

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.**

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.

Sec. 149.43. (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 age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;
- (b) The social security number, birth date, or photographic image of a person under the age of eighteen;
- (c) Any medical record, history, or information pertaining to a person under the age of eighteen;
- (d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.
- (11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code.
- (12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.
- (13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.
- (14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.
- (15) "Body-worn camera" means a visual and audio recording device worn on the person of a peace officer while the peace officer is engaged in the performance of the peace officer's duties.

(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-~~ 2273
recorded in accordance with this division. If a juvenile judge 2274
issues an order to ~~video tape record~~ the deposition, the judge 2275
shall exclude from the room in which the deposition is to be 2276
taken every person except the victim with a developmental 2277
disability giving the testimony, the judge, one or more 2278
interpreters if needed, the victim's attorney, if applicable, 2279
the attorneys for the prosecution and the child who is charged 2280
with the violation or act, any person needed to operate the 2281
equipment to be used, one person, who is not a witness, chosen 2282
by the victim with a developmental disability giving the 2283
deposition, the victim's representative, and any person whose 2284
presence the judge determines would contribute to the welfare 2285
and well-being of the victim with a developmental disability 2286
giving the deposition. The person chosen by the victim with a 2287
developmental disability ~~shall not be a witness in the~~ 2288
~~proceeding and,~~ both before and during the deposition, shall not 2289
discuss the testimony of the victim with any other witness in 2290
the proceeding. To the extent feasible, any person operating the 2291
recording equipment shall be restricted to a room adjacent to 2292
the room in which the deposition is being taken, or to a 2293
location in the room in which the deposition is being taken that 2294
is behind a screen or mirror so that the person operating the 2295
recording equipment can see and hear, but cannot be seen or 2296
heard by, the victim with a developmental disability giving the 2297
deposition during the deposition. 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
Sec. 2929.18. (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 3527
control sanction, under appropriate conditions; 3528

(c) Place the offender under the supervision of the 3529
department of probation serving the court or under the 3530
supervision of the adult parole authority. 3531

(2) The court, in its discretion, may revoke the judicial 3532
release if the offender violates the community control sanction 3533
described in division (R) (1) of this section. The period of that 3534
community control is not subject to the five-year limitation 3535
described in division (K) of this section and shall not expire 3536
earlier than the date on which all of the offender's mandatory 3537
prison terms expire. 3538

(S) If the health of an offender who is released under 3539
division (N) of this section improves so that the offender is no 3540
longer terminally ill, medically incapacitated, or in imminent 3541
danger of death, the court shall, upon the court's own motion, 3542
revoke the judicial release. The court shall not grant the 3543
motion without a hearing unless the offender waives a hearing. 3544
If a hearing is held, the court shall afford the offender and 3545
the offender's attorney an opportunity to present written and, 3546
if the offender or the offender's attorney is present, oral 3547
information relevant to the motion. The court shall afford a 3548
similar opportunity to the prosecuting attorney, the victim~~or,~~ 3549
the victim's representative, the victim's attorney, if 3550
applicable, and any other person the court determines is likely 3551
to present additional relevant information. A court that grants 3552
a motion under this division shall specify its findings on the 3553
record. 3554

Sec. 2929.22. (A) Unless a mandatory jail term is required 3555
to be imposed by division (G) of section 1547.99, division (B) 3556

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) " Crime <u>Criminal offense</u> " means any of the following:	4000
(1) A felony;	4001
(2) A violation of section 2903.05, 2903.06, 2903.13,	4002
2903.21, 2903.211, 2903.22, 2907.06, 2919.25, or 2921.04 of the	4003
Revised Code, a violation of section 2903.07 of the Revised Code	4004
as it existed prior to March 23, 2000, or a violation of a	4005
substantially equivalent municipal ordinance;	4006
(3) A violation of division (A) or (B) of section 4511.19,	4007
division (A) or (B) of section 1547.11, or division (A) (3) of	4008
section 4561.15 of the Revised Code or of a municipal ordinance	4009
substantially similar to any of those divisions that is the	4010
proximate cause of a vehicle, streetcar, trackless trolley,	4011
aquatic device, or aircraft accident in which the victim	4012
receives injuries for which the victim receives medical	4013
treatment either at the scene of the accident by emergency	4014
medical services personnel or at a hospital, ambulatory care	4015
facility, physician's office, specialist's office, or other	4016
medical care facility.	4017
(4) A motor vehicle accident to which both of the	4018
following apply:	4019
(a) The motor vehicle accident is caused by a violation of	4020
a provision of the Revised Code that is a misdemeanor of the	4021
first degree or higher.	4022
(b) As a result of the motor vehicle accident, the victim	4023
receives injuries for which the victim receives medical	4024
treatment either at the scene of the accident by emergency	4025
medical services personnel or at a hospital, ambulatory care	4026
facility, physician's office, specialist's office, or other	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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- (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 a document regarding a case that is submitted to a court, a law enforcement agency or officer, or a prosecutor or filed with a clerk of court, including, but not limited to, pleadings, motions, exhibits, transcripts, orders, and judgments, or any documentation prepared by a court, clerk of court, or law enforcement agency or officer, or a prosecutor regarding a case. 4733
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(b) "Case document" does not include materials subject to the work product doctrine, materials that by law are subject to privilege or confidentiality, or materials that are otherwise protected or prohibited from disclosure by state or federal law. 4740
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(2) "Court" has the same meaning as in section 2930.01 of the Revised Code and includes a court of appeals and the supreme court. 4744
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(3) "Minor victim" means any person who was under eighteen years of age at the time of the commission of the criminal offense or delinquent act of which the person is a victim. 4747
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(4) "Public office" and "public official" have the same meanings as in section 149.011 of the Revised Code. 4750
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(B) (1) (a) The victim and victim's representative, if applicable, have the right at any court proceeding, including any juvenile court proceeding, not to testify regarding the victim's address, telephone number, place of employment, or other locating information unless the victim specifically consents or the court orders disclosure on finding that a compelling need exists to disclose that information. 4752
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(b) The court proceeding to determine if a compelling need exists to disclose that information shall be in-camera. The 4759
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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 attorney shall not comment on the victim's refusal to be interviewed or deposed. If the defendant or the defendant's attorney comments at trial on the victim's refusal to be interviewed or deposed, the court shall instruct the jury that the victim has the right to refuse an interview or deposition.

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

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

(B) If a motion, request, or agreement between ~~counsel~~ the prosecutor and the defendant's or alleged juvenile offender's attorney is made in a case, including a motion, request, or agreement for a continuance of the case, and the motion, request, or agreement might result in a ~~substantial~~ delay in the prosecution of the case, the prosecutor ~~in the case, to the extent practicable and,~~ if the victim or victim's representative has requested notice pursuant to ~~division (B) of~~ section 2930.03 of the Revised Code, shall inform the victim and victim's representative, if applicable, that the motion, request, or agreement has been made and that it might result in a delay. If the victim, victim's representative, or victim's attorney, if applicable, objects to the delay, the prosecutor shall inform the court of the ~~victim's~~ objections, and the court shall consider the ~~victim's~~ objections and the victim's right to a speedy disposition of the case in ruling on the motion, request, or agreement.

(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.~~ 5752
The 5753
court shall ~~give~~ allow the defendant or alleged juvenile 5754
offender to review a copy of any written impact statement made 5755
by the victim or victim's representative under this section and 5756
shall give either the adult parole authority or the department 5757
of youth services, whichever is applicable, a copy of any 5758
written impact statement made by the victim or victim's 5759
representative under this division.

(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 6807
writ filed pursuant to section 2930.19 of the Revised Code is 6808
pending. 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
Sec. 2953.32. (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