

As Reported by the House Criminal Justice Committee

134th General Assembly

Regular Session

2021-2022

Sub. H. B. No. 343

Representative White

**Cosponsors: Representatives Seitz, Stewart, Carfagna, Galonski, Ginter, Young,
T., Leland**

A BILL

To amend sections 9.39, 109.42, 109.91, 149.43, 1
1901.31, 1907.20, 2151.356, 2151.358, 2152.20, 2
2152.81, 2152.811, 2335.35, 2743.191, 2743.70, 3
2907.02, 2907.05, 2907.10, 2929.18, 2929.20, 4
2929.22, 2929.28, 2930.01, 2930.02, 2930.03, 5
2930.04, 2930.05, 2930.06, 2930.062, 2930.08, 6
2930.09, 2930.11, 2930.12, 2930.13, 2930.14, 7
2930.15, 2930.16, 2930.17, 2930.18, 2930.19, 8
2937.11, 2945.481, 2945.482, 2945.72, 2947.051, 9
2951.041, and 2953.32; to enact new section 10
2930.07 and sections 2152.203, 2929.281, 11
2930.011, 2930.041, 2930.042, 2930.043, 12
2930.044, 2930.051, 2930.063, 2930.071, 13
2930.072, 2930.121, 2930.131, 2930.161, 14
2930.162, 2930.171, 2930.191, and 2945.483; and 15
to repeal section 2930.07 of the Revised Code to 16
make changes relative to the rights of crime 17
victims. 18

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

Section 1. That sections 9.39, 109.42, 109.91, 149.43, 19
1901.31, 1907.20, 2151.356, 2151.358, 2152.20, 2152.81, 20
2152.811, 2335.35, 2743.191, 2743.70, 2907.02, 2907.05, 2907.10, 21
2929.18, 2929.20, 2929.22, 2929.28, 2930.01, 2930.02, 2930.03, 22
2930.04, 2930.05, 2930.06, 2930.062, 2930.08, 2930.09, 2930.11, 23
2930.12, 2930.13, 2930.14, 2930.15, 2930.16, 2930.17, 2930.18, 24
2930.19, 2937.11, 2945.481, 2945.482, 2945.72, 2947.051, 25
2951.041, and 2953.32 be amended and new section 2930.07 and 26
sections 2152.203, 2929.281, 2930.011, 2930.041, 2930.042, 27
2930.043, 2930.044, 2930.051, 2930.063, 2930.071, 2930.072, 28
2930.121, 2930.131, 2930.161, 2930.162, 2930.171, 2930.191, and 29
2945.483 of the Revised Code be enacted to read as follows: 30

Sec. 9.39. All public officials are liable for all public 31
money received or collected by them or by their subordinates 32
under color of office. All money received or collected by a 33
public official under color of office and not otherwise paid out 34
according to law shall be paid into the treasury of the public 35
office with which ~~he~~ the public official is connected to the 36
credit of a trust fund and shall be retained there until claimed 37
by its lawful owner. If not claimed within a period of five 38
years, the money shall revert to the general fund of the public 39
office, except for the unclaimed money in the reparations fund 40
created under section 2743.191 of the Revised Code. 41

Sec. 109.42. (A) The attorney general shall prepare and 42
have printed a pamphlet that contains a compilation of all 43
constitutional provisions and statutes relative to victim's 44
rights in which the attorney general lists and explains the 45
constitutional provisions and statutes in the form of a victim's 46
bill of rights. The attorney general shall ~~distribute~~ make the 47
pamphlet available to all sheriffs, marshals, municipal 48
corporation and township police departments, constables, and 49

other law enforcement agencies, to all prosecuting attorneys, 50
city directors of law, village solicitors, and other similar 51
chief legal officers of municipal corporations, and to 52
organizations that represent or provide services for victims of 53
crime. The victim's bill of rights set forth in the pamphlet 54
shall contain a description of all of the rights of victims that 55
are provided for in the Ohio Constitution, or in Chapter 2930. 56
or ~~in~~ any other section of the Revised Code and shall include, 57
but not be limited to, all of the following: 58

(1) The right of a victim ~~or~~ and a victim's 59
representative, if applicable, to attend a proceeding before a 60
grand jury, in a juvenile delinquency case, or in a criminal 61
case ~~pursuant to a subpoena~~ without being discharged from the 62
victim's or victim's representative's employment, having the 63
victim's or victim's representative's employment terminated, 64
having the victim's or victim's representative's pay decreased 65
or withheld, or otherwise being punished, penalized, or 66
threatened as a result of time lost from regular employment 67
because of the victim's or victim's representative's attendance 68
at the proceeding ~~pursuant to the subpoena~~, as set forth in 69
section 2151.211, 2930.18, 2939.121, or 2945.451 of the Revised 70
Code; 71

(2) The potential availability pursuant to section 72
2151.359 or 2152.61 of the Revised Code of a forfeited 73
recognizance to pay damages caused by a child when the 74
delinquency of the child or child's violation of probation or 75
community control is found to be proximately caused by the 76
failure of the child's parent or guardian to subject the child 77
to reasonable parental authority or to faithfully discharge the 78
conditions of probation or community control; 79

(3) The availability of awards of reparations pursuant to 80
sections 2743.51 to 2743.72 of the Revised Code for injuries 81
caused by criminal offenses; 82

~~(4) The right of the victim in certain criminal or 83
juvenile cases or a victim's representative to receive, pursuant 84
to section 2930.06 of the Revised Code, notice of the date, 85
time, and place of the trial or delinquency proceeding in the 86
case or, if there will not be a trial or delinquency proceeding, 87
information from the prosecutor, as defined in section 2930.01- 88
of the Revised Code, regarding the disposition of the case; 89~~

~~(5) The right of the victim in certain criminal or 90
juvenile cases or a victim's representative to receive, pursuant 91
to section 2930.04, 2930.05, or 2930.06 of the Revised Code, 92
notice of the name of the person charged with the violation, the 93
case or docket number assigned to the charge, and a telephone 94
number or numbers that can be called to obtain information about 95
the disposition of the case; 96~~

~~(6) The right of the victim in certain criminal or 97
juvenile cases or of the victim's representative pursuant to 98
section 2930.13 or 2930.14 of the Revised Code, subject to any 99
reasonable terms set by the court as authorized under section 100
2930.14 of the Revised Code, to make a statement about the 101
victimization and, if applicable, a statement relative to the 102
sentencing or disposition of the offender; 103~~

~~(7) The opportunity to obtain a court order, pursuant to 104
section 2945.04 of the Revised Code, to prevent or stop the 105
commission of the offense of intimidation of a crime victim or 106
witness or an offense against the person or property of the 107
complainant, or of the complainant's ward or child; 108~~

~~(8)~~ (5) The right of the victim ~~in certain criminal or~~ 109
~~juvenile cases or a~~ and the victim's representative pursuant to 110
the Ohio Constitution and sections 2151.38, 2929.20, 2930.10, 111
2930.16, and 2930.17 of the Revised Code to receive notice of a 112
pending motion for judicial release, release pursuant to section 113
2967.19 of the Revised Code, or other early release of the 114
person who committed the offense against the victim, to make ~~an~~ 115
~~oral or written~~ a statement orally, in writing, or both at the 116
court hearing on the motion, and to be notified of the court's 117
decision on the motion; 118

~~(9)~~ (6) The right of the victim ~~in certain criminal or~~ 119
~~juvenile cases or a~~ and the victim's representative, if 120
applicable, pursuant to the Ohio Constitution and section 121
2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised 122
Code to receive notice of any pending commutation, pardon, 123
parole, transitional control, discharge, other form of 124
authorized release, post-release control, or supervised release 125
for the person who committed the offense against the victim or 126
any application for release of that person and to send a written 127
statement relative to the victimization and the pending action 128
to the adult parole authority or the release authority of the 129
department of youth services; 130

~~(10)~~ (7) The right of the victim to bring a civil action 131
pursuant to sections 2969.01 to 2969.06 of the Revised Code to 132
obtain money from the offender's profit fund; 133

~~(11)~~ (8) The right, pursuant to section 3109.09 of the 134
Revised Code, to maintain a civil action to recover compensatory 135
damages not exceeding ten thousand dollars and costs from the 136
parent of a minor who willfully damages property through the 137
commission of an act that would be a theft offense, as defined 138

in section 2913.01 of the Revised Code, if committed by an adult; 139
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~~(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; 141
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~~(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; 146
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~~(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;~~ 151
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~~(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 161
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the time of the offense to seek the issuance of a temporary 169
protection order pursuant to section 2919.26 of the Revised 170
Code, and the right of both types of victims to be accompanied 171
by a victim advocate during court proceedings; 172

~~(16)~~ (12) The right of a victim of a sexually oriented 173
offense or of a child-victim oriented offense that is committed 174
by a person who is convicted of, pleads guilty to, or is 175
adjudicated a delinquent child for committing the offense and 176
who is in a category specified in division (B) of section 177
2950.10 of the Revised Code to receive, pursuant to that 178
section, notice that the person has registered with a sheriff 179
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 180
and notice of the person's name, the person's residence that is 181
registered, and the offender's school, institution of higher 182
education, or place of employment address or addresses that are 183
registered, the person's photograph, and a summary of the manner 184
in which the victim must make a request to receive the notice. 185
As used in this division, "sexually oriented offense" and 186
"child-victim oriented offense" have the same meanings as in 187
section 2950.01 of the Revised Code. 188

~~(17)~~ (13) The right of a victim of certain sexually 189
violent offenses committed by an offender who also is convicted 190
of or pleads guilty to a sexually violent predator specification 191
and who is sentenced to a prison term pursuant to division (A) 192
(3) of section 2971.03 of the Revised Code, of a victim of a 193
violation of division (A) (1) (b) of section 2907.02 of the 194
Revised Code committed on or after January 2, 2007, by an 195
offender who is sentenced for the violation pursuant to division 196
(B) (1) (a), (b), or (c) of section 2971.03 of the Revised Code, 197
of a victim of an attempted rape committed on or after January 198
2, 2007, by an offender who also is convicted of or pleads 199

guilty to a specification of the type described in section 200
2941.1418, 2941.1419, or 2941.1420 of the Revised Code and is 201
sentenced for the violation pursuant to division (B)(2)(a), (b), 202
or (c) of section 2971.03 of the Revised Code, and of a victim 203
of an offense that is described in division (B)(3)(a), (b), (c), 204
or (d) of section 2971.03 of the Revised Code and is committed 205
by an offender who is sentenced pursuant to one of those 206
divisions to receive, pursuant to section 2930.16 of the Revised 207
Code, notice of a hearing to determine whether to modify the 208
requirement that the offender serve the entire prison term in a 209
state correctional facility, whether to continue, revise, or 210
revoke any existing modification of that requirement, or whether 211
to terminate the prison term. As used in this division, 212
"sexually violent offense" and "sexually violent predator 213
specification" have the same meanings as in section 2971.01 of 214
the Revised Code. 215

(B)(1)(a) ~~Subject to division (B)(1)(c) of this section, a~~ 216
A prosecuting attorney, assistant prosecuting attorney, city 217
director of law, assistant city director of law, village 218
solicitor, assistant village solicitor, or similar chief legal 219
officer of a municipal corporation or an assistant of any of 220
those officers who prosecutes an offense committed in this 221
state, upon first contact with the victim of the offense, the 222
victim's family, or the victim's dependents, shall give the 223
victim, the victim's family, or the victim's dependents a copy 224
of the victim's rights request form created under section 225
2930.04 of the Revised Code, or a similar form that, at a 226
minimum, contains all the required information listed in that 227
section, and the pamphlet prepared pursuant to division (A) of 228
this section and explain, upon request, the information in the 229
form and pamphlet to the victim, the victim's family, or the 230

victim's dependents. The victim may receive either through the 231
online version of the pamphlet published to the attorney 232
general's web site, or as a paper copy, upon request. 233

~~(b) Subject to division (B)(1)(c) of this section, a~~ A law 234
enforcement agency that investigates ~~an~~ a criminal offense or 235
delinquent act committed in this state shall give the victim of 236
the criminal offense or delinquent act, the victim's family, or 237
the victim's dependents a copy of the form and pamphlet prepared 238
pursuant to division (A) of this section at one of the following 239
times: 240

(i) Upon first contact with the victim, the victim's 241
family, or the victim's dependents~~+~~, a peace officer from the 242
law enforcement agency investigating the criminal offense or 243
delinquent act against the victim shall determine whether the 244
victim has access to the internet and whether the victim would 245
prefer to access the victim's rights pamphlet online or if the 246
victim requires a paper copy. The peace officer may give the 247
victim a paper copy upon first contact, if requested, or the 248
peace officer may provide the victim with the attorney general's 249
telephone number to access the pamphlet at a later time. The 250
attorney general shall provide a web site address at which a 251
printable version of the victim's rights pamphlet that can be 252
downloaded and printed locally may be found. The attorney 253
general shall provide limited paper copies of the victim's 254
rights pamphlets upon request to law enforcement agencies that 255
order copies directly from the attorney general and to law 256
enforcement agencies and prosecutors to provide to victims who 257
do not have internet access or who would prefer a paper copy. 258
The attorney general shall create a page within the attorney 259
general's web site that is easy to access and navigate that 260
contains the entire content of the victim's rights pamphlet and 261

a link to the web site address at which a printable version of 262
the victim's rights pamphlet may be found. 263

(ii) If the ~~offense or delinquent act is an offense of~~ 264
~~violence, if the~~ circumstances of the criminal offense or 265
delinquent act and the condition of the victim, the victim's 266
family, or the victim's dependents indicate that the victim, the 267
victim's family, or the victim's dependents will not be able to 268
understand the significance of the form and pamphlet upon first 269
contact with the agency, and if the agency anticipates that it 270
will have an additional contact with the victim, the victim's 271
family, or the victim's dependents, upon the agency's second 272
contact with the victim, the victim's family, or the victim's 273
dependents. 274

If the agency does not give the victim, the victim's 275
family, or the victim's dependents a copy of the form and 276
pamphlet upon first contact with them and does not have a second 277
contact with the victim, the victim's family, or the victim's 278
dependents, the agency shall mail a copy of the form and 279
pamphlet to the victim, the victim's family, or the victim's 280
dependents at their last known address. 281

(c) (i) The attorney general shall create an information 282
card which contains all of the following: 283

(I) An outline list of victim's rights contained in the 284
Ohio Constitution and Revised Code; 285

(II) A reference to the victim's rights request form; 286

(III) The attorney general's crime victim's services 287
office telephone number, electronic mailing address, web site 288
address, and contact address, and a description of how to access 289
victim's rights information; 290

(IV) The Ohio crime victim's justice center's telephone 291
number, electronic mailing address, and contact address, and the 292
web site address for accessing the center's victim's rights 293
toolkit. 294

(ii) Upon first contact with the victim, the law 295
enforcement agency shall provide the victim with the information 296
card. 297

~~(c) In complying on and after December 9, 1994, with the~~ 298
~~duties imposed by division (B) (1) (a) or (b) of this section, an~~ 299
~~official or a law enforcement agency shall use copies of the~~ 300
~~pamphlet that are in the official's or agency's possession on~~ 301
~~December 9, 1994, until the official or agency has distributed~~ 302
~~all of those copies. After the official or agency has~~ 303
~~distributed all of those copies, the official or agency shall~~ 304
~~use only copies of the pamphlet that contain at least the~~ 305
~~information described in divisions (A) (1) to (17) of this~~ 306
~~section.~~ 307

~~(2) The failure of a law enforcement agency or of a~~ 308
~~prosecuting attorney, assistant prosecuting attorney, city~~ 309
~~director of law, assistant city director of law, village~~ 310
~~solicitor, assistant village solicitor, or similar chief legal~~ 311
~~officer of a municipal corporation or an assistant to any of~~ 312
~~those officers to give, as required by division (B) (1) of this~~ 313
~~section, the victim of an offense or delinquent act, the~~ 314
~~victim's family, or the victim's dependents a copy of the~~ 315
~~pamphlet prepared pursuant to division (A) of this section does~~ 316
~~not give the victim, the victim's family, the victim's~~ 317
~~dependents, or a victim's representative any rights under~~ 318
~~section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to~~ 319
~~2969.06, 3109.09, or 3109.10 of the Revised Code or under any~~ 320

~~other provision of the Revised Code and does not affect any~~ 321
~~right under those sections.~~ 322

~~(3)~~ A law enforcement agency, a prosecuting attorney or 323
assistant prosecuting attorney, or a city director of law, 324
assistant city director of law, village solicitor, assistant 325
village solicitor, or similar chief legal officer of a municipal 326
corporation that distributes a copy of the form and pamphlet 327
prepared pursuant to division (A) of this section shall not be 328
required to distribute a copy of an information card or other 329
printed material provided by the clerk of the court of claims 330
pursuant to section 2743.71 of the Revised Code. 331

(C) The cost of printing and distributing the form and 332
pamphlet prepared pursuant to division (A) of this section shall 333
be paid out of the reparations fund, created pursuant to section 334
2743.191 of the Revised Code, in accordance with division (D) of 335
that section. 336

(D) As used in this section: 337

(1) ~~"Victim's "Criminal offense," "delinquent act," and~~ 338
~~"victim's representative" has have the same meaning meanings as~~ 339
in section 2930.01 of the Revised Code; 340

(2) "Victim advocate" has the same meaning as in section 341
2919.26 of the Revised Code. 342

Sec. 109.91. (A) There is hereby established within the 343
office of the attorney general the crime victims assistance 344
office. 345

(B) There is hereby established the state victims 346
assistance advisory council. The council shall consist of a 347
chairperson, to be appointed by the attorney general, three ex 348
officio members, and ~~seventeen~~ twenty-one members to be 349

appointed by the attorney general as follows: one member who 350
represents the Ohio victim-witness association; three members 351
who represent local victim assistance programs, including one 352
from a municipally operated program and one from a county- 353
operated program; one member who represents the interests of 354
elderly victims; one member who represents the interests of 355
individuals with mental illness; one member who is a board 356
member of any statewide or local organization that exists 357
primarily to aid victims of domestic violence or who is an 358
employee of, or counselor for, such an organization; one member 359
who is a board member of any statewide or local organization 360
that exists primarily to aid victims of sexual violence or who 361
is an employee of or a counselor for an organization that exists 362
primarily to aid victims of sexual violence; one member who is a 363
board member or employee of any statewide organization that 364
exists primarily to provide no cost legal representation to 365
crime victims to seek enforcement of crime victims' rights 366
during criminal proceedings; one member who is an employee of an 367
agency that provides services to individuals with developmental 368
or intellectual disabilities; one member of a victim service 369
disability agency; one employee from a statewide forensic 370
nursing organization; one member who is an employee or officer 371
of a county probation department or a probation department 372
operated by the department of rehabilitation and correction; one 373
member who is a county prosecuting attorney; one member who is a 374
city law director; one member who is a county sheriff; one 375
member who is a member or officer of a township or municipal 376
police department; one member who is a court of common pleas 377
judge; one member who is a municipal court judge or county court 378
judge; and two members who are private citizens and are not 379
government employees. 380

The council shall include the following ex officio, 381
nonvoting members: the attorney general, one member of the 382
senate to be designated by the president of the senate, and one 383
member of the house of representatives to be designated by the 384
speaker of the house. 385

Members of the council shall serve without compensation, 386
but shall be reimbursed for travel and other necessary expenses 387
that are incurred in the conduct of their official duties as 388
members of the council. The chairperson and members of the 389
council appointed by the attorney general shall serve at the 390
pleasure of the attorney general. The attorney general shall 391
serve on the council until the end of the term of office that 392
qualified the attorney general for membership on the council. 393
The member of the senate and the member of the house of 394
representatives shall serve at the pleasure of the president of 395
the senate and the speaker of the house of representatives, 396
respectively. 397

(C) The victims assistance advisory council shall perform 398
all of the following duties: 399

(1) Advise the crime victims assistance office in 400
determining crime and delinquency victim service needs, 401
determining crime and delinquency victim policies for the state, 402
and improving and exercising leadership in the quality of crime 403
and delinquency victim programs in the state; 404

(2) Review and recommend to the crime victims assistance 405
office the victim assistance programs that should be considered 406
for the receipt of state financial assistance pursuant to 407
section 109.92 of the Revised Code. The financial assistance 408
allocation recommendations of the council shall be based on the 409
following priorities: 410

(a) Programs in existence on July 1, 1985, shall be given first priority;	411 412
(b) Programs offering or proposing to offer the broadest range of services and referrals to the community served, including medical, psychological, financial, educational, vocational, and legal services that were not in existence on July 1, 1985, shall be given second priority;	413 414 415 416 417
(c) Other qualified programs shall be given last priority.	418
(3) Provide advice and counsel to the attorney general in determining the needs of victims of domestic violence and developing a policy for the attorney general in the administration of the domestic violence program fund created under section 109.46 of the Revised Code;	419 420 421 422 423
(4) Make recommendations to the attorney general in the distribution of domestic violence program funds under section 109.46 of the Revised Code.	424 425 426
(D) As used in this section and section 109.92 of the Revised Code, "victim assistance program" includes, but is not limited to a program that provides at least one of the following:	427 428 429 430
(1) Services to victims of any offense of violence or delinquent act that would be an offense of violence if committed by an adult;	431 432 433
(2) Financial assistance or property repair services to victims of crime or delinquent acts;	434 435
(3) Assistance to victims of crime or delinquent acts in judicial proceedings;	436 437
(4) Assistance to victims of crime or delinquent acts	438

under the operation of any political subdivision of the state or 439
a branch of the criminal justice system set forth in division 440
(B) (1) (a), (b), or (c) of section 5502.61 of the Revised Code; 441

(5) Technical assistance to persons or organizations that 442
provide services to victims of crime or delinquent acts under 443
the operation of a branch of the criminal justice system set 444
forth in division (B) (1) (a), (b), or (c) of section 5502.61 of 445
the Revised Code. 446

A victim assistance program does not include the program 447
for the reparation of crime victims established pursuant to 448
Chapter 2743. of the Revised Code. 449

Sec. 149.43. (A) As used in this section: 450

(1) "Public record" means records kept by any public 451
office, including, but not limited to, state, county, city, 452
village, township, and school district units, and records 453
pertaining to the delivery of educational services by an 454
alternative school in this state kept by the nonprofit or for- 455
profit entity operating the alternative school pursuant to 456
section 3313.533 of the Revised Code. "Public record" does not 457
mean any of the following: 458

(a) Medical records; 459

(b) Records pertaining to probation and parole 460
proceedings, to proceedings related to the imposition of 461
community control sanctions and post-release control sanctions, 462
or to proceedings related to determinations under section 463
2967.271 of the Revised Code regarding the release or maintained 464
incarceration of an offender to whom that section applies; 465

(c) Records pertaining to actions under section 2151.85 466
and division (C) of section 2919.121 of the Revised Code and to 467

appeals of actions arising under those sections;	468
(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;	469 470 471
(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;	472 473 474 475 476 477
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	478 479
(g) Trial preparation records;	480
(h) Confidential law enforcement investigatory records;	481
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	482 483
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	484 485
(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;	486 487 488 489
(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;	490 491 492 493
(m) Intellectual property records;	494

(n) Donor profile records;	495
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	496 497
(p) Designated public service worker residential and familial information;	498 499
(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;	500 501 502 503 504
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	505 506
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	507 508 509 510 511 512 513 514 515 516 517 518
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	519 520 521 522 523

(u) Test materials, examinations, or evaluation tools used	524
in an examination for licensure as a nursing home administrator	525
that the board of executives of long-term services and supports	526
administers under section 4751.15 of the Revised Code or	527
contracts under that section with a private or government entity	528
to administer;	529
(v) Records the release of which is prohibited by state or	530
federal law;	531
(w) Proprietary information of or relating to any person	532
that is submitted to or compiled by the Ohio venture capital	533
authority created under section 150.01 of the Revised Code;	534
(x) Financial statements and data any person submits for	535
any purpose to the Ohio housing finance agency or the	536
controlling board in connection with applying for, receiving, or	537
accounting for financial assistance from the agency, and	538
information that identifies any individual who benefits directly	539
or indirectly from financial assistance from the agency;	540
(y) Records listed in section 5101.29 of the Revised Code;	541
(z) Discharges recorded with a county recorder under	542
section 317.24 of the Revised Code, as specified in division (B)	543
(2) of that section;	544
(aa) Usage information including names and addresses of	545
specific residential and commercial customers of a municipally	546
owned or operated public utility;	547
(bb) Records described in division (C) of section 187.04	548
of the Revised Code that are not designated to be made available	549
to the public as provided in that division;	550
(cc) Information and records that are made confidential,	551

privileged, and not subject to disclosure under divisions (B) 552
and (C) of section 2949.221 of the Revised Code; 553

(dd) Personal information, as defined in section 149.45 of 554
the Revised Code; 555

(ee) The confidential name, address, and other personally 556
identifiable information of a program participant in the address 557
confidentiality program established under sections 111.41 to 558
111.47 of the Revised Code, including the contents of any 559
application for absent voter's ballots, absent voter's ballot 560
identification envelope statement of voter, or provisional 561
ballot affirmation completed by a program participant who has a 562
confidential voter registration record; records or portions of 563
records pertaining to that program that identify the number of 564
program participants that reside within a precinct, ward, 565
township, municipal corporation, county, or any other geographic 566
area smaller than the state; and any real property 567
confidentiality notice filed under section 111.431 of the 568
Revised Code and the information described in division (C) of 569
that section. As used in this division, "confidential address" 570
and "program participant" have the meaning defined in section 571
111.41 of the Revised Code. 572

(ff) Orders for active military service of an individual 573
serving or with previous service in the armed forces of the 574
United States, including a reserve component, or the Ohio 575
organized militia, except that, such order becomes a public 576
record on the day that is fifteen years after the published date 577
or effective date of the call to order; 578

(gg) The name, address, contact information, or other 579
personal information of an individual who is less than eighteen 580
years of age that is included in any record related to a traffic 581

accident involving a school vehicle in which the individual was 582
an occupant at the time of the accident; 583

(hh) Protected health information, as defined in 45 C.F.R. 584
160.103, that is in a claim for payment for a health care 585
product, service, or procedure, as well as any other health 586
claims data in another document that reveals the identity of an 587
individual who is the subject of the data or could be used to 588
reveal that individual's identity; 589

(ii) Any depiction by photograph, film, videotape, or 590
printed or digital image under either of the following 591
circumstances: 592

(i) The depiction is that of a victim of an offense the 593
release of which would be, to a reasonable person of ordinary 594
sensibilities, an offensive and objectionable intrusion into the 595
victim's expectation of bodily privacy and integrity. 596

(ii) The depiction captures or depicts the victim of a 597
sexually oriented offense, as defined in section 2950.01 of the 598
Revised Code, at the actual occurrence of that offense. 599

(jj) Restricted portions of a body-worn camera or 600
dashboard camera recording; 601

(kk) In the case of a fetal-infant mortality review board 602
acting under sections 3707.70 to 3707.77 of the Revised Code, 603
records, documents, reports, or other information presented to 604
the board or a person abstracting such materials on the board's 605
behalf, statements made by review board members during board 606
meetings, all work products of the board, and data submitted by 607
the board to the department of health or a national infant death 608
review database, other than the report prepared pursuant to 609
section 3707.77 of the Revised Code. 610

(ll) Records, documents, reports, or other information 611
presented to the pregnancy-associated mortality review board 612
established under section 3738.01 of the Revised Code, 613
statements made by board members during board meetings, all work 614
products of the board, and data submitted by the board to the 615
department of health, other than the biennial reports prepared 616
under section 3738.08 of the Revised Code; 617

(mm) Except as otherwise provided in division (A) (1) (oo) 618
of this section, telephone numbers for a victim, as defined in 619
section 2930.01 of the Revised Code or a witness to a crime that 620
are listed on any law enforcement record or report. 621

(nn) A preneed funeral contract, as defined in section 622
4717.01 of the Revised Code, and contract terms and personally 623
identifying information of a preneed funeral contract, that is 624
contained in a report submitted by or for a funeral home to the 625
board of embalmers and funeral directors under division (C) of 626
section 4717.13, division (J) of section 4717.31, or section 627
4717.41 of the Revised Code. 628

(oo) Telephone numbers for a party to a motor vehicle 629
accident subject to the requirements of section 5502.11 of the 630
Revised Code that are listed on any law enforcement record or 631
report, except that the telephone numbers described in this 632
division are not excluded from the definition of "public record" 633
under this division on and after the thirtieth day after the 634
occurrence of the motor vehicle accident. 635

(pp) Records, documents, and information the release of 636
which is prohibited under sections 2930.04 and 2930.07 of the 637
Revised Code. 638

A record that is not a public record under division (A) (1) 639

of this section and that, under law, is permanently retained 640
becomes a public record on the day that is seventy-five years 641
after the day on which the record was created, except for any 642
record protected by the attorney-client privilege, a trial 643
preparation record as defined in this section, a statement 644
prohibiting the release of identifying information signed under 645
section 3107.083 of the Revised Code, a denial of release form 646
filed pursuant to section 3107.46 of the Revised Code, or any 647
record that is exempt from release or disclosure under section 648
149.433 of the Revised Code. If the record is a birth 649
certificate and a biological parent's name redaction request 650
form has been accepted under section 3107.391 of the Revised 651
Code, the name of that parent shall be redacted from the birth 652
certificate before it is released under this paragraph. If any 653
other section of the Revised Code establishes a time period for 654
disclosure of a record that conflicts with the time period 655
specified in this section, the time period in the other section 656
prevails. 657

(2) "Confidential law enforcement investigatory record" 658
means any record that pertains to a law enforcement matter of a 659
criminal, quasi-criminal, civil, or administrative nature, but 660
only to the extent that the release of the record would create a 661
high probability of disclosure of any of the following: 662

(a) The identity of a suspect who has not been charged 663
with the offense to which the record pertains, or of an 664
information source or witness to whom confidentiality has been 665
reasonably promised; 666

(b) Information provided by an information source or 667
witness to whom confidentiality has been reasonably promised, 668
which information would reasonably tend to disclose the source's 669

or witness's identity; 670

(c) Specific confidential investigatory techniques or 671
procedures or specific investigatory work product; 672

(d) Information that would endanger the life or physical 673
safety of law enforcement personnel, a crime victim, a witness, 674
or a confidential information source. 675

(3) "Medical record" means any document or combination of 676
documents, except births, deaths, and the fact of admission to 677
or discharge from a hospital, that pertains to the medical 678
history, diagnosis, prognosis, or medical condition of a patient 679
and that is generated and maintained in the process of medical 680
treatment. 681

(4) "Trial preparation record" means any record that 682
contains information that is specifically compiled in reasonable 683
anticipation of, or in defense of, a civil or criminal action or 684
proceeding, including the independent thought processes and 685
personal trial preparation of an attorney. 686

(5) "Intellectual property record" means a record, other 687
than a financial or administrative record, that is produced or 688
collected by or for faculty or staff of a state institution of 689
higher learning in the conduct of or as a result of study or 690
research on an educational, commercial, scientific, artistic, 691
technical, or scholarly issue, regardless of whether the study 692
or research was sponsored by the institution alone or in 693
conjunction with a governmental body or private concern, and 694
that has not been publicly released, published, or patented. 695

(6) "Donor profile record" means all records about donors 696
or potential donors to a public institution of higher education 697
except the names and reported addresses of the actual donors and 698

the date, amount, and conditions of the actual donation.	699
(7) "Designated public service worker" means a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, county or multicounty corrections officer, community-based correctional facility employee, designated Ohio national guard member, protective services worker, youth services employee, firefighter, EMT, medical director or member of a cooperating physician advisory board of an emergency medical service organization, state board of pharmacy employee, investigator of the bureau of criminal identification and investigation, emergency service telecommunicator, forensic mental health provider, mental health evaluation provider, regional psychiatric hospital employee, judge, magistrate, or federal law enforcement officer.	700 701 702 703 704 705 706 707 708 709 710 711 712 713
(8) "Designated public service worker residential and familial information" means any information that discloses any of the following about a designated public service worker:	714 715 716
(a) The address of the actual personal residence of a designated public service worker, except for the following information:	717 718 719
(i) The address of the actual personal residence of a prosecuting attorney or judge; and	720 721
(ii) The state or political subdivision in which a designated public service worker resides.	722 723
(b) Information compiled from referral to or participation in an employee assistance program;	724 725
(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit	726 727

card number, or the emergency telephone number of, or any 728
medical information pertaining to, a designated public service 729
worker; 730

(d) The name of any beneficiary of employment benefits, 731
including, but not limited to, life insurance benefits, provided 732
to a designated public service worker by the designated public 733
service worker's employer; 734

(e) The identity and amount of any charitable or 735
employment benefit deduction made by the designated public 736
service worker's employer from the designated public service 737
worker's compensation, unless the amount of the deduction is 738
required by state or federal law; 739

(f) The name, the residential address, the name of the 740
employer, the address of the employer, the social security 741
number, the residential telephone number, any bank account, 742
debit card, charge card, or credit card number, or the emergency 743
telephone number of the spouse, a former spouse, or any child of 744
a designated public service worker; 745

(g) A photograph of a peace officer who holds a position 746
or has an assignment that may include undercover or plain 747
clothes positions or assignments as determined by the peace 748
officer's appointing authority. 749

(9) As used in divisions (A) (7) and (15) to (17) of this 750
section: 751

"Peace officer" has the meaning defined in section 109.71 752
of the Revised Code and also includes the superintendent and 753
troopers of the state highway patrol; it does not include the 754
sheriff of a county or a supervisory employee who, in the 755
absence of the sheriff, is authorized to stand in for, exercise 756

the authority of, and perform the duties of the sheriff. 757

"Correctional employee" means any employee of the 758
department of rehabilitation and correction who in the course of 759
performing the employee's job duties has or has had contact with 760
inmates and persons under supervision. 761

"County or multicounty corrections officer" means any 762
corrections officer employed by any county or multicounty 763
correctional facility. 764

"Designated Ohio national guard member" means a member of 765
the Ohio national guard who is participating in duties related 766
to remotely piloted aircraft, including, but not limited to, 767
pilots, sensor operators, and mission intelligence personnel, 768
duties related to special forces operations, or duties related 769
to cybersecurity, and is designated by the adjutant general as a 770
designated public service worker for those purposes. 771

"Protective services worker" means any employee of a 772
county agency who is responsible for child protective services, 773
child support services, or adult protective services. 774

"Youth services employee" means any employee of the 775
department of youth services who in the course of performing the 776
employee's job duties has or has had contact with children 777
committed to the custody of the department of youth services. 778

"Firefighter" means any regular, paid or volunteer, member 779
of a lawfully constituted fire department of a municipal 780
corporation, township, fire district, or village. 781

"EMT" means EMTs-basic, EMTs-I, and paramedics that 782
provide emergency medical services for a public emergency 783
medical service organization. "Emergency medical service 784
organization," "EMT-basic," "EMT-I," and "paramedic" have the 785

meanings defined in section 4765.01 of the Revised Code.	786
"Investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code.	787 788 789
"Emergency service telecommunicator" has the meaning defined in section 4742.01 of the Revised Code.	790 791
"Forensic mental health provider" means any employee of a community mental health service provider or local alcohol, drug addiction, and mental health services board who, in the course of the employee's duties, has contact with persons committed to a local alcohol, drug addiction, and mental health services board by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code.	792 793 794 795 796 797 798
"Mental health evaluation provider" means an individual who, under Chapter 5122. of the Revised Code, examines a respondent who is alleged to be a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code, and reports to the probate court the respondent's mental condition.	799 800 801 802 803 804
"Regional psychiatric hospital employee" means any employee of the department of mental health and addiction services who, in the course of performing the employee's duties, has contact with patients committed to the department of mental health and addiction services by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code.	805 806 807 808 809 810 811
"Federal law enforcement officer" has the meaning defined in section 9.88 of the Revised Code.	812 813
(10) "Information pertaining to the recreational	814

activities of a person under the age of eighteen" means 815
information that is kept in the ordinary course of business by a 816
public office, that pertains to the recreational activities of a 817
person under the age of eighteen years, and that discloses any 818
of the following: 819

(a) The address or telephone number of a person under the 820
age of eighteen or the address or telephone number of that 821
person's parent, guardian, custodian, or emergency contact 822
person; 823

(b) The social security number, birth date, or 824
photographic image of a person under the age of eighteen; 825

(c) Any medical record, history, or information pertaining 826
to a person under the age of eighteen; 827

(d) Any additional information sought or required about a 828
person under the age of eighteen for the purpose of allowing 829
that person to participate in any recreational activity 830
conducted or sponsored by a public office or to use or obtain 831
admission privileges to any recreational facility owned or 832
operated by a public office. 833

(11) "Community control sanction" has the meaning defined 834
in section 2929.01 of the Revised Code. 835

(12) "Post-release control sanction" has the meaning 836
defined in section 2967.01 of the Revised Code. 837

(13) "Redaction" means obscuring or deleting any 838
information that is exempt from the duty to permit public 839
inspection or copying from an item that otherwise meets the 840
definition of a "record" in section 149.011 of the Revised Code. 841

(14) "Designee," "elected official," and "future official" 842

have the meanings defined in section 109.43 of the Revised Code. 843

(15) "Body-worn camera" means a visual and audio recording 844
device worn on the person of a peace officer while the peace 845
officer is engaged in the performance of the peace officer's 846
duties. 847

(16) "Dashboard camera" means a visual and audio recording 848
device mounted on a peace officer's vehicle or vessel that is 849
used while the peace officer is engaged in the performance of 850
the peace officer's duties. 851

(17) "Restricted portions of a body-worn camera or 852
dashboard camera recording" means any visual or audio portion of 853
a body-worn camera or dashboard camera recording that shows, 854
communicates, or discloses any of the following: 855

(a) The image or identity of a child or information that 856
could lead to the identification of a child who is a primary 857
subject of the recording when the law enforcement agency knows 858
or has reason to know the person is a child based on the law 859
enforcement agency's records or the content of the recording; 860

(b) The death of a person or a deceased person's body, 861
unless the death was caused by a peace officer or, subject to 862
division (H)(1) of this section, the consent of the decedent's 863
executor or administrator has been obtained; 864

(c) The death of a peace officer, firefighter, paramedic, 865
or other first responder, occurring while the decedent was 866
engaged in the performance of official duties, unless, subject 867
to division (H)(1) of this section, the consent of the 868
decedent's executor or administrator has been obtained; 869

(d) Grievous bodily harm, unless the injury was effected 870
by a peace officer or, subject to division (H)(1) of this 871

section, the consent of the injured person or the injured person's guardian has been obtained; 872
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(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 person or the injured person's guardian has been obtained; 874
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(f) Grievous bodily harm to a peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained; 879
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(g) An act of severe violence resulting in serious physical harm against a peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained; 885
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(h) A person's nude body, unless, subject to division (H) (1) of this section, the person's consent has been obtained; 891
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(i) Protected health information, the identity of a person in a health care facility who is not the subject of a law enforcement encounter, or any other information in a health care facility that could identify a person who is not the subject of a law enforcement encounter; 893
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(j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence; 898
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(k) Information, that does not constitute a confidential 900

law enforcement investigatory record, that could identify a 901
person who provides sensitive or confidential information to a 902
law enforcement agency when the disclosure of the person's 903
identity or the information provided could reasonably be 904
expected to threaten or endanger the safety or property of the 905
person or another person; 906

(l) Personal information of a person who is not arrested, 907
cited, charged, or issued a written warning by a peace officer; 908

(m) Proprietary police contingency plans or tactics that 909
are intended to prevent crime and maintain public order and 910
safety; 911

(n) A personal conversation unrelated to work between 912
peace officers or between a peace officer and an employee of a 913
law enforcement agency; 914

(o) A conversation between a peace officer and a member of 915
the public that does not concern law enforcement activities; 916

(p) The interior of a residence, unless the interior of a 917
residence is the location of an adversarial encounter with, or a 918
use of force by, a peace officer; 919

(q) Any portion of the interior of a private business that 920
is not open to the public, unless an adversarial encounter with, 921
or a use of force by, a peace officer occurs in that location. 922

As used in division (A) (17) of this section: 923

"Grievous bodily harm" has the same meaning as in section 924
5924.120 of the Revised Code. 925

"Health care facility" has the same meaning as in section 926
1337.11 of the Revised Code. 927

"Protected health information" has the same meaning as in	928
45 C.F.R. 160.103.	929
"Law enforcement agency" has the same meaning as in	930
section 2925.61 of the Revised Code.	931
"Personal information" means any government-issued	932
identification number, date of birth, address, financial	933
information, or criminal justice information from the law	934
enforcement automated data system or similar databases.	935
"Sex offense" has the same meaning as in section 2907.10	936
of the Revised Code.	937
"Firefighter," "paramedic," and "first responder" have the	938
same meanings as in section 4765.01 of the Revised Code.	939
(B) (1) Upon request by any person and subject to division	940
(B) (8) of this section, all public records responsive to the	941
request shall be promptly prepared and made available for	942
inspection to the requester at all reasonable times during	943
regular business hours. Subject to division (B) (8) of this	944
section, upon request by any person, a public office or person	945
responsible for public records shall make copies of the	946
requested public record available to the requester at cost and	947
within a reasonable period of time. If a public record contains	948
information that is exempt from the duty to permit public	949
inspection or to copy the public record, the public office or	950
the person responsible for the public record shall make	951
available all of the information within the public record that	952
is not exempt. When making that public record available for	953
public inspection or copying that public record, the public	954
office or the person responsible for the public record shall	955
notify the requester of any redaction or make the redaction	956

plainly visible. A redaction shall be deemed a denial of a 957
request to inspect or copy the redacted information, except if 958
federal or state law authorizes or requires a public office to 959
make the redaction. 960

(2) To facilitate broader access to public records, a 961
public office or the person responsible for public records shall 962
organize and maintain public records in a manner that they can 963
be made available for inspection or copying in accordance with 964
division (B) of this section. A public office also shall have 965
available a copy of its current records retention schedule at a 966
location readily available to the public. If a requester makes 967
an ambiguous or overly broad request or has difficulty in making 968
a request for copies or inspection of public records under this 969
section such that the public office or the person responsible 970
for the requested public record cannot reasonably identify what 971
public records are being requested, the public office or the 972
person responsible for the requested public record may deny the 973
request but shall provide the requester with an opportunity to 974
revise the request by informing the requester of the manner in 975
which records are maintained by the public office and accessed 976
in the ordinary course of the public office's or person's 977
duties. 978

(3) If a request is ultimately denied, in part or in 979
whole, the public office or the person responsible for the 980
requested public record shall provide the requester with an 981
explanation, including legal authority, setting forth why the 982
request was denied. If the initial request was provided in 983
writing, the explanation also shall be provided to the requester 984
in writing. The explanation shall not preclude the public office 985
or the person responsible for the requested public record from 986
relying upon additional reasons or legal authority in defending 987

an action commenced under division (C) of this section. 988

(4) Unless specifically required or authorized by state or 989
federal law or in accordance with division (B) of this section, 990
no public office or person responsible for public records may 991
limit or condition the availability of public records by 992
requiring disclosure of the requester's identity or the intended 993
use of the requested public record. Any requirement that the 994
requester disclose the requester's identity or the intended use 995
of the requested public record constitutes a denial of the 996
request. 997

(5) A public office or person responsible for public 998
records may ask a requester to make the request in writing, may 999
ask for the requester's identity, and may inquire about the 1000
intended use of the information requested, but may do so only 1001
after disclosing to the requester that a written request is not 1002
mandatory, that the requester may decline to reveal the 1003
requester's identity or the intended use, and when a written 1004
request or disclosure of the identity or intended use would 1005
benefit the requester by enhancing the ability of the public 1006
office or person responsible for public records to identify, 1007
locate, or deliver the public records sought by the requester. 1008

(6) If any person requests a copy of a public record in 1009
accordance with division (B) of this section, the public office 1010
or person responsible for the public record may require the 1011
requester to pay in advance the cost involved in providing the 1012
copy of the public record in accordance with the choice made by 1013
the requester under this division. The public office or the 1014
person responsible for the public record shall permit the 1015
requester to choose to have the public record duplicated upon 1016
paper, upon the same medium upon which the public office or 1017

person responsible for the public record keeps it, or upon any 1018
other medium upon which the public office or person responsible 1019
for the public record determines that it reasonably can be 1020
duplicated as an integral part of the normal operations of the 1021
public office or person responsible for the public record. When 1022
the requester makes a choice under this division, the public 1023
office or person responsible for the public record shall provide 1024
a copy of it in accordance with the choice made by the 1025
requester. Nothing in this section requires a public office or 1026
person responsible for the public record to allow the requester 1027
of a copy of the public record to make the copies of the public 1028
record. 1029

(7) (a) Upon a request made in accordance with division (B) 1030
of this section and subject to division (B) (6) of this section, 1031
a public office or person responsible for public records shall 1032
transmit a copy of a public record to any person by United 1033
States mail or by any other means of delivery or transmission 1034
within a reasonable period of time after receiving the request 1035
for the copy. The public office or person responsible for the 1036
public record may require the person making the request to pay 1037
in advance the cost of postage if the copy is transmitted by 1038
United States mail or the cost of delivery if the copy is 1039
transmitted other than by United States mail, and to pay in 1040
advance the costs incurred for other supplies used in the 1041
mailing, delivery, or transmission. 1042

(b) Any public office may adopt a policy and procedures 1043
that it will follow in transmitting, within a reasonable period 1044
of time after receiving a request, copies of public records by 1045
United States mail or by any other means of delivery or 1046
transmission pursuant to division (B) (7) of this section. A 1047
public office that adopts a policy and procedures under division 1048

(B) (7) of this section shall comply with them in performing its 1049
duties under that division. 1050

(c) In any policy and procedures adopted under division 1051
(B) (7) of this section: 1052

(i) A public office may limit the number of records 1053
requested by a person that the office will physically deliver by 1054
United States mail or by another delivery service to ten per 1055
month, unless the person certifies to the office in writing that 1056
the person does not intend to use or forward the requested 1057
records, or the information contained in them, for commercial 1058
purposes; 1059

(ii) A public office that chooses to provide some or all 1060
of its public records on a web site that is fully accessible to 1061
and searchable by members of the public at all times, other than 1062
during acts of God outside the public office's control or 1063
maintenance, and that charges no fee to search, access, 1064
download, or otherwise receive records provided on the web site, 1065
may limit to ten per month the number of records requested by a 1066
person that the office will deliver in a digital format, unless 1067
the requested records are not provided on the web site and 1068
unless the person certifies to the office in writing that the 1069
person does not intend to use or forward the requested records, 1070
or the information contained in them, for commercial purposes. 1071

(iii) For purposes of division (B) (7) of this section, 1072
"commercial" shall be narrowly construed and does not include 1073
reporting or gathering news, reporting or gathering information 1074
to assist citizen oversight or understanding of the operation or 1075
activities of government, or nonprofit educational research. 1076

(8) A public office or person responsible for public 1077

records is not required to permit a person who is incarcerated 1078
pursuant to a criminal conviction or a juvenile adjudication to 1079
inspect or to obtain a copy of any public record concerning a 1080
criminal investigation or prosecution or concerning what would 1081
be a criminal investigation or prosecution if the subject of the 1082
investigation or prosecution were an adult, unless the request 1083
to inspect or to obtain a copy of the record is for the purpose 1084
of acquiring information that is subject to release as a public 1085
record under this section and the judge who imposed the sentence 1086
or made the adjudication with respect to the person, or the 1087
judge's successor in office, finds that the information sought 1088
in the public record is necessary to support what appears to be 1089
a justiciable claim of the person. 1090

(9) (a) Upon written request made and signed by a 1091
journalist, a public office, or person responsible for public 1092
records, having custody of the records of the agency employing a 1093
specified designated public service worker shall disclose to the 1094
journalist the address of the actual personal residence of the 1095
designated public service worker and, if the designated public 1096
service worker's spouse, former spouse, or child is employed by 1097
a public office, the name and address of the employer of the 1098
designated public service worker's spouse, former spouse, or 1099
child. The request shall include the journalist's name and title 1100
and the name and address of the journalist's employer and shall 1101
state that disclosure of the information sought would be in the 1102
public interest. 1103

(b) Division (B) (9) (a) of this section also applies to 1104
journalist requests for: 1105

(i) Customer information maintained by a municipally owned 1106
or operated public utility, other than social security numbers 1107

and any private financial information such as credit reports, 1108
payment methods, credit card numbers, and bank account 1109
information; 1110

(ii) Information about minors involved in a school vehicle 1111
accident as provided in division (A)(1)(gg) of this section, 1112
other than personal information as defined in section 149.45 of 1113
the Revised Code. 1114

(c) As used in division (B)(9) of this section, 1115
"journalist" means a person engaged in, connected with, or 1116
employed by any news medium, including a newspaper, magazine, 1117
press association, news agency, or wire service, a radio or 1118
television station, or a similar medium, for the purpose of 1119
gathering, processing, transmitting, compiling, editing, or 1120
disseminating information for the general public. 1121

(10) Upon a request made by a victim, victim's attorney, 1122
or victim's representative, as that term is used in section 1123
2930.02 of the Revised Code, a public office or person 1124
responsible for public records shall transmit a copy of a 1125
depiction of the victim as described in division (A)(1)(ii) of 1126
this section to the victim, victim's attorney, or victim's 1127
representative. 1128

(C)(1) If a person allegedly is aggrieved by the failure 1129
of a public office or the person responsible for public records 1130
to promptly prepare a public record and to make it available to 1131
the person for inspection in accordance with division (B) of 1132
this section or by any other failure of a public office or the 1133
person responsible for public records to comply with an 1134
obligation in accordance with division (B) of this section, the 1135
person allegedly aggrieved may do only one of the following, and 1136
not both: 1137

(a) File a complaint with the clerk of the court of claims 1138
or the clerk of the court of common pleas under section 2743.75 1139
of the Revised Code; 1140

(b) Commence a mandamus action to obtain a judgment that 1141
orders the public office or the person responsible for the 1142
public record to comply with division (B) of this section, that 1143
awards court costs and reasonable attorney's fees to the person 1144
that instituted the mandamus action, and, if applicable, that 1145
includes an order fixing statutory damages under division (C) (2) 1146
of this section. The mandamus action may be commenced in the 1147
court of common pleas of the county in which division (B) of 1148
this section allegedly was not complied with, in the supreme 1149
court pursuant to its original jurisdiction under Section 2 of 1150
Article IV, Ohio Constitution, or in the court of appeals for 1151
the appellate district in which division (B) of this section 1152
allegedly was not complied with pursuant to its original 1153
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1154

(2) If a requester transmits a written request by hand 1155
delivery, electronic submission, or certified mail to inspect or 1156
receive copies of any public record in a manner that fairly 1157
describes the public record or class of public records to the 1158
public office or person responsible for the requested public 1159
records, except as otherwise provided in this section, the 1160
requester shall be entitled to recover the amount of statutory 1161
damages set forth in this division if a court determines that 1162
the public office or the person responsible for public records 1163
failed to comply with an obligation in accordance with division 1164
(B) of this section. 1165

The amount of statutory damages shall be fixed at one 1166
hundred dollars for each business day during which the public 1167

office or person responsible for the requested public records 1168
failed to comply with an obligation in accordance with division 1169
(B) of this section, beginning with the day on which the 1170
requester files a mandamus action to recover statutory damages, 1171
up to a maximum of one thousand dollars. The award of statutory 1172
damages shall not be construed as a penalty, but as compensation 1173
for injury arising from lost use of the requested information. 1174
The existence of this injury shall be conclusively presumed. The 1175
award of statutory damages shall be in addition to all other 1176
remedies authorized by this section. 1177

The court may reduce an award of statutory damages or not 1178
award statutory damages if the court determines both of the 1179
following: 1180

(a) That, based on the ordinary application of statutory 1181
law and case law as it existed at the time of the conduct or 1182
threatened conduct of the public office or person responsible 1183
for the requested public records that allegedly constitutes a 1184
failure to comply with an obligation in accordance with division 1185
(B) of this section and that was the basis of the mandamus 1186
action, a well-informed public office or person responsible for 1187
the requested public records reasonably would believe that the 1188
conduct or threatened conduct of the public office or person 1189
responsible for the requested public records did not constitute 1190
a failure to comply with an obligation in accordance with 1191
division (B) of this section; 1192

(b) That a well-informed public office or person 1193
responsible for the requested public records reasonably would 1194
believe that the conduct or threatened conduct of the public 1195
office or person responsible for the requested public records 1196
would serve the public policy that underlies the authority that 1197

is asserted as permitting that conduct or threatened conduct. 1198

(3) In a mandamus action filed under division (C) (1) of 1199
this section, the following apply: 1200

(a) (i) If the court orders the public office or the person 1201
responsible for the public record to comply with division (B) of 1202
this section, the court shall determine and award to the relator 1203
all court costs, which shall be construed as remedial and not 1204
punitive. 1205

(ii) If the court makes a determination described in 1206
division (C) (3) (b) (iii) of this section, the court shall 1207
determine and award to the relator all court costs, which shall 1208
be construed as remedial and not punitive. 1209

(b) If the court renders a judgment that orders the public 1210
office or the person responsible for the public record to comply 1211
with division (B) of this section or if the court determines any 1212
of the following, the court may award reasonable attorney's fees 1213
to the relator, subject to division (C) (4) of this section: 1214

(i) The public office or the person responsible for the 1215
public records failed to respond affirmatively or negatively to 1216
the public records request in accordance with the time allowed 1217
under division (B) of this section. 1218

(ii) The public office or the person responsible for the 1219
public records promised to permit the relator to inspect or 1220
receive copies of the public records requested within a 1221
specified period of time but failed to fulfill that promise 1222
within that specified period of time. 1223

(iii) The public office or the person responsible for the 1224
public records acted in bad faith when the office or person 1225
voluntarily made the public records available to the relator for 1226

the first time after the relator commenced the mandamus action, 1227
but before the court issued any order concluding whether or not 1228
the public office or person was required to comply with division 1229
(B) of this section. No discovery may be conducted on the issue 1230
of the alleged bad faith of the public office or person 1231
responsible for the public records. This division shall not be 1232
construed as creating a presumption that the public office or 1233
the person responsible for the public records acted in bad faith 1234
when the office or person voluntarily made the public records 1235
available to the relator for the first time after the relator 1236
commenced the mandamus action, but before the court issued any 1237
order described in this division. 1238

(c) The court shall not award attorney's fees to the 1239
relator if the court determines both of the following: 1240

(i) That, based on the ordinary application of statutory 1241
law and case law as it existed at the time of the conduct or 1242
threatened conduct of the public office or person responsible 1243
for the requested public records that allegedly constitutes a 1244
failure to comply with an obligation in accordance with division 1245
(B) of this section and that was the basis of the mandamus 1246
action, a well-informed public office or person responsible for 1247
the requested public records reasonably would believe that the 1248
conduct or threatened conduct of the public office or person 1249
responsible for the requested public records did not constitute 1250
a failure to comply with an obligation in accordance with 1251
division (B) of this section; 1252

(ii) That a well-informed public office or person 1253
responsible for the requested public records reasonably would 1254
believe that the conduct or threatened conduct of the public 1255
office or person responsible for the requested public records 1256

would serve the public policy that underlies the authority that 1257
is asserted as permitting that conduct or threatened conduct. 1258

(4) All of the following apply to any award of reasonable 1259
attorney's fees awarded under division (C) (3) (b) of this 1260
section: 1261

(a) The fees shall be construed as remedial and not 1262
punitive. 1263

(b) The fees awarded shall not exceed the total of the 1264
reasonable attorney's fees incurred before the public record was 1265
made available to the relator and the fees described in division 1266
(C) (4) (c) of this section. 1267

(c) Reasonable attorney's fees shall include reasonable 1268
fees incurred to produce proof of the reasonableness and amount 1269
of the fees and to otherwise litigate entitlement to the fees. 1270

(d) The court may reduce the amount of fees awarded if the 1271
court determines that, given the factual circumstances involved 1272
with the specific public records request, an alternative means 1273
should have been pursued to more effectively and efficiently 1274
resolve the dispute that was subject to the mandamus action 1275
filed under division (C) (1) of this section. 1276

(5) If the court does not issue a writ of mandamus under 1277
division (C) of this section and the court determines at that 1278
time that the bringing of the mandamus action was frivolous 1279
conduct as defined in division (A) of section 2323.51 of the 1280
Revised Code, the court may award to the public office all court 1281
costs, expenses, and reasonable attorney's fees, as determined 1282
by the court. 1283

(D) Chapter 1347. of the Revised Code does not limit the 1284
provisions of this section. 1285

(E) (1) To ensure that all employees of public offices are 1286
appropriately educated about a public office's obligations under 1287
division (B) of this section, all elected officials or their 1288
appropriate designees shall attend training approved by the 1289
attorney general as provided in section 109.43 of the Revised 1290
Code. A future official may satisfy the requirements of this 1291
division by attending the training before taking office, 1292
provided that the future official may not send a designee in the 1293
future official's place. 1294

(2) All public offices shall adopt a public records policy 1295
in compliance with this section for responding to public records 1296
requests. In adopting a public records policy under this 1297
division, a public office may obtain guidance from the model 1298
public records policy developed and provided to the public 1299
office by the attorney general under section 109.43 of the 1300
Revised Code. Except as otherwise provided in this section, the 1301
policy may not limit the number of public records that the 1302
public office will make available to a single person, may not 1303
limit the number of public records that it will make available 1304
during a fixed period of time, and may not establish a fixed 1305
period of time before it will respond to a request for 1306
inspection or copying of public records, unless that period is 1307
less than eight hours. 1308

The public office shall distribute the public records 1309
policy adopted by the public office under this division to the 1310
employee of the public office who is the records custodian or 1311
records manager or otherwise has custody of the records of that 1312
office. The public office shall require that employee to 1313
acknowledge receipt of the copy of the public records policy. 1314
The public office shall create a poster that describes its 1315
public records policy and shall post the poster in a conspicuous 1316

place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

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

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

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

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or database by a person who intends to use or forward the copies for surveys, marketing, solicitation, or resale for commercial purposes. "Bulk commercial special

extraction request" does not include a request by a person who 1347
gives assurance to the bureau that the person making the request 1348
does not intend to use or forward the requested copies for 1349
surveys, marketing, solicitation, or resale for commercial 1350
purposes. 1351

(c) "Commercial" means profit-seeking production, buying, 1352
or selling of any good, service, or other product. 1353

(d) "Special extraction costs" means the cost of the time 1354
spent by the lowest paid employee competent to perform the task, 1355
the actual amount paid to outside private contractors employed 1356
by the bureau, or the actual cost incurred to create computer 1357
programs to make the special extraction. "Special extraction 1358
costs" include any charges paid to a public agency for computer 1359
or records services. 1360

(3) For purposes of divisions (F) (1) and (2) of this 1361
section, "surveys, marketing, solicitation, or resale for 1362
commercial purposes" shall be narrowly construed and does not 1363
include reporting or gathering news, reporting or gathering 1364
information to assist citizen oversight or understanding of the 1365
operation or activities of government, or nonprofit educational 1366
research. 1367

(G) A request by a defendant, counsel of a defendant, or 1368
any agent of a defendant in a criminal action that public 1369
records related to that action be made available under this 1370
section shall be considered a demand for discovery pursuant to 1371
the Criminal Rules, except to the extent that the Criminal Rules 1372
plainly indicate a contrary intent. The defendant, counsel of 1373
the defendant, or agent of the defendant making a request under 1374
this division shall serve a copy of the request on the 1375
prosecuting attorney, director of law, or other chief legal 1376

officer responsible for prosecuting the action. 1377

(H) (1) Any portion of a body-worn camera or dashboard 1378
camera recording described in divisions (A) (17) (b) to (h) of 1379
this section may be released by consent of the subject of the 1380
recording or a representative of that person, as specified in 1381
those divisions, only if either of the following applies: 1382

(a) The recording will not be used in connection with any 1383
probable or pending criminal proceedings; 1384

(b) The recording has been used in connection with a 1385
criminal proceeding that was dismissed or for which a judgment 1386
has been entered pursuant to Rule 32 of the Rules of Criminal 1387
Procedure, and will not be used again in connection with any 1388
probable or pending criminal proceedings. 1389

(2) If a public office denies a request to release a 1390
restricted portion of a body-worn camera or dashboard camera 1391
recording, as defined in division (A) (17) of this section, any 1392
person may file a mandamus action pursuant to this section or a 1393
complaint with the clerk of the court of claims pursuant to 1394
section 2743.75 of the Revised Code, requesting the court to 1395
order the release of all or portions of the recording. If the 1396
court considering the request determines that the filing 1397
articulates by clear and convincing evidence that the public 1398
interest in the recording substantially outweighs privacy 1399
interests and other interests asserted to deny release, the 1400
court shall order the public office to release the recording. 1401

Sec. 1901.31. The clerk and deputy clerks of a municipal 1402
court shall be selected, be compensated, give bond, and have 1403
powers and duties as follows: 1404

(A) There shall be a clerk of the court who is appointed 1405

or elected as follows: 1406

(1) (a) Except in the Akron, Barberton, Toledo, Hamilton 1407
county, Miami county, Montgomery county, Portage county, and 1408
Wayne county municipal courts and through December 31, 2008, the 1409
Cuyahoga Falls municipal court, if the population of the 1410
territory equals or exceeds one hundred thousand at the regular 1411
municipal election immediately preceding the expiration of the 1412
term of the present clerk, the clerk shall be nominated and 1413
elected by the qualified electors of the territory in the manner 1414
that is provided for the nomination and election of judges in 1415
section 1901.07 of the Revised Code. 1416

The clerk so elected shall hold office for a term of six 1417
years, which term shall commence on the first day of January 1418
following the clerk's election and continue until the clerk's 1419
successor is elected and qualified. 1420

(b) In the Hamilton county municipal court, the clerk of 1421
courts of Hamilton county shall be the clerk of the municipal 1422
court and may appoint an assistant clerk who shall receive the 1423
compensation, payable out of the treasury of Hamilton county in 1424
semimonthly installments, that the board of county commissioners 1425
prescribes. The clerk of courts of Hamilton county, acting as 1426
the clerk of the Hamilton county municipal court and assuming 1427
the duties of that office, shall receive compensation at one- 1428
fourth the rate that is prescribed for the clerks of courts of 1429
common pleas as determined in accordance with the population of 1430
the county and the rates set forth in sections 325.08 and 325.18 1431
of the Revised Code. This compensation shall be paid from the 1432
county treasury in semimonthly installments and is in addition 1433
to the annual compensation that is received for the performance 1434
of the duties of the clerk of courts of Hamilton county, as 1435

provided in sections 325.08 and 325.18 of the Revised Code. 1436

(c) In the Portage county and Wayne county municipal 1437
courts, the clerks of courts of Portage county and Wayne county 1438
shall be the clerks, respectively, of the Portage county and 1439
Wayne county municipal courts and may appoint a chief deputy 1440
clerk for each branch that is established pursuant to section 1441
1901.311 of the Revised Code and assistant clerks as the judges 1442
of the municipal court determine are necessary, all of whom 1443
shall receive the compensation that the legislative authority 1444
prescribes. The clerks of courts of Portage county and Wayne 1445
county, acting as the clerks of the Portage county and Wayne 1446
county municipal courts and assuming the duties of these 1447
offices, shall receive compensation payable from the county 1448
treasury in semimonthly installments at one-fourth the rate that 1449
is prescribed for the clerks of courts of common pleas as 1450
determined in accordance with the population of the county and 1451
the rates set forth in sections 325.08 and 325.18 of the Revised 1452
Code. 1453

(d) In the Montgomery county and Miami county municipal 1454
courts, the clerks of courts of Montgomery county and Miami 1455
county shall be the clerks, respectively, of the Montgomery 1456
county and Miami county municipal courts. The clerks of courts 1457
of Montgomery county and Miami county, acting as the clerks of 1458
the Montgomery county and Miami county municipal courts and 1459
assuming the duties of these offices, shall receive compensation 1460
at one-fourth the rate that is prescribed for the clerks of 1461
courts of common pleas as determined in accordance with the 1462
population of the county and the rates set forth in sections 1463
325.08 and 325.18 of the Revised Code. This compensation shall 1464
be paid from the county treasury in semimonthly installments and 1465
is in addition to the annual compensation that is received for 1466

the performance of the duties of the clerks of courts of 1467
Montgomery county and Miami county, as provided in sections 1468
325.08 and 325.18 of the Revised Code. 1469

(e) Except as otherwise provided in division (A) (1) (e) of 1470
this section, in the Akron municipal court, candidates for 1471
election to the office of clerk of the court shall be nominated 1472
by primary election. The primary election shall be held on the 1473
day specified in the charter of the city of Akron for the 1474
nomination of municipal officers. Notwithstanding any contrary 1475
provision of section 3513.05 or 3513.257 of the Revised Code, 1476
the declarations of candidacy and petitions of partisan 1477
candidates and the nominating petitions of independent 1478
candidates for the office of clerk of the Akron municipal court 1479
shall be signed by at least fifty qualified electors of the 1480
territory of the court. 1481

The candidates shall file a declaration of candidacy and 1482
petition, or a nominating petition, whichever is applicable, not 1483
later than four p.m. of the ninetieth day before the day of the 1484
primary election, in the form prescribed by section 3513.07 or 1485
3513.261 of the Revised Code. The declaration of candidacy and 1486
petition, or the nominating petition, shall conform to the 1487
applicable requirements of section 3513.05 or 3513.257 of the 1488
Revised Code. 1489

If no valid declaration of candidacy and petition is filed 1490
by any person for nomination as a candidate of a particular 1491
political party for election to the office of clerk of the Akron 1492
municipal court, a primary election shall not be held for the 1493
purpose of nominating a candidate of that party for election to 1494
that office. If only one person files a valid declaration of 1495
candidacy and petition for nomination as a candidate of a 1496

particular political party for election to that office, a 1497
primary election shall not be held for the purpose of nominating 1498
a candidate of that party for election to that office, and the 1499
candidate shall be issued a certificate of nomination in the 1500
manner set forth in section 3513.02 of the Revised Code. 1501

Declarations of candidacy and petitions, nominating 1502
petitions, and certificates of nomination for the office of 1503
clerk of the Akron municipal court shall contain a designation 1504
of the term for which the candidate seeks election. At the 1505
following regular municipal election, all candidates for the 1506
office shall be submitted to the qualified electors of the 1507
territory of the court in the manner that is provided in section 1508
1901.07 of the Revised Code for the election of the judges of 1509
the court. The clerk so elected shall hold office for a term of 1510
six years, which term shall commence on the first day of January 1511
following the clerk's election and continue until the clerk's 1512
successor is elected and qualified. 1513

(f) Except as otherwise provided in division (A) (1) (f) of 1514
this section, in the Barberton municipal court, candidates for 1515
election to the office of clerk of the court shall be nominated 1516
by primary election. The primary election shall be held on the 1517
day specified in the charter of the city of Barberton for the 1518
nomination of municipal officers. Notwithstanding any contrary 1519
provision of section 3513.05 or 3513.257 of the Revised Code, 1520
the declarations of candidacy and petitions of partisan 1521
candidates and the nominating petitions of independent 1522
candidates for the office of clerk of the Barberton municipal 1523
court shall be signed by at least fifty qualified electors of 1524
the territory of the court. 1525

The candidates shall file a declaration of candidacy and 1526

petition, or a nominating petition, whichever is applicable, not 1527
later than four p.m. of the ninetieth day before the day of the 1528
primary election, in the form prescribed by section 3513.07 or 1529
3513.261 of the Revised Code. The declaration of candidacy and 1530
petition, or the nominating petition, shall conform to the 1531
applicable requirements of section 3513.05 or 3513.257 of the 1532
Revised Code. 1533

If no valid declaration of candidacy and petition is filed 1534
by any person for nomination as a candidate of a particular 1535
political party for election to the office of clerk of the 1536
Barberton municipal court, a primary election shall not be held 1537
for the purpose of nominating a candidate of that party for 1538
election to that office. If only one person files a valid 1539
declaration of candidacy and petition for nomination as a 1540
candidate of a particular political party for election to that 1541
office, a primary election shall not be held for the purpose of 1542
nominating a candidate of that party for election to that 1543
office, and the candidate shall be issued a certificate of 1544
nomination in the manner set forth in section 3513.02 of the 1545
Revised Code. 1546

Declarations of candidacy and petitions, nominating 1547
petitions, and certificates of nomination for the office of 1548
clerk of the Barberton municipal court shall contain a 1549
designation of the term for which the candidate seeks election. 1550
At the following regular municipal election, all candidates for 1551
the office shall be submitted to the qualified electors of the 1552
territory of the court in the manner that is provided in section 1553
1901.07 of the Revised Code for the election of the judges of 1554
the court. The clerk so elected shall hold office for a term of 1555
six years, which term shall commence on the first day of January 1556
following the clerk's election and continue until the clerk's 1557

successor is elected and qualified. 1558

(g) (i) Through December 31, 2008, except as otherwise 1559
provided in division (A) (1) (g) (i) of this section, in the 1560
Cuyahoga Falls municipal court, candidates for election to the 1561
office of clerk of the court shall be nominated by primary 1562
election. The primary election shall be held on the day 1563
specified in the charter of the city of Cuyahoga Falls for the 1564
nomination of municipal officers. Notwithstanding any contrary 1565
provision of section 3513.05 or 3513.257 of the Revised Code, 1566
the declarations of candidacy and petitions of partisan 1567
candidates and the nominating petitions of independent 1568
candidates for the office of clerk of the Cuyahoga Falls 1569
municipal court shall be signed by at least fifty qualified 1570
electors of the territory of the court. 1571

The candidates shall file a declaration of candidacy and 1572
petition, or a nominating petition, whichever is applicable, not 1573
later than four p.m. of the ninetieth day before the day of the 1574
primary election, in the form prescribed by section 3513.07 or 1575
3513.261 of the Revised Code. The declaration of candidacy and 1576
petition, or the nominating petition, shall conform to the 1577
applicable requirements of section 3513.05 or 3513.257 of the 1578
Revised Code. 1579

If no valid declaration of candidacy and petition is filed 1580
by any person for nomination as a candidate of a particular 1581
political party for election to the office of clerk of the 1582
Cuyahoga Falls municipal court, a primary election shall not be 1583
held for the purpose of nominating a candidate of that party for 1584
election to that office. If only one person files a valid 1585
declaration of candidacy and petition for nomination as a 1586
candidate of a particular political party for election to that 1587

office, a primary election shall not be held for the purpose of 1588
nominating a candidate of that party for election to that 1589
office, and the candidate shall be issued a certificate of 1590
nomination in the manner set forth in section 3513.02 of the 1591
Revised Code. 1592

Declarations of candidacy and petitions, nominating 1593
petitions, and certificates of nomination for the office of 1594
clerk of the Cuyahoga Falls municipal court shall contain a 1595
designation of the term for which the candidate seeks election. 1596
At the following regular municipal election, all candidates for 1597
the office shall be submitted to the qualified electors of the 1598
territory of the court in the manner that is provided in section 1599
1901.07 of the Revised Code for the election of the judges of 1600
the court. The clerk so elected shall hold office for a term of 1601
six years, which term shall commence on the first day of January 1602
following the clerk's election and continue until the clerk's 1603
successor is elected and qualified. 1604

(ii) Division (A) (1) (g) (i) of this section shall have no 1605
effect after December 31, 2008. 1606

(h) Except as otherwise provided in division (A) (1) (h) of 1607
this section, in the Toledo municipal court, candidates for 1608
election to the office of clerk of the court shall be nominated 1609
by primary election. The primary election shall be held on the 1610
day specified in the charter of the city of Toledo for the 1611
nomination of municipal officers. Notwithstanding any contrary 1612
provision of section 3513.05 or 3513.257 of the Revised Code, 1613
the declarations of candidacy and petitions of partisan 1614
candidates and the nominating petitions of independent 1615
candidates for the office of clerk of the Toledo municipal court 1616
shall be signed by at least fifty qualified electors of the 1617

territory of the court. 1618

The candidates shall file a declaration of candidacy and 1619
petition, or a nominating petition, whichever is applicable, not 1620
later than four p.m. of the ninetieth day before the day of the 1621
primary election, in the form prescribed by section 3513.07 or 1622
3513.261 of the Revised Code. The declaration of candidacy and 1623
petition, or the nominating petition, shall conform to the 1624
applicable requirements of section 3513.05 or 3513.257 of the 1625
Revised Code. 1626

If no valid declaration of candidacy and petition is filed 1627
by any person for nomination as a candidate of a particular 1628
political party for election to the office of clerk of the 1629
Toledo municipal court, a primary election shall not be held for 1630
the purpose of nominating a candidate of that party for election 1631
to that office. If only one person files a valid declaration of 1632
candidacy and petition for nomination as a candidate of a 1633
particular political party for election to that office, a 1634
primary election shall not be held for the purpose of nominating 1635
a candidate of that party for election to that office, and the 1636
candidate shall be issued a certificate of nomination in the 1637
manner set forth in section 3513.02 of the Revised Code. 1638

Declarations of candidacy and petitions, nominating 1639
petitions, and certificates of nomination for the office of 1640
clerk of the Toledo municipal court shall contain a designation 1641
of the term for which the candidate seeks election. At the 1642
following regular municipal election, all candidates for the 1643
office shall be submitted to the qualified electors of the 1644
territory of the court in the manner that is provided in section 1645
1901.07 of the Revised Code for the election of the judges of 1646
the court. The clerk so elected shall hold office for a term of 1647

six years, which term shall commence on the first day of January 1648
following the clerk's election and continue until the clerk's 1649
successor is elected and qualified. 1650

(2) (a) Except for the Alliance, Auglaize county, Brown 1651
county, Columbiana county, Holmes county, Perry county, Putnam 1652
county, Sandusky county, Lima, Lorain, Massillon, and Youngstown 1653
municipal courts, in a municipal court for which the population 1654
of the territory is less than one hundred thousand, the clerk 1655
shall be appointed by the court, and the clerk shall hold office 1656
until the clerk's successor is appointed and qualified. 1657

(b) In the Alliance, Lima, Lorain, Massillon, and 1658
Youngstown municipal courts, the clerk shall be elected for a 1659
term of office as described in division (A) (1) (a) of this 1660
section. 1661

(c) In the Auglaize county, Brown county, Holmes county, 1662
Perry county, Putnam county, and Sandusky county municipal 1663
courts, the clerks of courts of Auglaize county, Brown county, 1664
Holmes county, Perry county, Putnam county, and Sandusky county 1665
shall be the clerks, respectively, of the Auglaize county, Brown 1666
county, Holmes county, Perry county, Putnam county, and Sandusky 1667
county municipal courts and may appoint a chief deputy clerk for 1668
each branch office that is established pursuant to section 1669
1901.311 of the Revised Code, and assistant clerks as the judge 1670
of the court determines are necessary, all of whom shall receive 1671
the compensation that the legislative authority prescribes. The 1672
clerks of courts of Auglaize county, Brown county, Holmes 1673
county, Perry county, Putnam county, and Sandusky county, acting 1674
as the clerks of the Auglaize county, Brown county, Holmes 1675
county, Perry county, Putnam county, and Sandusky county 1676
municipal courts and assuming the duties of these offices, shall 1677

receive compensation payable from the county treasury in 1678
semimonthly installments at one-fourth the rate that is 1679
prescribed for the clerks of courts of common pleas as 1680
determined in accordance with the population of the county and 1681
the rates set forth in sections 325.08 and 325.18 of the Revised 1682
Code. 1683

(d) In the Columbiana county municipal court, the clerk of 1684
courts of Columbiana county shall be the clerk of the municipal 1685
court, may appoint a chief deputy clerk for each branch office 1686
that is established pursuant to section 1901.311 of the Revised 1687
Code, and may appoint any assistant clerks that the judges of 1688
the court determine are necessary. All of the chief deputy 1689
clerks and assistant clerks shall receive the compensation that 1690
the legislative authority prescribes. The clerk of courts of 1691
Columbiana county, acting as the clerk of the Columbiana county 1692
municipal court and assuming the duties of that office, shall 1693
receive in either biweekly installments or semimonthly 1694
installments, as determined by the payroll administrator, 1695
compensation payable from the county treasury at one-fourth the 1696
rate that is prescribed for the clerks of courts of common pleas 1697
as determined in accordance with the population of the county 1698
and the rates set forth in sections 325.08 and 325.18 of the 1699
Revised Code. 1700

(3) During the temporary absence of the clerk due to 1701
illness, vacation, or other proper cause, the court may appoint 1702
a temporary clerk, who shall be paid the same compensation, have 1703
the same authority, and perform the same duties as the clerk. 1704

(B) Except in the Hamilton county, Montgomery county, 1705
Miami county, Portage county, and Wayne county municipal courts, 1706
if a vacancy occurs in the office of the clerk of the Alliance, 1707

Lima, Lorain, Massillon, or Youngstown municipal court or occurs 1708
in the office of the clerk of a municipal court for which the 1709
population of the territory equals or exceeds one hundred 1710
thousand because the clerk ceases to hold the office before the 1711
end of the clerk's term or because a clerk-elect fails to take 1712
office, the vacancy shall be filled, until a successor is 1713
elected and qualified, by a person chosen by the residents of 1714
the territory of the court who are members of the county central 1715
committee of the political party by which the last occupant of 1716
that office or the clerk-elect was nominated. Not less than five 1717
nor more than fifteen days after a vacancy occurs, those members 1718
of that county central committee shall meet to make an 1719
appointment to fill the vacancy. At least four days before the 1720
date of the meeting, the chairperson or a secretary of the 1721
county central committee shall notify each such member of that 1722
county central committee by first class mail of the date, time, 1723
and place of the meeting and its purpose. A majority of all such 1724
members of that county central committee constitutes a quorum, 1725
and a majority of the quorum is required to make the 1726
appointment. If the office so vacated was occupied or was to be 1727
occupied by a person not nominated at a primary election, or if 1728
the appointment was not made by the committee members in 1729
accordance with this division, the court shall make an 1730
appointment to fill the vacancy. A successor shall be elected to 1731
fill the office for the unexpired term at the first municipal 1732
election that is held more than one hundred thirty-five days 1733
after the vacancy occurred. 1734

(C) (1) In a municipal court, other than the Auglaize 1735
county, the Brown county, the Columbiana county, the Holmes 1736
county, the Perry county, the Putnam county, the Sandusky 1737
county, and the Lorain municipal courts, for which the 1738

population of the territory is less than one hundred thousand, 1739
the clerk of the municipal court shall receive the annual 1740
compensation that the presiding judge of the court prescribes, 1741
if the revenue of the court for the preceding calendar year, as 1742
certified by the auditor or chief fiscal officer of the 1743
municipal corporation in which the court is located or, in the 1744
case of a county-operated municipal court, the county auditor, 1745
is equal to or greater than the expenditures, including any debt 1746
charges, for the operation of the court payable under this 1747
chapter from the city treasury or, in the case of a county- 1748
operated municipal court, the county treasury for that calendar 1749
year, as also certified by the auditor or chief fiscal officer. 1750
If the revenue of a municipal court, other than the Auglaize 1751
county, the Brown county, the Columbiana county, the Perry 1752
county, the Putnam county, the Sandusky county, and the Lorain 1753
municipal courts, for which the population of the territory is 1754
less than one hundred thousand for the preceding calendar year 1755
as so certified is not equal to or greater than those 1756
expenditures for the operation of the court for that calendar 1757
year as so certified, the clerk of a municipal court shall 1758
receive the annual compensation that the legislative authority 1759
prescribes. As used in this division, "revenue" means the total 1760
of all costs and fees that are collected and paid to the city 1761
treasury or, in a county-operated municipal court, the county 1762
treasury by the clerk of the municipal court under division (F) 1763
of this section and all interest received and paid to the city 1764
treasury or, in a county-operated municipal court, the county 1765
treasury in relation to the costs and fees under division (G) of 1766
this section. 1767

(2) In a municipal court, other than the Hamilton county, 1768
Montgomery county, Miami county, Portage county, and Wayne 1769

county municipal courts, for which the population of the 1770
territory is one hundred thousand or more, and in the Lorain 1771
municipal court, the clerk of the municipal court shall receive 1772
annual compensation in a sum equal to eighty-five per cent of 1773
the salary of a judge of the court. 1774

(3) The compensation of a clerk described in division (C) 1775
(1) or (2) of this section and of the clerk of the Columbiana 1776
county municipal court is payable in either semimonthly 1777
installments or biweekly installments, as determined by the 1778
payroll administrator, from the same sources and in the same 1779
manner as provided in section 1901.11 of the Revised Code, 1780
except that the compensation of the clerk of the Carroll county 1781
municipal court is payable in biweekly installments. 1782

(D) Before entering upon the duties of the clerk's office, 1783
the clerk of a municipal court shall give bond of not less than 1784
six thousand dollars to be determined by the judges of the 1785
court, conditioned upon the faithful performance of the clerk's 1786
duties. 1787

(E) The clerk of a municipal court may do all of the 1788
following: administer oaths, take affidavits, and issue 1789
executions upon any judgment rendered in the court, including a 1790
judgment for unpaid costs; issue, sign, and attach the seal of 1791
the court to all writs, process, subpoenas, and papers issuing 1792
out of the court; and approve all bonds, sureties, 1793
recognizances, and undertakings fixed by any judge of the court 1794
or by law. The clerk may refuse to accept for filing any 1795
pleading or paper submitted for filing by a person who has been 1796
found to be a vexatious litigator under section 2323.52 of the 1797
Revised Code and who has failed to obtain leave to proceed under 1798
that section. The clerk shall do all of the following: file and 1799

safely keep all journals, records, books, and papers belonging 1800
or appertaining to the court; record the proceedings of the 1801
court; perform all other duties that the judges of the court may 1802
prescribe; and keep a book showing all receipts and 1803
disbursements, which book shall be open for public inspection at 1804
all times. 1805

The clerk shall prepare and maintain a general index, a 1806
docket, and other records that the court, by rule, requires, all 1807
of which shall be the public records of the court. In the 1808
docket, the clerk shall enter, at the time of the commencement 1809
of an action, the names of the parties in full, the names of the 1810
counsel, and the nature of the proceedings. Under proper dates, 1811
the clerk shall note the filing of the complaint, issuing of 1812
summons or other process, returns, and any subsequent pleadings. 1813
The clerk also shall enter all reports, verdicts, orders, 1814
judgments, and proceedings of the court, clearly specifying the 1815
relief granted or orders made in each action. The court may 1816
order an extended record of any of the above to be made and 1817
entered, under the proper action heading, upon the docket at the 1818
request of any party to the case, the expense of which record 1819
may be taxed as costs in the case or may be required to be 1820
prepaid by the party demanding the record, upon order of the 1821
court. 1822

(F) The clerk of a municipal court shall receive, collect, 1823
and issue receipts for all costs, fees, fines, bail, and other 1824
moneys payable to the office or to any officer of the court. The 1825
clerk shall on or before the twentieth day of the month 1826
following the month in which they are collected disburse to the 1827
proper persons or officers, and take receipts for, all costs, 1828
fees, fines, bail, and other moneys that the clerk collects. 1829
Subject to sections 307.515 and 4511.193 of the Revised Code and 1830

to any other section of the Revised Code that requires a 1831
specific manner of disbursement of any moneys received by a 1832
municipal court and except for the Hamilton county, Lawrence 1833
county, and Ottawa county municipal courts, the clerk shall pay 1834
all fines received for violation of municipal ordinances into 1835
the treasury of the municipal corporation the ordinance of which 1836
was violated and shall pay all fines received for violation of 1837
township resolutions adopted pursuant to section 503.52 or 1838
503.53 or Chapter 504. of the Revised Code into the treasury of 1839
the township the resolution of which was violated. Subject to 1840
sections 1901.024 and 4511.193 of the Revised Code, in the 1841
Hamilton county, Lawrence county, and Ottawa county municipal 1842
courts, the clerk shall pay fifty per cent of the fines received 1843
for violation of municipal ordinances and fifty per cent of the 1844
fines received for violation of township resolutions adopted 1845
pursuant to section 503.52 or 503.53 or Chapter 504. of the 1846
Revised Code into the treasury of the county. Subject to 1847
sections 307.515, 4511.19, and 5503.04 of the Revised Code and 1848
to any other section of the Revised Code that requires a 1849
specific manner of disbursement of any moneys received by a 1850
municipal court, the clerk shall pay all fines collected for the 1851
violation of state laws into the county treasury. Except in a 1852
county-operated municipal court, the clerk shall pay all costs 1853
and fees the disbursement of which is not otherwise provided for 1854
in the Revised Code into the city treasury. The clerk of a 1855
county-operated municipal court shall pay the costs and fees the 1856
disbursement of which is not otherwise provided for in the 1857
Revised Code into the county treasury. Moneys deposited as 1858
security for costs shall be retained pending the litigation. The 1859
clerk shall keep a separate account of all receipts and 1860
disbursements in civil and criminal cases, which shall be a 1861
permanent public record of the office. On the expiration of the 1862

term of the clerk, the clerk shall deliver the records to the 1863
clerk's successor. The clerk shall have other powers and duties 1864
as are prescribed by rule or order of the court. 1865

(G) All moneys paid into a municipal court shall be noted 1866
on the record of the case in which they are paid and shall be 1867
deposited in a state or national bank, as defined in section 1868
1101.01 of the Revised Code, that is selected by the clerk. Any 1869
interest received upon the deposits shall be paid into the city 1870
treasury, except that, in a county-operated municipal court, the 1871
interest shall be paid into the treasury of the county in which 1872
the court is located. 1873

On the first Monday in January of each year, the clerk 1874
shall make a list of the titles of all cases in the court that 1875
were finally determined more than one year past in which there 1876
remains unclaimed in the possession of the clerk any funds, or 1877
any part of a deposit for security of costs not consumed by the 1878
costs in the case. The clerk shall give notice of the moneys to 1879
the parties who are entitled to the moneys or to their attorneys 1880
of record. All the moneys remaining unclaimed that are for 1881
restitution payments for crime victims shall be sent to the 1882
reparations fund created under section 2743.191 of the Revised 1883
Code, with a list from the clerk specifying the amounts and 1884
individual identifying information of the funds. All the other 1885
moneys remaining unclaimed on the first day of April of each 1886
year shall be paid by the clerk to the city treasurer, except 1887
that, in a county-operated municipal court, the moneys shall be 1888
paid to the treasurer of the county in which the court is 1889
located. The treasurer shall pay any part of the moneys at any 1890
time to the person who has the right to the moneys upon proper 1891
certification of the clerk. 1892

(H) Deputy clerks of a municipal court other than the 1893
Carroll county municipal court may be appointed by the clerk and 1894
shall receive the compensation, payable in either biweekly 1895
installments or semimonthly installments, as determined by the 1896
payroll administrator, out of the city treasury, that the clerk 1897
may prescribe, except that the compensation of any deputy clerk 1898
of a county-operated municipal court shall be paid out of the 1899
treasury of the county in which the court is located. The judge 1900
of the Carroll county municipal court may appoint deputy clerks 1901
for the court, and the deputy clerks shall receive the 1902
compensation, payable in biweekly installments out of the county 1903
treasury, that the judge may prescribe. Each deputy clerk shall 1904
take an oath of office before entering upon the duties of the 1905
deputy clerk's office and, when so qualified, may perform the 1906
duties appertaining to the office of the clerk. The clerk may 1907
require any of the deputy clerks to give bond of not less than 1908
three thousand dollars, conditioned for the faithful performance 1909
of the deputy clerk's duties. 1910

(I) For the purposes of this section, whenever the 1911
population of the territory of a municipal court falls below one 1912
hundred thousand but not below ninety thousand, and the 1913
population of the territory prior to the most recent regular 1914
federal census exceeded one hundred thousand, the legislative 1915
authority of the municipal corporation may declare, by 1916
resolution, that the territory shall be considered to have a 1917
population of at least one hundred thousand. 1918

(J) The clerk or a deputy clerk shall be in attendance at 1919
all sessions of the municipal court, although not necessarily in 1920
the courtroom, and may administer oaths to witnesses and jurors 1921
and receive verdicts. 1922

Sec. 1907.20. (A) The clerk of courts shall be the clerk 1923
of the county court, except that the board of county 1924
commissioners, with the concurrence of the county court judges, 1925
may appoint a clerk for each county court judge, who shall serve 1926
at the pleasure of the board and shall receive compensation as 1927
set by the board, payable in semimonthly installments from the 1928
treasury of the county. Except as otherwise provided in section 1929
3.061 of the Revised Code, an appointed clerk, before entering 1930
upon the duties of the office, shall give bond of not less than 1931
five thousand dollars, as determined by the board of county 1932
commissioners, conditioned upon the faithful performance of the 1933
clerk's duties. 1934

The clerks of courts of common pleas, when acting as the 1935
clerks of county courts, and upon assuming their county court 1936
duties, shall receive compensation at one-fourth the rate 1937
prescribed for the clerks of courts of common pleas as 1938
determined in accordance with the population of the county and 1939
the rates set forth in sections 325.08 and 325.18 of the Revised 1940
Code. This compensation shall be paid from the county treasury 1941
in semimonthly installments and is in addition to the annual 1942
compensation received for the performance of the duties of the 1943
clerk of a court of common pleas as provided in sections 325.08 1944
and 325.18 of the Revised Code. 1945

(B) The clerk of a county court shall have general powers 1946
to administer oaths, take affidavits, and issue executions upon 1947
any judgment rendered in the county court, including a judgment 1948
for unpaid costs, power to issue and sign all writs, process, 1949
subpoenas, and papers issuing out of the court, and to attach 1950
the seal of the court to them, and power to approve all bonds, 1951
sureties, recognizances, and undertakings fixed by any judge of 1952
the court or by law. The clerk shall file and safely keep all 1953

journals, records, books, and papers belonging or appertaining 1954
to the court, record its proceedings, perform all other duties 1955
that the judges of the court may prescribe, and keep a book 1956
showing all receipts and disbursements, which shall be open for 1957
public inspection at all times. The clerk may refuse to accept 1958
for filing any pleading or paper submitted for filing by a 1959
person who has been found to be a vexatious litigator under 1960
section 2323.52 of the Revised Code and who has failed to obtain 1961
leave to proceed under that section. 1962

The clerk shall prepare and maintain a general index, a 1963
docket as prescribed by the court, which shall be furnished by 1964
the board of county commissioners, and such other records as the 1965
court, by rule, requires, all of which shall be the public 1966
records of the court. In the docket, the clerk shall enter at 1967
times of the commencement of an action, the names of the parties 1968
in full, the names of the counsel, and the nature of the 1969
proceedings. Under proper dates, the clerk shall note the filing 1970
of the complaint, issuing of summons or other process, returns, 1971
and pleadings subsequent thereto. The clerk also shall enter all 1972
reports, verdicts, orders, judgments, and proceedings of the 1973
court, clearly specifying the relief granted or orders made in 1974
each action. The court may order an extended record of any of 1975
the above to be made and entered, under the proper action 1976
heading, upon the docket at the request of any party to the 1977
case, the expense of which may be taxed as costs in the case or 1978
may be required to be prepaid by the party demanding the 1979
extended record, upon order of the court. 1980

(C) The clerk of a county court shall receive and collect 1981
all costs, fees, fines, penalties, bail, and other moneys 1982
payable to the office or to any officer of the court and issue 1983
receipts therefor, and shall on or before the twentieth day of 1984

the month following the month in which they are collected 1985
disburse the costs, fees, fines, penalties, bail, and other 1986
moneys to the proper persons or officers and take receipts 1987
therefor. Subject to sections 307.515, 4511.19, 4511.193, and 1988
5503.04 of the Revised Code and all other statutes that require 1989
a different distribution of fines, fines received for violations 1990
of municipal ordinances shall be paid into the treasury of the 1991
municipal corporation whose ordinance was violated, fines 1992
received for violations of township resolutions adopted pursuant 1993
to section 503.52 or 503.53 or Chapter 504. of the Revised Code 1994
shall be paid into the treasury of the township whose resolution 1995
was violated, and fines collected for the violation of state 1996
laws shall be paid into the county treasury. Moneys deposited as 1997
security for costs shall be retained pending the litigation. 1998

The clerk shall keep a separate account of all receipts 1999
and disbursements in civil and criminal cases. The separate 2000
account shall be a permanent public record of the office. On the 2001
expiration of a clerk's term, those records shall be delivered 2002
to the clerk's successor. 2003

The clerk shall have such other powers and duties as are 2004
prescribed by rule or order of the court. 2005

(D) All moneys paid into a county court shall be noted on 2006
the record of the case in which they are paid and shall be 2007
deposited in a state or national bank selected by the clerk. On 2008
the first Monday in January of each year, the clerk shall make a 2009
list of the titles of all cases in the county court that were 2010
finally determined more than one year past in which there 2011
remains unclaimed in the possession of the clerk any funds, or 2012
any part of a deposit for security of costs not consumed by the 2013
costs in the case. The clerk shall give notice of the moneys to 2014

the parties entitled to them or to their attorneys of record. 2015
All the moneys remaining unclaimed that are for restitution 2016
payments for crime victims shall be sent to the reparations fund 2017
created under section 2743.191 of the Revised Code, with a list 2018
from the clerk specifying the amounts and individual identifying 2019
information of the funds. All ~~the~~ other moneys remaining 2020
unclaimed on the first day of April of each year shall be paid 2021
by the clerk to the county treasurer. Any part of the moneys 2022
shall be paid by the county treasurer at any time to the person 2023
having the right to them, upon proper certification of the 2024
clerk. 2025

(E) (1) In county court districts having appointed clerks, 2026
deputy clerks may be appointed by the board of county 2027
commissioners. Clerks and deputy clerks shall receive such 2028
compensation payable in semimonthly installments out of the 2029
county treasury as the board may prescribe. Each deputy clerk 2030
shall take an oath of office before entering upon the duties of 2031
the deputy clerk's office and, when so qualified, may perform 2032
the duties appertaining to the office of the clerk. The clerk 2033
may require any of the deputy clerks to give bond of not less 2034
than three thousand dollars, conditioned for the faithful 2035
performance of the deputy clerk's duties. 2036

(2) A clerk of courts acting as clerk of the county court 2037
may appoint deputy clerks to perform the duties pertaining to 2038
the office of clerk of the county court. Each deputy clerk shall 2039
take an oath of office before entering upon the deputy clerk's 2040
duties, and the clerk of courts may require the deputy clerk to 2041
give bond of not less than three thousand dollars, conditioned 2042
for the faithful performance of the deputy clerk's duties. 2043

(3) The clerk or a deputy clerk of a county court shall be 2044

in attendance at all sessions of the court, although not 2045
necessarily in the courtroom, and may administer oaths to 2046
witnesses and jurors and receive verdicts. 2047

(F) (1) In county court districts having appointed clerks, 2048
the board of county commissioners may order the establishment of 2049
one or more branch offices of the clerk and, with the 2050
concurrence of the county judges, may appoint a special deputy 2051
clerk to administer each branch office. Each special deputy 2052
clerk shall take an oath of office before entering upon the 2053
duties of the deputy clerk's office and, when so qualified, may 2054
perform any one or more of the duties appertaining to the office 2055
of clerk, as the board prescribes. Special deputy clerks shall 2056
receive such compensation payable in semimonthly installments 2057
out of the county treasury as the board may prescribe. Except as 2058
otherwise provided in section 3.061 of the Revised Code, the 2059
board may require any of the special deputy clerks to give bond 2060
of not less than three thousand dollars, conditioned for the 2061
faithful performance of the deputy clerk's duties. 2062

The board of county commissioners may authorize the clerk 2063
of the county court to operate one or more branch offices, to 2064
divide the clerk's time between the offices, and to perform 2065
duties appertaining to the office of clerk in locations that the 2066
board prescribes. 2067

(2) A clerk of courts acting as clerk of the county court 2068
may establish one or more branch offices for the clerk's duties 2069
as clerk of the county court and, with the concurrence of the 2070
county court judges, may appoint a special deputy clerk to 2071
administer each branch office. Each special deputy clerk shall 2072
take an oath of office before entering upon the deputy clerk's 2073
duties and, when so qualified, may perform any of the duties 2074

pertaining to the office of clerk, as the clerk of courts 2075
prescribes. The clerk of courts may require any of the special 2076
deputy clerks to give bond of not less than three thousand 2077
dollars, conditioned for the faithful performance of the deputy 2078
clerk's duties. 2079

(G) The clerk of courts of the county shall fix the 2080
compensation of deputy clerks and special deputy clerks 2081
appointed by the clerk pursuant to this section. Those personnel 2082
shall be paid and be subject to the same requirements as other 2083
employees of the clerk under the provisions of section 325.17 of 2084
the Revised Code insofar as that section is applicable. 2085

Sec. 2151.356. (A) The records of a case in which a person 2086
was adjudicated a delinquent child for committing a violation of 2087
section 2903.01, 2903.02, or 2907.02 of the Revised Code shall 2088
not be sealed under this section. 2089

(B) (1) The juvenile court shall promptly order the 2090
immediate sealing of records pertaining to a juvenile in any of 2091
the following circumstances: 2092

(a) If the court receives a record from a public office or 2093
agency under division (B) (2) of this section; 2094

(b) If a person was brought before or referred to the 2095
court for allegedly committing a delinquent or unruly act and 2096
the case was resolved without the filing of a complaint against 2097
the person with respect to that act pursuant to section 2151.27 2098
of the Revised Code; 2099

(c) If a person was charged with violating division (E) (1) 2100
of section 4301.69 of the Revised Code and the person has 2101
successfully completed a diversion program under division (E) (2) 2102
(a) of section 4301.69 of the Revised Code with respect to that 2103

charge; 2104

(d) If a complaint was filed against a person alleging 2105
that the person was a delinquent child, an unruly child, or a 2106
juvenile traffic offender and the court dismisses the complaint 2107
after a trial on the merits of the case or finds the person not 2108
to be a delinquent child, an unruly child, or a juvenile traffic 2109
offender; 2110

(e) Notwithstanding division (C) of this section and 2111
subject to section 2151.358 of the Revised Code, if a person has 2112
been adjudicated an unruly child, that person has attained 2113
eighteen years of age, and the person is not under the 2114
jurisdiction of the court in relation to a complaint alleging 2115
the person to be a delinquent child. 2116

(2) The appropriate public office or agency shall 2117
immediately deliver all original records at that public office 2118
or agency pertaining to a juvenile to the court, if the person 2119
was arrested or taken into custody for allegedly committing a 2120
delinquent or unruly act, no complaint was filed against the 2121
person with respect to the commission of the act pursuant to 2122
section 2151.27 of the Revised Code, and the person was not 2123
brought before or referred to the court for the commission of 2124
the act. The records delivered to the court as required under 2125
this division shall not include fingerprints, DNA specimens, and 2126
DNA records described under division (A) (3) of section 2151.357 2127
of the Revised Code. 2128

(C) (1) The juvenile court shall consider the sealing of 2129
records pertaining to a juvenile upon the court's own motion or 2130
upon the application of a person if the person has been 2131
adjudicated a delinquent child for committing an act other than 2132
a violation of section 2903.01, 2903.02, or 2907.02 of the 2133

Revised Code, an unruly child, or a juvenile traffic offender 2134
and if, at the time of the motion or application, the person is 2135
not under the jurisdiction of the court in relation to a 2136
complaint alleging the person to be a delinquent child. The 2137
court shall not require a fee for the filing of the application. 2138
The motion or application may be made on or after the time 2139
specified in whichever of the following is applicable: 2140

(a) If the person is under eighteen years of age, at any 2141
time after six months after any of the following events occur: 2142

(i) The termination of any order made by the court in 2143
relation to the adjudication; 2144

(ii) The unconditional discharge of the person from the 2145
department of youth services with respect to a dispositional 2146
order made in relation to the adjudication or from an 2147
institution or facility to which the person was committed 2148
pursuant to a dispositional order made in relation to the 2149
adjudication; 2150

(iii) The court enters an order under section 2152.84 or 2151
2152.85 of the Revised Code that contains a determination that 2152
the child is no longer a juvenile offender registrant. 2153

(b) If the person is eighteen years of age or older, at 2154
any time after the later of the following: 2155

(i) The person's attainment of eighteen years of age; 2156

(ii) The occurrence of any event identified in divisions 2157
(C) (1) (a) (i) to (iii) of this section. 2158

(2) In making the determination whether to seal records 2159
pursuant to division (C) (1) of this section, all of the 2160
following apply: 2161

(a) The court may require a person filing an application 2162
under division (C) (1) of this section to submit any relevant 2163
documentation to support the application. 2164

(b) The court may cause an investigation to be made to 2165
determine if the person who is the subject of the proceedings 2166
has been rehabilitated to a satisfactory degree. 2167

(c) The court shall promptly, but not less than thirty 2168
days prior to the hearing, notify the prosecuting attorney of 2169
any proceedings to seal records initiated pursuant to division 2170
(C) (1) of this section. The prosecutor shall provide timely 2171
notice to a victim and a victim's representative, if applicable, 2172
if the victim or victim's representative requested notice of the 2173
proceedings in the underlying case. 2174

(d) (i) The prosecuting attorney may file a response with 2175
the court within thirty days of receiving notice of the sealing 2176
proceedings. 2177

(ii) If the prosecuting attorney does not file a response 2178
with the court or if the prosecuting attorney files a response 2179
but indicates that the prosecuting attorney does not object to 2180
the sealing of the records, the court may order the records of 2181
the person that are under consideration to be sealed without 2182
conducting a hearing on the motion or application. If the court 2183
decides in its discretion to conduct a hearing on the motion or 2184
application, the court shall conduct the hearing within thirty 2185
days after making that decision and shall give notice, by 2186
regular mail, of the date, time, and location of the hearing to 2187
the prosecuting attorney and to the person who is the subject of 2188
the records under consideration. The victim, the victim's 2189
representative, and the victim's attorney, if applicable, may be 2190
present and heard orally, in writing, or both at any hearing 2191

under this division. The court shall consider the oral and 2192
written statement of any victim, victim's representative, and 2193
victim's attorney, if applicable. 2194

(iii) If the prosecuting attorney files a response with 2195
the court that indicates that the prosecuting attorney objects 2196
to the sealing of the records, the court shall conduct a hearing 2197
on the motion or application within thirty days after the court 2198
receives the response. The court shall give notice, by regular 2199
mail, of the date, time, and location of the hearing to the 2200
prosecuting attorney and to the person who is the subject of the 2201
records under consideration. The victim, the victim's 2202
representative, and the victim's attorney, if applicable, may be 2203
present and heard orally, in writing, or both at any hearing 2204
under this division. The court shall consider the oral and 2205
written statement of any victim, victim's representative, and 2206
victim's attorney, if applicable. 2207

(e) After conducting a hearing in accordance with division 2208
(C) (2) (d) of this section or after due consideration when a 2209
hearing is not conducted, except as provided in division (B) (1) 2210
(c) of this section, the court may order the records of the 2211
person that are the subject of the motion or application to be 2212
sealed if it finds that the person has been rehabilitated to a 2213
satisfactory degree. In determining whether the person has been 2214
rehabilitated to a satisfactory degree, the court may consider 2215
all of the following: 2216

(i) The age of the person; 2217

(ii) The nature of the case; 2218

(iii) The cessation or continuation of delinquent, unruly, 2219
or criminal behavior; 2220

(iv) The education and employment history of the person;	2221
(v) The granting of a new tier classification or	2222
declassification from the juvenile offender registry pursuant to	2223
section 2152.85 of the Revised Code, except for public registry-	2224
qualified juvenile offender registrants;	2225
(vi) Any other circumstances that may relate to the	2226
rehabilitation of the person who is the subject of the records	2227
under consideration.	2228
(D) (1) (a) The juvenile court shall provide verbal notice	2229
to a person whose records are sealed under division (B) of this	2230
section, if that person is present in the court at the time the	2231
court issues a sealing order, that explains what sealing a	2232
record means, states that the person may apply to have those	2233
records expunged under section 2151.358 of the Revised Code, and	2234
explains what expunging a record means.	2235
(b) The juvenile court shall provide written notice to a	2236
person whose records are sealed under division (B) of this	2237
section by regular mail to the person's last known address, if	2238
that person is not present in the court at the time the court	2239
issues a sealing order and if the court does not seal the	2240
person's record upon the court's own motion, that explains what	2241
sealing a record means, states that the person may apply to have	2242
those records expunged under section 2151.358 of the Revised	2243
Code, and explains what expunging a record means.	2244
(2) Upon final disposition of a case in which a person has	2245
been adjudicated a delinquent child for committing an act other	2246
than a violation of section 2903.01, 2903.02, or 2907.02 of the	2247
Revised Code, an unruly child, or a juvenile traffic offender,	2248
the juvenile court shall provide written notice to the person	2249

that does all of the following:	2250
(a) States that the person may apply to the court for an order to seal the record;	2251 2252
(b) Explains what sealing a record means;	2253
(c) States that the person may apply to the court for an order to expunge the record under section 2151.358 of the Revised Code;	2254 2255 2256
(d) Explains what expunging a record means.	2257
(3) The department of youth services and any other institution or facility that unconditionally discharges a person who has been adjudicated a delinquent child, an unruly child, or a juvenile traffic offender shall immediately give notice of the discharge to the court that committed the person. The court shall note the date of discharge on a separate record of discharges of those natures.	2258 2259 2260 2261 2262 2263 2264
Sec. 2151.358. (A) The juvenile court shall expunge all records sealed under section 2151.356 of the Revised Code five years after the court issues a sealing order or upon the twenty-third birthday of the person who is the subject of the sealing order, whichever date is earlier.	2265 2266 2267 2268 2269
(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:	2270 2271 2272 2273 2274 2275
(1) The court may require a person filing an application for expungement to submit any relevant documentation to support	2276 2277

the application. 2278

(2) The court may cause an investigation to be made to 2279
determine if the person who is the subject of the proceedings 2280
has been rehabilitated to a satisfactory degree. 2281

(3) The court shall promptly, but not less than thirty 2282
days prior to the hearing, notify the prosecuting attorney of 2283
any proceedings to expunge records. The prosecutor shall provide 2284
timely notice to a victim and the victim's representative, if 2285
applicable, if the victim or victim's representative requested 2286
notice of the proceedings in the underlying case. 2287

(4) (a) The prosecuting attorney may file a response with 2288
the court within thirty days of receiving notice of the 2289
expungement proceedings. 2290

(b) If the prosecuting attorney does not file a response 2291
with the court or if the prosecuting attorney files a response 2292
but indicates that the prosecuting attorney does not object to 2293
the expungement of the records, the court may order the records 2294
of the person that are under consideration to be expunged 2295
without conducting a hearing on the application. If the court 2296
decides in its discretion to conduct a hearing on the 2297
application, the court shall conduct the hearing within thirty 2298
days after making that decision and shall give notice, by 2299
regular mail, of the date, time, and location of the hearing to 2300
the prosecuting attorney and to the person who is the subject of 2301
the records under consideration. The victim and the victim's 2302
representative, if applicable, may be present and heard orally, 2303
in writing, or both at any hearing under this division. The 2304
court shall consider the oral and written statement of any 2305
victim, victim's representative, and victim's attorney, if 2306
applicable. 2307

(c) If the prosecuting attorney files a response with the court that indicates that the prosecuting attorney objects to the expungement of the records, the court shall conduct a hearing on the 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 prosecuting attorney and to the person who is the subject of the records under consideration. The victim and the victim's representative, if applicable, may be present and heard orally, in writing, or both at any hearing under this section. The court shall consider the oral and written statement of any victim, victim's representative, and victim's attorney, if applicable.

(5) After conducting a hearing in accordance with division (B) (4) 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 application to be expunged if it finds that the person has been rehabilitated to a satisfactory degree. In determining whether the person has been rehabilitated to a satisfactory degree, the court may consider all of the following:

- (a) The age of the person;
- (b) The nature of the case;
- (c) The cessation or continuation of delinquent, unruly, or criminal behavior;
- (d) The education and employment history of the person;
- (e) Any other circumstances that may relate to the rehabilitation of the person who is the subject of the records under consideration.

(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 2337
the records for which are the subject of a sealing order, the 2338
juvenile court shall not expunge a record sealed under section 2339
2151.356 of the Revised Code until the civil action has been 2340
resolved and is not subject to further appellate review, at 2341
which time the records shall be expunged pursuant to division 2342
(A) of this section. 2343

(D) (1) A juvenile court that issues a protection order or 2344
approves a consent agreement under section 2151.34 or 3113.31 of 2345
the Revised Code shall automatically seal all of the records of 2346
the proceeding in which the order was issued or agreement 2347
approved on the date the person against whom the protection 2348
order was issued or the consent agreement approved attains the 2349
age of nineteen years if the court determines that the person 2350
has complied with all of the terms of the protection order or 2351
consent agreement. 2352

(2) In a proceeding under section 2151.34 of the Revised 2353
Code, if the juvenile court does not issue any protection order 2354
under division (E) of that section, the court shall 2355
automatically seal all of the records in that proceeding. In a 2356
proceeding under section 3113.31 of the Revised Code, if the 2357
juvenile court does not issue any protection order or approve 2358
any consent agreement under division (E) of that section, the 2359
court shall automatically seal all of the records in that 2360
proceeding. 2361

(3) (a) If a juvenile court that issues a protection order 2362
or approves a consent agreement under section 2151.34 or 3113.31 2363
of the Revised Code determines that the person against whom the 2364
protection order was issued or the consent agreement approved 2365
has not complied with all of the terms of the protection order 2366

or consent agreement, the court shall consider sealing all of 2367
the records of the proceeding in which the order was issued or 2368
agreement approved upon the court's own motion or upon the 2369
application of a person. The court may make the motion or the 2370
person who is the subject of the records under consideration may 2371
apply for an order sealing the records of the proceeding at any 2372
time after two years after the expiration of the protection 2373
order or consent agreement. 2374

(b) In making a determination whether to seal records 2375
pursuant to division (D) (3) of this section, all of the 2376
following apply: 2377

(i) The court may require a person filing an application 2378
under division (D) (3) of this section to submit any relevant 2379
documentation to support the application. 2380

(ii) The court shall promptly notify the victim or the 2381
victim's attorney of any proceedings to seal records initiated 2382
pursuant to division (D) (3) of this section. 2383

(iii) The victim or the victim's attorney may file a 2384
response with the court within thirty days of receiving notice 2385
of the sealing proceedings. 2386

If the victim or the victim's attorney does not file a 2387
response with the court or if the victim or the victim's 2388
attorney files a response but indicates that the victim or the 2389
victim's attorney does not object to the sealing of the records, 2390
the court may order the records of the person that are under 2391
consideration to be sealed without conducting a hearing on the 2392
motion or application. If the court decides in its discretion to 2393
conduct a hearing on the motion or application, the court shall 2394
conduct the hearing within thirty days after making that 2395

decision and shall give notice, by regular mail, of the date, 2396
time, and location of the hearing to the victim or the victim's 2397
attorney and to the person who is the subject of the records 2398
under consideration. 2399

If the victim or the victim's attorney files a response 2400
with the court that indicates that the victim or the victim's 2401
attorney objects to the sealing of the records, the court shall 2402
conduct a hearing on the motion or application within thirty 2403
days after the court receives the response. The court shall give 2404
notice, by regular mail, of the date, time, and location of the 2405
hearing to the victim or the victim's attorney and to the person 2406
who is the subject of the records under consideration. 2407

(iv) After conducting a hearing in accordance with 2408
division (D) (3) (b) (iii) of this section or after due 2409
consideration when a hearing is not conducted, the court may 2410
order the records of the person that are the subject of the 2411
motion or application to be sealed. 2412

(4) Inspection of the records sealed pursuant to division 2413
(D) (1), (2), or (3) of this section may be made only by the 2414
following persons or for the following purposes: 2415

(a) By a law enforcement officer or prosecutor, or the 2416
assistants of either, to determine whether the nature and 2417
character of the offense with which a person is to be charged 2418
would be affected by virtue of the person's previously having 2419
been convicted of a crime; 2420

(b) By the parole or probation officer of the person who 2421
is the subject of the records, for the exclusive use of the 2422
officer in supervising the person while on parole or under a 2423
community control sanction or a post-release control sanction, 2424

and in making inquiries and written reports as requested by the court or adult parole authority; 2425
2426

(c) Upon application by the person who is the subject of the records, by the persons named in the application; 2427
2428

(d) By a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of the officer's involvement in that case; 2429
2430
2431

(e) By a prosecuting attorney or the prosecuting attorney's assistants, to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code; 2432
2433
2434
2435

(f) By any law enforcement agency or any authorized employee of a law enforcement agency or by the department of rehabilitation and correction as part of a background investigation of a person who applies for employment with the agency as a law enforcement officer or with the department as a corrections officer; 2436
2437
2438
2439
2440
2441

(g) By any law enforcement agency or any authorized employee of a law enforcement agency, for the purposes set forth in, and in the manner provided in, section 2953.321 of the Revised Code; 2442
2443
2444
2445

(h) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of providing information to a board or person pursuant to division (F) or (G) of section 109.57 of the Revised Code; 2446
2447
2448
2449

(i) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of performing a criminal history records check on a person to whom a certificate as prescribed in section 109.77 of 2450
2451
2452
2453

the Revised Code is to be awarded; 2454

(j) By the bureau of criminal identification and 2455
investigation or any authorized employee of the bureau for the 2456
purpose of conducting a criminal records check of an individual 2457
pursuant to division (B) of section 109.572 of the Revised Code 2458
that was requested pursuant to any of the sections identified in 2459
division (B)(1) of that section; 2460

(k) By the bureau of criminal identification and 2461
investigation, an authorized employee of the bureau, a sheriff, 2462
or an authorized employee of a sheriff in connection with a 2463
criminal records check described in section 311.41 of the 2464
Revised Code; 2465

(l) By the attorney general or an authorized employee of 2466
the attorney general or a court for purposes of determining a 2467
person's classification pursuant to Chapter 2950. of the Revised 2468
Code. 2469

When the nature and character of the offense with which a 2470
person is to be charged would be affected by the information, it 2471
may be used for the purpose of charging the person with an 2472
offense. 2473

(E) In addition to the methods of expungement provided for 2474
in divisions (A) and (B) of this section, a person who has been 2475
adjudicated a delinquent child for having committed an act that 2476
would be a violation of section 2907.24, 2907.241, or 2907.25 of 2477
the Revised Code if the child were an adult may apply to the 2478
adjudicating court for the expungement of the record of 2479
adjudication if the person's participation in the act was a 2480
result of the person having been a victim of human trafficking. 2481
The application shall be made in the same manner as an 2482

application for expungement under section 2953.38 of the Revised Code, and all of the provisions of that section shall apply to the expungement procedure.

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

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

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

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

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

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

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

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

(f) For an act that would be a felony of the fifth degree	2511
or an unclassified felony if committed by an adult, a fine not	2512
to exceed three hundred dollars;	2513
(g) For an act that would be a felony of the fourth degree	2514
if committed by an adult, a fine not to exceed four hundred	2515
dollars;	2516
(h) For an act that would be a felony of the third degree	2517
if committed by an adult, a fine not to exceed seven hundred	2518
fifty dollars;	2519
(i) For an act that would be a felony of the second degree	2520
if committed by an adult, a fine not to exceed one thousand	2521
dollars;	2522
(j) For an act that would be a felony of the first degree	2523
if committed by an adult, a fine not to exceed one thousand five	2524
hundred dollars;	2525
(k) For an act that would be aggravated murder or murder	2526
if committed by an adult, a fine not to exceed two thousand	2527
dollars.	2528
(2) Require the child to pay costs;	2529
(3) Unless the child's delinquent act or juvenile traffic	2530
offense would be a minor misdemeanor if committed by an adult or	2531
could be disposed of by the juvenile traffic violations bureau	2532
serving the court under Traffic Rule 13.1 if the court has	2533
established a juvenile traffic violations bureau, require the	2534
child to make restitution to the victim of the child's	2535
delinquent act or juvenile traffic offense or, if the victim is	2536
deceased, to a survivor <u>or the estate</u> of the victim in an amount	2537
based upon the victim's economic loss caused by or related to	2538
the delinquent act or juvenile traffic offense. The court may	2539

not require a child to make restitution pursuant to this 2540
division if the child's ~~delinquent act or~~ juvenile traffic 2541
offense would be a minor misdemeanor if committed by an adult or 2542
could be disposed of by the juvenile traffic violations bureau 2543
serving the court under Traffic Rule 13.1 if the court has 2544
established a juvenile traffic violations bureau. If the court 2545
requires restitution under this division, the restitution shall 2546
be made directly to the victim in open court or to the probation 2547
department that serves the jurisdiction or the clerk of courts 2548
on behalf of the victim. 2549

~~If the court requires restitution under this division, the 2550
restitution may be in the form of a cash reimbursement paid in a 2551
lump sum or in installments, the performance of repair work to 2552
restore any damaged property to its original condition, the 2553
performance of a reasonable amount of labor for the victim or 2554
survivor of the victim, the performance of community service 2555
work, any other form of restitution devised by the court, or any 2556
combination of the previously described forms of restitution. 2557~~

~~If the court requires restitution under this division, the 2558
court may base the restitution order on an amount recommended by 2559
the victim or survivor of the victim, the delinquent child, the 2560
juvenile traffic offender, a presentence investigation report, 2561
estimates or receipts indicating the cost of repairing or 2562
replacing property, and any other information, provided that the 2563
The victim, victim's representative, victim's attorney, if 2564
applicable, the prosecuting attorney, or the delinquent child or 2565
juvenile traffic offender may provide information relevant to 2566
the determination of the amount of restitution. The amount the 2567
court orders as restitution shall not exceed the amount of the 2568
economic loss suffered by the victim as a direct and proximate 2569
result of the delinquent act or juvenile traffic offense. If the 2570~~

court decides to or is required to order restitution under this 2571
division and the amount of the restitution is disputed by the 2572
victim or survivor, victim's estate, victim's representative, or 2573
victim's attorney, if applicable, or by the delinquent child or 2574
juvenile traffic offender, the court shall hold a hearing on the 2575
restitution. ~~If the court requires restitution under this~~ 2576
~~division, the court shall determine, or order the determination~~ 2577
~~of, the amount of restitution to be paid by the delinquent child~~ 2578
~~or juvenile traffic offender~~ The court shall determine the 2579
amount of full restitution by a preponderance of the evidence. 2580
All restitution payments shall be credited against any recovery 2581
of economic loss in a civil action brought by or on behalf of 2582
the victim against the delinquent child or juvenile traffic 2583
offender or the delinquent child's or juvenile traffic 2584
offender's parent, guardian, or other custodian. 2585

If the court requires restitution under this division, the 2586
court may order that the delinquent child or juvenile traffic 2587
offender pay a surcharge, in an amount not exceeding five per 2588
cent of the amount of restitution otherwise ordered under this 2589
division, to the entity responsible for collecting and 2590
processing the restitution payments. 2591

The victim ~~or the,~~ survivor of the victim, or victim's 2592
estate may request that the prosecuting authority file a motion, 2593
or the delinquent child or juvenile traffic offender may file a 2594
motion, for modification of the payment terms of any restitution 2595
ordered under this division. If the court grants the motion, it 2596
may modify the payment terms as it determines appropriate. 2597

(4) Require the child to reimburse any or all of the costs 2598
incurred for services or sanctions provided or imposed, 2599
including, but not limited to, the following: 2600

(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 2923.32 or 2923.42 of the Revised Code or for committing an act that, if committed by an adult, would be a felony drug abuse offense.

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

(D) If a child who is adjudicated a delinquent child is indigent, the court shall consider imposing a term of community

service under division (A) of section 2152.19 of the Revised 2631
Code in lieu of imposing a financial sanction under this 2632
section. If a child who is adjudicated a delinquent child is not 2633
indigent, the court may impose a term of community service under 2634
that division in lieu of, or in addition to, imposing a 2635
financial sanction under this section.—The court may order 2636
community service for an act that if committed by an adult would 2637
be a minor misdemeanor if that order would generate funds for 2638
restitution. 2639

If a child fails to pay a financial sanction imposed under 2640
this section, the court may impose a term of community service 2641
in lieu of the sanction. 2642

(E) The clerk of the court, or another person authorized 2643
by law or by the court to collect a financial sanction imposed 2644
under this section, may do any of the following: 2645

(1) Enter into contracts with one or more public agencies 2646
or private vendors for the collection of the amounts due under 2647
the financial sanction, which amounts may include interest from 2648
the date of imposition of the financial sanction; 2649

(2) Permit payment of all, or any portion of, the 2650
financial sanction in installments, by credit or debit card, by 2651
another type of electronic transfer, or by any other reasonable 2652
method, within any period of time, and on any terms that the 2653
court considers just, except that the maximum time permitted for 2654
payment shall not exceed five years. The clerk may pay any fee 2655
associated with processing an electronic transfer out of public 2656
money and may charge the fee to the delinquent child. 2657

(3) To defray administrative costs, charge a reasonable 2658
fee to a child who elects a payment plan rather than a lump sum 2659

payment of a financial sanction. 2660

Sec. 2152.203. (A) As used in this section, "criminal offense" and "delinquent act" have the same meanings as in section 2930.01 of the Revised Code. 2661
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(B) In determining the amount of restitution under this section, the court shall order full restitution for any expenses related to a victim's economic loss due to the delinquent act. The amount of restitution shall be reduced by any payments to the victim for economic loss made or due under a policy of insurance or governmental program. 2664
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Economic loss includes, but is not limited to, the following: 2670
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(1) Full or partial payment for the value of stolen or damaged property. The value of stolen or damaged property shall be the replacement cost of the property or the actual cost of repairing the property when repair is possible. 2672
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(2) Medical expenses; 2676

(3) Mental health counseling expenses; 2677

(4) Wages or profits lost due to injury or harm to the victim as determined by the court. 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. 2678
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(5) 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 2685
2686
2687

the delinquent act. 2688

(C) Upon notification by the court, any money owed by the 2689
state or by a political subdivision of the state to a delinquent 2690
child who is required to make restitution under this section, 2691
including any tax refund owed to the child or offender, shall be 2692
assigned to the discharge of the child's or offender's 2693
outstanding restitution obligation, subject to any superseding 2694
federal statutes or regulations, including court-ordered support 2695
obligations. 2696

(D) If a delinquent child or juvenile traffic offender is 2697
required to make restitution under this section in the form of 2698
monetary payments to more than one victim, the child or offender 2699
shall make the payments to the victims in the following order of 2700
priority: 2701

(1) Individuals; 2702

(2) Nonprofit organizations; 2703

(3) Business entities; 2704

(4) Governmental entities. 2705

(E) A court that orders restitution as part of a 2706
delinquent child's disposition under this section shall not 2707
suspend that part of the disposition if the victim or victim's 2708
attorney, if applicable, objects to the restitution part of the 2709
disposition being suspended. 2710

(F) A restitution obligation imposed by a court does not 2711
expire until paid in full. If an order remains unpaid in full, a 2712
court order for restitution imposed under this section shall be 2713
reduced to a civil judgment in favor of the victim prior to the 2714
termination of the court's jurisdiction upon the delinquent 2715

child's attainment of twenty-one years of age. If the order is 2716
reduced to such a judgment, the person required to pay the 2717
restitution under the order is the judgment debtor. The court 2718
retains jurisdiction over the restitution order until the 2719
delinquent child attains twenty-one years of age and the civil 2720
judgment obligation continues to be enforceable by a victim, 2721
victim's representative, or victim's attorney, if applicable, 2722
until the obligation is satisfied. 2723

(G) The supreme court shall create a standardized form to 2724
be made publicly available that provides guidance for victims 2725
and victims' representatives regarding the compilation of 2726
evidence to demonstrate losses for the purpose of this section. 2727

(H) On the request of the victim, if a judge determines 2728
that, under the circumstances, it is appropriate and the victim 2729
has not been coerced, a victim may accept a settlement that is 2730
less than the full restitution order. 2731

Sec. 2152.81. (A) (1) As used in this section, "victim" 2732
includes any of the following persons: 2733

(a) A person who was a victim of a violation identified in 2734
division (A) (2) of this section or an act that would be an 2735
offense of violence if committed by an adult; 2736

(b) A person against whom was directed any conduct that 2737
constitutes, or that is an element of, a violation identified in 2738
division (A) (2) of this section or an act that would be an 2739
offense of violence if committed by an adult. 2740

~~(2)~~ (2) (a) In any proceeding in juvenile court involving a 2741
complaint, indictment, or information in which a child is 2742
charged with a violation of section 2905.03, 2905.05, 2907.02, 2743
2907.03, 2907.05, 2907.06, 2907.07, 2907.09, 2907.21, 2907.23, 2744

2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, or 2745
2919.22 of the Revised Code or an act that would be an offense 2746
of violence if committed by an adult and in which an alleged 2747
victim of the violation or act was a child who was less than 2748
thirteen years of age when the complaint or information was 2749
filed or the indictment was returned, the juvenile judge, upon 2750
motion of an attorney for the prosecution, child victim, or 2751
child victim's attorney, shall order that the testimony of the 2752
child victim be taken by deposition. The prosecution, child 2753
victim, or child victim's attorney also may request that the 2754
deposition be ~~videotaped~~ recorded in accordance with division 2755
(A) (3) of this section. 2756

(b) In any proceeding that is not otherwise eligible for 2757
the protections provided for in division (A) (2) (a) of this 2758
section, and in which an alleged victim of the violation was a 2759
child who was less than eighteen years of age when the 2760
complaint, indictment, or information was filed, whichever 2761
occurred earlier, upon motion of the child victim, the child 2762
victim's attorney, if applicable, or an attorney for the 2763
prosecution, and upon a showing by a preponderance of the 2764
evidence that the child will suffer serious emotional trauma if 2765
required to provide live trial testimony, the juvenile judge 2766
shall order that the testimony of the child victim be taken by 2767
deposition. The prosecution may also request that the deposition 2768
be recorded in accordance with division (A) (3) of this section. 2769

(c) The judge shall notify the child victim whose 2770
deposition is to be taken, the victim's attorney, if applicable, 2771
the prosecution, and the attorney for the child who is charged 2772
with the violation or act of the date, time, and place for 2773
taking the deposition. The notice shall identify the child 2774
victim who is to be examined and shall indicate whether a 2775

request that the deposition be ~~videotaped~~ recorded has been 2776
made. The child who is charged with the violation or act shall 2777
have the right to attend the deposition and the right to be 2778
represented by counsel. Depositions shall be taken in the manner 2779
provided in civil cases, except that the judge in the proceeding 2780
shall preside at the taking of the deposition and shall rule at 2781
that time on any objections of the prosecution or the attorney 2782
for the child charged with the violation or act. The prosecution 2783
and the attorney for the child charged with the violation or act 2784
shall have the right, as at an adjudication hearing, to full 2785
examination and cross-examination of the child victim whose 2786
deposition is to be taken. If a deposition taken under this 2787
division is intended to be offered as evidence in the 2788
proceeding, it shall be filed in the juvenile court in which the 2789
action is pending and is admissible in the manner described in 2790
division (B) of this section. If a deposition of a child victim 2791
taken under this division is admitted as evidence at the 2792
proceeding under division (B) of this section, the child victim 2793
shall not be required to testify in person at the proceeding. 2794
However, at any time before the conclusion of the proceeding, 2795
the attorney for the child charged with the violation or act may 2796
file a motion with the judge requesting that another deposition 2797
of the child victim be taken because new evidence material to 2798
the defense of the child charged has been discovered that the 2799
attorney for the child charged could not with reasonable 2800
diligence have discovered prior to the taking of the admitted 2801
deposition. Any motion requesting another deposition shall be 2802
accompanied by supporting affidavits. Upon the filing of the 2803
motion and affidavits, the court may order that additional 2804
testimony of the child victim relative to the new evidence be 2805
taken by another deposition. If the court orders the taking of 2806
another deposition under this provision, the deposition shall be 2807

taken in accordance with this division; if the admitted 2808
deposition was a ~~videotaped~~ recorded deposition taken in 2809
accordance with division (A) (3) of this section, the new 2810
deposition also shall be ~~videotaped~~ recorded in accordance with 2811
that division, and, in other cases, the new deposition may be 2812
~~videotaped~~ recorded in accordance with that division. 2813

(3) If the prosecution ~~requests~~ that a deposition to be 2814
taken under division (A) (2) of this section be ~~videotaped~~ 2815
recorded, the juvenile judge shall order that the deposition be 2816
~~videotaped~~ recorded in accordance with this division. If a 2817
juvenile judge issues an order to ~~video tape~~ record the 2818
deposition, the judge shall exclude from the room in which the 2819
deposition is to be taken every person except the child victim 2820
giving the testimony; the judge; one or more interpreters if 2821
needed; the attorneys for the prosecution; the child victim's 2822
attorney, if applicable ~~and;~~ the attorney for the child who is 2823
charged with the violation or act; any person needed to operate 2824
the equipment to be used; one person, who is not a witness, 2825
chosen by the child victim giving the deposition; the victim's 2826
representative; and any person whose presence the judge 2827
determines would contribute to the welfare and well-being of the 2828
child victim giving the deposition. The person chosen by the 2829
child victim ~~shall not be a witness in the proceeding and,~~ both 2830
before and during the deposition, shall not discuss the 2831
testimony of the child victim with any other witness in the 2832
proceeding. To the extent feasible, any person operating the 2833
recording equipment shall be restricted to a room adjacent to 2834
the room in which the deposition is being taken, or to a 2835
location in the room in which the deposition is being taken that 2836
is behind a screen or mirror so that the person operating the 2837
recording equipment can see and hear, but cannot be seen or 2838

heard by, the child victim giving the deposition during the 2839
deposition. The child who is charged with the violation or act 2840
shall be permitted to observe and hear the testimony of the 2841
child victim giving the deposition on a monitor, shall be 2842
provided with an electronic means of immediate communication 2843
with the attorney of the child who is charged with the violation 2844
or act during the testimony, and shall be restricted to a 2845
location from which the child who is charged with the violation 2846
or act cannot be seen or heard by the child victim giving the 2847
deposition, except on a monitor provided for that purpose. The 2848
child victim giving the deposition shall be provided with a 2849
monitor on which the child victim can observe, while giving 2850
testimony, the child who is charged with the violation or act. 2851
The judge, at the judge's discretion, may preside at the 2852
deposition by electronic means from outside the room in which 2853
the deposition is to be taken; if the judge presides by 2854
electronic means, the judge shall be provided with monitors on 2855
which the judge can see each person in the room in which the 2856
deposition is to be taken and with an electronic means of 2857
communication with each person in that room, and each person in 2858
the room shall be provided with a monitor on which that person 2859
can see the judge and with an electronic means of communication 2860
with the judge. A deposition that is ~~videotaped~~recorded under 2861
this division shall be taken and filed in the manner described 2862
in division (A)(2) of this section and is admissible in the 2863
manner described in this division and division (B) of this 2864
section, and, if a deposition that is ~~videotaped~~recorded under 2865
this division is admitted as evidence at the proceeding, the 2866
child victim shall not be required to testify in person at the 2867
proceeding. No deposition ~~videotaped~~recorded under this 2868
division shall be admitted as evidence at any proceeding unless 2869
division (B) of this section is satisfied relative to the 2870

deposition and all of the following apply relative to the 2871
recording: 2872

(a) The recording is both aural and visual and is recorded 2873
on film or videotape, or by other electronic means. 2874

(b) The recording is authenticated under the Rules of 2875
Evidence and the Rules of Criminal Procedure as a fair and 2876
accurate representation of what occurred, and the recording is 2877
not altered other than at the direction and under the 2878
supervision of the judge in the proceeding. 2879

(c) Each voice on the recording that is material to the 2880
testimony on the recording or the making of the recording, as 2881
determined by the judge, is identified. 2882

(d) Both the prosecution and the child who is charged with 2883
the violation or act are afforded an opportunity to view the 2884
recording before it is shown in the proceeding. 2885

(B) (1) At any proceeding in relation to which a deposition 2886
was taken under division (A) of this section, the deposition or 2887
a part of it is admissible in evidence upon motion of the 2888
prosecution if the testimony in the deposition or the part to be 2889
admitted is not excluded by the hearsay rule and if the 2890
deposition or the part to be admitted otherwise is admissible 2891
under the Rules of Evidence. For purposes of this division, 2892
testimony is not excluded by the hearsay rule if the testimony 2893
is not hearsay under Evidence Rule 801; if the testimony is 2894
within an exception to the hearsay rule set forth in Evidence 2895
Rule 803; if the child victim who gave the testimony is 2896
unavailable as a witness, as defined in Evidence Rule 804, and 2897
the testimony is admissible under that rule; or if both of the 2898
following apply: 2899

(a) The child who is charged with the violation or act had 2900
an opportunity and similar motive at the time of the taking of 2901
the deposition to develop the testimony by direct, cross, or 2902
redirect examination. 2903

(b) The judge determines that there is reasonable cause to 2904
believe that, if the child victim who gave the testimony in the 2905
deposition were to testify in person at the proceeding, the 2906
child victim would experience serious emotional trauma as a 2907
result of the child victim's participation at the proceeding. 2908

(2) Objections to receiving in evidence a deposition or a 2909
part of it under division (B) of this section shall be made as 2910
provided in civil actions. 2911

(3) The provisions of divisions (A) and (B) of this 2912
section are in addition to any other provisions of the Revised 2913
Code, the Rules of Juvenile Procedure, the Rules of Criminal 2914
Procedure, or the Rules of Evidence that pertain to the taking 2915
or admission of depositions in a juvenile court proceeding and 2916
do not limit the admissibility under any of those other 2917
provisions of any deposition taken under division (A) of this 2918
section or otherwise taken. 2919

(C) In any proceeding in juvenile court involving a 2920
complaint, indictment, or information in which a child is 2921
charged with a violation listed in division (A)(2) of this 2922
section or an act that would be an offense of violence if 2923
committed by an adult and in which an alleged victim of the 2924
violation or offense was a child who was less than thirteen 2925
years of age when the complaint or information was filed or 2926
indictment was returned, the prosecution, the child victim, or 2927
the child victim's attorney, if applicable, may file a motion 2928
with the juvenile judge requesting the judge to order the 2929

testimony of the child victim to be taken in a room other than 2930
the room in which the proceeding is being conducted and be 2931
televised, by closed circuit equipment, into the room in which 2932
the proceeding is being conducted to be viewed by the child who 2933
is charged with the violation or act and any other persons who 2934
are not permitted in the room in which the testimony is to be 2935
taken but who would have been present during the testimony of 2936
the child victim had it been given in the room in which the 2937
proceeding is being conducted. Except for good cause shown, the 2938
prosecution, the child victim, or the child victim's attorney, 2939
if applicable, shall file a motion under this division at least 2940
seven days before the date of the proceeding. The juvenile judge 2941
may issue the order upon the motion of the prosecution, the 2942
child victim, or the child victim's attorney, if applicable, 2943
filed under this division, if the judge determines that the 2944
child victim is unavailable to testify in the room in which the 2945
proceeding is being conducted in the physical presence of the 2946
child charged with the violation or act, due to one or more of 2947
the reasons set forth in division (E) of this section. If a 2948
juvenile judge issues an order of that nature, the judge shall 2949
exclude from the room in which the testimony is to be taken 2950
every person except a person described in division (A) (3) of 2951
this section. The judge, at the judge's discretion, may preside 2952
during the giving of the testimony by electronic means from 2953
outside the room in which it is being given, subject to the 2954
limitations set forth in division (A) (3) of this section. To the 2955
extent feasible, any person operating the televising equipment 2956
shall be hidden from the sight and hearing of the child victim 2957
giving the testimony, in a manner similar to that described in 2958
division (A) (3) of this section. The child who is charged with 2959
the violation or act shall be permitted to observe and hear the 2960
testimony of the child victim giving the testimony on a monitor, 2961

shall be provided with an electronic means of immediate 2962
communication with the attorney of the child who is charged with 2963
the violation or act during the testimony, and shall be 2964
restricted to a location from which the child who is charged 2965
with the violation or act cannot be seen or heard by the child 2966
victim giving the testimony, except on a monitor provided for 2967
that purpose. The child victim giving the testimony shall be 2968
provided with a monitor on which the child victim can observe, 2969
while giving testimony, the child who is charged with the 2970
violation or act. 2971

(D) In any proceeding in juvenile court involving a 2972
complaint, indictment, or information in which a child is 2973
charged with a violation listed in division (A)(2) of this 2974
section or an act that would be an offense of violence if 2975
committed by an adult and in which an alleged victim of the 2976
violation or offense was a child who was less than thirteen 2977
years of age when the complaint or information was filed or the 2978
indictment was returned, the prosecution, the child victim, or 2979
the child victim's attorney, if applicable, may file a motion 2980
with the juvenile judge requesting the judge to order the 2981
testimony of the child victim to be taken outside of the room in 2982
which the proceeding is being conducted and be recorded for 2983
showing in the room in which the proceeding is being conducted 2984
before the judge, the child who is charged with the violation or 2985
act, and any other persons who would have been present during 2986
the testimony of the child victim had it been given in the room 2987
in which the proceeding is being conducted. Except for good 2988
cause shown, the prosecution, the child victim, or the child 2989
victim's attorney, if applicable, shall file a motion under this 2990
division at least seven days before the date of the proceeding. 2991
The juvenile judge may issue the order upon the motion of the 2992

prosecution, the child victim, or the child victim's attorney, 2993
if applicable, filed under this division, if the judge 2994
determines that the child victim is unavailable to testify in 2995
the room in which the proceeding is being conducted in the 2996
physical presence of the child charged with the violation or 2997
act, due to one or more of the reasons set forth in division (E) 2998
of this section. If a juvenile judge issues an order of that 2999
nature, the judge shall exclude from the room in which the 3000
testimony is to be taken every person except a person described 3001
in division (A) (3) of this section. To the extent feasible, any 3002
person operating the recording equipment shall be hidden from 3003
the sight and hearing of the child victim giving the testimony, 3004
in a manner similar to that described in division (A) (3) of this 3005
section. The child who is charged with the violation or act 3006
shall be permitted to observe and hear the testimony of the 3007
child victim giving the testimony on a monitor, shall be 3008
provided with an electronic means of immediate communication 3009
with the attorney of the child who is charged with the violation 3010
or act during the testimony, and shall be restricted to a 3011
location from which the child who is charged with the violation 3012
or act cannot be seen or heard by the child victim giving the 3013
testimony, except on a monitor provided for that purpose. The 3014
child victim giving the testimony shall be provided with a 3015
monitor on which the child victim can observe, while giving 3016
testimony, the child who is charged with the violation or act. 3017
No order for the taking of testimony by recording shall be 3018
issued under this division unless the provisions set forth in 3019
divisions (A) (3) (a), (b), (c), and (d) of this section apply to 3020
the recording of the testimony. 3021

(E) For purposes of divisions (C) and (D) of this section, 3022
a juvenile judge may order the testimony of a child victim to be 3023

taken outside of the room in which a proceeding is being 3024
conducted if the judge determines that the child victim is 3025
unavailable to testify in the room in the physical presence of 3026
the child charged with the violation or act due to one or more 3027
of the following circumstances: 3028

(1) The persistent refusal of the child victim to testify 3029
despite judicial requests to do so; 3030

(2) The inability of the child victim to communicate about 3031
the alleged violation or offense because of extreme fear, 3032
failure of memory, or another similar reason; 3033

(3) The substantial likelihood that the child victim will 3034
suffer serious emotional trauma from so testifying. 3035

(F)(1) If a juvenile judge issues an order pursuant to 3036
division (C) or (D) of this section that requires the testimony 3037
of a child victim in a juvenile court proceeding to be taken 3038
outside of the room in which the proceeding is being conducted, 3039
the order shall specifically identify the child victim, in a 3040
manner consistent with section 2930.07 of the Revised Code, to 3041
whose testimony it applies, the order applies only during the 3042
testimony of the specified child victim, and the child victim 3043
giving the testimony shall not be required to testify at the 3044
proceeding other than in accordance with the order. The 3045
authority of a judge to close the taking of a deposition under 3046
division (A)(3) of this section or a proceeding under division 3047
(C) or (D) of this section is in addition to the authority of a 3048
judge to close a hearing pursuant to section 2151.35 of the 3049
Revised Code. 3050

(2) A juvenile judge who makes any determination regarding 3051
the admissibility of a deposition under divisions (A) and (B) of 3052

this section, the ~~videotaping~~ recording of a deposition under 3053
division (A) (3) of this section, or the taking of testimony 3054
outside of the room in which a proceeding is being conducted 3055
under division (C) or (D) of this section, shall enter the 3056
determination and findings on the record in the proceeding. 3057

Sec. 2152.811. (A) As used in this section: 3058

(1) "Developmental disability" has the same meaning as in 3059
section 5123.01 of the Revised Code. 3060

(2) "Victim with a developmental disability" includes any 3061
of the following persons: 3062

(a) A person with a developmental disability who was a 3063
victim of a violation identified in division (B) (1) of this 3064
section or an act that would be an offense of violence if 3065
committed by an adult; 3066

(b) A person with a developmental disability against whom 3067
was directed any conduct that constitutes, or that is an element 3068
of, a violation identified in division (B) (1) of this section or 3069
an act that would be an offense of violence if committed by an 3070
adult. 3071

~~(B) (1)~~ (B) (1) (a) In any proceeding in juvenile court 3072
involving a complaint, indictment, or information in which a 3073
child is charged with a violation of section 2903.16, 2903.34, 3074
2903.341, 2907.02, 2907.03, 2907.05, 2907.21, 2907.23, 2907.24, 3075
2907.32, 2907.321, 2907.322, or 2907.323 of the Revised Code or 3076
an act that would be an offense of violence if committed by an 3077
adult and in which an alleged victim of the violation or act was 3078
a person with a developmental disability, the juvenile judge, 3079
upon motion of the prosecution, victim, or victim's attorney, if 3080
applicable, shall order that the testimony of the victim with a 3081

developmental disability be taken by deposition. The 3082
~~prosecution~~ prosecution, victim, or victim's attorney, if 3083
applicable, also may request that the deposition be ~~videotaped-~~ 3084
recorded in accordance with division (B)(2) of this section. 3085

(b) In any proceeding that is not otherwise eligible for 3086
the protections provided for in division (B)(1)(a) of this 3087
section and in which an alleged victim of the violation or act 3088
was a person with a developmental disability, upon motion of the 3089
prosecution, the victim, or the victim's attorney, if 3090
applicable, and a showing by a preponderance of the evidence 3091
that the victim will suffer serious emotional trauma if required 3092
to provide live trial testimony, the juvenile judge shall order 3093
that the testimony of the victim with a developmental disability 3094
be taken by deposition. The prosecution, the victim, or the 3095
victim's attorney, if applicable, also may request that the 3096
deposition be recorded in accordance with division (B)(2) of 3097
this section. 3098

(c) The judge shall notify the victim with a developmental 3099
disability whose deposition is to be taken, the prosecution, the 3100
victim's attorney, if applicable, and the attorney for the child 3101
who is charged with the violation or act of the date, time, and 3102
place for taking the deposition. The notice shall identify the 3103
victim with a developmental disability, in a manner consistent 3104
with section 2930.07 of the Revised Code, who is to be examined 3105
and shall indicate whether a request that the deposition be 3106
~~videotaped-~~ recorded has been made. The child who is charged with 3107
the violation or act shall have the right to attend the 3108
deposition and the right to be represented by counsel. 3109
Depositions shall be taken in the manner provided in civil 3110
cases, except that the judge in the proceeding shall preside at 3111
the taking of the deposition and shall rule at that time on any 3112

objections of the prosecution or the attorney for the child 3113
charged with the violation or act. The prosecution and the 3114
attorney for the child charged with the violation or act shall 3115
have the right, as at an adjudication hearing, to full 3116
examination and cross-examination of the victim with a 3117
developmental disability whose deposition is to be taken. 3118

If a deposition taken under this division is intended to 3119
be offered as evidence in the proceeding, it shall be filed in 3120
the juvenile court in which the action is pending and is 3121
admissible in the manner described in division (C) of this 3122
section. If a deposition of a victim with a developmental 3123
disability taken under this division is admitted as evidence at 3124
the proceeding under division (C) of this section, the victim 3125
with a developmental disability shall not be required to testify 3126
in person at the proceeding. 3127

At any time before the conclusion of the proceeding, the 3128
attorney for the child charged with the violation or act may 3129
file a motion with the judge requesting that another deposition 3130
of the victim with a developmental disability be taken because 3131
new evidence material to the defense of the child charged has 3132
been discovered that the attorney for the child charged could 3133
not with reasonable diligence have discovered prior to the 3134
taking of the admitted deposition. Any motion requesting another 3135
deposition shall be accompanied by supporting affidavits. Upon 3136
the filing of the motion and affidavits, the court may order 3137
that additional testimony of the victim with a developmental 3138
disability relative to the new evidence be taken by another 3139
deposition. If the court orders the taking of another deposition 3140
under this provision, the deposition shall be taken in 3141
accordance with this division. If the admitted deposition was a 3142
~~videotaped~~recorded deposition taken in accordance with division 3143

(B) (2) of this section, the new deposition also shall be 3144
~~videotaped~~ recorded in accordance with that division. In other 3145
cases, the new deposition may be ~~videotaped~~ recorded in 3146
accordance with that division. 3147

(2) If the ~~prosecution requests~~ prosecution, victim, or 3148
victim's attorney, if applicable, requests that a deposition to 3149
be taken under division (B) (1) of this section be ~~videotaped~~ 3150
recorded, the juvenile judge shall order that the deposition be 3151
~~videotaped~~ recorded in accordance with this division. If a 3152
juvenile judge issues an order to ~~video tape~~ record the 3153
deposition, the judge shall exclude from the room in which the 3154
deposition is to be taken every person except the victim with a 3155
developmental disability giving the testimony, the judge, one or 3156
more interpreters if needed, the attorneys for the prosecution 3157
and the child who is charged with the violation or act, the 3158
victim's attorney, if applicable, any person needed to operate 3159
the equipment to be used, one person chosen by the victim with a 3160
developmental disability giving the deposition, the victim's 3161
representative, if applicable, and any person whose presence the 3162
judge determines would contribute to the welfare and well-being 3163
of the victim with a developmental disability giving the 3164
deposition. The person chosen by the victim with a developmental 3165
disability shall not be a witness in the proceeding and, both 3166
before and during the deposition, shall not discuss the 3167
testimony of the victim with any other witness in the 3168
proceeding. To the extent feasible, any person operating the 3169
recording equipment shall be restricted to a room adjacent to 3170
the room in which the deposition is being taken, or to a 3171
location in the room in which the deposition is being taken that 3172
is behind a screen or mirror so that the person operating the 3173
recording equipment can see and hear, but cannot be seen or 3174

heard by, the victim with a developmental disability giving the 3175
deposition during the deposition. 3176

The child who is charged with the violation or act shall 3177
be permitted to observe and hear the testimony of the victim 3178
with a developmental disability giving the deposition on a 3179
monitor, shall be provided with an electronic means of immediate 3180
communication with the attorney of the child who is charged with 3181
the violation or act during the testimony, and shall be 3182
restricted to a location from which the child who is charged 3183
with the violation or act cannot be seen or heard by the victim 3184
with a developmental disability giving the deposition, except on 3185
a monitor provided for that purpose. The victim with a 3186
developmental disability giving the deposition shall be provided 3187
with a monitor on which the victim with a developmental 3188
disability can observe, while giving testimony, the child who is 3189
charged with the violation or act. The judge, at the judge's 3190
discretion, may preside at the deposition by electronic means 3191
from outside the room in which the deposition is to be taken; if 3192
the judge presides by electronic means, the judge shall be 3193
provided with monitors on which the judge can see each person in 3194
the room in which the deposition is to be taken and with an 3195
electronic means of communication with each person in that room, 3196
and each person in the room shall be provided with a monitor on 3197
which that person can see the judge and with an electronic means 3198
of communication with the judge. A deposition that is ~~videotaped-~~ 3199
recorded under this division shall be taken and filed in the 3200
manner described in division (B) (1) of this section and is 3201
admissible in the manner described in this division and division 3202
(C) of this section. If a deposition that is ~~videotaped-~~ recorded 3203
under this division is admitted as evidence at the proceeding, 3204
the victim with a developmental disability shall not be required 3205

to testify in person at the proceeding. No deposition ~~videotaped-~~ 3206
recorded under this division shall be admitted as evidence at 3207
any proceeding unless division (C) of this section is satisfied 3208
relative to the deposition and all of the following apply 3209
relative to the recording: 3210

(a) The recording is both aural and visual and is recorded 3211
on film or videotape, or by other electronic means. 3212

(b) The recording is authenticated under the Rules of 3213
Evidence and the Rules of Criminal Procedure as a fair and 3214
accurate representation of what occurred, and the recording is 3215
not altered other than at the direction and under the 3216
supervision of the judge in the proceeding. 3217

(c) Each voice on the recording that is material to the 3218
testimony on the recording or the making of the recording, as 3219
determined by the judge, is identified. 3220

(d) ~~Both the~~ The prosecution, victim, or victim's 3221
attorney, if applicable, and the child who is charged with the 3222
violation or act are afforded an opportunity to view the 3223
recording before it is shown in the proceeding. 3224

(C) (1) At any proceeding in relation to which a deposition 3225
was taken under division (B) of this section, the deposition or 3226
a part of it is admissible in evidence upon motion of the 3227
prosecution if the testimony in the deposition or the part to be 3228
admitted is not excluded by the hearsay rule and if the 3229
deposition or the part to be admitted otherwise is admissible 3230
under the Rules of Evidence. For purposes of this division, 3231
testimony is not excluded by the hearsay rule if the testimony 3232
is not hearsay under Evidence Rule 801; the testimony is within 3233
an exception to the hearsay rule set forth in Evidence Rule 803; 3234

the victim with a developmental disability who gave the 3235
testimony is unavailable as a witness, as defined in Evidence 3236
Rule 804, and the testimony is admissible under that rule; or 3237
both of the following apply: 3238

(a) The child who is charged with the violation or act had 3239
an opportunity and similar motive at the time of the taking of 3240
the deposition to develop the testimony by direct, cross, or 3241
redirect examination. 3242

(b) The judge determines that there is reasonable cause to 3243
believe that, if the victim with a developmental disability who 3244
gave the testimony in the deposition were to testify in person 3245
at the proceeding, the victim with a developmental disability 3246
would experience serious emotional trauma as a result of the 3247
participation of the victim with a developmental disability at 3248
the proceeding. 3249

(2) Objections to receiving in evidence a deposition or a 3250
part of it under division (C) of this section shall be made as 3251
provided in civil actions. 3252

(3) The provisions of divisions (B) and (C) of this 3253
section are in addition to any other provisions of the Revised 3254
Code, the Rules of Juvenile Procedure, the Rules of Criminal 3255
Procedure, or the Rules of Evidence that pertain to the taking 3256
or admission of depositions in a juvenile court proceeding and 3257
do not limit the admissibility under any of those other 3258
provisions of any deposition taken under division (B) of this 3259
section or otherwise taken. 3260

(D) In any proceeding in juvenile court involving a 3261
complaint, indictment, or information in which a child is 3262
charged with a violation listed in division (B) (1) of this 3263

section or an act that would be an offense of violence if 3264
committed by an adult and in which an alleged victim of the 3265
violation or offense was a person with a developmental 3266
disability, the prosecution, victim, or victim's attorney, if 3267
applicable, may file a motion with the juvenile judge requesting 3268
the judge to order the testimony of the victim with a 3269
developmental disability to be taken in a room other than the 3270
room in which the proceeding is being conducted and be 3271
televised, by closed circuit equipment, into the room in which 3272
the proceeding is being conducted to be viewed by the child who 3273
is charged with the violation or act and any other persons who 3274
are not permitted in the room in which the testimony is to be 3275
taken but who would have been present during the testimony of 3276
the victim with a developmental disability had it been given in 3277
the room in which the proceeding is being conducted. Except for 3278
good cause shown, the prosecution, victim, or victim's attorney, 3279
if applicable, shall file a motion under this division at least 3280
seven days before the date of the proceeding. The juvenile judge 3281
may issue the order upon the motion of the prosecution filed 3282
under this division, if the judge determines that the victim 3283
with a developmental disability is unavailable to testify in the 3284
room in which the proceeding is being conducted in the physical 3285
presence of the child charged with the violation or act for one 3286
or more of the reasons set forth in division (F) of this 3287
section. If a juvenile judge issues an order of that nature, the 3288
judge shall exclude from the room in which the testimony is to 3289
be taken every person except a person described in division (B) 3290
(2) of this section. The judge, at the judge's discretion, may 3291
preside during the giving of the testimony by electronic means 3292
from outside the room in which it is being given, subject to the 3293
limitations set forth in division (B) (2) of this section. To the 3294
extent feasible, any person operating the televising equipment 3295

shall be hidden from the sight and hearing of the victim with a 3296
developmental disability giving the testimony, in a manner 3297
similar to that described in division (B)(2) of this section. 3298
The child who is charged with the violation or act shall be 3299
permitted to observe and hear the testimony of the victim with a 3300
developmental disability giving the testimony on a monitor, 3301
shall be provided with an electronic means of immediate 3302
communication with the attorney of the child who is charged with 3303
the violation or act during the testimony, and shall be 3304
restricted to a location from which the child who is charged 3305
with the violation or act cannot be seen or heard by the victim 3306
with a developmental disability giving the testimony, except on 3307
a monitor provided for that purpose. The victim with a 3308
developmental disability giving the testimony shall be provided 3309
with a monitor on which the victim with a developmental 3310
disability can observe, while giving testimony, the child who is 3311
charged with the violation or act. 3312

(E) In any proceeding in juvenile court involving a 3313
complaint, indictment, or information in which a child is 3314
charged with a violation listed in division (B)(1) of this 3315
section or an act that would be an offense of violence if 3316
committed by an adult and in which an alleged victim of the 3317
violation or offense was a person with a developmental 3318
disability, the prosecution, victim, or victim's attorney, if 3319
applicable, may file a motion with the juvenile judge requesting 3320
the judge to order the testimony of the victim with a 3321
developmental disability to be taken outside of the room in 3322
which the proceeding is being conducted and be recorded for 3323
showing in the room in which the proceeding is being conducted 3324
before the judge, the child who is charged with the violation or 3325
act, and any other persons who would have been present during 3326

the testimony of the victim with a developmental disability had 3327
it been given in the room in which the proceeding is being 3328
conducted. Except for good cause shown, the prosecution, victim, 3329
or victim's attorney, if applicable, shall file a motion under 3330
this division at least seven days before the date of the 3331
proceeding. The juvenile judge may issue the order upon the 3332
motion of the prosecution, victim, or victim's attorney, if 3333
applicable, filed under this division, if the judge determines 3334
that the victim with a developmental disability is unavailable 3335
to testify in the room in which the proceeding is being 3336
conducted in the physical presence of the child charged with the 3337
violation or act, due to one or more of the reasons set forth in 3338
division (F) of this section. If a juvenile judge issues an 3339
order of that nature, the judge shall exclude from the room in 3340
which the testimony is to be taken every person except a person 3341
described in division (B) (2) of this section. To the extent 3342
feasible, any person operating the recording equipment shall be 3343
hidden from the sight and hearing of the victim with a 3344
developmental disability giving the testimony, in a manner 3345
similar to that described in division (B) (2) of this section. 3346
The child who is charged with the violation or act shall be 3347
permitted to observe and hear the testimony of the victim with a 3348
developmental disability giving the testimony on a monitor, 3349
shall be provided with an electronic means of immediate 3350
communication with the attorney of the child who is charged with 3351
the violation or act during the testimony, and shall be 3352
restricted to a location from which the child who is charged 3353
with the violation or act cannot be seen or heard by the victim 3354
with a developmental disability giving the testimony, except on 3355
a monitor provided for that purpose. The victim with a 3356
developmental disability giving the testimony shall be provided 3357
with a monitor on which the victim with a developmental 3358

disability can observe, while giving testimony, the child who is 3359
charged with the violation or act. No order for the taking of 3360
testimony by recording shall be issued under this division 3361
unless the provisions set forth in divisions (B) (2) (a), (b), 3362
(c), and (d) of this section apply to the recording of the 3363
testimony. 3364

(F) For purposes of divisions (D) and (E) of this section, 3365
a juvenile judge may order the testimony of a victim with a 3366
developmental disability to be taken outside of the room in 3367
which a proceeding is being conducted if the judge determines 3368
that the victim with a developmental disability is unavailable 3369
to testify in the room in the physical presence of the child 3370
charged with the violation or act due to one or more of the 3371
following circumstances: 3372

(1) The persistent refusal of the victim with a 3373
developmental disability to testify despite judicial requests to 3374
do so; 3375

(2) The inability of the victim with a developmental 3376
disability to communicate about the alleged violation or offense 3377
because of extreme fear, failure of memory, or another similar 3378
reason; 3379

(3) The substantial likelihood that the victim with a 3380
developmental disability will suffer serious emotional trauma 3381
from so testifying. 3382

(G) (1) If a juvenile judge issues an order pursuant to 3383
division (D) or (E) of this section that requires the testimony 3384
of a victim with a developmental disability in a juvenile court 3385
proceeding to be taken outside of the room in which the 3386
proceeding is being conducted, the order shall specifically 3387

identify the victim with a developmental disability, in a manner 3388
consistent with section 2930.07 of the Revised Code, to whose 3389
testimony it applies, the order applies only during the 3390
testimony of the specified victim with a developmental 3391
disability, and the victim with a developmental disability 3392
giving the testimony shall not be required to testify at the 3393
proceeding other than in accordance with the order. The 3394
authority of a judge to close the taking of a deposition under 3395
division (B) (2) of this section or a proceeding under division 3396
(D) or (E) of this section is in addition to the authority of a 3397
judge to close a hearing pursuant to section 2151.35 of the 3398
Revised Code. 3399

(2) A juvenile judge who makes any determination regarding 3400
the admissibility of a deposition under divisions (B) and (C) of 3401
this section, the ~~videotaping~~ recording of a deposition under 3402
division (B) (2) of this section, or the taking of testimony 3403
outside of the room in which a proceeding is being conducted 3404
under division (D) or (E) of this section shall enter the 3405
determination and findings on the record in the proceeding. 3406

Sec. 2335.35. (A) All moneys, fees, costs, debts, and 3407
damages, remaining in the hands of the clerk of the court of 3408
common pleas or probate judge, and all unclaimed moneys, other 3409
than costs, remaining in the hands of the sheriff from the 3410
expiration of thirty days from the ending of the time of 3411
advertisement as provided by section 2335.34 of the Revised 3412
Code, shall be paid by such officer or ~~his~~ such officer's 3413
successor to the county treasurer, on the order of the county 3414
auditor, except for unclaimed moneys that are for restitution 3415
payments for crime victims. Each such officer shall indicate 3416
each item in ~~his~~ the officer's cashbook and docket the 3417
disposition made thereof. Upon ceasing to be such officer, each 3418

clerk, probate judge, and sheriff shall immediately pay to 3419
~~his~~the clerk's, probate judge's, or sheriff's successor all 3420
money ~~in his hands~~on hand as such officer. 3421

(B) All the moneys remaining unclaimed that are for 3422
restitution payments for crime victims shall be sent to the 3423
reparations fund created under section 2743.191 of the Revised 3424
Code, with a list from the clerk specifying the amounts and 3425
individual identifying information of the funds. 3426

Sec. 2743.191. (A) (1) There is hereby created in the state 3427
treasury the reparations fund, which shall be used only for the 3428
following purposes: 3429

(a) The payment of awards of reparations that are granted 3430
by the attorney general; 3431

(b) The compensation of any personnel needed by the 3432
attorney general to administer sections 2743.51 to 2743.72 of 3433
the Revised Code; 3434

(c) The compensation of witnesses as provided in division 3435
(J) of section 2743.65 of the Revised Code; 3436

(d) Other administrative costs of hearing and determining 3437
claims for an award of reparations by the attorney general; 3438

(e) The costs of administering sections 2907.28 and 3439
2969.01 to 2969.06 of the Revised Code; 3440

(f) The costs of investigation and decision-making as 3441
certified by the attorney general; 3442

(g) The provision of state financial assistance to victim 3443
assistance programs in accordance with sections 109.91 and 3444
109.92 of the Revised Code; 3445

(h) The costs of paying the expenses of sex offense-	3446
related examinations, antibiotics, and HIV post-exposure	3447
prophylaxis pursuant to section 2907.28 of the Revised Code;	3448
(i) The cost of printing and distributing the pamphlet	3449
prepared by the attorney general pursuant to section 109.42 of	3450
the Revised Code;	3451
(j) Subject to division (D) of section 2743.71 of the	3452
Revised Code, the costs associated with the printing and	3453
providing of information cards or other printed materials to law	3454
enforcement agencies and prosecuting authorities and with	3455
publicizing the availability of awards of reparations pursuant	3456
to section 2743.71 of the Revised Code;	3457
(k) The payment of costs of administering a DNA specimen	3458
collection procedure pursuant to sections 2152.74 and 2901.07 of	3459
the Revised Code, of performing DNA analysis of those DNA	3460
specimens, and of entering the resulting DNA records regarding	3461
those analyses into the DNA database pursuant to section 109.573	3462
of the Revised Code;	3463
(l) The payment of actual costs associated with	3464
initiatives by the attorney general for the apprehension,	3465
prosecution, and accountability of offenders, and the enhancing	3466
of services to crime victims. The amount of payments made	3467
pursuant to division (A) (1) (1) of this section during any given	3468
fiscal year shall not exceed five per cent of the balance of the	3469
reparations fund at the close of the immediately previous fiscal	3470
year;	3471
(m) The costs of administering the adult parole	3472
authority's supervision pursuant to division (E) of section	3473
2971.05 of the Revised Code of sexually violent predators who	3474

are sentenced to a prison term pursuant to division (A) (3) of 3475
section 2971.03 of the Revised Code and of offenders who are 3476
sentenced to a prison term pursuant to division (B) (1) (a), (b), 3477
or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) 3478
of that section; 3479

(n) Subject to the limit set forth in those sections, the 3480
costs of the installation and monitoring of an electronic 3481
monitoring device used in the monitoring of a respondent 3482
pursuant to an electronic monitoring order issued by a court 3483
under division (E) (1) (b) of section 2151.34 or division (E) (1) 3484
(b) of section 2903.214 of the Revised Code if the court 3485
determines that the respondent is indigent or used in the 3486
monitoring of an offender pursuant to an electronic monitoring 3487
order issued under division (B) (5) of section 2919.27 of the 3488
Revised Code if the court determines that the offender is 3489
indigent. 3490

(2) All costs paid pursuant to section 2743.70 of the 3491
Revised Code, the portions of license reinstatement fees 3492
mandated by division (F) (2) (b) of section 4511.191 of the 3493
Revised Code to be credited to the fund, the portions of the 3494
proceeds of the sale of a forfeited vehicle specified in 3495
division (C) (2) of section 4503.234 of the Revised Code, 3496
payments collected by the department of rehabilitation and 3497
correction from prisoners who voluntarily participate in an 3498
approved work and training program pursuant to division (C) (8) 3499
(b) (ii) of section 5145.16 of the Revised Code, and all moneys 3500
collected by the state pursuant to its right of subrogation 3501
provided in section 2743.72 of the Revised Code shall be 3502
deposited in the fund. 3503

(B) In making an award of reparations, the attorney 3504

general shall render the award against the state. The award 3505
shall be accomplished only through the following procedure, and 3506
the following procedure may be enforced by writ of mandamus 3507
directed to the appropriate official: 3508

(1) The attorney general shall provide for payment of the 3509
claimant or providers in the amount of the award only if the 3510
amount of the award is fifty dollars or more. 3511

(2) The expense shall be charged against all available 3512
unencumbered moneys in the fund. 3513

(3) If sufficient unencumbered moneys do not exist in the 3514
fund, the attorney general shall make application for payment of 3515
the award out of the emergency purposes account or any other 3516
appropriation for emergencies or contingencies, and payment out 3517
of this account or other appropriation shall be authorized if 3518
there are sufficient moneys greater than the sum total of then 3519
pending emergency purposes account requests or requests for 3520
releases from the other appropriations. 3521

(4) If sufficient moneys do not exist in the account or 3522
any other appropriation for emergencies or contingencies to pay 3523
the award, the attorney general shall request the general 3524
assembly to make an appropriation sufficient to pay the award, 3525
and no payment shall be made until the appropriation has been 3526
made. The attorney general shall make this appropriation request 3527
during the current biennium and during each succeeding biennium 3528
until a sufficient appropriation is made. If, prior to the time 3529
that an appropriation is made by the general assembly pursuant 3530
to this division, the fund has sufficient unencumbered funds to 3531
pay the award or part of the award, the available funds shall be 3532
used to pay the award or part of the award, and the 3533
appropriation request shall be amended to request only 3534

sufficient funds to pay that part of the award that is unpaid. 3535

(C) The attorney general shall not make payment on a 3536
decision or order granting an award until all appeals have been 3537
determined and all rights to appeal exhausted, except as 3538
otherwise provided in this section. If any party to a claim for 3539
an award of reparations appeals from only a portion of an award, 3540
and a remaining portion provides for the payment of money by the 3541
state, that part of the award calling for the payment of money 3542
by the state and not a subject of the appeal shall be processed 3543
for payment as described in this section. 3544

(D) If any unclaimed moneys that are in the reparations 3545
fund are not claimed within a period of five years, the attorney 3546
general shall use those moneys for the benefit of other victims 3547
of crime. The attorney general shall pay any part of the 3548
restitution award owed to a victim at any time to the person who 3549
has the right to the moneys upon proper certification from the 3550
clerk and documentation from the individual claiming such right. 3551

(E) The attorney general shall prepare itemized bills for 3552
the costs of printing and distributing the pamphlet the attorney 3553
general prepares pursuant to section 109.42 of the Revised Code. 3554
The itemized bills shall set forth the name and address of the 3555
persons owed the amounts set forth in them. 3556

~~(E)~~ (F) Interest earned on the moneys in the fund shall be 3557
credited to the fund. 3558

~~(F)~~ (G) As used in this section, "DNA analysis" and "DNA 3559
specimen" have the same meanings as in section 109.573 of the 3560
Revised Code. 3561

Sec. 2743.70. (A) (1) The court, in which any person is 3562
convicted of or pleads guilty to any offense other than a 3563

traffic offense that is not a moving violation, shall impose the 3564
following sum as costs in the case in addition to any other 3565
court costs that the court is required by law to impose upon the 3566
offender: 3567

(a) Thirty dollars, if the offense is a felony; 3568

(b) Nine dollars, if the offense is a misdemeanor. 3569

The court shall not waive the payment of the ~~thirty~~ 3570
~~thirty-~~ or ~~nine dollars~~ nine-dollar court ~~costs~~ cost, unless the 3571
court determines that the offender is indigent and waives the 3572
payment of all court costs imposed upon the indigent offender. 3573
All such moneys shall be transmitted on the first business day 3574
of each month by the clerk of the court to the treasurer of 3575
state and deposited by the treasurer in the reparations fund. 3576

(2) The juvenile court in which a child is found to be a 3577
delinquent child or a juvenile traffic offender for an act 3578
which, if committed by an adult, would be an offense other than 3579
a traffic offense that is not a moving violation, shall impose 3580
the following sum as costs in the case in addition to any other 3581
court costs that the court is required or permitted by law to 3582
impose upon the delinquent child or juvenile traffic offender: 3583

(a) Thirty dollars, if the act, if committed by an adult, 3584
would be a felony; 3585

(b) Nine dollars, if the act, if committed by an adult, 3586
would be a misdemeanor. 3587

The ~~thirty~~ ~~thirty-~~ or ~~nine dollars~~ nine-dollar court 3588
~~costs~~ cost shall be collected in all cases unless the court 3589
determines the juvenile is indigent and waives the payment of 3590
all court costs, or enters an order on its journal stating that 3591
it has determined that the juvenile is indigent, that no other 3592

~~court costs are to be taxed in the case, and that the payment of~~ 3593
~~the thirty or nine dollars court costs is waived.~~ All such 3594
moneys collected during a month shall be transmitted on or 3595
before the twentieth day of the following month by the clerk of 3596
the court to the treasurer of state and deposited by the 3597
treasurer in the reparations fund. 3598

(B) Whenever a person is charged with any offense other 3599
than a traffic offense that is not a moving violation and posts 3600
bail pursuant to sections 2937.22 to 2937.46 of the Revised 3601
Code, Criminal Rule 46, or Traffic Rule 4, the court shall add 3602
to the amount of the bail the thirty or nine dollars required to 3603
be paid by division (A)(1) of this section. The thirty or nine 3604
dollars shall be retained by the clerk of the court until the 3605
person is convicted, pleads guilty, forfeits bail, is found not 3606
guilty, or has the charges dismissed. If the person is 3607
convicted, pleads guilty, or forfeits bail, the clerk shall 3608
transmit the thirty or nine dollars to the treasurer of state, 3609
who shall deposit it in the reparations fund. If the person is 3610
found not guilty or the charges are dismissed, the clerk shall 3611
return the thirty or nine dollars to the person. 3612

(C) No person shall be placed or held in jail for failing 3613
to pay the additional ~~thirty thirty-~~ or ~~nine dollars~~ nine-dollar 3614
~~court costs~~ cost or bail ~~that are~~ required to be paid by this 3615
section. 3616

(D) As used in this section: 3617

(1) "Moving violation" means any violation of any statute 3618
or ordinance, other than section 4513.263 of the Revised Code or 3619
an ordinance that is substantially equivalent to that section, 3620
that regulates the operation of vehicles, streetcars, or 3621
trackless trolleys on highways or streets or that regulates size 3622

or load limitations or fitness requirements of vehicles. "Moving violation" does not include the violation of any statute or ordinance that regulates pedestrians or the parking of vehicles.

(2) "Bail" means cash, a check, a money order, a credit card, or any other form of money that is posted by or for an offender pursuant to sections 2937.22 to 2937.46 of the Revised Code, Criminal Rule 46, or Traffic Rule 4 to prevent the offender from being placed or held in a detention facility, as defined in section 2921.01 of the Revised Code.

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

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

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

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

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

(B) Whoever violates this section is guilty of rape, a 3652
felony of the first degree. If the offender under division (A) 3653
(1) (a) of this section substantially impairs the other person's 3654
judgment or control by administering any controlled substance, 3655
as defined in section 3719.01 of the Revised Code, to the other 3656
person surreptitiously or by force, threat of force, or 3657
deception, the prison term imposed upon the offender shall be 3658
one of the definite prison terms prescribed for a felony of the 3659
first degree in division (A) (1) (b) of section 2929.14 of the 3660
Revised Code that is not less than five years, except that if 3661
the violation is committed on or after March 22, 2019, the court 3662
shall impose as the minimum prison term for the offense a 3663
mandatory prison term that is one of the minimum terms 3664
prescribed for a felony of the first degree in division (A) (1) 3665
(a) of section 2929.14 of the Revised Code that is not less than 3666
five years. Except as otherwise provided in this division, 3667
notwithstanding sections 2929.11 to 2929.14 of the Revised Code, 3668
an offender under division (A) (1) (b) of this section shall be 3669
sentenced to a prison term or term of life imprisonment pursuant 3670
to section 2971.03 of the Revised Code. If an offender is 3671
convicted of or pleads guilty to a violation of division (A) (1) 3672
(b) of this section, if the offender was less than sixteen years 3673
of age at the time the offender committed the violation of that 3674
division, and if the offender during or immediately after the 3675
commission of the offense did not cause serious physical harm to 3676
the victim, the victim was ten years of age or older at the time 3677
of the commission of the violation, and the offender has not 3678
previously been convicted of or pleaded guilty to a violation of 3679
this section or a substantially similar existing or former law 3680
of this state, another state, or the United States, the court 3681
shall not sentence the offender to a prison term or term of life 3682
imprisonment pursuant to section 2971.03 of the Revised Code, 3683

and instead the court shall sentence the offender as otherwise 3684
provided in this division. If an offender under division (A) (1) 3685
(b) of this section previously has been convicted of or pleaded 3686
guilty to violating division (A) (1) (b) of this section or to 3687
violating an existing or former law of this state, another 3688
state, or the United States that is substantially similar to 3689
division (A) (1) (b) of this section, if the offender during or 3690
immediately after the commission of the offense caused serious 3691
physical harm to the victim, or if the victim under division (A) 3692
(1) (b) of this section is less than ten years of age, in lieu of 3693
sentencing the offender to a prison term or term of life 3694
imprisonment pursuant to section 2971.03 of the Revised Code, 3695
except as otherwise provided in this division, the court may 3696
impose upon the offender a term of life without parole. If the 3697
court imposes a term of life without parole pursuant to this 3698
division, division (F) of section 2971.03 of the Revised Code 3699
applies, and the offender automatically is classified a tier III 3700
sex offender/child-victim offender, as described in that 3701
division. A court shall not impose a term of life without parole 3702
on an offender for rape if the offender was under eighteen years 3703
of age at the time of the offense. 3704

(C) A victim need not prove physical resistance to the 3705
offender in prosecutions under this section. 3706

(D) Evidence of specific instances of the victim's sexual 3707
activity, opinion evidence of the victim's sexual activity, and 3708
reputation evidence of the victim's sexual activity shall not be 3709
admitted under this section unless it involves evidence of the 3710
origin of semen, pregnancy, or sexually transmitted disease or 3711
infection, or the victim's past sexual activity with the 3712
offender, and only to the extent that the court finds that the 3713
evidence is material to a fact at issue in the case and that its 3714

inflammatory or prejudicial nature does not outweigh its 3715
probative value. 3716

Evidence of specific instances of the defendant's sexual 3717
activity, opinion evidence of the defendant's sexual activity, 3718
and reputation evidence of the defendant's sexual activity shall 3719
not be admitted under this section unless it involves evidence 3720
of the origin of semen, pregnancy, or sexually transmitted 3721
disease or infection, the defendant's past sexual activity with 3722
the victim, or is admissible against the defendant under section 3723
2945.59 of the Revised Code, and only to the extent that the 3724
court finds that the evidence is material to a fact at issue in 3725
the case and that its inflammatory or prejudicial nature does 3726
not outweigh its probative value. 3727

(E) Prior to taking testimony or receiving evidence of any 3728
sexual activity of the victim or the defendant in a proceeding 3729
under this section, the court shall resolve the admissibility of 3730
the proposed evidence in a hearing in chambers, which shall be 3731
held at or before preliminary hearing and not less than three 3732
days before trial, or for good cause shown during the trial. 3733

(F) Upon approval by the court, the victim may be 3734
represented by counsel in any hearing in chambers or other 3735
proceeding to resolve the admissibility of evidence. If the 3736
victim is indigent or otherwise is unable to obtain the services 3737
of counsel, the court, upon request, may appoint counsel to 3738
represent the victim without cost to the victim. 3739

(G) It is not a defense to a charge under division (A) (2) 3740
of this section that the offender and the victim were married or 3741
were cohabiting at the time of the commission of the offense. 3742

Sec. 2907.05. (A) No person shall have sexual contact with 3743

another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies:

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

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

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

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

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

(B) No person shall knowingly touch the genitalia of

another, when the touching is not through clothing, the other 3773
person is less than twelve years of age, whether or not the 3774
offender knows the age of that person, and the touching is done 3775
with an intent to abuse, humiliate, harass, degrade, or arouse 3776
or gratify the sexual desire of any person. 3777

(C) Whoever violates this section is guilty of gross 3778
sexual imposition. 3779

(1) Except as otherwise provided in this section, gross 3780
sexual imposition committed in violation of division (A) (1), 3781
(2), (3), or (5) of this section is a felony of the fourth 3782
degree. If the offender under division (A) (2) of this section 3783
substantially impairs the judgment or control of the other 3784
person or one of the other persons by administering any 3785
controlled substance, as defined in section 3719.01 of the 3786
Revised Code, to the person surreptitiously or by force, threat 3787
of force, or deception, gross sexual imposition committed in 3788
violation of division (A) (2) of this section is a felony of the 3789
third degree. 3790

(2) Gross sexual imposition committed in violation of 3791
division (A) (4) or (B) of this section is a felony of the third 3792
degree. Except as otherwise provided in this division, for gross 3793
sexual imposition committed in violation of division (A) (4) or 3794
(B) of this section there is a presumption that a prison term 3795
shall be imposed for the offense. The court shall impose on an 3796
offender convicted of gross sexual imposition in violation of 3797
division (A) (4) or (B) of this section a mandatory prison term, 3798
as described in division (C) (3) of this section, for a felony of 3799
the third degree if either of the following applies: 3800

(a) Evidence other than the testimony of the victim was 3801
admitted in the case corroborating the violation; 3802

(b) The offender previously was convicted of or pleaded 3803
guilty to a violation of this section, rape, the former offense 3804
of felonious sexual penetration, or sexual battery, and the 3805
victim of the previous offense was less than thirteen years of 3806
age. 3807

(3) A mandatory prison term required under division (C) (2) 3808
of this section shall be a definite term from the range of 3809
prison terms provided in division (A) (3) (a) of section 2929.14 3810
of the Revised Code for a felony of the third degree. 3811

(D) A victim need not prove physical resistance to the 3812
offender in prosecutions under this section. 3813

(E) Evidence of specific instances of the victim's sexual 3814
activity, opinion evidence of the victim's sexual activity, and 3815
reputation evidence of the victim's sexual activity shall not be 3816
admitted under this section unless it involves evidence of the 3817
origin of semen, pregnancy, or sexually transmitted disease or 3818
infection, or the victim's past sexual activity with the 3819
offender, and only to the extent that the court finds that the 3820
evidence is material to a fact at issue in the case and that its 3821
inflammatory or prejudicial nature does not outweigh its 3822
probative value. 3823

Evidence of specific instances of the defendant's sexual 3824
activity, opinion evidence of the defendant's sexual activity, 3825
and reputation evidence of the defendant's sexual activity shall 3826
not be admitted under this section unless it involves evidence 3827
of the origin of semen, pregnancy, or sexually transmitted 3828
disease or infection, the defendant's past sexual activity with 3829
the victim, or is admissible against the defendant under section 3830
2945.59 of the Revised Code, and only to the extent that the 3831
court finds that the evidence is material to a fact at issue in 3832

the case and that its inflammatory or prejudicial nature does 3833
not outweigh its probative value. 3834

(F) Prior to taking testimony or receiving evidence of any 3835
sexual activity of the victim or the defendant in a proceeding 3836
under this section, the court shall resolve the admissibility of 3837
the proposed evidence in a hearing in chambers, which shall be 3838
held at or before preliminary hearing and not less than three 3839
days before trial, or for good cause shown during the trial. 3840

(G) Upon approval by the court, the victim may be 3841
represented by counsel in any hearing in chambers or other 3842
proceeding to resolve the admissibility of evidence. If the 3843
victim is indigent or otherwise is unable to obtain the services 3844
of counsel, the court, upon request, may appoint counsel to 3845
represent the victim without cost to the victim. 3846

Sec. 2907.10. (A) (1) A peace officer, prosecutor, ~~or~~ other 3847
public official, defendant, defendant's attorney, alleged 3848
juvenile offender, or alleged juvenile offender's attorney shall 3849
not ask or require a victim of an alleged sex offense to submit 3850
to a polygraph examination as a condition for proceeding with 3851
the investigation or prosecution of the alleged sex offense. 3852

(2) The refusal of the victim of an alleged sex offense to 3853
submit to a polygraph examination shall not prevent the 3854
investigation of the alleged sex offense, the filing of criminal 3855
charges with respect to the alleged sex offense, or the 3856
prosecution of the alleged perpetrator of the alleged sex 3857
offense. 3858

(B) As used in this section: 3859

(1) "Peace officer" has the same meaning as in section 3860
2921.51 of the Revised Code. 3861

(2) "Polygraph examination" means any mechanical or 3862
electrical instrument or device of any type used or allegedly 3863
used to examine, test, or question an individual for the purpose 3864
of determining the individual's truthfulness. 3865

(3) "Prosecution" means the prosecution of criminal 3866
charges in a criminal prosecution or the prosecution of a 3867
delinquent child complaint in a delinquency proceeding. 3868

(4) "Prosecutor" has the same meaning as in section 3869
2935.01 of the Revised Code. 3870

(5) "Public official" has the same meaning as in section 3871
117.01 of the Revised Code. 3872

(6) "Sex offense" means a violation of any provision of 3873
sections 2907.02 to 2907.09 of the Revised Code. 3874

(7) "Alleged juvenile offender" has the same meaning as in 3875
section 2930.01 of the Revised Code. 3876

Sec. 2929.18. (A) Except as otherwise provided in this 3877
division and in addition to imposing court costs pursuant to 3878
section 2947.23 of the Revised Code, the court imposing a 3879
sentence upon an offender for a felony may sentence the offender 3880
to any financial sanction or combination of financial sanctions 3881
authorized under this section or, in the circumstances specified 3882
in section 2929.32 of the Revised Code, may impose upon the 3883
offender a fine in accordance with that section, and shall 3884
sentence the offender to make restitution pursuant to this 3885
section and section 2929.281 of the Revised Code. The victim has 3886
a right not to seek restitution. Financial sanctions that either 3887
are required to be or may be imposed pursuant to this section 3888
include, but are not limited to, the following: 3889

(1) Restitution by the offender to the victim of the 3890

offender's ~~crime~~criminal offense or ~~any survivor of the~~ 3891
~~victim~~victim's estate, in an amount based on the victim's 3892
economic loss. ~~If the~~In open court~~imposes restitution~~, the 3893
court shall order that ~~the~~full restitution be made to the 3894
victim ~~in open court~~, to the adult probation department that 3895
serves the county on behalf of the victim, to the clerk of 3896
courts, or to another agency designated by the court. ~~If the~~ 3897
~~court imposes restitution~~, ~~at~~At sentencing, the court shall 3898
determine the amount of restitution to be made by the offender. 3899
~~If the court imposes restitution, the court may base the amount~~ 3900
~~of restitution it orders on an amount recommended by the victim,~~ 3901
~~the offender, a presentence investigation report, estimates or~~ 3902
~~receipts indicating the cost of repairing or replacing property,~~ 3903
~~and other information, provided that the~~The victim, victim's 3904
representative, victim's attorney, if applicable, the prosecutor 3905
or the prosecutor's designee, and the offender may provide 3906
information relevant to the determination of the amount of 3907
restitution. The amount the court orders as restitution shall 3908
not exceed the amount of the economic loss suffered by the 3909
victim as a direct and proximate result of the commission of the 3910
offense. If the court imposes restitution for the cost of 3911
accounting or auditing done to determine the extent of economic 3912
loss, the court may order restitution for any amount of the 3913
victim's costs of accounting or auditing provided that the 3914
amount of restitution is reasonable and does not exceed the 3915
value of property or services stolen or damaged as a result of 3916
the offense. ~~If the court decides to impose restitution, the~~The 3917
court shall hold a hearing on restitution if the offender, 3918
victim, ~~or survivor~~victim's representative, or victim's estate 3919
disputes the amount. The court shall determine the amount of 3920
full restitution by a preponderance of the evidence. All 3921
restitution payments shall be credited against any recovery of 3922

economic loss in a civil action brought by the victim or ~~any~~ 3923
~~survivor of the victim~~ victim's estate against the offender. 3924

~~If the court imposes restitution, the~~ The court may order 3925
that the offender pay a surcharge of not more than five per cent 3926
of the amount of the restitution otherwise ordered to the entity 3927
responsible for collecting and processing restitution payments. 3928

~~The victim or survivor,~~ victim's estate, or victim's 3929
attorney, if applicable, may file a motion or request that the 3930
prosecutor in the case file a motion, or the offender may file a 3931
motion, for modification of the payment terms of any restitution 3932
ordered. If the court grants the motion, it may modify the 3933
payment terms as it determines appropriate but shall not reduce 3934
the amount of restitution ordered, except as provided in 3935
division (A) of section 2929.281 of the Revised Code. The court 3936
shall not discharge restitution until it is fully paid by the 3937
offender. 3938

(2) Except as provided in division (B) (1), (3), or (4) of 3939
this section, a fine payable by the offender to the state, to a 3940
political subdivision, or as described in division (B) (2) of 3941
this section to one or more law enforcement agencies, with the 3942
amount of the fine based on a standard percentage of the 3943
offender's daily income over a period of time determined by the 3944
court and based upon the seriousness of the offense. A fine 3945
ordered under this division shall not exceed the maximum 3946
conventional fine amount authorized for the level of the offense 3947
under division (A) (3) of this section. 3948

(3) Except as provided in division (B) (1), (3), or (4) of 3949
this section, a fine payable by the offender to the state, to a 3950
political subdivision when appropriate for a felony, or as 3951
described in division (B) (2) of this section to one or more law 3952

enforcement agencies, in the following amount:	3953
(a) For a felony of the first degree, not more than twenty thousand dollars;	3954 3955
(b) For a felony of the second degree, not more than fifteen thousand dollars;	3956 3957
(c) For a felony of the third degree, not more than ten thousand dollars;	3958 3959
(d) For a felony of the fourth degree, not more than five thousand dollars;	3960 3961
(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.	3962 3963
(4) A state fine or costs as defined in section 2949.111 of the Revised Code.	3964 3965
(5) (a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:	3966 3967 3968
(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;	3969 3970 3971
(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;	3972 3973 3974 3975 3976 3977 3978
(iii) All or part of the cost of purchasing and using an	3979

immobilizing or disabling device, including a certified ignition 3980
interlock device, or a remote alcohol monitoring device that a 3981
court orders an offender to use under section 4510.13 of the 3982
Revised Code. 3983

(b) If the offender is sentenced to a sanction of 3984
confinement pursuant to section 2929.14 or 2929.16 of the 3985
Revised Code that is to be served in a facility operated by a 3986
board of county commissioners, a legislative authority of a 3987
municipal corporation, or another local governmental entity, if, 3988
pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 3989
753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 3990
section 2929.37 of the Revised Code, the board, legislative 3991
authority, or other local governmental entity requires prisoners 3992
to reimburse the county, municipal corporation, or other entity 3993
for its expenses incurred by reason of the prisoner's 3994
confinement, and if the court does not impose a financial 3995
sanction under division (A) (5) (a) (ii) of this section, 3996
confinement costs may be assessed pursuant to section 2929.37 of 3997
the Revised Code. In addition, the offender may be required to 3998
pay the fees specified in section 2929.38 of the Revised Code in 3999
accordance with that section. 4000

(c) Reimbursement by the offender for costs pursuant to 4001
section 2929.71 of the Revised Code. 4002

(B) (1) For a first, second, or third degree felony 4003
violation of any provision of Chapter 2925., 3719., or 4729. of 4004
the Revised Code, the sentencing court shall impose upon the 4005
offender a mandatory fine of at least one-half of, but not more 4006
than, the maximum statutory fine amount authorized for the level 4007
of the offense pursuant to division (A) (3) of this section. If 4008
an offender alleges in an affidavit filed with the court prior 4009

to sentencing that the offender is indigent and unable to pay 4010
the mandatory fine and if the court determines the offender is 4011
an indigent person and is unable to pay the mandatory fine 4012
described in this division, the court shall not impose the 4013
mandatory fine upon the offender. 4014

(2) Any mandatory fine imposed upon an offender under 4015
division (B)(1) of this section and any fine imposed upon an 4016
offender under division (A)(2) or (3) of this section for any 4017
fourth or fifth degree felony violation of any provision of 4018
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 4019
to law enforcement agencies pursuant to division (F) of section 4020
2925.03 of the Revised Code. 4021

(3) For a fourth degree felony OVI offense and for a third 4022
degree felony OVI offense, the sentencing court shall impose 4023
upon the offender a mandatory fine in the amount specified in 4024
division (G)(1)(d) or (e) of section 4511.19 of the Revised 4025
Code, whichever is applicable. The mandatory fine so imposed 4026
shall be disbursed as provided in the division pursuant to which 4027
it is imposed. 4028

(4) Notwithstanding any fine otherwise authorized or 4029
required to be imposed under division (A)(2) or (3) or (B)(1) of 4030
this section or section 2929.31 of the Revised Code for a 4031
violation of section 2925.03 of the Revised Code, in addition to 4032
any penalty or sanction imposed for that offense under section 4033
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 4034
in addition to the forfeiture of property in connection with the 4035
offense as prescribed in Chapter 2981. of the Revised Code, the 4036
court that sentences an offender for a violation of section 4037
2925.03 of the Revised Code may impose upon the offender a fine 4038
in addition to any fine imposed under division (A)(2) or (3) of 4039

this section and in addition to any mandatory fine imposed under 4040
division (B)(1) of this section. The fine imposed under division 4041
(B)(4) of this section shall be used as provided in division (H) 4042
of section 2925.03 of the Revised Code. A fine imposed under 4043
division (B)(4) of this section shall not exceed whichever of 4044
the following is applicable: 4045

(a) The total value of any personal or real property in 4046
which the offender has an interest and that was used in the 4047
course of, intended for use in the course of, derived from, or 4048
realized through conduct in violation of section 2925.03 of the 4049
Revised Code, including any property that constitutes proceeds 4050
derived from that offense; 4051

(b) If the offender has no interest in any property of the 4052
type described in division (B)(4)(a) of this section or if it is 4053
not possible to ascertain whether the offender has an interest 4054
in any property of that type in which the offender may have an 4055
interest, the amount of the mandatory fine for the offense 4056
imposed under division (B)(1) of this section or, if no 4057
mandatory fine is imposed under division (B)(1) of this section, 4058
the amount of the fine authorized for the level of the offense 4059
imposed under division (A)(3) of this section. 4060

(5) Prior to imposing a fine under division (B)(4) of this 4061
section, the court shall determine whether the offender has an 4062
interest in any property of the type described in division (B) 4063
(4)(a) of this section. Except as provided in division (B)(6) or 4064
(7) of this section, a fine that is authorized and imposed under 4065
division (B)(4) of this section does not limit or affect the 4066
imposition of the penalties and sanctions for a violation of 4067
section 2925.03 of the Revised Code prescribed under those 4068
sections or sections 2929.11 to 2929.18 of the Revised Code and 4069

does not limit or affect a forfeiture of property in connection 4070
with the offense as prescribed in Chapter 2981. of the Revised 4071
Code. 4072

(6) If the sum total of a mandatory fine amount imposed 4073
for a first, second, or third degree felony violation of section 4074
2925.03 of the Revised Code under division (B)(1) of this 4075
section plus the amount of any fine imposed under division (B) 4076
(4) of this section does not exceed the maximum statutory fine 4077
amount authorized for the level of the offense under division 4078
(A)(3) of this section or section 2929.31 of the Revised Code, 4079
the court may impose a fine for the offense in addition to the 4080
mandatory fine and the fine imposed under division (B)(4) of 4081
this section. The sum total of the amounts of the mandatory 4082
fine, the fine imposed under division (B)(4) of this section, 4083
and the additional fine imposed under division (B)(6) of this 4084
section shall not exceed the maximum statutory fine amount 4085
authorized for the level of the offense under division (A)(3) of 4086
this section or section 2929.31 of the Revised Code. The clerk 4087
of the court shall pay any fine that is imposed under division 4088
(B)(6) of this section to the county, township, municipal 4089
corporation, park district as created pursuant to section 511.18 4090
or 1545.04 of the Revised Code, or state law enforcement 4091
agencies in this state that primarily were responsible for or 4092
involved in making the arrest of, and in prosecuting, the 4093
offender pursuant to division (F) of section 2925.03 of the 4094
Revised Code. 4095

(7) If the sum total of the amount of a mandatory fine 4096
imposed for a first, second, or third degree felony violation of 4097
section 2925.03 of the Revised Code plus the amount of any fine 4098
imposed under division (B)(4) of this section exceeds the 4099
maximum statutory fine amount authorized for the level of the 4100

offense under division (A) (3) of this section or section 2929.31 4101
of the Revised Code, the court shall not impose a fine under 4102
division (B) (6) of this section. 4103

(8) (a) If an offender who is convicted of or pleads guilty 4104
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 4105
2923.32, division (A) (1) or (2) of section 2907.323 involving a 4106
minor, or division (B) (1), (2), (3), (4), or (5) of section 4107
2919.22 of the Revised Code also is convicted of or pleads 4108
guilty to a specification of the type described in section 4109
2941.1422 of the Revised Code that charges that the offender 4110
knowingly committed the offense in furtherance of human 4111
trafficking, the sentencing court shall sentence the offender to 4112
a financial sanction of restitution by the offender to the 4113
victim or ~~any survivor of the victim~~victim's estate, with the 4114
restitution including the costs of housing, counseling, and 4115
medical and legal assistance incurred by the victim as a direct 4116
result of the offense and the greater of the following: 4117

(i) The gross income or value to the offender of the 4118
victim's labor or services; 4119

(ii) The value of the victim's labor as guaranteed under 4120
the minimum wage and overtime provisions of the "Federal Fair 4121
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 4122
state labor laws. 4123

(b) If a court imposing sentence upon an offender for a 4124
felony is required to impose upon the offender a financial 4125
sanction of restitution under division (B) (8) (a) of this 4126
section, in addition to that financial sanction of restitution, 4127
the court may sentence the offender to any other financial 4128
sanction or combination of financial sanctions authorized under 4129
this section, including a restitution sanction under division 4130

(A) (1) of this section. 4131

(9) In addition to any other fine that is or may be 4132
imposed under this section, the court imposing sentence upon an 4133
offender for a felony that is a sexually oriented offense or a 4134
child-victim oriented offense, as those terms are defined in 4135
section 2950.01 of the Revised Code, may impose a fine of not 4136
less than fifty nor more than five hundred dollars. 4137

(10) For a felony violation of division (A) of section 4138
2921.321 of the Revised Code that results in the death of the 4139
police dog or horse that is the subject of the violation, the 4140
sentencing court shall impose upon the offender a mandatory fine 4141
from the range of fines provided under division (A) (3) of this 4142
section for a felony of the third degree. A mandatory fine 4143
imposed upon an offender under division (B) (10) of this section 4144
shall be paid to the law enforcement agency that was served by 4145
the police dog or horse that was killed in the felony violation 4146
of division (A) of section 2921.321 of the Revised Code to be 4147
used as provided in division (E) (1) (b) of that section. 4148

(11) In addition to any other fine that is or may be 4149
imposed under this section, the court imposing sentence upon an 4150
offender for any of the following offenses that is a felony may 4151
impose a fine of not less than seventy nor more than five 4152
hundred dollars, which shall be transmitted to the treasurer of 4153
state to be credited to the address confidentiality program fund 4154
created by section 111.48 of the Revised Code: 4155

(a) Domestic violence; 4156

(b) Menacing by stalking; 4157

(c) Rape; 4158

(d) Sexual battery; 4159

(e) Trafficking in persons; 4160

(f) A violation of section 2905.01, 2905.02, 2907.21, 4161
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 4162
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 4163
section 2919.22 of the Revised Code, if the offender also is 4164
convicted of a specification of the type described in section 4165
2941.1422 of the Revised Code that charges that the offender 4166
knowingly committed the offense in furtherance of human 4167
trafficking. 4168

(C) (1) Except as provided in section 2951.021 of the 4169
Revised Code, the offender shall pay reimbursements imposed upon 4170
the offender pursuant to division (A) (5) (a) of this section to 4171
pay the costs incurred by a county pursuant to any sanction 4172
imposed under this section or section 2929.16 or 2929.17 of the 4173
Revised Code or in operating a facility used to confine 4174
offenders pursuant to a sanction imposed under section 2929.16 4175
of the Revised Code to the county treasurer. The county 4176
treasurer shall deposit the reimbursements in the sanction cost 4177
reimbursement fund that each board of county commissioners shall 4178
create in its county treasury. The county shall use the amounts 4179
deposited in the fund to pay the costs incurred by the county 4180
pursuant to any sanction imposed under this section or section 4181
2929.16 or 2929.17 of the Revised Code or in operating a 4182
facility used to confine offenders pursuant to a sanction 4183
imposed under section 2929.16 of the Revised Code. 4184

(2) Except as provided in section 2951.021 of the Revised 4185
Code, the offender shall pay reimbursements imposed upon the 4186
offender pursuant to division (A) (5) (a) of this section to pay 4187
the costs incurred by a municipal corporation pursuant to any 4188
sanction imposed under this section or section 2929.16 or 4189

2929.17 of the Revised Code or in operating a facility used to 4190
confine offenders pursuant to a sanction imposed under section 4191
2929.16 of the Revised Code to the treasurer of the municipal 4192
corporation. The treasurer shall deposit the reimbursements in a 4193
special fund that shall be established in the treasury of each 4194
municipal corporation. The municipal corporation shall use the 4195
amounts deposited in the fund to pay the costs incurred by the 4196
municipal corporation pursuant to any sanction imposed under 4197
this section or section 2929.16 or 2929.17 of the Revised Code 4198
or in operating a facility used to confine offenders pursuant to 4199
a sanction imposed under section 2929.16 of the Revised Code. 4200

(3) Except as provided in section 2951.021 of the Revised 4201
Code, the offender shall pay reimbursements imposed pursuant to 4202
division (A) (5) (a) of this section for the costs incurred by a 4203
private provider pursuant to a sanction imposed under this 4204
section or section 2929.16 or 2929.17 of the Revised Code to the 4205
provider. 4206

(D) Except as otherwise provided in this division, a 4207
financial sanction imposed pursuant to division (A) or (B) of 4208
this section is a judgment in favor of the state or a political 4209
subdivision in which the court that imposed the financial 4210
sanction is located, and the offender subject to the financial 4211
sanction is the judgment debtor. A financial sanction of 4212
reimbursement imposed pursuant to division (A) (5) (a) (ii) of this 4213
section upon an offender who is incarcerated in a state facility 4214
or a municipal jail is a judgment in favor of the state or the 4215
municipal corporation, and the offender subject to the financial 4216
sanction is the judgment debtor. A financial sanction of 4217
reimbursement imposed upon an offender pursuant to this section 4218
for costs incurred by a private provider of sanctions is a 4219
judgment in favor of the private provider, and the offender 4220

subject to the financial sanction is the judgment debtor. A 4221
financial sanction of a mandatory fine imposed under division 4222
(B) (10) of this section that is required under that division to 4223
be paid to a law enforcement agency is a judgment in favor of 4224
the specified law enforcement agency, and the offender subject 4225
to the financial sanction is the judgment debtor. A financial 4226
sanction of restitution imposed pursuant to division (A) (1) or 4227
(B) (8) of this section is an order in favor of the victim of the 4228
offender's criminal act that can be collected through a 4229
certificate of judgment as described in division (D) (1) of this 4230
section, through execution as described in division (D) (2) of 4231
this section, or through an order as described in division (D) 4232
(3) of this section, and the offender shall be considered for 4233
purposes of the collection as the judgment debtor. Imposition of 4234
a financial sanction and execution on the judgment does not 4235
preclude any other power of the court to impose or enforce 4236
sanctions on the offender. Once the financial sanction is 4237
imposed as a judgment or order under this division, the victim, 4238
private provider, state, or political subdivision may do any of 4239
the following: 4240

(1) Obtain from the clerk of the court in which the 4241
judgment was entered, at no cost, a certificate of judgment that 4242
shall be in the same manner and form as a certificate of 4243
judgment issued in a civil action; 4244

(2) Obtain execution of the judgment or order through any 4245
available procedure, including: 4246

(a) An execution against the property of the judgment 4247
debtor under Chapter 2329. of the Revised Code; 4248

(b) An execution against the person of the judgment debtor 4249
under Chapter 2331. of the Revised Code; 4250

(c) A proceeding in aid of execution under Chapter 2333.	4251
of the Revised Code, including:	4252
(i) A proceeding for the examination of the judgment	4253
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to	4254
2333.27 of the Revised Code;	4255
(ii) A proceeding for attachment of the person of the	4256
judgment debtor under section 2333.28 of the Revised Code;	4257
(iii) A creditor's suit under section 2333.01 of the	4258
Revised Code.	4259
(d) The attachment of the property of the judgment debtor	4260
under Chapter 2715. of the Revised Code;	4261
(e) The garnishment of the property of the judgment debtor	4262
under Chapter 2716. of the Revised Code.	4263
(3) Obtain an order for the assignment of wages of the	4264
judgment debtor under section 1321.33 of the Revised Code.	4265
(E) A court that imposes a financial sanction upon an	4266
offender may hold a hearing if necessary to determine whether	4267
the offender is able to pay the sanction or is likely in the	4268
future to be able to pay it.	4269
(F) Each court imposing a financial sanction upon an	4270
offender under this section or under section 2929.32 of the	4271
Revised Code may designate the clerk of the court or another	4272
person to collect the financial sanction. The clerk or other	4273
person authorized by law or the court to collect the financial	4274
sanction may enter into contracts with one or more public	4275
agencies or private vendors for the collection of, amounts due	4276
under the financial sanction imposed pursuant to this section or	4277
section 2929.32 of the Revised Code. Before entering into a	4278

contract for the collection of amounts due from an offender 4279
pursuant to any financial sanction imposed pursuant to this 4280
section or section 2929.32 of the Revised Code, a court shall 4281
comply with sections 307.86 to 307.92 of the Revised Code. 4282

(G) If a court that imposes a financial sanction under 4283
division (A) or (B) of this section finds that an offender 4284
satisfactorily has completed all other sanctions imposed upon 4285
the offender and that all restitution that has been ordered has 4286
been paid as ordered, the court may suspend any financial 4287
sanctions imposed pursuant to this section or section 2929.32 of 4288
the Revised Code that have not been paid. 4289

(H) No financial sanction imposed under this section or 4290
section 2929.32 of the Revised Code shall preclude a victim from 4291
bringing a civil action against the offender. 4292

(I) If the court imposes restitution, fines, fees, or 4293
incarceration costs on a business or corporation, it is the duty 4294
of the person authorized to make disbursements from the assets 4295
of the business or corporation to pay the restitution, fines, 4296
fees, or incarceration costs from those assets. 4297

(J) If an offender is sentenced to pay restitution, a 4298
fine, fee, or incarceration costs, the clerk of the sentencing 4299
court, on request, shall make the offender's payment history 4300
available to the prosecutor, victim, victim's representative, 4301
victim's attorney, if applicable, the probation department, and 4302
the court without cost. 4303

Sec. 2929.20. (A) As used in this section: 4304

(1) (a) Except as provided in division (A) (1) (b) of this 4305
section, "eligible offender" means any person who, on or after 4306
April 7, 2009, is serving a stated prison term that includes one 4307

or more nonmandatory prison terms. 4308

(b) "Eligible offender" does not include any person who, 4309
on or after April 7, 2009, is serving a stated prison term for 4310
any of the following criminal offenses that was a felony and was 4311
committed while the person held a public office in this state: 4312

(i) A violation of section 2921.02, 2921.03, 2921.05, 4313
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 4314
Code; 4315

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 4316
2921.12 of the Revised Code, when the conduct constituting the 4317
violation was related to the duties of the offender's public 4318
office or to the offender's actions as a public official holding 4319
that public office; 4320

(iii) A violation of an existing or former municipal 4321
ordinance or law of this or any other state or the United States 4322
that is substantially equivalent to any violation listed in 4323
division (A) (1) (b) (i) of this section; 4324

(iv) A violation of an existing or former municipal 4325
ordinance or law of this or any other state or the United States 4326
that is substantially equivalent to any violation listed in 4327
division (A) (1) (b) (ii) of this section, when the conduct 4328
constituting the violation was related to the duties of the 4329
offender's public office or to the offender's actions as a 4330
public official holding that public office; 4331

(v) A conspiracy to commit, attempt to commit, or 4332
complicity in committing any offense listed in division (A) (1) 4333
(b) (i) or described in division (A) (1) (b) (iii) of this section; 4334

(vi) A conspiracy to commit, attempt to commit, or 4335
complicity in committing any offense listed in division (A) (1) 4336

(b) (ii) or described in division (A) (1) (b) (iv) of this section, 4337
if the conduct constituting the offense that was the subject of 4338
the conspiracy, that would have constituted the offense 4339
attempted, or constituting the offense in which the offender was 4340
complicit was or would have been related to the duties of the 4341
offender's public office or to the offender's actions as a 4342
public official holding that public office. 4343

(2) "Nonmandatory prison term" means a prison term that is 4344
not a mandatory prison term. 4345

(3) "Public office" means any elected federal, state, or 4346
local government office in this state. 4347

(4) "Victim's representative" has the same meaning as in 4348
section 2930.01 of the Revised Code. 4349

(5) "Imminent danger of death," "medically incapacitated," 4350
and "terminal illness" have the same meanings as in section 4351
2967.05 of the Revised Code. 4352

(6) "Aggregated nonmandatory prison term or terms" means 4353
the aggregate of the following: 4354

(a) All nonmandatory definite prison terms; 4355

(b) With respect to any non-life felony indefinite prison 4356
term, all nonmandatory minimum prison terms imposed as part of 4357
the non-life felony indefinite prison term or terms. 4358

(B) On the motion of an eligible offender or upon its own 4359
motion, the sentencing court may reduce the eligible offender's 4360
aggregated nonmandatory prison term or terms through a judicial 4361
release under this section. 4362

(C) An eligible offender may file a motion for judicial 4363
release with the sentencing court within the following 4364

applicable periods: 4365

(1) If the aggregated nonmandatory prison term or terms is 4366
less than two years, the eligible offender may file the motion 4367
at any time after the offender is delivered to a state 4368
correctional institution or, if the prison term includes a 4369
mandatory prison term or terms, at any time after the expiration 4370
of all mandatory prison terms. 4371

(2) If the aggregated nonmandatory prison term or terms is 4372
at least two years but less than five years, the eligible 4373
offender may file the motion not earlier than one hundred eighty 4374
days after the offender is delivered to a state correctional 4375
institution or, if the prison term includes a mandatory prison 4376
term or terms, not earlier than one hundred eighty days after 4377
the expiration of all mandatory prison terms. 4378

(3) If the aggregated nonmandatory prison term or terms is 4379
five years, the eligible offender may file the motion not 4380
earlier than the date on which the eligible offender has served 4381
four years of the offender's stated prison term or, if the 4382
prison term includes a mandatory prison term or terms, not 4383
earlier than four years after the expiration of all mandatory 4384
prison terms. 4385

(4) If the aggregated nonmandatory prison term or terms is 4386
more than five years but not more than ten years, the eligible 4387
offender may file the motion not earlier than the date on which 4388
the eligible offender has served five years of the offender's 4389
stated prison term or, if the prison term includes a mandatory 4390
prison term or terms, not earlier than five years after the 4391
expiration of all mandatory prison terms. 4392

(5) If the aggregated nonmandatory prison term or terms is 4393

more than ten years, the eligible offender may file the motion 4394
not earlier than the later of the date on which the offender has 4395
served one-half of the offender's stated prison term or the date 4396
specified in division (C) (4) of this section. 4397

(D) Upon receipt of a timely motion for judicial release 4398
filed by an eligible offender under division (C) of this section 4399
or upon the sentencing court's own motion made within the 4400
appropriate time specified in that division, the court may deny 4401
the motion without a hearing or schedule a hearing on the 4402
motion. The court shall not grant the motion without a hearing. 4403
If a court denies a motion without a hearing, the court later 4404
may consider judicial release for that eligible offender on a 4405
subsequent motion filed by that eligible offender unless the 4406
court denies the motion with prejudice. If a court denies a 4407
motion with prejudice, the court may later consider judicial 4408
release on its own motion. If a court denies a motion after a 4409
hearing, the court shall not consider a subsequent motion for 4410
that eligible offender. The court shall hold only one hearing 4411
for any eligible offender. 4412

A hearing under this section shall be conducted in open 4413
court not less than thirty or more than sixty days after the 4414
motion is filed, provided that the court may delay the hearing 4415
for one hundred eighty additional days. If the court holds a 4416
hearing, the court shall enter a ruling on the motion within ten 4417
days after the hearing. If the court denies the motion without a 4418
hearing, the court shall enter its ruling on the motion within 4419
sixty days after the motion is filed. 4420

(E) If a court schedules a hearing under division (D) of 4421
this section, the court shall notify the eligible offender and 4422
the head of the state correctional institution in which the 4423

eligible offender is confined prior to the hearing. The head of 4424
the state correctional institution immediately shall notify the 4425
appropriate person at the department of rehabilitation and 4426
correction of the hearing, and the department within twenty-four 4427
hours after receipt of the notice, shall post on the database it 4428
maintains pursuant to section 5120.66 of the Revised Code the 4429
offender's name and all of the information specified in division 4430
(A) (1) (c) (i) of that section. If the court schedules a hearing 4431
for judicial release, the court promptly shall give notice of 4432
the hearing to the prosecuting attorney of the county in which 4433
the eligible offender was indicted. Upon receipt of the notice 4434
from the court, the prosecuting attorney shall do whichever of 4435
the following is applicable: 4436

(1) Subject to division (E) (2) of this section, notify the 4437
victim of the offense ~~or and~~ the victim's representative, if 4438
applicable, pursuant to division (B) of section 2930.16 of the 4439
Revised Code; 4440

(2) If the offense was an offense of violence that is a 4441
felony of the first, second, or third degree, except as 4442
otherwise provided in this division, notify the victim ~~or and~~ 4443
the victim's representative, if applicable, of the hearing 4444
regardless of whether the victim or victim's representative has 4445
requested the notification. The notice of the hearing shall not 4446
be given under this division to a victim or victim's 4447
representative if the victim or victim's representative has 4448
requested pursuant to division (B) (2) of section 2930.03 of the 4449
Revised Code that the victim or the victim's representative not 4450
be provided the notice. If notice is to be provided to a victim 4451
or victim's representative under this division, the prosecuting 4452
attorney may give the notice by any reasonable means, including 4453
regular mail, telephone, and electronic mail, in accordance with 4454

division (D) (1) of section 2930.16 of the Revised Code. If the 4455
notice is based on an offense committed prior to March 22, 2013, 4456
the notice also shall include the opt-out information described 4457
in division (D) (1) of section 2930.16 of the Revised Code. The 4458
prosecuting attorney, in accordance with division (D) (2) of 4459
section 2930.16 of the Revised Code, shall keep a record of all 4460
attempts to provide the notice, and of all notices provided, 4461
under this division. Division (E) (2) of this section, and the 4462
notice-related provisions of division (K) of this section, 4463
division (D) (1) of section 2930.16, division (H) of section 4464
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 4465
(b) of section 2967.26, division (D) (1) of section 2967.28, and 4466
division (A) (2) of section 5149.101 of the Revised Code enacted 4467
in the act in which division (E) (2) of this section was enacted, 4468
shall be known as "Roberta's Law." 4469

(F) Upon an offender's successful completion of 4470
rehabilitative activities, the head of the state correctional 4471
institution may notify the sentencing court of the successful 4472
completion of the activities. 4473

(G) Prior to the date of the hearing on a motion for 4474
judicial release under this section, the head of the state 4475
correctional institution in which the eligible offender is 4476
confined shall send to the court an institutional summary report 4477
on the eligible offender's conduct in the institution and in any 4478
institution from which the eligible offender may have been 4479
transferred. Upon the request of the prosecuting attorney of the 4480
county in which the eligible offender was indicted or of any law 4481
enforcement agency, the head of the state correctional 4482
institution, at the same time the person sends the institutional 4483
summary report to the court, also shall send a copy of the 4484
report to the requesting prosecuting attorney and law 4485

enforcement agencies. The institutional summary report shall 4486
cover the eligible offender's participation in school, 4487
vocational training, work, treatment, and other rehabilitative 4488
activities and any disciplinary action taken against the 4489
eligible offender. The report shall be made part of the record 4490
of the hearing. A presentence investigation report is not 4491
required for judicial release. 4492

(H) If the court grants a hearing on a motion for judicial 4493
release under this section, the eligible offender shall attend 4494
the hearing if ordered to do so by the court. Upon receipt of a 4495
copy of the journal entry containing the order, the head of the 4496
state correctional institution in which the eligible offender is 4497
incarcerated shall deliver the eligible offender to the sheriff 4498
of the county in which the hearing is to be held. The sheriff 4499
shall convey the eligible offender to and from the hearing. 4500

(I) At the hearing on a motion for judicial release under 4501
this section, the court shall afford the eligible offender and 4502
the eligible offender's attorney an opportunity to present 4503
written and, if present, oral information relevant to the 4504
motion. The court shall afford a similar opportunity to the 4505
prosecuting attorney, the victim~~or~~, the victim's 4506
representative, the victim's attorney, if applicable, and any 4507
other person the court determines is likely to present 4508
additional relevant information. The court shall consider any 4509
oral or written statement of a victim, victim's representative, 4510
and victim's attorney, if applicable, made pursuant to section 4511
2930.14 or 2930.17 of the Revised Code, any victim impact 4512
statement prepared pursuant to section 2947.051 of the Revised 4513
Code, and any report made under division (G) of this section. 4514
The court may consider any written statement of any person 4515
submitted to the court pursuant to division (L) of this section. 4516

After ruling on the motion, the court shall notify the victim 4517
and the victim's representative of the ruling in accordance with 4518
sections 2930.03 and 2930.16 of the Revised Code. 4519

(J) (1) A court shall not grant a judicial release under 4520
this section to an eligible offender who is imprisoned for a 4521
felony of the first or second degree, or to an eligible offender 4522
who committed an offense under Chapter 2925. or 3719. of the 4523
Revised Code and for whom there was a presumption under section 4524
2929.13 of the Revised Code in favor of a prison term, unless 4525
the court, with reference to factors under section 2929.12 of 4526
the Revised Code, finds both of the following: 4527

(a) That a sanction other than a prison term would 4528
adequately punish the offender and protect the public from 4529
future criminal violations by the eligible offender because the 4530
applicable factors indicating a lesser likelihood of recidivism 4531
outweigh the applicable factors indicating a greater likelihood 4532
of recidivism; 4533

(b) That a sanction other than a prison term would not 4534
demean the seriousness of the offense because factors indicating 4535
that the eligible offender's conduct in committing the offense 4536
was less serious than conduct normally constituting the offense 4537
outweigh factors indicating that the eligible offender's conduct 4538
was more serious than conduct normally constituting the offense. 4539

(2) A court that grants a judicial release to an eligible 4540
offender under division (J) (1) of this section shall specify on 4541
the record both findings required in that division and also 4542
shall list all the factors described in that division that were 4543
presented at the hearing. 4544

(K) If the court grants a motion for judicial release 4545

under this section, the court shall order the release of the 4546
eligible offender, shall place the eligible offender under an 4547
appropriate community control sanction, under appropriate 4548
conditions, and under the supervision of the department of 4549
probation serving the court and shall reserve the right to 4550
reimpose the sentence that it reduced if the offender violates 4551
the sanction. If the court reimposes the reduced sentence, it 4552
may do so either concurrently with, or consecutive to, any new 4553
sentence imposed upon the eligible offender as a result of the 4554
violation that is a new offense. Except as provided in division 4555
(R) (2) of this section, the period of community control shall be 4556
no longer than five years. The court, in its discretion, may 4557
reduce the period of community control by the amount of time the 4558
eligible offender spent in jail or prison for the offense and in 4559
prison. If the court made any findings pursuant to division (J) 4560
(1) of this section, the court shall serve a copy of the 4561
findings upon counsel for the parties within fifteen days after 4562
the date on which the court grants the motion for judicial 4563
release. 4564

If the court grants a motion for judicial release, the 4565
court shall notify the appropriate person at the department of 4566
rehabilitation and correction, and the department shall post 4567
notice of the release on the database it maintains pursuant to 4568
section 5120.66 of the Revised Code. The court also shall notify 4569
the prosecuting attorney of the county in which the eligible 4570
offender was indicted that the motion has been granted. Unless 4571
the victim or the victim's representative has requested pursuant 4572
to division (B) (2) of section 2930.03 of the Revised Code that 4573
the victim or victim's representative not be provided the 4574
notice, the prosecuting attorney shall notify the victim ~~or~~ and 4575
the victim's representative, if applicable, of the judicial 4576

release in any manner, and in accordance with the same 4577
procedures, pursuant to which the prosecuting attorney is 4578
authorized to provide notice of the hearing pursuant to division 4579
(E) (2) of this section. If the notice is based on an offense 4580
committed prior to March 22, 2013, the notice to the victim or 4581
victim's representative also shall include the opt-out 4582
information described in division (D) (1) of section 2930.16 of 4583
the Revised Code. 4584

(L) In addition to and independent of the right of a 4585
victim to make a statement pursuant to section 2930.14, 2930.17, 4586
or 2946.051 of the Revised Code and any right of a person to 4587
present written information or make a statement pursuant to 4588
division (I) of this section, any person may submit to the 4589
court, at any time prior to the hearing on the offender's motion 4590
for judicial release, a written statement concerning the effects 4591
of the offender's ~~crime or crimes~~ criminal offense, the 4592
circumstances surrounding the ~~crime or crimes~~ criminal offense, 4593
the manner in which the ~~crime or crimes were~~ criminal offense 4594
was perpetrated, and the person's opinion as to whether the 4595
offender should be released. 4596

(M) The changes to this section that are made on September 4597
30, 2011, apply to any judicial release decision made on or 4598
after September 30, 2011, for any eligible offender. 4599

(N) Notwithstanding the eligibility requirements specified 4600
in division (A) of this section and the filing time frames 4601
specified in division (C) of this section and notwithstanding 4602
the findings required under division (J) of this section, the 4603
sentencing court, upon the court's own motion and after 4604
considering whether the release of the offender into society 4605
would create undue risk to public safety, may grant a judicial 4606

release to an offender who is not serving a life sentence at any 4607
time during the offender's imposed sentence when the director of 4608
rehabilitation and correction certifies to the sentencing court 4609
through the chief medical officer for the department of 4610
rehabilitation and correction that the offender is in imminent 4611
danger of death, is medically incapacitated, or is suffering 4612
from a terminal illness. 4613

(O) The director of rehabilitation and correction shall 4614
not certify any offender under division (N) of this section who 4615
is serving a death sentence. 4616

(P) A motion made by the court under division (N) of this 4617
section is subject to the notice, hearing, and other procedural 4618
requirements specified in divisions (D), (E), (G), (H), (I), 4619
(K), and (L) of this section, except for the following: 4620

(1) The court may waive the offender's appearance at any 4621
hearing scheduled by the court if the offender's condition makes 4622
it impossible for the offender to participate meaningfully in 4623
the proceeding. 4624

(2) The court may grant the motion without a hearing, 4625
provided that the prosecuting attorney ~~and, victim or, and~~ 4626
victim's representative, if applicable, to whom notice of the 4627
hearing was provided under division (E) of this section indicate 4628
that they do not wish to participate in the hearing or present 4629
information relevant to the motion. 4630

(Q) The court may request health care records from the 4631
department of rehabilitation and correction to verify the 4632
certification made under division (N) of this section. 4633

(R) (1) If the court grants judicial release under division 4634
(N) of this section, the court shall do all of the following: 4635

(a) Order the release of the offender; 4636

(b) Place the offender under an appropriate community 4637
control sanction, under appropriate conditions; 4638

(c) Place the offender under the supervision of the 4639
department of probation serving the court or under the 4640
supervision of the adult parole authority. 4641

(2) The court, in its discretion, may revoke the judicial 4642
release if the offender violates the community control sanction 4643
described in division (R) (1) of this section. The period of that 4644
community control is not subject to the five-year limitation 4645
described in division (K) of this section and shall not expire 4646
earlier than the date on which all of the offender's mandatory 4647
prison terms expire. 4648

(S) If the health of an offender who is released under 4649
division (N) of this section improves so that the offender is no 4650
longer terminally ill, medically incapacitated, or in imminent 4651
danger of death, the court shall, upon the court's own motion, 4652
revoke the judicial release. The court shall not grant the 4653
motion without a hearing unless the offender waives a hearing. 4654
If a hearing is held, the court shall afford the offender and 4655
the offender's attorney an opportunity to present written and, 4656
if the offender or the offender's attorney is present, oral 4657
information relevant to the motion. The court shall afford a 4658
similar opportunity to the prosecuting attorney, the victim~~or,~~ 4659
the victim's representative, the victim's attorney, if 4660
applicable, and any other person the court determines is likely 4661
to present additional relevant information. A court that grants 4662
a motion under this division shall specify its findings on the 4663
record. 4664

Sec. 2929.22. (A) Unless a mandatory jail term is required 4665
to be imposed by division (G) of section 1547.99, division (B) 4666
of section 4510.14, division (G) of section 4511.19 of the 4667
Revised Code, or any other provision of the Revised Code a court 4668
that imposes a sentence under this chapter upon an offender for 4669
a misdemeanor or minor misdemeanor has discretion to determine 4670
the most effective way to achieve the purposes and principles of 4671
sentencing set forth in section 2929.21 of the Revised Code. 4672

Unless a specific sanction is required to be imposed or is 4673
precluded from being imposed by the section setting forth an 4674
offense or the penalty for an offense or by any provision of 4675
sections 2929.23 to 2929.28 of the Revised Code, a court that 4676
imposes a sentence upon an offender for a misdemeanor may impose 4677
on the offender any sanction or combination of sanctions under 4678
sections 2929.24 to 2929.28 of the Revised Code. The court shall 4679
not impose a sentence that imposes an unnecessary burden on 4680
local government resources. 4681

(B) (1) In determining the appropriate sentence for a 4682
misdemeanor, the court shall consider all of the following 4683
factors: 4684

(a) The nature and circumstances of the offense or 4685
offenses; 4686

(b) Whether the circumstances regarding the offender and 4687
the offense or offenses indicate that the offender has a history 4688
of persistent criminal activity and that the offender's 4689
character and condition reveal a substantial risk that the 4690
offender will commit another offense; 4691

(c) Whether the circumstances regarding the offender and 4692
the offense or offenses indicate that the offender's history, 4693

character, and condition reveal a substantial risk that the 4694
offender will be a danger to others and that the offender's 4695
conduct has been characterized by a pattern of repetitive, 4696
compulsive, or aggressive behavior with heedless indifference to 4697
the consequences; 4698

(d) Whether the victim's youth, age, disability, or other 4699
factor made the victim particularly vulnerable to the offense or 4700
made the impact of the offense more serious; 4701

(e) Whether the offender is likely to commit future crimes 4702
in general, in addition to the circumstances described in 4703
divisions (B) (1) (b) and (c) of this section; 4704

(f) Whether the offender has an emotional, mental, or 4705
physical condition that is traceable to the offender's service 4706
in the armed forces of the United States and that was a 4707
contributing factor in the offender's commission of the offense 4708
or offenses; 4709

(g) The offender's military service record. 4710

(2) In determining the appropriate sentence for a 4711
misdemeanor, in addition to complying with division (B) (1) of 4712
this section, the court may consider any other factors that are 4713
relevant to achieving the purposes and principles of sentencing 4714
set forth in section 2929.21 of the Revised Code. 4715

(C) Before imposing a jail term as a sentence for a 4716
misdemeanor, a court shall consider the appropriateness of 4717
imposing a community control sanction or a combination of 4718
community control sanctions under sections 2929.25, 2929.26, 4719
2929.27, and 2929.28 of the Revised Code. A court may impose the 4720
longest jail term authorized under section 2929.24 of the 4721
Revised Code only upon offenders who commit the worst forms of 4722

the offense or upon offenders whose conduct and response to 4723
prior sanctions for prior offenses demonstrate that the 4724
imposition of the longest jail term is necessary to deter the 4725
offender from committing a future ~~crime~~ criminal offense. 4726

(D) (1) A sentencing court shall consider any relevant oral 4727
~~or~~ and written statement made by the victim, the victim's 4728
representative, the victim's attorney, if applicable, the 4729
defendant, the defense attorney, ~~or~~ and the prosecuting 4730
authority regarding sentencing for a misdemeanor. This division 4731
does not create any rights to notice other than those rights 4732
authorized by Chapter 2930. of the Revised Code. 4733

(2) At the time of sentencing for a misdemeanor or as soon 4734
as possible after sentencing, the court shall notify the victim 4735
of the offense of the victim's right to file an application for 4736
an award of reparations pursuant to sections 2743.51 to 2743.72 4737
of the Revised Code. 4738

Sec. 2929.28. (A) In addition to imposing court costs 4739
pursuant to section 2947.23 of the Revised Code, the court 4740
imposing a sentence upon an offender for a misdemeanor, 4741
including a minor misdemeanor, may sentence the offender to any 4742
financial sanction or combination of financial sanctions 4743
authorized under this section and, if the offender is being 4744
sentenced for a criminal offense as defined in section 2930.01 4745
of the Revised Code, shall sentence the offender to make 4746
restitution pursuant to this section and section 2929.281 of the 4747
Revised Code. If the court, in its discretion or as required by 4748
this section, imposes one or more financial sanctions, the 4749
financial sanctions that may be imposed pursuant to this section 4750
include, but are not limited to, the following: 4751

(1) Unless the misdemeanor offense ~~is a minor misdemeanor~~ 4752

~~or~~ could be disposed of by the traffic violations bureau serving 4753
the court under Traffic Rule 13, restitution by the offender to 4754
the victim of the offender's crime or ~~any survivor of the~~ 4755
~~victim~~victim's estate, in an amount based on the victim's 4756
economic loss. The court may not impose restitution as a 4757
sanction pursuant to this division if the offense ~~is a minor~~ 4758
~~misdemeanor or~~ could be disposed of by the traffic violations 4759
bureau serving the court under Traffic Rule 13. If the court 4760
requires restitution, the court shall order that the restitution 4761
be made to the victim in open court or to the adult probation 4762
department that serves the jurisdiction or the clerk of the 4763
court on behalf of the victim. 4764

~~If the court imposes restitution, the~~The court shall 4765
determine the amount of restitution to be paid by the offender. 4766
~~If the court imposes restitution, the court may base the amount~~ 4767
~~of restitution it orders on an amount recommended by the victim,~~ 4768
~~the offender, a presentence investigation report, estimates or~~ 4769
~~receipts indicating the cost of repairing or replacing property,~~ 4770
~~and other information, provided that the~~The victim, victim's 4771
representative, victim's attorney, if applicable, the prosecutor 4772
or the prosecutor's designee, and the offender may provide 4773
information relevant to the determination of the amount of 4774
restitution. The amount the court orders as restitution shall 4775
not exceed the amount of the economic loss suffered by the 4776
victim as a direct and proximate result of the commission of the 4777
offense. If the court imposes restitution for the cost of 4778
accounting or auditing done to determine the extent of economic 4779
loss, the court may order restitution for any amount of the 4780
victim's costs of accounting or auditing provided that the 4781
amount of restitution is reasonable and does not exceed the 4782
value of property or services stolen or damaged as a result of 4783

the offense. If the court decides to or is required to impose 4784
restitution, the court shall hold an evidentiary hearing on 4785
restitution if the offender, victim, ~~or survivor~~ victim's 4786
representative, victim's attorney, if applicable, or victim's 4787
estate disputes the amount of restitution. ~~If the~~ The court 4788
~~holds an evidentiary hearing, at the hearing the victim or~~ 4789
~~survivor has the burden to prove~~ shall determine the amount of 4790
full restitution by a preponderance of the evidence ~~the amount~~ 4791
~~of restitution sought from the offender.~~ 4792

All restitution payments shall be credited against any 4793
recovery of economic loss in a civil action brought by the 4794
victim or ~~any survivor of the victim~~ victim's estate against the 4795
offender. No person may introduce evidence of an award of 4796
restitution under this section in a civil action for purposes of 4797
imposing liability against an insurer under section 3937.18 of 4798
the Revised Code. 4799

~~If the court imposes restitution, the~~ The court may order 4800
that the offender pay a surcharge, of not more than five per 4801
cent of the amount of the restitution otherwise ordered, to the 4802
entity responsible for collecting and processing restitution 4803
payments. 4804

~~The victim or survivor,~~ victim's attorney, if applicable, 4805
or the attorney for the victim's estate may request that the 4806
prosecutor in the case file a motion, or the offender may file a 4807
motion, for modification of the payment terms of any restitution 4808
ordered. If the court grants the motion, it may modify the 4809
payment terms as it determines appropriate but shall not reduce 4810
the amount of restitution ordered, except as provided in 4811
division (A) of section 2929.281 of the Revised Code. 4812

(2) A fine of the type described in divisions (A) (2) (a) 4813

and (b) of this section payable to the appropriate entity as	4814
required by law:	4815
(a) A fine in the following amount:	4816
(i) For a misdemeanor of the first degree, not more than	4817
one thousand dollars;	4818
(ii) For a misdemeanor of the second degree, not more than	4819
seven hundred fifty dollars;	4820
(iii) For a misdemeanor of the third degree, not more than	4821
five hundred dollars;	4822
(iv) For a misdemeanor of the fourth degree, not more than	4823
two hundred fifty dollars;	4824
(v) For a minor misdemeanor, not more than one hundred	4825
fifty dollars.	4826
(b) A state fine or cost as defined in section 2949.111 of	4827
the Revised Code.	4828
(3) (a) Reimbursement by the offender of any or all of the	4829
costs of sanctions incurred by the government, including, but	4830
not limited to, the following:	4831
(i) All or part of the costs of implementing any community	4832
control sanction, including a supervision fee under section	4833
2951.021 of the Revised Code <u>and the costs of global positioning</u>	4834
<u>system device monitoring;</u>	4835
(ii) All or part of the costs of confinement in a jail or	4836
other residential facility, including, but not limited to, a per	4837
diem fee for room and board, the costs of medical and dental	4838
treatment, and the costs of repairing property damaged by the	4839
offender while confined;	4840

(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 court orders an offender to use under section 4510.13 of the Revised Code.

(b) The amount of reimbursement ordered under division (A) (3) (a) of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that division. If the court does not order reimbursement under that division, confinement costs may be assessed pursuant to a repayment policy adopted under 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.

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

If the court determines that the offender is indigent and unable to pay the financial sanction or court costs, the court shall consider imposing and may impose a term of community service under division (A) of section 2929.27 of the Revised Code in lieu of imposing a financial sanction or court costs. If the court does not determine that the offender is indigent, the court may impose a term of community service under division (A) of section 2929.27 of the Revised Code in lieu of or in addition to imposing a financial sanction under this section and in

addition to imposing court costs. The court may order community 4871
service for a minor misdemeanor pursuant to division (D) of 4872
section 2929.27 of the Revised Code in lieu of or in addition to 4873
imposing a financial sanction under this section and in addition 4874
to imposing court costs. If a person fails to pay a financial 4875
sanction or court costs, the court may order community service 4876
in lieu of the financial sanction or court costs. 4877

(C) (1) The offender shall pay reimbursements imposed upon 4878
the offender pursuant to division (A) (3) of this section to pay 4879
the costs incurred by a county pursuant to any sanction imposed 4880
under this section or section 2929.26 or 2929.27 of the Revised 4881
Code or in operating a facility used to confine offenders 4882
pursuant to a sanction imposed under section 2929.26 of the 4883
Revised Code to the county treasurer. The county treasurer shall 4884
deposit the reimbursements in the county's general fund. The 4885
county shall use the amounts deposited in the fund to pay the 4886
costs incurred by the county pursuant to any sanction imposed 4887
under this section or section 2929.26 or 2929.27 of the Revised 4888
Code or in operating a facility used to confine offenders 4889
pursuant to a sanction imposed under section 2929.26 of the 4890
Revised Code. 4891

(2) The offender shall pay reimbursements imposed upon the 4892
offender pursuant to division (A) (3) of this section to pay the 4893
costs incurred by a municipal corporation pursuant to any 4894
sanction imposed under this section or section 2929.26 or 4895
2929.27 of the Revised Code or in operating a facility used to 4896
confine offenders pursuant to a sanction imposed under section 4897
2929.26 of the Revised Code to the treasurer of the municipal 4898
corporation. The treasurer shall deposit the reimbursements in 4899
the municipal corporation's general fund. The municipal 4900
corporation shall use the amounts deposited in the fund to pay 4901

the costs incurred by the municipal corporation pursuant to any 4902
sanction imposed under this section or section 2929.26 or 4903
2929.27 of the Revised Code or in operating a facility used to 4904
confine offenders pursuant to a sanction imposed under section 4905
2929.26 of the Revised Code. 4906

(3) The offender shall pay reimbursements imposed pursuant 4907
to division (A) (3) of this section for the costs incurred by a 4908
private provider pursuant to a sanction imposed under this 4909
section or section 2929.26 or 2929.27 of the Revised Code to the 4910
provider. 4911

(D) In addition to any other fine that is or may be 4912
imposed under this section, the court imposing sentence upon an 4913
offender for misdemeanor domestic violence or menacing by 4914
stalking may impose a fine of not less than seventy nor more 4915
than five hundred dollars, which shall be transmitted to the 4916
treasurer of state to be credited to the address confidentiality 4917
program fund created by section 111.48 of the Revised Code. 4918

(E) Except as otherwise provided in this division, a 4919
financial sanction imposed under division (A) of this section is 4920
a judgment in favor of the state or the political subdivision 4921
that operates the court that imposed the financial sanction, and 4922
the offender subject to the financial sanction is the judgment 4923
debtor. A financial sanction of reimbursement imposed pursuant 4924
to division (A) (3) (a) (i) of this section upon an offender is a 4925
judgment in favor of the entity administering the community 4926
control sanction, and the offender subject to the financial 4927
sanction is the judgment debtor. A financial sanction of 4928
reimbursement imposed pursuant to division (A) (3) (a) (ii) of this 4929
section upon an offender confined in a jail or other residential 4930
facility is a judgment in favor of the entity operating the jail 4931

or other residential facility, and the offender subject to the 4932
financial sanction is the judgment debtor. A financial sanction 4933
of restitution imposed pursuant to division (A)(1) of this 4934
section is an order in favor of the victim of the offender's 4935
criminal act that can be collected through a certificate of 4936
judgment as described in division (E)(1) of this section, 4937
through execution as described in division (E)(2) of this 4938
section, or through an order as described in division (E)(3) of 4939
this section, and the offender shall be considered for purposes 4940
of the collection as the judgment debtor. 4941

Once the financial sanction is imposed as a judgment or 4942
order under this division, the victim, private provider, state, 4943
or political subdivision may do any of the following: 4944

(1) Obtain from the clerk of the court in which the 4945
judgment was entered, at no charge, a certificate of judgment 4946
that shall be in the same manner and form as a certificate of 4947
judgment issued in a civil action; 4948

(2) Obtain execution of the judgment or order through any 4949
available procedure, including any of the procedures identified 4950
in divisions ~~(E)(1)~~ (D)(1) and (2) of section 2929.18 of the 4951
Revised Code. 4952

(3) Obtain an order for the assignment of wages of the 4953
judgment debtor under section 1321.33 of the Revised Code. 4954

(F) The civil remedies authorized under division (E) of 4955
this section for the collection of the financial sanction 4956
supplement, but do not preclude, enforcement of the criminal 4957
sentence. 4958

(G) Each court imposing a financial sanction upon an 4959
offender under this section may designate the clerk of the court 4960

or another person to collect the financial sanction. The clerk, 4961
or another person authorized by law or the court to collect the 4962
financial sanction may do the following: 4963

(1) Enter into contracts with one or more public agencies 4964
or private vendors for the collection of amounts due under the 4965
sanction. Before entering into a contract for the collection of 4966
amounts due from an offender pursuant to any financial sanction 4967
imposed pursuant to this section, a court shall comply with 4968
sections 307.86 to 307.92 of the Revised Code. 4969

(2) Permit payment of all or any portion of the sanction 4970
in installments, by financial transaction device if the court is 4971
a county court or a municipal court operated by a county, by 4972
credit or debit card or by another electronic transfer if the 4973
court is a municipal court not operated by a county, or by any 4974
other reasonable method, in any time, and on any terms that 4975
court considers just, except that the maximum time permitted for 4976
payment shall not exceed five years. If the court is a county 4977
court or a municipal court operated by a county, the acceptance 4978
of payments by any financial transaction device shall be 4979
governed by the policy adopted by the board of county 4980
commissioners of the county pursuant to section 301.28 of the 4981
Revised Code. If the court is a municipal court not operated by 4982
a county, the clerk may pay any fee associated with processing 4983
an electronic transfer out of public money or may charge the fee 4984
to the offender. 4985

(3) To defray administrative costs, charge a reasonable 4986
fee to an offender who elects a payment plan rather than a lump 4987
sum payment of any financial sanction. 4988

(H) No financial sanction imposed under this section shall 4989
preclude a victim from bringing a civil action against the 4990

offender. 4991

(I) If the court imposes restitution, fines, fees, or 4992
incarceration costs on a business or corporation, it is the duty 4993
of the person authorized to make disbursements from assets of 4994
the business or corporation to pay the restitution, fines, fees, 4995
or incarceration costs from those assets. 4996

(J) If an offender is sentenced to pay restitution, a 4997
fine, fee, or incarceration costs, the clerk of the sentencing 4998
court, on request, shall make the offender's payment history 4999
available to the victim, victim's representative, victim's 5000
attorney, if applicable, the prosecutor, the probation 5001
department, and the court without cost. 5002

Sec. 2929.281. (A) In determining the amount of 5003
restitution at the time of sentencing under this section, the 5004
court shall order full restitution for any expenses related to a 5005
victim's economic loss due to the criminal offense. The amount 5006
of restitution shall be reduced by any payments to the victim 5007
for economic loss made or due under a policy of insurance or 5008
governmental program. 5009

Economic loss includes, but is not limited to, the 5010
following: 5011

(1) Full or partial payment for the value of stolen or 5012
damaged property. The value of stolen or damaged property shall 5013
be the replacement cost of the property or the actual cost of 5014
repairing the property when repair is possible. 5015

(2) Medical expenses; 5016

(3) Mental health counseling expenses; 5017

(4) Wages or profits lost due to injury or harm to the 5018

victim as determined by the court. Lost wages include commission 5019
income as well as base wages. Commission income shall be 5020
established by evidence of commission income during the twelve- 5021
month period prior to the date of the crime for which 5022
restitution is being ordered, unless good cause for a shorter 5023
time period is shown. 5024

(5) Expenses related to making a vehicle or residence 5025
accessible to the victim if the victim is partially permanently 5026
disabled or totally permanently disabled as a direct result of 5027
the crime. 5028

(B) The court may require the execution of a satisfactory 5029
performance bond or take other action permitted by law to ensure 5030
payment of restitution. 5031

(C) Upon notification by the court, money owed by the 5032
state or by a political subdivision of the state to an offender 5033
who is required to make restitution under this section, 5034
including any tax refund owed to the offender, shall be assigned 5035
to the discharge of the offender's outstanding restitution 5036
obligation, subject to any superseding federal statutes or 5037
regulations, including court-ordered support obligations. 5038

(D) If an offender is required to make restitution under 5039
this section in the form of monetary payments to more than one 5040
victim, the offender shall make the payments to the victims in 5041
the following order of priority: 5042

(1) Individuals; 5043

(2) Nonprofit organizations; 5044

(3) Business entities; 5045

(4) Governmental entities. 5046

(E) A court that imposes restitution on an offender as part of the offender's sentence under this section shall not suspend that part of the offender's sentence if the victim or the victim's attorney, if applicable, objects to the suspension of the restitution part of the sentence. 5047
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(F) Pursuant to division (D) of section 2929.18 and division (E) of section 2929.28 of the Revised Code, a court order for restitution imposed under this section may be reduced to a certificate of judgment in favor of the victim. If the order is reduced to such a judgment, the person required to pay the restitution under the order is the judgment debtor. 5052
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(G) The supreme court shall create a standardized form to be made publicly available that provides guidance for victims and victims' representatives regarding the compilation of evidence to demonstrate losses for the purpose of this section. 5058
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(H) On the request of the victim, if a judge determines that, under the circumstances, it is appropriate and the victim has not been coerced, a victim may accept a settlement that is less than the full restitution order. 5062
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Sec. 2930.01. As used in this chapter, unless otherwise defined in any section in this chapter: 5066
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(A) "CrimeCriminal offense" means ~~any of the following:~~ 5068

- ~~(1) A felony;~~ 5069
- ~~(2) A violation of section 2903.05, 2903.06, 2903.13, 2903.21, 2903.211, 2903.22, 2907.06, 2919.25, or 2921.04 of the Revised Code, a violation of section 2903.07 of the Revised Code as it existed prior to March 23, 2000, or a violation of a substantially equivalent municipal ordinance;~~ 5070
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~~(3) A violation of division (A) or (B) of section 4511.19, division (A) or (B) of section 1547.11, or division (A) (3) of section 4561.15 of the Revised Code or of a municipal ordinance substantially similar to any of those divisions that is the proximate cause of a vehicle, streetcar, trackless trolley, aquatic device, or aircraft accident in which the victim receives injuries for which the victim receives medical treatment either at the scene of the accident by emergency medical services personnel or at a hospital, ambulatory care facility, physician's office, specialist's office, or other medical care facility.~~ 5075
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~~(4) A motor vehicle accident to which both of the following apply:~~ 5086
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~~(a) The motor vehicle accident is caused by a violation of a provision of the Revised Code that is a misdemeanor of the first degree or higher.~~ 5088
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~~(b) As a result of the motor vehicle accident, the victim receives injuries for which the victim receives medical treatment either at the scene of the accident by emergency medical services personnel or at a hospital, ambulatory care facility, physician's office, specialist's office, or other medical care facility~~ 5091
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an alleged act or omission committed by a 5096
person that is punishable by incarceration and is not eligible 5097
to be disposed of by the traffic violations bureau. 5098

(B) "Custodial agency" means one of the following: 5099

(1) The entity that has custody of a defendant or an alleged juvenile offender who is incarcerated for a ~~crime~~ 5100
criminal offense, is under detention for the commission of a 5101
~~specified delinquent act~~, or who is detained after a finding of 5102
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incompetence to stand trial or not guilty by reason of insanity 5104
relative to a ~~crime~~ criminal offense, including any of the 5105
following: 5106

(a) The department of rehabilitation and correction or the 5107
adult parole authority; 5108

(b) A county sheriff; 5109

(c) The entity that administers a jail, as defined in 5110
section 2929.01 of the Revised Code; 5111

(d) The entity that administers a community-based 5112
correctional facility and program or a district community-based 5113
correctional facility and program; 5114

(e) The department of mental health and addiction services 5115
or other entity to which a defendant found incompetent to stand 5116
trial or not guilty by reason of insanity is committed. 5117

(2) The entity that has custody of an alleged juvenile 5118
offender pursuant to an order of disposition of a juvenile 5119
court, including the department of youth services or a school, 5120
camp, institution, or other facility operated for the care of 5121
delinquent children. 5122

(C) "Defendant" means a person who is alleged to be the 5123
perpetrator of a ~~crime in a police report or~~ criminal offense in 5124
a complaint, indictment, or information that charges the 5125
commission of a ~~crime~~ criminal offense and that provides the 5126
basis for the criminal prosecution and subsequent proceedings to 5127
which this chapter makes reference. 5128

(D) "Member of the victim's family" means a spouse, child, 5129
stepchild, sibling, parent, stepparent, grandparent, or other 5130
relative of a victim but does not include a person who is 5131

charged with, convicted of, or adjudicated to be a delinquent 5132
child for the ~~crime~~criminal offense or ~~specified~~ delinquent act 5133
against the victim or another ~~crime~~criminal offense or 5134
~~specified~~ delinquent act arising from the same conduct, criminal 5135
episode, or plan. 5136

(E) "Prosecutor" means one of the following: 5137

(1) With respect to a criminal case, it has the same 5138
meaning as in section 2935.01 of the Revised Code and also 5139
includes the attorney general and, when appropriate, the 5140
employees of any person listed in section 2935.01 of the Revised 5141
Code or of the attorney general. 5142

(2) With respect to a delinquency proceeding, it includes 5143
any person listed in division (C) of section 2935.01 of the 5144
Revised Code or an employee of a person listed in that division 5145
who prosecutes a delinquency proceeding. 5146

(F) "Public agency" means an office, agency, department, 5147
bureau, or other governmental entity of the state or of a 5148
political subdivision of the state. 5149

(G) "Public official" has the same meaning as in section 5150
2921.01 of the Revised Code. 5151

~~(H) "Victim" means either of the following:~~ 5152

~~(1) A person who is identified as the victim of a crime or~~ 5153
~~specified delinquent act in a police report or in a complaint,~~ 5154
~~indictment, or information that charges the commission of a~~ 5155
~~crime and that provides the basis for the criminal prosecution~~ 5156
~~or delinquency proceeding and subsequent proceedings to which~~ 5157
~~this chapter makes reference.~~ 5158

~~(2) A person who receives injuries as a result of a~~ 5159

~~vehicle, streetcar, trackless trolley, aquatic device, or~~ 5160
~~aircraft accident that is proximately caused by a violation~~ 5161
~~described in division (A) (3) of this section or a motor vehicle~~ 5162
~~accident that is proximately caused by a violation described in~~ 5163
~~division (A) (4) of this section and who receives medical~~ 5164
~~treatment as described in division (A) (3) or (4) of this~~ 5165
~~section, whichever is applicable has the same meaning as in~~ 5166
~~Section 10a of Article I of the Ohio Constitution.~~ 5167

(I) "Victim's representative" means a member of the 5168
victim's family or another person who pursuant to the authority 5169
of section 2930.02 of the Revised Code exercises the rights of a 5170
victim under this chapter. 5171

(J) "Court" means a court of common pleas, juvenile court, 5172
municipal court, or county court. 5173

(K) "Delinquency proceeding" means all proceedings in a 5174
juvenile court that are related to a case in which a complaint 5175
has been filed alleging that a child is a delinquent child. 5176

(L) "Case" means a delinquency proceeding and all related 5177
activity or a criminal prosecution and all related activity. 5178

(M) The "defense" means the defense against criminal 5179
charges in a criminal prosecution or the defense against a 5180
delinquent child complaint in a delinquency proceeding. 5181

(N) The "prosecution" means the prosecution of criminal 5182
charges in a criminal prosecution or the prosecution of a 5183
delinquent child complaint in a delinquency proceeding. 5184

(O) ~~"Specified delinquent Delinquent act" means any of the~~ 5185
~~following:~~ 5186

~~(1) An alleged act committed by a child ~~that if~~~~ 5187

~~committed by an adult would be a felony;~~ 5188

~~(2) An act committed by a child that is a violation of a~~ 5189
~~section listed in division (A) (1) or (2) of this section or is a~~ 5190
~~violation of a substantially equivalent municipal ordinance;~~ 5191

~~(3) An act committed by a child that is described in~~ 5192
~~division (A) (3) or (4) of this section, regardless of whether~~ 5193
the child is competent, that does any of the following and is 5194
not disposed of by the juvenile traffic violations bureau 5195
serving the court under Traffic Rule 13.1: 5196

(1) Violates any law of this state or the United States, 5197
or any ordinance of a political subdivision of the state, that 5198
would be an offense if committed by an adult; 5199

(2) Violates any lawful order of the court made under this 5200
chapter, including a child who violates a court order regarding 5201
the child's prior adjudication as an unruly child for being an 5202
habitual truant; 5203

(3) Violates any lawful order of the court made under 5204
Chapter 2151. of the Revised Code other than an order issued 5205
under section 2151.87 of the Revised Code; 5206

(4) Violates division (C) of section 2907.39, division (A) 5207
of section 2923.211, or division (C) (1) or (D) of section 5208
2925.55 of the Revised Code. 5209

(P) (1) "Alleged juvenile offender" means a child who is 5210
alleged to have committed a ~~specified~~-delinquent act in a police 5211
report or in a complaint in juvenile court that charges the 5212
commission of a ~~specified~~-delinquent act and that provides the 5213
basis for the delinquency proceeding and all subsequent 5214
proceedings to which this chapter makes reference. 5215

(2) As used in divisions (O) and (P) (1) of this section, 5216
"child" has the same meaning as in section 2151.011 of the 5217
Revised Code. 5218

(Q) "Motor vehicle accident" means any accident involving 5219
a motor vehicle. 5220

(R) "Motor vehicle" has the same meaning as in section 5221
4509.01 of the Revised Code. 5222

(S) "Aircraft" has the same meaning as in section 4561.01 5223
of the Revised Code. 5224

(T) "Aquatic device" means any vessel, or any water skis, 5225
aquaplane, or similar device. 5226

(U) "Vehicle," "streetcar," and "trackless trolley" have 5227
the same meanings as in section 4511.01 of the Revised Code. 5228

(V) "Vehicle, streetcar, trackless trolley, aquatic 5229
device, or aircraft accident" means any accident involving a 5230
vehicle, streetcar, trackless trolley, aquatic device, or 5231
aircraft. 5232

(W) "Vessel" has the same meaning as in section 1546.01 of 5233
the Revised Code. 5234

(X) "Victim advocate" means a person employed or 5235
authorized by a public or private entity who provides support 5236
and assistance for a victim of a criminal offense or delinquent 5237
act in relation to criminal, civil, administrative, and 5238
delinquency cases or proceedings and recovery efforts related to 5239
the criminal offense or delinquent act. 5240

(Y) "Victim's attorney" means an attorney retained by the 5241
victim for the purpose of asserting the victim's constitutional 5242
and statutory rights. 5243

(Z) "Prosecutor's designee" means any person or entity 5244
designated by the prosecuting attorney but does not include a 5245
court or court employee. 5246

(AA) "Suspect" means a person who is alleged to be the 5247
perpetrator of a criminal offense. 5248

Sec. 2930.011. Nothing in this chapter shall prevent a 5249
victim or the victim's other lawful representative from 5250
asserting the rights enumerated in Ohio Constitution, Article I, 5251
Section 10a. 5252

Sec. 2930.02. (A) ~~If~~ Any of the following persons may, 5253
subject to the prohibition on the unauthorized practice of law 5254
under section 4705.07 of the Revised Code, exercise the rights 5255
of a victim under this chapter as the victim's representative: 5256

(1) Any person designated by the victim; 5257

(2) A member of the victim's family or a victim advocate 5258
designated as the victim's representative to exercise the rights 5259
of a victim under this chapter as the victim's representative if 5260
a victim is a minor or is incapacitated, incompetent, or 5261
deceased, ~~or if the victim chooses to designate another person,~~ 5262
~~a member of a victim's family or another person may exercise the~~ 5263
~~rights of the victim under this chapter as the victim's~~ 5264
~~representative, subject to division (D) of this section;~~ 5265

(3) If the case involves a violation of section 2903.01, 5266
2903.02, 2903.03, 2903.04, 2903.041, 2903.05, or 2903.06 of the 5267
Revised Code, a member of the deceased victim's family, a victim 5268
advocate, or another person designated by one or more members of 5269
the deceased victim's family. 5270

(B) If the prosecutor in the case or the court has a 5271
reasonable basis to believe that the victim's representative is 5272

not acting in the interests of the child victim, victim with a 5273
developmental disability, or an incapacitated or incompetent 5274
victim, the prosecutor shall file a motion with the court 5275
setting forth the reasonable basis for that belief and the court 5276
shall hold a hearing to determine whether the victim's 5277
representative is acting in the interests of the victim. The 5278
court shall make this determination by a preponderance of the 5279
evidence. If the court finds that the victim's representative is 5280
not acting in the interests of the victim, the court shall 5281
appoint a court appointed special advocate, a guardian ad litem, 5282
or a victim advocate to act as a victim's representative instead 5283
of the previously appointed victim's representative. 5284

(C) If more than one person seeks to act as the victim's 5285
representative for a particular victim, the court that has 5286
jurisdiction over the criminal matter or the court in which the 5287
criminal prosecution or delinquency proceeding is held shall 5288
designate one of those persons as the victim's representative. 5289
If a victim does not want to have anyone act as the victim's 5290
representative, the court shall order that only the victim may 5291
exercise the rights of a victim under this chapter. 5292

~~(B)~~ (D) If pursuant to division (A) of this section a 5293
victim's representative is to exercise the rights of a victim, 5294
the victim ~~or victim's representative~~ shall notify law 5295
enforcement and the prosecutor, or, if it is a delinquency 5296
proceeding and a prosecutor is not involved in the case, shall 5297
notify the court that the victim's representative is to act for 5298
the victim. When a victim ~~or victim's representative~~ has so 5299
notified law enforcement and the prosecutor, or the court, all 5300
~~notice~~ notices under this chapter shall be sent ~~only~~ to the 5301
victim and the victim's representative, all rights under this 5302
chapter shall be granted ~~only~~ to the victim and the victim's 5303

representative, and all references in this chapter to a victim, 5304
except the references to a victim in section 2930.071 of the 5305
Revised Code, shall be interpreted as being references to the 5306
victim and the victim's representative unless the victim informs 5307
the notifying authority that the victim ~~also wishes~~ does not 5308
wish to receive the notices or exercise the rights. ~~If division-~~ 5309
~~(B) of section 2930.03 of the Revised Code requires a victim to-~~ 5310
~~make a request in order to receive any notice of a type-~~ 5311
~~described in this division and if a victim's representative is-~~ 5312
~~to exercise the rights of the victim, the victim's-~~ 5313
~~representative shall make the request-~~ 5314

(E) A suspect, defendant, offender, alleged juvenile 5315
offender, or delinquent child may not act as a victim's 5316
representative relative to the criminal offense or delinquent 5317
act involving the victim. 5318

(F) In any post-conviction proceeding or in regards to any 5319
post-conviction relief, if the prosecutor in the case or the 5320
court has a reasonable basis to believe that the victim's 5321
representative is not acting in the interests of the child 5322
victim, victim with a developmental disability, or an 5323
incapacitated or incompetent victim, the prosecutor shall file a 5324
motion with the court setting forth the reasonable basis for 5325
that belief and the court shall hold a hearing to determine 5326
whether the victim's representative is acting in the interests 5327
of the victim. The court shall make this determination by a 5328
preponderance of the evidence. If the court finds that the 5329
victim's representative is not acting in the interests of the 5330
victim, the court shall appoint a court appointed special 5331
advocate, a guardian ad litem, or a victim advocate to act as a 5332
victim's representative instead of the previously appointed 5333
victim's representative. 5334

Sec. 2930.03. (A) A person or entity required or 5335
authorized under this chapter to give notice to a victim shall 5336
give the notice to the victim by any means reasonably calculated 5337
to provide prompt actual notice. Except when a provision 5338
requires that notice is to be given in a specific manner, a 5339
notice may be oral or written. 5340

(B) (1) Except for receipt of the initial information and 5341
notice required to be given to a victim under divisions (A) and 5342
~~(B)~~ (C) of section 2930.04, section 2930.05, and divisions (A) 5343
and ~~(B)~~ (C) of section 2930.06 of the Revised Code and the 5344
notice required to be given to a victim under division (D) of 5345
section 2930.16 of the Revised Code, a victim who wishes to 5346
receive any notice authorized by this chapter shall make a 5347
request for the notice to the prosecutor or the custodial agency 5348
that is to provide the notice, as specified in this chapter. If 5349
the victim does not make a request as described in this 5350
division, the prosecutor or custodial agency is not required to 5351
provide any notice described in this chapter other than the 5352
initial information and notice required to be given to a victim 5353
under divisions (A) and ~~(B)~~ (C) of section 2930.04, section 5354
2930.05, and divisions (A) and ~~(B)~~ (C) of section 2930.06 of the 5355
Revised Code and the notice required to be given to a victim 5356
under division (D) of section 2930.16 of the Revised Code. 5357

(2) A victim who does not wish to receive any of the 5358
notices required to be given to a victim under division (E) (2) 5359
or (K) of section 2929.20, division (D) of section 2930.16, 5360
division (H) of section 2967.12, division (E) (1) (b) of section 5361
2967.19, division (A) (3) (b) of section 2967.26, division (D) (1) 5362
of section 2967.28, or division (A) (2) of section 5149.101 of 5363
the Revised Code shall make a request to the prosecutor or 5364
custodial agency that is to provide the particular notice that 5365

the notice not be provided to the victim. Unless the victim 5366
makes a request as described in this division, the prosecutor or 5367
custodial agency shall provide the notices required to be given 5368
to a victim under division (E) (2) or (K) of section 2929.20, 5369
division (D) of section 2930.16, division (H) of section 5370
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 5371
(b) of section 2967.26, division (D) (1) of section 2967.28, or 5372
division (A) (2) of section 5149.101 of the Revised Code in any 5373
manner, and in accordance with the procedures, specified in the 5374
particular division. This division also applies to a victim's 5375
representative or a member of a victim's immediate family that 5376
is authorized to receive any of the notices specified in this 5377
division. 5378

(C) A person or agency that is required to furnish notice 5379
under this chapter shall give the notice to the victim at the 5380
address or telephone number provided to the person or agency by 5381
the victim. A victim who requests to receive notice under this 5382
chapter as described in division (B) of this section shall 5383
inform the person or agency of the name, address, or telephone 5384
number of the victim and of any change to that information. 5385

(D) A person or agency that has furnished information to a 5386
victim in accordance with any requirement or authorization under 5387
this chapter shall notify the victim promptly of any significant 5388
changes to that information. 5389

(E) Divisions (A) to (D) of this section do not apply 5390
regarding a notice that a prosecutor is required to provide 5391
under section 2930.061 of the Revised Code. A prosecutor 5392
required to provide notice under that section shall provide the 5393
notice as specified in that section. 5394

Sec. 2930.04. (A) The supreme court shall create the 5395

victim's rights request form, which shall include the 5396
information specified in division (B) of this section or a 5397
similar form that, at a minimum, contains all the required 5398
information listed in division (B) of this section. The supreme 5399
court shall make the form available to all sheriffs, marshals, 5400
municipal corporation and township police departments, 5401
constables, and other law enforcement agencies, to all 5402
prosecuting attorneys, city directors of law, village 5403
solicitors, and other similar chief legal officers of municipal 5404
corporations, and to organizations that represent or provide 5405
services for victims of crime.~~After~~ 5406

(B)(1) On its initial contact with a victim of a ~~crime~~ 5407
criminal offense or delinquent act, the law enforcement agency 5408
responsible for investigating the ~~crime~~ criminal offense or 5409
delinquent act promptly shall ~~give to~~ provide the victim, in 5410
writing, with a victim's rights request form or a similar form 5411
that, at a minimum, contains the required information listed in 5412
this division and division (B)(2) of this section. The form 5413
shall do all of the following information: 5414

~~(1) An explanation of the victim's rights under this~~ 5415
~~chapter~~(a) Inform victims of rights that are automatically 5416
granted; 5417

~~(2) Information about medical, counseling, housing,~~ 5418
~~emergency, and any other services that are available to a~~ 5419
~~victim~~(b) Of the rights that are not automatically granted, 5420
allow the victim and victim's representative, if applicable, to 5421
select which rights the victim wishes to request; 5422

~~(3) Information about compensation for victims under the~~ 5423
~~reparations program in sections 2743.51 to 2743.72 of the~~ 5424
~~Revised Code and the name, street address, and telephone number~~ 5425

~~of the agency to contact to apply for an award of reparations~~ 5426
~~under those sections;~~ 5427

~~(4) Information about protection that is available to the~~ 5428
~~victim, including protective orders issued by a court.~~(c) Inform 5429
victims that an election of rights made on the form can be 5430
changed at any time; 5431

(d) Include a section for law enforcement to indicate that 5432
the victim did not make an election or was unable to complete 5433
the form at the time of first contact with law enforcement, if 5434
applicable, and is therefore considered to have requested all 5435
rights until the prosecutor contacts the victim pursuant to 5436
section 2930.06 of the Revised Code to provide another 5437
opportunity to request any right that is not automatically 5438
conferred by the Ohio Constitution; 5439

(e) Inform the victim and victim's representative that 5440
failure to affirmatively request the rights that are not 5441
automatically granted is a waiver of those rights once contacted 5442
by the prosecutor, but that the victim or victim's 5443
representative may request those rights at a later date; 5444

(f) Provide a method for the victim to designate a 5445
victim's representative if the victim chooses; 5446

(g) Include a section where the victim or victim's 5447
representative shall indicate whether the victim was a victim 5448
against whom the criminal offense or delinquent act was 5449
committed or the victim was directly or proximately harmed by 5450
the commission of the criminal offense or delinquent act; 5451

(h) Include a section where the victim or victim's 5452
representative shall indicate that a law enforcement official or 5453
the prosecutor provided the form to the victim; 5454

(i) Include the address, telephone number, and electronic mail address, if available, for the victim and victim's representative, if applicable; 5455
5456
5457

(j) Include the contact information or address for the law enforcement official, incident report number, badge number of the law enforcement officer, case number, and arraignment date, time and location, if known; 5458
5459
5460
5461

(k) Include signature lines for acknowledgment by the applicable law enforcement officer or agency, prosecutor, or custodial agent or agency, and victim and victim's representative; 5462
5463
5464
5465

(l) Advise victims of the right to counsel and refer the victim to the attorney general information card and victim's rights handbook online or in print, including telephone and web site information for obtaining a copy if not provided by law enforcement officials; 5466
5467
5468
5469
5470

(m) Inform victims of the responsibility to keep contact information current with the applicable law enforcement official; 5471
5472
5473

(n) Provide a section for prosecutors to inform the custodial agency of the victim's and victim's representative's, if applicable, name and identifying information. The custodial agency shall notify the victim and victim's representative, if applicable, of the victim's post-conviction rights and provide post-conviction information; 5474
5475
5476
5477
5478
5479

(o) Contain a statement that the victim's identifying information on the form is not a public record under section 149.43 of the Revised Code. 5480
5481
5482

~~(B)~~ (2) As part of the victim's rights request form, the 5483

<u>law enforcement official shall provide an informational page to</u>	5484
<u>the victim that includes information about the following:</u>	5485
<u>(a) The fact that some rights are automatic and some</u>	5486
<u>rights are upon request;</u>	5487
<u>(b) Appointing a victim representative;</u>	5488
<u>(c) The importance of the arraignment process for victim's</u>	5489
<u>rights;</u>	5490
<u>(d) The right to refuse interview, deposition and</u>	5491
<u>discovery requests from the defendant;</u>	5492
<u>(e) The potential availability of protection orders;</u>	5493
<u>(f) Victims' compensation and restitution, and the</u>	5494
<u>importance of preserving documentation during the criminal</u>	5495
<u>justice process for purposes of obtaining compensation or</u>	5496
<u>restitution;</u>	5497
<u>(g) Privacy for victim addresses through the address</u>	5498
<u>confidentiality program established by section 111.42 of the</u>	5499
<u>Revised Code, including the web site address and contact</u>	5500
<u>telephone number for the program;</u>	5501
<u>(h) Tracking incarcerated offenders through the victim</u>	5502
<u>information and notification everyday program, including the web</u>	5503
<u>site address to register for text message or electronic mail</u>	5504
<u>notices of offender release.</u>	5505
<u>(C) (1) The portion on the completed victim's rights</u>	5506
<u>request form that contains a victim's name and identifying</u>	5507
<u>information is not a public record under section 149.43 of the</u>	5508
<u>Revised Code.</u>	5509
<u>(2) On documents filed with the court, the victim's name</u>	5510

and identifying information shall be filed separately on a page 5511
that is not a public record under section 149.43 of the Revised 5512
Code so that the identity of the victim or victims remains 5513
confidential. 5514

~~As soon as practicable after~~ 5515

(D) At the time of its initial contact with a victim of a 5516
crime criminal offense or delinquent act, or as soon as 5517
practicable following the initial contact, the law enforcement 5518
agency responsible for investigating the crime criminal offense 5519
or delinquent act shall give to provide the victim, in writing, 5520
all of the following information: 5521

~~(1) The business telephone number of the law enforcement~~ 5522
~~officer assigned to investigate the case;~~ 5523

~~(2) The office address and business telephone number of~~ 5524
~~the prosecutor in the case;~~ 5525

~~(3) A statement that, if the victim is not notified of the~~ 5526
~~arrest of the offender in the case within a reasonable period of~~ 5527
~~time, the victim may contact the law enforcement agency to learn~~ 5528
~~the status of the case. The victim's rights under this section~~ 5529
and the victim's bill of rights under Ohio Constitution, Article 5530
I, Section 10a, including the right to exercise those rights 5531
through counsel; 5532

(2) The availability of crisis intervention services, 5533
housing, and emergency and medical services, or contact 5534
information for statewide organizations that can direct victims 5535
to local resources; 5536

(3) When applicable, the procedures and resources 5537
available for the protection of the victim, including protection 5538
orders issued by the courts; 5539

(4) Information about public and private victim services 5540
programs, including, but not limited to, the crime victims 5541
compensation program and emergency shelter programs, or, if 5542
local information is not available, contact information for 5543
statewide organizations that can direct a victim to these types 5544
of resources; 5545

(5) The police report number, if applicable, business 5546
telephone number of the law enforcement agency investigating the 5547
victim's case, and the office address and business telephone 5548
number of the prosecutor in the victim's case, when available. 5549

~~(C)~~(E) The law enforcement officer responsible for 5550
providing information under this section shall use reasonable 5551
efforts to identify the victim. At a minimum, this information 5552
should be disseminated to the individual or individuals 5553
identified in the police report as victims. If the law 5554
enforcement officer generates a report, the law enforcement 5555
agency shall collect and retain an executed copy of the victim's 5556
rights request form or a form that, at a minimum, contains the 5557
required information listed in division (B) of this section. If 5558
at the time of contact with a law enforcement agency the victim 5559
does not complete the form or request the victim's applicable 5560
rights, the law enforcement agency shall designate this on the 5561
form. The victim's refusal to request or waive the victim's 5562
applicable rights shall be considered an assertion of the 5563
victim's rights until the prosecutor contacts the victim within 5564
seven days of initiation of a criminal prosecution pursuant to 5565
section 2930.06 of the Revised Code to provide another 5566
opportunity to request any right that is not automatically 5567
conferred under the Ohio Constitution. 5568

(F) If a suspect is arrested, the law enforcement agency 5569

shall submit an executed copy of the victim's rights request 5570
form to the custodial agency as soon as practicable once the law 5571
enforcement agency learns of the suspect's arrest. 5572

(G) On the filing of charges or a complaint, the law 5573
enforcement agency shall submit an executed copy of that form to 5574
the prosecutor and to the court. The prosecutor shall review the 5575
victim's rights request form with the victim or victim's 5576
representative and obtain signatures from the victim and 5577
victim's representative, if applicable, if the form was not 5578
previously completed with law enforcement and shall file the 5579
form with the court within seven days after initiation of a 5580
criminal prosecution. 5581

(H) If a suspect is cited and released, the law 5582
enforcement agency responsible for investigating the offense 5583
shall inform the victim and the victim's representative, if 5584
applicable, of the court date, if known, and how to obtain 5585
additional information from the clerk of the court about the 5586
arraignment or initial appearance. 5587

(I) To the extent that the information required by this 5588
section is provided in the victim's rights request form created 5589
under this section and the pamphlet prepared pursuant to section 5590
109.42 of the Revised Code or in the information card or other 5591
material prepared pursuant to section 2743.71 of the Revised 5592
Code, the law enforcement agency may fulfill that portion of its 5593
obligations under this section by giving that form, pamphlet, 5594
information card, or other material to the victim. 5595

(J) (1) Once completed, the law enforcement agency shall 5596
provide the victim's rights request form with the information of 5597
the victim or victims to the prosecutor with the complaint and 5598
affidavit and provide it to the court at the time of criminal 5599

case filing. 5600

(2) If the form containing the information of the victim 5601
or victims as described in division (B) of this section is not 5602
completed and sent to the prosecutor prior to the first 5603
interaction between the prosecutor and the victim or victims, 5604
then the prosecutor shall complete the form during the 5605
prosecutor's first interaction with the victim. 5606

(3) A victim may elect not to receive the notifications 5607
described in division (B)(1) of this section, in which case the 5608
prosecutor shall document that refusal. Once the prosecutor has 5609
met with the victim, the prosecutor shall file the completed or 5610
updated victim's rights request form with the court. 5611

(4) If a defendant is convicted and sentenced to the 5612
department of rehabilitation and correction or the department of 5613
youth services, the court shall ask the victim, if present, or 5614
the prosecutor if the victim wishes to update the victim's 5615
contact information and shall inform the victim that it is the 5616
victim's duty to notify the department of rehabilitation and 5617
correction or department of youth services of any change in 5618
address or contact information. 5619

(K)(1) A person, who by reason of that person's regular 5620
business activities, is the subject of multiple and continuing 5621
criminal offenses or delinquent acts as a potential victim, may 5622
opt out of notices and rights available pursuant to the Ohio 5623
Constitution, Chapter 2930. of the Revised Code, and other laws 5624
providing victims with rights for future offenses by giving a 5625
written notification form to the appropriate prosecutor or the 5626
prosecutor's designee. 5627

(2) The form shall include the name and address of the 5628

person's business and the period of time that the person wishes 5629
to opt out of receiving the notices and rights available. The 5630
form may also state that the person is only interested in the 5631
notices described in this section if restitution is at issue. It 5632
shall be signed by the person or another person with management 5633
authority over the business. 5634

Sec. 2930.041. (A) Pursuant to the "Americans with 5635
Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101, as 5636
amended, a victim with a disability has the right to a qualified 5637
or certified interpreter at all court proceedings, all meetings 5638
with the prosecutor, and all investigative contacts with law 5639
enforcement, the probation department, the department of 5640
rehabilitation and correction, and the department of youth 5641
services, at no cost to the victim and paid for by the court. 5642

(B) A victim who is non-English speaking or has limited 5643
English proficiency has the right to a qualified or certified 5644
interpreter at all court proceedings, all meetings with the 5645
prosecutor, and all investigative contacts with law enforcement, 5646
the probation department, the department of rehabilitation and 5647
correction, and the department of youth services, at no cost to 5648
the victim and paid for by the court. 5649

(C) The victim's right to a qualified or certified 5650
interpreter under division (B) of this section is subject to 5651
availability but is not subject to the cost of retaining a 5652
qualified or certified interpreter. Any agency described in 5653
division (B) of this section that is unable to provide a victim 5654
with a qualified or certified interpreter as required by 5655
division (B) of this section shall maintain records of the 5656
agency's attempt to comply with this requirement. 5657

(D) As used in this section, "qualified interpreter" has 5658

the same meaning as in the "Americans with Disabilities Act of 1990," 42 U.S.C. 12101, as amended. 5659
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Sec. 2930.042. In all inactive cases involving one or more criminal offenses or delinquent acts for which the statute of limitations is longer than three years, the law enforcement agency investigating the criminal offense or delinquent act shall provide the victim and victim's representative, if applicable, with notice as to whether an inactive case is reopened or closed, unless the victim has waived the right to notifications. 5661
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Sec. 2930.043. A victim shall not be required to pay for a copy of any public records related to the victim's case. 5669
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Sec. 2930.044. A person who has not previously been identified as a victim by law enforcement, including a person claiming to be directly or proximately harmed as a result of the criminal offense or delinquent act, shall affirmatively identify the person's self to law enforcement, the prosecutor, and the courts in order to receive the information and exercise the rights described in this chapter. 5671
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Sec. 2930.05. (A) Within a reasonable period of time after the arrest or detention of a defendant or an alleged juvenile offender for a ~~crime~~ the underlying criminal offense or ~~specified delinquent act~~, the law enforcement agency that investigates the ~~crime~~ criminal offense or ~~specified delinquent act~~ shall give the victim ~~of the crime or specified delinquent act~~ and the victim's representative notice of all of the following: 5678
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(1) The arrest or detention once the investigating law enforcement agency has knowledge of the arrest or detention; 5686
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(2) The name of the defendant or alleged juvenile offender 5688
once the investigating law enforcement agency has knowledge of 5689
the name of the defendant or alleged juvenile offender; 5690

(3) ~~Whether~~That the defendant or alleged juvenile 5691
offender ~~is~~may be eligible for pretrial release or for release 5692
from detention; 5693

(4) The telephone number of the law enforcement agency; 5694

(5) The victim's and the victim's representative's right, 5695
if applicable, to telephone the custodial agency to ascertain 5696
whether the defendant or alleged juvenile offender has been 5697
released from custody or from detention; 5698

(6) That, on request of the victim or the victim's 5699
representative, the prosecutor or the prosecutor's designee 5700
shall provide the victim and the victim's representative, if 5701
applicable, with a copy of the terms and conditions of bond; 5702

(7) Procedures for obtaining additional information from 5703
the clerk of the court about the time, place, and date of the 5704
arraignment or initial appearance of the defendant or alleged 5705
juvenile offender; 5706

(8) If the defendant or alleged juvenile offender is 5707
arrested or detained by another law enforcement agency, the 5708
applicable pick-up radius and whether the investigating law 5709
enforcement agency will pick up the defendant or alleged 5710
juvenile offender, once the investigating law enforcement agency 5711
has knowledge of the defendant's or alleged juvenile offender's 5712
arrest or detention. 5713

~~(B)~~(B) (1) If a defendant or alleged juvenile offender has 5714
been released from custody on a bond or personal recognizance or 5715
has been released from detention and the prosecutor in the case 5716

has received the affidavit of a victim stating that the 5717
defendant or alleged juvenile offender, or someone acting at the 5718
defendant's or alleged juvenile offender's direction, has 5719
committed or threatened to commit one or more acts of violence, 5720
harassment, or intimidation against the victim, the victim's 5721
family, or the victim's representative, the prosecutor may file 5722
a motion asking the court to reconsider the conditions of the 5723
bond or personal recognizance granted to the defendant or 5724
alleged juvenile offender or to consider returning the defendant 5725
or alleged juvenile offender to detention. 5726

(2) If the prosecutor elects not to file a motion under 5727
division (B) (1) of this section, the prosecutor or the 5728
prosecutor's designee shall inform the victim as soon as 5729
practicable that the victim or the victim's attorney may file a 5730
petition asking the court to reconsider the conditions of the 5731
bond or personal recognizance granted to the defendant or 5732
alleged juvenile offender. 5733

Sec. 2930.051. A custodial agency shall notify the 5734
investigating law enforcement agency of the incarceration of a 5735
defendant or detention of an alleged juvenile offender once the 5736
investigating law enforcement agency is known to the custodial 5737
agency. 5738

Sec. 2930.06. ~~(A)~~ (A) (1) The prosecutor in a case or the 5739
prosecutor's designee, to the extent practicable, shall, on the 5740
victim's request, confer with the victim in the case before and 5741
the victim's representative, if applicable, at each of the 5742
following stages: 5743

(a) Before pretrial diversion is granted to the defendant 5744
or alleged juvenile offender in the case, ~~before;~~ 5745

(b) Before amending or dismissing an indictment, 5746
information, or complaint against that defendant or alleged 5747
juvenile offender, ~~before~~ unless the amendment to the 5748
indictment, information, or complaint is a correction of a 5749
procedural defect that is not substantive in nature; 5750

(c) Before agreeing to a negotiated plea for that 5751
defendant or alleged juvenile offender, ~~before;~~ 5752

(d) Before a trial of that defendant by judge or jury, ~~or~~ 5753
~~before;~~ 5754

(e) Before the juvenile court conducts an adjudicatory 5755
hearing for that alleged juvenile offender. 5756

(2) If the juvenile court disposes of a case prior to the 5757
prosecutor's involvement in the case, the court or a court 5758
employee shall notify the victim and the victim's representative 5759
in the case, if applicable, that the alleged juvenile offender 5760
will be granted pretrial diversion, the complaint against that 5761
alleged juvenile offender will be amended or dismissed, or the 5762
court will conduct an adjudicatory hearing for that alleged 5763
juvenile offender. 5764

(3) At a hearing at any of the stages listed in division 5765
(A) (1) of this section, the court shall inquire as to whether 5766
the victim or victim's representative, if applicable, requested 5767
to confer with the prosecutor, and whether or not the prosecutor 5768
conferred with the victim and the victim's representative, if 5769
applicable. If the prosecutor fails to confer with the victim 5770
and the victim's representative, if applicable, at any of those 5771
times, the court, ~~if informed of the failure,~~ shall note on the 5772
record the failure and the prosecutor's reasons for the failure. 5773
Except as provided in division (A) (5) of this section, if the 5774

court determines that reasonable efforts were not made to confer 5775
with the victim and victim's representative, if applicable, or 5776
reasonable efforts were not made to provide reasonable and 5777
timely notice of the time, place, and nature of the court 5778
proceeding to the victim and victim's representative, if 5779
applicable, as required by this section or by Ohio Constitution, 5780
Article I, Section 10a, the court shall not rule on any 5781
substantive issue that implicates a victim's right, accept a 5782
plea, or impose a sentence, and shall continue the court 5783
proceeding for the time necessary to provide the required notice 5784
to the victim and victim's representative, if applicable. A 5785
prosecutor's failure to confer with a victim as required by this 5786
division and a court's failure to provide the notice as required 5787
by this division do not affect the validity of an agreement 5788
between the prosecutor and the defendant or alleged juvenile 5789
offender in the case, a pretrial diversion of the defendant or 5790
alleged juvenile offender, an amendment or dismissal of an 5791
indictment, information, or complaint filed against the 5792
defendant or alleged juvenile offender, a plea entered by the 5793
defendant or alleged juvenile defender, an admission entered by 5794
the defendant or alleged juvenile offender, or any other 5795
disposition in the case. 5796

(4) A court shall not dismiss a criminal complaint, 5797
charge, information, or indictment or a delinquent child 5798
complaint solely at the request of the victim or victim's 5799
representative and over the objection of the prosecuting 5800
attorney, village solicitor, city director of law, or other 5801
chief legal officer responsible for the prosecution of the case. 5802

(5) Nothing in this section prohibits a court from taking 5803
any action necessary to ensure that a person charged with an 5804
offense is brought to trial within the time required by sections 5805

2945.71 and 2945.72 of the Revised Code and a defendant's 5806
constitutional right to a speedy trial. 5807

(B) ~~After~~ On request of the victim or the victim's 5808
representative, the prosecutor shall keep the victim and the 5809
victim's representative, if applicable, apprised of requests and 5810
communications from the defendant, alleged juvenile offender, 5811
the attorney for the defendant or alleged juvenile offender, or 5812
the agent of the defendant or alleged juvenile offender that 5813
could affect the victim's privacy rights or safety concerns. 5814

(C) Within fourteen days after a prosecution in a case has 5815
been commenced, the prosecutor or a designee of the prosecutor 5816
other than a court or court employee, ~~to the extent practicable,~~ 5817
promptly shall give the victim and the victim's representative, 5818
if applicable, all of the following information, except that, if 5819
the juvenile court disposes of a case prior to the prosecutor's 5820
involvement in the case, the court or a court employee, ~~to the~~ 5821
~~extent practicable,~~ promptly shall give the victim and the 5822
victim's representative all of the following information: 5823

(1) The name of the ~~crime~~ criminal offense or ~~specified~~ 5824
delinquent act with which the defendant or alleged juvenile 5825
offender in the case has been charged and the name of the 5826
defendant or alleged juvenile offender; 5827

(2) The file number of the case; 5828

(3) A ~~brief~~ clear and concise statement regarding the 5829
procedural steps in a criminal prosecution or delinquency 5830
proceeding involving a ~~crime~~ criminal offense or ~~specified~~ 5831
delinquent act similar to the ~~crime~~ criminal offense or 5832
~~specified~~ delinquent act with which the defendant or alleged 5833
juvenile offender has been charged and the right of the victim 5834

and victim's representative to be present during all proceedings 5835
held throughout the prosecution of the case; 5836

(4) A summary of the rights of a victim under this chapter 5837
and under Section 10a of Article I of the Ohio Constitution; 5838

(5) Procedures the victim, the victim's representative, or 5839
the prosecutor may follow if the victim becomes subject to 5840
threats of violence, harassment, or intimidation by the 5841
defendant, alleged juvenile offender, or any other person; 5842

(6) The name and business telephone number of ~~a person~~ the 5843
office to contact for further information with respect to the 5844
case; 5845

(7) The right of the victim to have a victim's 5846
representative exercise the victim's rights under this chapter 5847
in accordance with section 2930.02 of the Revised Code and the 5848
procedure by which a victim's representative may be designated; 5849

(8) The right of the victim and victim's representative, 5850
if applicable, to confer with the prosecutor on request and the 5851
procedures the victim or victim's representative shall follow to 5852
confer with the prosecutor; 5853

(9) The fact that the victim can seek the advice of an 5854
attorney or have legal representation to enforce the victim's 5855
rights; 5856

(10) Notice that any notification under division ~~(C)~~ ~~(E)~~ 5857
of this section, sections ~~2930.07~~ ~~2930.08~~ to 2930.15, division 5858
(A), (B), or (C) of section 2930.16, sections 2930.17 to 5859
2930.19, and section 5139.56 of the Revised Code will be given 5860
to the victim and the victim's representative, if applicable, 5861
only if the victim or victim's representative asks to receive 5862
the notification and that notice under division (E) (2) or (K) of 5863

section 2929.20, division (D) of section 2930.16, division (H) 5864
of section 2967.12, division (E) (1) (b) of section 2967.19, 5865
division (A) (3) (b) of section 2967.26, division (D) (1) of 5866
section 2967.28, or division (A) (2) of section 5149.101 of the 5867
Revised Code will be given unless the victim ~~asks~~ and the 5868
victim's representative, if applicable, ask that the 5869
notification not be provided; 5870

(11) (a) The victim's rights request form, or a similar 5871
form that, at a minimum, contains the required information 5872
listed in this section and on the victim's rights request form, 5873
that allows the victim and the victim's representative, if 5874
applicable, to request applicable rights to which the victim and 5875
victim's representative are entitled under this chapter, 5876
including notice to the victim and the victim's representative 5877
that failure to affirmatively request these rights will be 5878
considered a waiver of these rights, but that the victim or 5879
victim's representative may request these rights at a later 5880
date; 5881

(b) A person who, by reason of that person's regular 5882
business activities, is the subject of multiple and continuing 5883
criminal offenses or delinquent acts as a potential victim may 5884
choose to opt out of the notices and rights available pursuant 5885
to the Ohio Constitution, Chapter 2930. of the Revised Code, and 5886
any other provision of the Revised Code that provides a victim 5887
with rights for future offenses by giving a written notification 5888
form to the appropriate prosecutor or prosecutor's designee. The 5889
form shall include the name and address of the person's business 5890
and the period of time that the person wishes to opt out of the 5891
applicable notices and rights and may also state that the person 5892
is only interested in the applicable notices if restitution is 5893
at issue. The form shall be signed by the person or another 5894

person with management authority of the business. 5895

~~(C) Upon~~ (D) Unless a shorter notice period is reasonable 5896
under the circumstances, the court shall provide the prosecutor 5897
or prosecutor's designee with oral or written notice of any 5898
court proceeding not less than ten days prior to that court 5899
proceeding unless the parties agree that a shorter notice period 5900
is reasonable under the circumstances. 5901

(E) On the request of the victim or victim's 5902
representative, the prosecutor or, if it is a delinquency 5903
proceeding and a prosecutor is not involved in the case, the 5904
court shall give the victim and the victim's representative, if 5905
applicable, notice of the date, time, and place of any ~~scheduled~~ 5906
criminal or juvenile proceedings in the case and notice of any 5907
changes in those proceedings or in the schedule in the case not 5908
less than seven days prior to the criminal or juvenile 5909
proceedings in the case unless the parties agree that a shorter 5910
notice period is reasonable under the circumstances. 5911

~~(D)~~ (F) A victim or victim's representative who requests 5912
notice under division ~~(C)~~ (E) of this section and who elects 5913
pursuant to division (B) of section 2930.03 of the Revised Code 5914
to receive any further notice from the prosecutor or, if it is a 5915
delinquency proceeding and a prosecutor is not involved in the 5916
case, the court under this chapter shall keep the prosecutor or 5917
the court informed of the victim's ~~current address and telephone~~ 5918
number until the case is dismissed or terminated, the defendant 5919
is acquitted or sentenced, the delinquent child complaint is 5920
dismissed, the defendant is adjudicated a delinquent child, or 5921
the appellate process is completed, whichever is the final 5922
disposition in the case or victim's representative's contact 5923
information. 5924

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

(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.

(H) The prosecutor shall review the victim's rights
request form with the victim or victim's representative and

obtain the victim's and victim's representative's, if 5956
applicable, signatures if the form was not previously completed 5957
with law enforcement and shall file this form with the court 5958
within seven days after initiation of a criminal prosecution. 5959

Sec. 2930.062. A victim described in division (H) ~~(2)~~ of 5960
section 2930.01 of the Revised Code may provide the prosecutor, 5961
or if it is a delinquency proceeding and a prosecutor is not 5962
involved in the case may provide the court, in the victim's case 5963
with written notification of the victim's injuries at any time. 5964
Upon receipt of the written notification, the prosecutor or 5965
court shall give the victim all of the information specified in 5966
division ~~(B)~~ (C) of section 2930.06 of the Revised Code if the 5967
prosecutor has not already done so. 5968

Sec. 2930.063. (A) On request, a victim or victim's 5969
representative has the right to receive a copy of the 5970
certificate of judgement and the judgment entry from the clerk 5971
at no cost to the victim. Copies of other case documents may be 5972
requested and provided by the clerk at cost. Copies provided 5973
pursuant to this division may be provided in electronic format. 5974

(B) In any criminal or delinquency proceeding in which a 5975
video recording or audio recording of the court proceedings has 5976
been previously prepared, the victim, victim's attorney, or 5977
victim's representative may obtain a copy of the video recording 5978
or audio recording for the actual cost to copy the video 5979
recording or audio recording. If a transcript of the court 5980
proceedings has been previously prepared, the victim, victim's 5981
attorney, or victim's representative may obtain a copy of the 5982
transcript at the same reduced cost that is available to a party 5983
to the case. 5984

Sec. 2930.07. (A) As used in this section: 5985

(1) (a) "Case document" means a document or information in 5986
a document regarding a case that is submitted to a court, a law 5987
enforcement agency or officer, or a prosecutor or filed with a 5988
clerk of court, including, but not limited to, pleadings, 5989
motions, exhibits, transcripts, orders, and judgments, or any 5990
documentation prepared by a court, clerk of court, or law 5991
enforcement agency or officer, or a prosecutor regarding a case. 5992

(b) "Case document" does not include materials subject to 5993
the work product doctrine, materials that by law are subject to 5994
privilege or confidentiality, or materials that are otherwise 5995
protected or prohibited from disclosure by state or federal law. 5996

(2) "Court" has the same meaning as in section 2930.01 of 5997
the Revised Code and includes a court of appeals and the supreme 5998
court. 5999

(3) "Minor victim" means any person who was under eighteen 6000
years of age at the time of the commission of the criminal 6001
offense or delinquent act of which the person is a victim. 6002

(4) "Public office" and "public official" have the same 6003
meanings as in section 149.011 of the Revised Code. 6004

(B) The victim and victim's representative, if applicable, 6005
have the right at any court proceeding, including any juvenile 6006
court proceeding, not to testify regarding the victim's address, 6007
telephone number, place of employment, or other locating 6008
information unless the victim specifically consents or the court 6009
determines that the fundamental demands of due process of law in 6010
the fair administration of criminal justice prevails over the 6011
victim's rights to keep the information confidential. 6012

The court shall make this determination pursuant to an in- 6013
camera review. If the court determines that the information 6014

shall be disclosed, the court proceeding shall be closed during 6015
the disclosure. 6016

(C) Any public office or public official that is charged 6017
with the responsibility of knowing the name, address, or other 6018
identifying information of a victim or victim's representative 6019
as part of the office's or official's duties shall have full and 6020
complete access to the name, address, or other identifying 6021
information of the victim or victim's representative. That 6022
public office or public official shall take measures to prevent 6023
the public disclosure of the name, address, or other identifying 6024
information of the victim or victim's representative through the 6025
use of redaction as set forth in division (D) of this section. 6026
Nothing in this section prevents a public agency from 6027
maintaining unredacted records of a victim's or victim's 6028
representative's name, contact information, and identifying 6029
information for its own records and use or a public office or 6030
public official from allowing another public office or public 6031
official to access or obtain copies of its unredacted records. 6032
The release of unredacted records to a public office or official 6033
does not constitute a waiver of any exemption or exception 6034
pursuant to section 149.43 of the Revised Code. This section 6035
prohibits the public release of unredacted case documents 6036
pursuant to division (A) (1) (v) of section 149.43 of the Revised 6037
Code and division (D) of this section. 6038

(D) (1) On written request of the victim or victim's 6039
representative to a law enforcement agency or prosecutor's 6040
office and following a brief explanation from that law 6041
enforcement agency or prosecutor's office of the potential risks 6042
and benefits of redaction and the ability of the victim to 6043
retain counsel, all case documents related to the cases or 6044
matters specified by the victim maintained by the entity to whom 6045

the victim or victim's representative submitted the request 6046
shall be redacted prior to public release pursuant to section 6047
149.43 of the Revised Code to remove the name, address, or other 6048
identifying information of the victim. 6049

(2) On written application under seal of a victim or 6050
victim's representative to a court, and following a brief 6051
explanation from that court of the potential risks and benefits 6052
of redaction and the ability of the victim to retain counsel, 6053
all case documents related to the cases or matters specified by 6054
the victim maintained by the entity to whom the victim or 6055
victim's representative submitted the request shall be redacted 6056
prior to public release pursuant to the supreme court Rules of 6057
Superintendence to remove the name, address, or other 6058
identifying information of the victim. The application shall be 6059
deemed to be filed under seal and the court shall promptly rule 6060
on the application. The court shall not release any unredacted 6061
records while the application is pending. 6062

(3) If multiple victims are involved in a single case, the 6063
public office or official shall take reasonable precautions to 6064
protect the information of the victims from other victims, 6065
unless all of the victims consent to the release of information. 6066

(E) (1) This section does not apply to any disclosure of 6067
the name, address, or other identifying information of a victim 6068
that is required to be made in the statewide emergency alert 6069
program under section 5502.52 of the Revised Code, missing 6070
person alert system, or other similar alert system. 6071

(2) This section does not apply to any disclosure of the 6072
name, address, or other identifying information of a minor 6073
victim of a criminal offense or delinquent act that resulted in 6074
the death of the minor victim. 6075

(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. A victim or victim's attorney shall receive an unredacted copy of any recorded forensic interview of a minor victim or developmentally disabled victim. A victim's representative may receive an unredacted copy of any recorded forensic interview of a minor victim or developmentally disabled victim on request and with approval of the court, or 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 following:

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

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

(5) Nothing in this section prohibits the defendant from including necessary information about the victim in filings with the trial court, court of appeals, or the supreme court. The victim's name and identifying information in the filings is not a public record under section 149.43 of the Revised Code if the victim has requested that the victim's name and identifying

information be redacted from public records. 6106

Sec. 2930.071. (A) (1) A defendant who seeks to subpoena 6107
records of or concerning the victim shall serve the prosecutor, 6108
the victim, and the victim's attorney, if applicable, with a 6109
copy of the subpoena. 6110

The prosecutor shall ensure that the defendant is provided 6111
the information necessary to effect such service. 6112

(2) (a) Pursuant to Criminal Rule 17, the court, on a 6113
motion made promptly and at or before the time specified in the 6114
subpoena for compliance, may quash or modify the subpoena if 6115
compliance would be unreasonable or oppressive. 6116

(b) Upon the filing of a motion to quash, the court shall 6117
conduct a hearing in which the proponent of the subpoena shall 6118
prove all of the following: 6119

(i) That the documents are evidentiary and relevant; 6120

(ii) That the documents are not otherwise procurable 6121
reasonably in advance of trial by exercise of due diligence; 6122

(iii) That the party cannot properly prepare for trial 6123
without such production and inspection in advance of trial and 6124
that the failure to obtain such inspection may tend unreasonably 6125
to delay the trial; 6126

(iv) That the application is made in good faith and is not 6127
a violation of Ohio Rules of Criminal Procedure. 6128

(3) If the court does not quash the subpoena, the court 6129
shall conduct an in-camera review of any records as to which a 6130
right of privilege has been asserted. 6131

(4) If the court determines that any of the records 6132

reviewed in camera are privileged or constitutionally protected, 6133
the court shall balance the victim's rights and privileges 6134
against the constitutional rights of the defendant. The 6135
disclosure of any portion of the records to the prosecutor does 6136
not make the records subject to discovery, unless the material 6137
is such that due process requires that the prosecutor provide it 6138
to the defendant pursuant to the Brady Rule. 6139

(B) Before any victim may be subpoenaed by a defendant to 6140
testify at any pretrial hearing, the defendant shall show good 6141
cause at a hearing with the prosecutor and the victim, victim's 6142
representative, and victim's attorney, if applicable, as to why 6143
the court should issue the subpoena. 6144

(C) As used in this section, "Brady Rule" has the same 6145
meaning as in section 2743.48 of the Revised Code. 6146

Sec. 2930.072. (A) Unless the victim consents in writing, 6147
which may be executed at the time of the interview, the victim 6148
shall not be compelled to submit to an interview on any matter, 6149
including any charged criminal offense witnessed by the victim 6150
and that occurred on the same occasion as the offense against 6151
the victim or filed in the same indictment or information or 6152
consolidated for trial, that is conducted by the defendant, the 6153
defendant's attorney, or an agent of the defendant. Nothing in 6154
this section permits a victim to ignore or disregard a subpoena 6155
seeking witness testimony issued pursuant to the Criminal Rules. 6156

(B) When a notice of appearance has been filed by the 6157
defendant's attorney, the prosecutor shall inform the victim of 6158
the defense counsel's name. The prosecutor shall inform the 6159
victim of the victim's right to refuse to submit to an 6160
interview, or, subject to Criminal Rule 15 or Juvenile Rule 25, 6161
a deposition with the defendant, the defendant's attorney, or an 6162

agent of the defendant. The prosecutor shall also inform the 6163
victim of the victim's right to an attorney. A defendant, 6164
defendant's attorney, or agent of a defendant who attempts to 6165
contact a victim shall first identify self as such. 6166

(C) (1) If the victim consents to an interview or, subject 6167
to Criminal Rule 15 or Juvenile Rule 25, as applicable, a 6168
deposition, the victim or the victim's attorney, if applicable, 6169
and the defendant, the defendant's attorney, or an agent of the 6170
defendant shall determine and specify a mutually agreed upon 6171
time and place for the interview or deposition, along with any 6172
other conditions requested by the victim. 6173

(2) The victim has the right to terminate the interview or 6174
deposition at any time or refuse to answer any question during 6175
the interview or deposition. If the victim refuses to answer 6176
questions during the deposition or terminates the deposition, 6177
the deposition may not be used in lieu of trial testimony. 6178

(3) The victim's attorney, if applicable, or the 6179
prosecutor, at the request of the victim, has standing to 6180
protect the victim from harassment, intimidation, or abuse and, 6181
pursuant to that standing, may seek any appropriate protective 6182
order. 6183

(4) The victim may request or the victim's attorney, if 6184
applicable, or the prosecutor, with the victim's consent, may 6185
request that the deposition be audio or video recorded. 6186

(D) If the defendant or the defendant's attorney comments 6187
at trial on the victim's refusal to be interviewed or deposed, 6188
the court shall instruct the jury that the victim has the right 6189
to refuse an interview or deposition. 6190

Sec. 2930.08. (A) (1) The court and the prosecutor involved 6191

in the case shall take appropriate action to ensure a speedy 6192
disposition of the case. 6193

(2) A victim has the right to proceedings free from 6194
unreasonable delay and a prompt conclusion of the case. The 6195
court and all participants shall endeavor to complete the case 6196
within the time frame provided by the Rules of Superintendence. 6197

(B) If a motion, request, or agreement between ~~counsel~~ the 6198
prosecutor and the defendant's or alleged juvenile offender's 6199
attorney is made in a case, including a motion, request, or 6200
agreement for a continuance of the case, and the motion, 6201
request, or agreement might result in a ~~substantial~~ delay in the 6202
prosecution of the case, the prosecutor ~~in the case, to the~~ 6203
~~extent practicable and,~~ if the victim or victim's representative 6204
has requested notice pursuant to ~~division (B) of section 2930.03~~ 6205
of the Revised Code, shall inform the victim and victim's 6206
representative, if applicable, that the motion, request, or 6207
agreement has been made and that it might result in a delay. If 6208
the victim, victim's representative, or victim's attorney, if 6209
applicable, objects to the delay, the prosecutor shall inform 6210
the court of the ~~victim's~~ objections, and the court shall 6211
consider the ~~victim's~~ objections and the victim's right to a 6212
speedy disposition of the case in ruling on the motion, request, 6213
or agreement. 6214

(C) If the victim, victim's representative, or victim's 6215
attorney, if applicable, objects to a delay in the prosecution 6216
of the case, the court shall grant a motion, request, or 6217
agreement for a continuance of the case only if the party 6218
seeking the continuance demonstrates that the delay in the 6219
prosecution of the case is reasonable under the circumstances or 6220
is otherwise in the interest of justice. The court may grant a 6221

motion, request, or agreement for a continuance of the case only 6222
for the time necessary to serve the interests of justice. If a 6223
continuance is granted, the court shall state on the record or 6224
in a judgment entry the specific reason for the continuance. 6225

Sec. 2930.09. (A) (1) A victim and victim's representative 6226
in a case may, if applicable, have the right to be present 6227
whenever the defendant or alleged juvenile offender in the case 6228
is present during any stage of the case against the defendant or 6229
alleged juvenile offender that is conducted on the record, 6230
during any public proceeding, other than a grand jury 6231
proceeding, unless the court determines that exclusion of the 6232
victim is necessary to protect the defendant's or alleged 6233
juvenile offender's right to a fair trial or to a fair 6234
delinquency proceeding. At any stage of the case at which the 6235
victim is present, the court, at the victim's request, shall 6236
permit the victim to be accompanied by an individual to provide 6237
support to the victim, a victim advocate and victim 6238
representative to provide support to the victim unless the court 6239
determines that exclusion of the individual is necessary to 6240
protect the defendant's or alleged juvenile offender's right to 6241
a fair trial or to a fair delinquency proceeding. The victim, 6242
victim's representative, and victim's attorney, if applicable, 6243
have the right to be heard by the court at any proceeding in 6244
which any right of the victim is implicated. If present, the 6245
victim, victim's representative, and victim's attorney, if 6246
applicable, have the right to be heard orally, in writing, or 6247
both. 6248

(2) (a) If the victim or victim's representative is not 6249
present at a court proceeding in which a right of the victim is 6250
at issue, the court shall ask the prosecutor all of the 6251
following: 6252

(i) Whether the victim and victim's representative, if the 6253
victim or victim's representative requested notifications, were 6254
notified of the time, place, and purpose of the court 6255
proceeding; 6256

(ii) To disclose to the court any and all attempts made to 6257
give each victim and victim's representative, if applicable, 6258
notice; 6259

(iii) Whether the victim or victim representative were 6260
advised that the victim and victim's representative had a right 6261
to be heard at the court proceeding; 6262

(iv) Whether the victim and victim representative were 6263
conferred with pursuant to section 2930.06 of the Revised Code. 6264

(b) If the court determines that timely notice was not 6265
given to the victim and victim's representative, if applicable, 6266
or that the victim and victim's representative were not 6267
adequately informed of the nature of the court proceeding, or 6268
that the prosecutor failed to confer with the victim and 6269
victim's representative as required by section 2930.06 of the 6270
Revised Code, the court shall not rule on any substantive issue 6271
that implicates a victim's right, accept a plea, or impose a 6272
sentence and shall continue the court proceeding for the time 6273
necessary to notify the victim and victim's representative, if 6274
applicable, of the time, place, and nature of the court 6275
proceeding. 6276

(c) If the victim or victim's representative is not 6277
present at a court proceeding in which a right of the victim is 6278
at issue, the court may proceed with the hearing if the 6279
prosecutor informs the court that the victim and victim's 6280
representative, if the victim or victim's representative 6281

requested notifications, were notified of the time, place, and 6282
purpose of the court proceeding and that the victim or victim's 6283
representative had a right to be heard at the court proceeding, 6284
and any and all attempts to give each victim and victim's 6285
representative, if applicable, notice. The prosecutor shall 6286
inform the court of the victim's and victim's representative's, 6287
if applicable, position on the matter before the court, if the 6288
position is known to the prosecutor. 6289

(B) (1) The victim and victim's representative, if 6290
applicable, have the right to be present and be heard at any 6291
proceeding in which a negotiated plea for the defendant or 6292
alleged juvenile offender will be presented to the court. If 6293
present, the victim, victim's representative, and victim's 6294
attorney, if applicable, have the right to be heard orally, in 6295
writing, or both prior to the acceptance of the plea by the 6296
court. 6297

(2) The victim and the victim's representative, if 6298
applicable, have a right to elect to not be present at a 6299
proceeding in which a negotiated plea for the defendant or 6300
alleged juvenile offender will be presented to the court, unless 6301
a subpoena was served on the victim or victim's representative, 6302
if applicable, compelling the presence of the victim or the 6303
victim's representative. 6304

(C) The court shall not accept a negotiated plea agreement 6305
if the victim or the victim's representative is absent from the 6306
proceeding unless all of the following apply: 6307

(1) The prosecutor advises the court that before 6308
requesting and agreeing to a negotiated plea, the prosecutor 6309
conferred with the victim and victim's representative, if 6310
applicable, pursuant to section 2930.06 of the Revised Code, if 6311

the victim or victim's representative requested to confer with 6312
the prosecutor. 6313

(2) The prosecutor made reasonable efforts to give the 6314
victim and victim's representative, if applicable, notice of the 6315
plea proceedings and to inform the victim and victim's 6316
representative of the victim's and victim's representative's 6317
right to be present and be heard at the plea proceedings. 6318

(3) The prosecutor discloses to the court any and all 6319
attempts made to give each victim and victim's representative, 6320
if applicable, notice of the plea agreement, including the 6321
offense or delinquent act to which the defendant or alleged 6322
juvenile offender will plead guilty, the date that the plea will 6323
be presented to the court, and the terms of any sentence or 6324
disposition agreed to as part of the negotiated plea. 6325

(4) The prosecutor informs the court of any objection by 6326
the victim or victim's representative to the plea agreement. 6327

(5) The prosecutor advises the court that to the best of 6328
the prosecutor's knowledge the notice requirements of this 6329
chapter have been complied with. 6330

(D) The victim and victim's representative, if applicable, 6331
have the right to be present and be heard orally, in writing, or 6332
both at any proceeding in which the court conducts a hearing on 6333
the post-arrest release of the person accused of committing a 6334
criminal offense or delinquent act against the victim or the 6335
conditions of that release, including the arraignment or initial 6336
appearance. 6337

(E) The victim and victim's representative, if applicable, 6338
have the right to be present and be heard orally, in writing, or 6339
both at any probation or community control revocation 6340

disposition proceeding or any proceeding in which the court is 6341
requested to terminate the probation or community control of the 6342
person who is convicted of committing a criminal offense or 6343
delinquent act against the victim. 6344

(F) The victim and victim's representative, if applicable, 6345
have the right to be heard orally, in writing, or both at any 6346
proceeding in which the court is requested to modify the terms 6347
of probation or community control of a person if the 6348
modification will affect the person's contact with or the safety 6349
of the victim or if the modification involves restitution or 6350
incarceration status. 6351

(G) Nothing in this section requires a prosecutor to 6352
disclose victim contact information. 6353

Sec. 2930.11. (A) Except as otherwise provided in this 6354
section or in Chapter 2981. of the Revised Code, the law 6355
enforcement agency responsible for investigating a ~~crime-~~ 6356
criminal offense or ~~specified-~~ delinquent act shall promptly 6357
return to the victim of the ~~crime-~~criminal offense or ~~specified-~~ 6358
delinquent act any property of the victim that was taken in the 6359
course of the investigation. In accordance with Criminal Rule 26 6360
or an applicable Juvenile Rule, the law enforcement agency may 6361
take photographs of the property for use as evidence. If the 6362
ownership of the property is in dispute, the agency shall not 6363
return the property until the dispute is resolved. 6364

(B) The law enforcement agency responsible for 6365
investigating a ~~crime-~~criminal offense or ~~specified-~~ delinquent 6366
act shall retain any property of the victim of the ~~crime-~~ 6367
criminal offense or ~~specified-~~ delinquent act that is needed as 6368
evidence in the case, including any weapon used in the 6369
commission of the ~~crime-~~criminal offense or ~~specified-~~ delinquent 6370

act, if the prosecutor certifies to the court a need to retain 6371
the property in lieu of a photograph of the property or of 6372
another evidentiary substitute for the property itself, pursuant 6373
to Ohio Rules of Appellate Procedure. 6374

(C) If the defendant or alleged juvenile offender in a 6375
case files a motion requesting the court to order the law 6376
enforcement agency to retain property of the victim because the 6377
property is needed for the defense in the case, the agency shall 6378
retain the property until the court rules on the motion. The 6379
court, in making a determination on the motion, shall weigh the 6380
victim's need for the property against the defendant's or 6381
alleged juvenile offender's assertion that the property has 6382
evidentiary value for the defense. The court shall rule on the 6383
motion in a timely fashion. 6384

Sec. 2930.12. (A) At the request of the victim or victim's 6385
representative in a criminal prosecution, the prosecutor or the 6386
prosecutor's designee shall give the victim and the victim's 6387
representative notice of the defendant's acquittal or conviction 6388
within seven days of the acquittal or conviction. At the request 6389
of the victim or victim's representative in a delinquency 6390
proceeding, the prosecutor or the prosecutor's designee shall 6391
give the victim and the victim's representative notice of the 6392
dismissal of the complaint against the alleged juvenile offender 6393
or of the adjudication of the alleged juvenile offender as a 6394
delinquent child, except that, if the juvenile court dismisses 6395
the complaint against the alleged juvenile offender or 6396
adjudicates the alleged juvenile offender a delinquent child 6397
prior to the prosecutor's involvement in the case, at the 6398
request of the victim or victim's representative, the court or a 6399
court employee shall give the victim and the victim's 6400
representative notice of the dismissal or of the adjudication. 6401

If the defendant or alleged juvenile offender is convicted or is
adjudicated a delinquent child, the notice shall include all of
the following:

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

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

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

~~(C) (4) Notice that the victim and victim's~~
representative, if applicable, may make a statement about the
impact of the ~~crime—criminal offense or specified—~~delinquent act
to the probation officer or other person, if any, who prepares
the presentence investigation report or to the person, if any,
who prepares a victim impact statement, that a statement of the
victim and victim's representative, included in the report, if

applicable, will be made available to the defendant or alleged 6432
juvenile offender unless the court exempts it from disclosure, 6433
and that the court may make the victim impact statement 6434
available to the defendant or alleged juvenile offender; 6435

~~(D)~~ (5) Notice of the victim's, victim's representative's, 6436
and victim's attorney's, if applicable, right under section 6437
2930.14 of the Revised Code to make a statement about the impact 6438
of the ~~crime~~ criminal offense or ~~specified~~ delinquent act before 6439
sentencing or disposition; 6440

~~(E)~~ (6) The date, time, and place of the sentencing 6441
hearing or dispositional hearing; 6442

~~(F)~~ (7) Notice that, if the court orders restitution, the 6443
victim or victim's attorney, if applicable, has the right to 6444
file a lien; 6445

(8) One of the following: 6446

~~(1)~~ (a) Any sentence imposed upon the defendant and any 6447
subsequent modification of that sentence, including modification 6448
under section 2929.20 or 5120.036 of the Revised Code or as a 6449
result of the defendant's appeal of the sentence pursuant to 6450
section 2953.08 of the Revised Code; 6451

~~(2)~~ (b) Any disposition ordered for the defendant and any 6452
subsequent modification of that disposition, if known to the 6453
prosecutor, including judicial release or early release in 6454
accordance with section 2151.38 of the Revised Code. If a court 6455
has not provided timely notice to the prosecutor of a subsequent 6456
modification of that disposition, the court shall promptly 6457
notify the victim and the victim's representative, if 6458
applicable, of the subsequent modification. 6459

(B) During the probation department's presentence 6460

investigation, the department shall contact the victim, victim's 6461
representative, and victim's attorney, if applicable, concerning 6462
the victim's economic, physical, psychological, or emotional 6463
harm or victim's safety concerns as a result of the offense. 6464

Sec. 2930.121. If a prosecutor dismisses a count or counts 6465
of a complaint, information, or indictment involving the victim 6466
as a result of a negotiated plea agreement, the victim and 6467
victim's representative, on request, may exercise all of the 6468
applicable rights specified in the victim's bill of rights under 6469
Ohio Constitution, Article I, Section 10a, including the right 6470
to restitution. 6471

Sec. 2930.13. (A) If the court orders the preparation of a 6472
victim impact statement pursuant to division (D) (1) of section 6473
2152.19 or section 2947.051 of the Revised Code, the victim in 6474
the case and victim's representative, if applicable, may make a 6475
written ~~or and~~ oral statement regarding the impact of the ~~crime-~~ 6476
~~criminal offense~~ or ~~specified~~ delinquent act to the person whom 6477
the court orders to prepare the victim impact statement. A 6478
statement made by the victim or victim's representative under 6479
this section shall be included in the victim impact statement. 6480

(B) If a probation officer or other person is preparing a 6481
presentence investigation report pursuant to section 2947.06 or 6482
2951.03 of the Revised Code or Criminal Rule 32.2, or a 6483
disposition investigation report pursuant to section 2152.18 of 6484
the Revised Code, concerning the defendant or alleged juvenile 6485
offender in the case, the victim and victim's representative, if 6486
applicable, may make a written ~~or and~~ oral statement regarding 6487
the impact of the ~~crime-~~ criminal offense or ~~specified~~ delinquent 6488
act to the probation officer or other person. The probation 6489
officer or other person shall use the statement in preparing the 6490

presentence investigation report or disposition investigation 6491
report and, upon the victim's or victim's representative's 6492
request, shall include a written statement submitted by the 6493
victim in the presentence investigation report or disposition 6494
investigation report. 6495

(C) A statement made by the victim or victim's 6496
representative under division (A) or (B) of this section may 6497
include the following: 6498

(1) An explanation of the nature and extent of any 6499
physical, psychological, or emotional harm suffered by the 6500
victim as a result of the ~~crime~~ criminal offense or ~~specified~~ 6501
delinquent act that is the basis of the case; 6502

(2) An explanation of the extent of any property damage or 6503
other economic loss suffered by the victim as a result of that 6504
~~crime~~ criminal offense or ~~specified~~ delinquent act; 6505

(3) An opinion regarding the extent to which, if any, the 6506
victim needs restitution for harm caused by the defendant or 6507
alleged juvenile offender as a result of that ~~crime~~ criminal 6508
offense or ~~specified~~ delinquent act and information about 6509
whether the victim has applied for or received any compensation 6510
for loss or damage caused by that ~~crime~~ criminal offense or 6511
~~specified~~ delinquent act; 6512

(4) The victim's and victim's representative's 6513
recommendation for an appropriate sanction or disposition for 6514
the defendant or alleged juvenile offender regarding that ~~crime~~ 6515
criminal offense or ~~specified~~ delinquent act. 6516

(D) If a statement made by a victim or victim's 6517
representative under division (A) of this section is included in 6518
a victim impact statement, the provision, receipt, and retention 6519

of copies of, the use of, and the confidentiality, nonpublic 6520
record character, and sealing of the victim impact statement is 6521
governed by division ~~(B) (2)~~ (D) (3) of section ~~2152.20~~ 2152.19 or 6522
by division (C) of section 2947.051 of the Revised Code, as 6523
appropriate. If a statement made by a victim or victim's 6524
representative under division (B) of this section is included in 6525
a presentence investigation report prepared pursuant to section 6526
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 or 6527
in a disposition investigation report pursuant to division (C) 6528
(1) of section 2152.18 of the Revised Code, the provision, 6529
receipt, and retention of copies of, the use of, and the 6530
confidentiality, nonpublic record character, and sealing of the 6531
presentence investigation report or disposition investigation 6532
report that contains the victim's statement is governed by 6533
section 2951.03 of the Revised Code. 6534

Sec. 2930.131. (A) If the presentence investigation report 6535
is made available to the defendant prior to the sentencing 6536
hearing, the court shall simultaneously provide a copy of the 6537
report to the prosecutor assigned to the case. If requested, the 6538
prosecutor shall promptly forward a copy of the report to the 6539
victim, victim's representative, and victim's attorney, if 6540
applicable, except those parts of the report that are redacted 6541
by the court or made confidential by law. 6542

(B) If the court redacts any portion of the presentence 6543
investigation report, the court shall state on the record the 6544
court's reason for the redaction. 6545

Sec. 2930.14. (A) Before imposing sentence upon, or 6546
entering an order of disposition for, a defendant or alleged 6547
juvenile offender for the commission of a ~~crime~~ criminal offense 6548
or ~~specified~~ delinquent act, the court shall permit the victim 6549

~~of the crime or specified delinquent act and victim's~~ 6550
representative, if applicable, to make a statement be heard 6551
orally, in writing, or both during the sentencing or disposition 6552
proceeding. The court may give copies of any written statement 6553
made by a victim or victim's representative to the defendant or 6554
alleged juvenile offender and defendant's or alleged juvenile 6555
offender's counsel and may give any written statement made by 6556
the defendant or alleged juvenile offender to the victim, 6557
victim's representative, or victim's attorney, if applicable, 6558
and the prosecutor. The court may redact any information 6559
contained in a written statement that the court determines is 6560
not relevant to and will not be relied upon in the sentencing or 6561
disposition decision. The victim's or victim's representative's 6562
oral statement is not subject to cross-examination. The written 6563
statement of the victim or victim's representative or ~~of the~~ 6564
defendant or alleged juvenile offender is confidential and is 6565
not a public record as used in section 149.43 of the Revised 6566
Code. Any person to whom a copy of a written statement was 6567
released by the court shall return it to the court immediately 6568
following sentencing or disposition. 6569

(B) The court shall consider a ~~victim's~~ statement made by 6570
a victim or victim's representative under division (A) of this 6571
section along with other factors that the court is required to 6572
consider in imposing sentence or in determining the order of 6573
disposition. If the statement includes new material facts, the 6574
court shall not rely on the new material facts unless it 6575
continues the sentencing or dispositional proceeding or takes 6576
other appropriate action to allow the defendant or alleged 6577
juvenile offender an adequate opportunity to respond to the new 6578
material facts. 6579

Sec. 2930.15. (A) If a defendant is convicted of 6580

committing a ~~crime~~criminal offense against a victim or an 6581
alleged juvenile offender is adjudicated a delinquent child for 6582
committing a ~~specified~~ delinquent act against a victim, if the 6583
victim or victim's representative requests notice of the filing 6584
of an appeal, and if the defendant or alleged juvenile offender 6585
files an appeal, the prosecutor in the case promptly, but not 6586
later than seven days after receiving the notice of appeal, 6587
shall notify the victim and victim's representative, if 6588
applicable, of the appeal. The prosecutor also shall give the 6589
victim and victim's representative, if applicable, all of the 6590
following information: 6591

(1) A brief explanation of the appellate process, 6592
including the possible disposition of the case; 6593

(2) Whether the defendant or alleged juvenile offender has 6594
been released on bail or other recognizance or under conditions 6595
imposed by the juvenile court pending the disposition of the 6596
appeal; 6597

(3) The time, place, and location of appellate court 6598
proceedings and any subsequent changes in the time, place, or 6599
location of those proceedings; 6600

(4) The result of the appeal. 6601

(B) If the appellate court returns the defendant's or 6602
alleged juvenile offender's case to the trial court or juvenile 6603
court for further proceedings, the victim and victim's 6604
representative, if applicable, may exercise all the rights that 6605
previously were available to the victim in the trial court or 6606
the juvenile court. 6607

Sec. 2930.16. (A) If a defendant is incarcerated, a victim 6608
~~in a case or~~ victim's representative who has requested to 6609

receive notice under this section shall be given notice of the 6610
incarceration of the defendant. If an alleged juvenile offender 6611
is committed to the temporary custody of a school, camp, 6612
institution, or other facility operated for the care of 6613
delinquent children or to the legal custody of the department of 6614
youth services, a victim ~~in a case~~ or victim's representative 6615
who has requested to receive notice under this section shall be 6616
given notice of the commitment. Promptly after sentence is 6617
imposed upon the defendant or the commitment of the alleged 6618
juvenile offender is ordered, the court or the court's designee 6619
shall notify the prosecutor in the case and the prosecutor shall 6620
notify the victim and the victim's representative, if 6621
applicable, of the date on which the defendant will be released, 6622
or initially will be eligible for release, from confinement or 6623
the prosecutor's reasonable estimate of that date or the date on 6624
which the alleged juvenile offender will have served the minimum 6625
period of commitment or the prosecutor's reasonable estimate of 6626
that date. The prosecutor also shall notify the victim and the 6627
victim's representative of the name of the custodial agency of 6628
the defendant or alleged juvenile offender and tell the victim 6629
and the victim's representative how to contact that custodial 6630
agency. If the custodial agency is the department of 6631
rehabilitation and correction, the prosecutor shall notify the 6632
victim and the victim's representative of the services offered 6633
by the office of victims' services pursuant to section 5120.60 6634
of the Revised Code. If the custodial agency is the department 6635
of youth services, the prosecutor shall notify the victim and 6636
the victim's representative of the services provided by the 6637
office of victims' services within the release authority of the 6638
department pursuant to section 5139.55 of the Revised Code and 6639
the victim's right pursuant to section 5139.56 of the Revised 6640
Code to submit a written request to the release authority to be 6641

notified of actions the release authority takes with respect to 6642
the alleged juvenile offender. The victim and the victim's 6643
representative shall keep the custodial agency informed of the 6644
victim's or victim's representative's ~~current address and~~ 6645
~~telephone number~~ contact information. 6646

(B) (1) Upon the victim's or victim's representative's 6647
request or in accordance with division (D) of this section, the 6648
court or the court's designee shall notify the prosecutor in the 6649
case and the prosecutor promptly, but not later than seven days 6650
after the hearing is scheduled or the application is filed, 6651
shall notify the victim and the victim's representative, if 6652
applicable, of any application or hearing for judicial release 6653
of the defendant pursuant to section 2929.20 of the Revised 6654
Code, of any hearing for release of the defendant pursuant to 6655
section 2967.19 of the Revised Code, or of any hearing for 6656
judicial release or early release of the alleged juvenile 6657
offender pursuant to section 2151.38 of the Revised Code and of 6658
the victim's and victim's representative's right to make a 6659
statement under those sections. ~~The~~ If the court does not hold a 6660
hearing or if the victim and victim's representative, if 6661
applicable, do not attend the hearing or make a statement, the 6662
court shall notify the victim and victim's representative of its 6663
ruling in each of those hearings and on each of those 6664
applications. 6665

(2) If an offender is sentenced to a prison term pursuant 6666
to division (A) (3) or (B) of section 2971.03 of the Revised 6667
Code, ~~upon~~ on the request of the victim ~~of the crime~~ or victim's 6668
representative or in accordance with division (D) of this 6669
section, the court or the court's designee shall notify the 6670
prosecutor in the case and the prosecutor promptly shall notify 6671
the victim and the victim's representative, if applicable, of 6672

any hearing to be conducted pursuant to section 2971.05 of the Revised Code to determine whether to modify the requirement that the offender serve the entire prison term in a state correctional facility in accordance with division (C) of that section, whether to continue, revise, or revoke any existing modification of that requirement, or whether to terminate the prison term in accordance with division (D) of that section. ~~The~~ If the court does not hold a hearing or if the victim and victim's representative, if applicable, do not attend the hearing or make a statement, the court shall notify the victim and the victim's representative of any order issued at the conclusion of the hearing.

~~(C)~~ (1) On first contact with a victim, the custodial agency of a defendant or delinquent child shall verify with the victim and victim's representative, if applicable, that all information and requests are current. If a victim's rights request form was not provided by the prosecutor, the custodial agency shall give the victim and victim's representative, if applicable, the victim's rights request form, or similar form that, at a minimum, contains the required information listed in this section and on the victim's rights request form. A person claiming direct and proximate harm as a result of a criminal offense or delinquent act must affirmatively identify the person's self and request the notifications provided in this section and section 2967.28 of the Revised Code.

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

~~(1)~~ (a) At least sixty days before the adult parole authority recommends a pardon or commutation of sentence for the defendant or at least sixty days prior to a hearing before the adult parole authority regarding a grant of parole to the defendant, notice of the victim's and victim's representative's right to submit a statement regarding the impact of the defendant's release in accordance with section 2967.12 of the Revised Code and, if applicable, of the victim's and victim's representative's right to appear at a full board hearing of the parole board to give testimony as authorized by section 5149.101 of the Revised Code; and at least sixty days prior to a hearing before the department regarding a determination of whether the inmate must be released under division (C) or (D) (2) of section 2967.271 of the Revised Code if the inmate is serving a non-life felony indefinite prison term, notice of the fact that the inmate will be having a hearing regarding a possible grant of release, the date of any hearing regarding a possible grant of release, and the right of any person to submit a written statement regarding the pending action; 6704
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~~(2)~~ (b) At least sixty days before the defendant is transferred to transitional control under section 2967.26 of the Revised Code, notice of the pendency of the transfer and of the victim's and victim's representative's right under that section to submit a statement regarding the impact of the transfer; 6723
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~~(3)~~ (c) At least sixty days before the release authority of the department of youth services holds a release review, release hearing, or discharge review for the alleged juvenile offender, notice of the pendency of the review or hearing, of the victim's and victim's representative's right to make an oral or written statement regarding the impact of the crime upon the victim or regarding the possible release or discharge, and, if 6728
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the notice pertains to a hearing, of the victim's right to 6735
attend and make statements or comments at the hearing as 6736
authorized by section 5139.56 of the Revised Code; 6737

~~(4)~~ (d) Prompt notice, but not more than three days after 6738
the escape, of the defendant's or alleged juvenile offender's 6739
escape from a facility of the custodial agency in which the 6740
defendant was incarcerated or in which the alleged juvenile 6741
offender was placed after commitment, of the defendant's or 6742
alleged juvenile offender's absence without leave from a mental 6743
health or developmental disabilities facility or from other 6744
custody, and of the capture of the defendant or alleged juvenile 6745
offender after an escape or absence; 6746

~~(5)~~ (e) Notice of the defendant's or alleged juvenile 6747
offender's death while in confinement or custody within thirty 6748
days of the defendant's or alleged juvenile offender's death; 6749

~~(6)~~ (f) Notice of the filing of a petition by the director 6750
of rehabilitation and correction pursuant to section 2967.19 of 6751
the Revised Code requesting the early release under that section 6752
of the defendant within thirty days of the filing of the 6753
petition; 6754

~~(7)~~ (g) Notice of the defendant's or alleged juvenile 6755
offender's post-conviction release from confinement or custody, 6756
including jail or local custody, and the terms and conditions of 6757
the release as soon as the custodial agency becomes aware of the 6758
release. 6759

(D) (1) If a defendant is incarcerated for the commission 6760
of aggravated murder, murder, or an offense of violence that is 6761
a felony of the first, second, or third degree or is under a 6762
sentence of life imprisonment or if an alleged juvenile offender 6763

has been charged with the commission of an act that would be 6764
aggravated murder, murder, or an offense of violence that is a 6765
felony of the first, second, or third degree or be subject to a 6766
sentence of life imprisonment if committed by an adult, except 6767
as otherwise provided in this division, the notices described in 6768
divisions (B) and (C) of this section shall be given regardless 6769
of whether the victim or victim's representative has requested 6770
the notification. The notices described in divisions (B) and (C) 6771
of this section shall not be given under this division to a 6772
victim or victim's representative if the victim or victim's 6773
representative has requested pursuant to division (B) (2) of 6774
section 2930.03 of the Revised Code that the victim or victim's 6775
representative not be provided the notice. Regardless of whether 6776
the victim or victim's representative has requested that the 6777
notices described in division (C) of this section be provided or 6778
not be provided, the custodial agency shall give notice similar 6779
to those notices to the prosecutor in the case, to the 6780
sentencing court, to the law enforcement agency that arrested 6781
the defendant or alleged juvenile offender if any officer of 6782
that agency was a victim of the offense, and to any member of 6783
the victim's immediate family who requests notification. If the 6784
notice given under this division to the victim and victim's 6785
representative is based on an offense committed prior to March 6786
22, 2013, and if the prosecutor or custodial agency has not 6787
previously successfully provided any notice to the victim and 6788
victim's representative under this division or division (B) or 6789
(C) of this section with respect to that offense and the 6790
offender who committed it, the notice also shall inform the 6791
victim and victim's representative that the victim or victim's 6792
representative may request that the victim or victim's 6793
representative not be provided any further notices with respect 6794
to that offense and the offender who committed it and shall 6795

describe the procedure for making that request. If the notice 6796
given under this division to the victim and victim's 6797
representative pertains to a hearing regarding a grant of a 6798
parole to the defendant, the notice also shall inform the victim 6799
and victim's representative that the victim, a member of the 6800
victim's immediate family, or the victim's representative may 6801
request a victim conference, as described in division (E) of 6802
this section, and shall provide an explanation of a victim 6803
conference. 6804

The prosecutor or custodial agency may give the notices to 6805
which this division applies by any reasonable means, including, 6806
but not limited to, regular mail, telephone, and electronic 6807
mail. If the prosecutor or custodial agency attempts to provide 6808
notice to a victim or victim's representative under this 6809
division but the attempt is unsuccessful because the prosecutor 6810
or custodial agency is unable to locate the victim or victim's 6811
representative, is unable to provide the notice by its chosen 6812
method because it cannot determine the mailing address, 6813
telephone number, or electronic mail address at which to provide 6814
the notice, or, if the notice is sent by mail, the notice is 6815
returned, the prosecutor or custodial agency shall make another 6816
attempt to provide the notice to the victim or victim's 6817
representative. If the second attempt is unsuccessful, the 6818
prosecutor or custodial agency shall make at least one more 6819
attempt to provide the notice. If the notice is based on an 6820
offense committed prior to March 22, 2013, in each attempt to 6821
provide the notice to the victim or victim's representative, the 6822
notice shall include the opt-out information described in the 6823
preceding paragraph. The prosecutor or custodial agency, in 6824
accordance with division (D) (2) of this section, shall keep a 6825
record of all attempts to provide the notice, and of all notices 6826

provided, under this division. 6827

Division (D) (1) of this section, and the notice-related 6828
provisions of divisions (E) (2) and (K) of section 2929.20, 6829
division (H) of section 2967.12, division (E) (1) (b) of section 6830
2967.19, division (A) (3) (b) of section 2967.26, division (D) (1) 6831
of section 2967.28, and division (A) (2) of section 5149.101 of 6832
the Revised Code enacted in the act in which division (D) (1) of 6833
this section was enacted, shall be known as "Roberta's Law." 6834

(2) Each prosecutor and custodial agency that attempts to 6835
give any notice to which division (D) (1) of this section applies 6836
shall keep a record of all attempts to give the notice. The 6837
record shall indicate the person who was to be the recipient of 6838
the notice, the date on which the attempt was made, the manner 6839
in which the attempt was made, and the person who made the 6840
attempt. If the attempt is successful and the notice is given, 6841
the record shall indicate that fact. The record shall be kept in 6842
a manner that allows public inspection of attempts and notices 6843
given to persons other than victims or victims' representatives 6844
without revealing the names, addresses, or other identifying 6845
information relating to victims or victims' representatives. The 6846
record of attempts and notices given to victims or victims' 6847
representatives is not a public record, but the prosecutor or 6848
custodial agency shall provide upon request a copy of that 6849
record to a prosecuting attorney, judge, law enforcement agency, 6850
or member of the general assembly. The record of attempts and 6851
notices given to persons other than victims or victims' 6852
representatives is a public record. A record kept under this 6853
division may be indexed by offender name, or in any other manner 6854
determined by the prosecutor or the custodial agency. Each 6855
prosecutor or custodial agency that is required to keep a record 6856
under this division shall determine the procedures for keeping 6857

the record and the manner in which it is to be kept, subject to 6858
the requirements of this division. 6859

(E) The adult parole authority shall adopt rules under 6860
Chapter 119. of the Revised Code providing for a victim 6861
conference, upon request of the victim, a member of the victim's 6862
immediate family, or the victim's representative, prior to a 6863
parole hearing in the case of a prisoner who is incarcerated for 6864
the commission of aggravated murder, murder, or an offense of 6865
violence that is a felony of the first, second, or third degree 6866
or is under a sentence of life imprisonment. The rules shall 6867
provide for, but not be limited to, all of the following: 6868

(1) Subject to division (E) (3) of this section, attendance 6869
by the victim, members of the victim's immediate family, the 6870
victim's representative, and, if practicable, other individuals; 6871

(2) Allotment of up to one hour for the conference; 6872

(3) A specification of the number of persons specified in 6873
division (E) (1) of this section who may be present at any single 6874
victim conference, if limited by the department pursuant to 6875
division (F) of this section. 6876

(F) The department may limit the number of persons 6877
specified in division (E) (1) of this section who may be present 6878
at any single victim conference, provided that the department 6879
shall not limit the number of persons who may be present at any 6880
single conference to fewer than three. If the department limits 6881
the number of persons who may be present at any single victim 6882
conference, the department shall permit and schedule, upon 6883
request of the victim, a member of the victim's immediate 6884
family, or the victim's representative, multiple victim 6885
conferences for the persons specified in division (E) (1) of this 6886

section. 6887

(G) As used in this section, "victim's immediate family" 6888
has the same meaning as in section 2967.12 of the Revised Code. 6889

Sec. 2930.161. (A) On request of a victim or victim's 6890
representative who has provided a current address or other 6891
current contact information, the court or the court's designee 6892
shall notify the victim and victim's representative, if 6893
applicable, of any of the following: 6894

(1) A probation or community control revocation 6895
disposition proceeding or any proceeding in which the court is 6896
asked to terminate the probation or community control of a 6897
person who was convicted of committing a criminal offense 6898
against the victim; 6899

(2) Any hearing on a proposed modification on the terms of 6900
probation or community control; 6901

(3) If the person is on supervised probation or community 6902
control, the arrest of the person pursuant to a warrant issued 6903
for a probation or community control violation; 6904

(4) The defendant's or alleged juvenile offender's failure 6905
to successfully complete a diversion or substantially similar 6906
program. 6907

(B) On request of a victim or victim's representative who 6908
has provided current contact information, the probation 6909
department shall notify the victim and victim's representative, 6910
if applicable, of the following as soon as it becomes known to 6911
the probation department: 6912

(1) Any proposed modification to any term of probation or 6913
community control if the modification affects restitution, 6914

incarceration, or detention status or the defendant's or alleged 6915
juvenile offender's contact with or safety of the victim; 6916

(2) The victim's and victim's representative's right to be 6917
heard at a hearing that is set to consider any modification to 6918
be made to any term of probation or community control; 6919

(3) Any violation of any term of probation or community 6920
control that results in the filing of a petition with the court 6921
to revoke probation or community control; 6922

(4) Following a risk assessment of the terms of probation 6923
or community control, including the period of supervision and 6924
any modifications to the terms of probation or community 6925
control, any restricted locations and any other conditions of 6926
probation or community control that impact victim safety. 6927

Sec. 2930.162. Prior to the governor granting a pardon, 6928
commutation of sentence, or reprieve to an offender convicted of 6929
or found guilty of an offense of violence or adjudicated a 6930
delinquent child for a delinquent act that would be an offense 6931
of violence if committed by an adult, the governor, or the 6932
governor's designee, shall notify the victim, victim's 6933
representative, and victim's attorney, if applicable, that the 6934
offender or delinquent child has applied for a pardon, 6935
commutation of sentence, or reprieve. The governor shall notify 6936
the victim, victim's representative, and victim's attorney, if 6937
applicable, regarding the application not less than thirty days 6938
prior to issuing a decision on the application. The governor 6939
shall inform the victim, victim's representative, and victim's 6940
attorney, if applicable, that the victim, victim's 6941
representative, and victim's attorney, if applicable, may submit 6942
a written statement concerning the application. 6943

Sec. 2930.17. (A) In determining whether to grant a 6944
judicial release to a defendant from a prison term pursuant to 6945
section 2929.20 of the Revised Code at a time before the 6946
defendant's stated prison term expires, in determining whether 6947
to grant a release to an offender from a prison term pursuant to 6948
section 2967.19 of the Revised Code at a time before the 6949
offender's stated prison term expires, or in determining whether 6950
to grant a judicial release or early release to an alleged 6951
juvenile offender from a commitment to the department of youth 6952
services pursuant to section 2151.38 of the Revised Code, the 6953
court shall permit a victim of a ~~crime~~criminal offense or 6954
~~specified~~ delinquent act for which the defendant or alleged 6955
juvenile offender was incarcerated or committed, and the 6956
victim's representative, if applicable, to make a statement be 6957
heard orally, in writing, or both, in addition to any other 6958
statement made under this chapter, concerning the effects of 6959
that ~~crime~~criminal offense or ~~specified~~ delinquent act on the 6960
victim, the circumstances surrounding the ~~crime~~criminal offense 6961
or ~~specified~~ delinquent act, the manner in which the ~~crime~~ 6962
criminal offense or ~~specified~~ delinquent act was perpetrated, 6963
and the victim's or victim's representative's opinion whether 6964
the defendant or alleged juvenile offender should be released. 6965
The victim and victim's representative, if applicable, may ~~make~~ 6966
~~the statement be heard in writing or, orally, or both~~ at the 6967
~~court's~~victim's or victim's representative's discretion. The 6968
court shall ~~give~~allow the defendant or alleged juvenile 6969
offender to review a copy of any written impact statement made 6970
by the victim or victim's representative under this section and 6971
shall give either the adult parole authority or the department 6972
of youth services, whichever is applicable, a copy of any 6973
written impact statement made by the victim or victim's 6974
representative under this division. 6975

(B) In deciding whether to grant a judicial release or
early release to the defendant or alleged juvenile offender, the
court shall consider a statement made by the victim and the
victim's representative, if applicable, under division (A) of
this section or section 2930.14 or 2947.051 of the Revised Code.

(C) Upon making a determination whether to grant a
judicial release to a defendant from a prison term pursuant to
section 2929.20 of the Revised Code, a release to an offender
from a prison term pursuant to section 2967.19 of the Revised
Code, or a judicial release or early release to an alleged
juvenile offender from a commitment to the department of youth
services pursuant to section 2151.38 of the Revised Code, the
court promptly shall send notice of its determination to the
prosecutor of the county in which the criminal or delinquency
proceeding was held against the defendant or alleged juvenile
offender. Before ordering a defendant or alleged juvenile
offender released from custody, the court shall send the
custodial agency a copy of its journal entry of the
determination.

Sec. 2930.171. (A) In determining whether to grant an
application to seal a record of conviction pursuant to section
2953.32 of the Revised Code or an application to seal or expunge
a juvenile record pursuant to section 2151.356 or 2151.358 of
the Revised Code, the court shall notify the prosecutor
regarding the hearing of the matter not less than sixty days
before the hearing. The prosecutor shall provide timely notice
to a victim of the criminal offense or delinquent act for which
the offender or juvenile was incarcerated or committed and the
victim's representative, if applicable, if the victim or
victim's representative has requested notice and maintains
current contact information with the prosecutor. The court shall

permit a victim, the victim's representative, and the victim's 7007
attorney, if applicable, to make a statement, in addition to any 7008
other statement made under this chapter, concerning the effects 7009
of the criminal offense or delinquent act on the victim, the 7010
circumstances surrounding the criminal offense or delinquent 7011
act, the manner in which the criminal offense or delinquent act 7012
was perpetrated, and the victim's, victim's representative's, or 7013
victim's attorney's, if applicable, opinion whether the record 7014
should be sealed or expunged. The victim, victim's 7015
representative, or victim's attorney, if applicable, may be 7016
heard in writing, orally, or both at the victim's, victim's 7017
representative's, or victim's attorney's, if applicable, 7018
discretion. The court shall give the offender or juvenile an 7019
opportunity to review a copy of any written impact statement 7020
made by the victim, victim's representative, and victim's 7021
attorney, if applicable, under this division. The court shall 7022
give to either the adult parole authority or the department of 7023
youth services, whichever is applicable, a copy of any written 7024
impact statement made by the victim, victim's representative, 7025
and victim's attorney, if applicable, under this division. 7026

(B) In deciding whether to seal or expunge a record under 7027
this section, the court shall consider a statement made by the 7028
victim, victim's representative, and victim's attorney, if 7029
applicable, under division (A) of this section or section 7030
2930.14 or 2947.051 of the Revised Code. 7031

(C) Upon making a determination whether to grant an 7032
application to seal a record of conviction pursuant to section 7033
2953.32 of the Revised Code or an application to seal or expunge 7034
a juvenile record pursuant to section 2151.356 or 2151.358 of 7035
the Revised Code, the court promptly shall notify the prosecutor 7036
of the determination. The prosecutor shall promptly notify the 7037

victim and the victim's representative, if applicable, after 7038
receiving the notice from the court. 7039

Sec. 2930.18. (A) No employer of a victim shall discharge, 7040
discipline, or otherwise retaliate against the victim, a member 7041
of the victim's family, or a victim's representative for 7042
participating any of the following: 7043

(1) Participating, at the prosecutor's request, in 7044
preparation for a criminal or delinquency proceeding ~~or for~~ 7045
~~attendance, pursuant to a subpoena;~~ 7046

(2) Attendance at a criminal or delinquency proceeding if 7047
the attendance is reasonably necessary to protect the interests 7048
of the victim; 7049

(3) Attendance at a criminal or delinquency proceeding if 7050
the victim's attendance is pursuant to a victim's constitutional 7051
and statutory rights. 7052

~~This section generally does not require an employer to pay~~ 7053
~~an employee for time lost as a result of attendance at a~~ 7054
~~criminal or delinquency proceeding.~~ 7055

(B) An employer who knowingly violates this section is in 7056
contempt of court. This section does not limit or affect the 7057
application to any person of section 2151.211, 2939.121, or 7058
2945.451 of the Revised Code. 7059

Sec. 2930.19. ~~(A) In a manner consistent with the duty of~~ 7060
~~a prosecutor to represent the interests of the public as a~~ 7061
~~whole, a prosecutor shall seek compliance with this chapter on~~ 7062
~~behalf of a victim, a member of the victim's family, or the~~ 7063
~~victim's representative~~ (A) (1) A victim, victim's 7064
representative, or victim's attorney, if applicable, or the 7065
prosecutor, on request of the victim, has standing as a matter 7066

of right to assert, or to challenge an order denying, the rights 7067
of the victim provided by law in any judicial or administrative 7068
proceeding. The trial court shall act promptly on a request to 7069
enforce, or on a challenge of an order denying, the rights of 7070
the victim. In any case, the trial court shall hear the matter 7071
within ten days of the assertion of the victim's rights. The 7072
reasons for any decision denying relief under this section shall 7073
be clearly stated on the record or in a judgment entry. 7074

(2) (a) If the trial court denies the relief sought under 7075
division (A) (1) of this section, the trial court shall do all of 7076
the following: 7077

(i) Provide the victim, the victim's representative, if 7078
applicable, the victim's attorney, if applicable, and the 7079
parties with notice of the decision and a copy of the judgment 7080
entry; 7081

(ii) Provide the victim, the victim's representative, if 7082
applicable, and the victim's attorney, if applicable, with the 7083
following statement along with the judgment entry: 7084

"NOTICE 7085

The victim, the victim's attorney, if applicable, or the 7086
prosecutor on request of the victim, may appeal this decision or 7087
petition to the court of appeals for an extraordinary writ. If 7088
such an interlocutory appeal or extraordinary writ is sought 7089
while the case is still pending in the trial court, it shall be 7090
initiated no later than fourteen days after notice of the 7091
decision was provided to the victim by telephone or electronic 7092
mail to the latest telephone number or electronic mail address 7093
provided by the victim. The prosecutor or the prosecutor's 7094
designee shall provide the notice to the victim and the notice 7095

shall be memorialized in a manner sufficient to prove to the 7096
court the prosecutor or prosecutor's designee sent the notice. 7097
The court shall dismiss any such interlocutory appeal or 7098
petition as untimely if it does not comply with this fourteen- 7099
day limit." 7100

(b) (i) If the court denies the relief sought, the victim 7101
or the victim's attorney, if applicable, or the prosecutor on 7102
request of the victim, may appeal or, if the victim has no 7103
remedy on appeal, petition the court of appeals or supreme court 7104
for an extraordinary writ, and the victim has standing to assert 7105
a right of limited appeal as it pertains to the decisions 7106
impacting the rights of the victim. If the victim or victim's 7107
attorney, if applicable, files an appeal, an interlocutory 7108
appeal divests the trial court of jurisdiction of the portion of 7109
the case implicating the victim's rights until the appeal is 7110
resolved by the appellate court. 7111

(ii) Upon the filing of an interlocutory appeal, the trial 7112
court shall transmit the relevant transcript to the court of 7113
appeals within five business days. Once the transcript is 7114
received by the court of appeals, the party that initiated the 7115
appeal shall have eight days to file a merit brief. Once the 7116
merit brief is filed, the appellee shall have eight days to file 7117
a response brief. The court of appeals shall decide the entire 7118
appeal not later than thirty-five days after the appeal is 7119
filed. The court of appeals shall have the remaining time period 7120
after all parties have filed to enter judgment. Notwithstanding 7121
these limits, the litigants, with the approval of the court, may 7122
stipulate to a different period of time for the briefing and 7123
issuance of the decision and judgment on the appeal. The victim, 7124
the victim's attorney, the prosecutor, or the defendant may 7125
notify the supreme court if a court of appeals has failed to 7126

issue a judgment in accordance with the stipulated period of 7127
time. Such notifications are public records. 7128

(iii) Nothing in this section shall be interpreted as 7129
applying to a direct appeal that is filed after the court 7130
sentences the defendant. A victim who wishes to appeal from an 7131
order that is final on its entry after the court sentences the 7132
defendant shall file the notice of appeal within thirty days of 7133
that entry. 7134

(c) If the victim or victim's attorney, if applicable, 7135
petitions for an extraordinary writ, the court of appeals or the 7136
supreme court shall enter an order establishing an expedited 7137
schedule for the filing of an answer, the submission of 7138
evidence, the filing of briefing by the litigants, and the entry 7139
of decision and judgment and shall place the petition on its 7140
accelerated calendar. The court of appeals or the supreme court 7141
shall immediately notify the trial court of the petition, and 7142
the trial court shall transmit to the court of appeals or the 7143
supreme court the relevant transcript within five business days 7144
of the filing of the appeal or petition. The court shall enter 7145
judgment within forty-five days after the petition for an 7146
extraordinary writ is filed. Notwithstanding these limits, the 7147
litigants, with the approval of the court, may stipulate to a 7148
different period of time for the briefing and issuance of the 7149
decision and judgment in the action. The victim, the victim's 7150
attorney, the prosecutor, or the defendant may notify the 7151
supreme court if a court of appeals has failed to issue a 7152
judgment in accordance with the stipulated period of time. Such 7153
notifications are a public record. 7154

(d) If any interlocutory appeal is pursued to the supreme 7155
court, the supreme court shall enter an order establishing an 7156

expedited schedule for its proceedings, including, as 7157
applicable, the filing of jurisdictional memoranda and ruling 7158
thereon, the transmission of the record, the filing of briefing 7159
by the litigants, oral argument if permitted, and the entry of 7160
decision and judgment and shall place the appeal on its 7161
accelerated calendar. The court shall enter judgment within 7162
sixty days after the appeal is filed. The supreme court shall 7163
immediately notify the trial court of the appeal, and the trial 7164
court shall transmit to the court of appeals or the supreme 7165
court the relevant transcript within five business days of the 7166
filing of the appeal. Notwithstanding these limits, the 7167
litigants, with the approval of the court, may stipulate to a 7168
different period of time for the supreme court's proceedings and 7169
for the issuance of the supreme court's decision and judgment in 7170
the case. 7171

(e) Nothing in this division applies to a direct appeal 7172
that is filed by the victim after the court sentences the 7173
defendant. A victim who wishes to appeal from an appellate entry 7174
shall file the appropriate notice of appeal to the supreme court 7175
within thirty days of the entry. 7176

~~(B)~~(B) (1) A victim of a criminal offense or delinquent 7177
act has the right to be represented by an attorney. Nothing in 7178
this section creates a right to an attorney at public expense 7179
for a victim. If a victim is represented by an attorney, the 7180
court shall notify the victim's attorney in the same manner in 7181
which the parties are notified under applicable law or rule. The 7182
victim's attorney shall be included in all bench conferences, 7183
meetings in chambers, and sidebars with the trial court that 7184
directly involve a decision implicating that victim's rights as 7185
enumerated in Ohio Constitution, Article I, Section 10a. Nothing 7186
in this section shall be construed as making a victim a party to 7187

the case. 7188

(2) A defendant has a right to respond and be represented 7189
by an attorney for appeals and writs the victim, the victim's 7190
attorney, if applicable, or the prosecutor may file pursuant to 7191
this section. An indigent defendant has the right to appointed 7192
counsel for appeals and writs filed pursuant to this section. 7193
If, as an indigent person, a defendant is unable to employ 7194
counsel, the defendant is entitled to have counsel provided 7195
pursuant to Chapter 120. of the Revised Code. The court shall 7196
notify the defendant and the defendant's attorney in the same 7197
manner that the parties are notified under applicable law or 7198
rule. 7199

(C) The failure of a public official or public agency or 7200
the public official's or public agency's designee to comply with 7201
the requirements of this chapter does not give rise to a claim 7202
for damages against that public official or public agency or 7203
that public official's or public agency's designee, except that 7204
a public agency as an employer may be held responsible for a 7205
violation of section 2930.18 of the Revised Code. 7206

~~(C)~~ (D) The failure of any person or entity to provide a 7207
right, privilege, or notice to a victim under this chapter does 7208
not constitute grounds for declaring a mistrial or new trial, 7209
for setting aside a conviction, sentence, adjudication, or 7210
disposition, or for granting postconviction release to a 7211
defendant or alleged juvenile offender. 7212

~~(D)~~ (E) If there is a conflict between a provision in this 7213
chapter and a specific statute governing the procedure in a case 7214
involving a capital offense, the specific statute supersedes the 7215
provision in this chapter. 7216

~~(E)~~-(F) A defendant or juvenile offender may not raise the failure to afford a right to a victim as error in any legal argument to provide an advantage to that defendant or juvenile offender in any motion, including a dispositive motion, motion for new trial, or motion to have a conviction, sentence, or disposition set aside, in any petition for post-conviction relief, or in any assignment of error on appeal.

(G) If the victim of a ~~crime~~ criminal offense or delinquent act is incarcerated in a state or local correctional facility or is in the legal custody of the department of youth services, the victim's rights under this chapter may be modified by court order to prevent any security risk, hardship, or undue burden upon a public official or public agency with a duty under this chapter.

(H) As used in this section, "post-conviction release" means judicial release, early release, and parole, but does not mean relief pursuant to a federal petition in habeas corpus.

Sec. 2930.191. Once a pro se victim or victim's attorney, if applicable, files a notice of appearance in a case, the pro se victim or victim's attorney shall be served copies of all notices, motions, and court orders filed thereafter in the case in the same manner as the parties in the case.

Sec. 2937.11. (A) (1) As used in divisions (B) and (C) of this section, "victim" includes any person who was a victim of a felony violation identified in division (B) of this section or a felony offense of violence or against whom was directed any conduct that constitutes, or that is an element of, a felony violation identified in division (B) of this section or a felony offense of violence.

(2) As used in division (D) of this section, "victim" 7246
means any person who is less than sixteen years of age and who 7247
was a victim of a violation of section 2905.32 of the Revised 7248
Code or against whom was directed any conduct that constitutes, 7249
or is an element of, a violation of section 2905.32 of the 7250
Revised Code. 7251

(3) At the preliminary hearing set pursuant to section 7252
2937.10 of the Revised Code and the Criminal Rules, the 7253
prosecutor may state, but is not required to state, orally the 7254
case for the state and shall then proceed to examine witnesses 7255
and introduce exhibits for the state. The accused and the 7256
magistrate have full right of cross examination, and the accused 7257
has the right of inspection of exhibits prior to their 7258
introduction. The hearing shall be conducted under the rules of 7259
evidence prevailing in criminal trials generally. On motion of 7260
either the state or the accused, witnesses shall be separated 7261
and not permitted in the hearing room except when called to 7262
testify. 7263

~~(B)~~(B)(1) In a case involving an alleged felony violation 7264
of section 2905.05, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 7265
2907.21, 2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 7266
2907.323, or 2919.22 of the Revised Code or an alleged felony 7267
offense of violence and in which an alleged victim of the 7268
alleged violation or offense was less than thirteen years of age 7269
when the complaint or information was filed, whichever occurred 7270
earlier, upon motion of the prosecution, victim, or victim's 7271
attorney, if applicable, the testimony of the child victim at 7272
the preliminary hearing may be taken in a room other than the 7273
room in which the preliminary hearing is being conducted and be 7274
televised, by closed circuit equipment, into the room in which 7275
the preliminary hearing is being conducted, in accordance with 7276

division (C) of section 2945.481 of the Revised Code. 7277

(2) In a case that is not otherwise eligible for the 7278
protections provided for in division (B)(1) of this section, and 7279
if either of the following apply, upon motion of the 7280
prosecution, victim, or victim's attorney, if applicable, the 7281
testimony of the alleged victim at the preliminary hearing may 7282
be taken in a room other than the room in which the preliminary 7283
hearing is being conducted and be televised, by closed circuit 7284
equipment, into the room in which the preliminary hearing is 7285
being conducted, in accordance with division (C) of section 7286
2945.481 of the Revised Code: 7287

(a) An alleged victim of the violation was a child who was 7288
less than eighteen years of age when the complaint, indictment, 7289
or information was filed, whichever occurred earlier, and the 7290
alleged victim would be permitted to provide recorded testimony 7291
under section 2945.481 of the Revised Code. 7292

(b) An alleged victim of the violation or act was a person 7293
with a developmental disability, and the alleged victim would be 7294
permitted to provide recorded testimony under section 2945.482 7295
of the Revised Code. 7296

(C) In a case involving an alleged felony violation listed 7297
in division (B) of this section or an alleged felony offense of 7298
violence and in which an alleged victim of the alleged violation 7299
or offense was less than thirteen years of age when the 7300
complaint or information was filed, whichever occurred earlier, 7301
the court, on written motion of the prosecutor in the case, the 7302
victim, or the victim's attorney, if applicable, filed at least 7303
three days prior to the hearing, shall order that all testimony 7304
of the child victim be recorded and preserved ~~on videotape,~~ in 7305
addition to being recorded for purposes of the transcript of the 7306

proceeding. If such an order is issued, it shall specifically 7307
identify the child victim, in a manner consistent with section 7308
2930.07 of the Revised Code, concerning whose testimony it 7309
pertains, apply only during the testimony of the child victim it 7310
specifically identifies, and apply to all testimony of the child 7311
victim presented at the hearing, regardless of whether the child 7312
victim is called as a witness by the prosecution or by the 7313
defense. 7314

(D) (1) (a) In a case involving an alleged violation of 7315
section 2905.32 of the Revised Code, upon motion of the 7316
prosecution, victim, or victim's attorney, if applicable, the 7317
testimony of the victim at the preliminary hearing may be taken 7318
in a place or room other than the room in which the preliminary 7319
hearing is being conducted and be televised, by closed circuit 7320
equipment, into the room in which the preliminary hearing is 7321
being conducted, to be viewed by the accused and any other 7322
persons who are not permitted in the room in which the testimony 7323
is to be taken but who would have been present during the 7324
testimony of the victim had it been given in the room in which 7325
the preliminary hearing is being conducted. Except for good 7326
cause shown, the prosecution, victim, or victim's attorney, if 7327
applicable, shall file a motion under this division at least 7328
seven days before the date of the preliminary hearing. 7329

(b) Upon the motion of the prosecution, victim, or 7330
victim's attorney, if applicable, filed under division (D) (1) (a) 7331
of this section and if the judge or magistrate determines that 7332
the victim is unavailable to testify in the room in which the 7333
preliminary hearing is being conducted in the physical presence 7334
of the accused for one or more of the reasons set forth in 7335
division (D) (2) of this section, the judge or magistrate may 7336
issue an order for the testimony of the victim to be taken in a 7337

place or room other than the room in which the preliminary 7338
hearing is being conducted and televised, by closed circuit 7339
equipment, into the room in which the preliminary hearing is 7340
being conducted. If a judge or magistrate issues an order of 7341
that nature, the judge or magistrate shall exclude from the room 7342
in which the testimony of the victim is to be taken every person 7343
except the following: 7344

(i) The victim giving the testimony; 7345

(ii) The judge or magistrate; 7346

(iii) One or more interpreters if needed; 7347

(iv) The attorneys for the prosecution, the victim, if 7348
applicable, and the defense; 7349

(v) Any person needed to operate the equipment to be used; 7350

(vi) One person chosen by the victim giving the testimony; 7351

(vii) Any person whose presence the judge or magistrate 7352
determines would contribute to the welfare and well-being of the 7353
victim giving the testimony. 7354

(c) The person chosen by the victim under division (D) (1) 7355

(b) (vi) of this section ~~shall not be a witness in the~~ 7356
~~preliminary hearing and, both before and during the testimony,~~ 7357
shall not discuss the testimony of the victim with any other 7358
witness in the preliminary hearing. 7359

(d) The judge or magistrate, at the judge's or 7360
magistrate's discretion, may preside during the giving of the 7361
testimony by electronic means from outside the room in which it 7362
is being given, subject to the limitations set forth in this 7363
division. If the judge or magistrate presides by electronic 7364
means, the judge or magistrate shall be provided with monitors 7365

on which the judge or magistrate can see each person in the room 7366
in which the testimony is to be taken and with an electronic 7367
means of communication with each person, and each person in the 7368
room shall be provided with a monitor on which that person can 7369
see the judge or magistrate and with an electronic means of 7370
communication with the judge or magistrate. To the extent 7371
feasible, any person operating the televising equipment shall be 7372
restricted to a room adjacent to the room in which the testimony 7373
is being taken, or to a location in the room in which the 7374
testimony is being taken that is behind a screen or mirror, so 7375
that the person operating the televising equipment can see and 7376
hear, but cannot be seen or heard by, the victim giving the 7377
testimony during the testimony. The accused shall be permitted 7378
to observe and hear the testimony of the victim giving the 7379
testimony on a monitor, shall be provided with an electronic 7380
means of immediate communication with the attorney of the 7381
accused during the testimony, and shall be restricted to a 7382
location from which the accused cannot be seen or heard by the 7383
victim giving the testimony, except on a monitor provided for 7384
that purpose. The accused and the judge or magistrate have full 7385
right of cross examination, and the accused has the right of 7386
inspection of exhibits prior to their introduction. The victim 7387
giving the testimony shall be provided with a monitor on which 7388
the victim can observe the accused during the testimony. 7389

(2) For purposes of division (D)(1) of this section, a 7390
judge or magistrate may order the testimony of a victim to be 7391
taken at a place or room outside the room in which the 7392
preliminary hearing is being conducted if the judge or 7393
magistrate determines that the victim is unavailable to testify 7394
in the room in the physical presence of the accused due to one 7395
or more of the following: 7396

(a) The inability of the victim to communicate about the 7397
alleged offense because of extreme fear, severe trauma, or 7398
another similar reason; 7399

(b) The substantial likelihood that the victim will suffer 7400
serious emotional trauma from so testifying; 7401

(c) The victim is at a hospital for care and treatment for 7402
any physical, mental, or emotional injury suffered by reason of 7403
the alleged offense. 7404

Sec. 2945.481. (A) (1) As used in this section, "victim" 7405
includes any person who was a victim of a violation identified 7406
in division (A) (2) of this section or an offense of violence or 7407
against whom was directed any conduct that constitutes, or that 7408
is an element of, a violation identified in division (A) (2) of 7409
this section or an offense of violence. 7410

~~(2)(a)~~ In any proceeding in the prosecution of a charge 7411
of a violation of section 2905.03, 2905.05, 2907.02, 2907.03, 7412
2907.04, 2907.05, 2907.06, 2907.07, 2907.09, 2907.21, 2907.23, 7413
2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, or 7414
2919.22 of the Revised Code or an offense of violence and in 7415
which an alleged victim of the violation or offense was a child 7416
who was less than thirteen years of age when the complaint, 7417
indictment, or information was filed, whichever occurred 7418
earlier, the judge of the court in which the prosecution is 7419
being conducted, upon motion of an attorney for the prosecution, 7420
shall order that the testimony of the child victim be taken by 7421
deposition. The prosecution also may request that the deposition 7422
be ~~videotaped~~ recorded in accordance with division (A) (3) of 7423
this section. 7424

(b) In any proceeding that is not otherwise eligible for 7425

the protections provided for in division (A)(2)(a) of this 7426
section, and in which an alleged victim of the violation was a 7427
child who was less than eighteen years of age when the 7428
complaint, indictment, or information was filed, whichever 7429
occurred earlier, upon motion of the child victim, the child 7430
victim's attorney, if applicable, or an attorney for the 7431
prosecution, and upon a showing by a preponderance of the 7432
evidence that the child will suffer serious emotional trauma if 7433
required to provide live trial testimony, the judge of the court 7434
in which the prosecution is being conducted shall order that the 7435
testimony of the child victim be taken by deposition. The 7436
prosecution may also request that the deposition be recorded in 7437
accordance with division (A)(3) of this section. 7438

(c) The judge shall notify the child victim whose 7439
deposition is to be taken, the child victim's attorney, if 7440
applicable, the prosecution, and the defense of the date, time, 7441
and place for taking the deposition. The notice shall identify 7442
the child victim who is to be examined and shall indicate 7443
whether a request that the deposition be ~~videotaped~~ recorded has 7444
been made. The defendant shall have the right to attend the 7445
deposition and the right to be represented by counsel. 7446
Depositions shall be taken in the manner provided in civil 7447
cases, except that the judge shall preside at the taking of the 7448
deposition and shall rule at that time on any objections of the 7449
prosecution or the attorney for the defense. The prosecution and 7450
the attorney for the defense shall have the right, as at trial, 7451
to full examination and cross-examination of the child victim 7452
whose deposition is to be taken. If a deposition taken under 7453
this division is intended to be offered as evidence in the 7454
proceeding, it shall be filed in the court in which the action 7455
is pending and is admissible in the manner described in division 7456

(B) of this section. If a deposition of a child victim taken 7457
under this division is admitted as evidence at the proceeding 7458
under division (B) of this section, the child victim shall not 7459
be required to testify in person at the proceeding. However, at 7460
any time before the conclusion of the proceeding, the attorney 7461
for the defense may file a motion with the judge requesting that 7462
another deposition of the child victim be taken because new 7463
evidence material to the defense has been discovered that the 7464
attorney for the defense could not with reasonable diligence 7465
have discovered prior to the taking of the admitted deposition. 7466
A motion for another deposition shall be accompanied by 7467
supporting affidavits. Upon the filing of a motion for another 7468
deposition and affidavits, the court may order that additional 7469
testimony of the child victim relative to the new evidence be 7470
taken by another deposition. If the court orders the taking of 7471
another deposition under this provision, the deposition shall be 7472
taken in accordance with this division; if the admitted 7473
deposition was a ~~videotaped~~recorded deposition taken in 7474
accordance with division (A) (3) of this section, the new 7475
deposition also shall be ~~videotaped~~recorded in accordance with 7476
that division and in other cases, the new deposition may be 7477
~~videotaped~~recorded in accordance with that division. 7478

(3) If the prosecution requests that a deposition to be 7479
taken under division (A) (2) of this section be 7480
~~videotaped~~recorded, the judge shall order that the deposition be 7481
~~videotaped~~recorded in accordance with this division. If a judge 7482
issues an order that the deposition be ~~videotaped~~recorded, the 7483
judge shall exclude from the room in which the deposition is to 7484
be taken every person except the child victim giving the 7485
testimony, the judge, one or more interpreters if needed, the 7486
attorneys for the prosecution and the defense, the child 7487

victim's attorney, if applicable, the child victim's 7488
representative, if applicable, any person needed to operate the 7489
equipment to be used, one person chosen by the child victim 7490
giving the deposition, and any person whose presence the judge 7491
determines would contribute to the welfare and well-being of the 7492
child victim giving the deposition. The person chosen by the 7493
child victim shall not be a witness in the proceeding and, both 7494
before and during the deposition, shall not discuss the 7495
testimony of the child victim with any other witness in the 7496
proceeding. To the extent feasible, any person operating the 7497
recording equipment shall be restricted to a room adjacent to 7498
the room in which the deposition is being taken, or to a 7499
location in the room in which the deposition is being taken that 7500
is behind a screen or mirror, so that the person operating the 7501
recording equipment can see and hear, but cannot be seen or 7502
heard by, the child victim giving the deposition during the 7503
deposition. The defendant shall be permitted to observe and hear 7504
the testimony of the child victim giving the deposition on a 7505
monitor, shall be provided with an electronic means of immediate 7506
communication with the defendant's attorney during the 7507
testimony, and shall be restricted to a location from which the 7508
defendant cannot be seen or heard by the child victim giving the 7509
deposition, except on a monitor provided for that purpose. The 7510
child victim giving the deposition shall be provided with a 7511
monitor on which the child victim can observe, during the 7512
testimony, the defendant. The judge, at the judge's discretion, 7513
may preside at the deposition by electronic means from outside 7514
the room in which the deposition is to be taken; if the judge 7515
presides by electronic means, the judge shall be provided with 7516
monitors on which the judge can see each person in the room in 7517
which the deposition is to be taken and with an electronic means 7518
of communication with each person, and each person in the room 7519

shall be provided with a monitor on which that person can see 7520
the judge and with an electronic means of communication with the 7521
judge. A deposition that is ~~videotaped~~recorded under this 7522
division shall be taken and filed in the manner described in 7523
division (A) (2) of this section and is admissible in the manner 7524
described in this division and division (B) of this section, 7525
and, if a deposition that is ~~videotaped~~recorded under this 7526
division is admitted as evidence at the proceeding, the child 7527
victim shall not be required to testify in person at the 7528
proceeding. No deposition ~~videotaped~~recorded under this 7529
division shall be admitted as evidence at any proceeding unless 7530
division (B) of this section is satisfied relative to the 7531
deposition and all of the following apply relative to the 7532
recording: 7533

(a) The recording is both aural and visual and is recorded 7534
on film or videotape, or by other electronic means. 7535

(b) The recording is authenticated under the Rules of 7536
Evidence and the Rules of Criminal Procedure as a fair and 7537
accurate representation of what occurred, and the recording is 7538
not altered other than at the direction and under the 7539
supervision of the judge in the proceeding. 7540

(c) Each voice on the recording that is material to the 7541
testimony on the recording or the making of the recording, as 7542
determined by the judge, is identified. 7543

(d) Both the prosecution and the defendant are afforded an 7544
opportunity to view the recording before it is shown in the 7545
proceeding. 7546

(B) (1) At any proceeding in a prosecution in relation to 7547
which a deposition was taken under division (A) of this section, 7548

the deposition or a part of it is admissible in evidence upon 7549
motion of the prosecution if the testimony in the deposition or 7550
the part to be admitted is not excluded by the hearsay rule and 7551
if the deposition or the part to be admitted otherwise is 7552
admissible under the Rules of Evidence. For purposes of this 7553
division, testimony is not excluded by the hearsay rule if the 7554
testimony is not hearsay under Evidence Rule 801; if the 7555
testimony is within an exception to the hearsay rule set forth 7556
in Evidence Rule 803; if the child victim who gave the testimony 7557
is unavailable as a witness, as defined in Evidence Rule 804, 7558
and the testimony is admissible under that rule; or if both of 7559
the following apply: 7560

(a) The defendant had an opportunity and similar motive at 7561
the time of the taking of the deposition to develop the 7562
testimony by direct, cross, or redirect examination. 7563

(b) The judge determines that there is reasonable cause to 7564
believe that, if the child victim who gave the testimony in the 7565
deposition were to testify in person at the proceeding, the 7566
child victim would experience serious emotional trauma as a 7567
result of the child victim's participation at the proceeding. 7568

(2) Objections to receiving in evidence a deposition or a 7569
part of it under division (B) of this section shall be made as 7570
provided in civil actions. 7571

(3) The provisions of divisions (A) and (B) of this 7572
section are in addition to any other provisions of the Revised 7573
Code, the Rules of Criminal Procedure, or the Rules of Evidence 7574
that pertain to the taking or admission of depositions in a 7575
criminal proceeding and do not limit the admissibility under any 7576
of those other provisions of any deposition taken under division 7577
(A) of this section or otherwise taken. 7578

(C) In any proceeding in the prosecution of any charge of 7579
a violation listed in division (A) (2) of this section or an 7580
offense of violence and in which an alleged victim of the 7581
violation or offense was a child who was less than thirteen 7582
years of age when the complaint, indictment, or information was 7583
filed, whichever occurred earlier, the prosecution, the child 7584
victim, or the child victim's attorney, if applicable, may file 7585
a motion with the judge requesting the judge to order the 7586
testimony of the child victim to be taken in a room other than 7587
the room in which the proceeding is being conducted and be 7588
televised, by closed circuit equipment, into the room in which 7589
the proceeding is being conducted to be viewed by the jury, if 7590
applicable, the defendant, and any other persons who are not 7591
permitted in the room in which the testimony is to be taken but 7592
who would have been present during the testimony of the child 7593
victim had it been given in the room in which the proceeding is 7594
being conducted. Except for good cause shown, the prosecution, 7595
child victim, or child victim's attorney, if applicable, shall 7596
file a motion under this division at least seven days before the 7597
date of the proceeding. The judge may issue the order upon the 7598
motion of the prosecution, child victim, or child victim's 7599
attorney, if applicable, filed under this section, if the judge 7600
determines that the child victim is unavailable to testify in 7601
the room in which the proceeding is being conducted in the 7602
physical presence of the defendant, for one or more of the 7603
reasons set forth in division (E) of this section. If a judge 7604
issues an order of that nature, the judge shall exclude from the 7605
room in which the testimony is to be taken every person except a 7606
person described in division (A) (3) of this section. The judge, 7607
at the judge's discretion, may preside during the giving of the 7608
testimony by electronic means from outside the room in which it 7609
is being given, subject to the limitations set forth in division 7610

(A) (3) of this section. To the extent feasible, any person 7611
operating the televising equipment shall be hidden from the 7612
sight and hearing of the child victim giving the testimony, in a 7613
manner similar to that described in division (A) (3) of this 7614
section. The defendant shall be permitted to observe and hear 7615
the testimony of the child victim giving the testimony on a 7616
monitor, shall be provided with an electronic means of immediate 7617
communication with the defendant's attorney during the 7618
testimony, and shall be restricted to a location from which the 7619
defendant cannot be seen or heard by the child victim giving the 7620
testimony, except on a monitor provided for that purpose. The 7621
child victim giving the testimony shall be provided with a 7622
monitor on which the child victim can observe, during the 7623
testimony, the defendant. 7624

(D) In any proceeding in the prosecution of any charge of 7625
a violation listed in division (A) (2) of this section or an 7626
offense of violence and in which an alleged victim of the 7627
violation or offense was a child who was less than thirteen 7628
years of age when the complaint, indictment, or information was 7629
filed, whichever occurred earlier, the prosecution, child 7630
victim, or child victim's attorney, if applicable, may file a 7631
motion with the judge requesting the judge to order the 7632
testimony of the child victim to be taken outside of the room in 7633
which the proceeding is being conducted and be recorded for 7634
showing in the room in which the proceeding is being conducted 7635
before the judge, the jury, if applicable, the defendant, and 7636
any other persons who would have been present during the 7637
testimony of the child victim had it been given in the room in 7638
which the proceeding is being conducted. Except for good cause 7639
shown, the prosecution, child victim, or child victim's 7640
attorney, if applicable, shall file a motion under this division 7641

at least seven days before the date of the proceeding. The judge 7642
may issue the order upon the motion of the prosecution, child 7643
victim, or child victim's attorney, if applicable, filed under 7644
this division, if the judge determines that the child victim is 7645
unavailable to testify in the room in which the proceeding is 7646
being conducted in the physical presence of the defendant, for 7647
one or more of the reasons set forth in division (E) of this 7648
section. If a judge issues an order of that nature, the judge 7649
shall exclude from the room in which the testimony is to be 7650
taken every person except a person described in division (A)(3) 7651
of this section. To the extent feasible, any person operating 7652
the recording equipment shall be hidden from the sight and 7653
hearing of the child victim giving the testimony, in a manner 7654
similar to that described in division (A)(3) of this section. 7655
The defendant shall be permitted to observe and hear the 7656
testimony of the child victim who is giving the testimony on a 7657
monitor, shall be provided with an electronic means of immediate 7658
communication with the defendant's attorney during the 7659
testimony, and shall be restricted to a location from which the 7660
defendant cannot be seen or heard by the child victim giving the 7661
testimony, except on a monitor provided for that purpose. The 7662
child victim giving the testimony shall be provided with a 7663
monitor on which the child victim can observe, during the 7664
testimony, the defendant. No order for the taking of testimony 7665
by recording shall be issued under this division unless the 7666
provisions set forth in divisions (A)(3)(a), (b), (c), and (d) 7667
of this section apply to the recording of the testimony. 7668

(E) For purposes of divisions (C) and (D) of this section, 7669
a judge may order the testimony of a child victim to be taken 7670
outside the room in which the proceeding is being conducted if 7671
the judge determines that the child victim is unavailable to 7672

testify in the room in the physical presence of the defendant 7673
due to one or more of the following: 7674

(1) The persistent refusal of the child victim to testify 7675
despite judicial requests to do so; 7676

(2) The inability of the child victim to communicate about 7677
the alleged violation or offense because of extreme fear, 7678
failure of memory, or another similar reason; 7679

(3) The substantial likelihood that the child victim will 7680
suffer serious emotional trauma from so testifying. 7681

(F) (1) If a judge issues an order pursuant to division (C) 7682
or (D) of this section that requires the testimony of a child 7683
victim in a criminal proceeding to be taken outside of the room 7684
in which the proceeding is being conducted, the order shall 7685
specifically identify the child victim, in a manner consistent 7686
with section 2930.07 of the Revised Code, to whose testimony it 7687
applies, the order applies only during the testimony of the 7688
specified child victim, and the child victim giving the 7689
testimony shall not be required to testify at the proceeding 7690
other than in accordance with the order. 7691

(2) A judge who makes any determination regarding the 7692
admissibility of a deposition under divisions (A) and (B) of 7693
this section, the ~~videotaping~~ recording of a deposition under 7694
division (A) (3) of this section, or the taking of testimony 7695
outside of the room in which a proceeding is being conducted 7696
under division (C) or (D) of this section, shall enter the 7697
determination and findings on the record in the proceeding. 7698

Sec. 2945.482. (A) As used in this section: 7699

(1) "Developmental disability" has the same meaning as in 7700
section 5123.01 of the Revised Code. 7701

(2) "Victim with a developmental disability" includes a person with a developmental disability who was a victim of a violation identified in division (B)(1) of this section or an offense of violence or against whom was directed any conduct that constitutes, or that is an element of, a violation identified in division (B)(1) of this section or an offense of violence.

~~(B)(1)~~ (B)(1)(a) In any proceeding in the prosecution of a charge of a violation of section 2903.16, 2903.34, 2903.341, 2905.03, 2907.02, 2907.03, 2907.05, 2907.06, 2907.09, 2907.21, 2907.23, 2907.24, 2907.32, 2907.321, 2907.322, or 2907.323 of the Revised Code or an offense of violence and in which an alleged victim of the violation or offense was a person with a developmental disability, the judge of the court in which the prosecution is being conducted, upon motion of an attorney for the prosecution, ~~shall~~ order that the testimony of the victim with a developmental disability be taken by deposition. The prosecution ~~also~~ may request that the deposition be ~~videotaped~~ recorded in accordance with division (B)(2) of this section.

(b) In any proceeding that is not otherwise eligible for the protections provided for in division (B)(1)(a) of this section and in which an alleged victim of the violation or act was a person with a developmental disability, upon motion of the prosecution, the victim, or the victim's attorney, if applicable, and a showing by a preponderance of the evidence that the victim will suffer serious emotional trauma if required to provide live trial testimony, the judge of the court in which the prosecution is being conducted shall order that the testimony of the victim with a developmental disability be taken by deposition. The prosecution, the victim, or the victim's attorney, if applicable, also may request that the deposition be

recorded in accordance with division (B)(2) of this section. 7733

(c) The judge shall notify the victim with a developmental 7734
disability whose deposition is to be taken, the victim's 7735
attorney, if applicable, the prosecution, and the defense of the 7736
date, time, and place for taking the deposition. The notice 7737
shall identify the victim with a developmental disability, in a 7738
manner consistent with section 2930.07 of the Revised Code, who 7739
is to be examined and shall indicate whether a request that the 7740
deposition be ~~videotaped~~ recorded has been made. The defendant 7741
shall have the right to attend the deposition and the right to 7742
be represented by counsel. Depositions shall be taken in the 7743
manner provided in civil cases, except that the judge shall 7744
preside at the taking of the deposition and shall rule at the 7745
time on any objections of the prosecution or the attorney for 7746
the defense. The prosecution and the attorney for the defense 7747
shall have the right, as at trial, to full examination and 7748
cross-examination of the victim with a developmental disability 7749
whose deposition is to be taken. If a deposition taken under 7750
this division is intended to be offered as evidence in the 7751
proceeding, it shall be filed in the court in which the action 7752
is pending and is admissible in the manner described in division 7753
(C) of this section. 7754

If a deposition of a victim with a developmental 7755
disability taken under this division is admitted as evidence at 7756
the proceeding under division (C) of this section, the victim 7757
with a developmental disability shall not be required to testify 7758
in person at the proceeding. 7759

At any time before the conclusion of the proceeding, the 7760
attorney for the defense may file a motion with the judge 7761
requesting that another deposition of the victim with a 7762

developmental disability be taken because new evidence material 7763
to the defense has been discovered that the attorney for the 7764
defense could not with reasonable diligence have discovered 7765
prior to the taking of the admitted deposition. If the court 7766
orders the taking of another deposition under this provision, 7767
the deposition shall be taken in accordance with this division. 7768
If the admitted deposition was a ~~videotaped~~ recorded deposition 7769
taken in accordance with division (B) (2) of this section, the 7770
new deposition shall be ~~videotaped~~ recorded in accordance with 7771
that division. In other cases, the new deposition may be 7772
~~videotaped~~ recorded in accordance with that division. 7773

(2) If the prosecution, victim, or victim's attorney, if 7774
applicable, requests that a deposition to be taken under 7775
division (B) (2) of this section be ~~videotaped~~ recorded, the judge 7776
shall order that the deposition be ~~videotaped~~ recorded in 7777
accordance with this division. If a judge issues an order that 7778
the deposition be ~~videotaped~~ recorded, the judge shall exclude 7779
from the room in which the deposition is to be taken every 7780
person except the victim with a developmental disability giving 7781
the testimony, the judge, one or more interpreters if needed, 7782
the attorneys for the prosecution and the defense, the victim's 7783
attorney, if applicable, the victim's representative, if 7784
applicable, any person needed to operate the equipment to be 7785
used, one person chosen by the victim with a developmental 7786
disability giving the deposition, and any person whose presence 7787
the judge determines would contribute to the welfare and well- 7788
being of the victim with a developmental disability giving the 7789
deposition. The person chosen by the victim with a developmental 7790
disability shall not be a witness in the proceeding and, both 7791
before and during the deposition, shall not discuss the 7792
testimony of the victim with a developmental disability with any 7793

other witness in the proceeding. To the extent feasible, any 7794
person operating the recording equipment shall be restricted to 7795
a room adjacent to the room in which the deposition is being 7796
taken, or to a location in the room in which the deposition is 7797
being taken that is behind a screen or mirror, so that the 7798
person operating the recording equipment can see and hear, but 7799
cannot be seen or heard by, the victim with a developmental 7800
disability giving the deposition during the deposition. 7801

The defendant shall be permitted to observe and hear the 7802
testimony of the victim with a developmental disability giving 7803
the deposition on a monitor, shall be provided with an 7804
electronic means of immediate communication with the defendant's 7805
attorney during the testimony, and shall be restricted to a 7806
location from which the defendant cannot be seen or heard by the 7807
victim with a developmental disability giving the deposition, 7808
except on a monitor provided for that purpose. The victim with a 7809
developmental disability giving the deposition shall be provided 7810
with a monitor on which the victim can observe, during the 7811
testimony, the defendant. The judge, at the judge's discretion, 7812
may preside at the deposition by electronic means from outside 7813
the room in which the deposition is to be taken. If the judge 7814
presides by electronic means, the judge shall be provided with 7815
monitors on which the judge can see each person in the room in 7816
which the deposition is to be taken and with an electronic means 7817
of communication with each person, and each person in the room 7818
shall be provided with a monitor on which that person can see 7819
the judge and with an electronic means of communication with the 7820
judge. A deposition that is ~~videotaped~~ recorded under this 7821
division shall be taken and filed in the manner described in 7822
division (B) (1) of this section and is admissible in the manner 7823
described in this division and division (C) of this section, 7824

and, if a deposition that is ~~videotaped~~recorded under this 7825
division is admitted as evidence at the proceeding, the victim 7826
with a developmental disability shall not be required to testify 7827
in person at the proceeding. No deposition ~~videotaped~~recorded 7828
under this division shall be admitted as evidence at any 7829
proceeding unless division (C) of this section is satisfied 7830
relative to the deposition and all of the following apply 7831
relative to the recording: 7832

(a) The recording is both aural and visual and is recorded 7833
on film or videotape, or by other electronic means. 7834

(b) The recording is authenticated under the Rules of 7835
Evidence and the Rules of Criminal Procedure as a fair and 7836
accurate representation of what occurred, and the recording is 7837
not altered other than at the direction and under the 7838
supervision of the judge in the proceeding. 7839

(c) Each voice on the recording that is material to the 7840
testimony on the recording or the making of the recording, as 7841
determined by the judge, is identified. 7842

(d) Both the prosecution and the defendant are afforded an 7843
opportunity to view the recording before it is shown in the 7844
proceeding. 7845

(C) (1) At any proceeding in a prosecution in relation to 7846
which a deposition was taken under division (B) of this section, 7847
the deposition or a part of it is admissible in evidence upon 7848
motion of the prosecution, victim, or victim's attorney, if 7849
applicable, if the testimony in the deposition or the part to be 7850
admitted is not excluded by the hearsay rule and if the 7851
deposition or the part to be admitted otherwise is admissible 7852
under the Rules of Evidence. For purposes of this division, 7853

testimony is not excluded by the hearsay rule if the testimony 7854
is not hearsay under Evidence Rule 801; the testimony is within 7855
an exception to the hearsay rule set forth in Evidence Rule 803; 7856
the victim with a developmental disability who gave the 7857
testimony is unavailable as a witness, as defined in Evidence 7858
Rule 804, and the testimony is admissible under that rule; or 7859
both of the following apply: 7860

(a) The defendant had an opportunity and similar motive at 7861
the time of the taking of the deposition to develop the 7862
testimony by direct, cross, or redirect examination. 7863

(b) The judge determines that there is reasonable cause to 7864
believe that, if the victim with a developmental disability who 7865
gave the testimony in the deposition were to testify in person 7866
at the proceeding, the victim with a developmental disability 7867
would experience serious emotional trauma as a result of the 7868
participation of the victim with a developmental disability at 7869
the proceeding. 7870

(2) Objections to receiving in evidence a deposition or a 7871
part of it under division (C) of this section shall be made as 7872
provided in civil actions. 7873

(3) The provisions of divisions (B) and (C) of this 7874
section are in addition to any other provisions of the Revised 7875
Code, the Rules of Criminal Procedure, or the Rules of Evidence 7876
that pertain to the taking or admission of depositions in a 7877
criminal proceeding and do not limit the admissibility under any 7878
of those other provisions of any deposition taken under division 7879
(B) of this section or otherwise taken. 7880

(D) In any proceeding in the prosecution of any charge of 7881
a violation listed in division (B) (1) of this section or an 7882

offense of violence and in which an alleged victim of the 7883
violation or offense was a person with a developmental 7884
disability, the prosecution, victim, or victim's attorney, if 7885
applicable, may file a motion with the judge requesting the 7886
judge to order the testimony of the victim with a developmental 7887
disability to be taken in a room other than the room in which 7888
the proceeding is being conducted and be televised, by closed 7889
circuit equipment, into the room in which the proceeding is 7890
being conducted to be viewed by the jury, if applicable, the 7891
defendant, and any other persons who are not permitted in the 7892
room in which the testimony is to be taken but who would have 7893
been present during the testimony of the victim with a 7894
developmental disability had it been given in the room in which 7895
the proceeding is being conducted. Except for good cause shown, 7896
the prosecution, victim, or victim's attorney, if applicable, 7897
shall file a motion under this division at least seven days 7898
before the date of the proceeding. The judge may issue the order 7899
upon the motion of the prosecution filed under this section, if 7900
the judge determines that the victim with a developmental 7901
disability is unavailable to testify in the room in which the 7902
proceeding is being conducted in the physical presence of the 7903
defendant for one or more of the reasons set forth in division 7904
(F) of this section. If a judge issues an order of that nature, 7905
the judge shall exclude from the room in which the testimony is 7906
to be taken every person except a person described in division 7907
(B) (2) of this section. The judge, at the judge's discretion, 7908
may preside during the giving of the testimony by electronic 7909
means from outside the room in which it is being given, subject 7910
to the limitations set forth in division (B) (2) of this section. 7911
To the extent feasible, any person operating the televising 7912
equipment shall be hidden from the sight and hearing of the 7913
victim with a developmental disability giving the testimony, in 7914

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 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 with a developmental disability can observe, during the testimony, the defendant.

(E) In any proceeding in the prosecution of any charge of a violation listed in division (B)(1) of this section or an offense of violence and in which an alleged victim of the violation or offense was a victim with a developmental disability, the prosecution, victim, or victim's attorney, if applicable, may file a motion with the judge requesting the judge to order the testimony of the victim with a developmental disability to be taken outside of the room in which the proceeding is being conducted and be recorded for showing in the room in which the proceeding is being conducted before the judge, the jury, if applicable, the defendant, and any other persons who would have been present during the testimony of the victim with a developmental disability had it been given in the room in which the proceeding is being conducted. Except for good cause shown, the prosecution, victim, or victim's attorney, if applicable, shall file a motion under this division at least seven days before the date of the proceeding. The judge may issue the order upon the motion of the prosecution filed under this division, if the judge determines that the victim with a

developmental disability is unavailable to testify in the room 7946
in which the proceeding is being conducted in the physical 7947
presence of the defendant, for one or more of the reasons set 7948
forth in division (F) of this section. If a judge issues an 7949
order of that nature, the judge shall exclude from the room in 7950
which the testimony is to be taken every person except a person 7951
described in division (B) (2) of this section. To the extent 7952
feasible, any person operating the recording equipment shall be 7953
hidden from the sight and hearing of the victim with a 7954
developmental disability giving the testimony, in a manner 7955
similar to that described in division (B) (2) of this section. 7956
The defendant shall be permitted to observe and hear the 7957
testimony of the victim with a developmental disability who is 7958
giving the testimony on a monitor, shall be provided with an 7959
electronic means of immediate communication with the defendant's 7960
attorney during the testimony, and shall be restricted to a 7961
location from which the defendant cannot be seen or heard by the 7962
victim with a developmental disability giving the testimony, 7963
except on a monitor provided for that purpose. The victim with a 7964
developmental disability giving the testimony shall be provided 7965
with a monitor on which the victim can observe, during the 7966
testimony, the defendant. No order for the taking of testimony 7967
by recording shall be issued under this division unless the 7968
provisions set forth in divisions (B) (2) (a), (b), (c), and (d) 7969
of this section apply to the recording of the testimony. 7970

(F) For purposes of divisions (D) and (E) of this section, 7971
a judge may order the testimony of a victim with a developmental 7972
disability to be taken outside the room in which the proceeding 7973
is being conducted if the judge determines that the victim with 7974
a developmental disability is unavailable to testify in the room 7975
in the physical presence of the defendant due to one or more of 7976

the following: 7977

(1) The persistent refusal of the victim with a 7978
developmental disability to testify despite judicial requests to 7979
do so; 7980

(2) The inability of the victim with a developmental 7981
disability to communicate about the alleged violation or offense 7982
because of extreme fear, failure of memory, or another similar 7983
reason; 7984

(3) The substantial likelihood that the victim with a 7985
developmental disability will suffer serious emotional trauma 7986
from so testifying. 7987

(G) (1) If a judge issues an order pursuant to division (D) 7988
or (E) of this section that requires the testimony of a victim 7989
with a developmental disability in a criminal proceeding to be 7990
taken outside of the room in which the proceeding is being 7991
conducted, the order shall specifically identify the victim with 7992
a developmental disability, in a manner consistent with section 7993
2930.07 of the Revised Code, to whose testimony it applies, the 7994
order applies only during the testimony of the specified victim 7995
with a developmental disability, and the victim with a 7996
developmental disability giving the testimony shall not be 7997
required to testify at the proceeding other than in accordance 7998
with the order. 7999

(2) A judge who makes any determination regarding the 8000
admissibility of a deposition under divisions (B) and (C) of 8001
this section, the ~~videotaping~~ recording of a deposition under 8002
division (B) (2) of this section, or the taking of testimony 8003
outside of the room in which a proceeding is being conducted 8004
under division (D) or (E) of this section shall enter the 8005

determination and findings on the record in the proceeding. 8006

Sec. 2945.483. (A) As used in this section: 8007

(1) "Child" means any individual under eighteen years of 8008
age. 8009

(2) "Developmental disability" has the same meaning as in 8010
section 5123.01 of the Revised Code. 8011

(B) In any proceeding in which a child or person with a 8012
developmental disability testifies in open court, the child or 8013
person with a developmental disability shall have the following 8014
rights to be enforced sua sponte by the court or upon motion or 8015
notice of any attorney involved in the proceeding: 8016

(1) To be asked questions in a manner the child or person 8017
with a developmental disability can reasonably understand, 8018
including, but not limited to, a child-friendly oath; 8019

(2) To be free of harassment or intimidation tactics in 8020
the proceeding; 8021

(3) (a) To have an advocate or victim's representative of 8022
the child's or person with a developmental disability's choosing 8023
present in the courtroom and in a position clearly visible in 8024
close proximity to the child or person with a developmental 8025
disability, subject to division (B) (3) (b) of this section; 8026

(b) That if the prosecutor in the case or the court has a 8027
reasonable basis to believe that the victim's representative is 8028
not acting in the interests of the victim who is a child or a 8029
person with a developmental disability, the prosecutor shall 8030
file a motion setting forth the reasonable basis for this belief 8031
and the court shall hold a hearing to determine whether the 8032
victim's representative is acting in the interests of the 8033

victim. The court shall make this determination by a 8034
preponderance of the evidence. If the court finds that the 8035
victim's representative is not acting in the interests of the 8036
victim, the court shall appoint a court-appointed special 8037
advocate, guardian ad litem, or a victim advocate to act as the 8038
victim's representative in lieu of the previously appointed 8039
victim's representative. 8040

(4) To have the courtroom or hearing room adjusted to 8041
ensure the comfort and protection of the child or person with a 8042
developmental disability; 8043

(5) To have flexibility in the formalities of the 8044
proceedings in an effort to ensure the comfort of the child or 8045
person with a developmental disability; 8046

(6) To permit a comfort item to be present inside the 8047
courtroom or hearing room and to accompany the child or person 8048
with a developmental disability throughout the hearing; 8049

(7) To permit the use of a properly constructed screen 8050
that would allow the judge and jury in the courtroom or hearing 8051
room to see the child or person with a developmental disability 8052
but would obscure the child's or person with a developmental 8053
disability's view of the defendant or alleged juvenile offender 8054
or the public or both; 8055

(8) To have a secure and comfortable waiting area provided 8056
for the child or person with a developmental disability during 8057
the court proceedings and to have a support person of the 8058
child's or person with a developmental disability's choosing 8059
stay with the child or person with a developmental disability 8060
while waiting, subject to division (B) (3) (b) of this section; 8061

(9) To have an advocate or victim's representative inform 8062

the court about the child's or person with a developmental 8063
disability's ability to understand the nature of the 8064
proceedings, special accommodations that may be needed for the 8065
child's or person with a developmental disability's testimony, 8066
and any other information relevant to any of the rights set 8067
forth in this section. 8068

(C) In circumstances where the accused in a proceeding has 8069
chosen to proceed without counsel, the court may appoint standby 8070
counsel for that party and may order standby counsel to question 8071
a child or person with a developmental disability on behalf of 8072
the pro se party if the court finds that there is a substantial 8073
likelihood that serious emotional trauma would come to the child 8074
or person with a developmental disability if the pro se party 8075
were allowed to question the child or person with a 8076
developmental disability directly. 8077

(D) (1) If the child or person with a developmental 8078
disability is the victim of a criminal offense or delinquent 8079
act, the court shall ensure that all steps necessary to secure 8080
the physical safety of the child or person with a developmental 8081
disability, both in the courtroom and during periods of time 8082
that the child or person with a developmental disability may 8083
spend waiting for court, have been taken. 8084

(2) The court and all attorneys involved in a court 8085
proceeding involving a child or person with a developmental 8086
disability shall not disclose to any third party any discovery, 8087
including, but not limited to, the child's or person with a 8088
developmental disability's name, address, and date of birth, any 8089
and all interviews of the child or person with a developmental 8090
disability, and any other identifying information of the child 8091
or person with a developmental disability in a manner consistent 8092

with section 2930.07 of the Revised Code. The court shall 8093
enforce any violations of this section through the court's 8094
contempt powers. 8095

(E) In any post-conviction proceeding or in regards to 8096
post-conviction relief, if the prosecutor in the case or the 8097
court has a reasonable basis to believe that the victim's 8098
representative is not acting in the interests of the victim who 8099
is a child or a person with a developmental disability, the 8100
prosecutor shall file a motion setting forth the reasonable 8101
basis for this belief and the court shall hold a hearing to 8102
determine whether the victim's representative is acting in the 8103
interests of the victim. The court shall make this determination 8104
by a preponderance of the evidence. If the court finds that the 8105
victim's representative is not acting in the interests of the 8106
victim, the court shall appoint a court-appointed special 8107
advocate, guardian ad litem, or a victim advocate to act as the 8108
victim's representative in lieu of the previously appointed 8109
victim's representative. 8110

Sec. 2945.72. The time within which an accused must be 8111
brought to trial, or, in the case of felony, to preliminary 8112
hearing and trial, may be extended only by the following: 8113

(A) Any period during which the accused is unavailable for 8114
hearing or trial, by reason of other criminal proceedings 8115
against ~~him~~ the accused, within or outside the state, by reason 8116
of ~~his~~ confinement in another state, or by reason of the 8117
pendency of extradition proceedings, provided that the 8118
prosecution exercises reasonable diligence to secure ~~his~~ 8119
availability of the accused; 8120

(B) Any period during which the accused is mentally 8121
incompetent to stand trial or during which ~~his~~ the accused's 8122

mental competence to stand trial is being determined, or any 8123
period during which the accused is physically incapable of 8124
standing trial; 8125

(C) Any period of delay necessitated by the accused's lack 8126
of counsel, provided that such delay is not occasioned by any 8127
lack of diligence in providing counsel to an indigent accused 8128
upon ~~his~~ the accused's request as required by law; 8129

(D) Any period of delay occasioned by the neglect or 8130
improper act of the accused; 8131

(E) Any period of delay necessitated by reason of a plea 8132
in bar or abatement, motion, proceeding, or action made or 8133
instituted by the accused; 8134

(F) Any period of delay necessitated by a removal or 8135
change of venue pursuant to law; 8136

(G) Any period during which trial is stayed pursuant to an 8137
express statutory requirement, or pursuant to an order of 8138
another court competent to issue such order; 8139

(H) The period of any continuance granted on the accused's 8140
own motion, and the period of any reasonable continuance granted 8141
other than upon the accused's own motion; 8142

(I) Any period during which an appeal filed pursuant to 8143
section 2945.67 of the Revised Code is pending; 8144

(J) Any period during which an appeal or petition for a 8145
writ filed pursuant to section 2930.19 of the Revised Code is 8146
pending. 8147

Sec. 2947.051. (A) In all criminal cases in which a person 8148
is convicted of or pleads guilty to a felony, if the offender, 8149
in committing the offense, caused, attempted to cause, 8150

threatened to cause, or created a risk of physical harm to the 8151
victim of the offense, the court, prior to sentencing the 8152
offender, shall order the preparation of a victim impact 8153
statement by the department of probation of the county in which 8154
the victim of the offense resides, by the court's own regular 8155
probation officer, or by a victim assistance program that is 8156
operated by the state, any county or municipal corporation, or 8157
any other governmental entity. The court, in accordance with 8158
sections 2929.13 and 2929.19 of the Revised Code, shall consider 8159
the victim impact statement in determining the sentence to be 8160
imposed upon the offender. 8161

(B) Each victim impact statement prepared under this 8162
section shall identify the victim of the offense, itemize any 8163
economic loss suffered by the victim as a result of the offense, 8164
identify any physical injury suffered by the victim as a result 8165
of the offense and the seriousness and permanence of the injury, 8166
identify any change in the victim's personal welfare or familial 8167
relationships as a result of the offense and any psychological 8168
impact experienced by the victim or the victim's family as a 8169
result of the offense, and contain any other information related 8170
to the impact of the offense upon the victim that the court 8171
requires. Each victim impact statement prepared under this 8172
section shall include any statement made by the victim or the 8173
victim's representative pursuant to section 2930.13 of the 8174
Revised Code. 8175

(C) A victim impact statement prepared under this section 8176
shall be kept confidential and is not a public record as defined 8177
in section 149.43 of the Revised Code. However, the court may 8178
furnish copies of the statement to both the defendant or the 8179
defendant's counsel and the prosecuting attorney. Immediately 8180
following the imposition of sentence upon the defendant, the 8181

defendant, the defendant's counsel, and the prosecuting attorney 8182
shall return to the court the copies of the victim impact 8183
statement that were made available to the defendant, the 8184
counsel, or the prosecuting attorney. 8185

Sec. 2951.041. (A) (1) If an offender is charged with a 8186
criminal offense, including but not limited to a violation of 8187
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 8188
of the Revised Code, and the court has reason to believe that 8189
drug or alcohol usage by the offender was a factor leading to 8190
the criminal offense with which the offender is charged or that, 8191
at the time of committing that offense, the offender had a 8192
mental illness, was a person with an intellectual disability, or 8193
was a victim of a violation of section 2905.32 or 2907.21 of the 8194
Revised Code and that the mental illness, status as a person 8195
with an intellectual disability, or fact that the offender was a 8196
victim of a violation of section 2905.32 or 2907.21 of the 8197
Revised Code was a factor leading to the offender's criminal 8198
behavior, the court may accept, prior to the entry of a guilty 8199
plea, the offender's request for intervention in lieu of 8200
conviction. The request shall include a statement from the 8201
offender as to whether the offender is alleging that drug or 8202
alcohol usage by the offender was a factor leading to the 8203
criminal offense with which the offender is charged or is 8204
alleging that, at the time of committing that offense, the 8205
offender had a mental illness, was a person with an intellectual 8206
disability, or was a victim of a violation of section 2905.32 or 8207
2907.21 of the Revised Code and that the mental illness, status 8208
as a person with an intellectual disability, or fact that the 8209
offender was a victim of a violation of section 2905.32 or 8210
2907.21 of the Revised Code was a factor leading to the criminal 8211
offense with which the offender is charged. The request also 8212

shall include a waiver of the defendant's right to a speedy 8213
trial, the preliminary hearing, the time period within which the 8214
grand jury may consider an indictment against the offender, and 8215
arraignment, unless the hearing, indictment, or arraignment has 8216
already occurred. Unless an offender alleges that drug or 8217
alcohol usage by the offender was a factor leading to the 8218
criminal offense with which the offender is charged, the court 8219
may reject an offender's request without a hearing. If the court 8220
elects to consider an offender's request or the offender alleges 8221
that drug or alcohol usage by the offender was a factor leading 8222
to the criminal offense with which the offender is charged, the 8223
court shall conduct a hearing to determine whether the offender 8224
is eligible under this section for intervention in lieu of 8225
conviction and shall stay all criminal proceedings pending the 8226
outcome of the hearing. If the court schedules a hearing, the 8227
court shall order an assessment of the offender for the purpose 8228
of determining the offender's program eligibility for 8229
intervention in lieu of conviction and recommending an 8230
appropriate intervention plan. 8231

If the offender alleges that drug or alcohol usage by the 8232
offender was a factor leading to the criminal offense with which 8233
the offender is charged, the court may order that the offender 8234
be assessed by a community addiction services provider or a 8235
properly credentialed professional for the purpose of 8236
determining the offender's program eligibility for intervention 8237
in lieu of conviction and recommending an appropriate 8238
intervention plan. The community addiction services provider or 8239
the properly credentialed professional shall provide a written 8240
assessment of the offender to the court. 8241

(2) The victim notification provisions of division ~~(C)~~ (E) 8242
of section 2930.06 of the Revised Code apply in relation to any 8243

hearing held under division (A) (1) of this section. 8244

(B) An offender is eligible for intervention in lieu of 8245
conviction if the court finds all of the following: 8246

(1) The offender previously has not been convicted of or 8247
pleaded guilty to any felony offense of violence. 8248

(2) The offense is not a felony of the first, second, or 8249
third degree, is not an offense of violence, is not a felony sex 8250
offense, is not a violation of division (A) (1) or (2) of section 8251
2903.06 of the Revised Code, is not a violation of division (A) 8252
(1) of section 2903.08 of the Revised Code, is not a violation 8253
of division (A) of section 4511.19 of the Revised Code or a 8254
municipal ordinance that is substantially similar to that 8255
division, and is not an offense for which a sentencing court is 8256
required to impose a mandatory prison term. 8257

(3) The offender is not charged with a violation of 8258
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 8259
charged with a violation of section 2925.03 of the Revised Code 8260
that is a felony of the first, second, third, or fourth degree, 8261
and is not charged with a violation of section 2925.11 of the 8262
Revised Code that is a felony of the first or second degree. 8263

(4) If an offender alleges that drug or alcohol usage by 8264
the offender was a factor leading to the criminal offense with 8265
which the offender is charged, the court has ordered that the 8266
offender be assessed by a community addiction services provider 8267
or a properly credentialed professional for the purpose of 8268
determining the offender's program eligibility for intervention 8269
in lieu of conviction and recommending an appropriate 8270
intervention plan, the offender has been assessed by a community 8271
addiction services provider of that nature or a properly 8272

credentialed professional in accordance with the court's order, 8273
and the community addiction services provider or properly 8274
credentialed professional has filed the written assessment of 8275
the offender with the court. 8276

(5) If an offender alleges that, at the time of committing 8277
the criminal offense with which the offender is charged, the 8278
offender had a mental illness, was a person with an intellectual 8279
disability, or was a victim of a violation of section 2905.32 or 8280
2907.21 of the Revised Code and that the mental illness, status 8281
as a person with an intellectual disability, or fact that the 8282
offender was a victim of a violation of section 2905.32 or 8283
2907.21 of the Revised Code was a factor leading to that 8284
offense, the offender has been assessed by a psychiatrist, 8285
psychologist, independent social worker, licensed professional 8286
clinical counselor, or independent marriage and family therapist 8287
for the purpose of determining the offender's program 8288
eligibility for intervention in lieu of conviction and 8289
recommending an appropriate intervention plan. 8290

(6) The offender's drug usage, alcohol usage, mental 8291
illness, or intellectual disability, or the fact that the 8292
offender was a victim of a violation of section 2905.32 or 8293
2907.21 of the Revised Code, whichever is applicable, was a 8294
factor leading to the criminal offense with which the offender 8295
is charged, intervention in lieu of conviction would not demean 8296
the seriousness of the offense, and intervention would 8297
substantially reduce the likelihood of any future criminal 8298
activity. 8299

(7) The alleged victim of the offense was not sixty-five 8300
years of age or older, permanently and totally disabled, under 8301
thirteen years of age, or a peace officer engaged in the 8302

officer's official duties at the time of the alleged offense. 8303

(8) If the offender is charged with a violation of section 8304
2925.24 of the Revised Code, the alleged violation did not 8305
result in physical harm to any person. 8306

(9) The offender is willing to comply with all terms and 8307
conditions imposed by the court pursuant to division (D) of this 8308
section. 8309

(10) The offender is not charged with an offense that 8310
would result in the offender being disqualified under Chapter 8311
4506. of the Revised Code from operating a commercial motor 8312
vehicle or would subject the offender to any other sanction 8313
under that chapter. 8314

(C) At the conclusion of a hearing held pursuant to 8315
division (A) of this section, the court shall determine whether 8316
the offender will be granted intervention in lieu of conviction. 8317
In making this determination, the court shall presume that 8318
intervention in lieu of conviction is appropriate. If the court 8319
finds under this division and division (B) of this section that 8320
the offender is eligible for intervention in lieu of conviction, 8321
the court shall grant the offender's request unless the court 8322
finds specific reasons to believe that the candidate's 8323
participation in intervention in lieu of conviction would be 8324
inappropriate. 8325

If the court denies an eligible offender's request for 8326
intervention in lieu of conviction, the court shall state the 8327
reasons for the denial, with particularity, in a written entry. 8328

If the court grants the offender's request, the court 8329
shall accept the offender's plea of guilty and waiver of the 8330
defendant's right to a speedy trial, the preliminary hearing, 8331

the time period within which the grand jury may consider an 8332
indictment against the offender, and arraignment, unless the 8333
hearing, indictment, or arraignment has already occurred. In 8334
addition, the court then may stay all criminal proceedings and 8335
order the offender to comply with all terms and conditions 8336
imposed by the court pursuant to division (D) of this section. 8337
If the court finds that the offender is not eligible or does not 8338
grant the offender's request, the criminal proceedings against 8339
the offender shall proceed as if the offender's request for 8340
intervention in lieu of conviction had not been made. 8341

(D) If the court grants an offender's request for 8342
intervention in lieu of conviction, the court shall place the 8343
offender under the general control and supervision of the county 8344
probation department, the adult parole authority, or another 8345
appropriate local probation or court services agency, if one 8346
exists, as if the offender was subject to a community control 8347
sanction imposed under section 2929.15, 2929.18, or 2929.25 of 8348
the Revised Code. The court shall establish an intervention plan 8349
for the offender. The terms and conditions of the intervention 8350
plan shall require the offender, for at least one year, but not 8351
more than five years, from the date on which the court grants 8352
the order of intervention in lieu of conviction, to abstain from 8353
the use of illegal drugs and alcohol, to participate in 8354
treatment and recovery support services, and to submit to 8355
regular random testing for drug and alcohol use and may include 8356
any other treatment terms and conditions, or terms and 8357
conditions similar to community control sanctions, which may 8358
include community service or restitution, that are ordered by 8359
the court. 8360

(E) If the court grants an offender's request for 8361
intervention in lieu of conviction and the court finds that the 8362

offender has successfully completed the intervention plan for 8363
the offender, including the requirement that the offender 8364
abstain from using illegal drugs and alcohol for a period of at 8365
least one year, but not more than five years, from the date on 8366
which the court granted the order of intervention in lieu of 8367
conviction, the requirement that the offender participate in 8368
treatment and recovery support services, and all other terms and 8369
conditions ordered by the court, the court shall dismiss the 8370
proceedings against the offender. Successful completion of the 8371
intervention plan and period of abstinence under this section 8372
shall be without adjudication of guilt and is not a criminal 8373
conviction for purposes of any disqualification or disability 8374
imposed by law and upon conviction of a crime, and the court may 8375
order the sealing of records related to the offense in question, 8376
as a dismissal of the charges, in the manner provided in 8377
sections 2953.51 to 2953.56 of the Revised Code. 8378

(F) If the court grants an offender's request for 8379
intervention in lieu of conviction and the offender fails to 8380
comply with any term or condition imposed as part of the 8381
intervention plan for the offender, the supervising authority 8382
for the offender promptly shall advise the court of this 8383
failure, and the court shall hold a hearing to determine whether 8384
the offender failed to comply with any term or condition imposed 8385
as part of the plan. If the court determines that the offender 8386
has failed to comply with any of those terms and conditions, it 8387
may continue the offender on intervention in lieu of conviction, 8388
continue the offender on intervention in lieu of conviction with 8389
additional terms, conditions, and sanctions, or enter a finding 8390
of guilty and impose an appropriate sanction under Chapter 2929. 8391
of the Revised Code. If the court sentences the offender to a 8392
prison term, the court, after consulting with the department of 8393

rehabilitation and correction regarding the availability of 8394
services, may order continued court-supervised activity and 8395
treatment of the offender during the prison term and, upon 8396
consideration of reports received from the department concerning 8397
the offender's progress in the program of activity and 8398
treatment, may consider judicial release under section 2929.20 8399
of the Revised Code. 8400

(G) As used in this section: 8401

(1) "Community addiction services provider" has the same 8402
meaning as in section 5119.01 of the Revised Code. 8403

(2) "Community control sanction" has the same meaning as 8404
in section 2929.01 of the Revised Code. 8405

(3) "Intervention in lieu of conviction" means any court- 8406
supervised activity that complies with this section. 8407

(4) "Intellectual disability" has the same meaning as in 8408
section 5123.01 of the Revised Code. 8409

(5) "Peace officer" has the same meaning as in section 8410
2935.01 of the Revised Code. 8411

(6) "Mental illness" and "psychiatrist" have the same 8412
meanings as in section 5122.01 of the Revised Code. 8413

(7) "Psychologist" has the same meaning as in section 8414
4732.01 of the Revised Code. 8415

(8) "Felony sex offense" means a violation of a section 8416
contained in Chapter 2907. of the Revised Code that is a felony. 8417

Sec. 2953.32. (A) (1) Except as provided in section 2953.61 8418
of the Revised Code or as otherwise provided in division ~~(A)(1)~~ 8419
~~(d)~~ (A)(1)(c) of this section, an eligible offender may apply to 8420

the sentencing court if convicted in this state, or to a court 8421
of common pleas if convicted in another state or in a federal 8422
court, for the sealing of the record of the case that pertains 8423
to the conviction, except for convictions listed under section 8424
2953.36 of the Revised Code. Application may be made at one of 8425
the following times: 8426

(a) At the expiration of three years after the offender's 8427
final discharge if convicted of a felony of the third degree, so 8428
long as none of the offenses is a violation of section 2921.43 8429
of the Revised Code; 8430

(b) At the expiration of one year after the offender's 8431
final discharge if convicted of a felony of the fourth or fifth 8432
degree or a misdemeanor, so long as none of the offenses is a 8433
violation of section 2921.43 of the Revised Code; 8434

(c) At the expiration of seven years after the offender's 8435
final discharge if the record includes a conviction of 8436
soliciting improper compensation in violation of section 2921.43 8437
of the Revised Code. 8438

(2) Any person who has been arrested for any misdemeanor 8439
offense and who has effected a bail forfeiture for the offense 8440
charged may apply to the court in which the misdemeanor criminal 8441
case was pending when bail was forfeited for the sealing of the 8442
record of the case that pertains to the charge. Except as 8443
provided in section 2953.61 of the Revised Code, the application 8444
may be filed at any time after the expiration of one year from 8445
the date on which the bail forfeiture was entered upon the 8446
minutes of the court or the journal, whichever entry occurs 8447
first. 8448

(B) Upon the filing of an application under this section, 8449

the court shall set a date for a hearing and shall notify the 8450
prosecutor for the case of the hearing on the application not 8451
less than sixty days prior to the hearing. The prosecutor shall 8452
provide timely notice to a victim and victim's representative, 8453
if applicable, if the victim or victim's representative 8454
requested notice of the proceedings in the underlying case. The 8455
prosecutor may object to the granting of the application by 8456
filing an objection with the court prior to the date set for the 8457
hearing. The prosecutor shall specify in the objection the 8458
reasons for believing a denial of the application is justified. 8459
The victim, victim's representative, and victim's attorney, if 8460
applicable, may be present and heard orally, in writing, or both 8461
at any hearing under this section. The court shall direct its 8462
regular probation officer, a state probation officer, or the 8463
department of probation of the county in which the applicant 8464
resides to make inquiries and written reports as the court 8465
requires concerning the applicant. The probation officer or 8466
county department of probation that the court directs to make 8467
inquiries concerning the applicant shall determine whether or 8468
not the applicant was fingerprinted at the time of arrest or 8469
under section 109.60 of the Revised Code. If the applicant was 8470
so fingerprinted, the probation officer or county department of 8471
probation shall include with the written report a record of the 8472
applicant's fingerprints. If the applicant was convicted of or 8473
pleaded guilty to a violation of division (A) (2) or (B) of 8474
section 2919.21 of the Revised Code, the probation officer or 8475
county department of probation that the court directed to make 8476
inquiries concerning the applicant shall contact the child 8477
support enforcement agency enforcing the applicant's obligations 8478
under the child support order to inquire about the offender's 8479
compliance with the child support order. 8480

(C) (1) The court shall do each of the following: 8481

(a) Determine whether the applicant is an eligible 8482
offender or whether the forfeiture of bail was agreed to by the 8483
applicant and the prosecutor in the case. If the applicant 8484
applies as an eligible offender pursuant to division (A) (1) of 8485
this section and has two or three convictions that result from 8486
the same indictment, information, or complaint, from the same 8487
plea of guilty, or from the same official proceeding, and result 8488
from related criminal acts that were committed within a three- 8489
month period but do not result from the same act or from 8490
offenses committed at the same time, in making its determination 8491
under this division, the court initially shall determine whether 8492
it is not in the public interest for the two or three 8493
convictions to be counted as one conviction. If the court 8494
determines that it is not in the public interest for the two or 8495
three convictions to be counted as one conviction, the court 8496
shall determine that the applicant is not an eligible offender; 8497
if the court does not make that determination, the court shall 8498
determine that the offender is an eligible offender. 8499

(b) Determine whether criminal proceedings are pending 8500
against the applicant; 8501

(c) If the applicant is an eligible offender who applies 8502
pursuant to division (A) (1) of this section, determine whether 8503
the applicant has been rehabilitated to the satisfaction of the 8504
court; 8505

(d) If the prosecutor has filed an objection in accordance 8506
with division (B) of this section, consider the reasons against 8507
granting the application specified by the prosecutor in the 8508
objection; 8509

(e) Weigh the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed against the legitimate needs, if any, of the government to maintain those records;

(f) Consider the oral or written statement of any victim, victim's representative, and victim's attorney, if applicable;

(g) If the applicant is an eligible offender of the type described in division (A) (3) of section 2953.36 of the Revised Code, determine whether the offender has been rehabilitated to a satisfactory degree. In making the determination, the court may consider all of the following:

(i) The age of the offender;

(ii) The facts and circumstances of the offense;

(iii) The cessation or continuation of criminal behavior;

(iv) The education and employment of the offender;

(v) Any other circumstances that may relate to the offender's rehabilitation.

(2) If the court determines, after complying with division (C) (1) of this section, that the applicant is an eligible offender or the subject of a bail forfeiture, that no criminal proceeding is pending against the applicant, that the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed are not outweighed by any legitimate governmental needs to maintain those records, and that the rehabilitation of an applicant who is an eligible offender applying pursuant to division (A) (1) of this section has been attained to the satisfaction of the court, the court, except as provided in division (C) (4), (G), (H), or

(I) of this section, shall order all official records of the 8538
case that pertain to the conviction or bail forfeiture sealed 8539
and, except as provided in division (F) of this section, all 8540
index references to the case that pertain to the conviction or 8541
bail forfeiture deleted and, in the case of bail forfeitures, 8542
shall dismiss the charges in the case. The proceedings in the 8543
case that pertain to the conviction or bail forfeiture shall be 8544
considered not to have occurred and the conviction or bail 8545
forfeiture of the person who is the subject of the proceedings 8546
shall be sealed, except that upon conviction of a subsequent 8547
offense, the sealed record of prior conviction or bail 8548
forfeiture may be considered by the court in determining the 8549
sentence or other appropriate disposition, including the relief 8550
provided for in sections 2953.31 to 2953.33 of the Revised Code. 8551

(3) An applicant may request the sealing of the records of 8552
more than one case in a single application under this section. 8553
Upon the filing of an application under this section, the 8554
applicant, unless indigent, shall pay a fee of fifty dollars, 8555
regardless of the number of records the application requests to 8556
have sealed. The court shall pay thirty dollars of the fee into 8557
the state treasury, with fifteen dollars of that amount credited 8558
to the attorney general reimbursement fund created by section 8559
109.11 of the Revised Code. It shall pay twenty dollars of the 8560
fee into the county general revenue fund if the sealed 8561
conviction or bail forfeiture was pursuant to a state statute, 8562
or into the general revenue fund of the municipal corporation 8563
involved if the sealed conviction or bail forfeiture was 8564
pursuant to a municipal ordinance. 8565

(4) If the court orders the official records pertaining to 8566
the case sealed, the court shall do one of the following: 8567

(a) If the applicant was fingerprinted at the time of 8568
arrest or under section 109.60 of the Revised Code and the 8569
record of the applicant's fingerprints was provided to the court 8570
under division (B) of this section, forward a copy of the 8571
sealing order and the record of the applicant's fingerprints to 8572
the bureau of criminal identification and investigation. 8573

(b) If the applicant was not fingerprinted at the time of 8574
arrest or under section 109.60 of the Revised Code, or the 8575
record of the applicant's fingerprints was not provided to the 8576
court under division (B) of this section, but fingerprinting was 8577
required for the offense, order the applicant to appear before a 8578
sheriff to have the applicant's fingerprints taken according to 8579
the fingerprint system of identification on the forms furnished 8580
by the superintendent of the bureau of criminal identification 8581
and investigation. The sheriff shall forward the applicant's 8582
fingerprints to the court. The court shall forward the 8583
applicant's fingerprints and a copy of the sealing order to the 8584
bureau of criminal identification and investigation. 8585

Failure of the court to order fingerprints at the time of 8586
sealing does not constitute a reversible error. 8587

(D) Inspection of the sealed records included in the order 8588
may be made only by the following persons or for the following 8589
purposes: 8590

(1) By a law enforcement officer or prosecutor, or the 8591
assistants of either, to determine whether the nature and 8592
character of the offense with which a person is to be charged 8593
would be affected by virtue of the person's previously having 8594
been convicted of a crime; 8595

(2) By the parole or probation officer of the person who 8596

is the subject of the records, for the exclusive use of the 8597
officer in supervising the person while on parole or under a 8598
community control sanction or a post-release control sanction, 8599
and in making inquiries and written reports as requested by the 8600
court or adult parole authority; 8601

(3) Upon application by the person who is the subject of 8602
the records, by the persons named in the application; 8603

(4) By a law enforcement officer who was involved in the 8604
case, for use in the officer's defense of a civil action arising 8605
out of the officer's involvement in that case; 8606

(5) By a prosecuting attorney or the prosecuting 8607
attorney's assistants, to determine a defendant's eligibility to 8608
enter a pre-trial diversion program established pursuant to 8609
section 2935.36 of the Revised Code; 8610

(6) By any law enforcement agency or any authorized 8611
employee of a law enforcement agency or by the department of 8612
rehabilitation and correction or department of youth services as 8613
part of a background investigation of a person who applies for 8614
employment with the agency or with the department; 8615

(7) By any law enforcement agency or any authorized 8616
employee of a law enforcement agency, for the purposes set forth 8617
in, and in the manner provided in, section 2953.321 of the 8618
Revised Code; 8619

(8) By the bureau of criminal identification and 8620
investigation or any authorized employee of the bureau for the 8621
purpose of providing information to a board or person pursuant 8622
to division (F) or (G) of section 109.57 of the Revised Code; 8623

(9) By the bureau of criminal identification and 8624
investigation or any authorized employee of the bureau for the 8625

purpose of performing a criminal history records check on a 8626
person to whom a certificate as prescribed in section 109.77 of 8627
the Revised Code is to be awarded; 8628

(10) By the bureau of criminal identification and 8629
investigation or any authorized employee of the bureau for the 8630
purpose of conducting a criminal records check of an individual 8631
pursuant to division (B) of section 109.572 of the Revised Code 8632
that was requested pursuant to any of the sections identified in 8633
division (B) (1) of that section; 8634

(11) By the bureau of criminal identification and 8635
investigation, an authorized employee of the bureau, a sheriff, 8636
or an authorized employee of a sheriff in connection with a 8637
criminal records check described in section 311.41 of the 8638
Revised Code; 8639

(12) By the attorney general or an authorized employee of 8640
the attorney general or a court for purposes of determining a 8641
person's classification pursuant to Chapter 2950. of the Revised 8642
Code; 8643

(13) By a court, the registrar of motor vehicles, a 8644
prosecuting attorney or the prosecuting attorney's assistants, 8645
or a law enforcement officer for the purpose of assessing points 8646
against a person under section 4510.036 of the Revised Code or 8647
for taking action with regard to points assessed. 8648

When the nature and character of the offense with which a 8649
person is to be charged would be affected by the information, it 8650
may be used for the purpose of charging the person with an 8651
offense. 8652

(E) In any criminal proceeding, proof of any otherwise 8653
admissible prior conviction may be introduced and proved, 8654

notwithstanding the fact that for any such prior conviction an 8655
order of sealing previously was issued pursuant to sections 8656
2953.31 to 2953.36 of the Revised Code. 8657

(F) The person or governmental agency, office, or 8658
department that maintains sealed records pertaining to 8659
convictions or bail forfeitures that have been sealed pursuant 8660
to this section may maintain a manual or computerized index to 8661
the sealed records. The index shall contain only the name of, 8662
and alphanumeric identifiers that relate to, the persons who are 8663
the subject of the sealed records, the word "sealed," and the 8664
name of the person, agency, office, or department that has 8665
custody of the sealed records, and shall not contain the name of 8666
the crime committed. The index shall be made available by the 8667
person who has custody of the sealed records only for the 8668
purposes set forth in divisions (C), (D), and (E) of this 8669
section. 8670

(G) Notwithstanding any provision of this section or 8671
section 2953.33 of the Revised Code that requires otherwise, a 8672
board of education of a city, local, exempted village, or joint 8673
vocational school district that maintains records of an 8674
individual who has been permanently excluded under sections 8675
3301.121 and 3313.662 of the Revised Code is permitted to 8676
maintain records regarding a conviction that was used as the 8677
basis for the individual's permanent exclusion, regardless of a 8678
court order to seal the record. An order issued under this 8679
section to seal the record of a conviction does not revoke the 8680
adjudication order of the superintendent of public instruction 8681
to permanently exclude the individual who is the subject of the 8682
sealing order. An order issued under this section to seal the 8683
record of a conviction of an individual may be presented to a 8684
district superintendent as evidence to support the contention 8685

that the superintendent should recommend that the permanent 8686
exclusion of the individual who is the subject of the sealing 8687
order be revoked. Except as otherwise authorized by this 8688
division and sections 3301.121 and 3313.662 of the Revised Code, 8689
any school employee in possession of or having access to the 8690
sealed conviction records of an individual that were the basis 8691
of a permanent exclusion of the individual is subject to section 8692
2953.35 of the Revised Code. 8693

(H) Notwithstanding any provision of this section or 8694
section 2953.33 of the Revised Code that requires otherwise, if 8695
the auditor of state or a prosecutor maintains records, reports, 8696
or audits of an individual who has been forever disqualified 8697
from holding public office, employment, or position of trust in 8698
this state under sections 2921.41 and 2921.43 of the Revised 8699
Code, or has otherwise been convicted of an offense based upon 8700
the records, reports, or audits of the auditor of state, the 8701
auditor of state or prosecutor is permitted to maintain those 8702
records to the extent they were used as the basis for the 8703
individual's disqualification or conviction, and shall not be 8704
compelled by court order to seal those records. 8705

(I) For purposes of sections 2953.31 to 2953.36 of the 8706
Revised Code, DNA records collected in the DNA database and 8707
fingerprints filed for record by the superintendent of the 8708
bureau of criminal identification and investigation shall not be 8709
sealed unless the superintendent receives a certified copy of a 8710
final court order establishing that the offender's conviction 8711
has been overturned. For purposes of this section, a court order 8712
is not "final" if time remains for an appeal or application for 8713
discretionary review with respect to the order. 8714

(J) The sealing of a record under this section does not 8715

affect the assessment of points under section 4510.036 of the Revised Code and does not erase points assessed against a person as a result of the sealed record.

Section 2. That existing sections 9.39, 109.42, 109.91, 149.43, 1901.31, 1907.20, 2151.356, 2151.358, 2152.20, 2152.81, 2152.811, 2335.35, 2743.191, 2743.70, 2907.02, 2907.05, 2907.10, 2929.18, 2929.20, 2929.22, 2929.28, 2930.01, 2930.02, 2930.03, 2930.04, 2930.05, 2930.06, 2930.062, 2930.08, 2930.09, 2930.11, 2930.12, 2930.13, 2930.14, 2930.15, 2930.16, 2930.17, 2930.18, 2930.19, 2937.11, 2945.481, 2945.482, 2945.72, 2947.051, 2951.041, and 2953.32 of the Revised Code are hereby repealed.

Section 3. That section 2930.07 of the Revised Code is hereby repealed.

Section 4. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 109.42 of the Revised Code as amended by both H.B. 1 and S.B. 201 of the 132nd General Assembly.

Section 149.43 of the Revised Code as amended by H.B. 93, H.B 110, and S.B. 4 of the 134th General Assembly and S.B. 284 of the 133rd General Assembly.

Section 2907.05 of the Revised Code as amended by both S.B. 201 and S.B. 229 of the 132nd General Assembly.

Section 2953.32 of the Revised Code as amended by H.B. 1,

H.B. 431, and S.B. 10, all of the 133rd General Assembly.

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