

I\_134\_1397-2

134th General Assembly  
Regular Session  
2021-2022

Sub. H. B. No. 343

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**A BILL**

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

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

**Section 1.** That sections 109.42, 109.91, 149.43, 2151.356, 18



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

**Sec. 109.42.** (A) The attorney general shall prepare and 30  
have printed a pamphlet that contains a compilation of all 31  
constitutional provisions and statutes relative to victim's 32  
rights in which the attorney general lists and explains the \_ 33  
constitutional provisions and statutes in the form of a victim's 34  
bill of rights. The attorney general shall create the victim's 35  
rights request/waiver form, which shall include the information 36  
specified in section 2930.04 of the Revised Code, or a 37  
substantially similar form, and shall distribute the pamphlet 38  
and form to all sheriffs, marshals, municipal corporation and 39  
township police departments, constables, and other law 40  
enforcement agencies, to all prosecuting attorneys, city 41  
directors of law, village solicitors, and other similar chief 42  
legal officers of municipal corporations, and to organizations 43  
that represent or provide services for victims of crime. The 44  
victim's bill of rights set forth in the pamphlet shall contain 45  
a description of all of the rights of victims that are provided 46  
for in the Ohio Constitution, or in Chapter 2930. or ~~in~~ any 47  
other section of the Revised Code and shall include, but not be 48  
limited to, all of the following: 49

(1) The right of a victim ~~or~~ and a victim's 50  
representative, if applicable, to attend a proceeding before a 51  
grand jury, in a juvenile delinquency case, or in a criminal 52  
case ~~pursuant to a subpoena~~ without being discharged from the 53  
victim's or victim's representative's employment, having the 54  
victim's or victim's representative's employment terminated, 55  
having the victim's or victim's representative's pay decreased 56  
or withheld, or otherwise being punished, penalized, or 57  
threatened as a result of time lost from regular employment 58  
because of the victim's or victim's representative's attendance 59  
at the proceeding ~~pursuant to the subpoena~~, as set forth in 60  
section 2151.211, 2930.18, 2939.121, or 2945.451 of the Revised 61  
Code; 62

(2) The potential availability pursuant to section 63  
2151.359 or 2152.61 of the Revised Code of a forfeited 64  
recognizance to pay damages caused by a child when the 65  
delinquency of the child or child's violation of probation or 66  
community control is found to be proximately caused by the 67  
failure of the child's parent or guardian to subject the child 68  
to reasonable parental authority or to faithfully discharge the 69  
conditions of probation or community control; 70

(3) The availability of awards of reparations pursuant to 71  
sections 2743.51 to 2743.72 of the Revised Code for injuries 72  
caused by criminal offenses; 73

(4) ~~The right of the victim in certain criminal or~~ 74  
~~juvenile cases or a victim's representative to receive, pursuant~~ 75  
~~to section 2930.06 of the Revised Code, notice of the date,~~ 76  
~~time, and place of the trial or delinquency proceeding in the~~ 77  
~~case or, if there will not be a trial or delinquency proceeding,~~ 78  
~~information from the prosecutor, as defined in section 2930.01-~~ 79

~~of the Revised Code, regarding the disposition of the case;~~ 80

~~(5) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the name of the person charged with the violation, the case or docket number assigned to the charge, and a telephone number or numbers that can be called to obtain information about the disposition of the case;~~ 81  
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~~(6) The right of the victim in certain criminal or juvenile cases or of the victim's representative pursuant to section 2930.13 or 2930.14 of the Revised Code, subject to any reasonable terms set by the court as authorized under section 2930.14 of the Revised Code, to make a statement about the victimization and, if applicable, a statement relative to the sentencing or disposition of the offender;~~ 88  
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~~(7) 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;~~ 95  
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~~(8) (5) The right of the victim in certain criminal or juvenile cases or a 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, release pursuant to section 2967.19 of the Revised Code, or other early release of the person who committed the offense against the victim, to make ~~an~~ oral or written 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;~~ 100  
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~~(9)~~ (6) The right of the victim ~~in certain criminal or~~ 110  
~~juvenile cases or a~~ and the victim's representative, if 111  
applicable, pursuant to the Ohio Constitution and section 112  
2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised 113  
Code to receive notice of any pending commutation, pardon, 114  
parole, transitional control, discharge, other form of 115  
authorized release, post-release control, or supervised release 116  
for the person who committed the offense against the victim or 117  
any application for release of that person and to send a written 118  
statement relative to the victimization and the pending action 119  
to the adult parole authority or the release authority of the 120  
department of youth services; 121

~~(10)~~ (7) The right of the victim to bring a civil action 122  
pursuant to sections 2969.01 to 2969.06 of the Revised Code to 123  
obtain money from the offender's profit fund; 124

~~(11)~~ (8) The right, pursuant to section 3109.09 of the 125  
Revised Code, to maintain a civil action to recover compensatory 126  
damages not exceeding ten thousand dollars and costs from the 127  
parent of a minor who willfully damages property through the 128  
commission of an act that would be a theft offense, as defined 129  
in section 2913.01 of the Revised Code, if committed by an 130  
adult; 131

~~(12)~~ (9) The right, pursuant to section 3109.10 of the 132  
Revised Code, to maintain a civil action to recover compensatory 133  
damages not exceeding ten thousand dollars and costs from the 134  
parent of a minor who willfully and maliciously assaults a 135  
person; 136

~~(13)~~ (10) The ~~possibility of receiving right of the~~ 137  
victim, pursuant to section 2152.20, 2152.203, 2929.18, 2929.28, 138  
or 2929.281 of the Revised Code, to receive restitution from an 139

offender or a delinquent child ~~pursuant to section 2152.20,~~ 140  
~~2929.18, or 2929.28 of the Revised Code;~~ 141

~~(14) The right of the victim in certain criminal or~~ 142  
~~juvenile cases or a victim's representative, pursuant to section~~ 143  
~~2930.16 of the Revised Code, to receive notice of the escape~~ 144  
~~from confinement or custody of the person who committed the~~ 145  
~~offense, to receive that notice from the custodial agency of the~~ 146  
~~person at the victim's last address or telephone number provided~~ 147  
~~to the custodial agency, and to receive notice that, if either~~ 148  
~~the victim's address or telephone number changes, it is in the~~ 149  
~~victim's interest to provide the new address or telephone number~~ 150  
~~to the custodial agency;~~ 151

~~(15)~~ (11) The right of a victim of domestic violence, 152  
including domestic violence in a dating relationship as defined 153  
in section 3113.31 of the Revised Code, to seek the issuance of 154  
a civil protection order pursuant to that section, the right of 155  
a victim of a violation of section 2903.14, 2909.06, 2909.07, 156  
2911.12, 2911.211, or 2919.22 of the Revised Code, a violation 157  
of a substantially similar municipal ordinance, or an offense of 158  
violence who is a family or household member of the offender at 159  
the time of the offense to seek the issuance of a temporary 160  
protection order pursuant to section 2919.26 of the Revised 161  
Code, and the right of both types of victims to be accompanied 162  
by a victim advocate during court proceedings; 163

~~(16)~~ (12) The right of a victim of a sexually oriented 164  
offense or of a child-victim oriented offense that is committed 165  
by a person who is convicted of, pleads guilty to, or is 166  
adjudicated a delinquent child for committing the offense and 167  
who is in a category specified in division (B) of section 168  
2950.10 of the Revised Code to receive, pursuant to that 169

section, notice that the person has registered with a sheriff 170  
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 171  
and notice of the person's name, the person's residence that is 172  
registered, and the offender's school, institution of higher 173  
education, or place of employment address or addresses that are 174  
registered, the person's photograph, and a summary of the manner 175  
in which the victim must make a request to receive the notice. 176  
As used in this division, "sexually oriented offense" and 177  
"child-victim oriented offense" have the same meanings as in 178  
section 2950.01 of the Revised Code. 179

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

state correctional facility, whether to continue, revise, or 201  
revoke any existing modification of that requirement, or whether 202  
to terminate the prison term. As used in this division, 203  
"sexually violent offense" and "sexually violent predator 204  
specification" have the same meanings as in section 2971.01 of 205  
the Revised Code. 206

(B) (1) (a) ~~Subject to division (B) (1) (c) of this section, a~~ 207  
A prosecuting attorney, assistant prosecuting attorney, city 208  
director of law, assistant city director of law, village 209  
solicitor, assistant village solicitor, or similar chief legal 210  
officer of a municipal corporation or an assistant of any of 211  
those officers who prosecutes an offense committed in this 212  
state, upon first contact with the victim of the offense, the 213  
victim's family, or the victim's dependents, shall give the 214  
victim, the victim's family, or the victim's dependents a copy 215  
of the victim's rights request/waiver form, or a substantially 216  
similar form, and pamphlet prepared pursuant to division (A) of 217  
this section and explain, upon request, the information in the 218  
form and pamphlet to the victim, the victim's family, or the 219  
victim's dependents. 220

(b) ~~Subject to division (B) (1) (c) of this section, a~~ A law 221  
enforcement agency that investigates ~~an~~ a criminal offense or 222  
delinquent act committed in this state shall give the victim of 223  
the criminal offense or delinquent act, the victim's family, or 224  
the victim's dependents a copy of the form and pamphlet prepared 225  
pursuant to division (A) of this section at one of the following 226  
times: 227

(i) Upon first contact with the victim, the victim's 228  
family, or the victim's dependents; 229

(ii) If the ~~offense or delinquent act is an offense of~~ 230

~~violence, if the~~ circumstances of the criminal offense or 231  
delinquent act and the condition of the victim, the victim's 232  
family, or the victim's dependents indicate that the victim, the 233  
victim's family, or the victim's dependents will not be able to 234  
understand the significance of the form and pamphlet upon first 235  
contact with the agency, and if the agency anticipates that it 236  
will have an additional contact with the victim, the victim's 237  
family, or the victim's dependents, upon the agency's second 238  
contact with the victim, the victim's family, or the victim's 239  
dependents. 240

If the agency does not give the victim, the victim's 241  
family, or the victim's dependents a copy of the form and 242  
pamphlet upon first contact with them and does not have a second 243  
contact with the victim, the victim's family, or the victim's 244  
dependents, the agency shall mail a copy of the form and 245  
pamphlet to the victim, the victim's family, or the victim's 246  
dependents at their last known address. 247

~~(c) In complying on and after December 9, 1994, with the~~ 248  
~~duties imposed by division (B) (1) (a) or (b) of this section, an~~ 249  
~~official or a law enforcement agency shall use copies of the~~ 250  
~~pamphlet that are in the official's or agency's possession on~~ 251  
~~December 9, 1994, until the official or agency has distributed~~ 252  
~~all of those copies. After the official or agency has~~ 253  
~~distributed all of those copies, the official or agency shall~~ 254  
~~use only copies of the pamphlet that contain at least the~~ 255  
~~information described in divisions (A) (1) to (17) of this~~ 256  
~~section.~~ 257

~~(2) The failure of a law enforcement agency or of a~~ 258  
~~prosecuting attorney, assistant prosecuting attorney, city~~ 259  
~~director of law, assistant city director of law, village~~ 260

~~solicitor, assistant village solicitor, or similar chief legal officer of a municipal corporation or an assistant to any of those officers to give, as required by division (B) (1) of this section, the victim of an offense or delinquent act, the victim's family, or the victim's dependents a copy of the pamphlet prepared pursuant to division (A) of this section does not give the victim, the victim's family, the victim's dependents, or a victim's representative any rights under section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 of the Revised Code or under any other provision of the Revised Code and does not affect any right under those sections.~~

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

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

~~(D) As used in this section:~~

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

(2) "Victim advocate" has the same meaning as in section 291  
2919.26 of the Revised Code. 292

**Sec. 109.91.** (A) There is hereby established within the 293  
office of the attorney general the crime victims assistance 294  
office. 295

(B) There is hereby established the state victims 296  
assistance advisory council. The council shall consist of a 297  
chairperson, to be appointed by the attorney general, three ex 298  
officio members, and ~~seventeen~~twenty-one members to be 299  
appointed by the attorney general as follows: one member who 300  
represents the Ohio victim-witness association; three members 301  
who represent local victim assistance programs, including one 302  
from a municipally operated program and one from a county- 303  
operated program; one member who represents the interests of 304  
elderly victims; one member who represents the interests of 305  
individuals with mental illness; one member who is a board 306  
member of any statewide or local organization that exists 307  
primarily to aid victims of domestic violence or who is an 308  
employee of, or counselor for, such an organization; one member 309  
who is a board member of any statewide or local organization 310  
that exists primarily to aid victims of sexual violence or who 311  
is an employee of or a counselor for an organization that exists 312  
primarily to aid victims of sexual violence; one member who is a 313  
board member or employee of any statewide organization that 314  
exists primarily to provide no cost legal representation to 315  
crime victims to seek enforcement of crime victims' rights 316  
during criminal proceedings; one member who is an employee of an 317  
agency that provides services to individuals with developmental 318  
or intellectual disabilities; one member of a victim service 319  
disability agency; one employee from a statewide forensic 320  
nursing organization; one member who is an employee or officer 321

of a county probation department or a probation department 322  
operated by the department of rehabilitation and correction; one 323  
member who is a county prosecuting attorney; one member who is a 324  
city law director; one member who is a county sheriff; one 325  
member who is a member or officer of a township or municipal 326  
police department; one member who is a court of common pleas 327  
judge; one member who is a municipal court judge or county court 328  
judge; and two members who are private citizens and are not 329  
government employees. 330

The council shall include the following ex officio, 331  
nonvoting members: the attorney general, one member of the 332  
senate to be designated by the president of the senate, and one 333  
member of the house of representatives to be designated by the 334  
speaker of the house. 335

Members of the council shall serve without compensation, 336  
but shall be reimbursed for travel and other necessary expenses 337  
that are incurred in the conduct of their official duties as 338  
members of the council. The chairperson and members of the 339  
council appointed by the attorney general shall serve at the 340  
pleasure of the attorney general. The attorney general shall 341  
serve on the council until the end of the term of office that 342  
qualified the attorney general for membership on the council. 343  
The member of the senate and the member of the house of 344  
representatives shall serve at the pleasure of the president of 345  
the senate and the speaker of the house of representatives, 346  
respectively. 347

(C) The victims assistance advisory council shall perform 348  
all of the following duties: 349

(1) Advise the crime victims assistance office in 350  
determining crime and delinquency victim service needs, 351

determining crime and delinquency victim policies for the state, 352  
and improving and exercising leadership in the quality of crime 353  
and delinquency victim programs in the state; 354

(2) Review and recommend to the crime victims assistance 355  
office the victim assistance programs that should be considered 356  
for the receipt of state financial assistance pursuant to 357  
section 109.92 of the Revised Code. The financial assistance 358  
allocation recommendations of the council shall be based on the 359  
following priorities: 360

(a) Programs in existence on July 1, 1985, shall be given 361  
first priority; 362

(b) Programs offering or proposing to offer the broadest 363  
range of services and referrals to the community served, 364  
including medical, psychological, financial, educational, 365  
vocational, and legal services that were not in existence on 366  
July 1, 1985, shall be given second priority; 367

(c) Other qualified programs shall be given last priority. 368

(3) Provide advice and counsel to the attorney general in 369  
determining the needs of victims of domestic violence and 370  
developing a policy for the attorney general in the 371  
administration of the domestic violence program fund created 372  
under section 109.46 of the Revised Code; 373

(4) Make recommendations to the attorney general in the 374  
distribution of domestic violence program funds under section 375  
109.46 of the Revised Code. 376

(D) As used in this section and section 109.92 of the 377  
Revised Code, "victim assistance program" includes, but is not 378  
limited to a program that provides at least one of the 379  
following: 380

(1) Services to victims of any offense of violence or 381  
delinquent act that would be an offense of violence if committed 382  
by an adult; 383

(2) Financial assistance or property repair services to 384  
victims of crime or delinquent acts; 385

(3) Assistance to victims of crime or delinquent acts in 386  
judicial proceedings; 387

(4) Assistance to victims of crime or delinquent acts 388  
under the operation of any political subdivision of the state or 389  
a branch of the criminal justice system set forth in division 390  
(B) (1) (a), (b), or (c) of section 5502.61 of the Revised Code; 391

(5) Technical assistance to persons or organizations that 392  
provide services to victims of crime or delinquent acts under 393  
the operation of a branch of the criminal justice system set 394  
forth in division (B) (1) (a), (b), or (c) of section 5502.61 of 395  
the Revised Code. 396

A victim assistance program does not include the program 397  
for the reparation of crime victims established pursuant to 398  
Chapter 2743. of the Revised Code. 399

**Sec. 149.43.** (A) As used in this section: 400

(1) "Public record" means records kept by any public 401  
office, including, but not limited to, state, county, city, 402  
village, township, and school district units, and records 403  
pertaining to the delivery of educational services by an 404  
alternative school in this state kept by the nonprofit or for- 405  
profit entity operating the alternative school pursuant to 406  
section 3313.533 of the Revised Code. "Public record" does not 407  
mean any of the following: 408

(a) Medical records;	409
(b) Records pertaining to probation and parole proceedings, to proceedings related to the imposition of community control sanctions and post-release control sanctions, or to proceedings related to determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;	410 411 412 413 414 415
(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;	416 417 418
(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;	419 420 421
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	422 423 424 425 426 427
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	428 429
(g) Trial preparation records;	430
(h) Confidential law enforcement investigatory records;	431
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	432 433
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	434 435

(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	436 437 438 439
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	440 441 442 443
(m) Intellectual property records;	444
(n) Donor profile records;	445
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	446 447
(p) Designated public service worker residential and familial information;	448 449
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	450 451 452 453 454
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	455 456
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of	457 458 459 460 461 462 463

the board or director, and in the case of a child fatality 464  
review board, child fatality review data submitted by the board 465  
to the department of health or a national child death review 466  
database, other than the report prepared pursuant to division 467  
(A) of section 307.626 of the Revised Code; 468

(t) Records provided to and statements made by the 469  
executive director of a public children services agency or a 470  
prosecuting attorney acting pursuant to section 5153.171 of the 471  
Revised Code other than the information released under that 472  
section; 473

(u) Test materials, examinations, or evaluation tools used 474  
in an examination for licensure as a nursing home administrator 475  
that the board of executives of long-term services and supports 476  
administers under section 4751.15 of the Revised Code or 477  
contracts under that section with a private or government entity 478  
to administer; 479

(v) Records the release of which is prohibited by state or 480  
federal law; 481

(w) Proprietary information of or relating to any person 482  
that is submitted to or compiled by the Ohio venture capital 483  
authority created under section 150.01 of the Revised Code; 484

(x) Financial statements and data any person submits for 485  
any purpose to the Ohio housing finance agency or the 486  
controlling board in connection with applying for, receiving, or 487  
accounting for financial assistance from the agency, and 488  
information that identifies any individual who benefits directly 489  
or indirectly from financial assistance from the agency; 490

(y) Records listed in section 5101.29 of the Revised Code; 491

(z) Discharges recorded with a county recorder under 492

section 317.24 of the Revised Code, as specified in division (B)	493
(2) of that section;	494
(aa) Usage information including names and addresses of	495
specific residential and commercial customers of a municipally	496
owned or operated public utility;	497
(bb) Records described in division (C) of section 187.04	498
of the Revised Code that are not designated to be made available	499
to the public as provided in that division;	500
(cc) Information and records that are made confidential,	501
privileged, and not subject to disclosure under divisions (B)	502
and (C) of section 2949.221 of the Revised Code;	503
(dd) Personal information, as defined in section 149.45 of	504
the Revised Code;	505
(ee) The confidential name, address, and other personally	506
identifiable information of a program participant in the address	507
confidentiality program established under sections 111.41 to	508
111.47 of the Revised Code, including the contents of any	509
application for absent voter's ballots, absent voter's ballot	510
identification envelope statement of voter, or provisional	511
ballot affirmation completed by a program participant who has a	512
confidential voter registration record; records or portions of	513
records pertaining to that program that identify the number of	514
program participants that reside within a precinct, ward,	515
township, municipal corporation, county, or any other geographic	516
area smaller than the state; and any real property	517
confidentiality notice filed under section 111.431 of the	518
Revised Code and the information described in division (C) of	519
that section. As used in this division, "confidential address"	520
and "program participant" have the meaning defined in section	521

111.41 of the Revised Code.	522
(ff) Orders for active military service of an individual serving or with previous service in the armed forces of the United States, including a reserve component, or the Ohio organized militia, except that, such order becomes a public record on the day that is fifteen years after the published date or effective date of the call to order;	523 524 525 526 527 528
(gg) The name, address, contact information, or other personal information of an individual who is less than eighteen years of age that is included in any record related to a traffic accident involving a school vehicle in which the individual was an occupant at the time of the accident;	529 530 531 532 533
(hh) Protected health information, as defined in 45 C.F.R. 160.103, that is in a claim for payment for a health care product, service, or procedure, as well as any other health claims data in another document that reveals the identity of an individual who is the subject of the data or could be used to reveal that individual's identity;	534 535 536 537 538 539
(ii) Any depiction by photograph, film, videotape, or printed or digital image under either of the following circumstances:	540 541 542
(i) The depiction is that of a victim of an offense the release of which would be, to a reasonable person of ordinary sensibilities, an offensive and objectionable intrusion into the victim's expectation of bodily privacy and integrity.	543 544 545 546
(ii) The depiction captures or depicts the victim of a sexually oriented offense, as defined in section 2950.01 of the Revised Code, at the actual occurrence of that offense.	547 548 549
(jj) Restricted portions of a body-worn camera or	550

dashboard camera recording; 551

(kk) In the case of a fetal-infant mortality review board 552  
acting under sections 3707.70 to 3707.77 of the Revised Code, 553  
records, documents, reports, or other information presented to 554  
the board or a person abstracting such materials on the board's 555  
behalf, statements made by review board members during board 556  
meetings, all work products of the board, and data submitted by 557  
the board to the department of health or a national infant death 558  
review database, other than the report prepared pursuant to 559  
section 3707.77 of the Revised Code. 560

(ll) Records, documents, reports, or other information 561  
presented to the pregnancy-associated mortality review board 562  
established under section 3738.01 of the Revised Code, 563  
statements made by board members during board meetings, all work 564  
products of the board, and data submitted by the board to the 565  
department of health, other than the biennial reports prepared 566  
under section 3738.08 of the Revised Code; 567

(mm) Except as otherwise provided in division (A) (1) (oo) 568  
of this section, telephone numbers for a victim, as defined in 569  
section 2930.01 of the Revised Code or a witness to a crime that 570  
are listed on any law enforcement record or report. 571

(nn) A preneed funeral contract, as defined in section 572  
4717.01 of the Revised Code, and contract terms and personally 573  
identifying information of a preneed funeral contract, that is 574  
contained in a report submitted by or for a funeral home to the 575  
board of embalmers and funeral directors under division (C) of 576  
section 4717.13, division (J) of section 4717.31, or section 577  
4717.41 of the Revised Code. 578

(oo) Telephone numbers for a party to a motor vehicle 579

accident subject to the requirements of section 5502.11 of the Revised Code that are listed on any law enforcement record or report, except that the telephone numbers described in this division are not excluded from the definition of "public record" under this division on and after the thirtieth day after the occurrence of the motor vehicle accident.

(pp) Records, documents, and information the release of which is prohibited under section 2930.07 of the Revised Code.

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

(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but

only to the extent that the release of the record would create a 610  
high probability of disclosure of any of the following: 611

(a) The identity of a suspect who has not been charged 612  
with the offense to which the record pertains, or of an 613  
information source or witness to whom confidentiality has been 614  
reasonably promised; 615

(b) Information provided by an information source or 616  
witness to whom confidentiality has been reasonably promised, 617  
which information would reasonably tend to disclose the source's 618  
or witness's identity; 619

(c) Specific confidential investigatory techniques or 620  
procedures or specific investigatory work product; 621

(d) Information that would endanger the life or physical 622  
safety of law enforcement personnel, a crime victim, a witness, 623  
or a confidential information source. 624

(3) "Medical record" means any document or combination of 625  
documents, except births, deaths, and the fact of admission to 626  
or discharge from a hospital, that pertains to the medical 627  
history, diagnosis, prognosis, or medical condition of a patient 628  
and that is generated and maintained in the process of medical 629  
treatment. 630

(4) "Trial preparation record" means any record that 631  
contains information that is specifically compiled in reasonable 632  
anticipation of, or in defense of, a civil or criminal action or 633  
proceeding, including the independent thought processes and 634  
personal trial preparation of an attorney. 635

(5) "Intellectual property record" means a record, other 636  
than a financial or administrative record, that is produced or 637  
collected by or for faculty or staff of a state institution of 638

higher learning in the conduct of or as a result of study or 639  
research on an educational, commercial, scientific, artistic, 640  
technical, or scholarly issue, regardless of whether the study 641  
or research was sponsored by the institution alone or in 642  
conjunction with a governmental body or private concern, and 643  
that has not been publicly released, published, or patented. 644

(6) "Donor profile record" means all records about donors 645  
or potential donors to a public institution of higher education 646  
except the names and reported addresses of the actual donors and 647  
the date, amount, and conditions of the actual donation. 648

(7) "Designated public service worker" means a peace 649  
officer, parole officer, probation officer, bailiff, prosecuting 650  
attorney, assistant prosecuting attorney, correctional employee, 651  
county or multicounty corrections officer, community-based 652  
correctional facility employee, designated Ohio national guard 653  
member, protective services worker, youth services employee, 654  
firefighter, EMT, medical director or member of a cooperating 655  
physician advisory board of an emergency medical service 656  
organization, state board of pharmacy employee, investigator of 657  
the bureau of criminal identification and investigation, 658  
emergency service telecommunicator, forensic mental health 659  
provider, mental health evaluation provider, regional 660  
psychiatric hospital employee, judge, magistrate, or federal law 661  
enforcement officer. 662

(8) "Designated public service worker residential and 663  
familial information" means any information that discloses any 664  
of the following about a designated public service worker: 665

(a) The address of the actual personal residence of a 666  
designated public service worker, except for the following 667  
information: 668

- (i) The address of the actual personal residence of a prosecuting attorney or judge; and
- (ii) The state or political subdivision in which a designated public service worker resides.
- (b) Information compiled from referral to or participation in an employee assistance program;
- (c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker;
- (d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer;
- (e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law;
- (f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker;
- (g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace

officer's appointing authority.	698
(9) As used in divisions (A) (7) and (15) to (17) of this section:	699 700
"Peace officer" has the meaning defined in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.	701 702 703 704 705 706
"Correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.	707 708 709 710
"County or multicounty corrections officer" means any corrections officer employed by any county or multicounty correctional facility.	711 712 713
"Designated Ohio national guard member" means a member of the Ohio national guard who is participating in duties related to remotely piloted aircraft, including, but not limited to, pilots, sensor operators, and mission intelligence personnel, duties related to special forces operations, or duties related to cybersecurity, and is designated by the adjutant general as a designated public service worker for those purposes.	714 715 716 717 718 719 720
"Protective services worker" means any employee of a county agency who is responsible for child protective services, child support services, or adult protective services.	721 722 723
"Youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children	724 725 726

committed to the custody of the department of youth services.	727
"Firefighter" means any regular, paid or volunteer, member	728
of a lawfully constituted fire department of a municipal	729
corporation, township, fire district, or village.	730
"EMT" means EMTs-basic, EMTs-I, and paramedics that	731
provide emergency medical services for a public emergency	732
medical service organization. "Emergency medical service	733
organization," "EMT-basic," "EMT-I," and "paramedic" have the	734
meanings defined in section 4765.01 of the Revised Code.	735
"Investigator of the bureau of criminal identification and	736
investigation" has the meaning defined in section 2903.11 of the	737
Revised Code.	738
"Emergency service telecommunicator" has the meaning	739
defined in section 4742.01 of the Revised Code.	740
"Forensic mental health provider" means any employee of a	741
community mental health service provider or local alcohol, drug	742
addiction, and mental health services board who, in the course	743
of the employee's duties, has contact with persons committed to	744
a local alcohol, drug addiction, and mental health services	745
board by a court order pursuant to section 2945.38, 2945.39,	746
2945.40, or 2945.402 of the Revised Code.	747
"Mental health evaluation provider" means an individual	748
who, under Chapter 5122. of the Revised Code, examines a	749
respondent who is alleged to be a mentally ill person subject to	750
court order, as defined in section 5122.01 of the Revised Code,	751
and reports to the probate court the respondent's mental	752
condition.	753
"Regional psychiatric hospital employee" means any	754
employee of the department of mental health and addiction	755

services who, in the course of performing the employee's duties, 756  
has contact with patients committed to the department of mental 757  
health and addiction services by a court order pursuant to 758  
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 759  
Code. 760

"Federal law enforcement officer" has the meaning defined 761  
in section 9.88 of the Revised Code. 762

(10) "Information pertaining to the recreational 763  
activities of a person under the age of eighteen" means 764  
information that is kept in the ordinary course of business by a 765  
public office, that pertains to the recreational activities of a 766  
person under the age of eighteen years, and that discloses any 767  
of the following: 768

(a) The address or telephone number of a person under the 769  
age of eighteen or the address or telephone number of that 770  
person's parent, guardian, custodian, or emergency contact 771  
person; 772

(b) The social security number, birth date, or 773  
photographic image of a person under the age of eighteen; 774

(c) Any medical record, history, or information pertaining 775  
to a person under the age of eighteen; 776

(d) Any additional information sought or required about a 777  
person under the age of eighteen for the purpose of allowing 778  
that person to participate in any recreational activity 779  
conducted or sponsored by a public office or to use or obtain 780  
admission privileges to any recreational facility owned or 781  
operated by a public office. 782

(11) "Community control sanction" has the meaning defined 783  
in section 2929.01 of the Revised Code. 784

(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.	785 786
(13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.	787 788 789 790
(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.	791 792
(15) "Body-worn camera" means a visual and audio recording device worn on the person of a peace officer while the peace officer is engaged in the performance of the peace officer's duties.	793 794 795 796
(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.	797 798 799 800
(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:	801 802 803 804
(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the law enforcement agency knows or has reason to know the person is a child based on the law enforcement agency's records or the content of the recording;	805 806 807 808 809
(b) The death of a person or a deceased person's body, unless the death was caused by a peace officer or, subject to division (H) (1) of this section, the consent of the decedent's executor or administrator has been obtained;	810 811 812 813

(c) The death of a peace officer, firefighter, paramedic, 814  
or other first responder, occurring while the decedent was 815  
engaged in the performance of official duties, unless, subject 816  
to division (H) (1) of this section, the consent of the 817  
decedent's executor or administrator has been obtained; 818

(d) Grievous bodily harm, unless the injury was effected 819  
by a peace officer or, subject to division (H) (1) of this 820  
section, the consent of the injured person or the injured 821  
person's guardian has been obtained; 822

(e) An act of severe violence against a person that 823  
results in serious physical harm to the person, unless the act 824  
and injury was effected by a peace officer or, subject to 825  
division (H) (1) of this section, the consent of the injured 826  
person or the injured person's guardian has been obtained; 827

(f) Grievous bodily harm to a peace officer, firefighter, 828  
paramedic, or other first responder, occurring while the injured 829  
person was engaged in the performance of official duties, 830  
unless, subject to division (H) (1) of this section, the consent 831  
of the injured person or the injured person's guardian has been 832  
obtained; 833

(g) An act of severe violence resulting in serious 834  
physical harm against a peace officer, firefighter, paramedic, 835  
or other first responder, occurring while the injured person was 836  
engaged in the performance of official duties, unless, subject 837  
to division (H) (1) of this section, the consent of the injured 838  
person or the injured person's guardian has been obtained; 839

(h) A person's nude body, unless, subject to division (H) 840  
(1) of this section, the person's consent has been obtained; 841

(i) Protected health information, the identity of a person 842

in a health care facility who is not the subject of a law 843  
enforcement encounter, or any other information in a health care 844  
facility that could identify a person who is not the subject of 845  
a law enforcement encounter; 846

(j) Information that could identify the alleged victim of 847  
a sex offense, menacing by stalking, or domestic violence; 848

(k) Information, that does not constitute a confidential 849  
law enforcement investigatory record, that could identify a 850  
person who provides sensitive or confidential information to a 851  
law enforcement agency when the disclosure of the person's 852  
identity or the information provided could reasonably be 853  
expected to threaten or endanger the safety or property of the 854  
person or another person; 855

(l) Personal information of a person who is not arrested, 856  
cited, charged, or issued a written warning by a peace officer; 857

(m) Proprietary police contingency plans or tactics that 858  
are intended to prevent crime and maintain public order and 859  
safety; 860

(n) A personal conversation unrelated to work between 861  
peace officers or between a peace officer and an employee of a 862  
law enforcement agency; 863

(o) A conversation between a peace officer and a member of 864  
the public that does not concern law enforcement activities; 865

(p) The interior of a residence, unless the interior of a 866  
residence is the location of an adversarial encounter with, or a 867  
use of force by, a peace officer; 868

(q) Any portion of the interior of a private business that 869  
is not open to the public, unless an adversarial encounter with, 870

or a use of force by, a peace officer occurs in that location. 871

As used in division (A)(17) of this section: 872

"Grievous bodily harm" has the same meaning as in section 873  
5924.120 of the Revised Code. 874

"Health care facility" has the same meaning as in section 875  
1337.11 of the Revised Code. 876

"Protected health information" has the same meaning as in 877  
45 C.F.R. 160.103. 878

"Law enforcement agency" has the same meaning as in 879  
section 2925.61 of the Revised Code. 880

"Personal information" means any government-issued 881  
identification number, date of birth, address, financial 882  
information, or criminal justice information from the law 883  
enforcement automated data system or similar databases. 884

"Sex offense" has the same meaning as in section 2907.10 885  
of the Revised Code. 886

"Firefighter," "paramedic," and "first responder" have the 887  
same meanings as in section 4765.01 of the Revised Code. 888

(B)(1) Upon request by any person and subject to division 889  
(B)(8) of this section, all public records responsive to the 890  
request shall be promptly prepared and made available for 891  
inspection to the requester at all reasonable times during 892  
regular business hours. Subject to division (B)(8) of this 893  
section, upon request by any person, a public office or person 894  
responsible for public records shall make copies of the 895  
requested public record available to the requester at cost and 896  
within a reasonable period of time. If a public record contains 897  
information that is exempt from the duty to permit public 898

inspection or to copy the public record, the public office or 899  
the person responsible for the public record shall make 900  
available all of the information within the public record that 901  
is not exempt. When making that public record available for 902  
public inspection or copying that public record, the public 903  
office or the person responsible for the public record shall 904  
notify the requester of any redaction or make the redaction 905  
plainly visible. A redaction shall be deemed a denial of a 906  
request to inspect or copy the redacted information, except if 907  
federal or state law authorizes or requires a public office to 908  
make the redaction. 909

(2) To facilitate broader access to public records, a 910  
public office or the person responsible for public records shall 911  
organize and maintain public records in a manner that they can 912  
be made available for inspection or copying in accordance with 913  
division (B) of this section. A public office also shall have 914  
available a copy of its current records retention schedule at a 915  
location readily available to the public. If a requester makes 916  
an ambiguous or overly broad request or has difficulty in making 917  
a request for copies or inspection of public records under this 918  
section such that the public office or the person responsible 919  
for the requested public record cannot reasonably identify what 920  
public records are being requested, the public office or the 921  
person responsible for the requested public record may deny the 922  
request but shall provide the requester with an opportunity to 923  
revise the request by informing the requester of the manner in 924  
which records are maintained by the public office and accessed 925  
in the ordinary course of the public office's or person's 926  
duties. 927

(3) If a request is ultimately denied, in part or in 928  
whole, the public office or the person responsible for the 929

requested public record shall provide the requester with an 930  
explanation, including legal authority, setting forth why the 931  
request was denied. If the initial request was provided in 932  
writing, the explanation also shall be provided to the requester 933  
in writing. The explanation shall not preclude the public office 934  
or the person responsible for the requested public record from 935  
relying upon additional reasons or legal authority in defending 936  
an action commenced under division (C) of this section. 937

(4) Unless specifically required or authorized by state or 938  
federal law or in accordance with division (B) of this section, 939  
no public office or person responsible for public records may 940  
limit or condition the availability of public records by 941  
requiring disclosure of the requester's identity or the intended 942  
use of the requested public record. Any requirement that the 943  
requester disclose the requester's identity or the intended use 944  
of the requested public record constitutes a denial of the 945  
request. 946

(5) A public office or person responsible for public 947  
records may ask a requester to make the request in writing, may 948  
ask for the requester's identity, and may inquire about the 949  
intended use of the information requested, but may do so only 950  
after disclosing to the requester that a written request is not 951  
mandatory, that the requester may decline to reveal the 952  
requester's identity or the intended use, and when a written 953  
request or disclosure of the identity or intended use would 954  
benefit the requester by enhancing the ability of the public 955  
office or person responsible for public records to identify, 956  
locate, or deliver the public records sought by the requester. 957

(6) If any person requests a copy of a public record in 958  
accordance with division (B) of this section, the public office 959

or person responsible for the public record may require the 960  
requester to pay in advance the cost involved in providing the 961  
copy of the public record in accordance with the choice made by 962  
the requester under this division. The public office or the 963  
person responsible for the public record shall permit the 964  
requester to choose to have the public record duplicated upon 965  
paper, upon the same medium upon which the public office or 966  
person responsible for the public record keeps it, or upon any 967  
other medium upon which the public office or person responsible 968  
for the public record determines that it reasonably can be 969  
duplicated as an integral part of the normal operations of the 970  
public office or person responsible for the public record. When 971  
the requester makes a choice under this division, the public 972  
office or person responsible for the public record shall provide 973  
a copy of it in accordance with the choice made by the 974  
requester. Nothing in this section requires a public office or 975  
person responsible for the public record to allow the requester 976  
of a copy of the public record to make the copies of the public 977  
record. 978

(7) (a) Upon a request made in accordance with division (B) 979  
of this section and subject to division (B) (6) of this section, 980  
a public office or person responsible for public records shall 981  
transmit a copy of a public record to any person by United 982  
States mail or by any other means of delivery or transmission 983  
within a reasonable period of time after receiving the request 984  
for the copy. The public office or person responsible for the 985  
public record may require the person making the request to pay 986  
in advance the cost of postage if the copy is transmitted by 987  
United States mail or the cost of delivery if the copy is 988  
transmitted other than by United States mail, and to pay in 989  
advance the costs incurred for other supplies used in the 990

mailing, delivery, or transmission. 991

(b) Any public office may adopt a policy and procedures 992  
that it will follow in transmitting, within a reasonable period 993  
of time after receiving a request, copies of public records by 994  
United States mail or by any other means of delivery or 995  
transmission pursuant to division (B) (7) of this section. A 996  
public office that adopts a policy and procedures under division 997  
(B) (7) of this section shall comply with them in performing its 998  
duties under that division. 999

(c) In any policy and procedures adopted under division 1000  
(B) (7) of this section: 1001

(i) A public office may limit the number of records 1002  
requested by a person that the office will physically deliver by 1003  
United States mail or by another delivery service to ten per 1004  
month, unless the person certifies to the office in writing that 1005  
the person does not intend to use or forward the requested 1006  
records, or the information contained in them, for commercial 1007  
purposes; 1008

(ii) A public office that chooses to provide some or all 1009  
of its public records on a web site that is fully accessible to 1010  
and searchable by members of the public at all times, other than 1011  
during acts of God outside the public office's control or 1012  
maintenance, and that charges no fee to search, access, 1013  
download, or otherwise receive records provided on the web site, 1014  
may limit to ten per month the number of records requested by a 1015  
person that the office will deliver in a digital format, unless 1016  
the requested records are not provided on the web site and 1017  
unless the person certifies to the office in writing that the 1018  
person does not intend to use or forward the requested records, 1019  
or the information contained in them, for commercial purposes. 1020

(iii) For purposes of division (B)(7) of this section, 1021  
"commercial" shall be narrowly construed and does not include 1022  
reporting or gathering news, reporting or gathering information 1023  
to assist citizen oversight or understanding of the operation or 1024  
activities of government, or nonprofit educational research. 1025

(8) A public office or person responsible for public 1026  
records is not required to permit a person who is incarcerated 1027  
pursuant to a criminal conviction or a juvenile adjudication to 1028  
inspect or to obtain a copy of any public record concerning a 1029  
criminal investigation or prosecution or concerning what would 1030  
be a criminal investigation or prosecution if the subject of the 1031  
investigation or prosecution were an adult, unless the request 1032  
to inspect or to obtain a copy of the record is for the purpose 1033  
of acquiring information that is subject to release as a public 1034  
record under this section and the judge who imposed the sentence 1035  
or made the adjudication with respect to the person, or the 1036  
judge's successor in office, finds that the information sought 1037  
in the public record is necessary to support what appears to be 1038  
a justiciable claim of the person. 1039

(9) (a) Upon written request made and signed by a 1040  
journalist, a public office, or person responsible for public 1041  
records, having custody of the records of the agency employing a 1042  
specified designated public service worker shall disclose to the 1043  
journalist the address of the actual personal residence of the 1044  
designated public service worker and, if the designated public 1045  
service worker's spouse, former spouse, or child is employed by 1046  
a public office, the name and address of the employer of the 1047  
designated public service worker's spouse, former spouse, or 1048  
child. The request shall include the journalist's name and title 1049  
and the name and address of the journalist's employer and shall 1050  
state that disclosure of the information sought would be in the 1051

public interest. 1052

(b) Division (B) (9) (a) of this section also applies to 1053  
journalist requests for: 1054

(i) Customer information maintained by a municipally owned 1055  
or operated public utility, other than social security numbers 1056  
and any private financial information such as credit reports, 1057  
payment methods, credit card numbers, and bank account 1058  
information; 1059

(ii) Information about minors involved in a school vehicle 1060  
accident as provided in division (A) (1) (gg) of this section, 1061  
other than personal information as defined in section 149.45 of 1062  
the Revised Code. 1063

(c) As used in division (B) (9) of this section, 1064  
"journalist" means a person engaged in, connected with, or 1065  
employed by any news medium, including a newspaper, magazine, 1066  
press association, news agency, or wire service, a radio or 1067  
television station, or a similar medium, for the purpose of 1068  
gathering, processing, transmitting, compiling, editing, or 1069  
disseminating information for the general public. 1070

(10) Upon a request made by a victim, victim's attorney, 1071  
or victim's representative, as that term is used in section 1072  
2930.02 of the Revised Code, a public office or person 1073  
responsible for public records shall transmit a copy of a 1074  
depiction of the victim as described in division (A) (1) (ii) of 1075  
this section to the victim, victim's attorney, or victim's 1076  
representative. 1077

(C) (1) If a person allegedly is aggrieved by the failure 1078  
of a public office or the person responsible for public records 1079  
to promptly prepare a public record and to make it available to 1080

the person for inspection in accordance with division (B) of 1081  
this section or by any other failure of a public office or the 1082  
person responsible for public records to comply with an 1083  
obligation in accordance with division (B) of this section, the 1084  
person allegedly aggrieved may do only one of the following, and 1085  
not both: 1086

(a) File a complaint with the clerk of the court of claims 1087  
or the clerk of the court of common pleas under section 2743.75 1088  
of the Revised Code; 1089

(b) Commence a mandamus action to obtain a judgment that 1090  
orders the public office or the person responsible for the 1091  
public record to comply with division (B) of this section, that 1092  
awards court costs and reasonable attorney's fees to the person 1093  
that instituted the mandamus action, and, if applicable, that 1094  
includes an order fixing statutory damages under division (C) (2) 1095  
of this section. The mandamus action may be commenced in the 1096  
court of common pleas of the county in which division (B) of 1097  
this section allegedly was not complied with, in the supreme 1098  
court pursuant to its original jurisdiction under Section 2 of 1099  
Article IV, Ohio Constitution, or in the court of appeals for 1100  
the appellate district in which division (B) of this section 1101  
allegedly was not complied with pursuant to its original 1102  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1103

(2) If a requester transmits a written request by hand 1104  
delivery, electronic submission, or certified mail to inspect or 1105  
receive copies of any public record in a manner that fairly 1106  
describes the public record or class of public records to the 1107  
public office or person responsible for the requested public 1108  
records, except as otherwise provided in this section, the 1109  
requester shall be entitled to recover the amount of statutory 1110

damages set forth in this division if a court determines that 1111  
the public office or the person responsible for public records 1112  
failed to comply with an obligation in accordance with division 1113  
(B) of this section. 1114

The amount of statutory damages shall be fixed at one 1115  
hundred dollars for each business day during which the public 1116  
office or person responsible for the requested public records 1117  
failed to comply with an obligation in accordance with division 1118  
(B) of this section, beginning with the day on which the 1119  
requester files a mandamus action to recover statutory damages, 1120  
up to a maximum of one thousand dollars. The award of statutory 1121  
damages shall not be construed as a penalty, but as compensation 1122  
for injury arising from lost use of the requested information. 1123  
The existence of this injury shall be conclusively presumed. The 1124  
award of statutory damages shall be in addition to all other 1125  
remedies authorized by this section. 1126

The court may reduce an award of statutory damages or not 1127  
award statutory damages if the court determines both of the 1128  
following: 1129

(a) That, based on the ordinary application of statutory 1130  
law and case law as it existed at the time of the conduct or 1131  
threatened conduct of the public office or person responsible 1132  
for the requested public records that allegedly constitutes a 1133  
failure to comply with an obligation in accordance with division 1134  
(B) of this section and that was the basis of the mandamus 1135  
action, a well-informed public office or person responsible for 1136  
the requested public records reasonably would believe that the 1137  
conduct or threatened conduct of the public office or person 1138  
responsible for the requested public records did not constitute 1139  
a failure to comply with an obligation in accordance with 1140

division (B) of this section; 1141

(b) That a well-informed public office or person 1142  
responsible for the requested public records reasonably would 1143  
believe that the conduct or threatened conduct of the public 1144  
office or person responsible for the requested public records 1145  
would serve the public policy that underlies the authority that 1146  
is asserted as permitting that conduct or threatened conduct. 1147

(3) In a mandamus action filed under division (C) (1) of 1148  
this section, the following apply: 1149

(a) (i) If the court orders the public office or the person 1150  
responsible for the public record to comply with division (B) of 1151  
this section, the court shall determine and award to the relator 1152  
all court costs, which shall be construed as remedial and not 1153  
punitive. 1154

(ii) If the court makes a determination described in 1155  
division (C) (3) (b) (iii) of this section, the court shall 1156  
determine and award to the relator all court costs, which shall 1157  
be construed as remedial and not punitive. 1158

(b) If the court renders a judgment that orders the public 1159  
office or the person responsible for the public record to comply 1160  
with division (B) of this section or if the court determines any 1161  
of the following, the court may award reasonable attorney's fees 1162  
to the relator, subject to division (C) (4) of this section: 1163

(i) The public office or the person responsible for the 1164  
public records failed to respond affirmatively or negatively to 1165  
the public records request in accordance with the time allowed 1166  
under division (B) of this section. 1167

(ii) The public office or the person responsible for the 1168  
public records promised to permit the relator to inspect or 1169

receive copies of the public records requested within a 1170  
specified period of time but failed to fulfill that promise 1171  
within that specified period of time. 1172

(iii) The public office or the person responsible for the 1173  
public records acted in bad faith when the office or person 1174  
voluntarily made the public records available to the relator for 1175  
the first time after the relator commenced the mandamus action, 1176  
but before the court issued any order concluding whether or not 1177  
the public office or person was required to comply with division 1178  
(B) of this section. No discovery may be conducted on the issue 1179  
of the alleged bad faith of the public office or person 1180  
responsible for the public records. This division shall not be 1181  
construed as creating a presumption that the public office or 1182  
the person responsible for the public records acted in bad faith 1183  
when the office or person voluntarily made the public records 1184  
available to the relator for the first time after the relator 1185  
commenced the mandamus action, but before the court issued any 1186  
order described in this division. 1187

(c) The court shall not award attorney's fees to the 1188  
relator if the court determines both of the following: 1189

(i) That, based on the ordinary application of statutory 1190  
law and case law as it existed at the time of the conduct or 1191  
threatened conduct of the public office or person responsible 1192  
for the requested public records that allegedly constitutes a 1193  
failure to comply with an obligation in accordance with division 1194  
(B) of this section and that was the basis of the mandamus 1195  
action, a well-informed public office or person responsible for 1196  
the requested public records reasonably would believe that the 1197  
conduct or threatened conduct of the public office or person 1198  
responsible for the requested public records did not constitute 1199

a failure to comply with an obligation in accordance with 1200  
division (B) of this section; 1201

(ii) That a well-informed public office or person 1202  
responsible for the requested public records reasonably would 1203  
believe that the conduct or threatened conduct of the public 1204  
office or person responsible for the requested public records 1205  
would serve the public policy that underlies the authority that 1206  
is asserted as permitting that conduct or threatened conduct. 1207

(4) All of the following apply to any award of reasonable 1208  
attorney's fees awarded under division (C) (3) (b) of this 1209  
section: 1210

(a) The fees shall be construed as remedial and not 1211  
punitive. 1212

(b) The fees awarded shall not exceed the total of the 1213  
reasonable attorney's fees incurred before the public record was 1214  
made available to the relator and the fees described in division 1215  
(C) (4) (c) of this section. 1216

(c) Reasonable attorney's fees shall include reasonable 1217  
fees incurred to produce proof of the reasonableness and amount 1218  
of the fees and to otherwise litigate entitlement to the fees. 1219

(d) The court may reduce the amount of fees awarded if the 1220  
court determines that, given the factual circumstances involved 1221  
with the specific public records request, an alternative means 1222  
should have been pursued to more effectively and efficiently 1223  
resolve the dispute that was subject to the mandamus action 1224  
filed under division (C) (1) of this section. 1225

(5) If the court does not issue a writ of mandamus under 1226  
division (C) of this section and the court determines at that 1227  
time that the bringing of the mandamus action was frivolous 1228

conduct as defined in division (A) of section 2323.51 of the Revised Code, the court may award to the public office all court costs, expenses, and reasonable attorney's fees, as determined by the court.

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

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

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

The public office shall distribute the public records

policy adopted by the public office under this division to the 1259  
employee of the public office who is the records custodian or 1260  
records manager or otherwise has custody of the records of that 1261  
office. The public office shall require that employee to 1262  
acknowledge receipt of the copy of the public records policy. 1263  
The public office shall create a poster that describes its 1264  
public records policy and shall post the poster in a conspicuous 1265  
place in the public office and in all locations where the public 1266  
office has branch offices. The public office may post its public 1267  
records policy on the internet web site of the public office if 1268  
the public office maintains an internet web site. A public 1269  
office that has established a manual or handbook of its general 1270  
policies and procedures for all employees of the public office 1271  
shall include the public records policy of the public office in 1272  
the manual or handbook. 1273

(F) (1) The bureau of motor vehicles may adopt rules 1274  
pursuant to Chapter 119. of the Revised Code to reasonably limit 1275  
the number of bulk commercial special extraction requests made 1276  
by a person for the same records or for updated records during a 1277  
calendar year. The rules may include provisions for charges to 1278  
be made for bulk commercial special extraction requests for the 1279  
actual cost of the bureau, plus special extraction costs, plus 1280  
ten per cent. The bureau may charge for expenses for redacting 1281  
information, the release of which is prohibited by law. 1282

(2) As used in division (F) (1) of this section: 1283

(a) "Actual cost" means the cost of depleted supplies, 1284  
records storage media costs, actual mailing and alternative 1285  
delivery costs, or other transmitting costs, and any direct 1286  
equipment operating and maintenance costs, including actual 1287  
costs paid to private contractors for copying services. 1288

(b) "Bulk commercial special extraction request" means a 1289  
request for copies of a record for information in a format other 1290  
than the format already available, or information that cannot be 1291  
extracted without examination of all items in a records series, 1292  
class of records, or database by a person who intends to use or 1293  
forward the copies for surveys, marketing, solicitation, or 1294  
resale for commercial purposes. "Bulk commercial special 1295  
extraction request" does not include a request by a person who 1296  
gives assurance to the bureau that the person making the request 1297  
does not intend to use or forward the requested copies for 1298  
surveys, marketing, solicitation, or resale for commercial 1299  
purposes. 1300

(c) "Commercial" means profit-seeking production, buying, 1301  
or selling of any good, service, or other product. 1302

(d) "Special extraction costs" means the cost of the time 1303  
spent by the lowest paid employee competent to perform the task, 1304  
the actual amount paid to outside private contractors employed 1305  
by the bureau, or the actual cost incurred to create computer 1306  
programs to make the special extraction. "Special extraction 1307  
costs" include any charges paid to a public agency for computer 1308  
or records services. 1309

(3) For purposes of divisions (F) (1) and (2) of this 1310  
section, "surveys, marketing, solicitation, or resale for 1311  
commercial purposes" shall be narrowly construed and does not 1312  
include reporting or gathering news, reporting or gathering 1313  
information to assist citizen oversight or understanding of the 1314  
operation or activities of government, or nonprofit educational 1315  
research. 1316

(G) A request by a defendant, counsel of a defendant, or 1317  
any agent of a defendant in a criminal action that public 1318

records related to that action be made available under this 1319  
section shall be considered a demand for discovery pursuant to 1320  
the Criminal Rules, except to the extent that the Criminal Rules 1321  
plainly indicate a contrary intent. The defendant, counsel of 1322  
the defendant, or agent of the defendant making a request under 1323  
this division shall serve a copy of the request on the 1324  
prosecuting attorney, director of law, or other chief legal 1325  
officer responsible for prosecuting the action. 1326

(H) (1) Any portion of a body-worn camera or dashboard 1327  
camera recording described in divisions (A) (17) (b) to (h) of 1328  
this section may be released by consent of the subject of the 1329  
recording or a representative of that person, as specified in 1330  
those divisions, only if either of the following applies: 1331

(a) The recording will not be used in connection with any 1332  
probable or pending criminal proceedings; 1333

(b) The recording has been used in connection with a 1334  
criminal proceeding that was dismissed or for which a judgment 1335  
has been entered pursuant to Rule 32 of the Rules of Criminal 1336  
Procedure, and will not be used again in connection with any 1337  
probable or pending criminal proceedings. 1338

(2) If a public office denies a request to release a 1339  
restricted portion of a body-worn camera or dashboard camera 1340  
recording, as defined in division (A) (17) of this section, any 1341  
person may file a mandamus action pursuant to this section or a 1342  
complaint with the clerk of the court of claims pursuant to 1343  
section 2743.75 of the Revised Code, requesting the court to 1344  
order the release of all or portions of the recording. If the 1345  
court considering the request determines that the filing 1346  
articulates by clear and convincing evidence that the public 1347  
interest in the recording substantially outweighs privacy 1348

interests and other interests asserted to deny release, the 1349  
court shall order the public office to release the recording. 1350

**Sec. 2151.356.** (A) The records of a case in which a person 1351  
was adjudicated a delinquent child for committing a violation of 1352  
section 2903.01, 2903.02, or 2907.02 of the Revised Code shall 1353  
not be sealed under this section. 1354

(B) (1) The juvenile court shall promptly order the 1355  
immediate sealing of records pertaining to a juvenile in any of 1356  
the following circumstances: 1357

(a) If the court receives a record from a public office or 1358  
agency under division (B) (2) of this section; 1359

(b) If a person was brought before or referred to the 1360  
court for allegedly committing a delinquent or unruly act and 1361  
the case was resolved without the filing of a complaint against 1362  
the person with respect to that act pursuant to section 2151.27 1363  
of the Revised Code; 1364

(c) If a person was charged with violating division (E) (1) 1365  
of section 4301.69 of the Revised Code and the person has 1366  
successfully completed a diversion program under division (E) (2) 1367  
(a) of section 4301.69 of the Revised Code with respect to that 1368  
charge; 1369

(d) If a complaint was filed against a person alleging 1370  
that the person was a delinquent child, an unruly child, or a 1371  
juvenile traffic offender and the court dismisses the complaint 1372  
after a trial on the merits of the case or finds the person not 1373  
to be a delinquent child, an unruly child, or a juvenile traffic 1374  
offender; 1375

(e) Notwithstanding division (C) of this section and 1376  
subject to section 2151.358 of the Revised Code, if a person has 1377

been adjudicated an unruly child, that person has attained 1378  
eighteen years of age, and the person is not under the 1379  
jurisdiction of the court in relation to a complaint alleging 1380  
the person to be a delinquent child. 1381

(2) The appropriate public office or agency shall 1382  
immediately deliver all original records at that public office 1383  
or agency pertaining to a juvenile to the court, if the person 1384  
was arrested or taken into custody for allegedly committing a 1385  
delinquent or unruly act, no complaint was filed against the 1386  
person with respect to the commission of the act pursuant to 1387  
section 2151.27 of the Revised Code, and the person was not 1388  
brought before or referred to the court for the commission of 1389  
the act. The records delivered to the court as required under 1390  
this division shall not include fingerprints, DNA specimens, and 1391  
DNA records described under division (A) (3) of section 2151.357 1392  
of the Revised Code. 1393

(C) (1) The juvenile court shall consider the sealing of 1394  
records pertaining to a juvenile upon the court's own motion or 1395  
upon the application of a person if the person has been 1396  
adjudicated a delinquent child for committing an act other than 1397  
a violation of section 2903.01, 2903.02, or 2907.02 of the 1398  
Revised Code, an unruly child, or a juvenile traffic offender 1399  
and if, at the time of the motion or application, the person is 1400  
not under the jurisdiction of the court in relation to a 1401  
complaint alleging the person to be a delinquent child. The 1402  
court shall not require a fee for the filing of the application. 1403  
The motion or application may be made on or after the time 1404  
specified in whichever of the following is applicable: 1405

(a) If the person is under eighteen years of age, at any 1406  
time after six months after any of the following events occur: 1407

(i) The termination of any order made by the court in relation to the adjudication; 1408  
1409

(ii) The unconditional discharge of the person from the department of youth services with respect to a dispositional order made in relation to the adjudication or from an institution or facility to which the person was committed pursuant to a dispositional order made in relation to the adjudication; 1410  
1411  
1412  
1413  
1414  
1415

(iii) The court enters an order under section 2152.84 or 2152.85 of the Revised Code that contains a determination that the child is no longer a juvenile offender registrant. 1416  
1417  
1418

(b) If the person is eighteen years of age or older, at any time after the later of the following: 1419  
1420

(i) The person's attainment of eighteen years of age; 1421

(ii) The occurrence of any event identified in divisions (C) (1) (a) (i) to (iii) of this section. 1422  
1423

(2) In making the determination whether to seal records pursuant to division (C) (1) of this section, all of the following apply: 1424  
1425  
1426

(a) The court may require a person filing an application under division (C) (1) of this section to submit any relevant documentation to support the application. 1427  
1428  
1429

(b) The court may cause an investigation to be made to determine if the person who is the subject of the proceedings has been rehabilitated to a satisfactory degree. 1430  
1431  
1432

(c) The court shall promptly, but not less than thirty days prior to the hearing, notify the prosecuting attorney of any proceedings to seal records initiated pursuant to division 1433  
1434  
1435

(C) (1) of this section. The prosecutor shall provide timely 1436  
notice to a victim and a victim's representative, if applicable, 1437  
if the victim or victim's representative requested notice of the 1438  
proceedings in the underlying case. 1439

(d) (i) The prosecuting attorney may file a response with 1440  
the court within thirty days of receiving notice of the sealing 1441  
proceedings. 1442

(ii) If the prosecuting attorney does not file a response 1443  
with the court or if the prosecuting attorney files a response 1444  
but indicates that the prosecuting attorney does not object to 1445  
the sealing of the records, the court may order the records of 1446  
the person that are under consideration to be sealed without 1447  
conducting a hearing on the motion or application. If the court 1448  
decides in its discretion to conduct a hearing on the motion or 1449  
application, the court shall conduct the hearing within thirty 1450  
days after making that decision and shall give notice, by 1451  
regular mail, of the date, time, and location of the hearing to 1452  
the prosecuting attorney and to the person who is the subject of 1453  
the records under consideration. The victim, the victim's 1454  
representative, and the victim's attorney, if applicable, may be 1455  
present and heard orally, in writing, or both at any hearing 1456  
under this division. The court shall consider the oral and 1457  
written statement of any victim, victim's representative, and 1458  
victim's attorney, if applicable. 1459

(iii) If the prosecuting attorney files a response with 1460  
the court that indicates that the prosecuting attorney objects 1461  
to the sealing of the records, the court shall conduct a hearing 1462  
on the motion or application within thirty days after the court 1463  
receives the response. The court shall give notice, by regular 1464  
mail, of the date, time, and location of the hearing to the 1465

prosecuting attorney and to the person who is the subject of the 1466  
records under consideration. The victim, the victim's 1467  
representative, and the victim's attorney, if applicable, may be 1468  
present and heard orally, in writing, or both at any hearing 1469  
under this division. The court shall consider the oral and 1470  
written statement of any victim, victim's representative, and 1471  
victim's attorney, if applicable. 1472

(e) After conducting a hearing in accordance with division 1473  
(C) (2) (d) of this section or after due consideration when a 1474  
hearing is not conducted, except as provided in division (B) (1) 1475  
(c) of this section, the court may order the records of the 1476  
person that are the subject of the motion or application to be 1477  
sealed if it finds that the person has been rehabilitated to a 1478  
satisfactory degree. In determining whether the person has been 1479  
rehabilitated to a satisfactory degree, the court may consider 1480  
all of the following: 1481

(i) The age of the person; 1482

(ii) The nature of the case; 1483

(iii) The cessation or continuation of delinquent, unruly, 1484  
or criminal behavior; 1485

(iv) The education and employment history of the person; 1486

(v) The granting of a new tier classification or 1487  
declassification from the juvenile offender registry pursuant to 1488  
section 2152.85 of the Revised Code, except for public registry- 1489  
qualified juvenile offender registrants; 1490

(vi) Any other circumstances that may relate to the 1491  
rehabilitation of the person who is the subject of the records 1492  
under consideration. 1493

(D) (1) (a) The juvenile court shall provide verbal notice 1494  
to a person whose records are sealed under division (B) of this 1495  
section, if that person is present in the court at the time the 1496  
court issues a sealing order, that explains what sealing a 1497  
record means, states that the person may apply to have those 1498  
records expunged under section 2151.358 of the Revised Code, and 1499  
explains what expunging a record means. 1500

(b) The juvenile court shall provide written notice to a 1501  
person whose records are sealed under division (B) of this 1502  
section by regular mail to the person's last known address, if 1503  
that person is not present in the court at the time the court 1504  
issues a sealing order and if the court does not seal the 1505  
person's record upon the court's own motion, that explains what 1506  
sealing a record means, states that the person may apply to have 1507  
those records expunged under section 2151.358 of the Revised 1508  
Code, and explains what expunging a record means. 1509

(2) Upon final disposition of a case in which a person has 1510  
been adjudicated a delinquent child for committing an act other 1511  
than a violation of section 2903.01, 2903.02, or 2907.02 of the 1512  
Revised Code, an unruly child, or a juvenile traffic offender, 1513  
the juvenile court shall provide written notice to the person 1514  
that does all of the following: 1515

(a) States that the person may apply to the court for an 1516  
order to seal the record; 1517

(b) Explains what sealing a record means; 1518

(c) States that the person may apply to the court for an 1519  
order to expunge the record under section 2151.358 of the 1520  
Revised Code; 1521

(d) Explains what expunging a record means. 1522

(3) The department of youth services and any other 1523  
institution or facility that unconditionally discharges a person 1524  
who has been adjudicated a delinquent child, an unruly child, or 1525  
a juvenile traffic offender shall immediately give notice of the 1526  
discharge to the court that committed the person. The court 1527  
shall note the date of discharge on a separate record of 1528  
discharges of those natures. 1529

**Sec. 2151.358.** (A) The juvenile court shall expunge all 1530  
records sealed under section 2151.356 of the Revised Code five 1531  
years after the court issues a sealing order or upon the twenty- 1532  
third birthday of the person who is the subject of the sealing 1533  
order, whichever date is earlier. 1534

(B) Notwithstanding division (A) of this section, upon 1535  
application by the person who has had a record sealed under 1536  
section 2151.356 of the Revised Code, the juvenile court may 1537  
expunge a record sealed under section 2151.356 of the Revised 1538  
Code. In making the determination whether to expunge records, 1539  
all of the following apply: 1540

(1) The court may require a person filing an application 1541  
for expungement to submit any relevant documentation to support 1542  
the application. 1543

(2) The court may cause an investigation to be made to 1544  
determine if the person who is the subject of the proceedings 1545  
has been rehabilitated to a satisfactory degree. 1546

(3) The court shall promptly, but not less than thirty 1547  
days prior to the hearing, notify the prosecuting attorney of 1548  
any proceedings to expunge records. The prosecutor shall provide 1549  
timely notice to a victim and the victim's representative, if 1550  
applicable, if the victim or victim's representative requested 1551

notice of the proceedings in the underlying case. 1552

(4) (a) The prosecuting attorney may file a response with 1553  
the court within thirty days of receiving notice of the 1554  
expungement proceedings. 1555

(b) If the prosecuting attorney does not file a response 1556  
with the court or if the prosecuting attorney files a response 1557  
but indicates that the prosecuting attorney does not object to 1558  
the expungement of the records, the court may order the records 1559  
of the person that are under consideration to be expunged 1560  
without conducting a hearing on the application. If the court 1561  
decides in its discretion to conduct a hearing on the 1562  
application, the court shall conduct the hearing within thirty 1563  
days after making that decision and shall give notice, by 1564  
regular mail, of the date, time, and location of the hearing to 1565  
the prosecuting attorney and to the person who is the subject of 1566  
the records under consideration. The victim and the victim's 1567  
representative, if applicable, may be present and heard orally, 1568  
in writing, or both at any hearing under this division. The 1569  
court shall consider the oral and written statement of any 1570  
victim, victim's representative, and victim's attorney, if 1571  
applicable. 1572

(c) If the prosecuting attorney files a response with the 1573  
court that indicates that the prosecuting attorney objects to 1574  
the expungement of the records, the court shall conduct a 1575  
hearing on the application within thirty days after the court 1576  
receives the response. The court shall give notice, by regular 1577  
mail, of the date, time, and location of the hearing to the 1578  
prosecuting attorney and to the person who is the subject of the 1579  
records under consideration. The victim and the victim's 1580  
representative, if applicable, may be present and heard orally, 1581

in writing, or both at any hearing under this section. The court 1582  
shall consider the oral and written statement of any victim, 1583  
victim's representative, and victim's attorney, if applicable. 1584

(5) After conducting a hearing in accordance with division 1585  
(B) (4) of this section or after due consideration when a hearing 1586  
is not conducted, the court may order the records of the person 1587  
that are the subject of the application to be expunged if it 1588  
finds that the person has been rehabilitated to a satisfactory 1589  
degree. In determining whether the person has been rehabilitated 1590  
to a satisfactory degree, the court may consider all of the 1591  
following: 1592

(a) The age of the person; 1593

(b) The nature of the case; 1594

(c) The cessation or continuation of delinquent, unruly, 1595  
or criminal behavior; 1596

(d) The education and employment history of the person; 1597

(e) Any other circumstances that may relate to the 1598  
rehabilitation of the person who is the subject of the records 1599  
under consideration. 1600

(C) If the juvenile court is notified by any party in a 1601  
civil action that a civil action has been filed based on a case 1602  
the records for which are the subject of a sealing order, the 1603  
juvenile court shall not expunge a record sealed under section 1604  
2151.356 of the Revised Code until the civil action has been 1605  
resolved and is not subject to further appellate review, at 1606  
which time the records shall be expunged pursuant to division 1607  
(A) of this section. 1608

(D) (1) A juvenile court that issues a protection order or 1609

approves a consent agreement under section 2151.34 or 3113.31 of 1610  
the Revised Code shall automatically seal all of the records of 1611  
the proceeding in which the order was issued or agreement 1612  
approved on the date the person against whom the protection 1613  
order was issued or the consent agreement approved attains the 1614  
age of nineteen years if the court determines that the person 1615  
has complied with all of the terms of the protection order or 1616  
consent agreement. 1617

(2) In a proceeding under section 2151.34 of the Revised 1618  
Code, if the juvenile court does not issue any protection order 1619  
under division (E) of that section, the court shall 1620  
automatically seal all of the records in that proceeding. In a 1621  
proceeding under section 3113.31 of the Revised Code, if the 1622  
juvenile court does not issue any protection order or approve 1623  
any consent agreement under division (E) of that section, the 1624  
court shall automatically seal all of the records in that 1625  
proceeding. 1626

(3) (a) If a juvenile court that issues a protection order 1627  
or approves a consent agreement under section 2151.34 or 3113.31 1628  
of the Revised Code determines that the person against whom the 1629  
protection order was issued or the consent agreement approved 1630  
has not complied with all of the terms of the protection order 1631  
or consent agreement, the court shall consider sealing all of 1632  
the records of the proceeding in which the order was issued or 1633  
agreement approved upon the court's own motion or upon the 1634  
application of a person. The court may make the motion or the 1635  
person who is the subject of the records under consideration may 1636  
apply for an order sealing the records of the proceeding at any 1637  
time after two years after the expiration of the protection 1638  
order or consent agreement. 1639

(b) In making a determination whether to seal records 1640  
pursuant to division (D) (3) of this section, all of the 1641  
following apply: 1642

(i) The court may require a person filing an application 1643  
under division (D) (3) of this section to submit any relevant 1644  
documentation to support the application. 1645

(ii) The court shall promptly notify the victim or the 1646  
victim's attorney of any proceedings to seal records initiated 1647  
pursuant to division (D) (3) of this section. 1648

(iii) The victim or the victim's attorney may file a 1649  
response with the court within thirty days of receiving notice 1650  
of the sealing proceedings. 1651

If the victim or the victim's attorney does not file a 1652  
response with the court or if the victim or the victim's 1653  
attorney files a response but indicates that the victim or the 1654  
victim's attorney does not object to the sealing of the records, 1655  
the court may order the records of the person that are under 1656  
consideration to be sealed without conducting a hearing on the 1657  
motion or application. If the court decides in its discretion to 1658  
conduct a hearing on the motion or application, the court shall 1659  
conduct the hearing within thirty days after making that 1660  
decision and shall give notice, by regular mail, of the date, 1661  
time, and location of the hearing to the victim or the victim's 1662  
attorney and to the person who is the subject of the records 1663  
under consideration. 1664

If the victim or the victim's attorney files a response 1665  
with the court that indicates that the victim or the victim's 1666  
attorney objects to the sealing of the records, the court shall 1667  
conduct a hearing on the motion or application within thirty 1668

days after the court receives the response. The court shall give 1669  
notice, by regular mail, of the date, time, and location of the 1670  
hearing to the victim or the victim's attorney and to the person 1671  
who is the subject of the records under consideration. 1672

(iv) After conducting a hearing in accordance with 1673  
division (D) (3) (b) (iii) of this section or after due 1674  
consideration when a hearing is not conducted, the court may 1675  
order the records of the person that are the subject of the 1676  
motion or application to be sealed. 1677

(4) Inspection of the records sealed pursuant to division 1678  
(D) (1), (2), or (3) of this section may be made only by the 1679  
following persons or for the following purposes: 1680

(a) By a law enforcement officer or prosecutor, or the 1681  
assistants of either, to determine whether the nature and 1682  
character of the offense with which a person is to be charged 1683  
would be affected by virtue of the person's previously having 1684  
been convicted of a crime; 1685

(b) By the parole or probation officer of the person who 1686  
is the subject of the records, for the exclusive use of the 1687  
officer in supervising the person while on parole or under a 1688  
community control sanction or a post-release control sanction, 1689  
and in making inquiries and written reports as requested by the 1690  
court or adult parole authority; 1691

(c) Upon application by the person who is the subject of 1692  
the records, by the persons named in the application; 1693

(d) By a law enforcement officer who was involved in the 1694  
case, for use in the officer's defense of a civil action arising 1695  
out of the officer's involvement in that case; 1696

(e) By a prosecuting attorney or the prosecuting 1697

attorney's assistants, to determine a defendant's eligibility to 1698  
enter a pre-trial diversion program established pursuant to 1699  
section 2935.36 of the Revised Code; 1700

(f) By any law enforcement agency or any authorized 1701  
employee of a law enforcement agency or by the department of 1702  
rehabilitation and correction as part of a background 1703  
investigation of a person who applies for employment with the 1704  
agency as a law enforcement officer or with the department as a 1705  
corrections officer; 1706

(g) By any law enforcement agency or any authorized 1707  
employee of a law enforcement agency, for the purposes set forth 1708  
in, and in the manner provided in, section 2953.321 of the 1709  
Revised Code; 1710

(h) By the bureau of criminal identification and 1711  
investigation or any authorized employee of the bureau for the 1712  
purpose of providing information to a board or person pursuant 1713  
to division (F) or (G) of section 109.57 of the Revised Code; 1714

(i) By the bureau of criminal identification and 1715  
investigation or any authorized employee of the bureau for the 1716  
purpose of performing a criminal history records check on a 1717  
person to whom a certificate as prescribed in section 109.77 of 1718  
the Revised Code is to be awarded; 1719

(j) By the bureau of criminal identification and 1720  
investigation or any authorized employee of the bureau for the 1721  
purpose of conducting a criminal records check of an individual 1722  
pursuant to division (B) of section 109.572 of the Revised Code 1723  
that was requested pursuant to any of the sections identified in 1724  
division (B) (1) of that section; 1725

(k) By the bureau of criminal identification and 1726

investigation, an authorized employee of the bureau, a sheriff, 1727  
or an authorized employee of a sheriff in connection with a 1728  
criminal records check described in section 311.41 of the 1729  
Revised Code; 1730

(l) By the attorney general or an authorized employee of 1731  
the attorney general or a court for purposes of determining a 1732  
person's classification pursuant to Chapter 2950. of the Revised 1733  
Code. 1734

When the nature and character of the offense with which a 1735  
person is to be charged would be affected by the information, it 1736  
may be used for the purpose of charging the person with an 1737  
offense. 1738

(E) In addition to the methods of expungement provided for 1739  
in divisions (A) and (B) of this section, a person who has been 1740  
adjudicated a delinquent child for having committed an act that 1741  
would be a violation of section 2907.24, 2907.241, or 2907.25 of 1742  
the Revised Code if the child were an adult may apply to the 1743  
adjudicating court for the expungement of the record of 1744  
adjudication if the person's participation in the act was a 1745  
result of the person having been a victim of human trafficking. 1746  
The application shall be made in the same manner as an 1747  
application for expungement under section 2953.38 of the Revised 1748  
Code, and all of the provisions of that section shall apply to 1749  
the expungement procedure. 1750

(F) After the records have been expunged under this 1751  
section, the person who is the subject of the expunged records 1752  
properly may, and the court shall, reply that no record exists 1753  
with respect to the person upon any inquiry in the matter. 1754

**Sec. 2152.20.** (A) If a child is adjudicated a delinquent 1755

child or a juvenile traffic offender, the court may order any of 1756  
the following dispositions, in addition to any other disposition 1757  
authorized or required by this chapter: 1758

(1) Impose a fine in accordance with the following 1759  
schedule: 1760

(a) For an act that would be a minor misdemeanor or an 1761  
unclassified misdemeanor if committed by an adult, a fine not to 1762  
exceed fifty dollars; 1763

(b) For an act that would be a misdemeanor of the fourth 1764  
degree if committed by an adult, a fine not to exceed one 1765  
hundred dollars; 1766

(c) For an act that would be a misdemeanor of the third 1767  
degree if committed by an adult, a fine not to exceed one 1768  
hundred fifty dollars; 1769

(d) For an act that would be a misdemeanor of the second 1770  
degree if committed by an adult, a fine not to exceed two 1771  
hundred dollars; 1772

(e) For an act that would be a misdemeanor of the first 1773  
degree if committed by an adult, a fine not to exceed two 1774  
hundred fifty dollars; 1775

(f) For an act that would be a felony of the fifth degree 1776  
or an unclassified felony if committed by an adult, a fine not 1777  
to exceed three hundred dollars; 1778

(g) For an act that would be a felony of the fourth degree 1779  
if committed by an adult, a fine not to exceed four hundred 1780  
dollars; 1781

(h) For an act that would be a felony of the third degree 1782  
if committed by an adult, a fine not to exceed seven hundred 1783

fifty dollars; 1784

(i) For an act that would be a felony of the second degree 1785  
if committed by an adult, a fine not to exceed one thousand 1786  
dollars; 1787

(j) For an act that would be a felony of the first degree 1788  
if committed by an adult, a fine not to exceed one thousand five 1789  
hundred dollars; 1790

(k) For an act that would be aggravated murder or murder 1791  
if committed by an adult, a fine not to exceed two thousand 1792  
dollars. 1793

(2) Require the child to pay costs; 1794

(3) Unless the child's ~~delinquent act or~~ juvenile traffic 1795  
offense would be a minor misdemeanor if committed by an adult or 1796  
could be disposed of by the juvenile traffic violations bureau 1797  
serving the court under Traffic Rule 13.1 if the court has 1798  
established a juvenile traffic violations bureau, require the 1799  
child to make restitution to the victim of the child's 1800  
delinquent act or juvenile traffic offense or, if the victim is 1801  
deceased, to a survivor or the estate of the victim in an amount 1802  
based upon the victim's economic loss caused by or related to 1803  
the delinquent act or juvenile traffic offense. The court may 1804  
not require a child to make restitution pursuant to this 1805  
division if the child's ~~delinquent act or~~ juvenile traffic 1806  
offense would be a minor misdemeanor if committed by an adult or 1807  
could be disposed of by the juvenile traffic violations bureau 1808  
serving the court under Traffic Rule 13.1 if the court has 1809  
established a juvenile traffic violations bureau. If the court 1810  
requires restitution under this division, the restitution shall 1811  
be made directly to the victim in open court or to the probation 1812

department that serves the jurisdiction or the clerk of courts 1813  
on behalf of the victim. 1814

~~If the court requires restitution under this division, the 1815  
restitution may be in the form of a cash reimbursement paid in a 1816  
lump sum or in installments, the performance of repair work to 1817  
restore any damaged property to its original condition, the 1818  
performance of a reasonable amount of labor for the victim or 1819  
survivor of the victim, the performance of community service 1820  
work, any other form of restitution devised by the court, or any 1821  
combination of the previously described forms of restitution. 1822~~

~~If the court requires restitution under this division, the 1823  
court may base the restitution order on an amount recommended by 1824  
the victim or survivor of the victim, the delinquent child, the 1825  
juvenile traffic offender, a presentence investigation report, 1826  
estimates or receipts indicating the cost of repairing or 1827  
replacing property, and any other information, provided that the 1828  
The victim, victim's representative, victim's attorney, if 1829  
applicable, the prosecuting attorney, or the delinquent child or 1830  
juvenile traffic offender may provide information relevant to 1831  
the determination of the amount of restitution. The amount the 1832  
court orders as restitution shall not exceed the amount of the 1833  
economic loss suffered by the victim as a direct and proximate 1834  
result of the delinquent act or juvenile traffic offense. If the 1835  
court decides to or is required to order restitution under this 1836  
division and the amount of the restitution is disputed by the 1837  
victim or survivor, victim's estate, victim's representative, or 1838  
victim's attorney, if applicable, or by the delinquent child or 1839  
juvenile traffic offender, the court shall hold a hearing on the 1840  
restitution. ~~If the court requires restitution under this 1841  
division, the court shall determine, or order the determination 1842  
of, the amount of restitution to be paid by the delinquent child 1843~~~~

~~or juvenile traffic offender~~ The court shall determine the 1844  
amount of full restitution by a preponderance of the evidence. 1845  
All restitution payments shall be credited against any recovery 1846  
of economic loss in a civil action brought by or on behalf of 1847  
the victim against the delinquent child or juvenile traffic 1848  
offender or the delinquent child's or juvenile traffic 1849  
offender's parent, guardian, or other custodian. 1850

If the court requires restitution under this division, the 1851  
court may order that the delinquent child or juvenile traffic 1852  
offender pay a surcharge, in an amount not exceeding five per 1853  
cent of the amount of restitution otherwise ordered under this 1854  
division, to the entity responsible for collecting and 1855  
processing the restitution payments. 1856

~~The victim or the~~ survivor of the victim, or victim's 1857  
estate may request that the prosecuting authority file a motion, 1858  
or the delinquent child or juvenile traffic offender may file a 1859  
motion, for modification of the payment terms of any restitution 1860  
ordered under this division. If the court grants the motion, it 1861  
may modify the payment terms as it determines appropriate. 1862

(4) Require the child to reimburse any or all of the costs 1863  
incurred for services or sanctions provided or imposed, 1864  
including, but not limited to, the following: 1865

(a) All or part of the costs of implementing any community 1866  
control imposed as a disposition under section 2152.19 of the 1867  
Revised Code, including a supervision fee; 1868

(b) All or part of the costs of confinement in a 1869  
residential facility described in section 2152.19 of the Revised 1870  
Code or in a department of youth services institution, 1871  
including, but not limited to, a per diem fee for room and 1872

board, the costs of medical and dental treatment provided, and 1873  
the costs of repairing property the delinquent child damaged 1874  
while so confined. The amount of reimbursement ordered for a 1875  
child under this division shall not exceed the total amount of 1876  
reimbursement the child is able to pay as determined at a 1877  
hearing and shall not exceed the actual cost of the confinement. 1878  
The court may collect any reimbursement ordered under this 1879  
division. If the court does not order reimbursement under this 1880  
division, confinement costs may be assessed pursuant to a 1881  
repayment policy adopted under section 2929.37 of the Revised 1882  
Code and division (D) of section 307.93, division (A) of section 1883  
341.19, division (C) of section 341.23 or 753.16, division (C) 1884  
of section 2301.56, or division (B) of section 341.14, 753.02, 1885  
753.04, or 2947.19 of the Revised Code. 1886

(B) Chapter 2981. of the Revised Code applies to a child 1887  
who is adjudicated a delinquent child for violating section 1888  
2923.32 or 2923.42 of the Revised Code or for committing an act 1889  
that, if committed by an adult, would be a felony drug abuse 1890  
offense. 1891

(C) The court may hold a hearing if necessary to determine 1892  
whether a child is able to pay a sanction under this section. 1893

(D) If a child who is adjudicated a delinquent child is 1894  
indigent, the court shall consider imposing a term of community 1895  
service under division (A) of section 2152.19 of the Revised 1896  
Code in lieu of imposing a financial sanction under this 1897  
section. If a child who is adjudicated a delinquent child is not 1898  
indigent, the court may impose a term of community service under 1899  
that division in lieu of, or in addition to, imposing a 1900  
financial sanction under this section.—The court may order 1901  
community service for an act that if committed by an adult would 1902

be a minor misdemeanor if that order would generate funds for 1903  
restitution. 1904

If a child fails to pay a financial sanction imposed under 1905  
this section, the court may impose a term of community service 1906  
in lieu of the sanction. 1907

(E) The clerk of the court, or another person authorized 1908  
by law or by the court to collect a financial sanction imposed 1909  
under this section, may do any of the following: 1910

(1) Enter into contracts with one or more public agencies 1911  
or private vendors for the collection of the amounts due under 1912  
the financial sanction, which amounts may include interest from 1913  
the date of imposition of the financial sanction; 1914

(2) Permit payment of all, or any portion of, the 1915  
financial sanction in installments, by credit or debit card, by 1916  
another type of electronic transfer, or by any other reasonable 1917  
method, within any period of time, and on any terms that the 1918  
court considers just, except that the maximum time permitted for 1919  
payment shall not exceed five years. The clerk may pay any fee 1920  
associated with processing an electronic transfer out of public 1921  
money and may charge the fee to the delinquent child. 1922

(3) To defray administrative costs, charge a reasonable 1923  
fee to a child who elects a payment plan rather than a lump sum 1924  
payment of a financial sanction. 1925

**Sec. 2152.203.** (A) As used in this section, "criminal 1926  
offense" and "delinquent act" have the same meanings as in 1927  
section 2930.01 of the Revised Code. 1928

(B) In determining the amount of restitution under this 1929  
section, the court shall order full restitution for any expenses 1930  
related to a victim's economic loss due to the delinquent act. 1931

The amount of restitution shall be reduced by any payments to 1932  
the victim for economic loss made or due under a policy of 1933  
insurance or governmental program. 1934

Economic loss includes, but is not limited to, the 1935  
following: 1936

(1) Full or partial payment for the value of stolen or 1937  
damaged property. The value of stolen or damaged property shall 1938  
be the replacement cost of the property or the actual cost of 1939  
repairing the property when repair is possible. 1940

(2) Medical expenses; 1941

(3) Mental health counseling expenses; 1942

(4) Wages or profits lost due to injury or harm to the 1943  
victim as determined by the court. Lost wages include commission 1944  
income as well as base wages. Commission income shall be 1945  
established by evidence of commission income during the twelve- 1946  
month period prior to the date of the delinquent act for which 1947  
restitution is being ordered, unless good cause for a shorter 1948  
time period is shown. 1949

(5) Expenses related to making a vehicle or residence 1950  
accessible to the victim if the victim is partially permanently 1951  
disabled or totally permanently disabled as a direct result of 1952  
the delinquent act. 1953

(C) The court may require the execution of a satisfactory 1954  
performance bond or take other action permitted by law to ensure 1955  
payment of restitution. 1956

(D) Upon notification by the court, any money owed by the 1957  
state or by a political subdivision of the state to a delinquent 1958  
child who is required to make restitution under this section, 1959

including any tax refund owed to the child or offender, shall be 1960  
assigned to the discharge of the child's or offender's 1961  
outstanding restitution obligation, subject to any superseding 1962  
federal statutes or regulations, including court-ordered support 1963  
obligations. 1964

(E) If a delinquent child or juvenile traffic offender is 1965  
required to make restitution under this section in the form of 1966  
monetary payments to more than one victim, the child or offender 1967  
shall make the payments to the victims in the following order of 1968  
priority: 1969

(1) Individuals; 1970

(2) Nonprofit organizations; 1971

(3) Business entities; 1972

(4) Governmental entities. 1973

(F) A court that orders restitution as part of a 1974  
delinquent child's disposition under this section shall not 1975  
suspend that part of the disposition if the victim or victim's 1976  
attorney, if applicable, objects to the restitution part of the 1977  
disposition being suspended. 1978

(G) A restitution obligation imposed by a court does not 1979  
expire until paid in full. If an order remains unpaid in full, a 1980  
court order for restitution imposed under this section shall be 1981  
reduced to a civil judgment in favor of the victim prior to the 1982  
termination of the court's jurisdiction upon the delinquent 1983  
child's attainment of twenty-one years of age. If the order is 1984  
reduced to such a judgment, the person required to pay the 1985  
restitution under the order is the judgment debtor. The court 1986  
retains jurisdiction over the restitution order until the 1987  
delinquent child attains twenty-one years of age and the civil 1988

judgment obligation continues to be enforceable by a victim, 1989  
victim's representative, or victim's attorney, if applicable, 1990  
until the obligation is satisfied. 1991

(H) If money that is received pursuant to an order of 1992  
restitution cannot be paid to the victim or the victim's estate 1993  
within sixty days of receipt, the person or agency that receives 1994  
the money shall provide written notice of that inability of 1995  
payment to a crime victim service organization at least sixty 1996  
days prior to paying the money to the division of unclaimed 1997  
funds. If the money cannot be paid to the victim or the victim's 1998  
estate after the expiration of sixty days from service of the 1999  
notice to the crime victim services organization, the person or 2000  
agency that received the money shall pay it to the division of 2001  
unclaimed funds. 2002

(I) The supreme court shall create a standardized form to 2003  
be made publicly available that provides guidance for victims 2004  
and victims' representatives regarding the compilation of 2005  
evidence to demonstrate losses for the purpose of this section. 2006

**Sec. 2152.81.** (A) (1) As used in this section, "victim" 2007  
includes any of the following persons: 2008

(a) A person who was a victim of a violation identified in 2009  
division (A) (2) of this section or an act that would be an 2010  
offense of violence if committed by an adult; 2011

(b) A person against whom was directed any conduct that 2012  
constitutes, or that is an element of, a violation identified in 2013  
division (A) (2) of this section or an act that would be an 2014  
offense of violence if committed by an adult. 2015

~~(2)~~ (2) (a) In any proceeding in juvenile court involving a 2016  
complaint, indictment, or information in which a child is 2017

charged with a violation of section 2905.03, 2905.05, 2907.02, 2018  
2907.03, 2907.05, 2907.06, 2907.07, 2907.09, 2907.21, 2907.23, 2019  
2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, or 2020  
2919.22 of the Revised Code or an act that would be an offense 2021  
of violence if committed by an adult and in which an alleged 2022  
victim of the violation or act was a child who was less than 2023  
thirteen years of age when the complaint or information was 2024  
filed or the indictment was returned, the juvenile judge, upon 2025  
motion of an attorney for the prosecution, shall order that the 2026  
testimony of the child victim be taken by deposition. The 2027  
prosecution also may request that the deposition be ~~videotaped-~~ 2028  
recorded in accordance with division (A) (3) of this section. 2029

(b) In any proceeding in the prosecution of a violation of 2030  
Title XXIX of the Revised Code that is not described in division 2031  
(A) (2) (a) of this section, and in which an alleged victim of the 2032  
violation was a child who was less than eighteen years of age 2033  
when the complaint, indictment, or information was filed, 2034  
whichever occurred earlier, upon motion of the child victim, the 2035  
child victim's attorney, if applicable, or an attorney for the 2036  
prosecution, and upon a showing by a preponderance of the 2037  
evidence that the child will suffer serious emotional trauma if 2038  
required to provide live trial testimony, the juvenile judge 2039  
shall order that the testimony of the child victim be taken by 2040  
deposition. The prosecution may also request that the deposition 2041  
be recorded in accordance with division (A) (3) of this section. 2042

(c) The judge shall notify the child victim whose 2043  
deposition is to be taken, the prosecution, and the attorney for 2044  
the child who is charged with the violation or act of the date, 2045  
time, and place for taking the deposition. The notice shall 2046  
identify the child victim who is to be examined and shall 2047  
indicate whether a request that the deposition be ~~videotaped-~~ 2048

recorded has been made. The child who is charged with the 2049  
violation or act shall have the right to attend the deposition 2050  
and the right to be represented by counsel. Depositions shall be 2051  
taken in the manner provided in civil cases, except that the 2052  
judge in the proceeding shall preside at the taking of the 2053  
deposition and shall rule at that time on any objections of the 2054  
prosecution or the attorney for the child charged with the 2055  
violation or act. The prosecution and the attorney for the child 2056  
charged with the violation or act shall have the right, as at an 2057  
adjudication hearing, to full examination and cross-examination 2058  
of the child victim whose deposition is to be taken. If a 2059  
deposition taken under this division is intended to be offered 2060  
as evidence in the proceeding, it shall be filed in the juvenile 2061  
court in which the action is pending and is admissible in the 2062  
manner described in division (B) of this section. If a 2063  
deposition of a child victim taken under this division is 2064  
admitted as evidence at the proceeding under division (B) of 2065  
this section, the child victim shall not be required to testify 2066  
in person at the proceeding. However, at any time before the 2067  
conclusion of the proceeding, the attorney for the child charged 2068  
with the violation or act may file a motion with the judge 2069  
requesting that another deposition of the child victim be taken 2070  
because new evidence material to the defense of the child 2071  
charged has been discovered that the attorney for the child 2072  
charged could not with reasonable diligence have discovered 2073  
prior to the taking of the admitted deposition. Any motion 2074  
requesting another deposition shall be accompanied by supporting 2075  
affidavits. Upon the filing of the motion and affidavits, the 2076  
court may order that additional testimony of the child victim 2077  
relative to the new evidence be taken by another deposition. If 2078  
the court orders the taking of another deposition under this 2079  
provision, the deposition shall be taken in accordance with this 2080

division; if the admitted deposition was a ~~videotaped~~recorded 2081  
deposition taken in accordance with division (A) (3) of this 2082  
section, the new deposition also shall be ~~videotaped~~recorded in 2083  
accordance with that division, and, in other cases, the new 2084  
deposition may be ~~videotaped~~recorded in accordance with that 2085  
division. 2086

(3) If the prosecution ~~requests~~ that a deposition to be 2087  
taken under division (A) (2) of this section be ~~videotaped~~ 2088  
recorded, the juvenile judge shall order that the deposition be 2089  
~~videotaped~~recorded in accordance with this division. If a 2090  
juvenile judge issues an order to ~~video tape~~ record the 2091  
deposition, the judge shall exclude from the room in which the 2092  
deposition is to be taken every person except the child victim 2093  
giving the testimony, the judge, one or more interpreters if 2094  
needed, the attorneys for the prosecution, the child-victim's 2095  
attorney, if applicable, and the child who is charged with the 2096  
violation or act, any person needed to operate the equipment to 2097  
be used, one person, who is not a witness, chosen by the child 2098  
victim giving the deposition, the victim's representative, and 2099  
any person whose presence the judge determines would contribute 2100  
to the welfare and well-being of the child victim giving the 2101  
deposition. The person chosen by the child victim ~~shall not be~~ 2102  
~~a witness in the proceeding~~ and, both before and during the 2103  
deposition, shall not discuss the testimony of the child victim 2104  
with any other witness in the proceeding. To the extent 2105  
feasible, any person operating the recording equipment shall be 2106  
restricted to a room adjacent to the room in which the 2107  
deposition is being taken, or to a location in the room in which 2108  
the deposition is being taken that is behind a screen or mirror 2109  
so that the person operating the recording equipment can see and 2110  
hear, but cannot be seen or heard by, the child victim giving 2111

the deposition during the deposition. The child who is charged 2112  
with the violation or act shall be permitted to observe and hear 2113  
the testimony of the child victim giving the deposition on a 2114  
monitor, shall be provided with an electronic means of immediate 2115  
communication with the attorney of the child who is charged with 2116  
the violation or act during the testimony, and shall be 2117  
restricted to a location from which the child who is charged 2118  
with the violation or act cannot be seen or heard by the child 2119  
victim giving the deposition, except on a monitor provided for 2120  
that purpose. The child victim giving the deposition shall be 2121  
provided with a monitor on which the child victim can observe, 2122  
while giving testimony, the child who is charged with the 2123  
violation or act. The judge, at the judge's discretion, may 2124  
preside at the deposition by electronic means from outside the 2125  
room in which the deposition is to be taken; if the judge 2126  
presides by electronic means, the judge shall be provided with 2127  
monitors on which the judge can see each person in the room in 2128  
which the deposition is to be taken and with an electronic means 2129  
of communication with each person in that room, and each person 2130  
in the room shall be provided with a monitor on which that 2131  
person can see the judge and with an electronic means of 2132  
communication with the judge. A deposition that is ~~videotaped-~~ 2133  
recorded under this division shall be taken and filed in the 2134  
manner described in division (A) (2) of this section and is 2135  
admissible in the manner described in this division and division 2136  
(B) of this section, and, if a deposition that is ~~videotaped-~~ 2137  
recorded under this division is admitted as evidence at the 2138  
proceeding, the child victim shall not be required to testify in 2139  
person at the proceeding. No deposition ~~videotaped-~~recorded 2140  
under this division shall be admitted as evidence at any 2141  
proceeding unless division (B) of this section is satisfied 2142  
relative to the deposition and all of the following apply 2143

relative to the recording: 2144

(a) The recording is both aural and visual and is recorded 2145  
on film or videotape, or by other electronic means. 2146

(b) The recording is authenticated under the Rules of 2147  
Evidence and the Rules of Criminal Procedure as a fair and 2148  
accurate representation of what occurred, and the recording is 2149  
not altered other than at the direction and under the 2150  
supervision of the judge in the proceeding. 2151

(c) Each voice on the recording that is material to the 2152  
testimony on the recording or the making of the recording, as 2153  
determined by the judge, is identified. 2154

(d) Both the prosecution and the child who is charged with 2155  
the violation or act are afforded an opportunity to view the 2156  
recording before it is shown in the proceeding. 2157

(B) (1) At any proceeding in relation to which a deposition 2158  
was taken under division (A) of this section, the deposition or 2159  
a part of it is admissible in evidence upon motion of the 2160  
prosecution if the testimony in the deposition or the part to be 2161  
admitted is not excluded by the hearsay rule and if the 2162  
deposition or the part to be admitted otherwise is admissible 2163  
under the Rules of Evidence. For purposes of this division, 2164  
testimony is not excluded by the hearsay rule if the testimony 2165  
is not hearsay under Evidence Rule 801; if the testimony is 2166  
within an exception to the hearsay rule set forth in Evidence 2167  
Rule 803; if the child victim who gave the testimony is 2168  
unavailable as a witness, as defined in Evidence Rule 804, and 2169  
the testimony is admissible under that rule; or if both of the 2170  
following apply: 2171

(a) The child who is charged with the violation or act had 2172

an opportunity and similar motive at the time of the taking of 2173  
the deposition to develop the testimony by direct, cross, or 2174  
redirect examination. 2175

(b) The judge determines that there is reasonable cause to 2176  
believe that, if the child victim who gave the testimony in the 2177  
deposition were to testify in person at the proceeding, the 2178  
child victim would experience serious emotional trauma as a 2179  
result of the child victim's participation at the proceeding. 2180

(2) Objections to receiving in evidence a deposition or a 2181  
part of it under division (B) of this section shall be made as 2182  
provided in civil actions. 2183

(3) The provisions of divisions (A) and (B) of this 2184  
section are in addition to any other provisions of the Revised 2185  
Code, the Rules of Juvenile Procedure, the Rules of Criminal 2186  
Procedure, or the Rules of Evidence that pertain to the taking 2187  
or admission of depositions in a juvenile court proceeding and 2188  
do not limit the admissibility under any of those other 2189  
provisions of any deposition taken under division (A) of this 2190  
section or otherwise taken. 2191

(C) In any proceeding in juvenile court involving a 2192  
complaint, indictment, or information in which a child is 2193  
charged with a violation listed in division (A)(2) of this 2194  
section or an act that would be an offense of violence if 2195  
committed by an adult and in which an alleged victim of the 2196  
violation or offense was a child who was less than thirteen 2197  
years of age when the complaint or information was filed or 2198  
indictment was returned, the prosecution or the child-victim's 2199  
attorney, if applicable, may file a motion with the juvenile 2200  
judge requesting the judge to order the testimony of the child 2201  
victim to be taken in a room other than the room in which the 2202

proceeding is being conducted and be televised, by closed 2203  
circuit equipment, into the room in which the proceeding is 2204  
being conducted to be viewed by the child who is charged with 2205  
the violation or act and any other persons who are not permitted 2206  
in the room in which the testimony is to be taken but who would 2207  
have been present during the testimony of the child victim had 2208  
it been given in the room in which the proceeding is being 2209  
conducted. Except for good cause shown, the prosecution or the 2210  
child-victim's attorney, if applicable, shall file a motion 2211  
under this division at least seven days before the date of the 2212  
proceeding. The juvenile judge may issue the order upon the 2213  
motion of the prosecution or the child-victim's attorney, if 2214  
applicable, filed under this division, if the judge determines 2215  
that the child victim is unavailable to testify in the room in 2216  
which the proceeding is being conducted in the physical presence 2217  
of the child charged with the violation or act, due to one or 2218  
more of the reasons set forth in division (E) of this section. 2219  
If a juvenile judge issues an order of that nature, the judge 2220  
shall exclude from the room in which the testimony is to be 2221  
taken every person except a person described in division (A) (3) 2222  
of this section. The judge, at the judge's discretion, may 2223  
preside during the giving of the testimony by electronic means 2224  
from outside the room in which it is being given, subject to the 2225  
limitations set forth in division (A) (3) of this section. To the 2226  
extent feasible, any person operating the televising equipment 2227  
shall be hidden from the sight and hearing of the child victim 2228  
giving the testimony, in a manner similar to that described in 2229  
division (A) (3) of this section. The child who is charged with 2230  
the violation or act shall be permitted to observe and hear the 2231  
testimony of the child victim giving the testimony on a monitor, 2232  
shall be provided with an electronic means of immediate 2233  
communication with the attorney of the child who is charged with 2234

the violation or act during the testimony, and shall be 2235  
restricted to a location from which the child who is charged 2236  
with the violation or act cannot be seen or heard by the child 2237  
victim giving the testimony, except on a monitor provided for 2238  
that purpose. The child victim giving the testimony shall be 2239  
provided with a monitor on which the child victim can observe, 2240  
while giving testimony, the child who is charged with the 2241  
violation or act. 2242

(D) In any proceeding in juvenile court involving a 2243  
complaint, indictment, or information in which a child is 2244  
charged with a violation listed in division (A)(2) of this 2245  
section or an act that would be an offense of violence if 2246  
committed by an adult and in which an alleged victim of the 2247  
violation or offense was a child who was less than thirteen 2248  
years of age when the complaint or information was filed or the 2249  
indictment was returned, the prosecution or the child-victim's 2250  
attorney, if applicable, may file a motion with the juvenile 2251  
judge requesting the judge to order the testimony of the child 2252  
victim to be taken outside of the room in which the proceeding 2253  
is being conducted and be recorded for showing in the room in 2254  
which the proceeding is being conducted before the judge, the 2255  
child who is charged with the violation or act, and any other 2256  
persons who would have been present during the testimony of the 2257  
child victim had it been given in the room in which the 2258  
proceeding is being conducted. Except for good cause shown, the 2259  
prosecution or the child-victim's attorney, if applicable, shall 2260  
file a motion under this division at least seven days before the 2261  
date of the proceeding. The juvenile judge may issue the order 2262  
upon the motion of the prosecution or the child-victim's 2263  
attorney, if applicable, filed under this division, if the judge 2264  
determines that the child victim is unavailable to testify in 2265

the room in which the proceeding is being conducted in the 2266  
physical presence of the child charged with the violation or 2267  
act, due to one or more of the reasons set forth in division (E) 2268  
of this section. If a juvenile judge issues an order of that 2269  
nature, the judge shall exclude from the room in which the 2270  
testimony is to be taken every person except a person described 2271  
in division (A) (3) of this section. To the extent feasible, any 2272  
person operating the recording equipment shall be hidden from 2273  
the sight and hearing of the child victim giving the testimony, 2274  
in a manner similar to that described in division (A) (3) of this 2275  
section. The child who is charged with the violation or act 2276  
shall be permitted to observe and hear the testimony of the 2277  
child victim giving the testimony on a monitor, shall be 2278  
provided with an electronic means of immediate communication 2279  
with the attorney of the child who is charged with the violation 2280  
or act during the testimony, and shall be restricted to a 2281  
location from which the child who is charged with the violation 2282  
or act cannot be seen or heard by the child victim giving the 2283  
testimony, except on a monitor provided for that purpose. The 2284  
child victim giving the testimony shall be provided with a 2285  
monitor on which the child victim can observe, while giving 2286  
testimony, the child who is charged with the violation or act. 2287  
No order for the taking of testimony by recording shall be 2288  
issued under this division unless the provisions set forth in 2289  
divisions (A) (3) (a), (b), (c), and (d) of this section apply to 2290  
the recording of the testimony. 2291

(E) For purposes of divisions (C) and (D) of this section, 2292  
a juvenile judge may order the testimony of a child victim to be 2293  
taken outside of the room in which a proceeding is being 2294  
conducted if the judge determines that the child victim is 2295  
unavailable to testify in the room in the physical presence of 2296

the child charged with the violation or act due to one or more 2297  
of the following circumstances: 2298

(1) The persistent refusal of the child victim to testify 2299  
despite judicial requests to do so; 2300

(2) The inability of the child victim to communicate about 2301  
the alleged violation or offense because of extreme fear, 2302  
failure of memory, or another similar reason; 2303

(3) The substantial likelihood that the child victim will 2304  
suffer serious emotional trauma from so testifying. 2305

(F) (1) If a juvenile judge issues an order pursuant to 2306  
division (C) or (D) of this section that requires the testimony 2307  
of a child victim in a juvenile court proceeding to be taken 2308  
outside of the room in which the proceeding is being conducted, 2309  
the order shall specifically identify the child victim, in a 2310  
manner consistent with section 2930.07 of the Revised Code, to 2311  
whose testimony it applies, the order applies only during the 2312  
testimony of the specified child victim, and the child victim 2313  
giving the testimony shall not be required to testify at the 2314  
proceeding other than in accordance with the order. The 2315  
authority of a judge to close the taking of a deposition under 2316  
division (A) (3) of this section or a proceeding under division 2317  
(C) or (D) of this section is in addition to the authority of a 2318  
judge to close a hearing pursuant to section 2151.35 of the 2319  
Revised Code. 2320

(2) A juvenile judge who makes any determination regarding 2321  
the admissibility of a deposition under divisions (A) and (B) of 2322  
this section, the ~~videotaping~~ recording of a deposition under 2323  
division (A) (3) of this section, or the taking of testimony 2324  
outside of the room in which a proceeding is being conducted 2325

under division (C) or (D) of this section, shall enter the 2326  
determination and findings on the record in the proceeding. 2327

**Sec. 2152.811.** (A) As used in this section: 2328

(1) "Developmental disability" has the same meaning as in 2329  
section 5123.01 of the Revised Code. 2330

(2) "Victim with a developmental disability" includes any 2331  
of the following persons: 2332

(a) A person with a developmental disability who was a 2333  
victim of a violation identified in division (B)(1) of this 2334  
section or an act that would be an offense of violence if 2335  
committed by an adult; 2336

(b) A person with a developmental disability against whom 2337  
was directed any conduct that constitutes, or that is an element 2338  
of, a violation identified in division (B)(1) of this section or 2339  
an act that would be an offense of violence if committed by an 2340  
adult. 2341

~~(B)(1)~~ (B)(1)(a) In any proceeding in juvenile court 2342  
involving a complaint, indictment, or information in which a 2343  
child is charged with a violation of section 2903.16, 2903.34, 2344  
2903.341, 2907.02, 2907.03, 2907.05, 2907.21, 2907.23, 2907.24, 2345  
2907.32, 2907.321, 2907.322, or 2907.323 of the Revised Code or 2346  
an act that would be an offense of violence if committed by an 2347  
adult and in which an alleged victim of the violation or act was 2348  
a person with a developmental disability, the juvenile judge, 2349  
upon motion of the prosecution, shall order that the testimony 2350  
of the victim with a developmental disability be taken by 2351  
deposition. ~~The prosecutorialso~~ prosecution also may request 2352  
that the deposition be ~~videotaped~~ recorded in accordance with 2353  
division (B)(2) of this section. 2354

(b) In any proceeding in juvenile court involving a 2355  
complaint, indictment, or information in which a child is 2356  
charged with a violation of Title XXIX of the Revised Code not 2357  
listed in division (B)(1)(a) of this section and in which an 2358  
alleged victim of the violation or act was a person with a 2359  
developmental disability, upon motion of the prosecution, the 2360  
victim, or the victim's attorney, if applicable, and a showing 2361  
by a preponderance of the evidence that the victim will suffer 2362  
serious emotional trauma if required to provide live trial 2363  
testimony, the juvenile judge shall order that the testimony of 2364  
the victim with a developmental disability be taken by 2365  
deposition. The prosecution, the victim, or the victim's 2366  
attorney, if applicable, also may request that the deposition be 2367  
recorded in accordance with division (B)(2) of this section. 2368

(c) The judge shall notify the victim with a developmental 2369  
disability whose deposition is to be taken, the prosecution, and 2370  
the attorney for the child who is charged with the violation or 2371  
act of the date, time, and place for taking the deposition. The 2372  
notice shall identify the victim with a developmental disability 2373  
who is to be examined and shall indicate whether a request that 2374  
the deposition be ~~videotaped~~ recorded has been made. The child 2375  
who is charged with the violation or act shall have the right to 2376  
attend the deposition and the right to be represented by 2377  
counsel. Depositions shall be taken in the manner provided in 2378  
civil cases, except that the judge in the proceeding shall 2379  
preside at the taking of the deposition and shall rule at that 2380  
time on any objections of the prosecution or the attorney for 2381  
the child charged with the violation or act. The prosecution and 2382  
the attorney for the child charged with the violation or act 2383  
shall have the right, as at an adjudication hearing, to full 2384  
examination and cross-examination of the victim with a 2385

developmental disability whose deposition is to be taken. 2386

If a deposition taken under this division is intended to 2387  
be offered as evidence in the proceeding, it shall be filed in 2388  
the juvenile court in which the action is pending and is 2389  
admissible in the manner described in division (C) of this 2390  
section. If a deposition of a victim with a developmental 2391  
disability taken under this division is admitted as evidence at 2392  
the proceeding under division (C) of this section, the victim 2393  
with a developmental disability shall not be required to testify 2394  
in person at the proceeding. 2395

At any time before the conclusion of the proceeding, the 2396  
attorney for the child charged with the violation or act may 2397  
file a motion with the judge requesting that another deposition 2398  
of the victim with a developmental disability be taken because 2399  
new evidence material to the defense of the child charged has 2400  
been discovered that the attorney for the child charged could 2401  
not with reasonable diligence have discovered prior to the 2402  
taking of the admitted deposition. Any motion requesting another 2403  
deposition shall be accompanied by supporting affidavits. Upon 2404  
the filing of the motion and affidavits, the court may order 2405  
that additional testimony of the victim with a developmental 2406  
disability relative to the new evidence be taken by another 2407  
deposition. If the court orders the taking of another deposition 2408  
under this provision, the deposition shall be taken in 2409  
accordance with this division. If the admitted deposition was a 2410  
~~videotaped~~ recorded deposition taken in accordance with division 2411  
(B) (2) of this section, the new deposition also shall be 2412  
~~videotaped~~ recorded in accordance with that division. In other 2413  
cases, the new deposition may be ~~videotaped~~ recorded in 2414  
accordance with that division. 2415

(2) If the prosecution requests that a deposition to be 2416  
taken under division (B) (1) of this section be ~~videotaped~~ 2417  
recorded, the juvenile judge shall order that the deposition be- 2418  
~~videotaped~~ recorded in accordance with this division. If a 2419  
juvenile judge issues an order to ~~video tape record~~ the 2420  
deposition, the judge shall exclude from the room in which the 2421  
deposition is to be taken every person except the victim with a 2422  
developmental disability giving the testimony, the judge, one or 2423  
more interpreters if needed, the attorneys for the prosecution 2424  
and the child who is charged with the violation or act, any 2425  
person needed to operate the equipment to be used, one person 2426  
chosen by the victim with a developmental disability giving the 2427  
deposition, and any person whose presence the judge determines 2428  
would contribute to the welfare and well-being of the victim 2429  
with a developmental disability giving the deposition. The 2430  
person chosen by the victim with a developmental disability 2431  
shall not be a witness in the proceeding and, both before and 2432  
during the deposition, shall not discuss the testimony of the 2433  
victim with any other witness in the proceeding. To the extent 2434  
feasible, any person operating the recording equipment shall be 2435  
restricted to a room adjacent to the room in which the 2436  
deposition is being taken, or to a location in the room in which 2437  
the deposition is being taken that is behind a screen or mirror 2438  
so that the person operating the recording equipment can see and 2439  
hear, but cannot be seen or heard by, the victim with a 2440  
developmental disability giving the deposition during the 2441  
deposition. 2442

The child who is charged with the violation or act shall 2443  
be permitted to observe and hear the testimony of the victim 2444  
with a developmental disability giving the deposition on a 2445  
monitor, shall be provided with an electronic means of immediate 2446

communication with the attorney of the child who is charged with 2447  
the violation or act during the testimony, and shall be 2448  
restricted to a location from which the child who is charged 2449  
with the violation or act cannot be seen or heard by the victim 2450  
with a developmental disability giving the deposition, except on 2451  
a monitor provided for that purpose. The victim with a 2452  
developmental disability giving the deposition shall be provided 2453  
with a monitor on which the victim with a developmental 2454  
disability can observe, while giving testimony, the child who is 2455  
charged with the violation or act. The judge, at the judge's 2456  
discretion, may preside at the deposition by electronic means 2457  
from outside the room in which the deposition is to be taken; if 2458  
the judge presides by electronic means, the judge shall be 2459  
provided with monitors on which the judge can see each person in 2460  
the room in which the deposition is to be taken and with an 2461  
electronic means of communication with each person in that room, 2462  
and each person in the room shall be provided with a monitor on 2463  
which that person can see the judge and with an electronic means 2464  
of communication with the judge. A deposition that is ~~videotaped~~ 2465  
recorded under this division shall be taken and filed in the 2466  
manner described in division (B) (1) of this section and is 2467  
admissible in the manner described in this division and division 2468  
(C) of this section. If a deposition that is ~~videotaped-recorded~~ 2469  
under this division is admitted as evidence at the proceeding, 2470  
the victim with a developmental disability shall not be required 2471  
to testify in person at the proceeding. No deposition ~~videotaped~~ 2472  
recorded under this division shall be admitted as evidence at 2473  
any proceeding unless division (C) of this section is satisfied 2474  
relative to the deposition and all of the following apply 2475  
relative to the recording: 2476

(a) The recording is both aural and visual and is recorded 2477

on film or videotape, or by other electronic means. 2478

(b) The recording is authenticated under the Rules of 2479  
Evidence and the Rules of Criminal Procedure as a fair and 2480  
accurate representation of what occurred, and the recording is 2481  
not altered other than at the direction and under the 2482  
supervision of the judge in the proceeding. 2483

(c) Each voice on the recording that is material to the 2484  
testimony on the recording or the making of the recording, as 2485  
determined by the judge, is identified. 2486

(d) Both the prosecution and the child who is charged with 2487  
the violation or act are afforded an opportunity to view the 2488  
recording before it is shown in the proceeding. 2489

(C) (1) At any proceeding in relation to which a deposition 2490  
was taken under division (B) of this section, the deposition or 2491  
a part of it is admissible in evidence upon motion of the 2492  
prosecution if the testimony in the deposition or the part to be 2493  
admitted is not excluded by the hearsay rule and if the 2494  
deposition or the part to be admitted otherwise is admissible 2495  
under the Rules of Evidence. For purposes of this division, 2496  
testimony is not excluded by the hearsay rule if the testimony 2497  
is not hearsay under Evidence Rule 801; the testimony is within 2498  
an exception to the hearsay rule set forth in Evidence Rule 803; 2499  
the victim with a developmental disability who gave the 2500  
testimony is unavailable as a witness, as defined in Evidence 2501  
Rule 804, and the testimony is admissible under that rule; or 2502  
both of the following apply: 2503

(a) The child who is charged with the violation or act had 2504  
an opportunity and similar motive at the time of the taking of 2505  
the deposition to develop the testimony by direct, cross, or 2506

redirect examination. 2507

(b) The judge determines that there is reasonable cause to 2508  
believe that, if the victim with a developmental disability who 2509  
gave the testimony in the deposition were to testify in person 2510  
at the proceeding, the victim with a developmental disability 2511  
would experience serious emotional trauma as a result of the 2512  
participation of the victim with a developmental disability at 2513  
the proceeding. 2514

(2) Objections to receiving in evidence a deposition or a 2515  
part of it under division (C) of this section shall be made as 2516  
provided in civil actions. 2517

(3) The provisions of divisions (B) and (C) of this 2518  
section are in addition to any other provisions of the Revised 2519  
Code, the Rules of Juvenile Procedure, the Rules of Criminal 2520  
Procedure, or the Rules of Evidence that pertain to the taking 2521  
or admission of depositions in a juvenile court proceeding and 2522  
do not limit the admissibility under any of those other 2523  
provisions of any deposition taken under division (B) of this 2524  
section or otherwise taken. 2525

(D) In any proceeding in juvenile court involving a 2526  
complaint, indictment, or information in which a child is 2527  
charged with a violation listed in division (B)(1) of this 2528  
section or an act that would be an offense of violence if 2529  
committed by an adult and in which an alleged victim of the 2530  
violation or offense was a person with a developmental 2531  
disability, the prosecution may file a motion with the juvenile 2532  
judge requesting the judge to order the testimony of the victim 2533  
with a developmental disability to be taken in a room other than 2534  
the room in which the proceeding is being conducted and be 2535  
televised, by closed circuit equipment, into the room in which 2536

the proceeding is being conducted to be viewed by the child who 2537  
is charged with the violation or act and any other persons who 2538  
are not permitted in the room in which the testimony is to be 2539  
taken but who would have been present during the testimony of 2540  
the victim with a developmental disability had it been given in 2541  
the room in which the proceeding is being conducted. Except for 2542  
good cause shown, the prosecution shall file a motion under this 2543  
division at least seven days before the date of the proceeding. 2544  
The juvenile judge may issue the order upon the motion of the 2545  
prosecution filed under this division, if the judge determines 2546  
that the victim with a developmental disability is unavailable 2547  
to testify in the room in which the proceeding is being 2548  
conducted in the physical presence of the child charged with the 2549  
violation or act for one or more of the reasons set forth in 2550  
division (F) of this section. If a juvenile judge issues an 2551  
order of that nature, the judge shall exclude from the room in 2552  
which the testimony is to be taken every person except a person 2553  
described in division (B) (2) of this section. The judge, at the 2554  
judge's discretion, may preside during the giving of the 2555  
testimony by electronic means from outside the room in which it 2556  
is being given, subject to the limitations set forth in division 2557  
(B) (2) of this section. To the extent feasible, any person 2558  
operating the televising equipment shall be hidden from the 2559  
sight and hearing of the victim with a developmental disability 2560  
giving the testimony, in a manner similar to that described in 2561  
division (B) (2) of this section. The child who is charged with 2562  
the violation or act shall be permitted to observe and hear the 2563  
testimony of the victim with a developmental disability giving 2564  
the testimony on a monitor, shall be provided with an electronic 2565  
means of immediate communication with the attorney of the child 2566  
who is charged with the violation or act during the testimony, 2567  
and shall be restricted to a location from which the child who 2568

is charged with the violation or act cannot be seen or heard by 2569  
the victim with a developmental disability giving the testimony, 2570  
except on a monitor provided for that purpose. The victim with a 2571  
developmental disability giving the testimony shall be provided 2572  
with a monitor on which the victim with a developmental 2573  
disability can observe, while giving testimony, the child who is 2574  
charged with the violation or act. 2575

(E) In any proceeding in juvenile court involving a 2576  
complaint, indictment, or information in which a child is 2577  
charged with a violation listed in division (B)(1) of this 2578  
section or an act that would be an offense of violence if 2579  
committed by an adult and in which an alleged victim of the 2580  
violation or offense was a person with a developmental 2581  
disability, the prosecution may file a motion with the juvenile 2582  
judge requesting the judge to order the testimony of the victim 2583  
with a developmental disability to be taken outside of the room 2584  
in which the proceeding is being conducted and be recorded for 2585  
showing in the room in which the proceeding is being conducted 2586  
before the judge, the child who is charged with the violation or 2587  
act, and any other persons who would have been present during 2588  
the testimony of the victim with a developmental disability had 2589  
it been given in the room in which the proceeding is being 2590  
conducted. Except for good cause shown, the prosecution shall 2591  
file a motion under this division at least seven days before the 2592  
date of the proceeding. The juvenile judge may issue the order 2593  
upon the motion of the prosecution filed under this division, if 2594  
the judge determines that the victim with a developmental 2595  
disability is unavailable to testify in the room in which the 2596  
proceeding is being conducted in the physical presence of the 2597  
child charged with the violation or act, due to one or more of 2598  
the reasons set forth in division (F) of this section. If a 2599

juvenile judge issues an order of that nature, the judge shall 2600  
exclude from the room in which the testimony is to be taken 2601  
every person except a person described in division (B) (2) of 2602  
this section. To the extent feasible, any person operating the 2603  
recording equipment shall be hidden from the sight and hearing 2604  
of the victim with a developmental disability giving the 2605  
testimony, in a manner similar to that described in division (B) 2606  
(2) of this section. The child who is charged with the violation 2607  
or act shall be permitted to observe and hear the testimony of 2608  
the victim with a developmental disability giving the testimony 2609  
on a monitor, shall be provided with an electronic means of 2610  
immediate communication with the attorney of the child who is 2611  
charged with the violation or act during the testimony, and 2612  
shall be restricted to a location from which the child who is 2613  
charged with the violation or act cannot be seen or heard by the 2614  
victim with a developmental disability giving the testimony, 2615  
except on a monitor provided for that purpose. The victim with a 2616  
developmental disability giving the testimony shall be provided 2617  
with a monitor on which the victim with a developmental 2618  
disability can observe, while giving testimony, the child who is 2619  
charged with the violation or act. No order for the taking of 2620  
testimony by recording shall be issued under this division 2621  
unless the provisions set forth in divisions (B) (2) (a), (b), 2622  
(c), and (d) of this section apply to the recording of the 2623  
testimony. 2624

(F) For purposes of divisions (D) and (E) of this section, 2625  
a juvenile judge may order the testimony of a victim with a 2626  
developmental disability to be taken outside of the room in 2627  
which a proceeding is being conducted if the judge determines 2628  
that the victim with a developmental disability is unavailable 2629  
to testify in the room in the physical presence of the child 2630

charged with the violation or act due to one or more of the 2631  
following circumstances: 2632

(1) The persistent refusal of the victim with a 2633  
developmental disability to testify despite judicial requests to 2634  
do so; 2635

(2) The inability of the victim with a developmental 2636  
disability to communicate about the alleged violation or offense 2637  
because of extreme fear, failure of memory, or another similar 2638  
reason; 2639

(3) The substantial likelihood that the victim with a 2640  
developmental disability will suffer serious emotional trauma 2641  
from so testifying. 2642

(G) (1) If a juvenile judge issues an order pursuant to 2643  
division (D) or (E) of this section that requires the testimony 2644  
of a victim with a developmental disability in a juvenile court 2645  
proceeding to be taken outside of the room in which the 2646  
proceeding is being conducted, the order shall specifically 2647  
identify the victim with a developmental disability to whose 2648  
testimony it applies, the order applies only during the 2649  
testimony of the specified victim with a developmental 2650  
disability, and the victim with a developmental disability 2651  
giving the testimony shall not be required to testify at the 2652  
proceeding other than in accordance with the order. The 2653  
authority of a judge to close the taking of a deposition under 2654  
division (B) (2) of this section or a proceeding under division 2655  
(D) or (E) of this section is in addition to the authority of a 2656  
judge to close a hearing pursuant to section 2151.35 of the 2657  
Revised Code. 2658

(2) A juvenile judge who makes any determination regarding 2659

the admissibility of a deposition under divisions (B) and (C) of 2660  
this section, the ~~videotaping~~ recording of a deposition under 2661  
division (B) (2) of this section, or the taking of testimony 2662  
outside of the room in which a proceeding is being conducted 2663  
under division (D) or (E) of this section shall enter the 2664  
determination and findings on the record in the proceeding. 2665

**Sec. 2743.70.** (A) (1) The court, in which any person is 2666  
convicted of or pleads guilty to any offense other than a 2667  
traffic offense that is not a moving violation, shall impose the 2668  
following sum as costs in the case in addition to any other 2669  
court costs that the court is required by law to impose upon the 2670  
offender: 2671

(a) Thirty dollars, if the offense is a felony; 2672

(b) Nine dollars, if the offense is a misdemeanor. 2673

The court shall not waive the payment of the ~~thirty\_~~ 2674  
~~thirty- or nine dollars~~ nine-dollar court ~~costs~~ cost, ~~unless the~~ 2675  
~~court determines that the offender is indigent and waives the~~ 2676  
~~payment of all court costs imposed upon the indigent offender.~~ 2677  
All such moneys shall be transmitted on the first business day 2678  
of each month by the clerk of the court to the treasurer of 2679  
state and deposited by the treasurer in the reparations fund. 2680

(2) The juvenile court in which a child is found to be a 2681  
delinquent child or a juvenile traffic offender for an act 2682  
which, if committed by an adult, would be an offense other than 2683  
a traffic offense that is not a moving violation, shall impose 2684  
the following sum as costs in the case in addition to any other 2685  
court costs that the court is required or permitted by law to 2686  
impose upon the delinquent child or juvenile traffic offender: 2687

(a) Thirty dollars, if the act, if committed by an adult, 2688

would be a felony; 2689

(b) Nine dollars, if the act, if committed by an adult, 2690  
would be a misdemeanor. 2691

~~The thirty thirty- or nine dollars nine-dollar court 2692  
costs shall be collected in all cases ~~unless the court~~ 2693  
~~determines the juvenile is indigent and waives the payment of~~ 2694  
~~all court costs, or enters an order on its journal stating that~~ 2695  
~~it has determined that the juvenile is indigent, that no other~~ 2696  
~~court costs are to be taxed in the case, and that the payment of~~ 2697  
~~the thirty or nine dollars court costs is waived.~~ All such 2698  
moneys collected during a month shall be transmitted on or 2699  
before the twentieth day of the following month by the clerk of 2700  
the court to the treasurer of state and deposited by the 2701  
treasurer in the reparations fund. 2702~~

(B) Whenever a person is charged with any offense other 2703  
than a traffic offense that is not a moving violation and posts 2704  
bail pursuant to sections 2937.22 to 2937.46 of the Revised 2705  
Code, Criminal Rule 46, or Traffic Rule 4, the court shall add 2706  
to the amount of the bail the thirty or nine dollars required to 2707  
be paid by division (A) (1) of this section. The thirty or nine 2708  
dollars shall be retained by the clerk of the court until the 2709  
person is convicted, pleads guilty, forfeits bail, is found not 2710  
guilty, or has the charges dismissed. If the person is 2711  
convicted, pleads guilty, or forfeits bail, the clerk shall 2712  
transmit the thirty or nine dollars to the treasurer of state, 2713  
who shall deposit it in the reparations fund. If the person is 2714  
found not guilty or the charges are dismissed, the clerk shall 2715  
return the thirty or nine dollars to the person. 2716

(C) No person shall be placed or held in jail for failing 2717  
to pay the additional ~~thirty thirty-~~ or nine dollars nine-dollar 2718

court ~~costs~~ cost or bail ~~that are~~ required to be paid by this 2719  
section. 2720

(D) As used in this section: 2721

(1) "Moving violation" means any violation of any statute 2722  
or ordinance, other than section 4513.263 of the Revised Code or 2723  
an ordinance that is substantially equivalent to that section, 2724  
that regulates the operation of vehicles, streetcars, or 2725  
trackless trolleys on highways or streets or that regulates size 2726  
or load limitations or fitness requirements of vehicles. "Moving 2727  
violation" does not include the violation of any statute or 2728  
ordinance that regulates pedestrians or the parking of vehicles. 2729

(2) "Bail" means cash, a check, a money order, a credit 2730  
card, or any other form of money that is posted by or for an 2731  
offender pursuant to sections 2937.22 to 2937.46 of the Revised 2732  
Code, Criminal Rule 46, or Traffic Rule 4 to prevent the 2733  
offender from being placed or held in a detention facility, as 2734  
defined in section 2921.01 of the Revised Code. 2735

**Sec. 2907.02.** (A) (1) No person shall engage in sexual 2736  
conduct with another who is not the spouse of the offender or 2737  
who is the spouse of the offender but is living separate and 2738  
apart from the offender, when any of the following applies: 2739

(a) For the purpose of preventing resistance, the offender 2740  
substantially impairs the other person's judgment or control by 2741  
administering any drug, intoxicant, or controlled substance to 2742  
the other person surreptitiously or by force, threat of force, 2743  
or deception. 2744

(b) The other person is less than thirteen years of age, 2745  
whether or not the offender knows the age of the other person. 2746

(c) The other person's ability to resist or consent is 2747

substantially impaired because of a mental or physical condition 2748  
or because of advanced age, and the offender knows or has 2749  
reasonable cause to believe that the other person's ability to 2750  
resist or consent is substantially impaired because of a mental 2751  
or physical condition or because of advanced age. 2752

(2) No person shall engage in sexual conduct with another 2753  
when the offender purposely compels the other person to submit 2754  
by force or threat of force. 2755

(B) Whoever violates this section is guilty of rape, a 2756  
felony of the first degree. If the offender under division (A) 2757  
(1) (a) of this section substantially impairs the other person's 2758  
judgment or control by administering any controlled substance, 2759  
as defined in section 3719.01 of the Revised Code, to the other 2760  
person surreptitiously or by force, threat of force, or 2761  
deception, the prison term imposed upon the offender shall be 2762  
one of the definite prison terms prescribed for a felony of the 2763  
first degree in division (A) (1) (b) of section 2929.14 of the 2764  
Revised Code that is not less than five years, except that if 2765  
the violation is committed on or after March 22, 2019, the court 2766  
shall impose as the minimum prison term for the offense a 2767  
mandatory prison term that is one of the minimum terms 2768  
prescribed for a felony of the first degree in division (A) (1) 2769  
(a) of section 2929.14 of the Revised Code that is not less than 2770  
five years. Except as otherwise provided in this division, 2771  
notwithstanding sections 2929.11 to 2929.14 of the Revised Code, 2772  
an offender under division (A) (1) (b) of this section shall be 2773  
sentenced to a prison term or term of life imprisonment pursuant 2774  
to section 2971.03 of the Revised Code. If an offender is 2775  
convicted of or pleads guilty to a violation of division (A) (1) 2776  
(b) of this section, if the offender was less than sixteen years 2777  
of age at the time the offender committed the violation of that 2778

division, and if the offender during or immediately after the 2779  
commission of the offense did not cause serious physical harm to 2780  
the victim, the victim was ten years of age or older at the time 2781  
of the commission of the violation, and the offender has not 2782  
previously been convicted of or pleaded guilty to a violation of 2783  
this section or a substantially similar existing or former law 2784  
of this state, another state, or the United States, the court 2785  
shall not sentence the offender to a prison term or term of life 2786  
imprisonment pursuant to section 2971.03 of the Revised Code, 2787  
and instead the court shall sentence the offender as otherwise 2788  
provided in this division. If an offender under division (A) (1) 2789  
(b) of this section previously has been convicted of or pleaded 2790  
guilty to violating division (A) (1) (b) of this section or to 2791  
violating an existing or former law of this state, another 2792  
state, or the United States that is substantially similar to 2793  
division (A) (1) (b) of this section, if the offender during or 2794  
immediately after the commission of the offense caused serious 2795  
physical harm to the victim, or if the victim under division (A) 2796  
(1) (b) of this section is less than ten years of age, in lieu of 2797  
sentencing the offender to a prison term or term of life 2798  
imprisonment pursuant to section 2971.03 of the Revised Code, 2799  
except as otherwise provided in this division, the court may 2800  
impose upon the offender a term of life without parole. If the 2801  
court imposes a term of life without parole pursuant to this 2802  
division, division (F) of section 2971.03 of the Revised Code 2803  
applies, and the offender automatically is classified a tier III 2804  
sex offender/child-victim offender, as described in that 2805  
division. A court shall not impose a term of life without parole 2806  
on an offender for rape if the offender was under eighteen years 2807  
of age at the time of the offense. 2808

(C) A victim need not prove physical resistance to the 2809

offender in prosecutions under this section. 2810

(D) Evidence of specific instances of the victim's sexual 2811  
activity, opinion evidence of the victim's sexual activity, and 2812  
reputation evidence of the victim's sexual activity shall not be 2813  
admitted under this section unless it involves evidence of the 2814  
origin of semen, pregnancy, or sexually transmitted disease or 2815  
infection, or the victim's past sexual activity with the 2816  
offender, and only to the extent that the court finds that the 2817  
evidence is material to a fact at issue in the case and that its 2818  
inflammatory or prejudicial nature does not outweigh its 2819  
probative value. 2820

Evidence of specific instances of the defendant's sexual 2821  
activity, opinion evidence of the defendant's sexual activity, 2822  
and reputation evidence of the defendant's sexual activity shall 2823  
not be admitted under this section unless it involves evidence 2824  
of the origin of semen, pregnancy, or sexually transmitted 2825  
disease or infection, the defendant's past sexual activity with 2826  
the victim, or is admissible against the defendant under section 2827  
2945.59 of the Revised Code, and only to the extent that the 2828  
court finds that the evidence is material to a fact at issue in 2829  
the case and that its inflammatory or prejudicial nature does 2830  
not outweigh its probative value. 2831

(E) Prior to taking testimony or receiving evidence of any 2832  
sexual activity of the victim or the defendant in a proceeding 2833  
under this section, the court shall resolve the admissibility of 2834  
the proposed evidence in a hearing in chambers, which shall be 2835  
held at or before preliminary hearing and not less than three 2836  
days before trial, or for good cause shown during the trial. 2837

(F) Upon approval by the court, the victim may be 2838  
represented by counsel in any hearing in chambers or other 2839

proceeding to resolve the admissibility of evidence. If the 2840  
victim is indigent or otherwise is unable to obtain the services 2841  
of counsel, the court, upon request, may appoint counsel to 2842  
represent the victim without cost to the victim. 2843

(G) It is not a defense to a charge under division (A) (2) 2844  
of this section that the offender and the victim were married or 2845  
were cohabiting at the time of the commission of the offense. 2846

**Sec. 2907.05.** (A) No person shall have sexual contact with 2847  
another, not the spouse of the offender; cause another, not the 2848  
spouse of the offender, to have sexual contact with the 2849  
offender; or cause two or more other persons to have sexual 2850  
contact when any of the following applies: 2851

(1) The offender purposely compels the other person, or 2852  
one of the other persons, to submit by force or threat of force. 2853

(2) For the purpose of preventing resistance, the offender 2854  
substantially impairs the judgment or control of the other 2855  
person or of one of the other persons by administering any drug, 2856  
intoxicant, or controlled substance to the other person 2857  
surreptitiously or by force, threat of force, or deception. 2858

(3) The offender knows that the judgment or control of the 2859  
other person or of one of the other persons is substantially 2860  
impaired as a result of the influence of any drug or intoxicant 2861  
administered to the other person with the other person's consent 2862  
for the purpose of any kind of medical or dental examination, 2863  
treatment, or surgery. 2864

(4) The other person, or one of the other persons, is less 2865  
than thirteen years of age, whether or not the offender knows 2866  
the age of that person. 2867

(5) The ability of the other person to resist or consent 2868

or the ability of one of the other persons to resist or consent 2869  
is substantially impaired because of a mental or physical 2870  
condition or because of advanced age, and the offender knows or 2871  
has reasonable cause to believe that the ability to resist or 2872  
consent of the other person or of one of the other persons is 2873  
substantially impaired because of a mental or physical condition 2874  
or because of advanced age. 2875

(B) No person shall knowingly touch the genitalia of 2876  
another, when the touching is not through clothing, the other 2877  
person is less than twelve years of age, whether or not the 2878  
offender knows the age of that person, and the touching is done 2879  
with an intent to abuse, humiliate, harass, degrade, or arouse 2880  
or gratify the sexual desire of any person. 2881

(C) Whoever violates this section is guilty of gross 2882  
sexual imposition. 2883

(1) Except as otherwise provided in this section, gross 2884  
sexual imposition committed in violation of division (A) (1), 2885  
(2), (3), or (5) of this section is a felony of the fourth 2886  
degree. If the offender under division (A) (2) of this section 2887  
substantially impairs the judgment or control of the other 2888  
person or one of the other persons by administering any 2889  
controlled substance, as defined in section 3719.01 of the 2890  
Revised Code, to the person surreptitiously or by force, threat 2891  
of force, or deception, gross sexual imposition committed in 2892  
violation of division (A) (2) of this section is a felony of the 2893  
third degree. 2894

(2) Gross sexual imposition committed in violation of 2895  
division (A) (4) or (B) of this section is a felony of the third 2896  
degree. Except as otherwise provided in this division, for gross 2897  
sexual imposition committed in violation of division (A) (4) or 2898

(B) of this section there is a presumption that a prison term shall be imposed for the offense. The court shall impose on an offender convicted of gross sexual imposition in violation of division (A) (4) or (B) of this section a mandatory prison term, as described in division (C) (3) of this section, for a felony of the third degree if either of the following applies:

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

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

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

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

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

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

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

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

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

(2) The refusal of the victim of an alleged sex offense to

submit to a polygraph examination shall not prevent the 2958  
investigation of the alleged sex offense, the filing of criminal 2959  
charges with respect to the alleged sex offense, or the 2960  
prosecution of the alleged perpetrator of the alleged sex 2961  
offense. 2962

(B) As used in this section: 2963

(1) "Peace officer" has the same meaning as in section 2964  
2921.51 of the Revised Code. 2965

(2) "Polygraph examination" means any mechanical or 2966  
electrical instrument or device of any type used or allegedly 2967  
used to examine, test, or question an individual for the purpose 2968  
of determining the individual's truthfulness. 2969

(3) "Prosecution" means the prosecution of criminal 2970  
charges in a criminal prosecution or the prosecution of a 2971  
delinquent child complaint in a delinquency proceeding. 2972

(4) "Prosecutor" has the same meaning as in section 2973  
2935.01 of the Revised Code. 2974

(5) "Public official" has the same meaning as in section 2975  
117.01 of the Revised Code. 2976

(6) "Sex offense" means a violation of any provision of 2977  
sections 2907.02 to 2907.09 of the Revised Code. 2978

(7) "Alleged juvenile offender" has the same meaning as in 2979  
section 2930.01 of the Revised Code. 2980

**Sec. 2929.18.** (A) Except as otherwise provided in this 2981  
division and in addition to imposing court costs pursuant to 2982  
section 2947.23 of the Revised Code, the court imposing a 2983  
sentence upon an offender for a felony may sentence the offender 2984  
to any financial sanction or combination of financial sanctions 2985

authorized under this section or, in the circumstances specified 2986  
in section 2929.32 of the Revised Code, may impose upon the 2987  
offender a fine in accordance with that section, and shall 2988  
sentence the offender to make restitution pursuant to this 2989  
section and section 2929.281 of the Revised Code. The victim has 2990  
a right not to seek restitution. Financial sanctions that either 2991  
are required to be or may be imposed pursuant to this section 2992  
include, but are not limited to, the following: 2993

(1) Restitution by the offender to the victim of the 2994  
offender's ~~crime~~ criminal offense or ~~any survivor of the~~ 2995  
~~victim~~ victim's estate, in an amount based on the victim's 2996  
economic loss. ~~If the~~ In open court ~~imposes restitution,~~ the 2997  
court shall order that ~~the~~ full restitution be made to the 2998  
victim ~~in open court~~, to the adult probation department that 2999  
serves the county on behalf of the victim, to the clerk of 3000  
courts, or to another agency designated by the court. ~~If the~~ 3001  
~~court imposes restitution, at~~ At sentencing, the court shall 3002  
determine the amount of restitution to be made by the offender. 3003  
~~If the court imposes restitution, the court may base the amount~~ 3004  
~~of restitution it orders on an amount recommended by the victim,~~ 3005  
~~the offender, a presentence investigation report, estimates or~~ 3006  
~~receipts indicating the cost of repairing or replacing property,~~ 3007  
~~and other information, provided that the~~ The victim, victim's 3008  
representative, victim's attorney, if applicable, the prosecutor 3009  
or the prosecutor's designee, and the offender may provide 3010  
information relevant to the determination of the amount of 3011  
restitution. The amount the court orders as restitution shall 3012  
not exceed the amount of the economic loss suffered by the 3013  
victim as a direct and proximate result of the commission of the 3014  
offense. If the court imposes restitution for the cost of 3015  
accounting or auditing done to determine the extent of economic 3016

loss, the court may order restitution for any amount of the 3017  
victim's costs of accounting or auditing provided that the 3018  
amount of restitution is reasonable and does not exceed the 3019  
value of property or services stolen or damaged as a result of 3020  
the offense. ~~If the court decides to impose restitution, the~~ The 3021  
court shall hold a hearing on restitution if the offender, 3022  
victim, ~~or survivor~~ victim's representative, or victim's estate 3023  
disputes the amount. The court shall determine the amount of 3024  
full restitution by a preponderance of the evidence. All 3025  
restitution payments shall be credited against any recovery of 3026  
economic loss in a civil action brought by the victim or ~~any~~ 3027  
~~survivor of the victim~~ victim's estate against the offender. 3028

~~If the court imposes restitution, the~~ The court may order 3029  
that the offender pay a surcharge of not more than five per cent 3030  
of the amount of the restitution otherwise ordered to the entity 3031  
responsible for collecting and processing restitution payments. 3032

The ~~victim or survivor,~~ victim's estate, or victim's 3033  
attorney, if applicable, may file a motion or request that the 3034  
prosecutor in the case file a motion, or the offender may file a 3035  
motion, for modification of the payment terms of any restitution 3036  
ordered. If the court grants the motion, it may modify the 3037  
payment terms as it determines appropriate but shall not reduce 3038  
the amount of restitution ordered, except as provided in 3039  
division (A) of section 2929.281 of the Revised Code. The court 3040  
shall not discharge restitution until it is fully paid by the 3041  
offender. 3042

(2) Except as provided in division (B) (1), (3), or (4) of 3043  
this section, a fine payable by the offender to the state, to a 3044  
political subdivision, or as described in division (B) (2) of 3045  
this section to one or more law enforcement agencies, with the 3046

amount of the fine based on a standard percentage of the 3047  
offender's daily income over a period of time determined by the 3048  
court and based upon the seriousness of the offense. A fine 3049  
ordered under this division shall not exceed the maximum 3050  
conventional fine amount authorized for the level of the offense 3051  
under division (A) (3) of this section. 3052

(3) Except as provided in division (B) (1), (3), or (4) of 3053  
this section, a fine payable by the offender to the state, to a 3054  
political subdivision when appropriate for a felony, or as 3055  
described in division (B) (2) of this section to one or more law 3056  
enforcement agencies, in the following amount: 3057

(a) For a felony of the first degree, not more than twenty 3058  
thousand dollars; 3059

(b) For a felony of the second degree, not more than 3060  
fifteen thousand dollars; 3061

(c) For a felony of the third degree, not more than ten 3062  
thousand dollars; 3063

(d) For a felony of the fourth degree, not more than five 3064  
thousand dollars; 3065

(e) For a felony of the fifth degree, not more than two 3066  
thousand five hundred dollars. 3067

(4) A state fine or costs as defined in section 2949.111 3068  
of the Revised Code. 3069

(5) (a) Reimbursement by the offender of any or all of the 3070  
costs of sanctions incurred by the government, including the 3071  
following: 3072

(i) All or part of the costs of implementing any community 3073  
control sanction, including a supervision fee under section 3074

2951.021 of the Revised Code; 3075

(ii) All or part of the costs of confinement under a 3076  
sanction imposed pursuant to section 2929.14, 2929.142, or 3077  
2929.16 of the Revised Code, provided that the amount of 3078  
reimbursement ordered under this division shall not exceed the 3079  
total amount of reimbursement the offender is able to pay as 3080  
determined at a hearing and shall not exceed the actual cost of 3081  
the confinement; 3082

(iii) All or part of the cost of purchasing and using an 3083  
immobilizing or disabling device, including a certified ignition 3084  
interlock device, or a remote alcohol monitoring device that a 3085  
court orders an offender to use under section 4510.13 of the 3086  
Revised Code. 3087

(b) If the offender is sentenced to a sanction of 3088  
confinement pursuant to section 2929.14 or 2929.16 of the 3089  
Revised Code that is to be served in a facility operated by a 3090  
board of county commissioners, a legislative authority of a 3091  
municipal corporation, or another local governmental entity, if, 3092  
pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 3093  
753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 3094  
section 2929.37 of the Revised Code, the board, legislative 3095  
authority, or other local governmental entity requires prisoners 3096  
to reimburse the county, municipal corporation, or other entity 3097  
for its expenses incurred by reason of the prisoner's 3098  
confinement, and if the court does not impose a financial 3099  
sanction under division (A) (5) (a) (ii) of this section, 3100  
confinement costs may be assessed pursuant to section 2929.37 of 3101  
the Revised Code. In addition, the offender may be required to 3102  
pay the fees specified in section 2929.38 of the Revised Code in 3103  
accordance with that section. 3104

(c) Reimbursement by the offender for costs pursuant to 3105  
section 2929.71 of the Revised Code. 3106

(B)(1) For a first, second, or third degree felony 3107  
violation of any provision of Chapter 2925., 3719., or 4729. of 3108  
the Revised Code, the sentencing court shall impose upon the 3109  
offender a mandatory fine of at least one-half of, but not more 3110  
than, the maximum statutory fine amount authorized for the level 3111  
of the offense pursuant to division (A)(3) of this section. If 3112  
an offender alleges in an affidavit filed with the court prior 3113  
to sentencing that the offender is indigent and unable to pay 3114  
the mandatory fine and if the court determines the offender is 3115  
an indigent person and is unable to pay the mandatory fine 3116  
described in this division, the court shall not impose the 3117  
mandatory fine upon the offender. 3118

(2) Any mandatory fine imposed upon an offender under 3119  
division (B)(1) of this section and any fine imposed upon an 3120  
offender under division (A)(2) or (3) of this section for any 3121  
fourth or fifth degree felony violation of any provision of 3122  
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 3123  
to law enforcement agencies pursuant to division (F) of section 3124  
2925.03 of the Revised Code. 3125

(3) For a fourth degree felony OVI offense and for a third 3126  
degree felony OVI offense, the sentencing court shall impose 3127  
upon the offender a mandatory fine in the amount specified in 3128  
division (G)(1)(d) or (e) of section 4511.19 of the Revised 3129  
Code, whichever is applicable. The mandatory fine so imposed 3130  
shall be disbursed as provided in the division pursuant to which 3131  
it is imposed. 3132

(4) Notwithstanding any fine otherwise authorized or 3133  
required to be imposed under division (A)(2) or (3) or (B)(1) of 3134

this section or section 2929.31 of the Revised Code for a 3135  
violation of section 2925.03 of the Revised Code, in addition to 3136  
any penalty or sanction imposed for that offense under section 3137  
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 3138  
in addition to the forfeiture of property in connection with the 3139  
offense as prescribed in Chapter 2981. of the Revised Code, the 3140  
court that sentences an offender for a violation of section 3141  
2925.03 of the Revised Code may impose upon the offender a fine 3142  
in addition to any fine imposed under division (A) (2) or (3) of 3143  
this section and in addition to any mandatory fine imposed under 3144  
division (B) (1) of this section. The fine imposed under division 3145  
(B) (4) of this section shall be used as provided in division (H) 3146  
of section 2925.03 of the Revised Code. A fine imposed under 3147  
division (B) (4) of this section shall not exceed whichever of 3148  
the following is applicable: 3149

(a) The total value of any personal or real property in 3150  
which the offender has an interest and that was used in the 3151  
course of, intended for use in the course of, derived from, or 3152  
realized through conduct in violation of section 2925.03 of the 3153  
Revised Code, including any property that constitutes proceeds 3154  
derived from that offense; 3155

(b) If the offender has no interest in any property of the 3156  
type described in division (B) (4) (a) of this section or if it is 3157  
not possible to ascertain whether the offender has an interest 3158  
in any property of that type in which the offender may have an 3159  
interest, the amount of the mandatory fine for the offense 3160  
imposed under division (B) (1) of this section or, if no 3161  
mandatory fine is imposed under division (B) (1) of this section, 3162  
the amount of the fine authorized for the level of the offense 3163  
imposed under division (A) (3) of this section. 3164

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

(6) If the sum total of a mandatory fine amount imposed for a first, second, or third degree felony violation of section 2925.03 of the Revised Code under division (B) (1) of this section plus the amount of any fine imposed under division (B) (4) of this section does not exceed the maximum statutory fine amount authorized for the level of the offense under division (A) (3) of this section or section 2929.31 of the Revised Code, the court may impose a fine for the offense in addition to the mandatory fine and the fine imposed under division (B) (4) of this section. The sum total of the amounts of the mandatory fine, the fine imposed under division (B) (4) of this section, and the additional fine imposed under division (B) (6) of this section shall not exceed the maximum statutory fine amount authorized for the level of the offense under division (A) (3) of this section or section 2929.31 of the Revised Code. The clerk of the court shall pay any fine that is imposed under division (B) (6) of this section to the county, township, municipal corporation, park district as created pursuant to section 511.18 or 1545.04 of the Revised Code, or state law enforcement

agencies in this state that primarily were responsible for or 3196  
involved in making the arrest of, and in prosecuting, the 3197  
offender pursuant to division (F) of section 2925.03 of the 3198  
Revised Code. 3199

(7) If the sum total of the amount of a mandatory fine 3200  
imposed for a first, second, or third degree felony violation of 3201  
section 2925.03 of the Revised Code plus the amount of any fine 3202  
imposed under division (B) (4) of this section exceeds the 3203  
maximum statutory fine amount authorized for the level of the 3204  
offense under division (A) (3) of this section or section 2929.31 3205  
of the Revised Code, the court shall not impose a fine under 3206  
division (B) (6) of this section. 3207

(8) (a) If an offender who is convicted of or pleads guilty 3208  
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 3209  
2923.32, division (A) (1) or (2) of section 2907.323 involving a 3210  
minor, or division (B) (1), (2), (3), (4), or (5) of section 3211  
2919.22 of the Revised Code also is convicted of or pleads 3212  
guilty to a specification of the type described in section 3213  
2941.1422 of the Revised Code that charges that the offender 3214  
knowingly committed the offense in furtherance of human 3215  
trafficking, the sentencing court shall sentence the offender to 3216  
a financial sanction of restitution by the offender to the 3217  
victim or ~~any survivor of the victim~~ victim's estate, with the 3218  
restitution including the costs of housing, counseling, and 3219  
medical and legal assistance incurred by the victim as a direct 3220  
result of the offense and the greater of the following: 3221

(i) The gross income or value to the offender of the 3222  
victim's labor or services; 3223

(ii) The value of the victim's labor as guaranteed under 3224  
the minimum wage and overtime provisions of the "Federal Fair 3225

Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 3226  
state labor laws. 3227

(b) If a court imposing sentence upon an offender for a 3228  
felony is required to impose upon the offender a financial 3229  
sanction of restitution under division (B)(8)(a) of this 3230  
section, in addition to that financial sanction of restitution, 3231  
the court may sentence the offender to any other financial 3232  
sanction or combination of financial sanctions authorized under 3233  
this section, including a restitution sanction under division 3234  
(A)(1) of this section. 3235

(9) In addition to any other fine that is or may be 3236  
imposed under this section, the court imposing sentence upon an 3237  
offender for a felony that is a sexually oriented offense or a 3238  
child-victim oriented offense, as those terms are defined in 3239  
section 2950.01 of the Revised Code, may impose a fine of not 3240  
less than fifty nor more than five hundred dollars. 3241

(10) For a felony violation of division (A) of section 3242  
2921.321 of the Revised Code that results in the death of the 3243  
police dog or horse that is the subject of the violation, the 3244  
sentencing court shall impose upon the offender a mandatory fine 3245  
from the range of fines provided under division (A)(3) of this 3246  
section for a felony of the third degree. A mandatory fine 3247  
imposed upon an offender under division (B)(10) of this section 3248  
shall be paid to the law enforcement agency that was served by 3249  
the police dog or horse that was killed in the felony violation 3250  
of division (A) of section 2921.321 of the Revised Code to be 3251  
used as provided in division (E)(1)(b) of that section. 3252

(11) In addition to any other fine that is or may be 3253  
imposed under this section, the court imposing sentence upon an 3254  
offender for any of the following offenses that is a felony may 3255

impose a fine of not less than seventy nor more than five 3256  
hundred dollars, which shall be transmitted to the treasurer of 3257  
state to be credited to the address confidentiality program fund 3258  
created by section 111.48 of the Revised Code: 3259

(a) Domestic violence; 3260

(b) Menacing by stalking; 3261

(c) Rape; 3262

(d) Sexual battery; 3263

(e) Trafficking in persons; 3264

(f) A violation of section 2905.01, 2905.02, 2907.21, 3265  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 3266  
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 3267  
section 2919.22 of the Revised Code, if the offender also is 3268  
convicted of a specification of the type described in section 3269  
2941.1422 of the Revised Code that charges that the offender 3270  
knowingly committed the offense in furtherance of human 3271  
trafficking. 3272

(C) (1) Except as provided in section 2951.021 of the 3273  
Revised Code, the offender shall pay reimbursements imposed upon 3274  
the offender pursuant to division (A) (5) (a) of this section to 3275  
pay the costs incurred by a county pursuant to any sanction 3276  
imposed under this section or section 2929.16 or 2929.17 of the 3277  
Revised Code or in operating a facility used to confine 3278  
offenders pursuant to a sanction imposed under section 2929.16 3279  
of the Revised Code to the county treasurer. The county 3280  
treasurer shall deposit the reimbursements in the sanction cost 3281  
reimbursement fund that each board of county commissioners shall 3282  
create in its county treasury. The county shall use the amounts 3283  
deposited in the fund to pay the costs incurred by the county 3284

pursuant to any sanction imposed under this section or section 3285  
2929.16 or 2929.17 of the Revised Code or in operating a 3286  
facility used to confine offenders pursuant to a sanction 3287  
imposed under section 2929.16 of the Revised Code. 3288

(2) Except as provided in section 2951.021 of the Revised 3289  
Code, the offender shall pay reimbursements imposed upon the 3290  
offender pursuant to division (A) (5) (a) of this section to pay 3291  
the costs incurred by a municipal corporation pursuant to any 3292  
sanction imposed under this section or section 2929.16 or 3293  
2929.17 of the Revised Code or in operating a facility used to 3294  
confine offenders pursuant to a sanction imposed under section 3295  
2929.16 of the Revised Code to the treasurer of the municipal 3296  
corporation. The treasurer shall deposit the reimbursements in a 3297  
special fund that shall be established in the treasury of each 3298  
municipal corporation. The municipal corporation shall use the 3299  
amounts deposited in the fund to pay the costs incurred by the 3300  
municipal corporation pursuant to any sanction imposed under 3301  
this section or section 2929.16 or 2929.17 of the Revised Code 3302  
or in operating a facility used to confine offenders pursuant to 3303  
a sanction imposed under section 2929.16 of the Revised Code. 3304

(3) Except as provided in section 2951.021 of the Revised 3305  
Code, the offender shall pay reimbursements imposed pursuant to 3306  
division (A) (5) (a) of this section for the costs incurred by a 3307  
private provider pursuant to a sanction imposed under this 3308  
section or section 2929.16 or 2929.17 of the Revised Code to the 3309  
provider. 3310

(D) Except as otherwise provided in this division, a 3311  
financial sanction imposed pursuant to division (A) or (B) of 3312  
this section is a judgment in favor of the state or a political 3313  
subdivision in which the court that imposed the financial 3314

sanction is located, and the offender subject to the financial 3315  
sanction is the judgment debtor. A financial sanction of 3316  
reimbursement imposed pursuant to division (A)(5)(a)(ii) of this 3317  
section upon an offender who is incarcerated in a state facility 3318  
or a municipal jail is a judgment in favor of the state or the 3319  
municipal corporation, and the offender subject to the financial 3320  
sanction is the judgment debtor. A financial sanction of 3321  
reimbursement imposed upon an offender pursuant to this section 3322  
for costs incurred by a private provider of sanctions is a 3323  
judgment in favor of the private provider, and the offender 3324  
subject to the financial sanction is the judgment debtor. A 3325  
financial sanction of a mandatory fine imposed under division 3326  
(B)(10) of this section that is required under that division to 3327  
be paid to a law enforcement agency is a judgment in favor of 3328  
the specified law enforcement agency, and the offender subject 3329  
to the financial sanction is the judgment debtor. A financial 3330  
sanction of restitution imposed pursuant to division (A)(1) or 3331  
(B)(8) of this section is an order in favor of the victim of the 3332  
offender's criminal act that can be collected through a 3333  
certificate of judgment as described in division (D)(1) of this 3334  
section, through execution as described in division (D)(2) of 3335  
this section, or through an order as described in division (D) 3336  
(3) of this section, and the offender shall be considered for 3337  
purposes of the collection as the judgment debtor. Imposition of 3338  
a financial sanction and execution on the judgment does not 3339  
preclude any other power of the court to impose or enforce 3340  
sanctions on the offender. Once the financial sanction is 3341  
imposed as a judgment or order under this division, the victim, 3342  
private provider, state, or political subdivision may do any of 3343  
the following: 3344

- (1) Obtain from the clerk of the court in which the 3345

judgment was entered, at no cost, a certificate of judgment that 3346  
shall be in the same manner and form as a certificate of 3347  
judgment issued in a civil action; 3348

(2) Obtain execution of the judgment or order through any 3349  
available procedure, including: 3350

(a) An execution against the property of the judgment 3351  
debtor under Chapter 2329. of the Revised Code; 3352

(b) An execution against the person of the judgment debtor 3353  
under Chapter 2331. of the Revised Code; 3354

(c) A proceeding in aid of execution under Chapter 2333. 3355  
of the Revised Code, including: 3356

(i) A proceeding for the examination of the judgment 3357  
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 3358  
2333.27 of the Revised Code; 3359

(ii) A proceeding for attachment of the person of the 3360  
judgment debtor under section 2333.28 of the Revised Code; 3361

(iii) A creditor's suit under section 2333.01 of the 3362  
Revised Code. 3363

(d) The attachment of the property of the judgment debtor 3364  
under Chapter 2715. of the Revised Code; 3365

(e) The garnishment of the property of the judgment debtor 3366  
under Chapter 2716. of the Revised Code. 3367

(3) Obtain an order for the assignment of wages of the 3368  
judgment debtor under section 1321.33 of the Revised Code. 3369

(E) A court that imposes a financial sanction upon an 3370  
offender may hold a hearing if necessary to determine whether 3371  
the offender is able to pay the sanction or is likely in the 3372

future to be able to pay it. 3373

(F) Each court imposing a financial sanction upon an 3374  
offender under this section or under section 2929.32 of the 3375  
Revised Code may designate the clerk of the court or another 3376  
person to collect the financial sanction. The clerk or other 3377  
person authorized by law or the court to collect the financial 3378  
sanction may enter into contracts with one or more public 3379  
agencies or private vendors for the collection of, amounts due 3380  
under the financial sanction imposed pursuant to this section or 3381  
section 2929.32 of the Revised Code. Before entering into a 3382  
contract for the collection of amounts due from an offender 3383  
pursuant to any financial sanction imposed pursuant to this 3384  
section or section 2929.32 of the Revised Code, a court shall 3385  
comply with sections 307.86 to 307.92 of the Revised Code. 3386

(G) If a court that imposes a financial sanction under 3387  
division (A) or (B) of this section finds that an offender 3388  
satisfactorily has completed all other sanctions imposed upon 3389  
the offender and that all restitution that has been ordered has 3390  
been paid as ordered, the court may suspend any financial 3391  
sanctions imposed pursuant to this section or section 2929.32 of 3392  
the Revised Code that have not been paid. 3393

(H) No financial sanction imposed under this section or 3394  
section 2929.32 of the Revised Code shall preclude a victim from 3395  
bringing a civil action against the offender. 3396

(I) If the court imposes restitution, fines, fees, or 3397  
incarceration costs on a business or corporation, it is the duty 3398  
of the person authorized to make disbursements from the assets 3399  
of the business or corporation to pay the restitution, fines, 3400  
fees, or incarceration costs from those assets. 3401

(J) If an offender is sentenced to pay restitution, a 3402  
fine, fee, or incarceration costs, the clerk of the sentencing 3403  
court, on request, shall make the offender's payment history 3404  
available to the prosecutor, victim, victim's representative, 3405  
victim's attorney, if applicable, the probation department, and 3406  
the court without cost. 3407

**Sec. 2929.20.** (A) As used in this section: 3408

(1) (a) Except as provided in division (A) (1) (b) of this 3409  
section, "eligible offender" means any person who, on or after 3410  
April 7, 2009, is serving a stated prison term that includes one 3411  
or more nonmandatory prison terms. 3412

(b) "Eligible offender" does not include any person who, 3413  
on or after April 7, 2009, is serving a stated prison term for 3414  
any of the following criminal offenses that was a felony and was 3415  
committed while the person held a public office in this state: 3416

(i) A violation of section 2921.02, 2921.03, 2921.05, 3417  
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 3418  
Code; 3419

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 3420  
2921.12 of the Revised Code, when the conduct constituting the 3421  
violation was related to the duties of the offender's public 3422  
office or to the offender's actions as a public official holding 3423  
that public office; 3424

(iii) A violation of an existing or former municipal 3425  
ordinance or law of this or any other state or the United States 3426  
that is substantially equivalent to any violation listed in 3427  
division (A) (1) (b) (i) of this section; 3428

(iv) A violation of an existing or former municipal 3429  
ordinance or law of this or any other state or the United States 3430

that is substantially equivalent to any violation listed in 3431  
division (A) (1) (b) (ii) of this section, when the conduct 3432  
constituting the violation was related to the duties of the 3433  
offender's public office or to the offender's actions as a 3434  
public official holding that public office; 3435

(v) A conspiracy to commit, attempt to commit, or 3436  
complicity in committing any offense listed in division (A) (1) 3437  
(b) (i) or described in division (A) (1) (b) (iii) of this section; 3438

(vi) A conspiracy to commit, attempt to commit, or 3439  
complicity in committing any offense listed in division (A) (1) 3440  
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 3441  
if the conduct constituting the offense that was the subject of 3442  
the conspiracy, that would have constituted the offense 3443  
attempted, or constituting the offense in which the offender was 3444  
complicit was or would have been related to the duties of the 3445  
offender's public office or to the offender's actions as a 3446  
public official holding that public office. 3447

(2) "Nonmandatory prison term" means a prison term that is 3448  
not a mandatory prison term. 3449

(3) "Public office" means any elected federal, state, or 3450  
local government office in this state. 3451

(4) "Victim's representative" has the same meaning as in 3452  
section 2930.01 of the Revised Code. 3453

(5) "Imminent danger of death," "medically incapacitated," 3454  
and "terminal illness" have the same meanings as in section 3455  
2967.05 of the Revised Code. 3456

(6) "Aggregated nonmandatory prison term or terms" means 3457  
the aggregate of the following: 3458

(a) All nonmandatory definite prison terms; 3459

(b) With respect to any non-life felony indefinite prison 3460  
term, all nonmandatory minimum prison terms imposed as part of 3461  
the non-life felony indefinite prison term or terms. 3462

(B) On the motion of an eligible offender or upon its own 3463  
motion, the sentencing court may reduce the eligible offender's 3464  
aggregated nonmandatory prison term or terms through a judicial 3465  
release under this section. 3466

(C) An eligible offender may file a motion for judicial 3467  
release with the sentencing court within the following 3468  
applicable periods: 3469

(1) If the aggregated nonmandatory prison term or terms is 3470  
less than two years, the eligible offender may file the motion 3471  
at any time after the offender is delivered to a state 3472  
correctional institution or, if the prison term includes a 3473  
mandatory prison term or terms, at any time after the expiration 3474  
of all mandatory prison terms. 3475

(2) If the aggregated nonmandatory prison term or terms is 3476  
at least two years but less than five years, the eligible 3477  
offender may file the motion not earlier than one hundred eighty 3478  
days after the offender is delivered to a state correctional 3479  
institution or, if the prison term includes a mandatory prison 3480  
term or terms, not earlier than one hundred eighty days after 3481  
the expiration of all mandatory prison terms. 3482

(3) If the aggregated nonmandatory prison term or terms is 3483  
five years, the eligible offender may file the motion not 3484  
earlier than the date on which the eligible offender has served 3485  
four years of the offender's stated prison term or, if the 3486  
prison term includes a mandatory prison term or terms, not 3487

earlier than four years after the expiration of all mandatory 3488  
prison terms. 3489

(4) If the aggregated nonmandatory prison term or terms is 3490  
more than five years but not more than ten years, the eligible 3491  
offender may file the motion not earlier than the date on which 3492  
the eligible offender has served five years of the offender's 3493  
stated prison term or, if the prison term includes a mandatory 3494  
prison term or terms, not earlier than five years after the 3495  
expiration of all mandatory prison terms. 3496

(5) If the aggregated nonmandatory prison term or terms is 3497  
more than ten years, the eligible offender may file the motion 3498  
not earlier than the later of the date on which the offender has 3499  
served one-half of the offender's stated prison term or the date 3500  
specified in division (C) (4) of this section. 3501

(D) Upon receipt of a timely motion for judicial release 3502  
filed by an eligible offender under division (C) of this section 3503  
or upon the sentencing court's own motion made within the 3504  
appropriate time specified in that division, the court may deny 3505  
the motion without a hearing or schedule a hearing on the 3506  
motion. The court shall not grant the motion without a hearing. 3507  
If a court denies a motion without a hearing, the court later 3508  
may consider judicial release for that eligible offender on a 3509  
subsequent motion filed by that eligible offender unless the 3510  
court denies the motion with prejudice. If a court denies a 3511  
motion with prejudice, the court may later consider judicial 3512  
release on its own motion. If a court denies a motion after a 3513  
hearing, the court shall not consider a subsequent motion for 3514  
that eligible offender. The court shall hold only one hearing 3515  
for any eligible offender. 3516

A hearing under this section shall be conducted in open 3517

court not less than thirty or more than sixty days after the 3518  
motion is filed, provided that the court may delay the hearing 3519  
for one hundred eighty additional days. If the court holds a 3520  
hearing, the court shall enter a ruling on the motion within ten 3521  
days after the hearing. If the court denies the motion without a 3522  
hearing, the court shall enter its ruling on the motion within 3523  
sixty days after the motion is filed. 3524

(E) If a court schedules a hearing under division (D) of 3525  
this section, the court shall notify the eligible offender and 3526  
the head of the state correctional institution in which the 3527  
eligible offender is confined prior to the hearing. The head of 3528  
the state correctional institution immediately shall notify the 3529  
appropriate person at the department of rehabilitation and 3530  
correction of the hearing, and the department within twenty-four 3531  
hours after receipt of the notice, shall post on the database it 3532  
maintains pursuant to section 5120.66 of the Revised Code the 3533  
offender's name and all of the information specified in division 3534  
(A) (1) (c) (i) of that section. If the court schedules a hearing 3535  
for judicial release, the court promptly shall give notice of 3536  
the hearing to the prosecuting attorney of the county in which 3537  
the eligible offender was indicted. Upon receipt of the notice 3538  
from the court, the prosecuting attorney shall do whichever of 3539  
the following is applicable: 3540

(1) Subject to division (E) (2) of this section, notify the 3541  
victim of the offense ~~or~~ and the victim's representative, if 3542  
applicable, pursuant to division (B) of section 2930.16 of the 3543  
Revised Code; 3544

(2) If the offense was an offense of violence that is a 3545  
felony of the first, second, or third degree, except as 3546  
otherwise provided in this division, notify the victim ~~or~~ and 3547

the victim's representative, if applicable, of the hearing 3548  
regardless of whether the victim or victim's representative has 3549  
requested the notification. The notice of the hearing shall not 3550  
be given under this division to a victim or victim's 3551  
representative if the victim or victim's representative has 3552  
requested pursuant to division (B) (2) of section 2930.03 of the 3553  
Revised Code that the victim or the victim's representative not 3554  
be provided the notice. If notice is to be provided to a victim 3555  
or victim's representative under this division, the prosecuting 3556  
attorney may give the notice by any reasonable means, including 3557  
regular mail, telephone, and electronic mail, in accordance with 3558  
division (D) (1) of section 2930.16 of the Revised Code. If the 3559  
notice is based on an offense committed prior to March 22, 2013, 3560  
the notice also shall include the opt-out information described 3561  
in division (D) (1) of section 2930.16 of the Revised Code. The 3562  
prosecuting attorney, in accordance with division (D) (2) of 3563  
section 2930.16 of the Revised Code, shall keep a record of all 3564  
attempts to provide the notice, and of all notices provided, 3565  
under this division. Division (E) (2) of this section, and the 3566  
notice-related provisions of division (K) of this section, 3567  
division (D) (1) of section 2930.16, division (H) of section 3568  
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 3569  
(b) of section 2967.26, division (D) (1) of section 2967.28, and 3570  
division (A) (2) of section 5149.101 of the Revised Code enacted 3571  
in the act in which division (E) (2) of this section was enacted, 3572  
shall be known as "Roberta's Law." 3573

(F) Upon an offender's successful completion of 3574  
rehabilitative activities, the head of the state correctional 3575  
institution may notify the sentencing court of the successful 3576  
completion of the activities. 3577

(G) Prior to the date of the hearing on a motion for 3578

judicial release under this section, the head of the state 3579  
correctional institution in which the eligible offender is 3580  
confined shall send to the court an institutional summary report 3581  
on the eligible offender's conduct in the institution and in any 3582  
institution from which the eligible offender may have been 3583  
transferred. Upon the request of the prosecuting attorney of the 3584  
county in which the eligible offender was indicted or of any law 3585  
enforcement agency, the head of the state correctional 3586  
institution, at the same time the person sends the institutional 3587  
summary report to the court, also shall send a copy of the 3588  
report to the requesting prosecuting attorney and law 3589  
enforcement agencies. The institutional summary report shall 3590  
cover the eligible offender's participation in school, 3591  
vocational training, work, treatment, and other rehabilitative 3592  
activities and any disciplinary action taken against the 3593  
eligible offender. The report shall be made part of the record 3594  
of the hearing. A presentence investigation report is not 3595  
required for judicial release. 3596

(H) If the court grants a hearing on a motion for judicial 3597  
release under this section, the eligible offender shall attend 3598  
the hearing if ordered to do so by the court. Upon receipt of a 3599  
copy of the journal entry containing the order, the head of the 3600  
state correctional institution in which the eligible offender is 3601  
incarcerated shall deliver the eligible offender to the sheriff 3602  
of the county in which the hearing is to be held. The sheriff 3603  
shall convey the eligible offender to and from the hearing. 3604

(I) At the hearing on a motion for judicial release under 3605  
this section, the court shall afford the eligible offender and 3606  
the eligible offender's attorney an opportunity to present 3607  
written and, if present, oral information relevant to the 3608  
motion. The court shall afford a similar opportunity to the 3609

prosecuting attorney, the victim~~or~~, the victim's 3610  
representative, the victim's attorney, if applicable, and any 3611  
other person the court determines is likely to present 3612  
additional relevant information. The court shall consider any 3613  
oral or written statement of a victim, victim's representative, 3614  
and victim's attorney, if applicable, made pursuant to section 3615  
2930.14 or 2930.17 of the Revised Code, any victim impact 3616  
statement prepared pursuant to section 2947.051 of the Revised 3617  
Code, and any report made under division (G) of this section. 3618  
The court may consider any written statement of any person 3619  
submitted to the court pursuant to division (L) of this section. 3620  
After ruling on the motion, the court shall notify the victim 3621  
and the victim's representative of the ruling in accordance with 3622  
sections 2930.03 and 2930.16 of the Revised Code. 3623

(J) (1) A court shall not grant a judicial release under 3624  
this section to an eligible offender who is imprisoned for a 3625  
felony of the first or second degree, or to an eligible offender 3626  
who committed an offense under Chapter 2925. or 3719. of the 3627  
Revised Code and for whom there was a presumption under section 3628  
2929.13 of the Revised Code in favor of a prison term, unless 3629  
the court, with reference to factors under section 2929.12 of 3630  
the Revised Code, finds both of the following: 3631

(a) That a sanction other than a prison term would 3632  
adequately punish the offender and protect the public from 3633  
future criminal violations by the eligible offender because the 3634  
applicable factors indicating a lesser likelihood of recidivism 3635  
outweigh the applicable factors indicating a greater likelihood 3636  
of recidivism; 3637

(b) That a sanction other than a prison term would not 3638  
demean the seriousness of the offense because factors indicating 3639

that the eligible offender's conduct in committing the offense 3640  
was less serious than conduct normally constituting the offense 3641  
outweigh factors indicating that the eligible offender's conduct 3642  
was more serious than conduct normally constituting the offense. 3643

(2) A court that grants a judicial release to an eligible 3644  
offender under division (J) (1) of this section shall specify on 3645  
the record both findings required in that division and also 3646  
shall list all the factors described in that division that were 3647  
presented at the hearing. 3648

(K) If the court grants a motion for judicial release 3649  
under this section, the court shall order the release of the 3650  
eligible offender, shall place the eligible offender under an 3651  
appropriate community control sanction, under appropriate 3652  
conditions, and under the supervision of the department of 3653  
probation serving the court and shall reserve the right to 3654  
reimpose the sentence that it reduced if the offender violates 3655  
the sanction. If the court reimposes the reduced sentence, it 3656  
may do so either concurrently with, or consecutive to, any new 3657  
sentence imposed upon the eligible offender as a result of the 3658  
violation that is a new offense. Except as provided in division 3659  
(R) (2) of this section, the period of community control shall be 3660  
no longer than five years. The court, in its discretion, may 3661  
reduce the period of community control by the amount of time the 3662  
eligible offender spent in jail or prison for the offense and in 3663  
prison. If the court made any findings pursuant to division (J) 3664  
(1) of this section, the court shall serve a copy of the 3665  
findings upon counsel for the parties within fifteen days after 3666  
the date on which the court grants the motion for judicial 3667  
release. 3668

If the court grants a motion for judicial release, the 3669

court shall notify the appropriate person at the department of 3670  
rehabilitation and correction, and the department shall post 3671  
notice of the release on the database it maintains pursuant to 3672  
section 5120.66 of the Revised Code. The court also shall notify 3673  
the prosecuting attorney of the county in which the eligible 3674  
offender was indicted that the motion has been granted. Unless 3675  
the victim or the victim's representative has requested pursuant 3676  
to division (B) (2) of section 2930.03 of the Revised Code that 3677  
the victim or victim's representative not be provided the 3678  
notice, the prosecuting attorney shall notify the victim ~~or and~~ 3679  
the victim's representative, if applicable, of the judicial 3680  
release in any manner, and in accordance with the same 3681  
procedures, pursuant to which the prosecuting attorney is 3682  
authorized to provide notice of the hearing pursuant to division 3683  
(E) (2) of this section. If the notice is based on an offense 3684  
committed prior to March 22, 2013, the notice to the victim or 3685  
victim's representative also shall include the opt-out 3686  
information described in division (D) (1) of section 2930.16 of 3687  
the Revised Code. 3688

(L) In addition to and independent of the right of a 3689  
victim to make a statement pursuant to section 2930.14, 2930.17, 3690  
or 2946.051 of the Revised Code and any right of a person to 3691  
present written information or make a statement pursuant to 3692  
division (I) of this section, any person may submit to the 3693  
court, at any time prior to the hearing on the offender's motion 3694  
for judicial release, a written statement concerning the effects 3695  
of the offender's ~~crime or crimes~~ criminal offense, the 3696  
circumstances surrounding the ~~crime or crimes~~ criminal offense, 3697  
the manner in which the ~~crime or crimes were~~ criminal offense 3698  
was perpetrated, and the person's opinion as to whether the 3699  
offender should be released. 3700

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

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

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

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

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

(2) The court may grant the motion without a hearing,

provided that the prosecuting attorney ~~and, victim or, and~~ 3730  
victim's representative, if applicable, to whom notice of the 3731  
hearing was provided under division (E) of this section indicate 3732  
that they do not wish to participate in the hearing or present 3733  
information relevant to the motion. 3734

(Q) The court may request health care records from the 3735  
department of rehabilitation and correction to verify the 3736  
certification made under division (N) of this section. 3737

(R) (1) If the court grants judicial release under division 3738  
(N) of this section, the court shall do all of the following: 3739

(a) Order the release of the offender; 3740

(b) Place the offender under an appropriate community 3741  
control sanction, under appropriate conditions; 3742

(c) Place the offender under the supervision of the 3743  
department of probation serving the court or under the 3744  
supervision of the adult parole authority. 3745

(2) The court, in its discretion, may revoke the judicial 3746  
release if the offender violates the community control sanction 3747  
described in division (R) (1) of this section. The period of that 3748  
community control is not subject to the five-year limitation 3749  
described in division (K) of this section and shall not expire 3750  
earlier than the date on which all of the offender's mandatory 3751  
prison terms expire. 3752

(S) If the health of an offender who is released under 3753  
division (N) of this section improves so that the offender is no 3754  
longer terminally ill, medically incapacitated, or in imminent 3755  
danger of death, the court shall, upon the court's own motion, 3756  
revoke the judicial release. The court shall not grant the 3757  
motion without a hearing unless the offender waives a hearing. 3758

If a hearing is held, the court shall afford the offender and 3759  
the offender's attorney an opportunity to present written and, 3760  
if the offender or the offender's attorney is present, oral 3761  
information relevant to the motion. The court shall afford a 3762  
similar opportunity to the prosecuting attorney, the victim~~or,~~ 3763  
the victim's representative, the victim's attorney, if 3764  
applicable, and any other person the court determines is likely 3765  
to present additional relevant information. A court that grants 3766  
a motion under this division shall specify its findings on the 3767  
record. 3768

**Sec. 2929.22.** (A) Unless a mandatory jail term is required 3769  
to be imposed by division (G) of section 1547.99, division (B) 3770  
of section 4510.14, division (G) of section 4511.19 of the 3771  
Revised Code, or any other provision of the Revised Code a court 3772  
that imposes a sentence under this chapter upon an offender for 3773  
a misdemeanor or minor misdemeanor has discretion to determine 3774  
the most effective way to achieve the purposes and principles of 3775  
sentencing set forth in section 2929.21 of the Revised Code. 3776

Unless a specific sanction is required to be imposed or is 3777  
precluded from being imposed by the section setting forth an 3778  
offense or the penalty for an offense or by any provision of 3779  
sections 2929.23 to 2929.28 of the Revised Code, a court that 3780  
imposes a sentence upon an offender for a misdemeanor may impose 3781  
on the offender any sanction or combination of sanctions under 3782  
sections 2929.24 to 2929.28 of the Revised Code. The court shall 3783  
not impose a sentence that imposes an unnecessary burden on 3784  
local government resources. 3785

(B) (1) In determining the appropriate sentence for a 3786  
misdemeanor, the court shall consider all of the following 3787  
factors: 3788

(a) The nature and circumstances of the offense or offenses;	3789 3790
(b) Whether the circumstances regarding the offender and the offense or offenses indicate that the offender has a history of persistent criminal activity and that the offender's character and condition reveal a substantial risk that the offender will commit another offense;	3791 3792 3793 3794 3795
(c) Whether the circumstances regarding the offender and the offense or offenses indicate that the offender's history, character, and condition reveal a substantial risk that the offender will be a danger to others and that the offender's conduct has been characterized by a pattern of repetitive, compulsive, or aggressive behavior with heedless indifference to the consequences;	3796 3797 3798 3799 3800 3801 3802
(d) Whether the victim's youth, age, disability, or other factor made the victim particularly vulnerable to the offense or made the impact of the offense more serious;	3803 3804 3805
(e) Whether the offender is likely to commit future crimes in general, in addition to the circumstances described in divisions (B) (1) (b) and (c) of this section;	3806 3807 3808
(f) Whether the offender has an emotional, mental, or physical condition that is traceable to the offender's service in the armed forces of the United States and that was a contributing factor in the offender's commission of the offense or offenses;	3809 3810 3811 3812 3813
(g) The offender's military service record.	3814
(2) In determining the appropriate sentence for a misdemeanor, in addition to complying with division (B) (1) of this section, the court may consider any other factors that are	3815 3816 3817

relevant to achieving the purposes and principles of sentencing 3818  
set forth in section 2929.21 of the Revised Code. 3819

(C) Before imposing a jail term as a sentence for a 3820  
misdemeanor, a court shall consider the appropriateness of 3821  
imposing a community control sanction or a combination of 3822  
community control sanctions under sections 2929.25, 2929.26, 3823  
2929.27, and 2929.28 of the Revised Code. A court may impose the 3824  
longest jail term authorized under section 2929.24 of the 3825  
Revised Code only upon offenders who commit the worst forms of 3826  
the offense or upon offenders whose conduct and response to 3827  
prior sanctions for prior offenses demonstrate that the 3828  
imposition of the longest jail term is necessary to deter the 3829  
offender from committing a future ~~crime~~ criminal offense. 3830

(D) (1) A sentencing court shall consider any relevant oral 3831  
~~or~~ and written statement made by the victim, the victim's 3832  
representative, the victim's attorney, if applicable, the 3833  
defendant, the defense attorney, ~~or~~ and the prosecuting 3834  
authority regarding sentencing for a misdemeanor. This division 3835  
does not create any rights to notice other than those rights 3836  
authorized by Chapter 2930. of the Revised Code. 3837

(2) At the time of sentencing for a misdemeanor or as soon 3838  
as possible after sentencing, the court shall notify the victim 3839  
of the offense of the victim's right to file an application for 3840  
an award of reparations pursuant to sections 2743.51 to 2743.72 3841  
of the Revised Code. 3842

**Sec. 2929.28.** (A) In addition to imposing court costs 3843  
pursuant to section 2947.23 of the Revised Code, the court 3844  
imposing a sentence upon an offender for a misdemeanor, 3845  
including a minor misdemeanor, may sentence the offender to any 3846  
financial sanction or combination of financial sanctions 3847

authorized under this section and, if the offender is being 3848  
sentenced for a criminal offense as defined in section 2930.01 3849  
of the Revised Code, shall sentence the offender to make 3850  
restitution pursuant to this section and section 2929.281 of the 3851  
Revised Code. If the court, in its discretion or as required by 3852  
this section, imposes one or more financial sanctions, the 3853  
financial sanctions that may be imposed pursuant to this section 3854  
include, but are not limited to, the following: 3855

(1) Unless the misdemeanor offense ~~is a minor misdemeanor~~ 3856  
~~or~~ could be disposed of by the traffic violations bureau serving 3857  
the court under Traffic Rule 13, restitution by the offender to 3858  
the victim of the offender's crime or ~~any survivor of the~~ 3859  
~~victim~~victim's estate, in an amount based on the victim's 3860  
economic loss. The court may not impose restitution as a 3861  
sanction pursuant to this division if the offense ~~is a minor~~ 3862  
~~misdemeanor or~~ could be disposed of by the traffic violations 3863  
bureau serving the court under Traffic Rule 13. If the court 3864  
requires restitution, the court shall order that the restitution 3865  
be made to the victim in open court or to the adult probation 3866  
department that serves the jurisdiction or the clerk of the 3867  
court on behalf of the victim. 3868

~~If the court imposes restitution, the~~ The court shall 3869  
determine the amount of restitution to be paid by the offender. 3870  
~~If the court imposes restitution, the court may base the amount~~ 3871  
~~of restitution it orders on an amount recommended by the victim,~~ 3872  
~~the offender, a presentence investigation report, estimates or~~ 3873  
~~receipts indicating the cost of repairing or replacing property,~~ 3874  
~~and other information, provided that the~~ The victim, victim's 3875  
representative, victim's attorney, if applicable, the prosecutor 3876  
or the prosecutor's designee, and the offender may provide 3877  
information relevant to the determination of the amount of 3878

restitution. The amount the court orders as restitution shall 3879  
not exceed the amount of the economic loss suffered by the 3880  
victim as a direct and proximate result of the commission of the 3881  
offense. If the court imposes restitution for the cost of 3882  
accounting or auditing done to determine the extent of economic 3883  
loss, the court may order restitution for any amount of the 3884  
victim's costs of accounting or auditing provided that the 3885  
amount of restitution is reasonable and does not exceed the 3886  
value of property or services stolen or damaged as a result of 3887  
the offense. If the court decides to or is required to impose 3888  
restitution, the court shall hold an evidentiary hearing on 3889  
restitution if the offender, victim, ~~or survivor~~ victim's 3890  
representative, victim's attorney, if applicable, or victim's 3891  
estate disputes the amount of restitution. ~~If the~~ The court 3892  
~~holds an evidentiary hearing, at the hearing the victim or~~ 3893  
~~survivor has the burden to prove~~ shall determine the amount of 3894  
full restitution by a preponderance of the evidence ~~the amount~~ 3895  
~~of restitution sought from the offender.~~ 3896

All restitution payments shall be credited against any 3897  
recovery of economic loss in a civil action brought by the 3898  
victim or ~~any survivor of the~~ victim ~~victim's estate~~ against the 3899  
offender. No person may introduce evidence of an award of 3900  
restitution under this section in a civil action for purposes of 3901  
imposing liability against an insurer under section 3937.18 of 3902  
the Revised Code. 3903

~~If the court imposes restitution, the~~ The court may order 3904  
that the offender pay a surcharge, of not more than five per 3905  
cent of the amount of the restitution otherwise ordered, to the 3906  
entity responsible for collecting and processing restitution 3907  
payments. 3908

The ~~victim or survivor~~, victim's attorney, if applicable, 3909  
or the attorney for the victim's estate may request that the 3910  
prosecutor in the case file a motion, or the offender may file a 3911  
motion, for modification of the payment terms of any restitution 3912  
ordered. If the court grants the motion, it may modify the 3913  
payment terms as it determines appropriate but shall not reduce 3914  
the amount of restitution ordered, except as provided in 3915  
division (A) of section 2929.281 of the Revised Code. 3916

(2) A fine of the type described in divisions (A) (2) (a) 3917  
and (b) of this section payable to the appropriate entity as 3918  
required by law: 3919

(a) A fine in the following amount: 3920

(i) For a misdemeanor of the first degree, not more than 3921  
one thousand dollars; 3922

(ii) For a misdemeanor of the second degree, not more than 3923  
seven hundred fifty dollars; 3924

(iii) For a misdemeanor of the third degree, not more than 3925  
five hundred dollars; 3926

(iv) For a misdemeanor of the fourth degree, not more than 3927  
two hundred fifty dollars; 3928

(v) For a minor misdemeanor, not more than one hundred 3929  
fifty dollars. 3930

(b) A state fine or cost as defined in section 2949.111 of 3931  
the Revised Code. 3932

(3) (a) Reimbursement by the offender of any or all of the 3933  
costs of sanctions incurred by the government, including, but 3934  
not limited to, the following: 3935

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

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

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

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

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

If the court determines that the offender is indigent and 3966  
unable to pay the financial sanction or court costs, the court 3967  
shall consider imposing and may impose a term of community 3968  
service under division (A) of section 2929.27 of the Revised 3969  
Code in lieu of imposing a financial sanction or court costs. If 3970  
the court does not determine that the offender is indigent, the 3971  
court may impose a term of community service under division (A) 3972  
of section 2929.27 of the Revised Code in lieu of or in addition 3973  
to imposing a financial sanction under this section and in 3974  
addition to imposing court costs. The court may order community 3975  
service for a minor misdemeanor pursuant to division (D) of 3976  
section 2929.27 of the Revised Code in lieu of or in addition to 3977  
imposing a financial sanction under this section and in addition 3978  
to imposing court costs. If a person fails to pay a financial 3979  
sanction or court costs, the court may order community service 3980  
in lieu of the financial sanction or court costs. 3981

(C) (1) The offender shall pay reimbursements imposed upon 3982  
the offender pursuant to division (A) (3) of this section to pay 3983  
the costs incurred by a county pursuant to any sanction imposed 3984  
under this section or section 2929.26 or 2929.27 of the Revised 3985  
Code or in operating a facility used to confine offenders 3986  
pursuant to a sanction imposed under section 2929.26 of the 3987  
Revised Code to the county treasurer. The county treasurer shall 3988  
deposit the reimbursements in the county's general fund. The 3989  
county shall use the amounts deposited in the fund to pay the 3990  
costs incurred by the county pursuant to any sanction imposed 3991  
under this section or section 2929.26 or 2929.27 of the Revised 3992  
Code or in operating a facility used to confine offenders 3993  
pursuant to a sanction imposed under section 2929.26 of the 3994  
Revised Code. 3995

(2) The offender shall pay reimbursements imposed upon the 3996

offender pursuant to division (A) (3) of this section to pay the 3997  
costs incurred by a municipal corporation pursuant to any 3998  
sanction imposed under this section or section 2929.26 or 3999  
2929.27 of the Revised Code or in operating a facility used to 4000  
confine offenders pursuant to a sanction imposed under section 4001  
2929.26 of the Revised Code to the treasurer of the municipal 4002  
corporation. The treasurer shall deposit the reimbursements in 4003  
the municipal corporation's general fund. The municipal 4004  
corporation shall use the amounts deposited in the fund to pay 4005  
the costs incurred by the municipal corporation pursuant to any 4006  
sanction imposed under this section or section 2929.26 or 4007  
2929.27 of the Revised Code or in operating a facility used to 4008  
confine offenders pursuant to a sanction imposed under section 4009  
2929.26 of the Revised Code. 4010

(3) The offender shall pay reimbursements imposed pursuant 4011  
to division (A) (3) of this section for the costs incurred by a 4012  
private provider pursuant to a sanction imposed under this 4013  
section or section 2929.26 or 2929.27 of the Revised Code to the 4014  
provider. 4015

(D) In addition to any other fine that is or may be 4016  
imposed under this section, the court imposing sentence upon an 4017  
offender for misdemeanor domestic violence or menacing by 4018  
stalking may impose a fine of not less than seventy nor more 4019  
than five hundred dollars, which shall be transmitted to the 4020  
treasurer of state to be credited to the address confidentiality 4021  
program fund created by section 111.48 of the Revised Code. 4022

(E) Except as otherwise provided in this division, a 4023  
financial sanction imposed under division (A) of this section is 4024  
a judgment in favor of the state or the political subdivision 4025  
that operates the court that imposed the financial sanction, and 4026

the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed pursuant to division (A) (3) (a) (i) of this section upon an offender is a judgment in favor of the entity administering the community control sanction, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed pursuant to division (A) (3) (a) (ii) of this section upon an offender confined in a jail or other residential facility is a judgment in favor of the entity operating the jail or other residential facility, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of restitution imposed pursuant to division (A) (1) of this section is an order in favor of the victim of the offender's criminal act that can be collected through a certificate of judgment as described in division (E) (1) of this section, through execution as described in division (E) (2) of this section, or through an order as described in division (E) (3) of this section, and the offender shall be considered for purposes of the collection as the judgment debtor.

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

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

(2) Obtain execution of the judgment or order through any available procedure, including any of the procedures identified in divisions ~~(E) (1)~~ (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 of payments by any financial transaction device shall be governed by the policy adopted by the board of county commissioners of the county pursuant to section 301.28 of the Revised Code. If the court is a municipal court not operated by

a county, the clerk may pay any fee associated with processing 4087  
an electronic transfer out of public money or may charge the fee 4088  
to the offender. 4089

(3) To defray administrative costs, charge a reasonable 4090  
fee to an offender who elects a payment plan rather than a lump 4091  
sum payment of any financial sanction. 4092

(H) No financial sanction imposed under this section shall 4093  
preclude a victim from bringing a civil action against the 4094  
offender. 4095

(I) If the court imposes restitution, fines, fees, or 4096  
incarceration costs on a business or corporation, it is the duty 4097  
of the person authorized to make disbursements from assets of 4098  
the business or corporation to pay the restitution, fines, fees, 4099  
or incarceration costs from those assets. 4100

(J) If an offender is sentenced to pay restitution, a 4101  
fine, fee, or incarceration costs, the clerk of the sentencing 4102  
court, on request, shall make the offender's payment history 4103  
available to the victim, victim's representative, victim's 4104  
attorney, if applicable, the prosecutor, the probation 4105  
department, and the court without cost. 4106

**Sec. 2929.281.** (A) In determining the amount of 4107  
restitution at the time of sentencing under this section, the 4108  
court shall order full restitution for any expenses related to a 4109  
victim's economic loss due to the criminal offense. The amount 4110  
of restitution shall be reduced by any payments to the victim 4111  
for economic loss made or due under a policy of insurance or 4112  
governmental program. 4113

Economic loss includes, but is not limited to, the 4114  
following: 4115

(1) Full or partial payment for the value of stolen or 4116  
damaged property. The value of stolen or damaged property shall 4117  
be the replacement cost of the property or the actual cost of 4118  
repairing the property when repair is possible. 4119

(2) Medical expenses; 4120

(3) Mental health counseling expenses; 4121

(4) Wages or profits lost due to injury or harm to the 4122  
victim as determined by the court. Lost wages include commission 4123  
income as well as base wages. Commission income shall be 4124  
established by evidence of commission income during the twelve- 4125  
month period prior to the date of the crime for which 4126  
restitution is being ordered, unless good cause for a shorter 4127  
time period is shown. 4128

(5) Expenses related to making a vehicle or residence 4129  
accessible to the victim if the victim is partially permanently 4130  
disabled or totally permanently disabled as a direct result of 4131  
the crime. 4132

(B) The court may require the execution of a satisfactory 4133  
performance bond or take other action permitted by law to ensure 4134  
payment of restitution. 4135

(C) Upon notification by the court, money owed by the 4136  
state or by a political subdivision of the state to an offender 4137  
who is required to make restitution under this section, 4138  
including any tax refund owed to the offender, shall be assigned 4139  
to the discharge of the offender's outstanding restitution 4140  
obligation, subject to any superseding federal statutes or 4141  
regulations, including court-ordered support obligations. 4142

(D) If an offender is required to make restitution under 4143  
this section in the form of monetary payments to more than one 4144

victim, the offender shall make the payments to the victims in 4145  
the following order of priority: 4146

(1) Individuals; 4147

(2) Nonprofit organizations; 4148

(3) Business entities; 4149

(4) Governmental entities. 4150

(E) A court that imposes restitution on an offender as 4151  
part of the offender's sentence under this section shall not 4152  
suspend that part of the offender's sentence if the victim or the 4153  
victim's attorney, if applicable, objects to the suspension of 4154  
the restitution part of the sentence. 4155

(F) A court order for restitution imposed under this 4156  
section may be reduced to a civil judgment in favor of the 4157  
victim. If the order is reduced to such a judgment, the person 4158  
required to pay the restitution under the order is the judgment 4159  
debtor. The order may be reduced to such a judgment on or after 4160  
the court closes the defendant's case if the order for 4161  
restitution has not been satisfied. 4162

(G) If money that is received pursuant to a sentence of 4163  
restitution cannot be paid to the victim or the victim's estate 4164  
within sixty days of receipt, the person or agency that receives 4165  
the money shall provide written notice of that inability of 4166  
payment to a crime victim service organization at least sixty 4167  
days prior to paying the money to the division of unclaimed 4168  
funds. If the money cannot be paid to the victim or the victim's 4169  
estate after the expiration of sixty days from service of the 4170  
notice to the crime victim service organization, the person or 4171  
agency that received the money shall pay it to the division of 4172  
unclaimed funds. 4173

(H) The supreme court shall create a standardized form to 4174  
be made publicly available that provides guidance for victims 4175  
and victims' representatives regarding the compilation of 4176  
evidence to demonstrate losses for the purpose of this section. 4177

**Sec. 2930.01.** As used in this chapter, unless otherwise 4178  
defined in any section in this chapter: 4179

(A) "~~Crime~~Criminal offense" means ~~any of the following:~~ 4180

~~(1) A felony;~~ 4181

~~(2) A violation of section 2903.05, 2903.06, 2903.13,~~ 4182  
~~2903.21, 2903.211, 2903.22, 2907.06, 2919.25, or 2921.04 of the~~ 4183  
~~Revised Code, a violation of section 2903.07 of the Revised Code~~ 4184  
~~as it existed prior to March 23, 2000, or a violation of a~~ 4185  
~~substantially equivalent municipal ordinance;~~ 4186

~~(3) A violation of division (A) or (B) of section 4511.19,~~ 4187  
~~division (A) or (B) of section 1547.11, or division (A) (3) of~~ 4188  
~~section 4561.15 of the Revised Code or of a municipal ordinance~~ 4189  
~~substantially similar to any of those divisions that is the~~ 4190  
~~proximate cause of a vehicle, streetcar, trackless trolley,~~ 4191  
~~aquatic device, or aircraft accident in which the victim~~ 4192  
~~receives injuries for which the victim receives medical~~ 4193  
~~treatment either at the scene of the accident by emergency~~ 4194  
~~medical services personnel or at a hospital, ambulatory care~~ 4195  
~~facility, physician's office, specialist's office, or other~~ 4196  
~~medical care facility.~~ 4197

~~(4) A motor vehicle accident to which both of the~~ 4198  
~~following apply:~~ 4199

~~(a) The motor vehicle accident is caused by a violation of~~ 4200  
~~a provision of the Revised Code that is a misdemeanor of the~~ 4201  
~~first degree or higher.~~ 4202

~~(b) As a result of the motor vehicle accident, the victim receives injuries for which the victim receives medical treatment either at the scene of the accident by emergency medical services personnel or at a hospital, ambulatory care facility, physician's office, specialist's office, or other medical care facility~~ an alleged act or omission committed by a person that is punishable by incarceration and is not disposed of by the traffic violations bureau serving the court under Traffic Rule 13.

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

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

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

(b) A county sheriff;

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

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

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

(2) The entity that has custody of an alleged juvenile 4231  
offender pursuant to an order of disposition of a juvenile 4232  
court, including the department of youth services or a school, 4233  
camp, institution, or other facility operated for the care of 4234  
delinquent children. 4235

(C) "Defendant" means a person who is alleged to be the 4236  
perpetrator of a ~~crime in a police report or~~ criminal offense in 4237  
a complaint, indictment, or information that charges the 4238  
commission of a ~~crime~~ criminal offense and that provides the 4239  
basis for the criminal prosecution and subsequent proceedings to 4240  
which this chapter makes reference. 4241

(D) "Member of the victim's family" means a spouse, child, 4242  
stepchild, sibling, parent, stepparent, grandparent, or other 4243  
relative of a victim but does not include a person who is 4244  
charged with, convicted of, or adjudicated to be a delinquent 4245  
child for the ~~crime~~ criminal offense or ~~specified~~ delinquent act 4246  
against the victim or another ~~crime~~ criminal offense or 4247  
~~specified~~ delinquent act arising from the same conduct, criminal 4248  
episode, or plan. 4249

(E) "Prosecutor" means one of the following: 4250

(1) With respect to a criminal case, it has the same 4251  
meaning as in section 2935.01 of the Revised Code and also 4252  
includes the attorney general and, when appropriate, the 4253  
employees of any person listed in section 2935.01 of the Revised 4254  
Code or of the attorney general. 4255

(2) With respect to a delinquency proceeding, it includes 4256  
any person listed in division (C) of section 2935.01 of the 4257  
Revised Code or an employee of a person listed in that division 4258  
who prosecutes a delinquency proceeding. 4259

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

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

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

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

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

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

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

(K) "Delinquency proceeding" means all proceedings in a juvenile court that are related to a case in which a complaint

has been filed alleging that a child is a delinquent child. 4289

(L) "Case" means a delinquency proceeding and all related 4290  
activity or a criminal prosecution and all related activity. 4291

(M) The "defense" means the defense against criminal 4292  
charges in a criminal prosecution or the defense against a 4293  
delinquent child complaint in a delinquency proceeding. 4294

(N) The "prosecution" means the prosecution of criminal 4295  
charges in a criminal prosecution or the prosecution of a 4296  
delinquent child complaint in a delinquency proceeding. 4297

(O) ~~"Specified delinquent Delinquent act" means any of the~~ 4298  
~~following:~~ 4299

~~(1) An an alleged act committed by a child that if~~ 4300  
~~committed by an adult would be a felony;~~ 4301

~~(2) An act committed by a child that is a violation of a~~ 4302  
~~section listed in division (A) (1) or (2) of this section or is a~~ 4303  
~~violation of a substantially equivalent municipal ordinance;~~ 4304

~~(3) An act committed by a child that is described in~~ 4305  
~~division (A) (3) or (4) of this section, regardless of whether~~ 4306  
~~the child is competent, that does any of the following and is~~ 4307  
~~not disposed of by the juvenile traffic violations bureau~~ 4308  
~~serving the court under Traffic Rule 13.1:~~ 4309

(1) Violates any law of this state or the United States, 4310  
or any ordinance of a political subdivision of the state, that 4311  
would be an offense if committed by an adult; 4312

(2) Violates any lawful order of the court made under this 4313  
chapter, including a child who violates a court order regarding 4314  
the child's prior adjudication as an unruly child for being an 4315  
habitual truant; 4316

(3) Violates any lawful order of the court made under Chapter 2151. of the Revised Code other than an order issued under section 2151.87 of the Revised Code; 4317  
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(4) Violates division (C) of section 2907.39, division (A) of section 2923.211, or division (C)(1) or (D) of section 2925.55 of the Revised Code. 4320  
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(P) (1) "Alleged juvenile offender" means a child who is 4323  
alleged to have committed a ~~specified~~ delinquent act in a police 4324  
report or in a complaint in juvenile court that charges the 4325  
commission of a ~~specified~~ delinquent act and that provides the 4326  
basis for the delinquency proceeding and all subsequent 4327  
proceedings to which this chapter makes reference. 4328

(2) As used in divisions (O) and (P) (1) of this section, 4329  
"child" has the same meaning as in section 2151.011 of the 4330  
Revised Code. 4331

(Q) "Motor vehicle accident" means any accident involving 4332  
a motor vehicle. 4333

(R) "Motor vehicle" has the same meaning as in section 4334  
4509.01 of the Revised Code. 4335

(S) "Aircraft" has the same meaning as in section 4561.01 4336  
of the Revised Code. 4337

(T) "Aquatic device" means any vessel, or any water skis, 4338  
aquaplane, or similar device. 4339

(U) "Vehicle," "streetcar," and "trackless trolley" have 4340  
the same meanings as in section 4511.01 of the Revised Code. 4341

(V) "Vehicle, streetcar, trackless trolley, aquatic 4342  
device, or aircraft accident" means any accident involving a 4343  
vehicle, streetcar, trackless trolley, aquatic device, or 4344

aircraft. 4345

(W) "Vessel" has the same meaning as in section 1546.01 of 4346  
the Revised Code. 4347

(X) "Victim advocate" means a person employed or 4348  
authorized by a public or private entity who provides support 4349  
and assistance for a victim of a criminal offense or delinquent 4350  
act in relation to criminal, civil, administrative, and 4351  
delinquency cases or proceedings and recovery efforts related to 4352  
the criminal offense or delinquent act. 4353

(Y) "Victim's attorney" means an attorney retained by the 4354  
victim for the purpose of asserting the victim's constitutional 4355  
and statutory rights. 4356

(Z) "Prosecutor's designee" means any person or entity 4357  
designated by the prosecuting attorney but does not include a 4358  
court or court employee. 4359

(AA) "Suspect" means a person who is alleged to be the 4360  
perpetrator of a criminal offense. 4361

**Sec. 2930.011.** Nothing in this chapter shall prevent a 4362  
victim or the victim's other lawful representative from 4363  
asserting the rights enumerated in Ohio Constitution, Article I, 4364  
Section 10a. 4365

**Sec. 2930.02.** (A)–If Any of the following persons may, 4366  
subject to the prohibition on the unauthorized practice of law 4367  
under section 4705.07 of the Revised Code, exercise the rights 4368  
of a victim under this chapter as the victim's representative: 4369

(1) Any person designated by the victim; 4370

(2) A member of the victim's family or a victim advocate 4371  
designated as the victim's representative to exercise the rights 4372

of a victim under this chapter as the victim's representative if 4373  
a victim is a minor or is incapacitated, incompetent, or 4374  
deceased, or if the victim chooses to designate another person, 4375  
a member of a victim's family or another person may exercise the 4376  
rights of the victim under this chapter as the victim's 4377  
representative, subject to division (D) of this section; 4378

(3) If the case involves a violation of section 2903.01, 4379  
2903.02, 2903.03, 2903.04, 2903.041, 2903.05, or 2903.06 of the 4380  
Revised Code, a member of the deceased victim's family, a victim 4381  
advocate, or another person designated by one or more members of 4382  
the deceased victim's family. 4383

(B) If the prosecutor in the case or the court has a 4384  
reasonable basis to believe that the victim's representative is 4385  
not acting in the interests of the child victim, victim with a 4386  
developmental disability, or an incapacitated or incompetent 4387  
victim, the prosecutor shall file a motion with the court 4388  
setting forth the reasonable basis for that belief and the court 4389  
shall hold a hearing to determine whether the victim's 4390  
representative is acting in the interests of the victim. The 4391  
court shall make this determination by a preponderance of the 4392  
evidence. If the court finds that the victim's representative is 4393  
not acting in the interests of the victim, the court shall 4394  
appoint a court appointed special advocate, a guardian ad litem, 4395  
or a victim advocate to act as a victim's representative instead 4396  
of the previously appointed victim's representative. 4397

(C) If more than one person seeks to act as the victim's 4398  
representative for a particular victim, the court that has 4399  
jurisdiction over the criminal matter or the court in which the 4400  
criminal prosecution or delinquency proceeding is held shall 4401  
designate one of those persons as the victim's representative. 4402

If a victim does not want to have anyone act as the victim's representative, the court shall order that only the victim may exercise the rights of a victim under this chapter. 4403  
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~~(B)-(D)~~ If pursuant to division (A) of this section a victim's representative is to exercise the rights of a victim, the victim ~~or victim's representative~~ shall notify law enforcement and the prosecutor, or, if it is a delinquency proceeding and a prosecutor is not involved in the case, shall notify the court that the victim's representative is to act for the victim. When a victim ~~or victim's representative~~ has so notified law enforcement and the prosecutor, or the court, all ~~notice notices~~ under this chapter shall be sent ~~only~~ to the victim and the victim's representative, all rights under this chapter shall be granted ~~only~~ to the victim and the victim's representative, and all references in this chapter to a victim, ~~except the references to a victim in section 2930.071 of the Revised Code~~, shall be interpreted as being references to the victim and the victim's representative unless the victim informs the notifying authority that the victim ~~also wishes~~ does not wish to receive the notices or exercise the rights. ~~If division (B) of section 2930.03 of the Revised Code requires a victim to make a request in order to receive any notice of a type described in this division and if a victim's representative is to exercise the rights of the victim, the victim's representative shall make the request~~ 4406  
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(E) A suspect, defendant, offender, alleged juvenile offender, or delinquent child may not act as a victim's representative relative to the criminal offense or delinquent act involving the victim. 4428  
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(F) In any post-conviction proceeding or in regards to any 4432

post-conviction relief, if the prosecutor in the case or the 4433  
court has a reasonable basis to believe that the victim's 4434  
representative is not acting in the interests of the child 4435  
victim, victim with a developmental disability, or an 4436  
incapacitated or incompetent victim, the prosecutor shall file a 4437  
motion with the court setting forth the reasonable basis for 4438  
that belief and the court shall hold a hearing to determine 4439  
whether the victim's representative is acting in the interests 4440  
of the victim. The court shall make this determination by a 4441  
preponderance of the evidence. If the court finds that the 4442  
victim's representative is not acting in the interests of the 4443  
victim, the court shall appoint a court appointed special 4444  
advocate, a guardian ad litem, or a victim advocate to act as a 4445  
victim's representative instead of the previously appointed 4446  
victim's representative. 4447

**Sec. 2930.03.** (A) A person or entity required or 4448  
authorized under this chapter to give notice to a victim shall 4449  
give the notice to the victim by any means reasonably calculated 4450  
to provide prompt actual notice. Except when a provision 4451  
requires that notice is to be given in a specific manner, a 4452  
notice may be oral or written. 4453

(B) (1) Except for receipt of the initial information and 4454  
notice required to be given to a victim under divisions (A) and 4455  
~~(B)~~ (C) of section 2930.04, section 2930.05, and divisions (A) 4456  
and ~~(B)~~ (C) of section 2930.06 of the Revised Code and the 4457  
notice required to be given to a victim under division (D) of 4458  
section 2930.16 of the Revised Code, a victim who wishes to 4459  
receive any notice authorized by this chapter shall make a 4460  
request for the notice to the prosecutor or the custodial agency 4461  
that is to provide the notice, as specified in this chapter. If 4462  
the victim does not make a request as described in this 4463

division, the prosecutor or custodial agency is not required to 4464  
provide any notice described in this chapter other than the 4465  
initial information and notice required to be given to a victim 4466  
under divisions (A) and ~~(B)~~(C) of section 2930.04, section 4467  
2930.05, and divisions (A) and ~~(B)~~(C) of section 2930.06 of the 4468  
Revised Code and the notice required to be given to a victim 4469  
under division (D) of section 2930.16 of the Revised Code. 4470

(2) A victim who does not wish to receive any of the 4471  
notices required to be given to a victim under division (E) (2) 4472  
or (K) of section 2929.20, division (D) of section 2930.16, 4473  
division (H) of section 2967.12, division (E) (1) (b) of section 4474  
2967.19, division (A) (3) (b) of section 2967.26, division (D) (1) 4475  
of section 2967.28, or division (A) (2) of section 5149.101 of 4476  
the Revised Code shall make a request to the prosecutor or 4477  
custodial agency that is to provide the particular notice that 4478  
the notice not be provided to the victim. Unless the victim 4479  
makes a request as described in this division, the prosecutor or 4480  
custodial agency shall provide the notices required to be given 4481  
to a victim under division (E) (2) or (K) of section 2929.20, 4482  
division (D) of section 2930.16, division (H) of section 4483  
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 4484  
(b) of section 2967.26, division (D) (1) of section 2967.28, or 4485  
division (A) (2) of section 5149.101 of the Revised Code in any 4486  
manner, and in accordance with the procedures, specified in the 4487  
particular division. This division also applies to a victim's 4488  
representative or a member of a victim's immediate family that 4489  
is authorized to receive any of the notices specified in this 4490  
division. 4491

(C) A person or agency that is required to furnish notice 4492  
under this chapter shall give the notice to the victim at the 4493  
address or telephone number provided to the person or agency by 4494

the victim. A victim who requests to receive notice under this 4495  
chapter as described in division (B) of this section shall 4496  
inform the person or agency of the name, address, or telephone 4497  
number of the victim and of any change to that information. 4498

(D) A person or agency that has furnished information to a 4499  
victim in accordance with any requirement or authorization under 4500  
this chapter shall notify the victim promptly of any significant 4501  
changes to that information. 4502

(E) Divisions (A) to (D) of this section do not apply 4503  
regarding a notice that a prosecutor is required to provide 4504  
under section 2930.061 of the Revised Code. A prosecutor 4505  
required to provide notice under that section shall provide the 4506  
notice as specified in that section. 4507

**Sec. 2930.04.** (A) ~~After~~ On its initial contact with a 4508  
victim of a ~~crime~~ criminal offense or delinquent act, the law 4509  
enforcement agency responsible for investigating the ~~crime~~ 4510  
criminal offense or delinquent act promptly shall ~~give to~~ 4511  
provide the victim, ~~in writing,~~ with a victim's rights 4512  
request/waiver form or a substantially similar form that does 4513  
all of the following ~~information~~: 4514

(1) ~~An explanation of the victim's rights under this~~ 4515  
~~chapter~~ Allows for the victim and victim's representative to 4516  
request the applicable rights to which the victim and victim's 4517  
representative are entitled, on request, under this section; 4518

(2) ~~Information about medical, counseling, housing,~~ 4519  
~~emergency, and any other services that are available to a~~ 4520  
Provides a method for the victim to designate a representative 4521  
if the victim chooses; 4522

(3) ~~Information about compensation for victims under the~~ 4523

~~reparations program in sections 2743.51 to 2743.72 of the~~ 4524  
~~Revised Code and the name, street address, and telephone number~~ 4525  
~~of the agency to contact to apply for an award of reparations~~ 4526  
~~under those sections;~~ 4527

~~(4) Information about protection that is available to the~~ 4528  
~~victim, including protective orders issued by a court. Includes~~ 4529  
~~signature lines for acknowledgment by the law enforcement~~ 4530  
~~agency, prosecutor, or custodial agency and victim and victim's~~ 4531  
~~representative;~~ 4532

(4) Includes the address or contact information for the 4533  
applicable law enforcement agency, prosecutor, or custodial 4534  
agency; 4535

(5) Includes the address, telephone number, and electronic 4536  
mail address, if applicable, for the victim and victim 4537  
representative, if applicable. 4538

~~(B)~~ (B) (1) On its initial contact with a victim of a 4539  
criminal offense or delinquent act, the law enforcement agency 4540  
responsible for investigating the criminal offense or delinquent 4541  
act shall document the name of the victim or victims on a 4542  
separate page of the victim's rights/waiver form and on a 4543  
separate page with documents filed with the court so that the 4544  
identity of the victim or victims remains confidential. The law 4545  
enforcement agency shall clearly indicate who the department of 4546  
rehabilitation and correction is required to notify of victim's 4547  
rights and post-conviction information. If known, the form shall 4548  
indicate the identity of victim's representative, if applicable. 4549  
This page shall not be considered a public record under section 4550  
149.43 of the Revised Code. Once completed, the form with the 4551  
information of the victim or victims shall be sent to the 4552  
prosecutor. 4553

(2) If the form containing the information of the victim or victims as described in division (B)(1) of this section is not completed and sent to the prosecutor prior to the first interaction between the prosecutor and the victim or victims, then the prosecutor shall complete the form. 4554  
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(3) A victim may elect not to receive the notifications described in division (B)(1) of this section, in which case the prosecutor shall document that waiver. Once the prosecutor has met with the victim or victims, the completed information form or waiver shall be filed with the court. 4559  
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(4) For a victim advocate to exercise rights on behalf of a victim or victims, that victim advocate shall be designated as the victim's representative. This designation shall be documented either on the victim's rights/waiver form for that victim or victims or, if the victim or victims elect not to exercise the victim's or victims' rights, then the designation shall be documented on the waiver. 4564  
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(5) If no form was completed in a case, the court may elect to provide the victim or victims with the identity protections and notifications described in division (B)(1) of this section if extenuating circumstances exist, which the court shall document for the record. If there are no such extenuating circumstances, a victim shall not receive any nonobligatory notifications. 4571  
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(6) The court shall ask the victim, if present, or the prosecutor if the victim wishes to update the victim's contact information and shall inform the victim or victims that it is the victim's duty to notify the department of rehabilitation and correction of any change in address or contact information. 4578  
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~~As soon as practicable after~~ (C) (1) A person, who by 4583  
reason of that person's regular business activities, is the 4584  
subject of multiple and continuing criminal offenses or 4585  
delinquent acts as a potential victim, may opt out of notices 4586  
and rights available pursuant to the Ohio Constitution, Chapter 4587  
2930. of the Revised Code, and other laws providing victims with 4588  
rights for future offenses by giving a written notification form 4589  
to the appropriate prosecutor or the prosecutor's designee. 4590

(2) The form shall include the name and address of the 4591  
person's business and the period of time that the person wishes 4592  
to opt out of receiving the notices and rights available. The 4593  
form may also state that the person is only interested in the 4594  
notices described in this section if restitution is at issue. It 4595  
shall be signed by the person or another person with management 4596  
authority over the business. 4597

(D) At the time of its initial contact with a victim of a 4598  
crime criminal offense or delinquent act, or as soon as 4599  
practicable following the initial contact, the law enforcement 4600  
agency responsible for investigating the crime criminal offense 4601  
or delinquent act shall give to provide the victim, in writing, 4602  
all of the following information: 4603

~~(1) The business telephone number of the law enforcement~~ 4604  
~~officer assigned to investigate the case;~~ 4605

~~(2) The office address and business telephone number of~~ 4606  
~~the prosecutor in the case;~~ 4607

~~(3) A statement that, if the victim is not notified of the~~ 4608  
~~arrest of the offender in the case within a reasonable period of~~ 4609  
~~time, the victim may contact the law enforcement agency to learn~~ 4610  
~~the status of the case. The victim's rights under this section~~ 4611

and the victim's bill of rights under Section 10a of Article I 4612  
of the Ohio Constitution, including the right to exercise these 4613  
rights through counsel; 4614

(2) The availability of crisis intervention services, 4615  
housing, and emergency and medical services, or contact 4616  
information for statewide organizations that can direct victims 4617  
to local resources; 4618

(3) When applicable, the procedures and resources 4619  
available for the protection of the victim, including protection 4620  
orders issued by the courts; 4621

(4) Information about public and private victim services 4622  
programs, including, but not limited to, the crime victims 4623  
compensation program and emergency shelter programs, or, if 4624  
local information is not available, contact information for 4625  
statewide organizations that can direct a victim to these types 4626  
of resources; 4627

(5) The police report number, if applicable, business 4628  
telephone number of the law enforcement agency investigating the 4629  
victim's case, and the office address and business telephone 4630  
number of the prosecutor in the victim's case, when available. 4631

~~(C)~~-(E) The law enforcement officer responsible for 4632  
providing information under this section shall use reasonable 4633  
efforts to identify the victim. At a minimum, this information 4634  
should be disseminated to the individual or individuals 4635  
identified in the police report as victims. If the law 4636  
enforcement officer generates a report, the law enforcement 4637  
agency shall collect and retain an executed copy of the victim's 4638  
rights request/waiver form, or a substantially similar form. If 4639  
at the time of contact with a law enforcement agency the victim 4640

does not request or waive the victim's applicable rights, the 4641  
law enforcement agency shall designate this on the form. The 4642  
victim's refusal to request or waive the victim's applicable 4643  
rights shall be considered an assertion of the victim's rights. 4644

(F) If a suspect is arrested, the law enforcement agency 4645  
shall submit an executed copy of the victim's rights 4646  
request/waiver form to the custodial agency as soon as 4647  
practicable once the law enforcement agency learns of the 4648  
suspect's arrest. On the filing of charges or a complaint, the 4649  
law enforcement agency shall submit an executed copy of that 4650  
form to the prosecutor. The prosecutor shall file the assertion 4651  
of rights portion of that form, but not the victim's or the 4652  
victim's representative's contact information portion of that 4653  
form, with the court within seven days of initiation of a 4654  
criminal prosecution. 4655

(G) If a suspect is cited and released, the law 4656  
enforcement agency responsible for investigating the offense 4657  
shall inform the victim and the victim's representative, if 4658  
applicable, of the court date, if known, and how to obtain 4659  
additional information from the clerk of the court about the 4660  
arraignment or initial appearance. 4661

(H) To the extent that the information required by this 4662  
section is provided in the form and pamphlet prepared pursuant 4663  
to section 109.42 of the Revised Code or in the information card 4664  
or other material prepared pursuant to section 2743.71 of the 4665  
Revised Code, the law enforcement agency may fulfill that 4666  
portion of its obligations under this section by giving that 4667  
form, pamphlet, information card, or other material to the 4668  
victim. 4669

**Sec. 2930.041.** (A) Pursuant to the "Americans with 4670

Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101, as 4671  
amended, a victim with a disability has the right to a qualified 4672  
or certified interpreter at all court proceedings, all meetings 4673  
with the prosecutor, and all investigative contacts with law 4674  
enforcement, the probation department, the department of 4675  
rehabilitation and correction, and the department of youth 4676  
services, at no cost to the victim and paid for by the court. 4677

(B) A victim who is non-English speaking or has limited 4678  
English proficiency has the right to a qualified or certified 4679  
interpreter at all court proceedings, all meetings with the 4680  
prosecutor, and all investigative contacts with law enforcement, 4681  
the probation department, the department of rehabilitation and 4682  
correction, and the department of youth services, at no cost to 4683  
the victim and paid for by the court. 4684

(C) The victim's right to a qualified or certified 4685  
interpreter under division (B) of this section is subject to 4686  
availability but is not subject to the cost of retaining a 4687  
qualified or certified interpreter. Any agency described in 4688  
division (B) of this section that is unable to provide a victim 4689  
with a qualified or certified interpreter as required by 4690  
division (B) of this section shall maintain records of the 4691  
agency's attempt to comply with this requirement. 4692

(D) As used in this section, "qualified interpreter" has 4693  
the same meaning as in the "Americans with Disabilities Act of 4694  
1990," 42 U.S.C. 12101, as amended. 4695

**Sec. 2930.042.** In all inactive cases involving one or more 4696  
criminal offenses or delinquent acts for which the statute of 4697  
limitations is longer than three years, the law enforcement 4698  
agency investigating the criminal offense or delinquent act 4699  
shall provide the victim and victim's representative, if 4700

applicable, with notice as to whether an inactive case is 4701  
reopened or closed, unless the victim has waived the right to 4702  
notifications. 4703

**Sec. 2930.043.** A victim shall not be required to pay for a 4704  
copy of any public records related to the victim's case. 4705

**Sec. 2930.044.** A person who has not previously been 4706  
identified as a victim by law enforcement, including a person 4707  
claiming to be directly or proximately harmed as a result of the 4708  
criminal offense or delinquent act, shall affirmatively identify 4709  
the person's self to law enforcement, the prosecutor, and the 4710  
courts in order to receive the information and exercise the 4711  
rights described in this chapter. 4712

**Sec. 2930.05.** (A) Within a reasonable period of time after 4713  
the arrest or detention of a defendant or an alleged juvenile 4714  
offender for ~~a crime~~ the underlying criminal offense or 4715  
~~specified delinquent act,~~ the law enforcement agency that 4716  
investigates the ~~crime~~ criminal offense or specified delinquent 4717  
act shall give the victim ~~of the crime or specified delinquent-~~ 4718  
~~act~~ and the victim's representative notice of all of the 4719  
following: 4720

(1) The arrest or detention once the investigating law 4721  
enforcement agency has knowledge of the arrest or detention; 4722

(2) The name of the defendant or alleged juvenile offender 4723  
once the investigating law enforcement agency has knowledge of 4724  
the name of the defendant or alleged juvenile offender; 4725

(3) ~~Whether~~ That the defendant or alleged juvenile 4726  
offender ~~is~~ may be eligible for pretrial release or for release 4727  
from detention; 4728

(4) The telephone number of the law enforcement agency; 4729

(5) The victim's and the victim's representative's right, 4730  
if applicable, to telephone the custodial agency to ascertain 4731  
whether the defendant or alleged juvenile offender has been 4732  
released from custody or from detention; 4733

(6) That, on request of the victim or the victim's 4734  
representative, the prosecutor or the prosecutor's designee 4735  
shall provide the victim and the victim's representative, if 4736  
applicable, with a copy of the terms and conditions of bond; 4737

(7) Procedures for obtaining additional information from 4738  
the clerk of the court about the time, place, and date of the 4739  
arraignment or initial appearance of the defendant or alleged 4740  
juvenile offender; 4741

(8) If the defendant or alleged juvenile offender is 4742  
arrested or detained by another law enforcement agency, the 4743  
applicable pick-up radius and whether the investigating law 4744  
enforcement agency will pick up the defendant or alleged 4745  
juvenile offender, once the investigating law enforcement agency 4746  
has knowledge of the defendant's or alleged juvenile offender's 4747  
arrest or detention. 4748

~~(B)~~ (B) (1) If a defendant or alleged juvenile offender has 4749  
been released from custody on a bond or personal recognizance or 4750  
has been released from detention and the prosecutor in the case 4751  
has received the affidavit of a victim stating that the 4752  
defendant or alleged juvenile offender, or someone acting at the 4753  
defendant's or alleged juvenile offender's direction, has 4754  
committed or threatened to commit one or more acts of violence, 4755  
harassment, or intimidation against the victim, the victim's 4756  
family, or the victim's representative, the prosecutor may file 4757  
a motion asking the court to reconsider the conditions of the 4758  
bond or personal recognizance granted to the defendant or 4759

alleged juvenile offender or to consider returning the defendant 4760  
or alleged juvenile offender to detention. 4761

(2) If the prosecutor elects not to file a motion under 4762  
division (B)(1) of this section, the prosecutor or the 4763  
prosecutor's designee shall inform the victim as soon as 4764  
practicable that the victim or the victim's attorney may file a 4765  
petition asking the court to reconsider the conditions of the 4766  
bond or personal recognizance granted to the defendant or 4767  
alleged juvenile offender. 4768

**Sec. 2930.051.** A custodial agency shall notify the 4769  
investigating law enforcement agency of the incarceration of a 4770  
defendant or detention of an alleged juvenile offender once the 4771  
investigating law enforcement agency is known to the custodial 4772  
agency. 4773

**Sec. 2930.06.** ~~(A)~~(A) (1) The prosecutor in a case or the 4774  
prosecutor's designee, to the extent practicable, shall confer 4775  
with the victim in the case before and, upon the victim's 4776  
request, the victim's representative at each of the following 4777  
stages: 4778

(a) Before pretrial diversion is granted to the defendant 4779  
or alleged juvenile offender in the case, ~~before;~~ 4780

(b) Before amending or dismissing an indictment, 4781  
information, or complaint against that defendant or alleged 4782  
juvenile offender, ~~before unless the amendment to the 4783~~  
indictment, information, or complaint is a correction of a 4784  
procedural defect that is not substantive in nature; 4785

(c) Before agreeing to a negotiated plea for that 4786  
defendant or alleged juvenile offender, ~~before;~~ 4787

(d) Before a trial of that defendant by judge or jury, ~~or~~ 4788

before; 4789

(e) Before the juvenile court conducts an adjudicatory 4790  
hearing for that alleged juvenile offender. 4791

(2) If the juvenile court disposes of a case prior to the 4792  
prosecutor's involvement in the case, the court or a court 4793  
employee shall notify the victim and the victim's representative 4794  
in the case, if applicable, that the alleged juvenile offender 4795  
will be granted pretrial diversion, the complaint against that 4796  
alleged juvenile offender will be amended or dismissed, or the 4797  
court will conduct an adjudicatory hearing for that alleged 4798  
juvenile offender. 4799

(3) If the victim or the victim's representative requested 4800  
to confer with the prosecutor, the court shall inquire as to 4801  
whether or not the prosecutor conferred with the victim and the 4802  
victim's representative at the stages set forth in division (A) 4803  
(1) of this section. If the prosecutor fails to confer with the 4804  
victim and the victim's representative at any of those times, 4805  
the court, if informed of the failure, shall note on the record 4806  
the failure and the prosecutor's reasons for the failure. If the 4807  
court determines that timely notice was not given to the victim 4808  
and victim's representative, if applicable, that the victim and 4809  
victim's representative were not adequately informed of the 4810  
nature of the court proceeding, or that the prosecutor failed to 4811  
confer with the victim and victim representative as required by 4812  
this section or Ohio Constitution, Article I, Section 10a, the 4813  
court shall not rule on any substantive issue that implicates a 4814  
victim's right, accept a plea, or impose a sentence and shall 4815  
continue the court proceeding for the time necessary to notify 4816  
the victim and victim's representative, if applicable, of the 4817  
time, place, and nature of the court proceeding. A prosecutor's 4818

failure to confer with a victim as required by this division and 4819  
a court's failure to provide the notice as required by this 4820  
division do not affect the validity of an agreement between the 4821  
prosecutor and the defendant or alleged juvenile offender in the 4822  
case, a pretrial diversion of the defendant or alleged juvenile 4823  
offender, an amendment or dismissal of an indictment, 4824  
information, or complaint filed against the defendant or alleged 4825  
juvenile offender, a plea entered by the defendant or alleged 4826  
juvenile defender, an admission entered by the defendant or 4827  
alleged juvenile offender, or any other disposition in the case. 4828

(4) A court shall not dismiss a criminal complaint, 4829  
charge, information, or indictment or a delinquent child 4830  
complaint solely at the request of the victim or victim's 4831  
representative and over the objection of the prosecuting 4832  
attorney, village solicitor, city director of law, or other 4833  
chief legal officer responsible for the prosecution of the case. 4834

(B) ~~After~~ On request of the victim or the victim's 4835  
representative, the prosecutor shall keep the victim and the 4836  
victim's representative, if applicable, apprised of requests and 4837  
communications from the defendant, alleged juvenile offender, 4838  
the attorney for the defendant or alleged juvenile offender, or 4839  
the agent of the defendant or alleged juvenile offender that 4840  
could affect the victim's privacy rights or safety concerns. 4841

(C) Within fourteen days after a prosecution in a case has 4842  
been commenced, the prosecutor or a designee of the prosecutor 4843  
other than a court or court employee, ~~to the extent practicable,~~ 4844  
promptly shall give the victim and the victim's representative, 4845  
if applicable, all of the following information, except that, if 4846  
the juvenile court disposes of a case prior to the prosecutor's 4847  
involvement in the case, the court or a court employee, ~~to the~~ 4848

~~extent practicable,~~ promptly shall give the victim and the 4849  
victim's representative all of the following information: 4850

(1) The name of the ~~crime~~ criminal offense or ~~specified~~ 4851  
delinquent act with which the defendant or alleged juvenile 4852  
offender in the case has been charged and the name of the 4853  
defendant or alleged juvenile offender; 4854

(2) The file number of the case; 4855

(3) A ~~brief~~ clear and concise statement regarding the 4856  
procedural steps in a criminal prosecution or delinquency 4857  
proceeding involving a ~~crime~~ criminal offense or ~~specified~~ 4858  
delinquent act similar to the ~~crime~~ criminal offense or 4859  
~~specified~~ delinquent act with which the defendant or alleged 4860  
juvenile offender has been charged and the right of the victim 4861  
and victim's representative to be present during all proceedings 4862  
held throughout the prosecution of the case; 4863

(4) A summary of the rights of a victim under this chapter 4864  
and under Section 10a of Article I of the Ohio Constitution; 4865

(5) Procedures the victim, the victim's representative, or 4866  
the prosecutor may follow if the victim becomes subject to 4867  
threats of violence, harassment, or intimidation by the 4868  
defendant, alleged juvenile offender, or any other person; 4869

(6) The name and business telephone number of ~~a person~~ the 4870  
office to contact for further information with respect to the 4871  
case; 4872

(7) The right of the victim to have a victim's 4873  
representative exercise the victim's rights under this chapter 4874  
in accordance with section 2930.02 of the Revised Code and the 4875  
procedure by which a victim's representative may be designated; 4876

(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; 4877  
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(9) The fact that the victim can seek the advice of an attorney or have legal representation to enforce the victim's rights; 4881  
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(10) Notice that any notification under division ~~(C)~~(E) of this section, sections ~~2930.07-2930.08~~ 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 (E) (1) (b) of section 2967.19, 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 ~~asks and the~~ victim's representative, if applicable, ask that the notification not be provided; 4884  
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(11) (a) The victim's rights request/waiver form, or a substantially similar form, that allows the victim and the victim's representative, if applicable, to request applicable rights to which the victim and victim's representative are entitled under this chapter, including notice to the victim and the victim's representative that failure to affirmatively request these rights will be considered a waiver of these rights, but that the victim or victim's representative may request these rights at a later date; 4898  
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(b) A person who, by reason of that person's regular business activities, is the subject of multiple and continuing criminal offenses or delinquent acts as a potential victim may choose to opt out of the notices and rights available pursuant to the Ohio Constitution, Chapter 2930. of the Revised Code, and any other provision of the Revised Code that provides a victim with rights for future offenses by giving a written notification form to the appropriate prosecutor or prosecutor's designee. The form shall include the name and address of the person's business and the period of time that the person wishes to opt out of the applicable notices and rights and may also state that the person is only interested in the applicable notices if restitution is at issue. The form shall be signed by the person or another person with management authority of the business. 4907  
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~~(C) Upon~~ (D) Unless a shorter notice period is reasonable under the circumstances, the court shall provide the prosecutor or prosecutor's designee with oral or written notice of any court proceeding not less than ten days prior to that court proceeding unless the parties agree that a shorter notice period is reasonable under the circumstances. 4921  
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(E) On the request of the victim or victim's representative, the prosecutor or, if it is a delinquency proceeding and a prosecutor is not involved in the case, the court shall give the victim and the victim's representative, if applicable, notice of the date, time, and place of any ~~scheduled~~ criminal or juvenile proceedings in the case and notice of any changes in those proceedings or in the schedule in the case not less than seven days prior to the criminal or juvenile proceedings in the case unless the parties agree that a shorter notice period is reasonable under the circumstances. 4927  
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~~(D)-(F)~~ A victim or victim's representative who requests 4937  
notice under division ~~(C)-(E)~~ of this section and who elects 4938  
pursuant to division (B) of section 2930.03 of the Revised Code 4939  
to receive any further notice from the prosecutor or, if it is a 4940  
delinquency proceeding and a prosecutor is not involved in the 4941  
case, the court under this chapter shall keep the prosecutor or 4942  
the court informed of the victim's ~~current address and telephone~~ 4943  
~~number until the case is dismissed or terminated, the defendant~~ 4944  
~~is acquitted or sentenced, the delinquent child complaint is~~ 4945  
~~dismissed, the defendant is adjudicated a delinquent child, or~~ 4946  
~~the appellate process is completed, whichever is the final~~ 4947  
~~disposition in the case~~ or victim's representative's contact 4948  
information. 4949

~~(E)~~ If a defendant is charged with the commission of a 4950  
misdemeanor offense that is not identified in division (A)(2) of 4951  
section 2930.01 of the Revised Code and if a police report or a 4952  
complaint, indictment, or information that charges the 4953  
commission of that offense and provides the basis for a criminal 4954  
prosecution of that defendant identifies one or more individuals 4955  
as individuals against whom that offense was committed, after a 4956  
prosecution in the case has been commenced, the prosecutor or a 4957  
designee of the prosecutor other than a court or court employee, 4958  
to the extent practicable, promptly shall notify each of the 4959  
individuals so identified in the report, complaint, indictment, 4960  
or information that, if the defendant is convicted of or pleads 4961  
guilty to the offense, the individual may make an oral or 4962  
written statement to the court hearing the case regarding the 4963  
sentence to be imposed upon the defendant and that the court 4964  
must consider any statement so made that is relevant. Before 4965  
imposing sentence in the case, the court shall permit the 4966  
individuals so identified in the report, complaint, indictment, 4967

~~or information to make an oral or written statement. Division~~ 4968  
~~(A) of section 2930.14 of the Revised Code applies regarding any~~ 4969  
~~statement so made. The court shall consider a statement so made,~~ 4970  
~~in accordance with division (B) of that section and division (D)~~ 4971  
~~of section 2929.22 of the Revised Code~~ 4972

(G) A prosecutor, the prosecutor's designee, or a court 4973  
that is required to notify a victim or victim's representative 4974  
of hearings, on request, shall attempt a notification and keep a 4975  
record of attempted notifications in the same manner as 4976  
described in divisions (D) (1) and (2) of section 2930.16 of the 4977  
Revised Code. 4978

**Sec. 2930.062.** A victim described in division (H) ~~(2)~~ of 4979  
section 2930.01 of the Revised Code may provide the prosecutor, 4980  
or if it is a delinquency proceeding and a prosecutor is not 4981  
involved in the case may provide the court, in the victim's case 4982  
with written notification of the victim's injuries at any time. 4983  
Upon receipt of the written notification, the prosecutor or 4984  
court shall give the victim all of the information specified in 4985  
division ~~(B)~~ (C) of section 2930.06 of the Revised Code if the 4986  
prosecutor has not already done so. 4987

**Sec. 2930.063.** (A) On request, a victim or victim's 4988  
representative has the right to receive a copy of the 4989  
certificate of judgment and the judgment entry from the clerk 4990  
at no cost to the victim. Copies of other case documents may be 4991  
requested and provided by the clerk at cost. Copies provided 4992  
pursuant to this division may be provided in electronic format. 4993

(B) In any criminal or delinquency proceeding in which a 4994  
video recording or audio recording of the court proceedings has 4995  
been previously prepared, the victim, victim's attorney, or 4996  
victim's representative may obtain a copy of the video recording 4997

or audio recording for the actual cost to copy the video 4998  
recording or audio recording. If a transcript of the court 4999  
proceedings has been previously prepared, the victim, victim's 5000  
attorney, or victim's representative may obtain a copy of the 5001  
transcript at the same reduced cost that is available to a party 5002  
to the case. 5003

**Sec. 2930.07. (A) As used in this section:** 5004

(1) (a) "Case document" means a document or information in 5005  
a document regarding a case that is submitted to a court, a law 5006  
enforcement agency or officer, or a prosecutor or filed with a 5007  
clerk of court, including, but not limited to, pleadings, 5008  
motions, exhibits, transcripts, orders, and judgments, or any 5009  
documentation prepared by a court, clerk of court, or law 5010  
enforcement agency or officer, or a prosecutor regarding a case. 5011

(b) "Case document" does not include materials subject to 5012  
the work product doctrine, materials that by law are subject to 5013  
privilege or confidentiality, or materials that are otherwise 5014  
protected or prohibited from disclosure by state or federal law. 5015

(2) "Court" has the same meaning as in section 2930.01 of 5016  
the Revised Code and includes a court of appeals and the supreme 5017  
court. 5018

(3) "Minor victim" means any person who was under eighteen 5019  
years of age at the time of the commission of the criminal 5020  
offense or delinquent act of which the person is a victim. 5021

(4) "Public office" and "public official" have the same 5022  
meanings as in section 149.011 of the Revised Code. 5023

(B) The victim and victim's representative, if applicable, 5024  
have the right at any court proceeding, including any juvenile 5025  
court proceeding, not to testify regarding the victim's address, 5026

telephone number, place of employment, or other locating 5027  
information unless the victim specifically consents or the court 5028  
determines that the fundamental demands of due process of law in 5029  
the fair administration of criminal justice prevails over the 5030  
victim's rights to keep the information confidential. 5031

The court shall make this determination pursuant to an in- 5032  
camera review. If the court determines that the information 5033  
shall be disclosed, the court proceeding shall be closed during 5034  
the disclosure. 5035

(C) Any public office or public official that is charged 5036  
with the responsibility of knowing the name, address, or other 5037  
identifying information of a victim or victim's representative 5038  
as part of the office's or official's duties shall have full and 5039  
complete access to the name, address, or other identifying 5040  
information of the victim or victim's representative. That 5041  
public office or public official shall take measures to prevent 5042  
the public disclosure of the name, address, or other identifying 5043  
information of the victim or victim's representative through the 5044  
use of redaction as set forth in division (D) of this section. 5045  
Nothing in this section prevents a public agency from 5046  
maintaining unredacted records of a victim's or victim's 5047  
representative's name, contact information, and identifying 5048  
information for its own records and use or a public office or 5049  
public official from allowing another public office or public 5050  
official to access or obtain copies of its unredacted records. 5051  
The release of unredacted records to a public office or official 5052  
does not constitute a waiver of any exemption or exception 5053  
pursuant to section 149.43 of the Revised Code. This section 5054  
prohibits the public release of unredacted case documents 5055  
pursuant to division (A)(1)(v) of section 149.43 of the Revised 5056  
Code and division (D) of this section. 5057

(D) (1) On written request of the victim or victim's 5058  
representative to a law enforcement agency or prosecutor's 5059  
office and following a brief explanation from that law 5060  
enforcement agency or prosecutor's office of the potential risks 5061  
and benefits of redaction and the ability of the victim to 5062  
retain counsel, all case documents related to the cases or 5063  
matters specified by the victim maintained by the entity to whom 5064  
the victim or victim's representative submitted the request 5065  
shall be redacted prior to public release pursuant to section 5066  
149.43 of the Revised Code to remove the name, address, or other 5067  
identifying information of the victim. 5068

(2) On written application under seal of a victim or 5069  
victim's representative to a court, and following a brief 5070  
explanation from that court of the potential risks and benefits 5071  
of redaction and the ability of the victim to retain counsel, 5072  
all case documents related to the cases or matters specified by 5073  
the victim maintained by the entity to whom the victim or 5074  
victim's representative submitted the request shall be redacted 5075  
prior to public release pursuant to the supreme court Rules of 5076  
Superintendence to remove the name, address, or other 5077  
identifying information of the victim. The application shall be 5078  
deemed to be filed under seal and the court shall promptly rule 5079  
on the application. The court shall not release any unredacted 5080  
records while the application is pending. 5081

(3) If multiple victims are involved in a single case, the 5082  
public office or official shall take reasonable precautions to 5083  
protect the information of the victims from other victims, 5084  
unless all of the victims consent to the release of information. 5085

(E) (1) This section does not apply to any disclosure of 5086  
the name, address, or other identifying information of a victim 5087

that is required to be made in the statewide emergency alert 5088  
program under section 5502.52 of the Revised Code, missing 5089  
person alert system, or other similar alert system. 5090

(2) This section does not apply to any disclosure of the 5091  
name, address, or other identifying information of a minor 5092  
victim of a criminal offense or delinquent act that resulted in 5093  
the death of the minor victim. 5094

(3) Nothing in this section shall prevent a victim, a 5095  
victim's representative, or a victim's attorney from receiving a 5096  
copy of any case document with the victim's name, contact 5097  
information, and identifying information unredacted. A public 5098  
office's or official's provision of a copy of a case document 5099  
with the victim's name, contact information, and identifying 5100  
information unredacted to a victim, victim's representative, or 5101  
victim's attorney, if applicable, does not constitute a waiver 5102  
of any exemption or exception under section 149.43 of the 5103  
Revised Code. Pursuant to section 149.43 of the Revised Code, a 5104  
victim, victim's representative, or victim's attorney shall not 5105  
receive an unredacted copy of any recorded forensic interview of 5106  
a minor victim or developmentally disabled victim absent a court 5107  
order compelling disclosure of the interview. A victim, victim's 5108  
representative, or victim's attorney shall have the right to 5109  
receive a redacted copy of the interview on request, subject to 5110  
section 149.43 of the Revised Code. 5111

(4) Nothing in this section shall affect either of the 5112  
following: 5113

(a) Any rights of a victim or victim's representative to 5114  
be provided with notice or to make any written or oral statement 5115  
under this chapter or other applicable law; 5116

(b) The disclosure of the location where the reported 5117  
criminal offense or delinquent act occurred. 5118

**Sec. 2930.071.** (A) (1) A defendant who seeks to subpoena 5119  
records of or concerning the victim shall serve the prosecutor, 5120  
the victim, and the victim's attorney, if applicable, with a 5121  
copy of the subpoena. 5122

The prosecutor shall ensure that the defendant is provided 5123  
the information necessary to effect such service. 5124

(2) (a) Pursuant to Criminal Rule 17, the court, on a 5125  
motion made at the request of the victim promptly and at or 5126  
before the time specified in the subpoena for compliance, may 5127  
quash or modify the subpoena if compliance would be unreasonable 5128  
or oppressive. 5129

(b) Upon the filing of a motion to quash, the court shall 5130  
conduct a hearing in which the proponent of the subpoena shall 5131  
prove all of the following: 5132

(i) That the documents are evidentiary and relevant; 5133

(ii) That the documents are not otherwise procurable 5134  
reasonably in advance of trial by exercise of due diligence; 5135

(iii) That the party cannot properly prepare for trial 5136  
without such production and inspection in advance of trial and 5137  
that the failure to obtain such inspection may tend unreasonably 5138  
to delay the trial; 5139

(iv) That the application is made in good faith and is not 5140  
a violation of Ohio Rules of Criminal Procedure. 5141

(3) If the court does not quash the subpoena, the court 5142  
shall conduct an in-camera review of any records as to which a 5143  
right of privilege has been asserted. 5144

(4) If the court determines that any of the records 5145  
reviewed in camera are privileged or constitutionally protected, 5146  
the court shall balance the victim's rights and privileges 5147  
against the constitutional rights of the defendant. The 5148  
disclosure of any portion of the records to the prosecutor does 5149  
not make the records subject to discovery, unless the material 5150  
is known by the prosecutor to be exculpatory in nature. 5151

(B) Before any victim may be subpoenaed by a defendant to 5152  
testify at any pretrial hearing, the defendant shall show good 5153  
cause at a hearing with the prosecutor and the victim, victim's 5154  
representative, and victim's attorney, if applicable, as to why 5155  
the court should issue the subpoena. 5156

**Sec. 2930.072.** (A) Unless the victim consents in writing, 5157  
which may be executed at the time of the interview, the victim 5158  
shall not be compelled to submit to an interview on any matter, 5159  
including any charged criminal offense witnessed by the victim 5160  
and that occurred on the same occasion as the offense against 5161  
the victim or filed in the same indictment or information or 5162  
consolidated for trial, that is conducted by the defendant, the 5163  
defendant's attorney, or an agent of the defendant. Nothing in 5164  
this section permits a victim to ignore or disregard a subpoena 5165  
seeking witness testimony issued pursuant to the Criminal Rules. 5166

(B) When a notice of appearance has been filed by the 5167  
defendant's attorney, the prosecutor shall inform the victim of 5168  
the defense counsel's name. The prosecutor shall inform the 5169  
victim of the victim's right to refuse to submit to an 5170  
interview, or, subject to Criminal Rule 15 or Juvenile Rule 25, 5171  
a deposition with the defendant, the defendant's attorney, or an 5172  
agent of the defendant. The prosecutor shall also inform the 5173  
victim of the victim's right to an attorney. A defendant, 5174

defendant's attorney, or agent of a defendant who attempts to 5175  
contact a victim shall first identify self as such. 5176

(C) (1) If the victim consents to an interview or, subject 5177  
to Criminal Rule 15 or Juvenile Rule 25, as applicable, a 5178  
deposition, the victim or the victim's attorney, if applicable, 5179  
and the defendant, the defendant's attorney, or an agent of the 5180  
defendant shall determine and specify a mutually agreed upon 5181  
time and place for the interview or deposition, along with any 5182  
other conditions requested by the victim. 5183

(2) The victim has the right to terminate the interview or 5184  
deposition at any time or refuse to answer any question during 5185  
the interview or deposition. If the victim refuses to answer 5186  
questions during the deposition or terminates the deposition, 5187  
the deposition may not be used in lieu of trial testimony. 5188

(3) The victim's attorney, if applicable, or the 5189  
prosecutor, at the request of the victim, has standing to 5190  
protect the victim from harassment, intimidation, or abuse and, 5191  
pursuant to that standing, may seek any appropriate protective 5192  
order. 5193

(4) The victim may request or the victim's attorney, if 5194  
applicable, or the prosecutor, with the victim's consent, may 5195  
request that the deposition be audio or video recorded. 5196

(D) If the defendant or the defendant's attorney comments 5197  
at trial on the victim's refusal to be interviewed or deposed, 5198  
the court shall instruct the jury that the victim has the right 5199  
to refuse an interview or deposition. 5200

**Sec. 2930.08.** (A) (1) The court and the prosecutor involved 5201  
in the case shall take appropriate action to ensure a speedy 5202  
disposition of the case. 5203

(2) A victim has the right to proceedings free from 5204  
unreasonable delay and a prompt conclusion of the case. The 5205  
court and all participants shall endeavor to complete the case 5206  
within the time frame provided by the Rules of Superintendence. 5207

(B) If a motion, request, or agreement between ~~counsel~~ the 5208  
prosecutor and the defendant's or alleged juvenile offender's 5209  
attorney is made in a case, including a motion, request, or 5210  
agreement for a continuance of the case, and the motion, 5211  
request, or agreement might result in a ~~substantial~~ delay in the 5212  
prosecution of the case, the prosecutor ~~in the case, to the~~ 5213  
~~extent practicable and,~~ if the victim or victim's representative 5214  
has requested notice pursuant to ~~division (B) of section 2930.03~~ 5215  
of the Revised Code, shall inform the victim and victim's 5216  
representative, if applicable, that the motion, request, or 5217  
agreement has been made and that it might result in a delay. If 5218  
the victim, victim's representative, or victim's attorney, if 5219  
applicable, objects to the delay, the prosecutor shall inform 5220  
the court of the ~~victim's~~ objections, and the court shall 5221  
consider the ~~victim's~~ objections and the victim's right to a 5222  
speedy disposition of the case in ruling on the motion, request, 5223  
or agreement. 5224

(C) If the victim, victim's representative, or victim's 5225  
attorney, if applicable, objects to a delay in the prosecution 5226  
of the case, the court shall grant a motion, request, or 5227  
agreement for a continuance of the case only if the party 5228  
seeking the continuance demonstrates that the delay in the 5229  
prosecution of the case is reasonable under the circumstances or 5230  
is otherwise in the interest of justice. The court may grant a 5231  
motion, request, or agreement for a continuance of the case only 5232  
for the time necessary to serve the interests of justice. If a 5233  
continuance is granted, the court shall state on the record or 5234

in a judgment entry the specific reason for the continuance. 5235

**Sec. 2930.09.** (A) (1) A victim and victim's representative 5236  
in a case may, if applicable, have the right to be present 5237  
whenever the defendant or alleged juvenile offender in the case 5238  
is present during any stage of the case against the defendant or 5239  
alleged juvenile offender that is conducted on the record, \_ 5240  
during any public proceeding, other than a grand jury 5241  
proceeding, unless the court determines that exclusion of the 5242  
victim is necessary to protect the defendant's or alleged 5243  
juvenile offender's right to a fair trial or to a fair 5244  
delinquency proceeding. At any stage of the case at which the 5245  
victim is present, the court, at the victim's request, shall 5246  
permit the victim to be accompanied by an individual to provide 5247  
support to the victim, a victim advocate and victim 5248  
representative to provide support to the victim unless the court 5249  
determines that exclusion of the individual is necessary to 5250  
protect the defendant's or alleged juvenile offender's right to 5251  
a fair trial or to a fair delinquency proceeding. The victim, 5252  
victim's representative, and victim's attorney, if applicable, 5253  
have the right to be heard by the court at any proceeding in 5254  
which any right of the victim is implicated. If present, the 5255  
victim, victim's representative, and victim's attorney, if 5256  
applicable, have the right to be heard orally, in writing, or 5257  
both. 5258

(2) (a) If the victim or victim's representative is not 5259  
present at a court proceeding in which a right of the victim is 5260  
at issue, the court shall ask the prosecutor all of the 5261  
following: 5262

(i) Whether the victim and victim's representative, if the 5263  
victim or victim's representative requested notifications, were 5264

notified of the time, place, and purpose of the court 5265

proceeding; 5266

(ii) To disclose to the court any and all attempts made to 5267

give each victim and victim's representative, if applicable, 5268

notice; 5269

(iii) Whether the victim or victim representative were 5270

advised that the victim and victim's representative had a right 5271

to be heard at the court proceeding; 5272

(iv) Whether the victim and victim representative were 5273

conferred with pursuant to section 2930.06 of the Revised Code. 5274

(b) If the court determines that timely notice was not 5275

given to the victim and victim's representative, if applicable, 5276

or that the victim and victim's representative were not 5277

adequately informed of the nature of the court proceeding, or 5278

that the prosecutor failed to confer with the victim and 5279

victim's representative as required by section 2930.06 of the 5280

Revised Code, the court shall not rule on any substantive issue 5281

that implicates a victim's right, accept a plea, or impose a 5282

sentence and shall continue the court proceeding for the time 5283

necessary to notify the victim and victim's representative, if 5284

applicable, of the time, place, and nature of the court 5285

proceeding. 5286

(c) If the victim or victim's representative is not 5287

present at a court proceeding in which a right of the victim is 5288

at issue, the court may proceed with the hearing if the 5289

prosecutor informs the court that the victim and victim's 5290

representative, if the victim or victim's representative 5291

requested notifications, were notified of the time, place, and 5292

purpose of the court proceeding and that the victim or victim's 5293

representative had a right to be heard at the court proceeding, 5294  
and any and all attempts to give each victim and victim's 5295  
representative, if applicable, notice. The prosecutor shall 5296  
inform the court of the victim's and victim's representative's, 5297  
if applicable, position on the matter before the court, if the 5298  
position is known to the prosecutor. 5299

(B) (1) The victim and victim's representative, if 5300  
applicable, have the right to be present and be heard at any 5301  
proceeding in which a negotiated plea for the defendant or 5302  
alleged juvenile offender will be presented to the court. If 5303  
present, the victim, victim's representative, and victim's 5304  
attorney, if applicable, have the right to be heard orally, in 5305  
writing, or both prior to the acceptance of the plea by the 5306  
court. 5307

(2) The victim and the victim's representative, if 5308  
applicable, have a right to elect to not be present at a 5309  
proceeding in which a negotiated plea for the defendant or 5310  
alleged juvenile offender will be presented to the court, unless 5311  
a subpoena was served on the victim or victim's representative, 5312  
if applicable, compelling the presence of the victim or the 5313  
victim's representative. 5314

(C) The court shall not accept a negotiated plea agreement 5315  
if the victim or the victim's representative is absent from the 5316  
proceeding unless all of the following apply: 5317

(1) The prosecutor advises the court that before 5318  
requesting and agreeing to a negotiated plea, the prosecutor 5319  
conferred with the victim and victim's representative, if 5320  
applicable, pursuant to section 2930.06 of the Revised Code, if 5321  
the victim or victim's representative requested to confer with 5322  
the prosecutor. 5323

(2) The prosecutor made reasonable efforts to give the 5324  
victim and victim's representative, if applicable, notice of the 5325  
plea proceedings and to inform the victim and victim's 5326  
representative of the victim's and victim's representative's 5327  
right to be present and be heard at the plea proceedings. 5328

(3) The prosecutor discloses to the court any and all 5329  
attempts made to give each victim and victim's representative, 5330  
if applicable, notice of the plea agreement, including the 5331  
offense or delinquent act to which the defendant or alleged 5332  
juvenile offender will plead guilty, the date that the plea will 5333  
be presented to the court, and the terms of any sentence or 5334  
disposition agreed to as part of the negotiated plea. 5335

(4) The prosecutor informs the court of any objection by 5336  
the victim or victim's representative to the plea agreement. 5337

(5) The prosecutor advises the court that to the best of 5338  
the prosecutor's knowledge the notice requirements of this 5339  
chapter have been complied with. 5340

(D) The victim and victim's representative, if applicable, 5341  
have the right to be present and be heard orally, in writing, or 5342  
both at any proceeding in which the court conducts a hearing on 5343  
the post-arrest release of the person accused of committing a 5344  
criminal offense or delinquent act against the victim or the 5345  
conditions of that release, including the arraignment or initial 5346  
appearance. 5347

(E) The victim and victim's representative, if applicable, 5348  
have the right to be present and be heard orally, in writing, or 5349  
both at any probation or community control revocation 5350  
disposition proceeding or any proceeding in which the court is 5351  
requested to terminate the probation or community control of the 5352

person who is convicted of committing a criminal offense or 5353  
delinquent act against the victim. 5354

(F) The victim and victim's representative, if applicable, 5355  
have the right to be heard orally, in writing, or both at any 5356  
proceeding in which the court is requested to modify the terms 5357  
of probation or community control of a person if the 5358  
modification will affect the person's contact with or the safety 5359  
of the victim or if the modification involves restitution or 5360  
incarceration status. 5361

(G) Nothing in this section requires a prosecutor to 5362  
disclose victim contact information. 5363

**Sec. 2930.11.** (A) Except as otherwise provided in this 5364  
section or in Chapter 2981. of the Revised Code, the law 5365  
enforcement agency responsible for investigating a ~~crime~~ 5366  
criminal offense or ~~specified~~ delinquent act shall promptly 5367  
return to the victim of the ~~crime~~ criminal offense or ~~specified~~ 5368  
delinquent act any property of the victim that was taken in the 5369  
course of the investigation. In accordance with Criminal Rule 26 5370  
or an applicable Juvenile Rule, the law enforcement agency may 5371  
take photographs of the property for use as evidence. If the 5372  
ownership of the property is in dispute, the agency shall not 5373  
return the property until the dispute is resolved. 5374

(B) The law enforcement agency responsible for 5375  
investigating a ~~crime~~ criminal offense or ~~specified~~ delinquent 5376  
act shall retain any property of the victim of the ~~crime~~ 5377  
criminal offense or ~~specified~~ delinquent act that is needed as 5378  
evidence in the case, including any weapon used in the 5379  
commission of the ~~crime~~ criminal offense or ~~specified~~ delinquent 5380  
act, if the prosecutor certifies to the court a need to retain 5381  
the property in lieu of a photograph of the property or of 5382

another evidentiary substitute for the property itself, pursuant 5383  
to Ohio Rules of Appellate Procedure. 5384

(C) If the defendant or alleged juvenile offender in a 5385  
case files a motion requesting the court to order the law 5386  
enforcement agency to retain property of the victim because the 5387  
property is needed for the defense in the case, the agency shall 5388  
retain the property until the court rules on the motion. The 5389  
court, in making a determination on the motion, shall weigh the 5390  
victim's need for the property against the defendant's or 5391  
alleged juvenile offender's assertion that the property has 5392  
evidentiary value for the defense. The court shall rule on the 5393  
motion in a timely fashion. 5394

**Sec. 2930.12.** (A) At the request of the victim or victim's 5395  
representative in a criminal prosecution, the prosecutor or the 5396  
prosecutor's designee shall give the victim and the victim's 5397  
representative notice of the defendant's acquittal or conviction 5398  
within seven days of the acquittal or conviction. At the request 5399  
of the victim or victim's representative in a delinquency 5400  
proceeding, the prosecutor or the prosecutor's designee shall 5401  
give the victim and the victim's representative notice of the 5402  
dismissal of the complaint against the alleged juvenile offender 5403  
or of the adjudication of the alleged juvenile offender as a 5404  
delinquent child, except that, if the juvenile court dismisses 5405  
the complaint against the alleged juvenile offender or 5406  
adjudicates the alleged juvenile offender a delinquent child 5407  
prior to the prosecutor's involvement in the case, at the 5408  
request of the victim or victim's representative, the court or a 5409  
court employee shall give the victim and the victim's 5410  
representative notice of the dismissal or of the adjudication. 5411  
If the defendant or alleged juvenile offender is convicted or is 5412  
adjudicated a delinquent child, the notice shall include all of 5413

the following: 5414

~~(A)~~ (1) The crimes—criminal offenses or specified 5415  
delinquent acts of which the defendant was convicted or for 5416  
which the alleged juvenile offender was adjudicated a delinquent 5417  
child; 5418

~~(B)~~ (2) The purpose of the presentence investigation 5419  
report, if ordered, and that the victim and victim's 5420  
representative, if applicable, have the right to review, on 5421  
request to the prosecutor, a copy of the presentence 5422  
investigation report except those portions of the report that 5423  
are confidential by law; 5424

(3) The address and telephone number of the probation 5425  
office—department or other person, if any, that is to prepare a 5426  
presentence investigation report pursuant to section 2951.03 of 5427  
the Revised Code or Criminal Rule 32.2, the address and 5428  
telephone number of the person, if any, who is to prepare a 5429  
disposition investigation report pursuant to division (C)(1) of 5430  
section 2152.18 of the Revised Code, and the address and 5431  
telephone number of the person, if any, who is to prepare a 5432  
victim impact statement pursuant to division (D)(1) of section 5433  
2152.19 or section 2947.051 of the Revised Code; 5434

~~(C)~~ (4) Notice that the victim and victim's 5435  
representative, if applicable, may make a statement about the 5436  
impact of the ~~crime—criminal offense or specified~~ delinquent act 5437  
to the probation officer or other person, if any, who prepares 5438  
the presentence investigation report or to the person, if any, 5439  
who prepares a victim impact statement, that a statement of the 5440  
victim and victim's representative, included in the report, if 5441  
applicable, will be made available to the defendant or alleged 5442  
juvenile offender unless the court exempts it from disclosure, 5443

and that the court may make the victim impact statement 5444  
available to the defendant or alleged juvenile offender; 5445

~~(D)~~ (5) Notice of the victim's, victim's representative's, 5446  
and victim's attorney's, if applicable, right under section 5447  
2930.14 of the Revised Code to make a statement about the impact 5448  
of the ~~crime~~ criminal offense or ~~specified~~ delinquent act before 5449  
sentencing or disposition; 5450

~~(E)~~ (6) The date, time, and place of the sentencing 5451  
hearing or dispositional hearing; 5452

~~(F)~~ (7) Notice that, if the court orders restitution, the 5453  
victim or victim's attorney, if applicable, has the right to 5454  
file a lien; 5455

(8) One of the following: 5456

~~(1)~~ (a) Any sentence imposed upon the defendant and any 5457  
subsequent modification of that sentence, including modification 5458  
under section 2929.20 or 5120.036 of the Revised Code or as a 5459  
result of the defendant's appeal of the sentence pursuant to 5460  
section 2953.08 of the Revised Code; 5461

~~(2)~~ (b) Any disposition ordered for the defendant and any 5462  
subsequent modification of that disposition, if known to the 5463  
prosecutor, including judicial release or early release in 5464  
accordance with section 2151.38 of the Revised Code. If a court 5465  
has not provided timely notice to the prosecutor of a subsequent 5466  
modification of that disposition, the court shall promptly 5467  
notify the victim and the victim's representative, if 5468  
applicable, of the subsequent modification. 5469

(B) During the probation department's presentence 5470  
investigation, the department shall contact the victim, victim's 5471  
representative, and victim's attorney, if applicable, concerning 5472

the victim's economic, physical, psychological, or emotional 5473  
harm or victim's safety concerns as a result of the offense. 5474

**Sec. 2930.121.** (A) (1) If a prosecutor dismisses a count or 5475  
counts of a complaint, information, or indictment involving the 5476  
victim as a result of a negotiated plea agreement, the victim 5477  
and victim's representative, on request, may exercise all of the 5478  
applicable rights of a crime victim throughout the criminal 5479  
justice process as though the count or counts involving the 5480  
victim had not been dismissed, except for those rights regarding 5481  
restitution. 5482

(2) As part of a negotiated plea agreement, a victim may 5483  
receive restitution from a dismissed count or counts of a 5484  
complaint, information, or indictment involving the victim. Once 5485  
a count or counts of a complaint, information, or indictment has 5486  
been dismissed, a victim does not have a continuing right to 5487  
restitution for that count or counts. 5488

(B) As to each count that is dismissed as a result of a 5489  
negotiated plea agreement, the prosecutor shall notify the 5490  
probation department or custodial or supervisory agency, as 5491  
applicable, if the victim or victim's representative requested 5492  
the victim's rights pursuant to this section. 5493

(C) For each victim and victim's representative who is 5494  
involved in the counts dismissed as a result of a negotiated 5495  
plea agreement and who requested the victim's rights, the 5496  
prosecutor or the prosecutor's designee shall forward to the 5497  
probation department or custodial or supervisory agency, as 5498  
applicable, any available information that would enable the 5499  
probation department or custodial or supervisory agency to carry 5500  
out its duties prescribed by this section. 5501

Sec. 2930.13. (A) If the court orders the preparation of a 5502  
victim impact statement pursuant to division (D)(1) of section 5503  
2152.19 or section 2947.051 of the Revised Code, the victim in 5504  
the case and victim's representative, if applicable, may make a 5505  
written ~~or~~ and oral statement regarding the impact of the ~~crime-~~ 5506  
criminal offense or ~~specified~~ delinquent act to the person whom 5507  
the court orders to prepare the victim impact statement. A 5508  
statement made by the victim or victim's representative under 5509  
this section shall be included in the victim impact statement. 5510

(B) If a probation officer or other person is preparing a 5511  
presentence investigation report pursuant to section 2947.06 or 5512  
2951.03 of the Revised Code or Criminal Rule 32.2, or a 5513  
disposition investigation report pursuant to section 2152.18 of 5514  
the Revised Code, concerning the defendant or alleged juvenile 5515  
offender in the case, the victim and victim's representative, if 5516  
applicable, may make a written ~~or~~ and oral statement regarding 5517  
the impact of the ~~crime-~~ criminal offense or ~~specified~~ delinquent 5518  
act to the probation officer or other person. The probation 5519  
officer or other person shall use the statement in preparing the 5520  
presentence investigation report or disposition investigation 5521  
report and, upon the victim's or victim's representative's 5522  
request, shall include a written statement submitted by the 5523  
victim in the presentence investigation report or disposition 5524  
investigation report. 5525

(C) A statement made by the victim or victim's 5526  
representative under division (A) or (B) of this section may 5527  
include the following: 5528

(1) An explanation of the nature and extent of any 5529  
physical, psychological, or emotional harm suffered by the 5530  
victim as a result of the ~~crime-~~ criminal offense or ~~specified-~~ 5531

delinquent act that is the basis of the case; 5532

(2) An explanation of the extent of any property damage or 5533  
other economic loss suffered by the victim as a result of that 5534  
~~crime~~ criminal offense or ~~specified~~ delinquent act; 5535

(3) An opinion regarding the extent to which, if any, the 5536  
victim needs restitution for harm caused by the defendant or 5537  
alleged juvenile offender as a result of that ~~crime~~ criminal 5538  
offense or ~~specified~~ delinquent act and information about 5539  
whether the victim has applied for or received any compensation 5540  
for loss or damage caused by that ~~crime~~ criminal offense or 5541  
~~specified~~ delinquent act; 5542

(4) The victim's and victim's representative's 5543  
recommendation for an appropriate sanction or disposition for 5544  
the defendant or alleged juvenile offender regarding that ~~crime~~ 5545  
criminal offense or ~~specified~~ delinquent act. 5546

(D) If a statement made by a victim or victim's 5547  
representative under division (A) of this section is included in 5548  
a victim impact statement, the provision, receipt, and retention 5549  
of copies of, the use of, and the confidentiality, nonpublic 5550  
record character, and sealing of the victim impact statement is 5551  
governed by division ~~(B) (2) (D) (3)~~ of section ~~2152.20~~ 2152.19 or 5552  
by division (C) of section 2947.051 of the Revised Code, as 5553  
appropriate. If a statement made by a victim or victim's 5554  
representative under division (B) of this section is included in 5555  
a presentence investigation report prepared pursuant to section 5556  
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 or 5557  
in a disposition investigation report pursuant to division (C) 5558  
(1) of section 2152.18 of the Revised Code, the provision, 5559  
receipt, and retention of copies of, the use of, and the 5560  
confidentiality, nonpublic record character, and sealing of the 5561

presentence investigation report or disposition investigation 5562  
report that contains the victim's statement is governed by 5563  
section 2951.03 of the Revised Code. 5564

Sec. 2930.131. (A) If the presentence investigation report 5565  
is made available to the defendant prior to the sentencing 5566  
hearing, the court shall simultaneously provide a copy of the 5567  
report to the prosecutor assigned to the case. If requested, the 5568  
prosecutor shall promptly forward a copy of the report to the 5569  
victim, victim's representative, and victim's attorney, if 5570  
applicable, except those parts of the report that are redacted 5571  
by the court or made confidential by law. 5572

(B) If the court redacts any portion of the presentence 5573  
investigation report, the court shall state on the record the 5574  
court's reason for the redaction. 5575

Sec. 2930.14. (A) Before imposing sentence upon, or 5576  
entering an order of disposition for, a defendant or alleged 5577  
juvenile offender for the commission of a ~~crime~~ criminal offense 5578  
or ~~specified~~ delinquent act, the court shall permit the victim 5579  
~~of the crime or specified delinquent act~~ and victim's 5580  
representative, if applicable, to make a statement be heard 5581  
orally, in writing, or both during the sentencing or disposition 5582  
proceeding. The court may give copies of any written statement 5583  
made by a victim or victim's representative to the defendant or 5584  
alleged juvenile offender and defendant's or alleged juvenile 5585  
offender's counsel and may give any written statement made by 5586  
the defendant or alleged juvenile offender to the victim, 5587  
victim's representative, or victim's attorney, if applicable, 5588  
and the prosecutor. The court may redact any information 5589  
contained in a written statement that the court determines is 5590  
not relevant to and will not be relied upon in the sentencing or 5591

disposition decision. The victim's or victim's representative's 5592  
oral statement is not subject to cross-examination. The written 5593  
statement of the victim or victim's representative or ~~of~~ the 5594  
defendant or alleged juvenile offender is confidential and is 5595  
not a public record as used in section 149.43 of the Revised 5596  
Code. Any person to whom a copy of a written statement was 5597  
released by the court shall return it to the court immediately 5598  
following sentencing or disposition. 5599

(B) The court shall consider a ~~victim's~~ statement made by 5600  
a victim or victim's representative under division (A) of this 5601  
section along with other factors that the court is required to 5602  
consider in imposing sentence or in determining the order of 5603  
disposition. If the statement includes new material facts, the 5604  
court shall not rely on the new material facts unless it 5605  
continues the sentencing or dispositional proceeding or takes 5606  
other appropriate action to allow the defendant or alleged 5607  
juvenile offender an adequate opportunity to respond to the new 5608  
material facts. 5609

**Sec. 2930.15.** (A) If a defendant is convicted of 5610  
committing a ~~crime~~ criminal offense against a victim or an 5611  
alleged juvenile offender is adjudicated a delinquent child for 5612  
committing a ~~specified~~ delinquent act against a victim, if the 5613  
victim or victim's representative requests notice of the filing 5614  
of an appeal, and if the defendant or alleged juvenile offender 5615  
files an appeal, the prosecutor in the case promptly, but not 5616  
later than seven days after receiving the notice of appeal, 5617  
shall notify the victim and victim's representative, if 5618  
applicable, of the appeal. The prosecutor also shall give the 5619  
victim and victim's representative, if applicable, all of the 5620  
following information: 5621

(1) A brief explanation of the appellate process, 5622  
including the possible disposition of the case; 5623

(2) Whether the defendant or alleged juvenile offender has 5624  
been released on bail or other recognizance or under conditions 5625  
imposed by the juvenile court pending the disposition of the 5626  
appeal; 5627

(3) The time, place, and location of appellate court 5628  
proceedings and any subsequent changes in the time, place, or 5629  
location of those proceedings; 5630

(4) The result of the appeal. 5631

(B) If the appellate court returns the defendant's or 5632  
alleged juvenile offender's case to the trial court or juvenile 5633  
court for further proceedings, the victim and victim's 5634  
representative, if applicable, may exercise all the rights that 5635  
previously were available to the victim in the trial court or 5636  
the juvenile court. 5637

**Sec. 2930.16.** (A) If a defendant is incarcerated, a victim 5638  
~~in a case or victim's representative~~ who has requested to 5639  
receive notice under this section shall be given notice of the 5640  
incarceration of the defendant. If an alleged juvenile offender 5641  
is committed to the temporary custody of a school, camp, 5642  
institution, or other facility operated for the care of 5643  
delinquent children or to the legal custody of the department of 5644  
youth services, a victim ~~in a case or victim's representative~~ 5645  
who has requested to receive notice under this section shall be 5646  
given notice of the commitment. Promptly after sentence is 5647  
imposed upon the defendant or the commitment of the alleged 5648  
juvenile offender is ordered, the court or the court's designee 5649  
shall notify the prosecutor in the case and the prosecutor shall 5650

notify the victim and the victim's representative, if 5651  
applicable, of the date on which the defendant will be released, 5652  
or initially will be eligible for release, from confinement or 5653  
the prosecutor's reasonable estimate of that date or the date on 5654  
which the alleged juvenile offender will have served the minimum 5655  
period of commitment or the prosecutor's reasonable estimate of 5656  
that date. The prosecutor also shall notify the victim and the 5657  
victim's representative of the name of the custodial agency of 5658  
the defendant or alleged juvenile offender and tell the victim\_ 5659  
and the victim's representative how to contact that custodial 5660  
agency. If the custodial agency is the department of 5661  
rehabilitation and correction, the ~~prosecutor~~ custodial agency 5662  
shall notify the victim and the victim's representative of the 5663  
services offered by the office of victims' services pursuant to 5664  
section 5120.60 of the Revised Code. If the custodial agency is 5665  
the department of youth services, the ~~prosecutor~~ custodial 5666  
agency shall notify the victim and the victim's representative 5667  
of the services provided by the office of victims' services 5668  
within the release authority of the department pursuant to 5669  
section 5139.55 of the Revised Code and the victim's right 5670  
pursuant to section 5139.56 of the Revised Code to submit a 5671  
written request to the release authority to be notified of 5672  
actions the release authority takes with respect to the alleged 5673  
juvenile offender. The victim and the victim's representative 5674  
shall keep the custodial agency informed of the victim's or 5675  
victim's representative's current address and telephone number 5676  
contact information. 5677

(B) (1) Upon the victim's or victim's representative's 5678  
request or in accordance with division (D) of this section, the 5679  
court or the court's designee shall notify the prosecutor in the 5680  
case and the prosecutor promptly, but not later than seven days 5681

after the hearing is scheduled or the application is filed, 5682  
shall notify the victim and the victim's representative, if 5683  
applicable, of any application or hearing for judicial release 5684  
of the defendant pursuant to section 2929.20 of the Revised 5685  
Code, of any hearing for release of the defendant pursuant to 5686  
section 2967.19 of the Revised Code, or of any hearing for 5687  
judicial release or early release of the alleged juvenile 5688  
offender pursuant to section 2151.38 of the Revised Code and of 5689  
the victim's and victim's representative's right to make a 5690  
statement under those sections. ~~The~~ If the court does not hold a 5691  
hearing or if the victim and victim's representative, if 5692  
applicable, do not attend the hearing or make a statement, the 5693  
court shall notify the victim and victim's representative of its 5694  
ruling in each of those hearings and on each of those 5695  
applications. 5696

(2) If an offender is sentenced to a prison term pursuant 5697  
to division (A) (3) or (B) of section 2971.03 of the Revised 5698  
Code, ~~upon~~ on the request of the victim ~~of the crime or~~ victim's 5699  
representative or in accordance with division (D) of this 5700  
section, the court or the court's designee shall notify the 5701  
prosecutor in the case and the prosecutor promptly shall notify 5702  
the victim and the victim's representative, if applicable, of 5703  
any hearing to be conducted pursuant to section 2971.05 of the 5704  
Revised Code to determine whether to modify the requirement that 5705  
the offender serve the entire prison term in a state 5706  
correctional facility in accordance with division (C) of that 5707  
section, whether to continue, revise, or revoke any existing 5708  
modification of that requirement, or whether to terminate the 5709  
prison term in accordance with division (D) of that section. ~~The~~ 5710  
If the court does not hold a hearing or if the victim and 5711  
victim's representative, if applicable, do not attend the 5712

hearing or make a statement, the court shall notify the victim\_ 5713  
and the victim's representative of any order issued at the 5714  
conclusion of the hearing. 5715

~~(C)~~(C) (1) On first contact with a victim, the custodial 5716  
agency of a defendant or delinquent child shall give the victim 5717  
and victim's representative, if applicable, the victim's rights 5718  
request/waiver form, or a substantially similar form. The 5719  
custodial agency shall include a notice to the victim and 5720  
victim's representative that failure to affirmatively request 5721  
these rights is considered a waiver of these rights, but the 5722  
victim or victim's representative may request the rights at a 5723  
later time. A person claiming direct and proximate harm as a 5724  
result of a criminal offense or delinquent act must 5725  
affirmatively identify the person's self and request the 5726  
notifications provided in this section and section 2967.28 of 5727  
the Revised Code. 5728

(2) Upon the victim's or victim's representative's request 5729  
made at any time before the particular notice would be due or in 5730  
accordance with division (D) of this section, the custodial 5731  
agency of a defendant or alleged juvenile offender shall give 5732  
the victim and the victim's representative, if applicable, any 5733  
of the following notices that is applicable: 5734

~~(1)~~(a) At least sixty days before the adult parole 5735  
authority recommends a pardon or commutation of sentence for the 5736  
defendant or at least sixty days prior to a hearing before the 5737  
adult parole authority regarding a grant of parole to the 5738  
defendant, notice of the victim's and victim's representative's 5739  
right to submit a statement regarding the impact of the 5740  
defendant's release in accordance with section 2967.12 of the 5741  
Revised Code and, if applicable, of the victim's and victim's 5742

representative's right to appear at a full board hearing of the 5743  
parole board to give testimony as authorized by section 5149.101 5744  
of the Revised Code; and at least sixty days prior to a hearing 5745  
before the department regarding a determination of whether the 5746  
inmate must be released under division (C) or (D) (2) of section 5747  
2967.271 of the Revised Code if the inmate is serving a non-life 5748  
felony indefinite prison term, notice of the fact that the 5749  
inmate will be having a hearing regarding a possible grant of 5750  
release, the date of any hearing regarding a possible grant of 5751  
release, and the right of any person to submit a written 5752  
statement regarding the pending action; 5753

~~(2)~~ (b) At least sixty days before the defendant is 5754  
transferred to transitional control under section 2967.26 of the 5755  
Revised Code, notice of the pendency of the transfer and of the 5756  
victim's and victim's representative's right under that section 5757  
to submit a statement regarding the impact of the transfer; 5758

~~(3)~~ (c) At least sixty days before the release authority 5759  
of the department of youth services holds a release review, 5760  
release hearing, or discharge review for the alleged juvenile 5761  
offender, notice of the pendency of the review or hearing, of 5762  
the victim's and victim's representative's right to make an oral 5763  
or written statement regarding the impact of the crime upon the 5764  
victim or regarding the possible release or discharge, and, if 5765  
the notice pertains to a hearing, of the victim's right to 5766  
attend and make statements or comments at the hearing as 5767  
authorized by section 5139.56 of the Revised Code; 5768

~~(4)~~ (d) Prompt notice, but not more than three days after 5769  
the escape, of the defendant's or alleged juvenile offender's 5770  
escape from a facility of the custodial agency in which the 5771  
defendant was incarcerated or in which the alleged juvenile 5772

offender was placed after commitment, of the defendant's or 5773  
alleged juvenile offender's absence without leave from a mental 5774  
health or developmental disabilities facility or from other 5775  
custody, and of the capture of the defendant or alleged juvenile 5776  
offender after an escape or absence; 5777

~~(5)~~ (e) Notice of the defendant's or alleged juvenile 5778  
offender's death while in confinement or custody within thirty 5779  
days of the defendant's or alleged juvenile offender's death; 5780

~~(6)~~ (f) Notice of the filing of a petition by the director 5781  
of rehabilitation and correction pursuant to section 2967.19 of 5782  
the Revised Code requesting the early release under that section 5783  
of the defendant within thirty days of the filing of the 5784  
petition; 5785

~~(7)~~ (g) Notice of the defendant's or alleged juvenile 5786  
offender's post-conviction release from confinement or custody, 5787  
including jail or local custody, and the terms and conditions of 5788  
the release as soon as the custodial agency becomes aware of the 5789  
release. 5790

(D) (1) If a defendant is incarcerated for the commission 5791  
of aggravated murder, murder, or an offense of violence that is 5792  
a felony of the first, second, or third degree or is under a 5793  
sentence of life imprisonment or if an alleged juvenile offender 5794  
has been charged with the commission of an act that would be 5795  
aggravated murder, murder, or an offense of violence that is a 5796  
felony of the first, second, or third degree or be subject to a 5797  
sentence of life imprisonment if committed by an adult, except 5798  
as otherwise provided in this division, the notices described in 5799  
divisions (B) and (C) of this section shall be given regardless 5800  
of whether the victim or victim's representative has requested 5801  
the notification. The notices described in divisions (B) and (C) 5802

of this section shall not be given under this division to a 5803  
victim or victim's representative if the victim or victim's 5804  
representative has requested pursuant to division (B) (2) of 5805  
section 2930.03 of the Revised Code that the victim or victim's 5806  
representative not be provided the notice. Regardless of whether 5807  
the victim or victim's representative has requested that the 5808  
notices described in division (C) of this section be provided or 5809  
not be provided, the custodial agency shall give notice similar 5810  
to those notices to the prosecutor in the case, to the 5811  
sentencing court, to the law enforcement agency that arrested 5812  
the defendant or alleged juvenile offender if any officer of 5813  
that agency was a victim of the offense, and to any member of 5814  
the victim's immediate family who requests notification. If the 5815  
notice given under this division to the victim and victim's 5816  
representative is based on an offense committed prior to March 5817  
22, 2013, and if the prosecutor or custodial agency has not 5818  
previously successfully provided any notice to the victim and 5819  
victim's representative under this division or division (B) or 5820  
(C) of this section with respect to that offense and the 5821  
offender who committed it, the notice also shall inform the 5822  
victim and victim's representative that the victim or victim's 5823  
representative may request that the victim or victim's 5824  
representative not be provided any further notices with respect 5825  
to that offense and the offender who committed it and shall 5826  
describe the procedure for making that request. If the notice 5827  
given under this division to the victim and victim's 5828  
representative pertains to a hearing regarding a grant of a 5829  
parole to the defendant, the notice also shall inform the victim 5830  
and victim's representative that the victim, a member of the 5831  
victim's immediate family, or the victim's representative may 5832  
request a victim conference, as described in division (E) of 5833  
this section, and shall provide an explanation of a victim 5834

conference. 5835

The prosecutor or custodial agency may give the notices to 5836  
which this division applies by any reasonable means, including, 5837  
but not limited to, regular mail, telephone, and electronic 5838  
mail. If the prosecutor or custodial agency attempts to provide 5839  
notice to a victim or victim's representative under this 5840  
division but the attempt is unsuccessful because the prosecutor 5841  
or custodial agency is unable to locate the victim or victim's 5842  
representative, is unable to provide the notice by its chosen 5843  
method because it cannot determine the mailing address, 5844  
telephone number, or electronic mail address at which to provide 5845  
the notice, or, if the notice is sent by mail, the notice is 5846  
returned, the prosecutor or custodial agency shall make another 5847  
attempt to provide the notice to the victim or victim's 5848  
representative. If the second attempt is unsuccessful, the 5849  
prosecutor or custodial agency shall make at least one more 5850  
attempt to provide the notice. If the notice is based on an 5851  
offense committed prior to March 22, 2013, in each attempt to 5852  
provide the notice to the victim or victim's representative, the 5853  
notice shall include the opt-out information described in the 5854  
preceding paragraph. The prosecutor or custodial agency, in 5855  
accordance with division (D) (2) of this section, shall keep a 5856  
record of all attempts to provide the notice, and of all notices 5857  
provided, under this division. 5858

Division (D) (1) of this section, and the notice-related 5859  
provisions of divisions (E) (2) and (K) of section 2929.20, 5860  
division (H) of section 2967.12, division (E) (1) (b) of section 5861  
2967.19, division (A) (3) (b) of section 2967.26, division (D) (1) 5862  
of section 2967.28, and division (A) (2) of section 5149.101 of 5863  
the Revised Code enacted in the act in which division (D) (1) of 5864  
this section was enacted, shall be known as "Roberta's Law." 5865

(2) Each prosecutor and custodial agency that attempts to 5866  
give any notice to which division (D)(1) of this section applies 5867  
shall keep a record of all attempts to give the notice. The 5868  
record shall indicate the person who was to be the recipient of 5869  
the notice, the date on which the attempt was made, the manner 5870  
in which the attempt was made, and the person who made the 5871  
attempt. If the attempt is successful and the notice is given, 5872  
the record shall indicate that fact. The record shall be kept in 5873  
a manner that allows public inspection of attempts and notices 5874  
given to persons other than victims or victims' representatives 5875  
without revealing the names, addresses, or other identifying 5876  
information relating to victims or victims' representatives. The 5877  
record of attempts and notices given to victims or victims' 5878  
representatives is not a public record, but the prosecutor or 5879  
custodial agency shall provide upon request a copy of that 5880  
record to a prosecuting attorney, judge, law enforcement agency, 5881  
or member of the general assembly. The record of attempts and 5882  
notices given to persons other than victims or victims' 5883  
representatives is a public record. A record kept under this 5884  
division may be indexed by offender name, or in any other manner 5885  
determined by the prosecutor or the custodial agency. Each 5886  
prosecutor or custodial agency that is required to keep a record 5887  
under this division shall determine the procedures for keeping 5888  
the record and the manner in which it is to be kept, subject to 5889  
the requirements of this division. 5890

(E) The adult parole authority shall adopt rules under 5891  
Chapter 119. of the Revised Code providing for a victim 5892  
conference, upon request of the victim, a member of the victim's 5893  
immediate family, or the victim's representative, prior to a 5894  
parole hearing in the case of a prisoner who is incarcerated for 5895  
the commission of aggravated murder, murder, or an offense of 5896

violence that is a felony of the first, second, or third degree 5897  
or is under a sentence of life imprisonment. The rules shall 5898  
provide for, but not be limited to, all of the following: 5899

(1) Subject to division (E)(3) of this section, attendance 5900  
by the victim, members of the victim's immediate family, the 5901  
victim's representative, and, if practicable, other individuals; 5902

(2) Allotment of up to one hour for the conference; 5903

(3) A specification of the number of persons specified in 5904  
division (E)(1) of this section who may be present at any single 5905  
victim conference, if limited by the department pursuant to 5906  
division (F) of this section. 5907

(F) The department may limit the number of persons 5908  
specified in division (E)(1) of this section who may be present 5909  
at any single victim conference, provided that the department 5910  
shall not limit the number of persons who may be present at any 5911  
single conference to fewer than three. If the department limits 5912  
the number of persons who may be present at any single victim 5913  
conference, the department shall permit and schedule, upon 5914  
request of the victim, a member of the victim's immediate 5915  
family, or the victim's representative, multiple victim 5916  
conferences for the persons specified in division (E)(1) of this 5917  
section. 5918

(G) As used in this section, "victim's immediate family" 5919  
has the same meaning as in section 2967.12 of the Revised Code. 5920

**Sec. 2930.161.** (A) On request of a victim or victim's 5921  
representative who has provided a current address or other 5922  
current contact information, the court or the court's designee 5923  
shall notify the victim and victim's representative, if 5924  
applicable, of any of the following: 5925

(1) A probation or community control revocation 5926  
disposition proceeding or any proceeding in which the court is 5927  
asked to terminate the probation or community control of a 5928  
person who was convicted of committing a criminal offense 5929  
against the victim; 5930

(2) Any hearing on a proposed modification on the terms of 5931  
probation or community control; 5932

(3) If the person is on supervised probation or community 5933  
control, the arrest of the person pursuant to a warrant issued 5934  
for a probation or community control violation; 5935

(4) The defendant's or alleged juvenile offender's failure 5936  
to successfully complete a diversion or substantially similar 5937  
program. 5938

(B) On request of a victim or victim's representative who 5939  
has provided current contact information, the probation 5940  
department shall notify the victim and victim's representative, 5941  
if applicable, of the following as soon as it becomes known to 5942  
the probation department: 5943

(1) Any proposed modification to any term of probation or 5944  
community control if the modification affects restitution, 5945  
incarceration, or detention status or the defendant's or alleged 5946  
juvenile offender's contact with or safety of the victim; 5947

(2) The victim's and victim's representative's right to be 5948  
heard at a hearing that is set to consider any modification to 5949  
be made to any term of probation or community control; 5950

(3) Any violation of any term of probation or community 5951  
control that results in the filing of a petition with the court 5952  
to revoke probation or community control; 5953

(4) Following a risk assessment of the terms of probation 5954  
or community control, including the period of supervision and 5955  
any modifications to the terms of probation or community 5956  
control, any restricted locations and any other conditions of 5957  
probation or community control that impact victim safety. 5958

**Sec. 2930.162.** Prior to the governor granting a pardon, 5959  
commutation of sentence, or reprieve to an offender convicted of 5960  
or found guilty of an offense of violence or adjudicated a 5961  
delinquent child for a delinquent act that would be an offense 5962  
of violence if committed by an adult, the governor, or the 5963  
governor's designee, shall notify the victim, victim's 5964  
representative, and victim's attorney, if applicable, that the 5965  
offender or delinquent child has applied for a pardon, 5966  
commutation of sentence, or reprieve. The governor shall notify 5967  
the victim, victim's representative, and victim's attorney, if 5968  
applicable, regarding the application not less than thirty days 5969  
prior to issuing a decision on the application. The governor 5970  
shall inform the victim, victim's representative, and victim's 5971  
attorney, if applicable, that the victim, victim's 5972  
representative, and victim's attorney, if applicable, may submit 5973  
a written statement concerning the application. 5974

**Sec. 2930.17.** (A) In determining whether to grant a 5975  
judicial release to a defendant from a prison term pursuant to 5976  
section 2929.20 of the Revised Code at a time before the 5977  
defendant's stated prison term expires, in determining whether 5978  
to grant a release to an offender from a prison term pursuant to 5979  
section 2967.19 of the Revised Code at a time before the 5980  
offender's stated prison term expires, or in determining whether 5981  
to grant a judicial release or early release to an alleged 5982  
juvenile offender from a commitment to the department of youth 5983  
services pursuant to section 2151.38 of the Revised Code, the 5984

court shall permit a victim of a ~~crime~~criminal offense or 5985  
~~specified~~ delinquent act for which the defendant or alleged 5986  
juvenile offender was incarcerated or committed, and the 5987  
victim's representative, if applicable, to make a statement be 5988  
heard orally, in writing, or both, in addition to any other 5989  
statement made under this chapter, concerning the effects of 5990  
that ~~crime~~criminal offense or ~~specified~~ delinquent act on the 5991  
victim, the circumstances surrounding the ~~crime~~criminal offense 5992  
or ~~specified~~ delinquent act, the manner in which the ~~crime~~ 5993  
criminal offense or ~~specified~~ delinquent act was perpetrated, 5994  
and the victim's or victim's representative's opinion whether 5995  
the defendant or alleged juvenile offender should be released. 5996  
The victim and victim's representative, if applicable, may make 5997  
the statement be heard in writing or, orally, or both at the 5998  
~~court's~~ victim's or victim's representative's discretion. The 5999  
court shall ~~give~~allow the defendant or alleged juvenile 6000  
offender to review a copy of any written impact statement made 6001  
by the victim or victim's representative under this section and 6002  
shall give either the adult parole authority or the department 6003  
of youth services, whichever is applicable, a copy of any 6004  
written impact statement made by the victim or victim's 6005  
representative under this division. 6006

(B) In deciding whether to grant a judicial release or 6007  
early release to the defendant or alleged juvenile offender, the 6008  
court shall consider a statement made by the victim and the 6009  
victim's representative, if applicable, under division (A) of 6010  
this section or section 2930.14 or 2947.051 of the Revised Code. 6011

(C) Upon making a determination whether to grant a 6012  
judicial release to a defendant from a prison term pursuant to 6013  
section 2929.20 of the Revised Code, a release to an offender 6014  
from a prison term pursuant to section 2967.19 of the Revised 6015

Code, or a judicial release or early release to an alleged 6016  
juvenile offender from a commitment to the department of youth 6017  
services pursuant to section 2151.38 of the Revised Code, the 6018  
court promptly shall send notice of its determination to the 6019  
prosecutor of the county in which the criminal or delinquency 6020  
proceeding was held against the defendant or alleged juvenile 6021  
offender. Before ordering a defendant or alleged juvenile 6022  
offender released from custody, the court shall send the 6023  
custodial agency a copy of its journal entry of the 6024  
determination. 6025

**Sec. 2930.171.** (A) In determining whether to grant an 6026  
application to seal a record of conviction pursuant to section 6027  
2953.32 of the Revised Code or an application to seal or expunge 6028  
a juvenile record pursuant to section 2151.356 or 2151.358 of 6029  
the Revised Code, the court shall notify the prosecutor 6030  
regarding the hearing of the matter not less than sixty days 6031  
before the hearing. The prosecutor shall provide timely notice 6032  
to a victim of the criminal offense or delinquent act for which 6033  
the offender or juvenile was incarcerated or committed and the 6034  
victim's representative, if applicable, if the victim or 6035  
victim's representative has requested notice and maintains 6036  
current contact information with the prosecutor. The court shall 6037  
permit a victim, the victim's representative, and the victim's 6038  
attorney, if applicable, to make a statement, in addition to any 6039  
other statement made under this chapter, concerning the effects 6040  
of the criminal offense or delinquent act on the victim, the 6041  
circumstances surrounding the criminal offense or delinquent 6042  
act, the manner in which the criminal offense or delinquent act 6043  
was perpetrated, and the victim's, victim's representative's, or 6044  
victim's attorney's, if applicable, opinion whether the record 6045  
should be sealed or expunged. The victim, victim's 6046

representative, or victim's attorney, if applicable, may be 6047  
heard in writing, orally, or both at the victim's, victim's 6048  
representative's, or victim's attorney's, if applicable, 6049  
discretion. The court shall give the offender or juvenile an 6050  
opportunity to review a copy of any written impact statement 6051  
made by the victim, victim's representative, and victim's 6052  
attorney, if applicable, under this division. The court shall 6053  
give to either the adult parole authority or the department of 6054  
youth services, whichever is applicable, a copy of any written 6055  
impact statement made by the victim, victim's representative, 6056  
and victim's attorney, if applicable, under this division. 6057

(B) In deciding whether to seal or expunge a record under 6058  
this section, the court shall consider a statement made by the 6059  
victim, victim's representative, and victim's attorney, if 6060  
applicable, under division (A) of this section or section 6061  
2930.14 or 2947.051 of the Revised Code. 6062

(C) Upon making a determination whether to grant an 6063  
application to seal a record of conviction pursuant to section 6064  
2953.32 of the Revised Code or an application to seal or expunge 6065  
a juvenile record pursuant to section 2151.356 or 2151.358 of 6066  
the Revised Code, the court promptly shall notify the prosecutor 6067  
of the determination. The prosecutor shall promptly notify the 6068  
victim and the victim's representative, if applicable, after 6069  
receiving the notice from the court. 6070

**Sec. 2930.18.** (A) No employer of a victim shall discharge, 6071  
discipline, or otherwise retaliate against the victim, a member 6072  
of the victim's family, or a victim's representative for 6073  
participating any of the following: 6074

(1) Participating, at the prosecutor's request, in 6075  
preparation for a criminal or delinquency proceeding—~~or for~~ 6076

~~attendance, pursuant to a subpoena,;~~ 6077

(2) Attendance at a criminal or delinquency proceeding if 6078  
the attendance is reasonably necessary to protect the interests 6079  
of the victim; 6080

(3) Attendance at a criminal or delinquency proceeding if 6081  
the victim's attendance is pursuant to a victim's constitutional 6082  
and statutory rights. 6083

~~This section generally does not require an employer to pay~~ 6084  
~~an employee for time lost as a result of attendance at a~~ 6085  
~~criminal or delinquency proceeding.~~ 6086

(B) An employer who knowingly violates this section is in 6087  
contempt of court. This section does not limit or affect the 6088  
application to any person of section 2151.211, 2939.121, or 6089  
2945.451 of the Revised Code. 6090

**Sec. 2930.19.** ~~(A) In a manner consistent with the duty of~~ 6091  
~~a prosecutor to represent the interests of the public as a~~ 6092  
~~whole, a prosecutor shall seek compliance with this chapter on~~ 6093  
~~behalf of a victim, a member of the victim's family, or the~~ 6094  
~~victim's representative—(A) (1) A victim, victim's~~ 6095  
representative, or victim's attorney, if applicable, or the 6096  
prosecutor, on request of the victim, has standing as a matter 6097  
of right to assert, or to challenge an order denying, the rights 6098  
of the victim provided by law in any judicial or administrative 6099  
proceeding. The trial court shall act promptly on a request to 6100  
enforce, or on a challenge of an order denying, the rights of 6101  
the victim. In any case, the trial court shall hear the matter 6102  
within ten days of the assertion of the victim's rights. The 6103  
reasons for any decision denying relief under this section shall 6104  
be clearly stated on the record or in a judgment entry. 6105

(2) (a) If the trial court denies the relief sought under 6106  
division (A) (1) of this section, the trial court shall do all of 6107  
the following: 6108

(i) Provide the victim, the victim's attorney, if 6109  
applicable, and the parties with notice of the decision and a 6110  
copy of the judgment entry; 6111

(ii) Provide the victim and the victim's attorney, if 6112  
applicable, with the following statement along with the judgment 6113  
entry: 6114

"NOTICE 6115

The victim, the victim's attorney, if applicable, or the 6116  
prosecutor on request of the victim, may appeal this decision or 6117  
petition to the court of appeals for an extraordinary writ. If 6118  
such an appeal or extraordinary writ is sought, it shall be 6119  
initiated no later than fourteen days after notice of the 6120  
decision was provided to the victim by telephone or electronic 6121  
mail to the latest telephone number or electronic mail address 6122  
provided by the victim. The prosecutor or the prosecutor's 6123  
designee shall provide the notice to the victim and the notice 6124  
shall be memorialized in a manner sufficient to prove to the 6125  
court the prosecutor or prosecutor's designee sent the notice. 6126  
The court shall dismiss any such appeal or petition as untimely 6127  
if it does not comply with this fourteen-day limit." 6128

(b) (i) If the court denies the relief sought, the victim 6129  
or the victim's attorney, if applicable, or the prosecutor on 6130  
request of the victim, may appeal or, if the victim has no 6131  
remedy on appeal, petition the court of appeals or supreme court 6132  
for an extraordinary writ. If the victim or victim's attorney, 6133  
if applicable, files an appeal, an interlocutory appeal divests 6134

the trial court of jurisdiction of the portion of the case 6135  
implicating the victim's rights until the appeal is resolved by 6136  
the appellate court. 6137

(ii) Upon the filing of an appeal, the court of appeals 6138  
shall enter an order establishing an expedited schedule for the 6139  
transmission of the record, the filing of briefing by the 6140  
litigants, oral argument if permitted, and the entry of decision 6141  
and judgment, and shall place the appeal on its accelerated 6142  
calendar. The court shall enter judgment within thirty days of 6143  
submission of the briefs, or of the oral argument if permitted, 6144  
whichever is later, unless compelling reasons in the interest of 6145  
justice require a longer period of time. The court may direct 6146  
the trial court to expedite the transcription of the record in 6147  
accordance with Rules of Appellate Procedure. Notwithstanding 6148  
these limits, the litigants, with the approval of the court, may 6149  
stipulate to a different period of time for the briefing and 6150  
issuance of the decision and judgment on the appeal. The victim, 6151  
the victim's attorney, the prosecutor, or the defendant may 6152  
notify the supreme court if a court of appeals has failed to 6153  
issue a judgment in accordance with the stipulated period of 6154  
time. Such notifications are public records. 6155

(c) If the victim or victim's attorney, if applicable, 6156  
petitions for an extraordinary writ, the court of appeals or the 6157  
supreme court shall enter an order establishing an expedited 6158  
schedule for the filing of an answer, the submission of 6159  
evidence, the filing of briefing by the litigants, and the entry 6160  
of decision and judgment and shall place the appeal on its 6161  
accelerated calendar. The court shall enter judgment within 6162  
forty-five days after the submission of the briefs, or of the 6163  
oral argument if permitted, whichever is later, unless 6164  
compelling reasons in the interest of justice require a longer 6165

period of time. The court may direct the trial court to expedite 6166  
the transcription of the record in accordance with the Rules of 6167  
Practice of the Supreme Court of Ohio. Notwithstanding these 6168  
limits, the litigants, with the approval of the court, may 6169  
stipulate to a different period of time for the briefing and 6170  
issuance of the decision and judgment in the action. The victim, 6171  
the victim's attorney, the prosecutor, or the defendant may 6172  
notify the supreme court if a court of appeals has failed to 6173  
issue a judgment in accordance with the stipulated period of 6174  
time. Such notifications are a public record. 6175

(d) If any appeal is pursued to the supreme court, the 6176  
supreme court shall enter an order establishing an expedited 6177  
schedule for its proceedings, including, as applicable, the 6178  
filing of jurisdictional memoranda and ruling thereon, the 6179  
transmission of the record, the filing of briefing by the 6180  
litigants, oral argument if permitted, and the entry of decision 6181  
and judgment and shall place the appeal on its accelerated 6182  
calendar. The court shall enter judgment within sixty days after 6183  
the submission of the briefs, or of the oral argument if 6184  
permitted, whichever is later, unless compelling reasons in the 6185  
interest of justice require a longer time. The court may direct 6186  
the trial court to expedite the transcription of the record in 6187  
accordance with the Rules of Practice of the Supreme Court of 6188  
Ohio. Notwithstanding these limits, the litigants, with the 6189  
approval of the court, may stipulate to a different period of 6190  
time for the supreme court's proceedings and for the issuance of 6191  
the supreme court's decision and judgment in the case. 6192

(B) A victim of a criminal offense or delinquent act has 6193  
the right to be represented by an attorney. Nothing in this 6194  
section creates a right to an attorney at public expense for a 6195  
victim. If a victim is represented by an attorney, the court 6196

shall notify the victim's attorney in the same manner in which 6197  
the parties are notified under applicable law or rule. The 6198  
victim's attorney shall be included in all bench conferences, 6199  
meetings in chambers, and sidebars with the trial court that 6200  
directly involve a decision implicating that victim's rights as 6201  
enumerated in Ohio Constitution, Article I, Section 10a. Nothing 6202  
in this section shall be construed as making a victim a party to 6203  
the case. 6204

(C) The failure of a public official or public agency or 6205  
the public official's or public agency's designee to comply with 6206  
the requirements of this chapter does not give rise to a claim 6207  
for damages against that public official or public agency or 6208  
that public official's or public agency's designee, except that 6209  
a public agency as an employer may be held responsible for a 6210  
violation of section 2930.18 of the Revised Code. 6211

~~(C)~~ (D) The failure of any person or entity to provide a 6212  
right, privilege, or notice to a victim under this chapter does 6213  
not constitute grounds for declaring a mistrial or new trial, 6214  
for setting aside a conviction, sentence, adjudication, or 6215  
disposition, or for granting postconviction release to a 6216  
defendant or alleged juvenile offender. 6217

~~(D)~~ (E) If there is a conflict between a provision in this 6218  
chapter and a specific statute governing the procedure in a case 6219  
involving a capital offense, the specific statute supersedes the 6220  
provision in this chapter. 6221

~~(E)~~ (F) A defendant or juvenile offender may not raise the 6222  
failure to afford a right to a victim as error in any legal 6223  
argument to provide an advantage to that defendant or juvenile 6224  
offender in any motion, including a dispositive motion, motion 6225  
for new trial, or motion to have a conviction, sentence, or 6226

disposition set aside, in any petition for post-conviction 6227  
relief, or in any assignment of error on appeal. 6228

(G) If the victim of a ~~crime~~ criminal offense or 6229  
delinquent act is incarcerated in a state or local correctional 6230  
facility or is in the legal custody of the department of youth 6231  
services, the victim's rights under this chapter may be modified 6232  
by court order to prevent any security risk, hardship, or undue 6233  
burden upon a public official or public agency with a duty under 6234  
this chapter. 6235

(H) As used in this section, "post-conviction release" 6236  
means judicial release, early release, and parole, but does not 6237  
mean relief pursuant to a federal petition in habeas corpus. 6238

Sec. 2930.191. Once a pro se victim or victim's attorney, 6239  
if applicable, files a notice of appearance in a case, the pro 6240  
se victim or victim's attorney shall be served copies of all 6241  
notices, motions, and court orders filed thereafter in the case 6242  
in the same manner as the parties in the case. 6243

Sec. 2937.11. (A) (1) As used in divisions (B) and (C) of 6244  
this section, "victim" includes any person who was a victim of a 6245  
felony violation identified in division (B) of this section or a 6246  
felony offense of violence or against whom was directed any 6247  
conduct that constitutes, or that is an element of, a felony 6248  
violation identified in division (B) of this section or a felony 6249  
offense of violence. 6250

(2) As used in division (D) of this section, "victim" 6251  
means any person who is less than sixteen years of age and who 6252  
was a victim of a violation of section 2905.32 of the Revised 6253  
Code or against whom was directed any conduct that constitutes, 6254  
or is an element of, a violation of section 2905.32 of the 6255

Revised Code. 6256

(3) At the preliminary hearing set pursuant to section 6257  
2937.10 of the Revised Code and the Criminal Rules, the 6258  
prosecutor may state, but is not required to state, orally the 6259  
case for the state and shall then proceed to examine witnesses 6260  
and introduce exhibits for the state. The accused and the 6261  
magistrate have full right of cross examination, and the accused 6262  
has the right of inspection of exhibits prior to their 6263  
introduction. The hearing shall be conducted under the rules of 6264  
evidence prevailing in criminal trials generally. On motion of 6265  
either the state or the accused, witnesses shall be separated 6266  
and not permitted in the hearing room except when called to 6267  
testify. 6268

(B) In a case involving an alleged felony violation of 6269  
section 2905.05, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 6270  
2907.21, 2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 6271  
2907.323, or 2919.22 of the Revised Code or an alleged felony 6272  
offense of violence and in which an alleged victim of the 6273  
alleged violation or offense was less than thirteen years of age 6274  
when the complaint or information was filed, whichever occurred 6275  
earlier, upon motion of the prosecution, victim, or victim's 6276  
attorney, if applicable, the testimony of the child victim at 6277  
the preliminary hearing may be taken in a room other than the 6278  
room in which the preliminary hearing is being conducted and be 6279  
televised, by closed circuit equipment, into the room in which 6280  
the preliminary hearing is being conducted, in accordance with 6281  
division (C) of section 2945.481 of the Revised Code. 6282

(C) In a case involving an alleged felony violation listed 6283  
in division (B) of this section or an alleged felony offense of 6284  
violence and in which an alleged victim of the alleged violation 6285

or offense was less than thirteen years of age when the 6286  
complaint or information was filed, whichever occurred earlier, 6287  
the court, on written motion of the prosecutor in the case, the 6288  
victim, or the victim's attorney, if applicable, filed at least 6289  
three days prior to the hearing, shall order that all testimony 6290  
of the child victim be recorded and preserved ~~on videotape,~~ in 6291  
addition to being recorded for purposes of the transcript of the 6292  
proceeding. If such an order is issued, it shall specifically 6293  
identify the child victim, in a manner consistent with section 6294  
2930.07 of the Revised Code, concerning whose testimony it 6295  
pertains, apply only during the testimony of the child victim it 6296  
specifically identifies, and apply to all testimony of the child 6297  
victim presented at the hearing, regardless of whether the child 6298  
victim is called as a witness by the prosecution or by the 6299  
defense. 6300

(D) (1) (a) In a case involving an alleged violation of 6301  
section 2905.32 of the Revised Code, upon motion of the 6302  
prosecution, victim, or victim's attorney, if applicable, the 6303  
testimony of the victim at the preliminary hearing may be taken 6304  
in a place or room other than the room in which the preliminary 6305  
hearing is being conducted and be televised, by closed circuit 6306  
equipment, into the room in which the preliminary hearing is 6307  
being conducted, to be viewed by the accused and any other 6308  
persons who are not permitted in the room in which the testimony 6309  
is to be taken but who would have been present during the 6310  
testimony of the victim had it been given in the room in which 6311  
the preliminary hearing is being conducted. Except for good 6312  
cause shown, the prosecution, victim, or victim's attorney, if 6313  
applicable, shall file a motion under this division at least 6314  
seven days before the date of the preliminary hearing. 6315

(b) Upon the motion of the prosecution, victim, or 6316

victim's attorney, if applicable, filed under division (D) (1) (a) 6317  
of this section and if the judge or magistrate determines that 6318  
the victim is unavailable to testify in the room in which the 6319  
preliminary hearing is being conducted in the physical presence 6320  
of the accused for one or more of the reasons set forth in 6321  
division (D) (2) of this section, the judge or magistrate may 6322  
issue an order for the testimony of the victim to be taken in a 6323  
place or room other than the room in which the preliminary 6324  
hearing is being conducted and televised, by closed circuit 6325  
equipment, into the room in which the preliminary hearing is 6326  
being conducted. If a judge or magistrate issues an order of 6327  
that nature, the judge or magistrate shall exclude from the room 6328  
in which the testimony of the victim is to be taken every person 6329  
except the following: 6330

(i) The victim giving the testimony; 6331

(ii) The judge or magistrate; 6332

(iii) One or more interpreters if needed; 6333

(iv) The attorneys for the prosecution, the victim, if 6334  
applicable, and the defense; 6335

(v) Any person needed to operate the equipment to be used; 6336

(vi) One person chosen by the victim giving the testimony; 6337

(vii) Any person whose presence the judge or magistrate 6338  
determines would contribute to the welfare and well-being of the 6339  
victim giving the testimony. 6340

(c) The person chosen by the victim under division (D) (1) 6341

(b) (vi) of this section ~~shall not be a witness in the~~ 6342

~~preliminary hearing and, both before and during the testimony,~~ 6343

shall not discuss the testimony of the victim with any other 6344

witness in the preliminary hearing.

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(d) The judge or magistrate, at the judge's or  
magistrate's discretion, may preside during the giving of the  
testimony by electronic means from outside the room in which it  
is being given, subject to the limitations set forth in this  
division. If the judge or magistrate presides by electronic  
means, the judge or magistrate shall be provided with monitors  
on which the judge or magistrate can see each person in the room  
in which the testimony is to be taken and with an electronic  
means of communication with each person, and each person in the  
room shall be provided with a monitor on which that person can  
see the judge or magistrate and with an electronic means of  
communication with the judge or magistrate. To the extent  
feasible, any person operating the televising equipment shall be  
restricted to a room adjacent to the room in which the testimony  
is being taken, or to a location in the room in which the  
testimony is being taken that is behind a screen or mirror, so  
that the person operating the televising equipment can see and  
hear, but cannot be seen or heard by, the victim giving the  
testimony during the testimony. The accused shall be permitted  
to observe and hear the testimony of the victim giving the  
testimony on a monitor, shall be provided with an electronic  
means of immediate communication with the attorney of the  
accused during the testimony, and shall be restricted to a  
location from which the accused cannot be seen or heard by the  
victim giving the testimony, except on a monitor provided for  
that purpose. The accused and the judge or magistrate have full  
right of cross examination, and the accused has the right of  
inspection of exhibits prior to their introduction. The victim  
giving the testimony shall be provided with a monitor on which  
the victim can observe the accused during the testimony.

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(2) For purposes of division (D)(1) of this section, a judge or magistrate may order the testimony of a victim to be taken at a place or room outside the room in which the preliminary hearing is being conducted if the judge or magistrate determines that the victim is unavailable to testify in the room in the physical presence of the accused due to one or more of the following:

(a) The inability of the victim to communicate about the alleged offense because of extreme fear, severe trauma, or another similar reason;

(b) The substantial likelihood that the victim will suffer serious emotional trauma from so testifying;

(c) The victim is at a hospital for care and treatment for any physical, mental, or emotional injury suffered by reason of the alleged offense.

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

~~(2)~~ (2)(a) In any proceeding in the prosecution of a charge of a violation of section 2905.03, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.09, 2907.21, 2907.23, 2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, or 2919.22 of the Revised Code or an offense of violence and in which an alleged victim of the violation or offense was a child who was less than thirteen years of age when the complaint, indictment, or information was filed, whichever occurred

earlier, the judge of the court in which the prosecution is 6405  
being conducted, upon motion of an attorney for the prosecution, 6406  
shall order that the testimony of the child victim be taken by 6407  
deposition. The prosecution also may request that the deposition 6408  
be ~~videotaped~~recorded in accordance with division (A) (3) of 6409  
this section. 6410

(b) In any proceeding in the prosecution of a violation of 6411  
Title XXIX of the Revised Code other than those violations 6412  
described in division (A) (2) (a) of this section, and in which an 6413  
alleged victim of the violation was a child who was less than 6414  
eighteen years of age when the complaint, indictment, or 6415  
information was filed, whichever occurred earlier, upon motion 6416  
of the child victim, the child victim's attorney, if applicable, 6417  
or an attorney for the prosecution, and upon a showing by a 6418  
preponderance of the evidence that the child will suffer serious 6419  
emotional trauma if required to provide live trial testimony, 6420  
the judge of the court in which the prosecution is being 6421  
conducted shall order that the testimony of the child victim be 6422  
taken by deposition. The prosecution may also request that the 6423  
deposition be recorded in accordance with division (A) (3) of 6424  
this section. 6425

(c) The judge shall notify the child victim whose 6426  
deposition is to be taken, the prosecution, and the defense of 6427  
the date, time, and place for taking the deposition. The notice 6428  
shall identify the child victim who is to be examined and shall 6429  
indicate whether a request that the deposition be ~~videotaped~~ 6430  
recorded has been made. The defendant shall have the right to 6431  
attend the deposition and the right to be represented by 6432  
counsel. Depositions shall be taken in the manner provided in 6433  
civil cases, except that the judge shall preside at the taking 6434  
of the deposition and shall rule at that time on any objections 6435

of the prosecution or the attorney for the defense. The 6436  
prosecution and the attorney for the defense shall have the 6437  
right, as at trial, to full examination and cross-examination of 6438  
the child victim whose deposition is to be taken. If a 6439  
deposition taken under this division is intended to be offered 6440  
as evidence in the proceeding, it shall be filed in the court in 6441  
which the action is pending and is admissible in the manner 6442  
described in division (B) of this section. If a deposition of a 6443  
child victim taken under this division is admitted as evidence 6444  
at the proceeding under division (B) of this section, the child 6445  
victim shall not be required to testify in person at the 6446  
proceeding. However, at any time before the conclusion of the 6447  
proceeding, the attorney for the defense may file a motion with 6448  
the judge requesting that another deposition of the child victim 6449  
be taken because new evidence material to the defense has been 6450  
discovered that the attorney for the defense could not with 6451  
reasonable diligence have discovered prior to the taking of the 6452  
admitted deposition. A motion for another deposition shall be 6453  
accompanied by supporting affidavits. Upon the filing of a 6454  
motion for another deposition and affidavits, the court may 6455  
order that additional testimony of the child victim relative to 6456  
the new evidence be taken by another deposition. If the court 6457  
orders the taking of another deposition under this provision, 6458  
the deposition shall be taken in accordance with this division; 6459  
if the admitted deposition was a ~~videotaped~~ recorded deposition 6460  
taken in accordance with division (A) (3) of this section, the 6461  
new deposition also shall be ~~videotaped~~ recorded in accordance 6462  
with that division and in other cases, the new deposition may be 6463  
~~videotaped~~ recorded in accordance with that division. 6464

(3) If the prosecution requests that a deposition to be 6465  
taken under division (A) (2) of this section be 6466

~~videotaped~~recorded, the judge shall order that the deposition be 6467  
~~videotaped~~recorded in accordance with this division. If a judge 6468  
issues an order that the deposition be ~~videotaped~~recorded, the 6469  
judge shall exclude from the room in which the deposition is to 6470  
be taken every person except the child victim giving the 6471  
testimony, the judge, one or more interpreters if needed, the 6472  
attorneys for the prosecution and the defense, any person needed 6473  
to operate the equipment to be used, one person chosen by the 6474  
child victim giving the deposition, and any person whose 6475  
presence the judge determines would contribute to the welfare 6476  
and well-being of the child victim giving the deposition. The 6477  
person chosen by the child victim -shall not be a witness in the 6478  
proceeding and, both before and during the deposition, shall not 6479  
discuss the testimony of the child victim with any other witness 6480  
in the proceeding. To the extent feasible, any person operating 6481  
the recording equipment shall be restricted to a room adjacent 6482  
to the room in which the deposition is being taken, or to a 6483  
location in the room in which the deposition is being taken that 6484  
is behind a screen or mirror, so that the person operating the 6485  
recording equipment can see and hear, but cannot be seen or 6486  
heard by, the child victim giving the deposition during the 6487  
deposition. The defendant shall be permitted to observe and hear 6488  
the testimony of the child victim giving the deposition on a 6489  
monitor, shall be provided with an electronic means of immediate 6490  
communication with the defendant's attorney during the 6491  
testimony, and shall be restricted to a location from which the 6492  
defendant cannot be seen or heard by the child victim giving the 6493  
deposition, except on a monitor provided for that purpose. The 6494  
child victim giving the deposition shall be provided with a 6495  
monitor on which the child victim can observe, during the 6496  
testimony, the defendant. The judge, at the judge's discretion, 6497  
may preside at the deposition by electronic means from outside 6498

the room in which the deposition is to be taken; if the judge 6499  
presides by electronic means, the judge shall be provided with 6500  
monitors on which the judge can see each person in the room in 6501  
which the deposition is to be taken and with an electronic means 6502  
of communication with each person, and each person in the room 6503  
shall be provided with a monitor on which that person can see 6504  
the judge and with an electronic means of communication with the 6505  
judge. A deposition that is ~~videotaped~~recorded under this 6506  
division shall be taken and filed in the manner described in 6507  
division (A)(2) of this section and is admissible in the manner 6508  
described in this division and division (B) of this section, 6509  
and, if a deposition that is ~~videotaped~~recorded under this 6510  
division is admitted as evidence at the proceeding, the child 6511  
victim shall not be required to testify in person at the 6512  
proceeding. No deposition ~~videotaped~~recorded under this 6513  
division shall be admitted as evidence at any proceeding unless 6514  
division (B) of this section is satisfied relative to the 6515  
deposition and all of the following apply relative to the 6516  
recording: 6517

(a) The recording is both aural and visual and is recorded 6518  
on film or videotape, or by other electronic means. 6519

(b) The recording is authenticated under the Rules of 6520  
Evidence and the Rules of Criminal Procedure as a fair and 6521  
accurate representation of what occurred, and the recording is 6522  
not altered other than at the direction and under the 6523  
supervision of the judge in the proceeding. 6524

(c) Each voice on the recording that is material to the 6525  
testimony on the recording or the making of the recording, as 6526  
determined by the judge, is identified. 6527

(d) Both the prosecution and the defendant are afforded an 6528

opportunity to view the recording before it is shown in the 6529  
proceeding. 6530

(B) (1) At any proceeding in a prosecution in relation to 6531  
which a deposition was taken under division (A) of this section, 6532  
the deposition or a part of it is admissible in evidence upon 6533  
motion of the prosecution if the testimony in the deposition or 6534  
the part to be admitted is not excluded by the hearsay rule and 6535  
if the deposition or the part to be admitted otherwise is 6536  
admissible under the Rules of Evidence. For purposes of this 6537  
division, testimony is not excluded by the hearsay rule if the 6538  
testimony is not hearsay under Evidence Rule 801; if the 6539  
testimony is within an exception to the hearsay rule set forth 6540  
in Evidence Rule 803; if the child victim who gave the testimony 6541  
is unavailable as a witness, as defined in Evidence Rule 804, 6542  
and the testimony is admissible under that rule; or if both of 6543  
the following apply: 6544

(a) The defendant had an opportunity and similar motive at 6545  
the time of the taking of the deposition to develop the 6546  
testimony by direct, cross, or redirect examination. 6547

(b) The judge determines that there is reasonable cause to 6548  
believe that, if the child victim who gave the testimony in the 6549  
deposition were to testify in person at the proceeding, the 6550  
child victim would experience serious emotional trauma as a 6551  
result of the child victim's participation at the proceeding. 6552

(2) Objections to receiving in evidence a deposition or a 6553  
part of it under division (B) of this section shall be made as 6554  
provided in civil actions. 6555

(3) The provisions of divisions (A) and (B) of this 6556  
section are in addition to any other provisions of the Revised 6557

Code, the Rules of Criminal Procedure, or the Rules of Evidence 6558  
that pertain to the taking or admission of depositions in a 6559  
criminal proceeding and do not limit the admissibility under any 6560  
of those other provisions of any deposition taken under division 6561  
(A) of this section or otherwise taken. 6562

(C) In any proceeding in the prosecution of any charge of 6563  
a violation listed in division (A)(2) of this section or an 6564  
offense of violence and in which an alleged victim of the 6565  
violation or offense was a child who was less than thirteen 6566  
years of age when the complaint, indictment, or information was 6567  
filed, whichever occurred earlier, the prosecution may file a 6568  
motion with the judge requesting the judge to order the 6569  
testimony of the child victim to be taken in a room other than 6570  
the room in which the proceeding is being conducted and be 6571  
televised, by closed circuit equipment, into the room in which 6572  
the proceeding is being conducted to be viewed by the jury, if 6573  
applicable, the defendant, and any other persons who are not 6574  
permitted in the room in which the testimony is to be taken but 6575  
who would have been present during the testimony of the child 6576  
victim had it been given in the room in which the proceeding is 6577  
being conducted. Except for good cause shown, the prosecution 6578  
shall file a motion under this division at least seven days 6579  
before the date of the proceeding. The judge may issue the order 6580  
upon the motion of the prosecution filed under this section, if 6581  
the judge determines that the child victim is unavailable to 6582  
testify in the room in which the proceeding is being conducted 6583  
in the physical presence of the defendant, for one or more of 6584  
the reasons set forth in division (E) of this section. If a 6585  
judge issues an order of that nature, the judge shall exclude 6586  
from the room in which the testimony is to be taken every person 6587  
except a person described in division (A)(3) of this section. 6588

The judge, at the judge's discretion, may preside during the 6589  
giving of the testimony by electronic means from outside the 6590  
room in which it is being given, subject to the limitations set 6591  
forth in division (A) (3) of this section. To the extent 6592  
feasible, any person operating the televising equipment shall be 6593  
hidden from the sight and hearing of the child victim giving the 6594  
testimony, in a manner similar to that described in division (A) 6595  
(3) of this section. The defendant shall be permitted to observe 6596  
and hear the testimony of the child victim giving the testimony 6597  
on a monitor, shall be provided with an electronic means of 6598  
immediate communication with the defendant's attorney during the 6599  
testimony, and shall be restricted to a location from which the 6600  
defendant cannot be seen or heard by the child victim giving the 6601  
testimony, except on a monitor provided for that purpose. The 6602  
child victim giving the testimony shall be provided with a 6603  
monitor on which the child victim can observe, during the 6604  
testimony, the defendant. 6605

(D) In any proceeding in the prosecution of any charge of 6606  
a violation listed in division (A) (2) of this section or an 6607  
offense of violence and in which an alleged victim of the 6608  
violation or offense was a child who was less than thirteen 6609  
years of age when the complaint, indictment, or information was 6610  
filed, whichever occurred earlier, the prosecution may file a 6611  
motion with the judge requesting the judge to order the 6612  
testimony of the child victim to be taken outside of the room in 6613  
which the proceeding is being conducted and be recorded for 6614  
showing in the room in which the proceeding is being conducted 6615  
before the judge, the jury, if applicable, the defendant, and 6616  
any other persons who would have been present during the 6617  
testimony of the child victim had it been given in the room in 6618  
which the proceeding is being conducted. Except for good cause 6619

shown, the prosecution shall file a motion under this division 6620  
at least seven days before the date of the proceeding. The judge 6621  
may issue the order upon the motion of the prosecution filed 6622  
under this division, if the judge determines that the child 6623  
victim is unavailable to testify in the room in which the 6624  
proceeding is being conducted in the physical presence of the 6625  
defendant, for one or more of the reasons set forth in division 6626  
(E) of this section. If a judge issues an order of that nature, 6627  
the judge shall exclude from the room in which the testimony is 6628  
to be taken every person except a person described in division 6629  
(A) (3) of this section. To the extent feasible, any person 6630  
operating the recording equipment shall be hidden from the sight 6631  
and hearing of the child victim giving the testimony, in a 6632  
manner similar to that described in division (A) (3) of this 6633  
section. The defendant shall be permitted to observe and hear 6634  
the testimony of the child victim who is giving the testimony on 6635  
a monitor, shall be provided with an electronic means of 6636  
immediate communication with the defendant's attorney during the 6637  
testimony, and shall be restricted to a location from which the 6638  
defendant cannot be seen or heard by the child victim giving the 6639  
testimony, except on a monitor provided for that purpose. The 6640  
child victim giving the testimony shall be provided with a 6641  
monitor on which the child victim can observe, during the 6642  
testimony, the defendant. No order for the taking of testimony 6643  
by recording shall be issued under this division unless the 6644  
provisions set forth in divisions (A) (3) (a), (b), (c), and (d) 6645  
of this section apply to the recording of the testimony. 6646

(E) For purposes of divisions (C) and (D) of this section, 6647  
a judge may order the testimony of a child victim to be taken 6648  
outside the room in which the proceeding is being conducted if 6649  
the judge determines that the child victim is unavailable to 6650

testify in the room in the physical presence of the defendant 6651  
due to one or more of the following: 6652

(1) The persistent refusal of the child victim to testify 6653  
despite judicial requests to do so; 6654

(2) The inability of the child victim to communicate about 6655  
the alleged violation or offense because of extreme fear, 6656  
failure of memory, or another similar reason; 6657

(3) The substantial likelihood that the child victim will 6658  
suffer serious emotional trauma from so testifying. 6659

(F) (1) If a judge issues an order pursuant to division (C) 6660  
or (D) of this section that requires the testimony of a child 6661  
victim in a criminal proceeding to be taken outside of the room 6662  
in which the proceeding is being conducted, the order shall 6663  
specifically identify the child victim to whose testimony it 6664  
applies, the order applies only during the testimony of the 6665  
specified child victim, and the child victim giving the 6666  
testimony shall not be required to testify at the proceeding 6667  
other than in accordance with the order. 6668

(2) A judge who makes any determination regarding the 6669  
admissibility of a deposition under divisions (A) and (B) of 6670  
this section, the ~~videotaping~~ recording of a deposition under 6671  
division (A) (3) of this section, or the taking of testimony 6672  
outside of the room in which a proceeding is being conducted 6673  
under division (C) or (D) of this section, shall enter the 6674  
determination and findings on the record in the proceeding. 6675

**Sec. 2945.482.** (A) As used in this section: 6676

(1) "Developmental disability" has the same meaning as in 6677  
section 5123.01 of the Revised Code. 6678

(2) "Victim with a developmental disability" includes a 6679  
person with a developmental disability who was a victim of a 6680  
violation identified in division (B)(1) of this section or an 6681  
offense of violence or against whom was directed any conduct 6682  
that constitutes, or that is an element of, a violation 6683  
identified in division (B)(1) of this section or an offense of 6684  
violence. 6685

~~(B)(1)~~ (B)(1)(a) In any proceeding in the prosecution of a 6686  
charge of a violation of section 2903.16, 2903.34, 2903.341, 6687  
2905.03, 2907.02, 2907.03, 2907.05, 2907.06, 2907.09, 2907.21, 6688  
2907.23, 2907.24, 2907.32, 2907.321, 2907.322, or 2907.323 of 6689  
the Revised Code or an offense of violence and in which an 6690  
alleged victim of the violation or offense was a person with a 6691  
developmental disability, the judge of the court in which the 6692  
prosecution is being conducted, upon motion of an attorney for 6693  
the prosecution, ~~shall~~ order that the testimony of the victim 6694  
with a developmental disability be taken by deposition. The 6695  
prosecution ~~also may request that the deposition be videotaped-~~ 6696  
recorded in accordance with division (B)(2) of this section. 6697

(b) In any proceeding in the prosecution of a violation of 6698  
Title XXIX of the Revised Code other than a violation described 6699  
in division (B)(1)(a) of this section and in which an alleged 6700  
victim of the violation or act was a person with a developmental 6701  
disability, upon motion of the prosecution, the victim, or the 6702  
victim's attorney, if applicable, and a showing by a 6703  
preponderance of the evidence that the victim will suffer 6704  
serious emotional trauma if required to provide live trial 6705  
testimony, the judge of the court in which the prosecution is 6706  
being conducted shall order that the testimony of the victim 6707  
with a developmental disability be taken by deposition. The 6708  
prosecution, the victim, or the victim's attorney, if 6709

applicable, also may request that the deposition be recorded in accordance with division (B) (2) of this section.

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(c) The judge shall notify the victim with a developmental disability whose deposition is to be taken, the prosecution, and the defense of the date, time, and place for taking the deposition. The notice shall identify the victim with a developmental disability who is to be examined and shall indicate whether a request that the deposition be ~~videotaped~~ recorded has been made. The defendant shall have the right to attend the deposition and the right to be represented by counsel. Depositions shall be taken in the manner provided in civil cases, except that the judge shall preside at the taking of the deposition and shall rule at the time on any objections of the prosecution or the attorney for the defense. The prosecution and the attorney for the defense shall have the right, as at trial, to full examination and cross-examination of the victim with a developmental disability whose deposition is to be taken. If a deposition taken under this division is intended to be offered as evidence in the proceeding, it shall be filed in the court in which the action is pending and is admissible in the manner described in division (C) of this section.

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

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At any time before the conclusion of the proceeding, the attorney for the defense may file a motion with the judge requesting that another deposition of the victim with a

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developmental disability be taken because new evidence material 6740  
to the defense has been discovered that the attorney for the 6741  
defense could not with reasonable diligence have discovered 6742  
prior to the taking of the admitted deposition. If the court 6743  
orders the taking of another deposition under this provision, 6744  
the deposition shall be taken in accordance with this division. 6745  
If the admitted deposition was a ~~videotaped~~recorded deposition 6746  
taken in accordance with division (B) (2) of this section, the 6747  
new deposition shall be ~~videotaped~~recorded in accordance with 6748  
that division. In other cases, the new deposition may be 6749  
~~videotaped~~recorded in accordance with that division. 6750

(2) If the prosecution requests that a deposition to be 6751  
taken under division (B) (2) of this section be 6752  
~~videotaped~~recorded, the judge shall order that the deposition be 6753  
~~videotaped~~recorded in accordance with this division. If a judge 6754  
issues an order that the deposition be ~~videotaped~~recorded, the 6755  
judge shall exclude from the room in which the deposition is to 6756  
be taken every person except the victim with a developmental 6757  
disability giving the testimony, the judge, one or more 6758  
interpreters if needed, the attorneys for the prosecution and 6759  
the defense, any person needed to operate the equipment to be 6760  
used, one person chosen by the victim with a developmental 6761  
disability giving the deposition, and any person whose presence 6762  
the judge determines would contribute to the welfare and well- 6763  
being of the victim with a developmental disability giving the 6764  
deposition. The person chosen by the victim with a developmental 6765  
disability shall not be a witness in the proceeding and, both 6766  
before and during the deposition, shall not discuss the 6767  
testimony of the victim with a developmental disability with any 6768  
other witness in the proceeding. To the extent feasible, any 6769  
person operating the recording equipment shall be restricted to 6770

a room adjacent to the room in which the deposition is being 6771  
taken, or to a location in the room in which the deposition is 6772  
being taken that is behind a screen or mirror, so that the 6773  
person operating the recording equipment can see and hear, but 6774  
cannot be seen or heard by, the victim with a developmental 6775  
disability giving the deposition during the deposition. 6776

The defendant shall be permitted to observe and hear the 6777  
testimony of the victim with a developmental disability giving 6778  
the deposition on a monitor, shall be provided with an 6779  
electronic means of immediate communication with the defendant's 6780  
attorney during the testimony, and shall be restricted to a 6781  
location from which the defendant cannot be seen or heard by the 6782  
victim with a developmental disability giving the deposition, 6783  
except on a monitor provided for that purpose. The victim with a 6784  
developmental disability giving the deposition shall be provided 6785  
with a monitor on which the victim can observe, during the 6786  
testimony, the defendant. The judge, at the judge's discretion, 6787  
may preside at the deposition by electronic means from outside 6788  
the room in which the deposition is to be taken. If the judge 6789  
presides by electronic means, the judge shall be provided with 6790  
monitors on which the judge can see each person in the room in 6791  
which the deposition is to be taken and with an electronic means 6792  
of communication with each person, and each person in the room 6793  
shall be provided with a monitor on which that person can see 6794  
the judge and with an electronic means of communication with the 6795  
judge. A deposition that is ~~videotaped~~ recorded under this 6796  
division shall be taken and filed in the manner described in 6797  
division (B) (1) of this section and is admissible in the manner 6798  
described in this division and division (C) of this section, 6799  
and, if a deposition that is ~~videotaped~~ recorded under this 6800  
division is admitted as evidence at the proceeding, the victim 6801

with a developmental disability shall not be required to testify 6802  
in person at the proceeding. No deposition ~~videotaped~~recorded 6803  
under this division shall be admitted as evidence at any 6804  
proceeding unless division (C) of this section is satisfied 6805  
relative to the deposition and all of the following apply 6806  
relative to the recording: 6807

(a) The recording is both aural and visual and is recorded 6808  
on film or videotape, or by other electronic means. 6809

(b) The recording is authenticated under the Rules of 6810  
Evidence and the Rules of Criminal Procedure as a fair and 6811  
accurate representation of what occurred, and the recording is 6812  
not altered other than at the direction and under the 6813  
supervision of the judge in the proceeding. 6814

(c) Each voice on the recording that is material to the 6815  
testimony on the recording or the making of the recording, as 6816  
determined by the judge, is identified. 6817

(d) Both the prosecution and the defendant are afforded an 6818  
opportunity to view the recording before it is shown in the 6819  
proceeding. 6820

(C) (1) At any proceeding in a prosecution in relation to 6821  
which a deposition was taken under division (B) of this section, 6822  
the deposition or a part of it is admissible in evidence upon 6823  
motion of the prosecution if the testimony in the deposition or 6824  
the part to be admitted is not excluded by the hearsay rule and 6825  
if the deposition or the part to be admitted otherwise is 6826  
admissible under the Rules of Evidence. For purposes of this 6827  
division, testimony is not excluded by the hearsay rule if the 6828  
testimony is not hearsay under Evidence Rule 801; the testimony 6829  
is within an exception to the hearsay rule set forth in Evidence 6830

Rule 803; the victim with a developmental disability who gave 6831  
the testimony is unavailable as a witness, as defined in 6832  
Evidence Rule 804, and the testimony is admissible under that 6833  
rule; or both of the following apply: 6834

(a) The defendant had an opportunity and similar motive at 6835  
the time of the taking of the deposition to develop the 6836  
testimony by direct, cross, or redirect examination. 6837

(b) The judge determines that there is reasonable cause to 6838  
believe that, if the victim with a developmental disability who 6839  
gave the testimony in the deposition were to testify in person 6840  
at the proceeding, the victim with a developmental disability 6841  
would experience serious emotional trauma as a result of the 6842  
participation of the victim with a developmental disability at 6843  
the proceeding. 6844

(2) Objections to receiving in evidence a deposition or a 6845  
part of it under division (C) of this section shall be made as 6846  
provided in civil actions. 6847

(3) The provisions of divisions (B) and (C) of this 6848  
section are in addition to any other provisions of the Revised 6849  
Code, the Rules of Criminal Procedure, or the Rules of Evidence 6850  
that pertain to the taking or admission of depositions in a 6851  
criminal proceeding and do not limit the admissibility under any 6852  
of those other provisions of any deposition taken under division 6853  
(B) of this section or otherwise taken. 6854

(D) In any proceeding in the prosecution of any charge of 6855  
a violation listed in division (B) (1) of this section or an 6856  
offense of violence and in which an alleged victim of the 6857  
violation or offense was a person with a developmental 6858  
disability, the prosecution may file a motion with the judge 6859

requesting the judge to order the testimony of the victim with a 6860  
developmental disability to be taken in a room other than the 6861  
room in which the proceeding is being conducted and be 6862  
televised, by closed circuit equipment, into the room in which 6863  
the proceeding is being conducted to be viewed by the jury, if 6864  
applicable, the defendant, and any other persons who are not 6865  
permitted in the room in which the testimony is to be taken but 6866  
who would have been present during the testimony of the victim 6867  
with a developmental disability had it been given in the room in 6868  
which the proceeding is being conducted. Except for good cause 6869  
shown, the prosecution shall file a motion under this division 6870  
at least seven days before the date of the proceeding. The judge 6871  
may issue the order upon the motion of the prosecution filed 6872  
under this section, if the judge determines that the victim with 6873  
a developmental disability is unavailable to testify in the room 6874  
in which the proceeding is being conducted in the physical 6875  
presence of the defendant for one or more of the reasons set 6876  
forth in division (F) of this section. If a judge issues an 6877  
order of that nature, the judge shall exclude from the room in 6878  
which the testimony is to be taken every person except a person 6879  
described in division (B) (2) of this section. The judge, at the 6880  
judge's discretion, may preside during the giving of the 6881  
testimony by electronic means from outside the room in which it 6882  
is being given, subject to the limitations set forth in division 6883  
(B) (2) of this section. To the extent feasible, any person 6884  
operating the televising equipment shall be hidden from the 6885  
sight and hearing of the victim with a developmental disability 6886  
giving the testimony, in a manner similar to that described in 6887  
division (B) (2) of this section. The defendant shall be 6888  
permitted to observe and hear the testimony of the victim with a 6889  
developmental disability giving the testimony on a monitor, 6890  
shall be provided with an electronic means of immediate 6891

communication with the defendant's attorney during the 6892  
testimony, and shall be restricted to a location from which the 6893  
defendant cannot be seen or heard by the victim with a 6894  
developmental disability giving the testimony, except on a 6895  
monitor provided for that purpose. The victim with a 6896  
developmental disability giving the testimony shall be provided 6897  
with a monitor on which the victim with a developmental 6898  
disability can observe, during the testimony, the defendant. 6899

(E) In any proceeding in the prosecution of any charge of 6900  
a violation listed in division (B)(1) of this section or an 6901  
offense of violence and in which an alleged victim of the 6902  
violation or offense was a victim with a developmental 6903  
disability, the prosecution may file a motion with the judge 6904  
requesting the judge to order the testimony of the victim with a 6905  
developmental disability to be taken outside of the room in 6906  
which the proceeding is being conducted and be recorded for 6907  
showing in the room in which the proceeding is being conducted 6908  
before the judge, the jury, if applicable, the defendant, and 6909  
any other persons who would have been present during the 6910  
testimony of the victim with a developmental disability had it 6911  
been given in the room in which the proceeding is being 6912  
conducted. Except for good cause shown, the prosecution shall 6913  
file a motion under this division at least seven days before the 6914  
date of the proceeding. The judge may issue the order upon the 6915  
motion of the prosecution filed under this division, if the 6916  
judge determines that the victim with a developmental disability 6917  
is unavailable to testify in the room in which the proceeding is 6918  
being conducted in the physical presence of the defendant, for 6919  
one or more of the reasons set forth in division (F) of this 6920  
section. If a judge issues an order of that nature, the judge 6921  
shall exclude from the room in which the testimony is to be 6922

taken every person except a person described in division (B) (2) 6923  
of this section. To the extent feasible, any person operating 6924  
the recording equipment shall be hidden from the sight and 6925  
hearing of the victim with a developmental disability giving the 6926  
testimony, in a manner similar to that described in division (B) 6927  
(2) of this section. The defendant shall be permitted to observe 6928  
and hear the testimony of the victim with a developmental 6929  
disability who is giving the testimony on a monitor, shall be 6930  
provided with an electronic means of immediate communication 6931  
with the defendant's attorney during the testimony, and shall be 6932  
restricted to a location from which the defendant cannot be seen 6933  
or heard by the victim with a developmental disability giving 6934  
the testimony, except on a monitor provided for that purpose. 6935  
The victim with a developmental disability giving the testimony 6936  
shall be provided with a monitor on which the victim can 6937  
observe, during the testimony, the defendant. No order for the 6938  
taking of testimony by recording shall be issued under this 6939  
division unless the provisions set forth in divisions (B) (2) (a), 6940  
(b), (c), and (d) of this section apply to the recording of the 6941  
testimony. 6942

(F) For purposes of divisions (D) and (E) of this section, 6943  
a judge may order the testimony of a victim with a developmental 6944  
disability to be taken outside the room in which the proceeding 6945  
is being conducted if the judge determines that the victim with 6946  
a developmental disability is unavailable to testify in the room 6947  
in the physical presence of the defendant due to one or more of 6948  
the following: 6949

(1) The persistent refusal of the victim with a 6950  
developmental disability to testify despite judicial requests to 6951  
do so; 6952

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

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

(G)(1) If a judge issues an order pursuant to division (D) or (E) of this section that requires the testimony of a victim with a developmental disability in a criminal proceeding to be taken outside of the room in which the proceeding is being conducted, the order shall specifically identify the victim with a developmental disability to whose testimony it applies, the order applies only during the testimony of the specified victim with a developmental disability, and the victim with a developmental disability giving the testimony shall not be required to testify at the proceeding other than in accordance with the order.

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

**Sec. 2945.483. (A) As used in this section:**

(1) "Child" means any individual under eighteen years of age.

(2) "Developmental disability" has the same meaning as in

section 5123.01 of the Revised Code. 6982

(B) In any proceeding in which a child or person with a developmental disability testifies in open court, the child or person with a developmental disability shall have the following rights to be enforced sua sponte by the court or upon motion or notice of any attorney involved in the proceeding: 6983  
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(1) To be asked questions in a manner the child or person with a developmental disability can reasonably understand, including, but not limited to, a child-friendly oath; 6988  
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(2) To be free of harassment or intimidation tactics in the proceeding; 6991  
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(3) (a) To have an advocate or victim's representative of the child's or person with a developmental disability's choosing present in the courtroom and in a position clearly visible in close proximity to the child or person with a developmental disability, subject to division (B) (3) (b) of this section; 6993  
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(b) That if the prosecutor in the case or the court has a reasonable basis to believe that the victim's representative is not acting in the interests of the victim who is a child or a person with a developmental disability, the prosecutor shall file a motion setting forth the reasonable basis for this belief and the court shall hold a hearing to determine whether the victim's representative is acting in the interests of the victim. The court shall make this determination by a preponderance of the evidence. If the court finds that the victim's representative is not acting in the interests of the victim, the court shall appoint a court-appointed special advocate, guardian ad litem, or a victim advocate to act as the victim's representative in lieu of the previously appointed 6998  
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victim's representative. 7011

(4) To have the courtroom or hearing room adjusted to 7012  
ensure the comfort and protection of the child or person with a 7013  
developmental disability; 7014

(5) To have flexibility in the formalities of the 7015  
proceedings in an effort to ensure the comfort of the child or 7016  
person with a developmental disability; 7017

(6) To permit a comfort item to be present inside the 7018  
courtroom or hearing room and to accompany the child or person 7019  
with a developmental disability throughout the hearing; 7020

(7) To permit the use of a properly constructed screen 7021  
that would allow the judge and jury in the courtroom or hearing 7022  
room to see the child or person with a developmental disability 7023  
but would obscure the child's or person with a developmental 7024  
disability's view of the defendant or alleged juvenile offender 7025  
or the public or both; 7026

(8) To have a secure and comfortable waiting area provided 7027  
for the child or person with a developmental disability during 7028  
the court proceedings and to have a support person of the 7029  
child's or person with a developmental disability's choosing 7030  
stay with the child or person with a developmental disability 7031  
while waiting, subject to division (B) (3) (b) of this section; 7032

(9) To have an advocate or victim's representative inform 7033  
the court about the child's or person with a developmental 7034  
disability's ability to understand the nature of the 7035  
proceedings, special accommodations that may be needed for the 7036  
child's or person with a developmental disability's testimony, 7037  
and any other information relevant to any of the rights set 7038  
forth in this section. 7039

(C) In circumstances where the accused in a proceeding has 7040  
chosen to proceed without counsel, the court may appoint standby 7041  
counsel for that party and may order standby counsel to question 7042  
a child or person with a developmental disability on behalf of 7043  
the pro se party if the court finds that there is a substantial 7044  
likelihood that serious emotional trauma would come to the child 7045  
or person with a developmental disability if the pro se party 7046  
were allowed to question the child or person with a 7047  
developmental disability directly. 7048

(D) (1) If the child or person with a developmental 7049  
disability is the victim of a criminal offense or delinquent 7050  
act, the court shall ensure that all steps necessary to secure 7051  
the physical safety of the child or person with a developmental 7052  
disability, both in the courtroom and during periods of time 7053  
that the child or person with a developmental disability may 7054  
spend waiting for court, have been taken. 7055

(2) The court and all attorneys involved in a court 7056  
proceeding involving a child or person with a developmental 7057  
disability shall not disclose to any third party any discovery, 7058  
including, but not limited to, the child's or person with a 7059  
developmental disability's name, address, and date of birth, any 7060  
and all interviews of the child or person with a developmental 7061  
disability, and any other identifying information of the child 7062  
or person with a developmental disability in a manner consistent 7063  
with section 2930.07 of the Revised Code. The court shall 7064  
enforce any violations of this section through the court's 7065  
contempt powers. 7066

(E) In any post-conviction proceeding or in regards to 7067  
post-conviction relief, if the prosecutor in the case or the 7068  
court has a reasonable basis to believe that the victim's 7069

representative is not acting in the interests of the victim who 7070  
is a child or a person with a developmental disability, the 7071  
prosecutor shall file a motion setting forth the reasonable 7072  
basis for this belief and the court shall hold a hearing to 7073  
determine whether the victim's representative is acting in the 7074  
interests of the victim. The court shall make this determination 7075  
by a preponderance of the evidence. If the court finds that the 7076  
victim's representative is not acting in the interests of the 7077  
victim, the court shall appoint a court-appointed special 7078  
advocate, guardian ad litem, or a victim advocate to act as the 7079  
victim's representative in lieu of the previously appointed 7080  
victim's representative. 7081

**Sec. 2945.72.** The time within which an accused must be 7082  
brought to trial, or, in the case of felony, to preliminary 7083  
hearing and trial, may be extended only by the following: 7084

(A) Any period during which the accused is unavailable for 7085  
hearing or trial, by reason of other criminal proceedings 7086  
against ~~him~~ the accused, within or outside the state, by reason 7087  
of ~~his~~ confinement in another state, or by reason of the 7088  
pendency of extradition proceedings, provided that the 7089  
prosecution exercises reasonable diligence to secure ~~his~~ 7090  
availability of the accused; 7091

(B) Any period during which the accused is mentally 7092  
incompetent to stand trial or during which ~~his~~ the accused's 7093  
mental competence to stand trial is being determined, or any 7094  
period during which the accused is physically incapable of 7095  
standing trial; 7096

(C) Any period of delay necessitated by the accused's lack 7097  
of counsel, provided that such delay is not occasioned by any 7098  
lack of diligence in providing counsel to an indigent accused 7099

upon ~~his~~ the accused's request as required by law; 7100

(D) Any period of delay occasioned by the neglect or 7101  
improper act of the accused; 7102

(E) Any period of delay necessitated by reason of a plea 7103  
in bar or abatement, motion, proceeding, or action made or 7104  
instituted by the accused; 7105

(F) Any period of delay necessitated by a removal or 7106  
change of venue pursuant to law; 7107

(G) Any period during which trial is stayed pursuant to an 7108  
express statutory requirement, or pursuant to an order of 7109  
another court competent to issue such order; 7110

(H) The period of any continuance granted on the accused's 7111  
own motion, and the period of any reasonable continuance granted 7112  
other than upon the accused's own motion; 7113

(I) Any period during which an appeal filed pursuant to 7114  
section 2945.67 of the Revised Code is pending; 7115

(J) Any period during which an appeal or petition for a 7116  
writ filed pursuant to section 2930.19 of the Revised Code is 7117  
pending. 7118

**Sec. 2947.051.** (A) In all criminal cases in which a person 7119  
is convicted of or pleads guilty to a felony, if the offender, 7120  
in committing the offense, caused, attempted to cause, 7121  
threatened to cause, or created a risk of physical harm to the 7122  
victim of the offense, the court, prior to sentencing the 7123  
offender, shall order the preparation of a victim impact 7124  
statement by the department of probation of the county in which 7125  
the victim of the offense resides, by the court's own regular 7126  
probation officer, or by a victim assistance program that is 7127

operated by the state, any county or municipal corporation, or 7128  
any other governmental entity. The court, in accordance with 7129  
sections 2929.13 and 2929.19 of the Revised Code, shall consider 7130  
the victim impact statement in determining the sentence to be 7131  
imposed upon the offender. 7132

(B) Each victim impact statement prepared under this 7133  
section shall identify the victim of the offense, itemize any 7134  
economic loss suffered by the victim as a result of the offense, 7135  
identify any physical injury suffered by the victim as a result 7136  
of the offense and the seriousness and permanence of the injury, 7137  
identify any change in the victim's personal welfare or familial 7138  
relationships as a result of the offense and any psychological 7139  
impact experienced by the victim or the victim's family as a 7140  
result of the offense, and contain any other information related 7141  
to the impact of the offense upon the victim that the court 7142  
requires. Each victim impact statement prepared under this 7143  
section shall include any statement made by the victim or the 7144  
victim's representative pursuant to section 2930.13 of the 7145  
Revised Code. 7146

(C) A victim impact statement prepared under this section 7147  
shall be kept confidential and is not a public record as defined 7148  
in section 149.43 of the Revised Code. However, the court may 7149  
furnish copies of the statement to both the defendant or the 7150  
defendant's counsel and the prosecuting attorney. Immediately 7151  
following the imposition of sentence upon the defendant, the 7152  
defendant, the defendant's counsel, and the prosecuting attorney 7153  
shall return to the court the copies of the victim impact 7154  
statement that were made available to the defendant, the 7155  
counsel, or the prosecuting attorney. 7156

**Sec. 2951.041.** (A) (1) If an offender is charged with a 7157

criminal offense, including but not limited to a violation of 7158  
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 7159  
of the Revised Code, and the court has reason to believe that 7160  
drug or alcohol usage by the offender was a factor leading to 7161  
the criminal offense with which the offender is charged or that, 7162  
at the time of committing that offense, the offender had a 7163  
mental illness, was a person with an intellectual disability, or 7164  
was a victim of a violation of section 2905.32 or 2907.21 of the 7165  
Revised Code and that the mental illness, status as a person 7166  
with an intellectual disability, or fact that the offender was a 7167  
victim of a violation of section 2905.32 or 2907.21 of the 7168  
Revised Code was a factor leading to the offender's criminal 7169  
behavior, the court may accept, prior to the entry of a guilty 7170  
plea, the offender's request for intervention in lieu of 7171  
conviction. The request shall include a statement from the 7172  
offender as to whether the offender is alleging that drug or 7173  
alcohol usage by the offender was a factor leading to the 7174  
criminal offense with which the offender is charged or is 7175  
alleging that, at the time of committing that offense, the 7176  
offender had a mental illness, was a person with an intellectual 7177  
disability, or was a victim of a violation of section 2905.32 or 7178  
2907.21 of the Revised Code and that the mental illness, status 7179  
as a person with an intellectual disability, or fact that the 7180  
offender was a victim of a violation of section 2905.32 or 7181  
2907.21 of the Revised Code was a factor leading to the criminal 7182  
offense with which the offender is charged. The request also 7183  
shall include a waiver of the defendant's right to a speedy 7184  
trial, the preliminary hearing, the time period within which the 7185  
grand jury may consider an indictment against the offender, and 7186  
arraignment, unless the hearing, indictment, or arraignment has 7187  
already occurred. Unless an offender alleges that drug or 7188  
alcohol usage by the offender was a factor leading to the 7189

criminal offense with which the offender is charged, the court 7190  
may reject an offender's request without a hearing. If the court 7191  
elects to consider an offender's request or the offender alleges 7192  
that drug or alcohol usage by the offender was a factor leading 7193  
to the criminal offense with which the offender is charged, the 7194  
court shall conduct a hearing to determine whether the offender 7195  
is eligible under this section for intervention in lieu of 7196  
conviction and shall stay all criminal proceedings pending the 7197  
outcome of the hearing. If the court schedules a hearing, the 7198  
court shall order an assessment of the offender for the purpose 7199  
of determining the offender's program eligibility for 7200  
intervention in lieu of conviction and recommending an 7201  
appropriate intervention plan. 7202

If the offender alleges that drug or alcohol usage by the 7203  
offender was a factor leading to the criminal offense with which 7204  
the offender is charged, the court may order that the offender 7205  
be assessed by a community addiction services provider or a 7206  
properly credentialed professional for the purpose of 7207  
determining the offender's program eligibility for intervention 7208  
in lieu of conviction and recommending an appropriate 7209  
intervention plan. The community addiction services provider or 7210  
the properly credentialed professional shall provide a written 7211  
assessment of the offender to the court. 7212

(2) The victim notification provisions of division ~~(C)~~(E) 7213  
of section 2930.06 of the Revised Code apply in relation to any 7214  
hearing held under division (A) (1) of this section. 7215

(B) An offender is eligible for intervention in lieu of 7216  
conviction if the court finds all of the following: 7217

(1) The offender previously has not been convicted of or 7218  
pleaded guilty to any felony offense of violence. 7219

(2) The offense is not a felony of the first, second, or 7220  
third degree, is not an offense of violence, is not a felony sex 7221  
offense, is not a violation of division (A) (1) or (2) of section 7222  
2903.06 of the Revised Code, is not a violation of division (A) 7223  
(1) of section 2903.08 of the Revised Code, is not a violation 7224  
of division (A) of section 4511.19 of the Revised Code or a 7225  
municipal ordinance that is substantially similar to that 7226  
division, and is not an offense for which a sentencing court is 7227  
required to impose a mandatory prison term. 7228

(3) The offender is not charged with a violation of 7229  
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 7230  
charged with a violation of section 2925.03 of the Revised Code 7231  
that is a felony of the first, second, third, or fourth degree, 7232  
and is not charged with a violation of section 2925.11 of the 7233  
Revised Code that is a felony of the first or second degree. 7234

(4) If an offender alleges that drug or alcohol usage by 7235  
the offender was a factor leading to the criminal offense with 7236  
which the offender is charged, the court has ordered that the 7237  
offender be assessed by a community addiction services provider 7238  
or a properly credentialed professional for the purpose of 7239  
determining the offender's program eligibility for intervention 7240  
in lieu of conviction and recommending an appropriate 7241  
intervention plan, the offender has been assessed by a community 7242  
addiction services provider of that nature or a properly 7243  
credentialed professional in accordance with the court's order, 7244  
and the community addiction services provider or properly 7245  
credentialed professional has filed the written assessment of 7246  
the offender with the court. 7247

(5) If an offender alleges that, at the time of committing 7248  
the criminal offense with which the offender is charged, the 7249

offender had a mental illness, was a person with an intellectual 7250  
disability, or was a victim of a violation of section 2905.32 or 7251  
2907.21 of the Revised Code and that the mental illness, status 7252  
as a person with an intellectual disability, or fact that the 7253  
offender was a victim of a violation of section 2905.32 or 7254  
2907.21 of the Revised Code was a factor leading to that 7255  
offense, the offender has been assessed by a psychiatrist, 7256  
psychologist, independent social worker, licensed professional 7257  
clinical counselor, or independent marriage and family therapist 7258  
for the purpose of determining the offender's program 7259  
eligibility for intervention in lieu of conviction and 7260  
recommending an appropriate intervention plan. 7261

(6) The offender's drug usage, alcohol usage, mental 7262  
illness, or intellectual disability, or the fact that the 7263  
offender was a victim of a violation of section 2905.32 or 7264  
2907.21 of the Revised Code, whichever is applicable, was a 7265  
factor leading to the criminal offense with which the offender 7266  
is charged, intervention in lieu of conviction would not demean 7267  
the seriousness of the offense, and intervention would 7268  
substantially reduce the likelihood of any future criminal 7269  
activity. 7270

(7) The alleged victim of the offense was not sixty-five 7271  
years of age or older, permanently and totally disabled, under 7272  
thirteen years of age, or a peace officer engaged in the 7273  
officer's official duties at the time of the alleged offense. 7274

(8) If the offender is charged with a violation of section 7275  
2925.24 of the Revised Code, the alleged violation did not 7276  
result in physical harm to any person. 7277

(9) The offender is willing to comply with all terms and 7278  
conditions imposed by the court pursuant to division (D) of this 7279

section. 7280

(10) The offender is not charged with an offense that 7281  
would result in the offender being disqualified under Chapter 7282  
4506. of the Revised Code from operating a commercial motor 7283  
vehicle or would subject the offender to any other sanction 7284  
under that chapter. 7285

(C) At the conclusion of a hearing held pursuant to 7286  
division (A) of this section, the court shall determine whether 7287  
the offender will be granted intervention in lieu of conviction. 7288  
In making this determination, the court shall presume that 7289  
intervention in lieu of conviction is appropriate. If the court 7290  
finds under this division and division (B) of this section that 7291  
the offender is eligible for intervention in lieu of conviction, 7292  
the court shall grant the offender's request unless the court 7293  
finds specific reasons to believe that the candidate's 7294  
participation in intervention in lieu of conviction would be 7295  
inappropriate. 7296

If the court denies an eligible offender's request for 7297  
intervention in lieu of conviction, the court shall state the 7298  
reasons for the denial, with particularity, in a written entry. 7299

If the court grants the offender's request, the court 7300  
shall accept the offender's plea of guilty and waiver of the 7301  
defendant's right to a speedy trial, the preliminary hearing, 7302  
the time period within which the grand jury may consider an 7303  
indictment against the offender, and arraignment, unless the 7304  
hearing, indictment, or arraignment has already occurred. In 7305  
addition, the court then may stay all criminal proceedings and 7306  
order the offender to comply with all terms and conditions 7307  
imposed by the court pursuant to division (D) of this section. 7308  
If the court finds that the offender is not eligible or does not 7309

grant the offender's request, the criminal proceedings against 7310  
the offender shall proceed as if the offender's request for 7311  
intervention in lieu of conviction had not been made. 7312

(D) If the court grants an offender's request for 7313  
intervention in lieu of conviction, the court shall place the 7314  
offender under the general control and supervision of the county 7315  
probation department, the adult parole authority, or another 7316  
appropriate local probation or court services agency, if one 7317  
exists, as if the offender was subject to a community control 7318  
sanction imposed under section 2929.15, 2929.18, or 2929.25 of 7319  
the Revised Code. The court shall establish an intervention plan 7320  
for the offender. The terms and conditions of the intervention 7321  
plan shall require the offender, for at least one year, but not 7322  
more than five years, from the date on which the court grants 7323  
the order of intervention in lieu of conviction, to abstain from 7324  
the use of illegal drugs and alcohol, to participate in 7325  
treatment and recovery support services, and to submit to 7326  
regular random testing for drug and alcohol use and may include 7327  
any other treatment terms and conditions, or terms and 7328  
conditions similar to community control sanctions, which may 7329  
include community service or restitution, that are ordered by 7330  
the court. 7331

(E) If the court grants an offender's request for 7332  
intervention in lieu of conviction and the court finds that the 7333  
offender has successfully completed the intervention plan for 7334  
the offender, including the requirement that the offender 7335  
abstain from using illegal drugs and alcohol for a period of at 7336  
least one year, but not more than five years, from the date on 7337  
which the court granted the order of intervention in lieu of 7338  
conviction, the requirement that the offender participate in 7339  
treatment and recovery support services, and all other terms and 7340

conditions ordered by the court, the court shall dismiss the 7341  
proceedings against the offender. Successful completion of the 7342  
intervention plan and period of abstinence under this section 7343  
shall be without adjudication of guilt and is not a criminal 7344  
conviction for purposes of any disqualification or disability 7345  
imposed by law and upon conviction of a crime, and the court may 7346  
order the sealing of records related to the offense in question, 7347  
as a dismissal of the charges, in the manner provided in 7348  
sections 2953.51 to 2953.56 of the Revised Code. 7349

(F) If the court grants an offender's request for 7350  
intervention in lieu of conviction and the offender fails to 7351  
comply with any term or condition imposed as part of the 7352  
intervention plan for the offender, the supervising authority 7353  
for the offender promptly shall advise the court of this 7354  
failure, and the court shall hold a hearing to determine whether 7355  
the offender failed to comply with any term or condition imposed 7356  
as part of the plan. If the court determines that the offender 7357  
has failed to comply with any of those terms and conditions, it 7358  
may continue the offender on intervention in lieu of conviction, 7359  
continue the offender on intervention in lieu of conviction with 7360  
additional terms, conditions, and sanctions, or enter a finding 7361  
of guilty and impose an appropriate sanction under Chapter 2929. 7362  
of the Revised Code. If the court sentences the offender to a 7363  
prison term, the court, after consulting with the department of 7364  
rehabilitation and correction regarding the availability of 7365  
services, may order continued court-supervised activity and 7366  
treatment of the offender during the prison term and, upon 7367  
consideration of reports received from the department concerning 7368  
the offender's progress in the program of activity and 7369  
treatment, may consider judicial release under section 2929.20 7370  
of the Revised Code. 7371

(G) As used in this section:	7372
(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	7373 7374
(2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	7375 7376
(3) "Intervention in lieu of conviction" means any court-supervised activity that complies with this section.	7377 7378
(4) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code.	7379 7380
(5) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	7381 7382
(6) "Mental illness" and "psychiatrist" have the same meanings as in section 5122.01 of the Revised Code.	7383 7384
(7) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	7385 7386
(8) "Felony sex offense" means a violation of a section contained in Chapter 2907. of the Revised Code that is a felony.	7387 7388
<b>Sec. 2953.32.</b> (A) (1) Except as provided in section 2953.61 of the Revised Code or as otherwise provided in division <del>(A)(1)</del> <del>(d)</del> <u>(A)(1)(c)</u> of this section, an eligible offender may apply to the sentencing court if convicted in this state, or to a court of common pleas if convicted in another state or in a federal court, for the sealing of the record of the case that pertains to the conviction, except for convictions listed under section 2953.36 of the Revised Code. Application may be made at one of the following times:	7389 7390 7391 7392 7393 7394 7395 7396 7397
(a) At the expiration of three years after the offender's	7398

final discharge if convicted of a felony of the third degree, so 7399  
long as none of the offenses is a violation of section 2921.43 7400  
of the Revised Code; 7401

(b) At the expiration of one year after the offender's 7402  
final discharge if convicted of a felony of the fourth or fifth 7403  
degree or a misdemeanor, so long as none of the offenses is a 7404  
violation of section 2921.43 of the Revised Code; 7405

(c) At the expiration of seven years after the offender's 7406  
final discharge if the record includes a conviction of 7407  
soliciting improper compensation in violation of section 2921.43 7408  
of the Revised Code. 7409

(2) Any person who has been arrested for any misdemeanor 7410  
offense and who has effected a bail forfeiture for the offense 7411  
charged may apply to the court in which the misdemeanor criminal 7412  
case was pending when bail was forfeited for the sealing of the 7413  
record of the case that pertains to the charge. Except as 7414  
provided in section 2953.61 of the Revised Code, the application 7415  
may be filed at any time after the expiration of one year from 7416  
the date on which the bail forfeiture was entered upon the 7417  
minutes of the court or the journal, whichever entry occurs 7418  
first. 7419

(B) Upon the filing of an application under this section, 7420  
the court shall set a date for a hearing and shall notify the 7421  
prosecutor for the case of the hearing on the application not 7422  
less than sixty days prior to the hearing. The prosecutor shall 7423  
provide timely notice to a victim and victim's representative, 7424  
if applicable, if the victim or victim's representative 7425  
requested notice of the proceedings in the underlying case. The 7426  
prosecutor may object to the granting of the application by 7427  
filing an objection with the court prior to the date set for the 7428

hearing. The prosecutor shall specify in the objection the 7429  
reasons for believing a denial of the application is justified.\_ 7430  
The victim, victim's representative, and victim's attorney, if 7431  
applicable, may be present and heard orally, in writing, or both 7432  
at any hearing under this section. The court shall direct its 7433  
regular probation officer, a state probation officer, or the 7434  
department of probation of the county in which the applicant 7435  
resides to make inquiries and written reports as the court 7436  
requires concerning the applicant. The probation officer or 7437  
county department of probation that the court directs to make 7438  
inquiries concerning the applicant shall determine whether or 7439  
not the applicant was fingerprinted at the time of arrest or 7440  
under section 109.60 of the Revised Code. If the applicant was 7441  
so fingerprinted, the probation officer or county department of 7442  
probation shall include with the written report a record of the 7443  
applicant's fingerprints. If the applicant was convicted of or 7444  
pleaded guilty to a violation of division (A) (2) or (B) of 7445  
section 2919.21 of the Revised Code, the probation officer or 7446  
county department of probation that the court directed to make 7447  
inquiries concerning the applicant shall contact the child 7448  
support enforcement agency enforcing the applicant's obligations 7449  
under the child support order to inquire about the offender's 7450  
compliance with the child support order. 7451

(C) (1) The court shall do each of the following: 7452

(a) Determine whether the applicant is an eligible 7453  
offender or whether the forfeiture of bail was agreed to by the 7454  
applicant and the prosecutor in the case. If the applicant 7455  
applies as an eligible offender pursuant to division (A) (1) of 7456  
this section and has two or three convictions that result from 7457  
the same indictment, information, or complaint, from the same 7458  
plea of guilty, or from the same official proceeding, and result 7459

from related criminal acts that were committed within a three- 7460  
month period but do not result from the same act or from 7461  
offenses committed at the same time, in making its determination 7462  
under this division, the court initially shall determine whether 7463  
it is not in the public interest for the two or three 7464  
convictions to be counted as one conviction. If the court 7465  
determines that it is not in the public interest for the two or 7466  
three convictions to be counted as one conviction, the court 7467  
shall determine that the applicant is not an eligible offender; 7468  
if the court does not make that determination, the court shall 7469  
determine that the offender is an eligible offender. 7470

(b) Determine whether criminal proceedings are pending 7471  
against the applicant; 7472

(c) If the applicant is an eligible offender who applies 7473  
pursuant to division (A) (1) of this section, determine whether 7474  
the applicant has been rehabilitated to the satisfaction of the 7475  
court; 7476

(d) If the prosecutor has filed an objection in accordance 7477  
with division (B) of this section, consider the reasons against 7478  
granting the application specified by the prosecutor in the 7479  
objection; 7480

(e) Weigh the interests of the applicant in having the 7481  
records pertaining to the applicant's conviction or bail 7482  
forfeiture sealed against the legitimate needs, if any, of the 7483  
government to maintain those records; 7484

(f) Consider the oral or written statement of any victim, 7485  
victim's representative, and victim's attorney, if applicable; 7486

(g) If the applicant is an eligible offender of the type 7487  
described in division (A) (3) of section 2953.36 of the Revised 7488

Code, determine whether the offender has been rehabilitated to a satisfactory degree. In making the determination, the court may consider all of the following:

- (i) The age of the offender;
- (ii) The facts and circumstances of the offense;
- (iii) The cessation or continuation of criminal behavior;
- (iv) The education and employment of the offender;
- (v) Any other circumstances that may relate to the offender's rehabilitation.

(2) If the court determines, after complying with division (C) (1) of this section, that the applicant is an eligible offender or the subject of a bail forfeiture, that no criminal proceeding is pending against the applicant, that the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed are not outweighed by any legitimate governmental needs to maintain those records, and that the rehabilitation of an applicant who is an eligible offender applying pursuant to division (A) (1) of this section has been attained to the satisfaction of the court, the court, except as provided in division (C) (4), (G), (H), or (I) of this section, shall order all official records of the case that pertain to the conviction or bail forfeiture sealed and, except as provided in division (F) of this section, all index references to the case that pertain to the conviction or bail forfeiture deleted and, in the case of bail forfeitures, shall dismiss the charges in the case. The proceedings in the case that pertain to the conviction or bail forfeiture shall be considered not to have occurred and the conviction or bail forfeiture of the person who is the subject of the proceedings

shall be sealed, except that upon conviction of a subsequent 7518  
offense, the sealed record of prior conviction or bail 7519  
forfeiture may be considered by the court in determining the 7520  
sentence or other appropriate disposition, including the relief 7521  
provided for in sections 2953.31 to 2953.33 of the Revised Code. 7522

(3) An applicant may request the sealing of the records of 7523  
more than one case in a single application under this section. 7524  
Upon the filing of an application under this section, the 7525  
applicant, unless indigent, shall pay a fee of fifty dollars, 7526  
regardless of the number of records the application requests to 7527  
have sealed. The court shall pay thirty dollars of the fee into 7528  
the state treasury, with fifteen dollars of that amount credited 7529  
to the attorney general reimbursement fund created by section 7530  
109.11 of the Revised Code. It shall pay twenty dollars of the 7531  
fee into the county general revenue fund if the sealed 7532  
conviction or bail forfeiture was pursuant to a state statute, 7533  
or into the general revenue fund of the municipal corporation 7534  
involved if the sealed conviction or bail forfeiture was 7535  
pursuant to a municipal ordinance. 7536

(4) If the court orders the official records pertaining to 7537  
the case sealed, the court shall do one of the following: 7538

(a) If the applicant was fingerprinted at the time of 7539  
arrest or under section 109.60 of the Revised Code and the 7540  
record of the applicant's fingerprints was provided to the court 7541  
under division (B) of this section, forward a copy of the 7542  
sealing order and the record of the applicant's fingerprints to 7543  
the bureau of criminal identification and investigation. 7544

(b) If the applicant was not fingerprinted at the time of 7545  
arrest or under section 109.60 of the Revised Code, or the 7546  
record of the applicant's fingerprints was not provided to the 7547

court under division (B) of this section, but fingerprinting was 7548  
required for the offense, order the applicant to appear before a 7549  
sheriff to have the applicant's fingerprints taken according to 7550  
the fingerprint system of identification on the forms furnished 7551  
by the superintendent of the bureau of criminal identification 7552  
and investigation. The sheriff shall forward the applicant's 7553  
fingerprints to the court. The court shall forward the 7554  
applicant's fingerprints and a copy of the sealing order to the 7555  
bureau of criminal identification and investigation. 7556

Failure of the court to order fingerprints at the time of 7557  
sealing does not constitute a reversible error. 7558

(D) Inspection of the sealed records included in the order 7559  
may be made only by the following persons or for the following 7560  
purposes: 7561

(1) By a law enforcement officer or prosecutor, or the 7562  
assistants of either, to determine whether the nature and 7563  
character of the offense with which a person is to be charged 7564  
would be affected by virtue of the person's previously having 7565  
been convicted of a crime; 7566

(2) By the parole or probation officer of the person who 7567  
is the subject of the records, for the exclusive use of the 7568  
officer in supervising the person while on parole or under a 7569  
community control sanction or a post-release control sanction, 7570  
and in making inquiries and written reports as requested by the 7571  
court or adult parole authority; 7572

(3) Upon application by the person who is the subject of 7573  
the records, by the persons named in the application; 7574

(4) By a law enforcement officer who was involved in the 7575  
case, for use in the officer's defense of a civil action arising 7576

out of the officer's involvement in that case; 7577

(5) By a prosecuting attorney or the prosecuting attorney's assistants, to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code; 7578  
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(6) By any law enforcement agency or any authorized employee of a law enforcement agency or by the department of rehabilitation and correction or department of youth services as part of a background investigation of a person who applies for employment with the agency or with the department; 7582  
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(7) By any law enforcement agency or any authorized employee of a law enforcement agency, for the purposes set forth in, and in the manner provided in, section 2953.321 of the Revised Code; 7587  
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(8) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of providing information to a board or person pursuant to division (F) or (G) of section 109.57 of the Revised Code; 7591  
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(9) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of performing a criminal history records check on a person to whom a certificate as prescribed in section 109.77 of the Revised Code is to be awarded; 7595  
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(10) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of conducting a criminal records check of an individual pursuant to division (B) of section 109.572 of the Revised Code that was requested pursuant to any of the sections identified in division (B)(1) of that section; 7600  
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(11) By the bureau of criminal identification and 7606  
investigation, an authorized employee of the bureau, a sheriff, 7607  
or an authorized employee of a sheriff in connection with a 7608  
criminal records check described in section 311.41 of the 7609  
Revised Code; 7610

(12) By the attorney general or an authorized employee of 7611  
the attorney general or a court for purposes of determining a 7612  
person's classification pursuant to Chapter 2950. of the Revised 7613  
Code; 7614

(13) By a court, the registrar of motor vehicles, a 7615  
prosecuting attorney or the prosecuting attorney's assistants, 7616  
or a law enforcement officer for the purpose of assessing points 7617  
against a person under section 4510.036 of the Revised Code or 7618  
for taking action with regard to points assessed. 7619

When the nature and character of the offense with which a 7620  
person is to be charged would be affected by the information, it 7621  
may be used for the purpose of charging the person with an 7622  
offense. 7623

(E) In any criminal proceeding, proof of any otherwise 7624  
admissible prior conviction may be introduced and proved, 7625  
notwithstanding the fact that for any such prior conviction an 7626  
order of sealing previously was issued pursuant to sections 7627  
2953.31 to 2953.36 of the Revised Code. 7628

(F) The person or governmental agency, office, or 7629  
department that maintains sealed records pertaining to 7630  
convictions or bail forfeitures that have been sealed pursuant 7631  
to this section may maintain a manual or computerized index to 7632  
the sealed records. The index shall contain only the name of, 7633  
and alphanumeric identifiers that relate to, the persons who are 7634

the subject of the sealed records, the word "sealed," and the 7635  
name of the person, agency, office, or department that has 7636  
custody of the sealed records, and shall not contain the name of 7637  
the crime committed. The index shall be made available by the 7638  
person who has custody of the sealed records only for the 7639  
purposes set forth in divisions (C), (D), and (E) of this 7640  
section. 7641

(G) Notwithstanding any provision of this section or 7642  
section 2953.33 of the Revised Code that requires otherwise, a 7643  
board of education of a city, local, exempted village, or joint 7644  
vocational school district that maintains records of an 7645  
individual who has been permanently excluded under sections 7646  
3301.121 and 3313.662 of the Revised Code is permitted to 7647  
maintain records regarding a conviction that was used as the 7648  
basis for the individual's permanent exclusion, regardless of a 7649  
court order to seal the record. An order issued under this 7650  
section to seal the record of a conviction does not revoke the 7651  
adjudication order of the superintendent of public instruction 7652  
to permanently exclude the individual who is the subject of the 7653  
sealing order. An order issued under this section to seal the 7654  
record of a conviction of an individual may be presented to a 7655  
district superintendent as evidence to support the contention 7656  
that the superintendent should recommend that the permanent 7657  
exclusion of the individual who is the subject of the sealing 7658  
order be revoked. Except as otherwise authorized by this 7659  
division and sections 3301.121 and 3313.662 of the Revised Code, 7660  
any school employee in possession of or having access to the 7661  
sealed conviction records of an individual that were the basis 7662  
of a permanent exclusion of the individual is subject to section 7663  
2953.35 of the Revised Code. 7664

(H) Notwithstanding any provision of this section or 7665

section 2953.33 of the Revised Code that requires otherwise, if 7666  
the auditor of state or a prosecutor maintains records, reports, 7667  
or audits of an individual who has been forever disqualified 7668  
from holding public office, employment, or position of trust in 7669  
this state under sections 2921.41 and 2921.43 of the Revised 7670  
Code, or has otherwise been convicted of an offense based upon 7671  
the records, reports, or audits of the auditor of state, the 7672  
auditor of state or prosecutor is permitted to maintain those 7673  
records to the extent they were used as the basis for the 7674  
individual's disqualification or conviction, and shall not be 7675  
compelled by court order to seal those records. 7676

(I) For purposes of sections 2953.31 to 2953.36 of the 7677  
Revised Code, DNA records collected in the DNA database and 7678  
fingerprints filed for record by the superintendent of the 7679  
bureau of criminal identification and investigation shall not be 7680  
sealed unless the superintendent receives a certified copy of a 7681  
final court order establishing that the offender's conviction 7682  
has been overturned. For purposes of this section, a court order 7683  
is not "final" if time remains for an appeal or application for 7684  
discretionary review with respect to the order. 7685

(J) The sealing of a record under this section does not 7686  
affect the assessment of points under section 4510.036 of the 7687  
Revised Code and does not erase points assessed against a person 7688  
as a result of the sealed record. 7689

**Section 2.** That existing sections 109.42, 109.91, 149.43, 7690  
2151.356, 2151.358, 2152.20, 2152.81, 2152.811, 2743.70, 7691  
2907.02, 2907.05, 2907.10, 2929.18, 2929.20, 2929.22, 2929.28, 7692  
2930.01, 2930.02, 2930.03, 2930.04, 2930.05, 2930.06, 2930.062, 7693  
2930.08, 2930.09, 2930.11, 2930.12, 2930.13, 2930.14, 2930.15, 7694  
2930.16, 2930.17, 2930.18, 2930.19, 2937.11, 2945.481, 2945.482, 7695

2945.72, 2947.051, 2951.041, and 2953.32 of the Revised Code are 7696  
hereby repealed. 7697

**Section 3.** That section 2930.07 of the Revised Code is 7698  
hereby repealed. 7699

**Section 4.** The General Assembly, applying the principle 7700  
stated in division (B) of section 1.52 of the Revised Code that 7701  
amendments are to be harmonized if reasonably capable of 7702  
simultaneous operation, finds that the following sections, 7703  
presented in this act as composites of the sections as amended 7704  
by the acts indicated, are the resulting versions of the 7705  
sections in effect prior to the effective date of the sections 7706  
as presented in this act: 7707

Section 109.42 of the Revised Code as amended by both H.B. 7708  
1 and S.B. 201 of the 132nd General Assembly. 7709

Section 149.43 of the Revised Code as amended by H.B. 93, 7710  
H.B 110, and S.B. 4 of the 134th General Assembly and S.B. 284 7711  
of the 133rd General Assembly. 7712

Section 2907.05 of the Revised Code as amended by both 7713  
S.B. 201 and S.B. 229 of the 132nd General Assembly. 7714

Section 2953.32 of the Revised Code as amended by H.B. 1, 7715  
H.B. 431, and S.B. 10, all of the 133rd General Assembly. 7716