

As Reported by the Senate Judiciary 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, Abrams, Addison, Baldrige, Blackshear, Brent, Brown, Carruthers, Click, Creech, Crossman, Davis, Denson, Hicks-Hudson, Jarrells, LaRe, Lepore-Hagan, Manning, Miller, J., Miranda, O'Brien, Oelslager, Patton, Richardson, Riedel, Robinson, Russo, Schmidt, Sheehy, Skindell, Smith, K., Smith, M., Stein, Swearingen, Sweeney, Upchurch, Weinstein, West, Speaker Cupp

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 139
adult; 140

~~(12)~~ (9) The right, pursuant to section 3109.10 of the 141
Revised Code, to maintain a civil action to recover compensatory 142
damages not exceeding ten thousand dollars and costs from the 143
parent of a minor who willfully and maliciously assaults a 144
person; 145

~~(13)~~ (10) The possibility of receiving right of the 146
victim, pursuant to section 2152.20, 2152.203, 2929.18, 2929.28, 147
or 2929.281 of the Revised Code, to receive restitution from an 148
offender or a delinquent child ~~pursuant to section 2152.20,~~ 149
~~2929.18, or 2929.28 of the Revised Code;~~ 150

~~(14)~~ ~~The right of the victim in certain criminal or~~ 151
~~juvenile cases or a victim's representative, pursuant to section~~ 152
~~2930.16 of the Revised Code, to receive notice of the escape~~ 153
~~from confinement or custody of the person who committed the~~ 154
~~offense, to receive that notice from the custodial agency of the~~ 155
~~person at the victim's last address or telephone number provided~~ 156
~~to the custodial agency, and to receive notice that, if either~~ 157
~~the victim's address or telephone number changes, it is in the~~ 158
~~victim's interest to provide the new address or telephone number~~ 159
~~to the custodial agency;~~ 160

~~(15)~~ (11) The right of a victim of domestic violence, 161
including domestic violence in a dating relationship as defined 162
in section 3113.31 of the Revised Code, to seek the issuance of 163
a civil protection order pursuant to that section, the right of 164
a victim of a violation of section 2903.14, 2909.06, 2909.07, 165
2911.12, 2911.211, or 2919.22 of the Revised Code, a violation 166

of a substantially similar municipal ordinance, or an offense of 167
violence who is a family or household member of the offender at 168
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 form and pamphlet to the victim, the victim's family, or the victim's dependents. The victim may receive either through the online version of the pamphlet published to the attorney general's web site, or as a paper copy, upon request.

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

(i) Upon first contact with the victim, the victim's family, or the victim's dependents, a peace officer from the law enforcement agency investigating the criminal offense or delinquent act against the victim shall determine whether the victim has access to the internet and whether the victim would prefer to access the victim's rights pamphlet online or if the victim requires a paper copy. The peace officer may give the victim a paper copy upon first contact, if requested, or the peace officer may provide the victim with the attorney general's telephone number to access the pamphlet at a later time. The attorney general shall provide a web site address at which a printable version of the victim's rights pamphlet that can be downloaded and printed locally may be found. The attorney general shall provide limited paper copies of the victim's rights pamphlets upon request to law enforcement agencies that order copies directly from the attorney general and to law enforcement agencies and prosecutors to provide to victims who do not have internet access or who would prefer a paper copy. The attorney general shall create a page within the attorney

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 411
first priority; 412

(b) Programs offering or proposing to offer the broadest 413
range of services and referrals to the community served, 414
including medical, psychological, financial, educational, 415
vocational, and legal services that were not in existence on 416
July 1, 1985, shall be given second priority; 417

(c) Other qualified programs shall be given last priority. 418

(3) Provide advice and counsel to the attorney general in 419
determining the needs of victims of domestic violence and 420
developing a policy for the attorney general in the 421
administration of the domestic violence program fund created 422
under section 109.46 of the Revised Code; 423

(4) Make recommendations to the attorney general in the 424
distribution of domestic violence program funds under section 425
109.46 of the Revised Code. 426

(D) As used in this section and section 109.92 of the 427
Revised Code, "victim assistance program" includes, but is not 428
limited to a program that provides at least one of the 429
following: 430

(1) Services to victims of any offense of violence or 431
delinquent act that would be an offense of violence if committed 432
by an adult; 433

(2) Financial assistance or property repair services to 434
victims of crime or delinquent acts; 435

(3) Assistance to victims of crime or delinquent acts in 436

judicial proceedings;	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	469
the contents of an adoption file maintained by the department of	470
health under sections 3705.12 to 3705.124 of the Revised Code;	471
(e) Information in a record contained in the putative	472
father registry established by section 3107.062 of the Revised	473
Code, regardless of whether the information is held by the	474
department of job and family services or, pursuant to section	475
3111.69 of the Revised Code, the office of child support in the	476
department or a child support enforcement agency;	477
(f) Records specified in division (A) of section 3107.52	478
of the Revised Code;	479
(g) Trial preparation records;	480
(h) Confidential law enforcement investigatory records;	481
(i) Records containing information that is confidential	482
under section 2710.03 or 4112.05 of the Revised Code;	483
(j) DNA records stored in the DNA database pursuant to	484
section 109.573 of the Revised Code;	485
(k) Inmate records released by the department of	486
rehabilitation and correction to the department of youth	487
services or a court of record pursuant to division (E) of	488
section 5120.21 of the Revised Code;	489
(l) Records maintained by the department of youth services	490
pertaining to children in its custody released by the department	491
of youth services to the department of rehabilitation and	492
correction pursuant to section 5139.05 of the Revised Code;	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	519 520 521 522

section;	523
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.15 of the Revised Code or contracts under that section with a private or government entity to administer;	524 525 526 527 528 529
(v) Records the release of which is prohibited by state or federal law;	530 531
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	532 533 534
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	535 536 537 538 539 540
(y) Records listed in section 5101.29 of the Revised Code;	541
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section;	542 543 544
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	545 546 547
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	548 549 550

(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 700
officer, parole officer, probation officer, bailiff, prosecuting 701
attorney, assistant prosecuting attorney, correctional employee, 702
county or multicounty corrections officer, community-based 703
correctional facility employee, designated Ohio national guard 704
member, protective services worker, youth services employee, 705
firefighter, EMT, medical director or member of a cooperating 706
physician advisory board of an emergency medical service 707
organization, state board of pharmacy employee, investigator of 708
the bureau of criminal identification and investigation, 709
emergency service telecommunicator, forensic mental health 710
provider, mental health evaluation provider, regional 711
psychiatric hospital employee, judge, magistrate, or federal law 712
enforcement officer. 713

(8) "Designated public service worker residential and 714
familial information" means any information that discloses any 715
of the following about a designated public service worker: 716

(a) The address of the actual personal residence of a 717
designated public service worker, except for the following 718
information: 719

(i) The address of the actual personal residence of a 720
prosecuting attorney or judge; and 721

(ii) The state or political subdivision in which a 722
designated public service worker resides. 723

(b) Information compiled from referral to or participation 724
in an employee assistance program; 725

(c) The social security number, the residential telephone 726

number, any bank account, debit card, charge card, or credit
card number, or the emergency telephone number of, or any
medical information pertaining to, a designated public service
worker;

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

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

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

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

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

"Peace officer" has the meaning defined in section 109.71
of the Revised Code and also includes the superintendent and
troopers of the state highway patrol; it does not include the
sheriff of a county or a supervisory employee who, in the

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 787
investigation" has the meaning defined in section 2903.11 of the 788
Revised Code. 789

"Emergency service telecommunicator" has the meaning 790
defined in section 4742.01 of the Revised Code. 791

"Forensic mental health provider" means any employee of a 792
community mental health service provider or local alcohol, drug 793
addiction, and mental health services board who, in the course 794
of the employee's duties, has contact with persons committed to 795
a local alcohol, drug addiction, and mental health services 796
board by a court order pursuant to section 2945.38, 2945.39, 797
2945.40, or 2945.402 of the Revised Code. 798

"Mental health evaluation provider" means an individual 799
who, under Chapter 5122. of the Revised Code, examines a 800
respondent who is alleged to be a mentally ill person subject to 801
court order, as defined in section 5122.01 of the Revised Code, 802
and reports to the probate court the respondent's mental 803
condition. 804

"Regional psychiatric hospital employee" means any 805
employee of the department of mental health and addiction 806
services who, in the course of performing the employee's duties, 807
has contact with patients committed to the department of mental 808
health and addiction services by a court order pursuant to 809
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 810
Code. 811

"Federal law enforcement officer" has the meaning defined 812
in section 9.88 of the Revised Code. 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 872
person's guardian has been obtained; 873

(e) An act of severe violence against a person that 874
results in serious physical harm to the person, unless the act 875
and injury was effected by a peace officer or, subject to 876
division (H)(1) of this section, the consent of the injured 877
person or the injured person's guardian has been obtained; 878

(f) Grievous bodily harm to a peace officer, firefighter, 879
paramedic, or other first responder, occurring while the injured 880
person was engaged in the performance of official duties, 881
unless, subject to division (H)(1) of this section, the consent 882
of the injured person or the injured person's guardian has been 883
obtained; 884

(g) An act of severe violence resulting in serious 885
physical harm against a peace officer, firefighter, paramedic, 886
or other first responder, occurring while the injured person was 887
engaged in the performance of official duties, unless, subject 888
to division (H)(1) of this section, the consent of the injured 889
person or the injured person's guardian has been obtained; 890

(h) A person's nude body, unless, subject to division (H) 891
(1) of this section, the person's consent has been obtained; 892

(i) Protected health information, the identity of a person 893
in a health care facility who is not the subject of a law 894
enforcement encounter, or any other information in a health care 895
facility that could identify a person who is not the subject of 896
a law enforcement encounter; 897

(j) Information that could identify the alleged victim of 898
a sex offense, menacing by stalking, or domestic violence; 899

(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 1317
office has branch offices. The public office may post its public 1318
records policy on the internet web site of the public office if 1319
the public office maintains an internet web site. A public 1320
office that has established a manual or handbook of its general 1321
policies and procedures for all employees of the public office 1322
shall include the public records policy of the public office in 1323
the manual or handbook. 1324

(F) (1) The bureau of motor vehicles may adopt rules 1325
pursuant to Chapter 119. of the Revised Code to reasonably limit 1326
the number of bulk commercial special extraction requests made 1327
by a person for the same records or for updated records during a 1328
calendar year. The rules may include provisions for charges to 1329
be made for bulk commercial special extraction requests for the 1330
actual cost of the bureau, plus special extraction costs, plus 1331
ten per cent. The bureau may charge for expenses for redacting 1332
information, the release of which is prohibited by law. 1333

(2) As used in division (F) (1) of this section: 1334

(a) "Actual cost" means the cost of depleted supplies, 1335
records storage media costs, actual mailing and alternative 1336
delivery costs, or other transmitting costs, and any direct 1337
equipment operating and maintenance costs, including actual 1338
costs paid to private contractors for copying services. 1339

(b) "Bulk commercial special extraction request" means a 1340
request for copies of a record for information in a format other 1341
than the format already available, or information that cannot be 1342
extracted without examination of all items in a records series, 1343
class of records, or database by a person who intends to use or 1344
forward the copies for surveys, marketing, solicitation, or 1345
resale for commercial purposes. "Bulk commercial special 1346

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 or other officer responsible 1884
for the collection and distribution of restitution payments 1885
specifying the amounts and individual identifying information of 1886
the funds. All ~~the other~~ moneys remaining unclaimed on the first 1887
day of April of each year shall be paid by the clerk to the city 1888
treasurer, except that, in a county-operated municipal court, 1889
the moneys shall be paid to the treasurer of the county in which 1890
the court is located. The treasurer shall pay any part of the 1891
moneys at any time to the person who has the right to the moneys 1892
upon proper certification of the clerk. 1893

(H) Deputy clerks of a municipal court other than the 1894
Carroll county municipal court may be appointed by the clerk and 1895
shall receive the compensation, payable in either biweekly 1896
installments or semimonthly installments, as determined by the 1897
payroll administrator, out of the city treasury, that the clerk 1898
may prescribe, except that the compensation of any deputy clerk 1899
of a county-operated municipal court shall be paid out of the 1900
treasury of the county in which the court is located. The judge 1901
of the Carroll county municipal court may appoint deputy clerks 1902
for the court, and the deputy clerks shall receive the 1903
compensation, payable in biweekly installments out of the county 1904
treasury, that the judge may prescribe. Each deputy clerk shall 1905
take an oath of office before entering upon the duties of the 1906
deputy clerk's office and, when so qualified, may perform the 1907
duties appertaining to the office of the clerk. The clerk may 1908
require any of the deputy clerks to give bond of not less than 1909
three thousand dollars, conditioned for the faithful performance 1910
of the deputy clerk's duties. 1911

(I) For the purposes of this section, whenever the 1912
population of the territory of a municipal court falls below one 1913
hundred thousand but not below ninety thousand, and the 1914
population of the territory prior to the most recent regular 1915
federal census exceeded one hundred thousand, the legislative 1916
authority of the municipal corporation may declare, by 1917
resolution, that the territory shall be considered to have a 1918
population of at least one hundred thousand. 1919

(J) The clerk or a deputy clerk shall be in attendance at 1920
all sessions of the municipal court, although not necessarily in 1921
the courtroom, and may administer oaths to witnesses and jurors 1922
and receive verdicts. 1923

Sec. 1907.20. (A) The clerk of courts shall be the clerk 1924
of the county court, except that the board of county 1925
commissioners, with the concurrence of the county court judges, 1926
may appoint a clerk for each county court judge, who shall serve 1927
at the pleasure of the board and shall receive compensation as 1928
set by the board, payable in semimonthly installments from the 1929
treasury of the county. Except as otherwise provided in section 1930
3.061 of the Revised Code, an appointed clerk, before entering 1931
upon the duties of the office, shall give bond of not less than 1932
five thousand dollars, as determined by the board of county 1933
commissioners, conditioned upon the faithful performance of the 1934
clerk's duties. 1935

The clerks of courts of common pleas, when acting as the 1936
clerks of county courts, and upon assuming their county court 1937
duties, shall receive compensation at one-fourth the rate 1938
prescribed for the clerks of courts of common pleas as 1939
determined in accordance with the population of the county and 1940
the rates set forth in sections 325.08 and 325.18 of the Revised 1941
Code. This compensation shall be paid from the county treasury 1942
in semimonthly installments and is in addition to the annual 1943
compensation received for the performance of the duties of the 1944
clerk of a court of common pleas as provided in sections 325.08 1945
and 325.18 of the Revised Code. 1946

(B) The clerk of a county court shall have general powers 1947
to administer oaths, take affidavits, and issue executions upon 1948
any judgment rendered in the county court, including a judgment 1949
for unpaid costs, power to issue and sign all writs, process, 1950
subpoenas, and papers issuing out of the court, and to attach 1951
the seal of the court to them, and power to approve all bonds, 1952
sureties, recognizances, and undertakings fixed by any judge of 1953
the court or by law. The clerk shall file and safely keep all 1954

journals, records, books, and papers belonging or appertaining 1955
to the court, record its proceedings, perform all other duties 1956
that the judges of the court may prescribe, and keep a book 1957
showing all receipts and disbursements, which shall be open for 1958
public inspection at all times. The clerk may refuse to accept 1959
for filing any pleading or paper submitted for filing by a 1960
person who has been found to be a vexatious litigator under 1961
section 2323.52 of the Revised Code and who has failed to obtain 1962
leave to proceed under that section. 1963

The clerk shall prepare and maintain a general index, a 1964
docket as prescribed by the court, which shall be furnished by 1965
the board of county commissioners, and such other records as the 1966
court, by rule, requires, all of which shall be the public 1967
records of the court. In the docket, the clerk shall enter at 1968
times of the commencement of an action, the names of the parties 1969
in full, the names of the counsel, and the nature of the 1970
proceedings. Under proper dates, the clerk shall note the filing 1971
of the complaint, issuing of summons or other process, returns, 1972
and pleadings subsequent thereto. The clerk also shall enter all 1973
reports, verdicts, orders, judgments, and proceedings of the 1974
court, clearly specifying the relief granted or orders made in 1975
each action. The court may order an extended record of any of 1976
the above to be made and entered, under the proper action 1977
heading, upon the docket at the request of any party to the 1978
case, the expense of which may be taxed as costs in the case or 1979
may be required to be prepaid by the party demanding the 1980
extended record, upon order of the court. 1981

(C) The clerk of a county court shall receive and collect 1982
all costs, fees, fines, penalties, bail, and other moneys 1983
payable to the office or to any officer of the court and issue 1984
receipts therefor, and shall on or before the twentieth day of 1985

the month following the month in which they are collected 1986
disburse the costs, fees, fines, penalties, bail, and other 1987
moneys to the proper persons or officers and take receipts 1988
therefor. Subject to sections 307.515, 4511.19, 4511.193, and 1989
5503.04 of the Revised Code and all other statutes that require 1990
a different distribution of fines, fines received for violations 1991
of municipal ordinances shall be paid into the treasury of the 1992
municipal corporation whose ordinance was violated, fines 1993
received for violations of township resolutions adopted pursuant 1994
to section 503.52 or 503.53 or Chapter 504. of the Revised Code 1995
shall be paid into the treasury of the township whose resolution 1996
was violated, and fines collected for the violation of state 1997
laws shall be paid into the county treasury. Moneys deposited as 1998
security for costs shall be retained pending the litigation. 1999

The clerk shall keep a separate account of all receipts 2000
and disbursements in civil and criminal cases. The separate 2001
account shall be a permanent public record of the office. On the 2002
expiration of a clerk's term, those records shall be delivered 2003
to the clerk's successor. 2004

The clerk shall have such other powers and duties as are 2005
prescribed by rule or order of the court. 2006

(D) All moneys paid into a county court shall be noted on 2007
the record of the case in which they are paid and shall be 2008
deposited in a state or national bank selected by the clerk. On 2009
the first Monday in January of each year, the clerk shall make a 2010
list of the titles of all cases in the county court that were 2011
finally determined more than one year past in which there 2012
remains unclaimed in the possession of the clerk any funds, or 2013
any part of a deposit for security of costs not consumed by the 2014
costs in the case. The clerk shall give notice of the moneys to 2015

the parties entitled to them or to their attorneys of record. 2016
All the moneys remaining unclaimed that are for restitution 2017
payments for crime victims shall be sent to the reparations fund 2018
created under section 2743.191 of the Revised Code, with a list 2019
from the clerk or other officer responsible for the collection 2020
and distribution of restitution payments specifying the amounts 2021
and individual identifying information of the funds. All the- 2022
other moneys remaining unclaimed on the first day of April of 2023
each year shall be paid by the clerk to the county treasurer. 2024
Any part of the moneys shall be paid by the county treasurer at 2025
any time to the person having the right to them, upon proper 2026
certification of the clerk. 2027

(E) (1) In county court districts having appointed clerks, 2028
deputy clerks may be appointed by the board of county 2029
commissioners. Clerks and deputy clerks shall receive such 2030
compensation payable in semimonthly installments out of the 2031
county treasury as the board may prescribe. Each deputy clerk 2032
shall take an oath of office before entering upon the duties of 2033
the deputy clerk's office and, when so qualified, may perform 2034
the duties appertaining to the office of the clerk. The clerk 2035
may require any of the deputy clerks to give bond of not less 2036
than three thousand dollars, conditioned for the faithful 2037
performance of the deputy clerk's duties. 2038

(2) A clerk of courts acting as clerk of the county court 2039
may appoint deputy clerks to perform the duties pertaining to 2040
the office of clerk of the county court. Each deputy clerk shall 2041
take an oath of office before entering upon the deputy clerk's 2042
duties, and the clerk of courts may require the deputy clerk to 2043
give bond of not less than three thousand dollars, conditioned 2044
for the faithful performance of the deputy clerk's duties. 2045

(3) The clerk or a deputy clerk of a county court shall be 2046
in attendance at all sessions of the court, although not 2047
necessarily in the courtroom, and may administer oaths to 2048
witnesses and jurors and receive verdicts. 2049

(F) (1) In county court districts having appointed clerks, 2050
the board of county commissioners may order the establishment of 2051
one or more branch offices of the clerk and, with the 2052
concurrence of the county judges, may appoint a special deputy 2053
clerk to administer each branch office. Each special deputy 2054
clerk shall take an oath of office before entering upon the 2055
duties of the deputy clerk's office and, when so qualified, may 2056
perform any one or more of the duties appertaining to the office 2057
of clerk, as the board prescribes. Special deputy clerks shall 2058
receive such compensation payable in semimonthly installments 2059
out of the county treasury as the board may prescribe. Except as 2060
otherwise provided in section 3.061 of the Revised Code, the 2061
board may require any of the special deputy clerks to give bond 2062
of not less than three thousand dollars, conditioned for the 2063
faithful performance of the deputy clerk's duties. 2064

The board of county commissioners may authorize the clerk 2065
of the county court to operate one or more branch offices, to 2066
divide the clerk's time between the offices, and to perform 2067
duties appertaining to the office of clerk in locations that the 2068
board prescribes. 2069

(2) A clerk of courts acting as clerk of the county court 2070
may establish one or more branch offices for the clerk's duties 2071
as clerk of the county court and, with the concurrence of the 2072
county court judges, may appoint a special deputy clerk to 2073
administer each branch office. Each special deputy clerk shall 2074
take an oath of office before entering upon the deputy clerk's 2075

duties and, when so qualified, may perform any of the duties 2076
pertaining to the office of clerk, as the clerk of courts 2077
prescribes. The clerk of courts may require any of the special 2078
deputy clerks to give bond of not less than three thousand 2079
dollars, conditioned for the faithful performance of the deputy 2080
clerk's duties. 2081

(G) The clerk of courts of the county shall fix the 2082
compensation of deputy clerks and special deputy clerks 2083
appointed by the clerk pursuant to this section. Those personnel 2084
shall be paid and be subject to the same requirements as other 2085
employees of the clerk under the provisions of section 325.17 of 2086
the Revised Code insofar as that section is applicable. 2087

Sec. 2151.356. (A) The records of a case in which a person 2088
was adjudicated a delinquent child for committing a violation of 2089
section 2903.01, 2903.02, or 2907.02 of the Revised Code shall 2090
not be sealed under this section. 2091

(B) (1) The juvenile court shall promptly order the 2092
immediate sealing of records pertaining to a juvenile in any of 2093
the following circumstances: 2094

(a) If the court receives a record from a public office or 2095
agency under division (B) (2) of this section; 2096

(b) If a person was brought before or referred to the 2097
court for allegedly committing a delinquent or unruly act and 2098
the case was resolved without the filing of a complaint against 2099
the person with respect to that act pursuant to section 2151.27 2100
of the Revised Code; 2101

(c) If a person was charged with violating division (E) (1) 2102
of section 4301.69 of the Revised Code and the person has 2103
successfully completed a diversion program under division (E) (2) 2104

(a) of section 4301.69 of the Revised Code with respect to that charge; 2105
2106

(d) If a complaint was filed against a person alleging that the person was a delinquent child, an unruly child, or a juvenile traffic offender and the court dismisses the complaint after a trial on the merits of the case or finds the person not to be a delinquent child, an unruly child, or a juvenile traffic offender; 2107
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(e) Notwithstanding division (C) of this section and subject to section 2151.358 of the Revised Code, if a person has been adjudicated an unruly child, that person has attained eighteen years of age, and the person is not under the jurisdiction of the court in relation to a complaint alleging the person to be a delinquent child. 2113
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(2) The appropriate public office or agency shall immediately deliver all original records at that public office or agency pertaining to a juvenile to the court, if the person was arrested or taken into custody for allegedly committing a delinquent or unruly act, no complaint was filed against the person with respect to the commission of the act pursuant to section 2151.27 of the Revised Code, and the person was not brought before or referred to the court for the commission of the act. The records delivered to the court as required under this division shall not include fingerprints, DNA specimens, and DNA records described under division (A) (3) of section 2151.357 of the Revised Code. 2119
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(C) (1) The juvenile court shall consider the sealing of records pertaining to a juvenile upon the court's own motion or upon the application of a person if the person has been adjudicated a delinquent child for committing an act other than 2131
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a violation of section 2903.01, 2903.02, or 2907.02 of the Revised Code, an unruly child, or a juvenile traffic offender and if, at the time of the motion or application, the person is not under the jurisdiction of the court in relation to a complaint alleging the person to be a delinquent child. The court shall not require a fee for the filing of the application. The motion or application may be made on or after the time specified in whichever of the following is applicable:

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

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

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

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

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

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

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

(2) In making the determination whether to seal records pursuant to division (C) (1) of this section, all of the

following apply: 2163

(a) The court may require a person filing an application 2164
under division (C) (1) of this section to submit any relevant 2165
documentation to support the application. 2166

(b) The court may cause an investigation to be made to 2167
determine if the person who is the subject of the proceedings 2168
has been rehabilitated to a satisfactory degree. 2169

(c) The court shall promptly, but not less than thirty 2170
days prior to the hearing, notify the prosecuting attorney of 2171
any proceedings to seal records initiated pursuant to division 2172
(C) (1) of this section. The prosecutor shall provide timely 2173
notice to a victim and a victim's representative, if applicable, 2174
if the victim or victim's representative requested notice of the 2175
proceedings in the underlying case. 2176

(d) (i) The prosecuting attorney may file a response with 2177
the court within thirty days of receiving notice of the sealing 2178
proceedings. 2179

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

representative, and the victim's attorney, if applicable, may be 2192
present and heard orally, in writing, or both at any hearing 2193
under this division. The court shall consider the oral and 2194
written statement of any victim, victim's representative, and 2195
victim's attorney, if applicable. 2196

(iii) If the prosecuting attorney files a response with 2197
the court that indicates that the prosecuting attorney objects 2198
to the sealing of the records, the court shall conduct a hearing 2199
on the motion or application within thirty days after the court 2200
receives the response. The court shall give notice, by regular 2201
mail, of the date, time, and location of the hearing to the 2202
prosecuting attorney and to the person who is the subject of the 2203
records under consideration. The victim, the victim's 2204
representative, and the victim's attorney, if applicable, may be 2205
present and heard orally, in writing, or both at any hearing 2206
under this division. The court shall consider the oral and 2207
written statement of any victim, victim's representative, and 2208
victim's attorney, if applicable. 2209

(e) After conducting a hearing in accordance with division 2210
(C) (2) (d) of this section or after due consideration when a 2211
hearing is not conducted, except as provided in division (B) (1) 2212
(c) of this section, the court may order the records of the 2213
person that are the subject of the motion or application to be 2214
sealed if it finds that the person has been rehabilitated to a 2215
satisfactory degree. In determining whether the person has been 2216
rehabilitated to a satisfactory degree, the court may consider 2217
all of the following: 2218

- (i) The age of the person; 2219
- (ii) The nature of the case; 2220

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

Revised Code, an unruly child, or a juvenile traffic offender, 2250
the juvenile court shall provide written notice to the person 2251
that does all of the following: 2252

(a) States that the person may apply to the court for an 2253
order to seal the record; 2254

(b) Explains what sealing a record means; 2255

(c) States that the person may apply to the court for an 2256
order to expunge the record under section 2151.358 of the 2257
Revised Code; 2258

(d) Explains what expunging a record means. 2259

(3) The department of youth services and any other 2260
institution or facility that unconditionally discharges a person 2261
who has been adjudicated a delinquent child, an unruly child, or 2262
a juvenile traffic offender shall immediately give notice of the 2263
discharge to the court that committed the person. The court 2264
shall note the date of discharge on a separate record of 2265
discharges of those natures. 2266

Sec. 2151.358. (A) The juvenile court shall expunge all 2267
records sealed under section 2151.356 of the Revised Code five 2268
years after the court issues a sealing order or upon the twenty- 2269
third birthday of the person who is the subject of the sealing 2270
order, whichever date is earlier. 2271

(B) Notwithstanding division (A) of this section, upon 2272
application by the person who has had a record sealed under 2273
section 2151.356 of the Revised Code, the juvenile court may 2274
expunge a record sealed under section 2151.356 of the Revised 2275
Code. In making the determination whether to expunge records, 2276
all of the following apply: 2277

(1) The court may require a person filing an application 2278
for expungement to submit any relevant documentation to support 2279
the application. 2280

(2) The court may cause an investigation to be made to 2281
determine if the person who is the subject of the proceedings 2282
has been rehabilitated to a satisfactory degree. 2283

(3) The court shall promptly, but not less than thirty 2284
days prior to the hearing, notify the prosecuting attorney of 2285
any proceedings to expunge records. The prosecutor shall provide 2286
timely notice to a victim and the victim's representative, if 2287
applicable, if the victim or victim's representative requested 2288
notice of the proceedings in the underlying case. 2289

(4) (a) The prosecuting attorney may file a response with 2290
the court within thirty days of receiving notice of the 2291
expungement proceedings. 2292

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

victim, victim's representative, and victim's attorney, if 2308
applicable. 2309

(c) If the prosecuting attorney files a response with the 2310
court that indicates that the prosecuting attorney objects to 2311
the expungement of the records, the court shall conduct a 2312
hearing on the application within thirty days after the court 2313
receives the response. The court shall give notice, by regular 2314
mail, of the date, time, and location of the hearing to the 2315
prosecuting attorney and to the person who is the subject of the 2316
records under consideration. The victim and the victim's 2317
representative, if applicable, may be present and heard orally, 2318
in writing, or both at any hearing under this section. The court 2319
shall consider the oral and written statement of any victim, 2320
victim's representative, and victim's attorney, if applicable. 2321

(5) After conducting a hearing in accordance with division 2322
(B) (4) of this section or after due consideration when a hearing 2323
is not conducted, the court may order the records of the person 2324
that are the subject of the application to be expunged if it 2325
finds that the person has been rehabilitated to a satisfactory 2326
degree. In determining whether the person has been rehabilitated 2327
to a satisfactory degree, the court may consider all of the 2328
following: 2329

(a) The age of the person; 2330

(b) The nature of the case; 2331

(c) The cessation or continuation of delinquent, unruly, 2332
or criminal behavior; 2333

(d) The education and employment history of the person; 2334

(e) Any other circumstances that may relate to the 2335
rehabilitation of the person who is the subject of the records 2336

under consideration. 2337

(C) If the juvenile court is notified by any party in a 2338
civil action that a civil action has been filed based on a case 2339
the records for which are the subject of a sealing order, the 2340
juvenile court shall not expunge a record sealed under section 2341
2151.356 of the Revised Code until the civil action has been 2342
resolved and is not subject to further appellate review, at 2343
which time the records shall be expunged pursuant to division 2344
(A) of this section. 2345

(D) (1) A juvenile court that issues a protection order or 2346
approves a consent agreement under section 2151.34 or 3113.31 of 2347
the Revised Code shall automatically seal all of the records of 2348
the proceeding in which the order was issued or agreement 2349
approved on the date the person against whom the protection 2350
order was issued or the consent agreement approved attains the 2351
age of nineteen years if the court determines that the person 2352
has complied with all of the terms of the protection order or 2353
consent agreement. 2354

(2) In a proceeding under section 2151.34 of the Revised 2355
Code, if the juvenile court does not issue any protection order 2356
under division (E) of that section, the court shall 2357
automatically seal all of the records in that proceeding. In a 2358
proceeding under section 3113.31 of the Revised Code, if the 2359
juvenile court does not issue any protection order or approve 2360
any consent agreement under division (E) of that section, the 2361
court shall automatically seal all of the records in that 2362
proceeding. 2363

(3) (a) If a juvenile court that issues a protection order 2364
or approves a consent agreement under section 2151.34 or 3113.31 2365
of the Revised Code determines that the person against whom the 2366

protection order was issued or the consent agreement approved 2367
has not complied with all of the terms of the protection order 2368
or consent agreement, the court shall consider sealing all of 2369
the records of the proceeding in which the order was issued or 2370
agreement approved upon the court's own motion or upon the 2371
application of a person. The court may make the motion or the 2372
person who is the subject of the records under consideration may 2373
apply for an order sealing the records of the proceeding at any 2374
time after two years after the expiration of the protection 2375
order or consent agreement. 2376

(b) In making a determination whether to seal records 2377
pursuant to division (D) (3) of this section, all of the 2378
following apply: 2379

(i) The court may require a person filing an application 2380
under division (D) (3) of this section to submit any relevant 2381
documentation to support the application. 2382

(ii) The court shall promptly notify the victim or the 2383
victim's attorney of any proceedings to seal records initiated 2384
pursuant to division (D) (3) of this section. 2385

(iii) The victim or the victim's attorney may file a 2386
response with the court within thirty days of receiving notice 2387
of the sealing proceedings. 2388

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

conduct a hearing on the motion or application, the court shall 2396
conduct the hearing within thirty days after making that 2397
decision and shall give notice, by regular mail, of the date, 2398
time, and location of the hearing to the victim or the victim's 2399
attorney and to the person who is the subject of the records 2400
under consideration. 2401

If the victim or the victim's attorney files a response 2402
with the court that indicates that the victim or the victim's 2403
attorney objects to the sealing of the records, the court shall 2404
conduct a hearing on the motion or application within thirty 2405
days after the court receives the response. The court shall give 2406
notice, by regular mail, of the date, time, and location of the 2407
hearing to the victim or the victim's attorney and to the person 2408
who is the subject of the records under consideration. 2409

(iv) After conducting a hearing in accordance with 2410
division (D) (3) (b) (iii) of this section or after due 2411
consideration when a hearing is not conducted, the court may 2412
order the records of the person that are the subject of the 2413
motion or application to be sealed. 2414

(4) Inspection of the records sealed pursuant to division 2415
(D) (1), (2), or (3) of this section may be made only by the 2416
following persons or for the following purposes: 2417

(a) By a law enforcement officer or prosecutor, or the 2418
assistants of either, to determine whether the nature and 2419
character of the offense with which a person is to be charged 2420
would be affected by virtue of the person's previously having 2421
been convicted of a crime; 2422

(b) By the parole or probation officer of the person who 2423
is the subject of the records, for the exclusive use of the 2424

officer in supervising the person while on parole or under a 2425
community control sanction or a post-release control sanction, 2426
and in making inquiries and written reports as requested by the 2427
court or adult parole authority; 2428

(c) Upon application by the person who is the subject of 2429
the records, by the persons named in the application; 2430

(d) By a law enforcement officer who was involved in the 2431
case, for use in the officer's defense of a civil action arising 2432
out of the officer's involvement in that case; 2433

(e) By a prosecuting attorney or the prosecuting 2434
attorney's assistants, to determine a defendant's eligibility to 2435
enter a pre-trial diversion program established pursuant to 2436
section 2935.36 of the Revised Code; 2437

(f) By any law enforcement agency or any authorized 2438
employee of a law enforcement agency or by the department of 2439
rehabilitation and correction as part of a background 2440
investigation of a person who applies for employment with the 2441
agency as a law enforcement officer or with the department as a 2442
corrections officer; 2443

(g) By any law enforcement agency or any authorized 2444
employee of a law enforcement agency, for the purposes set forth 2445
in, and in the manner provided in, section 2953.321 of the 2446
Revised Code; 2447

(h) By the bureau of criminal identification and 2448
investigation or any authorized employee of the bureau for the 2449
purpose of providing information to a board or person pursuant 2450
to division (F) or (G) of section 109.57 of the Revised Code; 2451

(i) By the bureau of criminal identification and 2452
investigation or any authorized employee of the bureau for the 2453

purpose of performing a criminal history records check on a 2454
person to whom a certificate as prescribed in section 109.77 of 2455
the Revised Code is to be awarded; 2456

(j) By the bureau of criminal identification and 2457
investigation or any authorized employee of the bureau for the 2458
purpose of conducting a criminal records check of an individual 2459
pursuant to division (B) of section 109.572 of the Revised Code 2460
that was requested pursuant to any of the sections identified in 2461
division (B) (1) of that section; 2462

(k) By the bureau of criminal identification and 2463
investigation, an authorized employee of the bureau, a sheriff, 2464
or an authorized employee of a sheriff in connection with a 2465
criminal records check described in section 311.41 of the 2466
Revised Code; 2467

(l) By the attorney general or an authorized employee of 2468
the attorney general or a court for purposes of determining a 2469
person's classification pursuant to Chapter 2950. of the Revised 2470
Code. 2471

When the nature and character of the offense with which a 2472
person is to be charged would be affected by the information, it 2473
may be used for the purpose of charging the person with an 2474
offense. 2475

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

result of the person having been a victim of human trafficking. 2483
The application shall be made in the same manner as an 2484
application for expungement under section 2953.38 of the Revised 2485
Code, and all of the provisions of that section shall apply to 2486
the expungement procedure. 2487

(F) After the records have been expunged under this 2488
section, the person who is the subject of the expunged records 2489
properly may, and the court shall, reply that no record exists 2490
with respect to the person upon any inquiry in the matter. 2491

Sec. 2152.20. (A) If a child is adjudicated a delinquent 2492
child or a juvenile traffic offender, the court may order any of 2493
the following dispositions, in addition to any other disposition 2494
authorized or required by this chapter: 2495

(1) Impose a fine in accordance with the following 2496
schedule: 2497

(a) For an act that would be a minor misdemeanor or an 2498
unclassified misdemeanor if committed by an adult, a fine not to 2499
exceed fifty dollars; 2500

(b) For an act that would be a misdemeanor of the fourth 2501
degree if committed by an adult, a fine not to exceed one 2502
hundred dollars; 2503

(c) For an act that would be a misdemeanor of the third 2504
degree if committed by an adult, a fine not to exceed one 2505
hundred fifty dollars; 2506

(d) For an act that would be a misdemeanor of the second 2507
degree if committed by an adult, a fine not to exceed two 2508
hundred dollars; 2509

(e) For an act that would be a misdemeanor of the first 2510

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

deceased, to a survivor or the estate of the victim in an amount 2539
based upon the victim's economic loss caused by or related to 2540
the delinquent act or juvenile traffic offense. The court may 2541
not require a child to make restitution pursuant to this 2542
division if the child's ~~delinquent act or~~ juvenile traffic 2543
offense would be a minor misdemeanor if committed by an adult or 2544
could be disposed of by the juvenile traffic violations bureau 2545
serving the court under Traffic Rule 13.1 if the court has 2546
established a juvenile traffic violations bureau. If the court 2547
requires restitution under this division, the restitution shall 2548
be made directly to the victim in open court or to the probation 2549
department that serves the jurisdiction or the clerk of courts 2550
on behalf of the victim. 2551

~~If the court requires restitution under this division, the 2552
restitution may be in the form of a cash reimbursement paid in a 2553
lump sum or in installments, the performance of repair work to 2554
restore any damaged property to its original condition, the 2555
performance of a reasonable amount of labor for the victim or 2556
survivor of the victim, the performance of community service 2557
work, any other form of restitution devised by the court, or any 2558
combination of the previously described forms of restitution. 2559~~

~~If the court requires restitution under this division, the 2560
court may base the restitution order on an amount recommended by 2561
the victim or survivor of the victim, the delinquent child, the 2562
juvenile traffic offender, a presentence investigation report, 2563
estimates or receipts indicating the cost of repairing or 2564
replacing property, and any other information, provided that the 2565
The victim, victim's representative, victim's attorney, if 2566
applicable, the prosecuting attorney, or the delinquent child or 2567
juvenile traffic offender may provide information relevant to 2568
the determination of the amount of restitution. The amount the 2569~~

court orders as restitution shall not exceed the amount of the 2570
economic loss suffered by the victim as a direct and proximate 2571
result of the delinquent act or juvenile traffic offense. If the 2572
court decides to or is required to order restitution under this 2573
division and the amount of the restitution is disputed by the 2574
victim or survivor, victim's estate, victim's representative, or 2575
victim's attorney, if applicable, or by the delinquent child or 2576
juvenile traffic offender, the court shall hold a hearing on the 2577
restitution. ~~If the court requires restitution under this~~ 2578
~~division, the court shall determine, or order the determination~~ 2579
~~of, the amount of restitution to be paid by the delinquent child~~ 2580
~~or juvenile traffic offender.~~ The court shall determine the 2581
amount of full restitution by a preponderance of the evidence. 2582
All restitution payments shall be credited against any recovery 2583
of economic loss in a civil action brought by or on behalf of 2584
the victim against the delinquent child or juvenile traffic 2585
offender or the delinquent child's or juvenile traffic 2586
offender's parent, guardian, or other custodian. 2587

If the court requires restitution under this division, the 2588
court may order that the delinquent child or juvenile traffic 2589
offender pay a surcharge, in an amount not exceeding five per 2590
cent of the amount of restitution otherwise ordered under this 2591
division, to the entity responsible for collecting and 2592
processing the restitution payments. 2593

The ~~victim or the,~~ survivor of the victim, or victim's 2594
estate may request that the prosecuting authority file a motion, 2595
or the delinquent child or juvenile traffic offender may file a 2596
motion, for modification of the payment terms of any restitution 2597
ordered under this division. If the court grants the motion, it 2598
may modify the payment terms as it determines appropriate. 2599

(4) Require the child to reimburse any or all of the costs 2600
incurred for services or sanctions provided or imposed, 2601
including, but not limited to, the following: 2602

(a) All or part of the costs of implementing any community 2603
control imposed as a disposition under section 2152.19 of the 2604
Revised Code, including a supervision fee; 2605

(b) All or part of the costs of confinement in a 2606
residential facility described in section 2152.19 of the Revised 2607
Code or in a department of youth services institution, 2608
including, but not limited to, a per diem fee for room and 2609
board, the costs of medical and dental treatment provided, and 2610
the costs of repairing property the delinquent child damaged 2611
while so confined. The amount of reimbursement ordered for a 2612
child under this division shall not exceed the total amount of 2613
reimbursement the child is able to pay as determined at a 2614
hearing and shall not exceed the actual cost of the confinement. 2615
The court may collect any reimbursement ordered under this 2616
division. If the court does not order reimbursement under this 2617
division, confinement costs may be assessed pursuant to a 2618
repayment policy adopted under section 2929.37 of the Revised 2619
Code and division (D) of section 307.93, division (A) of section 2620
341.19, division (C) of section 341.23 or 753.16, division (C) 2621
of section 2301.56, or division (B) of section 341.14, 753.02, 2622
753.04, or 2947.19 of the Revised Code. 2623

(B) Chapter 2981. of the Revised Code applies to a child 2624
who is adjudicated a delinquent child for violating section 2625
2923.32 or 2923.42 of the Revised Code or for committing an act 2626
that, if committed by an adult, would be a felony drug abuse 2627
offense. 2628

(C) The court may hold a hearing if necessary to determine 2629

whether a child is able to pay a sanction under this section. 2630

(D) If a child who is adjudicated a delinquent child is 2631
indigent, the court shall consider imposing a term of community 2632
service under division (A) of section 2152.19 of the Revised 2633
Code in lieu of imposing a financial sanction under this 2634
section. If a child who is adjudicated a delinquent child is not 2635
indigent, the court may impose a term of community service under 2636
that division in lieu of, or in addition to, imposing a 2637
financial sanction under this section.—The court may order 2638
community service for an act that if committed by an adult would 2639
be a minor misdemeanor if that order would generate funds for 2640
restitution. 2641

If a child fails to pay a financial sanction imposed under 2642
this section, the court may impose a term of community service 2643
in lieu of the sanction. 2644

(E) The clerk of the court, or another person authorized 2645
by law or by the court to collect a financial sanction imposed 2646
under this section, may do any of the following: 2647

(1) Enter into contracts with one or more public agencies 2648
or private vendors for the collection of the amounts due under 2649
the financial sanction, which amounts may include interest from 2650
the date of imposition of the financial sanction; 2651

(2) Permit payment of all, or any portion of, the 2652
financial sanction in installments, by credit or debit card, by 2653
another type of electronic transfer, or by any other reasonable 2654
method, within any period of time, and on any terms that the 2655
court considers just, except that the maximum time permitted for 2656
payment shall not exceed five years. The clerk may pay any fee 2657
associated with processing an electronic transfer out of public 2658

money and may charge the fee to the delinquent child. 2659

(3) To defray administrative costs, charge a reasonable 2660
fee to a child who elects a payment plan rather than a lump sum 2661
payment of a financial sanction. 2662

Sec. 2152.203. (A) As used in this section, "criminal 2663
offense" and "delinquent act" have the same meanings as in 2664
section 2930.01 of the Revised Code. 2665

(B) In determining the amount of restitution under this 2666
section, the court shall order full restitution for any expenses 2667
related to a victim's economic loss due to the delinquent act. 2668
The amount of restitution shall be reduced by any payments to 2669
the victim for economic loss made or due under a policy of 2670
insurance or governmental program. 2671

Economic loss includes, but is not limited to, the 2672
following: 2673

(1) Full or partial payment for the value of stolen or 2674
damaged property. The value of stolen or damaged property shall 2675
be the replacement cost of the property or the actual cost of 2676
repairing the property when repair is possible. 2677

(2) Medical expenses; 2678

(3) Mental health counseling expenses; 2679

(4) Wages or profits lost due to injury or harm to the 2680
victim as determined by the court. Lost wages include commission 2681
income as well as base wages. Commission income shall be 2682
established by evidence of commission income during the twelve- 2683
month period prior to the date of the delinquent act for which 2684
restitution is being ordered, unless good cause for a shorter 2685
time period is shown. 2686

(5) Expenses related to making a vehicle or residence 2687
accessible to the victim if the victim is partially permanently 2688
disabled or totally permanently disabled as a direct result of 2689
the delinquent act. 2690

(C) Upon notification by the court, any money owed by the 2691
state or by a political subdivision of the state to a delinquent 2692
child or juvenile traffic offender who is required to make 2693
restitution under this section, including any tax refund owed to 2694
the child or offender, shall be assigned to the discharge of the 2695
child's or offender's outstanding restitution obligation, 2696
subject to any superseding federal statutes or regulations, 2697
including court-ordered support obligations. 2698

(D) If a delinquent child or juvenile traffic offender is 2699
required to make restitution under this section in the form of 2700
monetary payments to more than one victim, the child or offender 2701
shall make the payments to the victims in the following order of 2702
priority: 2703

(1) Individuals; 2704

(2) Nonprofit organizations; 2705

(3) Business entities; 2706

(4) Governmental entities. 2707

(E) A court that orders restitution as part of a 2708
delinquent child's or juvenile traffic offender's disposition 2709
under this section shall not suspend that part of the 2710
disposition if the victim or victim's attorney, if applicable, 2711
objects to the restitution part of the disposition being 2712
suspended. 2713

(F) A restitution obligation imposed by a court does not 2714

expire until paid in full. If an order remains unpaid in full, 2715
even if a period of community control expires or is otherwise 2716
terminated, a court order for restitution imposed under this 2717
section shall be reduced to a civil judgment in favor of the 2718
victim prior to the termination of the court's jurisdiction upon 2719
the delinquent child's or juvenile traffic offender's attainment 2720
of twenty-one years of age. If the order is reduced to such a 2721
judgment, the person required to pay the restitution under the 2722
order is the judgment debtor. The court retains jurisdiction 2723
over the restitution order until the delinquent child or 2724
juvenile traffic offender attains twenty-one years of age and 2725
the civil judgment obligation continues to be enforceable by a 2726
victim, victim's representative, or victim's attorney, if 2727
applicable, until the obligation is satisfied. All civil actions 2728
to collect on the judgment after the child attains twenty-one 2729
years of age shall be filed in the county or municipal court of 2730
the child's, offender's, or victim's residence. 2731

(G) The supreme court shall create a standardized form to 2732
be made publicly available that provides guidance for victims 2733
and victims' representatives regarding the compilation of 2734
evidence to demonstrate losses for the purpose of this section. 2735

(H) On the request of the victim, if a judge determines 2736
that, under the circumstances, it is appropriate and the victim 2737
has not been coerced, a victim may accept a settlement that is 2738
less than the full restitution order. 2739

Sec. 2152.81. (A) (1) As used in this section, "victim" 2740
includes any of the following persons: 2741

(a) A person who was a victim of a violation identified in 2742
division (A) (2) of this section or an act that would be an 2743
offense of violence if committed by an adult; 2744

(b) A person against whom was directed any conduct that 2745
constitutes, or that is an element of, a violation identified in 2746
division (A) (2) of this section or an act that would be an 2747
offense of violence if committed by an adult. 2748

~~(2)~~(2)(a) In any proceeding in juvenile court involving a 2749
complaint, indictment, or information in which a child is 2750
charged with a violation of section 2905.03, 2905.05, 2907.02, 2751
2907.03, 2907.05, 2907.06, 2907.07, 2907.09, 2907.21, 2907.23, 2752
2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, or 2753
2919.22 of the Revised Code or an act that would be an offense 2754
of violence if committed by an adult and in which an alleged 2755
victim of the violation or act was a child who was less than 2756
thirteen years of age when the complaint or information was 2757
filed or the indictment was returned, the juvenile judge, upon 2758
motion of an attorney for the prosecution, child victim, or 2759
child victim's attorney, shall order that the testimony of the 2760
child victim be taken by deposition. The prosecution, child 2761
victim, or child victim's attorney also may request that the 2762
deposition be ~~videotaped~~ recorded in accordance with division 2763
(A) (3) of this section. 2764

(b) In any proceeding that is not otherwise eligible for 2765
the protections provided for in division (A) (2) (a) of this 2766
section, and in which an alleged victim of the violation was a 2767
child who was less than eighteen years of age when the 2768
complaint, indictment, or information was filed, whichever 2769
occurred earlier, upon motion of the child victim, the child 2770
victim's attorney, if applicable, or an attorney for the 2771
prosecution, and upon a showing by a preponderance of the 2772
evidence that the child will suffer serious emotional trauma if 2773
required to provide live trial testimony, the juvenile judge 2774
shall order that the testimony of the child victim be taken by 2775

deposition. The prosecution may also request that the deposition 2776
be recorded in accordance with division (A) (3) of this section. 2777

(c) The judge shall notify the child victim whose 2778
deposition is to be taken, the victim's attorney, if applicable, 2779
the prosecution, and the attorney for the child who is charged 2780
with the violation or act of the date, time, and place for 2781
taking the deposition. The notice shall identify the child 2782
victim who is to be examined and shall indicate whether a 2783
request that the deposition be ~~videotaped~~ recorded has been 2784
made. The child who is charged with the violation or act shall 2785
have the right to attend the deposition and the right to be 2786
represented by counsel. Depositions shall be taken in the manner 2787
provided in civil cases, except that the judge in the proceeding 2788
shall preside at the taking of the deposition and shall rule at 2789
that time on any objections of the prosecution or the attorney 2790
for the child charged with the violation or act. The prosecution 2791
and the attorney for the child charged with the violation or act 2792
shall have the right, as at an adjudication hearing, to full 2793
examination and cross-examination of the child victim whose 2794
deposition is to be taken. If a deposition taken under this 2795
division is intended to be offered as evidence in the 2796
proceeding, it shall be filed in the juvenile court in which the 2797
action is pending and is admissible in the manner described in 2798
division (B) of this section. If a deposition of a child victim 2799
taken under this division is admitted as evidence at the 2800
proceeding under division (B) of this section, the child victim 2801
shall not be required to testify in person at the proceeding. 2802
However, at any time before the conclusion of the proceeding, 2803
the attorney for the child charged with the violation or act may 2804
file a motion with the judge requesting that another deposition 2805
of the child victim be taken because new evidence material to 2806

the defense of the child charged has been discovered that the 2807
attorney for the child charged could not with reasonable 2808
diligence have discovered prior to the taking of the admitted 2809
deposition. Any motion requesting another deposition shall be 2810
accompanied by supporting affidavits. Upon the filing of the 2811
motion and affidavits, the court may order that additional 2812
testimony of the child victim relative to the new evidence be 2813
taken by another deposition. If the court orders the taking of 2814
another deposition under this provision, the deposition shall be 2815
taken in accordance with this division; if the admitted 2816
deposition was a ~~videotaped~~ recorded deposition taken in 2817
accordance with division (A) (3) of this section, the new 2818
deposition also shall be ~~videotaped~~ recorded in accordance with 2819
that division, and, in other cases, the new deposition may be 2820
~~videotaped~~ recorded in accordance with that division. 2821

(3) If the prosecution requests that a deposition to be 2822
taken under division (A) (2) of this section be ~~videotaped~~ 2823
recorded, the juvenile judge shall order that the deposition be 2824
~~videotaped~~ recorded in accordance with this division. If a 2825
juvenile judge issues an order to ~~video tape~~ record the 2826
deposition, the judge shall exclude from the room in which the 2827
deposition is to be taken every person except the child victim 2828
giving the testimony ; the judge ; one or more interpreters if 2829
needed ; the attorneys for the prosecution; the child victim's 2830
attorney, if applicable ~~and~~ ; the attorney for the child who is 2831
charged with the violation or act ; any person needed to operate 2832
the equipment to be used ; one person, who is not a witness, 2833
chosen by the child victim giving the deposition ; the victim's 2834
representative; and any person whose presence the judge 2835
determines would contribute to the welfare and well-being of the 2836
child victim giving the deposition. The person chosen by the 2837

child victim ~~shall not be a witness in the proceeding and,~~ both 2838
before and during the deposition, shall not discuss the 2839
testimony of the child victim with any other witness in the 2840
proceeding. To the extent feasible, any person operating the 2841
recording equipment shall be restricted to a room adjacent to 2842
the room in which the deposition is being taken, or to a 2843
location in the room in which the deposition is being taken that 2844
is behind a screen or mirror so that the person operating the 2845
recording equipment can see and hear, but cannot be seen or 2846
heard by, the child victim giving the deposition during the 2847
deposition. The child who is charged with the violation or act 2848
shall be permitted to observe and hear the testimony of the 2849
child victim giving the deposition on a monitor, shall be 2850
provided with an electronic means of immediate communication 2851
with the attorney of the child who is charged with the violation 2852
or act during the testimony, and shall be restricted to a 2853
location from which the child who is charged with the violation 2854
or act cannot be seen or heard by the child victim giving the 2855
deposition, except on a monitor provided for that purpose. The 2856
child victim giving the deposition shall be provided with a 2857
monitor on which the child victim can observe, while giving 2858
testimony, the child who is charged with the violation or act. 2859
The judge, at the judge's discretion, may preside at the 2860
deposition by electronic means from outside the room in which 2861
the deposition is to be taken; if the judge presides by 2862
electronic means, the judge shall be provided with monitors on 2863
which the judge can see each person in the room in which the 2864
deposition is to be taken and with an electronic means of 2865
communication with each person in that room, and each person in 2866
the room shall be provided with a monitor on which that person 2867
can see the judge and with an electronic means of communication 2868
with the judge. A deposition that is ~~videotaped~~ recorded under 2869

this division shall be taken and filed in the manner described 2870
in division (A) (2) of this section and is admissible in the 2871
manner described in this division and division (B) of this 2872
section, and, if a deposition that is ~~videotaped~~ recorded under 2873
this division is admitted as evidence at the proceeding, the 2874
child victim shall not be required to testify in person at the 2875
proceeding. No deposition ~~videotaped~~ recorded under this 2876
division shall be admitted as evidence at any proceeding unless 2877
division (B) of this section is satisfied relative to the 2878
deposition and all of the following apply relative to the 2879
recording: 2880

(a) The recording is both aural and visual and is recorded 2881
on film or videotape, or by other electronic means. 2882

(b) The recording is authenticated under the Rules of 2883
Evidence and the Rules of Criminal Procedure as a fair and 2884
accurate representation of what occurred, and the recording is 2885
not altered other than at the direction and under the 2886
supervision of the judge in the proceeding. 2887

(c) Each voice on the recording that is material to the 2888
testimony on the recording or the making of the recording, as 2889
determined by the judge, is identified. 2890

(d) Both the prosecution and the child who is charged with 2891
the violation or act are afforded an opportunity to view the 2892
recording before it is shown in the proceeding. 2893

(B) (1) At any proceeding in relation to which a deposition 2894
was taken under division (A) of this section, the deposition or 2895
a part of it is admissible in evidence upon motion of the 2896
prosecution if the testimony in the deposition or the part to be 2897
admitted is not excluded by the hearsay rule and if the 2898

deposition or the part to be admitted otherwise is admissible 2899
under the Rules of Evidence. For purposes of this division, 2900
testimony is not excluded by the hearsay rule if the testimony 2901
is not hearsay under Evidence Rule 801; if the testimony is 2902
within an exception to the hearsay rule set forth in Evidence 2903
Rule 803; if the child victim who gave the testimony is 2904
unavailable as a witness, as defined in Evidence Rule 804, and 2905
the testimony is admissible under that rule; or if both of the 2906
following apply: 2907

(a) The child who is charged with the violation or act had 2908
an opportunity and similar motive at the time of the taking of 2909
the deposition to develop the testimony by direct, cross, or 2910
redirect examination. 2911

(b) The judge determines that there is reasonable cause to 2912
believe that, if the child victim who gave the testimony in the 2913
deposition were to testify in person at the proceeding, the 2914
child victim would experience serious emotional trauma as a 2915
result of the child victim's participation at the proceeding. 2916

(2) Objections to receiving in evidence a deposition or a 2917
part of it under division (B) of this section shall be made as 2918
provided in civil actions. 2919

(3) The provisions of divisions (A) and (B) of this 2920
section are in addition to any other provisions of the Revised 2921
Code, the Rules of Juvenile Procedure, the Rules of Criminal 2922
Procedure, or the Rules of Evidence that pertain to the taking 2923
or admission of depositions in a juvenile court proceeding and 2924
do not limit the admissibility under any of those other 2925
provisions of any deposition taken under division (A) of this 2926
section or otherwise taken. 2927

(C) In any proceeding in juvenile court involving a 2928
complaint, indictment, or information in which a child is 2929
charged with a violation listed in division (A)(2) of this 2930
section or an act that would be an offense of violence if 2931
committed by an adult and in which an alleged victim of the 2932
violation or offense was a child who was less than thirteen 2933
years of age when the complaint or information was filed or 2934
indictment was returned, the prosecution, the child victim, or 2935
the child victim's attorney, if applicable, may file a motion 2936
with the juvenile judge requesting the judge to order the 2937
testimony of the child victim to be taken in a room other than 2938
the room in which the proceeding is being conducted and be 2939
televised, by closed circuit equipment, into the room in which 2940
the proceeding is being conducted to be viewed by the child who 2941
is charged with the violation or act and any other persons who 2942
are not permitted in the room in which the testimony is to be 2943
taken but who would have been present during the testimony of 2944
the child victim had it been given in the room in which the 2945
proceeding is being conducted. Except for good cause shown, the 2946
prosecution, the child victim, or the child victim's attorney, 2947
if applicable, shall file a motion under this division at least 2948
seven days before the date of the proceeding. The juvenile judge 2949
may issue the order upon the motion of the prosecution, the 2950
child victim, or the child victim's attorney, if applicable, 2951
filed under this division, if the judge determines that the 2952
child victim is unavailable to testify in the room in which the 2953
proceeding is being conducted in the physical presence of the 2954
child charged with the violation or act, due to one or more of 2955
the reasons set forth in division (E) of this section. If a 2956
juvenile judge issues an order of that nature, the judge shall 2957
exclude from the room in which the testimony is to be taken 2958
every person except a person described in division (A)(3) of 2959

this section. The judge, at the judge's discretion, may preside 2960
during the giving of the testimony by electronic means from 2961
outside the room in which it is being given, subject to the 2962
limitations set forth in division (A) (3) of this section. To the 2963
extent feasible, any person operating the televising equipment 2964
shall be hidden from the sight and hearing of the child victim 2965
giving the testimony, in a manner similar to that described in 2966
division (A) (3) of this section. The child who is charged with 2967
the violation or act shall be permitted to observe and hear the 2968
testimony of the child victim giving the testimony on a monitor, 2969
shall be provided with an electronic means of immediate 2970
communication with the attorney of the child who is charged with 2971
the violation or act during the testimony, and shall be 2972
restricted to a location from which the child who is charged 2973
with the violation or act cannot be seen or heard by the child 2974
victim giving the testimony, except on a monitor provided for 2975
that purpose. The child victim giving the testimony shall be 2976
provided with a monitor on which the child victim can observe, 2977
while giving testimony, the child who is charged with the 2978
violation or act. 2979

(D) In any proceeding in juvenile court involving a 2980
complaint, indictment, or information in which a child is 2981
charged with a violation listed in division (A) (2) of this 2982
section or an act that would be an offense of violence if 2983
committed by an adult and in which an alleged victim of the 2984
violation or offense was a child who was less than thirteen 2985
years of age when the complaint or information was filed or the 2986
indictment was returned, the prosecution, the child victim, or 2987
the child victim's attorney, if applicable, may file a motion 2988
with the juvenile judge requesting the judge to order the 2989
testimony of the child victim to be taken outside of the room in 2990

which the proceeding is being conducted and be recorded for 2991
showing in the room in which the proceeding is being conducted 2992
before the judge, the child who is charged with the violation or 2993
act, and any other persons who would have been present during 2994
the testimony of the child victim had it been given in the room 2995
in which the proceeding is being conducted. Except for good 2996
cause shown, the prosecution, the child victim, or the child 2997
victim's attorney, if applicable, shall file a motion under this 2998
division at least seven days before the date of the proceeding. 2999
The juvenile judge may issue the order upon the motion of the 3000
prosecution, the child victim, or the child victim's attorney, 3001
if applicable, filed under this division, if the judge 3002
determines that the child victim is unavailable to testify in 3003
the room in which the proceeding is being conducted in the 3004
physical presence of the child charged with the violation or 3005
act, due to one or more of the reasons set forth in division (E) 3006
of this section. If a juvenile judge issues an order of that 3007
nature, the judge shall exclude from the room in which the 3008
testimony is to be taken every person except a person described 3009
in division (A) (3) of this section. To the extent feasible, any 3010
person operating the recording equipment shall be hidden from 3011
the sight and hearing of the child victim giving the testimony, 3012
in a manner similar to that described in division (A) (3) of this 3013
section. The child who is charged with the violation or act 3014
shall be permitted to observe and hear the testimony of the 3015
child victim giving the testimony on a monitor, shall be 3016
provided with an electronic means of immediate communication 3017
with the attorney of the child who is charged with the violation 3018
or act during the testimony, and shall be restricted to a 3019
location from which the child who is charged with the violation 3020
or act cannot be seen or heard by the child victim giving the 3021
testimony, except on a monitor provided for that purpose. The 3022

child victim giving the testimony shall be provided with a 3023
monitor on which the child victim can observe, while giving 3024
testimony, the child who is charged with the violation or act. 3025
No order for the taking of testimony by recording shall be 3026
issued under this division unless the provisions set forth in 3027
divisions (A) (3) (a), (b), (c), and (d) of this section apply to 3028
the recording of the testimony. 3029

(E) For purposes of divisions (C) and (D) of this section, 3030
a juvenile judge may order the testimony of a child victim to be 3031
taken outside of the room in which a proceeding is being 3032
conducted if the judge determines that the child victim is 3033
unavailable to testify in the room in the physical presence of 3034
the child charged with the violation or act due to one or more 3035
of the following circumstances: 3036

(1) The persistent refusal of the child victim to testify 3037
despite judicial requests to do so; 3038

(2) The inability of the child victim to communicate about 3039
the alleged violation or offense because of extreme fear, 3040
failure of memory, or another similar reason; 3041

(3) The substantial likelihood that the child victim will 3042
suffer serious emotional trauma from so testifying. 3043

(F) (1) If a juvenile judge issues an order pursuant to 3044
division (C) or (D) of this section that requires the testimony 3045
of a child victim in a juvenile court proceeding to be taken 3046
outside of the room in which the proceeding is being conducted, 3047
the order shall specifically identify the child victim, in a 3048
manner consistent with section 2930.07 of the Revised Code, to 3049
whose testimony it applies, the order applies only during the 3050
testimony of the specified child victim, and the child victim 3051

giving the testimony shall not be required to testify at the 3052
proceeding other than in accordance with the order. The 3053
authority of a judge to close the taking of a deposition under 3054
division (A) (3) of this section or a proceeding under division 3055
(C) or (D) of this section is in addition to the authority of a 3056
judge to close a hearing pursuant to section 2151.35 of the 3057
Revised Code. 3058

(2) A juvenile judge who makes any determination regarding 3059
the admissibility of a deposition under divisions (A) and (B) of 3060
this section, the ~~videotaping~~ recording of a deposition under 3061
division (A) (3) of this section, or the taking of testimony 3062
outside of the room in which a proceeding is being conducted 3063
under division (C) or (D) of this section, shall enter the 3064
determination and findings on the record in the proceeding. 3065

Sec. 2152.811. (A) As used in this section: 3066

(1) "Developmental disability" has the same meaning as in 3067
section 5123.01 of the Revised Code. 3068

(2) "Victim with a developmental disability" includes any 3069
of the following persons: 3070

(a) A person with a developmental disability who was a 3071
victim of a violation identified in division (B) (1) of this 3072
section or an act that would be an offense of violence if 3073
committed by an adult; 3074

(b) A person with a developmental disability against whom 3075
was directed any conduct that constitutes, or that is an element 3076
of, a violation identified in division (B) (1) of this section or 3077
an act that would be an offense of violence if committed by an 3078
adult. 3079

~~(B) (1)~~ (B) (1) (a) In any proceeding in juvenile court 3080

involving a complaint, indictment, or information in which a 3081
child is charged with a violation of section 2903.16, 2903.34, 3082
2903.341, 2907.02, 2907.03, 2907.05, 2907.21, 2907.23, 2907.24, 3083
2907.32, 2907.321, 2907.322, or 2907.323 of the Revised Code or 3084
an act that would be an offense of violence if committed by an 3085
adult and in which an alleged victim of the violation or act was 3086
a person with a developmental disability, the juvenile judge, 3087
upon motion of the prosecution, victim, or victim's attorney, if 3088
applicable, shall order that the testimony of the victim with a 3089
developmental disability be taken by deposition. The 3090
~~prosecution~~ prosecution, victim, or victim's attorney, if 3091
applicable, also may request that the deposition be ~~videotaped-~~ 3092
recorded in accordance with division (B)(2) of this section. 3093

(b) In any proceeding that is not otherwise eligible for 3094
the protections provided for in division (B)(1)(a) of this 3095
section and in which an alleged victim of the violation or act 3096
was a person with a developmental disability, upon motion of the 3097
prosecution, the victim, or the victim's attorney, if 3098
applicable, and a showing by a preponderance of the evidence 3099
that the victim will suffer serious emotional trauma if required 3100
to provide live trial testimony, the juvenile judge shall order 3101
that the testimony of the victim with a developmental disability 3102
be taken by deposition. The prosecution, the victim, or the 3103
victim's attorney, if applicable, also may request that the 3104
deposition be recorded in accordance with division (B)(2) of 3105
this section. 3106

(c) The judge shall notify the victim with a developmental 3107
disability whose deposition is to be taken, the prosecution, the 3108
victim's attorney, if applicable, and the attorney for the child 3109
who is charged with the violation or act of the date, time, and 3110
place for taking the deposition. The notice shall identify the 3111

victim with a developmental disability, in a manner consistent 3112
with section 2930.07 of the Revised Code, who is to be examined 3113
and shall indicate whether a request that the deposition be 3114
~~videotaped~~ recorded has been made. The child who is charged with 3115
the violation or act shall have the right to attend the 3116
deposition and the right to be represented by counsel. 3117
Depositions shall be taken in the manner provided in civil 3118
cases, except that the judge in the proceeding shall preside at 3119
the taking of the deposition and shall rule at that time on any 3120
objections of the prosecution or the attorney for the child 3121
charged with the violation or act. The prosecution and the 3122
attorney for the child charged with the violation or act shall 3123
have the right, as at an adjudication hearing, to full 3124
examination and cross-examination of the victim with a 3125
developmental disability whose deposition is to be taken. 3126

If a deposition taken under this division is intended to 3127
be offered as evidence in the proceeding, it shall be filed in 3128
the juvenile court in which the action is pending and is 3129
admissible in the manner described in division (C) of this 3130
section. If a deposition of a victim with a developmental 3131
disability taken under this division is admitted as evidence at 3132
the proceeding under division (C) of this section, the victim 3133
with a developmental disability shall not be required to testify 3134
in person at the proceeding. 3135

At any time before the conclusion of the proceeding, the 3136
attorney for the child charged with the violation or act may 3137
file a motion with the judge requesting that another deposition 3138
of the victim with a developmental disability be taken because 3139
new evidence material to the defense of the child charged has 3140
been discovered that the attorney for the child charged could 3141
not with reasonable diligence have discovered prior to the 3142

taking of the admitted deposition. Any motion requesting another 3143
deposition shall be accompanied by supporting affidavits. Upon 3144
the filing of the motion and affidavits, the court may order 3145
that additional testimony of the victim with a developmental 3146
disability relative to the new evidence be taken by another 3147
deposition. If the court orders the taking of another deposition 3148
under this provision, the deposition shall be taken in 3149
accordance with this division. If the admitted deposition was a 3150
~~videotaped~~ recorded deposition taken in accordance with division 3151
(B) (2) of this section, the new deposition also shall be 3152
~~videotaped~~ recorded in accordance with that division. In other 3153
cases, the new deposition may be ~~videotaped~~ recorded in 3154
accordance with that division. 3155

(2) If the ~~prosecution requests~~ prosecution, victim, or 3156
victim's attorney, if applicable, requests that a deposition to 3157
be taken under division (B) (1) of this section be ~~videotaped~~ 3158
recorded, the juvenile judge shall order that the deposition be 3159
~~videotaped~~ recorded in accordance with this division. If a 3160
juvenile judge issues an order to ~~video tape record~~ the 3161
deposition, the judge shall exclude from the room in which the 3162
deposition is to be taken every person except the victim with a 3163
developmental disability giving the testimony, the judge, one or 3164
more interpreters if needed, the attorneys for the prosecution 3165
and the child who is charged with the violation or act, the 3166
victim's attorney, if applicable, any person needed to operate 3167
the equipment to be used, one person chosen by the victim with a 3168
developmental disability giving the deposition, the victim's 3169
representative, if applicable, and any person whose presence the 3170
judge determines would contribute to the welfare and well-being 3171
of the victim with a developmental disability giving the 3172
deposition. The person chosen by the victim with a developmental 3173

disability shall not be a witness in the proceeding and, both 3174
before and during the deposition, shall not discuss the 3175
testimony of the victim with any other witness in the 3176
proceeding. To the extent feasible, any person operating the 3177
recording equipment shall be restricted to a room adjacent to 3178
the room in which the deposition is being taken, or to a 3179
location in the room in which the deposition is being taken that 3180
is behind a screen or mirror so that the person operating the 3181
recording equipment can see and hear, but cannot be seen or 3182
heard by, the victim with a developmental disability giving the 3183
deposition during the deposition. 3184

The child who is charged with the violation or act shall 3185
be permitted to observe and hear the testimony of the victim 3186
with a developmental disability giving the deposition on a 3187
monitor, shall be provided with an electronic means of immediate 3188
communication with the attorney of the child who is charged with 3189
the violation or act during the testimony, and shall be 3190
restricted to a location from which the child who is charged 3191
with the violation or act cannot be seen or heard by the victim 3192
with a developmental disability giving the deposition, except on 3193
a monitor provided for that purpose. The victim with a 3194
developmental disability giving the deposition shall be provided 3195
with a monitor on which the victim with a developmental 3196
disability can observe, while giving testimony, the child who is 3197
charged with the violation or act. The judge, at the judge's 3198
discretion, may preside at the deposition by electronic means 3199
from outside the room in which the deposition is to be taken; if 3200
the judge presides by electronic means, the judge shall be 3201
provided with monitors on which the judge can see each person in 3202
the room in which the deposition is to be taken and with an 3203
electronic means of communication with each person in that room, 3204

and each person in the room shall be provided with a monitor on 3205
which that person can see the judge and with an electronic means 3206
of communication with the judge. A deposition that is ~~videotaped-~~ 3207
recorded under this division shall be taken and filed in the 3208
manner described in division (B) (1) of this section and is 3209
admissible in the manner described in this division and division 3210
(C) of this section. If a deposition that is ~~videotaped-recorded~~ 3211
under this division is admitted as evidence at the proceeding, 3212
the victim with a developmental disability shall not be required 3213
to testify in person at the proceeding. No deposition ~~videotaped-~~ 3214
recorded under this division shall be admitted as evidence at 3215
any proceeding unless division (C) of this section is satisfied 3216
relative to the deposition and all of the following apply 3217
relative to the recording: 3218

(a) The recording is both aural and visual and is recorded 3219
on film or videotape, or by other electronic means. 3220

(b) The recording is authenticated under the Rules of 3221
Evidence and the Rules of Criminal Procedure as a fair and 3222
accurate representation of what occurred, and the recording is 3223
not altered other than at the direction and under the 3224
supervision of the judge in the proceeding. 3225

(c) Each voice on the recording that is material to the 3226
testimony on the recording or the making of the recording, as 3227
determined by the judge, is identified. 3228

(d) ~~Both the~~ The prosecution, victim, or victim's 3229
attorney, if applicable, and the child who is charged with the 3230
violation or act are afforded an opportunity to view the 3231
recording before it is shown in the proceeding. 3232

(C) (1) At any proceeding in relation to which a deposition 3233

was taken under division (B) of this section, the deposition or 3234
a part of it is admissible in evidence upon motion of the 3235
prosecution if the testimony in the deposition or the part to be 3236
admitted is not excluded by the hearsay rule and if the 3237
deposition or the part to be admitted otherwise is admissible 3238
under the Rules of Evidence. For purposes of this division, 3239
testimony is not excluded by the hearsay rule if the testimony 3240
is not hearsay under Evidence Rule 801; the testimony is within 3241
an exception to the hearsay rule set forth in Evidence Rule 803; 3242
the victim with a developmental disability who gave the 3243
testimony is unavailable as a witness, as defined in Evidence 3244
Rule 804, and the testimony is admissible under that rule; or 3245
both of the following apply: 3246

(a) The child who is charged with the violation or act had 3247
an opportunity and similar motive at the time of the taking of 3248
the deposition to develop the testimony by direct, cross, or 3249
redirect examination. 3250

(b) The judge determines that there is reasonable cause to 3251
believe that, if the victim with a developmental disability who 3252
gave the testimony in the deposition were to testify in person 3253
at the proceeding, the victim with a developmental disability 3254
would experience serious emotional trauma as a result of the 3255
participation of the victim with a developmental disability at 3256
the proceeding. 3257

(2) Objections to receiving in evidence a deposition or a 3258
part of it under division (C) of this section shall be made as 3259
provided in civil actions. 3260

(3) The provisions of divisions (B) and (C) of this 3261
section are in addition to any other provisions of the Revised 3262
Code, the Rules of Juvenile Procedure, the Rules of Criminal 3263

Procedure, or the Rules of Evidence that pertain to the taking 3264
or admission of depositions in a juvenile court proceeding and 3265
do not limit the admissibility under any of those other 3266
provisions of any deposition taken under division (B) of this 3267
section or otherwise taken. 3268

(D) In any proceeding in juvenile court involving a 3269
complaint, indictment, or information in which a child is 3270
charged with a violation listed in division (B)(1) of this 3271
section or an act that would be an offense of violence if 3272
committed by an adult and in which an alleged victim of the 3273
violation or offense was a person with a developmental 3274
disability, the prosecution, victim, or victim's attorney, if 3275
applicable, may file a motion with the juvenile judge requesting 3276
the judge to order the testimony of the victim with a 3277
developmental disability to be taken in a room other than the 3278
room in which the proceeding is being conducted and be 3279
televised, by closed circuit equipment, into the room in which 3280
the proceeding is being conducted to be viewed by the child who 3281
is charged with the violation or act and any other persons who 3282
are not permitted in the room in which the testimony is to be 3283
taken but who would have been present during the testimony of 3284
the victim with a developmental disability had it been given in 3285
the room in which the proceeding is being conducted. Except for 3286
good cause shown, the prosecution, victim, or victim's attorney, 3287
if applicable, shall file a motion under this division at least 3288
seven days before the date of the proceeding. The juvenile judge 3289
may issue the order upon the motion of the prosecution filed 3290
under this division, if the judge determines that the victim 3291
with a developmental disability is unavailable to testify in the 3292
room in which the proceeding is being conducted in the physical 3293
presence of the child charged with the violation or act for one 3294

or more of the reasons set forth in division (F) of this 3295
section. If a juvenile judge issues an order of that nature, the 3296
judge shall exclude from the room in which the testimony is to 3297
be taken every person except a person described in division (B) 3298
(2) of this section. The judge, at the judge's discretion, may 3299
preside during the giving of the testimony by electronic means 3300
from outside the room in which it is being given, subject to the 3301
limitations set forth in division (B)(2) of this section. To the 3302
extent feasible, any person operating the televising equipment 3303
shall be hidden from the sight and hearing of the victim with a 3304
developmental disability giving the testimony, in a manner 3305
similar to that described in division (B)(2) of this section. 3306
The child who is charged with the violation or act shall be 3307
permitted to observe and hear the testimony of the victim with a 3308
developmental disability giving the testimony on a monitor, 3309
shall be provided with an electronic means of immediate 3310
communication with the attorney of the child who is charged with 3311
the violation or act during the testimony, and shall be 3312
restricted to a location from which the child who is charged 3313
with the violation or act cannot be seen or heard by the victim 3314
with a developmental disability giving the testimony, except on 3315
a monitor provided for that purpose. The victim with a 3316
developmental disability giving the testimony shall be provided 3317
with a monitor on which the victim with a developmental 3318
disability can observe, while giving testimony, the child who is 3319
charged with the violation or act. 3320

(E) In any proceeding in juvenile court involving a 3321
complaint, indictment, or information in which a child is 3322
charged with a violation listed in division (B)(1) of this 3323
section or an act that would be an offense of violence if 3324
committed by an adult and in which an alleged victim of the 3325

violation or offense was a person with a developmental 3326
disability, the prosecution, victim, or victim's attorney, if 3327
applicable, may file a motion with the juvenile judge requesting 3328
the judge to order the testimony of the victim with a 3329
developmental disability to be taken outside of the room in 3330
which the proceeding is being conducted and be recorded for 3331
showing in the room in which the proceeding is being conducted 3332
before the judge, the child who is charged with the violation or 3333
act, and any other persons who would have been present during 3334
the testimony of the victim with a developmental disability had 3335
it been given in the room in which the proceeding is being 3336
conducted. Except for good cause shown, the prosecution, victim, 3337
or victim's attorney, if applicable, shall file a motion under 3338
this division at least seven days before the date of the 3339
proceeding. The juvenile judge may issue the order upon the 3340
motion of the prosecution, victim, or victim's attorney, if 3341
applicable, filed under this division, if the judge determines 3342
that the victim with a developmental disability is unavailable 3343
to testify in the room in which the proceeding is being 3344
conducted in the physical presence of the child charged with the 3345
violation or act, due to one or more of the reasons set forth in 3346
division (F) of this section. If a juvenile judge issues an 3347
order of that nature, the judge shall exclude from the room in 3348
which the testimony is to be taken every person except a person 3349
described in division (B) (2) of this section. To the extent 3350
feasible, any person operating the recording equipment shall be 3351
hidden from the sight and hearing of the victim with a 3352
developmental disability giving the testimony, in a manner 3353
similar to that described in division (B) (2) of this section. 3354
The child who is charged with the violation or act shall be 3355
permitted to observe and hear the testimony of the victim with a 3356
developmental disability giving the testimony on a monitor, 3357

shall be provided with an electronic means of immediate 3358
communication with the attorney of the child who is charged with 3359
the violation or act during the testimony, and shall be 3360
restricted to a location from which the child who is charged 3361
with the violation or act cannot be seen or heard by the victim 3362
with a developmental disability giving the testimony, except on 3363
a monitor provided for that purpose. The victim with a 3364
developmental disability giving the testimony shall be provided 3365
with a monitor on which the victim with a developmental 3366
disability can observe, while giving testimony, the child who is 3367
charged with the violation or act. No order for the taking of 3368
testimony by recording shall be issued under this division 3369
unless the provisions set forth in divisions (B) (2) (a), (b), 3370
(c), and (d) of this section apply to the recording of the 3371
testimony. 3372

(F) For purposes of divisions (D) and (E) of this section, 3373
a juvenile judge may order the testimony of a victim with a 3374
developmental disability to be taken outside of the room in 3375
which a proceeding is being conducted if the judge determines 3376
that the victim with a developmental disability is unavailable 3377
to testify in the room in the physical presence of the child 3378
charged with the violation or act due to one or more of the 3379
following circumstances: 3380

(1) The persistent refusal of the victim with a 3381
developmental disability to testify despite judicial requests to 3382
do so; 3383

(2) The inability of the victim with a developmental 3384
disability to communicate about the alleged violation or offense 3385
because of extreme fear, failure of memory, or another similar 3386
reason; 3387

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

(G) (1) If a juvenile judge issues an order pursuant to division (D) or (E) of this section that requires the testimony of a victim with a developmental disability in a juvenile court proceeding to be taken outside of the room in which the proceeding is being conducted, the order shall specifically identify the victim with a developmental disability, in a manner consistent with section 2930.07 of the Revised Code, to whose testimony it applies, the order applies only during the testimony of the specified victim with a developmental disability, and the victim with a developmental disability giving the testimony shall not be required to testify at the proceeding other than in accordance with the order. The authority of a judge to close the taking of a deposition under division (B) (2) of this section or a proceeding under division (D) or (E) of this section is in addition to the authority of a judge to close a hearing pursuant to section 2151.35 of the Revised Code.

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

Sec. 2335.35. (A) All moneys, fees, costs, debts, and damages, remaining in the hands of the clerk of the court of common pleas or probate judge, and all unclaimed moneys, other

than costs, remaining in the hands of the sheriff from the 3418
expiration of thirty days from the ending of the time of 3419
advertisement as provided by section 2335.34 of the Revised 3420
Code, shall be paid by such officer or ~~his~~such officer's 3421
successor to the county treasurer, on the order of the county 3422
auditor, except for unclaimed moneys that are for restitution 3423
payments for crime victims. Each such officer shall indicate 3424
each item in ~~his~~the officer's cashbook and docket the 3425
disposition made thereof. Upon ceasing to be such officer, each 3426
clerk, probate judge, and sheriff shall immediately pay to 3427
~~his~~the clerk's, probate judge's, or sheriff's successor all 3428
money ~~in his hands~~on hand as such officer. 3429

(B) All the moneys remaining unclaimed that are for 3430
restitution payments for crime victims shall be sent to the 3431
reparations fund created under section 2743.191 of the Revised 3432
Code, with a list from the clerk or other officer responsible 3433
for the collection and distribution of restitution payments 3434
specifying the amounts and individual identifying information of 3435
the funds. 3436

Sec. 2743.191. (A) (1) There is hereby created in the state 3437
treasury the reparations fund, which shall be used only for the 3438
following purposes: 3439

(a) The payment of awards of reparations that are granted 3440
by the attorney general; 3441

(b) The compensation of any personnel needed by the 3442
attorney general to administer sections 2743.51 to 2743.72 of 3443
the Revised Code; 3444

(c) The compensation of witnesses as provided in division 3445
(J) of section 2743.65 of the Revised Code; 3446

(d) Other administrative costs of hearing and determining	3447
claims for an award of reparations by the attorney general;	3448
(e) The costs of administering sections 2907.28 and	3449
2969.01 to 2969.06 of the Revised Code;	3450
(f) The costs of investigation and decision-making as	3451
certified by the attorney general;	3452
(g) The provision of state financial assistance to victim	3453
assistance programs in accordance with sections 109.91 and	3454
109.92 of the Revised Code;	3455
(h) The costs of paying the expenses of sex offense-	3456
related examinations, antibiotics, and HIV post-exposure	3457
prophylaxis pursuant to section 2907.28 of the Revised Code;	3458
(i) The cost of printing and distributing the pamphlet	3459
prepared by the attorney general pursuant to section 109.42 of	3460
the Revised Code;	3461
(j) Subject to division (D) of section 2743.71 of the	3462
Revised Code, the costs associated with the printing and	3463
providing of information cards or other printed materials to law	3464
enforcement agencies and prosecuting authorities and with	3465
publicizing the availability of awards of reparations pursuant	3466
to section 2743.71 of the Revised Code;	3467
(k) The payment of costs of administering a DNA specimen	3468
collection procedure pursuant to sections 2152.74 and 2901.07 of	3469
the Revised Code, of performing DNA analysis of those DNA	3470
specimens, and of entering the resulting DNA records regarding	3471
those analyses into the DNA database pursuant to section 109.573	3472
of the Revised Code;	3473
(l) The payment of actual costs associated with	3474

initiatives by the attorney general for the apprehension, 3475
prosecution, and accountability of offenders, and the enhancing 3476
of services to crime victims. The amount of payments made 3477
pursuant to division (A) (1) (1) of this section during any given 3478
fiscal year shall not exceed five per cent of the balance of the 3479
reparations fund at the close of the immediately previous fiscal 3480
year; 3481

(m) The costs of administering the adult parole 3482
authority's supervision pursuant to division (E) of section 3483
2971.05 of the Revised Code of sexually violent predators who 3484
are sentenced to a prison term pursuant to division (A) (3) of 3485
section 2971.03 of the Revised Code and of offenders who are 3486
sentenced to a prison term pursuant to division (B) (1) (a), (b), 3487
or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) 3488
of that section; 3489

(n) Subject to the limit set forth in those sections, the 3490
costs of the installation and monitoring of an electronic 3491
monitoring device used in the monitoring of a respondent 3492
pursuant to an electronic monitoring order issued by a court 3493
under division (E) (1) (b) of section 2151.34 or division (E) (1) 3494
(b) of section 2903.214 of the Revised Code if the court 3495
determines that the respondent is indigent or used in the 3496
monitoring of an offender pursuant to an electronic monitoring 3497
order issued under division (B) (5) of section 2919.27 of the 3498
Revised Code if the court determines that the offender is 3499
indigent. 3500

(2) All costs paid pursuant to section 2743.70 of the 3501
Revised Code, the portions of license reinstatement fees 3502
mandated by division (F) (2) (b) of section 4511.191 of the 3503
Revised Code to be credited to the fund, the portions of the 3504

proceeds of the sale of a forfeited vehicle specified in 3505
division (C) (2) of section 4503.234 of the Revised Code, 3506
payments collected by the department of rehabilitation and 3507
correction from prisoners who voluntarily participate in an 3508
approved work and training program pursuant to division (C) (8) 3509
(b) (ii) of section 5145.16 of the Revised Code, and all moneys 3510
collected by the state pursuant to its right of subrogation 3511
provided in section 2743.72 of the Revised Code shall be 3512
deposited in the fund. 3513

(B) In making an award of reparations, the attorney 3514
general shall render the award against the state. The award 3515
shall be accomplished only through the following procedure, and 3516
the following procedure may be enforced by writ of mandamus 3517
directed to the appropriate official: 3518

(1) The attorney general shall provide for payment of the 3519
claimant or providers in the amount of the award only if the 3520
amount of the award is fifty dollars or more. 3521

(2) The expense shall be charged against all available 3522
unencumbered moneys in the fund. 3523

(3) If sufficient unencumbered moneys do not exist in the 3524
fund, the attorney general shall make application for payment of 3525
the award out of the emergency purposes account or any other 3526
appropriation for emergencies or contingencies, and payment out 3527
of this account or other appropriation shall be authorized if 3528
there are sufficient moneys greater than the sum total of then 3529
pending emergency purposes account requests or requests for 3530
releases from the other appropriations. 3531

(4) If sufficient moneys do not exist in the account or 3532
any other appropriation for emergencies or contingencies to pay 3533

the award, the attorney general shall request the general 3534
assembly to make an appropriation sufficient to pay the award, 3535
and no payment shall be made until the appropriation has been 3536
made. The attorney general shall make this appropriation request 3537
during the current biennium and during each succeeding biennium 3538
until a sufficient appropriation is made. If, prior to the time 3539
that an appropriation is made by the general assembly pursuant 3540
to this division, the fund has sufficient unencumbered funds to 3541
pay the award or part of the award, the available funds shall be 3542
used to pay the award or part of the award, and the 3543
appropriation request shall be amended to request only 3544
sufficient funds to pay that part of the award that is unpaid. 3545

(C) The attorney general shall not make payment on a 3546
decision or order granting an award until all appeals have been 3547
determined and all rights to appeal exhausted, except as 3548
otherwise provided in this section. If any party to a claim for 3549
an award of reparations appeals from only a portion of an award, 3550
and a remaining portion provides for the payment of money by the 3551
state, that part of the award calling for the payment of money 3552
by the state and not a subject of the appeal shall be processed 3553
for payment as described in this section. 3554

(D) If any unclaimed moneys that are in the reparations 3555
fund are not claimed within a period of five years, the attorney 3556
general shall use those moneys for the benefit of other victims 3557
of crime. The attorney general shall pay any part of the 3558
restitution award owed to a victim at any time to the person who 3559
has the right to the moneys upon proper certification from the 3560
clerk or other officer responsible for the collection and 3561
distribution of restitution payments and documentation from the 3562
individual claiming such right. 3563

(E) The attorney general shall prepare itemized bills for 3564
the costs of printing and distributing the pamphlet the attorney 3565
general prepares pursuant to section 109.42 of the Revised Code. 3566
The itemized bills shall set forth the name and address of the 3567
persons owed the amounts set forth in them. 3568

~~(E)~~ (F) Interest earned on the moneys in the fund shall be 3569
credited to the fund. 3570

~~(F)~~ (G) As used in this section, "DNA analysis" and "DNA 3571
specimen" have the same meanings as in section 109.573 of the 3572
Revised Code. 3573

Sec. 2743.70. (A) (1) The court, in which any person is 3574
convicted of or pleads guilty to any offense other than a 3575
traffic offense that is not a moving violation, shall impose the 3576
following sum as costs in the case in addition to any other 3577
court costs that the court is required by law to impose upon the 3578
offender: 3579

(a) Thirty dollars, if the offense is a felony; 3580

(b) Nine dollars, if the offense is a misdemeanor. 3581

The court shall not waive the payment of the ~~thirty-~~ 3582
~~thirty-~~ or ~~nine dollars~~ nine-dollar court ~~costs~~ cost, ~~unless the~~ 3583
~~court determines that the offender is indigent and waives the~~ 3584
~~payment of all court costs imposed upon the indigent offender.~~ 3585
All such moneys shall be transmitted on the first business day 3586
of each month by the clerk of the court to the treasurer of 3587
state and deposited by the treasurer in the reparations fund. 3588

(2) The juvenile court in which a child is found to be a 3589
delinquent child or a juvenile traffic offender for an act 3590
which, if committed by an adult, would be an offense other than 3591
a traffic offense that is not a moving violation, shall impose 3592

the following sum as costs in the case in addition to any other 3593
court costs that the court is required or permitted by law to 3594
impose upon the delinquent child or juvenile traffic offender: 3595

(a) Thirty dollars, if the act, if committed by an adult, 3596
would be a felony; 3597

(b) Nine dollars, if the act, if committed by an adult, 3598
would be a misdemeanor. 3599

~~The thirty thirty- or nine dollars nine-dollar court 3600
costs cost shall be collected in all cases unless the court 3601
determines the juvenile is indigent and waives the payment of 3602
all court costs, or enters an order on its journal stating that 3603
it has determined that the juvenile is indigent, that no other 3604
court costs are to be taxed in the case, and that the payment of 3605
the thirty or nine dollars court costs is waived. All such 3606
moneys collected during a month shall be transmitted on or 3607
before the twentieth day of the following month by the clerk of 3608
the court to the treasurer of state and deposited by the 3609
treasurer in the reparations fund. 3610~~

(B) Whenever a person is charged with any offense other 3611
than a traffic offense that is not a moving violation and posts 3612
bail pursuant to sections 2937.22 to 2937.46 of the Revised 3613
Code, Criminal Rule 46, or Traffic Rule 4, the court shall add 3614
to the amount of the bail the thirty or nine dollars required to 3615
be paid by division (A) (1) of this section. The thirty or nine 3616
dollars shall be retained by the clerk of the court until the 3617
person is convicted, pleads guilty, forfeits bail, is found not 3618
guilty, or has the charges dismissed. If the person is 3619
convicted, pleads guilty, or forfeits bail, the clerk shall 3620
transmit the thirty or nine dollars to the treasurer of state, 3621
who shall deposit it in the reparations fund. If the person is 3622

found not guilty or the charges are dismissed, the clerk shall 3623
return the thirty or nine dollars to the person. 3624

(C) No person shall be placed or held in jail for failing 3625
to pay the additional ~~thirty thirty-~~ or ~~nine dollars~~ nine-dollar 3626
~~court costs~~ cost or bail ~~that are~~ required to be paid by this 3627
section. 3628

(D) As used in this section: 3629

(1) "Moving violation" means any violation of any statute 3630
or ordinance, other than section 4513.263 of the Revised Code or 3631
an ordinance that is substantially equivalent to that section, 3632
that regulates the operation of vehicles, streetcars, or 3633
trackless trolleys on highways or streets or that regulates size 3634
or load limitations or fitness requirements of vehicles. "Moving 3635
violation" does not include the violation of any statute or 3636
ordinance that regulates pedestrians or the parking of vehicles. 3637

(2) "Bail" means cash, a check, a money order, a credit 3638
card, or any other form of money that is posted by or for an 3639
offender pursuant to sections 2937.22 to 2937.46 of the Revised 3640
Code, Criminal Rule 46, or Traffic Rule 4 to prevent the 3641
offender from being placed or held in a detention facility, as 3642
defined in section 2921.01 of the Revised Code. 3643

Sec. 2907.02. (A) (1) No person shall engage in sexual 3644
conduct with another who is not the spouse of the offender or 3645
who is the spouse of the offender but is living separate and 3646
apart from the offender, when any of the following applies: 3647

(a) For the purpose of preventing resistance, the offender 3648
substantially impairs the other person's judgment or control by 3649
administering any drug, intoxicant, or controlled substance to 3650
the other person surreptitiously or by force, threat of force, 3651

or deception. 3652

(b) The other person is less than thirteen years of age, 3653
whether or not the offender knows the age of the other person. 3654

(c) The other person's ability to resist or consent is 3655
substantially impaired because of a mental or physical condition 3656
or because of advanced age, and the offender knows or has 3657
reasonable cause to believe that the other person's ability to 3658
resist or consent is substantially impaired because of a mental 3659
or physical condition or because of advanced age. 3660

(2) No person shall engage in sexual conduct with another 3661
when the offender purposely compels the other person to submit 3662
by force or threat of force. 3663

(B) Whoever violates this section is guilty of rape, a 3664
felony of the first degree. If the offender under division (A) 3665
(1) (a) of this section substantially impairs the other person's 3666
judgment or control by administering any controlled substance, 3667
as defined in section 3719.01 of the Revised Code, to the other 3668
person surreptitiously or by force, threat of force, or 3669
deception, the prison term imposed upon the offender shall be 3670
one of the definite prison terms prescribed for a felony of the 3671
first degree in division (A) (1) (b) of section 2929.14 of the 3672
Revised Code that is not less than five years, except that if 3673
the violation is committed on or after March 22, 2019, the court 3674
shall impose as the minimum prison term for the offense a 3675
mandatory prison term that is one of the minimum terms 3676
prescribed for a felony of the first degree in division (A) (1) 3677
(a) of section 2929.14 of the Revised Code that is not less than 3678
five years. Except as otherwise provided in this division, 3679
notwithstanding sections 2929.11 to 2929.14 of the Revised Code, 3680
an offender under division (A) (1) (b) of this section shall be 3681

sentenced to a prison term or term of life imprisonment pursuant 3682
to section 2971.03 of the Revised Code. If an offender is 3683
convicted of or pleads guilty to a violation of division (A) (1) 3684
(b) of this section, if the offender was less than sixteen years 3685
of age at the time the offender committed the violation of that 3686
division, and if the offender during or immediately after the 3687
commission of the offense did not cause serious physical harm to 3688
the victim, the victim was ten years of age or older at the time 3689
of the commission of the violation, and the offender has not 3690
previously been convicted of or pleaded guilty to a violation of 3691
this section or a substantially similar existing or former law 3692
of this state, another state, or the United States, the court 3693
shall not sentence the offender to a prison term or term of life 3694
imprisonment pursuant to section 2971.03 of the Revised Code, 3695
and instead the court shall sentence the offender as otherwise 3696
provided in this division. If an offender under division (A) (1) 3697
(b) of this section previously has been convicted of or pleaded 3698
guilty to violating division (A) (1) (b) of this section or to 3699
violating an existing or former law of this state, another 3700
state, or the United States that is substantially similar to 3701
division (A) (1) (b) of this section, if the offender during or 3702
immediately after the commission of the offense caused serious 3703
physical harm to the victim, or if the victim under division (A) 3704
(1) (b) of this section is less than ten years of age, in lieu of 3705
sentencing the offender to a prison term or term of life 3706
imprisonment pursuant to section 2971.03 of the Revised Code, 3707
except as otherwise provided in this division, the court may 3708
impose upon the offender a term of life without parole. If the 3709
court imposes a term of life without parole pursuant to this 3710
division, division (F) of section 2971.03 of the Revised Code 3711
applies, and the offender automatically is classified a tier III 3712
sex offender/child-victim offender, as described in that 3713

division. A court shall not impose a term of life without parole 3714
on an offender for rape if the offender was under eighteen years 3715
of age at the time of the offense. 3716

(C) A victim need not prove physical resistance to the 3717
offender in prosecutions under this section. 3718

(D) Evidence of specific instances of the victim's sexual 3719
activity, opinion evidence of the victim's sexual activity, and 3720
reputation evidence of the victim's sexual activity shall not be 3721
admitted under this section unless it involves evidence of the 3722
origin of semen, pregnancy, or sexually transmitted disease or 3723
infection, or the victim's past sexual activity with the 3724
offender, and only to the extent that the court finds that the 3725
evidence is material to a fact at issue in the case and that its 3726
inflammatory or prejudicial nature does not outweigh its 3727
probative value. 3728

Evidence of specific instances of the defendant's sexual 3729
activity, opinion evidence of the defendant's sexual activity, 3730
and reputation evidence of the defendant's sexual activity shall 3731
not be admitted under this section unless it involves evidence 3732
of the origin of semen, pregnancy, or sexually transmitted 3733
disease or infection, the defendant's past sexual activity with 3734
the victim, or is admissible against the defendant under section 3735
2945.59 of the Revised Code, and only to the extent that the 3736
court finds that the evidence is material to a fact at issue in 3737
the case and that its inflammatory or prejudicial nature does 3738
not outweigh its probative value. 3739

(E) Prior to taking testimony or receiving evidence of any 3740
sexual activity of the victim or the defendant in a proceeding 3741
under this section, the court shall resolve the admissibility of 3742
the proposed evidence in a hearing in chambers, which shall be 3743

held at or before preliminary hearing and not less than three 3744
days before trial, or for good cause shown during the trial. 3745

(F) Upon approval by the court, the victim may be 3746
represented by counsel in any hearing in chambers or other 3747
proceeding to resolve the admissibility of evidence. If the 3748
victim is indigent or otherwise is unable to obtain the services 3749
of counsel, the court, upon request, may appoint counsel to 3750
represent the victim without cost to the victim. 3751

(G) It is not a defense to a charge under division (A) (2) 3752
of this section that the offender and the victim were married or 3753
were cohabiting at the time of the commission of the offense. 3754

Sec. 2907.05. (A) No person shall have sexual contact with 3755
another, not the spouse of the offender; cause another, not the 3756
spouse of the offender, to have sexual contact with the 3757
offender; or cause two or more other persons to have sexual 3758
contact when any of the following applies: 3759

(1) The offender purposely compels the other person, or 3760
one of the other persons, to submit by force or threat of force. 3761

(2) For the purpose of preventing resistance, the offender 3762
substantially impairs the judgment or control of the other 3763
person or of one of the other persons by administering any drug, 3764
intoxicant, or controlled substance to the other person 3765
surreptitiously or by force, threat of force, or deception. 3766

(3) The offender knows that the judgment or control of the 3767
other person or of one of the other persons is substantially 3768
impaired as a result of the influence of any drug or intoxicant 3769
administered to the other person with the other person's consent 3770
for the purpose of any kind of medical or dental examination, 3771
treatment, or surgery. 3772

(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 person is less than twelve years of age, whether or not the offender knows the age of that person, and the touching is done with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

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

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

(2) Gross sexual imposition committed in violation of 3803
division (A) (4) or (B) of this section is a felony of the third 3804
degree. Except as otherwise provided in this division, for gross 3805
sexual imposition committed in violation of division (A) (4) or 3806
(B) of this section there is a presumption that a prison term 3807
shall be imposed for the offense. The court shall impose on an 3808
offender convicted of gross sexual imposition in violation of 3809
division (A) (4) or (B) of this section a mandatory prison term, 3810
as described in division (C) (3) of this section, for a felony of 3811
the third degree if either of the following applies: 3812

(a) Evidence other than the testimony of the victim was 3813
admitted in the case corroborating the violation; 3814

(b) The offender previously was convicted of or pleaded 3815
guilty to a violation of this section, rape, the former offense 3816
of felonious sexual penetration, or sexual battery, and the 3817
victim of the previous offense was less than thirteen years of 3818
age. 3819

(3) A mandatory prison term required under division (C) (2) 3820
of this section shall be a definite term from the range of 3821
prison terms provided in division (A) (3) (a) of section 2929.14 3822
of the Revised Code for a felony of the third degree. 3823

(D) A victim need not prove physical resistance to the 3824
offender in prosecutions under this section. 3825

(E) Evidence of specific instances of the victim's sexual 3826
activity, opinion evidence of the victim's sexual activity, and 3827
reputation evidence of the victim's sexual activity shall not be 3828
admitted under this section unless it involves evidence of the 3829
origin of semen, pregnancy, or sexually transmitted disease or 3830
infection, or the victim's past sexual activity with the 3831

offender, and only to the extent that the court finds that the 3832
evidence is material to a fact at issue in the case and that its 3833
inflammatory or prejudicial nature does not outweigh its 3834
probative value. 3835

Evidence of specific instances of the defendant's sexual 3836
activity, opinion evidence of the defendant's sexual activity, 3837
and reputation evidence of the defendant's sexual activity shall 3838
not be admitted under this section unless it involves evidence 3839
of the origin of semen, pregnancy, or sexually transmitted 3840
disease or infection, the defendant's past sexual activity with 3841
the victim, or is admissible against the defendant under section 3842
2945.59 of the Revised Code, and only to the extent that the 3843
court finds that the evidence is material to a fact at issue in 3844
the case and that its inflammatory or prejudicial nature does 3845
not outweigh its probative value. 3846

(F) Prior to taking testimony or receiving evidence of any 3847
sexual activity of the victim or the defendant in a proceeding 3848
under this section, the court shall resolve the admissibility of 3849
the proposed evidence in a hearing in chambers, which shall be 3850
held at or before preliminary hearing and not less than three 3851
days before trial, or for good cause shown during the trial. 3852

(G) Upon approval by the court, the victim may be 3853
represented by counsel in any hearing in chambers or other 3854
proceeding to resolve the admissibility of evidence. If the 3855
victim is indigent or otherwise is unable to obtain the services 3856
of counsel, the court, upon request, may appoint counsel to 3857
represent the victim without cost to the victim. 3858

Sec. 2907.10. (A) (1) A peace officer, prosecutor, ~~or~~ other 3859
public official, defendant, defendant's attorney, alleged 3860
juvenile offender, or alleged juvenile offender's attorney shall 3861

not ask or require a victim of an alleged sex offense to submit 3862
to a polygraph examination as a condition for proceeding with 3863
the investigation or prosecution of the alleged sex offense. 3864

(2) The refusal of the victim of an alleged sex offense to 3865
submit to a polygraph examination shall not prevent the 3866
investigation of the alleged sex offense, the filing of criminal 3867
charges with respect to the alleged sex offense, or the 3868
prosecution of the alleged perpetrator of the alleged sex 3869
offense. 3870

(B) As used in this section: 3871

(1) "Peace officer" has the same meaning as in section 3872
2921.51 of the Revised Code. 3873

(2) "Polygraph examination" means any mechanical or 3874
electrical instrument or device of any type used or allegedly 3875
used to examine, test, or question an individual for the purpose 3876
of determining the individual's truthfulness. 3877

(3) "Prosecution" means the prosecution of criminal 3878
charges in a criminal prosecution or the prosecution of a 3879
delinquent child complaint in a delinquency proceeding. 3880

(4) "Prosecutor" has the same meaning as in section 3881
2935.01 of the Revised Code. 3882

(5) "Public official" has the same meaning as in section 3883
117.01 of the Revised Code. 3884

(6) "Sex offense" means a violation of any provision of 3885
sections 2907.02 to 2907.09 of the Revised Code. 3886

(7) "Alleged juvenile offender" has the same meaning as in 3887
section 2930.01 of the Revised Code. 3888

Sec. 2929.18. (A) Except as otherwise provided in this 3889
division and in addition to imposing court costs pursuant to 3890
section 2947.23 of the Revised Code, the court imposing a 3891
sentence upon an offender for a felony may sentence the offender 3892
to any financial sanction or combination of financial sanctions 3893
authorized under this section or, in the circumstances specified 3894
in section 2929.32 of the Revised Code, may impose upon the 3895
offender a fine in accordance with that section, and shall 3896
sentence the offender to make restitution pursuant to this 3897
section and section 2929.281 of the Revised Code. The victim has 3898
a right not to seek restitution. Financial sanctions that either 3899
are required to be or may be imposed pursuant to this section 3900
include, but are not limited to, the following: 3901

(1) Restitution by the offender to the victim of the 3902
offender's ~~crime~~ criminal offense or ~~any survivor of the~~ 3903
~~victim~~ victim's estate, in an amount based on the victim's 3904
economic loss. ~~If the~~ In open court ~~imposes restitution,~~ the 3905
court shall order that ~~the~~ full restitution be made to the 3906
victim ~~in open court~~, to the adult probation department that 3907
serves the county on behalf of the victim, to the clerk of 3908
courts, or to another agency designated by the court. ~~If the~~ 3909
~~court imposes restitution, at~~ At sentencing, the court shall 3910
determine the amount of restitution to be made by the offender. 3911
~~If the court imposes restitution, the court may base the amount~~ 3912
~~of restitution it orders on an amount recommended by the victim,~~ 3913
~~the offender, a presentence investigation report, estimates or~~ 3914
~~receipts indicating the cost of repairing or replacing property,~~ 3915
~~and other information, provided that the~~ The victim, victim's 3916
representative, victim's attorney, if applicable, the prosecutor 3917
or the prosecutor's designee, and the offender may provide 3918
information relevant to the determination of the amount of 3919

restitution. The amount the court orders as restitution shall 3920
not exceed the amount of the economic loss suffered by the 3921
victim as a direct and proximate result of the commission of the 3922
offense. If the court imposes restitution for the cost of 3923
accounting or auditing done to determine the extent of economic 3924
loss, the court may order restitution for any amount of the 3925
victim's costs of accounting or auditing provided that the 3926
amount of restitution is reasonable and does not exceed the 3927
value of property or services stolen or damaged as a result of 3928
the offense. ~~If the court decides to impose restitution, the~~ The 3929
court shall hold a hearing on restitution if the offender, 3930
victim, ~~or survivor~~ victim's representative, or victim's estate 3931
disputes the amount. The court shall determine the amount of 3932
full restitution by a preponderance of the evidence. All 3933
restitution payments shall be credited against any recovery of 3934
economic loss in a civil action brought by the victim or ~~any~~ 3935
~~survivor of the victim~~ victim's estate against the offender. 3936

~~If the court imposes restitution, the~~ The court may order 3937
that the offender pay a surcharge of not more than five per cent 3938
of the amount of the restitution otherwise ordered to the entity 3939
responsible for collecting and processing restitution payments. 3940

The victim ~~or survivor~~, victim's estate, or victim's 3941
attorney, if applicable, may file a motion or request that the 3942
prosecutor in the case file a motion, or the offender may file a 3943
motion, for modification of the payment terms of any restitution 3944
ordered. If the court grants the motion, it may modify the 3945
payment terms as it determines appropriate but shall not reduce 3946
the amount of restitution ordered, except as provided in 3947
division (A) of section 2929.281 of the Revised Code. The court 3948
shall not discharge restitution until it is fully paid by the 3949
offender. 3950

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

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

(a) For a felony of the first degree, not more than twenty thousand dollars;

(b) For a felony of the second degree, not more than fifteen thousand dollars;

(c) For a felony of the third degree, not more than ten thousand dollars;

(d) For a felony of the fourth degree, not more than five thousand dollars;

(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.

(4) A state fine or costs as defined in section 2949.111 of the Revised Code.

(5) (a) Reimbursement by the offender of any or all of the

costs of sanctions incurred by the government, including the 3979
following: 3980

(i) All or part of the costs of implementing any community 3981
control sanction, including a supervision fee under section 3982
2951.021 of the Revised Code; 3983

(ii) All or part of the costs of confinement under a 3984
sanction imposed pursuant to section 2929.14, 2929.142, or 3985
2929.16 of the Revised Code, provided that the amount of 3986
reimbursement ordered under this division shall not exceed the 3987
total amount of reimbursement the offender is able to pay as 3988
determined at a hearing and shall not exceed the actual cost of 3989
the confinement; 3990

(iii) All or part of the cost of purchasing and using an 3991
immobilizing or disabling device, including a certified ignition 3992
interlock device, or a remote alcohol monitoring device that a 3993
court orders an offender to use under section 4510.13 of the 3994
Revised Code. 3995

(b) If the offender is sentenced to a sanction of 3996
confinement pursuant to section 2929.14 or 2929.16 of the 3997
Revised Code that is to be served in a facility operated by a 3998
board of county commissioners, a legislative authority of a 3999
municipal corporation, or another local governmental entity, if, 4000
pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 4001
753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 4002
section 2929.37 of the Revised Code, the board, legislative 4003
authority, or other local governmental entity requires prisoners 4004
to reimburse the county, municipal corporation, or other entity 4005
for its expenses incurred by reason of the prisoner's 4006
confinement, and if the court does not impose a financial 4007
sanction under division (A) (5) (a) (ii) of this section, 4008

confinement costs may be assessed pursuant to section 2929.37 of 4009
the Revised Code. In addition, the offender may be required to 4010
pay the fees specified in section 2929.38 of the Revised Code in 4011
accordance with that section. 4012

(c) Reimbursement by the offender for costs pursuant to 4013
section 2929.71 of the Revised Code. 4014

(B) (1) For a first, second, or third degree felony 4015
violation of any provision of Chapter 2925., 3719., or 4729. of 4016
the Revised Code, the sentencing court shall impose upon the 4017
offender a mandatory fine of at least one-half of, but not more 4018
than, the maximum statutory fine amount authorized for the level 4019
of the offense pursuant to division (A) (3) of this section. If 4020
an offender alleges in an affidavit filed with the court prior 4021
to sentencing that the offender is indigent and unable to pay 4022
the mandatory fine and if the court determines the offender is 4023
an indigent person and is unable to pay the mandatory fine 4024
described in this division, the court shall not impose the 4025
mandatory fine upon the offender. 4026

(2) Any mandatory fine imposed upon an offender under 4027
division (B) (1) of this section and any fine imposed upon an 4028
offender under division (A) (2) or (3) of this section for any 4029
fourth or fifth degree felony violation of any provision of 4030
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 4031
to law enforcement agencies pursuant to division (F) of section 4032
2925.03 of the Revised Code. 4033

(3) For a fourth degree felony OVI offense and for a third 4034
degree felony OVI offense, the sentencing court shall impose 4035
upon the offender a mandatory fine in the amount specified in 4036
division (G) (1) (d) or (e) of section 4511.19 of the Revised 4037
Code, whichever is applicable. The mandatory fine so imposed 4038

shall be disbursed as provided in the division pursuant to which 4039
it is imposed. 4040

(4) Notwithstanding any fine otherwise authorized or 4041
required to be imposed under division (A) (2) or (3) or (B) (1) of 4042
this section or section 2929.31 of the Revised Code for a 4043
violation of section 2925.03 of the Revised Code, in addition to 4044
any penalty or sanction imposed for that offense under section 4045
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 4046
in addition to the forfeiture of property in connection with the 4047
offense as prescribed in Chapter 2981. of the Revised Code, the 4048
court that sentences an offender for a violation of section 4049
2925.03 of the Revised Code may impose upon the offender a fine 4050
in addition to any fine imposed under division (A) (2) or (3) of 4051
this section and in addition to any mandatory fine imposed under 4052
division (B) (1) of this section. The fine imposed under division 4053
(B) (4) of this section shall be used as provided in division (H) 4054
of section 2925.03 of the Revised Code. A fine imposed under 4055
division (B) (4) of this section shall not exceed whichever of 4056
the following is applicable: 4057

(a) The total value of any personal or real property in 4058
which the offender has an interest and that was used in the 4059
course of, intended for use in the course of, derived from, or 4060
realized through conduct in violation of section 2925.03 of the 4061
Revised Code, including any property that constitutes proceeds 4062
derived from that offense; 4063

(b) If the offender has no interest in any property of the 4064
type described in division (B) (4) (a) of this section or if it is 4065
not possible to ascertain whether the offender has an interest 4066
in any property of that type in which the offender may have an 4067
interest, the amount of the mandatory fine for the offense 4068

imposed under division (B)(1) of this section or, if no 4069
mandatory fine is imposed under division (B)(1) of this section, 4070
the amount of the fine authorized for the level of the offense 4071
imposed under division (A)(3) of this section. 4072

(5) Prior to imposing a fine under division (B)(4) of this 4073
section, the court shall determine whether the offender has an 4074
interest in any property of the type described in division (B) 4075
(4)(a) of this section. Except as provided in division (B)(6) or 4076
(7) of this section, a fine that is authorized and imposed under 4077
division (B)(4) of this section does not limit or affect the 4078
imposition of the penalties and sanctions for a violation of 4079
section 2925.03 of the Revised Code prescribed under those 4080
sections or sections 2929.11 to 2929.18 of the Revised Code and 4081
does not limit or affect a forfeiture of property in connection 4082
with the offense as prescribed in Chapter 2981. of the Revised 4083
Code. 4084

(6) If the sum total of a mandatory fine amount imposed 4085
for a first, second, or third degree felony violation of section 4086
2925.03 of the Revised Code under division (B)(1) of this 4087
section plus the amount of any fine imposed under division (B) 4088
(4) of this section does not exceed the maximum statutory fine 4089
amount authorized for the level of the offense under division 4090
(A)(3) of this section or section 2929.31 of the Revised Code, 4091
the court may impose a fine for the offense in addition to the 4092
mandatory fine and the fine imposed under division (B)(4) of 4093
this section. The sum total of the amounts of the mandatory 4094
fine, the fine imposed under division (B)(4) of this section, 4095
and the additional fine imposed under division (B)(6) of this 4096
section shall not exceed the maximum statutory fine amount 4097
authorized for the level of the offense under division (A)(3) of 4098
this section or section 2929.31 of the Revised Code. The clerk 4099

of the court shall pay any fine that is imposed under division 4100
(B) (6) of this section to the county, township, municipal 4101
corporation, park district as created pursuant to section 511.18 4102
or 1545.04 of the Revised Code, or state law enforcement 4103
agencies in this state that primarily were responsible for or 4104
involved in making the arrest of, and in prosecuting, the 4105
offender pursuant to division (F) of section 2925.03 of the 4106
Revised Code. 4107

(7) If the sum total of the amount of a mandatory fine 4108
imposed for a first, second, or third degree felony violation of 4109
section 2925.03 of the Revised Code plus the amount of any fine 4110
imposed under division (B) (4) of this section exceeds the 4111
maximum statutory fine amount authorized for the level of the 4112
offense under division (A) (3) of this section or section 2929.31 4113
of the Revised Code, the court shall not impose a fine under 4114
division (B) (6) of this section. 4115

(8) (a) If an offender who is convicted of or pleads guilty 4116
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 4117
2923.32, division (A) (1) or (2) of section 2907.323 involving a 4118
minor, or division (B) (1), (2), (3), (4), or (5) of section 4119
2919.22 of the Revised Code also is convicted of or pleads 4120
guilty to a specification of the type described in section 4121
2941.1422 of the Revised Code that charges that the offender 4122
knowingly committed the offense in furtherance of human 4123
trafficking, the sentencing court shall sentence the offender to 4124
a financial sanction of restitution by the offender to the 4125
victim or ~~any survivor of the victim~~ victim's estate, with the 4126
restitution including the costs of housing, counseling, and 4127
medical and legal assistance incurred by the victim as a direct 4128
result of the offense and the greater of the following: 4129

(i) The gross income or value to the offender of the 4130
victim's labor or services; 4131

(ii) The value of the victim's labor as guaranteed under 4132
the minimum wage and overtime provisions of the "Federal Fair 4133
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 4134
state labor laws. 4135

(b) If a court imposing sentence upon an offender for a 4136
felony is required to impose upon the offender a financial 4137
sanction of restitution under division (B) (8) (a) of this 4138
section, in addition to that financial sanction of restitution, 4139
the court may sentence the offender to any other financial 4140
sanction or combination of financial sanctions authorized under 4141
this section, including a restitution sanction under division 4142
(A) (1) of this section. 4143

(9) In addition to any other fine that is or may be 4144
imposed under this section, the court imposing sentence upon an 4145
offender for a felony that is a sexually oriented offense or a 4146
child-victim oriented offense, as those terms are defined in 4147
section 2950.01 of the Revised Code, may impose a fine of not 4148
less than fifty nor more than five hundred dollars. 4149

(10) For a felony violation of division (A) of section 4150
2921.321 of the Revised Code that results in the death of the 4151
police dog or horse that is the subject of the violation, the 4152
sentencing court shall impose upon the offender a mandatory fine 4153
from the range of fines provided under division (A) (3) of this 4154
section for a felony of the third degree. A mandatory fine 4155
imposed upon an offender under division (B) (10) of this section 4156
shall be paid to the law enforcement agency that was served by 4157
the police dog or horse that was killed in the felony violation 4158
of division (A) of section 2921.321 of the Revised Code to be 4159

used as provided in division (E) (1) (b) of that section. 4160

(11) In addition to any other fine that is or may be 4161
imposed under this section, the court imposing sentence upon an 4162
offender for any of the following offenses that is a felony may 4163
impose a fine of not less than seventy nor more than five 4164
hundred dollars, which shall be transmitted to the treasurer of 4165
state to be credited to the address confidentiality program fund 4166
created by section 111.48 of the Revised Code: 4167

(a) Domestic violence; 4168

(b) Menacing by stalking; 4169

(c) Rape; 4170

(d) Sexual battery; 4171

(e) Trafficking in persons; 4172

(f) A violation of section 2905.01, 2905.02, 2907.21, 4173
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 4174
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 4175
section 2919.22 of the Revised Code, if the offender also is 4176
convicted of a specification of the type described in section 4177
2941.1422 of the Revised Code that charges that the offender 4178
knowingly committed the offense in furtherance of human 4179
trafficking. 4180

(C) (1) Except as provided in section 2951.021 of the 4181
Revised Code, the offender shall pay reimbursements imposed upon 4182
the offender pursuant to division (A) (5) (a) of this section to 4183
pay the costs incurred by a county pursuant to any sanction 4184
imposed under this section or section 2929.16 or 2929.17 of the 4185
Revised Code or in operating a facility used to confine 4186
offenders pursuant to a sanction imposed under section 2929.16 4187

of the Revised Code to the county treasurer. The county 4188
treasurer shall deposit the reimbursements in the sanction cost 4189
reimbursement fund that each board of county commissioners shall 4190
create in its county treasury. The county shall use the amounts 4191
deposited in the fund to pay the costs incurred by the county 4192
pursuant to any sanction imposed under this section or section 4193
2929.16 or 2929.17 of the Revised Code or in operating a 4194
facility used to confine offenders pursuant to a sanction 4195
imposed under section 2929.16 of the Revised Code. 4196

(2) Except as provided in section 2951.021 of the Revised 4197
Code, the offender shall pay reimbursements imposed upon the 4198
offender pursuant to division (A) (5) (a) of this section to pay 4199
the costs incurred by a municipal corporation pursuant to any 4200
sanction imposed under this section or section 2929.16 or 4201
2929.17 of the Revised Code or in operating a facility used to 4202
confine offenders pursuant to a sanction imposed under section 4203
2929.16 of the Revised Code to the treasurer of the municipal 4204
corporation. The treasurer shall deposit the reimbursements in a 4205
special fund that shall be established in the treasury of each 4206
municipal corporation. The municipal corporation shall use the 4207
amounts deposited in the fund to pay the costs incurred by the 4208
municipal corporation pursuant to any sanction imposed under 4209
this section or section 2929.16 or 2929.17 of the Revised Code 4210
or in operating a facility used to confine offenders pursuant to 4211
a sanction imposed under section 2929.16 of the Revised Code. 4212

(3) Except as provided in section 2951.021 of the Revised 4213
Code, the offender shall pay reimbursements imposed pursuant to 4214
division (A) (5) (a) of this section for the costs incurred by a 4215
private provider pursuant to a sanction imposed under this 4216
section or section 2929.16 or 2929.17 of the Revised Code to the 4217
provider. 4218

(D) Except as otherwise provided in this division, a 4219
financial sanction imposed pursuant to division (A) or (B) of 4220
this section is a judgment in favor of the state or a political 4221
subdivision in which the court that imposed the financial 4222
sanction is located, and the offender subject to the financial 4223
sanction is the judgment debtor. A financial sanction of 4224
reimbursement imposed pursuant to division (A)(5)(a)(ii) of this 4225
section upon an offender who is incarcerated in a state facility 4226
or a municipal jail is a judgment in favor of the state or the 4227
municipal corporation, and the offender subject to the financial 4228
sanction is the judgment debtor. A financial sanction of 4229
reimbursement imposed upon an offender pursuant to this section 4230
for costs incurred by a private provider of sanctions is a 4231
judgment in favor of the private provider, and the offender 4232
subject to the financial sanction is the judgment debtor. A 4233
financial sanction of a mandatory fine imposed under division 4234
(B)(10) of this section that is required under that division to 4235
be paid to a law enforcement agency is a judgment in favor of 4236
the specified law enforcement agency, and the offender subject 4237
to the financial sanction is the judgment debtor. A financial 4238
sanction of restitution imposed pursuant to division (A)(1) or 4239
(B)(8) of this section is an order in favor of the victim of the 4240
offender's criminal act that can be collected through a 4241
certificate of judgment as described in division (D)(1) of this 4242
section, through execution as described in division (D)(2) of 4243
this section, or through an order as described in division (D) 4244
(3) of this section, and the offender shall be considered for 4245
purposes of the collection as the judgment debtor. Imposition of 4246
a financial sanction and execution on the judgment does not 4247
preclude any other power of the court to impose or enforce 4248
sanctions on the offender. Once the financial sanction is 4249
imposed as a judgment or order under this division, the victim, 4250

private provider, state, or political subdivision may do any of 4251
the following: 4252

(1) Obtain from the clerk of the court in which the 4253
judgment was entered, at no cost, a certificate of judgment that 4254
shall be in the same manner and form as a certificate of 4255
judgment issued in a civil action; 4256

(2) Obtain execution of the judgment or order through any 4257
available procedure, including: 4258

(a) An execution against the property of the judgment 4259
debtor under Chapter 2329. of the Revised Code; 4260

(b) An execution against the person of the judgment debtor 4261
under Chapter 2331. of the Revised Code; 4262

(c) A proceeding in aid of execution under Chapter 2333. 4263
of the Revised Code, including: 4264

(i) A proceeding for the examination of the judgment 4265
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 4266
2333.27 of the Revised Code; 4267

(ii) A proceeding for attachment of the person of the 4268
judgment debtor under section 2333.28 of the Revised Code; 4269

(iii) A creditor's suit under section 2333.01 of the 4270
Revised Code. 4271

(d) The attachment of the property of the judgment debtor 4272
under Chapter 2715. of the Revised Code; 4273

(e) The garnishment of the property of the judgment debtor 4274
under Chapter 2716. of the Revised Code. 4275

(3) Obtain an order for the assignment of wages of the 4276
judgment debtor under section 1321.33 of the Revised Code. 4277

(E) A court that imposes a financial sanction upon an 4278
offender may hold a hearing if necessary to determine whether 4279
the offender is able to pay the sanction or is likely in the 4280
future to be able to pay it. 4281

(F) Each court imposing a financial sanction upon an 4282
offender under this section or under section 2929.32 of the 4283
Revised Code may designate the clerk of the court or another 4284
person to collect the financial sanction. The clerk or other 4285
person authorized by law or the court to collect the financial 4286
sanction may enter into contracts with one or more public 4287
agencies or private vendors for the collection of, amounts due 4288
under the financial sanction imposed pursuant to this section or 4289
section 2929.32 of the Revised Code. Before entering into a 4290
contract for the collection of amounts due from an offender 4291
pursuant to any financial sanction imposed pursuant to this 4292
section or section 2929.32 of the Revised Code, a court shall 4293
comply with sections 307.86 to 307.92 of the Revised Code. 4294

(G) If a court that imposes a financial sanction under 4295
division (A) or (B) of this section finds that an offender 4296
satisfactorily has completed all other sanctions imposed upon 4297
the offender and that all restitution that has been ordered has 4298
been paid as ordered, the court may suspend any financial 4299
sanctions imposed pursuant to this section or section 2929.32 of 4300
the Revised Code that have not been paid. 4301

(H) No financial sanction imposed under this section or 4302
section 2929.32 of the Revised Code shall preclude a victim from 4303
bringing a civil action against the offender. 4304

(I) If the court imposes restitution, fines, fees, or 4305
incarceration costs on a business or corporation, it is the duty 4306
of the person authorized to make disbursements from the assets 4307

of the business or corporation to pay the restitution, fines, 4308
fees, or incarceration costs from those assets. 4309

(J) If an offender is sentenced to pay restitution, a 4310
fine, fee, or incarceration costs, the clerk of the sentencing 4311
court, on request, shall make the offender's payment history 4312
available to the prosecutor, victim, victim's representative, 4313
victim's attorney, if applicable, the probation department, and 4314
the court without cost. 4315

Sec. 2929.20. (A) As used in this section: 4316

(1) (a) Except as provided in division (A) (1) (b) of this 4317
section, "eligible offender" means any person who, on or after 4318
April 7, 2009, is serving a stated prison term that includes one 4319
or more nonmandatory prison terms. 4320

(b) "Eligible offender" does not include any person who, 4321
on or after April 7, 2009, is serving a stated prison term for 4322
any of the following criminal offenses that was a felony and was 4323
committed while the person held a public office in this state: 4324

(i) A violation of section 2921.02, 2921.03, 2921.05, 4325
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 4326
Code; 4327

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 4328
2921.12 of the Revised Code, when the conduct constituting the 4329
violation was related to the duties of the offender's public 4330
office or to the offender's actions as a public official holding 4331
that public office; 4332

(iii) A violation of an existing or former municipal 4333
ordinance or law of this or any other state or the United States 4334
that is substantially equivalent to any violation listed in 4335
division (A) (1) (b) (i) of this section; 4336

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

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

(vi) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (A) (1) (b) (ii) or described in division (A) (1) (b) (iv) of this section, if the conduct constituting the offense that was the subject of the conspiracy, that would have constituted the offense attempted, or constituting the offense in which the offender was complicit was or would have been related to the duties of the offender's public office or to the offender's actions as a public official holding that public office.

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

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

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

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

(6) "Aggregated nonmandatory prison term or terms" means

the aggregate of the following: 4366

(a) All nonmandatory definite prison terms; 4367

(b) With respect to any non-life felony indefinite prison 4368
term, all nonmandatory minimum prison terms imposed as part of 4369
the non-life felony indefinite prison term or terms. 4370

(B) On the motion of an eligible offender or upon its own 4371
motion, the sentencing court may reduce the eligible offender's 4372
aggregated nonmandatory prison term or terms through a judicial 4373
release under this section. 4374

(C) An eligible offender may file a motion for judicial 4375
release with the sentencing court within the following 4376
applicable periods: 4377

(1) If the aggregated nonmandatory prison term or terms is 4378
less than two years, the eligible offender may file the motion 4379
at any time after the offender is delivered to a state 4380
correctional institution or, if the prison term includes a 4381
mandatory prison term or terms, at any time after the expiration 4382
of all mandatory prison terms. 4383

(2) If the aggregated nonmandatory prison term or terms is 4384
at least two years but less than five years, the eligible 4385
offender may file the motion not earlier than one hundred eighty 4386
days after the offender is delivered to a state correctional 4387
institution or, if the prison term includes a mandatory prison 4388
term or terms, not earlier than one hundred eighty days after 4389
the expiration of all mandatory prison terms. 4390

(3) If the aggregated nonmandatory prison term or terms is 4391
five years, the eligible offender may file the motion not 4392
earlier than the date on which the eligible offender has served 4393
four years of the offender's stated prison term or, if the 4394

prison term includes a mandatory prison term or terms, not 4395
earlier than four years after the expiration of all mandatory 4396
prison terms. 4397

(4) If the aggregated nonmandatory prison term or terms is 4398
more than five years but not more than ten years, the eligible 4399
offender may file the motion not earlier than the date on which 4400
the eligible offender has served five years of the offender's 4401
stated prison term or, if the prison term includes a mandatory 4402
prison term or terms, not earlier than five years after the 4403
expiration of all mandatory prison terms. 4404

(5) If the aggregated nonmandatory prison term or terms is 4405
more than ten years, the eligible offender may file the motion 4406
not earlier than the later of the date on which the offender has 4407
served one-half of the offender's stated prison term or the date 4408
specified in division (C) (4) of this section. 4409

(D) Upon receipt of a timely motion for judicial release 4410
filed by an eligible offender under division (C) of this section 4411
or upon the sentencing court's own motion made within the 4412
appropriate time specified in that division, the court may deny 4413
the motion without a hearing or schedule a hearing on the 4414
motion. The court shall not grant the motion without a hearing. 4415
If a court denies a motion without a hearing, the court later 4416
may consider judicial release for that eligible offender on a 4417
subsequent motion filed by that eligible offender unless the 4418
court denies the motion with prejudice. If a court denies a 4419
motion with prejudice, the court may later consider judicial 4420
release on its own motion. If a court denies a motion after a 4421
hearing, the court shall not consider a subsequent motion for 4422
that eligible offender. The court shall hold only one hearing 4423
for any eligible offender. 4424

A hearing under this section shall be conducted in open 4425
court not less than thirty or more than sixty days after the 4426
motion is filed, provided that the court may delay the hearing 4427
for one hundred eighty additional days. If the court holds a 4428
hearing, the court shall enter a ruling on the motion within ten 4429
days after the hearing. If the court denies the motion without a 4430
hearing, the court shall enter its ruling on the motion within 4431
sixty days after the motion is filed. 4432

(E) If a court schedules a hearing under division (D) of 4433
this section, the court shall notify the eligible offender and 4434
the head of the state correctional institution in which the 4435
eligible offender is confined prior to the hearing. The head of 4436
the state correctional institution immediately shall notify the 4437
appropriate person at the department of rehabilitation and 4438
correction of the hearing, and the department within twenty-four 4439
hours after receipt of the notice, shall post on the database it 4440
maintains pursuant to section 5120.66 of the Revised Code the 4441
offender's name and all of the information specified in division 4442
(A) (1) (c) (i) of that section. If the court schedules a hearing 4443
for judicial release, the court promptly shall give notice of 4444
the hearing to the prosecuting attorney of the county in which 4445
the eligible offender was indicted. Upon receipt of the notice 4446
from the court, the prosecuting attorney shall do whichever of 4447
the following is applicable: 4448

(1) Subject to division (E) (2) of this section, notify the 4449
victim of the offense ~~or~~ and the victim's representative, if 4450
applicable, pursuant to division (B) of section 2930.16 of the 4451
Revised Code; 4452

(2) If the offense was an offense of violence that is a 4453
felony of the first, second, or third degree, except as 4454

otherwise provided in this division, notify the victim ~~or~~ and 4455
the victim's representative, if applicable, of the hearing 4456
regardless of whether the victim or victim's representative has 4457
requested the notification. The notice of the hearing shall not 4458
be given under this division to a victim or victim's 4459
representative if the victim or victim's representative has 4460
requested pursuant to division (B) (2) of section 2930.03 of the 4461
Revised Code that the victim or the victim's representative not 4462
be provided the notice. If notice is to be provided to a victim 4463
or victim's representative under this division, the prosecuting 4464
attorney may give the notice by any reasonable means, including 4465
regular mail, telephone, and electronic mail, in accordance with 4466
division (D) (1) of section 2930.16 of the Revised Code. If the 4467
notice is based on an offense committed prior to March 22, 2013, 4468
the notice also shall include the opt-out information described 4469
in division (D) (1) of section 2930.16 of the Revised Code. The 4470
prosecuting attorney, in accordance with division (D) (2) of 4471
section 2930.16 of the Revised Code, shall keep a record of all 4472
attempts to provide the notice, and of all notices provided, 4473
under this division. Division (E) (2) of this section, and the 4474
notice-related provisions of division (K) of this section, 4475
division (D) (1) of section 2930.16, division (H) of section 4476
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 4477
(b) of section 2967.26, division (D) (1) of section 2967.28, and 4478
division (A) (2) of section 5149.101 of the Revised Code enacted 4479
in the act in which division (E) (2) of this section was enacted, 4480
shall be known as "Roberta's Law." 4481

(F) Upon an offender's successful completion of 4482
rehabilitative activities, the head of the state correctional 4483
institution may notify the sentencing court of the successful 4484
completion of the activities. 4485

(G) Prior to the date of the hearing on a motion for judicial release under this section, the head of the state correctional institution in which the eligible offender is confined shall send to the court an institutional summary report on the eligible offender's conduct in the institution and in any institution from which the eligible offender may have been transferred. Upon the request of the prosecuting attorney of the county in which the eligible offender was indicted or of any law enforcement agency, the head of the state correctional institution, at the same time the person sends the institutional summary report to the court, also shall send a copy of the report to the requesting prosecuting attorney and law enforcement agencies. The institutional summary report shall cover the eligible offender's participation in school, vocational training, work, treatment, and other rehabilitative activities and any disciplinary action taken against the eligible offender. The report shall be made part of the record of the hearing. A presentence investigation report is not required for judicial release.

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

(I) At the hearing on a motion for judicial release under this section, the court shall afford the eligible offender and the eligible offender's attorney an opportunity to present written and, if present, oral information relevant to the

motion. The court shall afford a similar opportunity to the 4517
prosecuting attorney, the victim~~or~~, the victim's 4518
representative, the victim's attorney, if applicable, and any 4519
other person the court determines is likely to present 4520
additional relevant information. The court shall consider any 4521
oral or written statement of a victim, victim's representative, 4522
and victim's attorney, if applicable, made pursuant to section 4523
2930.14 or 2930.17 of the Revised Code, any victim impact 4524
statement prepared pursuant to section 2947.051 of the Revised 4525
Code, and any report made under division (G) of this section. 4526
The court may consider any written statement of any person 4527
submitted to the court pursuant to division (L) of this section. 4528
After ruling on the motion, the court shall notify the victim 4529
and the victim's representative of the ruling in accordance with 4530
sections 2930.03 and 2930.16 of the Revised Code. 4531

(J) (1) A court shall not grant a judicial release under 4532
this section to an eligible offender who is imprisoned for a 4533
felony of the first or second degree, or to an eligible offender 4534
who committed an offense under Chapter 2925. or 3719. of the 4535
Revised Code and for whom there was a presumption under section 4536
2929.13 of the Revised Code in favor of a prison term, unless 4537
the court, with reference to factors under section 2929.12 of 4538
the Revised Code, finds both of the following: 4539

(a) That a sanction other than a prison term would 4540
adequately punish the offender and protect the public from 4541
future criminal violations by the eligible offender because the 4542
applicable factors indicating a lesser likelihood of recidivism 4543
outweigh the applicable factors indicating a greater likelihood 4544
of recidivism; 4545

(b) That a sanction other than a prison term would not 4546

demean the seriousness of the offense because factors indicating 4547
that the eligible offender's conduct in committing the offense 4548
was less serious than conduct normally constituting the offense 4549
outweigh factors indicating that the eligible offender's conduct 4550
was more serious than conduct normally constituting the offense. 4551

(2) A court that grants a judicial release to an eligible 4552
offender under division (J) (1) of this section shall specify on 4553
the record both findings required in that division and also 4554
shall list all the factors described in that division that were 4555
presented at the hearing. 4556

(K) If the court grants a motion for judicial release 4557
under this section, the court shall order the release of the 4558
eligible offender, shall place the eligible offender under an 4559
appropriate community control sanction, under appropriate 4560
conditions, and under the supervision of the department of 4561
probation serving the court and shall reserve the right to 4562
reimpose the sentence that it reduced if the offender violates 4563
the sanction. If the court reimposes the reduced sentence, it 4564
may do so either concurrently with, or consecutive to, any new 4565
sentence imposed upon the eligible offender as a result of the 4566
violation that is a new offense. Except as provided in division 4567
(R) (2) of this section, the period of community control shall be 4568
no longer than five years. The court, in its discretion, may 4569
reduce the period of community control by the amount of time the 4570
eligible offender spent in jail or prison for the offense and in 4571
prison. If the court made any findings pursuant to division (J) 4572
(1) of this section, the court shall serve a copy of the 4573
findings upon counsel for the parties within fifteen days after 4574
the date on which the court grants the motion for judicial 4575
release. 4576

If the court grants a motion for judicial release, the 4577
court shall notify the appropriate person at the department of 4578
rehabilitation and correction, and the department shall post 4579
notice of the release on the database it maintains pursuant to 4580
section 5120.66 of the Revised Code. The court also shall notify 4581
the prosecuting attorney of the county in which the eligible 4582
offender was indicted that the motion has been granted. Unless 4583
the victim or the victim's representative has requested pursuant 4584
to division (B) (2) of section 2930.03 of the Revised Code that 4585
the victim or victim's representative not be provided the 4586
notice, the prosecuting attorney shall notify the victim ~~or~~ and 4587
the victim's representative, if applicable, of the judicial 4588
release in any manner, and in accordance with the same 4589
procedures, pursuant to which the prosecuting attorney is 4590
authorized to provide notice of the hearing pursuant to division 4591
(E) (2) of this section. If the notice is based on an offense 4592
committed prior to March 22, 2013, the notice to the victim or 4593
victim's representative also shall include the opt-out 4594
information described in division (D) (1) of section 2930.16 of 4595
the Revised Code. 4596

(L) In addition to and independent of the right of a 4597
victim to make a statement pursuant to section 2930.14, 2930.17, 4598
or 2946.051 of the Revised Code and any right of a person to 4599
present written information or make a statement pursuant to 4600
division (I) of this section, any person may submit to the 4601
court, at any time prior to the hearing on the offender's motion 4602
for judicial release, a written statement concerning the effects 4603
of the offender's ~~crime or crimes~~ criminal offense, the 4604
circumstances surrounding the ~~crime or crimes~~ criminal offense, 4605
the manner in which the ~~crime or crimes were~~ criminal offense 4606
was perpetrated, and the person's opinion as to whether the 4607

offender should be released. 4608

(M) The changes to this section that are made on September 4609
30, 2011, apply to any judicial release decision made on or 4610
after September 30, 2011, for any eligible offender. 4611

(N) Notwithstanding the eligibility requirements specified 4612
in division (A) of this section and the filing time frames 4613
specified in division (C) of this section and notwithstanding 4614
the findings required under division (J) of this section, the 4615
sentencing court, upon the court's own motion and after 4616
considering whether the release of the offender into society 4617
would create undue risk to public safety, may grant a judicial 4618
release to an offender who is not serving a life sentence at any 4619
time during the offender's imposed sentence when the director of 4620
rehabilitation and correction certifies to the sentencing court 4621
through the chief medical officer for the department of 4622
rehabilitation and correction that the offender is in imminent 4623
danger of death, is medically incapacitated, or is suffering 4624
from a terminal illness. 4625

(O) The director of rehabilitation and correction shall 4626
not certify any offender under division (N) of this section who 4627
is serving a death sentence. 4628

(P) A motion made by the court under division (N) of this 4629
section is subject to the notice, hearing, and other procedural 4630
requirements specified in divisions (D), (E), (G), (H), (I), 4631
(K), and (L) of this section, except for the following: 4632

(1) The court may waive the offender's appearance at any 4633
hearing scheduled by the court if the offender's condition makes 4634
it impossible for the offender to participate meaningfully in 4635
the proceeding. 4636

(2) The court may grant the motion without a hearing, 4637
provided that the prosecuting attorney~~and, victim or, and~~ 4638
victim's representative, if applicable, to whom notice of the 4639
hearing was provided under division (E) of this section indicate 4640
that they do not wish to participate in the hearing or present 4641
information relevant to the motion. 4642

(Q) The court may request health care records from the 4643
department of rehabilitation and correction to verify the 4644
certification made under division (N) of this section. 4645

(R) (1) If the court grants judicial release under division 4646
(N) of this section, the court shall do all of the following: 4647

(a) Order the release of the offender; 4648

(b) Place the offender under an appropriate community 4649
control sanction, under appropriate conditions; 4650

(c) Place the offender under the supervision of the 4651
department of probation serving the court or under the 4652
supervision of the adult parole authority. 4653

(2) The court, in its discretion, may revoke the judicial 4654
release if the offender violates the community control sanction 4655
described in division (R) (1) of this section. The period of that 4656
community control is not subject to the five-year limitation 4657
described in division (K) of this section and shall not expire 4658
earlier than the date on which all of the offender's mandatory 4659
prison terms expire. 4660

(S) If the health of an offender who is released under 4661
division (N) of this section improves so that the offender is no 4662
longer terminally ill, medically incapacitated, or in imminent 4663
danger of death, the court shall, upon the court's own motion, 4664
revoke the judicial release. The court shall not grant the 4665

motion without a hearing unless the offender waives a hearing. 4666
If a hearing is held, the court shall afford the offender and 4667
the offender's attorney an opportunity to present written and, 4668
if the offender or the offender's attorney is present, oral 4669
information relevant to the motion. The court shall afford a 4670
similar opportunity to the prosecuting attorney, the victim~~or,~~ 4671
the victim's representative, the victim's attorney, if 4672
applicable, and any other person the court determines is likely 4673
to present additional relevant information. A court that grants 4674
a motion under this division shall specify its findings on the 4675
record. 4676

Sec. 2929.22. (A) Unless a mandatory jail term is required 4677
to be imposed by division (G) of section 1547.99, division (B) 4678
of section 4510.14, division (G) of section 4511.19 of the 4679
Revised Code, or any other provision of the Revised Code a court 4680
that imposes a sentence under this chapter upon an offender for 4681
a misdemeanor or minor misdemeanor has discretion to determine 4682
the most effective way to achieve the purposes and principles of 4683
sentencing set forth in section 2929.21 of the Revised Code. 4684

Unless a specific sanction is required to be imposed or is 4685
precluded from being imposed by the section setting forth an 4686
offense or the penalty for an offense or by any provision of 4687
sections 2929.23 to 2929.28 of the Revised Code, a court that 4688
imposes a sentence upon an offender for a misdemeanor may impose 4689
on the offender any sanction or combination of sanctions under 4690
sections 2929.24 to 2929.28 of the Revised Code. The court shall 4691
not impose a sentence that imposes an unnecessary burden on 4692
local government resources. 4693

(B) (1) In determining the appropriate sentence for a 4694
misdemeanor, the court shall consider all of the following 4695

factors:	4696
(a) The nature and circumstances of the offense or offenses;	4697 4698
(b) Whether the circumstances regarding the offender and the offense or offenses indicate that the offender has a history of persistent criminal activity and that the offender's character and condition reveal a substantial risk that the offender will commit another offense;	4699 4700 4701 4702 4703
(c) Whether the circumstances regarding the offender and the offense or offenses indicate that the offender's history, character, and condition reveal a substantial risk that the offender will be a danger to others and that the offender's conduct has been characterized by a pattern of repetitive, compulsive, or aggressive behavior with heedless indifference to the consequences;	4704 4705 4706 4707 4708 4709 4710
(d) Whether the victim's youth, age, disability, or other factor made the victim particularly vulnerable to the offense or made the impact of the offense more serious;	4711 4712 4713
(e) Whether the offender is likely to commit future crimes in general, in addition to the circumstances described in divisions (B) (1) (b) and (c) of this section;	4714 4715 4716
(f) Whether the offender has an emotional, mental, or physical condition that is traceable to the offender's service in the armed forces of the United States and that was a contributing factor in the offender's commission of the offense or offenses;	4717 4718 4719 4720 4721
(g) The offender's military service record.	4722
(2) In determining the appropriate sentence for a	4723

misdemeanor, in addition to complying with division (B)(1) of 4724
this section, the court may consider any other factors that are 4725
relevant to achieving the purposes and principles of sentencing 4726
set forth in section 2929.21 of the Revised Code. 4727

(C) Before imposing a jail term as a sentence for a 4728
misdemeanor, a court shall consider the appropriateness of 4729
imposing a community control sanction or a combination of 4730
community control sanctions under sections 2929.25, 2929.26, 4731
2929.27, and 2929.28 of the Revised Code. A court may impose the 4732
longest jail term authorized under section 2929.24 of the 4733
Revised Code only upon offenders who commit the worst forms of 4734
the offense or upon offenders whose conduct and response to 4735
prior sanctions for prior offenses demonstrate that the 4736
imposition of the longest jail term is necessary to deter the 4737
offender from committing a future ~~crime~~ criminal offense. 4738

(D)(1) A sentencing court shall consider any relevant oral 4739
~~or~~ and written statement made by the victim, the victim's 4740
representative, the victim's attorney, if applicable, the 4741
defendant, the defense attorney, ~~or~~ and the prosecuting 4742
authority regarding sentencing for a misdemeanor. This division 4743
does not create any rights to notice other than those rights 4744
authorized by Chapter 2930. of the Revised Code. 4745

(2) At the time of sentencing for a misdemeanor or as soon 4746
as possible after sentencing, the court shall notify the victim 4747
of the offense of the victim's right to file an application for 4748
an award of reparations pursuant to sections 2743.51 to 2743.72 4749
of the Revised Code. 4750

Sec. 2929.28. (A) In addition to imposing court costs 4751
pursuant to section 2947.23 of the Revised Code, the court 4752
imposing a sentence upon an offender for a misdemeanor, 4753

including a minor misdemeanor, may sentence the offender to any 4754
financial sanction or combination of financial sanctions 4755
authorized under this section and, if the offender is being 4756
sentenced for a criminal offense as defined in section 2930.01 4757
of the Revised Code, shall sentence the offender to make 4758
restitution pursuant to this section and section 2929.281 of the 4759
Revised Code. If the court, in its discretion or as required by 4760
this section, imposes one or more financial sanctions, the 4761
financial sanctions that may be imposed pursuant to this section 4762
include, but are not limited to, the following: 4763

(1) Unless the misdemeanor offense ~~is a minor misdemeanor~~ 4764
~~or~~ could be disposed of by the traffic violations bureau serving 4765
the court under Traffic Rule 13, restitution by the offender to 4766
the victim of the offender's crime or ~~any survivor of the~~ 4767
~~victim~~victim's estate, in an amount based on the victim's 4768
economic loss. The court may not impose restitution as a 4769
sanction pursuant to this division if the offense ~~is a minor~~ 4770
~~misdemeanor or~~ could be disposed of by the traffic violations 4771
bureau serving the court under Traffic Rule 13. If the court 4772
requires restitution, the court shall order that the restitution 4773
be made to the victim in open court or to the adult probation 4774
department that serves the jurisdiction or the clerk of the 4775
court on behalf of the victim. 4776

~~If the court imposes restitution, the~~ The court shall 4777
determine the amount of restitution to be paid by the offender. 4778
~~If the court imposes restitution, the court may base the amount~~ 4779
~~of restitution it orders on an amount recommended by the victim,~~ 4780
~~the offender, a presentence investigation report, estimates or~~ 4781
~~receipts indicating the cost of repairing or replacing property,~~ 4782
~~and other information, provided that the~~ The victim, victim's 4783
representative, victim's attorney, if applicable, the prosecutor 4784

or the prosecutor's designee, and the offender may provide 4785
information relevant to the determination of the amount of 4786
restitution. The amount the court orders as restitution shall 4787
not exceed the amount of the economic loss suffered by the 4788
victim as a direct and proximate result of the commission of the 4789
offense. If the court imposes restitution for the cost of 4790
accounting or auditing done to determine the extent of economic 4791
loss, the court may order restitution for any amount of the 4792
victim's costs of accounting or auditing provided that the 4793
amount of restitution is reasonable and does not exceed the 4794
value of property or services stolen or damaged as a result of 4795
the offense. If the court decides to or is required to impose 4796
restitution, the court shall hold an evidentiary hearing on 4797
restitution if the offender, victim, ~~or survivor~~ victim's 4798
representative, victim's attorney, if applicable, or victim's 4799
estate disputes the amount of restitution. If the ~~The~~ court 4800
~~holds an evidentiary hearing, at the hearing the victim or~~ 4801
~~survivor has the burden to prove shall determine the amount of~~ 4802
full restitution by a preponderance of the evidence ~~the amount~~ 4803
~~of restitution sought from the offender.~~ 4804

All restitution payments shall be credited against any 4805
recovery of economic loss in a civil action brought by the 4806
victim or ~~any survivor of the victim~~ victim's estate against the 4807
offender. No person may introduce evidence of an award of 4808
restitution under this section in a civil action for purposes of 4809
imposing liability against an insurer under section 3937.18 of 4810
the Revised Code. 4811

~~If the court imposes restitution, the~~ The court may order 4812
that the offender pay a surcharge, of not more than five per 4813
cent of the amount of the restitution otherwise ordered, to the 4814
entity responsible for collecting and processing restitution 4815

payments. 4816

The victim or survivor, victim's attorney, if applicable, 4817
or the attorney for the victim's estate may request that the 4818
prosecutor in the case file a motion, or the offender may file a 4819
motion, for modification of the payment terms of any restitution 4820
ordered. If the court grants the motion, it may modify the 4821
payment terms as it determines appropriate but shall not reduce 4822
the amount of restitution ordered, except as provided in 4823
division (A) of section 2929.281 of the Revised Code. 4824

(2) A fine of the type described in divisions (A) (2) (a) 4825
and (b) of this section payable to the appropriate entity as 4826
required by law: 4827

(a) A fine in the following amount: 4828

(i) For a misdemeanor of the first degree, not more than 4829
one thousand dollars; 4830

(ii) For a misdemeanor of the second degree, not more than 4831
seven hundred fifty dollars; 4832

(iii) For a misdemeanor of the third degree, not more than 4833
five hundred dollars; 4834

(iv) For a misdemeanor of the fourth degree, not more than 4835
two hundred fifty dollars; 4836

(v) For a minor misdemeanor, not more than one hundred 4837
fifty dollars. 4838

(b) A state fine or cost as defined in section 2949.111 of 4839
the Revised Code. 4840

(3) (a) Reimbursement by the offender of any or all of the 4841
costs of sanctions incurred by the government, including, but 4842

not limited to, the following: 4843

(i) All or part of the costs of implementing any community 4844
control sanction, including a supervision fee under section 4845
2951.021 of the Revised Code and the costs of global positioning 4846
system device monitoring; 4847

(ii) All or part of the costs of confinement in a jail or 4848
other residential facility, including, but not limited to, a per 4849
diem fee for room and board, the costs of medical and dental 4850
treatment, and the costs of repairing property damaged by the 4851
offender while confined; 4852

(iii) All or part of the cost of purchasing and using an 4853
immobilizing or disabling device, including a certified ignition 4854
interlock device, or a remote alcohol monitoring device that a 4855
court orders an offender to use under section 4510.13 of the 4856
Revised Code. 4857

(b) The amount of reimbursement ordered under division (A) 4858
(3) (a) of this section shall not exceed the total amount of 4859
reimbursement the offender is able to pay and shall not exceed 4860
the actual cost of the sanctions. The court may collect any 4861
amount of reimbursement the offender is required to pay under 4862
that division. If the court does not order reimbursement under 4863
that division, confinement costs may be assessed pursuant to a 4864
repayment policy adopted under section 2929.37 of the Revised 4865
Code. In addition, the offender may be required to pay the fees 4866
specified in section 2929.38 of the Revised Code in accordance 4867
with that section. 4868

(B) If the court determines a hearing is necessary, the 4869
court may hold a hearing to determine whether the offender is 4870
able to pay the financial sanction imposed pursuant to this 4871

section or court costs or is likely in the future to be able to 4872
pay the sanction or costs. 4873

If the court determines that the offender is indigent and 4874
unable to pay the financial sanction or court costs, the court 4875
shall consider imposing and may impose a term of community 4876
service under division (A) of section 2929.27 of the Revised 4877
Code in lieu of imposing a financial sanction or court costs. If 4878
the court does not determine that the offender is indigent, the 4879
court may impose a term of community service under division (A) 4880
of section 2929.27 of the Revised Code in lieu of or in addition 4881
to imposing a financial sanction under this section and in 4882
addition to imposing court costs. The court may order community 4883
service for a minor misdemeanor pursuant to division (D) of 4884
section 2929.27 of the Revised Code in lieu of or in addition to 4885
imposing a financial sanction under this section and in addition 4886
to imposing court costs. If a person fails to pay a financial 4887
sanction or court costs, the court may order community service 4888
in lieu of the financial sanction or court costs. 4889

(C) (1) The offender shall pay reimbursements imposed upon 4890
the offender pursuant to division (A) (3) of this section to pay 4891
the costs incurred by a county pursuant to any sanction imposed 4892
under this section or section 2929.26 or 2929.27 of the Revised 4893
Code or in operating a facility used to confine offenders 4894
pursuant to a sanction imposed under section 2929.26 of the 4895
Revised Code to the county treasurer. The county treasurer shall 4896
deposit the reimbursements in the county's general fund. The 4897
county shall use the amounts deposited in the fund to pay the 4898
costs incurred by the county pursuant to any sanction imposed 4899
under this section or section 2929.26 or 2929.27 of the Revised 4900
Code or in operating a facility used to confine offenders 4901
pursuant to a sanction imposed under section 2929.26 of the 4902

Revised Code. 4903

(2) The offender shall pay reimbursements imposed upon the 4904
offender pursuant to division (A) (3) of this section to pay the 4905
costs incurred by a municipal corporation pursuant to any 4906
sanction imposed under this section or section 2929.26 or 4907
2929.27 of the Revised Code or in operating a facility used to 4908
confine offenders pursuant to a sanction imposed under section 4909
2929.26 of the Revised Code to the treasurer of the municipal 4910
corporation. The treasurer shall deposit the reimbursements in 4911
the municipal corporation's general fund. The municipal 4912
corporation shall use the amounts deposited in the fund to pay 4913
the costs incurred by the municipal corporation pursuant to any 4914
sanction imposed under this section or section 2929.26 or 4915
2929.27 of the Revised Code or in operating a facility used to 4916
confine offenders pursuant to a sanction imposed under section 4917
2929.26 of the Revised Code. 4918

(3) The offender shall pay reimbursements imposed pursuant 4919
to division (A) (3) of this section for the costs incurred by a 4920
private provider pursuant to a sanction imposed under this 4921
section or section 2929.26 or 2929.27 of the Revised Code to the 4922
provider. 4923

(D) In addition to any other fine that is or may be 4924
imposed under this section, the court imposing sentence upon an 4925
offender for misdemeanor domestic violence or menacing by 4926
stalking may impose a fine of not less than seventy nor more 4927
than five hundred dollars, which shall be transmitted to the 4928
treasurer of state to be credited to the address confidentiality 4929
program fund created by section 111.48 of the Revised Code. 4930

(E) Except as otherwise provided in this division, a 4931
financial sanction imposed under division (A) of this section is 4932

a judgment in favor of the state or the political subdivision 4933
that operates the court that imposed the financial sanction, and 4934
the offender subject to the financial sanction is the judgment 4935
debtor. A financial sanction of reimbursement imposed pursuant 4936
to division (A) (3) (a) (i) of this section upon an offender is a 4937
judgment in favor of the entity administering the community 4938
control sanction, and the offender subject to the financial 4939
sanction is the judgment debtor. A financial sanction of 4940
reimbursement imposed pursuant to division (A) (3) (a) (ii) of this 4941
section upon an offender confined in a jail or other residential 4942
facility is a judgment in favor of the entity operating the jail 4943
or other residential facility, and the offender subject to the 4944
financial sanction is the judgment debtor. A financial sanction 4945
of restitution imposed pursuant to division (A) (1) of this 4946
section is an order in favor of the victim of the offender's 4947
criminal act that can be collected through a certificate of 4948
judgment as described in division (E) (1) of this section, 4949
through execution as described in division (E) (2) of this 4950
section, or through an order as described in division (E) (3) of 4951
this section, and the offender shall be considered for purposes 4952
of the collection as the judgment debtor. 4953

Once the financial sanction is imposed as a judgment or 4954
order under this division, the victim, private provider, state, 4955
or political subdivision may do any of the following: 4956

(1) Obtain from the clerk of the court in which the 4957
judgment was entered, at no charge, a certificate of judgment 4958
that shall be in the same manner and form as a certificate of 4959
judgment issued in a civil action; 4960

(2) Obtain execution of the judgment or order through any 4961
available procedure, including any of the procedures identified 4962

in divisions ~~(E)(1)~~(D)(1) and (2) of section 2929.18 of the Revised Code. 4963
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(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code. 4965
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(F) The civil remedies authorized under division (E) of this section for the collection of the financial sanction supplement, but do not preclude, enforcement of the criminal sentence. 4967
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(G) Each court imposing a financial sanction upon an offender under this section may designate the clerk of the court or another person to collect the financial sanction. The clerk, or another person authorized by law or the court to collect the financial sanction may do the following: 4971
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(1) Enter into contracts with one or more public agencies or private vendors for the collection of amounts due under the sanction. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section, a court shall comply with sections 307.86 to 307.92 of the Revised Code. 4976
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(2) Permit payment of all or any portion of the sanction in installments, by financial transaction device if the court is a county court or a municipal court operated by a county, by credit or debit card or by another electronic transfer if the court is a municipal court not operated by a county, or by any other reasonable method, in any time, and on any terms that court considers just, except that the maximum time permitted for payment shall not exceed five years. If the court is a county court or a municipal court operated by a county, the acceptance of payments by any financial transaction device shall be 4982
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governed by the policy adopted by the board of county 4992
commissioners of the county pursuant to section 301.28 of the 4993
Revised Code. If the court is a municipal court not operated by 4994
a county, the clerk may pay any fee associated with processing 4995
an electronic transfer out of public money or may charge the fee 4996
to the offender. 4997

(3) To defray administrative costs, charge a reasonable 4998
fee to an offender who elects a payment plan rather than a lump 4999
sum payment of any financial sanction. 5000

(H) No financial sanction imposed under this section shall 5001
preclude a victim from bringing a civil action against the 5002
offender. 5003

(I) If the court imposes restitution, fines, fees, or 5004
incarceration costs on a business or corporation, it is the duty 5005
of the person authorized to make disbursements from assets of 5006
the business or corporation to pay the restitution, fines, fees, 5007
or incarceration costs from those assets. 5008

(J) If an offender is sentenced to pay restitution, a 5009
fine, fee, or incarceration costs, the clerk of the sentencing 5010
court, on request, shall make the offender's payment history 5011
available to the victim, victim's representative, victim's 5012
attorney, if applicable, the prosecutor, the probation 5013
department, and the court without cost. 5014

Sec. 2929.281. (A) In determining the amount of 5015
restitution at the time of sentencing under this section, the 5016
court shall order full restitution for any expenses related to a 5017
victim's economic loss due to the criminal offense. The amount 5018
of restitution shall be reduced by any payments to the victim 5019
for economic loss made or due under a policy of insurance or 5020

governmental program. 5021

Economic loss includes, but is not limited to, the 5022
following: 5023

(1) Full or partial payment for the value of stolen or 5024
damaged property. The value of stolen or damaged property shall 5025
be the replacement cost of the property or the actual cost of 5026
repairing the property when repair is possible. 5027

(2) Medical expenses; 5028

(3) Mental health counseling expenses; 5029

(4) Wages or profits lost due to injury or harm to the 5030
victim as determined by the court. Lost wages include commission 5031
income as well as base wages. Commission income shall be 5032
established by evidence of commission income during the twelve- 5033
month period prior to the date of the crime for which 5034
restitution is being ordered, unless good cause for a shorter 5035
time period is shown. 5036

(5) Expenses related to making a vehicle or residence 5037
accessible to the victim if the victim is partially permanently 5038
disabled or totally permanently disabled as a direct result of 5039
the crime. 5040

(B) Upon notification by the court, money owed by the 5041
state or by a political subdivision of the state to an offender 5042
who is required to make restitution under this section, 5043
including any tax refund owed to the offender, shall be assigned 5044
to the discharge of the offender's outstanding restitution 5045
obligation, subject to any superseding federal statutes or 5046
regulations, including court-ordered support obligations. 5047

(C) If an offender is required to make restitution under 5048

this section in the form of monetary payments to more than one 5049
victim, the offender shall make the payments to the victims in 5050
the following order of priority: 5051

(1) Individuals; 5052

(2) Nonprofit organizations; 5053

(3) Business entities; 5054

(4) Governmental entities. 5055

(D) A court that imposes restitution on an offender as 5056
part of the offender's sentence under this section shall not 5057
suspend that part of the offender's sentence if the victim or 5058
the victim's attorney, if applicable, objects to the suspension 5059
of the restitution part of the sentence. 5060

(E) Pursuant to division (D) of section 2929.18 and 5061
division (E) of section 2929.28 of the Revised Code, a court 5062
order for restitution imposed under this section may be reduced 5063
to a certificate of judgment in favor of the victim. If the 5064
order is reduced to such a judgment, the person required to pay 5065
the restitution under the order is the judgment debtor. 5066

(F) The supreme court shall create a standardized form to 5067
be made publicly available that provides guidance for victims 5068
and victims' representatives regarding the compilation of 5069
evidence to demonstrate losses for the purpose of this section. 5070

(G) On the request of the victim, if a judge determines 5071
that, under the circumstances, it is appropriate and the victim 5072
has not been coerced, a victim may accept a settlement that is 5073
less than the full restitution order. 5074

Sec. 2930.01. As used in this chapter, unless otherwise 5075
defined in any section in this chapter: 5076

(A) "~~Crime~~Criminal offense" means ~~any of the following:~~ 5077

~~(1) A felony;~~ 5078

~~(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;~~ 5079
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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.~~ 5084
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~~(4) A motor vehicle accident to which both of the following apply:~~ 5095
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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.~~ 5097
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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 an alleged act or omission committed by a~~ 5100
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person that is punishable by incarceration and is not eligible 5106
to be disposed of by the traffic violations bureau. 5107

(B) "Custodial agency" means one of the following: 5108

(1) The entity that has custody of a defendant or an 5109
alleged juvenile offender who is incarcerated for a ~~crime~~ 5110
criminal offense, is under detention for the commission of a 5111
~~specified~~ delinquent act, or who is detained after a finding of 5112
incompetence to stand trial or not guilty by reason of insanity 5113
relative to a ~~crime~~ criminal offense, including any of the 5114
following: 5115

(a) The department of rehabilitation and correction or the 5116
adult parole authority; 5117

(b) A county sheriff; 5118

(c) The entity that administers a jail, as defined in 5119
section 2929.01 of the Revised Code; 5120

(d) The entity that administers a community-based 5121
correctional facility and program or a district community-based 5122
correctional facility and program; 5123

(e) The department of mental health and addiction services 5124
or other entity to which a defendant found incompetent to stand 5125
trial or not guilty by reason of insanity is committed. 5126

(2) The entity that has custody of an alleged juvenile 5127
offender pursuant to an order of disposition of a juvenile 5128
court, including the department of youth services or a school, 5129
camp, institution, or other facility operated for the care of 5130
delinquent children. 5131

(C) "Defendant" means a person who is alleged to be the 5132
perpetrator of a ~~crime in a police report or~~ criminal offense in 5133

a complaint, indictment, or information that charges the 5134
commission of a ~~crime~~ criminal offense and that provides the 5135
basis for the criminal prosecution and subsequent proceedings to 5136
which this chapter makes reference. 5137

(D) "Member of the victim's family" means a spouse, child, 5138
stepchild, sibling, parent, stepparent, grandparent, or other 5139
relative of a victim but does not include a person who is 5140
charged with, convicted of, or adjudicated to be a delinquent 5141
child for the ~~crime~~ criminal offense or ~~specified~~ delinquent act 5142
against the victim or another ~~crime~~ criminal offense or 5143
~~specified~~ delinquent act arising from the same conduct, criminal 5144
episode, or plan. 5145

(E) "Prosecutor" means one of the following: 5146

(1) With respect to a criminal case, it has the same 5147
meaning as in section 2935.01 of the Revised Code and also 5148
includes the attorney general and, when appropriate, the 5149
employees of any person listed in section 2935.01 of the Revised 5150
Code or of the attorney general. 5151

(2) With respect to a delinquency proceeding, it includes 5152
any person listed in division (C) of section 2935.01 of the 5153
Revised Code or an employee of a person listed in that division 5154
who prosecutes a delinquency proceeding. 5155

(F) "Public agency" means an office, agency, department, 5156
bureau, or other governmental entity of the state or of a 5157
political subdivision of the state. 5158

(G) "Public official" has the same meaning as in section 5159
2921.01 of the Revised Code. 5160

(H) "Victim" ~~means either of the following:~~ 5161

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

~~(2) A person who receives injuries as a result of a vehicle, streetcar, trackless trolley, aquatic device, or aircraft accident that is proximately caused by a violation described in division (A) (3) of this section or a motor vehicle accident that is proximately caused by a violation described in division (A) (4) of this section and who receives medical treatment as described in division (A) (3) or (4) of this section, whichever is applicable has the same meaning as in Section 10a of Article I of the Ohio Constitution.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Violates division (C) of section 2907.39, division (A) of section 2923.211, or division (C) (1) or (D) of section

<u>2925.55 of the Revised Code.</u>	5219
(P) (1) "Alleged juvenile offender" means a child who is	5220
alleged to have committed a specified delinquent act in a police	5221
report or in a complaint in juvenile court that charges the	5222
commission of a specified delinquent act and that provides the	5223
basis for the delinquency proceeding and all subsequent	5224
proceedings to which this chapter makes reference.	5225
(2) As used in divisions (O) and (P) (1) of this section,	5226
"child" has the same meaning as in section 2151.011 of the	5227
Revised Code.	5228
(Q) "Motor vehicle accident" means any accident involving	5229
a motor vehicle.	5230
(R) "Motor vehicle" has the same meaning as in section	5231
4509.01 of the Revised Code.	5232
(S) "Aircraft" has the same meaning as in section 4561.01	5233
of the Revised Code.	5234
(T) "Aquatic device" means any vessel, or any water skis,	5235
aquaplane, or similar device.	5236
(U) "Vehicle," "streetcar," and "trackless trolley" have	5237
the same meanings as in section 4511.01 of the Revised Code.	5238
(V) "Vehicle, streetcar, trackless trolley, aquatic	5239
device, or aircraft accident" means any accident involving a	5240
vehicle, streetcar, trackless trolley, aquatic device, or	5241
aircraft.	5242
(W) "Vessel" has the same meaning as in section 1546.01 of	5243
the Revised Code.	5244
<u>(X) "Victim advocate" means a person employed or</u>	5245

authorized by a public or private entity who provides support 5246
and assistance for a victim of a criminal offense or delinquent 5247
act in relation to criminal, civil, administrative, and 5248
delinquency cases or proceedings and recovery efforts related to 5249
the criminal offense or delinquent act. 5250

(Y) "Victim's attorney" means an attorney retained by the 5251
victim for the purpose of asserting the victim's constitutional 5252
and statutory rights. 5253

(Z) "Prosecutor's designee" means any person or entity 5254
designated by the prosecuting attorney but does not include a 5255
court or court employee. 5256

(AA) "Suspect" means a person who is alleged to be the 5257
perpetrator of a criminal offense. 5258

Sec. 2930.011. Nothing in this chapter shall prevent a 5259
victim or the victim's other lawful representative from 5260
asserting the rights enumerated in Ohio Constitution, Article I, 5261
Section 10a. 5262

Sec. 2930.02. (A) ~~If~~ Any of the following persons may, 5263
subject to the prohibition on the unauthorized practice of law 5264
under section 4705.07 of the Revised Code, exercise the rights 5265
of a victim under this chapter as the victim's representative: 5266

(1) Any person designated by the victim; 5267

(2) A member of the victim's family or a victim advocate 5268
designated as the victim's representative to exercise the rights 5269
of a victim under this chapter as the victim's representative if 5270
a victim is a minor or is incapacitated, incompetent, or 5271
deceased, or if the victim chooses to designate another person, 5272
a member of a victim's family or another person may exercise the 5273
rights of the victim under this chapter as the victim's 5274

representative, subject to division (D) of this section; 5275

(3) If the case involves a violation of section 2903.01, 5276
2903.02, 2903.03, 2903.04, 2903.041, 2903.05, or 2903.06 of the 5277
Revised Code, a member of the deceased victim's family, a victim 5278
advocate, or another person designated by one or more members of 5279
the deceased victim's family. 5280

(B) If the prosecutor in the case or the court has a 5281
reasonable basis to believe that the victim's representative is 5282
not acting in the interests of the child victim, victim with a 5283
developmental disability, or an incapacitated or incompetent 5284
victim, the prosecutor shall file a motion with the court 5285
setting forth the reasonable basis for that belief and the court 5286
shall hold a hearing to determine whether the victim's 5287
representative is acting in the interests of the victim. The 5288
court shall make this determination by a preponderance of the 5289
evidence. If the court finds that the victim's representative is 5290
not acting in the interests of the victim, the court shall 5291
appoint a court appointed special advocate, a guardian ad litem, 5292
or a victim advocate to act as a victim's representative instead 5293
of the previously appointed victim's representative. 5294

(C) If more than one person seeks to act as the victim's 5295
representative for a particular victim, the court that has 5296
jurisdiction over the criminal matter or the court in which the 5297
criminal prosecution or delinquency proceeding is held shall 5298
designate one of those persons as the victim's representative. 5299
If a victim does not want to have anyone act as the victim's 5300
representative, the court shall order that only the victim may 5301
exercise the rights of a victim under this chapter. 5302

~~(B)~~ (D) If pursuant to division (A) of this section a 5303
victim's representative is to exercise the rights of a victim, 5304

the victim ~~or victim's representative~~ shall notify law 5305
enforcement and the prosecutor, or, if it is a delinquency 5306
proceeding and a prosecutor is not involved in the case, shall 5307
notify the court that the victim's representative is to act for 5308
the victim. When a victim ~~or victim's representative~~ has so 5309
notified law enforcement and the prosecutor, or the court, all 5310
~~notice notices~~ under this chapter shall be sent ~~only~~ to the 5311
victim and the victim's representative, all rights under this 5312
chapter shall be granted ~~only~~ to the victim and the victim's 5313
representative, and all references in this chapter to a victim, 5314
except the references to a victim in section 2930.071 of the 5315
Revised Code, shall be interpreted as being references to the 5316
victim and the victim's representative unless the victim informs 5317
the notifying authority that the victim ~~also wishes~~ does not 5318
wish to receive the notices or exercise the rights. ~~If division-~~ 5319
~~(B) of section 2930.03 of the Revised Code requires a victim to-~~ 5320
~~make a request in order to receive any notice of a type-~~ 5321
~~described in this division and if a victim's representative is-~~ 5322
~~to exercise the rights of the victim, the victim's-~~ 5323
~~representative shall make the request-~~ 5324

(E) A suspect, defendant, offender, alleged juvenile 5325
offender, or delinquent child may not act as a victim's 5326
representative relative to the criminal offense or delinquent 5327
act involving the victim. 5328

(F) In any post-conviction proceeding or in regards to any 5329
post-conviction relief, if the prosecutor in the case or the 5330
court has a reasonable basis to believe that the victim's 5331
representative is not acting in the interests of the child 5332
victim, victim with a developmental disability, or an 5333
incapacitated or incompetent victim, the prosecutor shall file a 5334
motion with the court setting forth the reasonable basis for 5335

that belief and the court shall hold a hearing to determine 5336
whether the victim's representative is acting in the interests 5337
of the victim. The court shall make this determination by a 5338
preponderance of the evidence. If the court finds that the 5339
victim's representative is not acting in the interests of the 5340
victim, the court shall appoint a court appointed special 5341
advocate, a guardian ad litem, or a victim advocate to act as a 5342
victim's representative instead of the previously appointed 5343
victim's representative. 5344

Sec. 2930.03. (A) A person or entity required or 5345
authorized under this chapter to give notice to a victim shall 5346
give the notice to the victim by any means reasonably calculated 5347
to provide prompt actual notice. Except when a provision 5348
requires that notice is to be given in a specific manner, a 5349
notice may be oral or written. 5350

(B) (1) Except for receipt of the initial information and 5351
notice required to be given to a victim under divisions (A) and 5352
~~(B)~~ (D) of section 2930.04, section 2930.05, and divisions (A) 5353
and ~~(B)~~ (C) of section 2930.06 of the Revised Code and the 5354
notice required to be given to a victim under division (D) of 5355
section 2930.16 of the Revised Code, a victim who wishes to 5356
receive any notice authorized by this chapter shall make a 5357
request for the notice to the prosecutor or the custodial agency 5358
that is to provide the notice, as specified in this chapter. If 5359
the victim does not make a request as described in this 5360
division, the prosecutor or custodial agency is not required to 5361
provide any notice described in this chapter other than the 5362
initial information and notice required to be given to a victim 5363
under divisions (A) and ~~(B)~~ (D) of section 2930.04, section 5364
2930.05, and divisions (A) and ~~(B)~~ (C) of section 2930.06 of the 5365
Revised Code and the notice required to be given to a victim 5366

under division (D) of section 2930.16 of the Revised Code. 5367

(2) A victim who does not wish to receive any of the 5368
notices required to be given to a victim under division (E) (2) 5369
or (K) of section 2929.20, division (D) of section 2930.16, 5370
division (H) of section 2967.12, division (E) (1) (b) of section 5371
2967.19, division (A) (3) (b) of section 2967.26, division (D) (1) 5372
of section 2967.28, or division (A) (2) of section 5149.101 of 5373
the Revised Code shall make a request to the prosecutor or 5374
custodial agency that is to provide the particular notice that 5375
the notice not be provided to the victim. Unless the victim 5376
makes a request as described in this division, the prosecutor or 5377
custodial agency shall provide the notices required to be given 5378
to a victim under division (E) (2) or (K) of section 2929.20, 5379
division (D) of section 2930.16, division (H) of section 5380
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 5381
(b) of section 2967.26, division (D) (1) of section 2967.28, or 5382
division (A) (2) of section 5149.101 of the Revised Code in any 5383
manner, and in accordance with the procedures, specified in the 5384
particular division. This division also applies to a victim's 5385
representative or a member of a victim's immediate family that 5386
is authorized to receive any of the notices specified in this 5387
division. 5388

(C) A person or agency that is required to furnish notice 5389
under this chapter shall give the notice to the victim at the 5390
address or telephone number provided to the person or agency by 5391
the victim. A victim who requests to receive notice under this 5392
chapter as described in division (B) of this section shall 5393
inform the person or agency of the name, address, or telephone 5394
number of the victim and of any change to that information. 5395

(D) A person or agency that has furnished information to a 5396

victim in accordance with any requirement or authorization under 5397
this chapter shall notify the victim promptly of any significant 5398
changes to that information. 5399

(E) Divisions (A) to (D) of this section do not apply 5400
regarding a notice that a prosecutor is required to provide 5401
under section 2930.061 of the Revised Code. A prosecutor 5402
required to provide notice under that section shall provide the 5403
notice as specified in that section. 5404

Sec. 2930.04. (A) The supreme court shall create the 5405
victim's rights request form, which shall include the 5406
information specified in division (B) of this section or a 5407
similar form that, at a minimum, contains all the required 5408
information listed in division (B) of this section. The supreme 5409
court shall make the form available to all sheriffs, marshals, 5410
municipal corporation and township police departments, 5411
constables, and other law enforcement agencies, to all 5412
prosecuting attorneys, city directors of law, village 5413
solicitors, and other similar chief legal officers of municipal 5414
corporations, and to organizations that represent or provide 5415
services for victims of crime.~~After~~ 5416

(B) (1) On its initial contact with a victim of a ~~crime~~ 5417
criminal offense or delinquent act, the law enforcement agency 5418
responsible for investigating the ~~crime~~ criminal offense or 5419
delinquent act promptly shall ~~give to~~ provide the victim, in 5420
writing, with a victim's rights request form or a similar form 5421
that, at a minimum, contains the required information listed in 5422
this division and division (B) (2) of this section. The form 5423
shall do all of the following ~~information~~: 5424

~~(1) An explanation of the victim's rights under this~~ 5425
~~chapter~~(a) Inform victims of rights that are automatically 5426

granted; 5427

~~(2) Information about medical, counseling, housing, emergency, and any other services that are available to a victim~~(b) Of the rights that are not automatically granted, allow the victim and victim's representative, if applicable, to select which rights the victim wishes to request; 5428
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~~(3) Information about compensation for victims under the reparations program in sections 2743.51 to 2743.72 of the Revised Code and the name, street address, and telephone number of the agency to contact to apply for an award of reparations under those sections;~~ 5433
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~~(4) Information about protection that is available to the victim, including protective orders issued by a court~~(c) Inform victims that an election of rights made on the form can be changed at any time; 5438
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(d) Include a section for law enforcement to indicate that the victim did not make an election or was unable to complete the form at the time of first contact with law enforcement, if applicable, and is therefore considered to have requested all rights until the prosecutor contacts the victim pursuant to section 2930.06 of the Revised Code to provide another opportunity to request any right that is not automatically conferred by the Ohio Constitution; 5442
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(e) Inform the victim and victim's representative that failure to affirmatively request the rights that are not automatically granted is a waiver of those rights once contacted by the prosecutor, but that the victim or victim's representative may request those rights at a later date; 5450
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(f) Provide a method for the victim to designate a 5455

<u>victim's representative if the victim chooses;</u>	5456
<u>(g) Include a section where the victim or victim's</u>	5457
<u>representative shall indicate whether the victim was a victim</u>	5458
<u>against whom the criminal offense or delinquent act was</u>	5459
<u>committed or the victim was directly or proximately harmed by</u>	5460
<u>the commission of the criminal offense or delinquent act;</u>	5461
<u>(h) Include a section where the victim or victim's</u>	5462
<u>representative shall indicate that a law enforcement official or</u>	5463
<u>the prosecutor provided the form to the victim;</u>	5464
<u>(i) Include the address, telephone number, and electronic</u>	5465
<u>mail address, if available, for the victim and victim's</u>	5466
<u>representative, if applicable;</u>	5467
<u>(j) Include the contact information or address for the law</u>	5468
<u>enforcement official, incident report number, badge number of</u>	5469
<u>the law enforcement officer, case number, and arraignment date,</u>	5470
<u>time and location, if known;</u>	5471
<u>(k) Include signature lines for acknowledgment by the</u>	5472
<u>applicable law enforcement officer or agency, prosecutor, or</u>	5473
<u>custodial agent or agency, and victim and victim's</u>	5474
<u>representative;</u>	5475
<u>(l) Advise victims of the right to counsel and refer the</u>	5476
<u>victim to the attorney general information card and victim's</u>	5477
<u>rights handbook online or in print, including telephone and web</u>	5478
<u>site information for obtaining a copy if not provided by law</u>	5479
<u>enforcement officials;</u>	5480
<u>(m) Inform victims of the responsibility to keep contact</u>	5481
<u>information current with the applicable law enforcement</u>	5482
<u>official;</u>	5483

(n) Provide a section for prosecutors to inform the 5484
custodial agency of the victim's and victim's representative's, 5485
if applicable, name and identifying information. The custodial 5486
agency shall notify the victim and victim's representative, if 5487
applicable, of the victim's post-conviction rights and provide 5488
post-conviction information; 5489

(o) Contain a statement that the victim's identifying 5490
information on the form is not a public record under section 5491
149.43 of the Revised Code. 5492

~~(B)~~ (2) As part of the victim's rights request form, the 5493
law enforcement official shall provide an informational page to 5494
the victim that includes information about the following: 5495

(a) The fact that some rights are automatic and some 5496
rights are upon request; 5497

(b) Appointing a victim representative; 5498

(c) The importance of the arraignment process for victim's 5499
rights; 5500

(d) The right to refuse interview, deposition and 5501
discovery requests from the defendant; 5502

(e) The potential availability of protection orders; 5503

(f) Victims' compensation and restitution, and the 5504
importance of preserving documentation during the criminal 5505
justice process for purposes of obtaining compensation or 5506
restitution; 5507

(g) Privacy for victim addresses through the address 5508
confidentiality program established by section 111.42 of the 5509
Revised Code, including the web site address and contact 5510
telephone number for the program; 5511

(h) Tracking incarcerated offenders through the victim information and notification everyday program, including the web site address to register for text message or electronic mail notices of offender release. 5512
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(C) (1) On documents filed with the court, the victim's name and identifying information shall be filed separately on a page that is not a public record under section 149.43 of the Revised Code so that the identity of the victim or victims remains confidential. A completed or partially completed victim's rights request form is not a public record under section 149.43 of the Revised Code. 5516
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(2) The prosecutor, the victim, and the victim's representative, if applicable, shall be provided a copy of the unredacted victim's rights form. The defendant, alleged delinquent child, or the attorney for the defendant or alleged delinquent child shall be permitted access to the victim's name and completed or partially completed victim's rights request form with the exception of the victim's and victim representative's address, phone number, electronic mail address, or other identifying information, unless directed by the court under division (B) of section 2930.07 of the Revised Code. 5523
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~~As soon as practicable after~~ 5533

(D) At the time of its initial contact with a victim of a crime criminal offense or delinquent act, or as soon as practicable following the initial contact, the law enforcement agency responsible for investigating the crime criminal offense or delinquent act shall give to provide the victim, in writing, all of the following information: 5534
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~~(1) The business telephone number of the law enforcement~~ 5540

~~officer assigned to investigate the case;~~ 5541

~~(2) The office address and business telephone number of
the prosecutor in the case;~~ 5542
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~~(3) A statement that, if the victim is not notified of the
arrest of the offender in the case within a reasonable period of
time, the victim may contact the law enforcement agency to learn
the status of the case. The victim's rights under this section
and the victim's bill of rights under Ohio Constitution, Article
I, Section 10a, including the right to exercise those rights
through counsel;~~ 5544
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(2) The availability of crisis intervention services,
housing, and emergency and medical services, or contact
information for statewide organizations that can direct victims
to local resources; 5551
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(3) When applicable, the procedures and resources
available for the protection of the victim, including protection
orders issued by the courts; 5555
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(4) Information about public and private victim services
programs, including, but not limited to, the crime victims
compensation program and emergency shelter programs, or, if
local information is not available, contact information for
statewide organizations that can direct a victim to these types
of resources; 5558
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(5) The police report number, if applicable, business
telephone number of the law enforcement agency investigating the
victim's case, and the office address and business telephone
number of the prosecutor in the victim's case, when available. 5564
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~~(C)-(E) The law enforcement officer responsible for
providing information under this section shall use reasonable~~ 5568
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efforts to identify the victim. At a minimum, this information 5570
should be disseminated to the individual or individuals 5571
identified in the police report as victims. If the law 5572
enforcement officer generates a report, the law enforcement 5573
agency shall collect and retain an executed copy of the victim's 5574
rights request form or a form that, at a minimum, contains the 5575
required information listed in division (B) of this section. If 5576
at the time of contact with a law enforcement agency the victim 5577
does not complete the form or request the victim's applicable 5578
rights, the law enforcement agency shall designate this on the 5579
form. The victim's refusal to request or waive the victim's 5580
applicable rights shall be considered an assertion of the 5581
victim's rights until the prosecutor contacts the victim within 5582
seven days of initiation of a criminal prosecution pursuant to 5583
section 2930.06 of the Revised Code to provide another 5584
opportunity to request any right that is not automatically 5585
conferred under the Ohio Constitution. 5586

(F) If a suspect is arrested, the law enforcement agency 5587
shall submit an executed copy of the victim's rights request 5588
form to the custodial agency as soon as practicable once the law 5589
enforcement agency learns of the suspect's arrest. 5590

(G) On the filing of charges or a complaint, the law 5591
enforcement agency shall submit an executed copy of that form to 5592
the prosecutor and to the court. The prosecutor shall review the 5593
victim's rights request form with the victim or victim's 5594
representative and obtain signatures from the victim and 5595
victim's representative, if applicable, if the form was not 5596
previously completed with law enforcement and shall file the 5597
form with the court within seven days after initiation of a 5598
criminal prosecution. 5599

(H) If a suspect is cited and released, the law enforcement agency responsible for investigating the offense shall inform the victim and the victim's representative, if applicable, of the court date, if known, and how to obtain additional information from the clerk of the court about the arraignment or initial appearance. 5600
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(I) To the extent that the information required by this section is provided in the victim's rights request form created under this section and the pamphlet prepared pursuant to section 109.42 of the Revised Code or in the information card or other material prepared pursuant to section 2743.71 of the Revised Code, the law enforcement agency may fulfill that portion of its obligations under this section by giving that form, pamphlet, information card, or other material to the victim. 5606
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(J) (1) Once completed, the law enforcement agency shall provide the victim's rights request form with the information of the victim or victims to the prosecutor with the complaint and affidavit and provide it to the court at the time of criminal case filing. 5614
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(2) If the form containing the information of the victim or victims as described in division (B) of this section is not completed and sent to the prosecutor prior to the first interaction between the prosecutor and the victim or victims, then the prosecutor shall complete the form during the prosecutor's first interaction with the victim. 5619
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(3) A victim may elect not to receive the notifications described in division (B) (1) of this section, in which case the prosecutor shall document that refusal. Once the prosecutor has met with the victim, the prosecutor shall file the completed or updated victim's rights request form with the court. 5625
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(4) If a defendant is convicted and sentenced to the 5630
department of rehabilitation and correction or the department of 5631
youth services, the court shall ask the victim, if present, or 5632
the prosecutor if the victim wishes to update the victim's 5633
contact information and shall inform the victim that it is the 5634
victim's duty to notify the department of rehabilitation and 5635
correction or department of youth services of any change in 5636
address or contact information. 5637

(K) (1) A person, who by reason of that person's regular 5638
business activities, is the subject of multiple and continuing 5639
criminal offenses or delinquent acts as a potential victim, may 5640
opt out of notices and rights available pursuant to the Ohio 5641
Constitution, Chapter 2930. of the Revised Code, and other laws 5642
providing victims with rights for future offenses by giving a 5643
written notification form to the appropriate prosecutor or the 5644
prosecutor's designee. 5645

(2) The form shall include the name and address of the 5646
person's business and the period of time that the person wishes 5647
to opt out of receiving the notices and rights available. The 5648
form may also state that the person is only interested in the 5649
notices described in this section if restitution is at issue. It 5650
shall be signed by the person or another person with management 5651
authority over the business. 5652

Sec. 2930.041. (A) Pursuant to the "Americans with 5653
Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101, as 5654
amended, a victim with a disability has the right to a qualified 5655
or certified interpreter at all court proceedings, all meetings 5656
with the prosecutor, and all investigative contacts with law 5657
enforcement, the probation department, the department of 5658
rehabilitation and correction, and the department of youth 5659

services, at no cost to the victim and paid for by the court. 5660

(B) A victim who is non-English speaking or has limited English proficiency has the right to a qualified or certified interpreter at all court proceedings, all meetings with the prosecutor, and all investigative contacts with law enforcement, the probation department, the department of rehabilitation and correction, and the department of youth services, at no cost to the victim and paid for by the court. 5661
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(C) The victim's right to a qualified or certified interpreter under division (B) of this section is subject to availability but is not subject to the cost of retaining a qualified or certified interpreter. Any agency described in division (B) of this section that is unable to provide a victim with a qualified or certified interpreter as required by division (B) of this section shall maintain records of the agency's attempt to comply with this requirement. 5668
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(D) As used in this section, "qualified interpreter" has the same meaning as in the "Americans with Disabilities Act of 1990," 42 U.S.C. 12101, as amended. 5676
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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. 5679
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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. 5687
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Sec. 2930.044. A person who has not previously been 5689
identified as a victim by law enforcement, including a person 5690
claiming to be directly or proximately harmed as a result of the 5691
criminal offense or delinquent act, shall affirmatively identify 5692
the person's self to law enforcement, the prosecutor, and the 5693
courts in order to receive the information and exercise the 5694
rights described in this chapter. 5695

Sec. 2930.05. (A) Within a reasonable period of time after 5696
the arrest or detention of a defendant or an alleged juvenile 5697
offender for ~~a crime~~ the underlying criminal offense or 5698
~~specified delinquent act~~, the law enforcement agency that 5699
investigates the ~~crime~~ criminal offense or ~~specified delinquent~~ 5700
act shall give the victim ~~of the crime or specified delinquent~~ 5701
~~act~~ and the victim's representative notice of all of the 5702
following: 5703

(1) The arrest or detention once the investigating law 5704
enforcement agency has knowledge of the arrest or detention; 5705

(2) The name of the defendant or alleged juvenile offender 5706
once the investigating law enforcement agency has knowledge of 5707
the name of the defendant or alleged juvenile offender; 5708

(3) ~~Whether~~ That the defendant or alleged juvenile 5709
offender ~~is~~ may be eligible for pretrial release or for release 5710
from detention; 5711

(4) The telephone number of the law enforcement agency; 5712

(5) The victim's and the victim's representative's right, 5713
if applicable, to telephone the custodial agency to ascertain 5714
whether the defendant or alleged juvenile offender has been 5715
released from custody or from detention; 5716

(6) That, on request of the victim or the victim's 5717

representative, the prosecutor or the prosecutor's designee 5718
shall provide the victim and the victim's representative, if 5719
applicable, with a copy of the terms and conditions of bond; 5720

(7) Procedures for obtaining additional information from 5721
the clerk of the court about the time, place, and date of the 5722
arraignment or initial appearance of the defendant or alleged 5723
juvenile offender; 5724

(8) If the defendant or alleged juvenile offender is 5725
arrested or detained by another law enforcement agency, the 5726
applicable pick-up radius and whether the investigating law 5727
enforcement agency will pick up the defendant or alleged 5728
juvenile offender, once the investigating law enforcement agency 5729
has knowledge of the defendant's or alleged juvenile offender's 5730
arrest or detention. 5731

~~(B)~~ (B) (1) If a defendant or alleged juvenile offender has 5732
been released from custody on a bond or personal recognizance or 5733
has been released from detention and the prosecutor in the case 5734
has received the affidavit of a victim stating that the 5735
defendant or alleged juvenile offender, or someone acting at the 5736
defendant's or alleged juvenile offender's direction, has 5737
committed or threatened to commit one or more acts of violence, 5738
harassment, or intimidation against the victim, the victim's 5739
family, or the victim's representative, the prosecutor may file 5740
a motion asking the court to reconsider the conditions of the 5741
bond or personal recognizance granted to the defendant or 5742
alleged juvenile offender or to consider returning the defendant 5743
or alleged juvenile offender to detention. 5744

(2) If the prosecutor elects not to file a motion under 5745
division (B) (1) of this section, the prosecutor or the 5746
prosecutor's designee shall inform the victim as soon as 5747

practicable that the victim or the victim's attorney may file a 5748
petition asking the court to reconsider the conditions of the 5749
bond or personal recognizance granted to the defendant or 5750
alleged juvenile offender. 5751

Sec. 2930.051. A custodial agency shall notify the 5752
investigating law enforcement agency of the incarceration of a 5753
defendant or detention of an alleged juvenile offender once the 5754
investigating law enforcement agency is known to the custodial 5755
agency. 5756

Sec. 2930.06. ~~(A)~~ (A) (1) The prosecutor in a case or the 5757
prosecutor's designee, to the extent practicable, shall, on the 5758
victim's request, confer with the victim in the case before and 5759
the victim's representative, if applicable, at each of the 5760
following stages: 5761

(a) Before pretrial diversion is granted to the defendant 5762
or alleged juvenile offender in the case, ~~before;~~ 5763

(b) Before amending or dismissing an indictment, 5764
information, or complaint against that defendant or alleged 5765
juvenile offender, ~~before~~ unless the amendment to the 5766
indictment, information, or complaint is a correction of a 5767
procedural defect that is not substantive in nature; 5768

(c) Before agreeing to a negotiated plea for that 5769
defendant or alleged juvenile offender, ~~before;~~ 5770

(d) Before a trial of that defendant by judge or jury, ~~or~~ 5771
~~before;~~ 5772

(e) Before the juvenile court conducts an adjudicatory 5773
hearing for that alleged juvenile offender. 5774

(2) If the juvenile court disposes of a case prior to the 5775

prosecutor's involvement in the case, the court or a court 5776
employee shall notify the victim and the victim's representative 5777
in the case, if applicable, that the alleged juvenile offender 5778
will be granted pretrial diversion, the complaint against that 5779
alleged juvenile offender will be amended or dismissed, or the 5780
court will conduct an adjudicatory hearing for that alleged 5781
juvenile offender. 5782

(3) At a hearing at any of the stages listed in division 5783
(A) (1) of this section, the court shall inquire as to whether 5784
the victim or victim's representative, if applicable, requested 5785
to confer with the prosecutor, and whether or not the prosecutor 5786
conferred with the victim and the victim's representative, if 5787
applicable. If the prosecutor fails to confer with the victim 5788
and the victim's representative, if applicable, at any of those 5789
times, the court, ~~if informed of the failure,~~ shall note on the 5790
record the failure and the prosecutor's reasons for the failure. 5791
Except as provided in division (A) (5) of this section, if the 5792
court determines that reasonable efforts were not made to confer 5793
with the victim and victim's representative, if applicable, or 5794
reasonable efforts were not made to provide reasonable and 5795
timely notice of the time, place, and nature of the court 5796
proceeding to the victim and victim's representative, if 5797
applicable, as required by this section or by Ohio Constitution, 5798
Article I, Section 10a, the court shall not rule on any 5799
substantive issue that implicates a victim's right, accept a 5800
plea, or impose a sentence, and shall continue the court 5801
proceeding for the time necessary to provide the required notice 5802
to the victim and victim's representative, if applicable. A 5803
prosecutor's failure to confer with a victim as required by this 5804
division and a court's failure to provide the notice as required 5805
by this division do not affect the validity of an agreement 5806

between the prosecutor and the defendant or alleged juvenile 5807
offender in the case, a pretrial diversion of the defendant or 5808
alleged juvenile offender, an amendment or dismissal of an 5809
indictment, information, or complaint filed against the 5810
defendant or alleged juvenile offender, a plea entered by the 5811
defendant or alleged juvenile defender, an admission entered by 5812
the defendant or alleged juvenile offender, or any other 5813
disposition in the case. 5814

(4) A court shall not dismiss a criminal complaint, 5815
charge, information, or indictment or a delinquent child 5816
complaint solely at the request of the victim or victim's 5817
representative and over the objection of the prosecuting 5818
attorney, village solicitor, city director of law, or other 5819
chief legal officer responsible for the prosecution of the case. 5820

(5) Nothing in this section prohibits a court from taking 5821
any action necessary to ensure that a person charged with an 5822
offense is brought to trial within the time required by sections 5823
2945.71 and 2945.72 of the Revised Code and a defendant's 5824
constitutional right to a speedy trial. 5825

(B) After On request of the victim or the victim's 5826
representative, the prosecutor shall keep the victim and the 5827
victim's representative, if applicable, apprised of requests and 5828
communications from the defendant, alleged juvenile offender, 5829
the attorney for the defendant or alleged juvenile offender, or 5830
the agent of the defendant or alleged juvenile offender that 5831
could affect the victim's privacy rights or safety concerns. 5832

(C) Within fourteen days after a prosecution in a case has 5833
been commenced, the prosecutor or a designee of the prosecutor 5834
other than a court or court employee, to the extent practicable, 5835
promptly shall give the victim and the victim's representative, 5836

if applicable, all of the following information, except that, if 5837
the juvenile court disposes of a case prior to the prosecutor's 5838
involvement in the case, the court or a court employee, ~~to the~~ 5839
~~extent practicable,~~ promptly shall give the victim and the 5840
victim's representative all of the following information: 5841

(1) The name of the ~~crime~~ criminal offense or ~~specified~~ 5842
delinquent act with which the defendant or alleged juvenile 5843
offender in the case has been charged and the name of the 5844
defendant or alleged juvenile offender; 5845

(2) The file number of the case; 5846

(3) A ~~brief~~ clear and concise statement regarding the 5847
procedural steps in a criminal prosecution or delinquency 5848
proceeding involving a ~~crime~~ criminal offense or ~~specified~~ 5849
delinquent act similar to the ~~crime~~ criminal offense or 5850
~~specified~~ delinquent act with which the defendant or alleged 5851
juvenile offender has been charged and the right of the victim 5852
and victim's representative to be present during all proceedings 5853
held throughout the prosecution of the case; 5854

(4) A summary of the rights of a victim under this chapter 5855
and under Section 10a of Article I of the Ohio Constitution; 5856

(5) Procedures the victim, the victim's representative, or 5857
the prosecutor may follow if the victim becomes subject to 5858
threats of violence, harassment, or intimidation by the 5859
defendant, alleged juvenile offender, or any other person; 5860

(6) The name and business telephone number of ~~a person~~ the 5861
office to contact for further information with respect to the 5862
case; 5863

(7) The right of the victim to have a victim's 5864
representative exercise the victim's rights under this chapter 5865

in accordance with section 2930.02 of the Revised Code and the 5866
procedure by which a victim's representative may be designated; 5867

(8) The right of the victim and victim's representative, 5868
if applicable, to confer with the prosecutor on request and the 5869
procedures the victim or victim's representative shall follow to 5870
confer with the prosecutor; 5871

(9) The fact that the victim can seek the advice of an 5872
attorney or have legal representation to enforce the victim's 5873
rights; 5874

(10) Notice that any notification under division ~~(C)~~ (E) 5875
of this section, sections ~~2930.07-2930.08~~ to 2930.15, division 5876
(A), (B), or (C) of section 2930.16, sections 2930.17 to 5877
2930.19, and section 5139.56 of the Revised Code will be given 5878
to the victim and the victim's representative, if applicable, 5879
only if the victim or victim's representative asks to receive 5880
the notification and that notice under division (E) (2) or (K) of 5881
section 2929.20, division (D) of section 2930.16, division (H) 5882
of section 2967.12, division (E) (1) (b) of section 2967.19, 5883
division (A) (3) (b) of section 2967.26, division (D) (1) of 5884
section 2967.28, or division (A) (2) of section 5149.101 of the 5885
Revised Code will be given unless the victim ~~asks~~ and the 5886
victim's representative, if applicable, ask that the 5887
notification not be provided; 5888

(11) (a) The victim's rights request form, or a similar 5889
form that, at a minimum, contains the required information 5890
listed in this section and on the victim's rights request form, 5891
that allows the victim and the victim's representative, if 5892
applicable, to request applicable rights to which the victim and 5893
victim's representative are entitled under this chapter, 5894
including notice to the victim and the victim's representative 5895

that failure to affirmatively request these rights will be 5896
considered a waiver of these rights, but that the victim or 5897
victim's representative may request these rights at a later 5898
date; 5899

(b) A person who, by reason of that person's regular 5900
business activities, is the subject of multiple and continuing 5901
criminal offenses or delinquent acts as a potential victim may 5902
choose to opt out of the notices and rights available pursuant 5903
to the Ohio Constitution, Chapter 2930. of the Revised Code, and 5904
any other provision of the Revised Code that provides a victim 5905
with rights for future offenses by giving a written notification 5906
form to the appropriate prosecutor or prosecutor's designee. The 5907
form shall include the name and address of the person's business 5908
and the period of time that the person wishes to opt out of the 5909
applicable notices and rights and may also state that the person 5910
is only interested in the applicable notices if restitution is 5911
at issue. The form shall be signed by the person or another 5912
person with management authority of the business. 5913

~~(C) Upon~~ (D) Unless a shorter notice period is reasonable 5914
under the circumstances, the court shall provide the prosecutor 5915
or prosecutor's designee with oral or written notice of any 5916
court proceeding not less than ten days prior to that court 5917
proceeding unless the parties agree that a shorter notice period 5918
is reasonable under the circumstances. 5919

(E) On the request of the victim or victim's 5920
representative, the prosecutor or, if it is a delinquency 5921
proceeding and a prosecutor is not involved in the case, the 5922
court shall give the victim and the victim's representative, if 5923
applicable, notice of the date, time, and place of any ~~scheduled~~ 5924
criminal or juvenile proceedings in the case and notice of any 5925

changes in those proceedings or in the schedule in the case not 5926
less than seven days prior to the criminal or juvenile 5927
proceedings in the case unless the parties agree that a shorter 5928
notice period is reasonable under the circumstances. 5929

~~(D)~~ (F) A victim or victim's representative who requests 5930
notice under division ~~(C)~~ (E) of this section and who elects 5931
pursuant to division (B) of section 2930.03 of the Revised Code 5932
to receive any further notice from the prosecutor or, if it is a 5933
delinquency proceeding and a prosecutor is not involved in the 5934
case, the court under this chapter shall keep the prosecutor or 5935
the court informed of the victim's ~~current address and telephone~~ 5936
~~number until the case is dismissed or terminated, the defendant~~ 5937
~~is acquitted or sentenced, the delinquent child complaint is~~ 5938
~~dismissed, the defendant is adjudicated a delinquent child, or~~ 5939
~~the appellate process is completed, whichever is the final~~ 5940
~~disposition in the case~~ or victim's representative's contact 5941
information. 5942

~~(E)~~ If a defendant is charged with the commission of a 5943
misdemeanor offense that is not identified in division (A)(2) of 5944
section 2930.01 of the Revised Code and if a police report or a 5945
complaint, indictment, or information that charges the 5946
commission of that offense and provides the basis for a criminal 5947
prosecution of that defendant identifies one or more individuals 5948
as individuals against whom that offense was committed, after a 5949
prosecution in the case has been commenced, the prosecutor or a 5950
designee of the prosecutor other than a court or court employee, 5951
to the extent practicable, promptly shall notify each of the 5952
individuals so identified in the report, complaint, indictment, 5953
or information that, if the defendant is convicted of or pleads 5954
guilty to the offense, the individual may make an oral or 5955
written statement to the court hearing the case regarding the 5956

~~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
applicable, signatures if the form was not previously completed
with law enforcement and shall file this form with the court
within seven days after initiation of a criminal prosecution.

Sec. 2930.062. A victim described in division (H) ~~(2)~~ of
section 2930.01 of the Revised Code may provide the prosecutor,
or if it is a delinquency proceeding and a prosecutor is not
involved in the case may provide the court, in the victim's case
with written notification of the victim's injuries at any time.
Upon receipt of the written notification, the prosecutor or
court shall give the victim all of the information specified in
division ~~(B)~~ (C) of section 2930.06 of the Revised Code if the
prosecutor has not already done so.

Sec. 2930.063. (A) On request, a victim or victim's 5987
representative has the right to receive a copy of the 5988
certificate of judgement and the judgment entry from the clerk 5989
at no cost to the victim. Copies of other case documents may be 5990
requested and provided by the clerk at cost. Copies provided 5991
pursuant to this division may be provided in electronic format. 5992

(B) In any criminal or delinquency proceeding in which a 5993
video recording or audio recording of the court proceedings has 5994
been previously prepared, the victim, victim's attorney, or 5995
victim's representative may obtain a copy of the video recording 5996
or audio recording for the actual cost to copy the video 5997
recording or audio recording. If a transcript of the court 5998
proceedings has been previously prepared, the victim, victim's 5999
attorney, or victim's representative may obtain a copy of the 6000
transcript at the same reduced cost that is available to a party 6001
to the case. 6002

Sec. 2930.07. (A) As used in this section: 6003

(1) (a) "Case document" means a document or information in 6004
a document regarding a case that is submitted to a court, a law 6005
enforcement agency or officer, or a prosecutor or filed with a 6006
clerk of court, including, but not limited to, pleadings, 6007
motions, exhibits, transcripts, orders, and judgments, or any 6008
documentation prepared by a court, clerk of court, or law 6009
enforcement agency or officer, or a prosecutor regarding a case. 6010

(b) "Case document" does not include materials subject to 6011
the work product doctrine, materials that by law are subject to 6012
privilege or confidentiality, or materials that are otherwise 6013
protected or prohibited from disclosure by state or federal law. 6014

(2) "Court" has the same meaning as in section 2930.01 of 6015

the Revised Code and includes a court of appeals and the supreme 6016
court. 6017

(3) "Minor victim" means any person who was under eighteen 6018
years of age at the time of the commission of the criminal 6019
offense or delinquent act of which the person is a victim. 6020

(4) "Public office" and "public official" have the same 6021
meanings as in section 149.011 of the Revised Code. 6022

(B) The victim and victim's representative, if applicable, 6023
have the right at any court proceeding, including any juvenile 6024
court proceeding, not to testify regarding the victim's address, 6025
telephone number, place of employment, or other locating 6026
information unless the victim specifically consents or the court 6027
determines that the fundamental demands of due process of law in 6028
the fair administration of criminal justice prevails over the 6029
victim's rights to keep the information confidential. 6030

The court shall make this determination pursuant to an in- 6031
camera review. If the court determines that the information 6032
shall be disclosed, the court proceeding shall be closed during 6033
the disclosure. 6034

(C) Any public office or public official that is charged 6035
with the responsibility of knowing the name, address, or other 6036
identifying information of a victim or victim's representative 6037
as part of the office's or official's duties shall have full and 6038
complete access to the name, address, or other identifying 6039
information of the victim or victim's representative. That 6040
public office or public official shall take measures to prevent 6041
the public disclosure of the name, address, or other identifying 6042
information of the victim or victim's representative through the 6043
use of redaction as set forth in division (D) of this section. 6044

Nothing in this section prevents a public agency from 6045
maintaining unredacted records of a victim's or victim's 6046
representative's name, contact information, and identifying 6047
information for its own records and use or a public office or 6048
public official from allowing another public office or public 6049
official to access or obtain copies of its unredacted records. 6050
The release of unredacted records to a public office or official 6051
does not constitute a waiver of any exemption or exception 6052
pursuant to section 149.43 of the Revised Code. This section 6053
prohibits the public release of unredacted case documents 6054
pursuant to division (A) (1) (v) of section 149.43 of the Revised 6055
Code and division (D) of this section. 6056

(D) (1) On written request of the victim or victim's 6057
representative to a law enforcement agency or prosecutor's 6058
office and following a brief explanation from that law 6059
enforcement agency or prosecutor's office of the potential risks 6060
and benefits of redaction and the ability of the victim to 6061
retain counsel, all case documents related to the cases or 6062
matters specified by the victim maintained by the entity to whom 6063
the victim or victim's representative submitted the request 6064
shall be redacted prior to public release pursuant to section 6065
149.43 of the Revised Code to remove the name, address, or other 6066
identifying information of the victim. 6067

(2) On written application under seal of a victim or 6068
victim's representative to a court, and following a brief 6069
explanation from that court of the potential risks and benefits 6070
of redaction and the ability of the victim to retain counsel, 6071
all case documents related to the cases or matters specified by 6072
the victim maintained by the entity to whom the victim or 6073
victim's representative submitted the request shall be redacted 6074
prior to public release pursuant to the supreme court Rules of 6075

Superintendence to remove the name, address, or other 6076
identifying information of the victim. The application shall be 6077
deemed to be filed under seal and the court shall promptly rule 6078
on the application. The court shall not release any unredacted 6079
records while the application is pending. 6080

(3) If multiple victims are involved in a single case, the 6081
public office or official shall take reasonable precautions to 6082
protect the information of the victims from other victims, 6083
unless all of the victims consent to the release of information. 6084

(E)(1) This section does not apply to any disclosure of 6085
the name, address, or other identifying information of a victim 6086
that is required to be made in the statewide emergency alert 6087
program under section 5502.52 of the Revised Code, missing 6088
person alert system, or other similar alert system. 6089

(2) This section does not apply to any disclosure of the 6090
name, address, or other identifying information of a minor 6091
victim of a criminal offense or delinquent act that resulted in 6092
the death of the minor victim. 6093

(3) Nothing in this section shall prevent a victim, a 6094
victim's representative, or a victim's attorney from receiving a 6095
copy of any case document with the victim's name, contact 6096
information, and identifying information unredacted. A public 6097
office's or official's provision of a copy of a case document 6098
with the victim's name, contact information, and identifying 6099
information unredacted to a victim, victim's representative, or 6100
victim's attorney, if applicable, does not constitute a waiver 6101
of any exemption or exception under section 149.43 of the 6102
Revised Code. A victim or victim's attorney shall receive an 6103
unredacted copy of any recorded forensic interview of a minor 6104
victim or developmentally disabled victim. A victim's 6105

representative may receive an unredacted copy of any recorded 6106
forensic interview of a minor victim or developmentally disabled 6107
victim on request and with approval of the court, or a redacted 6108
copy of the interview on request, subject to section 149.43 of 6109
the Revised Code. 6110

(4) Nothing in this section shall affect either of the 6111
following: 6112

(a) Any rights of a victim or victim's representative to 6113
be provided with notice or to make any written or oral statement 6114
under this chapter or other applicable law; 6115

(b) The disclosure of the location where the reported 6116
criminal offense or delinquent act occurred. 6117

(5) Nothing in this section prohibits the defendant from 6118
including necessary information about the victim in filings with 6119
the trial court, court of appeals, or the supreme court. The 6120
victim's name and identifying information in the filings is not 6121
a public record under section 149.43 of the Revised Code if the 6122
victim has requested that the victim's name and identifying 6123
information be redacted from public records. 6124

Sec. 2930.071. (A) (1) A defendant who seeks to subpoena 6125
records of or concerning the victim shall serve the prosecutor, 6126
the victim, and the victim's attorney, if applicable, with a 6127
copy of the subpoena. 6128

The prosecutor shall ensure that the defendant is provided 6129
the information necessary to effect such service. 6130

(2) (a) Pursuant to Criminal Rule 17, the court, on a 6131
motion made promptly and at or before the time specified in the 6132
subpoena for compliance, may quash or modify the subpoena if 6133
compliance would be unreasonable or oppressive. 6134

(b) Upon the filing of a motion to quash, the court shall 6135
conduct a hearing in which the proponent of the subpoena shall 6136
prove all of the following: 6137

(i) That the documents are evidentiary and relevant; 6138

(ii) That the documents are not otherwise procurable 6139
reasonably in advance of trial by exercise of due diligence; 6140

(iii) That the party cannot properly prepare for trial 6141
without such production and inspection in advance of trial and 6142
that the failure to obtain such inspection may tend unreasonably 6143
to delay the trial; 6144

(iv) That the application is made in good faith and is not 6145
a violation of Ohio Rules of Criminal Procedure. 6146

(3) If the court does not quash the subpoena, the court 6147
shall conduct an in-camera review of any records as to which a 6148
right of privilege has been asserted. 6149

(4) If the court determines that any of the records 6150
reviewed in camera are privileged or constitutionally protected, 6151
the court shall balance the victim's rights and privileges 6152
against the constitutional rights of the defendant. The 6153
disclosure of any portion of the records to the prosecutor does 6154
not make the records subject to discovery, unless the material 6155
is such that due process requires that the prosecutor provide it 6156
to the defendant pursuant to the Brady Rule. 6157

(B) Before any victim may be subpoenaed by a defendant to 6158
testify at any pretrial hearing, the defendant shall show good 6159
cause at a hearing with the prosecutor and the victim, victim's 6160
representative, and victim's attorney, if applicable, as to why 6161
the court should issue the subpoena. 6162

(C) As used in this section, "Brady Rule" has the same 6163
meaning as in section 2743.48 of the Revised Code. 6164

Sec. 2930.072. (A) Unless the victim consents in writing, 6165
which may be executed at the time of the interview, the victim 6166
shall not be compelled to submit to an interview on any matter, 6167
including any charged criminal offense witnessed by the victim 6168
and that occurred on the same occasion as the offense against 6169
the victim or filed in the same indictment or information or 6170
consolidated for trial, that is conducted by the defendant, the 6171
defendant's attorney, or an agent of the defendant. Nothing in 6172
this section permits a victim to ignore or disregard a court- 6173
ordered deposition or a subpoena seeking witness testimony 6174
issued pursuant to the Rules of Criminal Procedure. 6175

(B) When a notice of appearance has been filed by the 6176
defendant's attorney, the prosecutor shall inform the victim of 6177
the defense counsel's name. The prosecutor shall inform the 6178
victim of the victim's right to refuse to submit to an 6179
interview, or, unless ordered by the court, a request for a 6180
deposition by the defendant, the defendant's attorney, or an 6181
agent of the defendant. The prosecutor shall also inform the 6182
victim of the victim's right to an attorney. A defendant, 6183
defendant's attorney, or agent of a defendant who attempts to 6184
contact a victim shall first identify self as such. 6185

(C) (1) If the victim consents to an interview or, subject 6186
to Criminal Rule 15 or Juvenile Rule 25, as applicable, a 6187
deposition, the victim or the victim's attorney, if applicable, 6188
and the defendant, the defendant's attorney, or an agent of the 6189
defendant shall determine and specify a mutually agreed upon 6190
time and place for the interview or deposition, along with any 6191
other conditions requested by the victim. 6192

(2) The victim has the right to terminate the interview or deposition at any time or refuse to answer any question during the interview or deposition, unless the deposition has been ordered by the court. If the victim refuses to answer questions during the deposition or terminates the deposition, the deposition may not be used in lieu of trial testimony. 6193
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(3) The victim's attorney, if applicable, or the prosecutor, at the request of the victim, has standing to protect the victim from harassment, intimidation, or abuse and, pursuant to that standing, may seek any appropriate protective order. 6199
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(4) The victim may request or the victim's attorney, if applicable, or the prosecutor, with the victim's consent, may request that the deposition be audio or video recorded. 6204
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(D) If the defendant or the defendant's attorney comments at trial on the victim's refusal to be interviewed or deposed, the court shall instruct the jury that the victim has the right to refuse an interview or deposition, unless the deposition was ordered by the court. 6207
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Sec. 2930.08. (A) (1) The court and the prosecutor involved in the case shall take appropriate action to ensure a speedy disposition of the case. 6212
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(2) A victim has the right to proceedings free from unreasonable delay and a prompt conclusion of the case. The court and all participants shall endeavor to complete the case within the time frame provided by the Rules of Superintendence. 6215
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(B) If a motion, request, or agreement between ~~counsel~~ the prosecutor and the defendant's or alleged juvenile offender's attorney is made in a case, including a motion, request, or 6219
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agreement for a continuance of the case, and the motion, 6222
request, or agreement might result in a ~~substantial~~ delay in the 6223
prosecution of the case, the prosecutor ~~in the case, to the~~ 6224
~~extent practicable and,~~ if the victim or victim's representative 6225
has requested notice pursuant to ~~division (B) of~~ section 2930.03 6226
of the Revised Code, shall inform the victim and victim's 6227
representative, if applicable, that the motion, request, or 6228
agreement has been made and that it might result in a delay. If 6229
the victim, victim's representative, or victim's attorney, if 6230
applicable, objects to the delay, the prosecutor shall inform 6231
the court of the ~~victim's~~ objections, and the court shall 6232
consider the ~~victim's~~ objections and the victim's right to a 6233
speedy disposition of the case in ruling on the motion, request, 6234
or agreement. 6235

(C) If the victim, victim's representative, or victim's 6236
attorney, if applicable, objects to a delay in the prosecution 6237
of the case, the court shall grant a motion, request, or 6238
agreement for a continuance of the case only if the party 6239
seeking the continuance demonstrates that the delay in the 6240
prosecution of the case is reasonable under the circumstances or 6241
is otherwise in the interest of justice. The court may grant a 6242
motion, request, or agreement for a continuance of the case only 6243
for the time necessary to serve the interests of justice. If a 6244
continuance is granted, the court shall state on the record or 6245
in a judgment entry the specific reason for the continuance. 6246

Sec. 2930.09. (A) (1) A victim and victim's representative 6247
in a case ~~may, if applicable, have the right to be present~~ 6248
~~whenever the defendant or alleged juvenile offender in the case~~ 6249
~~is present during any stage of the case against the defendant or~~ 6250
~~alleged juvenile offender that is conducted on the record,~~ 6251
during any public proceeding, other than a grand jury 6252

~~proceeding, unless the court determines that exclusion of the~~ 6253
~~victim is necessary to protect the defendant's or alleged~~ 6254
~~juvenile offender's right to a fair trial or to a fair~~ 6255
~~delinquency proceeding. At any stage of the case at which the~~ 6256
~~victim is present, the court, at the victim's request, shall~~ 6257
permit the victim to be accompanied by an individual to provide 6258
support to the victim, a victim advocate and victim 6259
representative to provide support to the victim unless the court 6260
determines that exclusion of the individual is necessary to 6261
protect the defendant's or alleged juvenile offender's right to 6262
a fair trial or to a fair delinquency proceeding. The victim, 6263
victim's representative, and victim's attorney, if applicable, 6264
have the right to be heard by the court at any proceeding in 6265
which any right of the victim is implicated. If present, the 6266
victim, victim's representative, and victim's attorney, if 6267
applicable, have the right to be heard orally, in writing, or 6268
both. 6269

(2) (a) If the victim or victim's representative is not 6270
present at a court proceeding in which a right of the victim is 6271
at issue, the court shall ask the prosecutor all of the 6272
following: 6273

(i) Whether the victim and victim's representative, if the 6274
victim or victim's representative requested notifications, were 6275
notified of the time, place, and purpose of the court 6276
proceeding; 6277

(ii) To disclose to the court any and all attempts made to 6278
give each victim and victim's representative, if applicable, 6279
notice; 6280

(iii) Whether the victim or victim representative were 6281
advised that the victim and victim's representative had a right 6282

to be heard at the court proceeding; 6283

(iv) Whether the victim and victim representative were 6284
conferred with pursuant to section 2930.06 of the Revised Code. 6285

(b) If the court determines that timely notice was not 6286
given to the victim and victim's representative, if applicable, 6287
or that the victim and victim's representative were not 6288
adequately informed of the nature of the court proceeding, or 6289
that the prosecutor failed to confer with the victim and 6290
victim's representative as required by section 2930.06 of the 6291
Revised Code, the court shall not rule on any substantive issue 6292
that implicates a victim's right, accept a plea, or impose a 6293
sentence and shall continue the court proceeding for the time 6294
necessary to notify the victim and victim's representative, if 6295
applicable, of the time, place, and nature of the court 6296
proceeding. 6297

(c) If the victim or victim's representative is not 6298
present at a court proceeding in which a right of the victim is 6299
at issue, the court may proceed with the hearing if the 6300
prosecutor informs the court that the victim and victim's 6301
representative, if the victim or victim's representative 6302
requested notifications, were notified of the time, place, and 6303
purpose of the court proceeding and that the victim or victim's 6304
representative had a right to be heard at the court proceeding, 6305
and any and all attempts to give each victim and victim's 6306
representative, if applicable, notice. The prosecutor shall 6307
inform the court of the victim's and victim's representative's, 6308
if applicable, position on the matter before the court, if the 6309
position is known to the prosecutor. 6310

(B) (1) The victim and victim's representative, if 6311
applicable, have the right to be present and be heard at any 6312

proceeding in which a negotiated plea for the defendant or 6313
alleged juvenile offender will be presented to the court. If 6314
present, the victim, victim's representative, and victim's 6315
attorney, if applicable, have the right to be heard orally, in 6316
writing, or both prior to the acceptance of the plea by the 6317
court. 6318

(2) The victim and the victim's representative, if 6319
applicable, have a right to elect to not be present at a 6320
proceeding in which a negotiated plea for the defendant or 6321
alleged juvenile offender will be presented to the court, unless 6322
a subpoena was served on the victim or victim's representative, 6323
if applicable, compelling the presence of the victim or the 6324
victim's representative. 6325

(C) The court shall not accept a negotiated plea agreement 6326
if the victim or the victim's representative is absent from the 6327
proceeding unless all of the following apply: 6328

(1) The prosecutor advises the court that before 6329
requesting and agreeing to a negotiated plea, the prosecutor 6330
conferred with the victim and victim's representative, if 6331
applicable, pursuant to section 2930.06 of the Revised Code, if 6332
the victim or victim's representative requested to confer with 6333
the prosecutor. 6334

(2) The prosecutor made reasonable efforts to give the 6335
victim and victim's representative, if applicable, notice of the 6336
plea proceedings and to inform the victim and victim's 6337
representative of the victim's and victim's representative's 6338
right to be present and be heard at the plea proceedings. 6339

(3) The prosecutor discloses to the court any and all 6340
attempts made to give each victim and victim's representative, 6341

if applicable, notice of the plea agreement, including the 6342
offense or delinquent act to which the defendant or alleged 6343
juvenile offender will plead guilty, the date that the plea will 6344
be presented to the court, and the terms of any sentence or 6345
disposition agreed to as part of the negotiated plea. 6346

(4) The prosecutor informs the court of any objection by 6347
the victim or victim's representative to the plea agreement. 6348

(5) The prosecutor advises the court that to the best of 6349
the prosecutor's knowledge the notice requirements of this 6350
chapter have been complied with. 6351

(D) The victim and victim's representative, if applicable, 6352
have the right to be present and be heard orally, in writing, or 6353
both at any proceeding in which the court conducts a hearing on 6354
the post-arrest release of the person accused of committing a 6355
criminal offense or delinquent act against the victim or the 6356
conditions of that release, including the arraignment or initial 6357
appearance. 6358

(E) The victim and victim's representative, if applicable, 6359
have the right to be present and be heard orally, in writing, or 6360
both at any probation or community control revocation 6361
disposition proceeding or any proceeding in which the court is 6362
requested to terminate the probation or community control of the 6363
person who is convicted of committing a criminal offense or 6364
delinquent act against the victim. 6365

(F) The victim and victim's representative, if applicable, 6366
have the right to be heard orally, in writing, or both at any 6367
proceeding in which the court is requested to modify the terms 6368
of probation or community control of a person if the 6369
modification will affect the person's contact with or the safety 6370

of the victim or if the modification involves restitution or 6371
incarceration status. 6372

(G) Nothing in this section requires a prosecutor to 6373
disclose victim contact information. 6374

Sec. 2930.11. (A) Except as otherwise provided in this 6375
section or in Chapter 2981. of the Revised Code, the law 6376
enforcement agency responsible for investigating a ~~crime-~~ 6377
criminal offense or ~~specified~~ delinquent act shall promptly 6378
return to the victim of the ~~crime-~~criminal offense or ~~specified-~~ 6379
delinquent act any property of the victim that was taken in the 6380
course of the investigation. In accordance with Criminal Rule 26 6381
or an applicable Juvenile Rule, the law enforcement agency may 6382
take photographs of the property for use as evidence. If the 6383
ownership of the property is in dispute, the agency shall not 6384
return the property until the dispute is resolved. 6385

(B) The law enforcement agency responsible for 6386
investigating a ~~crime-~~criminal offense or ~~specified~~ delinquent 6387
act shall retain any property of the victim of the ~~crime-~~ 6388
criminal offense or ~~specified~~ delinquent act that is needed as 6389
evidence in the case, including any weapon used in the 6390
commission of the ~~crime-~~criminal offense or ~~specified~~ delinquent 6391
act, if the prosecutor certifies to the court a need to retain 6392
the property in lieu of a photograph of the property or of 6393
another evidentiary substitute for the property itself, pursuant 6394
to Ohio Rules of Appellate Procedure. 6395

(C) If the defendant or alleged juvenile offender in a 6396
case files a motion requesting the court to order the law 6397
enforcement agency to retain property of the victim because the 6398
property is needed for the defense in the case, the agency shall 6399
retain the property until the court rules on the motion. The 6400

court, in making a determination on the motion, shall weigh the 6401
victim's need for the property against the defendant's or 6402
alleged juvenile offender's assertion that the property has 6403
evidentiary value for the defense. The court shall rule on the 6404
motion in a timely fashion. 6405

Sec. 2930.12. (A) At the request of the victim or victim's 6406
representative in a criminal prosecution, the prosecutor or the 6407
prosecutor's designee shall give the victim and the victim's 6408
representative notice of the defendant's acquittal or conviction 6409
within seven days of the acquittal or conviction. At the request 6410
of the victim or victim's representative in a delinquency 6411
proceeding, the prosecutor or the prosecutor's designee shall 6412
give the victim and the victim's representative notice of the 6413
dismissal of the complaint against the alleged juvenile offender 6414
or of the adjudication of the alleged juvenile offender as a 6415
delinquent child, except that, if the juvenile court dismisses 6416
the complaint against the alleged juvenile offender or 6417
adjudicates the alleged juvenile offender a delinquent child 6418
prior to the prosecutor's involvement in the case, at the 6419
request of the victim or victim's representative, the court or a 6420
court employee shall give the victim and the victim's 6421
representative notice of the dismissal or of the adjudication. 6422
If the defendant or alleged juvenile offender is convicted or is 6423
adjudicated a delinquent child, the notice shall include all of 6424
the following: 6425

~~(A)~~ (1) ~~The crimes—criminal offenses or specified~~ 6426
delinquent acts of which the defendant was convicted or for 6427
which the alleged juvenile offender was adjudicated a delinquent 6428
child; 6429

~~(B)~~ (2) The purpose of the presentence investigation 6430

report, if ordered, and that the victim and victim's 6431
representative, if applicable, have the right to review, on 6432
request to the prosecutor, a copy of the presentence 6433
investigation report except those portions of the report that 6434
are confidential by law; 6435

(3) The address and telephone number of the probation 6436
office—department or other person, if any, that is to prepare a 6437
presentence investigation report pursuant to section 2951.03 of 6438
the Revised Code or Criminal Rule 32.2, the address and 6439
telephone number of the person, if any, who is to prepare a 6440
disposition investigation report pursuant to division (C) (1) of 6441
section 2152.18 of the Revised Code, and the address and 6442
telephone number of the person, if any, who is to prepare a 6443
victim impact statement pursuant to division (D) (1) of section 6444
2152.19 or section 2947.051 of the Revised Code; 6445

~~(C)~~ (4) Notice that the victim and victim's 6446
representative, if applicable, may make a statement about the 6447
impact of the ~~crime—criminal offense or specified—delinquent~~ act 6448
to the probation officer or other person, if any, who prepares 6449
the presentence investigation report or to the person, if any, 6450
who prepares a victim impact statement, that a statement of the 6451
victim and victim's representative, included in the report, if 6452
applicable, will be made available to the defendant or alleged 6453
juvenile offender unless the court exempts it from disclosure, 6454
and that the court may make the victim impact statement 6455
available to the defendant or alleged juvenile offender; 6456

~~(D)~~ (5) Notice of the victim's, victim's representative's, 6457
and victim's attorney's, if applicable, right under section 6458
2930.14 of the Revised Code to make a statement about the impact 6459
of the ~~crime—criminal offense or specified—delinquent~~ act before 6460

sentencing or disposition; 6461

~~(E)~~ (6) The date, time, and place of the sentencing 6462
hearing or dispositional hearing; 6463

~~(F)~~ (7) Notice that, if the court orders restitution, the 6464
victim or victim's attorney, if applicable, has the right to 6465
file a lien; 6466

(8) One of the following: 6467

~~(1)~~ (a) Any sentence imposed upon the defendant and any 6468
subsequent modification of that sentence, including modification 6469
under section 2929.20 or 5120.036 of the Revised Code or as a 6470
result of the defendant's appeal of the sentence pursuant to 6471
section 2953.08 of the Revised Code; 6472

~~(2)~~ (b) Any disposition ordered for the defendant and any 6473
subsequent modification of that disposition, if known to the 6474
prosecutor, including judicial release or early release in 6475
accordance with section 2151.38 of the Revised Code. If a court 6476
has not provided timely notice to the prosecutor of a subsequent 6477
modification of that disposition, the court shall promptly 6478
notify the victim and the victim's representative, if 6479
applicable, of the subsequent modification. 6480

(B) During the probation department's presentence 6481
investigation, the department shall contact the victim, victim's 6482
representative, and victim's attorney, if applicable, concerning 6483
the victim's economic, physical, psychological, or emotional 6484
harm or victim's safety concerns as a result of the offense. 6485

Sec. 2930.121. If a prosecutor dismisses a count or counts 6486
of a complaint, information, or indictment involving the victim 6487
as a result of a negotiated plea agreement, the victim and 6488
victim's representative, on request, may exercise all of the 6489

applicable rights specified in the victim's bill of rights under 6490
Ohio Constitution, Article I, Section 10a, including the right 6491
to restitution if exercising the right to restitution is agreed 6492
to as part of the negotiated plea agreement. 6493

Sec. 2930.13. (A) If the court orders the preparation of a 6494
victim impact statement pursuant to division (D)(1) of section 6495
2152.19 or section 2947.051 of the Revised Code, the victim in 6496
the case and victim's representative, if applicable, may make a 6497
written ~~or~~ and oral statement regarding the impact of the ~~crime-~~ 6498
~~criminal offense~~ or specified delinquent act to the person whom 6499
the court orders to prepare the victim impact statement. A 6500
statement made by the victim or victim's representative under 6501
this section shall be included in the victim impact statement. 6502

(B) If a probation officer or other person is preparing a 6503
presentence investigation report pursuant to section 2947.06 or 6504
2951.03 of the Revised Code or Criminal Rule 32.2, or a 6505
disposition investigation report pursuant to section 2152.18 of 6506
the Revised Code, concerning the defendant or alleged juvenile 6507
offender in the case, the victim and victim's representative, if 6508
applicable, may make a written ~~or~~ and oral statement regarding 6509
the impact of the ~~crime-~~ criminal offense ~~or specified~~ delinquent 6510
act to the probation officer or other person. The probation 6511
officer or other person shall use the statement in preparing the 6512
presentence investigation report or disposition investigation 6513
report and, upon the victim's or victim's representative's 6514
request, shall include a written statement submitted by the 6515
victim in the presentence investigation report or disposition 6516
investigation report. 6517

(C) A statement made by the victim or victim's 6518
representative under division (A) or (B) of this section may 6519

include the following: 6520

(1) An explanation of the nature and extent of any 6521
physical, psychological, or emotional harm suffered by the 6522
victim as a result of the ~~crime~~criminal offense or ~~specified~~ 6523
delinquent act that is the basis of the case; 6524

(2) An explanation of the extent of any property damage or 6525
other economic loss suffered by the victim as a result of that 6526
~~crime~~criminal offense or ~~specified~~ delinquent act; 6527

(3) An opinion regarding the extent to which, if any, the 6528
victim needs restitution for harm caused by the defendant or 6529
alleged juvenile offender as a result of that ~~crime~~criminal 6530
offense or ~~specified~~ delinquent act and information about 6531
whether the victim has applied for or received any compensation 6532
for loss or damage caused by that ~~crime~~criminal offense or 6533
~~specified~~ delinquent act; 6534

(4) The victim's and victim's representative's 6535
recommendation for an appropriate sanction or disposition for 6536
the defendant or alleged juvenile offender regarding that ~~crime~~ 6537
criminal offense or ~~specified~~ delinquent act. 6538

(D) If a statement made by a victim or victim's 6539
representative under division (A) of this section is included in 6540
a victim impact statement, the provision, receipt, and retention 6541
of copies of, the use of, and the confidentiality, nonpublic 6542
record character, and sealing of the victim impact statement is 6543
governed by division ~~(B) (2)~~ (D) (3) of section ~~2152.20~~ 2152.19 or 6544
by division (C) of section 2947.051 of the Revised Code, as 6545
appropriate. If a statement made by a victim or victim's 6546
representative under division (B) of this section is included in 6547
a presentence investigation report prepared pursuant to section 6548

2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 or 6549
in a disposition investigation report pursuant to division (C) 6550
(1) of section 2152.18 of the Revised Code, the provision, 6551
receipt, and retention of copies of, the use of, and the 6552
confidentiality, nonpublic record character, and sealing of the 6553
presentence investigation report or disposition investigation 6554
report that contains the victim's statement is governed by 6555
section 2951.03 of the Revised Code. 6556

Sec. 2930.131. (A) If the presentence investigation report 6557
is made available to the defendant prior to the sentencing 6558
hearing, the court shall simultaneously provide a copy of the 6559
report to the prosecutor assigned to the case. If requested, the 6560
prosecutor shall promptly forward a copy of the report to the 6561
victim, victim's representative, and victim's attorney, if 6562
applicable, except those parts of the report that are redacted 6563
by the court or made confidential by law. 6564

(B) If the court redacts any portion of the presentence 6565
investigation report, the court shall state on the record the 6566
court's reason for the redaction. 6567

Sec. 2930.14. (A) Before imposing sentence upon, or 6568
entering an order of disposition for, a defendant or alleged 6569
juvenile offender for the commission of a ~~crime~~ criminal offense 6570
or ~~specified~~ delinquent act, the court shall permit the victim 6571
of the ~~crime or specified delinquent act~~ and victim's 6572
representative, if applicable, to make a statement be heard 6573
orally, in writing, or both during the sentencing or disposition 6574
proceeding. The court may give copies of any written statement 6575
made by a victim or victim's representative to the defendant or 6576
alleged juvenile offender and defendant's or alleged juvenile 6577
offender's counsel and may give any written statement made by 6578

the defendant or alleged juvenile offender to the victim, 6579
victim's representative, or victim's attorney, if applicable, 6580
and the prosecutor. The court may redact any information 6581
contained in a written statement that the court determines is 6582
not relevant to and will not be relied upon in the sentencing or 6583
disposition decision. The victim's or victim's representative's 6584
oral statement is not subject to cross-examination. The written 6585
statement of the victim or victim's representative or ~~of~~ the 6586
defendant or alleged juvenile offender is confidential and is 6587
not a public record as used in section 149.43 of the Revised 6588
Code. Any person to whom a copy of a written statement was 6589
released by the court shall return it to the court immediately 6590
following sentencing or disposition. 6591

(B) The court shall consider a ~~victim's~~ statement made by 6592
a victim or victim's representative under division (A) of this 6593
section along with other factors that the court is required to 6594
consider in imposing sentence or in determining the order of 6595
disposition. If the statement includes new material facts, the 6596
court shall not rely on the new material facts unless it 6597
continues the sentencing or dispositional proceeding or takes 6598
other appropriate action to allow the defendant or alleged 6599
juvenile offender an adequate opportunity to respond to the new 6600
material facts. 6601

Sec. 2930.15. (A) If a defendant is convicted of 6602
committing a ~~crime~~ criminal offense against a victim or an 6603
alleged juvenile offender is adjudicated a delinquent child for 6604
committing a ~~specified~~ delinquent act against a victim, if the 6605
victim or victim's representative requests notice of the filing 6606
of an appeal, and if the defendant or alleged juvenile offender 6607
files an appeal, the prosecutor in the case promptly, but not 6608
later than seven days after receiving the notice of appeal, 6609

shall notify the victim and victim's representative, if 6610
applicable, of the appeal. The prosecutor also shall give the 6611
victim and victim's representative, if applicable, all of the 6612
following information: 6613

(1) A brief explanation of the appellate process, 6614
including the possible disposition of the case; 6615

(2) Whether the defendant or alleged juvenile offender has 6616
been released on bail or other recognizance or under conditions 6617
imposed by the juvenile court pending the disposition of the 6618
appeal; 6619

(3) The time, place, and location of appellate court 6620
proceedings and any subsequent changes in the time, place, or 6621
location of those proceedings; 6622

(4) The result of the appeal. 6623

(B) If the appellate court returns the defendant's or 6624
alleged juvenile offender's case to the trial court or juvenile 6625
court for further proceedings, the victim and victim's 6626
representative, if applicable, may exercise all the rights that 6627
previously were available to the victim in the trial court or 6628
the juvenile court. 6629

Sec. 2930.16. (A) If a defendant is incarcerated, a victim 6630
~~in a case or~~ victim's representative who has requested to 6631
receive notice under this section shall be given notice of the 6632
incarceration of the defendant. If an alleged juvenile offender 6633
is committed to the temporary custody of a school, camp, 6634
institution, or other facility operated for the care of 6635
delinquent children or to the legal custody of the department of 6636
youth services, a victim ~~in a case or~~ victim's representative 6637
who has requested to receive notice under this section shall be 6638

given notice of the commitment. Promptly after sentence is 6639
imposed upon the defendant or the commitment of the alleged 6640
juvenile offender is ordered, the court or the court's designee 6641
shall notify the prosecutor in the case and the prosecutor shall 6642
notify the victim and the victim's representative, if 6643
applicable, of the date on which the defendant will be released, 6644
or initially will be eligible for release, from confinement or 6645
the prosecutor's reasonable estimate of that date or the date on 6646
which the alleged juvenile offender will have served the minimum 6647
period of commitment or the prosecutor's reasonable estimate of 6648
that date. The prosecutor also shall notify the victim and the 6649
victim's representative of the name of the custodial agency of 6650
the defendant or alleged juvenile offender and tell the victim 6651
and the victim's representative how to contact that custodial 6652
agency. If the custodial agency is the department of 6653
rehabilitation and correction, the prosecutor shall notify the 6654
victim and the victim's representative of the services offered 6655
by the office of victims' services pursuant to section 5120.60 6656
of the Revised Code. If the custodial agency is the department 6657
of youth services, the prosecutor shall notify the victim and 6658
the victim's representative of the services provided by the 6659
office of victims' services within the release authority of the 6660
department pursuant to section 5139.55 of the Revised Code and 6661
the victim's right pursuant to section 5139.56 of the Revised 6662
Code to submit a written request to the release authority to be 6663
notified of actions the release authority takes with respect to 6664
the alleged juvenile offender. The victim and the victim's 6665
representative shall keep the custodial agency informed of the 6666
victim's or victim's representative's ~~current address and~~ 6667
~~telephone number~~ contact information. 6668

(B) (1) Upon the victim's or victim's representative's 6669

request or in accordance with division (D) of this section, the 6670
court or the court's designee shall notify the prosecutor in the 6671
case and the prosecutor promptly, but not later than seven days 6672
after the hearing is scheduled or the application is filed, 6673
shall notify the victim and the victim's representative, if 6674
applicable, of any application or hearing for judicial release 6675
of the defendant pursuant to section 2929.20 of the Revised 6676
Code, of any hearing for release of the defendant pursuant to 6677
section 2967.19 of the Revised Code, or of any hearing for 6678
judicial release or early release of the alleged juvenile 6679
offender pursuant to section 2151.38 of the Revised Code and of 6680
the victim's and victim's representative's right to make a 6681
statement under those sections. ~~The~~ If the court does not hold a 6682
hearing or if the victim and victim's representative, if 6683
applicable, do not attend the hearing or make a statement, the 6684
court shall notify the victim and victim's representative of its 6685
ruling in each of those hearings and on each of those 6686
applications. 6687

(2) If an offender is sentenced to a prison term pursuant 6688
to division (A) (3) or (B) of section 2971.03 of the Revised 6689
Code, ~~upon~~ on the request of the victim ~~of the crime~~ or victim's 6690
representative or in accordance with division (D) of this 6691
section, the court or the court's designee shall notify the 6692
prosecutor in the case and the prosecutor promptly shall notify 6693
the victim and the victim's representative, if applicable, of 6694
any hearing to be conducted pursuant to section 2971.05 of the 6695
Revised Code to determine whether to modify the requirement that 6696
the offender serve the entire prison term in a state 6697
correctional facility in accordance with division (C) of that 6698
section, whether to continue, revise, or revoke any existing 6699
modification of that requirement, or whether to terminate the 6700

prison term in accordance with division (D) of that section. ~~The~~ 6701
If the court does not hold a hearing or if the victim and 6702
victim's representative, if applicable, do not attend the 6703
hearing or make a statement, the court shall notify the victim 6704
and the victim's representative of any order issued at the 6705
conclusion of the hearing. 6706

~~(C)~~(C) (1) On first contact with a victim, the custodial 6707
agency of a defendant or delinquent child shall verify with the 6708
victim and victim's representative, if applicable, that all 6709
information and requests are current. If a victim's rights 6710
request form was not provided by the prosecutor, the custodial 6711
agency shall give the victim and victim's representative, if 6712
applicable, the victim's rights request form, or similar form 6713
that, at a minimum, contains the required information listed in 6714
this section and on the victim's rights request form. A person 6715
claiming direct and proximate harm as a result of a criminal 6716
offense or delinquent act must affirmatively identify the 6717
person's self and request the notifications provided in this 6718
section and section 2967.28 of the Revised Code. 6719

(2) Upon the victim's or victim's representative's request 6720
made at any time before the particular notice would be due or in 6721
accordance with division (D) of this section, the custodial 6722
agency of a defendant or alleged juvenile offender shall give 6723
the victim and the victim's representative, if applicable, any 6724
of the following notices that is applicable: 6725

~~(1)~~(a) At least sixty days before the adult parole 6726
authority recommends a pardon or commutation of sentence for the 6727
defendant or at least sixty days prior to a hearing before the 6728
adult parole authority regarding a grant of parole to the 6729
defendant, notice of the victim's and victim's representative's 6730

right to submit a statement regarding the impact of the 6731
defendant's release in accordance with section 2967.12 of the 6732
Revised Code and, if applicable, of the victim's and victim's 6733
representative's right to appear at a full board hearing of the 6734
parole board to give testimony as authorized by section 5149.101 6735
of the Revised Code; and at least sixty days prior to a hearing 6736
before the department regarding a determination of whether the 6737
inmate must be released under division (C) or (D) (2) of section 6738
2967.271 of the Revised Code if the inmate is serving a non-life 6739
felony indefinite prison term, notice of the fact that the 6740
inmate will be having a hearing regarding a possible grant of 6741
release, the date of any hearing regarding a possible grant of 6742
release, and the right of any person to submit a written 6743
statement regarding the pending action; 6744

~~(2)~~ (b) At least sixty days before the defendant is 6745
transferred to transitional control under section 2967.26 of the 6746
Revised Code, notice of the pendency of the transfer and of the 6747
victim's and victim's representative's right under that section 6748
to submit a statement regarding the impact of the transfer; 6749

~~(3)~~ (c) At least sixty days before the release authority 6750
of the department of youth services holds a release review, 6751
release hearing, or discharge review for the alleged juvenile 6752
offender, notice of the pendency of the review or hearing, of 6753
the victim's and victim's representative's right to make an oral 6754
or written statement regarding the impact of the crime upon the 6755
victim or regarding the possible release or discharge, and, if 6756
the notice pertains to a hearing, of the victim's right to 6757
attend and make statements or comments at the hearing as 6758
authorized by section 5139.56 of the Revised Code; 6759

~~(4)~~ (d) Prompt notice, but not more than three days after 6760

the escape, of the defendant's or alleged juvenile offender's 6761
escape from a facility of the custodial agency in which the 6762
defendant was incarcerated or in which the alleged juvenile 6763
offender was placed after commitment, of the defendant's or 6764
alleged juvenile offender's absence without leave from a mental 6765
health or developmental disabilities facility or from other 6766
custody, and of the capture of the defendant or alleged juvenile 6767
offender after an escape or absence; 6768

~~(5)~~ (e) Notice of the defendant's or alleged juvenile 6769
offender's death while in confinement or custody within thirty 6770
days of the defendant's or alleged juvenile offender's death; 6771

~~(6)~~ (f) Notice of the filing of a petition by the director 6772
of rehabilitation and correction pursuant to section 2967.19 of 6773
the Revised Code requesting the early release under that section 6774
of the defendant within thirty days of the filing of the 6775
petition; 6776

~~(7)~~ (g) Notice of the defendant's or alleged juvenile 6777
offender's post-conviction release from confinement or custody, 6778
including jail or local custody, and the terms and conditions of 6779
the release as soon as the custodial agency becomes aware of the 6780
release. 6781

(D) (1) If a defendant is incarcerated for the commission 6782
of aggravated murder, murder, or an offense of violence that is 6783
a felony of the first, second, or third degree or is under a 6784
sentence of life imprisonment or if an alleged juvenile offender 6785
has been charged with the commission of an act that would be 6786
aggravated murder, murder, or an offense of violence that is a 6787
felony of the first, second, or third degree or be subject to a 6788
sentence of life imprisonment if committed by an adult, except 6789
as otherwise provided in this division, the notices described in 6790

divisions (B) and (C) of this section shall be given regardless 6791
of whether the victim or victim's representative has requested 6792
the notification. The notices described in divisions (B) and (C) 6793
of this section shall not be given under this division to a 6794
victim or victim's representative if the victim or victim's 6795
representative has requested pursuant to division (B) (2) of 6796
section 2930.03 of the Revised Code that the victim or victim's 6797
representative not be provided the notice. Regardless of whether 6798
the victim or victim's representative has requested that the 6799
notices described in division (C) of this section be provided or 6800
not be provided, the custodial agency shall give notice similar 6801
to those notices to the prosecutor in the case, to the 6802
sentencing court, to the law enforcement agency that arrested 6803
the defendant or alleged juvenile offender if any officer of 6804
that agency was a victim of the offense, and to any member of 6805
the victim's immediate family who requests notification. If the 6806
notice given under this division to the victim and victim's 6807
representative is based on an offense committed prior to March 6808
22, 2013, and if the prosecutor or custodial agency has not 6809
previously successfully provided any notice to the victim and 6810
victim's representative under this division or division (B) or 6811
(C) of this section with respect to that offense and the 6812
offender who committed it, the notice also shall inform the 6813
victim and victim's representative that the victim or victim's 6814
representative may request that the victim or victim's 6815
representative not be provided any further notices with respect 6816
to that offense and the offender who committed it and shall 6817
describe the procedure for making that request. If the notice 6818
given under this division to the victim and victim's 6819
representative pertains to a hearing regarding a grant of a 6820
parole to the defendant, the notice also shall inform the victim 6821
and victim's representative that the victim, a member of the 6822

victim's immediate family, or the victim's representative may 6823
request a victim conference, as described in division (E) of 6824
this section, and shall provide an explanation of a victim 6825
conference. 6826

The prosecutor or custodial agency may give the notices to 6827
which this division applies by any reasonable means, including, 6828
but not limited to, regular mail, telephone, and electronic 6829
mail. If the prosecutor or custodial agency attempts to provide 6830
notice to a victim or victim's representative under this 6831
division but the attempt is unsuccessful because the prosecutor 6832
or custodial agency is unable to locate the victim or victim's 6833
representative, is unable to provide the notice by its chosen 6834
method because it cannot determine the mailing address, 6835
telephone number, or electronic mail address at which to provide 6836
the notice, or, if the notice is sent by mail, the notice is 6837
returned, the prosecutor or custodial agency shall make another 6838
attempt to provide the notice to the victim or victim's 6839
representative. If the second attempt is unsuccessful, the 6840
prosecutor or custodial agency shall make at least one more 6841
attempt to provide the notice. If the notice is based on an 6842
offense committed prior to March 22, 2013, in each attempt to 6843
provide the notice to the victim or victim's representative, the 6844
notice shall include the opt-out information described in the 6845
preceding paragraph. The prosecutor or custodial agency, in 6846
accordance with division (D) (2) of this section, shall keep a 6847
record of all attempts to provide the notice, and of all notices 6848
provided, under this division. 6849

Division (D) (1) of this section, and the notice-related 6850
provisions of divisions (E) (2) and (K) of section 2929.20, 6851
division (H) of section 2967.12, division (E) (1) (b) of section 6852
2967.19, division (A) (3) (b) of section 2967.26, division (D) (1) 6853

of section 2967.28, and division (A) (2) of section 5149.101 of 6854
the Revised Code enacted in the act in which division (D) (1) of 6855
this section was enacted, shall be known as "Roberta's Law." 6856

(2) Each prosecutor and custodial agency that attempts to 6857
give any notice to which division (D) (1) of this section applies 6858
shall keep a record of all attempts to give the notice. The 6859
record shall indicate the person who was to be the recipient of 6860
the notice, the date on which the attempt was made, the manner 6861
in which the attempt was made, and the person who made the 6862
attempt. If the attempt is successful and the notice is given, 6863
the record shall indicate that fact. The record shall be kept in 6864
a manner that allows public inspection of attempts and notices 6865
given to persons other than victims or victims' representatives 6866
without revealing the names, addresses, or other identifying 6867
information relating to victims or victims' representatives. The 6868
record of attempts and notices given to victims or victims' 6869
representatives is not a public record, but the prosecutor or 6870
custodial agency shall provide upon request a copy of that 6871
record to a prosecuting attorney, judge, law enforcement agency, 6872
or member of the general assembly. The record of attempts and 6873
notices given to persons other than victims or victims' 6874
representatives is a public record. A record kept under this 6875
division may be indexed by offender name, or in any other manner 6876
determined by the prosecutor or the custodial agency. Each 6877
prosecutor or custodial agency that is required to keep a record 6878
under this division shall determine the procedures for keeping 6879
the record and the manner in which it is to be kept, subject to 6880
the requirements of this division. 6881

(E) The adult parole authority shall adopt rules under 6882
Chapter 119. of the Revised Code providing for a victim 6883
conference, upon request of the victim, a member of the victim's 6884

immediate family, or the victim's representative, prior to a 6885
parole hearing in the case of a prisoner who is incarcerated for 6886
the commission of aggravated murder, murder, or an offense of 6887
violence that is a felony of the first, second, or third degree 6888
or is under a sentence of life imprisonment. The rules shall 6889
provide for, but not be limited to, all of the following: 6890

(1) Subject to division (E) (3) of this section, attendance 6891
by the victim, members of the victim's immediate family, the 6892
victim's representative, and, if practicable, other individuals; 6893

(2) Allotment of up to one hour for the conference; 6894

(3) A specification of the number of persons specified in 6895
division (E) (1) of this section who may be present at any single 6896
victim conference, if limited by the department pursuant to 6897
division (F) of this section. 6898

(F) The department may limit the number of persons 6899
specified in division (E) (1) of this section who may be present 6900
at any single victim conference, provided that the department 6901
shall not limit the number of persons who may be present at any 6902
single conference to fewer than three. If the department limits 6903
the number of persons who may be present at any single victim 6904
conference, the department shall permit and schedule, upon 6905
request of the victim, a member of the victim's immediate 6906
family, or the victim's representative, multiple victim 6907
conferences for the persons specified in division (E) (1) of this 6908
section. 6909

(G) As used in this section, "victim's immediate family" 6910
has the same meaning as in section 2967.12 of the Revised Code. 6911

Sec. 2930.161. (A) On request of a victim or victim's 6912
representative who has provided a current address or other 6913

current contact information, the court or the court's designee 6914
shall notify the victim and victim's representative, if 6915
applicable, of any of the following: 6916

(1) A probation or community control revocation 6917
disposition proceeding or any proceeding in which the court is 6918
asked to terminate the probation or community control of a 6919
person who was convicted of committing a criminal offense 6920
against the victim; 6921

(2) Any hearing on a proposed modification on the terms of 6922
probation or community control; 6923

(3) If the person is on supervised probation or community 6924
control, the arrest of the person pursuant to a warrant issued 6925
for a probation or community control violation; 6926

(4) The defendant's or alleged juvenile offender's failure 6927
to successfully complete a diversion or substantially similar 6928
program. 6929

(B) On request of a victim or victim's representative who 6930
has provided current contact information, the probation 6931
department shall notify the victim and victim's representative, 6932
if applicable, of the following as soon as it becomes known to 6933
the probation department: 6934

(1) Any proposed modification to any term of probation or 6935
community control if the modification affects restitution, 6936
incarceration, or detention status or the defendant's or alleged 6937
juvenile offender's contact with or safety of the victim; 6938

(2) The victim's and victim's representative's right to be 6939
heard at a hearing that is set to consider any modification to 6940
be made to any term of probation or community control; 6941

(3) Any violation of any term of probation or community control that results in the filing of a petition with the court to revoke probation or community control; 6942
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(4) Following a risk assessment of the terms of probation or community control, including the period of supervision and any modifications to the terms of probation or community control, any restricted locations and any other conditions of probation or community control that impact victim safety. 6945
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Sec. 2930.162. Prior to the governor granting a pardon, commutation of sentence, or reprieve to an offender convicted of or found guilty of an offense of violence or adjudicated a delinquent child for a delinquent act that would be an offense of violence if committed by an adult, the governor, or the governor's designee, shall notify the victim, victim's representative, and victim's attorney, if applicable, that the offender or delinquent child has applied for a pardon, commutation of sentence, or reprieve. The governor shall notify the victim, victim's representative, and victim's attorney, if applicable, regarding the application not less than thirty days prior to issuing a decision on the application. The governor shall inform the victim, victim's representative, and victim's attorney, if applicable, that the victim, victim's representative, and victim's attorney, if applicable, may submit a written statement concerning the application. 6950
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Sec. 2930.17. (A) In determining whether to grant a judicial release to a defendant from a prison term pursuant to section 2929.20 of the Revised Code at a time before the defendant's stated prison term expires, in determining whether to grant a release to an offender from a prison term pursuant to section 2967.19 of the Revised Code at a time before the 6966
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offender's stated prison term expires, or in determining whether 6972
to grant a judicial release or early release to an alleged 6973
juvenile offender from a commitment to the department of youth 6974
services pursuant to section 2151.38 of the Revised Code, the 6975
court shall permit a victim of a ~~crime~~criminal offense or 6976
~~specified~~ delinquent act for which the defendant or alleged 6977
juvenile offender was incarcerated or committed, and the 6978
victim's representative, if applicable, to make a statement be 6979
heard orally, in writing, or both, in addition to any other 6980
statement made under this chapter, concerning the effects of 6981
that ~~crime~~criminal offense or ~~specified~~ delinquent act on the 6982
victim, the circumstances surrounding the ~~crime~~criminal offense 6983
or ~~specified~~ delinquent act, the manner in which the ~~crime~~ 6984
criminal offense or ~~specified~~ delinquent act was perpetrated, 6985
and the victim's or victim's representative's opinion whether 6986
the defendant or alleged juvenile offender should be released. 6987
The victim and victim's representative, if applicable, may ~~make~~ 6988
~~the statement be heard in writing or,~~ orally, or both at the 6989
~~court's~~victim's or victim's representative's discretion. The 6990
court shall ~~give~~allow the defendant or alleged juvenile 6991
offender to review a copy of any written impact statement made 6992
by the victim or victim's representative under this section and 6993
shall give either the adult parole authority or the department 6994
of youth services, whichever is applicable, a copy of any 6995
written impact statement made by the victim or victim's 6996
representative under this division. 6997

(B) In deciding whether to grant a judicial release or 6998
early release to the defendant or alleged juvenile offender, the 6999
court shall consider a statement made by the victim and the 7000
victim's representative, if applicable, under division (A) of 7001
this section or section 2930.14 or 2947.051 of the Revised Code. 7002

(C) Upon making a determination whether to grant a 7003
judicial release to a defendant from a prison term pursuant to 7004
section 2929.20 of the Revised Code, a release to an offender 7005
from a prison term pursuant to section 2967.19 of the Revised 7006
Code, or a judicial release or early release to an alleged 7007
juvenile offender from a commitment to the department of youth 7008
services pursuant to section 2151.38 of the Revised Code, the 7009
court promptly shall send notice of its determination to the 7010
prosecutor of the county in which the criminal or delinquency 7011
proceeding was held against the defendant or alleged juvenile 7012
offender. Before ordering a defendant or alleged juvenile 7013
offender released from custody, the court shall send the 7014
custodial agency a copy of its journal entry of the 7015
determination. 7016

Sec. 2930.171. (A) In determining whether to grant an 7017
application to seal a record of conviction pursuant to section 7018
2953.32 of the Revised Code or an application to seal or expunge 7019
a juvenile record pursuant to section 2151.356 or 2151.358 of 7020
the Revised Code, the court shall notify the prosecutor 7021
regarding the hearing of the matter not less than sixty days 7022
before the hearing. The prosecutor shall provide timely notice 7023
to a victim of the criminal offense or delinquent act for which 7024
the offender or juvenile was incarcerated or committed and the 7025
victim's representative, if applicable, if the victim or 7026
victim's representative has requested notice and maintains 7027
current contact information with the prosecutor. The court shall 7028
permit a victim, the victim's representative, and the victim's 7029
attorney, if applicable, to make a statement, in addition to any 7030
other statement made under this chapter, concerning the effects 7031
of the criminal offense or delinquent act on the victim, the 7032
circumstances surrounding the criminal offense or delinquent 7033

act, the manner in which the criminal offense or delinquent act 7034
was perpetrated, and the victim's, victim's representative's, or 7035
victim's attorney's, if applicable, opinion whether the record 7036
should be sealed or expunged. The victim, victim's 7037
representative, or victim's attorney, if applicable, may be 7038
heard in writing, orally, or both at the victim's, victim's 7039
representative's, or victim's attorney's, if applicable, 7040
discretion. The court shall give the offender or juvenile an 7041
opportunity to review a copy of any written impact statement 7042
made by the victim, victim's representative, and victim's 7043
attorney, if applicable, under this division. The court shall 7044
give to either the adult parole authority or the department of 7045
youth services, whichever is applicable, a copy of any written 7046
impact statement made by the victim, victim's representative, 7047
and victim's attorney, if applicable, under this division. 7048

(B) In deciding whether to seal or expunge a record under 7049
this section, the court shall consider a statement made by the 7050
victim, victim's representative, and victim's attorney, if 7051
applicable, under division (A) of this section or section 7052
2930.14 or 2947.051 of the Revised Code. 7053

(C) Upon making a determination whether to grant an 7054
application to seal a record of conviction pursuant to section 7055
2953.32 of the Revised Code or an application to seal or expunge 7056
a juvenile record pursuant to section 2151.356 or 2151.358 of 7057
the Revised Code, the court promptly shall notify the prosecutor 7058
of the determination. The prosecutor shall promptly notify the 7059
victim and the victim's representative, if applicable, after 7060
receiving the notice from the court. 7061

Sec. 2930.18. (A) No employer of a victim shall discharge, 7062
discipline, or otherwise retaliate against the victim, a member 7063

of the victim's family, or a victim's representative for 7064
~~participating any of the following:~~ 7065

(1) Participating, at the prosecutor's request, in 7066
preparation for a criminal or delinquency proceeding ~~or for~~ 7067
~~attendance, pursuant to a subpoena;~~ 7068

(2) Attendance at a criminal or delinquency proceeding if 7069
the attendance is reasonably necessary to protect the interests 7070
of the victim; 7071

(3) Attendance at a criminal or delinquency proceeding if 7072
the victim's attendance is pursuant to a victim's constitutional 7073
and statutory rights. 7074

~~This section generally does not require an employer to pay~~ 7075
~~an employee for time lost as a result of attendance at a~~ 7076
~~criminal or delinquency proceeding.~~ 7077

(B) An employer who knowingly violates this section is in 7078
contempt of court. This section does not limit or affect the 7079
application to any person of section 2151.211, 2939.121, or 7080
2945.451 of the Revised Code. 7081

Sec. 2930.19. ~~(A) In a manner consistent with the duty of~~ 7082
~~a prosecutor to represent the interests of the public as a~~ 7083
~~whole, a prosecutor shall seek compliance with this chapter on~~ 7084
~~behalf of a victim, a member of the victim's family, or the~~ 7085
~~victim's representative~~ (A) (1) A victim, victim's 7086
representative, or victim's attorney, if applicable, or the 7087
prosecutor, on request of the victim, has standing as a matter 7088
of right to assert, or to challenge an order denying, the rights 7089
of the victim provided by law in any judicial or administrative 7090
proceeding. The trial court shall act promptly on a request to 7091
enforce, or on a challenge of an order denying, the rights of 7092

the victim. In any case, the trial court shall hear the matter 7093
within ten days of the assertion of the victim's rights. The 7094
reasons for any decision denying relief under this section shall 7095
be clearly stated on the record or in a judgment entry. 7096

(2) (a) If the trial court denies the relief sought under 7097
division (A) (1) of this section, the trial court shall do all of 7098
the following: 7099

(i) Provide the victim, the victim's representative, if 7100
applicable, the victim's attorney, if applicable, and the 7101
parties with notice of the decision and a copy of the judgment 7102
entry; 7103

(ii) Provide the victim, the victim's representative, if 7104
applicable, and the victim's attorney, if applicable, with the 7105
following statement along with the judgment entry: 7106

"NOTICE 7107

The victim, the victim's attorney, if applicable, or the 7108
prosecutor on request of the victim, may appeal this decision or 7109
petition to the court of appeals for an extraordinary writ. If 7110
such an interlocutory appeal or extraordinary writ is sought 7111
while the case is still pending in the trial court, it shall be 7112
initiated no later than fourteen days after notice of the 7113
decision was provided to the victim by telephone or electronic 7114
mail to the latest telephone number or electronic mail address 7115
provided by the victim. The prosecutor or the prosecutor's 7116
designee shall provide the notice to the victim and the notice 7117
shall be memorialized in a manner sufficient to prove to the 7118
court the prosecutor or prosecutor's designee sent the notice. 7119
The court shall dismiss any such interlocutory appeal or 7120
petition as untimely if it does not comply with this fourteen- 7121

day limit." 7122

(b) (i) If the court denies the relief sought, the victim 7123
or the victim's attorney, if applicable, or the prosecutor on 7124
request of the victim, may appeal or, if the victim has no 7125
remedy on appeal, petition the court of appeals or supreme court 7126
for an extraordinary writ, and the victim has standing to assert 7127
a right of limited appeal as it pertains to the decisions 7128
impacting the rights of the victim. An interlocutory appeal 7129
filed under this section shall be filed not later than fourteen 7130
days after notice was provided to the victim as described in 7131
division (A) (1) of this section, and such an appeal divests the 7132
trial court of jurisdiction of the portion of the case 7133
implicating the victim's rights until the interlocutory appeal 7134
is resolved by the appellate court. 7135

(ii) Upon the filing of an interlocutory appeal, the trial 7136
court shall transmit those portions of the transcript necessary 7137
for consideration of the issues to be reviewed by the court of 7138
appeals within five business days. Once the transcript is 7139
received by the court of appeals, the party that initiated the 7140
appeal shall have eight days to file a merit brief. Once the 7141
merit brief is filed, the appellee shall have eight days to file 7142
a response brief. The court of appeals shall decide the entire 7143
appeal not later than thirty-five days after the appeal is 7144
filed. Notwithstanding these limits, the litigants, with the 7145
approval of the court, may stipulate to a different period of 7146
time for the briefing and issuance of the decision and judgment 7147
on the appeal. The victim, the victim's attorney, the 7148
prosecutor, or the defendant may notify the supreme court if a 7149
court of appeals has failed to issue a judgment in accordance 7150
with the stipulated period of time. Such notifications are 7151
public records. 7152

(iii) Nothing in this section shall be interpreted as 7153
applying to a direct appeal that is filed after the court 7154
sentences the defendant. A victim who wishes to appeal from an 7155
order that is final on its entry after the court sentences the 7156
defendant shall file the notice of appeal within thirty days of 7157
that entry. 7158

(c) If the victim or victim's attorney, if applicable, 7159
petitions for an extraordinary writ, the court of appeals or the 7160
supreme court shall enter an order establishing an expedited 7161
schedule for the filing of an answer, the submission of 7162
evidence, the filing of briefing by the litigants, and the entry 7163
of decision and judgment and shall place the petition on its 7164
accelerated calendar. The court of appeals or the supreme court 7165
shall immediately notify the trial court of the petition, and 7166
the trial court shall transmit to the court of appeals or the 7167
supreme court those portions of the transcript necessary for the 7168
consideration of the issues to be reviewed by the applicable 7169
appellate court within five business days of the filing of the 7170
appeal or petition. The court shall enter judgment within forty- 7171
five days after the petition for an extraordinary writ is filed. 7172
Notwithstanding these limits, the litigants, with the approval 7173
of the court, may stipulate to a different period of time for 7174
the briefing and issuance of the decision and judgment in the 7175
action. The victim, the victim's attorney, the prosecutor, or 7176
the defendant may notify the supreme court if a court of appeals 7177
has failed to issue a judgment in accordance with the stipulated 7178
period of time. Such notifications are a public record. 7179

(d) If any interlocutory appeal is pursued to the supreme 7180
court, the supreme court shall enter an order establishing an 7181
expedited schedule for its proceedings, including, as 7182
applicable, the filing of jurisdictional memoranda and ruling 7183

thereon, the transmission of the record, the filing of briefing 7184
by the litigants, oral argument if permitted, and the entry of 7185
decision and judgment and shall place the appeal on its 7186
accelerated calendar. The court shall enter judgment within 7187
sixty days after the appeal is filed. The supreme court shall 7188
immediately notify the trial court of the appeal, and the trial 7189
court shall transmit to the court of appeals or the supreme 7190
court those portions of the transcript necessary for 7191
consideration of the issues to be reviewed by the applicable 7192
appellate court within five business days of the filing of the 7193
appeal. Notwithstanding these limits, the litigants, with the 7194
approval of the court, may stipulate to a different period of 7195
time for the supreme court's proceedings and for the issuance of 7196
the supreme court's decision and judgment in the case. 7197

(e) Nothing in this division applies to a direct appeal 7198
that is filed by the victim after the court sentences the 7199
defendant. A victim who wishes to appeal from an appellate entry 7200
shall file the appropriate notice of appeal to the supreme court 7201
within thirty days of the entry. 7202

~~(B)~~(B) (1) A victim of a criminal offense or delinquent 7203
act has the right to be represented by an attorney. Nothing in 7204
this section creates a right to an attorney at public expense 7205
for a victim. If a victim is represented by an attorney, the 7206
court shall notify the victim's attorney in the same manner in 7207
which the parties are notified under applicable law or rule. The 7208
victim's attorney shall be included in all bench conferences, 7209
meetings in chambers, and sidebars with the trial court that 7210
directly involve a decision implicating that victim's rights as 7211
enumerated in Ohio Constitution, Article I, Section 10a. Nothing 7212
in this section shall be construed as making a victim a party to 7213
the case. 7214

(2) A defendant has a right to respond and be represented 7215
by an attorney for appeals and writs the victim, the victim's 7216
attorney, if applicable, or the prosecutor may file pursuant to 7217
this section. An indigent defendant has the right to appointed 7218
counsel for appeals and writs filed pursuant to this section. 7219
If, as an indigent person, a defendant is unable to employ 7220
counsel, the defendant is entitled to have counsel provided 7221
pursuant to Chapter 120. of the Revised Code. The court shall 7222
notify the defendant and the defendant's attorney in the same 7223
manner that the parties are notified under applicable law or 7224
rule. 7225

(C) The failure of a public official or public agency or 7226
the public official's or public agency's designee to comply with 7227
the requirements of this chapter does not give rise to a claim 7228
for damages against that public official or public agency or 7229
that public official's or public agency's designee, except that 7230
a public agency as an employer may be held responsible for a 7231
violation of section 2930.18 of the Revised Code. 7232

~~(C)~~ (D) The failure of any person or entity to provide a 7233
right, privilege, or notice to a victim under this chapter does 7234
not constitute grounds for declaring a mistrial or new trial, 7235
for setting aside a conviction, sentence, adjudication, or 7236
disposition, or for granting postconviction release to a 7237
defendant or alleged juvenile offender. 7238

~~(D)~~ (E) If there is a conflict between a provision in this 7239
chapter and a specific statute governing the procedure in a case 7240
involving a capital offense, the specific statute supersedes the 7241
provision in this chapter. 7242

~~(E)~~ (F) A defendant or juvenile offender may not raise the 7243
failure to afford a right to a victim as error in any legal 7244

argument to provide an advantage to that defendant or juvenile 7245
offender in any motion, including a dispositive motion, motion 7246
for new trial, or motion to have a conviction, sentence, or 7247
disposition set aside, in any petition for post-conviction 7248
relief, or in any assignment of error on appeal. 7249

(G) If the victim of a ~~crime~~ criminal offense or 7250
delinquent act is incarcerated in a state or local correctional 7251
facility or is in the legal custody of the department of youth 7252
services, the victim's rights under this chapter may be modified 7253
by court order to prevent any security risk, hardship, or undue 7254
burden upon a public official or public agency with a duty under 7255
this chapter. 7256

(H) As used in this section, "post-conviction release" 7257
means judicial release, early release, and parole, but does not 7258
mean relief pursuant to a federal petition in habeas corpus. 7259

Sec. 2930.191. Once a pro se victim or victim's attorney, 7260
if applicable, files a notice of appearance in a case, the pro 7261
se victim or victim's attorney shall be served copies of all 7262
notices, motions, and court orders filed thereafter in the case 7263
in the same manner as the parties in the case. 7264

Sec. 2937.11. (A) (1) As used in divisions (B) and (C) of 7265
this section, "victim" includes any person who was a victim of a 7266
felony violation identified in division (B) of this section or a 7267
felony offense of violence or against whom was directed any 7268
conduct that constitutes, or that is an element of, a felony 7269
violation identified in division (B) of this section or a felony 7270
offense of violence. 7271

(2) As used in division (D) of this section, "victim" 7272
means any person who is less than sixteen years of age and who 7273

was a victim of a violation of section 2905.32 of the Revised Code or against whom was directed any conduct that constitutes, or is an element of, a violation of section 2905.32 of the Revised Code.

(3) At the preliminary hearing set pursuant to section 2937.10 of the Revised Code and the Criminal Rules, the prosecutor may state, but is not required to state, orally the case for the state and shall then proceed to examine witnesses and introduce exhibits for the state. The accused and the magistrate have full right of cross examination, and the accused has the right of inspection of exhibits prior to their introduction. The hearing shall be conducted under the rules of evidence prevailing in criminal trials generally. On motion of either the state or the accused, witnesses shall be separated and not permitted in the hearing room except when called to testify.

~~(B)~~ (B) (1) In a case involving an alleged felony violation of section 2905.05, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.21, 2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, or 2919.22 of the Revised Code or an alleged felony offense of violence and in which an alleged victim of the alleged violation or offense was less than thirteen years of age when the complaint or information was filed, whichever occurred earlier, upon motion of the prosecution, victim, or victim's attorney, if applicable, the testimony of the child victim at the preliminary hearing may be taken in a room other than the room in which the preliminary hearing is being conducted and be televised, by closed circuit equipment, into the room in which the preliminary hearing is being conducted, in accordance with division (C) of section 2945.481 of the Revised Code.

(2) In a case that is not otherwise eligible for the 7304
protections provided for in division (B)(1) of this section, and 7305
if either of the following apply, upon motion of the 7306
prosecution, victim, or victim's attorney, if applicable, the 7307
testimony of the alleged victim at the preliminary hearing may 7308
be taken in a room other than the room in which the preliminary 7309
hearing is being conducted and be televised, by closed circuit 7310
equipment, into the room in which the preliminary hearing is 7311
being conducted, in accordance with division (C) of section 7312
2945.481 of the Revised Code: 7313

(a) An alleged victim of the violation was a child who was 7314
less than eighteen years of age when the complaint, indictment, 7315
or information was filed, whichever occurred earlier, and the 7316
alleged victim would be permitted to provide recorded testimony 7317
under section 2945.481 of the Revised Code. 7318

(b) An alleged victim of the violation or act was a person 7319
with a developmental disability, and the alleged victim would be 7320
permitted to provide recorded testimony under section 2945.482 7321
of the Revised Code. 7322

(C) In a case involving an alleged felony violation listed 7323
in division (B) of this section or an alleged felony offense of 7324
violence and in which an alleged victim of the alleged violation 7325
or offense was less than thirteen years of age when the 7326
complaint or information was filed, whichever occurred earlier, 7327
the court, on written motion of the prosecutor in the case, the 7328
victim, or the victim's attorney, if applicable, filed at least 7329
three days prior to the hearing, shall order that all testimony 7330
of the child victim be recorded and preserved ~~on videotape~~, in 7331
addition to being recorded for purposes of the transcript of the 7332
proceeding. If such an order is issued, it shall specifically 7333

identify the child victim, in a manner consistent with section 7334
2930.07 of the Revised Code, concerning whose testimony it 7335
pertains, apply only during the testimony of the child victim it 7336
specifically identifies, and apply to all testimony of the child 7337
victim presented at the hearing, regardless of whether the child 7338
victim is called as a witness by the prosecution or by the 7339
defense. 7340

(D) (1) (a) In a case involving an alleged violation of 7341
section 2905.32 of the Revised Code, upon motion of the 7342
prosecution, victim, or victim's attorney, if applicable, the 7343
testimony of the victim at the preliminary hearing may be taken 7344
in a place or room other than the room in which the preliminary 7345
hearing is being conducted and be televised, by closed circuit 7346
equipment, into the room in which the preliminary hearing is 7347
being conducted, to be viewed by the accused and any other 7348
persons who are not permitted in the room in which the testimony 7349
is to be taken but who would have been present during the 7350
testimony of the victim had it been given in the room in which 7351
the preliminary hearing is being conducted. Except for good 7352
cause shown, the prosecution, victim, or victim's attorney, if 7353
applicable, shall file a motion under this division at least 7354
seven days before the date of the preliminary hearing. 7355

(b) Upon the motion of the prosecution, victim, or 7356
victim's attorney, if applicable, filed under division (D) (1) (a) 7357
of this section and if the judge or magistrate determines that 7358
the victim is unavailable to testify in the room in which the 7359
preliminary hearing is being conducted in the physical presence 7360
of the accused for one or more of the reasons set forth in 7361
division (D) (2) of this section, the judge or magistrate may 7362
issue an order for the testimony of the victim to be taken in a 7363
place or room other than the room in which the preliminary 7364

hearing is being conducted and televised, by closed circuit 7365
equipment, into the room in which the preliminary hearing is 7366
being conducted. If a judge or magistrate issues an order of 7367
that nature, the judge or magistrate shall exclude from the room 7368
in which the testimony of the victim is to be taken every person 7369
except the following: 7370

(i) The victim giving the testimony; 7371

(ii) The judge or magistrate; 7372

(iii) One or more interpreters if needed; 7373

(iv) The attorneys for the prosecution, the victim, if 7374
applicable, and the defense; 7375

(v) Any person needed to operate the equipment to be used; 7376

(vi) One person chosen by the victim giving the testimony; 7377

(vii) Any person whose presence the judge or magistrate 7378
determines would contribute to the welfare and well-being of the 7379
victim giving the testimony. 7380

(c) The person chosen by the victim under division (D) (1) 7381

(b) (vi) of this section ~~shall not be a witness in the~~ 7382
~~preliminary hearing and, both before and during the testimony,~~ 7383
shall not discuss the testimony of the victim with any other 7384
witness in the preliminary hearing. 7385

(d) The judge or magistrate, at the judge's or 7386
magistrate's discretion, may preside during the giving of the 7387
testimony by electronic means from outside the room in which it 7388
is being given, subject to the limitations set forth in this 7389
division. If the judge or magistrate presides by electronic 7390
means, the judge or magistrate shall be provided with monitors 7391
on which the judge or magistrate can see each person in the room 7392

in which the testimony is to be taken and with an electronic 7393
means of communication with each person, and each person in the 7394
room shall be provided with a monitor on which that person can 7395
see the judge or magistrate and with an electronic means of 7396
communication with the judge or magistrate. To the extent 7397
feasible, any person operating the televising equipment shall be 7398
restricted to a room adjacent to the room in which the testimony 7399
is being taken, or to a location in the room in which the 7400
testimony is being taken that is behind a screen or mirror, so 7401
that the person operating the televising equipment can see and 7402
hear, but cannot be seen or heard by, the victim giving the 7403
testimony during the testimony. The accused shall be permitted 7404
to observe and hear the testimony of the victim giving the 7405
testimony on a monitor, shall be provided with an electronic 7406
means of immediate communication with the attorney of the 7407
accused during the testimony, and shall be restricted to a 7408
location from which the accused cannot be seen or heard by the 7409
victim giving the testimony, except on a monitor provided for 7410
that purpose. The accused and the judge or magistrate have full 7411
right of cross examination, and the accused has the right of 7412
inspection of exhibits prior to their introduction. The victim 7413
giving the testimony shall be provided with a monitor on which 7414
the victim can observe the accused during the testimony. 7415

(2) For purposes of division (D)(1) of this section, a 7416
judge or magistrate may order the testimony of a victim to be 7417
taken at a place or room outside the room in which the 7418
preliminary hearing is being conducted if the judge or 7419
magistrate determines that the victim is unavailable to testify 7420
in the room in the physical presence of the accused due to one 7421
or more of the following: 7422

(a) The inability of the victim to communicate about the 7423

alleged offense because of extreme fear, severe trauma, or 7424
another similar reason; 7425

(b) The substantial likelihood that the victim will suffer 7426
serious emotional trauma from so testifying; 7427

(c) The victim is at a hospital for care and treatment for 7428
any physical, mental, or emotional injury suffered by reason of 7429
the alleged offense. 7430

Sec. 2945.481. (A) (1) As used in this section, "victim" 7431
includes any person who was a victim of a violation identified 7432
in division (A) (2) of this section or an offense of violence or 7433
against whom was directed any conduct that constitutes, or that 7434
is an element of, a violation identified in division (A) (2) of 7435
this section or an offense of violence. 7436

~~(2)~~ (2) (a) In any proceeding in the prosecution of a charge 7437
of a violation of section 2905.03, 2905.05, 2907.02, 2907.03, 7438
2907.04, 2907.05, 2907.06, 2907.07, 2907.09, 2907.21, 2907.23, 7439
2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, or 7440
2919.22 of the Revised Code or an offense of violence and in 7441
which an alleged victim of the violation or offense was a child 7442
who was less than thirteen years of age when the complaint, 7443
indictment, or information was filed, whichever occurred 7444
earlier, the judge of the court in which the prosecution is 7445
being conducted, upon motion of an attorney for the prosecution, 7446
shall order that the testimony of the child victim be taken by 7447
deposition. The prosecution also may request that the deposition 7448
be ~~videotaped~~ recorded in accordance with division (A) (3) of 7449
this section. 7450

(b) In any proceeding that is not otherwise eligible for 7451
the protections provided for in division (A) (2) (a) of this 7452

section, and in which an alleged victim of the violation was a 7453
child who was less than eighteen years of age when the 7454
complaint, indictment, or information was filed, whichever 7455
occurred earlier, upon motion of the child victim, the child 7456
victim's attorney, if applicable, or an attorney for the 7457
prosecution, and upon a showing by a preponderance of the 7458
evidence that the child will suffer serious emotional trauma if 7459
required to provide live trial testimony, the judge of the court 7460
in which the prosecution is being conducted shall order that the 7461
testimony of the child victim be taken by deposition. The 7462
prosecution may also request that the deposition be recorded in 7463
accordance with division (A)(3) of this section. 7464

(c) The judge shall notify the child victim whose 7465
deposition is to be taken, the child victim's attorney, if 7466
applicable, the prosecution, and the defense of the date, time, 7467
and place for taking the deposition. The notice shall identify 7468
the child victim who is to be examined and shall indicate 7469
whether a request that the deposition be ~~videotaped~~ recorded has 7470
been made. The defendant shall have the right to attend the 7471
deposition and the right to be represented by counsel. 7472
Depositions shall be taken in the manner provided in civil 7473
cases, except that the judge shall preside at the taking of the 7474
deposition and shall rule at that time on any objections of the 7475
prosecution or the attorney for the defense. The prosecution and 7476
the attorney for the defense shall have the right, as at trial, 7477
to full examination and cross-examination of the child victim 7478
whose deposition is to be taken. If a deposition taken under 7479
this division is intended to be offered as evidence in the 7480
proceeding, it shall be filed in the court in which the action 7481
is pending and is admissible in the manner described in division 7482
(B) of this section. If a deposition of a child victim taken 7483

under this division is admitted as evidence at the proceeding 7484
under division (B) of this section, the child victim shall not 7485
be required to testify in person at the proceeding. However, at 7486
any time before the conclusion of the proceeding, the attorney 7487
for the defense may file a motion with the judge requesting that 7488
another deposition of the child victim be taken because new 7489
evidence material to the defense has been discovered that the 7490
attorney for the defense could not with reasonable diligence 7491
have discovered prior to the taking of the admitted deposition. 7492
A motion for another deposition shall be accompanied by 7493
supporting affidavits. Upon the filing of a motion for another 7494
deposition and affidavits, the court may order that additional 7495
testimony of the child victim relative to the new evidence be 7496
taken by another deposition. If the court orders the taking of 7497
another deposition under this provision, the deposition shall be 7498
taken in accordance with this division; if the admitted 7499
deposition was a ~~videotaped~~recorded deposition taken in 7500
accordance with division (A) (3) of this section, the new 7501
deposition also shall be ~~videotaped~~recorded in accordance with 7502
that division and in other cases, the new deposition may be 7503
~~videotaped~~recorded in accordance with that division. 7504

(3) If the prosecution requests that a deposition to be 7505
taken under division (A) (2) of this section be 7506
~~videotaped~~recorded, the judge shall order that the deposition be 7507
~~videotaped~~recorded in accordance with this division. If a judge 7508
issues an order that the deposition be ~~videotaped~~recorded, the 7509
judge shall exclude from the room in which the deposition is to 7510
be taken every person except the child victim giving the 7511
testimony, the judge, one or more interpreters if needed, the 7512
attorneys for the prosecution and the defense, the child 7513
victim's attorney, if applicable, the child victim's 7514

representative, if applicable, any person needed to operate the 7515
equipment to be used, one person chosen by the child victim 7516
giving the deposition, and any person whose presence the judge 7517
determines would contribute to the welfare and well-being of the 7518
child victim giving the deposition. The person chosen by the 7519
child victim -shall not be a witness in the proceeding and, both 7520
before and during the deposition, shall not discuss the 7521
testimony of the child victim with any other witness in the 7522
proceeding. To the extent feasible, any person operating the 7523
recording equipment shall be restricted to a room adjacent to 7524
the room in which the deposition is being taken, or to a 7525
location in the room in which the deposition is being taken that 7526
is behind a screen or mirror, so that the person operating the 7527
recording equipment can see and hear, but cannot be seen or 7528
heard by, the child victim giving the deposition during the 7529
deposition. The defendant shall be permitted to observe and hear 7530
the testimony of the child victim giving the deposition on a 7531
monitor, shall be provided with an electronic means of immediate 7532
communication with the defendant's attorney during the 7533
testimony, and shall be restricted to a location from which the 7534
defendant cannot be seen or heard by the child victim giving the 7535
deposition, except on a monitor provided for that purpose. The 7536
child victim giving the deposition shall be provided with a 7537
monitor on which the child victim can observe, during the 7538
testimony, the defendant. The judge, at the judge's discretion, 7539
may preside at the deposition by electronic means from outside 7540
the room in which the deposition is to be taken; if the judge 7541
presides by electronic means, the judge shall be provided with 7542
monitors on which the judge can see each person in the room in 7543
which the deposition is to be taken and with an electronic means 7544
of communication with each person, and each person in the room 7545
shall be provided with a monitor on which that person can see 7546

the judge and with an electronic means of communication with the 7547
judge. A deposition that is ~~videotaped~~recorded under this 7548
division shall be taken and filed in the manner described in 7549
division (A) (2) of this section and is admissible in the manner 7550
described in this division and division (B) of this section, 7551
and, if a deposition that is ~~videotaped~~recorded under this 7552
division is admitted as evidence at the proceeding, the child 7553
victim shall not be required to testify in person at the 7554
proceeding. No deposition ~~videotaped~~recorded under this 7555
division shall be admitted as evidence at any proceeding unless 7556
division (B) of this section is satisfied relative to the 7557
deposition and all of the following apply relative to the 7558
recording: 7559

(a) The recording is both aural and visual and is recorded 7560
on film or videotape, or by other electronic means. 7561

(b) The recording is authenticated under the Rules of 7562
Evidence and the Rules of Criminal Procedure as a fair and 7563
accurate representation of what occurred, and the recording is 7564
not altered other than at the direction and under the 7565
supervision of the judge in the proceeding. 7566

(c) Each voice on the recording that is material to the 7567
testimony on the recording or the making of the recording, as 7568
determined by the judge, is identified. 7569

(d) Both the prosecution and the defendant are afforded an 7570
opportunity to view the recording before it is shown in the 7571
proceeding. 7572

(B) (1) At any proceeding in a prosecution in relation to 7573
which a deposition was taken under division (A) of this section, 7574
the deposition or a part of it is admissible in evidence upon 7575

motion of the prosecution if the testimony in the deposition or 7576
the part to be admitted is not excluded by the hearsay rule and 7577
if the deposition or the part to be admitted otherwise is 7578
admissible under the Rules of Evidence. For purposes of this 7579
division, testimony is not excluded by the hearsay rule if the 7580
testimony is not hearsay under Evidence Rule 801; if the 7581
testimony is within an exception to the hearsay rule set forth 7582
in Evidence Rule 803; if the child victim who gave the testimony 7583
is unavailable as a witness, as defined in Evidence Rule 804, 7584
and the testimony is admissible under that rule; or if both of 7585
the following apply: 7586

(a) The defendant had an opportunity and similar motive at 7587
the time of the taking of the deposition to develop the 7588
testimony by direct, cross, or redirect examination. 7589

(b) The judge determines that there is reasonable cause to 7590
believe that, if the child victim who gave the testimony in the 7591
deposition were to testify in person at the proceeding, the 7592
child victim would experience serious emotional trauma as a 7593
result of the child victim's participation at the proceeding. 7594

(2) Objections to receiving in evidence a deposition or a 7595
part of it under division (B) of this section shall be made as 7596
provided in civil actions. 7597

(3) The provisions of divisions (A) and (B) of this 7598
section are in addition to any other provisions of the Revised 7599
Code, the Rules of Criminal Procedure, or the Rules of Evidence 7600
that pertain to the taking or admission of depositions in a 7601
criminal proceeding and do not limit the admissibility under any 7602
of those other provisions of any deposition taken under division 7603
(A) of this section or otherwise taken. 7604

(C) In any proceeding in the prosecution of any charge of 7605
a violation listed in division (A) (2) of this section or an 7606
offense of violence and in which an alleged victim of the 7607
violation or offense was a child who was less than thirteen 7608
years of age when the complaint, indictment, or information was 7609
filed, whichever occurred earlier, the prosecution, the child 7610
victim, or the child victim's attorney, if applicable, may file 7611
a motion with the judge requesting the judge to order the 7612
testimony of the child victim to be taken in a room other than 7613
the room in which the proceeding is being conducted and be 7614
televised, by closed circuit equipment, into the room in which 7615
the proceeding is being conducted to be viewed by the jury, if 7616
applicable, the defendant, and any other persons who are not 7617
permitted in the room in which the testimony is to be taken but 7618
who would have been present during the testimony of the child 7619
victim had it been given in the room in which the proceeding is 7620
being conducted. Except for good cause shown, the prosecution, 7621
child victim, or child victim's attorney, if applicable, shall 7622
file a motion under this division at least seven days before the 7623
date of the proceeding. The judge may issue the order upon the 7624
motion of the prosecution, child victim, or child victim's 7625
attorney, if applicable, filed under this section, if the judge 7626
determines that the child victim is unavailable to testify in 7627
the room in which the proceeding is being conducted in the 7628
physical presence of the defendant, for one or more of the 7629
reasons set forth in division (E) of this section. If a judge 7630
issues an order of that nature, the judge shall exclude from the 7631
room in which the testimony is to be taken every person except a 7632
person described in division (A) (3) of this section. The judge, 7633
at the judge's discretion, may preside during the giving of the 7634
testimony by electronic means from outside the room in which it 7635
is being given, subject to the limitations set forth in division 7636

(A) (3) of this section. To the extent feasible, any person 7637
operating the televising equipment shall be hidden from the 7638
sight and hearing of the child victim giving the testimony, in a 7639
manner similar to that described in division (A) (3) of this 7640
section. The defendant shall be permitted to observe and hear 7641
the testimony of the child victim giving the testimony on a 7642
monitor, shall be provided with an electronic means of immediate 7643
communication with the defendant's attorney during the 7644
testimony, and shall be restricted to a location from which the 7645
defendant cannot be seen or heard by the child victim giving the 7646
testimony, except on a monitor provided for that purpose. The 7647
child victim giving the testimony shall be provided with a 7648
monitor on which the child victim can observe, during the 7649
testimony, the defendant. 7650

(D) In any proceeding in the prosecution of any charge of 7651
a violation listed in division (A) (2) of this section or an 7652
offense of violence and in which an alleged victim of the 7653
violation or offense was a child who was less than thirteen 7654
years of age when the complaint, indictment, or information was 7655
filed, whichever occurred earlier, the prosecution, child 7656
victim, or child victim's attorney, if applicable, may file a 7657
motion with the judge requesting the judge to order the 7658
testimony of the child victim to be taken outside of the room in 7659
which the proceeding is being conducted and be recorded for 7660
showing in the room in which the proceeding is being conducted 7661
before the judge, the jury, if applicable, the defendant, and 7662
any other persons who would have been present during the 7663
testimony of the child victim had it been given in the room in 7664
which the proceeding is being conducted. Except for good cause 7665
shown, the prosecution, child victim, or child victim's 7666
attorney, if applicable, shall file a motion under this division 7667

at least seven days before the date of the proceeding. The judge 7668
may issue the order upon the motion of the prosecution, child 7669
victim, or child victim's attorney, if applicable, filed under 7670
this division, if the judge determines that the child victim is 7671
unavailable to testify in the room in which the proceeding is 7672
being conducted in the physical presence of the defendant, for 7673
one or more of the reasons set forth in division (E) of this 7674
section. If a judge issues an order of that nature, the judge 7675
shall exclude from the room in which the testimony is to be 7676
taken every person except a person described in division (A)(3) 7677
of this section. To the extent feasible, any person operating 7678
the recording equipment shall be hidden from the sight and 7679
hearing of the child victim giving the testimony, in a manner 7680
similar to that described in division (A)(3) of this section. 7681
The defendant shall be permitted to observe and hear the 7682
testimony of the child victim who is giving the testimony on a 7683
monitor, shall be provided with an electronic means of immediate 7684
communication with the defendant's attorney during the 7685
testimony, and shall be restricted to a location from which the 7686
defendant cannot be seen or heard by the child victim giving the 7687
testimony, except on a monitor provided for that purpose. The 7688
child victim giving the testimony shall be provided with a 7689
monitor on which the child victim can observe, during the 7690
testimony, the defendant. No order for the taking of testimony 7691
by recording shall be issued under this division unless the 7692
provisions set forth in divisions (A)(3)(a), (b), (c), and (d) 7693
of this section apply to the recording of the testimony. 7694

(E) For purposes of divisions (C) and (D) of this section, 7695
a judge may order the testimony of a child victim to be taken 7696
outside the room in which the proceeding is being conducted if 7697
the judge determines that the child victim is unavailable to 7698

testify in the room in the physical presence of the defendant 7699
due to one or more of the following: 7700

(1) The persistent refusal of the child victim to testify 7701
despite judicial requests to do so; 7702

(2) The inability of the child victim to communicate about 7703
the alleged violation or offense because of extreme fear, 7704
failure of memory, or another similar reason; 7705

(3) The substantial likelihood that the child victim will 7706
suffer serious emotional trauma from so testifying. 7707

(F) (1) If a judge issues an order pursuant to division (C) 7708
or (D) of this section that requires the testimony of a child 7709
victim in a criminal proceeding to be taken outside of the room 7710
in which the proceeding is being conducted, the order shall 7711
specifically identify the child victim, in a manner consistent 7712
with section 2930.07 of the Revised Code, to whose testimony it 7713
applies, the order applies only during the testimony of the 7714
specified child victim, and the child victim giving the 7715
testimony shall not be required to testify at the proceeding 7716
other than in accordance with the order. 7717

(2) A judge who makes any determination regarding the 7718
admissibility of a deposition under divisions (A) and (B) of 7719
this section, the ~~videotaping~~ recording of a deposition under 7720
division (A) (3) of this section, or the taking of testimony 7721
outside of the room in which a proceeding is being conducted 7722
under division (C) or (D) of this section, shall enter the 7723
determination and findings on the record in the proceeding. 7724

Sec. 2945.482. (A) As used in this section: 7725

(1) "Developmental disability" has the same meaning as in 7726
section 5123.01 of the Revised Code. 7727

(2) "Victim with a developmental disability" includes a 7728
person with a developmental disability who was a victim of a 7729
violation identified in division (B)(1) of this section or an 7730
offense of violence or against whom was directed any conduct 7731
that constitutes, or that is an element of, a violation 7732
identified in division (B)(1) of this section or an offense of 7733
violence. 7734

~~(B)(1)~~ (B)(1)(a) In any proceeding in the prosecution of a 7735
charge of a violation of section 2903.16, 2903.34, 2903.341, 7736
2905.03, 2907.02, 2907.03, 2907.05, 2907.06, 2907.09, 2907.21, 7737
2907.23, 2907.24, 2907.32, 2907.321, 2907.322, or 2907.323 of 7738
the Revised Code or an offense of violence and in which an 7739
alleged victim of the violation or offense was a person with a 7740
developmental disability, the judge of the court in which the 7741
prosecution is being conducted, upon motion of an attorney for 7742
the prosecution, ~~shall~~ order that the testimony of the victim 7743
with a developmental disability be taken by deposition. The 7744
prosecution ~~also~~ may request that the deposition be ~~videotaped~~ 7745
recorded in accordance with division (B)(2) of this section. 7746

(b) In any proceeding that is not otherwise eligible for 7747
the protections provided for in division (B)(1)(a) of this 7748
section and in which an alleged victim of the violation or act 7749
was a person with a developmental disability, upon motion of the 7750
prosecution, the victim, or the victim's attorney, if 7751
applicable, and a showing by a preponderance of the evidence 7752
that the victim will suffer serious emotional trauma if required 7753
to provide live trial testimony, the judge of the court in which 7754
the prosecution is being conducted shall order that the 7755
testimony of the victim with a developmental disability be taken 7756
by deposition. The prosecution, the victim, or the victim's 7757
attorney, if applicable, also may request that the deposition be 7758

recorded in accordance with division (B)(2) of this section. 7759

(c) The judge shall notify the victim with a developmental 7760
disability whose deposition is to be taken, the victim's 7761
attorney, if applicable, the prosecution, and the defense of the 7762
date, time, and place for taking the deposition. The notice 7763
shall identify the victim with a developmental disability, in a 7764
manner consistent with section 2930.07 of the Revised Code, who 7765
is to be examined and shall indicate whether a request that the 7766
deposition be ~~videotaped~~ recorded has been made. The defendant 7767
shall have the right to attend the deposition and the right to 7768
be represented by counsel. Depositions shall be taken in the 7769
manner provided in civil cases, except that the judge shall 7770
preside at the taking of the deposition and shall rule at the 7771
time on any objections of the prosecution or the attorney for 7772
the defense. The prosecution and the attorney for the defense 7773
shall have the right, as at trial, to full examination and 7774
cross-examination of the victim with a developmental disability 7775
whose deposition is to be taken. If a deposition taken under 7776
this division is intended to be offered as evidence in the 7777
proceeding, it shall be filed in the court in which the action 7778
is pending and is admissible in the manner described in division 7779
(C) of this section. 7780

If a deposition of a victim with a developmental 7781
disability taken under this division is admitted as evidence at 7782
the proceeding under division (C) of this section, the victim 7783
with a developmental disability shall not be required to testify 7784
in person at the proceeding. 7785

At any time before the conclusion of the proceeding, the 7786
attorney for the defense may file a motion with the judge 7787
requesting that another deposition of the victim with a 7788

developmental disability be taken because new evidence material 7789
to the defense has been discovered that the attorney for the 7790
defense could not with reasonable diligence have discovered 7791
prior to the taking of the admitted deposition. If the court 7792
orders the taking of another deposition under this provision, 7793
the deposition shall be taken in accordance with this division. 7794
If the admitted deposition was a ~~videotaped-recorded~~ deposition 7795
taken in accordance with division (B) (2) of this section, the 7796
new deposition shall be ~~videotaped-recorded~~ in accordance with 7797
that division. In other cases, the new deposition may be 7798
~~videotaped-recorded~~ in accordance with that division. 7799

(2) If the prosecution, victim, or victim's attorney, if 7800
applicable, requests that a deposition to be taken under 7801
division (B) (2) of this section be ~~videotaped-recorded~~, the judge 7802
shall order that the deposition be ~~videotaped-recorded~~ in 7803
accordance with this division. If a judge issues an order that 7804
the deposition be ~~videotaped-recorded~~, the judge shall exclude 7805
from the room in which the deposition is to be taken every 7806
person except the victim with a developmental disability giving 7807
the testimony, the judge, one or more interpreters if needed, 7808
the attorneys for the prosecution and the defense, the victim's 7809
attorney, if applicable, the victim's representative, if 7810
applicable, any person needed to operate the equipment to be 7811
used, one person chosen by the victim with a developmental 7812
disability giving the deposition, and any person whose presence 7813
the judge determines would contribute to the welfare and well- 7814
being of the victim with a developmental disability giving the 7815
deposition. The person chosen by the victim with a developmental 7816
disability shall not be a witness in the proceeding and, both 7817
before and during the deposition, shall not discuss the 7818
testimony of the victim with a developmental disability with any 7819

other witness in the proceeding. To the extent feasible, any 7820
person operating the recording equipment shall be restricted to 7821
a room adjacent to the room in which the deposition is being 7822
taken, or to a location in the room in which the deposition is 7823
being taken that is behind a screen or mirror, so that the 7824
person operating the recording equipment can see and hear, but 7825
cannot be seen or heard by, the victim with a developmental 7826
disability giving the deposition during the deposition. 7827

The defendant shall be permitted to observe and hear the 7828
testimony of the victim with a developmental disability giving 7829
the deposition on a monitor, shall be provided with an 7830
electronic means of immediate communication with the defendant's 7831
attorney during the testimony, and shall be restricted to a 7832
location from which the defendant cannot be seen or heard by the 7833
victim with a developmental disability giving the deposition, 7834
except on a monitor provided for that purpose. The victim with a 7835
developmental disability giving the deposition shall be provided 7836
with a monitor on which the victim can observe, during the 7837
testimony, the defendant. The judge, at the judge's discretion, 7838
may preside at the deposition by electronic means from outside 7839
the room in which the deposition is to be taken. If the judge 7840
presides by electronic means, the judge shall be provided with 7841
monitors on which the judge can see each person in the room in 7842
which the deposition is to be taken and with an electronic means 7843
of communication with each person, and each person in the room 7844
shall be provided with a monitor on which that person can see 7845
the judge and with an electronic means of communication with the 7846
judge. A deposition that is ~~videotaped~~ recorded under this 7847
division shall be taken and filed in the manner described in 7848
division (B) (1) of this section and is admissible in the manner 7849
described in this division and division (C) of this section, 7850

and, if a deposition that is ~~videotaped~~recorded under this 7851
division is admitted as evidence at the proceeding, the victim 7852
with a developmental disability shall not be required to testify 7853
in person at the proceeding. No deposition ~~videotaped~~recorded 7854
under this division shall be admitted as evidence at any 7855
proceeding unless division (C) of this section is satisfied 7856
relative to the deposition and all of the following apply 7857
relative to the recording: 7858

(a) The recording is both aural and visual and is recorded 7859
on film or videotape, or by other electronic means. 7860

(b) The recording is authenticated under the Rules of 7861
Evidence and the Rules of Criminal Procedure as a fair and 7862
accurate representation of what occurred, and the recording is 7863
not altered other than at the direction and under the 7864
supervision of the judge in the proceeding. 7865

(c) Each voice on the recording that is material to the 7866
testimony on the recording or the making of the recording, as 7867
determined by the judge, is identified. 7868

(d) Both the prosecution and the defendant are afforded an 7869
opportunity to view the recording before it is shown in the 7870
proceeding. 7871

(C) (1) At any proceeding in a prosecution in relation to 7872
which a deposition was taken under division (B) of this section, 7873
the deposition or a part of it is admissible in evidence upon 7874
motion of the prosecution, victim, or victim's attorney, if 7875
applicable, if the testimony in the deposition or the part to be 7876
admitted is not excluded by the hearsay rule and if the 7877
deposition or the part to be admitted otherwise is admissible 7878
under the Rules of Evidence. For purposes of this division, 7879

testimony is not excluded by the hearsay rule if the testimony 7880
is not hearsay under Evidence Rule 801; the testimony is within 7881
an exception to the hearsay rule set forth in Evidence Rule 803; 7882
the victim with a developmental disability who gave the 7883
testimony is unavailable as a witness, as defined in Evidence 7884
Rule 804, and the testimony is admissible under that rule; or 7885
both of the following apply: 7886

(a) The defendant had an opportunity and similar motive at 7887
the time of the taking of the deposition to develop the 7888
testimony by direct, cross, or redirect examination. 7889

(b) The judge determines that there is reasonable cause to 7890
believe that, if the victim with a developmental disability who 7891
gave the testimony in the deposition were to testify in person 7892
at the proceeding, the victim with a developmental disability 7893
would experience serious emotional trauma as a result of the 7894
participation of the victim with a developmental disability at 7895
the proceeding. 7896

(2) Objections to receiving in evidence a deposition or a 7897
part of it under division (C) of this section shall be made as 7898
provided in civil actions. 7899

(3) The provisions of divisions (B) and (C) of this 7900
section are in addition to any other provisions of the Revised 7901
Code, the Rules of Criminal Procedure, or the Rules of Evidence 7902
that pertain to the taking or admission of depositions in a 7903
criminal proceeding and do not limit the admissibility under any 7904
of those other provisions of any deposition taken under division 7905
(B) of this section or otherwise taken. 7906

(D) In any proceeding in the prosecution of any charge of 7907
a violation listed in division (B) (1) of this section or an 7908

offense of violence and in which an alleged victim of the 7909
violation or offense was a person with a developmental 7910
disability, the prosecution, victim, or victim's attorney, if 7911
applicable, may file a motion with the judge requesting the 7912
judge to order the testimony of the victim with a developmental 7913
disability to be taken in a room other than the room in which 7914
the proceeding is being conducted and be televised, by closed 7915
circuit equipment, into the room in which the proceeding is 7916
being conducted to be viewed by the jury, if applicable, the 7917
defendant, and any other persons who are not permitted in the 7918
room in which the testimony is to be taken but who would have 7919
been present during the testimony of the victim with a 7920
developmental disability had it been given in the room in which 7921
the proceeding is being conducted. Except for good cause shown, 7922
the prosecution, victim, or victim's attorney, if applicable, 7923
shall file a motion under this division at least seven days 7924
before the date of the proceeding. The judge may issue the order 7925
upon the motion of the prosecution filed under this section, if 7926
the judge determines that the victim with a developmental 7927
disability is unavailable to testify in the room in which the 7928
proceeding is being conducted in the physical presence of the 7929
defendant for one or more of the reasons set forth in division 7930
(F) of this section. If a judge issues an order of that nature, 7931
the judge shall exclude from the room in which the testimony is 7932
to be taken every person except a person described in division 7933
(B) (2) of this section. The judge, at the judge's discretion, 7934
may preside during the giving of the testimony by electronic 7935
means from outside the room in which it is being given, subject 7936
to the limitations set forth in division (B) (2) of this section. 7937
To the extent feasible, any person operating the televising 7938
equipment shall be hidden from the sight and hearing of the 7939
victim with a developmental disability giving the testimony, in 7940

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 7972
in which the proceeding is being conducted in the physical 7973
presence of the defendant, for one or more of the reasons set 7974
forth in division (F) of this section. If a judge issues an 7975
order of that nature, the judge shall exclude from the room in 7976
which the testimony is to be taken every person except a person 7977
described in division (B) (2) of this section. To the extent 7978
feasible, any person operating the recording equipment shall be 7979
hidden from the sight and hearing of the victim with a 7980
developmental disability giving the testimony, in a manner 7981
similar to that described in division (B) (2) of this section. 7982
The defendant shall be permitted to observe and hear the 7983
testimony of the victim with a developmental disability who is 7984
giving the testimony on a monitor, shall be provided with an 7985
electronic means of immediate communication with the defendant's 7986
attorney during the testimony, and shall be restricted to a 7987
location from which the defendant cannot be seen or heard by the 7988
victim with a developmental disability giving the testimony, 7989
except on a monitor provided for that purpose. The victim with a 7990
developmental disability giving the testimony shall be provided 7991
with a monitor on which the victim can observe, during the 7992
testimony, the defendant. No order for the taking of testimony 7993
by recording shall be issued under this division unless the 7994
provisions set forth in divisions (B) (2) (a), (b), (c), and (d) 7995
of this section apply to the recording of the testimony. 7996

(F) For purposes of divisions (D) and (E) of this section, 7997
a judge may order the testimony of a victim with a developmental 7998
disability to be taken outside the room in which the proceeding 7999
is being conducted if the judge determines that the victim with 8000
a developmental disability is unavailable to testify in the room 8001
in the physical presence of the defendant due to one or more of 8002

the following: 8003

(1) The persistent refusal of the victim with a 8004
developmental disability to testify despite judicial requests to 8005
do so; 8006

(2) The inability of the victim with a developmental 8007
disability to communicate about the alleged violation or offense 8008
because of extreme fear, failure of memory, or another similar 8009
reason; 8010

(3) The substantial likelihood that the victim with a 8011
developmental disability will suffer serious emotional trauma 8012
from so testifying. 8013

(G) (1) If a judge issues an order pursuant to division (D) 8014
or (E) of this section that requires the testimony of a victim 8015
with a developmental disability in a criminal proceeding to be 8016
taken outside of the room in which the proceeding is being 8017
conducted, the order shall specifically identify the victim with 8018
a developmental disability, in a manner consistent with section 8019
2930.07 of the Revised Code, to whose testimony it applies, the 8020
order applies only during the testimony of the specified victim 8021
with a developmental disability, and the victim with a 8022
developmental disability giving the testimony shall not be 8023
required to testify at the proceeding other than in accordance 8024
with the order. 8025

(2) A judge who makes any determination regarding the 8026
admissibility of a deposition under divisions (B) and (C) of 8027
this section, the ~~videotaping~~ recording of a deposition under 8028
division (B) (2) of this section, or the taking of testimony 8029
outside of the room in which a proceeding is being conducted 8030
under division (D) or (E) of this section shall enter the 8031

determination and findings on the record in the proceeding. 8032

Sec. 2945.483. (A) As used in this section: 8033

(1) "Child" means any individual under eighteen years of 8034
age. 8035

(2) "Developmental disability" has the same meaning as in 8036
section 5123.01 of the Revised Code. 8037

(B) In any proceeding in which a child or person with a 8038
developmental disability testifies in open court, the child or 8039
person with a developmental disability shall have the following 8040
rights to be enforced sua sponte by the court or upon motion or 8041
notice of any attorney involved in the proceeding: 8042

(1) To be asked questions in a manner the child or person 8043
with a developmental disability can reasonably understand, 8044
including, but not limited to, a child-friendly oath; 8045

(2) To be free of harassment or intimidation tactics in 8046
the proceeding; 8047

(3) (a) To have an advocate or victim's representative of 8048
the child's or person with a developmental disability's choosing 8049
present in the courtroom and in a position clearly visible in 8050
close proximity to the child or person with a developmental 8051
disability, subject to division (B) (3) (b) of this section; 8052

(b) That if the prosecutor in the case or the court has a 8053
reasonable basis to believe that the victim's representative is 8054
not acting in the interests of the victim who is a child or a 8055
person with a developmental disability, the prosecutor shall 8056
file a motion setting forth the reasonable basis for this belief 8057
and the court shall hold a hearing to determine whether the 8058
victim's representative is acting in the interests of the 8059

victim. The court shall make this determination by a 8060
preponderance of the evidence. If the court finds that the 8061
victim's representative is not acting in the interests of the 8062
victim, the court shall appoint a court-appointed special 8063
advocate, guardian ad litem, or a victim advocate to act as the 8064
victim's representative in lieu of the previously appointed 8065
victim's representative. 8066

(4) To have the courtroom or hearing room adjusted to 8067
ensure the comfort and protection of the child or person with a 8068
developmental disability; 8069

(5) To have flexibility in the formalities of the 8070
proceedings in an effort to ensure the comfort of the child or 8071
person with a developmental disability; 8072

(6) To permit a comfort item to be present inside the 8073
courtroom or hearing room and to accompany the child or person 8074
with a developmental disability throughout the hearing; 8075

(7) To permit the use of a properly constructed screen 8076
that would allow the judge and jury in the courtroom or hearing 8077
room to see the child or person with a developmental disability 8078
but would obscure the child's or person with a developmental 8079
disability's view of the defendant or alleged juvenile offender 8080
or the public or both; 8081

(8) To have a secure and comfortable waiting area provided 8082
for the child or person with a developmental disability during 8083
the court proceedings and to have a support person of the 8084
child's or person with a developmental disability's choosing 8085
stay with the child or person with a developmental disability 8086
while waiting, subject to division (B) (3) (b) of this section; 8087

(9) To have an advocate or victim's representative inform 8088

the court about the child's or person with a developmental 8089
disability's ability to understand the nature of the 8090
proceedings, special accommodations that may be needed for the 8091
child's or person with a developmental disability's testimony, 8092
and any other information relevant to any of the rights set 8093
forth in this section. 8094

(C) In circumstances where the accused in a proceeding has 8095
chosen to proceed without counsel, the court may appoint standby 8096
counsel for that party and may order standby counsel to question 8097
a child or person with a developmental disability on behalf of 8098
the pro se party if the court finds that there is a substantial 8099
likelihood that serious emotional trauma would come to the child 8100
or person with a developmental disability if the pro se party 8101
were allowed to question the child or person with a 8102
developmental disability directly. 8103

(D) (1) If the child or person with a developmental 8104
disability is the victim of a criminal offense or delinquent 8105
act, the court shall ensure that all steps necessary to secure 8106
the physical safety of the child or person with a developmental 8107
disability, both in the courtroom and during periods of time 8108
that the child or person with a developmental disability may 8109
spend waiting for court, have been taken. 8110

(2) The court and all attorneys involved in a court 8111
proceeding involving a child or person with a developmental 8112
disability shall not disclose to any third party any discovery, 8113
including, but not limited to, the child's or person with a 8114
developmental disability's name, address, and date of birth, any 8115
and all interviews of the child or person with a developmental 8116
disability, and any other identifying information of the child 8117
or person with a developmental disability in a manner consistent 8118

with section 2930.07 of the Revised Code. The court shall 8119
enforce any violations of this section through the court's 8120
contempt powers. 8121

(E) In any post-conviction proceeding or in regards to 8122
post-conviction relief, if the prosecutor in the case or the 8123
court has a reasonable basis to believe that the victim's 8124
representative is not acting in the interests of the victim who 8125
is a child or a person with a developmental disability, the 8126
prosecutor shall file a motion setting forth the reasonable 8127
basis for this belief and the court shall hold a hearing to 8128
determine whether the victim's representative is acting in the 8129
interests of the victim. The court shall make this determination 8130
by a preponderance of the evidence. If the court finds that the 8131
victim's representative is not acting in the interests of the 8132
victim, the court shall appoint a court-appointed special 8133
advocate, guardian ad litem, or a victim advocate to act as the 8134
victim's representative in lieu of the previously appointed 8135
victim's representative. 8136

Sec. 2945.72. The time within which an accused must be 8137
brought to trial, or, in the case of felony, to preliminary 8138
hearing and trial, may be extended only by the following: 8139

(A) Any period during which the accused is unavailable for 8140
hearing or trial, by reason of other criminal proceedings 8141
against ~~him~~ the accused, within or outside the state, by reason 8142
of ~~his~~ confinement in another state, or by reason of the 8143
pendency of extradition proceedings, provided that the 8144
prosecution exercises reasonable diligence to secure ~~his~~ 8145
availability of the accused; 8146

(B) Any period during which the accused is mentally 8147
incompetent to stand trial or during which ~~his~~ the accused's 8148

mental competence to stand trial is being determined, or any 8149
period during which the accused is physically incapable of 8150
standing trial; 8151

(C) Any period of delay necessitated by the accused's lack 8152
of counsel, provided that such delay is not occasioned by any 8153
lack of diligence in providing counsel to an indigent accused 8154
upon ~~his~~ the accused's request as required by law; 8155

(D) Any period of delay occasioned by the neglect or 8156
improper act of the accused; 8157

(E) Any period of delay necessitated by reason of a plea 8158
in bar or abatement, motion, proceeding, or action made or 8159
instituted by the accused; 8160

(F) Any period of delay necessitated by a removal or 8161
change of venue pursuant to law; 8162

(G) Any period during which trial is stayed pursuant to an 8163
express statutory requirement, or pursuant to an order of 8164
another court competent to issue such order; 8165

(H) The period of any continuance granted on the accused's 8166
own motion, and the period of any reasonable continuance granted 8167
other than upon the accused's own motion; 8168

(I) Any period during which an appeal filed pursuant to 8169
section 2945.67 of the Revised Code is pending; 8170

(J) Any period during which an appeal or petition for a 8171
writ filed pursuant to section 2930.19 of the Revised Code is 8172
pending. 8173

Sec. 2947.051. (A) In all criminal cases in which a person 8174
is convicted of or pleads guilty to a felony, if the offender, 8175
in committing the offense, caused, attempted to cause, 8176

threatened to cause, or created a risk of physical harm to the 8177
victim of the offense, the court, prior to sentencing the 8178
offender, shall order the preparation of a victim impact 8179
statement by the department of probation of the county in which 8180
the victim of the offense resides, by the court's own regular 8181
probation officer, or by a victim assistance program that is 8182
operated by the state, any county or municipal corporation, or 8183
any other governmental entity. The court, in accordance with 8184
sections 2929.13 and 2929.19 of the Revised Code, shall consider 8185
the victim impact statement in determining the sentence to be 8186
imposed upon the offender. 8187

(B) Each victim impact statement prepared under this 8188
section shall identify the victim of the offense, itemize any 8189
economic loss suffered by the victim as a result of the offense, 8190
identify any physical injury suffered by the victim as a result 8191
of the offense and the seriousness and permanence of the injury, 8192
identify any change in the victim's personal welfare or familial 8193
relationships as a result of the offense and any psychological 8194
impact experienced by the victim or the victim's family as a 8195
result of the offense, and contain any other information related 8196
to the impact of the offense upon the victim that the court 8197
requires. Each victim impact statement prepared under this 8198
section shall include any statement made by the victim or the 8199
victim's representative pursuant to section 2930.13 of the 8200
Revised Code. 8201

(C) A victim impact statement prepared under this section 8202
shall be kept confidential and is not a public record as defined 8203
in section 149.43 of the Revised Code. However, the court may 8204
furnish copies of the statement to both the defendant or the 8205
defendant's counsel and the prosecuting attorney. Immediately 8206
following the imposition of sentence upon the defendant, the 8207

defendant, the defendant's counsel, and the prosecuting attorney 8208
shall return to the court the copies of the victim impact 8209
statement that were made available to the defendant, the 8210
counsel, or the prosecuting attorney. 8211

Sec. 2951.041. (A) (1) If an offender is charged with a 8212
criminal offense, including but not limited to a violation of 8213
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 8214
of the Revised Code, and the court has reason to believe that 8215
drug or alcohol usage by the offender was a factor leading to 8216
the criminal offense with which the offender is charged or that, 8217
at the time of committing that offense, the offender had a 8218
mental illness, was a person with an intellectual disability, or 8219
was a victim of a violation of section 2905.32 or 2907.21 of the 8220
Revised Code and that the mental illness, status as a person 8221
with an intellectual disability, or fact that the offender was a 8222
victim of a violation of section 2905.32 or 2907.21 of the 8223
Revised Code was a factor leading to the offender's criminal 8224
behavior, the court may accept, prior to the entry of a guilty 8225
plea, the offender's request for intervention in lieu of 8226
conviction. The request shall include a statement from the 8227
offender as to whether the offender is alleging that drug or 8228
alcohol usage by the offender was a factor leading to the 8229
criminal offense with which the offender is charged or is 8230
alleging that, at the time of committing that offense, the 8231
offender had a mental illness, was a person with an intellectual 8232
disability, or was a victim of a violation of section 2905.32 or 8233
2907.21 of the Revised Code and that the mental illness, status 8234
as a person with an intellectual disability, or fact that the 8235
offender was a victim of a violation of section 2905.32 or 8236
2907.21 of the Revised Code was a factor leading to the criminal 8237
offense with which the offender is charged. The request also 8238

shall include a waiver of the defendant's right to a speedy 8239
trial, the preliminary hearing, the time period within which the 8240
grand jury may consider an indictment against the offender, and 8241
arraignment, unless the hearing, indictment, or arraignment has 8242
already occurred. Unless an offender alleges that drug or 8243
alcohol usage by the offender was a factor leading to the 8244
criminal offense with which the offender is charged, the court 8245
may reject an offender's request without a hearing. If the court 8246
elects to consider an offender's request or the offender alleges 8247
that drug or alcohol usage by the offender was a factor leading 8248
to the criminal offense with which the offender is charged, the 8249
court shall conduct a hearing to determine whether the offender 8250
is eligible under this section for intervention in lieu of 8251
conviction and shall stay all criminal proceedings pending the 8252
outcome of the hearing. If the court schedules a hearing, the 8253
court shall order an assessment of the offender for the purpose 8254
of determining the offender's program eligibility for 8255
intervention in lieu of conviction and recommending an 8256
appropriate intervention plan. 8257

If the offender alleges that drug or alcohol usage by the 8258
offender was a factor leading to the criminal offense with which 8259
the offender is charged, the court may order that the offender 8260
be assessed by a community addiction services provider or a 8261
properly credentialed professional for the purpose of 8262
determining the offender's program eligibility for intervention 8263
in lieu of conviction and recommending an appropriate 8264
intervention plan. The community addiction services provider or 8265
the properly credentialed professional shall provide a written 8266
assessment of the offender to the court. 8267

(2) The victim notification provisions of division ~~(C)~~ (E) 8268
of section 2930.06 of the Revised Code apply in relation to any 8269

hearing held under division (A) (1) of this section. 8270

(B) An offender is eligible for intervention in lieu of 8271
conviction if the court finds all of the following: 8272

(1) The offender previously has not been convicted of or 8273
pleaded guilty to any felony offense of violence. 8274

(2) The offense is not a felony of the first, second, or 8275
third degree, is not an offense of violence, is not a felony sex 8276
offense, is not a violation of division (A) (1) or (2) of section 8277
2903.06 of the Revised Code, is not a violation of division (A) 8278
(1) of section 2903.08 of the Revised Code, is not a violation 8279
of division (A) of section 4511.19 of the Revised Code or a 8280
municipal ordinance that is substantially similar to that 8281
division, and is not an offense for which a sentencing court is 8282
required to impose a mandatory prison term. 8283

(3) The offender is not charged with a violation of 8284
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 8285
charged with a violation of section 2925.03 of the Revised Code 8286
that is a felony of the first, second, third, or fourth degree, 8287
and is not charged with a violation of section 2925.11 of the 8288
Revised Code that is a felony of the first or second degree. 8289

(4) If an offender alleges that drug or alcohol usage by 8290
the offender was a factor leading to the criminal offense with 8291
which the offender is charged, the court has ordered that the 8292
offender be assessed by a community addiction services provider 8293
or a properly credentialed professional for the purpose of 8294
determining the offender's program eligibility for intervention 8295
in lieu of conviction and recommending an appropriate 8296
intervention plan, the offender has been assessed by a community 8297
addiction services provider of that nature or a properly 8298

credentialed professional in accordance with the court's order, 8299
and the community addiction services provider or properly 8300
credentialed professional has filed the written assessment of 8301
the offender with the court. 8302

(5) If an offender alleges that, at the time of committing 8303
the criminal offense with which the offender is charged, the 8304
offender had a mental illness, was a person with an intellectual 8305
disability, or was a victim of a violation of section 2905.32 or 8306
2907.21 of the Revised Code and that the mental illness, status 8307
as a person with an intellectual disability, or fact that the 8308
offender was a victim of a violation of section 2905.32 or 8309
2907.21 of the Revised Code was a factor leading to that 8310
offense, the offender has been assessed by a psychiatrist, 8311
psychologist, independent social worker, licensed professional 8312
clinical counselor, or independent marriage and family therapist 8313
for the purpose of determining the offender's program 8314
eligibility for intervention in lieu of conviction and 8315
recommending an appropriate intervention plan. 8316

(6) The offender's drug usage, alcohol usage, mental 8317
illness, or intellectual disability, or the fact that the 8318
offender was a victim of a violation of section 2905.32 or 8319
2907.21 of the Revised Code, whichever is applicable, was a 8320
factor leading to the criminal offense with which the offender 8321
is charged, intervention in lieu of conviction would not demean 8322
the seriousness of the offense, and intervention would 8323
substantially reduce the likelihood of any future criminal 8324
activity. 8325

(7) The alleged victim of the offense was not sixty-five 8326
years of age or older, permanently and totally disabled, under 8327
thirteen years of age, or a peace officer engaged in the 8328

officer's official duties at the time of the alleged offense. 8329

(8) If the offender is charged with a violation of section 8330
2925.24 of the Revised Code, the alleged violation did not 8331
result in physical harm to any person. 8332

(9) The offender is willing to comply with all terms and 8333
conditions imposed by the court pursuant to division (D) of this 8334
section. 8335

(10) The offender is not charged with an offense that 8336
would result in the offender being disqualified under Chapter 8337
4506. of the Revised Code from operating a commercial motor 8338
vehicle or would subject the offender to any other sanction 8339
under that chapter. 8340

(C) At the conclusion of a hearing held pursuant to 8341
division (A) of this section, the court shall determine whether 8342
the offender will be granted intervention in lieu of conviction. 8343
In making this determination, the court shall presume that 8344
intervention in lieu of conviction is appropriate. If the court 8345
finds under this division and division (B) of this section that 8346
the offender is eligible for intervention in lieu of conviction, 8347
the court shall grant the offender's request unless the court 8348
finds specific reasons to believe that the candidate's 8349
participation in intervention in lieu of conviction would be 8350
inappropriate. 8351

If the court denies an eligible offender's request for 8352
intervention in lieu of conviction, the court shall state the 8353
reasons for the denial, with particularity, in a written entry. 8354

If the court grants the offender's request, the court 8355
shall accept the offender's plea of guilty and waiver of the 8356
defendant's right to a speedy trial, the preliminary hearing, 8357

the time period within which the grand jury may consider an 8358
indictment against the offender, and arraignment, unless the 8359
hearing, indictment, or arraignment has already occurred. In 8360
addition, the court then may stay all criminal proceedings and 8361
order the offender to comply with all terms and conditions 8362
imposed by the court pursuant to division (D) of this section. 8363
If the court finds that the offender is not eligible or does not 8364
grant the offender's request, the criminal proceedings against 8365
the offender shall proceed as if the offender's request for 8366
intervention in lieu of conviction had not been made. 8367

(D) If the court grants an offender's request for 8368
intervention in lieu of conviction, the court shall place the 8369
offender under the general control and supervision of the county 8370
probation department, the adult parole authority, or another 8371
appropriate local probation or court services agency, if one 8372
exists, as if the offender was subject to a community control 8373
sanction imposed under section 2929.15, 2929.18, or 2929.25 of 8374
the Revised Code. The court shall establish an intervention plan 8375
for the offender. The terms and conditions of the intervention 8376
plan shall require the offender, for at least one year, but not 8377
more than five years, from the date on which the court grants 8378
the order of intervention in lieu of conviction, to abstain from 8379
the use of illegal drugs and alcohol, to participate in 8380
treatment and recovery support services, and to submit to 8381
regular random testing for drug and alcohol use and may include 8382
any other treatment terms and conditions, or terms and 8383
conditions similar to community control sanctions, which may 8384
include community service or restitution, that are ordered by 8385
the court. 8386

(E) If the court grants an offender's request for 8387
intervention in lieu of conviction and the court finds that the 8388

offender has successfully completed the intervention plan for 8389
the offender, including the requirement that the offender 8390
abstain from using illegal drugs and alcohol for a period of at 8391
least one year, but not more than five years, from the date on 8392
which the court granted the order of intervention in lieu of 8393
conviction, the requirement that the offender participate in 8394
treatment and recovery support services, and all other terms and 8395
conditions ordered by the court, the court shall dismiss the 8396
proceedings against the offender. Successful completion of the 8397
intervention plan and period of abstinence under this section 8398
shall be without adjudication of guilt and is not a criminal 8399
conviction for purposes of any disqualification or disability 8400
imposed by law and upon conviction of a crime, and the court may 8401
order the sealing of records related to the offense in question, 8402
as a dismissal of the charges, in the manner provided in 8403
sections 2953.51 to 2953.56 of the Revised Code. 8404

(F) If the court grants an offender's request for 8405
intervention in lieu of conviction and the offender fails to 8406
comply with any term or condition imposed as part of the 8407
intervention plan for the offender, the supervising authority 8408
for the offender promptly shall advise the court of this 8409
failure, and the court shall hold a hearing to determine whether 8410
the offender failed to comply with any term or condition imposed 8411
as part of the plan. If the court determines that the offender 8412
has failed to comply with any of those terms and conditions, it 8413
may continue the offender on intervention in lieu of conviction, 8414
continue the offender on intervention in lieu of conviction with 8415
additional terms, conditions, and sanctions, or enter a finding 8416
of guilty and impose an appropriate sanction under Chapter 2929. 8417
of the Revised Code. If the court sentences the offender to a 8418
prison term, the court, after consulting with the department of 8419

rehabilitation and correction regarding the availability of 8420
services, may order continued court-supervised activity and 8421
treatment of the offender during the prison term and, upon 8422
consideration of reports received from the department concerning 8423
the offender's progress in the program of activity and 8424
treatment, may consider judicial release under section 2929.20 8425
of the Revised Code. 8426

(G) As used in this section: 8427

(1) "Community addiction services provider" has the same 8428
meaning as in section 5119.01 of the Revised Code. 8429

(2) "Community control sanction" has the same meaning as 8430
in section 2929.01 of the Revised Code. 8431

(3) "Intervention in lieu of conviction" means any court- 8432
supervised activity that complies with this section. 8433

(4) "Intellectual disability" has the same meaning as in 8434
section 5123.01 of the Revised Code. 8435

(5) "Peace officer" has the same meaning as in section 8436
2935.01 of the Revised Code. 8437

(6) "Mental illness" and "psychiatrist" have the same 8438
meanings as in section 5122.01 of the Revised Code. 8439

(7) "Psychologist" has the same meaning as in section 8440
4732.01 of the Revised Code. 8441

(8) "Felony sex offense" means a violation of a section 8442
contained in Chapter 2907. of the Revised Code that is a felony. 8443

Sec. 2953.32. (A) (1) Except as provided in section 2953.61 8444
of the Revised Code or as otherwise provided in division ~~(A)(1)~~ 8445
~~(d)~~ (A)(1)(c) of this section, an eligible offender may apply to 8446

the sentencing court if convicted in this state, or to a court 8447
of common pleas if convicted in another state or in a federal 8448
court, for the sealing of the record of the case that pertains 8449
to the conviction, except for convictions listed under section 8450
2953.36 of the Revised Code. Application may be made at one of 8451
the following times: 8452

(a) At the expiration of three years after the offender's 8453
final discharge if convicted of a felony of the third degree, so 8454
long as none of the offenses is a violation of section 2921.43 8455
of the Revised Code; 8456

(b) At the expiration of one year after the offender's 8457
final discharge if convicted of a felony of the fourth or fifth 8458
degree or a misdemeanor, so long as none of the offenses is a 8459
violation of section 2921.43 of the Revised Code; 8460

(c) At the expiration of seven years after the offender's 8461
final discharge if the record includes a conviction of 8462
soliciting improper compensation in violation of section 2921.43 8463
of the Revised Code. 8464

(2) Any person who has been arrested for any misdemeanor 8465
offense and who has effected a bail forfeiture for the offense 8466
charged may apply to the court in which the misdemeanor criminal 8467
case was pending when bail was forfeited for the sealing of the 8468
record of the case that pertains to the charge. Except as 8469
provided in section 2953.61 of the Revised Code, the application 8470
may be filed at any time after the expiration of one year from 8471
the date on which the bail forfeiture was entered upon the 8472
minutes of the court or the journal, whichever entry occurs 8473
first. 8474

(B) Upon the filing of an application under this section, 8475

the court shall set a date for a hearing and shall notify the 8476
prosecutor for the case of the hearing on the application not 8477
less than sixty days prior to the hearing. The prosecutor shall 8478
provide timely notice to a victim and victim's representative, 8479
if applicable, if the victim or victim's representative 8480
requested notice of the proceedings in the underlying case. The 8481
prosecutor may object to the granting of the application by 8482
filing an objection with the court prior to the date set for the 8483
hearing. The prosecutor shall specify in the objection the 8484
reasons for believing a denial of the application is justified. 8485
The victim, victim's representative, and victim's attorney, if 8486
applicable, may be present and heard orally, in writing, or both 8487
at any hearing under this section. The court shall direct its 8488
regular probation officer, a state probation officer, or the 8489
department of probation of the county in which the applicant 8490
resides to make inquiries and written reports as the court 8491
requires concerning the applicant. The probation officer or 8492
county department of probation that the court directs to make 8493
inquiries concerning the applicant shall determine whether or 8494
not the applicant was fingerprinted at the time of arrest or 8495
under section 109.60 of the Revised Code. If the applicant was 8496
so fingerprinted, the probation officer or county department of 8497
probation shall include with the written report a record of the 8498
applicant's fingerprints. If the applicant was convicted of or 8499
pleaded guilty to a violation of division (A) (2) or (B) of 8500
section 2919.21 of the Revised Code, the probation officer or 8501
county department of probation that the court directed to make 8502
inquiries concerning the applicant shall contact the child 8503
support enforcement agency enforcing the applicant's obligations 8504
under the child support order to inquire about the offender's 8505
compliance with the child support order. 8506

(C) (1) The court shall do each of the following: 8507

(a) Determine whether the applicant is an eligible 8508
offender or whether the forfeiture of bail was agreed to by the 8509
applicant and the prosecutor in the case. If the applicant 8510
applies as an eligible offender pursuant to division (A) (1) of 8511
this section and has two or three convictions that result from 8512
the same indictment, information, or complaint, from the same 8513
plea of guilty, or from the same official proceeding, and result 8514
from related criminal acts that were committed within a three- 8515
month period but do not result from the same act or from 8516
offenses committed at the same time, in making its determination 8517
under this division, the court initially shall determine whether 8518
it is not in the public interest for the two or three 8519
convictions to be counted as one conviction. If the court 8520
determines that it is not in the public interest for the two or 8521
three convictions to be counted as one conviction, the court 8522
shall determine that the applicant is not an eligible offender; 8523
if the court does not make that determination, the court shall 8524
determine that the offender is an eligible offender. 8525

(b) Determine whether criminal proceedings are pending 8526
against the applicant; 8527

(c) If the applicant is an eligible offender who applies 8528
pursuant to division (A) (1) of this section, determine whether 8529
the applicant has been rehabilitated to the satisfaction of the 8530
court; 8531

(d) If the prosecutor has filed an objection in accordance 8532
with division (B) of this section, consider the reasons against 8533
granting the application specified by the prosecutor in the 8534
objection; 8535

(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 8564
case that pertain to the conviction or bail forfeiture sealed 8565
and, except as provided in division (F) of this section, all 8566
index references to the case that pertain to the conviction or 8567
bail forfeiture deleted and, in the case of bail forfeitures, 8568
shall dismiss the charges in the case. The proceedings in the 8569
case that pertain to the conviction or bail forfeiture shall be 8570
considered not to have occurred and the conviction or bail 8571
forfeiture of the person who is the subject of the proceedings 8572
shall be sealed, except that upon conviction of a subsequent 8573
offense, the sealed record of prior conviction or bail 8574
forfeiture may be considered by the court in determining the 8575
sentence or other appropriate disposition, including the relief 8576
provided for in sections 2953.31 to 2953.33 of the Revised Code. 8577

(3) An applicant may request the sealing of the records of 8578
more than one case in a single application under this section. 8579
Upon the filing of an application under this section, the 8580
applicant, unless indigent, shall pay a fee of fifty dollars, 8581
regardless of the number of records the application requests to 8582
have sealed. The court shall pay thirty dollars of the fee into 8583
the state treasury, with fifteen dollars of that amount credited 8584
to the attorney general reimbursement fund created by section 8585
109.11 of the Revised Code. It shall pay twenty dollars of the 8586
fee into the county general revenue fund if the sealed 8587
conviction or bail forfeiture was pursuant to a state statute, 8588
or into the general revenue fund of the municipal corporation 8589
involved if the sealed conviction or bail forfeiture was 8590
pursuant to a municipal ordinance. 8591

(4) If the court orders the official records pertaining to 8592
the case sealed, the court shall do one of the following: 8593

(a) If the applicant was fingerprinted at the time of 8594
arrest or under section 109.60 of the Revised Code and the 8595
record of the applicant's fingerprints was provided to the court 8596
under division (B) of this section, forward a copy of the 8597
sealing order and the record of the applicant's fingerprints to 8598
the bureau of criminal identification and investigation. 8599

(b) If the applicant was not fingerprinted at the time of 8600
arrest or under section 109.60 of the Revised Code, or the 8601
record of the applicant's fingerprints was not provided to the 8602
court under division (B) of this section, but fingerprinting was 8603
required for the offense, order the applicant to appear before a 8604
sheriff to have the applicant's fingerprints taken according to 8605
the fingerprint system of identification on the forms furnished 8606
by the superintendent of the bureau of criminal identification 8607
and investigation. The sheriff shall forward the applicant's 8608
fingerprints to the court. The court shall forward the 8609
applicant's fingerprints and a copy of the sealing order to the 8610
bureau of criminal identification and investigation. 8611

Failure of the court to order fingerprints at the time of 8612
sealing does not constitute a reversible error. 8613

(D) Inspection of the sealed records included in the order 8614
may be made only by the following persons or for the following 8615
purposes: 8616

(1) By a law enforcement officer or prosecutor, or the 8617
assistants of either, to determine whether the nature and 8618
character of the offense with which a person is to be charged 8619
would be affected by virtue of the person's previously having 8620
been convicted of a crime; 8621

(2) By the parole or probation officer of the person who 8622

is the subject of the records, for the exclusive use of the 8623
officer in supervising the person while on parole or under a 8624
community control sanction or a post-release control sanction, 8625
and in making inquiries and written reports as requested by the 8626
court or adult parole authority; 8627

(3) Upon application by the person who is the subject of 8628
the records, by the persons named in the application; 8629

(4) By a law enforcement officer who was involved in the 8630
case, for use in the officer's defense of a civil action arising 8631
out of the officer's involvement in that case; 8632

(5) By a prosecuting attorney or the prosecuting 8633
attorney's assistants, to determine a defendant's eligibility to 8634
enter a pre-trial diversion program established pursuant to 8635
section 2935.36 of the Revised Code; 8636

(6) By any law enforcement agency or any authorized 8637
employee of a law enforcement agency or by the department of 8638
rehabilitation and correction or department of youth services as 8639
part of a background investigation of a person who applies for 8640
employment with the agency or with the department; 8641

(7) By any law enforcement agency or any authorized 8642
employee of a law enforcement agency, for the purposes set forth 8643
in, and in the manner provided in, section 2953.321 of the 8644
Revised Code; 8645

(8) By the bureau of criminal identification and 8646
investigation or any authorized employee of the bureau for the 8647
purpose of providing information to a board or person pursuant 8648
to division (F) or (G) of section 109.57 of the Revised Code; 8649

(9) By the bureau of criminal identification and 8650
investigation or any authorized employee of the bureau for the 8651

purpose of performing a criminal history records check on a 8652
person to whom a certificate as prescribed in section 109.77 of 8653
the Revised Code is to be awarded; 8654

(10) By the bureau of criminal identification and 8655
investigation or any authorized employee of the bureau for the 8656
purpose of conducting a criminal records check of an individual 8657
pursuant to division (B) of section 109.572 of the Revised Code 8658
that was requested pursuant to any of the sections identified in 8659
division (B)(1) of that section; 8660

(11) By the bureau of criminal identification and 8661
investigation, an authorized employee of the bureau, a sheriff, 8662
or an authorized employee of a sheriff in connection with a 8663
criminal records check described in section 311.41 of the 8664
Revised Code; 8665

(12) By the attorney general or an authorized employee of 8666
the attorney general or a court for purposes of determining a 8667
person's classification pursuant to Chapter 2950. of the Revised 8668
Code; 8669

(13) By a court, the registrar of motor vehicles, a 8670
prosecuting attorney or the prosecuting attorney's assistants, 8671
or a law enforcement officer for the purpose of assessing points 8672
against a person under section 4510.036 of the Revised Code or 8673
for taking action with regard to points assessed. 8674

When the nature and character of the offense with which a 8675
person is to be charged would be affected by the information, it 8676
may be used for the purpose of charging the person with an 8677
offense. 8678

(E) In any criminal proceeding, proof of any otherwise 8679
admissible prior conviction may be introduced and proved, 8680

notwithstanding the fact that for any such prior conviction an 8681
order of sealing previously was issued pursuant to sections 8682
2953.31 to 2953.36 of the Revised Code. 8683

(F) The person or governmental agency, office, or 8684
department that maintains sealed records pertaining to 8685
convictions or bail forfeitures that have been sealed pursuant 8686
to this section may maintain a manual or computerized index to 8687
the sealed records. The index shall contain only the name of, 8688
and alphanumeric identifiers that relate to, the persons who are 8689
the subject of the sealed records, the word "sealed," and the 8690
name of the person, agency, office, or department that has 8691
custody of the sealed records, and shall not contain the name of 8692
the crime committed. The index shall be made available by the 8693
person who has custody of the sealed records only for the 8694
purposes set forth in divisions (C), (D), and (E) of this 8695
section. 8696

(G) Notwithstanding any provision of this section or 8697
section 2953.33 of the Revised Code that requires otherwise, a 8698
board of education of a city, local, exempted village, or joint 8699
vocational school district that maintains records of an 8700
individual who has been permanently excluded under sections 8701
3301.121 and 3313.662 of the Revised Code is permitted to 8702
maintain records regarding a conviction that was used as the 8703
basis for the individual's permanent exclusion, regardless of a 8704
court order to seal the record. An order issued under this 8705
section to seal the record of a conviction does not revoke the 8706
adjudication order of the superintendent of public instruction 8707
to permanently exclude the individual who is the subject of the 8708
sealing order. An order issued under this section to seal the 8709
record of a conviction of an individual may be presented to a 8710
district superintendent as evidence to support the contention 8711

that the superintendent should recommend that the permanent 8712
exclusion of the individual who is the subject of the sealing 8713
order be revoked. Except as otherwise authorized by this 8714
division and sections 3301.121 and 3313.662 of the Revised Code, 8715
any school employee in possession of or having access to the 8716
sealed conviction records of an individual that were the basis 8717
of a permanent exclusion of the individual is subject to section 8718
2953.35 of the Revised Code. 8719

(H) Notwithstanding any provision of this section or 8720
section 2953.33 of the Revised Code that requires otherwise, if 8721
the auditor of state or a prosecutor maintains records, reports, 8722
or audits of an individual who has been forever disqualified 8723
from holding public office, employment, or position of trust in 8724
this state under sections 2921.41 and 2921.43 of the Revised 8725
Code, or has otherwise been convicted of an offense based upon 8726
the records, reports, or audits of the auditor of state, the 8727
auditor of state or prosecutor is permitted to maintain those 8728
records to the extent they were used as the basis for the 8729
individual's disqualification or conviction, and shall not be 8730
compelled by court order to seal those records. 8731

(I) For purposes of sections 2953.31 to 2953.36 of the 8732
Revised Code, DNA records collected in the DNA database and 8733
fingerprints filed for record by the superintendent of the 8734
bureau of criminal identification and investigation shall not be 8735
sealed unless the superintendent receives a certified copy of a 8736
final court order establishing that the offender's conviction 8737
has been overturned. For purposes of this section, a court order 8738
is not "final" if time remains for an appeal or application for 8739
discretionary review with respect to the order. 8740

(J) The sealing of a record under this section does not 8741

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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