) Before pretrial diversion is granted to the defendant 4518  
or alleged juvenile offender in the case, ~~before;~~ 4519

(b) Before amending or dismissing an indictment, 4520  
information, or complaint against that defendant or alleged 4521  
juvenile offender, ~~before~~ unless the amendment to the 4522  
indictment, information, or complaint is a correction of a 4523

procedural defect that is not substantive in nature; 4524

(c) Before agreeing to a negotiated plea for that 4525  
defendant or alleged juvenile offender, ~~before;~~ 4526

(d) Before a trial of that defendant by judge or jury, ~~or~~ 4527  
~~before;~~ 4528

(e) Before the juvenile court conducts an adjudicatory 4529  
hearing for that alleged juvenile offender. 4530

(2) If the juvenile court disposes of a case prior to the 4531  
prosecutor's involvement in the case, the court or a court 4532  
employee shall notify the victim and the victim's representative 4533  
in the case, if applicable, that the alleged juvenile offender 4534  
will be granted pretrial diversion, the complaint against that 4535  
alleged juvenile offender will be amended or dismissed, or the 4536  
court will conduct an adjudicatory hearing for that alleged 4537  
juvenile offender. 4538

(3) If the victim or the victim's representative requested 4539  
to confer with the prosecutor, the court shall inquire as to 4540  
whether or not the prosecutor conferred with the victim and the 4541  
victim's representative at the stages set forth in division (A) 4542  
(1) of this section. If the prosecutor fails to confer with the 4543  
victim and the victim's representative at any of those times, 4544  
the court, ~~if informed of the failure,~~ shall note on the record 4545  
the failure and the prosecutor's reasons for the failure. ~~A~~ 4546  
~~prosecutor's failure to confer with a victim as required by this~~ 4547  
~~division and a court's failure to provide the notice as required~~ 4548  
~~by this division do not affect the validity of an agreement~~ 4549  
~~between the prosecutor and the defendant or alleged juvenile~~ 4550  
~~offender in the case, a pretrial diversion of the defendant or~~ 4551  
~~alleged juvenile offender, an amendment or dismissal of an~~ 4552

~~indictment, information, or complaint filed against the~~ 4553  
~~defendant or alleged juvenile offender, a plea entered by the~~ 4554  
~~defendant or alleged juvenile defender, an admission entered by~~ 4555  
~~the defendant or alleged juvenile offender, or any other~~ 4556  
~~disposition in the case.~~ 4557

(4) A court shall not dismiss a criminal complaint, 4558  
charge, information, or indictment or a delinquent child 4559  
complaint solely at the request of the victim or victim's 4560  
representative and over the objection of the prosecuting 4561  
attorney, village solicitor, city director of law, or other 4562  
chief legal officer responsible for the prosecution of the case. 4563

(B) ~~After~~ On request of the victim or the victim's 4564  
representative, the prosecutor shall keep the victim and the 4565  
victim's representative, if applicable, apprised of requests and 4566  
communications from the defendant, alleged juvenile offender, 4567  
the attorney for the defendant or alleged juvenile offender, or 4568  
the agent of the defendant or alleged juvenile offender that 4569  
could affect the victim's privacy rights or safety concerns. 4570

(C) Within fourteen days after a prosecution in a case has 4571  
been commenced, the prosecutor or a designee of the prosecutor 4572  
other than a court or court employee, ~~to the extent practicable,~~ 4573  
promptly shall give the victim and the victim's representative, 4574  
if applicable, all of the following information, except that, if 4575  
the juvenile court disposes of a case prior to the prosecutor's 4576  
involvement in the case, the court or a court employee, ~~to the~~ 4577  
~~extent practicable,~~ promptly shall give the victim and the 4578  
victim's representative all of the following information: 4579

(1) The name of the ~~crime~~ criminal offense or ~~specified~~ 4580  
delinquent act with which the defendant or alleged juvenile 4581  
offender in the case has been charged and the name of the 4582

- defendant or alleged juvenile offender; 4583
- (2) The file number of the case; 4584
- (3) A ~~brief~~ clear and concise statement regarding the 4585  
procedural steps in a criminal prosecution or delinquency 4586  
proceeding involving a ~~crime~~ criminal offense or ~~specified~~ 4587  
delinquent act similar to the ~~crime~~ criminal offense or 4588  
~~specified~~ delinquent act with which the defendant or alleged 4589  
juvenile offender has been charged and the right of the victim 4590  
and victim's representative to be present during all proceedings 4591  
held throughout the prosecution of the case; 4592
- (4) A summary of the rights of a victim under this chapter 4593  
and under Section 10a of Article I of the Ohio Constitution; 4594
- (5) Procedures the victim, the victim's representative, or 4595  
the prosecutor may follow if the victim becomes subject to 4596  
threats of violence, harassment, or intimidation by the 4597  
defendant, alleged juvenile offender, or any other person; 4598
- (6) The name and business telephone number of ~~a person~~ the 4599  
office to contact for further information with respect to the 4600  
case; 4601
- (7) The right of the victim to have a victim's 4602  
representative exercise the victim's rights under this chapter 4603  
in accordance with section 2930.02 of the Revised Code and the 4604  
procedure by which a victim's representative may be designated; 4605
- (8) The right of the victim and victim's representative, 4606  
if applicable, to confer with the prosecutor on request and the 4607  
procedures the victim or victim's representative shall follow to 4608  
confer with the prosecutor; 4609
- (9) The fact that the victim can seek the advice of an 4610

attorney or have legal representation to enforce the victim's 4611  
rights; 4612

(10) Notice that any notification under division ~~(C)~~ ~~(E)~~ 4613  
of this section, sections ~~2930.07~~ ~~2930.08~~ to 2930.15, division 4614  
(A), (B), or (C) of section 2930.16, sections 2930.17 to 4615  
2930.19, and section 5139.56 of the Revised Code will be given 4616  
to the victim and the victim's representative, if applicable, 4617  
only if the victim or victim's representative asks to receive 4618  
the notification and that notice under division (E) (2) or (K) of 4619  
section 2929.20, division (D) of section 2930.16, division (H) 4620  
of section 2967.12, division (E) (1) (b) of section 2967.19, 4621  
division (A) (3) (b) of section 2967.26, division (D) (1) of 4622  
section 2967.28, or division (A) (2) of section 5149.101 of the 4623  
Revised Code will be given unless the victim ~~asks and the~~ 4624  
victim's representative, if applicable, ask that the 4625  
notification not be provided; 4626

(11) (a) The victim's rights request/waiver form, or a 4627  
substantially similar form, that allows the victim and the 4628  
victim's representative, if applicable, to request applicable 4629  
rights to which the victim and victim's representative are 4630  
entitled under this chapter, including notice to the victim and 4631  
the victim's representative that failure to affirmatively 4632  
request these rights will be considered a waiver of these 4633  
rights, but that the victim or victim's representative may 4634  
request these rights at a later date; 4635

(b) A person who, by reason of that person's regular 4636  
business activities, is the subject of multiple and continuing 4637  
criminal offenses or delinquent acts as a potential victim may 4638  
choose to opt out of the notices and rights available pursuant 4639  
to the Ohio Constitution, Chapter 2930. of the Revised Code, and 4640

any other provision of the Revised Code that provides a victim 4641  
with rights for future offenses by giving a written notification 4642  
form to the appropriate prosecutor or prosecutor's designee. The 4643  
form shall include the name and address of the person's business 4644  
and the period of time that the person wishes to opt out of the 4645  
applicable notices and rights and may also state that the person 4646  
is only interested in the applicable notices if restitution is 4647  
at issue. The form shall be signed by the person or another 4648  
person with management authority of the business. 4649

~~(C) Upon~~ (D) Unless a shorter notice period is reasonable 4650  
under the circumstances, the court shall provide the prosecutor 4651  
or prosecutor's designee with oral or written notice of any 4652  
court proceeding not less than ten days prior to that court 4653  
proceeding unless the parties agree that a shorter notice period 4654  
is reasonable under the circumstances. 4655

(E) On the request of the victim or victim's 4656  
representative, the prosecutor or, if it is a delinquency 4657  
proceeding and a prosecutor is not involved in the case, the 4658  
court shall give the victim and the victim's representative, if 4659  
applicable, notice of the date, time, and place of any ~~scheduled~~ 4660  
criminal or juvenile proceedings in the case and notice of any 4661  
changes in those proceedings or in the schedule in the case not 4662  
less than seven days prior to the criminal or juvenile 4663  
proceedings in the case unless the parties agree that a shorter 4664  
notice period is reasonable under the circumstances. 4665

~~(D)~~ (F) A victim or victim's representative who requests 4666  
notice under division ~~(C)~~ (E) of this section and who elects 4667  
pursuant to division (B) of section 2930.03 of the Revised Code 4668  
to receive any further notice from the prosecutor or, if it is a 4669  
delinquency proceeding and a prosecutor is not involved in the 4670

case, the court under this chapter shall keep the prosecutor or 4671  
the court informed of the victim's ~~current address and telephone~~ 4672  
~~number until the case is dismissed or terminated, the defendant~~ 4673  
~~is acquitted or sentenced, the delinquent child complaint is~~ 4674  
~~dismissed, the defendant is adjudicated a delinquent child, or~~ 4675  
~~the appellate process is completed, whichever is the final~~ 4676  
~~disposition in the case~~ or victim's representative's contact 4677  
information. 4678

~~(E) If a defendant is charged with the commission of a~~ 4679  
~~misdemeanor offense that is not identified in division (A) (2) of~~ 4680  
~~section 2930.01 of the Revised Code and if a police report or a~~ 4681  
~~complaint, indictment, or information that charges the~~ 4682  
~~commission of that offense and provides the basis for a criminal~~ 4683  
~~prosecution of that defendant identifies one or more individuals~~ 4684  
~~as individuals against whom that offense was committed, after a~~ 4685  
~~prosecution in the case has been commenced, the prosecutor or a~~ 4686  
~~designee of the prosecutor other than a court or court employee,~~ 4687  
~~to the extent practicable, promptly shall notify each of the~~ 4688  
~~individuals so identified in the report, complaint, indictment,~~ 4689  
~~or information that, if the defendant is convicted of or pleads~~ 4690  
~~guilty to the offense, the individual may make an oral or~~ 4691  
~~written statement to the court hearing the case regarding the~~ 4692  
~~sentence to be imposed upon the defendant and that the court~~ 4693  
~~must consider any statement so made that is relevant. Before~~ 4694  
~~imposing sentence in the case, the court shall permit the~~ 4695  
~~individuals so identified in the report, complaint, indictment,~~ 4696  
~~or information to make an oral or written statement. Division~~ 4697  
~~(A) of section 2930.14 of the Revised Code applies regarding any~~ 4698  
~~statement so made. The court shall consider a statement so made,~~ 4699  
~~in accordance with division (B) of that section and division (D)~~ 4700  
~~of section 2929.22 of the Revised Code~~ 4701

(G) A prosecutor, the prosecutor's designee, or a court that is required to notify a victim or victim's representative of hearings, on request, shall attempt a notification and keep a record of attempted notifications in the same manner as described in divisions (D)(1) and (2) of section 2930.16 of the Revised Code. 4702  
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**Sec. 2930.062.** A victim described in division (H)~~(2)~~ of section 2930.01 of the Revised Code may provide the prosecutor, or if it is a delinquency proceeding and a prosecutor is not involved in the case may provide the court, in the victim's case with written notification of the victim's injuries at any time. Upon receipt of the written notification, the prosecutor or court shall give the victim all of the information specified in division ~~(B)~~(C) of section 2930.06 of the Revised Code if the prosecutor has not already done so. 4708  
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**Sec. 2930.063.** (A) On request, a victim or victim's representative has the right to receive a copy of all documents filed with the court in the victim's case at no cost to the victim. Copies provided pursuant to this division may be provided in electronic format. 4717  
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(B) In any criminal or delinquency proceeding in which a video recording or audio recording of the court proceedings has been previously prepared, the victim, victim's attorney, or victim's representative may obtain a copy of the video recording or audio recording for the actual cost to copy the video recording or audio recording. If a transcript of the court proceedings has been previously prepared, the victim, victim's attorney, or victim's representative may obtain a copy of the transcript at the same reduced cost that is available to a party to the case. 4722  
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Sec. 2930.07. (A) As used in this section: 4732

(1) (a) "Case document" means a document or information in 4733  
a document regarding a case that is submitted to a court, a law 4734  
enforcement agency or officer, or a prosecutor or filed with a 4735  
clerk of court, including, but not limited to, pleadings, 4736  
motions, exhibits, transcripts, orders, and judgments, or any 4737  
documentation prepared by a court, clerk of court, or law 4738  
enforcement agency or officer, or a prosecutor regarding a case. 4739

(b) "Case document" does not include materials subject to 4740  
the work product doctrine, materials that by law are subject to 4741  
privilege or confidentiality, or materials that are otherwise 4742  
protected or prohibited from disclosure by state or federal law. 4743

(2) "Court" has the same meaning as in section 2930.01 of 4744  
the Revised Code and includes a court of appeals and the supreme 4745  
court. 4746

(3) "Minor victim" means any person who was under eighteen 4747  
years of age at the time of the commission of the criminal 4748  
offense or delinquent act of which the person is a victim. 4749

(4) "Public office" and "public official" have the same 4750  
meanings as in section 149.011 of the Revised Code. 4751

(B) (1) (a) The victim and victim's representative, if 4752  
applicable, have the right at any court proceeding, including 4753  
any juvenile court proceeding, not to testify regarding the 4754  
victim's address, telephone number, place of employment, or 4755  
other locating information unless the victim specifically 4756  
consents or the court orders disclosure on finding that a 4757  
compelling need exists to disclose that information. 4758

(b) The court proceeding to determine if a compelling need 4759  
exists to disclose that information shall be in-camera. The 4760

victim and the victim's attorney, if applicable, shall be 4761  
present during the in-camera proceeding. If the court determines 4762  
that the information shall be disclosed, the court proceeding 4763  
shall be closed during the disclosure. 4764

(2) (a) A defendant may not compel any witness to a 4765  
criminal offense or delinquent act to testify at any proceeding, 4766  
including any juvenile court proceeding, regarding the witness's 4767  
address, telephone number, place of employment, or other 4768  
locating information unless the witness specifically consents in 4769  
writing or the court orders disclosure of that information on 4770  
finding that a compelling need for that information exists. 4771

(b) The court proceeding to determine if a compelling need 4772  
exists to disclose that information shall be in camera. The 4773  
victim and the victim's attorney, if applicable, shall be 4774  
present during the in camera proceeding. 4775

(C) Any public office or public official that is charged 4776  
with the responsibility of knowing the name, address, or other 4777  
identifying information of a victim or victim's representative 4778  
as part of the office's or official's duties shall have full and 4779  
complete access to the name, address, or other identifying 4780  
information of the victim or victim's representative. That 4781  
public office or public official shall take measures to prevent 4782  
the public disclosure of the name, address, or other identifying 4783  
information of the victim or victim's representative through the 4784  
use of redaction as set forth in division (D) of this section. 4785  
Nothing in this section prevents a public agency from 4786  
maintaining unredacted records of a victim's or victim's 4787  
representative's name, contact information, and identifying 4788  
information for its own records and use or a public office or 4789  
public official from allowing another public office or public 4790

official to access or obtain copies of its unredacted records. 4791  
The release of unredacted records to a public office or official 4792  
does not constitute a waiver of any exemption or exception 4793  
pursuant to section 149.43 of the Revised Code. This section 4794  
prohibits the public release of unredacted case documents 4795  
pursuant to division (A)(1)(v) of section 149.43 of the Revised 4796  
Code and division (D) of this section. 4797

(D)(1) On written request of the victim or victim's 4798  
representative to a law enforcement agency or prosecutor's 4799  
office and following a brief explanation from that law 4800  
enforcement agency or prosecutor's office of the potential risks 4801  
and benefits of redaction and the ability of the victim to 4802  
retain counsel, all case documents related to the cases or 4803  
matters specified by the victim maintained by the entity to whom 4804  
the victim or victim's representative submitted the request 4805  
shall be redacted prior to public release pursuant to section 4806  
149.43 of the Revised Code to remove the name, address, or other 4807  
identifying information of the victim. 4808

(2) On written application under seal of a victim or 4809  
victim's representative to a court, and following a brief 4810  
explanation from that court of the potential risks and benefits 4811  
of redaction and the ability of the victim to retain counsel, 4812  
all case documents related to the cases or matters specified by 4813  
the victim maintained by the entity to whom the victim or 4814  
victim's representative submitted the request shall be redacted 4815  
prior to public release pursuant to the supreme court Rules of 4816  
Superintendence to remove the name, address, or other 4817  
identifying information of the victim. The application shall be 4818  
deemed to be filed under seal and the court shall promptly rule 4819  
on the application. The court shall not release any unredacted 4820  
records while the application is pending. 4821

(3) If multiple victims are involved in a single case, the public office or official shall take reasonable precautions to protect the information of the victims from other victims, unless all of the victims consent to the release of information.

(E) (1) This section does not apply to any disclosure of the name, address, or other identifying information of a victim that is required to be made in the statewide emergency alert program under section 5502.52 of the Revised Code, missing person alert system, or other similar alert system.

(2) This section does not apply to any disclosure of the name, address, or other identifying information of a minor victim of a criminal offense or delinquent act that resulted in the death of the minor victim.

(3) Nothing in this section shall prevent a victim, a victim's representative, or a victim's attorney from receiving a copy of any case document with the victim's name, contact information, and identifying information unredacted. A public office's or official's provision of a copy of a case document with the victim's name, contact information, and identifying information unredacted to a victim, victim's representative, or victim's attorney, if applicable, does not constitute a waiver of any exemption or exception under section 149.43 of the Revised Code. Pursuant to section 149.43 of the Revised Code, a victim, victim's representative, or victim's attorney shall not receive an unredacted copy of any recorded forensic interview of a minor victim or developmentally disabled victim absent a court order compelling disclosure of the interview. A victim, victim's representative, or victim's attorney shall have the right to receive a redacted copy of the interview on request, subject to section 149.43 of the Revised Code.

(4) Nothing in this section shall affect either of the 4852  
following: 4853

(a) Any rights of a victim or victim's representative to 4854  
be provided with notice or to make any written or oral statement 4855  
under this chapter or other applicable law; 4856

(b) The disclosure of the location where the reported 4857  
criminal offense or delinquent act occurred. 4858

**Sec. 2930.071.** (A) (1) A defendant who seeks to subpoena 4859  
records of or concerning the victim that are confidential or 4860  
privileged by law shall request permission from the court before 4861  
the subpoena is issued. The defendant shall file a written 4862  
motion regarding the relevance, admissibility, and materiality 4863  
of the records and the defendant shall serve the motion on the 4864  
prosecutor and the victim's attorney, if applicable. 4865

(2) The court shall issue the subpoena if the court finds 4866  
by a preponderance of the evidence that the records are not 4867  
protected by privilege and the records contain relevant, 4868  
admissible, and material evidence that is not available through 4869  
other evidence or witnesses. The records shall be produced to 4870  
the court for an in-camera review. 4871

(3) Pursuant to Criminal Rule 17, the court, on a motion 4872  
made promptly and at or before the time specified in the 4873  
subpoena for compliance, may quash or modify the subpoena if 4874  
compliance would be unreasonable or oppressive. If the court 4875  
does not quash the subpoena, the court shall conduct an in- 4876  
camera review of the records. 4877

(4) If, after conducting an in-camera review of the 4878  
records, the court determines that due process requires the 4879  
disclosure of any portion of the records, the court shall 4880

provide copies of the information the court intends to disclose 4881  
to the prosecutor, the victim, and the victim's attorney, if 4882  
applicable. The prosecutor, the victim, and the victim's 4883  
attorney, if applicable, shall have seven days to seek appellate 4884  
review before the records are disclosed to the defendant. The 4885  
disclosure of any portion of the records to the prosecutor does 4886  
not make the records subject to discovery. 4887

(B) Before any victim may be subpoenaed by a defendant to 4888  
testify at any pretrial hearing, the defendant shall show good 4889  
cause at a hearing with the prosecutor and the victim, victim's 4890  
representative, and victim's attorney, if applicable, as to why 4891  
the court should issue the subpoena. 4892

**Sec. 2930.072.** (A) Unless the victim consents in writing, 4893  
the victim shall not be compelled to submit to an interview on 4894  
any matter, including any charged criminal offense witnessed by 4895  
the victim and that occurred on the same occasion as the offense 4896  
against the victim or filed in the same indictment or 4897  
information or consolidated for trial, that is conducted by the 4898  
defendant, the defendant's attorney, or an agent of the 4899  
defendant. Nothing in this section permits a victim to ignore or 4900  
disregard a subpoena seeking witness testimony issued pursuant 4901  
to the Criminal Rules. 4902

(B) The defendant, the defendant's attorney, or an agent 4903  
of the defendant shall only contact the victim through the 4904  
prosecutor and the victim's attorney, if applicable, to schedule 4905  
an interview or, subject to Criminal Rule 15 or Juvenile Rule 4906  
25, a deposition. The prosecutor shall promptly inform the 4907  
victim or the victim's attorney, if applicable, of the 4908  
defendant's request for an interview and shall advise the victim 4909  
of the victim's right to refuse the interview. The prosecutor 4910

shall also inform the victim of the victim's right to an 4911  
attorney. 4912

(C) (1) If the victim consents to an interview or, subject 4913  
to Criminal Rule 15 or Juvenile Rule 25, as applicable, a 4914  
deposition, the prosecutor or the victim's attorney, if 4915  
applicable, shall inform the defendant, the defendant's 4916  
attorney, or an agent of the defendant of the time and place the 4917  
victim has selected for the interview or deposition, along with 4918  
any other conditions requested by the victim, except that an 4919  
interview of a child victim shall only be permitted with leave 4920  
of the court. 4921

(2) The victim has the right to terminate the interview or 4922  
deposition at any time or refuse to answer any question during 4923  
the interview or deposition. 4924

(3) The victim's attorney, if applicable, or the 4925  
prosecutor, at the request of the victim, has standing to 4926  
protect the victim from harassment, intimidation, or abuse and, 4927  
pursuant to that standing, may seek any appropriate protective 4928  
order. 4929

(4) The victim may request or the victim's attorney, if 4930  
applicable, or the prosecutor, with the victim's consent, may 4931  
request that the deposition be audio or video recorded. 4932

(D) The prosecutor, or the prosecutor's designee, may 4933  
attend all interviews and depositions between the victim and the 4934  
defendant, defendant's attorney, or an agent of the defendant. 4935  
On request of the prosecutor, the prosecutor shall receive a 4936  
copy of the transcript or recording of the interview or 4937  
deposition at the prosecutor's expense if a transcript or 4938  
recording of the interview or deposition is made. 4939

(E) During the trial, the defendant or defendant's 4940  
attorney shall not comment on the victim's refusal to be 4941  
interviewed or deposed. If the defendant or the defendant's 4942  
attorney comments at trial on the victim's refusal to be 4943  
interviewed or deposed, the court shall instruct the jury that 4944  
the victim has the right to refuse an interview or deposition. 4945

**Sec. 2930.08.** (A) (1) The court and the prosecutor involved 4946  
in the case shall take appropriate action to ensure a speedy 4947  
disposition of the case. 4948

(2) A victim has the right to proceedings free from 4949  
unreasonable delay and a prompt conclusion of the case. The 4950  
court and all participants shall endeavor to complete the case 4951  
within the time frame provided by the Rules of Superintendence. 4952

(B) If a motion, request, or agreement between ~~counsel~~ the 4953  
prosecutor and the defendant's or alleged juvenile offender's 4954  
attorney is made in a case, including a motion, request, or 4955  
agreement for a continuance of the case, and the motion, 4956  
request, or agreement might result in a ~~substantial~~ delay in the 4957  
prosecution of the case, the prosecutor ~~in the case, to the~~ 4958  
~~extent practicable~~ and, if the victim or victim's representative 4959  
has requested notice pursuant to ~~division (B) of~~ section 2930.03 4960  
of the Revised Code, shall inform the victim and victim's 4961  
representative, if applicable, that the motion, request, or 4962  
agreement has been made and that it might result in a delay. If 4963  
the victim, victim's representative, or victim's attorney, if 4964  
applicable, objects to the delay, the prosecutor shall inform 4965  
the court of the ~~victim's~~ objections, and the court shall 4966  
consider the ~~victim's~~ objections and the victim's right to a 4967  
speedy disposition of the case in ruling on the motion, request, 4968  
or agreement. 4969

(C) If the victim, victim's representative, or victim's attorney, if applicable, objects to a delay in the prosecution of the case, the court shall grant a motion, request, or agreement for a continuance of the case only if the party seeking the continuance demonstrates that the delay in the prosecution of the case is reasonable under the circumstances or is otherwise in the interest of justice. The court may grant a motion, request, or agreement for a continuance of the case only for the time necessary to serve the interests of justice. If a continuance is granted, the court shall state on the record or in a judgment entry the specific reason for the continuance.

**Sec. 2930.09.** (A) (1) A victim and victim's representative in a case ~~may, if applicable, have the right to be present~~ whenever the defendant or alleged juvenile offender in the case is present during any stage of the case against the defendant or alleged juvenile offender ~~that is conducted on the record,~~ other than a grand jury proceeding, ~~unless the court determines that exclusion of the victim is necessary to protect the defendant's or alleged juvenile offender's right to a fair trial or to a fair delinquency proceeding.~~ At any stage of the case at which the victim is present, the court, ~~at the victim's request,~~ shall permit the victim to be accompanied by an individual a victim advocate or victim representative to provide support to the victim ~~unless the court determines that exclusion of the individual is necessary to protect the defendant's or alleged juvenile offender's right to a fair trial or to a fair delinquency proceeding.~~

(2) If the victim or victim's representative is not present at a court proceeding in which a right of the victim is at issue, the court shall ask the prosecutor whether the victim and victim's representative, if the victim or victim's

representative requested notifications, were notified of the 5001  
time, place, and purpose of the court proceeding and that the 5002  
victim and victim's representative had a right to be heard at 5003  
the court proceeding. If the court determines that timely notice 5004  
was not given to the victim and victim's representative, if 5005  
applicable, or that the victim and victim's representative were 5006  
not adequately informed of the nature of the court proceeding, 5007  
the court shall not rule on any substantive issue that 5008  
implicates a victim's right, accept a plea, or impose a sentence 5009  
and shall continue the court proceeding for the time necessary 5010  
to notify the victim and victim's representative, if applicable, 5011  
of the time, place, and nature of the court proceeding. 5012

(B) (1) The victim and victim's representative, if 5013  
applicable, have the right to be present and be heard at any 5014  
proceeding in which a negotiated plea for the defendant or 5015  
alleged juvenile offender will be presented to the court. If 5016  
present, the victim, victim's representative, and victim's 5017  
attorney, if applicable, have the right to be heard orally, in 5018  
writing, or both prior to the acceptance of the plea by the 5019  
court. 5020

(2) The victim and the victim's representative, if 5021  
applicable, have a right to elect to not be present at a 5022  
proceeding in which a negotiated plea for the defendant or 5023  
alleged juvenile offender will be presented to the court, unless 5024  
a subpoena was served on the victim or victim's representative, 5025  
if applicable, compelling the presence of the victim or the 5026  
victim's representative. 5027

(C) The court shall not accept a negotiated plea agreement 5028  
if the victim or the victim's representative is absent from the 5029  
proceeding unless all of the following apply: 5030

(1) The prosecutor advises the court that before 5031  
requesting and agreeing to a negotiated plea, the prosecutor 5032  
conferred with the victim and victim's representative, if 5033  
applicable, pursuant to section 2930.06 of the Revised Code, if 5034  
the victim or victim's representative requested to confer with 5035  
the prosecutor. 5036

(2) The prosecutor made reasonable efforts to give the 5037  
victim and victim's representative, if applicable, notice of the 5038  
plea proceedings and to inform the victim and victim's 5039  
representative of the victim's and victim's representative's 5040  
right to be present and be heard at the plea proceedings. 5041

(3) The prosecutor discloses to the court any and all 5042  
attempts made to give each victim and victim's representative, 5043  
if applicable, notice of the plea agreement, including the 5044  
offense or delinquent act to which the defendant or alleged 5045  
juvenile offender will plead guilty, the date that the plea will 5046  
be presented to the court, and the terms of any sentence or 5047  
disposition agreed to as part of the negotiated plea. 5048

(4) The prosecutor informs the court of any objection by 5049  
the victim or victim's representative to the plea agreement. 5050

(5) The prosecutor advises the court that to the best of 5051  
the prosecutor's knowledge the notice requirements of this 5052  
chapter have been complied with. 5053

(D) The victim and victim's representative, if applicable, 5054  
have the right to be present and be heard orally, in writing, or 5055  
both at any proceeding in which the court conducts a hearing on 5056  
the post-arrest release of the person accused of committing a 5057  
criminal offense or delinquent act against the victim or the 5058  
conditions of that release, including the arraignment or initial 5059

appearance. 5060

(E) The victim and victim's representative, if applicable, 5061  
have the right to be present and be heard orally, in writing, or 5062  
both at any probation or community control revocation 5063  
disposition proceeding or any proceeding in which the court is 5064  
requested to terminate the probation or community control of the 5065  
person who is convicted of committing a criminal offense or 5066  
delinquent act against the victim. 5067

(F) The victim and victim's representative, if applicable, 5068  
have the right to be heard orally, in writing, or both at any 5069  
proceeding in which the court is requested to modify the terms 5070  
of probation or community control of a person if the 5071  
modification will affect the person's contact with or the safety 5072  
of the victim or if the modification involves restitution or 5073  
incarceration status. 5074

(G) Nothing in this section requires a prosecutor to 5075  
disclose victim contact information. 5076

**Sec. 2930.11.** (A) Except as otherwise provided in this 5077  
section or in Chapter 2981. of the Revised Code, the law 5078  
enforcement agency responsible for investigating a ~~crime~~ 5079  
criminal offense or specified delinquent act shall promptly 5080  
return to the victim of the ~~crime~~ criminal offense or specified 5081  
delinquent act any property of the victim that was taken in the 5082  
course of the investigation. In accordance with Criminal Rule 26 5083  
or an applicable Juvenile Rule, the law enforcement agency may 5084  
take photographs of the property for use as evidence. If the 5085  
ownership of the property is in dispute, the agency shall not 5086  
return the property until the dispute is resolved. 5087

(B) The law enforcement agency responsible for 5088

investigating a ~~crime~~criminal offense or ~~specified~~ delinquent 5089  
act shall retain any property of the victim of the ~~crime~~ 5090  
criminal offense or ~~specified~~ delinquent act that is needed as 5091  
evidence in the case, including any weapon used in the 5092  
commission of the ~~crime~~criminal offense or ~~specified~~ delinquent 5093  
act, if the prosecutor certifies to the court a need to retain 5094  
the property in lieu of a photograph of the property or of 5095  
another evidentiary substitute for the property itself, pursuant 5096  
to Appellate Rule 9. 5097

(C) If the defendant or alleged juvenile offender in a 5098  
case files a motion requesting the court to order the law 5099  
enforcement agency to retain property of the victim because the 5100  
property is needed for the defense in the case, the agency shall 5101  
retain the property until the court rules on the motion. The 5102  
court, in making a determination on the motion, shall weigh the 5103  
victim's need for the property against the defendant's or 5104  
alleged juvenile offender's assertion that the property has 5105  
evidentiary value for the defense. The court shall rule on the 5106  
motion in a timely fashion. 5107

**Sec. 2930.12.** (A) At the request of the victim or victim's 5108  
representative in a criminal prosecution, the prosecutor or the 5109  
prosecutor's designee shall give the victim and the victim's 5110  
representative notice of the defendant's acquittal or conviction 5111  
within seven days of the acquittal or conviction. At the request 5112  
of the victim or victim's representative in a delinquency 5113  
proceeding, the prosecutor or the prosecutor's designee shall 5114  
give the victim and the victim's representative notice of the 5115  
dismissal of the complaint against the alleged juvenile offender 5116  
or of the adjudication of the alleged juvenile offender as a 5117  
delinquent child, except that, if the juvenile court dismisses 5118  
the complaint against the alleged juvenile offender or 5119

adjudicates the alleged juvenile offender a delinquent child 5120  
prior to the prosecutor's involvement in the case, at the 5121  
request of the victim or victim's representative, the court or a 5122  
court employee shall give the victim and the victim's 5123  
representative notice of the dismissal or of the adjudication. 5124  
If the defendant or alleged juvenile offender is convicted or is 5125  
adjudicated a delinquent child, the notice shall include all of 5126  
the following: 5127

~~(A)~~ (1) The crimes—criminal offenses or specified 5128  
delinquent acts of which the defendant was convicted or for 5129  
which the alleged juvenile offender was adjudicated a delinquent 5130  
child; 5131

~~(B)~~ (2) The purpose of the presentence investigation 5132  
report, if ordered, and that the victim and victim's 5133  
representative, if applicable, have the right to review, on 5134  
request to the prosecutor, a copy of the presentence 5135  
investigation report except those portions of the report that 5136  
are confidential by law; 5137

(3) The address and telephone number of the probation 5138  
office—department or other person, if any, that is to prepare a 5139  
presentence investigation report pursuant to section 2951.03 of 5140  
the Revised Code or Criminal Rule 32.2, the address and 5141  
telephone number of the person, if any, who is to prepare a 5142  
disposition investigation report pursuant to division (C) (1) of 5143  
section 2152.18 of the Revised Code, and the address and 5144  
telephone number of the person, if any, who is to prepare a 5145  
victim impact statement pursuant to division (D) (1) of section 5146  
2152.19 or section 2947.051 of the Revised Code; 5147

~~(C)~~ (4) Notice that the victim and victim's 5148  
representative, if applicable, may make a statement about the 5149

impact of the ~~crime~~criminal offense or ~~specified~~ delinquent act 5150  
to the probation officer or other person, if any, who prepares 5151  
the presentence investigation report or to the person, if any, 5152  
who prepares a victim impact statement, that a statement of the 5153  
victim and victim's representative, included in the report, if 5154  
applicable, will be made available to the defendant or alleged 5155  
juvenile offender unless the court exempts it from disclosure, 5156  
and that the court may make the victim impact statement 5157  
available to the defendant or alleged juvenile offender; 5158

~~(D)~~ (5) Notice of the victim's, victim's representative's, 5159  
and victim's attorney's, if applicable, right under section 5160  
2930.14 of the Revised Code to make a statement about the impact 5161  
of the ~~crime~~criminal offense or ~~specified~~ delinquent act before 5162  
sentencing or disposition; 5163

~~(E)~~ (6) The date, time, and place of the sentencing 5164  
hearing or dispositional hearing; 5165

~~(F)~~ (7) Notice that, if the court orders restitution, the 5166  
victim or victim's attorney, if applicable, has the right to 5167  
file a restitution lien; 5168

(8) One of the following: 5169

~~(1)~~ (a) Any sentence imposed upon the defendant and any 5170  
subsequent modification of that sentence, including modification 5171  
under section 2929.20 or 5120.036 of the Revised Code or as a 5172  
result of the defendant's appeal of the sentence pursuant to 5173  
section 2953.08 of the Revised Code; 5174

~~(2)~~ (b) Any disposition ordered for the defendant and any 5175  
subsequent modification of that disposition, if known to the 5176  
prosecutor, including judicial release or early release in 5177  
accordance with section 2151.38 of the Revised Code. If a court 5178

has not provided timely notice to the prosecutor of a subsequent 5179  
modification of that disposition, the court shall promptly 5180  
notify the victim and the victim's representative, if 5181  
applicable, of the subsequent modification. 5182

(B) During the probation department's presentence 5183  
investigation, the department shall contact the victim, victim's 5184  
representative, and victim's attorney, if applicable, concerning 5185  
the victim's economic, physical, psychological, or emotional 5186  
harm or victim's safety concerns as a result of the offense. 5187

**Sec. 2930.121.** (A) If a prosecutor dismisses a count or 5188  
counts of a complaint, information, or indictment involving the 5189  
victim as a result of a negotiated plea agreement, the victim 5190  
and victim's representative, on request, may exercise all of the 5191  
applicable rights of a crime victim throughout the criminal 5192  
justice process as though the count or counts involving the 5193  
victim had not been dismissed. 5194

(B) As to each count that is dismissed as a result of a 5195  
negotiated plea agreement, the prosecutor shall notify the 5196  
probation department or custodial or supervisory agency, as 5197  
applicable, if the victim or victim's representative requested 5198  
the victim's rights pursuant to this section. 5199

(C) For each victim and victim's representative who is 5200  
involved in the counts dismissed as a result of a negotiated 5201  
plea agreement and who requested the victim's rights, the 5202  
prosecutor or the prosecutor's designee shall forward to the 5203  
probation department or custodial or supervisory agency, as 5204  
applicable, any available information that would enable the 5205  
probation department or custodial or supervisory agency to carry 5206  
out its duties prescribed by this section. 5207

**Sec. 2930.13.** (A) If the court orders the preparation of a 5208  
victim impact statement pursuant to division (D)(1) of section 5209  
2152.19 or section 2947.051 of the Revised Code, the victim in 5210  
the case or victim's representative may make a written ~~or and~~ 5211  
oral statement regarding the impact of the ~~crime-criminal~~ 5212  
offense or specified delinquent act to the person whom the court 5213  
orders to prepare the victim impact statement. A statement made 5214  
by the victim or victim's representative under this section 5215  
shall be included in the victim impact statement. 5216

(B) If a probation officer or other person is preparing a 5217  
presentence investigation report pursuant to section 2947.06 or 5218  
2951.03 of the Revised Code or Criminal Rule 32.2, or a 5219  
disposition investigation report pursuant to section 2152.18 of 5220  
the Revised Code, concerning the defendant or alleged juvenile 5221  
offender in the case, the victim and victim's representative, if 5222  
applicable, may make a written ~~or and~~ oral statement regarding 5223  
the impact of the ~~crime-criminal offense or specified~~ delinquent 5224  
act to the probation officer or other person. The probation 5225  
officer or other person shall use the statement in preparing the 5226  
presentence investigation report or disposition investigation 5227  
report and, upon the victim's or victim's representative's 5228  
request, shall include a written statement submitted by the 5229  
victim in the presentence investigation report or disposition 5230  
investigation report. 5231

(C) A statement made by the victim or victim's 5232  
representative under division (A) or (B) of this section may 5233  
include the following: 5234

(1) An explanation of the nature and extent of any 5235  
physical, psychological, or emotional harm suffered by the 5236  
victim as a result of the ~~crime-criminal offense or specified~~ 5237

delinquent act that is the basis of the case; 5238

(2) An explanation of the extent of any property damage or 5239  
other economic loss suffered by the victim as a result of that 5240  
~~crime~~ criminal offense or ~~specified~~ delinquent act; 5241

(3) An opinion regarding the extent to which, if any, the 5242  
victim needs restitution for harm caused by the defendant or 5243  
alleged juvenile offender as a result of that ~~crime~~ criminal 5244  
offense or ~~specified~~ delinquent act and information about 5245  
whether the victim has applied for or received any compensation 5246  
for loss or damage caused by that ~~crime~~ criminal offense or 5247  
~~specified~~ delinquent act; 5248

(4) The victim's and victim's representative's 5249  
recommendation for an appropriate sanction or disposition for 5250  
the defendant or alleged juvenile offender regarding that ~~crime~~ 5251  
criminal offense or ~~specified~~ delinquent act. 5252

(D) If a statement made by a victim or victim's 5253  
representative under division (A) of this section is included in 5254  
a victim impact statement, the provision, receipt, and retention 5255  
of copies of, the use of, and the confidentiality, nonpublic 5256  
record character, and sealing of the victim impact statement is 5257  
governed by division ~~(B) (2)~~ (D) (3) of section ~~2152.20~~ 2152.19 or 5258  
by division (C) of section 2947.051 of the Revised Code, as 5259  
appropriate. If a statement made by a victim or victim's 5260  
representative under division (B) of this section is included in 5261  
a presentence investigation report prepared pursuant to section 5262  
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 or 5263  
in a disposition investigation report pursuant to division (C) 5264  
(1) of section 2152.18 of the Revised Code, the provision, 5265  
receipt, and retention of copies of, the use of, and the 5266  
confidentiality, nonpublic record character, and sealing of the 5267

presentence investigation report or disposition investigation 5268  
report that contains the victim's statement is governed by 5269  
section 2951.03 of the Revised Code. 5270

**Sec. 2930.131.** (A) If the presentence investigation report 5271  
is made available to the defendant, the court shall provide a 5272  
copy of the report to the prosecutor assigned to the case at 5273  
least seven days prior to the sentencing hearing. The prosecutor 5274  
shall, upon request, provide a copy of the report to the victim, 5275  
victim's representative, and victim's attorney, if applicable, 5276  
at least five days prior to the sentencing hearing, except those 5277  
parts of the report that are redacted by the court or made 5278  
confidential by law. 5279

(B) If the court redacts any portion of the presentence 5280  
investigation report, the court shall inform the parties and the 5281  
victim, victim's representative, and victim's attorney, if 5282  
applicable, of the court's decision and shall state on the 5283  
record the court's reason for the redaction. 5284

**Sec. 2930.14.** (A) Before imposing sentence upon, or 5285  
entering an order of disposition for, a defendant or alleged 5286  
juvenile offender for the commission of a ~~crime~~ criminal offense 5287  
or ~~specified~~ delinquent act, the court shall permit the victim 5288  
~~of the crime or specified delinquent act or victim's~~ 5289  
representative to make a statement be heard orally, in writing, 5290  
or both during the sentencing or disposition proceeding. The 5291  
court may give copies of any written statement made by a victim 5292  
or victim's representative to the defendant or alleged juvenile 5293  
offender and defendant's or alleged juvenile offender's counsel 5294  
and may give any written statement made by the defendant or 5295  
alleged juvenile offender to the victim, victim's 5296  
representative, or victim's attorney, if applicable, and the 5297

prosecutor. The court may redact any information contained in a 5298  
written statement that the court determines is not relevant to 5299  
and will not be relied upon in the sentencing or disposition 5300  
decision. The victim's or victim's representative's oral 5301  
statement is not subject to cross-examination. The written 5302  
statement of the victim or victim's representative or ~~of~~ the 5303  
defendant or alleged juvenile offender is confidential and is 5304  
not a public record as used in section 149.43 of the Revised 5305  
Code. Any person to whom a copy of a written statement was 5306  
released by the court shall return it to the court immediately 5307  
following sentencing or disposition. 5308

(B) The court shall consider a ~~victim's~~ statement made by 5309  
a victim or victim's representative under division (A) of this 5310  
section along with other factors that the court is required to 5311  
consider in imposing sentence or in determining the order of 5312  
disposition. If the statement includes new material facts, the 5313  
court shall not rely on the new material facts unless it 5314  
continues the sentencing or dispositional proceeding or takes 5315  
other appropriate action to allow the defendant or alleged 5316  
juvenile offender an adequate opportunity to respond to the new 5317  
material facts. 5318

**Sec. 2930.15.** (A) If a defendant is convicted of 5319  
committing a ~~crime~~ criminal offense against a victim or an 5320  
alleged juvenile offender is adjudicated a delinquent child for 5321  
committing a ~~specified~~ delinquent act against a victim, if the 5322  
victim or victim's representative requests notice of the filing 5323  
of an appeal, and if the defendant or alleged juvenile offender 5324  
files an appeal, the prosecutor in the case promptly, but not 5325  
later than seven days after receiving the notice of appeal, 5326  
shall notify the victim and victim's representative, if 5327  
applicable, of the appeal. The prosecutor also shall give the 5328

victim and victim's representative, if applicable, all of the 5329  
following information: 5330

(1) A brief explanation of the appellate process, 5331  
including the possible disposition of the case; 5332

(2) Whether the defendant or alleged juvenile offender has 5333  
been released on bail or other recognizance or under conditions 5334  
imposed by the juvenile court pending the disposition of the 5335  
appeal; 5336

(3) The time, place, and location of appellate court 5337  
proceedings and any subsequent changes in the time, place, or 5338  
location of those proceedings; 5339

(4) The result of the appeal. 5340

(B) If the appellate court returns the defendant's or 5341  
alleged juvenile offender's case to the trial court or juvenile 5342  
court for further proceedings, the victim and victim's 5343  
representative, if applicable, may exercise all the rights that 5344  
previously were available to the victim in the trial court or 5345  
the juvenile court. 5346

**Sec. 2930.16.** (A) If a defendant is incarcerated, a victim 5347  
~~in a case or victim's representative~~ who has requested to 5348  
receive notice under this section shall be given notice of the 5349  
incarceration of the defendant. If an alleged juvenile offender 5350  
is committed to the temporary custody of a school, camp, 5351  
institution, or other facility operated for the care of 5352  
delinquent children or to the legal custody of the department of 5353  
youth services, a victim ~~in a case or victim's representative~~ 5354  
who has requested to receive notice under this section shall be 5355  
given notice of the commitment. Promptly after sentence is 5356  
imposed upon the defendant or the commitment of the alleged 5357

juvenile offender is ordered, the court or the court's designee 5358  
shall notify the prosecutor in the case and the prosecutor shall 5359  
notify the victim and the victim's representative, if 5360  
applicable, of the date on which the defendant will be released, 5361  
or initially will be eligible for release, from confinement or 5362  
the prosecutor's reasonable estimate of that date or the date on 5363  
which the alleged juvenile offender will have served the minimum 5364  
period of commitment or the prosecutor's reasonable estimate of 5365  
that date. The prosecutor also shall notify the victim and the 5366  
victim's representative of the name of the custodial agency of 5367  
the defendant or alleged juvenile offender and tell the victim 5368  
and the victim's representative how to contact that custodial 5369  
agency. If the custodial agency is the department of 5370  
rehabilitation and correction, the ~~prosecutor~~ custodial agency 5371  
shall notify the victim and the victim's representative of the 5372  
services offered by the office of victims' services pursuant to 5373  
section 5120.60 of the Revised Code. If the custodial agency is 5374  
the department of youth services, the ~~prosecutor~~ custodial 5375  
agency shall notify the victim and the victim's representative 5376  
of the services provided by the office of victims' services 5377  
within the release authority of the department pursuant to 5378  
section 5139.55 of the Revised Code and the victim's right 5379  
pursuant to section 5139.56 of the Revised Code to submit a 5380  
written request to the release authority to be notified of 5381  
actions the release authority takes with respect to the alleged 5382  
juvenile offender. The victim and the victim's representative 5383  
shall keep the custodial agency informed of the victim's or 5384  
victim's representative's ~~current address and telephone number~~ 5385  
contact information. 5386

(B) (1) Upon the victim's or victim's representative's 5387  
request or in accordance with division (D) of this section, the 5388

court or the court's designee shall notify the prosecutor in the 5389  
case and the prosecutor promptly, but not later than seven days 5390  
after the hearing is scheduled or the application is filed, 5391  
shall notify the victim and the victim's representative, if 5392  
applicable, of any application or hearing for judicial release 5393  
of the defendant pursuant to section 2929.20 of the Revised 5394  
Code, of any hearing for release of the defendant pursuant to 5395  
section 2967.19 of the Revised Code, or of any hearing for 5396  
judicial release or early release of the alleged juvenile 5397  
offender pursuant to section 2151.38 of the Revised Code and of 5398  
the victim's and victim's representative's right to make a 5399  
statement under those sections. ~~The~~ If the court does not hold a 5400  
hearing or if the victim and victim's representative, if 5401  
applicable, do not attend the hearing or make a statement, the 5402  
court shall notify the victim and victim's representative of its 5403  
ruling in each of those hearings and on each of those 5404  
applications. 5405

(2) If an offender is sentenced to a prison term pursuant 5406  
to division (A) (3) or (B) of section 2971.03 of the Revised 5407  
Code, ~~upon~~ on the request of the victim ~~of the crime or~~ victim's 5408  
representative or in accordance with division (D) of this 5409  
section, the court or the court's designee shall notify the 5410  
prosecutor in the case and the prosecutor promptly shall notify 5411  
the victim and the victim's representative, if applicable, of 5412  
any hearing to be conducted pursuant to section 2971.05 of the 5413  
Revised Code to determine whether to modify the requirement that 5414  
the offender serve the entire prison term in a state 5415  
correctional facility in accordance with division (C) of that 5416  
section, whether to continue, revise, or revoke any existing 5417  
modification of that requirement, or whether to terminate the 5418  
prison term in accordance with division (D) of that section. ~~The~~ 5419

If the court does not hold a hearing or if the victim and 5420  
victim's representative, if applicable, do not attend the 5421  
hearing or make a statement, the court shall notify the victim 5422  
and the victim's representative of any order issued at the 5423  
conclusion of the hearing. 5424

(C) (1) On first contact with a victim, the custodial 5425  
agency of a defendant or delinquent child shall give the victim 5426  
and victim's representative, if applicable, the victim's rights 5427  
request/waiver form, or a substantially similar form. The 5428  
custodial agency shall include a notice to the victim and 5429  
victim's representative that failure to affirmatively request 5430  
these rights is considered a waiver of these rights, but the 5431  
victim or victim's representative may request the rights at a 5432  
later time. A person claiming direct and proximate harm as a 5433  
result of a criminal offense or delinquent act must 5434  
affirmatively identify the person's self and request the 5435  
notifications provided in this section and section 2967.28 of 5436  
the Revised Code. 5437

(2) Upon the victim's or victim's representative's request 5438  
made at any time before the particular notice would be due or in 5439  
accordance with division (D) of this section, the custodial 5440  
agency of a defendant or alleged juvenile offender shall give 5441  
the victim and the victim's representative, if applicable, any 5442  
of the following notices that is applicable: 5443

~~(1)~~ (a) At least sixty days before the adult parole 5444  
authority recommends a pardon or commutation of sentence for the 5445  
defendant or at least sixty days prior to a hearing before the 5446  
adult parole authority regarding a grant of parole to the 5447  
defendant, notice of the victim's and victim's representative's 5448  
right to submit a statement regarding the impact of the 5449

defendant's release in accordance with section 2967.12 of the 5450  
Revised Code and, if applicable, of the victim's and victim's 5451  
representative's right to appear at a full board hearing of the 5452  
parole board to give testimony as authorized by section 5149.101 5453  
of the Revised Code; and at least sixty days prior to a hearing 5454  
before the department regarding a determination of whether the 5455  
inmate must be released under division (C) or (D) (2) of section 5456  
2967.271 of the Revised Code if the inmate is serving a non-life 5457  
felony indefinite prison term, notice of the fact that the 5458  
inmate will be having a hearing regarding a possible grant of 5459  
release, the date of any hearing regarding a possible grant of 5460  
release, and the right of any person to submit a written 5461  
statement regarding the pending action; 5462

~~(2)~~ (b) At least sixty days before the defendant is 5463  
transferred to transitional control under section 2967.26 of the 5464  
Revised Code, notice of the pendency of the transfer and of the 5465  
victim's and victim's representative's right under that section 5466  
to submit a statement regarding the impact of the transfer; 5467

~~(3)~~ (c) At least sixty days before the release authority 5468  
of the department of youth services holds a release review, 5469  
release hearing, or discharge review for the alleged juvenile 5470  
offender, notice of the pendency of the review or hearing, of 5471  
the victim's and victim's representative's right to make an oral 5472  
or written statement regarding the impact of the crime upon the 5473  
victim or regarding the possible release or discharge, and, if 5474  
the notice pertains to a hearing, of the victim's right to 5475  
attend and make statements or comments at the hearing as 5476  
authorized by section 5139.56 of the Revised Code; 5477

~~(4)~~ (d) Prompt notice, but not more than three days after 5478  
the escape, of the defendant's or alleged juvenile offender's 5479

escape from a facility of the custodial agency in which the 5480  
defendant was incarcerated or in which the alleged juvenile 5481  
offender was placed after commitment, of the defendant's or 5482  
alleged juvenile offender's absence without leave from a mental 5483  
health or developmental disabilities facility or from other 5484  
custody, and of the capture of the defendant or alleged juvenile 5485  
offender after an escape or absence; 5486

~~(5)~~ (e) Notice of the defendant's or alleged juvenile 5487  
offender's death while in confinement or custody within thirty 5488  
days of the defendant's or alleged juvenile offender's death; 5489

~~(6)~~ (f) Notice of the filing of a petition by the director 5490  
of rehabilitation and correction pursuant to section 2967.19 of 5491  
the Revised Code requesting the early release under that section 5492  
of the defendant within thirty days of the filing of the 5493  
petition; 5494

~~(7)~~ (g) Notice of the defendant's or alleged juvenile 5495  
offender's post-conviction release from confinement or custody, 5496  
including jail or local custody, and the terms and conditions of 5497  
the release as soon as the custodial agency becomes aware of the 5498  
release. 5499

(D) (1) If a defendant is incarcerated for the commission 5500  
of aggravated murder, murder, or an offense of violence that is 5501  
a felony of the first, second, or third degree or is under a 5502  
sentence of life imprisonment or if an alleged juvenile offender 5503  
has been charged with the commission of an act that would be 5504  
aggravated murder, murder, or an offense of violence that is a 5505  
felony of the first, second, or third degree or be subject to a 5506  
sentence of life imprisonment if committed by an adult, except 5507  
as otherwise provided in this division, the notices described in 5508  
divisions (B) and (C) of this section shall be given regardless 5509

of whether the victim or victim's representative has requested 5510  
the notification. The notices described in divisions (B) and (C) 5511  
of this section shall not be given under this division to a 5512  
victim or victim's representative if the victim or victim's 5513  
representative has requested pursuant to division (B) (2) of 5514  
section 2930.03 of the Revised Code that the victim or victim's 5515  
representative not be provided the notice. Regardless of whether 5516  
the victim or victim's representative has requested that the 5517  
notices described in division (C) of this section be provided or 5518  
not be provided, the custodial agency shall give notice similar 5519  
to those notices to the prosecutor in the case, to the 5520  
sentencing court, to the law enforcement agency that arrested 5521  
the defendant or alleged juvenile offender if any officer of 5522  
that agency was a victim of the offense, and to any member of 5523  
the victim's immediate family who requests notification. If the 5524  
notice given under this division to the victim and victim's 5525  
representative is based on an offense committed prior to March 5526  
22, 2013, and if the prosecutor or custodial agency has not 5527  
previously successfully provided any notice to the victim and 5528  
victim's representative under this division or division (B) or 5529  
(C) of this section with respect to that offense and the 5530  
offender who committed it, the notice also shall inform the 5531  
victim and victim's representative that the victim or victim's 5532  
representative may request that the victim or victim's 5533  
representative not be provided any further notices with respect 5534  
to that offense and the offender who committed it and shall 5535  
describe the procedure for making that request. If the notice 5536  
given under this division to the victim and victim's 5537  
representative pertains to a hearing regarding a grant of a 5538  
parole to the defendant, the notice also shall inform the victim 5539  
and victim's representative that the victim, a member of the 5540  
victim's immediate family, or the victim's representative may 5541

request a victim conference, as described in division (E) of 5542  
this section, and shall provide an explanation of a victim 5543  
conference. 5544

The prosecutor or custodial agency may give the notices to 5545  
which this division applies by any reasonable means, including, 5546  
but not limited to, regular mail, telephone, and electronic 5547  
mail. If the prosecutor or custodial agency attempts to provide 5548  
notice to a victim or victim's representative under this 5549  
division but the attempt is unsuccessful because the prosecutor 5550  
or custodial agency is unable to locate the victim or victim's 5551  
representative, is unable to provide the notice by its chosen 5552  
method because it cannot determine the mailing address, 5553  
telephone number, or electronic mail address at which to provide 5554  
the notice, or, if the notice is sent by mail, the notice is 5555  
returned, the prosecutor or custodial agency shall make another 5556  
attempt to provide the notice to the victim or victim's 5557  
representative. If the second attempt is unsuccessful, the 5558  
prosecutor or custodial agency shall make at least one more 5559  
attempt to provide the notice. If the notice is based on an 5560  
offense committed prior to March 22, 2013, in each attempt to 5561  
provide the notice to the victim or victim's representative, the 5562  
notice shall include the opt-out information described in the 5563  
preceding paragraph. The prosecutor or custodial agency, in 5564  
accordance with division (D) (2) of this section, shall keep a 5565  
record of all attempts to provide the notice, and of all notices 5566  
provided, under this division. 5567

Division (D) (1) of this section, and the notice-related 5568  
provisions of divisions (E) (2) and (K) of section 2929.20, 5569  
division (H) of section 2967.12, division (E) (1) (b) of section 5570  
2967.19, division (A) (3) (b) of section 2967.26, division (D) (1) 5571  
of section 2967.28, and division (A) (2) of section 5149.101 of 5572

the Revised Code enacted in the act in which division (D)(1) of 5573  
this section was enacted, shall be known as "Roberta's Law." 5574

(2) Each prosecutor and custodial agency that attempts to 5575  
give any notice to which division (D)(1) of this section applies 5576  
shall keep a record of all attempts to give the notice. The 5577  
record shall indicate the person who was to be the recipient of 5578  
the notice, the date on which the attempt was made, the manner 5579  
in which the attempt was made, and the person who made the 5580  
attempt. If the attempt is successful and the notice is given, 5581  
the record shall indicate that fact. The record shall be kept in 5582  
a manner that allows public inspection of attempts and notices 5583  
given to persons other than victims or victims' representatives 5584  
without revealing the names, addresses, or other identifying 5585  
information relating to victims or victims' representatives. The 5586  
record of attempts and notices given to victims or victims' 5587  
representatives is not a public record, but the prosecutor or 5588  
custodial agency shall provide upon request a copy of that 5589  
record to a prosecuting attorney, judge, law enforcement agency, 5590  
or member of the general assembly. The record of attempts and 5591  
notices given to persons other than victims or victims' 5592  
representatives is a public record. A record kept under this 5593  
division may be indexed by offender name, or in any other manner 5594  
determined by the prosecutor or the custodial agency. Each 5595  
prosecutor or custodial agency that is required to keep a record 5596  
under this division shall determine the procedures for keeping 5597  
the record and the manner in which it is to be kept, subject to 5598  
the requirements of this division. 5599

(E) The adult parole authority shall adopt rules under 5600  
Chapter 119. of the Revised Code providing for a victim 5601  
conference, upon request of the victim, a member of the victim's 5602  
immediate family, or the victim's representative, prior to a 5603

parole hearing in the case of a prisoner who is incarcerated for 5604  
the commission of aggravated murder, murder, or an offense of 5605  
violence that is a felony of the first, second, or third degree 5606  
or is under a sentence of life imprisonment. The rules shall 5607  
provide for, but not be limited to, all of the following: 5608

(1) Subject to division (E) (3) of this section, attendance 5609  
by the victim, members of the victim's immediate family, the 5610  
victim's representative, and, if practicable, other individuals; 5611

(2) Allotment of up to one hour for the conference; 5612

(3) A specification of the number of persons specified in 5613  
division (E) (1) of this section who may be present at any single 5614  
victim conference, if limited by the department pursuant to 5615  
division (F) of this section. 5616

(F) The department may limit the number of persons 5617  
specified in division (E) (1) of this section who may be present 5618  
at any single victim conference, provided that the department 5619  
shall not limit the number of persons who may be present at any 5620  
single conference to fewer than three. If the department limits 5621  
the number of persons who may be present at any single victim 5622  
conference, the department shall permit and schedule, upon 5623  
request of the victim, a member of the victim's immediate 5624  
family, or the victim's representative, multiple victim 5625  
conferences for the persons specified in division (E) (1) of this 5626  
section. 5627

(G) As used in this section, "victim's immediate family" 5628  
has the same meaning as in section 2967.12 of the Revised Code. 5629

Sec. 2930.161. (A) Within seven days after a defendant is 5630  
sentenced to a term of incarceration, the prosecutor, or the 5631  
prosecutor's designee, shall provide written notice to the 5632

victim and victim's representative, if applicable, of the right 5633  
of the victim or victim's representative, any member of the 5634  
victim's family, or any member of the victim's household to 5635  
request not to receive mail from the inmate who was convicted of 5636  
committing a criminal offense against the victim. The notice 5637  
shall do all of the following: 5638

(1) Inform the victim or victim's representative of the 5639  
right of the victim or victim's representative, or any member of 5640  
the victim's family or household, to request not to receive mail 5641  
from the inmate; 5642

(2) Instruct the victim or victim's representative on how 5643  
to file the request with the custodial agency; 5644

(3) Include the following statement: 5645

"If the defendant is incarcerated, you have the right to 5646  
request that the defendant not send you, members of your family, 5647  
or members of your household, mail. If the defendant sends you 5648  
or your family or household members mail after you have made 5649  
this request, you or the members of your family or household 5650  
have the right to report the incident to the custodial agency 5651  
for sanctions against the defendant." 5652

(B) On receipt of a post-conviction notice request in 5653  
which a request not to receive mail is indicated, the custodial 5654  
agency shall notify the inmate of the request and that sending 5655  
mail to the victim or victim's representative, or the family or 5656  
household members who are denoted by the victim or victim's 5657  
representative, will result in appropriate sanctions, including, 5658  
but not limited to, reduction or denial of earned release 5659  
credits and review of all outgoing mail. 5660

(C) The custodial agency shall not knowingly forward mail 5661

addressed to any person who requests not to receive mail 5662  
pursuant to this section. The custodial agency shall retain 5663  
inmate mail pursuant to this section and forward the mail to the 5664  
prosecutor that prosecuted the inmate for the underlying offense 5665  
and shall retain the mail for at least one year from the date 5666  
the inmate is released. 5667

(D) Nothing in this section shall be construed as altering 5668  
or limiting an order from a court of competent jurisdiction 5669  
permitting contact between an incarcerated offender and the 5670  
child or children of that offender. 5671

**Sec. 2930.162.** (A) On request of a victim or victim's 5672  
representative who has provided a current address or other 5673  
current contact information, the court or the court's designee 5674  
shall notify the victim and victim's representative, if 5675  
applicable, of any of the following: 5676

(1) A probation or community control revocation 5677  
disposition proceeding or any proceeding in which the court is 5678  
asked to terminate the probation or community control of a 5679  
person who was convicted of committing a criminal offense 5680  
against the victim; 5681

(2) Any hearing on a proposed modification on the terms of 5682  
probation or community control; 5683

(3) If the person is on supervised probation or community 5684  
control, the arrest of the person pursuant to a warrant issued 5685  
for a probation or community control violation; 5686

(4) The defendant's or alleged juvenile offender's failure 5687  
to successfully complete a diversion or substantially similar 5688  
program. 5689

(B) On request of a victim or victim's representative who 5690

has provided current contact information, the probation 5691  
department shall notify the victim and victim's representative, 5692  
if applicable, of the following as soon as it becomes known to 5693  
the probation department: 5694

(1) Any proposed modification to any term of probation or 5695  
community control if the modification affects restitution, 5696  
incarceration, or detention status or the defendant's or alleged 5697  
juvenile offender's contact with or safety of the victim; 5698

(2) The victim's and victim's representative's right to be 5699  
heard at a hearing that is set to consider any modification to 5700  
be made to any term of probation or community control; 5701

(3) Any violation of any term of probation or community 5702  
control that results in the filing of a petition with the court 5703  
to revoke probation or community control; 5704

(4) Any conduct by the defendant or alleged juvenile 5705  
offender that raises a concern for the victim's safety; 5706

(5) Following a risk assessment of the terms of probation 5707  
or community control, including the period of supervision and 5708  
any modifications to the terms of probation or community 5709  
control, any restricted locations and any other conditions that 5710  
impact victim safety. 5711

**Sec. 2930.163.** Prior to the governor granting a pardon, 5712  
commutation of sentence, or reprieve to an offender convicted of 5713  
or found guilty of an offense of violence or adjudicated a 5714  
delinquent child for a delinquent act that would be an offense 5715  
of violence if committed by an adult, the governor, or the 5716  
governor's designee, shall notify the victim, victim's 5717  
representative, and victim's attorney, if applicable, that the 5718  
offender or delinquent child has applied for a pardon, 5719

commutation of sentence, or reprieve. The governor shall notify 5720  
the victim, victim's representative, and victim's attorney, if 5721  
applicable, regarding the application not less than thirty days 5722  
prior to issuing a decision on the application. The governor 5723  
shall inform the victim, victim's representative, and victim's 5724  
attorney, if applicable, that the victim, victim's 5725  
representative, and victim's attorney, if applicable, may submit 5726  
a written statement concerning the application. 5727

**Sec. 2930.17.** (A) In determining whether to grant a 5728  
judicial release to a defendant from a prison term pursuant to 5729  
section 2929.20 of the Revised Code at a time before the 5730  
defendant's stated prison term expires, in determining whether 5731  
to grant a release to an offender from a prison term pursuant to 5732  
section 2967.19 of the Revised Code at a time before the 5733  
offender's stated prison term expires, or in determining whether 5734  
to grant a judicial release or early release to an alleged 5735  
juvenile offender from a commitment to the department of youth 5736  
services pursuant to section 2151.38 of the Revised Code, the 5737  
court shall permit a victim of a ~~crime~~criminal offense or 5738  
~~specified~~ delinquent act for which the defendant or alleged 5739  
juvenile offender was incarcerated or committed, and the 5740  
victim's representative, if applicable, to make a statement be 5741  
heard orally, in writing, or both, in addition to any other 5742  
statement made under this chapter, concerning the effects of 5743  
that ~~crime~~criminal offense or ~~specified~~ delinquent act on the 5744  
victim, the circumstances surrounding the ~~crime~~criminal offense 5745  
or ~~specified~~ delinquent act, the manner in which the ~~crime~~ 5746  
criminal offense or ~~specified~~ delinquent act was perpetrated, 5747  
and the victim's or victim's representative's opinion whether 5748  
the defendant or alleged juvenile offender should be released. 5749  
The victim and victim's representative, if applicable, may ~~make~~ 5750

~~the statement be heard in writing or, orally, or both at the~~ 5751  
~~court's victim's or victim's representative's discretion.~~ The 5752  
court shall ~~give~~ allow the defendant or alleged juvenile 5753  
offender to review a copy of any written impact statement made 5754  
by the victim or victim's representative under this section and 5755  
shall give either the adult parole authority or the department 5756  
of youth services, whichever is applicable, a copy of any 5757  
written impact statement made by the victim or victim's 5758  
representative under this division. 5759

(B) In deciding whether to grant a judicial release or 5760  
early release to the defendant or alleged juvenile offender, the 5761  
court shall consider a statement made by the victim and the 5762  
victim's representative, if applicable, under division (A) of 5763  
this section or section 2930.14 or 2947.051 of the Revised Code. 5764

(C) Upon making a determination whether to grant a 5765  
judicial release to a defendant from a prison term pursuant to 5766  
section 2929.20 of the Revised Code, a release to an offender 5767  
from a prison term pursuant to section 2967.19 of the Revised 5768  
Code, or a judicial release or early release to an alleged 5769  
juvenile offender from a commitment to the department of youth 5770  
services pursuant to section 2151.38 of the Revised Code, the 5771  
court promptly shall send notice of its determination to the 5772  
prosecutor of the county in which the criminal or delinquency 5773  
proceeding was held against the defendant or alleged juvenile 5774  
offender. Before ordering a defendant or alleged juvenile 5775  
offender released from custody, the court shall send the 5776  
custodial agency a copy of its journal entry of the 5777  
determination. 5778

**Sec. 2930.171.** (A) In determining whether to grant an 5779  
application to seal a record of conviction pursuant to section 5780

2953.32 of the Revised Code or an application to seal or expunge 5781  
a juvenile record pursuant to section 2151.356 or 2151.358 of 5782  
the Revised Code, the court shall notify the prosecutor 5783  
regarding the hearing of the matter not less than sixty days 5784  
before the hearing. The prosecutor shall provide timely notice 5785  
to a victim of the criminal offense or delinquent act for which 5786  
the offender or juvenile was incarcerated or committed and the 5787  
victim's representative, if applicable, if the victim or 5788  
victim's representative has requested notice and maintains 5789  
current contact information with the prosecutor. The court shall 5790  
permit a victim, the victim's representative, and the victim's 5791  
attorney, if applicable, to make a statement, in addition to any 5792  
other statement made under this chapter, concerning the effects 5793  
of the criminal offense or delinquent act on the victim, the 5794  
circumstances surrounding the criminal offense or delinquent 5795  
act, the manner in which the criminal offense or delinquent act 5796  
was perpetrated, and the victim's, victim's representative's, or 5797  
victim's attorney's, if applicable, opinion whether the record 5798  
should be sealed or expunged. The victim, victim's 5799  
representative, or victim's attorney, if applicable, may be 5800  
heard in writing, orally, or both at the victim's, victim's 5801  
representative's, or victim's attorney's, if applicable, 5802  
discretion. The court shall give the offender or juvenile an 5803  
opportunity to review a copy of any written impact statement 5804  
made by the victim, victim's representative, and victim's 5805  
attorney, if applicable, under this division. The court shall 5806  
give to either the adult parole authority or the department of 5807  
youth services, whichever is applicable, a copy of any written 5808  
impact statement made by the victim, victim's representative, 5809  
and victim's attorney, if applicable, under this division. 5810  
  
(B) In deciding whether to seal or expunge a record under 5811

this section, the court shall consider a statement made by the 5812  
victim, victim's representative, and victim's attorney, if 5813  
applicable, under division (A) of this section or section 5814  
2930.14 or 2947.051 of the Revised Code. 5815

(C) Upon making a determination whether to grant an 5816  
application to seal a record of conviction pursuant to section 5817  
2953.32 of the Revised Code or an application to seal or expunge 5818  
a juvenile record pursuant to section 2151.356 or 2151.358 of 5819  
the Revised Code, the court promptly shall notify the prosecutor 5820  
of the determination. The prosecutor shall promptly notify the 5821  
victim and the victim's representative, if applicable, after 5822  
receiving the notice from the court. 5823

**Sec. 2930.18.** (A) No employer of a victim shall discharge, 5824  
discipline, or otherwise retaliate against the victim, a member 5825  
of the victim's family, or a victim's representative for 5826  
participating any of the following: 5827

(1) Participating, at the prosecutor's request, in 5828  
preparation for a criminal or delinquency proceeding ~~or for~~ 5829  
attendance, pursuant to a subpoena,; 5830

(2) Attendance at a criminal or delinquency proceeding if 5831  
the attendance is reasonably necessary to protect the interests 5832  
of the victim; 5833

(3) Attendance at a criminal or delinquency proceeding if 5834  
the victim's attendance is pursuant to a victim's constitutional 5835  
and statutory rights. 5836

~~This section generally does not require an employer to pay~~ 5837  
~~an employee for time lost as a result of attendance at a~~ 5838  
~~criminal or delinquency proceeding.~~ 5839

(B) An employer who knowingly violates this section is in 5840

contempt of court. This section does not limit or affect the 5841  
application to any person of section 2151.211, 2939.121, or 5842  
2945.451 of the Revised Code. 5843

**Sec. 2930.19.** (A) ~~In a manner consistent with the duty of~~ 5844  
~~a prosecutor to represent the interests of the public as a~~ 5845  
~~whole, a prosecutor shall seek compliance with this chapter on~~ 5846  
~~behalf of a victim, a member of the victim's family, or the~~ 5847  
~~victim's representative~~ (1) A victim, victim's representative, 5848  
or victim's attorney, if applicable, or the prosecutor, on 5849  
request of the victim, has standing as a matter of right to 5850  
assert, or to challenge an order denying, the rights of the 5851  
victim provided by law in any judicial or administrative 5852  
proceeding. The court shall act promptly on a request to 5853  
enforce, or on a challenge of an order denying, the rights of 5854  
the victim . In any case, the court shall hear the matter within 5855  
ten days of the assertion of the victim's rights. The reasons 5856  
for any decision denying relief under this section shall be 5857  
clearly stated on the record or in a judgment entry. 5858

(2) (a) If the court denies the relief sought, the victim 5859  
or the victim's attorney, if applicable, or the prosecutor, on 5860  
request of the victim, may appeal or, if the victim has no 5861  
remedy on appeal, petition the court of appeals or supreme court 5862  
for an extraordinary writ. 5863

(b) If the victim or victim's attorney, if applicable, 5864  
files an appeal, an interlocutory appeal divests the trial court 5865  
of jurisdiction of the portion of the case implicating the 5866  
victim's rights until the appeal is resolved by the appellate 5867  
court. The court of appeals shall take up and decide such appeal 5868  
giving the case the same priority as cases decided under 5869  
Appellate Rule 11.2, unless the litigants, with the approval of 5870

the court, have stipulated to a different time period for 5871  
consideration. 5872

(c) If the victim or victim's attorney, if applicable, 5873  
petitions for an extraordinary writ, the court of appeals or the 5874  
supreme court may issue the writ on the order of a single judge. 5875  
If the court of appeals or the supreme court denies the relief 5876  
sought, the reasons for the denial shall be clearly stated on 5877  
the record in a written opinion. 5878

(B) A victim of a criminal offense or delinquent act has 5879  
the right to be represented by retained counsel. Nothing in this 5880  
section creates a right to counsel at public expense for a 5881  
victim. If a victim is represented by counsel, the court shall 5882  
notify the victim's counsel in the same manner in which the 5883  
parties are notified under applicable law or rule. Counsel for 5884  
the victim shall be included in all bench conferences, meetings 5885  
in chambers, and sidebars with the trial court that directly 5886  
involve a decision implicating that victim's rights. Nothing in 5887  
this section shall be construed as making a victim a party to 5888  
the case. 5889

(C) The failure of a public official or public agency or 5890  
the public official's or public agency's designee to comply with 5891  
the requirements of this chapter does not give rise to a claim 5892  
for damages against that public official or public agency or 5893  
that public official's or public agency's designee, except that 5894  
a public agency as an employer may be held responsible for a 5895  
violation of section 2930.18 of the Revised Code. 5896

~~(C)-(D) (1) The failure of any person or entity to use~~ 5897  
~~reasonable efforts to provide perform a duty or afford a right,~~ 5898  
~~privilege, or notice to a victim under this chapter does not~~ 5899  
~~constitute grounds for declaring a mistrial or new trial, for~~ 5900

~~setting is not cause to seek to set aside a conviction, sentence,~~ 5901  
~~adjudication, or disposition, or for granting postconviction~~ 5902  
~~release to a defendant or alleged juvenile offender after trial.~~ 5903  
Failure to afford a right under this chapter shall not provide 5904  
grounds for a new trial. A victim or victim's attorney, if 5905  
applicable, may file a motion to reopen a plea or sentence only 5906  
if all of the following apply: 5907

(a) The victim was not voluntarily absent from the 5908  
proceeding and has asserted the right to be heard before, or 5909  
attempted to assert the right during, the proceeding at issue 5910  
and the right to be heard was denied. 5911

(b) The victim files the motion within fourteen days of 5912  
the entry of the plea or sentence. 5913

(c) In the case of a plea, the accused has not pleaded 5914  
guilty to the highest offense charged. 5915

~~(D) If there is a conflict between a provision in this~~ 5916  
~~chapter and a specific statute governing the procedure in a case~~ 5917  
~~involving a capital offense, the specific statute supersedes the~~ 5918  
~~provision in this chapter.~~ 5919

(2) Unless the offender has served the offender's entire 5920  
sentence, the failure to use reasonable efforts to provide 5921  
notice and a right to be present or be heard pursuant to this 5922  
chapter at a proceeding that involves post-conviction release is 5923  
grounds for the victim to seek to set aside the post-conviction 5924  
release until the victim is afforded an opportunity to be 5925  
present or be heard. 5926

(E) A defendant or juvenile offender may not raise the 5927  
failure to afford a right to a victim as error in any legal 5928  
argument to provide an advantage to that defendant or juvenile 5929

offender in any motion, including a dispositive motion, motion 5930  
for new trial, or motion to have a conviction, sentence, or 5931  
disposition set aside, in any petition for post-conviction 5932  
relief, or in any assignment of error on appeal. 5933

(F) If the victim of a ~~crime~~ criminal offense or 5934  
delinquent act is incarcerated in a state or local correctional 5935  
facility or is in the legal custody of the department of youth 5936  
services, the victim's rights under this chapter may be modified 5937  
by court order to prevent any security risk, hardship, or undue 5938  
burden upon a public official or public agency with a duty under 5939  
this chapter. 5940

(G) As used in this section, "post-conviction release" 5941  
means judicial release, early release, and parole, but does not 5942  
mean relief pursuant to a federal petition in habeas corpus. 5943

**Sec. 2930.191.** Once a pro se victim or victim's attorney, 5944  
if applicable, files a notice of appearance in a case, the pro 5945  
se victim or victim's attorney shall be served copies of all 5946  
notices, motions, and court orders filed thereafter in the case 5947  
in the same manner as the parties in the case. 5948

**Sec. 2937.11.** (A) (1) As used in divisions (B) and (C) of 5949  
this section, "victim" includes any person who was a victim of a 5950  
felony violation identified in division (B) of this section or a 5951  
felony offense of violence or against whom was directed any 5952  
conduct that constitutes, or that is an element of, a felony 5953  
violation identified in division (B) of this section or a felony 5954  
offense of violence. 5955

(2) As used in division (D) of this section, "victim" 5956  
means any person who is less than sixteen years of age and who 5957  
was a victim of a violation of section 2905.32 of the Revised 5958

Code or against whom was directed any conduct that constitutes, 5959  
or is an element of, a violation of section 2905.32 of the 5960  
Revised Code. 5961

(3) At the preliminary hearing set pursuant to section 5962  
2937.10 of the Revised Code and the Criminal Rules, the 5963  
prosecutor may state, but is not required to state, orally the 5964  
case for the state and shall then proceed to examine witnesses 5965  
and introduce exhibits for the state. The accused and the 5966  
magistrate have full right of cross examination, and the accused 5967  
has the right of inspection of exhibits prior to their 5968  
introduction. The hearing shall be conducted under the rules of 5969  
evidence prevailing in criminal trials generally. On motion of 5970  
either the state or the accused, witnesses shall be separated 5971  
and not permitted in the hearing room except when called to 5972  
testify. 5973

(B) In a case involving an alleged felony violation of 5974  
section 2905.05, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 5975  
2907.21, 2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 5976  
2907.323, or 2919.22 of the Revised Code or an alleged felony 5977  
offense of violence and in which an alleged victim of the 5978  
alleged violation or offense was less than ~~thirteen~~sixteen 5979  
years of age when the complaint or information was filed, 5980  
whichever occurred earlier, upon motion of the prosecution, 5981  
victim, or victim's attorney, if applicable, the testimony of 5982  
the child victim at the preliminary hearing may be taken in a 5983  
room other than the room in which the preliminary hearing is 5984  
being conducted and be televised, by closed circuit equipment, 5985  
into the room in which the preliminary hearing is being 5986  
conducted, in accordance with division (C) of section 2945.481 5987  
of the Revised Code. 5988

(C) In a case involving an alleged felony violation listed 5989  
in division (B) of this section or an alleged felony offense of 5990  
violence and in which an alleged victim of the alleged violation 5991  
or offense was less than ~~thirteen~~sixteen years of age when the 5992  
complaint or information was filed, whichever occurred earlier, 5993  
the court, on written motion of the prosecutor in the case, the 5994  
victim, or the victim's attorney, if applicable, filed at least 5995  
three days prior to the hearing, shall order that all testimony 5996  
of the child victim be recorded and preserved ~~on videotape,~~ in 5997  
addition to being recorded for purposes of the transcript of the 5998  
proceeding. If such an order is issued, it shall specifically 5999  
identify the child victim, in a manner consistent with section 6000  
2930.07 of the Revised Code, concerning whose testimony it 6001  
pertains, apply only during the testimony of the child victim it 6002  
specifically identifies, and apply to all testimony of the child 6003  
victim presented at the hearing, regardless of whether the child 6004  
victim is called as a witness by the prosecution or by the 6005  
defense. 6006

(D) (1) (a) In a case involving an alleged violation of 6007  
section 2905.32 of the Revised Code, upon motion of the 6008  
prosecution, victim, or victim's attorney, if applicable, the 6009  
testimony of the victim at the preliminary hearing may be taken 6010  
in a place or room other than the room in which the preliminary 6011  
hearing is being conducted and be televised, by closed circuit 6012  
equipment, into the room in which the preliminary hearing is 6013  
being conducted, to be viewed by the accused and any other 6014  
persons who are not permitted in the room in which the testimony 6015  
is to be taken but who would have been present during the 6016  
testimony of the victim had it been given in the room in which 6017  
the preliminary hearing is being conducted. Except for good 6018  
cause shown, the prosecution, victim, or victim's attorney, if 6019

applicable, shall file a motion under this division at least 6020  
seven days before the date of the preliminary hearing. 6021

(b) Upon the motion of the prosecution, victim, or 6022  
victim's attorney, if applicable, filed under division (D) (1) (a) 6023  
of this section and if the judge or magistrate determines that 6024  
the victim is unavailable to testify in the room in which the 6025  
preliminary hearing is being conducted in the physical presence 6026  
of the accused for one or more of the reasons set forth in 6027  
division (D) (2) of this section, the judge or magistrate may 6028  
issue an order for the testimony of the victim to be taken in a 6029  
place or room other than the room in which the preliminary 6030  
hearing is being conducted and televised, by closed circuit 6031  
equipment, into the room in which the preliminary hearing is 6032  
being conducted. If a judge or magistrate issues an order of 6033  
that nature, the judge or magistrate shall exclude from the room 6034  
in which the testimony of the victim is to be taken every person 6035  
except the following: 6036

(i) The victim giving the testimony; 6037

(ii) The judge or magistrate; 6038

(iii) One or more interpreters if needed; 6039

(iv) The attorneys for the prosecution, the victim, if 6040  
applicable, and the defense; 6041

(v) Any person needed to operate the equipment to be used; 6042

(vi) One person chosen by the victim giving the testimony; 6043

(vii) Any person whose presence the judge or magistrate 6044  
determines would contribute to the welfare and well-being of the 6045  
victim giving the testimony. 6046

(c) The person chosen by the victim under division (D) (1) 6047

(b) (vi) of this section ~~shall not be a witness in the~~ 6048  
~~preliminary hearing and, both before and during the testimony,~~ 6049  
shall not discuss the testimony of the victim with any other 6050  
witness in the preliminary hearing. 6051

(d) The judge or magistrate, at the judge's or 6052  
magistrate's discretion, may preside during the giving of the 6053  
testimony by electronic means from outside the room in which it 6054  
is being given, subject to the limitations set forth in this 6055  
division. If the judge or magistrate presides by electronic 6056  
means, the judge or magistrate shall be provided with monitors 6057  
on which the judge or magistrate can see each person in the room 6058  
in which the testimony is to be taken and with an electronic 6059  
means of communication with each person, and each person in the 6060  
room shall be provided with a monitor on which that person can 6061  
see the judge or magistrate and with an electronic means of 6062  
communication with the judge or magistrate. To the extent 6063  
feasible, any person operating the televising equipment shall be 6064  
restricted to a room adjacent to the room in which the testimony 6065  
is being taken, or to a location in the room in which the 6066  
testimony is being taken that is behind a screen or mirror, so 6067  
that the person operating the televising equipment can see and 6068  
hear, but cannot be seen or heard by, the victim giving the 6069  
testimony during the testimony. The accused shall be permitted 6070  
to observe and hear the testimony of the victim giving the 6071  
testimony on a monitor, shall be provided with an electronic 6072  
means of immediate communication with the attorney of the 6073  
accused during the testimony, and shall be restricted to a 6074  
location from which the accused cannot be seen or heard by the 6075  
victim giving the testimony, except on a monitor provided for 6076  
that purpose. The accused and the judge or magistrate have full 6077  
right of cross examination, and the accused has the right of 6078

inspection of exhibits prior to their introduction. The victim 6079  
giving the testimony shall be provided with a monitor on which 6080  
the victim can observe the accused during the testimony. 6081

(2) For purposes of division (D)(1) of this section, a 6082  
judge or magistrate may order the testimony of a victim to be 6083  
taken at a place or room outside the room in which the 6084  
preliminary hearing is being conducted if the judge or 6085  
magistrate determines that the victim is unavailable to testify 6086  
in the room in the physical presence of the accused due to one 6087  
or more of the following: 6088

(a) The inability of the victim to communicate about the 6089  
alleged offense because of extreme fear, severe trauma, or 6090  
another similar reason; 6091

(b) The substantial likelihood that the victim will suffer 6092  
serious emotional trauma from so testifying; 6093

(c) The victim is at a hospital for care and treatment for 6094  
any physical, mental, or emotional injury suffered by reason of 6095  
the alleged offense. 6096

**Sec. 2945.481.** (A)(1) As used in this section, "victim" 6097  
includes any person who was a victim of a violation identified 6098  
in division (A)(2) of this section or an offense of violence or 6099  
against whom was directed any conduct that constitutes, or that 6100  
is an element of, a violation identified in division (A)(2) of 6101  
this section or an offense of violence. 6102

(2) In any proceeding in the prosecution of a charge of a 6103  
violation of section 2905.03, 2905.05, 2907.02, 2907.03, 6104  
2907.04, 2907.05, 2907.06, 2907.07, 2907.09, 2907.21, 2907.23, 6105  
2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, or 6106  
2919.22 of the Revised Code or an offense of violence and in 6107

which an alleged victim of the violation or offense was a child 6108  
who was less than ~~thirteen~~sixteen years of age when the 6109  
complaint, indictment, or information was filed, whichever 6110  
occurred earlier, ~~the judge of the court in which the~~ 6111  
~~prosecution is being conducted,~~ upon motion of the child victim, 6112  
the child-victim's attorney, if applicable, or an attorney for 6113  
the prosecution, and upon a showing by a preponderance of the 6114  
evidence that the child will suffer serious emotional trauma if 6115  
required to provide live trial testimony, the judge of the court 6116  
in which the prosecution is being conducted shall order that the 6117  
testimony of the child victim be taken by deposition. The 6118  
prosecution, child victim, or child-victim's attorney, if 6119  
applicable, also may request that the deposition be ~~videotaped-~~ 6120  
~~recorded~~ in accordance with division (A)(3) of this section. The 6121  
judge shall notify the child victim whose deposition is to be 6122  
taken, the child-victim's attorney, if applicable, the 6123  
prosecution, and the defense of the date, time, and place for 6124  
taking the deposition. The notice shall identify the child 6125  
victim who is to be examined and shall indicate whether a 6126  
request that the deposition be ~~videotaped-~~recorded has been 6127  
made. The defendant shall have the right to attend the 6128  
deposition and the right to be represented by counsel. 6129  
Depositions shall be taken in the manner provided in civil 6130  
cases, except that the judge shall preside at the taking of the 6131  
deposition and shall rule at that time on any objections of the 6132  
prosecution or the attorney for the defense. The prosecution and 6133  
the attorney for the defense shall have the right, as at trial, 6134  
to full examination and cross-examination of the child victim 6135  
whose deposition is to be taken. If a deposition taken under 6136  
this division is intended to be offered as evidence in the 6137  
proceeding, it shall be filed in the court in which the action 6138  
is pending and is admissible in the manner described in division 6139

(B) of this section. If a deposition of a child victim taken 6140  
under this division is admitted as evidence at the proceeding 6141  
under division (B) of this section, the child victim shall not 6142  
be required to testify in person at the proceeding. However, at 6143  
any time before the conclusion of the proceeding, the attorney 6144  
for the defense may file a motion with the judge requesting that 6145  
another deposition of the child victim be taken because new 6146  
evidence material to the defense has been discovered that the 6147  
attorney for the defense could not with reasonable diligence 6148  
have discovered prior to the taking of the admitted deposition. 6149  
A motion for another deposition shall be accompanied by 6150  
supporting affidavits. Upon the filing of a motion for another 6151  
deposition and affidavits, the court may order that additional 6152  
testimony of the child victim relative to the new evidence be 6153  
taken by another deposition. If the court orders the taking of 6154  
another deposition under this provision, the deposition shall be 6155  
taken in accordance with this division; if the admitted 6156  
deposition was a ~~videotaped~~recorded deposition taken in 6157  
accordance with division (A) (3) of this section, the new 6158  
deposition also shall be ~~videotaped~~recorded in accordance with 6159  
that division and in other cases, the new deposition may be 6160  
~~videotaped~~recorded in accordance with that division. 6161

(3) If the prosecution, child victim, or child-victim's 6162  
attorney, if applicable, requests that a deposition to be taken 6163  
under division (A) (2) of this section be ~~videotaped~~recorded, the 6164  
judge shall order that the deposition be ~~videotaped~~recorded in 6165  
accordance with this division. If a judge issues an order that 6166  
the deposition be ~~videotaped~~recorded, the judge shall exclude 6167  
from the room in which the deposition is to be taken every 6168  
person except the child victim giving the testimony, the judge, 6169  
one or more interpreters if needed, the attorneys for the 6170

prosecution and the defense, any person needed to operate the 6171  
equipment to be used, one person, who is not a witness, chosen 6172  
by the child victim giving the deposition, the child-victim's 6173  
representative, and any person whose presence the judge 6174  
determines would contribute to the welfare and well-being of the 6175  
child victim giving the deposition. The person chosen by the 6176  
child victim ~~shall not be a witness in the proceeding and,~~ both 6177  
before and during the deposition, shall not discuss the 6178  
testimony of the child victim with any other witness in the 6179  
proceeding. To the extent feasible, any person operating the 6180  
recording equipment shall be restricted to a room adjacent to 6181  
the room in which the deposition is being taken, or to a 6182  
location in the room in which the deposition is being taken that 6183  
is behind a screen or mirror, so that the person operating the 6184  
recording equipment can see and hear, but cannot be seen or 6185  
heard by, the child victim giving the deposition during the 6186  
deposition. The defendant shall be permitted to observe and hear 6187  
the testimony of the child victim giving the deposition on a 6188  
monitor, shall be provided with an electronic means of immediate 6189  
communication with the defendant's attorney during the 6190  
testimony, and shall be restricted to a location from which the 6191  
defendant cannot be seen or heard by the child victim giving the 6192  
deposition, except on a monitor provided for that purpose. The 6193  
child victim giving the deposition shall be provided with a 6194  
monitor on which the child victim can observe, during the 6195  
testimony, the defendant. The judge, at the judge's discretion, 6196  
may preside at the deposition by electronic means from outside 6197  
the room in which the deposition is to be taken; if the judge 6198  
presides by electronic means, the judge shall be provided with 6199  
monitors on which the judge can see each person in the room in 6200  
which the deposition is to be taken and with an electronic means 6201  
of communication with each person, and each person in the room 6202

shall be provided with a monitor on which that person can see 6203  
the judge and with an electronic means of communication with the 6204  
judge. A deposition that is ~~videotaped~~recorded under this 6205  
division shall be taken and filed in the manner described in 6206  
division (A) (2) of this section and is admissible in the manner 6207  
described in this division and division (B) of this section, 6208  
and, if a deposition that is ~~videotaped~~recorded under this 6209  
division is admitted as evidence at the proceeding, the child 6210  
victim shall not be required to testify in person at the 6211  
proceeding. No deposition ~~videotaped~~recorded under this 6212  
division shall be admitted as evidence at any proceeding unless 6213  
division (B) of this section is satisfied relative to the 6214  
deposition and all of the following apply relative to the 6215  
recording: 6216

(a) The recording is both aural and visual and is recorded 6217  
on film or videotape, or by other electronic means. 6218

(b) The recording is authenticated under the Rules of 6219  
Evidence and the Rules of Criminal Procedure as a fair and 6220  
accurate representation of what occurred, and the recording is 6221  
not altered other than at the direction and under the 6222  
supervision of the judge in the proceeding. 6223

(c) Each voice on the recording that is material to the 6224  
testimony on the recording or the making of the recording, as 6225  
determined by the judge, is identified. 6226

(d) Both the prosecution and the defendant are afforded an 6227  
opportunity to view the recording before it is shown in the 6228  
proceeding. 6229

(B) (1) At any proceeding in a prosecution in relation to 6230  
which a deposition was taken under division (A) of this section, 6231

the deposition or a part of it is admissible in evidence upon 6232  
motion of the prosecution if the testimony in the deposition or 6233  
the part to be admitted is not excluded by the hearsay rule and 6234  
if the deposition or the part to be admitted otherwise is 6235  
admissible under the Rules of Evidence. For purposes of this 6236  
division, testimony is not excluded by the hearsay rule if the 6237  
testimony is not hearsay under Evidence Rule 801; if the 6238  
testimony is within an exception to the hearsay rule set forth 6239  
in Evidence Rule 803; if the child victim who gave the testimony 6240  
is unavailable as a witness, as defined in Evidence Rule 804, 6241  
and the testimony is admissible under that rule; or if both of 6242  
the following apply: 6243

(a) The defendant had an opportunity and similar motive at 6244  
the time of the taking of the deposition to develop the 6245  
testimony by direct, cross, or redirect examination. 6246

(b) The judge determines that there is reasonable cause to 6247  
believe that, if the child victim who gave the testimony in the 6248  
deposition were to testify in person at the proceeding, the 6249  
child victim would experience serious emotional trauma as a 6250  
result of the child victim's participation at the proceeding. 6251

(2) Objections to receiving in evidence a deposition or a 6252  
part of it under division (B) of this section shall be made as 6253  
provided in civil actions. 6254

(3) The provisions of divisions (A) and (B) of this 6255  
section are in addition to any other provisions of the Revised 6256  
Code, the Rules of Criminal Procedure, or the Rules of Evidence 6257  
that pertain to the taking or admission of depositions in a 6258  
criminal proceeding and do not limit the admissibility under any 6259  
of those other provisions of any deposition taken under division 6260  
(A) of this section or otherwise taken. 6261

(C) In any proceeding in the prosecution of any charge of 6262  
a violation listed in division (A) (2) of this section or an 6263  
offense of violence and in which an alleged victim of the 6264  
violation or offense was a child who was less than ~~thirteen~~ 6265  
sixteen years of age when the complaint, indictment, or 6266  
information was filed, whichever occurred earlier, the 6267  
prosecution, child victim, or child-victim's attorney, if 6268  
applicable, may file a motion with the judge requesting the 6269  
judge to order the testimony of the child victim to be taken in 6270  
a room other than the room in which the proceeding is being 6271  
conducted and be televised, by closed circuit equipment, into 6272  
the room in which the proceeding is being conducted to be viewed 6273  
by the jury, if applicable, the defendant, and any other persons 6274  
who are not permitted in the room in which the testimony is to 6275  
be taken but who would have been present during the testimony of 6276  
the child victim had it been given in the room in which the 6277  
proceeding is being conducted. Except for good cause shown, the 6278  
prosecution, child victim, or child-victim's attorney, if 6279  
applicable, shall file a motion under this division at least 6280  
seven days before the date of the proceeding. The judge may 6281  
issue the order upon the motion of the prosecution, child 6282  
victim, or child-victim's attorney, if applicable, filed under 6283  
this section, if the judge determines that the child victim is 6284  
unavailable to testify in the room in which the proceeding is 6285  
being conducted in the physical presence of the defendant, for 6286  
one or more of the reasons set forth in division (E) of this 6287  
section. If a judge issues an order of that nature, the judge 6288  
shall exclude from the room in which the testimony is to be 6289  
taken every person except a person described in division (A) (3) 6290  
of this section. The judge, at the judge's discretion, may 6291  
preside during the giving of the testimony by electronic means 6292  
from outside the room in which it is being given, subject to the 6293

limitations set forth in division (A)(3) of this section. To the 6294  
extent feasible, any person operating the televising equipment 6295  
shall be hidden from the sight and hearing of the child victim 6296  
giving the testimony, in a manner similar to that described in 6297  
division (A)(3) of this section. The defendant shall be 6298  
permitted to observe and hear the testimony of the child victim 6299  
giving the testimony on a monitor, shall be provided with an 6300  
electronic means of immediate communication with the defendant's 6301  
attorney during the testimony, and shall be restricted to a 6302  
location from which the defendant cannot be seen or heard by the 6303  
child victim giving the testimony, except on a monitor provided 6304  
for that purpose. The child victim giving the testimony shall be 6305  
provided with a monitor on which the child victim can observe, 6306  
during the testimony, the defendant. 6307

(D) In any proceeding in the prosecution of any charge of 6308  
a violation listed in division (A)(2) of this section or an 6309  
offense of violence and in which an alleged victim of the 6310  
violation or offense was a child who was less than ~~thirteen-~~ 6311  
sixteen years of age when the complaint, indictment, or 6312  
information was filed, whichever occurred earlier, the 6313  
prosecution, child victim, or child-victim's attorney, if 6314  
applicable, may file a motion with the judge requesting the 6315  
judge to order the testimony of the child victim to be taken 6316  
outside of the room in which the proceeding is being conducted 6317  
and be recorded for showing in the room in which the proceeding 6318  
is being conducted before the judge, the jury, if applicable, 6319  
the defendant, and any other persons who would have been present 6320  
during the testimony of the child victim had it been given in 6321  
the room in which the proceeding is being conducted. Except for 6322  
good cause shown, the prosecution, child victim, or child- 6323  
victim's attorney, if applicable, shall file a motion under this 6324

division at least seven days before the date of the proceeding. 6325  
The judge may issue the order upon the motion of the 6326  
prosecution, child victim, or child-victim's attorney, if 6327  
applicable, filed under this division, if the judge determines 6328  
that the child victim is unavailable to testify in the room in 6329  
which the proceeding is being conducted in the physical presence 6330  
of the defendant, for one or more of the reasons set forth in 6331  
division (E) of this section. If a judge issues an order of that 6332  
nature, the judge shall exclude from the room in which the 6333  
testimony is to be taken every person except a person described 6334  
in division (A) (3) of this section. To the extent feasible, any 6335  
person operating the recording equipment shall be hidden from 6336  
the sight and hearing of the child victim giving the testimony, 6337  
in a manner similar to that described in division (A) (3) of this 6338  
section. The defendant shall be permitted to observe and hear 6339  
the testimony of the child victim who is giving the testimony on 6340  
a monitor, shall be provided with an electronic means of 6341  
immediate communication with the defendant's attorney during the 6342  
testimony, and shall be restricted to a location from which the 6343  
defendant cannot be seen or heard by the child victim giving the 6344  
testimony, except on a monitor provided for that purpose. The 6345  
child victim giving the testimony shall be provided with a 6346  
monitor on which the child victim can observe, during the 6347  
testimony, the defendant. No order for the taking of testimony 6348  
by recording shall be issued under this division unless the 6349  
provisions set forth in divisions (A) (3) (a), (b), (c), and (d) 6350  
of this section apply to the recording of the testimony. 6351

(E) For purposes of divisions (C) and (D) of this section, 6352  
a judge may order the testimony of a child victim to be taken 6353  
outside the room in which the proceeding is being conducted if 6354  
the judge determines that the child victim is unavailable to 6355

testify in the room in the physical presence of the defendant 6356  
due to one or more of the following: 6357

(1) The persistent refusal of the child victim to testify 6358  
despite judicial requests to do so; 6359

(2) The inability of the child victim to communicate about 6360  
the alleged violation or offense because of extreme fear, 6361  
failure of memory, or another similar reason; 6362

(3) The substantial likelihood that the child victim will 6363  
suffer serious emotional trauma from so testifying. 6364

(F) (1) If a judge issues an order pursuant to division (C) 6365  
or (D) of this section that requires the testimony of a child 6366  
victim in a criminal proceeding to be taken outside of the room 6367  
in which the proceeding is being conducted, the order shall 6368  
specifically identify the child victim, in a manner consistent 6369  
with section 2930.07 of the Revised Code, to whose testimony it 6370  
applies, the order applies only during the testimony of the 6371  
specified child victim, and the child victim giving the 6372  
testimony shall not be required to testify at the proceeding 6373  
other than in accordance with the order. 6374

(2) A judge who makes any determination regarding the 6375  
admissibility of a deposition under divisions (A) and (B) of 6376  
this section, the ~~videotaping~~ recording of a deposition under 6377  
division (A) (3) of this section, or the taking of testimony 6378  
outside of the room in which a proceeding is being conducted 6379  
under division (C) or (D) of this section, shall enter the 6380  
determination and findings on the record in the proceeding. 6381

**Sec. 2945.482.** (A) As used in this section: 6382

(1) "Developmental disability" has the same meaning as in 6383  
section 5123.01 of the Revised Code. 6384

(2) "Victim with a developmental disability" or "victim" 6385  
includes a person with a developmental disability who was a 6386  
victim of a violation identified in division (B)(1) of this 6387  
section or an offense of violence or against whom was directed 6388  
any conduct that constitutes, or that is an element of, a 6389  
violation identified in division (B)(1) of this section or an 6390  
offense of violence. 6391

(B)(1) In any proceeding in the prosecution of a charge of 6392  
a violation of section 2903.16, 2903.34, 2903.341, 2905.03, 6393  
2907.02, 2907.03, 2907.05, 2907.06, 2907.09, 2907.21, 2907.23, 6394  
2907.24, 2907.32, 2907.321, 2907.322, or 2907.323 of the Revised 6395  
Code or an offense of violence and in which an alleged victim of 6396  
the violation or offense was a person with a developmental 6397  
disability, ~~the judge of the court in which the prosecution is~~ 6398  
~~being conducted,~~ upon motion of the victim, the victim's 6399  
attorney, if applicable, or an attorney for the prosecution, and 6400  
upon a showing by a preponderance of the evidence that the 6401  
victim will suffer serious emotional trauma if required to 6402  
provide live trial testimony, the judge of the court in which 6403  
the prosecution is being conducted shall order that the 6404  
testimony of the victim with a developmental disability be taken 6405  
by deposition. The prosecution, victim, or victim's attorney, if 6406  
applicable, also may request that the deposition be ~~videotaped~~ 6407  
recorded in accordance with division (B)(2) of this section. The 6408  
judge shall notify the victim with a developmental disability 6409  
whose deposition is to be taken, the victim's attorney, the 6410  
prosecution, and the defense of the date, time, and place for 6411  
taking the deposition. The notice shall identify the victim with 6412  
a developmental disability, in a manner consistent with section 6413  
2930.07 of the Revised Code, who is to be examined and shall 6414  
indicate whether a request that the deposition be ~~videotaped~~ 6415

recorded has been made. The defendant shall have the right to 6416  
attend the deposition and the right to be represented by 6417  
counsel. Depositions shall be taken in the manner provided in 6418  
civil cases, except that the judge shall preside at the taking 6419  
of the deposition and shall rule at the time on any objections 6420  
of the prosecution or the attorney for the defense. The 6421  
prosecution and the attorney for the defense shall have the 6422  
right, as at trial, to full examination and cross-examination of 6423  
the victim with a developmental disability whose deposition is 6424  
to be taken. If a deposition taken under this division is 6425  
intended to be offered as evidence in the proceeding, it shall 6426  
be filed in the court in which the action is pending and is 6427  
admissible in the manner described in division (C) of this 6428  
section. 6429

If a deposition of a victim with a developmental 6430  
disability taken under this division is admitted as evidence at 6431  
the proceeding under division (C) of this section, the victim 6432  
with a developmental disability shall not be required to testify 6433  
in person at the proceeding. 6434

At any time before the conclusion of the proceeding, the 6435  
attorney for the defense may file a motion with the judge 6436  
requesting that another deposition of the victim with a 6437  
developmental disability be taken because new evidence material 6438  
to the defense has been discovered that the attorney for the 6439  
defense could not with reasonable diligence have discovered 6440  
prior to the taking of the admitted deposition. If the court 6441  
orders the taking of another deposition under this provision, 6442  
the deposition shall be taken in accordance with this division. 6443  
If the admitted deposition was a ~~videotaped~~recorded deposition 6444  
taken in accordance with division (B) (2) of this section, the 6445  
new deposition shall be ~~videotaped~~recorded in accordance with 6446

that division. In other cases, the new deposition may be 6447  
~~videotaped~~recorded in accordance with that division. 6448

(2) If the prosecution, victim, or victim's attorney, if 6449  
applicable, requests that a deposition to be taken under 6450  
division (B) (2) of this section be ~~videotaped~~recorded, the judge 6451  
shall order that the deposition be ~~videotaped~~recorded in 6452  
accordance with this division. If a judge issues an order that 6453  
the deposition be ~~videotaped~~recorded, the judge shall exclude 6454  
from the room in which the deposition is to be taken every 6455  
person except the victim with a developmental disability giving 6456  
the testimony, the judge, one or more interpreters if needed, 6457  
the victim's attorney, the attorneys for the prosecution and the 6458  
defense, any person needed to operate the equipment to be used, 6459  
the victim's representative, one person who is not a witness 6460  
chosen by the victim with a developmental disability giving the 6461  
deposition, and any person whose presence the judge determines 6462  
would contribute to the welfare and well-being of the victim 6463  
with a developmental disability giving the deposition. The 6464  
person chosen by the victim with a developmental disability 6465  
~~shall not be a witness in the proceeding and,~~ both before and 6466  
during the deposition, shall not discuss the testimony of the 6467  
victim with a developmental disability with any other witness in 6468  
the proceeding. To the extent feasible, any person operating the 6469  
recording equipment shall be restricted to a room adjacent to 6470  
the room in which the deposition is being taken, or to a 6471  
location in the room in which the deposition is being taken that 6472  
is behind a screen or mirror, so that the person operating the 6473  
recording equipment can see and hear, but cannot be seen or 6474  
heard by, the victim with a developmental disability giving the 6475  
deposition during the deposition. 6476

The defendant shall be permitted to observe and hear the 6477

testimony of the victim with a developmental disability giving 6478  
the deposition on a monitor, shall be provided with an 6479  
electronic means of immediate communication with the defendant's 6480  
attorney during the testimony, and shall be restricted to a 6481  
location from which the defendant cannot be seen or heard by the 6482  
victim with a developmental disability giving the deposition, 6483  
except on a monitor provided for that purpose. The victim with a 6484  
developmental disability giving the deposition shall be provided 6485  
with a monitor on which the victim can observe, during the 6486  
testimony, the defendant. The judge, at the judge's discretion, 6487  
may preside at the deposition by electronic means from outside 6488  
the room in which the deposition is to be taken. If the judge 6489  
presides by electronic means, the judge shall be provided with 6490  
monitors on which the judge can see each person in the room in 6491  
which the deposition is to be taken and with an electronic means 6492  
of communication with each person, and each person in the room 6493  
shall be provided with a monitor on which that person can see 6494  
the judge and with an electronic means of communication with the 6495  
judge. A deposition that is ~~videotaped-recorded~~ under this 6496  
division shall be taken and filed in the manner described in 6497  
division (B) (1) of this section and is admissible in the manner 6498  
described in this division and division (C) of this section, 6499  
and, if a deposition that is ~~videotaped-recorded~~ under this 6500  
division is admitted as evidence at the proceeding, the victim 6501  
with a developmental disability shall not be required to testify 6502  
in person at the proceeding. No deposition ~~videotaped-recorded~~ 6503  
under this division shall be admitted as evidence at any 6504  
proceeding unless division (C) of this section is satisfied 6505  
relative to the deposition and all of the following apply 6506  
relative to the recording: 6507

(a) The recording is both aural and visual and is recorded 6508

on film or videotape, or by other electronic means. 6509

(b) The recording is authenticated under the Rules of 6510  
Evidence and the Rules of Criminal Procedure as a fair and 6511  
accurate representation of what occurred, and the recording is 6512  
not altered other than at the direction and under the 6513  
supervision of the judge in the proceeding. 6514

(c) Each voice on the recording that is material to the 6515  
testimony on the recording or the making of the recording, as 6516  
determined by the judge, is identified. 6517

(d) Both the prosecution and the defendant are afforded an 6518  
opportunity to view the recording before it is shown in the 6519  
proceeding. 6520

(C) (1) At any proceeding in a prosecution in relation to 6521  
which a deposition was taken under division (B) of this section, 6522  
the deposition or a part of it is admissible in evidence upon 6523  
motion of the prosecution, victim, or victim's attorney, if 6524  
applicable, if the testimony in the deposition or the part to be 6525  
admitted is not excluded by the hearsay rule and if the 6526  
deposition or the part to be admitted otherwise is admissible 6527  
under the Rules of Evidence. For purposes of this division, 6528  
testimony is not excluded by the hearsay rule if the testimony 6529  
is not hearsay under Evidence Rule 801; the testimony is within 6530  
an exception to the hearsay rule set forth in Evidence Rule 803; 6531  
the victim with a developmental disability who gave the 6532  
testimony is unavailable as a witness, as defined in Evidence 6533  
Rule 804, and the testimony is admissible under that rule; or 6534  
both of the following apply: 6535

(a) The defendant had an opportunity and similar motive at 6536  
the time of the taking of the deposition to develop the 6537

testimony by direct, cross, or redirect examination. 6538

(b) The judge determines that there is reasonable cause to 6539  
believe that, if the victim with a developmental disability who 6540  
gave the testimony in the deposition were to testify in person 6541  
at the proceeding, the victim with a developmental disability 6542  
would experience serious emotional trauma as a result of the 6543  
participation of the victim with a developmental disability at 6544  
the proceeding. 6545

(2) Objections to receiving in evidence a deposition or a 6546  
part of it under division (C) of this section shall be made as 6547  
provided in civil actions. 6548

(3) The provisions of divisions (B) and (C) of this 6549  
section are in addition to any other provisions of the Revised 6550  
Code, the Rules of Criminal Procedure, or the Rules of Evidence 6551  
that pertain to the taking or admission of depositions in a 6552  
criminal proceeding and do not limit the admissibility under any 6553  
of those other provisions of any deposition taken under division 6554  
(B) of this section or otherwise taken. 6555

(D) In any proceeding in the prosecution of any charge of 6556  
a violation listed in division (B)(1) of this section or an 6557  
offense of violence and in which an alleged victim of the 6558  
violation or offense was a person with a developmental 6559  
disability, the prosecution, victim, or victim's attorney, if 6560  
applicable, may file a motion with the judge requesting the 6561  
judge to order the testimony of the victim with a developmental 6562  
disability to be taken in a room other than the room in which 6563  
the proceeding is being conducted and be televised, by closed 6564  
circuit equipment, into the room in which the proceeding is 6565  
being conducted to be viewed by the jury, if applicable, the 6566  
defendant, and any other persons who are not permitted in the 6567

room in which the testimony is to be taken but who would have 6568  
been present during the testimony of the victim with a 6569  
developmental disability had it been given in the room in which 6570  
the proceeding is being conducted. Except for good cause shown, 6571  
the prosecution, victim, or victim's attorney, if applicable, 6572  
shall file a motion under this division at least seven days 6573  
before the date of the proceeding. The judge may issue the order 6574  
upon the motion of the prosecution, victim, or victim's attorney 6575  
filed under this section, if the judge determines that the 6576  
victim with a developmental disability is unavailable to testify 6577  
in the room in which the proceeding is being conducted in the 6578  
physical presence of the defendant for one or more of the 6579  
reasons set forth in division (F) of this section. If a judge 6580  
issues an order of that nature, the judge shall exclude from the 6581  
room in which the testimony is to be taken every person except a 6582  
person described in division (B) (2) of this section. The judge, 6583  
at the judge's discretion, may preside during the giving of the 6584  
testimony by electronic means from outside the room in which it 6585  
is being given, subject to the limitations set forth in division 6586  
(B) (2) of this section. To the extent feasible, any person 6587  
operating the televising equipment shall be hidden from the 6588  
sight and hearing of the victim with a developmental disability 6589  
giving the testimony, in a manner similar to that described in 6590  
division (B) (2) of this section. The defendant shall be 6591  
permitted to observe and hear the testimony of the victim with a 6592  
developmental disability giving the testimony on a monitor, 6593  
shall be provided with an electronic means of immediate 6594  
communication with the defendant's attorney during the 6595  
testimony, and shall be restricted to a location from which the 6596  
defendant cannot be seen or heard by the victim with a 6597  
developmental disability giving the testimony, except on a 6598  
monitor provided for that purpose. The victim with a 6599

developmental disability giving the testimony shall be provided 6600  
with a monitor on which the victim with a developmental 6601  
disability can observe, during the testimony, the defendant. 6602

(E) In any proceeding in the prosecution of any charge of 6603  
a violation listed in division (B)(1) of this section or an 6604  
offense of violence and in which an alleged victim of the 6605  
violation or offense was a victim with a developmental 6606  
disability, the prosecution, victim, or victim's attorney, if 6607  
applicable, may file a motion with the judge requesting the 6608  
judge to order the testimony of the victim with a developmental 6609  
disability to be taken outside of the room in which the 6610  
proceeding is being conducted and be recorded for showing in the 6611  
room in which the proceeding is being conducted before the 6612  
judge, the jury, if applicable, the defendant, and any other 6613  
persons who would have been present during the testimony of the 6614  
victim with a developmental disability had it been given in the 6615  
room in which the proceeding is being conducted. Except for good 6616  
cause shown, the prosecution, victim, or victim's attorney, if 6617  
applicable, shall file a motion under this division at least 6618  
seven days before the date of the proceeding. The judge may 6619  
issue the order upon the motion of the prosecution, victim, or 6620  
victim's attorney filed under this division, if the judge 6621  
determines that the victim with a developmental disability is 6622  
unavailable to testify in the room in which the proceeding is 6623  
being conducted in the physical presence of the defendant, for 6624  
one or more of the reasons set forth in division (F) of this 6625  
section. If a judge issues an order of that nature, the judge 6626  
shall exclude from the room in which the testimony is to be 6627  
taken every person except a person described in division (B)(2) 6628  
of this section. To the extent feasible, any person operating 6629  
the recording equipment shall be hidden from the sight and 6630

hearing of the victim with a developmental disability giving the testimony, in a manner similar to that described in division (B) (2) of this section. The defendant shall be permitted to observe and hear the testimony of the victim with a developmental disability who is giving the testimony on a monitor, shall be provided with an electronic means of immediate communication with the defendant's attorney during the testimony, and shall be restricted to a location from which the defendant cannot be seen or heard by the victim with a developmental disability giving the testimony, except on a monitor provided for that purpose. The victim with a developmental disability giving the testimony shall be provided with a monitor on which the victim can observe, during the testimony, the defendant. No order for the taking of testimony by recording shall be issued under this division unless the provisions set forth in divisions (B) (2) (a), (b), (c), and (d) of this section apply to the recording of the testimony.

(F) For purposes of divisions (D) and (E) of this section, a judge may order the testimony of a victim with a developmental disability to be taken outside the room in which the proceeding is being conducted if the judge determines that the victim with a developmental disability is unavailable to testify in the room in the physical presence of the defendant due to one or more of the following:

(1) The persistent refusal of the victim with a developmental disability to testify despite judicial requests to do so;

(2) The inability of the victim with a developmental disability to communicate about the alleged violation or offense because of extreme fear, failure of memory, or another similar

reason; 6661

(3) The substantial likelihood that the victim with a 6662  
developmental disability will suffer serious emotional trauma 6663  
from so testifying. 6664

(G) (1) If a judge issues an order pursuant to division (D) 6665  
or (E) of this section that requires the testimony of a victim 6666  
with a developmental disability in a criminal proceeding to be 6667  
taken outside of the room in which the proceeding is being 6668  
conducted, the order shall specifically identify the victim with 6669  
a developmental disability, in a manner consistent with section 6670  
2930.07 of the Revised Code, to whose testimony it applies, the 6671  
order applies only during the testimony of the specified victim 6672  
with a developmental disability, and the victim with a 6673  
developmental disability giving the testimony shall not be 6674  
required to testify at the proceeding other than in accordance 6675  
with the order. 6676

(2) A judge who makes any determination regarding the 6677  
admissibility of a deposition under divisions (B) and (C) of 6678  
this section, the ~~videotaping~~ recording of a deposition under 6679  
division (B) (2) of this section, or the taking of testimony 6680  
outside of the room in which a proceeding is being conducted 6681  
under division (D) or (E) of this section shall enter the 6682  
determination and findings on the record in the proceeding. 6683

**Sec. 2945.483.** (A) As used in this section: 6684

(1) "Child" means any individual under eighteen years of 6685  
age. 6686

(2) "Developmental disability" has the same meaning as in 6687  
section 5123.01 of the Revised Code. 6688

(B) In any proceeding in which a child or person with a 6689

developmental disability testifies in open court, the child or 6690  
person with a developmental disability shall have the following 6691  
rights to be enforced sua sponte by the court or upon motion or 6692  
notice of any attorney involved in the proceeding: 6693

(1) To be asked questions in a manner the child or person 6694  
with a developmental disability can reasonably understand, 6695  
including, but not limited to, a child-friendly oath; 6696

(2) To be free of harassment or intimidation tactics in 6697  
the proceeding; 6698

(3) (a) To have an advocate or victim's representative of 6699  
the child's or person with a developmental disability's choosing 6700  
present in the courtroom and in a position clearly visible in 6701  
close proximity to the child or person with a developmental 6702  
disability, subject to division (B) (3) (b) of this section; 6703

(b) That if the prosecutor in the case or the court has a 6704  
reasonable basis to believe that the victim's representative is 6705  
not acting in the interests of the victim who is a child or a 6706  
person with a developmental disability, the prosecutor shall 6707  
file a motion setting forth the reasonable basis for this belief 6708  
and the court shall hold a hearing to determine whether the 6709  
victim's representative is acting in the interests of the 6710  
victim. The court shall make this determination by a 6711  
preponderance of the evidence. If the court finds that the 6712  
victim's representative is not acting in the interests of the 6713  
victim, the court shall appoint a court-appointed special 6714  
advocate, guardian ad litem, or a victim advocate to act as the 6715  
victim's representative in lieu of the previously appointed 6716  
victim's representative. 6717

(4) To have the courtroom or hearing room adjusted to 6718

ensure the comfort and protection of the child or person with a 6719  
developmental disability; 6720

(5) To have flexibility in the formalities of the 6721  
proceedings in an effort to ensure the comfort of the child or 6722  
person with a developmental disability; 6723

(6) To permit a comfort item to be present inside the 6724  
courtroom or hearing room and to accompany the child or person 6725  
with a developmental disability throughout the hearing; 6726

(7) To permit the use of a properly constructed screen 6727  
that would allow the judge and jury in the courtroom or hearing 6728  
room to see the child or person with a developmental disability 6729  
but would obscure the child's or person with a developmental 6730  
disability's view of the defendant or alleged juvenile offender 6731  
or the public or both; 6732

(8) To have a secure and comfortable waiting area provided 6733  
for the child or person with a developmental disability during 6734  
the court proceedings and to have a support person of the 6735  
child's or person with a developmental disability's choosing 6736  
stay with the child or person with a developmental disability 6737  
while waiting, subject to division (B) (3) (b) of this section; 6738

(9) To have an advocate or victim's representative inform 6739  
the court about the child's or person with a developmental 6740  
disability's ability to understand the nature of the 6741  
proceedings, special accommodations that may be needed for the 6742  
child's or person with a developmental disability's testimony, 6743  
and any other information relevant to any of the rights set 6744  
forth in this section. 6745

(C) In circumstances where the accused in a proceeding has 6746  
chosen to proceed without counsel, the court may appoint standby 6747

counsel for that party and may order standby counsel to question 6748  
a child or person with a developmental disability on behalf of 6749  
the pro se party if the court finds that there is a substantial 6750  
likelihood that serious emotional trauma would come to the child 6751  
or person with a developmental disability if the pro se party 6752  
were allowed to question the child or person with a 6753  
developmental disability directly. 6754

(D) (1) If the child or person with a developmental 6755  
disability is the victim of a criminal offense or delinquent 6756  
act, the court shall ensure that all steps necessary to secure 6757  
the physical safety of the child or person with a developmental 6758  
disability, both in the courtroom and during periods of time 6759  
that the child or person with a developmental disability may 6760  
spend waiting for court, have been taken. 6761

(2) The court and all attorneys involved in a court 6762  
proceeding involving a child or person with a developmental 6763  
disability shall not disclose to any third party any discovery, 6764  
including, but not limited to, the child's or person with a 6765  
developmental disability's name, address, and date of birth, any 6766  
and all interviews of the child or person with a developmental 6767  
disability, and any other identifying information of the child 6768  
or person with a developmental disability in a manner consistent 6769  
with section 2930.07 of the Revised Code. The court shall 6770  
enforce any violations of this section through the court's 6771  
contempt powers. 6772

**Sec. 2945.72.** The time within which an accused must be 6773  
brought to trial, or, in the case of felony, to preliminary 6774  
hearing and trial, may be extended only by the following: 6775

(A) Any period during which the accused is unavailable for 6776  
hearing or trial, by reason of other criminal proceedings 6777

against ~~him~~ the accused, within or outside the state, by reason 6778  
of ~~his~~ confinement in another state, or by reason of the 6779  
pendency of extradition proceedings, provided that the 6780  
prosecution exercises reasonable diligence to secure ~~his~~ 6781  
availability of the accused; 6782

(B) Any period during which the accused is mentally 6783  
incompetent to stand trial or during which ~~his~~ the accused's 6784  
mental competence to stand trial is being determined, or any 6785  
period during which the accused is physically incapable of 6786  
standing trial; 6787

(C) Any period of delay necessitated by the accused's lack 6788  
of counsel, provided that such delay is not occasioned by any 6789  
lack of diligence in providing counsel to an indigent accused 6790  
upon ~~his~~ the accused's request as required by law; 6791

(D) Any period of delay occasioned by the neglect or 6792  
improper act of the accused; 6793

(E) Any period of delay necessitated by reason of a plea 6794  
in bar or abatement, motion, proceeding, or action made or 6795  
instituted by the accused; 6796

(F) Any period of delay necessitated by a removal or 6797  
change of venue pursuant to law; 6798

(G) Any period during which trial is stayed pursuant to an 6799  
express statutory requirement, or pursuant to an order of 6800  
another court competent to issue such order; 6801

(H) The period of any continuance granted on the accused's 6802  
own motion, and the period of any reasonable continuance granted 6803  
other than upon the accused's own motion; 6804

(I) Any period during which an appeal filed pursuant to 6805

section 2945.67 of the Revised Code is pending; 6806

(J) Any period during which an appeal or petition for a writ filed pursuant to section 2930.19 of the Revised Code is pending. 6807  
6808  
6809

**Sec. 2947.051.** (A) In all criminal cases in which a person 6810  
is convicted of or pleads guilty to a felony, if the offender, 6811  
in committing the offense, caused, attempted to cause, 6812  
threatened to cause, or created a risk of physical harm to the 6813  
victim of the offense, the court, prior to sentencing the 6814  
offender, shall order the preparation of a victim impact 6815  
statement by the department of probation of the county in which 6816  
the victim of the offense resides, by the court's own regular 6817  
probation officer, or by a victim assistance program that is 6818  
operated by the state, any county or municipal corporation, or 6819  
any other governmental entity. The court, in accordance with 6820  
sections 2929.13 and 2929.19 of the Revised Code, shall consider 6821  
the victim impact statement in determining the sentence to be 6822  
imposed upon the offender. 6823

(B) Each victim impact statement prepared under this 6824  
section shall identify the victim of the offense, itemize any 6825  
economic loss suffered by the victim as a result of the offense, 6826  
identify any physical injury suffered by the victim as a result 6827  
of the offense and the seriousness and permanence of the injury, 6828  
identify any change in the victim's personal welfare or familial 6829  
relationships as a result of the offense and any psychological 6830  
impact experienced by the victim or the victim's family as a 6831  
result of the offense, and contain any other information related 6832  
to the impact of the offense upon the victim that the court 6833  
requires. Each victim impact statement prepared under this 6834  
section shall include any statement made by the victim or the 6835

victim's representative pursuant to section 2930.13 of the 6836  
Revised Code. 6837

(C) A victim impact statement prepared under this section 6838  
shall be kept confidential and is not a public record as defined 6839  
in section 149.43 of the Revised Code. However, the court may 6840  
furnish copies of the statement to both the defendant or the 6841  
defendant's counsel and the prosecuting attorney. Immediately 6842  
following the imposition of sentence upon the defendant, the 6843  
defendant, the defendant's counsel, and the prosecuting attorney 6844  
shall return to the court the copies of the victim impact 6845  
statement that were made available to the defendant, the 6846  
counsel, or the prosecuting attorney. 6847

**Sec. 2951.041.** (A) (1) If an offender is charged with a 6848  
criminal offense, including but not limited to a violation of 6849  
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 6850  
of the Revised Code, and the court has reason to believe that 6851  
drug or alcohol usage by the offender was a factor leading to 6852  
the criminal offense with which the offender is charged or that, 6853  
at the time of committing that offense, the offender had a 6854  
mental illness, was a person with an intellectual disability, or 6855  
was a victim of a violation of section 2905.32 or 2907.21 of the 6856  
Revised Code and that the mental illness, status as a person 6857  
with an intellectual disability, or fact that the offender was a 6858  
victim of a violation of section 2905.32 or 2907.21 of the 6859  
Revised Code was a factor leading to the offender's criminal 6860  
behavior, the court may accept, prior to the entry of a guilty 6861  
plea, the offender's request for intervention in lieu of 6862  
conviction. The request shall include a statement from the 6863  
offender as to whether the offender is alleging that drug or 6864  
alcohol usage by the offender was a factor leading to the 6865  
criminal offense with which the offender is charged or is 6866

alleging that, at the time of committing that offense, the 6867  
offender had a mental illness, was a person with an intellectual 6868  
disability, or was a victim of a violation of section 2905.32 or 6869  
2907.21 of the Revised Code and that the mental illness, status 6870  
as a person with an intellectual disability, or fact that the 6871  
offender was a victim of a violation of section 2905.32 or 6872  
2907.21 of the Revised Code was a factor leading to the criminal 6873  
offense with which the offender is charged. The request also 6874  
shall include a waiver of the defendant's right to a speedy 6875  
trial, the preliminary hearing, the time period within which the 6876  
grand jury may consider an indictment against the offender, and 6877  
arraignment, unless the hearing, indictment, or arraignment has 6878  
already occurred. The court may reject an offender's request 6879  
without a hearing. If the court elects to consider an offender's 6880  
request, the court shall conduct a hearing to determine whether 6881  
the offender is eligible under this section for intervention in 6882  
lieu of conviction and shall stay all criminal proceedings 6883  
pending the outcome of the hearing. If the court schedules a 6884  
hearing, the court shall order an assessment of the offender for 6885  
the purpose of determining the offender's program eligibility 6886  
for intervention in lieu of conviction and recommending an 6887  
appropriate intervention plan. 6888

If the offender alleges that drug or alcohol usage by the 6889  
offender was a factor leading to the criminal offense with which 6890  
the offender is charged, the court may order that the offender 6891  
be assessed by a community addiction services provider or a 6892  
properly credentialed professional for the purpose of 6893  
determining the offender's program eligibility for intervention 6894  
in lieu of conviction and recommending an appropriate 6895  
intervention plan. The community addiction services provider or 6896  
the properly credentialed professional shall provide a written 6897

assessment of the offender to the court. 6898

(2) The victim notification provisions of division ~~(C)~~ (E) 6899  
of section 2930.06 of the Revised Code apply in relation to any 6900  
hearing held under division (A) (1) of this section. 6901

(B) An offender is eligible for intervention in lieu of 6902  
conviction if the court finds all of the following: 6903

(1) The offender previously has not been convicted of or 6904  
pleaded guilty to any felony offense of violence. 6905

(2) The offense is not a felony of the first, second, or 6906  
third degree, is not an offense of violence, is not a violation 6907  
of division (A) (1) or (2) of section 2903.06 of the Revised 6908  
Code, is not a violation of division (A) (1) of section 2903.08 6909  
of the Revised Code, is not a violation of division (A) of 6910  
section 4511.19 of the Revised Code or a municipal ordinance 6911  
that is substantially similar to that division, and is not an 6912  
offense for which a sentencing court is required to impose a 6913  
mandatory prison term. 6914

(3) The offender is not charged with a violation of 6915  
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 6916  
charged with a violation of section 2925.03 of the Revised Code 6917  
that is a felony of the first, second, third, or fourth degree, 6918  
and is not charged with a violation of section 2925.11 of the 6919  
Revised Code that is a felony of the first or second degree. 6920

(4) If an offender alleges that drug or alcohol usage by 6921  
the offender was a factor leading to the criminal offense with 6922  
which the offender is charged, the court has ordered that the 6923  
offender be assessed by a community addiction services provider 6924  
or a properly credentialed professional for the purpose of 6925  
determining the offender's program eligibility for intervention 6926

in lieu of conviction and recommending an appropriate 6927  
intervention plan, the offender has been assessed by a community 6928  
addiction services provider of that nature or a properly 6929  
credentialed professional in accordance with the court's order, 6930  
and the community addiction services provider or properly 6931  
credentialed professional has filed the written assessment of 6932  
the offender with the court. 6933

(5) If an offender alleges that, at the time of committing 6934  
the criminal offense with which the offender is charged, the 6935  
offender had a mental illness, was a person with an intellectual 6936  
disability, or was a victim of a violation of section 2905.32 or 6937  
2907.21 of the Revised Code and that the mental illness, status 6938  
as a person with an intellectual disability, or fact that the 6939  
offender was a victim of a violation of section 2905.32 or 6940  
2907.21 of the Revised Code was a factor leading to that 6941  
offense, the offender has been assessed by a psychiatrist, 6942  
psychologist, independent social worker, licensed professional 6943  
clinical counselor, or independent marriage and family therapist 6944  
for the purpose of determining the offender's program 6945  
eligibility for intervention in lieu of conviction and 6946  
recommending an appropriate intervention plan. 6947

(6) The offender's drug usage, alcohol usage, mental 6948  
illness, or intellectual disability, or the fact that the 6949  
offender was a victim of a violation of section 2905.32 or 6950  
2907.21 of the Revised Code, whichever is applicable, was a 6951  
factor leading to the criminal offense with which the offender 6952  
is charged, intervention in lieu of conviction would demean 6953  
the seriousness of the offense, and intervention would 6954  
substantially reduce the likelihood of any future criminal 6955  
activity. 6956

(7) The alleged victim of the offense was not sixty-five 6957  
years of age or older, permanently and totally disabled, under 6958  
thirteen years of age, or a peace officer engaged in the 6959  
officer's official duties at the time of the alleged offense. 6960

(8) If the offender is charged with a violation of section 6961  
2925.24 of the Revised Code, the alleged violation did not 6962  
result in physical harm to any person. 6963

(9) The offender is willing to comply with all terms and 6964  
conditions imposed by the court pursuant to division (D) of this 6965  
section. 6966

(10) The offender is not charged with an offense that 6967  
would result in the offender being disqualified under Chapter 6968  
4506. of the Revised Code from operating a commercial motor 6969  
vehicle or would subject the offender to any other sanction 6970  
under that chapter. 6971

(C) At the conclusion of a hearing held pursuant to 6972  
division (A) of this section, the court shall enter its 6973  
determination as to whether the offender will be granted 6974  
intervention in lieu of conviction. If the court finds under 6975  
this division and division (B) of this section that the offender 6976  
is eligible for intervention in lieu of conviction and grants 6977  
the offender's request, the court shall accept the offender's 6978  
plea of guilty and waiver of the defendant's right to a speedy 6979  
trial, the preliminary hearing, the time period within which the 6980  
grand jury may consider an indictment against the offender, and 6981  
arraignment, unless the hearing, indictment, or arraignment has 6982  
already occurred. In addition, the court then may stay all 6983  
criminal proceedings and order the offender to comply with all 6984  
terms and conditions imposed by the court pursuant to division 6985  
(D) of this section. If the court finds that the offender is not 6986

eligible or does not grant the offender's request, the criminal 6987  
proceedings against the offender shall proceed as if the 6988  
offender's request for intervention in lieu of conviction had 6989  
not been made. 6990

(D) If the court grants an offender's request for 6991  
intervention in lieu of conviction, the court shall place the 6992  
offender under the general control and supervision of the county 6993  
probation department, the adult parole authority, or another 6994  
appropriate local probation or court services agency, if one 6995  
exists, as if the offender was subject to a community control 6996  
sanction imposed under section 2929.15, 2929.18, or 2929.25 of 6997  
the Revised Code. The court shall establish an intervention plan 6998  
for the offender. The terms and conditions of the intervention 6999  
plan shall require the offender, for at least one year from the 7000  
date on which the court grants the order of intervention in lieu 7001  
of conviction, to abstain from the use of illegal drugs and 7002  
alcohol, to participate in treatment and recovery support 7003  
services, and to submit to regular random testing for drug and 7004  
alcohol use and may include any other treatment terms and 7005  
conditions, or terms and conditions similar to community control 7006  
sanctions, which may include community service or restitution, 7007  
that are ordered by the court. 7008

(E) If the court grants an offender's request for 7009  
intervention in lieu of conviction and the court finds that the 7010  
offender has successfully completed the intervention plan for 7011  
the offender, including the requirement that the offender 7012  
abstain from using illegal drugs and alcohol for a period of at 7013  
least one year from the date on which the court granted the 7014  
order of intervention in lieu of conviction, the requirement 7015  
that the offender participate in treatment and recovery support 7016  
services, and all other terms and conditions ordered by the 7017

court, the court shall dismiss the proceedings against the 7018  
offender. Successful completion of the intervention plan and 7019  
period of abstinence under this section shall be without 7020  
adjudication of guilt and is not a criminal conviction for 7021  
purposes of any disqualification or disability imposed by law 7022  
and upon conviction of a crime, and the court may order the 7023  
sealing of records related to the offense in question in the 7024  
manner provided in sections 2953.31 to 2953.36 of the Revised 7025  
Code. 7026

(F) If the court grants an offender's request for 7027  
intervention in lieu of conviction and the offender fails to 7028  
comply with any term or condition imposed as part of the 7029  
intervention plan for the offender, the supervising authority 7030  
for the offender promptly shall advise the court of this 7031  
failure, and the court shall hold a hearing to determine whether 7032  
the offender failed to comply with any term or condition imposed 7033  
as part of the plan. If the court determines that the offender 7034  
has failed to comply with any of those terms and conditions, it 7035  
may continue the offender on intervention in lieu of conviction, 7036  
continue the offender on intervention in lieu of conviction with 7037  
additional terms, conditions, and sanctions, or enter a finding 7038  
of guilty and impose an appropriate sanction under Chapter 2929. 7039  
of the Revised Code. If the court sentences the offender to a 7040  
prison term, the court, after consulting with the department of 7041  
rehabilitation and correction regarding the availability of 7042  
services, may order continued court-supervised activity and 7043  
treatment of the offender during the prison term and, upon 7044  
consideration of reports received from the department concerning 7045  
the offender's progress in the program of activity and 7046  
treatment, may consider judicial release under section 2929.20 7047  
of the Revised Code. 7048

(G) As used in this section:	7049
(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	7050 7051
(2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	7052 7053
(3) "Intervention in lieu of conviction" means any court-supervised activity that complies with this section.	7054 7055
(4) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code.	7056 7057
(5) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	7058 7059
(6) "Mental illness" and "psychiatrist" have the same meanings as in section 5122.01 of the Revised Code.	7060 7061
(7) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	7062 7063
<b>Sec. 2953.32.</b> (A) (1) Except as provided in section 2953.61 of the Revised Code, an eligible offender may apply to the sentencing court if convicted in this state, or to a court of common pleas if convicted in another state or in a federal court, for the sealing of the record of the case that pertains to the conviction. Application may be made at one of the following times:	7064 7065 7066 7067 7068 7069 7070
(a) At the expiration of three years after the offender's final discharge if convicted of one felony;	7071 7072
(b) When division (A) (1) (a) of section 2953.31 of the Revised Code applies to the offender, at the expiration of four years after the offender's final discharge if convicted of two	7073 7074 7075

felonies, or at the expiration of five years after final 7076  
discharge if convicted of three, four, or five felonies; 7077

(c) At the expiration of one year after the offender's 7078  
final discharge if convicted of a misdemeanor. 7079

(2) Any person who has been arrested for any misdemeanor 7080  
offense and who has effected a bail forfeiture for the offense 7081  
charged may apply to the court in which the misdemeanor criminal 7082  
case was pending when bail was forfeited for the sealing of the 7083  
record of the case that pertains to the charge. Except as 7084  
provided in section 2953.61 of the Revised Code, the application 7085  
may be filed at any time after the expiration of one year from 7086  
the date on which the bail forfeiture was entered upon the 7087  
minutes of the court or the journal, whichever entry occurs 7088  
first. 7089

(B) Upon the filing of an application under this section, 7090  
the court shall set a date for a hearing and shall notify the 7091  
prosecutor for the case of the hearing on the application not 7092  
less than sixty days prior to the hearing. The prosecutor shall 7093  
provide timely notice to a victim and victim's representative, 7094  
if applicable, if the victim or victim's representative 7095  
requested notice of the proceedings in the underlying case. The 7096  
prosecutor may object to the granting of the application by 7097  
filing an objection with the court prior to the date set for the 7098  
hearing. The prosecutor shall specify in the objection the 7099  
reasons for believing a denial of the application is justified. 7100  
The victim, victim's representative, and victim's attorney, if 7101  
applicable, may be present and heard orally, in writing, or both 7102  
at any hearing under this section. The court shall direct its 7103  
regular probation officer, a state probation officer, or the 7104  
department of probation of the county in which the applicant 7105

resides to make inquiries and written reports as the court 7106  
requires concerning the applicant. The probation officer or 7107  
county department of probation that the court directs to make 7108  
inquiries concerning the applicant shall determine whether or 7109  
not the applicant was fingerprinted at the time of arrest or 7110  
under section 109.60 of the Revised Code. If the applicant was 7111  
so fingerprinted, the probation officer or county department of 7112  
probation shall include with the written report a record of the 7113  
applicant's fingerprints. If the applicant was convicted of or 7114  
pleaded guilty to a violation of division (A) (2) or (B) of 7115  
section 2919.21 of the Revised Code, the probation officer or 7116  
county department of probation that the court directed to make 7117  
inquiries concerning the applicant shall contact the child 7118  
support enforcement agency enforcing the applicant's obligations 7119  
under the child support order to inquire about the offender's 7120  
compliance with the child support order. 7121

(C) (1) The court shall do each of the following: 7122

(a) Determine whether the applicant is an eligible 7123  
offender or whether the forfeiture of bail was agreed to by the 7124  
applicant and the prosecutor in the case. If the applicant 7125  
applies as an eligible offender pursuant to division (A) (1) of 7126  
this section and has two or three convictions that result from 7127  
the same indictment, information, or complaint, from the same 7128  
plea of guilty, or from the same official proceeding, and result 7129  
from related criminal acts that were committed within a three- 7130  
month period but do not result from the same act or from 7131  
offenses committed at the same time, in making its determination 7132  
under this division, the court initially shall determine whether 7133  
it is not in the public interest for the two or three 7134  
convictions to be counted as one conviction. If the court 7135  
determines that it is not in the public interest for the two or 7136

three convictions to be counted as one conviction, the court 7137  
shall determine that the applicant is not an eligible offender; 7138  
if the court does not make that determination, the court shall 7139  
determine that the offender is an eligible offender. 7140

(b) Determine whether criminal proceedings are pending 7141  
against the applicant; 7142

(c) If the applicant is an eligible offender who applies 7143  
pursuant to division (A) (1) of this section, determine whether 7144  
the applicant has been rehabilitated to the satisfaction of the 7145  
court; 7146

(d) If the prosecutor has filed an objection in accordance 7147  
with division (B) of this section, consider the reasons against 7148  
granting the application specified by the prosecutor in the 7149  
objection; 7150

(e) Weigh the interests of the applicant in having the 7151  
records pertaining to the applicant's conviction or bail 7152  
forfeiture sealed against the legitimate needs, if any, of the 7153  
government to maintain those records; 7154

(f) Consider the oral or written statement of any victim, 7155  
victim's representative, and victim's attorney, if applicable. 7156

(2) If the court determines, after complying with division 7157  
(C) (1) of this section, that the applicant is an eligible 7158  
offender or the subject of a bail forfeiture, that no criminal 7159  
proceeding is pending against the applicant, that the interests 7160  
of the applicant in having the records pertaining to the 7161  
applicant's conviction or bail forfeiture sealed are not 7162  
outweighed by any legitimate governmental needs to maintain 7163  
those records, and that the rehabilitation of an applicant who 7164  
is an eligible offender applying pursuant to division (A) (1) of 7165

this section has been attained to the satisfaction of the court, 7166  
the court, except as provided in division (C) (4), (G), (H), or 7167  
(I) of this section, shall order all official records of the 7168  
case that pertain to the conviction or bail forfeiture sealed 7169  
and, except as provided in division (F) of this section, all 7170  
index references to the case that pertain to the conviction or 7171  
bail forfeiture deleted and, in the case of bail forfeitures, 7172  
shall dismiss the charges in the case. The proceedings in the 7173  
case that pertain to the conviction or bail forfeiture shall be 7174  
considered not to have occurred and the conviction or bail 7175  
forfeiture of the person who is the subject of the proceedings 7176  
shall be sealed, except that upon conviction of a subsequent 7177  
offense, the sealed record of prior conviction or bail 7178  
forfeiture may be considered by the court in determining the 7179  
sentence or other appropriate disposition, including the relief 7180  
provided for in sections 2953.31 to 2953.33 of the Revised Code. 7181

(3) An applicant may request the sealing of the records of 7182  
more than one case in a single application under this section. 7183  
Upon the filing of an application under this section, the 7184  
applicant, unless indigent, shall pay a fee of fifty dollars, 7185  
regardless of the number of records the application requests to 7186  
have sealed. The court shall pay thirty dollars of the fee into 7187  
the state treasury. It shall pay twenty dollars of the fee into 7188  
the county general revenue fund if the sealed conviction or bail 7189  
forfeiture was pursuant to a state statute, or into the general 7190  
revenue fund of the municipal corporation involved if the sealed 7191  
conviction or bail forfeiture was pursuant to a municipal 7192  
ordinance. 7193

(4) If the court orders the official records pertaining to 7194  
the case sealed, the court shall do one of the following: 7195

(a) If the applicant was fingerprinted at the time of 7196  
arrest or under section 109.60 of the Revised Code and the 7197  
record of the applicant's fingerprints was provided to the court 7198  
under division (B) of this section, forward a copy of the 7199  
sealing order and the record of the applicant's fingerprints to 7200  
the bureau of criminal identification and investigation. 7201

(b) If the applicant was not fingerprinted at the time of 7202  
arrest or under section 109.60 of the Revised Code, or the 7203  
record of the applicant's fingerprints was not provided to the 7204  
court under division (B) of this section, but fingerprinting was 7205  
required for the offense, order the applicant to appear before a 7206  
sheriff to have the applicant's fingerprints taken according to 7207  
the fingerprint system of identification on the forms furnished 7208  
by the superintendent of the bureau of criminal identification 7209  
and investigation. The sheriff shall forward the applicant's 7210  
fingerprints to the court. The court shall forward the 7211  
applicant's fingerprints and a copy of the sealing order to the 7212  
bureau of criminal identification and investigation. 7213

Failure of the court to order fingerprints at the time of 7214  
sealing does not constitute a reversible error. 7215

(D) Inspection of the sealed records included in the order 7216  
may be made only by the following persons or for the following 7217  
purposes: 7218

(1) By a law enforcement officer or prosecutor, or the 7219  
assistants of either, to determine whether the nature and 7220  
character of the offense with which a person is to be charged 7221  
would be affected by virtue of the person's previously having 7222  
been convicted of a crime; 7223

(2) By the parole or probation officer of the person who 7224

is the subject of the records, for the exclusive use of the 7225  
officer in supervising the person while on parole or under a 7226  
community control sanction or a post-release control sanction, 7227  
and in making inquiries and written reports as requested by the 7228  
court or adult parole authority; 7229

(3) Upon application by the person who is the subject of 7230  
the records, by the persons named in the application; 7231

(4) By a law enforcement officer who was involved in the 7232  
case, for use in the officer's defense of a civil action arising 7233  
out of the officer's involvement in that case; 7234

(5) By a prosecuting attorney or the prosecuting 7235  
attorney's assistants, to determine a defendant's eligibility to 7236  
enter a pre-trial diversion program established pursuant to 7237  
section 2935.36 of the Revised Code; 7238

(6) By any law enforcement agency or any authorized 7239  
employee of a law enforcement agency or by the department of 7240  
rehabilitation and correction or department of youth services as 7241  
part of a background investigation of a person who applies for 7242  
employment with the agency or with the department; 7243

(7) By any law enforcement agency or any authorized 7244  
employee of a law enforcement agency, for the purposes set forth 7245  
in, and in the manner provided in, section 2953.321 of the 7246  
Revised Code; 7247

(8) By the bureau of criminal identification and 7248  
investigation or any authorized employee of the bureau for the 7249  
purpose of providing information to a board or person pursuant 7250  
to division (F) or (G) of section 109.57 of the Revised Code; 7251

(9) By the bureau of criminal identification and 7252  
investigation or any authorized employee of the bureau for the 7253

purpose of performing a criminal history records check on a 7254  
person to whom a certificate as prescribed in section 109.77 of 7255  
the Revised Code is to be awarded; 7256

(10) By the bureau of criminal identification and 7257  
investigation or any authorized employee of the bureau for the 7258  
purpose of conducting a criminal records check of an individual 7259  
pursuant to division (B) of section 109.572 of the Revised Code 7260  
that was requested pursuant to any of the sections identified in 7261  
division (B)(1) of that section; 7262

(11) By the bureau of criminal identification and 7263  
investigation, an authorized employee of the bureau, a sheriff, 7264  
or an authorized employee of a sheriff in connection with a 7265  
criminal records check described in section 311.41 of the 7266  
Revised Code; 7267

(12) By the attorney general or an authorized employee of 7268  
the attorney general or a court for purposes of determining a 7269  
person's classification pursuant to Chapter 2950. of the Revised 7270  
Code; 7271

(13) By a court, the registrar of motor vehicles, a 7272  
prosecuting attorney or the prosecuting attorney's assistants, 7273  
or a law enforcement officer for the purpose of assessing points 7274  
against a person under section 4510.036 of the Revised Code or 7275  
for taking action with regard to points assessed. 7276

When the nature and character of the offense with which a 7277  
person is to be charged would be affected by the information, it 7278  
may be used for the purpose of charging the person with an 7279  
offense. 7280

(E) In any criminal proceeding, proof of any otherwise 7281  
admissible prior conviction may be introduced and proved, 7282

notwithstanding the fact that for any such prior conviction an 7283  
order of sealing previously was issued pursuant to sections 7284  
2953.31 to 2953.36 of the Revised Code. 7285

(F) The person or governmental agency, office, or 7286  
department that maintains sealed records pertaining to 7287  
convictions or bail forfeitures that have been sealed pursuant 7288  
to this section may maintain a manual or computerized index to 7289  
the sealed records. The index shall contain only the name of, 7290  
and alphanumeric identifiers that relate to, the persons who are 7291  
the subject of the sealed records, the word "sealed," and the 7292  
name of the person, agency, office, or department that has 7293  
custody of the sealed records, and shall not contain the name of 7294  
the crime committed. The index shall be made available by the 7295  
person who has custody of the sealed records only for the 7296  
purposes set forth in divisions (C), (D), and (E) of this 7297  
section. 7298

(G) Notwithstanding any provision of this section or 7299  
section 2953.33 of the Revised Code that requires otherwise, a 7300  
board of education of a city, local, exempted village, or joint 7301  
vocational school district that maintains records of an 7302  
individual who has been permanently excluded under sections 7303  
3301.121 and 3313.662 of the Revised Code is permitted to 7304  
maintain records regarding a conviction that was used as the 7305  
basis for the individual's permanent exclusion, regardless of a 7306  
court order to seal the record. An order issued under this 7307  
section to seal the record of a conviction does not revoke the 7308  
adjudication order of the superintendent of public instruction 7309  
to permanently exclude the individual who is the subject of the 7310  
sealing order. An order issued under this section to seal the 7311  
record of a conviction of an individual may be presented to a 7312  
district superintendent as evidence to support the contention 7313

that the superintendent should recommend that the permanent 7314  
exclusion of the individual who is the subject of the sealing 7315  
order be revoked. Except as otherwise authorized by this 7316  
division and sections 3301.121 and 3313.662 of the Revised Code, 7317  
any school employee in possession of or having access to the 7318  
sealed conviction records of an individual that were the basis 7319  
of a permanent exclusion of the individual is subject to section 7320  
2953.35 of the Revised Code. 7321

(H) For purposes of sections 2953.31 to 2953.36 of the 7322  
Revised Code, DNA records collected in the DNA database and 7323  
fingerprints filed for record by the superintendent of the 7324  
bureau of criminal identification and investigation shall not be 7325  
sealed unless the superintendent receives a certified copy of a 7326  
final court order establishing that the offender's conviction 7327  
has been overturned. For purposes of this section, a court order 7328  
is not "final" if time remains for an appeal or application for 7329  
discretionary review with respect to the order. 7330

(I) The sealing of a record under this section does not 7331  
affect the assessment of points under section 4510.036 of the 7332  
Revised Code and does not erase points assessed against a person 7333  
as a result of the sealed record. 7334

**Section 2.** That existing sections 109.42, 149.43, 7335  
2151.356, 2151.358, 2152.20, 2152.81, 2152.811, 2907.02, 7336  
2907.05, 2907.10, 2929.18, 2929.20, 2929.22, 2929.28, 2930.01, 7337  
2930.02, 2930.03, 2930.04, 2930.05, 2930.06, 2930.062, 2930.08, 7338  
2930.09, 2930.11, 2930.12, 2930.13, 2930.14, 2930.15, 2930.16, 7339  
2930.17, 2930.18, 2930.19, 2937.11, 2945.481, 2945.482, 2945.72, 7340  
2947.051, 2951.041, and 2953.32 of the Revised Code are hereby 7341  
repealed. 7342

**Section 3.** That section 2930.07 of the Revised Code is 7343

hereby repealed. 7344

**Section 4.** The General Assembly, applying the principle 7345  
stated in division (B) of section 1.52 of the Revised Code that 7346  
amendments are to be harmonized if reasonably capable of 7347  
simultaneous operation, finds that the following sections, 7348  
presented in this act as composites of the sections as amended 7349  
by the acts indicated, are the resulting versions of the 7350  
sections in effect prior to the effective date of the sections 7351  
as presented in this act: 7352

Section 109.42 of the Revised Code as amended by both H.B. 7353  
1 and S.B. 201 of the 132nd General Assembly. 7354

Section 2907.02 of the Revised Code as amended by both 7355  
S.B. 201 and S.B. 229 of the 132nd General Assembly. 7356

Section 2907.05 of the Revised Code as amended by both 7357  
S.B. 201 and S.B. 229 of the 132nd General Assembly. 7358

Section 2951.041 of the Revised Code as amended by S.B. 4, 7359  
S.B. 33, and S.B. 66, all of the 132nd General Assembly. 7360