

**As Passed by the House**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Sub. S. B. No. 16**

**Senator Wilson**

**Cosponsors: Senators Antonio, Brenner, Cirino, Craig, DeMora, Dolan, Gavarone, Hackett, Hicks-Hudson, Huffman, S., Ingram, Johnson, Kunze, Landis, Lang, Manning, McColley, Reineke, Reynolds, Roegner, Romanchuk, Rulli, Schaffer, Sykes**

**Representatives Hillyer, Galonski, Abrams, Brennan, Brewer, Carruthers, Dell'Aquila, Dobos, Grim, Isaacsohn, Jones, Klopfenstein, Lightbody, Liston, Mathews, Miller, A., Miranda, Ray, Richardson, Russo, Seitz, Thomas, C., Upchurch, Weinstein, White, Williams, Willis**

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**A BILL**

To amend sections 109.42, 2152.20, 2152.81, 1  
2152.811, 2305.37, 2743.71, 2903.213, 2919.26, 2  
2929.28, 2929.281, 2930.02, 2930.04, 2930.041, 3  
2930.06, 2930.063, 2930.07, 2930.161, 2930.171, 4  
2930.19, 2945.481, and 2945.482 and to repeal 5  
section 2930.043 of the Revised Code to alter 6  
the law governing immunity from liability for 7  
donations of perishable food, to make changes 8  
relative to the rights of crime victims, and to 9  
declare an emergency. 10

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

**Section 1.** That sections 109.42, 2152.20, 2152.81, 11  
2152.811, 2305.37, 2743.71, 2903.213, 2919.26, 2929.28, 12  
2929.281, 2930.02, 2930.04, 2930.041, 2930.06, 2930.063, 13

2930.07, 2930.161, 2930.171, 2930.19, 2945.481, and 2945.482 of 14  
the Revised Code be amended to read as follows: 15

**Sec. 109.42.** (A) The attorney general shall prepare ~~and~~ 16  
~~have printed a pamphlet that contains and make available a~~ 17  
compilation of all constitutional provisions and statutes 18  
relative to victim's rights in which the attorney general lists 19  
and explains the constitutional provisions and statutes in the 20  
form of a victim's bill of rights. The attorney general shall 21  
make the ~~pamphlet~~compilation available to all sheriffs, 22  
marshals, municipal corporation and township police departments, 23  
constables, and other law enforcement agencies, to all 24  
prosecuting attorneys, city directors of law, village 25  
solicitors, and other similar chief legal officers of municipal 26  
corporations, and to organizations that represent or provide 27  
services for victims of crime. The victim's bill of rights set 28  
forth in the ~~pamphlet~~compilation shall contain a description of 29  
all of the rights of victims that are provided for in the Ohio 30  
Constitution, or in Chapter 2930. or any other section of the 31  
Revised Code and shall include, but not be limited to, all of 32  
the following: 33

(1) The right of a victim and a victim's representative, 34  
if applicable, to attend a proceeding before a grand jury, in a 35  
juvenile delinquency case, or in a criminal case without being 36  
discharged from the victim's or victim's representative's 37  
employment, having the victim's or victim's representative's 38  
employment terminated, having the victim's or victim's 39  
representative's pay decreased or withheld, or otherwise being 40  
punished, penalized, or threatened as a result of time lost from 41  
regular employment because of the victim's or victim's 42  
representative's attendance at the proceeding, as set forth in 43  
section 2151.211, 2930.18, 2939.121, or 2945.451 of the Revised 44

Code;	45
(2) The potential availability pursuant to section 2151.359 or 2152.61 of the Revised Code of a forfeited recognizance to pay damages caused by a child when the delinquency of the child or child's violation of probation or community control is found to be proximately caused by the failure of the child's parent or guardian to subject the child to reasonable parental authority or to faithfully discharge the conditions of probation or community control;	46 47 48 49 50 51 52 53
(3) The availability of awards of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code for injuries caused by criminal offenses;	54 55 56
(4) The opportunity to obtain a court order, pursuant to section 2945.04 of the Revised Code, to prevent or stop the commission of the offense of intimidation of a crime victim or witness or an offense against the person or property of the complainant, or of the complainant's ward or child;	57 58 59 60 61
(5) The right of the victim and the victim's representative pursuant to the Ohio Constitution and sections 2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to receive notice of a pending motion for judicial release or other early release of the person who committed the offense against the victim, to make a statement orally, in writing, or both at the court hearing on the motion, and to be notified of the court's decision on the motion;	62 63 64 65 66 67 68 69
(6) The right of the victim and the victim's representative, if applicable, pursuant to the Ohio Constitution and section 2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised Code to receive notice of any pending commutation,	70 71 72 73

pardon, parole, transitional control, discharge, other form of 74  
authorized release, post-release control, or supervised release 75  
for the person who committed the offense against the victim or 76  
any application for release of that person and to send a written 77  
statement relative to the victimization and the pending action 78  
to the adult parole authority or the release authority of the 79  
department of youth services; 80

(7) The right of the victim to bring a civil action 81  
pursuant to sections 2969.01 to 2969.06 of the Revised Code to 82  
obtain money from the offender's profit fund; 83

(8) The right, pursuant to section 3109.09 of the Revised 84  
Code, to maintain a civil action to recover compensatory damages 85  
not exceeding ten thousand dollars and costs from the parent of 86  
a minor who willfully damages property through the commission of 87  
an act that would be a theft offense, as defined in section 88  
2913.01 of the Revised Code, if committed by an adult; 89

(9) The right, pursuant to section 3109.10 of the Revised 90  
Code, to maintain a civil action to recover compensatory damages 91  
not exceeding ten thousand dollars and costs from the parent of 92  
a minor who willfully and maliciously assaults a person; 93

(10) The right of the victim, pursuant to section 2152.20, 94  
2152.203, 2929.18, 2929.28, or 2929.281 of the Revised Code, to 95  
receive restitution from an offender or a delinquent child; 96

(11) The right of a victim of domestic violence, including 97  
domestic violence in a dating relationship as defined in section 98  
3113.31 of the Revised Code, to seek the issuance of a civil 99  
protection order pursuant to that section, the right of a victim 100  
of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 101  
2911.211, or 2919.22 of the Revised Code, a violation of a 102

substantially similar municipal ordinance, or an offense of 103  
violence who is a family or household member of the offender at 104  
the time of the offense to seek the issuance of a temporary 105  
protection order pursuant to section 2919.26 of the Revised 106  
Code, and the right of both types of victims to be accompanied 107  
by a victim advocate during court proceedings; 108

(12) The right of a victim of a sexually oriented offense 109  
or of a child-victim oriented offense that is committed by a 110  
person who is convicted of, pleads guilty to, or is adjudicated 111  
a delinquent child for committing the offense and who is in a 112  
category specified in division (B) of section 2950.10 of the 113  
Revised Code to receive, pursuant to that section, notice that 114  
the person has registered with a sheriff under section 2950.04, 115  
2950.041, or 2950.05 of the Revised Code and notice of the 116  
person's name, the person's residence that is registered, and 117  
the offender's school, institution of higher education, or place 118  
of employment address or addresses that are registered, the 119  
person's photograph, and a summary of the manner in which the 120  
victim must make a request to receive the notice. As used in 121  
this division, "sexually oriented offense" and "child-victim 122  
oriented offense" have the same meanings as in section 2950.01 123  
of the Revised Code. 124

(13) The right of a victim of certain sexually violent 125  
offenses committed by an offender who also is convicted of or 126  
pleads guilty to a sexually violent predator specification and 127  
who is sentenced to a prison term pursuant to division (A) (3) of 128  
section 2971.03 of the Revised Code, of a victim of a violation 129  
of division (A) (1) (b) of section 2907.02 of the Revised Code 130  
committed on or after January 2, 2007, by an offender who is 131  
sentenced for the violation pursuant to division (B) (1) (a), (b), 132  
or (c) of section 2971.03 of the Revised Code, of a victim of an 133

attempted rape committed on or after January 2, 2007, by an 134  
offender who also is convicted of or pleads guilty to a 135  
specification of the type described in section 2941.1418, 136  
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 137  
the violation pursuant to division (B) (2) (a), (b), or (c) of 138  
section 2971.03 of the Revised Code, and of a victim of an 139  
offense that is described in division (B) (3) (a), (b), (c), or 140  
(d) of section 2971.03 of the Revised Code and is committed by 141  
an offender who is sentenced pursuant to one of those divisions 142  
to receive, pursuant to section 2930.16 of the Revised Code, 143  
notice of a hearing to determine whether to modify the 144  
requirement that the offender serve the entire prison term in a 145  
state correctional facility, whether to continue, revise, or 146  
revoke any existing modification of that requirement, or whether 147  
to terminate the prison term. As used in this division, 148  
"sexually violent offense" and "sexually violent predator 149  
specification" have the same meanings as in section 2971.01 of 150  
the Revised Code. 151

(B) (1) (a) A prosecuting attorney, assistant prosecuting 152  
attorney, city director of law, assistant city director of law, 153  
village solicitor, assistant village solicitor, or similar chief 154  
legal officer of a municipal corporation or an assistant of any 155  
of those officers who prosecutes an offense committed in this 156  
state, upon first contact with the victim of the offense, the 157  
victim's family, or the victim's dependents, shall give the 158  
victim, the victim's family, or the victim's dependents a copy 159  
of the victim's rights request form created under section 160  
2930.04 of the Revised Code, or a similar form that, at a 161  
minimum, contains all the required information listed in that 162  
section, and the ~~pamphlet~~ pamphlet compilation prepared pursuant to 163  
division (A) of this section and explain, upon request, the 164

information in the form and ~~pamphlet~~compilation to the victim, 165  
the victim's family, or the victim's dependents. The victim may 166  
receive either through the online version of the 167  
~~pamphlet~~compilation published to the attorney general's web 168  
site, or as a paper copy, upon request. 169

(b) A law enforcement agency that investigates a criminal 170  
offense or delinquent act committed in this state shall give the 171  
victim of the criminal offense or delinquent act, the victim's 172  
family, or the victim's dependents a copy of the form and 173  
~~pamphlet~~compilation prepared pursuant to division (A) of this 174  
section at one of the following times: 175

(i) Upon first contact with the victim, the victim's 176  
family, or the victim's dependents, a peace officer from the law 177  
enforcement agency investigating the criminal offense or 178  
delinquent act against the victim shall determine whether the 179  
victim has access to the internet and whether the victim would 180  
prefer to access the victim's rights ~~pamphlet~~compilation online 181  
or if the victim requires a paper copy. The peace officer may 182  
give the victim a paper copy upon first contact, if requested, 183  
or the peace officer may provide the victim with the attorney 184  
general's telephone number to access the ~~pamphlet~~compilation at 185  
a later time. The attorney general shall provide a web site 186  
address at which a printable version of the victim's rights 187  
~~pamphlet~~compilation that can be downloaded and printed locally 188  
may be found. The attorney general shall provide limited paper 189  
copies of the victim's rights ~~pamphlets~~compilation upon request 190  
to law enforcement agencies that order copies directly from the 191  
attorney general and to law enforcement agencies and prosecutors 192  
to provide to victims who do not have internet access or who 193  
would prefer a paper copy. The attorney general shall create a 194  
page within the attorney general's web site that is easy to 195

access and navigate that contains the entire content of the 196  
victim's rights ~~pamphlet~~compilation and a link to the web site 197  
address at which a printable version of the victim's rights 198  
~~pamphlet~~compilation may be found. 199

(ii) If the circumstances of the criminal offense or 200  
delinquent act and the condition of the victim, the victim's 201  
family, or the victim's dependents indicate that the victim, the 202  
victim's family, or the victim's dependents will not be able to 203  
understand the significance of the form and ~~pamphlet~~compilation 204  
upon first contact with the agency, and if the agency 205  
anticipates that it will have an additional contact with the 206  
victim, the victim's family, or the victim's dependents, upon 207  
the agency's second contact with the victim, the victim's 208  
family, or the victim's dependents. 209

If the agency does not give the victim, the victim's 210  
family, or the victim's dependents a copy of the form and 211  
~~pamphlet~~compilation upon first contact with them and does not 212  
have a second contact with the victim, the victim's family, or 213  
the victim's dependents, the agency shall mail a copy of the 214  
form and ~~pamphlet~~compilation to the victim, the victim's family, 215  
or the victim's dependents at their last known address. 216

(c) (i) The attorney general shall create an information 217  
card ~~which~~that contains all of the following: 218

(I) An outline list of victim's rights contained in the 219  
Ohio Constitution and Revised Code; 220

(II) A reference to the victim's rights request form; 221

(III) The attorney general's crime victim's services 222  
office telephone number, electronic mailing address, web site 223  
address, and contact address, and a description of how to access 224



victim's rights information;	225
(IV) The Ohio crime victim's justice center's telephone number, electronic mailing address, and contact address, and the web site address for accessing the center's victim's rights toolkit.	226 227 228 229
(ii) Upon first contact with the victim, the law enforcement agency shall provide the victim with the information card.	230 231 232
(2) A law enforcement agency, a prosecuting attorney or assistant prosecuting attorney, or a city director of law, assistant city director of law, village solicitor, assistant village solicitor, or similar chief legal officer of a municipal corporation that distributes a copy of the form and <del>pamphlet</del> <u>compilation</u> prepared pursuant to division (A) of this section shall not be required to distribute a copy of an information card or other printed material provided by the clerk of the court of claims pursuant to section 2743.71 of the Revised Code <u>but may provide the compilation along with the information cards or other printed materials provided by the clerk of the court of claims under section 2743.71 of the Revised Code.</u>	233 234 235 236 237 238 239 240 241 242 243 244 245
(C) The cost of printing and distributing the form and <del>pamphlet</del> <u>compilation</u> prepared pursuant to division (A) of this section shall be paid out of the reparations fund, created pursuant to section 2743.191 of the Revised Code, in accordance with division (D) of that section.	246 247 248 249 250
(D) As used in this section:	251
(1) "Criminal offense," "delinquent act," and "victim's representative" have the same meanings as in section 2930.01 of	252 253

the Revised Code;	254
(2) "Victim advocate" has the same meaning as in section 2919.26 of the Revised Code.	255 256
<b>Sec. 2152.20.</b> (A) If a child is adjudicated a delinquent child or a juvenile traffic offender, the court may order any of the following dispositions, in addition to any other disposition authorized or required by this chapter:	257 258 259 260
(1) Impose a fine in accordance with the following schedule:	261 262
(a) For an act that would be a minor misdemeanor or an unclassified misdemeanor if committed by an adult, a fine not to exceed fifty dollars;	263 264 265
(b) For an act that would be a misdemeanor of the fourth degree if committed by an adult, a fine not to exceed one hundred dollars;	266 267 268
(c) For an act that would be a misdemeanor of the third degree if committed by an adult, a fine not to exceed one hundred fifty dollars;	269 270 271
(d) For an act that would be a misdemeanor of the second degree if committed by an adult, a fine not to exceed two hundred dollars;	272 273 274
(e) For an act that would be a misdemeanor of the first degree if committed by an adult, a fine not to exceed two hundred fifty dollars;	275 276 277
(f) For an act that would be a felony of the fifth degree or an unclassified felony if committed by an adult, a fine not to exceed three hundred dollars;	278 279 280

(g) For an act that would be a felony of the fourth degree	281
if committed by an adult, a fine not to exceed four hundred	282
dollars;	283
(h) For an act that would be a felony of the third degree	284
if committed by an adult, a fine not to exceed seven hundred	285
fifty dollars;	286
(i) For an act that would be a felony of the second degree	287
if committed by an adult, a fine not to exceed one thousand	288
dollars;	289
(j) For an act that would be a felony of the first degree	290
if committed by an adult, a fine not to exceed one thousand five	291
hundred dollars;	292
(k) For an act that would be aggravated murder or murder	293
if committed by an adult, a fine not to exceed two thousand	294
dollars.	295
(2) Require the child to pay costs;	296
(3) Unless the child's juvenile traffic offense would be a	297
minor misdemeanor if committed by an adult or could be disposed	298
of by the juvenile traffic violations bureau serving the court	299
under Traffic Rule 13.1 if the court has established a juvenile	300
traffic violations bureau, require the child to make restitution	301
to the victim of the child's delinquent act or juvenile traffic	302
offense or, if the victim is deceased, to a survivor or the	303
estate of the victim in an amount based upon the victim's	304
economic loss caused by or related to the delinquent act or	305
juvenile traffic offense. The court may not require a child to	306
make restitution pursuant to this division if the child's	307
juvenile traffic offense would be a minor misdemeanor if	308
committed by an adult or could be disposed of by the juvenile	309

traffic violations bureau serving the court under Traffic Rule 310  
13.1 if the court has established a juvenile traffic violations 311  
bureau. If the court requires restitution under this division, 312  
the restitution shall be made directly to the victim in open 313  
court or to the probation department that serves the 314  
jurisdiction or the clerk of courts on behalf of the victim. 315

The victim, victim's representative, victim's attorney, if 316  
applicable, the prosecuting attorney, or the delinquent child or 317  
juvenile traffic offender may provide information relevant to 318  
the determination of the amount of restitution. The amount the 319  
court orders as restitution shall not exceed the amount of the 320  
economic loss suffered by the victim as a direct and proximate 321  
result of the delinquent act or juvenile traffic offense. If the 322  
court decides to or is required to order restitution under this 323  
division and the amount of the restitution is disputed by the 324  
victim or survivor, victim's estate, victim's representative, or 325  
victim's attorney, if applicable, or by the delinquent child or 326  
juvenile traffic offender, the court shall hold a hearing on the 327  
restitution. The court shall determine the amount of full 328  
restitution by a preponderance of the evidence. All restitution 329  
payments shall be credited against any recovery of economic loss 330  
in a civil action brought by or on behalf of the victim against 331  
the delinquent child or juvenile traffic offender or the 332  
delinquent child's or juvenile traffic offender's parent, 333  
guardian, or other custodian. 334

If the court requires restitution under this division, the 335  
court may order that the delinquent child or juvenile traffic 336  
offender pay a surcharge, in an amount not exceeding five per 337  
cent of the amount of restitution otherwise ordered under this 338  
division, to the entity responsible for collecting and 339  
processing the restitution payments. 340

The victim, survivor of the victim, or victim's estate may 341  
request that the prosecuting authority file a motion, or the 342  
delinquent child or juvenile traffic offender may file a motion, 343  
for modification of the payment terms of any restitution ordered 344  
under this division. If the court grants the motion, it may 345  
modify the payment terms as it determines appropriate. 346

(4) Require the child to reimburse any or all of the costs 347  
incurred for services or sanctions provided or imposed, 348  
including, but not limited to, the following: 349

(a) All or part of the costs of implementing any community 350  
control imposed as a disposition under section 2152.19 of the 351  
Revised Code, including a supervision fee; 352

(b) All or part of the costs of confinement in a 353  
residential facility described in section 2152.19 of the Revised 354  
Code or in a department of youth services institution, 355  
including, but not limited to, a per diem fee for room and 356  
board, the costs of medical and dental treatment provided, and 357  
the costs of repairing property the delinquent child damaged 358  
while so confined. The amount of reimbursement ordered for a 359  
child under this division shall not exceed the total amount of 360  
reimbursement the child is able to pay as determined at a 361  
hearing and shall not exceed the actual cost of the confinement. 362  
The court may collect any reimbursement ordered under this 363  
division. If the court does not order reimbursement under this 364  
division, confinement costs may be assessed pursuant to a 365  
repayment policy adopted under section 2929.37 of the Revised 366  
Code and division (D) of section 307.93, division (A) of section 367  
341.19, division (C) of section 341.23 or 753.16, division (C) 368  
of section 2301.56, or division (B) of section 341.14, 753.02, 369  
753.04, or 2947.19 of the Revised Code. 370

(B) Chapter 2981. of the Revised Code applies to a child 371  
who is adjudicated a delinquent child for violating section 372  
2923.32 or 2923.42 of the Revised Code or for committing an act 373  
that, if committed by an adult, would be a felony drug abuse 374  
offense. 375

(C) The court may hold a hearing if necessary to determine 376  
whether a child is able to pay a sanction under this section. 377

(D) If a child who is adjudicated a delinquent child is 378  
indigent, the court shall consider imposing a term of community 379  
service under division (A) of section 2152.19 of the Revised 380  
Code in lieu of imposing a financial sanction under this 381  
section. If a child who is adjudicated a delinquent child is not 382  
indigent, the court may impose a term of community service under 383  
that division in lieu of, or in addition to, imposing a 384  
financial sanction under this section. The court may order the 385  
performance of community service ~~for an act that if committed by~~ 386  
~~an adult would be a minor misdemeanor if that order would to~~ 387  
generate funds for restitution. 388

If a child fails to pay a financial sanction imposed under 389  
this section, the court may impose a term of community service 390  
in lieu of the sanction. 391

(E) The clerk of the court, or another person authorized 392  
by law or by the court to collect a financial sanction imposed 393  
under this section, may do any of the following: 394

(1) Enter into contracts with one or more public agencies 395  
or private vendors for the collection of the amounts due under 396  
the financial sanction, which amounts may include interest from 397  
the date of imposition of the financial sanction; 398

(2) Permit payment of all, or any portion of, the 399

financial sanction in installments, by credit or debit card, by 400  
another type of electronic transfer, or by any other reasonable 401  
method, within any period of time, and on any terms that the 402  
court considers just, except that the maximum time permitted for 403  
payment shall not exceed five years. The clerk may pay any fee 404  
associated with processing an electronic transfer out of public 405  
money and may charge the fee to the delinquent child. 406

(3) To defray administrative costs, charge a reasonable 407  
fee to a child who elects a payment plan rather than a lump sum 408  
payment of a financial sanction. 409

**Sec. 2152.81.** (A) (1) As used in this section, "victim" 410  
includes any of the following persons: 411

(a) A person who was a victim of a violation identified in 412  
division (A) (2) of this section or an act that would be an 413  
offense of violence if committed by an adult; 414

(b) A person against whom was directed any conduct that 415  
constitutes, or that is an element of, a violation identified in 416  
division (A) (2) of this section or an act that would be an 417  
offense of violence if committed by an adult. 418

(2) (a) In any proceeding in juvenile court involving a 419  
complaint, indictment, or information in which a child is 420  
charged with a violation of section 2905.03, 2905.05, 2907.02, 421  
2907.03, 2907.05, 2907.06, 2907.07, 2907.09, 2907.21, 2907.23, 422  
2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, or 423  
2919.22 of the Revised Code or an act that would be an offense 424  
of violence if committed by an adult and in which an alleged 425  
victim of the violation or act was a child who was less than 426  
thirteen years of age when the complaint or information was 427  
filed or the indictment was returned, the juvenile judge, upon 428

motion of an attorney for the prosecution, child victim, or 429  
child victim's attorney, shall order that the testimony of the 430  
child victim be taken by deposition. The prosecution, child 431  
victim, or child victim's attorney also may request that the 432  
deposition be recorded in accordance with division (A) (3) of 433  
this section. 434

(b) In any proceeding that is not otherwise eligible for 435  
the protections provided for in division (A) (2) (a) of this 436  
section, and in which an alleged victim of the violation was a 437  
child who was less than eighteen years of age when the 438  
complaint, indictment, or information was filed, whichever 439  
occurred earlier, upon motion of the child victim, the child 440  
victim's attorney, if applicable, or an attorney for the 441  
prosecution, and upon a showing by a preponderance of the 442  
evidence that the child will suffer serious emotional trauma if 443  
required to provide live trial testimony, the juvenile judge 444  
shall order that the testimony of the child victim be taken by 445  
deposition. The prosecution, child victim, or child victim's 446  
attorney may also request that the deposition be recorded in 447  
accordance with division (A) (3) of this section. 448

(c) The judge shall notify the child victim whose 449  
deposition is to be taken, the victim's attorney, if applicable, 450  
the prosecution, and the attorney for the child who is charged 451  
with the violation or act of the date, time, and place for 452  
taking the deposition. The notice shall identify the child 453  
victim who is to be examined and shall indicate whether a 454  
request that the deposition be recorded has been made. The child 455  
who is charged with the violation or act shall have the right to 456  
attend the deposition and the right to be represented by 457  
counsel. Depositions shall be taken in the manner provided in 458  
civil cases, except that the judge in the proceeding shall 459



preside at the taking of the deposition and shall rule at that 460  
time on any objections of the prosecution or the attorney for 461  
the child charged with the violation or act. The prosecution and 462  
the attorney for the child charged with the violation or act 463  
shall have the right, as at an adjudication hearing, to full 464  
examination and cross-examination of the child victim whose 465  
deposition is to be taken. If a deposition taken under this 466  
division is intended to be offered as evidence in the 467  
proceeding, it shall be filed in the juvenile court in which the 468  
action is pending and is admissible in the manner described in 469  
division (B) of this section. If a deposition of a child victim 470  
taken under this division is admitted as evidence at the 471  
proceeding under division (B) of this section, the child victim 472  
shall not be required to testify in person at the proceeding. 473  
However, at any time before the conclusion of the proceeding, 474  
the attorney for the child charged with the violation or act may 475  
file a motion with the judge requesting that another deposition 476  
of the child victim be taken because new evidence material to 477  
the defense of the child charged has been discovered that the 478  
attorney for the child charged could not with reasonable 479  
diligence have discovered prior to the taking of the admitted 480  
deposition. Any motion requesting another deposition shall be 481  
accompanied by supporting affidavits. Upon the filing of the 482  
motion and affidavits, the court may order that additional 483  
testimony of the child victim relative to the new evidence be 484  
taken by another deposition. If the court orders the taking of 485  
another deposition under this provision, the deposition shall be 486  
taken in accordance with this division; if the admitted 487  
deposition was a recorded deposition taken in accordance with 488  
division (A) (3) of this section, the new deposition also shall 489  
be recorded in accordance with that division, and, in other 490  
cases, the new deposition may be recorded in accordance with 491

that division. 492

(3) If the prosecution requests that a deposition to be 493  
taken under division (A) (2) of this section be recorded, the 494  
juvenile judge shall order that the deposition be recorded in 495  
accordance with this division. If a juvenile judge issues an 496  
order to record the deposition, the judge shall exclude from the 497  
room in which the deposition is to be taken every person except 498  
the child victim giving the testimony; the judge; one or more 499  
interpreters if needed; the attorneys for the prosecution; the 500  
child victim's attorney, if applicable; the attorney for the 501  
child who is charged with the violation or act; any person 502  
needed to operate the equipment to be used; one person, who is 503  
not a witness, chosen by the child victim giving the deposition; 504  
the victim's representative; and any person whose presence the 505  
judge determines would contribute to the welfare and well-being 506  
of the child victim giving the deposition. The person chosen by 507  
the child victim, both before and during the deposition, shall 508  
not discuss the testimony of the child victim with any other 509  
witness in the proceeding. To the extent feasible, any person 510  
operating the recording equipment shall be restricted to a room 511  
adjacent to the room in which the deposition is being taken, or 512  
to a location in the room in which the deposition is being taken 513  
that is behind a screen or mirror so that the person operating 514  
the recording equipment can see and hear, but cannot be seen or 515  
heard by, the child victim giving the deposition during the 516  
deposition. The child who is charged with the violation or act 517  
shall be permitted to observe and hear the testimony of the 518  
child victim giving the deposition on a monitor, shall be 519  
provided with an electronic means of immediate communication 520  
with the attorney of the child who is charged with the violation 521  
or act during the testimony, and shall be restricted to a 522

location from which the child who is charged with the violation 523  
or act cannot be seen or heard by the child victim giving the 524  
deposition, except on a monitor provided for that purpose. The 525  
child victim giving the deposition shall be provided with a 526  
monitor on which the child victim can observe, while giving 527  
testimony, the child who is charged with the violation or act. 528  
The judge, at the judge's discretion, may preside at the 529  
deposition by electronic means from outside the room in which 530  
the deposition is to be taken; if the judge presides by 531  
electronic means, the judge shall be provided with monitors on 532  
which the judge can see each person in the room in which the 533  
deposition is to be taken and with an electronic means of 534  
communication with each person in that room, and each person in 535  
the room shall be provided with a monitor on which that person 536  
can see the judge and with an electronic means of communication 537  
with the judge. A deposition that is recorded under this 538  
division shall be taken and filed in the manner described in 539  
division (A) (2) of this section and is admissible in the manner 540  
described in this division and division (B) of this section, 541  
and, if a deposition that is recorded under this division is 542  
admitted as evidence at the proceeding, the child victim shall 543  
not be required to testify in person at the proceeding. No 544  
deposition recorded under this division shall be admitted as 545  
evidence at any proceeding unless division (B) of this section 546  
is satisfied relative to the deposition and all of the following 547  
apply relative to the recording: 548

(a) The recording is both aural and visual and is recorded 549  
on film or videotape, or by other electronic means. 550

(b) The recording is authenticated under the Rules of 551  
Evidence and the Rules of Criminal Procedure as a fair and 552  
accurate representation of what occurred, and the recording is 553

not altered other than at the direction and under the supervision of the judge in the proceeding.

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

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

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

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

(b) The judge determines that there is reasonable cause to believe that, if the child victim who gave the testimony in the deposition were to testify in person at the proceeding, the

child victim would experience serious emotional trauma as a 583  
result of the child victim's participation at the proceeding. 584

(2) Objections to receiving in evidence a deposition or a 585  
part of it under division (B) of this section shall be made as 586  
provided in civil actions. 587

(3) The provisions of divisions (A) and (B) of this 588  
section are in addition to any other provisions of the Revised 589  
Code, the Rules of Juvenile Procedure, the Rules of Criminal 590  
Procedure, or the Rules of Evidence that pertain to the taking 591  
or admission of depositions in a juvenile court proceeding and 592  
do not limit the admissibility under any of those other 593  
provisions of any deposition taken under division (A) of this 594  
section or otherwise taken. 595

~~(C)~~ (C) (1) (a) In any proceeding in juvenile court involving 596  
a complaint, indictment, or information in which a child is 597  
charged with a violation listed in division (A) (2) of this 598  
section or an act that would be an offense of violence if 599  
committed by an adult and in which an alleged victim of the 600  
violation or offense was a child who was less than thirteen 601  
years of age when the complaint or information was filed or 602  
indictment was returned, the juvenile judge, upon motion of the 603  
prosecution, the child victim, or the child victim's attorney, 604  
if applicable, ~~may file a motion with the juvenile judge~~ 605  
~~requesting the judge to shall~~ order the testimony of the child 606  
victim to be taken in a room other than the room in which the 607  
proceeding is being conducted and be ~~televised, by closed-~~ 608  
~~circuit equipment, broadcast~~ into the room in which the 609  
proceeding is being conducted to be viewed by the child who is 610  
charged with the violation or act and any other persons who are 611  
not permitted in the room in which the testimony is to be taken 612

but who would have been present during the testimony of the 613  
child victim had it been given in the room in which the 614  
proceeding is being conducted. 615

(b) In any proceeding that is not otherwise eligible for 616  
the protections provided for in division (C) (1) (a) of this 617  
section, and in which an alleged victim of the violation was a 618  
child who was less than eighteen years of age when the 619  
complaint, indictment, or information was filed, whichever 620  
occurred earlier, upon motion of the child victim, the child 621  
victim's attorney, if applicable, or the prosecution, and upon a 622  
showing by a preponderance of the evidence that the child will 623  
suffer serious emotional trauma if required to provide live 624  
trial testimony, the juvenile judge shall order that the 625  
testimony of the child victim be taken in a room other than the 626  
room in which the proceeding is being conducted and be broadcast 627  
into the room in which the proceeding is being conducted to be 628  
viewed by the child who is charged with the violation or act and 629  
any other persons who are not permitted in the room in which the 630  
testimony is to be taken but who would have been present during 631  
the testimony of the child victim had it been given in the room 632  
in which the proceeding is being conducted. 633

(2) Except for good cause shown, the prosecution, the 634  
child victim, or the child victim's attorney, if applicable, 635  
shall file a motion under this division at least seven days 636  
before the date of the proceeding. The juvenile judge may issue 637  
the order upon the motion of the prosecution, the child victim, 638  
or the child victim's attorney, if applicable, filed under this 639  
division, if the judge determines that the child victim is 640  
unavailable to testify in the room in which the proceeding is 641  
being conducted in the physical presence of the child charged 642  
with the violation or act, due to one or more of the reasons set 643

forth in division (E) of this section. If a juvenile judge 644  
issues an order of that nature, the judge shall exclude from the 645  
room in which the testimony is to be taken every person except a 646  
person described in division (A) (3) of this section. The judge, 647  
at the judge's discretion, may preside during the giving of the 648  
testimony by electronic means from outside the room in which it 649  
is being given, subject to the limitations set forth in division 650  
(A) (3) of this section. To the extent feasible, any person 651  
operating the televising equipment shall be hidden from the 652  
sight and hearing of the child victim giving the testimony, in a 653  
manner similar to that described in division (A) (3) of this 654  
section. The child who is charged with the violation or act 655  
shall be permitted to observe and hear the testimony of the 656  
child victim giving the testimony on a monitor, shall be 657  
provided with an electronic means of immediate communication 658  
with the attorney of the child who is charged with the violation 659  
or act during the testimony, and shall be restricted to a 660  
location from which the child who is charged with the violation 661  
or act cannot be seen or heard by the child victim giving the 662  
testimony, except on a monitor provided for that purpose. The 663  
child victim giving the testimony shall be provided with a 664  
monitor on which the child victim can observe, while giving 665  
testimony, the child who is charged with the violation or act. 666

~~(D)~~ (D) (1) (a) In any proceeding in juvenile court involving 667  
a complaint, indictment, or information in which a child is 668  
charged with a violation listed in division (A) (2) of this 669  
section or an act that would be an offense of violence if 670  
committed by an adult and in which an alleged victim of the 671  
violation or offense was a child who was less than thirteen 672  
years of age when the complaint or information was filed or the 673  
indictment was returned, the juvenile judge, upon motion of the 674

prosecution, the child victim, or the child victim's attorney, 675  
~~if applicable, may file a motion with the juvenile judge~~ 676  
~~requesting the judge to shall~~ order the testimony of the child 677  
victim to be taken outside of the room in which the proceeding 678  
is being conducted and be recorded for showing in the room in 679  
which the proceeding is being conducted before the judge, the 680  
child who is charged with the violation or act, and any other 681  
persons who would have been present during the testimony of the 682  
child victim had it been given in the room in which the 683  
proceeding is being conducted. 684

(b) In any proceeding that is not otherwise eligible for 685  
the protections provided for in division (D)(1)(a) of this 686  
section, and in which an alleged victim of the violation was a 687  
child who was less than eighteen years of age when the 688  
complaint, indictment, or information was filed, whichever 689  
occurred earlier, upon motion of the child victim, the child 690  
victim's attorney, if applicable, or the prosecution, and upon a 691  
showing by a preponderance of the evidence that the child will 692  
suffer serious emotional trauma if required to provide live 693  
trial testimony, the juvenile judge shall order that the 694  
testimony of the child victim be taken outside of the room in 695  
which the proceeding is being conducted and be recorded for 696  
showing in the room in which the proceeding is being conducted 697  
before the judge, the child who is charged with the violation or 698  
act, and any other persons who would have been present during 699  
the testimony of the child victim had it been given in the room 700  
in which the proceeding is being conducted. 701

(2) Except for good cause shown, the prosecution, the 702  
child victim, or the child victim's attorney, if applicable, 703  
shall file a motion under this division at least seven days 704  
before the date of the proceeding. The juvenile judge may issue 705



the order upon the motion of the prosecution, the child victim, 706  
or the child victim's attorney, if applicable, filed under this 707  
division, if the judge determines that the child victim is 708  
unavailable to testify in the room in which the proceeding is 709  
being conducted in the physical presence of the child charged 710  
with the violation or act, due to one or more of the reasons set 711  
forth in division (E) of this section. If a juvenile judge 712  
issues an order of that nature, the judge shall exclude from the 713  
room in which the testimony is to be taken every person except a 714  
person described in division (A) (3) of this section. To the 715  
extent feasible, any person operating the recording equipment 716  
shall be hidden from the sight and hearing of the child victim 717  
giving the testimony, in a manner similar to that described in 718  
division (A) (3) of this section. The child who is charged with 719  
the violation or act shall be permitted to observe and hear the 720  
testimony of the child victim giving the testimony on a monitor, 721  
shall be provided with an electronic means of immediate 722  
communication with the attorney of the child who is charged with 723  
the violation or act during the testimony, and shall be 724  
restricted to a location from which the child who is charged 725  
with the violation or act cannot be seen or heard by the child 726  
victim giving the testimony, except on a monitor provided for 727  
that purpose. The child victim giving the testimony shall be 728  
provided with a monitor on which the child victim can observe, 729  
while giving testimony, the child who is charged with the 730  
violation or act. No order for the taking of testimony by 731  
recording shall be issued under this division unless the 732  
provisions set forth in divisions (A) (3) (a), (b), (c), and (d) 733  
of this section apply to the recording of the testimony. 734

(E) For purposes of divisions (C) and (D) of this section, 735  
a juvenile judge may order the testimony of a child victim to be 736

taken outside of the room in which a proceeding is being 737  
conducted if the judge determines that the child victim is 738  
unavailable to testify in the room in the physical presence of 739  
the child charged with the violation or act due to one or more 740  
of the following circumstances: 741

(1) The persistent refusal of the child victim to testify 742  
despite judicial requests to do so; 743

(2) The inability of the child victim to communicate about 744  
the alleged violation or offense because of extreme fear, 745  
failure of memory, or another similar reason; 746

(3) The substantial likelihood that the child victim will 747  
suffer serious emotional trauma from so testifying. 748

(F)(1) If a juvenile judge issues an order pursuant to 749  
division (C) or (D) of this section that requires the testimony 750  
of a child victim in a juvenile court proceeding to be taken 751  
outside of the room in which the proceeding is being conducted, 752  
the order shall specifically identify the child victim, in a 753  
manner consistent with section 2930.07 of the Revised Code, to 754  
whose testimony it applies, the order applies only during the 755  
testimony of the specified child victim, and the child victim 756  
giving the testimony shall not be required to testify at the 757  
proceeding other than in accordance with the order. The 758  
authority of a judge to close the taking of a deposition under 759  
division (A)(3) of this section or a proceeding under division 760  
(C) or (D) of this section is in addition to the authority of a 761  
judge to close a hearing pursuant to section 2151.35 of the 762  
Revised Code. 763

(2) A juvenile judge who makes any determination regarding 764  
the admissibility of a deposition under divisions (A) and (B) of 765

this section, the recording of a deposition under division (A) 766  
(3) of this section, or the taking of testimony outside of the 767  
room in which a proceeding is being conducted under division (C) 768  
or (D) of this section, shall enter the determination and 769  
findings on the record in the proceeding. 770

**Sec. 2152.811.** (A) As used in this section: 771

(1) "Developmental disability" has the same meaning as in 772  
section 5123.01 of the Revised Code. 773

(2) "Victim with a developmental disability" includes any 774  
of the following persons: 775

(a) A person with a developmental disability who was a 776  
victim of a violation identified in division (B)(1) of this 777  
section or an act that would be an offense of violence if 778  
committed by an adult; 779

(b) A person with a developmental disability against whom 780  
was directed any conduct that constitutes, or that is an element 781  
of, a violation identified in division (B)(1) of this section or 782  
an act that would be an offense of violence if committed by an 783  
adult. 784

(B) (1) (a) In any proceeding in juvenile court involving a 785  
complaint, indictment, or information in which a child is 786  
charged with a violation of section 2903.16, 2903.34, 2903.341, 787  
2907.02, 2907.03, 2907.05, 2907.21, 2907.23, 2907.24, 2907.32, 788  
2907.321, 2907.322, or 2907.323 of the Revised Code or an act 789  
that would be an offense of violence if committed by an adult 790  
and in which an alleged victim of the violation or act was a 791  
person with a developmental disability, the juvenile judge, upon 792  
motion of the prosecution, victim, or victim's attorney, if 793  
applicable, shall order that the testimony of the victim with a 794

developmental disability be taken by deposition. The 795  
prosecution, victim, or victim's attorney, if applicable, also 796  
may request that the deposition be recorded in accordance with 797  
division (B) (2) of this section. 798

(b) In any proceeding that is not otherwise eligible for 799  
the protections provided for in division (B) (1) (a) of this 800  
section and in which an alleged victim of the violation or act 801  
was a person with a developmental disability, upon motion of the 802  
prosecution, the victim, or the victim's attorney, if 803  
applicable, and a showing by a preponderance of the evidence 804  
that the victim will suffer serious emotional trauma if required 805  
to provide live trial testimony, the juvenile judge shall order 806  
that the testimony of the victim with a developmental disability 807  
be taken by deposition. The prosecution, the victim, or the 808  
victim's attorney, if applicable, also may request that the 809  
deposition be recorded in accordance with division (B) (2) of 810  
this section. 811

(c) The judge shall notify the victim with a developmental 812  
disability whose deposition is to be taken, the prosecution, the 813  
victim's attorney, if applicable, and the attorney for the child 814  
who is charged with the violation or act of the date, time, and 815  
place for taking the deposition. The notice shall identify the 816  
victim with a developmental disability, in a manner consistent 817  
with section 2930.07 of the Revised Code, who is to be examined 818  
and shall indicate whether a request that the deposition be 819  
recorded has been made. The child who is charged with the 820  
violation or act shall have the right to attend the deposition 821  
and the right to be represented by counsel. Depositions shall be 822  
taken in the manner provided in civil cases, except that the 823  
judge in the proceeding shall preside at the taking of the 824  
deposition and shall rule at that time on any objections of the 825

prosecution or the attorney for the child charged with the 826  
violation or act. The prosecution and the attorney for the child 827  
charged with the violation or act shall have the right, as at an 828  
adjudication hearing, to full examination and cross-examination 829  
of the victim with a developmental disability whose deposition 830  
is to be taken. 831

If a deposition taken under this division is intended to 832  
be offered as evidence in the proceeding, it shall be filed in 833  
the juvenile court in which the action is pending and is 834  
admissible in the manner described in division (C) of this 835  
section. If a deposition of a victim with a developmental 836  
disability taken under this division is admitted as evidence at 837  
the proceeding under division (C) of this section, the victim 838  
with a developmental disability shall not be required to testify 839  
in person at the proceeding. 840

At any time before the conclusion of the proceeding, the 841  
attorney for the child charged with the violation or act may 842  
file a motion with the judge requesting that another deposition 843  
of the victim with a developmental disability be taken because 844  
new evidence material to the defense of the child charged has 845  
been discovered that the attorney for the child charged could 846  
not with reasonable diligence have discovered prior to the 847  
taking of the admitted deposition. Any motion requesting another 848  
deposition shall be accompanied by supporting affidavits. Upon 849  
the filing of the motion and affidavits, the court may order 850  
that additional testimony of the victim with a developmental 851  
disability relative to the new evidence be taken by another 852  
deposition. If the court orders the taking of another deposition 853  
under this provision, the deposition shall be taken in 854  
accordance with this division. If the admitted deposition was a 855  
recorded deposition taken in accordance with division (B) (2) of 856

this section, the new deposition also shall be recorded in 857  
accordance with that division. In other cases, the new 858  
deposition may be recorded in accordance with that division. 859

(2) If the prosecution, victim, or victim's attorney, if 860  
applicable, requests that a deposition to be taken under 861  
division (B)(1) of this section be recorded, the juvenile judge 862  
shall order that the deposition be recorded in accordance with 863  
this division. If a juvenile judge issues an order to record the 864  
deposition, the judge shall exclude from the room in which the 865  
deposition is to be taken every person except the victim with a 866  
developmental disability giving the testimony, the judge, one or 867  
more interpreters if needed, the attorneys for the prosecution 868  
and the child who is charged with the violation or act, the 869  
victim's attorney, if applicable, any person needed to operate 870  
the equipment to be used, one person chosen by the victim with a 871  
developmental disability giving the deposition, the victim's 872  
representative, if applicable, and any person whose presence the 873  
judge determines would contribute to the welfare and well-being 874  
of the victim with a developmental disability giving the 875  
deposition. The person chosen by the victim with a developmental 876  
disability shall not be a witness in the proceeding and, both 877  
before and during the deposition, shall not discuss the 878  
testimony of the victim with any other witness in the 879  
proceeding. To the extent feasible, any person operating the 880  
recording equipment shall be restricted to a room adjacent to 881  
the room in which the deposition is being taken, or to a 882  
location in the room in which the deposition is being taken that 883  
is behind a screen or mirror so that the person operating the 884  
recording equipment can see and hear, but cannot be seen or 885  
heard by, the victim with a developmental disability giving the 886  
deposition during the deposition. 887

The child who is charged with the violation or act shall 888  
be permitted to observe and hear the testimony of the victim 889  
with a developmental disability giving the deposition on a 890  
monitor, shall be provided with an electronic means of immediate 891  
communication with the attorney of the child who is charged with 892  
the violation or act during the testimony, and shall be 893  
restricted to a location from which the child who is charged 894  
with the violation or act cannot be seen or heard by the victim 895  
with a developmental disability giving the deposition, except on 896  
a monitor provided for that purpose. The victim with a 897  
developmental disability giving the deposition shall be provided 898  
with a monitor on which the victim with a developmental 899  
disability can observe, while giving testimony, the child who is 900  
charged with the violation or act. The judge, at the judge's 901  
discretion, may preside at the deposition by electronic means 902  
from outside the room in which the deposition is to be taken; if 903  
the judge presides by electronic means, the judge shall be 904  
provided with monitors on which the judge can see each person in 905  
the room in which the deposition is to be taken and with an 906  
electronic means of communication with each person in that room, 907  
and each person in the room shall be provided with a monitor on 908  
which that person can see the judge and with an electronic means 909  
of communication with the judge. A deposition that is recorded 910  
under this division shall be taken and filed in the manner 911  
described in division (B)(1) of this section and is admissible 912  
in the manner described in this division and division (C) of 913  
this section. If a deposition that is recorded under this 914  
division is admitted as evidence at the proceeding, the victim 915  
with a developmental disability shall not be required to testify 916  
in person at the proceeding. No deposition recorded under this 917  
division shall be admitted as evidence at any proceeding unless 918  
division (C) of this section is satisfied relative to the 919

deposition and all of the following apply relative to the 920  
recording: 921

(a) The recording is both aural and visual and is recorded 922  
on film or videotape, or by other electronic means. 923

(b) The recording is authenticated under the Rules of 924  
Evidence and the Rules of Criminal Procedure as a fair and 925  
accurate representation of what occurred, and the recording is 926  
not altered other than at the direction and under the 927  
supervision of the judge in the proceeding. 928

(c) Each voice on the recording that is material to the 929  
testimony on the recording or the making of the recording, as 930  
determined by the judge, is identified. 931

(d) The prosecution, victim, or victim's attorney, if 932  
applicable, and the child who is charged with the violation or 933  
act are afforded an opportunity to view the recording before it 934  
is shown in the proceeding. 935

(C) (1) At any proceeding in relation to which a deposition 936  
was taken under division (B) of this section, the deposition or 937  
a part of it is admissible in evidence upon motion of the 938  
prosecution if the testimony in the deposition or the part to be 939  
admitted is not excluded by the hearsay rule and if the 940  
deposition or the part to be admitted otherwise is admissible 941  
under the Rules of Evidence. For purposes of this division, 942  
testimony is not excluded by the hearsay rule if the testimony 943  
is not hearsay under Evidence Rule 801; the testimony is within 944  
an exception to the hearsay rule set forth in Evidence Rule 803; 945  
the victim with a developmental disability who gave the 946  
testimony is unavailable as a witness, as defined in Evidence 947  
Rule 804, and the testimony is admissible under that rule; or 948



both of the following apply: 949

(a) The child who is charged with the violation or act had 950  
an opportunity and similar motive at the time of the taking of 951  
the deposition to develop the testimony by direct, cross, or 952  
redirect examination. 953

(b) The judge determines that there is reasonable cause to 954  
believe that, if the victim with a developmental disability who 955  
gave the testimony in the deposition were to testify in person 956  
at the proceeding, the victim with a developmental disability 957  
would experience serious emotional trauma as a result of the 958  
participation of the victim with a developmental disability at 959  
the proceeding. 960

(2) Objections to receiving in evidence a deposition or a 961  
part of it under division (C) of this section shall be made as 962  
provided in civil actions. 963

(3) The provisions of divisions (B) and (C) of this 964  
section are in addition to any other provisions of the Revised 965  
Code, the Rules of Juvenile Procedure, the Rules of Criminal 966  
Procedure, or the Rules of Evidence that pertain to the taking 967  
or admission of depositions in a juvenile court proceeding and 968  
do not limit the admissibility under any of those other 969  
provisions of any deposition taken under division (B) of this 970  
section or otherwise taken. 971

~~(D)~~ (D) (1) (a) In any proceeding in juvenile court involving 972  
a complaint, indictment, or information in which a child is 973  
charged with a violation listed in division (B) (1) of this 974  
section or an act that would be an offense of violence if 975  
committed by an adult and in which an alleged victim of the 976  
violation or offense was a person with a developmental 977

disability, ~~the juvenile judge, upon motion of the~~ prosecution, 978  
victim, or victim's attorney, ~~if applicable, may file a motion~~ 979  
~~with the juvenile judge requesting the judge to shall~~ order the 980  
testimony of the victim with a developmental disability to be 981  
taken in a room other than the room in which the proceeding is 982  
being conducted and be ~~televised, by closed circuit equipment,~~ 983  
~~broadcast~~ into the room in which the proceeding is being 984  
conducted to be viewed by the child who is charged with the 985  
violation or act and any other persons who are not permitted in 986  
the room in which the testimony is to be taken but who would 987  
have been present during the testimony of the victim with a 988  
developmental disability had it been given in the room in which 989  
the proceeding is being conducted. 990

(b) In any proceeding that is not otherwise eligible for 991  
the protections provided for in division (D) (1) (a) of this 992  
section and in which an alleged victim of the violation or act 993  
was a person with a developmental disability, upon motion of the 994  
prosecution, the victim, or the victim's attorney, if 995  
applicable, and a showing by a preponderance of the evidence 996  
that the victim will suffer serious emotional trauma if required 997  
to provide live trial testimony, the juvenile judge shall order 998  
the testimony be taken in a room other than the room in which 999  
the proceeding is being conducted and be broadcast into the room 1000  
in which the proceeding is being conducted to be viewed by the 1001  
jury, if applicable, the defendant, and any other persons who 1002  
are not permitted in the room in which the testimony is to be 1003  
taken but who would have been present during the testimony of 1004  
the victim with a developmental disability had it been given in 1005  
the room in which the proceeding is being conducted. 1006

(2) Except for good cause shown, the prosecution, victim, 1007  
or victim's attorney, if applicable, shall file a motion under 1008

this division at least seven days before the date of the 1009  
proceeding. The juvenile judge may issue the order upon the 1010  
motion of the prosecution filed under this division, if the 1011  
judge determines that the victim with a developmental disability 1012  
is unavailable to testify in the room in which the proceeding is 1013  
being conducted in the physical presence of the child charged 1014  
with the violation or act for one or more of the reasons set 1015  
forth in division (F) of this section. If a juvenile judge 1016  
issues an order of that nature, the judge shall exclude from the 1017  
room in which the testimony is to be taken every person except a 1018  
person described in division (B) (2) of this section. The judge, 1019  
at the judge's discretion, may preside during the giving of the 1020  
testimony by electronic means from outside the room in which it 1021  
is being given, subject to the limitations set forth in division 1022  
(B) (2) of this section. To the extent feasible, any person 1023  
operating the televising equipment shall be hidden from the 1024  
sight and hearing of the victim with a developmental disability 1025  
giving the testimony, in a manner similar to that described in 1026  
division (B) (2) of this section. The child who is charged with 1027  
the violation or act shall be permitted to observe and hear the 1028  
testimony of the victim with a developmental disability giving 1029  
the testimony on a monitor, shall be provided with an electronic 1030  
means of immediate communication with the attorney of the child 1031  
who is charged with the violation or act during the testimony, 1032  
and shall be restricted to a location from which the child who 1033  
is charged with the violation or act cannot be seen or heard by 1034  
the victim with a developmental disability giving the testimony, 1035  
except on a monitor provided for that purpose. The victim with a 1036  
developmental disability giving the testimony shall be provided 1037  
with a monitor on which the victim with a developmental 1038  
disability can observe, while giving testimony, the child who is 1039  
charged with the violation or act. 1040

~~(E)(E)(1)(a)~~ In any proceeding in juvenile court involving 1041  
a complaint, indictment, or information in which a child is 1042  
charged with a violation listed in division (B)(1) of this 1043  
section or an act that would be an offense of violence if 1044  
committed by an adult and in which an alleged victim of the 1045  
violation or offense was a person with a developmental 1046  
disability, the juvenile judge, upon motion of the prosecution, 1047  
victim, or victim's attorney, if applicable, may file a motion 1048  
with the juvenile judge requesting the judge to shall order the 1049  
testimony of the victim with a developmental disability to be 1050  
taken outside of the room in which the proceeding is being 1051  
conducted and be recorded for showing in the room in which the 1052  
proceeding is being conducted before the judge, the child who is 1053  
charged with the violation or act, and any other persons who 1054  
would have been present during the testimony of the victim with 1055  
a developmental disability had it been given in the room in 1056  
which the proceeding is being conducted. 1057

(b) In any proceeding that is not otherwise eligible for 1058  
the protections provided for in division (E)(1)(a) of this 1059  
section and in which an alleged victim of the violation or act 1060  
was a person with a developmental disability, upon motion of the 1061  
prosecution, the victim, or the victim's attorney, if 1062  
applicable, and a showing by a preponderance of the evidence 1063  
that the victim will suffer serious emotional trauma if required 1064  
to provide live trial testimony, the juvenile judge shall order 1065  
the testimony be taken outside of the room in which the 1066  
proceeding is being conducted and be recorded for showing in the 1067  
room in which the proceeding is being conducted before the 1068  
judge, the child who is charged with the violation or act, and 1069  
any other persons who would have been present during the 1070  
testimony of the victim with a developmental disability had it 1071

been given in the room in which the proceeding is being 1072  
conducted. 1073

(2) Except for good cause shown, the prosecution, victim, 1074  
or victim's attorney, if applicable, shall file a motion under 1075  
this division at least seven days before the date of the 1076  
proceeding. The juvenile judge may issue the order upon the 1077  
motion of the prosecution, victim, or victim's attorney, if 1078  
applicable, filed under this division, if the judge determines 1079  
that the victim with a developmental disability is unavailable 1080  
to testify in the room in which the proceeding is being 1081  
conducted in the physical presence of the child charged with the 1082  
violation or act, due to one or more of the reasons set forth in 1083  
division (F) of this section. If a juvenile judge issues an 1084  
order of that nature, the judge shall exclude from the room in 1085  
which the testimony is to be taken every person except a person 1086  
described in division (B) (2) of this section. To the extent 1087  
feasible, any person operating the recording equipment shall be 1088  
hidden from the sight and hearing of the victim with a 1089  
developmental disability giving the testimony, in a manner 1090  
similar to that described in division (B) (2) of this section. 1091  
The child who is charged with the violation or act shall be 1092  
permitted to observe and hear the testimony of the victim with a 1093  
developmental disability giving the testimony on a monitor, 1094  
shall be provided with an electronic means of immediate 1095  
communication with the attorney of the child who is charged with 1096  
the violation or act during the testimony, and shall be 1097  
restricted to a location from which the child who is charged 1098  
with the violation or act cannot be seen or heard by the victim 1099  
with a developmental disability giving the testimony, except on 1100  
a monitor provided for that purpose. The victim with a 1101  
developmental disability giving the testimony shall be provided 1102

with a monitor on which the victim with a developmental 1103  
disability can observe, while giving testimony, the child who is 1104  
charged with the violation or act. No order for the taking of 1105  
testimony by recording shall be issued under this division 1106  
unless the provisions set forth in divisions (B)(2)(a), (b), 1107  
(c), and (d) of this section apply to the recording of the 1108  
testimony. 1109

(F) For purposes of divisions (D) and (E) of this section, 1110  
a juvenile judge may order the testimony of a victim with a 1111  
developmental disability to be taken outside of the room in 1112  
which a proceeding is being conducted if the judge determines 1113  
that the victim with a developmental disability is unavailable 1114  
to testify in the room in the physical presence of the child 1115  
charged with the violation or act due to one or more of the 1116  
following circumstances: 1117

(1) The persistent refusal of the victim with a 1118  
developmental disability to testify despite judicial requests to 1119  
do so; 1120

(2) The inability of the victim with a developmental 1121  
disability to communicate about the alleged violation or offense 1122  
because of extreme fear, failure of memory, or another similar 1123  
reason; 1124

(3) The substantial likelihood that the victim with a 1125  
developmental disability will suffer serious emotional trauma 1126  
from so testifying. 1127

(G) (1) If a juvenile judge issues an order pursuant to 1128  
division (D) or (E) of this section that requires the testimony 1129  
of a victim with a developmental disability in a juvenile court 1130  
proceeding to be taken outside of the room in which the 1131

proceeding is being conducted, the order shall specifically 1132  
identify the victim with a developmental disability, in a manner 1133  
consistent with section 2930.07 of the Revised Code, to whose 1134  
testimony it applies, the order applies only during the 1135  
testimony of the specified victim with a developmental 1136  
disability, and the victim with a developmental disability 1137  
giving the testimony shall not be required to testify at the 1138  
proceeding other than in accordance with the order. The 1139  
authority of a judge to close the taking of a deposition under 1140  
division (B) (2) of this section or a proceeding under division 1141  
(D) or (E) of this section is in addition to the authority of a 1142  
judge to close a hearing pursuant to section 2151.35 of the 1143  
Revised Code. 1144

(2) A juvenile judge who makes any determination regarding 1145  
the admissibility of a deposition under divisions (B) and (C) of 1146  
this section, the recording of a deposition under division (B) 1147  
(2) of this section, or the taking of testimony outside of the 1148  
room in which a proceeding is being conducted under division (D) 1149  
or (E) of this section shall enter the determination and 1150  
findings on the record in the proceeding. 1151

**Sec. 2305.37.** (A) As used in this section: 1152

(1) "Agency" means any nonhospital, charitable nonprofit 1153  
corporation that is organized and operated pursuant to Chapter 1154  
1702. of the Revised Code and that satisfies ~~both~~all of the 1155  
following, or any nonhospital, charitable association, group, 1156  
institution, organization, or society that is not organized and 1157  
not operated for profit and that satisfies ~~both~~all of the 1158  
following: 1159

(a) It distributes consumer goods or perishable food, 1160  
directly or indirectly, to individuals in need. 1161

(b) It does not charge or accept any form of compensation 1162  
from the individuals in need for the distribution of the 1163  
consumer goods ~~or to them.~~ 1164

(c) It does not charge for the distribution of perishable 1165  
food to individuals in need, or it does not charge individuals 1166  
in need more than an amount sufficient to cover the cost of 1167  
handling the perishable food distributed to them. 1168

(2) "At-cost" means the perishable food handling costs 1169  
incurred by an agency. 1170

(3) "Consumer goods" means items of tangible personal 1171  
property other than food that are used primarily for personal, 1172  
family, or household purposes. 1173

~~(3)~~ (4) "Food service operation" has the same meaning as 1174  
in section 3717.01 of the Revised Code. 1175

~~(4)~~ (5) "Food that is gleaned" means perishable food that 1176  
remains on a farm or other real property and that the owner, 1177  
lessee, renter, or operator of the property permits one or more 1178  
persons to salvage free-of-charge for subsequent donation to one 1179  
or more agencies. 1180

~~(5)~~ (6) "Harm" means injury, death, or loss to person or 1181  
property. 1182

~~(6)~~ (7) "Hospital" has the same meaning as in section 1183  
3701.01, 3727.01, or 5122.01 of the Revised Code. 1184

~~(7)~~ (8) "Individuals in need" means those persons who an 1185  
agency determines are eligible to receive free distributions of 1186  
consumer goods or free or at-cost distributions of perishable 1187  
food because of poverty, illness, disability, infancy, or other 1188  
conditions or circumstances that may result in persons having a 1189



need to receive ~~free~~ such distributions of consumer goods or  
perishable food. 1190  
1191

~~(8)~~ (9) "Perishable food" means any food that may spoil or 1192  
otherwise become unfit for human consumption because of its 1193  
nature, age, or physical condition. "Perishable food" includes, 1194  
but is not limited to, fresh meats, processed meats, poultry, 1195  
fish and other seafood, dairy products, bakery products, eggs in 1196  
the shell, fresh fruits, fresh vegetables, food that is gleaned, 1197  
food that is packaged, refrigerated, or frozen, food that is 1198  
canned, and prepared or other food that has not been served by a 1199  
restaurant, cafeteria, hospital, hotel, caterer, or other food 1200  
service operation to any customer, patient, or other person in 1201  
the ordinary course of business, by a public or private school, 1202  
college, university, or other educational institution to a 1203  
student or another person on the premises in the ordinary course 1204  
of the operation of the institution, or by a fraternal, 1205  
veteran's, or other organization to its members or other persons 1206  
on the premises in the ordinary course of the operation of the 1207  
organization. 1208

~~(9)~~ (10) "Person" has the same meaning as in section 1.59 1209  
of the Revised Code and additionally includes governmental 1210  
entities and federal instrumentalities. 1211

~~(10)~~ (11) "Sale date" means the date by which the 1212  
manufacturer, processor, or packager of a packaged food product 1213  
recommends that the food product be sold for consumption based 1214  
on the food product's quality assurance period. 1215

~~(11)~~ (12) "Tort action" means a civil action for damages 1216  
for injury, death, or loss to person or property. "Tort action" 1217  
includes a product liability claim that is subject to sections 1218  
2307.71 to 2307.80 of the Revised Code but does not include a 1219

civil action for a breach of contract or another agreement 1220  
between persons. 1221

(B) Notwithstanding Chapter 3715. of the Revised Code, a 1222  
person who, in good faith, donates perishable food to an agency 1223  
is not liable in damages in a tort action for harm that 1224  
allegedly arises because that perishable food, when distributed 1225  
by the agency or any other agency to a particular individual in 1226  
need, is not fit for human consumption, if both of the following 1227  
apply: 1228

(1) Prior to the donation of the perishable food to the 1229  
agency, the person determines that the perishable food will be 1230  
fit for human consumption at the time of its donation. A 1231  
presumption favoring liability does not arise because the 1232  
perishable food is donated to an agency on or after an 1233  
applicable sale date. 1234

(2) The person does not make the determination that the 1235  
perishable food will be fit for human consumption at the time of 1236  
its donation to the agency in a manner that constitutes gross 1237  
negligence or willful or wanton misconduct. 1238

(C) A person who, in good faith, donates consumer goods to 1239  
an agency is not liable in damages in a tort action for harm 1240  
that allegedly arises because those consumer goods are not fit 1241  
for use at the time the agency or any other agency distributes 1242  
them to a particular individual in need, if both of the 1243  
following apply: 1244

(1) Prior to the donation of the consumer goods to the 1245  
agency, the person determines that the consumer goods will be 1246  
fit for use at the time of their donation. A presumption 1247  
favoring liability does not arise because the consumer goods are 1248

in packaging that has been damaged. 1249

(2) The person does not make the determination that the 1250  
consumer goods will be fit for use at the time of their donation 1251  
to the agency in a manner that constitutes gross negligence or 1252  
willful or wanton misconduct. 1253

(D) Notwithstanding Chapter 3715. of the Revised Code, an 1254  
agency that, in good faith, distributes consumer goods or 1255  
perishable food to a particular individual in need is not liable 1256  
in damages in a tort action for harm that allegedly arises 1257  
because those consumer goods are not fit for use or that 1258  
perishable food is not fit for human consumption if both of the 1259  
following apply: 1260

(1) Prior to the distribution of the consumer goods or 1261  
perishable food to the individual, the agency determines that 1262  
the consumer goods will be fit for use or the perishable food 1263  
will be fit for human consumption at the time of its 1264  
distribution. A presumption favoring liability does not arise 1265  
because the consumer goods are in packaging that has been 1266  
damaged or because the perishable food is distributed to an 1267  
individual on or after an applicable sale date. 1268

(2) The agency does not make the determination that the 1269  
consumer goods will be fit for use or the perishable food will 1270  
be fit for human consumption at the time of its distribution to 1271  
the individual in a manner that constitutes gross negligence or 1272  
willful or wanton misconduct. 1273

(E) (1) This section does not create a new cause of action 1274  
or substantive legal right against persons who donate consumer 1275  
goods or perishable food to an agency or against agencies that 1276  
distribute consumer goods or perishable food to an individual in 1277

need. 1278

(2) This section does not affect any immunities from or 1279  
defenses to tort liability established by another section of the 1280  
Revised Code or available at common law to which persons who 1281  
donate consumer goods or perishable food other than to agencies, 1282  
or to which agencies that distribute consumer goods or 1283  
perishable food other than to individuals in need, may be 1284  
entitled. 1285

**Sec. 2743.71.** (A) Any law enforcement agency that 1286  
investigates, and any prosecuting attorney, city director of 1287  
law, village solicitor, or similar prosecuting authority who 1288  
prosecutes, an offense committed in this state shall, upon first 1289  
contact with the victim, as defined in division (L)(1) of 1290  
section 2743.51 of the Revised Code, or the victim's family or 1291  
dependents, give the victim or the victim's family or dependents 1292  
a copy of an information card or other printed material provided 1293  
by the attorney general pursuant to division (B) of this section 1294  
and explain, upon request, the information on the card or 1295  
material to the victim or the victim's family or dependents. 1296

(B) The attorney general shall have printed, and shall 1297  
provide to law enforcement agencies, prosecuting attorneys, city 1298  
directors of law, village solicitors, and similar prosecuting 1299  
authorities, cards or other materials that contain information 1300  
explaining awards of reparations. The information on the cards 1301  
or other materials shall include, but shall not be limited to, 1302  
the following statements: 1303

(1) Awards of reparations are limited to losses that are 1304  
caused by physical injury resulting from criminally injurious 1305  
conduct; 1306

(2) Reparations applications may be filed at any time 1307  
within three years after the occurrence of the criminally 1308  
injurious conduct, except as provided in divisions (A) (2) (b) to 1309  
(d) of section 2743.60 of the Revised Code; 1310

(3) An attorney who represents an applicant for an award 1311  
of reparations cannot charge the applicant for the services 1312  
rendered in relation to that representation but is required to 1313  
apply to the attorney general for payment for the 1314  
representation; 1315

(4) Applications for awards of reparations may be obtained 1316  
from the attorney general, law enforcement agencies, and victim 1317  
assistance agencies and are to be filed with the attorney 1318  
general. 1319

(C) The attorney general may order that a reasonable 1320  
amount of money be paid out of the reparations fund, subject to 1321  
the limitation imposed by division (D) of this section, for use 1322  
by the attorney general to publicize the availability of awards 1323  
of reparations. 1324

(D) During any fiscal year, the total expenditure for the 1325  
printing and providing of information cards or other materials 1326  
pursuant to division (B) of this section and for the publicizing 1327  
of the availability of awards of reparations pursuant to 1328  
division (C) of this section shall not exceed two per cent of 1329  
the total of all court costs deposited, in accordance with 1330  
section 2743.70 of the Revised Code, in the reparations fund 1331  
during the immediately preceding fiscal year. 1332

(E) The information cards or other materials provided 1333  
pursuant to division (B) of this section may be provided with 1334  
the compilation prepared pursuant to division (A) of section 1335

109.42 of the Revised Code. 1336

**Sec. 2903.213.** (A) Except when the complaint or indictment 1337  
involves a person who is a family or household member as defined 1338  
in section 2919.25 of the Revised Code, upon the filing of a 1339  
complaint or indictment that alleges a violation of section 1340  
2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 1341  
2911.211 of the Revised Code, a violation of a municipal 1342  
ordinance substantially similar to section 2903.13, 2903.21, 1343  
2903.211, 2903.22, or 2911.211 of the Revised Code, or the 1344  
commission of a sexually oriented offense, the complainant, the 1345  
prosecutor, the alleged victim, or a family or household member 1346  
of an alleged victim may file a motion that requests the 1347  
issuance of a protection order as a pretrial condition of 1348  
release of the alleged offender, in addition to any bail set 1349  
under Criminal Rule 46. The motion shall be filed with the clerk 1350  
of the court that has jurisdiction of the case at any time after 1351  
the filing of the complaint or indictment. If the complaint or 1352  
indictment involves a person who is a family or household 1353  
member, the complainant, the alleged victim, or the family or 1354  
household member may file a motion for a temporary protection 1355  
order pursuant to section 2919.26 of the Revised Code. 1356

(B) A motion for a protection order under this section 1357  
shall be prepared on a form that is provided by the clerk of the 1358  
court, and the form shall be substantially as follows: 1359

"Motion for Protection Order 1360

\_\_\_\_\_ 1361

Name and address of court 1362

State of Ohio 1363

v. No. \_\_\_\_\_ 1364

\_\_\_\_\_ 1365

Name of Defendant 1366

(Name of person), moves the court to issue a protection order 1367  
containing terms designed to ensure the safety and protection of 1368  
the complainant or the alleged victim in the above-captioned 1369  
case, in relation to the named defendant, pursuant to its 1370  
authority to issue a protection order under section 2903.213 of 1371  
the Revised Code. 1372

A complaint or indictment, a copy of which has been 1373  
attached to this motion, has been filed in this court charging 1374  
the named defendant with a violation of section 2903.11, 1375  
2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 1376  
Revised Code, a violation of a municipal ordinance substantially 1377  
similar to section 2903.13, 2903.21, 2903.211, 2903.22, or 1378  
2911.211 of the Revised Code, or the commission of a sexually 1379  
oriented offense. 1380

I understand that I must appear before the court, at a 1381  
time set by the court not later than the next day that the court 1382  
is in session after the filing of this motion, for a hearing on 1383  
the motion, and that any protection order granted pursuant to 1384  
this motion is a pretrial condition of release and is effective 1385  
only until the disposition of the criminal proceeding arising 1386  
out of the attached complaint or indictment or until the 1387  
issuance under section 2903.214 of the Revised Code of a 1388  
protection order arising out of the same activities as those 1389  
that were the basis of the attached complaint or indictment. 1390

\_\_\_\_\_ 1391

Signature of person 1392

\_\_\_\_\_ 1393

Address of person" 1394

(C) (1) As soon as possible after the filing of a motion 1395  
that requests the issuance of a protection order under this 1396  
section, but not later than the next day that the court is in 1397  
session after the filing of the motion, the court shall conduct 1398  
a hearing to determine whether to issue the order. The person 1399  
who requested the order shall appear before the court and 1400  
provide the court with the information that it requests 1401  
concerning the basis of the motion. If the court finds that the 1402  
safety and protection of the complainant or the alleged victim 1403  
may be impaired by the continued presence of the alleged 1404  
offender, the court may issue a protection order under this 1405  
section, as a pretrial condition of release, that contains terms 1406  
designed to ensure the safety and protection of the complainant 1407  
or the alleged victim, including a requirement that the alleged 1408  
offender refrain from entering the residence, school, business, 1409  
or place of employment of the complainant or the alleged victim. 1410  
The court may include within a protection order issued under 1411  
this section a term requiring that the alleged offender not 1412  
remove, damage, hide, harm, or dispose of any companion animal 1413  
owned or possessed by the complainant or the alleged victim, and 1414  
may include within the order a term authorizing the complainant 1415  
or the alleged victim to remove a companion animal owned by the 1416  
complainant or the alleged victim from the possession of the 1417  
alleged offender. 1418

(2) (a) If the court issues a protection order under this 1419  
section that includes a requirement that the alleged offender 1420  
refrain from entering the residence, school, business, or place 1421  
of employment of the complainant or the alleged victim, the 1422  
order shall clearly state that the order cannot be waived or 1423  
nullified by an invitation to the alleged offender from the 1424



complainant, the alleged victim, or a family or household member 1425  
to enter the residence, school, business, or place of employment 1426  
or by the alleged offender's entry into one of those places 1427  
otherwise upon the consent of the complainant, the alleged 1428  
victim, or a family or household member. 1429

(b) Division (C) (2) (a) of this section does not limit any 1430  
discretion of a court to determine that an alleged offender 1431  
charged with a violation of section 2919.27 of the Revised Code, 1432  
with a violation of a municipal ordinance substantially 1433  
equivalent to that section, or with contempt of court, which 1434  
charge is based on an alleged violation of a protection order 1435  
issued under this section, did not commit the violation or was 1436  
not in contempt of court. 1437

(D) (1) Except when the complaint or indictment involves a 1438  
person who is a family or household member as defined in section 1439  
2919.25 of the Revised Code, upon the filing of a complaint or 1440  
indictment that alleges a violation specified in division (A) of 1441  
this section, the court, upon its own motion, may issue a 1442  
protection order under this section as a pretrial condition of 1443  
release of the alleged offender if it finds that the safety and 1444  
protection of the complainant or the alleged victim may be 1445  
impaired by the continued presence of the alleged offender. 1446

(2) If the court issues a protection order under this 1447  
section as an ex parte order, it shall conduct, as soon as 1448  
possible after the issuance of the order but not later than the 1449  
next day that the court is in session after its issuance, a 1450  
hearing to determine whether the order should remain in effect, 1451  
be modified, or be revoked. The hearing shall be conducted under 1452  
the standards set forth in division (C) of this section. 1453

(3) If a municipal court or a county court issues a 1454

protection order under this section and if, subsequent to the 1455  
issuance of the order, the alleged offender who is the subject 1456  
of the order is bound over to the court of common pleas for 1457  
prosecution of a felony arising out of the same activities as 1458  
those that were the basis of the complaint upon which the order 1459  
is based, notwithstanding the fact that the order was issued by 1460  
a municipal court or county court, the order shall remain in 1461  
effect, as though it were an order of the court of common pleas, 1462  
while the charges against the alleged offender are pending in 1463  
the court of common pleas, for the period of time described in 1464  
division (E) (2) of this section, and the court of common pleas 1465  
has exclusive jurisdiction to modify the order issued by the 1466  
municipal court or county court. This division applies when the 1467  
alleged offender is bound over to the court of common pleas as a 1468  
result of the person waiving a preliminary hearing on the felony 1469  
charge, as a result of the municipal court or county court 1470  
having determined at a preliminary hearing that there is 1471  
probable cause to believe that the felony has been committed and 1472  
that the alleged offender committed it, as a result of the 1473  
alleged offender having been indicted for the felony, or in any 1474  
other manner. 1475

(E) A protection order that is issued as a pretrial 1476  
condition of release under this section: 1477

(1) Is in addition to, but shall not be construed as a 1478  
part of, any bail set under Criminal Rule 46; 1479

(2) Is effective only until the disposition, by the court 1480  
that issued the order or, in the circumstances described in 1481  
division (D) (3) of this section, by the court of common pleas to 1482  
which the alleged offender is bound over for prosecution, of the 1483  
criminal proceeding arising out of the complaint or indictment 1484

upon which the order is based or until the issuance under 1485  
section 2903.214 of the Revised Code of a protection order 1486  
arising out of the same activities as those that were the basis 1487  
of the complaint or indictment filed under this section; 1488

(3) Shall not be construed as a finding that the alleged 1489  
offender committed the alleged offense and shall not be 1490  
introduced as evidence of the commission of the offense at the 1491  
trial of the alleged offender on the complaint or indictment 1492  
upon which the order is based. 1493

(F) A person who meets the criteria for bail under 1494  
Criminal Rule 46 and who, if required to do so pursuant to that 1495  
rule, executes or posts bond or deposits cash or securities as 1496  
bail, shall not be held in custody pending a hearing before the 1497  
court on a motion requesting a protection order under this 1498  
section. 1499

(G) (1) A copy of a protection order that is issued under 1500  
this section shall be issued by the court to the complainant, to 1501  
the alleged victim, to the person who requested the order, to 1502  
the defendant, and to all law enforcement agencies that have 1503  
jurisdiction to enforce the order. The court shall direct that a 1504  
copy of the order be delivered to the defendant on the same day 1505  
that the order is entered. If a municipal court or a county 1506  
court issues a protection order under this section and if, 1507  
subsequent to the issuance of the order, the defendant who is 1508  
the subject of the order is bound over to the court of common 1509  
pleas for prosecution as described in division (D) (3) of this 1510  
section, the municipal court or county court shall direct that a 1511  
copy of the order be delivered to the court of common pleas to 1512  
which the defendant is bound over. 1513

(2) All law enforcement agencies shall establish and 1514

maintain an index for the protection orders delivered to the 1515  
agencies pursuant to division (G)(1) of this section. With 1516  
respect to each order delivered, each agency shall note on the 1517  
index the date and time of the agency's receipt of the order. 1518

(3) Regardless of whether the petitioner has registered 1519  
the protection order in the county in which the officer's agency 1520  
has jurisdiction, any officer of a law enforcement agency shall 1521  
enforce a protection order issued pursuant to this section in 1522  
accordance with the provisions of the order. 1523

(H) Upon a violation of a protection order issued pursuant 1524  
to this section, the court may issue another protection order 1525  
under this section, as a pretrial condition of release, that 1526  
modifies the terms of the order that was violated. 1527

(I)(1) Subject to division (I)(2) of this section and 1528  
regardless of whether a protection order is issued or a consent 1529  
agreement is approved by a court of another county or by a court 1530  
of another state, no court or unit of state or local government 1531  
shall charge the movant any fee, cost, deposit, or money in 1532  
connection with the filing of a motion pursuant to this section, 1533  
in connection with the filing, issuance, registration, 1534  
modification, enforcement, dismissal, withdrawal, or service of 1535  
a protection order, consent agreement, or witness subpoena or 1536  
for obtaining certified copies of a protection order or consent 1537  
agreement. 1538

(2) Regardless of whether a protection order is issued or 1539  
a consent agreement is approved pursuant to this section, if the 1540  
defendant is convicted the court may assess costs against the 1541  
defendant in connection with the filing, issuance, registration, 1542  
modification, enforcement, dismissal, withdrawal, or service of 1543  
a protection order, consent agreement, or witness subpoena or 1544

for obtaining a certified copy of a protection order or consent 1545  
agreement. 1546

(J) At the time of termination of a protection order 1547  
issued under this section, the court shall inform all law 1548  
enforcement agencies that have jurisdiction to enforce the order 1549  
that the order is no longer effective. 1550

(K) As used in this section: 1551

(1) "Sexually oriented offense" has the same meaning as in 1552  
section 2950.01 of the Revised Code. 1553

(2) "Companion animal" has the same meaning as in section 1554  
959.131 of the Revised Code. 1555

**Sec. 2919.26.** (A) (1) Upon the filing of a complaint or 1556  
indictment that alleges a violation of section 2909.06, 2909.07, 1557  
2911.12, or 2911.211 of the Revised Code if the alleged victim 1558  
of the violation was a family or household member at the time of 1559  
the violation, a violation of a municipal ordinance that is 1560  
substantially similar to any of those sections if the alleged 1561  
victim of the violation was a family or household member at the 1562  
time of the violation, any offense of violence if the alleged 1563  
victim of the offense was a family or household member at the 1564  
time of the commission of the offense, or any sexually oriented 1565  
offense if the alleged victim of the offense was a family or 1566  
household member at the time of the commission of the offense, 1567  
the complainant, the alleged victim, or a family or household 1568  
member of an alleged victim may file, or, if in an emergency the 1569  
alleged victim is unable to file, a person who made an arrest 1570  
for the alleged violation or offense under section 2935.03 of 1571  
the Revised Code may file on behalf of the alleged victim, a 1572  
motion that requests the issuance of a temporary protection 1573

order as a pretrial condition of release of the alleged 1574  
offender, in addition to any bail set under Criminal Rule 46. 1575  
The motion shall be filed with the clerk of the court that has 1576  
jurisdiction of the case at any time after the filing of the 1577  
complaint or indictment. 1578

(2) For purposes of section 2930.09 of the Revised Code, 1579  
all stages of a proceeding arising out of a complaint or 1580  
indictment alleging the commission of a violation, offense of 1581  
violence, or sexually oriented offense described in division (A) 1582  
(1) of this section, including all proceedings on a motion for a 1583  
temporary protection order, are critical stages of the case, and 1584  
a victim may be accompanied by a victim advocate or another 1585  
person to provide support to the victim as provided in that 1586  
section. 1587

(B) The motion shall be prepared on a form that is 1588  
provided by the clerk of the court, which form shall be 1589  
substantially as follows: 1590

"MOTION FOR TEMPORARY PROTECTION ORDER 1591

\_\_\_\_\_ Court 1592

Name and address of court 1593

State of Ohio 1594

v. No. \_\_\_\_\_ 1595

\_\_\_\_\_ 1596

Name of Defendant 1597

(name of person), moves the court to issue a temporary 1598  
protection order containing terms designed to ensure the safety 1599  
and protection of the complainant, alleged victim, and other 1600

family or household members, in relation to the named defendant, 1601  
pursuant to its authority to issue such an order under section 1602  
2919.26 of the Revised Code. 1603

A complaint or indictment, a copy of which has been 1604  
attached to this motion, has been filed in this court charging 1605  
the named defendant with \_\_\_\_\_ (name of the 1606  
specified violation, the offense of violence, or sexually 1607  
oriented offense charged) in circumstances in which the victim 1608  
was a family or household member in violation of (section of the 1609  
Revised Code designating the specified violation, offense of 1610  
violence, or sexually oriented offense charged), or charging the 1611  
named defendant with a violation of a municipal ordinance that 1612  
is substantially similar to \_\_\_\_\_ (section of 1613  
the Revised Code designating the specified violation, offense of 1614  
violence, or sexually oriented offense charged) involving a 1615  
family or household member. 1616

I understand that I must appear before the court, at a 1617  
time set by the court within twenty-four hours after the filing 1618  
of this motion, for a hearing on the motion or that, if I am 1619  
unable to appear because of hospitalization or a medical 1620  
condition resulting from the offense alleged in the complaint or 1621  
indictment, a person who can provide information about my need 1622  
for a temporary protection order must appear before the court in 1623  
lieu of my appearing in court. I understand that any temporary 1624  
protection order granted pursuant to this motion is a pretrial 1625  
condition of release and is effective only until the disposition 1626  
of the criminal proceeding arising out of the attached complaint 1627  
or indictment, or the issuance of a civil protection order or 1628  
the approval of a consent agreement, arising out of the same 1629  
activities as those that were the basis of the complaint or 1630  
indictment, under section 3113.31 of the Revised Code. 1631

---

Signature of person  
(or signature of the arresting officer who filed the motion on behalf of the alleged victim)

---

Address of person (or office address of the arresting officer who filed the motion on behalf of the alleged victim)"

(C) (1) As soon as possible after the filing of a motion that requests the issuance of a temporary protection order, but not later than twenty-four hours after the filing of the motion, the court shall conduct a hearing to determine whether to issue the order. The person who requested the order shall appear before the court and provide the court with the information that it requests concerning the basis of the motion. If the person who requested the order is unable to appear and if the court finds that the failure to appear is because of the person's hospitalization or medical condition resulting from the offense alleged in the complaint or indictment, another person who is able to provide the court with the information it requests may appear in lieu of the person who requested the order. If the court finds that the safety and protection of the complainant, alleged victim, or any other family or household member of the alleged victim may be impaired by the continued presence of the alleged offender, the court may issue a temporary protection order, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant, alleged victim, or the family or household member, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the



complainant, alleged victim, or the family or household member. 1661  
The court may include within a protection order issued under 1662  
this section a term requiring that the alleged offender not 1663  
remove, damage, hide, harm, or dispose of any companion animal 1664  
owned or possessed by the complainant, alleged victim, or any 1665  
other family or household member of the alleged victim, and may 1666  
include within the order a term authorizing the complainant, 1667  
alleged victim, or other family or household member of the 1668  
alleged victim to remove a companion animal owned by the 1669  
complainant, alleged victim, or other family or household member 1670  
from the possession of the alleged offender. 1671

(2) (a) If the court issues a temporary protection order 1672  
that includes a requirement that the alleged offender refrain 1673  
from entering the residence, school, business, or place of 1674  
employment of the complainant, the alleged victim, or the family 1675  
or household member, the order shall state clearly that the 1676  
order cannot be waived or nullified by an invitation to the 1677  
alleged offender from the complainant, alleged victim, or family 1678  
or household member to enter the residence, school, business, or 1679  
place of employment or by the alleged offender's entry into one 1680  
of those places otherwise upon the consent of the complainant, 1681  
alleged victim, or family or household member. 1682

(b) Division (C) (2) (a) of this section does not limit any 1683  
discretion of a court to determine that an alleged offender 1684  
charged with a violation of section 2919.27 of the Revised Code, 1685  
with a violation of a municipal ordinance substantially 1686  
equivalent to that section, or with contempt of court, which 1687  
charge is based on an alleged violation of a temporary 1688  
protection order issued under this section, did not commit the 1689  
violation or was not in contempt of court. 1690

(D) (1) Upon the filing of a complaint or indictment that 1691  
alleges a violation of section 2909.06, 2909.07, 2911.12, or 1692  
2911.211 of the Revised Code if the alleged victim of the 1693  
violation was a family or household member at the time of the 1694  
violation, a violation of a municipal ordinance that is 1695  
substantially similar to any of those sections if the alleged 1696  
victim of the violation was a family or household member at the 1697  
time of the violation, any offense of violence if the alleged 1698  
victim of the offense was a family or household member at the 1699  
time of the commission of the offense, or any sexually oriented 1700  
offense if the alleged victim of the offense was a family or 1701  
household member at the time of the commission of the offense, 1702  
the court, upon its own motion, may issue a temporary protection 1703  
order as a pretrial condition of release if it finds that the 1704  
safety and protection of the complainant, alleged victim, or 1705  
other family or household member of the alleged offender may be 1706  
impaired by the continued presence of the alleged offender. 1707

(2) If the court issues a temporary protection order under 1708  
this section as an ex parte order, it shall conduct, as soon as 1709  
possible after the issuance of the order, a hearing in the 1710  
presence of the alleged offender not later than the next day on 1711  
which the court is scheduled to conduct business after the day 1712  
on which the alleged offender was arrested or at the time of the 1713  
appearance of the alleged offender pursuant to summons to 1714  
determine whether the order should remain in effect, be 1715  
modified, or be revoked. The hearing shall be conducted under 1716  
the standards set forth in division (C) of this section. 1717

(3) An order issued under this section shall contain only 1718  
those terms authorized in orders issued under division (C) of 1719  
this section. 1720

(4) If a municipal court or a county court issues a temporary protection order under this section and if, subsequent to the issuance of the order, the alleged offender who is the subject of the order is bound over to the court of common pleas for prosecution of a felony arising out of the same activities as those that were the basis of the complaint upon which the order is based, notwithstanding the fact that the order was issued by a municipal court or county court, the order shall remain in effect, as though it were an order of the court of common pleas, while the charges against the alleged offender are pending in the court of common pleas, for the period of time described in division (E) (2) of this section, and the court of common pleas has exclusive jurisdiction to modify the order issued by the municipal court or county court. This division applies when the alleged offender is bound over to the court of common pleas as a result of the person waiving a preliminary hearing on the felony charge, as a result of the municipal court or county court having determined at a preliminary hearing that there is probable cause to believe that the felony has been committed and that the alleged offender committed it, as a result of the alleged offender having been indicted for the felony, or in any other manner.

(E) A temporary protection order that is issued as a pretrial condition of release under this section:

(1) Is in addition to, but shall not be construed as a part of, any bail set under Criminal Rule 46;

(2) Is effective only until the occurrence of either of the following:

(a) The disposition, by the court that issued the order or, in the circumstances described in division (D) (4) of this

section, by the court of common pleas to which the alleged 1751  
offender is bound over for prosecution, of the criminal 1752  
proceeding arising out of the complaint or indictment upon which 1753  
the order is based; 1754

(b) The issuance of a protection order or the approval of 1755  
a consent agreement, arising out of the same activities as those 1756  
that were the basis of the complaint or indictment upon which 1757  
the order is based, under section 3113.31 of the Revised Code. 1758

(3) Shall not be construed as a finding that the alleged 1759  
offender committed the alleged offense, and shall not be 1760  
introduced as evidence of the commission of the offense at the 1761  
trial of the alleged offender on the complaint or indictment 1762  
upon which the order is based. 1763

(F) A person who meets the criteria for bail under 1764  
Criminal Rule 46 and who, if required to do so pursuant to that 1765  
rule, executes or posts bond or deposits cash or securities as 1766  
bail, shall not be held in custody pending a hearing before the 1767  
court on a motion requesting a temporary protection order. 1768

(G) (1) A copy of any temporary protection order that is 1769  
issued under this section shall be issued by the court to the 1770  
complainant, to the alleged victim, to the person who requested 1771  
the order, to the defendant, and to all law enforcement agencies 1772  
that have jurisdiction to enforce the order. The court shall 1773  
direct that a copy of the order be delivered to the defendant on 1774  
the same day that the order is entered. If a municipal court or 1775  
a county court issues a temporary protection order under this 1776  
section and if, subsequent to the issuance of the order, the 1777  
defendant who is the subject of the order is bound over to the 1778  
court of common pleas for prosecution as described in division 1779  
(D) (4) of this section, the municipal court or county court 1780

shall direct that a copy of the order be delivered to the court 1781  
of common pleas to which the defendant is bound over. 1782

(2) Upon the issuance of a protection order under this 1783  
section, the court shall provide the parties to the order with 1784  
the following notice orally or by form: 1785

"NOTICE 1786

As a result of this protection order, it may be unlawful 1787  
for you to possess or purchase a firearm, including a rifle, 1788  
pistol, or revolver, or ammunition pursuant to federal law under 1789  
18 U.S.C. 922(g) (8) for the duration of this order. If you have 1790  
any questions whether this law makes it illegal for you to 1791  
possess or purchase a firearm or ammunition, you should consult 1792  
an attorney." 1793

(3) All law enforcement agencies shall establish and 1794  
maintain an index for the temporary protection orders delivered 1795  
to the agencies pursuant to division (G) (1) of this section. 1796  
With respect to each order delivered, each agency shall note on 1797  
the index, the date and time of the receipt of the order by the 1798  
agency. 1799

(4) A complainant, alleged victim, or other person who 1800  
obtains a temporary protection order under this section may 1801  
provide notice of the issuance of the temporary protection order 1802  
to the judicial and law enforcement officials in any county 1803  
other than the county in which the order is issued by 1804  
registering that order in the other county in accordance with 1805  
division (N) of section 3113.31 of the Revised Code and filing a 1806  
copy of the registered protection order with a law enforcement 1807  
agency in the other county in accordance with that division. 1808

(5) Any officer of a law enforcement agency shall enforce 1809

a temporary protection order issued by any court in this state 1810  
in accordance with the provisions of the order, including 1811  
removing the defendant from the premises, regardless of whether 1812  
the order is registered in the county in which the officer's 1813  
agency has jurisdiction as authorized by division (G) (4) of this 1814  
section. 1815

(H) Upon a violation of a temporary protection order, the 1816  
court may issue another temporary protection order, as a 1817  
pretrial condition of release, that modifies the terms of the 1818  
order that was violated. 1819

(I) (1) As used in divisions (I) (1) and (2) of this 1820  
section, "defendant" means a person who is alleged in a 1821  
complaint or indictment to have committed a violation, offense 1822  
of violence, or sexually oriented offense of the type described 1823  
in division (A) of this section. 1824

(2) If a complaint or indictment is filed that alleges 1825  
that a person committed a violation, offense of violence, or 1826  
sexually oriented offense of the type described in division (A) 1827  
of this section, the court may not issue a temporary protection 1828  
order under this section that requires the complainant, the 1829  
alleged victim, or another family or household member of the 1830  
defendant to do or refrain from doing an act that the court may 1831  
require the defendant to do or refrain from doing under a 1832  
temporary protection order unless both of the following apply: 1833

(a) The defendant has filed a separate complaint that 1834  
alleges that the complainant, alleged victim, or other family or 1835  
household member in question who would be required under the 1836  
order to do or refrain from doing the act committed a violation 1837  
or offense of violence of the type described in division (A) of 1838  
this section. 1839

(b) The court determines that both the complainant, 1840  
alleged victim, or other family or household member in question 1841  
who would be required under the order to do or refrain from 1842  
doing the act and the defendant acted primarily as aggressors, 1843  
that neither the complainant, alleged victim, or other family or 1844  
household member in question who would be required under the 1845  
order to do or refrain from doing the act nor the defendant 1846  
acted primarily in self-defense, and, in accordance with the 1847  
standards and criteria of this section as applied in relation to 1848  
the separate complaint filed by the defendant, that it should 1849  
issue the order to require the complainant, alleged victim, or 1850  
other family or household member in question to do or refrain 1851  
from doing the act. 1852

(J) (1) Subject to division (J) (2) of this section and 1853  
regardless of whether a protection order is issued or a consent 1854  
agreement is approved by a court of another county or a court of 1855  
another state, no court or unit of state or local government 1856  
shall charge the movant any fee, cost, deposit, or money in 1857  
connection with the filing of a motion pursuant to this section, 1858  
in connection with the filing, issuance, registration, 1859  
modification, enforcement, dismissal, withdrawal, or service of 1860  
a protection order, consent agreement, or witness subpoena or 1861  
for obtaining a certified copy of a protection order or consent 1862  
agreement. 1863

(2) Regardless of whether a protection order is issued or 1864  
a consent agreement is approved pursuant to this section, if the 1865  
defendant is convicted the court may assess costs against the 1866  
defendant in connection with the filing, issuance, registration, 1867  
modification, enforcement, dismissal, withdrawal, or service of 1868  
a protection order, consent agreement, or witness subpoena or 1869  
for obtaining a certified copy of a protection order or consent 1870

agreement. 1871

(K) As used in this section: 1872

(1) "Companion animal" has the same meaning as in section 1873  
959.131 of the Revised Code. 1874

(2) "Sexually oriented offense" has the same meaning as in 1875  
section 2950.01 of the Revised Code. 1876

(3) "Victim advocate" means a person who provides support 1877  
and assistance for a victim of an offense during court 1878  
proceedings. 1879

**Sec. 2929.28.** (A) In addition to imposing court costs 1880  
pursuant to section 2947.23 of the Revised Code, the court 1881  
imposing a sentence upon an offender for a misdemeanor, 1882  
including a minor misdemeanor, may sentence the offender to any 1883  
financial sanction or combination of financial sanctions 1884  
authorized under this section and, if the offender is being 1885  
sentenced for a criminal offense as defined in section 2930.01 1886  
of the Revised Code, shall sentence the offender to make 1887  
restitution pursuant to this section and section 2929.281 of the 1888  
Revised Code. If the court, in its discretion or as required by 1889  
this section, imposes one or more financial sanctions, the 1890  
financial sanctions that may be imposed pursuant to this section 1891  
include, but are not limited to, the following: 1892

(1) Unless the misdemeanor offense could be disposed of by 1893  
the traffic violations bureau serving the court under Traffic 1894  
Rule 13, restitution by the offender to the victim of the 1895  
offender's crime or the victim's estate, in an amount based on 1896  
the victim's economic loss. The court may not impose restitution 1897  
as a sanction pursuant to this division if the offense could be 1898  
disposed of by the traffic violations bureau serving the court 1899



under Traffic Rule 13. If the court requires restitution, the 1900  
court shall order that the restitution be made to the victim in 1901  
open court or to the adult probation department that serves the 1902  
jurisdiction or the clerk of the court on behalf of the victim. 1903

The court shall determine the amount of restitution to be 1904  
paid by the offender. The victim, victim's representative, 1905  
victim's attorney, if applicable, the prosecutor or the 1906  
prosecutor's designee, and the offender may provide information 1907  
relevant to the determination of the amount of restitution. The 1908  
amount the court orders as restitution shall not exceed the 1909  
amount of the economic loss suffered by the victim as a direct 1910  
and proximate result of the commission of the offense. If the 1911  
court imposes restitution for the cost of accounting or auditing 1912  
done to determine the extent of economic loss, the court may 1913  
order restitution for any amount of the victim's costs of 1914  
accounting or auditing provided that the amount of restitution 1915  
is reasonable and does not exceed the value of property or 1916  
services stolen or damaged as a result of the offense. If the 1917  
court decides to or is required to impose restitution, the court 1918  
shall hold an evidentiary hearing on restitution if the 1919  
offender, victim, victim's representative, victim's attorney, if 1920  
applicable, or victim's estate disputes the amount of 1921  
restitution. The court shall determine the amount of full 1922  
restitution by a preponderance of the evidence. 1923

All restitution payments shall be credited against any 1924  
recovery of economic loss in a civil action brought by the 1925  
victim or the victim's estate against the offender. No person 1926  
may introduce evidence of an award of restitution under this 1927  
section in a civil action for purposes of imposing liability 1928  
against an insurer under section 3937.18 of the Revised Code. 1929

The court may order that the offender pay a surcharge, of 1930  
not more than five per cent of the amount of the restitution 1931  
otherwise ordered, to the entity responsible for collecting and 1932  
processing restitution payments. 1933

The victim, victim's attorney, if applicable, or the 1934  
attorney for the victim's estate may request that the prosecutor 1935  
in the case file a motion, or the offender may file a motion, 1936  
for modification of the payment terms of any restitution 1937  
ordered. If the court grants the motion, it may modify the 1938  
payment terms as it determines appropriate but shall not reduce 1939  
the amount of restitution ordered, except as provided in 1940  
division (A) of section 2929.281 of the Revised Code. 1941

(2) A fine of the type described in divisions (A) (2) (a) 1942  
and (b) of this section payable to the appropriate entity as 1943  
required by law: 1944

(a) A fine in the following amount: 1945

(i) For a misdemeanor of the first degree, not more than 1946  
one thousand dollars; 1947

(ii) For a misdemeanor of the second degree, not more than 1948  
seven hundred fifty dollars; 1949

(iii) For a misdemeanor of the third degree, not more than 1950  
five hundred dollars; 1951

(iv) For a misdemeanor of the fourth degree, not more than 1952  
two hundred fifty dollars; 1953

(v) For a minor misdemeanor, not more than one hundred 1954  
fifty dollars. 1955

(b) A state fine or cost as defined in section 2949.111 of 1956  
the Revised Code. 1957

(3) (a) Reimbursement by the offender of any or all of the 1958  
costs of sanctions incurred by the government, including, but 1959  
not limited to, the following: 1960

(i) All or part of the costs of implementing any community 1961  
control sanction, including a supervision fee under section 1962  
2951.021 of the Revised Code and the costs of global positioning 1963  
system device monitoring; 1964

(ii) All or part of the costs of confinement in a jail or 1965  
other residential facility, including, but not limited to, a per 1966  
diem fee for room and board, the costs of medical and dental 1967  
treatment, and the costs of repairing property damaged by the 1968  
offender while confined; 1969

(iii) All or part of the cost of purchasing and using an 1970  
immobilizing or disabling device, including a certified ignition 1971  
interlock device, or a remote alcohol monitoring device that a 1972  
court orders an offender to use under section 4510.13 of the 1973  
Revised Code. 1974

(b) The amount of reimbursement ordered under division (A) 1975  
(3) (a) of this section shall not exceed the total amount of 1976  
reimbursement the offender is able to pay and shall not exceed 1977  
the actual cost of the sanctions. The court may collect any 1978  
amount of reimbursement the offender is required to pay under 1979  
that division. If the court does not order reimbursement under 1980  
that division, confinement costs may be assessed pursuant to a 1981  
repayment policy adopted under section 2929.37 of the Revised 1982  
Code. In addition, the offender may be required to pay the fees 1983  
specified in section 2929.38 of the Revised Code in accordance 1984  
with that section. 1985

(B) If the court determines a hearing is necessary, the 1986

court may hold a hearing to determine whether the offender is 1987  
able to pay the financial sanction imposed pursuant to this 1988  
section or court costs or is likely in the future to be able to 1989  
pay the sanction or costs. 1990

If the court determines that the offender is indigent and 1991  
unable to pay the financial sanction or court costs, the court 1992  
shall consider imposing and may impose a term of community 1993  
service under division (A) of section 2929.27 of the Revised 1994  
Code in lieu of imposing a financial sanction or court costs. If 1995  
the court does not determine that the offender is indigent, the 1996  
court may impose a term of community service under division (A) 1997  
of section 2929.27 of the Revised Code in lieu of or in addition 1998  
to imposing a financial sanction under this section and in 1999  
addition to imposing court costs. The court may order community 2000  
service for a minor misdemeanor pursuant to division (D) of 2001  
section 2929.27 of the Revised Code in lieu of or in addition to 2002  
imposing a financial sanction under this section and in addition 2003  
to imposing court costs. If a person fails to pay a financial 2004  
sanction or court costs, the court may order community service 2005  
in lieu of the financial sanction or court costs. 2006

(C) (1) The offender shall pay reimbursements imposed upon 2007  
the offender pursuant to division (A) (3) of this section to pay 2008  
the costs incurred by a county pursuant to any sanction imposed 2009  
under this section or section 2929.26 or 2929.27 of the Revised 2010  
Code or in operating a facility used to confine offenders 2011  
pursuant to a sanction imposed under section 2929.26 of the 2012  
Revised Code to the county treasurer. The county treasurer shall 2013  
deposit the reimbursements in the county's general fund. The 2014  
county shall use the amounts deposited in the fund to pay the 2015  
costs incurred by the county pursuant to any sanction imposed 2016  
under this section or section 2929.26 or 2929.27 of the Revised 2017

Code or in operating a facility used to confine offenders 2018  
pursuant to a sanction imposed under section 2929.26 of the 2019  
Revised Code. 2020

(2) The offender shall pay reimbursements imposed upon the 2021  
offender pursuant to division (A)(3) of this section to pay the 2022  
costs incurred by a municipal corporation pursuant to any 2023  
sanction imposed under this section or section 2929.26 or 2024  
2929.27 of the Revised Code or in operating a facility used to 2025  
confine offenders pursuant to a sanction imposed under section 2026  
2929.26 of the Revised Code to the treasurer of the municipal 2027  
corporation. The treasurer shall deposit the reimbursements in 2028  
the municipal corporation's general fund. The municipal 2029  
corporation shall use the amounts deposited in the fund to pay 2030  
the costs incurred by the municipal corporation pursuant to any 2031  
sanction imposed under this section or section 2929.26 or 2032  
2929.27 of the Revised Code or in operating a facility used to 2033  
confine offenders pursuant to a sanction imposed under section 2034  
2929.26 of the Revised Code. 2035

(3) The offender shall pay reimbursements imposed pursuant 2036  
to division (A)(3) of this section for the costs incurred by a 2037  
private provider pursuant to a sanction imposed under this 2038  
section or section 2929.26 or 2929.27 of the Revised Code to the 2039  
provider. 2040

(D) In addition to any other fine that is or may be 2041  
imposed under this section, the court imposing sentence upon an 2042  
offender for misdemeanor domestic violence or menacing by 2043  
stalking may impose a fine of not less than seventy nor more 2044  
than five hundred dollars, which shall be transmitted to the 2045  
treasurer of state to be credited to the address confidentiality 2046  
program fund created by section 111.48 of the Revised Code. 2047

(E) Except as otherwise provided in this division, a 2048  
financial sanction imposed under division (A) of this section is 2049  
a judgment in favor of the state or the political subdivision 2050  
that operates the court that imposed the financial sanction, and 2051  
the offender subject to the financial sanction is the judgment 2052  
debtor. A financial sanction of reimbursement imposed pursuant 2053  
to division (A) (3) (a) (i) of this section upon an offender is a 2054  
judgment in favor of the entity administering the community 2055  
control sanction, and the offender subject to the financial 2056  
sanction is the judgment debtor. A financial sanction of 2057  
reimbursement imposed pursuant to division (A) (3) (a) (ii) of this 2058  
section upon an offender confined in a jail or other residential 2059  
facility is a judgment in favor of the entity operating the jail 2060  
or other residential facility, and the offender subject to the 2061  
financial sanction is the judgment debtor. A financial sanction 2062  
of restitution imposed pursuant to division (A) (1) of this 2063  
section is an order in favor of the victim of the offender's 2064  
criminal act that can be collected through a certificate of 2065  
judgment as described in division (E) (1) of this section, 2066  
through execution as described in division (E) (2) of this 2067  
section, or through an order as described in division (E) (3) of 2068  
this section, and the offender shall be considered for purposes 2069  
of the collection as the judgment debtor. 2070

Once the financial sanction is imposed as a judgment or 2071  
order under this division, the victim, private provider, state, 2072  
or political subdivision may do any of the following: 2073

(1) Obtain from the clerk of the court in which the 2074  
judgment was entered, at no charge, a certificate of judgment 2075  
that shall be in the same manner and form as a certificate of 2076  
judgment issued in a civil action; 2077

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

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

(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.

(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:

(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.

(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 2107  
of payments by any financial transaction device shall be 2108  
governed by the policy adopted by the board of county 2109  
commissioners of the county pursuant to section 301.28 of the 2110  
Revised Code. If the court is a municipal court not operated by 2111  
a county, the clerk may pay any fee associated with processing 2112  
an electronic transfer out of public money or may charge the fee 2113  
to the offender. 2114

(3) To defray administrative costs, charge a reasonable 2115  
fee to an offender who elects a payment plan rather than a lump 2116  
sum payment of any financial sanction. 2117

(H) No financial sanction imposed under this section shall 2118  
preclude a victim from bringing a civil action against the 2119  
offender. 2120

(I) If the court imposes restitution, fines, fees, or 2121  
incarceration costs on a business or corporation, it is the duty 2122  
of the person authorized to make disbursements from assets of 2123  
the business or corporation to pay the restitution, fines, fees, 2124  
or incarceration costs from those assets. 2125

~~(J) If an offender is sentenced to pay restitution, a 2126  
fine, fee, or incarceration costs, the clerk of the sentencing 2127  
court, on request, shall make the offender's payment history 2128  
available to the victim, victim's representative, victim's 2129  
attorney, if applicable, the prosecutor, the probation 2130  
department, and the court without cost. 2131~~

**Sec. 2929.281.** (A) In determining the amount of 2132  
restitution at the time of sentencing under this section, the 2133  
court shall order full restitution for any expenses related to a 2134  
victim's economic loss due to the criminal offense. The amount 2135



of restitution shall be reduced by any payments to the victim 2136  
for economic loss made or due under a policy of insurance or 2137  
governmental program. 2138

Economic loss includes, but is not limited to, the 2139  
following: 2140

(1) Full or partial payment for the value of stolen or 2141  
damaged property. The value of stolen or damaged property shall 2142  
be the replacement cost of the property or the actual cost of 2143  
repairing the property when repair is possible. 2144

(2) Medical expenses; 2145

(3) Mental health counseling expenses; 2146

(4) Wages or profits lost due to injury or harm to the 2147  
victim as determined by the court. Lost wages include commission 2148  
income as well as base wages. Commission income shall be 2149  
established by evidence of commission income during the twelve- 2150  
month period prior to the date of the crime for which 2151  
restitution is being ordered, unless good cause for a shorter 2152  
time period is shown. 2153

(5) Expenses related to making a vehicle or residence 2154  
accessible to the victim if the victim is partially permanently 2155  
disabled or totally permanently disabled as a direct result of 2156  
the crime. 2157

(B) Upon notification by the court, if provided, money 2158  
owed by the state or by a political subdivision of the state to 2159  
an offender who is required to make restitution under this 2160  
section, including any tax refund owed to the offender, shall be 2161  
assigned to the discharge of the offender's outstanding 2162  
restitution obligation, subject to any superseding federal 2163  
statutes or regulations, including court-ordered support 2164

obligations. 2165

(C) If an offender is required to make restitution under 2166  
this section in the form of monetary payments to more than one 2167  
victim, the offender shall make the payments to the victims in 2168  
the following order of priority: 2169

(1) Individuals; 2170

(2) Nonprofit organizations; 2171

(3) Business entities; 2172

(4) Governmental entities. 2173

(D) A court that imposes restitution on an offender as 2174  
part of the offender's sentence under this section shall not 2175  
suspend that part of the offender's sentence if the victim or 2176  
the victim's attorney, if applicable, objects to the suspension 2177  
of the restitution part of the sentence. 2178

(E) Pursuant to division (D) of section 2929.18 and 2179  
division (E) of section 2929.28 of the Revised Code, a court 2180  
order for restitution imposed under this section may be reduced 2181  
to a certificate of judgment in favor of the victim. If the 2182  
order is reduced to such a judgment, the person required to pay 2183  
the restitution under the order is the judgment debtor. 2184

(F) The supreme court shall create a standardized form to 2185  
be made publicly available that provides guidance for victims 2186  
and victims' representatives regarding the compilation of 2187  
evidence to demonstrate losses for the purpose of this section. 2188

(G) On the request of the victim, if a judge determines 2189  
that, under the circumstances, it is appropriate and the victim 2190  
has not been coerced, a victim may accept a settlement that is 2191  
less than the full restitution order. 2192

**Sec. 2930.02.** ~~(A)~~(A) ~~(1)~~ Any of the following persons may, 2193  
subject to the prohibition on the unauthorized practice of law 2194  
under section 4705.07 of the Revised Code, exercise the rights 2195  
of a victim under this chapter as the victim's representative: 2196

~~(1)~~(a) Any person designated by the victim; 2197

~~(2)~~(b) A member of the victim's family or a victim 2198  
advocate designated as the victim's representative to exercise 2199  
the rights of a victim under this chapter as the victim's 2200  
representative if a victim is a minor or is incapacitated, 2201  
incompetent, or deceased, subject to division (D) of this 2202  
section; 2203

~~(3)~~(c) If the case involves a violation of section 2204  
2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.05, or 2205  
2903.06 of the Revised Code, a member of the deceased victim's 2206  
family, a victim advocate, or another person designated by one 2207  
or more members of the deceased victim's family. 2208

(2) If a victim is incapacitated, incompetent, or 2209  
deceased, and no member of the victim's family or victim 2210  
advocate comes forward to act as a victim representative, a 2211  
court may appoint a victim advocate or other person the court 2212  
determines to be appropriate to act as a victim representative, 2213  
except that the court shall not appoint any person employed by 2214  
the prosecuting attorney to act as a victim representative 2215  
unless the prosecuting attorney consents to the appointment. 2216

(B) If the prosecutor in the case or the court has a 2217  
reasonable basis to believe that the victim's representative is 2218  
not acting in the interests of the child victim, victim with a 2219  
developmental disability, or an incapacitated or incompetent 2220  
victim, the prosecutor shall file a motion with the court 2221

setting forth the reasonable basis for that belief and the court 2222  
shall hold a hearing to determine whether the victim's 2223  
representative is acting in the interests of the victim. The 2224  
court shall make this determination by a preponderance of the 2225  
evidence. If the court finds that the victim's representative is 2226  
not acting in the interests of the victim, the court shall 2227  
appoint ~~a court appointed special advocate, a guardian ad litem,~~ 2228  
~~or~~ a victim advocate or other person the court determines to be 2229  
appropriate to act as a victim's representative instead of the 2230  
previously appointed victim's representative, except that the 2231  
court shall not appoint any person employed by the prosecuting 2232  
attorney to act as a victim representative unless the 2233  
prosecuting attorney consents to the appointment. 2234

(C) If more than one person seeks to act as the victim's 2235  
representative for a particular victim, the court that has 2236  
jurisdiction over the criminal matter or the court in which the 2237  
criminal prosecution or delinquency proceeding is held shall 2238  
designate one of those persons as the victim's representative. 2239  
If a victim does not want to have anyone act as the victim's 2240  
representative, the court shall order that only the victim may 2241  
exercise the rights of a victim under this chapter. 2242

(D) If pursuant to division (A) of this section a victim's 2243  
representative is to exercise the rights of a victim, the victim 2244  
shall notify law enforcement and the prosecutor, or, if it is a 2245  
delinquency proceeding and a prosecutor is not involved in the 2246  
case, shall notify the court that the victim's representative is 2247  
to act for the victim. When a victim has so notified law 2248  
enforcement and the prosecutor, or the court, all notices under 2249  
this chapter shall be sent to the victim and the victim's 2250  
representative, all rights under this chapter shall be granted 2251  
to the victim and the victim's representative, and all 2252

references in this chapter to a victim, except the references to 2253  
a victim in section 2930.071 of the Revised Code, shall be 2254  
interpreted as being references to the victim and the victim's 2255  
representative unless the victim informs the notifying authority 2256  
that the victim does not wish to receive the notices or exercise 2257  
the rights. 2258

(E) A suspect, defendant, offender, alleged juvenile 2259  
offender, or delinquent child may not act as a victim's 2260  
representative relative to the criminal offense or delinquent 2261  
act involving the victim. 2262

(F) In any post-conviction proceeding or in regards to any 2263  
post-conviction relief, if the prosecutor in the case or the 2264  
court has a reasonable basis to believe that the victim's 2265  
representative is not acting in the interests of the child 2266  
victim, victim with a developmental disability, or an 2267  
incapacitated or incompetent victim, the prosecutor shall file a 2268  
motion with the court setting forth the reasonable basis for 2269  
that belief and the court shall hold a hearing to determine 2270  
whether the victim's representative is acting in the interests 2271  
of the victim. The court shall make this determination by a 2272  
preponderance of the evidence. If the court finds that the 2273  
victim's representative is not acting in the interests of the 2274  
victim, the court shall appoint a court appointed special 2275  
advocate, a guardian ad litem, or a victim advocate to act as a 2276  
victim's representative instead of the previously appointed 2277  
victim's representative. 2278

**Sec. 2930.04.** (A) The ~~supreme court~~ attorney general shall 2279  
~~create the~~ provide access to a sample victim's rights request 2280  
form, which shall include the information specified in division 2281  
(B) of this section ~~or a similar form that, at a minimum,~~ 2282

~~contains all the required information listed in division (B) of~~ 2283  
~~this section. The form shall be created in English, Spanish, and~~ 2284  
~~Arabic, and any other languages upon request. The ~~supreme court~~~~ 2285  
~~attorney general shall make the form available to all sheriffs,~~ 2286  
~~marshals, municipal corporation and township police departments,~~ 2287  
~~constables, and other law enforcement agencies, to all~~ 2288  
~~prosecuting attorneys, city directors of law, village~~ 2289  
~~solicitors, and other similar chief legal officers of municipal~~ 2290  
~~corporations, and to organizations that represent or provide~~ 2291  
~~services for victims of crime. Any organization or entity may~~ 2292  
~~use the sample victim's rights request form provided by the~~ 2293  
~~attorney general or a similar form that, at a minimum, contains~~ 2294  
~~all the required information listed in division (B) of this~~ 2295  
~~section.~~ 2296

~~(B) (1) On its initial contact with a victim of a criminal~~ 2297  
~~offense or delinquent act, the law enforcement agency~~ 2298  
~~responsible for investigating the criminal offense or delinquent~~ 2299  
~~act promptly shall provide the victim with a victim's rights~~ 2300  
~~request form or a similar form that, at a minimum, contains the~~ 2301  
~~required information listed in this division and division (B) (2)~~ 2302  
~~of this section. The form may be in print or electronic format~~ 2303  
~~and shall do all of the following:~~ 2304

~~(a) Inform victims of rights that are automatically~~ 2305  
~~granted;~~ 2306

~~(b) Of the rights that are not automatically granted,~~ 2307  
~~allow the victim and victim's representative, if applicable, to~~ 2308  
~~select which rights the victim wishes to request;~~ 2309

~~(c) Inform victims that an election of rights made on the~~ 2310  
~~form can be changed at any time;~~ 2311

(d) Include a section for law enforcement to indicate that 2312  
the victim did not ~~make an election or was unable to~~ complete 2313  
the form at the time of first contact with law enforcement, if 2314  
applicable, ~~and is therefore considered to have requested all-~~ 2315  
~~rights until the prosecutor contacts the victim pursuant to~~ 2316  
~~section 2930.06 of the Revised Code to provide another~~ 2317  
~~opportunity to request any right that is not automatically~~ 2318  
~~conferred by the Ohio Constitution;~~ 2319

(e) Inform the victim and victim's representative that 2320  
failure to affirmatively request the rights that are not 2321  
automatically granted is a waiver of those rights once contacted 2322  
by the prosecutor, but that the victim or victim's 2323  
representative may request those rights at a later date; 2324

(f) Provide a information about the right to designate a 2325  
victim's representative and the method for the victim to 2326  
designate a victim's representative if the victim chooses and 2327  
include a section that allows a victim who has appointed a 2328  
victim's representative the opportunity to opt out of notices; 2329

(g) Include a section ~~where~~ that allows the victim or 2330  
victim's representative ~~shall indicate whether the victim was a~~ 2331  
~~victim against whom the criminal offense or delinquent act was~~ 2332  
~~committed or the victim was directly or proximately harmed by~~ 2333  
~~the commission of the criminal offense or delinquent act~~ to 2334  
request interpretation services and provide the information 2335  
necessary for the criminal justice system official to provide 2336  
those services; 2337

(h) Include a section ~~where the victim or victim's~~ 2338  
~~representative shall indicate~~ that indicates that a law 2339  
enforcement official or the prosecutor provided the form to the 2340  
victim, and indicates whether a law enforcement officer, the 2341

prosecutor, or the victim completed the form; 2342

(i) Include the address, telephone number, and electronic 2343  
mail address, if available, for the victim and victim's 2344  
representative, if applicable; 2345

(j) Include a section to indicate the contact information 2346  
or address for the law enforcement official, incident report 2347  
number, badge number of the law enforcement officer, case 2348  
number, if available, and arraignment date, time and location, 2349  
if known; 2350

(k) ~~Include signature lines for acknowledgment by the~~ 2351  
~~applicable law enforcement officer or agency, prosecutor, or~~ 2352  
~~custodial agent or agency, and victim and victim's~~ 2353  
~~representative;~~Include a section that explains that if a victim 2354  
of violating a protection order, an offense of violence, or a 2355  
sexually oriented offense does not complete the form or request 2356  
the victim's applicable rights on first contact with law 2357  
enforcement, it is considered an assertion of the victim's 2358  
rights until the victim completes the form or requests 2359  
applicable rights, or the prosecutor contacts the victim 2360  
pursuant to section 2930.06 of the Revised Code to provide 2361  
another opportunity to request any right that is not 2362  
automatically conferred under the Ohio Constitution; 2363

(l) Advise victims of the right to counsel and ~~refer~~ 2364  
provide victims information about available no-cost legal 2365  
services to help enforce victims' rights. 2366

(m) Provide information for online or print access to the 2367  
~~victim to the attorney general information card and,~~ victim's 2368  
~~rights handbook online or in print,~~ request form, and 2369  
compilation of victim's bill of rights as described in section 2370



109.42 of the Revised Code, including telephone and web site 2371  
information for obtaining a copy if not provided by law 2372  
enforcement officials, copies; 2373

~~(m)~~ (n) Inform victims of the responsibility to keep 2374  
contact information current with the applicable law enforcement 2375  
official; 2376

~~(n)~~ (o) Provide a section for prosecutors to inform the 2377  
custodial agency of the victim's and victim's representative's, 2378  
if applicable, name and identifying information. ~~The custodial~~ 2379  
~~agency shall notify the victim and victim's representative, if~~ 2380  
~~applicable, of the victim's post-conviction rights and provide~~ 2381  
~~post-conviction information;~~ 2382

~~(o)~~ (p) Contain a statement that the victim's ~~identifying~~ 2383  
~~information on the rights request form~~ is not a public record 2384  
under section 149.43 of the Revised Code; 2385

(q) Include a section that allows the victim or victim's 2386  
representative to request redaction of the victim's name, 2387  
address, and identifying information in case documents related 2388  
to the criminal offense or delinquent act, and that includes all 2389  
of the following: 2390

(i) The ability to select redaction of law enforcement 2391  
records, redaction of prosecutor records, and redaction of court 2392  
records, as set forth under section 2930.07 of the Revised Code; 2393

(ii) An explanation that the right to redaction does not 2394  
apply to motor vehicle accident reports submitted to the 2395  
department of public safety pursuant to section 5502.11 of the 2396  
Revised Code unless the victim sends a separate redaction 2397  
request to the department of public safety; 2398

~~(2) As part of the victim's rights request form, the law~~ 2399

~~enforcement official shall provide an informational page to the~~ 2400  
~~victim that includes information about the following:~~ 2401

~~(a) The fact that some rights are automatic and some~~ 2402  
~~rights are upon request;~~ 2403

~~(b) Appointing a victim representative;~~ 2404

(iii) The contact information for the department of public 2405  
safety where a victim may request redaction of motor vehicle 2406  
accident reports submitted pursuant to section 5502.11 of the 2407  
Revised Code, as provided in division (D)(2) of section 2930.07 2408  
of the Revised Code; 2409

~~(c) The~~ (r) Provide information about the importance of 2410  
the arraignment process for victim's rights; 2411

~~(d) The~~ (s) Provide information about the right to refuse 2412  
interview, deposition and discovery requests from the defendant; 2413

~~(e) The~~ (t) Provide information about the potential 2414  
availability of protection orders; 2415

~~(f) Victims'~~ (u) Provide information about victims' 2416  
compensation and restitution, and the importance of preserving 2417  
documentation during the criminal justice process for purposes 2418  
of obtaining compensation or restitution; 2419

~~(g) Privacy~~ (v) Provide information about privacy for 2420  
victim addresses through the address confidentiality program 2421  
established by section 111.42 of the Revised Code, including the 2422  
web site address and contact telephone number for the program; 2423

~~(h) Tracking~~ (w) Provide information about incarcerated 2424  
offenders through the victim information and notification 2425  
everyday program, including the web site address to register for 2426  
text message or electronic mail notices of offender release. 2427

(C) (1) ~~On documents filed with the court, the victim's~~ 2428  
~~name and identifying information shall be filed separately on a~~ 2429  
~~page that is not a public record under section 149.43 of the~~ 2430  
~~Revised Code so that the identity of the victim or victims~~ 2431  
~~remains confidential.~~ A completed or partially completed 2432  
victim's rights request form is not a public record under 2433  
section 149.43 of the Revised Code. 2434

(2) The prosecutor, the victim, and the victim's 2435  
representative, if applicable, shall be provided a copy of the 2436  
unredacted victim's rights form. The defendant, alleged 2437  
delinquent child, or the attorney for the defendant or alleged 2438  
delinquent child shall be permitted access to the victim's name 2439  
and completed or partially completed victim's rights request 2440  
form with the exception of the victim's and victim 2441  
representative's address, phone number, electronic mail address, 2442  
or other identifying information, unless directed by the court 2443  
under division (B) of section 2930.07 of the Revised Code. 2444

(D) At the time of its initial contact with a victim of a 2445  
criminal offense or delinquent act, or as soon as practicable 2446  
following the initial contact, the law enforcement agency 2447  
responsible for investigating the criminal offense or delinquent 2448  
act shall provide the victim, in writing, or provide access to, 2449  
as specified in division (E) (2) of this section, all of the 2450  
following information: 2451

(1) The victim's rights under this section and the 2452  
victim's bill of rights under Ohio Constitution, Article I, 2453  
Section 10a, including the right to exercise those rights 2454  
through counsel; 2455

(2) The availability of crisis intervention services, 2456  
housing, and emergency and medical services, or contact 2457

information for statewide organizations that can direct victims 2458  
to local resources; 2459

(3) When applicable, the procedures and resources 2460  
available for the protection of the victim, including protection 2461  
orders issued by the courts; 2462

(4) Information about public and private victim services 2463  
programs, including, but not limited to, the crime victims 2464  
compensation program and emergency shelter programs, or, if 2465  
local information is not available, contact information for 2466  
statewide organizations that can direct a victim to these types 2467  
of resources; 2468

(5) The police report number, if applicable, business 2469  
telephone number of the law enforcement agency investigating the 2470  
victim's case, and the office address and business telephone 2471  
number of the prosecutor in the victim's case, when available. 2472

~~(E)~~ (E) (1) The law enforcement officer responsible for 2473  
providing information under this section shall use reasonable 2474  
efforts to identify the victim. At a minimum, this information 2475  
should be disseminated to the individual or individuals 2476  
identified in the police report as victims. 2477

(2) If the law enforcement officer generates a report, the 2478  
law enforcement agency shall do one of the following: 2479

(a) If the offense for which the report is generated is 2480  
violating a protection order, an offense of violence, or a 2481  
sexually oriented offense, on initial contact with the victim, 2482  
the law enforcement agency shall collect and retain an ~~executed~~ 2483  
a completed copy of the victim's rights request form or a form 2484  
that, at a minimum, contains the required information listed in 2485  
division (B) of this section from the individual identified as 2486

the victim in the report. If at the time of contact with a law 2487  
enforcement agency the victim does not complete the form for any 2488  
reason or request the victim's applicable rights, the law 2489  
enforcement agency shall designate this on the form. The law 2490  
enforcement agency shall use the form to document the name and 2491  
contact information of the victim and the victim's 2492  
representative, if applicable, or shall ensure the victim's 2493  
noncompletion is documented in a written or electronic police 2494  
report, along with the names of the victim and victim's 2495  
representative, if applicable, and shall provide the prosecutor 2496  
with access to the form or this report. The form or report shall 2497  
be available to the victim upon request. The victim's ~~refusal-~~ 2498  
~~failure to complete the form or to request or waive~~ the victim's 2499  
applicable rights under this division shall be considered an 2500  
assertion of the victim's rights, including redaction, until the 2501  
prosecutor contacts the victim ~~within seven days of initiation-~~ 2502  
~~of a criminal prosecution~~ pursuant to section 2930.06 of the 2503  
Revised Code to provide another opportunity to request any right 2504  
that is not automatically conferred under the Ohio Constitution. 2505

(b) A law enforcement agency that does not obtain a 2506  
completed form from a victim of violating a protection order, an 2507  
offense of violence, or a sexually oriented offense shall do all 2508  
of the following: 2509

(i) Review the form with the victim, or victim's 2510  
representative, if applicable; 2511

(ii) Provide the victim with a copy of the form; 2512

(iii) Provide the victim with the arraignment information 2513  
as set forth in section 2930.05 of the Revised Code that would 2514  
also be provided to a victim if the victim completes the form. 2515

(c) If the offense for which the report is generated is 2516  
not violating a protection order, an offense of violence, or a 2517  
sexually oriented offense, the law enforcement agency shall 2518  
provide the victim with information on how to obtain a copy of 2519  
the form and the compilation prepared under section 109.42 of 2520  
the Revised Code, or, if practicable, the agency may provide a 2521  
copy of the form and review the victim's rights with the victim. 2522

(F) If a suspect is arrested, the law enforcement agency 2523  
shall submit ~~an executed a~~ copy of the victim's rights request 2524  
form if one was completed upon initial contact with law 2525  
enforcement, or the name and contact information for the victim 2526  
and victim's representative, if applicable, to the custodial 2527  
agency as soon as practicable once the law enforcement agency 2528  
learns of the suspect's arrest. 2529

~~(G) On the filing of charges or a complaint, the law~~ 2530  
~~enforcement agency shall submit an executed copy of that form to~~ 2531  
~~the prosecutor and to the court. The prosecutor shall review the~~ 2532  
~~victim's rights request form with the victim or victim's~~ 2533  
~~representative and obtain signatures from the victim and~~ 2534  
~~victim's representative, if applicable, if the form was not~~ 2535  
~~previously completed with law enforcement and shall file the~~ 2536  
~~form with the court within seven days after initiation of a~~ 2537  
~~criminal prosecution.~~ 2538

~~(H)~~ If a suspect is cited and released, the law 2539  
enforcement agency responsible for investigating the offense 2540  
shall inform the victim and the victim's representative, if 2541  
applicable, of the court date, if known, and how to obtain 2542  
additional information from the clerk of the court about the 2543  
arraignment or initial appearance. 2544

~~(I)~~ (H) To the extent that the information required by this 2545

section is provided in the victim's rights request form created 2546  
under this section and the ~~pamphlet~~ compilation prepared 2547  
pursuant to section 109.42 of the Revised Code or in the 2548  
information card or other material prepared pursuant to section 2549  
2743.71 of the Revised Code, the law enforcement agency may 2550  
fulfill that portion of its obligations under this section by 2551  
giving or providing access to that form, ~~pamphlet~~ compilation, 2552  
information card, or other material to the victim. 2553

~~(J) (1) Once completed, the law enforcement agency shall 2554  
provide the victim's rights request form with the information of 2555  
the victim or victims to the prosecutor with the complaint and 2556  
affidavit and provide it to the court at the time of criminal 2557  
case filing. 2558~~

~~(2) If the form containing the information of the victim 2559  
or victims as described in division (B) of this section is not 2560  
completed and sent to the prosecutor prior to the first 2561  
interaction between the prosecutor and the victim or victims, 2562  
then the prosecutor shall complete the form during the 2563  
prosecutor's first interaction with the victim. (I) (1) (a) On the 2564  
filing of charges or a complaint, the law enforcement agency 2565  
shall submit a copy of the victim's rights request form if 2566  
completed, or a copy of the police report that contains the name 2567  
and contact information of the victim or victim's 2568  
representative, if applicable, and indicates the victim's 2569  
noncompletion of the form, to the prosecutor and to the court if 2570  
the victim is a victim of violating a protection order, an 2571  
offense of violence, or a sexually oriented offense. 2572~~

(b) For all other violations, the law enforcement agency 2573  
shall submit a copy of the victim's rights request form to the 2574  
prosecutor and to the court when the victim has submitted a form 2575

to the law enforcement agency. 2576

(2) During the first interaction between the prosecutor 2577  
and the victim, the prosecutor shall review the victim's rights 2578  
request form with the victim, or victim's representative, if 2579  
applicable, if the form was not previously completed with law 2580  
enforcement, and shall file the form with the court after 2581  
initiation of a criminal prosecution and provide a copy to law 2582  
enforcement. 2583

(3) A victim may elect not to receive the notifications 2584  
described in division (B)(1) of this section, in which case the 2585  
prosecutor shall document that refusal. Once the prosecutor has 2586  
met with the victim, the prosecutor shall file the completed or 2587  
updated victim's rights request form with the court. 2588

(4) If a defendant is convicted and sentenced to the 2589  
department of rehabilitation and correction or the department of 2590  
youth services, the court shall ask the victim or victim's 2591  
representative, if present, or the prosecutor if the victim 2592  
wishes to update the victim's contact information, notifications 2593  
or other opt-in rights, and shall inform the victim or victim's 2594  
representative that it is the victim's or victim's 2595  
representative's duty to notify the department of rehabilitation 2596  
and correction or department of youth services of any change in 2597  
address or contact information. The court shall forward a copy 2598  
of the most recently filed form to the custodial agency to which 2599  
the defendant is sentenced and to the probation department, if 2600  
applicable. 2601

(K) (1) A person, who by reason of that person's regular 2602  
business activities, is the subject of multiple and continuing 2603  
criminal offenses or delinquent acts as a potential victim, may 2604  
opt out of notices and rights available pursuant to the Ohio 2605



Constitution, Chapter 2930. of the Revised Code, and other laws 2606  
providing victims with rights for future offenses by giving a 2607  
written notification form to the appropriate prosecutor or the 2608  
prosecutor's designee. 2609

(2) The form shall include the name and address of the 2610  
person's business and the period of time that the person wishes 2611  
to opt out of receiving the notices and rights available. The 2612  
form may also state that the person is only interested in the 2613  
notices described in this section if restitution is at issue. It 2614  
shall be signed by the person or another person with management 2615  
authority over the business. 2616

(L) As used in this section, "sexually oriented offense" 2617  
has the same meaning as in section 2950.01 of the Revised Code. 2618

**Sec. 2930.041.** (A) Pursuant to the "Americans with 2619  
Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101, as 2620  
amended, a victim with a disability has the right to a ~~qualified~~ 2621  
~~or certified~~ registered or certified American sign language 2622  
interpreter on the registry for interpreters for the deaf at all 2623  
court proceedings, all meetings with the prosecutor, and all 2624  
investigative contacts with law enforcement, the probation 2625  
department, the department of rehabilitation and correction, and 2626  
the department of youth services, at no cost to the victim ~~and~~ 2627  
~~paid for by the court.~~ The costs of the interpreter shall be 2628  
paid for as follows: 2629

(1) By the court at all court proceedings and for all 2630  
contacts with the probation department; 2631

(2) By the prosecutor at all meetings with the prosecutor; 2632

(3) By the law enforcement agency for all investigative 2633  
contacts with law enforcement; 2634

(4) By the custodial agency for all contacts with the 2635  
department of rehabilitation and correction or the department of 2636  
youth services. 2637

~~(B)~~ (B) (1) A victim who is non-English speaking or has 2638  
limited English proficiency has the right to a ~~qualified or~~ 2639  
certified, provisional, registered, or language-skilled foreign 2640  
language interpreter at all ~~court~~ of the following at no cost to 2641  
the victim: 2642

(a) Court proceedings, ~~all meetings;~~ 2643

(b) Meetings with the prosecutor, ~~and all investigative;~~ 2644

(c) Investigative contacts with law enforcement except 2645  
that law enforcement officers in the field may utilize 2646  
technology assisted interpretation if interpretation services 2647  
are not reasonably available; 2648

(d) Contacts with the probation department; 2649

(e) Contacts with the department of rehabilitation and 2650  
correction, and the department of youth services, ~~at no cost to~~ 2651  
~~the victim and paid for by the court.~~ 2652

(2) The costs of a foreign language interpreter described 2653  
in division (B) (1) of this section shall be paid for as follows: 2654

(a) By the court at all court proceedings and for all 2655  
contacts with the probation department; 2656

(b) By the prosecutor at all meetings with the prosecutor; 2657

(c) By the law enforcement agency for all investigative 2658  
contacts with law enforcement; 2659

(d) By the custodial agency for all contacts with the 2660  
department of rehabilitation and correction or the department of 2661

youth services. 2662

(C) The victim's right to a ~~qualified or certified~~ 2663  
certified, provisional, registered, or language-skilled foreign 2664  
language interpreter under division (B) of this section is 2665  
subject to availability but is not subject to the cost of 2666  
retaining a ~~qualified or certified~~ an interpreter. Any agency 2667  
described in division (B) of this section that is unable to 2668  
provide a victim with a ~~qualified or certified~~ an interpreter as 2669  
required by division (B) of this section shall maintain records 2670  
of the agency's attempt to comply with this requirement. 2671

~~(D) As used in this section, "qualified interpreter" has~~ 2672  
~~the same meaning as in the "Americans with Disabilities Act of~~ 2673  
~~1990," 42 U.S.C. 12101, as amended.~~ 2674

**Sec. 2930.06.** (A) (1) The prosecutor in a case or the 2675  
prosecutor's designee, to the extent practicable, shall, on the 2676  
victim's request, confer with the victim and the victim's 2677  
representative, if applicable, at each of the following stages: 2678

(a) Before pretrial diversion is granted to the defendant 2679  
or alleged juvenile offender in the case; 2680

(b) Before amending or dismissing an indictment, 2681  
information, or complaint against that defendant or alleged 2682  
juvenile offender, unless the amendment to the indictment, 2683  
information, or complaint is a correction of a procedural defect 2684  
that is not substantive in nature; 2685

(c) Before agreeing to a negotiated plea for that 2686  
defendant or alleged juvenile offender; 2687

(d) Before a trial of that defendant by judge or jury; 2688

(e) Before the juvenile court conducts an adjudicatory 2689

hearing for that alleged juvenile offender. 2690

(2) If the juvenile court disposes of a case prior to the 2691  
prosecutor's involvement in the case, the court or a court 2692  
employee shall notify the victim and the victim's representative 2693  
in the case, if applicable, that the alleged juvenile offender 2694  
will be granted pretrial diversion, the complaint against that 2695  
alleged juvenile offender will be amended or dismissed, or the 2696  
court will conduct an adjudicatory hearing for that alleged 2697  
juvenile offender. 2698

(3) At a hearing at any of the stages listed in division 2699  
(A) (1) of this section, the court shall inquire as to whether 2700  
the victim or victim's representative, if applicable, requested 2701  
to confer with the prosecutor, and whether or not the prosecutor 2702  
conferred with the victim and the victim's representative, if 2703  
applicable. If the prosecutor fails to confer with the victim 2704  
and the victim's representative, if applicable, at any of those 2705  
times, the court shall note on the record the failure and the 2706  
prosecutor's reasons for the failure. Except as provided in 2707  
division (A) (5) of this section, if the court determines that 2708  
reasonable efforts were not made to confer with the victim and 2709  
victim's representative, if applicable, or reasonable efforts 2710  
were not made to provide reasonable and timely notice of the 2711  
time, place, and nature of the court proceeding to the victim 2712  
and victim's representative, if applicable, as required by this 2713  
section or by Ohio Constitution, Article I, Section 10a, the 2714  
court shall not rule on any substantive issue that implicates a 2715  
victim's right, accept a plea, or impose a sentence, and shall 2716  
continue the court proceeding for the time necessary to provide 2717  
the required notice to the victim and victim's representative, 2718  
if applicable. A prosecutor's failure to confer with a victim as 2719  
required by this division and a court's failure to provide the 2720

notice as required by this division do not affect the validity 2721  
of an agreement between the prosecutor and the defendant or 2722  
alleged juvenile offender in the case, a pretrial diversion of 2723  
the defendant or alleged juvenile offender, an amendment or 2724  
dismissal of an indictment, information, or complaint filed 2725  
against the defendant or alleged juvenile offender, a plea 2726  
entered by the defendant or alleged juvenile defender, an 2727  
admission entered by the defendant or alleged juvenile offender, 2728  
or any other disposition in the case. 2729

(4) A court shall not dismiss a criminal complaint, 2730  
charge, information, or indictment or a delinquent child 2731  
complaint solely at the request of the victim or victim's 2732  
representative and over the objection of the prosecuting 2733  
attorney, village solicitor, city director of law, or other 2734  
chief legal officer responsible for the prosecution of the case. 2735

(5) Nothing in this section prohibits a court from taking 2736  
any action necessary to ensure that a person charged with an 2737  
offense is brought to trial within the time required by sections 2738  
2945.71 and 2945.72 of the Revised Code and a defendant's 2739  
constitutional right to a speedy trial. 2740

(B) On request of the victim or the victim's 2741  
representative, the prosecutor shall keep the victim and the 2742  
victim's representative, if applicable, apprised of requests and 2743  
communications from the defendant, alleged juvenile offender, 2744  
the attorney for the defendant or alleged juvenile offender, or 2745  
the agent of the defendant or alleged juvenile offender that 2746  
could affect the victim's privacy rights or safety concerns. 2747

(C) ~~Within fourteen days after~~ After a prosecution in a 2748  
case has been commenced, the prosecutor or a designee of the 2749  
prosecutor other than a court or court employee ~~promptly~~ shall 2750

give the victim and the victim's representative, if applicable, 2751  
all of the following information within a reasonable time frame, 2752  
except that, if the juvenile court disposes of a case prior to 2753  
the prosecutor's involvement in the case, the court or a court 2754  
employee promptly shall give the victim and the victim's 2755  
representative all of the following information: 2756

(1) The name of the criminal offense or delinquent act 2757  
with which the defendant or alleged juvenile offender in the 2758  
case has been charged and the name of the defendant or alleged 2759  
juvenile offender; 2760

(2) The file number of the case; 2761

(3) ~~A clear and concise statement regarding~~ An explanation 2762  
of the procedural steps in a criminal prosecution or delinquency 2763  
proceeding involving a criminal offense or delinquent act 2764  
similar to the criminal offense or delinquent act with which the 2765  
defendant or alleged juvenile offender has been charged and the 2766  
right of the victim and victim's representative to be present 2767  
during all proceedings held throughout the prosecution of the 2768  
case; 2769

(4) A summary of the rights of a victim under this chapter 2770  
and under Section 10a of Article I of the Ohio Constitution; 2771

(5) Procedures the victim, the victim's representative, or 2772  
the prosecutor may follow if the victim becomes subject to 2773  
threats of violence, harassment, or intimidation by the 2774  
defendant, alleged juvenile offender, or any other person; 2775

(6) The name and business telephone number of the office 2776  
to contact for further information with respect to the case; 2777

~~(7) The right of the victim to have a victim's~~ 2778  
~~representative exercise the victim's rights under this chapter~~ 2779

~~in accordance with section 2930.02 of the Revised Code and the  
procedure by which a victim's representative may be designated;~~ 2780  
2781

~~(8) The right of the victim and victim's representative,  
if applicable, to confer with the prosecutor on request and the  
procedures the victim or victim's representative shall follow to  
confer with the prosecutor;~~ 2782  
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2784  
2785

~~(9) The fact that the victim can seek the advice of an  
attorney or have legal representation to enforce the victim's  
rights;~~ 2786  
2787  
2788

~~(10) Notice that any notification under division (E) of  
this section, sections 2930.08 to 2930.15, division (A), (B), or  
(C) of section 2930.16, sections 2930.17 to 2930.19, and section  
5139.56 of the Revised Code will be given to the victim and the  
victim's representative, if applicable, only if the victim or  
victim's representative asks to receive the notification and  
that notice under division (E) (2) or (K) of section 2929.20,  
division (D) of section 2930.16, division (H) of section  
2967.12, division (A) (3) (b) of section 2967.26, division (D) (1)  
of section 2967.28, or division (A) (2) of section 5149.101 of  
the Revised Code will be given unless the victim and the  
victim's representative, if applicable, ask that the  
notification not be provided;~~ 2789  
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~~(11) (a) (7) (a)~~ The victim's rights request form, or a 2802  
similar form that, at a minimum, contains the required 2803  
information listed in this section and on the victim's rights 2804  
request form, that allows the victim and the victim's 2805  
representative, if applicable, to request applicable rights to 2806  
which the victim and victim's representative are entitled under 2807  
this chapter, including notice to the victim and the victim's 2808  
representative that failure to affirmatively request these 2809

rights will be considered a waiver of these rights, but that the 2810  
victim or victim's representative may request these rights at a 2811  
later date; 2812

(b) A person who, by reason of that person's regular 2813  
business activities, is the subject of multiple and continuing 2814  
criminal offenses or delinquent acts as a potential victim may 2815  
choose to opt out of the notices and rights available pursuant 2816  
to the Ohio Constitution, Chapter 2930. of the Revised Code, and 2817  
any other provision of the Revised Code that provides a victim 2818  
with rights for future offenses by giving a written notification 2819  
form to the appropriate prosecutor or prosecutor's designee. The 2820  
form shall include the name and address of the person's business 2821  
and the period of time that the person wishes to opt out of the 2822  
applicable notices and rights and may also state that the person 2823  
is only interested in the applicable notices if restitution is 2824  
at issue. The form shall be signed by the person or another 2825  
person with management authority of the business. 2826

(D) Unless a shorter notice period is reasonable under the 2827  
circumstances, the court shall provide the prosecutor or 2828  
prosecutor's designee with oral or written notice of any court 2829  
proceeding not less than ten days prior to that court proceeding 2830  
unless the parties agree that a shorter notice period is 2831  
reasonable under the circumstances. 2832

(E) On the request of the victim or victim's 2833  
representative, the prosecutor or, if it is a delinquency 2834  
proceeding and a prosecutor is not involved in the case, the 2835  
court shall give the victim and the victim's representative, if 2836  
applicable, notice of the date, time, and place of any criminal 2837  
or juvenile proceedings in the case and notice of any changes in 2838  
those proceedings or in the schedule in the case not less than 2839



seven days prior to the criminal or juvenile proceedings in the 2840  
case unless the parties agree that a shorter notice period is 2841  
reasonable under the circumstances. 2842

(F) A victim or victim's representative who requests 2843  
notice under division (E) of this section and who elects 2844  
pursuant to division (B) of section 2930.03 of the Revised Code 2845  
to receive any further notice from the prosecutor or, if it is a 2846  
delinquency proceeding and a prosecutor is not involved in the 2847  
case, the court under this chapter shall keep the prosecutor or 2848  
the court informed of the victim's or victim's representative's 2849  
contact information. 2850

(G) A prosecutor, the prosecutor's designee, or a court 2851  
that is required to notify a victim or victim's representative 2852  
of hearings, on request, shall attempt a notification and keep a 2853  
record of attempted notifications ~~in the same manner as~~ 2854  
~~described in divisions (D) (1) and (2) of section 2930.16 of the~~ 2855  
~~Revised Code. The record shall indicate the person who was to be~~ 2856  
the recipient of the notice, the date on which the attempt was 2857  
made, the manner in which the attempt was made, and the person 2858  
who made the attempt. The notification shall be provided to the 2859  
victim using the victim contact information provided on the 2860  
victims' rights request form or otherwise provided by the victim 2861  
or victim representative by any reasonable means, including 2862  
regular mail, telephone, or electronic mail. 2863

(H) The prosecutor shall review the victim's rights 2864  
request form with the victim or victim's representative and may 2865  
obtain the victim's and victim's representative's, if 2866  
applicable, signatures if the form was not previously completed 2867  
with law enforcement and shall file this form with the court 2868  
within seven days after initiation of a criminal prosecution. 2869

**Sec. 2930.063.** (A) ~~On request~~Unless otherwise provided, a 2870  
victim, victim's attorney, or victim's representative has the 2871  
right to receive ~~a copy of the~~ copies free of charge of any of 2872  
the following: 2873

(1) Court records available for public access related to 2874  
the victim's case, including the offender's payment history in 2875  
the criminal or delinquency matter when sentenced to pay 2876  
restitution, a fine, or incarceration costs; 2877

(2) Any certificate of judgement and the judgment obtained 2878  
by a victim executing on a restitution order; 2879

(3) The judgment entry ordering restitution be paid from 2880  
the offender to the victim; 2881

(4) Any proceedings in aid of execution thereof from the 2882  
clerk ~~at no cost to the victim. Copies of other case documents~~ 2883  
Certified copies may be requested and provided by the clerk at 2884  
actual cost. ~~Copies provided pursuant to this division may be~~ 2885  
~~provided in electronic format.~~ 2886

(B) ~~In any criminal or delinquency proceeding in which a~~ 2887  
~~video recording or audio recording of the court proceedings has~~ 2888  
~~been previously prepared, the~~ A victim, victim's attorney, or 2889  
victim's representative may obtain a ~~copy of the~~ video recording 2890  
or audio recording of the offender's criminal or delinquency 2891  
court proceedings that has been previously prepared for the 2892  
actual cost to copy the video recording or audio recording. If a 2893  
written transcript of the court proceedings has been previously 2894  
prepared, the victim, victim's attorney, or victim's 2895  
representative may obtain a copy of the transcript at the same 2896  
reduced cost that is available to a party to the case. 2897

(C) Any copies provided pursuant to this section may be 2898

provided in electronic format. 2899

**Sec. 2930.07.** (A) As used in this section: 2900

(1) (a) "Case document" means a document or information in 2901  
a document, or audio or video recording of a victim of violating 2902  
a protection order, an offense of violence, or a sexually 2903  
oriented offense, regarding a case that is submitted to a court, 2904  
a law enforcement agency or officer, or a prosecutor or filed 2905  
with a clerk of court, including, but not limited to, pleadings, 2906  
motions, exhibits, transcripts, orders, and judgments, or any 2907  
documentation, including audio or video recordings of a victim 2908  
of violating a protection order, an offense of violence, or a 2909  
sexually oriented offense, prepared or created by a court, clerk 2910  
of court, or law enforcement agency or officer, or a prosecutor 2911  
regarding a case. 2912

(b) "Case document" does not include materials subject to 2913  
the work product doctrine, materials that by law are subject to 2914  
privilege or confidentiality, or materials that are otherwise 2915  
protected or prohibited from disclosure by state or federal law. 2916  
"Case document" also does not include motor vehicle accident 2917  
reports submitted to the department of public safety pursuant to 2918  
section 5502.11 of the Revised Code unless the victim or 2919  
victim's representative requests redaction pursuant to division 2920  
(B) (1) (p) of section 2930.04 of the Revised Code. 2921

(2) "Court" has the same meaning as in section 2930.01 of 2922  
the Revised Code and includes a court of appeals and the supreme 2923  
court. 2924

(3) "Minor victim" means any person who was under eighteen 2925  
years of age at the time of the commission of the criminal 2926  
offense or delinquent act of which the person is a victim. 2927

(4) "Public office" and "public official" have the same 2928  
meanings as in section 149.011 of the Revised Code. 2929

(5) "Sexually oriented offense" has the same meaning as in 2930  
section 2950.01 of the Revised Code. 2931

(B) The victim and victim's representative, if applicable, 2932  
have the right at any court proceeding, including any juvenile 2933  
court proceeding, not to testify regarding the victim's address, 2934  
telephone number, place of employment, or other locating 2935  
information unless the victim specifically consents or the court 2936  
determines that the fundamental demands of due process of law in 2937  
the fair administration of criminal justice prevails over the 2938  
victim's rights to keep the information confidential. 2939

The court shall make this determination pursuant to an in- 2940  
camera review. If the court determines that the information 2941  
shall be disclosed, the court proceeding shall be closed during 2942  
the disclosure. 2943

(C) Any public office or public official that is charged 2944  
with the responsibility of knowing the name, address, or other 2945  
identifying information of a victim or victim's representative 2946  
as part of the office's or official's duties shall have full and 2947  
complete access to the name, address, or other identifying 2948  
information of the victim or victim's representative. That 2949  
public office or public official shall take measures to prevent 2950  
the public disclosure of the name, address, or other identifying 2951  
information of the victim or victim's representative through the 2952  
use of redaction as set forth in division (D) of this section. 2953  
Nothing in this section prevents a public agency from 2954  
maintaining unredacted records of a victim's or victim's 2955  
representative's name, contact information, and identifying 2956  
information for its own records and use or a public office or 2957

public official from allowing another public office or public 2958  
official to access or obtain copies of its unredacted records. 2959  
The release of unredacted records to a public office or official 2960  
does not constitute a waiver of any exemption or exception 2961  
pursuant to section 149.43 of the Revised Code. This section 2962  
prohibits the public release of unredacted case documents 2963  
pursuant to division (A) (1) (v) of section 149.43 of the Revised 2964  
Code and division (D) of this section. 2965

~~(D) (1) (D) (1) (a) (i)~~ On written request of the victim or 2966  
victim's representative to a law enforcement agency ~~or,~~ 2967  
prosecutor's office ~~and following a brief explanation from that~~ 2968  
~~law enforcement agency or prosecutor's office of the potential~~ 2969  
~~risks and benefits of redaction and the ability of the victim to~~ 2970  
~~retain counsel, or court,~~ all case documents related to the 2971  
cases or matters specified by the victim maintained by the 2972  
entity to whom the victim or victim's representative submitted 2973  
the request shall be redacted prior to public release pursuant 2974  
to section 149.43 of the Revised Code to remove the name, 2975  
address, or other identifying information of the victim. 2976

(ii) If the victim of violating a protection order, an 2977  
offense of violence, or a sexually oriented offense, or the 2978  
victim's representative, was unable to complete the form at the 2979  
time of first contact with law enforcement pursuant to section 2980  
2930.04 of the Revised Code, until the victim's initial 2981  
interaction with a prosecutor, all case documents related to the 2982  
cases or matters currently before the court regarding that 2983  
offense shall be redacted prior to public release pursuant to 2984  
section 149.43 of the Revised Code to remove the name, address, 2985  
or other identifying information of the victim. 2986

(b) If the victim or victim's representative uses the 2987

victims' rights request form to request redaction, that 2988  
redaction request applies only to the case or cases to which the 2989  
form pertains. If the victim requests redaction using some other 2990  
manner than the victims' rights request form, that written 2991  
request shall specify the cases or matters to which the request 2992  
applies. 2993

(2) On written ~~application under seal~~request of a victim 2994  
or victim's representative to ~~a court, and following a brief~~ 2995  
~~explanation from that court of the potential risks and benefits~~ 2996  
~~of redaction and the ability of the victim to retain counsel,~~ 2997  
~~all case documents related to the cases or matters specified by~~ 2998  
~~the victim maintained by the entity to whom the victim or~~ 2999  
~~victim's representative submitted the request shall be redacted~~ 3000  
~~prior to public release pursuant to the supreme court Rules of~~ 3001  
~~Superintendence to remove the name, address, or other~~ 3002  
~~identifying information of the victim. The application shall be~~ 3003  
~~deemed to be filed under seal and the court shall promptly rule~~ 3004  
~~on the application. The court shall not release any unredacted~~ 3005  
~~records while the application is pending~~the department of public 3006  
safety, through the contact information provided under division 3007  
(B) (1) (p) of section 2930.04 of the Revised Code, a report 3008  
submitted pursuant to section 5502.11 of the Revised Code as 3009  
maintained by the department of public safety shall be redacted 3010  
prior to public release as a public record under section 149.43 3011  
of the Revised Code to remove the name, address, or other 3012  
identifying information of the victim. 3013

(3) If multiple victims are involved in a single case, the 3014  
public office or official shall take reasonable precautions to 3015  
protect the information of the victims from other victims, 3016  
unless all of the victims consent to the release of information. 3017

~~(E) (1)~~ (E) (1) (a) Once a case is closed or inactive, a 3018  
victim or victim's attorney, if applicable, may view the 3019  
recorded forensic interview of a minor victim or developmentally 3020  
disabled victim upon request. The victim or victim's attorney 3021  
shall be permitted to view the unredacted forensic interview at 3022  
the location of the child advocacy center or other agency 3023  
responsible for the forensic interview. An employee or designee 3024  
of the child advocacy center or agency shall be present at all 3025  
times during the victim's or victim's attorney's viewing of the 3026  
interview. The victim or victim's attorney shall not be 3027  
permitted to record, copy, photograph, or remove from the 3028  
location the forensic interview or any materials summarizing, 3029  
documenting, transcribing, or otherwise associated with the 3030  
forensic interview. The release of an unredacted copy of any 3031  
recorded forensic interview to a victim, victim's attorney, or 3032  
victim's representative pursuant to this division is not a 3033  
violation of section 2151.421 of the Revised Code. 3034

(b) Once a case is closed or inactive, on written 3035  
application under seal to the court of common pleas in the 3036  
county in which the forensic interview was recorded, a victim, 3037  
victim's attorney, if applicable, or victim's representative may 3038  
request an unredacted copy of any recorded forensic interview of 3039  
a minor victim or developmentally disabled victim. 3040

(2) Upon receiving the application, the court shall notify 3041  
the child advocacy center or other agency responsible for the 3042  
forensic interview and shall provide the child advocacy center 3043  
or other agency an opportunity to respond or object to the 3044  
application. While the application is pending, the child 3045  
advocacy center or other agency responsible for the forensic 3046  
interview shall not make available for inspection or otherwise 3047  
disclose the forensic interview or associated materials to the 3048

applicant or any person or entity acting on behalf of the 3049  
applicant. 3050

(3) The forensic interview shall be made available to the 3051  
court for an in-camera review. 3052

(4) The court may grant the application only upon an 3053  
express finding that allowing the applicant to receive an 3054  
unredacted copy of the forensic interview is in the interest of 3055  
the victim under the totality of the circumstances. 3056

(F) This section does not apply to any disclosure of the 3057  
name, address, or other identifying information of a victim that 3058  
is required to be made in the statewide emergency alert program 3059  
under section 5502.52 of the Revised Code, missing person alert 3060  
system, or other similar alert system. 3061

(2) This section does not apply to any disclosure of the 3062  
name, address, or other identifying information of a ~~minor~~ 3063  
victim of a criminal offense or delinquent act that resulted in 3064  
the death of the ~~minor~~-victim. 3065

(3) Nothing in this section shall prevent a victim, a 3066  
victim's representative, or a victim's attorney from receiving a 3067  
copy of any case document with the victim's name, contact 3068  
information, and identifying information unredacted. A public 3069  
office's or official's provision of a copy of a case document 3070  
with the victim's name, contact information, and identifying 3071  
information unredacted to a victim, victim's representative, or 3072  
victim's attorney, if applicable, does not constitute a waiver 3073  
of any exemption or exception under section 149.43 of the 3074  
Revised Code. ~~A victim or victim's attorney shall receive an~~ 3075  
~~unredacted copy of any recorded forensic interview of a minor~~ 3076  
~~victim or developmentally disabled victim. A victim's~~ 3077



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

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

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

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

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

(6) Nothing in this section prevents a law enforcement agency or prosecutor from providing a victim's preferred contact information to a designated agency that provides victim services and rights notification, and any release of documents or information to a law enforcement officer or public official's designee does not constitute a waiver of a victim's right to redaction under this section.

**Sec. 2930.161.** (A) On request of a victim or victim's representative who has provided a current address or other current contact information, the court ~~or the court's designee~~

shall notify the victim and victim's representative, if 3107  
applicable, of any of the following: 3108

(1) A probation or community control revocation 3109  
disposition proceeding or any proceeding in which the court is 3110  
asked to terminate the probation or community control of a 3111  
person who was convicted of committing a criminal offense 3112  
against the victim; 3113

(2) Any hearing on a proposed modification on the terms of 3114  
probation or community control; 3115

(3) If the person is on supervised probation or community 3116  
control, the arrest of the person pursuant to a warrant issued 3117  
for a probation or community control violation; 3118

(4) The defendant's or alleged juvenile offender's failure 3119  
to successfully complete a diversion or substantially similar 3120  
program. 3121

(B) On request of a victim or victim's representative who 3122  
has provided current contact information, the probation 3123  
department shall notify the victim and victim's representative, 3124  
if applicable, of the following as soon as it becomes known to 3125  
the probation department: 3126

(1) Any proposed modification to any term of probation or 3127  
community control if the modification affects restitution, 3128  
incarceration, or detention status or the defendant's or alleged 3129  
juvenile offender's contact with or safety of the victim; 3130

(2) The victim's and victim's representative's right to be 3131  
heard at a hearing that is set to consider any modification to 3132  
be made to any term of probation or community control; 3133

(3) Any violation of any term of probation or community 3134

control that results in the filing of a petition with the court 3135  
to revoke probation or community control; 3136

(4) Following a risk assessment of the terms of probation 3137  
or community control, including the period of supervision and 3138  
any modifications to the terms of probation or community 3139  
control, any restricted locations and any other conditions of 3140  
probation or community control that impact victim safety. 3141

**Sec. 2930.171.** (A) In determining whether to grant an 3142  
application to seal ~~a record of conviction pursuant to section~~ 3143  
~~2953.32 of the Revised Code or an application to seal or expunge~~ 3144  
a juvenile record pursuant to section 2151.356 or 2151.358 of 3145  
the Revised Code, the court shall notify the prosecutor 3146  
regarding the hearing of the matter not less than thirty days 3147  
before the hearing. In determining whether to grant an 3148  
application to seal a record of conviction pursuant to section 3149  
2953.32 of the Revised Code, the court shall notify the 3150  
prosecutor not less than sixty days before the hearing, unless a 3151  
shorter notice period is agreed to by the prosecutor and the 3152  
court. The prosecutor shall provide timely notice to a victim of 3153  
the criminal offense or delinquent act for which the offender or 3154  
juvenile was incarcerated or committed and the victim's 3155  
representative, if applicable, if the victim or victim's 3156  
representative has requested notice and maintains current 3157  
contact information with the prosecutor. The court shall permit 3158  
a victim, the victim's representative, and the victim's 3159  
attorney, if applicable, to make a statement, in addition to any 3160  
other statement made under this chapter, concerning the effects 3161  
of the criminal offense or delinquent act on the victim, the 3162  
circumstances surrounding the criminal offense or delinquent 3163  
act, the manner in which the criminal offense or delinquent act 3164  
was perpetrated, and the victim's, victim's representative's, or 3165

victim's attorney's, if applicable, opinion whether the record should be sealed or expunged. The victim, victim's representative, or victim's attorney, if applicable, may be heard in writing, orally, or both at the victim's, victim's representative's, or victim's attorney's, if applicable, discretion. The court shall give the offender or juvenile an opportunity to review a copy of any written impact statement made by the victim, victim's representative, and victim's attorney, if applicable, under this division. The court shall give to either the adult parole authority or the department of youth services, whichever is applicable, a copy of any written impact statement made by the victim, victim's representative, and victim's attorney, if applicable, under this division.

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

(C) Upon making a determination whether to grant an application to seal a record of conviction pursuant to section 2953.32 of the Revised Code or an application to seal or expunge a juvenile record pursuant to section 2151.356 or 2151.358 of the Revised Code, the court promptly shall notify the prosecutor of the determination. The prosecutor shall promptly notify the victim and the victim's representative, if applicable, after receiving the notice from the court.

**Sec. 2930.19.** (A) (1) A victim, victim's representative, or victim's attorney, if applicable, or the prosecutor, on request of the victim, has standing as a matter of right to assert, or to challenge an order denying, the rights of the victim provided

by law in any judicial or administrative proceeding. The trial 3196  
court shall act promptly on a request to enforce, or on a 3197  
challenge of an order denying, the rights of the victim. In any 3198  
case, the trial court shall hear the matter within ten days of 3199  
the assertion of the victim's rights. The reasons for any 3200  
decision denying relief under this section shall be clearly 3201  
stated on the record or in a judgment entry. 3202

(2) (a) If the trial court denies the relief sought under 3203  
division (A) (1) of this section, the trial court shall do all of 3204  
the following: 3205

(i) Provide the victim, the victim's representative, if 3206  
applicable, the victim's attorney, if applicable, and the 3207  
parties with notice of the decision and a copy of the judgment 3208  
entry; 3209

(ii) Provide the victim, the victim's representative, if 3210  
applicable, and the victim's attorney, if applicable, with the 3211  
following statement along with the judgment entry: 3212

"NOTICE 3213

The victim, the victim's attorney, if applicable, or the 3214  
prosecutor on request of the victim, may appeal this decision or 3215  
petition to the court of appeals for an extraordinary writ. If 3216  
such an interlocutory appeal or extraordinary writ is sought 3217  
while the case is still pending in the trial court, it shall be 3218  
initiated no later than fourteen days after notice of the 3219  
decision was provided to the victim by telephone or electronic 3220  
mail to the latest telephone number or electronic mail address 3221  
provided by the victim. The prosecutor or the prosecutor's 3222  
designee shall provide the notice to the victim and the notice 3223  
shall be memorialized in a manner sufficient to prove to the 3224

court the prosecutor or prosecutor's designee sent the notice. 3225  
The court shall dismiss any such interlocutory appeal or 3226  
petition as untimely if it does not comply with this fourteen- 3227  
day limit." 3228

(b) (i) If the court denies the relief sought, the victim 3229  
or the victim's attorney, if applicable, or the prosecutor on 3230  
request of the victim, may appeal or, if the victim has no 3231  
remedy on appeal, petition the court of appeals or supreme court 3232  
for an extraordinary writ, and the victim has standing to assert 3233  
a right of limited appeal as it pertains to the decisions 3234  
impacting the rights of the victim. An interlocutory appeal 3235  
filed under this section shall be filed not later than fourteen 3236  
days after notice was provided to the victim as described in 3237  
division (A) (1) of this section, and such an appeal divests the 3238  
trial court of jurisdiction of the portion of the case 3239  
implicating the victim's rights until the interlocutory appeal 3240  
is resolved by the appellate court. 3241

(ii) Upon the filing of an interlocutory appeal, the trial 3242  
court shall transmit those portions of the transcript necessary 3243  
for consideration of the issues to be reviewed by the court of 3244  
appeals within five business days. Once the transcript is 3245  
received by the court of appeals, the party that initiated the 3246  
appeal shall have eight days to file a merit brief. Once the 3247  
merit brief is filed, the appellee shall have eight days to file 3248  
a response brief. The court of appeals shall decide the entire 3249  
appeal not later than thirty-five days after the appeal is 3250  
filed. Notwithstanding these limits, the litigants, with the 3251  
approval of the court, may stipulate to a different period of 3252  
time for the briefing and issuance of the decision and judgment 3253  
on the appeal. The victim, the victim's attorney, the 3254  
prosecutor, or the defendant may notify the supreme court if a 3255

court of appeals has failed to issue a judgment in accordance 3256  
with the stipulated period of time. Such notifications are 3257  
public records. 3258

(iii) Nothing in this section shall be interpreted as 3259  
applying to a direct appeal that is filed after the court 3260  
sentences the defendant. A victim who wishes to appeal from an 3261  
order that is final on its entry after the court sentences the 3262  
defendant shall file the notice of appeal within thirty days of 3263  
that entry. 3264

(c) If the victim or victim's attorney, if applicable, 3265  
petitions for an extraordinary writ, the court of appeals or the 3266  
supreme court shall enter an order establishing an expedited 3267  
schedule for the filing of an answer, the submission of 3268  
evidence, the filing of briefing by the litigants, and the entry 3269  
of decision and judgment and shall place the petition on its 3270  
accelerated calendar. The court of appeals or the supreme court 3271  
shall immediately notify the trial court of the petition, and 3272  
the trial court shall transmit to the court of appeals or the 3273  
supreme court those portions of the transcript necessary for the 3274  
consideration of the issues to be reviewed by the applicable 3275  
appellate court within five business days of the filing of the 3276  
appeal or petition. The court shall enter judgment within forty- 3277  
five days after the petition for an extraordinary writ is filed. 3278  
Notwithstanding these limits, the litigants, with the approval 3279  
of the court, may stipulate to a different period of time for 3280  
the briefing and issuance of the decision and judgment in the 3281  
action. The victim, the victim's attorney, the prosecutor, or 3282  
the defendant may notify the supreme court if a court of appeals 3283  
has failed to issue a judgment in accordance with the stipulated 3284  
period of time. Such notifications are a public record. 3285

(d) If any interlocutory appeal is pursued to the supreme court, the supreme court shall enter an order establishing an expedited schedule for its proceedings, including, as applicable, the filing of jurisdictional memoranda and ruling thereon, the transmission of the record, the filing of briefing by the litigants, oral argument if permitted, and the entry of decision and judgment and shall place the appeal on its accelerated calendar. The court shall enter judgment within sixty days after the appeal is filed. The supreme court shall immediately notify the trial court of the appeal, and the trial court shall transmit to the court of appeals or the supreme court those portions of the transcript necessary for consideration of the issues to be reviewed by the applicable appellate court within five business days of the filing of the appeal. Notwithstanding these limits, the litigants, with the approval of the court, may stipulate to a different period of time for the supreme court's proceedings and for the issuance of the supreme court's decision and judgment in the case.

(e) Nothing in this division applies to a direct appeal that is filed by the victim after the court sentences the defendant. A victim who wishes to appeal from an appellate entry shall file the appropriate notice of appeal to the supreme court within thirty days of the entry.

(B) (1) A victim of a criminal offense or delinquent act has the right to be represented by an attorney. Nothing in this section creates a right to an attorney at public expense for a victim. If a victim is represented by an attorney, the court shall notify the victim's attorney in the same manner in which the parties are notified under applicable law or rule. The victim's attorney shall be included in all bench conferences, meetings in chambers, and sidebars with the trial court that



directly involve a decision implicating that victim's rights as 3317  
enumerated in Ohio Constitution, Article I, Section 10a. Nothing 3318  
in this section shall be construed as making a victim a party to 3319  
the case. 3320

(2) A defendant has a right to respond and be represented 3321  
by an attorney for appeals and writs the victim, the victim's 3322  
attorney, if applicable, or the prosecutor may file pursuant to 3323  
this section. An indigent defendant has the right to appointed 3324  
counsel for appeals and writs filed pursuant to this section. 3325  
If, as an indigent person, a defendant is unable to employ 3326  
counsel, the defendant is entitled to have counsel provided 3327  
pursuant to Chapter 120. of the Revised Code. The court shall 3328  
notify the defendant and the defendant's attorney in the same 3329  
manner that the parties are notified under applicable law or 3330  
rule. 3331

(C) The failure of a public official or public agency or 3332  
the public official's or public agency's designee to comply with 3333  
the requirements of this chapter does not give rise to a claim 3334  
for damages against that public official or public agency or 3335  
that public official's or public agency's designee, except that 3336  
a public agency as an employer may be held responsible for a 3337  
violation of section 2930.18 of the Revised Code. 3338

(D) The failure of any person or entity to provide a 3339  
right, privilege, or notice to a victim under this chapter does 3340  
not constitute grounds for declaring a mistrial or new trial, 3341  
for setting aside a conviction, sentence, adjudication, or 3342  
disposition, or for granting postconviction release to a 3343  
defendant or alleged juvenile offender. 3344

(E) If there is a conflict between a provision in this 3345  
chapter and a specific statute governing the procedure in a case 3346

involving a capital offense, the specific statute supersedes the 3347  
provision in this chapter. 3348

(F) A defendant or juvenile offender may not raise the 3349  
failure to afford a right to a victim as error in any legal 3350  
argument to provide an advantage to that defendant or juvenile 3351  
offender in any motion, including a dispositive motion, motion 3352  
for a mistrial, motion for new trial, or motion to have a 3353  
conviction, sentence, or disposition set aside, in any petition 3354  
for post-conviction relief, or in any assignment of error on 3355  
appeal. 3356

(G) If the victim of a criminal offense or delinquent act 3357  
is incarcerated in a state or local correctional facility or is 3358  
in the legal custody of the department of youth services, the 3359  
victim's rights under this chapter may be modified by court 3360  
order to prevent any security risk, hardship, or undue burden 3361  
upon a public official or public agency with a duty under this 3362  
chapter. 3363

(H) As used in this section, "post-conviction release" 3364  
means judicial release, early release, and parole, but does not 3365  
mean relief pursuant to a federal petition in habeas corpus. 3366

**Sec. 2945.481.** (A) (1) As used in this section, "victim" 3367  
includes any person who was a victim of a violation identified 3368  
in division (A) (2) of this section or an offense of violence or 3369  
against whom was directed any conduct that constitutes, or that 3370  
is an element of, a violation identified in division (A) (2) of 3371  
this section or an offense of violence. 3372

(2) (a) In any proceeding in the prosecution of a charge of 3373  
a violation of section 2905.03, 2905.05, 2907.02, 2907.03, 3374  
2907.04, 2907.05, 2907.06, 2907.07, 2907.09, 2907.21, 2907.23, 3375

2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, or 3376  
2919.22 of the Revised Code or an offense of violence and in 3377  
which an alleged victim of the violation or offense was a child 3378  
who was less than thirteen years of age when the complaint, 3379  
indictment, or information was filed, whichever occurred 3380  
earlier, the judge of the court in which the prosecution is 3381  
being conducted, upon motion of an attorney for the prosecution, 3382  
shall order that the testimony of the child victim be taken by 3383  
deposition. The prosecution, child victim, or child victim's 3384  
attorney also may request that the deposition be recorded in 3385  
accordance with division (A) (3) of this section. 3386

(b) In any proceeding that is not otherwise eligible for 3387  
the protections provided for in division (A) (2) (a) of this 3388  
section, and in which an alleged victim of the violation was a 3389  
child who was less than eighteen years of age when the 3390  
complaint, indictment, or information was filed, whichever 3391  
occurred earlier, upon motion of the child victim, the child 3392  
victim's attorney, if applicable, or an attorney for the 3393  
prosecution, and upon a showing by a preponderance of the 3394  
evidence that the child will suffer serious emotional trauma if 3395  
required to provide live trial testimony, the judge of the court 3396  
in which the prosecution is being conducted shall order that the 3397  
testimony of the child victim be taken by deposition. The 3398  
prosecution, child victim, or child victim's attorney may also 3399  
request that the deposition be recorded in accordance with 3400  
division (A) (3) of this section. 3401

(c) The judge shall notify the child victim whose 3402  
deposition is to be taken, the child victim's attorney, if 3403  
applicable, the prosecution, and the defense of the date, time, 3404  
and place for taking the deposition. The notice shall identify 3405  
the child victim who is to be examined and shall indicate 3406

whether a request that the deposition be recorded has been made. 3407  
The defendant shall have the right to attend the deposition and 3408  
the right to be represented by counsel. Depositions shall be 3409  
taken in the manner provided in civil cases, except that the 3410  
judge shall preside at the taking of the deposition and shall 3411  
rule at that time on any objections of the prosecution or the 3412  
attorney for the defense. The prosecution and the attorney for 3413  
the defense shall have the right, as at trial, to full 3414  
examination and cross-examination of the child victim whose 3415  
deposition is to be taken. If a deposition taken under this 3416  
division is intended to be offered as evidence in the 3417  
proceeding, it shall be filed in the court in which the action 3418  
is pending and is admissible in the manner described in division 3419  
(B) of this section. If a deposition of a child victim taken 3420  
under this division is admitted as evidence at the proceeding 3421  
under division (B) of this section, the child victim shall not 3422  
be required to testify in person at the proceeding. However, at 3423  
any time before the conclusion of the proceeding, the attorney 3424  
for the defense may file a motion with the judge requesting that 3425  
another deposition of the child victim be taken because new 3426  
evidence material to the defense has been discovered that the 3427  
attorney for the defense could not with reasonable diligence 3428  
have discovered prior to the taking of the admitted deposition. 3429  
A motion for another deposition shall be accompanied by 3430  
supporting affidavits. Upon the filing of a motion for another 3431  
deposition and affidavits, the court may order that additional 3432  
testimony of the child victim relative to the new evidence be 3433  
taken by another deposition. If the court orders the taking of 3434  
another deposition under this provision, the deposition shall be 3435  
taken in accordance with this division; if the admitted 3436  
deposition was a recorded deposition taken in accordance with 3437  
division (A) (3) of this section, the new deposition also shall 3438

be recorded in accordance with that division and in other cases, 3439  
the new deposition may be recorded in accordance with that 3440  
division. 3441

(3) If the prosecution, child victim, or child victim's 3442  
attorney requests that a deposition to be taken under division 3443  
(A) (2) of this section be recorded, the judge shall order that 3444  
the deposition be recorded in accordance with this division. If 3445  
a judge issues an order that the deposition be recorded, the 3446  
judge shall exclude from the room in which the deposition is to 3447  
be taken every person except the child victim giving the 3448  
testimony, the judge, one or more interpreters if needed, the 3449  
attorneys for the prosecution and the defense, the child 3450  
victim's attorney, if applicable, the child victim's 3451  
representative, if applicable, any person needed to operate the 3452  
equipment to be used, one person chosen by the child victim 3453  
giving the deposition, and any person whose presence the judge 3454  
determines would contribute to the welfare and well-being of the 3455  
child victim giving the deposition. The person chosen by the 3456  
child victim shall not be a witness in the proceeding and, both 3457  
before and during the deposition, shall not discuss the 3458  
testimony of the child victim with any other witness in the 3459  
proceeding. To the extent feasible, any person operating the 3460  
recording equipment shall be restricted to a room adjacent to 3461  
the room in which the deposition is being taken, or to a 3462  
location in the room in which the deposition is being taken that 3463  
is behind a screen or mirror, so that the person operating the 3464  
recording equipment can see and hear, but cannot be seen or 3465  
heard by, the child victim giving the deposition during the 3466  
deposition. The defendant shall be permitted to observe and hear 3467  
the testimony of the child victim giving the deposition on a 3468  
monitor, shall be provided with an electronic means of immediate 3469

communication with the defendant's attorney during the 3470  
testimony, and shall be restricted to a location from which the 3471  
defendant cannot be seen or heard by the child victim giving the 3472  
deposition, except on a monitor provided for that purpose. The 3473  
child victim giving the deposition shall be provided with a 3474  
monitor on which the child victim can observe, during the 3475  
testimony, the defendant. The judge, at the judge's discretion, 3476  
may preside at the deposition by electronic means from outside 3477  
the room in which the deposition is to be taken; if the judge 3478  
presides by electronic means, the judge shall be provided with 3479  
monitors on which the judge can see each person in the room in 3480  
which the deposition is to be taken and with an electronic means 3481  
of communication with each person, and each person in the room 3482  
shall be provided with a monitor on which that person can see 3483  
the judge and with an electronic means of communication with the 3484  
judge. A deposition that is recorded under this division shall 3485  
be taken and filed in the manner described in division (A) (2) of 3486  
this section and is admissible in the manner described in this 3487  
division and division (B) of this section, and, if a deposition 3488  
that is recorded under this division is admitted as evidence at 3489  
the proceeding, the child victim shall not be required to 3490  
testify in person at the proceeding. No deposition recorded 3491  
under this division shall be admitted as evidence at any 3492  
proceeding unless division (B) of this section is satisfied 3493  
relative to the deposition and all of the following apply 3494  
relative to the recording: 3495

(a) The recording is both aural and visual and is recorded 3496  
on film or videotape, or by other electronic means. 3497

(b) The recording is authenticated under the Rules of 3498  
Evidence and the Rules of Criminal Procedure as a fair and 3499  
accurate representation of what occurred, and the recording is 3500

not altered other than at the direction and under the 3501  
supervision of the judge in the proceeding. 3502

(c) Each voice on the recording that is material to the 3503  
testimony on the recording or the making of the recording, as 3504  
determined by the judge, is identified. 3505

(d) Both the prosecution and the defendant are afforded an 3506  
opportunity to view the recording before it is shown in the 3507  
proceeding. 3508

(B) (1) At any proceeding in a prosecution in relation to 3509  
which a deposition was taken under division (A) of this section, 3510  
the deposition or a part of it is admissible in evidence upon 3511  
motion of the prosecution if the testimony in the deposition or 3512  
the part to be admitted is not excluded by the hearsay rule and 3513  
if the deposition or the part to be admitted otherwise is 3514  
admissible under the Rules of Evidence. For purposes of this 3515  
division, testimony is not excluded by the hearsay rule if the 3516  
testimony is not hearsay under Evidence Rule 801; if the 3517  
testimony is within an exception to the hearsay rule set forth 3518  
in Evidence Rule 803; if the child victim who gave the testimony 3519  
is unavailable as a witness, as defined in Evidence Rule 804, 3520  
and the testimony is admissible under that rule; or if both of 3521  
the following apply: 3522

(a) The defendant had an opportunity and similar motive at 3523  
the time of the taking of the deposition to develop the 3524  
testimony by direct, cross, or redirect examination. 3525

(b) The judge determines that there is reasonable cause to 3526  
believe that, if the child victim who gave the testimony in the 3527  
deposition were to testify in person at the proceeding, the 3528  
child victim would experience serious emotional trauma as a 3529

result of the child victim's participation at the proceeding. 3530

(2) Objections to receiving in evidence a deposition or a 3531  
part of it under division (B) of this section shall be made as 3532  
provided in civil actions. 3533

(3) The provisions of divisions (A) and (B) of this 3534  
section are in addition to any other provisions of the Revised 3535  
Code, the Rules of Criminal Procedure, or the Rules of Evidence 3536  
that pertain to the taking or admission of depositions in a 3537  
criminal proceeding and do not limit the admissibility under any 3538  
of those other provisions of any deposition taken under division 3539  
(A) of this section or otherwise taken. 3540

~~(C)~~ (C) (1) (a) In any proceeding in the prosecution of any 3541  
charge of a violation listed in division ~~(A) (2)~~ (A) (2) (a) of this 3542  
section or an offense of violence and in which an alleged victim 3543  
of the violation or offense was a child who was less than 3544  
thirteen years of age when the complaint, indictment, or 3545  
information was filed, whichever occurred earlier, the judge, 3546  
upon motion of the prosecution, the child victim, or the child 3547  
victim's attorney, if applicable, ~~may file a motion with the~~ 3548  
~~judge requesting the judge to shall~~ order the testimony of the 3549  
child victim to be taken in a room other than the room in which 3550  
the proceeding is being conducted and be ~~televised, by closed-~~ 3551  
~~circuit equipment, broadcast~~ into the room in which the 3552  
proceeding is being conducted to be viewed by the jury, if 3553  
applicable, the defendant, and any other persons who are not 3554  
permitted in the room in which the testimony is to be taken but 3555  
who would have been present during the testimony of the child 3556  
victim had it been given in the room in which the proceeding is 3557  
being conducted. 3558

(b) In any proceeding that is not otherwise eligible for 3559



the protections provided for in division (C) (1) (a) of this 3560  
section, and in which an alleged victim of the violation was a 3561  
child who was less than eighteen years of age when the 3562  
complaint, indictment, or information was filed, whichever 3563  
occurred earlier, upon motion of the child victim, the child 3564  
victim's attorney, if applicable, or the prosecution, and upon a 3565  
showing by a preponderance of the evidence that the child will 3566  
suffer serious emotional trauma if required to provide live 3567  
trial testimony, the judge shall order that the testimony of the 3568  
child victim be taken in a room other than the room in which the 3569  
proceeding is being conducted and broadcast into the room in 3570  
which the proceeding is being conducted to be viewed by the 3571  
defendant who is charged with the violation or act and any other 3572  
persons who are not permitted in the room in which the testimony 3573  
is to be taken but who would have been present during the 3574  
testimony of the child victim had it been given in the room in 3575  
which the proceeding is being conducted. 3576

(2) Except for good cause shown, the prosecution, child 3577  
victim, or child victim's attorney, if applicable, shall file a 3578  
motion under this division at least seven days before the date 3579  
of the proceeding. The judge may issue the order upon the motion 3580  
of the prosecution, child victim, or child victim's attorney, if 3581  
applicable, filed under this section, if the judge determines 3582  
that the child victim is unavailable to testify in the room in 3583  
which the proceeding is being conducted in the physical presence 3584  
of the defendant, for one or more of the reasons set forth in 3585  
division (E) of this section. If a judge issues an order of that 3586  
nature, the judge shall exclude from the room in which the 3587  
testimony is to be taken every person except a person described 3588  
in division (A) (3) of this section. The judge, at the judge's 3589  
discretion, may preside during the giving of the testimony by 3590

electronic means from outside the room in which it is being 3591  
given, subject to the limitations set forth in division (A) (3) 3592  
of this section. To the extent feasible, any person operating 3593  
the televising equipment shall be hidden from the sight and 3594  
hearing of the child victim giving the testimony, in a manner 3595  
similar to that described in division (A) (3) of this section. 3596  
The defendant shall be permitted to observe and hear the 3597  
testimony of the child victim giving the testimony on a monitor, 3598  
shall be provided with an electronic means of immediate 3599  
communication with the defendant's attorney during the 3600  
testimony, and shall be restricted to a location from which the 3601  
defendant cannot be seen or heard by the child victim giving the 3602  
testimony, except on a monitor provided for that purpose. The 3603  
child victim giving the testimony shall be provided with a 3604  
monitor on which the child victim can observe, during the 3605  
testimony, the defendant. 3606

~~(D)~~ (D) (1) (a) In any proceeding in the prosecution of any 3607  
charge of a violation listed in division ~~(A) (2)~~ (A) (2) (a) of this 3608  
section or an offense of violence and in which an alleged victim 3609  
of the violation or offense was a child who was less than 3610  
thirteen years of age when the complaint, indictment, or 3611  
information was filed, whichever occurred earlier, the judge, 3612  
upon motion of the prosecution, child victim, or child victim's 3613  
attorney, if applicable, ~~may file a motion with the judge~~ 3614  
~~requesting the judge to~~ shall order the testimony of the child 3615  
victim to be taken outside of the room in which the proceeding 3616  
is being conducted and be recorded for showing in the room in 3617  
which the proceeding is being conducted before the judge, the 3618  
jury, if applicable, the defendant, and any other persons who 3619  
would have been present during the testimony of the child victim 3620  
had it been given in the room in which the proceeding is being 3621

conducted. 3622

(b) In any proceeding that is not otherwise eligible for 3623  
the protections provided for in division (D)(1)(a) of this 3624  
section, and in which an alleged victim of the violation was a 3625  
child who was less than eighteen years of age when the 3626  
complaint, indictment, or information was filed, whichever 3627  
occurred earlier, upon motion of the child victim, the child 3628  
victim's attorney, if applicable, or the prosecution, and upon a 3629  
showing by a preponderance of the evidence that the child will 3630  
suffer serious emotional trauma if required to provide live 3631  
trial testimony, the judge shall order that the testimony of the 3632  
child victim be taken outside of the room in which the 3633  
proceeding is being conducted and be recorded for showing in the 3634  
room in which the proceeding is being conducted before the 3635  
judge, the defendant who is charged with the violation or act, 3636  
and any other persons who would have been present during the 3637  
testimony of the child victim had it been given in the room in 3638  
which the proceeding is being conducted. 3639

(2) Except for good cause shown, the prosecution, child 3640  
victim, or child victim's attorney, if applicable, shall file a 3641  
motion under this division at least seven days before the date 3642  
of the proceeding. The judge may issue the order upon the motion 3643  
of the prosecution, child victim, or child victim's attorney, if 3644  
applicable, filed under this division, if the judge determines 3645  
that the child victim is unavailable to testify in the room in 3646  
which the proceeding is being conducted in the physical presence 3647  
of the defendant, for one or more of the reasons set forth in 3648  
division (E) of this section. If a judge issues an order of that 3649  
nature, the judge shall exclude from the room in which the 3650  
testimony is to be taken every person except a person described 3651  
in division (A)(3) of this section. To the extent feasible, any 3652

person operating the recording equipment shall be hidden from 3653  
the sight and hearing of the child victim giving the testimony, 3654  
in a manner similar to that described in division (A) (3) of this 3655  
section. The defendant shall be permitted to observe and hear 3656  
the testimony of the child victim who is giving the testimony on 3657  
a monitor, shall be provided with an electronic means of 3658  
immediate communication with the defendant's attorney during the 3659  
testimony, and shall be restricted to a location from which the 3660  
defendant cannot be seen or heard by the child victim giving the 3661  
testimony, except on a monitor provided for that purpose. The 3662  
child victim giving the testimony shall be provided with a 3663  
monitor on which the child victim can observe, during the 3664  
testimony, the defendant. No order for the taking of testimony 3665  
by recording shall be issued under this division unless the 3666  
provisions set forth in divisions (A) (3) (a), (b), (c), and (d) 3667  
of this section apply to the recording of the testimony. 3668

(E) For purposes of divisions (C) and (D) of this section, 3669  
a judge may order the testimony of a child victim to be taken 3670  
outside the room in which the proceeding is being conducted if 3671  
the judge determines that the child victim is unavailable to 3672  
testify in the room in the physical presence of the defendant 3673  
due to one or more of the following: 3674

(1) The persistent refusal of the child victim to testify 3675  
despite judicial requests to do so; 3676

(2) The inability of the child victim to communicate about 3677  
the alleged violation or offense because of extreme fear, 3678  
failure of memory, or another similar reason; 3679

(3) The substantial likelihood that the child victim will 3680  
suffer serious emotional trauma from so testifying. 3681

(F) (1) If a judge issues an order pursuant to division (C) 3682  
or (D) of this section that requires the testimony of a child 3683  
victim in a criminal proceeding to be taken outside of the room 3684  
in which the proceeding is being conducted, the order shall 3685  
specifically identify the child victim, in a manner consistent 3686  
with section 2930.07 of the Revised Code, to whose testimony it 3687  
applies, the order applies only during the testimony of the 3688  
specified child victim, and the child victim giving the 3689  
testimony shall not be required to testify at the proceeding 3690  
other than in accordance with the order. 3691

(2) A judge who makes any determination regarding the 3692  
admissibility of a deposition under divisions (A) and (B) of 3693  
this section, the recording of a deposition under division (A) 3694  
(3) of this section, or the taking of testimony outside of the 3695  
room in which a proceeding is being conducted under division (C) 3696  
or (D) of this section, shall enter the determination and 3697  
findings on the record in the proceeding. 3698

**Sec. 2945.482.** (A) As used in this section: 3699

(1) "Developmental disability" has the same meaning as in 3700  
section 5123.01 of the Revised Code. 3701

(2) "Victim with a developmental disability" includes a 3702  
person with a developmental disability who was a victim of a 3703  
violation identified in division (B)(1) of this section or an 3704  
offense of violence or against whom was directed any conduct 3705  
that constitutes, or that is an element of, a violation 3706  
identified in division (B)(1) of this section or an offense of 3707  
violence. 3708

(B) (1) (a) In any proceeding in the prosecution of a charge 3709  
of a violation of section 2903.16, 2903.34, 2903.341, 2905.03, 3710

2907.02, 2907.03, 2907.05, 2907.06, 2907.09, 2907.21, 2907.23, 3711  
2907.24, 2907.32, 2907.321, 2907.322, or 2907.323 of the Revised 3712  
Code or an offense of violence and in which an alleged victim of 3713  
the violation or offense was a person with a developmental 3714  
disability, the judge of the court in which the prosecution is 3715  
being conducted, upon motion of a victim, victim's attorney, or 3716  
an attorney for the prosecution, shall order that the testimony 3717  
of the victim with a developmental disability be taken by 3718  
deposition. The prosecution, victim, or victim's attorney also 3719  
may request that the deposition be recorded in accordance with 3720  
division (B) (2) of this section. 3721

(b) In any proceeding that is not otherwise eligible for 3722  
the protections provided for in division (B) (1) (a) of this 3723  
section and in which an alleged victim of the violation or act 3724  
was a person with a developmental disability, upon motion of the 3725  
prosecution, the victim, or the victim's attorney, if 3726  
applicable, and a showing by a preponderance of the evidence 3727  
that the victim will suffer serious emotional trauma if required 3728  
to provide live trial testimony, the judge of the court in which 3729  
the prosecution is being conducted shall order that the 3730  
testimony of the victim with a developmental disability be taken 3731  
by deposition. The prosecution, the victim, or the victim's 3732  
attorney, if applicable, also may request that the deposition be 3733  
recorded in accordance with division (B) (2) of this section. 3734

(c) The judge shall notify the victim with a developmental 3735  
disability whose deposition is to be taken, the victim's 3736  
attorney, if applicable, the prosecution, and the defense of the 3737  
date, time, and place for taking the deposition. The notice 3738  
shall identify the victim with a developmental disability, in a 3739  
manner consistent with section 2930.07 of the Revised Code, who 3740  
is to be examined and shall indicate whether a request that the 3741

deposition be recorded has been made. The defendant shall have 3742  
the right to attend the deposition and the right to be 3743  
represented by counsel. Depositions shall be taken in the manner 3744  
provided in civil cases, except that the judge shall preside at 3745  
the taking of the deposition and shall rule at the time on any 3746  
objections of the prosecution or the attorney for the defense. 3747  
The prosecution and the attorney for the defense shall have the 3748  
right, as at trial, to full examination and cross-examination of 3749  
the victim with a developmental disability whose deposition is 3750  
to be taken. If a deposition taken under this division is 3751  
intended to be offered as evidence in the proceeding, it shall 3752  
be filed in the court in which the action is pending and is 3753  
admissible in the manner described in division (C) of this 3754  
section. 3755

If a deposition of a victim with a developmental 3756  
disability taken under this division is admitted as evidence at 3757  
the proceeding under division (C) of this section, the victim 3758  
with a developmental disability shall not be required to testify 3759  
in person at the proceeding. 3760

At any time before the conclusion of the proceeding, the 3761  
attorney for the defense may file a motion with the judge 3762  
requesting that another deposition of the victim with a 3763  
developmental disability be taken because new evidence material 3764  
to the defense has been discovered that the attorney for the 3765  
defense could not with reasonable diligence have discovered 3766  
prior to the taking of the admitted deposition. If the court 3767  
orders the taking of another deposition under this provision, 3768  
the deposition shall be taken in accordance with this division. 3769  
If the admitted deposition was a recorded deposition taken in 3770  
accordance with division (B) (2) of this section, the new 3771  
deposition shall be recorded in accordance with that division. 3772

In other cases, the new deposition may be recorded in accordance 3773  
with that division. 3774

(2) If the prosecution, victim, or victim's attorney, if 3775  
applicable, requests that a deposition to be taken under 3776  
division (B) (2) of this section be recorded, the judge shall 3777  
order that the deposition be recorded in accordance with this 3778  
division. If a judge issues an order that the deposition be 3779  
recorded, the judge shall exclude from the room in which the 3780  
deposition is to be taken every person except the victim with a 3781  
developmental disability giving the testimony, the judge, one or 3782  
more interpreters if needed, the attorneys for the prosecution 3783  
and the defense, the victim's attorney, if applicable, the 3784  
victim's representative, if applicable, any person needed to 3785  
operate the equipment to be used, one person chosen by the 3786  
victim with a developmental disability giving the deposition, 3787  
and any person whose presence the judge determines would 3788  
contribute to the welfare and well-being of the victim with a 3789  
developmental disability giving the deposition. The person 3790  
chosen by the victim with a developmental disability shall not 3791  
be a witness in the proceeding and, both before and during the 3792  
deposition, shall not discuss the testimony of the victim with a 3793  
developmental disability with any other witness in the 3794  
proceeding. To the extent feasible, any person operating the 3795  
recording equipment shall be restricted to a room adjacent to 3796  
the room in which the deposition is being taken, or to a 3797  
location in the room in which the deposition is being taken that 3798  
is behind a screen or mirror, so that the person operating the 3799  
recording equipment can see and hear, but cannot be seen or 3800  
heard by, the victim with a developmental disability giving the 3801  
deposition during the deposition. 3802

The defendant shall be permitted to observe and hear the 3803



testimony of the victim with a developmental disability giving 3804  
the deposition on a monitor, shall be provided with an 3805  
electronic means of immediate communication with the defendant's 3806  
attorney during the testimony, and shall be restricted to a 3807  
location from which the defendant cannot be seen or heard by the 3808  
victim with a developmental disability giving the deposition, 3809  
except on a monitor provided for that purpose. The victim with a 3810  
developmental disability giving the deposition shall be provided 3811  
with a monitor on which the victim can observe, during the 3812  
testimony, the defendant. The judge, at the judge's discretion, 3813  
may preside at the deposition by electronic means from outside 3814  
the room in which the deposition is to be taken. If the judge 3815  
presides by electronic means, the judge shall be provided with 3816  
monitors on which the judge can see each person in the room in 3817  
which the deposition is to be taken and with an electronic means 3818  
of communication with each person, and each person in the room 3819  
shall be provided with a monitor on which that person can see 3820  
the judge and with an electronic means of communication with the 3821  
judge. A deposition that is recorded under this division shall 3822  
be taken and filed in the manner described in division (B) (1) of 3823  
this section and is admissible in the manner described in this 3824  
division and division (C) of this section, and, if a deposition 3825  
that is recorded under this division is admitted as evidence at 3826  
the proceeding, the victim with a developmental disability shall 3827  
not be required to testify in person at the proceeding. No 3828  
deposition recorded under this division shall be admitted as 3829  
evidence at any proceeding unless division (C) of this section 3830  
is satisfied relative to the deposition and all of the following 3831  
apply relative to the recording: 3832

(a) The recording is both aural and visual and is recorded 3833  
on film or videotape, or by other electronic means. 3834

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

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

(d) Both the prosecution and the defendant are afforded an opportunity to view the recording before it is shown in the proceeding.

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

(a) The defendant had an opportunity and similar motive at the time of the taking of the deposition to develop the testimony by direct, cross, or redirect examination.

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

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

(3) The provisions of divisions (B) and (C) of this section are in addition to any other provisions of the Revised Code, the Rules of Criminal Procedure, or the Rules of Evidence that pertain to the taking or admission of depositions in a criminal proceeding and do not limit the admissibility under any of those other provisions of any deposition taken under division (B) of this section or otherwise taken.

~~(D)~~ (D) (1) (a) 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 person with a developmental disability, the judge, upon motion of the prosecution, victim, or victim's attorney, if applicable, may file a motion with the judge requesting the judge to shall order the testimony of the victim with a developmental disability to be taken in a room other than the room in which the proceeding is being conducted and be ~~televised, by closed circuit equipment,~~ broadcast into the room in which the proceeding is being conducted to be viewed by the jury, if applicable, the defendant, and any other persons who are not permitted in the room in which the testimony is to

be taken but who would have been present during the testimony of 3894  
the victim with a developmental disability had it been given in 3895  
the room in which the proceeding is being conducted. 3896

(b) In any proceeding that is not otherwise eligible for 3897  
the protections provided for in division (D)(1)(a) of this 3898  
section and in which an alleged victim of the violation or act 3899  
was a person with a developmental disability, upon motion of the 3900  
prosecution, the victim, or the victim's attorney, if 3901  
applicable, and a showing by a preponderance of the evidence 3902  
that the victim will suffer serious emotional trauma if required 3903  
to provide live trial testimony, the judge shall order the 3904  
testimony be taken in a room other than the room in which the 3905  
proceeding is being conducted and broadcast into the room in 3906  
which the proceeding is being conducted to be viewed by the 3907  
jury, if applicable, the defendant, and any other persons who 3908  
are not permitted in the room in which the testimony is to be 3909  
taken but who would have been present during the testimony of 3910  
the victim with a developmental disability had it been given in 3911  
the room in which the proceeding is being conducted. 3912

(2) Except for good cause shown, the prosecution, victim, 3913  
or victim's attorney, if applicable, shall file a motion under 3914  
this division at least seven days before the date of the 3915  
proceeding. The judge may issue the order upon the motion of the 3916  
prosecution filed under this section, if the judge determines 3917  
that the victim with a developmental disability is unavailable 3918  
to testify in the room in which the proceeding is being 3919  
conducted in the physical presence of the defendant for one or 3920  
more of the reasons set forth in division (F) of this section. 3921  
If a judge issues an order of that nature, the judge shall 3922  
exclude from the room in which the testimony is to be taken 3923  
every person except a person described in division (B)(2) of 3924

this section. The judge, at the judge's discretion, may preside 3925  
during the giving of the testimony by electronic means from 3926  
outside the room in which it is being given, subject to the 3927  
limitations set forth in division (B) (2) of this section. To the 3928  
extent feasible, any person operating the televising equipment 3929  
shall be hidden from the sight and hearing of the victim with a 3930  
developmental disability giving the testimony, in a manner 3931  
similar to that described in division (B) (2) of this section. 3932  
The defendant shall be permitted to observe and hear the 3933  
testimony of the victim with a developmental disability giving 3934  
the testimony on a monitor, shall be provided with an electronic 3935  
means of immediate communication with the defendant's attorney 3936  
during the testimony, and shall be restricted to a location from 3937  
which the defendant cannot be seen or heard by the victim with a 3938  
developmental disability giving the testimony, except on a 3939  
monitor provided for that purpose. The victim with a 3940  
developmental disability giving the testimony shall be provided 3941  
with a monitor on which the victim with a developmental 3942  
disability can observe, during the testimony, the defendant. 3943

~~(E)~~ (E) (1) (a) In any proceeding in the prosecution of any 3944  
charge of a violation listed in division (B) (1) of this section 3945  
or an offense of violence and in which an alleged victim of the 3946  
violation or offense was a victim with a developmental 3947  
disability, the judge, upon motion of the prosecution, victim, 3948  
or victim's attorney, ~~if applicable, may file a motion with the~~ 3949  
~~judge requesting the judge to shall~~ order the testimony of the 3950  
victim with a developmental disability to be taken outside of 3951  
the room in which the proceeding is being conducted and be 3952  
recorded for showing in the room in which the proceeding is 3953  
being conducted before the judge, the jury, if applicable, the 3954  
defendant, and any other persons who would have been present 3955

during the testimony of the victim with a developmental 3956  
disability had it been given in the room in which the proceeding 3957  
is being conducted. 3958

(b) In any proceeding that is not otherwise eligible for 3959  
the protections provided for in division (E)(1)(a) of this 3960  
section and in which an alleged victim of the violation or act 3961  
was a person with a developmental disability, upon motion of the 3962  
prosecution, the victim, or the victim's attorney, if 3963  
applicable, and a showing by a preponderance of the evidence 3964  
that the victim will suffer serious emotional trauma if required 3965  
to provide live trial testimony, the judge shall order the 3966  
testimony be taken outside of the room in which the proceeding 3967  
is being conducted and be recorded for showing in the room in 3968  
which the proceeding is being conducted before the judge, the 3969  
jury, if applicable, the defendant, and any other persons who 3970  
would have been present during the testimony of the victim with 3971  
a developmental disability had it been given in the room in 3972  
which the proceeding is being conducted. 3973

(2) Except for good cause shown, the prosecution, victim, 3974  
or victim's attorney, if applicable, shall file a motion under 3975  
this division at least seven days before the date of the 3976  
proceeding. The judge may issue the order upon the motion of the 3977  
prosecution filed under this division, if the judge determines 3978  
that the victim with a developmental disability is unavailable 3979  
to testify in the room in which the proceeding is being 3980  
conducted in the physical presence of the defendant, for one or 3981  
more of the reasons set forth in division (F) of this section. 3982  
If a judge issues an order of that nature, the judge shall 3983  
exclude from the room in which the testimony is to be taken 3984  
every person except a person described in division (B)(2) of 3985  
this section. To the extent feasible, any person operating the 3986

recording equipment shall be hidden from the sight and hearing 3987  
of the victim with a developmental disability giving the 3988  
testimony, in a manner similar to that described in division (B) 3989  
(2) of this section. The defendant shall be permitted to observe 3990  
and hear the testimony of the victim with a developmental 3991  
disability who is giving the testimony on a monitor, shall be 3992  
provided with an electronic means of immediate communication 3993  
with the defendant's attorney during the testimony, and shall be 3994  
restricted to a location from which the defendant cannot be seen 3995  
or heard by the victim with a developmental disability giving 3996  
the testimony, except on a monitor provided for that purpose. 3997  
The victim with a developmental disability giving the testimony 3998  
shall be provided with a monitor on which the victim can 3999  
observe, during the testimony, the defendant. No order for the 4000  
taking of testimony by recording shall be issued under this 4001  
division unless the provisions set forth in divisions (B) (2) (a), 4002  
(b), (c), and (d) of this section apply to the recording of the 4003  
testimony. 4004

(F) For purposes of divisions (D) and (E) of this section, 4005  
a judge may order the testimony of a victim with a developmental 4006  
disability to be taken outside the room in which the proceeding 4007  
is being conducted if the judge determines that the victim with 4008  
a developmental disability is unavailable to testify in the room 4009  
in the physical presence of the defendant due to one or more of 4010  
the following: 4011

(1) The persistent refusal of the victim with a 4012  
developmental disability to testify despite judicial requests to 4013  
do so; 4014

(2) The inability of the victim with a developmental 4015  
disability to communicate about the alleged violation or offense 4016

because of extreme fear, failure of memory, or another similar 4017  
reason; 4018

(3) The substantial likelihood that the victim with a 4019  
developmental disability will suffer serious emotional trauma 4020  
from so testifying. 4021

(G) (1) If a judge issues an order pursuant to division (D) 4022  
or (E) of this section that requires the testimony of a victim 4023  
with a developmental disability in a criminal proceeding to be 4024  
taken outside of the room in which the proceeding is being 4025  
conducted, the order shall specifically identify the victim with 4026  
a developmental disability, in a manner consistent with section 4027  
2930.07 of the Revised Code, to whose testimony it applies, the 4028  
order applies only during the testimony of the specified victim 4029  
with a developmental disability, and the victim with a 4030  
developmental disability giving the testimony shall not be 4031  
required to testify at the proceeding other than in accordance 4032  
with the order. 4033

(2) A judge who makes any determination regarding the 4034  
admissibility of a deposition under divisions (B) and (C) of 4035  
this section, the recording of a deposition under division (B) 4036  
(2) of this section, or the taking of testimony outside of the 4037  
room in which a proceeding is being conducted under division (D) 4038  
or (E) of this section shall enter the determination and 4039  
findings on the record in the proceeding. 4040

**Section 2.** That existing sections 109.42, 2152.20, 4041  
2152.81, 2152.811, 2305.37, 2743.71, 2903.213, 2919.26, 2929.28, 4042  
2929.281, 2930.02, 2930.04, 2930.041, 2930.06, 2930.063, 4043  
2930.07, 2930.161, 2930.171, 2930.19, 2945.481, and 2945.482 of 4044  
the Revised Code are hereby repealed. 4045



**Section 3.** That section 2930.043 of the Revised Code is 4046  
hereby repealed. 4047

**Section 4.** The General Assembly, applying the principle 4048  
stated in division (B) of section 1.52 of the Revised Code that 4049  
amendments are to be harmonized and reconciled if reasonably 4050  
capable of simultaneous operation, finds that the following 4051  
sections, presented in this act as composites of the sections as 4052  
amended by the acts indicated, are the resulting version of the 4053  
sections in effect prior to the effective date of the sections 4054  
as presented in this act: 4055

Section 109.42 of the Revised Code as amended by both H.B. 4056  
343 and S.B. 288 of the 134th General Assembly. 4057

Section 2930.06 of the Revised Code as amended by both 4058  
H.B. 343 and S.B. 288 of the 134th General Assembly. 4059

**Section 5.** This act is hereby declared to be an emergency 4060  
measure necessary for the immediate preservation of the public 4061  
peace, health, and safety. The reason for such necessity is to 4062  
address changes to victims rights made by H.B. 343 of the 134th 4063  
General Assembly to clarify the requirements and procedures for 4064  
the redaction of victim information for various entities in the 4065  
criminal justice system. Therefore, this act shall go into 4066  
immediate effect. 4067