

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**H. B. No. 343**

**Representative White**

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

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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, 2907.02, 2  
2907.05, 2907.10, 2929.18, 2929.20, 2929.22, 3  
2929.28, 2930.01, 2930.02, 2930.03, 2930.04, 4  
2930.05, 2930.06, 2930.062, 2930.08, 2930.09, 5  
2930.11, 2930.12, 2930.13, 2930.14, 2930.15, 6  
2930.16, 2930.17, 2930.18, 2930.19, 2937.11, 7  
2945.481, 2945.482, 2945.72, 2947.051, 2951.041, 8  
and 2953.32; to enact new section 2930.07 and 9  
sections 2152.203, 2929.281, 2930.041, 2930.042, 10  
2930.043, 2930.044, 2930.051, 2930.063, 11  
2930.071, 2930.072, 2930.121, 2930.131, 12  
2930.161, 2930.162, 2930.163, 2930.171, 13  
2930.191, and 2945.483; and to repeal section 14  
2930.07 of the Revised Code to make changes 15  
relative to the rights of crime victims. 16

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

**Section 1.** That sections 109.42, 109.91, 149.43, 2151.356, 17  
2151.358, 2152.20, 2152.81, 2152.811, 2907.02, 2907.05, 2907.10, 18  
2929.18, 2929.20, 2929.22, 2929.28, 2930.01, 2930.02, 2930.03, 19

2930.04, 2930.05, 2930.06, 2930.062, 2930.08, 2930.09, 2930.11, 20  
2930.12, 2930.13, 2930.14, 2930.15, 2930.16, 2930.17, 2930.18, 21  
2930.19, 2937.11, 2945.481, 2945.482, 2945.72, 2947.051, 22  
2951.041, and 2953.32 be amended and new section 2930.07 and 23  
sections 2152.203, 2929.281, 2930.041, 2930.042, 2930.043, 24  
2930.044, 2930.051, 2930.063, 2930.071, 2930.072, 2930.121, 25  
2930.131, 2930.161, 2930.162, 2930.163, 2930.171, 2930.191, and 26  
2945.483 of the Revised Code be enacted to read as follows: 27

**Sec. 109.42.** (A) The attorney general shall prepare and 28  
have printed a pamphlet that contains a compilation of all 29  
constitutional provisions and statutes relative to victim's 30  
rights in which the attorney general lists and explains the 31  
constitutional provisions and statutes in the form of a victim's 32  
bill of rights. The attorney general shall create the victim's 33  
rights request/waiver form, which shall include the information 34  
specified in section 2930.04 of the Revised Code, or a 35  
substantially similar form, and shall distribute the pamphlet 36  
and form to all sheriffs, marshals, municipal corporation and 37  
township police departments, constables, and other law 38  
enforcement agencies, to all prosecuting attorneys, city 39  
directors of law, village solicitors, and other similar chief 40  
legal officers of municipal corporations, and to organizations 41  
that represent or provide services for victims of crime. The 42  
victim's bill of rights set forth in the pamphlet shall contain 43  
a description of all of the rights of victims that are provided 44  
for in the Ohio Constitution, or in Chapter 2930. or ~~in any~~ 45  
other section of the Revised Code and shall include, but not be 46  
limited to, all of the following: 47

(1) The right of a victim ~~or~~ and a victim's 48  
representative, if applicable, to attend a proceeding before a 49  
grand jury, in a juvenile case, or in a criminal case ~~pursuant~~ 50

~~to a subpoena~~ without being discharged from the victim's or 51  
victim's representative's employment, having the victim's or 52  
victim's representative's employment terminated, having the 53  
victim's or victim's representative's pay decreased or withheld, 54  
or otherwise being punished, penalized, or threatened as a 55  
result of time lost from regular employment because of the 56  
victim's or victim's representative's attendance at the 57  
~~proceeding pursuant to the subpoena~~, as set forth in section 58  
2151.211, 2930.18, 2939.121, or 2945.451 of the Revised Code; 59

(2) The potential availability pursuant to section 60  
2151.359 or 2152.61 of the Revised Code of a forfeited 61  
recognizance to pay damages caused by a child when the 62  
delinquency of the child or child's violation of probation or 63  
community control is found to be proximately caused by the 64  
failure of the child's parent or guardian to subject the child 65  
to reasonable parental authority or to faithfully discharge the 66  
conditions of probation or community control; 67

(3) The availability of awards of reparations pursuant to 68  
sections 2743.51 to 2743.72 of the Revised Code for injuries 69  
caused by criminal offenses; 70

~~(4) The right of the victim in certain criminal or 71  
juvenile cases or a victim's representative to receive, pursuant 72  
to section 2930.06 of the Revised Code, notice of the date, 73  
time, and place of the trial or delinquency proceeding in the 74  
case or, if there will not be a trial or delinquency proceeding, 75  
information from the prosecutor, as defined in section 2930.01 76  
of the Revised Code, regarding the disposition of the case;~~ 77

~~(5) The right of the victim in certain criminal or 78  
juvenile cases or a victim's representative to receive, pursuant 79  
to section 2930.04, 2930.05, or 2930.06 of the Revised Code,~~ 80

~~notice of the name of the person charged with the violation, the  
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;~~ 85  
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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;~~ 92  
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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;~~ 97  
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~~(9) (6) The right of the victim in certain criminal or  
juvenile cases or a and the victim's representative, if  
applicable, pursuant to the Ohio Constitution and section  
2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised~~ 107  
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Code to receive notice of any pending commutation, pardon, 111  
parole, transitional control, discharge, other form of 112  
authorized release, post-release control, or supervised release 113  
for the person who committed the offense against the victim or 114  
any application for release of that person and to send a written 115  
statement relative to the victimization and the pending action 116  
to the adult parole authority or the release authority of the 117  
department of youth services; 118

~~(10)~~ (7) The right of the victim to bring a civil action 119  
pursuant to sections 2969.01 to 2969.06 of the Revised Code to 120  
obtain money from the offender's profit fund; 121

~~(11)~~ (8) The right, pursuant to section 3109.09 of the 122  
Revised Code, to maintain a civil action to recover compensatory 123  
damages not exceeding ten thousand dollars and costs from the 124  
parent of a minor who willfully damages property through the 125  
commission of an act that would be a theft offense, as defined 126  
in section 2913.01 of the Revised Code, if committed by an 127  
adult; 128

~~(12)~~ (9) The right, pursuant to section 3109.10 of the 129  
Revised Code, to maintain a civil action to recover compensatory 130  
damages not exceeding ten thousand dollars and costs from the 131  
parent of a minor who willfully and maliciously assaults a 132  
person; 133

~~(13)~~ (10) The possibility of receiving right of the 134  
victim, pursuant to section 2152.20, 2152.203, 2929.18, 2929.28, 135  
or 2929.281 of the Revised Code, to receive restitution from an 136  
offender or a delinquent child ~~pursuant to section 2152.20,~~ 137  
~~2929.18, or 2929.28 of the Revised Code;~~ 138

~~(14) The right of the victim in certain criminal or~~ 139

~~juvenile cases or a victim's representative, pursuant to section 140  
2930.16 of the Revised Code, to receive notice of the escape 141  
from confinement or custody of the person who committed the 142  
offense, to receive that notice from the custodial agency of the 143  
person at the victim's last address or telephone number provided 144  
to the custodial agency, and to receive notice that, if either 145  
the victim's address or telephone number changes, it is in the 146  
victim's interest to provide the new address or telephone number 147  
to the custodial agency;~~ 148

~~(15)~~ (11) The right of a victim of domestic violence, 149  
including domestic violence in a dating relationship as defined 150  
in section 3113.31 of the Revised Code, to seek the issuance of 151  
a civil protection order pursuant to that section, the right of 152  
a victim of a violation of section 2903.14, 2909.06, 2909.07, 153  
2911.12, 2911.211, or 2919.22 of the Revised Code, a violation 154  
of a substantially similar municipal ordinance, or an offense of 155  
violence who is a family or household member of the offender at 156  
the time of the offense to seek the issuance of a temporary 157  
protection order pursuant to section 2919.26 of the Revised 158  
Code, and the right of both types of victims to be accompanied 159  
by a victim advocate during court proceedings; 160

~~(16)~~ (12) The right of a victim of a sexually oriented 161  
offense or of a child-victim oriented offense that is committed 162  
by a person who is convicted of, pleads guilty to, or is 163  
adjudicated a delinquent child for committing the offense and 164  
who is in a category specified in division (B) of section 165  
2950.10 of the Revised Code to receive, pursuant to that 166  
section, notice that the person has registered with a sheriff 167  
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 168  
and notice of the person's name, the person's residence that is 169  
registered, and the offender's school, institution of higher 170

education, or place of employment address or addresses that are 171  
registered, the person's photograph, and a summary of the manner 172  
in which the victim must make a request to receive the notice. 173  
As used in this division, "sexually oriented offense" and 174  
"child-victim oriented offense" have the same meanings as in 175  
section 2950.01 of the Revised Code. 176

~~(17)~~ (13) The right of a victim of certain sexually 177  
violent offenses committed by an offender who also is convicted 178  
of or pleads guilty to a sexually violent predator specification 179  
and who is sentenced to a prison term pursuant to division (A) 180  
(3) of section 2971.03 of the Revised Code, of a victim of a 181  
violation of division (A) (1) (b) of section 2907.02 of the 182  
Revised Code committed on or after January 2, 2007, by an 183  
offender who is sentenced for the violation pursuant to division 184  
(B) (1) (a), (b), or (c) of section 2971.03 of the Revised Code, 185  
of a victim of an attempted rape committed on or after January 186  
2, 2007, by an offender who also is convicted of or pleads 187  
guilty to a specification of the type described in section 188  
2941.1418, 2941.1419, or 2941.1420 of the Revised Code and is 189  
sentenced for the violation pursuant to division (B) (2) (a), (b), 190  
or (c) of section 2971.03 of the Revised Code, and of a victim 191  
of an offense that is described in division (B) (3) (a), (b), (c), 192  
or (d) of section 2971.03 of the Revised Code and is committed 193  
by an offender who is sentenced pursuant to one of those 194  
divisions to receive, pursuant to section 2930.16 of the Revised 195  
Code, notice of a hearing to determine whether to modify the 196  
requirement that the offender serve the entire prison term in a 197  
state correctional facility, whether to continue, revise, or 198  
revoke any existing modification of that requirement, or whether 199  
to terminate the prison term. As used in this division, 200  
"sexually violent offense" and "sexually violent predator 201

specification" have the same meanings as in section 2971.01 of 202  
the Revised Code. 203

(B) (1) (a) ~~Subject to division (B) (1) (c) of this section, a~~ 204  
A prosecuting attorney, assistant prosecuting attorney, city 205  
director of law, assistant city director of law, village 206  
solicitor, assistant village solicitor, or similar chief legal 207  
officer of a municipal corporation or an assistant of any of 208  
those officers who prosecutes an offense committed in this 209  
state, upon first contact with the victim of the offense, the 210  
victim's family, or the victim's dependents, shall give the 211  
victim, the victim's family, or the victim's dependents a copy 212  
of the victim's rights request/waiver form, or a substantially 213  
similar form, and pamphlet prepared pursuant to division (A) of 214  
this section and explain, upon request, the information in the 215  
form and pamphlet to the victim, the victim's family, or the 216  
victim's dependents. 217

(b) ~~Subject to division (B) (1) (c) of this section, a~~ A law 218  
enforcement agency that investigates ~~an~~ a criminal offense or 219  
delinquent act committed in this state shall give the victim of 220  
the criminal offense or delinquent act, the victim's family, or 221  
the victim's dependents a copy of the form and pamphlet prepared 222  
pursuant to division (A) of this section at one of the following 223  
times: 224

(i) Upon first contact with the victim, the victim's 225  
family, or the victim's dependents; 226

(ii) ~~If the offense or delinquent act is an offense of~~ 227  
~~violence, if the~~ circumstances of the criminal offense or 228  
delinquent act and the condition of the victim, the victim's 229  
family, or the victim's dependents indicate that the victim, the 230  
victim's family, or the victim's dependents will not be able to 231

understand the significance of the form and pamphlet upon first 232  
contact with the agency, and if the agency anticipates that it 233  
will have an additional contact with the victim, the victim's 234  
family, or the victim's dependents, upon the agency's second 235  
contact with the victim, the victim's family, or the victim's 236  
dependents. 237

If the agency does not give the victim, the victim's 238  
family, or the victim's dependents a copy of the form and 239  
pamphlet upon first contact with them and does not have a second 240  
contact with the victim, the victim's family, or the victim's 241  
dependents, the agency shall mail a copy of the form and 242  
pamphlet to the victim, the victim's family, or the victim's 243  
dependents at their last known address. 244

~~(c) In complying on and after December 9, 1994, with the 245  
duties imposed by division (B) (1) (a) or (b) of this section, an 246  
official or a law enforcement agency shall use copies of the 247  
pamphlet that are in the official's or agency's possession on 248  
December 9, 1994, until the official or agency has distributed 249  
all of those copies. After the official or agency has 250  
distributed all of those copies, the official or agency shall 251  
use only copies of the pamphlet that contain at least the 252  
information described in divisions (A) (1) to (17) of this 253  
section. 254~~

~~(2) The failure of a law enforcement agency or of a 255  
prosecuting attorney, assistant prosecuting attorney, city 256  
director of law, assistant city director of law, village 257  
solicitor, assistant village solicitor, or similar chief legal 258  
officer of a municipal corporation or an assistant to any of 259  
those officers to give, as required by division (B) (1) of this 260  
section, the victim of an offense or delinquent act, the 261~~

~~victim's family, or the victim's dependents a copy of the~~ 262  
~~pamphlet prepared pursuant to division (A) of this section does~~ 263  
~~not give the victim, the victim's family, the victim's~~ 264  
~~dependents, or a victim's representative any rights under~~ 265  
~~section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to~~ 266  
~~2969.06, 3109.09, or 3109.10 of the Revised Code or under any~~ 267  
~~other provision of the Revised Code and does not affect any~~ 268  
~~right under those sections.~~ 269

~~(3)~~ A law enforcement agency, a prosecuting attorney or 270  
assistant prosecuting attorney, or a city director of law, 271  
assistant city director of law, village solicitor, assistant 272  
village solicitor, or similar chief legal officer of a municipal 273  
corporation that distributes a copy of the form and pamphlet 274  
prepared pursuant to division (A) of this section shall not be 275  
required to distribute a copy of an information card or other 276  
printed material provided by the clerk of the court of claims 277  
pursuant to section 2743.71 of the Revised Code. 278

(C) The cost of printing and distributing the form and 279  
pamphlet prepared pursuant to division (A) of this section shall 280  
be paid out of the reparations fund, created pursuant to section 281  
2743.191 of the Revised Code, in accordance with division (D) of 282  
that section. 283

(D) As used in this section: 284

(1) ~~"Victim's "Criminal offense," "delinquent act," and~~ 285  
~~"victim's representative" has have the same meaning meanings as~~ 286  
in section 2930.01 of the Revised Code; 287

(2) "Victim advocate" has the same meaning as in section 288  
2919.26 of the Revised Code. 289

**Sec. 109.91.** (A) There is hereby established within the 290

office of the attorney general the crime victims assistance 291  
office. 292

(B) There is hereby established the state victims 293  
assistance advisory council. The council shall consist of a 294  
chairperson, to be appointed by the attorney general, three ex 295  
officio members, and ~~seventeen~~twenty-one members to be 296  
appointed by the attorney general as follows: one member who 297  
represents the Ohio victim-witness association; three members 298  
who represent local victim assistance programs, including one 299  
from a municipally operated program and one from a county- 300  
operated program; one member who represents the interests of 301  
elderly victims; one member who represents the interests of 302  
individuals with mental illness; one member who is a board 303  
member of any statewide or local organization that exists 304  
primarily to aid victims of domestic violence or who is an 305  
employee of, or counselor for, such an organization; one member 306  
who is a board member of any statewide or local organization 307  
that exists primarily to aid victims of sexual violence or who 308  
is an employee of or a counselor for an organization that exists 309  
primarily to aid victims of sexual violence; one member who is a 310  
board member or employee of any statewide organization that 311  
exists primarily to provide no cost legal representation to 312  
crime victims to seek enforcement of crime victims' rights 313  
during criminal proceedings; one member who is an employee of an 314  
agency that provides services to individuals with developmental 315  
or intellectual disabilities; one member of a victim service 316  
disability agency; one employee from a statewide forensic 317  
nursing organization; one member who is an employee or officer 318  
of a county probation department or a probation department 319  
operated by the department of rehabilitation and correction; one 320  
member who is a county prosecuting attorney; one member who is a 321

city law director; one member who is a county sheriff; one 322  
member who is a member or officer of a township or municipal 323  
police department; one member who is a court of common pleas 324  
judge; one member who is a municipal court judge or county court 325  
judge; and two members who are private citizens and are not 326  
government employees. 327

The council shall include the following ex officio, 328  
nonvoting members: the attorney general, one member of the 329  
senate to be designated by the president of the senate, and one 330  
member of the house of representatives to be designated by the 331  
speaker of the house. 332

Members of the council shall serve without compensation, 333  
but shall be reimbursed for travel and other necessary expenses 334  
that are incurred in the conduct of their official duties as 335  
members of the council. The chairperson and members of the 336  
council appointed by the attorney general shall serve at the 337  
pleasure of the attorney general. The attorney general shall 338  
serve on the council until the end of the term of office that 339  
qualified the attorney general for membership on the council. 340  
The member of the senate and the member of the house of 341  
representatives shall serve at the pleasure of the president of 342  
the senate and the speaker of the house of representatives, 343  
respectively. 344

(C) The victims assistance advisory council shall perform 345  
all of the following duties: 346

(1) Advise the crime victims assistance office in 347  
determining crime and delinquency victim service needs, 348  
determining crime and delinquency victim policies for the state, 349  
and improving and exercising leadership in the quality of crime 350  
and delinquency victim programs in the state; 351

(2) Review and recommend to the crime victims assistance 352  
office the victim assistance programs that should be considered 353  
for the receipt of state financial assistance pursuant to 354  
section 109.92 of the Revised Code. The financial assistance 355  
allocation recommendations of the council shall be based on the 356  
following priorities: 357

(a) Programs in existence on July 1, 1985, shall be given 358  
first priority; 359

(b) Programs offering or proposing to offer the broadest 360  
range of services and referrals to the community served, 361  
including medical, psychological, financial, educational, 362  
vocational, and legal services that were not in existence on 363  
July 1, 1985, shall be given second priority; 364

(c) Other qualified programs shall be given last priority. 365

(3) Provide advice and counsel to the attorney general in 366  
determining the needs of victims of domestic violence and 367  
developing a policy for the attorney general in the 368  
administration of the domestic violence program fund created 369  
under section 109.46 of the Revised Code; 370

(4) Make recommendations to the attorney general in the 371  
distribution of domestic violence program funds under section 372  
109.46 of the Revised Code. 373

(D) As used in this section and section 109.92 of the 374  
Revised Code, "victim assistance program" includes, but is not 375  
limited to a program that provides at least one of the 376  
following: 377

(1) Services to victims of any offense of violence or 378  
delinquent act that would be an offense of violence if committed 379  
by an adult; 380

(2) Financial assistance or property repair services to victims of crime or delinquent acts;	381 382
(3) Assistance to victims of crime or delinquent acts in judicial proceedings;	383 384
(4) Assistance to victims of crime or delinquent acts under the operation of any political subdivision of the state or a branch of the criminal justice system set forth in division (B) (1) (a), (b), or (c) of section 5502.61 of the Revised Code;	385 386 387 388
(5) Technical assistance to persons or organizations that provide services to victims of crime or delinquent acts under the operation of a branch of the criminal justice system set forth in division (B) (1) (a), (b), or (c) of section 5502.61 of the Revised Code.	389 390 391 392 393
A victim assistance program does not include the program for the reparation of crime victims established pursuant to Chapter 2743. of the Revised Code.	394 395 396
<b>Sec. 149.43.</b> (A) As used in this section:	397
(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:	398 399 400 401 402 403 404 405
(a) Medical records;	406
(b) Records pertaining to probation and parole proceedings, to proceedings related to the imposition of	407 408

community control sanctions and post-release control sanctions,	409
or to proceedings related to determinations under section	410
2967.271 of the Revised Code regarding the release or maintained	411
incarceration of an offender to whom that section applies;	412
(c) Records pertaining to actions under section 2151.85	413
and division (C) of section 2919.121 of the Revised Code and to	414
appeals of actions arising under those sections;	415
(d) Records pertaining to adoption proceedings, including	416
the contents of an adoption file maintained by the department of	417
health under sections 3705.12 to 3705.124 of the Revised Code;	418
(e) Information in a record contained in the putative	419
father registry established by section 3107.062 of the Revised	420
Code, regardless of whether the information is held by the	421
department of job and family services or, pursuant to section	422
3111.69 of the Revised Code, the office of child support in the	423
department or a child support enforcement agency;	424
(f) Records specified in division (A) of section 3107.52	425
of the Revised Code;	426
(g) Trial preparation records;	427
(h) Confidential law enforcement investigatory records;	428
(i) Records containing information that is confidential	429
under section 2710.03 or 4112.05 of the Revised Code;	430
(j) DNA records stored in the DNA database pursuant to	431
section 109.573 of the Revised Code;	432
(k) Inmate records released by the department of	433
rehabilitation and correction to the department of youth	434
services or a court of record pursuant to division (E) of	435
section 5120.21 of the Revised Code;	436

(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;	437 438 439 440
(m) Intellectual property records;	441
(n) Donor profile records;	442
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	443 444
(p) Designated public service worker residential and familial information;	445 446
(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;	447 448 449 450 451
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	452 453
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	454 455 456 457 458 459 460 461 462 463 464 465

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

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

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

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

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

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

(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section;

(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;

(bb) Records described in division (C) of section 187.04	495
of the Revised Code that are not designated to be made available	496
to the public as provided in that division;	497
(cc) Information and records that are made confidential,	498
privileged, and not subject to disclosure under divisions (B)	499
and (C) of section 2949.221 of the Revised Code;	500
(dd) Personal information, as defined in section 149.45 of	501
the Revised Code;	502
(ee) The confidential name, address, and other personally	503
identifiable information of a program participant in the address	504
confidentiality program established under sections 111.41 to	505
111.47 of the Revised Code, including the contents of any	506
application for absent voter's ballots, absent voter's ballot	507
identification envelope statement of voter, or provisional	508
ballot affirmation completed by a program participant who has a	509
confidential voter registration record, and records or portions	510
of records pertaining to that program that identify the number	511
of program participants that reside within a precinct, ward,	512
township, municipal corporation, county, or any other geographic	513
area smaller than the state. As used in this division,	514
"confidential address" and "program participant" have the	515
meaning defined in section 111.41 of the Revised Code.	516
(ff) Orders for active military service of an individual	517
serving or with previous service in the armed forces of the	518
United States, including a reserve component, or the Ohio	519
organized militia, except that, such order becomes a public	520
record on the day that is fifteen years after the published date	521
or effective date of the call to order;	522
(gg) The name, address, contact information, or other	523

personal information of an individual who is less than eighteen 524  
years of age that is included in any record related to a traffic 525  
accident involving a school vehicle in which the individual was 526  
an occupant at the time of the accident; 527

(hh) Protected health information, as defined in 45 C.F.R. 528  
160.103, that is in a claim for payment for a health care 529  
product, service, or procedure, as well as any other health 530  
claims data in another document that reveals the identity of an 531  
individual who is the subject of the data or could be used to 532  
reveal that individual's identity; 533

(ii) Any depiction by photograph, film, videotape, or 534  
printed or digital image under either of the following 535  
circumstances: 536

(i) The depiction is that of a victim of an offense the 537  
release of which would be, to a reasonable person of ordinary 538  
sensibilities, an offensive and objectionable intrusion into the 539  
victim's expectation of bodily privacy and integrity. 540

(ii) The depiction captures or depicts the victim of a 541  
sexually oriented offense, as defined in section 2950.01 of the 542  
Revised Code, at the actual occurrence of that offense. 543

(jj) Restricted portions of a body-worn camera or 544  
dashboard camera recording; 545

(kk) In the case of a fetal-infant mortality review board 546  
acting under sections 3707.70 to 3707.77 of the Revised Code, 547  
records, documents, reports, or other information presented to 548  
the board or a person abstracting such materials on the board's 549  
behalf, statements made by review board members during board 550  
meetings, all work products of the board, and data submitted by 551  
the board to the department of health or a national infant death 552

review database, other than the report prepared pursuant to 553  
section 3707.77 of the Revised Code. 554

(ll) Records, documents, reports, or other information 555  
presented to the pregnancy-associated mortality review board 556  
established under section 3738.01 of the Revised Code, 557  
statements made by board members during board meetings, all work 558  
products of the board, and data submitted by the board to the 559  
department of health, other than the biennial reports prepared 560  
under section 3738.08 of the Revised Code; 561

(mm) Telephone numbers for a victim, as defined in section 562  
2930.01 of the Revised Code, a witness to a crime, or a party to 563  
a motor vehicle accident subject to the requirements of section 564  
5502.11 of the Revised Code that are listed on any law 565  
enforcement record or report, other than when requested by an 566  
insurer or insurance agent investigating an insurance claim 567  
resulting from a motor vehicle accident; 568

(nn) Records, documents, and information the release of 569  
which is prohibited under section 2930.07 of the Revised Code. 570

A record that is not a public record under division (A) (1) 571  
of this section and that, under law, is permanently retained 572  
becomes a public record on the day that is seventy-five years 573  
after the day on which the record was created, except for any 574  
record protected by the attorney-client privilege, a trial 575  
preparation record as defined in this section, a statement 576  
prohibiting the release of identifying information signed under 577  
section 3107.083 of the Revised Code, a denial of release form 578  
filed pursuant to section 3107.46 of the Revised Code, or any 579  
record that is exempt from release or disclosure under section 580  
149.433 of the Revised Code. If the record is a birth 581  
certificate and a biological parent's name redaction request 582

form has been accepted under section 3107.391 of the Revised 583  
Code, the name of that parent shall be redacted from the birth 584  
certificate before it is released under this paragraph. If any 585  
other section of the Revised Code establishes a time period for 586  
disclosure of a record that conflicts with the time period 587  
specified in this section, the time period in the other section 588  
prevails. 589

(2) "Confidential law enforcement investigatory record" 590  
means any record that pertains to a law enforcement matter of a 591  
criminal, quasi-criminal, civil, or administrative nature, but 592  
only to the extent that the release of the record would create a 593  
high probability of disclosure of any of the following: 594

(a) The identity of a suspect who has not been charged 595  
with the offense to which the record pertains, or of an 596  
information source or witness to whom confidentiality has been 597  
reasonably promised; 598

(b) Information provided by an information source or 599  
witness to whom confidentiality has been reasonably promised, 600  
which information would reasonably tend to disclose the source's 601  
or witness's identity; 602

(c) Specific confidential investigatory techniques or 603  
procedures or specific investigatory work product; 604

(d) Information that would endanger the life or physical 605  
safety of law enforcement personnel, a crime victim, a witness, 606  
or a confidential information source. 607

(3) "Medical record" means any document or combination of 608  
documents, except births, deaths, and the fact of admission to 609  
or discharge from a hospital, that pertains to the medical 610  
history, diagnosis, prognosis, or medical condition of a patient 611

and that is generated and maintained in the process of medical 612  
treatment. 613

(4) "Trial preparation record" means any record that 614  
contains information that is specifically compiled in reasonable 615  
anticipation of, or in defense of, a civil or criminal action or 616  
proceeding, including the independent thought processes and 617  
personal trial preparation of an attorney. 618

(5) "Intellectual property record" means a record, other 619  
than a financial or administrative record, that is produced or 620  
collected by or for faculty or staff of a state institution of 621  
higher learning in the conduct of or as a result of study or 622  
research on an educational, commercial, scientific, artistic, 623  
technical, or scholarly issue, regardless of whether the study 624  
or research was sponsored by the institution alone or in 625  
conjunction with a governmental body or private concern, and 626  
that has not been publicly released, published, or patented. 627

(6) "Donor profile record" means all records about donors 628  
or potential donors to a public institution of higher education 629  
except the names and reported addresses of the actual donors and 630  
the date, amount, and conditions of the actual donation. 631

(7) "Designated public service worker" means a peace 632  
officer, parole officer, probation officer, bailiff, prosecuting 633  
attorney, assistant prosecuting attorney, correctional employee, 634  
county or multicounty corrections officer, community-based 635  
correctional facility employee, youth services employee, 636  
firefighter, EMT, medical director or member of a cooperating 637  
physician advisory board of an emergency medical service 638  
organization, state board of pharmacy employee, investigator of 639  
the bureau of criminal identification and investigation, judge, 640  
magistrate, or federal law enforcement officer. 641

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

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

(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, 670  
debit card, charge card, or credit card number, or the emergency 671  
telephone number of the spouse, a former spouse, or any child of 672  
a designated public service worker; 673

(g) A photograph of a peace officer who holds a position 674  
or has an assignment that may include undercover or plain 675  
clothes positions or assignments as determined by the peace 676  
officer's appointing authority. 677

(9) As used in divisions (A) (7) and (15) to (17) of this 678  
section: 679

"Peace officer" has the meaning defined in section 109.71 680  
of the Revised Code and also includes the superintendent and 681  
troopers of the state highway patrol; it does not include the 682  
sheriff of a county or a supervisory employee who, in the 683  
absence of the sheriff, is authorized to stand in for, exercise 684  
the authority of, and perform the duties of the sheriff. 685

"Correctional employee" means any employee of the 686  
department of rehabilitation and correction who in the course of 687  
performing the employee's job duties has or has had contact with 688  
inmates and persons under supervision. 689

"County or multicounty corrections officer" means any 690  
corrections officer employed by any county or multicounty 691  
correctional facility. 692

"Youth services employee" means any employee of the 693  
department of youth services who in the course of performing the 694  
employee's job duties has or has had contact with children 695  
committed to the custody of the department of youth services. 696

"Firefighter" means any regular, paid or volunteer, member 697  
of a lawfully constituted fire department of a municipal 698

corporation, township, fire district, or village.	699
"EMT" means EMTs-basic, EMTs-I, and paramedics that	700
provide emergency medical services for a public emergency	701
medical service organization. "Emergency medical service	702
organization," "EMT-basic," "EMT-I," and "paramedic" have the	703
meanings defined in section 4765.01 of the Revised Code.	704
"Investigator of the bureau of criminal identification and	705
investigation" has the meaning defined in section 2903.11 of the	706
Revised Code.	707
"Federal law enforcement officer" has the meaning defined	708
in section 9.88 of the Revised Code.	709
(10) "Information pertaining to the recreational	710
activities of a person under the age of eighteen" means	711
information that is kept in the ordinary course of business by a	712
public office, that pertains to the recreational activities of a	713
person under the age of eighteen years, and that discloses any	714
of the following:	715
(a) The address or telephone number of a person under the	716
age of eighteen or the address or telephone number of that	717
person's parent, guardian, custodian, or emergency contact	718
person;	719
(b) The social security number, birth date, or	720
photographic image of a person under the age of eighteen;	721
(c) Any medical record, history, or information pertaining	722
to a person under the age of eighteen;	723
(d) Any additional information sought or required about a	724
person under the age of eighteen for the purpose of allowing	725
that person to participate in any recreational activity	726

conducted or sponsored by a public office or to use or obtain 727  
admission privileges to any recreational facility owned or 728  
operated by a public office. 729

(11) "Community control sanction" has the meaning defined 730  
in section 2929.01 of the Revised Code. 731

(12) "Post-release control sanction" has the meaning 732  
defined in section 2967.01 of the Revised Code. 733

(13) "Redaction" means obscuring or deleting any 734  
information that is exempt from the duty to permit public 735  
inspection or copying from an item that otherwise meets the 736  
definition of a "record" in section 149.011 of the Revised Code. 737

(14) "Designee," "elected official," and "future official" 738  
have the meanings defined in section 109.43 of the Revised Code. 739

(15) "Body-worn camera" means a visual and audio recording 740  
device worn on the person of a peace officer while the peace 741  
officer is engaged in the performance of the peace officer's 742  
duties. 743

(16) "Dashboard camera" means a visual and audio recording 744  
device mounted on a peace officer's vehicle or vessel that is 745  
used while the peace officer is engaged in the performance of 746  
the peace officer's duties. 747

(17) "Restricted portions of a body-worn camera or 748  
dashboard camera recording" means any visual or audio portion of 749  
a body-worn camera or dashboard camera recording that shows, 750  
communicates, or discloses any of the following: 751

(a) The image or identity of a child or information that 752  
could lead to the identification of a child who is a primary 753  
subject of the recording when the law enforcement agency knows 754

or has reason to know the person is a child based on the law 755  
enforcement agency's records or the content of the recording; 756

(b) The death of a person or a deceased person's body, 757  
unless the death was caused by a peace officer or, subject to 758  
division (H) (1) of this section, the consent of the decedent's 759  
executor or administrator has been obtained; 760

(c) The death of a peace officer, firefighter, paramedic, 761  
or other first responder, occurring while the decedent was 762  
engaged in the performance of official duties, unless, subject 763  
to division (H) (1) of this section, the consent of the 764  
decedent's executor or administrator has been obtained; 765

(d) Grievous bodily harm, unless the injury was effected 766  
by a peace officer or, subject to division (H) (1) of this 767  
section, the consent of the injured person or the injured 768  
person's guardian has been obtained; 769

(e) An act of severe violence against a person that 770  
results in serious physical harm to the person, unless the act 771  
and injury was effected by a peace officer or, subject to 772  
division (H) (1) of this section, the consent of the injured 773  
person or the injured person's guardian has been obtained; 774

(f) Grievous bodily harm to a peace officer, firefighter, 775  
paramedic, or other first responder, occurring while the injured 776  
person was engaged in the performance of official duties, 777  
unless, subject to division (H) (1) of this section, the consent 778  
of the injured person or the injured person's guardian has been 779  
obtained; 780

(g) An act of severe violence resulting in serious 781  
physical harm against a peace officer, firefighter, paramedic, 782  
or other first responder, occurring while the injured person was 783

engaged in the performance of official duties, unless, subject 784  
to division (H) (1) of this section, the consent of the injured 785  
person or the injured person's guardian has been obtained; 786

(h) A person's nude body, unless, subject to division (H) 787  
(1) of this section, the person's consent has been obtained; 788

(i) Protected health information, the identity of a person 789  
in a health care facility who is not the subject of a law 790  
enforcement encounter, or any other information in a health care 791  
facility that could identify a person who is not the subject of 792  
a law enforcement encounter; 793

(j) Information that could identify the alleged victim of 794  
a sex offense, menacing by stalking, or domestic violence; 795

(k) Information, that does not constitute a confidential 796  
law enforcement investigatory record, that could identify a 797  
person who provides sensitive or confidential information to a 798  
law enforcement agency when the disclosure of the person's 799  
identity or the information provided could reasonably be 800  
expected to threaten or endanger the safety or property of the 801  
person or another person; 802

(l) Personal information of a person who is not arrested, 803  
cited, charged, or issued a written warning by a peace officer; 804

(m) Proprietary police contingency plans or tactics that 805  
are intended to prevent crime and maintain public order and 806  
safety; 807

(n) A personal conversation unrelated to work between 808  
peace officers or between a peace officer and an employee of a 809  
law enforcement agency; 810

(o) A conversation between a peace officer and a member of 811

the public that does not concern law enforcement activities;	812
(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a peace officer;	813 814 815
(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location.	816 817 818
As used in division (A) (17) of this section:	819
"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	820 821
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	822 823
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	824 825
"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code.	826 827
"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.	828 829 830 831
"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.	832 833
"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.	834 835
(18) "Insurer" and "insurance agent" have the same meanings as in section 3905.01 of the Revised Code.	836 837
(B) (1) Upon request and subject to division (B) (8) of this	838

section, all public records responsive to the request shall be 839  
promptly prepared and made available for inspection to any 840  
person at all reasonable times during regular business hours. 841  
Subject to division (B) (8) of this section, upon request by any 842  
person, a public office or person responsible for public records 843  
shall make copies of the requested public record available to 844  
the requester at cost and within a reasonable period of time. If 845  
a public record contains information that is exempt from the 846  
duty to permit public inspection or to copy the public record, 847  
the public office or the person responsible for the public 848  
record shall make available all of the information within the 849  
public record that is not exempt. When making that public record 850  
available for public inspection or copying that public record, 851  
the public office or the person responsible for the public 852  
record shall notify the requester of any redaction or make the 853  
redaction plainly visible. A redaction shall be deemed a denial 854  
of a request to inspect or copy the redacted information, except 855  
if federal or state law authorizes or requires a public office 856  
to make the redaction. 857

(2) To facilitate broader access to public records, a 858  
public office or the person responsible for public records shall 859  
organize and maintain public records in a manner that they can 860  
be made available for inspection or copying in accordance with 861  
division (B) of this section. A public office also shall have 862  
available a copy of its current records retention schedule at a 863  
location readily available to the public. If a requester makes 864  
an ambiguous or overly broad request or has difficulty in making 865  
a request for copies or inspection of public records under this 866  
section such that the public office or the person responsible 867  
for the requested public record cannot reasonably identify what 868  
public records are being requested, the public office or the 869

person responsible for the requested public record may deny the 870  
request but shall provide the requester with an opportunity to 871  
revise the request by informing the requester of the manner in 872  
which records are maintained by the public office and accessed 873  
in the ordinary course of the public office's or person's 874  
duties. 875

(3) If a request is ultimately denied, in part or in 876  
whole, the public office or the person responsible for the 877  
requested public record shall provide the requester with an 878  
explanation, including legal authority, setting forth why the 879  
request was denied. If the initial request was provided in 880  
writing, the explanation also shall be provided to the requester 881  
in writing. The explanation shall not preclude the public office 882  
or the person responsible for the requested public record from 883  
relying upon additional reasons or legal authority in defending 884  
an action commenced under division (C) of this section. 885

(4) Unless specifically required or authorized by state or 886  
federal law or in accordance with division (B) of this section, 887  
no public office or person responsible for public records may 888  
limit or condition the availability of public records by 889  
requiring disclosure of the requester's identity or the intended 890  
use of the requested public record. Any requirement that the 891  
requester disclose the requester's identity or the intended use 892  
of the requested public record constitutes a denial of the 893  
request. 894

(5) A public office or person responsible for public 895  
records may ask a requester to make the request in writing, may 896  
ask for the requester's identity, and may inquire about the 897  
intended use of the information requested, but may do so only 898  
after disclosing to the requester that a written request is not 899

mandatory, that the requester may decline to reveal the 900  
requester's identity or the intended use, and when a written 901  
request or disclosure of the identity or intended use would 902  
benefit the requester by enhancing the ability of the public 903  
office or person responsible for public records to identify, 904  
locate, or deliver the public records sought by the requester. 905

(6) If any person requests a copy of a public record in 906  
accordance with division (B) of this section, the public office 907  
or person responsible for the public record may require that 908  
person to pay in advance the cost involved in providing the copy 909  
of the public record in accordance with the choice made by the 910  
person requesting the copy under this division. The public 911  
office or the person responsible for the public record shall 912  
permit that person to choose to have the public record 913  
duplicated upon paper, upon the same medium upon which the 914  
public office or person responsible for the public record keeps 915  
it, or upon any other medium upon which the public office or 916  
person responsible for the public record determines that it 917  
reasonably can be duplicated as an integral part of the normal 918  
operations of the public office or person responsible for the 919  
public record. When the person requesting the copy makes a 920  
choice under this division, the public office or person 921  
responsible for the public record shall provide a copy of it in 922  
accordance with the choice made by that person. Nothing in this 923  
section requires a public office or person responsible for the 924  
public record to allow the person requesting a copy of the 925  
public record to make the copies of the public record. 926

(7) (a) Upon a request made in accordance with division (B) 927  
of this section and subject to division (B) (6) of this section, 928  
a public office or person responsible for public records shall 929  
transmit a copy of a public record to any person by United 930

States mail or by any other means of delivery or transmission 931  
within a reasonable period of time after receiving the request 932  
for the copy. The public office or person responsible for the 933  
public record may require the person making the request to pay 934  
in advance the cost of postage if the copy is transmitted by 935  
United States mail or the cost of delivery if the copy is 936  
transmitted other than by United States mail, and to pay in 937  
advance the costs incurred for other supplies used in the 938  
mailing, delivery, or transmission. 939

(b) Any public office may adopt a policy and procedures 940  
that it will follow in transmitting, within a reasonable period 941  
of time after receiving a request, copies of public records by 942  
United States mail or by any other means of delivery or 943  
transmission pursuant to division (B) (7) of this section. A 944  
public office that adopts a policy and procedures under division 945  
(B) (7) of this section shall comply with them in performing its 946  
duties under that division. 947

(c) In any policy and procedures adopted under division 948  
(B) (7) of this section: 949

(i) A public office may limit the number of records 950  
requested by a person that the office will physically deliver by 951  
United States mail or by another delivery service to ten per 952  
month, unless the person certifies to the office in writing that 953  
the person does not intend to use or forward the requested 954  
records, or the information contained in them, for commercial 955  
purposes; 956

(ii) A public office that chooses to provide some or all 957  
of its public records on a web site that is fully accessible to 958  
and searchable by members of the public at all times, other than 959  
during acts of God outside the public office's control or 960

maintenance, and that charges no fee to search, access, 961  
download, or otherwise receive records provided on the web site, 962  
may limit to ten per month the number of records requested by a 963  
person that the office will deliver in a digital format, unless 964  
the requested records are not provided on the web site and 965  
unless the person certifies to the office in writing that the 966  
person does not intend to use or forward the requested records, 967  
or the information contained in them, for commercial purposes. 968

(iii) For purposes of division (B) (7) of this section, 969  
"commercial" shall be narrowly construed and does not include 970  
reporting or gathering news, reporting or gathering information 971  
to assist citizen oversight or understanding of the operation or 972  
activities of government, or nonprofit educational research. 973

(8) A public office or person responsible for public 974  
records is not required to permit a person who is incarcerated 975  
pursuant to a criminal conviction or a juvenile adjudication to 976  
inspect or to obtain a copy of any public record concerning a 977  
criminal investigation or prosecution or concerning what would 978  
be a criminal investigation or prosecution if the subject of the 979  
investigation or prosecution were an adult, unless the request 980  
to inspect or to obtain a copy of the record is for the purpose 981  
of acquiring information that is subject to release as a public 982  
record under this section and the judge who imposed the sentence 983  
or made the adjudication with respect to the person, or the 984  
judge's successor in office, finds that the information sought 985  
in the public record is necessary to support what appears to be 986  
a justiciable claim of the person. 987

(9) (a) Upon written request made and signed by a 988  
journalist, a public office, or person responsible for public 989  
records, having custody of the records of the agency employing a 990

specified designated public service worker shall disclose to the 991  
journalist the address of the actual personal residence of the 992  
designated public service worker and, if the designated public 993  
service worker's spouse, former spouse, or child is employed by 994  
a public office, the name and address of the employer of the 995  
designated public service worker's spouse, former spouse, or 996  
child. The request shall include the journalist's name and title 997  
and the name and address of the journalist's employer and shall 998  
state that disclosure of the information sought would be in the 999  
public interest. 1000

(b) Division (B) (9) (a) of this section also applies to 1001  
journalist requests for: 1002

(i) Customer information maintained by a municipally owned 1003  
or operated public utility, other than social security numbers 1004  
and any private financial information such as credit reports, 1005  
payment methods, credit card numbers, and bank account 1006  
information; 1007

(ii) Information about minors involved in a school vehicle 1008  
accident as provided in division (A) (1) (gg) of this section, 1009  
other than personal information as defined in section 149.45 of 1010  
the Revised Code. 1011

(c) As used in division (B) (9) of this section, 1012  
"journalist" means a person engaged in, connected with, or 1013  
employed by any news medium, including a newspaper, magazine, 1014  
press association, news agency, or wire service, a radio or 1015  
television station, or a similar medium, for the purpose of 1016  
gathering, processing, transmitting, compiling, editing, or 1017  
disseminating information for the general public. 1018

(10) Upon a request made by a victim, victim's attorney, 1019

or victim's representative, as that term is used in section 1020  
2930.02 of the Revised Code, a public office or person 1021  
responsible for public records shall transmit a copy of a 1022  
depiction of the victim as described in division (A) (1) (ii) of 1023  
this section to the victim, victim's attorney, or victim's 1024  
representative. 1025

(C) (1) If a person allegedly is aggrieved by the failure 1026  
of a public office or the person responsible for public records 1027  
to promptly prepare a public record and to make it available to 1028  
the person for inspection in accordance with division (B) of 1029  
this section or by any other failure of a public office or the 1030  
person responsible for public records to comply with an 1031  
obligation in accordance with division (B) of this section, the 1032  
person allegedly aggrieved may do only one of the following, and 1033  
not both: 1034

(a) File a complaint with the clerk of the court of claims 1035  
or the clerk of the court of common pleas under section 2743.75 1036  
of the Revised Code; 1037

(b) Commence a mandamus action to obtain a judgment that 1038  
orders the public office or the person responsible for the 1039  
public record to comply with division (B) of this section, that 1040  
awards court costs and reasonable attorney's fees to the person 1041  
that instituted the mandamus action, and, if applicable, that 1042  
includes an order fixing statutory damages under division (C) (2) 1043  
of this section. The mandamus action may be commenced in the 1044  
court of common pleas of the county in which division (B) of 1045  
this section allegedly was not complied with, in the supreme 1046  
court pursuant to its original jurisdiction under Section 2 of 1047  
Article IV, Ohio Constitution, or in the court of appeals for 1048  
the appellate district in which division (B) of this section 1049

allegedly was not complied with pursuant to its original 1050  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1051

(2) If a requester transmits a written request by hand 1052  
delivery, electronic submission, or certified mail to inspect or 1053  
receive copies of any public record in a manner that fairly 1054  
describes the public record or class of public records to the 1055  
public office or person responsible for the requested public 1056  
records, except as otherwise provided in this section, the 1057  
requester shall be entitled to recover the amount of statutory 1058  
damages set forth in this division if a court determines that 1059  
the public office or the person responsible for public records 1060  
failed to comply with an obligation in accordance with division 1061  
(B) of this section. 1062

The amount of statutory damages shall be fixed at one 1063  
hundred dollars for each business day during which the public 1064  
office or person responsible for the requested public records 1065  
failed to comply with an obligation in accordance with division 1066  
(B) of this section, beginning with the day on which the 1067  
requester files a mandamus action to recover statutory damages, 1068  
up to a maximum of one thousand dollars. The award of statutory 1069  
damages shall not be construed as a penalty, but as compensation 1070  
for injury arising from lost use of the requested information. 1071  
The existence of this injury shall be conclusively presumed. The 1072  
award of statutory damages shall be in addition to all other 1073  
remedies authorized by this section. 1074

The court may reduce an award of statutory damages or not 1075  
award statutory damages if the court determines both of the 1076  
following: 1077

(a) That, based on the ordinary application of statutory 1078  
law and case law as it existed at the time of the conduct or 1079

threatened conduct of the public office or person responsible 1080  
for the requested public records that allegedly constitutes a 1081  
failure to comply with an obligation in accordance with division 1082  
(B) of this section and that was the basis of the mandamus 1083  
action, a well-informed public office or person responsible for 1084  
the requested public records reasonably would believe that the 1085  
conduct or threatened conduct of the public office or person 1086  
responsible for the requested public records did not constitute 1087  
a failure to comply with an obligation in accordance with 1088  
division (B) of this section; 1089

(b) That a well-informed public office or person 1090  
responsible for the requested public records reasonably would 1091  
believe that the conduct or threatened conduct of the public 1092  
office or person responsible for the requested public records 1093  
would serve the public policy that underlies the authority that 1094  
is asserted as permitting that conduct or threatened conduct. 1095

(3) In a mandamus action filed under division (C) (1) of 1096  
this section, the following apply: 1097

(a) (i) If the court orders the public office or the person 1098  
responsible for the public record to comply with division (B) of 1099  
this section, the court shall determine and award to the relator 1100  
all court costs, which shall be construed as remedial and not 1101  
punitive. 1102

(ii) If the court makes a determination described in 1103  
division (C) (3) (b) (iii) of this section, the court shall 1104  
determine and award to the relator all court costs, which shall 1105  
be construed as remedial and not punitive. 1106

(b) If the court renders a judgment that orders the public 1107  
office or the person responsible for the public record to comply 1108

with division (B) of this section or if the court determines any 1109  
of the following, the court may award reasonable attorney's fees 1110  
to the relator, subject to division (C) (4) of this section: 1111

(i) The public office or the person responsible for the 1112  
public records failed to respond affirmatively or negatively to 1113  
the public records request in accordance with the time allowed 1114  
under division (B) of this section. 1115

(ii) The public office or the person responsible for the 1116  
public records promised to permit the relator to inspect or 1117  
receive copies of the public records requested within a 1118  
specified period of time but failed to fulfill that promise 1119  
within that specified period of time. 1120

(iii) The public office or the person responsible for the 1121  
public records acted in bad faith when the office or person 1122  
voluntarily made the public records available to the relator for 1123  
the first time after the relator commenced the mandamus action, 1124  
but before the court issued any order concluding whether or not 1125  
the public office or person was required to comply with division 1126  
(B) of this section. No discovery may be conducted on the issue 1127  
of the alleged bad faith of the public office or person 1128  
responsible for the public records. This division shall not be 1129  
construed as creating a presumption that the public office or 1130  
the person responsible for the public records acted in bad faith 1131  
when the office or person voluntarily made the public records 1132  
available to the relator for the first time after the relator 1133  
commenced the mandamus action, but before the court issued any 1134  
order described in this division. 1135

(c) The court shall not award attorney's fees to the 1136  
relator if the court determines both of the following: 1137

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

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

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

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

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

(c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount

of the fees and to otherwise litigate entitlement to the fees. 1167

(d) The court may reduce the amount of fees awarded if the 1168  
court determines that, given the factual circumstances involved 1169  
with the specific public records request, an alternative means 1170  
should have been pursued to more effectively and efficiently 1171  
resolve the dispute that was subject to the mandamus action 1172  
filed under division (C) (1) of this section. 1173

(5) If the court does not issue a writ of mandamus under 1174  
division (C) of this section and the court determines at that 1175  
time that the bringing of the mandamus action was frivolous 1176  
conduct as defined in division (A) of section 2323.51 of the 1177  
Revised Code, the court may award to the public office all court 1178  
costs, expenses, and reasonable attorney's fees, as determined 1179  
by the court. 1180

(D) Chapter 1347. of the Revised Code does not limit the 1181  
provisions of this section. 1182

(E) (1) To ensure that all employees of public offices are 1183  
appropriately educated about a public office's obligations under 1184  
division (B) of this section, all elected officials or their 1185  
appropriate designees shall attend training approved by the 1186  
attorney general as provided in section 109.43 of the Revised 1187  
Code. A future official may satisfy the requirements of this 1188  
division by attending the training before taking office, 1189  
provided that the future official may not send a designee in the 1190  
future official's place. 1191

(2) All public offices shall adopt a public records policy 1192  
in compliance with this section for responding to public records 1193  
requests. In adopting a public records policy under this 1194  
division, a public office may obtain guidance from the model 1195

public records policy developed and provided to the public 1196  
office by the attorney general under section 109.43 of the 1197  
Revised Code. Except as otherwise provided in this section, the 1198  
policy may not limit the number of public records that the 1199  
public office will make available to a single person, may not 1200  
limit the number of public records that it will make available 1201  
during a fixed period of time, and may not establish a fixed 1202  
period of time before it will respond to a request for 1203  
inspection or copying of public records, unless that period is 1204  
less than eight hours. 1205

The public office shall distribute the public records 1206  
policy adopted by the public office under this division to the 1207  
employee of the public office who is the records custodian or 1208  
records manager or otherwise has custody of the records of that 1209  
office. The public office shall require that employee to 1210  
acknowledge receipt of the copy of the public records policy. 1211  
The public office shall create a poster that describes its 1212  
public records policy and shall post the poster in a conspicuous 1213  
place in the public office and in all locations where the public 1214  
office has branch offices. The public office may post its public 1215  
records policy on the internet web site of the public office if 1216  
the public office maintains an internet web site. A public 1217  
office that has established a manual or handbook of its general 1218  
policies and procedures for all employees of the public office 1219  
shall include the public records policy of the public office in 1220  
the manual or handbook. 1221

(F) (1) The bureau of motor vehicles may adopt rules 1222  
pursuant to Chapter 119. of the Revised Code to reasonably limit 1223  
the number of bulk commercial special extraction requests made 1224  
by a person for the same records or for updated records during a 1225  
calendar year. The rules may include provisions for charges to 1226

be made for bulk commercial special extraction requests for the 1227  
actual cost of the bureau, plus special extraction costs, plus 1228  
ten per cent. The bureau may charge for expenses for redacting 1229  
information, the release of which is prohibited by law. 1230

(2) As used in division (F)(1) of this section: 1231

(a) "Actual cost" means the cost of depleted supplies, 1232  
records storage media costs, actual mailing and alternative 1233  
delivery costs, or other transmitting costs, and any direct 1234  
equipment operating and maintenance costs, including actual 1235  
costs paid to private contractors for copying services. 1236

(b) "Bulk commercial special extraction request" means a 1237  
request for copies of a record for information in a format other 1238  
than the format already available, or information that cannot be 1239  
extracted without examination of all items in a records series, 1240  
class of records, or database by a person who intends to use or 1241  
forward the copies for surveys, marketing, solicitation, or 1242  
resale for commercial purposes. "Bulk commercial special 1243  
extraction request" does not include a request by a person who 1244  
gives assurance to the bureau that the person making the request 1245  
does not intend to use or forward the requested copies for 1246  
surveys, marketing, solicitation, or resale for commercial 1247  
purposes. 1248

(c) "Commercial" means profit-seeking production, buying, 1249  
or selling of any good, service, or other product. 1250

(d) "Special extraction costs" means the cost of the time 1251  
spent by the lowest paid employee competent to perform the task, 1252  
the actual amount paid to outside private contractors employed 1253  
by the bureau, or the actual cost incurred to create computer 1254  
programs to make the special extraction. "Special extraction 1255

costs" include any charges paid to a public agency for computer 1256  
or records services. 1257

(3) For purposes of divisions (F) (1) and (2) of this 1258  
section, "surveys, marketing, solicitation, or resale for 1259  
commercial purposes" shall be narrowly construed and does not 1260  
include reporting or gathering news, reporting or gathering 1261  
information to assist citizen oversight or understanding of the 1262  
operation or activities of government, or nonprofit educational 1263  
research. 1264

(G) A request by a defendant, counsel of a defendant, or 1265  
any agent of a defendant in a criminal action that public 1266  
records related to that action be made available under this 1267  
section shall be considered a demand for discovery pursuant to 1268  
the Criminal Rules, except to the extent that the Criminal Rules 1269  
plainly indicate a contrary intent. The defendant, counsel of 1270  
the defendant, or agent of the defendant making a request under 1271  
this division shall serve a copy of the request on the 1272  
prosecuting attorney, director of law, or other chief legal 1273  
officer responsible for prosecuting the action. 1274

(H) (1) Any portion of a body-worn camera or dashboard 1275  
camera recording described in divisions (A) (17) (b) to (h) of 1276  
this section may be released by consent of the subject of the 1277  
recording or a representative of that person, as specified in 1278  
those divisions, only if either of the following applies: 1279

(a) The recording will not be used in connection with any 1280  
probable or pending criminal proceedings; 1281

(b) The recording has been used in connection with a 1282  
criminal proceeding that was dismissed or for which a judgment 1283  
has been entered pursuant to Rule 32 of the Rules of Criminal 1284

Procedure, and will not be used again in connection with any 1285  
probable or pending criminal proceedings. 1286

(2) If a public office denies a request to release a 1287  
restricted portion of a body-worn camera or dashboard camera 1288  
recording, as defined in division (A)(17) of this section, any 1289  
person may file a mandamus action pursuant to this section or a 1290  
complaint with the clerk of the court of claims pursuant to 1291  
section 2743.75 of the Revised Code, requesting the court to 1292  
order the release of all or portions of the recording. If the 1293  
court considering the request determines that the filing 1294  
articulates by clear and convincing evidence that the public 1295  
interest in the recording substantially outweighs privacy 1296  
interests and other interests asserted to deny release, the 1297  
court shall order the public office to release the recording. 1298

**Sec. 2151.356.** (A) The records of a case in which a person 1299  
was adjudicated a delinquent child for committing a violation of 1300  
section 2903.01, 2903.02, or 2907.02 of the Revised Code shall 1301  
not be sealed under this section. 1302

(B)(1) The juvenile court shall promptly order the 1303  
immediate sealing of records pertaining to a juvenile in any of 1304  
the following circumstances: 1305

(a) If the court receives a record from a public office or 1306  
agency under division (B)(2) of this section; 1307

(b) If a person was brought before or referred to the 1308  
court for allegedly committing a delinquent or unruly act and 1309  
the case was resolved without the filing of a complaint against 1310  
the person with respect to that act pursuant to section 2151.27 1311  
of the Revised Code; 1312

(c) If a person was charged with violating division (E)(1) 1313

of section 4301.69 of the Revised Code and the person has 1314  
successfully completed a diversion program under division (E) (2) 1315  
(a) of section 4301.69 of the Revised Code with respect to that 1316  
charge; 1317

(d) If a complaint was filed against a person alleging 1318  
that the person was a delinquent child, an unruly child, or a 1319  
juvenile traffic offender and the court dismisses the complaint 1320  
after a trial on the merits of the case or finds the person not 1321  
to be a delinquent child, an unruly child, or a juvenile traffic 1322  
offender; 1323

(e) Notwithstanding division (C) of this section and 1324  
subject to section 2151.358 of the Revised Code, if a person has 1325  
been adjudicated an unruly child, that person has attained 1326  
eighteen years of age, and the person is not under the 1327  
jurisdiction of the court in relation to a complaint alleging 1328  
the person to be a delinquent child. 1329

(2) The appropriate public office or agency shall 1330  
immediately deliver all original records at that public office 1331  
or agency pertaining to a juvenile to the court, if the person 1332  
was arrested or taken into custody for allegedly committing a 1333  
delinquent or unruly act, no complaint was filed against the 1334  
person with respect to the commission of the act pursuant to 1335  
section 2151.27 of the Revised Code, and the person was not 1336  
brought before or referred to the court for the commission of 1337  
the act. The records delivered to the court as required under 1338  
this division shall not include fingerprints, DNA specimens, and 1339  
DNA records described under division (A) (3) of section 2151.357 1340  
of the Revised Code. 1341

(C) (1) The juvenile court shall consider the sealing of 1342  
records pertaining to a juvenile upon the court's own motion or 1343

upon the application of a person if the person has been 1344  
adjudicated a delinquent child for committing an act other than 1345  
a violation of section 2903.01, 2903.02, or 2907.02 of the 1346  
Revised Code, an unruly child, or a juvenile traffic offender 1347  
and if, at the time of the motion or application, the person is 1348  
not under the jurisdiction of the court in relation to a 1349  
complaint alleging the person to be a delinquent child. The 1350  
court shall not require a fee for the filing of the application. 1351  
The motion or application may be made on or after the time 1352  
specified in whichever of the following is applicable: 1353

(a) If the person is under eighteen years of age, at any 1354  
time after six months after any of the following events occur: 1355

(i) The termination of any order made by the court in 1356  
relation to the adjudication; 1357

(ii) The unconditional discharge of the person from the 1358  
department of youth services with respect to a dispositional 1359  
order made in relation to the adjudication or from an 1360  
institution or facility to which the person was committed 1361  
pursuant to a dispositional order made in relation to the 1362  
adjudication; 1363

(iii) The court enters an order under section 2152.84 or 1364  
2152.85 of the Revised Code that contains a determination that 1365  
the child is no longer a juvenile offender registrant. 1366

(b) If the person is eighteen years of age or older, at 1367  
any time after the later of the following: 1368

(i) The person's attainment of eighteen years of age; 1369

(ii) The occurrence of any event identified in divisions 1370  
(C) (1) (a) (i) to (iii) of this section. 1371

(2) In making the determination whether to seal records 1372  
pursuant to division (C)(1) of this section, all of the 1373  
following apply: 1374

(a) The court may require a person filing an application 1375  
under division (C)(1) of this section to submit any relevant 1376  
documentation to support the application. 1377

(b) The court may cause an investigation to be made to 1378  
determine if the person who is the subject of the proceedings 1379  
has been rehabilitated to a satisfactory degree. 1380

(c) The court shall promptly, but not less than sixty days 1381  
prior to the hearing, notify the prosecuting attorney of any 1382  
proceedings to seal records initiated pursuant to division (C) 1383  
(1) of this section. The prosecutor shall provide timely notice 1384  
to a victim and a victim's representative, if applicable, if the 1385  
victim or victim's representative requested notice of the 1386  
proceedings in the underlying case. 1387

(d) (i) The prosecuting attorney may file a response with 1388  
the court within thirty days of receiving notice of the sealing 1389  
proceedings. 1390

(ii) If the prosecuting attorney does not file a response 1391  
with the court or if the prosecuting attorney files a response 1392  
but indicates that the prosecuting attorney does not object to 1393  
the sealing of the records, the court may order the records of 1394  
the person that are under consideration to be sealed without 1395  
conducting a hearing on the motion or application. If the court 1396  
decides in its discretion to conduct a hearing on the motion or 1397  
application, the court shall conduct the hearing within thirty 1398  
days after making that decision and shall give notice, by 1399  
regular mail, of the date, time, and location of the hearing to 1400

the prosecuting attorney and to the person who is the subject of 1401  
the records under consideration. The victim, the victim's 1402  
representative, and the victim's attorney, if applicable, may be 1403  
present and heard orally, in writing, or both at any hearing 1404  
under this division. The court shall consider the oral and 1405  
written statement of any victim, victim's representative, and 1406  
victim's attorney, if applicable. 1407

(iii) If the prosecuting attorney files a response with 1408  
the court that indicates that the prosecuting attorney objects 1409  
to the sealing of the records, the court shall conduct a hearing 1410  
on the motion or application within thirty days after the court 1411  
receives the response. The court shall give notice, by regular 1412  
mail, of the date, time, and location of the hearing to the 1413  
prosecuting attorney and to the person who is the subject of the 1414  
records under consideration. The victim, the victim's 1415  
representative, and the victim's attorney, if applicable, may be 1416  
present and heard orally, in writing, or both at any hearing 1417  
under this division. The court shall consider the oral and 1418  
written statement of any victim, victim's representative, and 1419  
victim's attorney, if applicable. 1420

(e) After conducting a hearing in accordance with division 1421  
(C) (2) (d) of this section or after due consideration when a 1422  
hearing is not conducted, except as provided in division (B) (1) 1423  
(c) of this section, the court may order the records of the 1424  
person that are the subject of the motion or application to be 1425  
sealed if it finds that the person has been rehabilitated to a 1426  
satisfactory degree. In determining whether the person has been 1427  
rehabilitated to a satisfactory degree, the court may consider 1428  
all of the following: 1429

(i) The age of the person; 1430

(ii) The nature of the case;	1431
(iii) The cessation or continuation of delinquent, unruly, or criminal behavior;	1432 1433
(iv) The education and employment history of the person;	1434
(v) The granting of a new tier classification or declassification from the juvenile offender registry pursuant to section 2152.85 of the Revised Code, except for public registry- qualified juvenile offender registrants;	1435 1436 1437 1438
(vi) Any other circumstances that may relate to the rehabilitation of the person who is the subject of the records under consideration.	1439 1440 1441
(D) (1) (a) The juvenile court shall provide verbal notice to a person whose records are sealed under division (B) of this section, if that person is present in the court at the time the court issues a sealing order, that explains what sealing a record means, states that the person may apply to have those records expunged under section 2151.358 of the Revised Code, and explains what expunging a record means.	1442 1443 1444 1445 1446 1447 1448
(b) The juvenile court shall provide written notice to a person whose records are sealed under division (B) of this section by regular mail to the person's last known address, if that person is not present in the court at the time the court issues a sealing order and if the court does not seal the person's record upon the court's own motion, that explains what sealing a record means, states that the person may apply to have those records expunged under section 2151.358 of the Revised Code, and explains what expunging a record means.	1449 1450 1451 1452 1453 1454 1455 1456 1457
(2) Upon final disposition of a case in which a person has been adjudicated a delinquent child for committing an act other	1458 1459

than a violation of section 2903.01, 2903.02, or 2907.02 of the Revised Code, an unruly child, or a juvenile traffic offender, the juvenile court shall provide written notice to the person that does all of the following:

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

(b) Explains what sealing a record means;

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

(d) Explains what expunging a record means.

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

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

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

(1) The court may require a person filing an application 1489  
for expungement to submit any relevant documentation to support 1490  
the application. 1491

(2) The court may cause an investigation to be made to 1492  
determine if the person who is the subject of the proceedings 1493  
has been rehabilitated to a satisfactory degree. 1494

(3) The court shall promptly, but not less than sixty days 1495  
prior to the hearing, notify the prosecuting attorney of any 1496  
proceedings to expunge records. The prosecutor shall provide 1497  
timely notice to a victim and the victim's representative, if 1498  
applicable, if the victim or victim's representative requested 1499  
notice of the proceedings in the underlying case. 1500

(4) (a) The prosecuting attorney may file a response with 1501  
the court within thirty days of receiving notice of the 1502  
expungement proceedings. 1503

(b) If the prosecuting attorney does not file a response 1504  
with the court or if the prosecuting attorney files a response 1505  
but indicates that the prosecuting attorney does not object to 1506  
the expungement of the records, the court may order the records 1507  
of the person that are under consideration to be expunged 1508  
without conducting a hearing on the application. If the court 1509  
decides in its discretion to conduct a hearing on the 1510  
application, the court shall conduct the hearing within thirty 1511  
days after making that decision and shall give notice, by 1512  
regular mail, of the date, time, and location of the hearing to 1513  
the prosecuting attorney and to the person who is the subject of 1514  
the records under consideration. The victim and the victim's 1515  
representative, if applicable, may be present and heard orally, 1516  
in writing, or both at any hearing under this division. The 1517  
court shall consider the oral and written statement of any 1518

victim, victim's representative, and victim's attorney, if 1519  
applicable. 1520

(c) If the prosecuting attorney files a response with the 1521  
court that indicates that the prosecuting attorney objects to 1522  
the expungement of the records, the court shall conduct a 1523  
hearing on the application within thirty days after the court 1524  
receives the response. The court shall give notice, by regular 1525  
mail, of the date, time, and location of the hearing to the 1526  
prosecuting attorney and to the person who is the subject of the 1527  
records under consideration. The victim and the victim's 1528  
representative, if applicable, may be present and heard orally, 1529  
in writing, or both at any hearing under this section. The court 1530  
shall consider the oral and written statement of any victim, 1531  
victim's representative, and victim's attorney, if applicable. 1532

(5) After conducting a hearing in accordance with division 1533  
(B) (4) of this section or after due consideration when a hearing 1534  
is not conducted, the court may order the records of the person 1535  
that are the subject of the application to be expunged if it 1536  
finds that the person has been rehabilitated to a satisfactory 1537  
degree. In determining whether the person has been rehabilitated 1538  
to a satisfactory degree, the court may consider all of the 1539  
following: 1540

(a) The age of the person; 1541

(b) The nature of the case; 1542

(c) The cessation or continuation of delinquent, unruly, 1543  
or criminal behavior; 1544

(d) The education and employment history of the person; 1545

(e) Any other circumstances that may relate to the 1546  
rehabilitation of the person who is the subject of the records 1547

under consideration. 1548

(C) If the juvenile court is notified by any party in a 1549  
civil action that a civil action has been filed based on a case 1550  
the records for which are the subject of a sealing order, the 1551  
juvenile court shall not expunge a record sealed under section 1552  
2151.356 of the Revised Code until the civil action has been 1553  
resolved and is not subject to further appellate review, at 1554  
which time the records shall be expunged pursuant to division 1555  
(A) of this section. 1556

(D) (1) A juvenile court that issues a protection order or 1557  
approves a consent agreement under section 2151.34 or 3113.31 of 1558  
the Revised Code shall automatically seal all of the records of 1559  
the proceeding in which the order was issued or agreement 1560  
approved on the date the person against whom the protection 1561  
order was issued or the consent agreement approved attains the 1562  
age of nineteen years if the court determines that the person 1563  
has complied with all of the terms of the protection order or 1564  
consent agreement. 1565

(2) In a proceeding under section 2151.34 of the Revised 1566  
Code, if the juvenile court does not issue any protection order 1567  
under division (E) of that section, the court shall 1568  
automatically seal all of the records in that proceeding. In a 1569  
proceeding under section 3113.31 of the Revised Code, if the 1570  
juvenile court does not issue any protection order or approve 1571  
any consent agreement under division (E) of that section, the 1572  
court shall automatically seal all of the records in that 1573  
proceeding. 1574

(3) (a) If a juvenile court that issues a protection order 1575  
or approves a consent agreement under section 2151.34 or 3113.31 1576  
of the Revised Code determines that the person against whom the 1577

protection order was issued or the consent agreement approved 1578  
has not complied with all of the terms of the protection order 1579  
or consent agreement, the court shall consider sealing all of 1580  
the records of the proceeding in which the order was issued or 1581  
agreement approved upon the court's own motion or upon the 1582  
application of a person. The court may make the motion or the 1583  
person who is the subject of the records under consideration may 1584  
apply for an order sealing the records of the proceeding at any 1585  
time after two years after the expiration of the protection 1586  
order or consent agreement. 1587

(b) In making a determination whether to seal records 1588  
pursuant to division (D) (3) of this section, all of the 1589  
following apply: 1590

(i) The court may require a person filing an application 1591  
under division (D) (3) of this section to submit any relevant 1592  
documentation to support the application. 1593

(ii) The court shall promptly notify the victim or the 1594  
victim's attorney of any proceedings to seal records initiated 1595  
pursuant to division (D) (3) of this section. 1596

(iii) The victim or the victim's attorney may file a 1597  
response with the court within thirty days of receiving notice 1598  
of the sealing proceedings. 1599

If the victim or the victim's attorney does not file a 1600  
response with the court or if the victim or the victim's 1601  
attorney files a response but indicates that the victim or the 1602  
victim's attorney does not object to the sealing of the records, 1603  
the court may order the records of the person that are under 1604  
consideration to be sealed without conducting a hearing on the 1605  
motion or application. If the court decides in its discretion to 1606

conduct a hearing on the motion or application, the court shall 1607  
conduct the hearing within thirty days after making that 1608  
decision and shall give notice, by regular mail, of the date, 1609  
time, and location of the hearing to the victim or the victim's 1610  
attorney and to the person who is the subject of the records 1611  
under consideration. 1612

If the victim or the victim's attorney files a response 1613  
with the court that indicates that the victim or the victim's 1614  
attorney objects to the sealing of the records, the court shall 1615  
conduct a hearing on the motion or application within thirty 1616  
days after the court receives the response. The court shall give 1617  
notice, by regular mail, of the date, time, and location of the 1618  
hearing to the victim or the victim's attorney and to the person 1619  
who is the subject of the records under consideration. 1620

(iv) After conducting a hearing in accordance with 1621  
division (D) (3) (b) (iii) of this section or after due 1622  
consideration when a hearing is not conducted, the court may 1623  
order the records of the person that are the subject of the 1624  
motion or application to be sealed. 1625

(4) Inspection of the records sealed pursuant to division 1626  
(D) (1), (2), or (3) of this section may be made only by the 1627  
following persons or for the following purposes: 1628

(a) By a law enforcement officer or prosecutor, or the 1629  
assistants of either, to determine whether the nature and 1630  
character of the offense with which a person is to be charged 1631  
would be affected by virtue of the person's previously having 1632  
been convicted of a crime; 1633

(b) By the parole or probation officer of the person who 1634  
is the subject of the records, for the exclusive use of the 1635

officer in supervising the person while on parole or under a 1636  
community control sanction or a post-release control sanction, 1637  
and in making inquiries and written reports as requested by the 1638  
court or adult parole authority; 1639

(c) Upon application by the person who is the subject of 1640  
the records, by the persons named in the application; 1641

(d) By a law enforcement officer who was involved in the 1642  
case, for use in the officer's defense of a civil action arising 1643  
out of the officer's involvement in that case; 1644

(e) By a prosecuting attorney or the prosecuting 1645  
attorney's assistants, to determine a defendant's eligibility to 1646  
enter a pre-trial diversion program established pursuant to 1647  
section 2935.36 of the Revised Code; 1648

(f) By any law enforcement agency or any authorized 1649  
employee of a law enforcement agency or by the department of 1650  
rehabilitation and correction as part of a background 1651  
investigation of a person who applies for employment with the 1652  
agency as a law enforcement officer or with the department as a 1653  
corrections officer; 1654

(g) By any law enforcement agency or any authorized 1655  
employee of a law enforcement agency, for the purposes set forth 1656  
in, and in the manner provided in, section 2953.321 of the 1657  
Revised Code; 1658

(h) By the bureau of criminal identification and 1659  
investigation or any authorized employee of the bureau for the 1660  
purpose of providing information to a board or person pursuant 1661  
to division (F) or (G) of section 109.57 of the Revised Code; 1662

(i) By the bureau of criminal identification and 1663  
investigation or any authorized employee of the bureau for the 1664

purpose of performing a criminal history records check on a 1665  
person to whom a certificate as prescribed in section 109.77 of 1666  
the Revised Code is to be awarded; 1667

(j) By the bureau of criminal identification and 1668  
investigation or any authorized employee of the bureau for the 1669  
purpose of conducting a criminal records check of an individual 1670  
pursuant to division (B) of section 109.572 of the Revised Code 1671  
that was requested pursuant to any of the sections identified in 1672  
division (B)(1) of that section; 1673

(k) By the bureau of criminal identification and 1674  
investigation, an authorized employee of the bureau, a sheriff, 1675  
or an authorized employee of a sheriff in connection with a 1676  
criminal records check described in section 311.41 of the 1677  
Revised Code; 1678

(l) By the attorney general or an authorized employee of 1679  
the attorney general or a court for purposes of determining a 1680  
person's classification pursuant to Chapter 2950. of the Revised 1681  
Code. 1682

When the nature and character of the offense with which a 1683  
person is to be charged would be affected by the information, it 1684  
may be used for the purpose of charging the person with an 1685  
offense. 1686

(E) In addition to the methods of expungement provided for 1687  
in divisions (A) and (B) of this section, a person who has been 1688  
adjudicated a delinquent child for having committed an act that 1689  
would be a violation of section 2907.24, 2907.241, or 2907.25 of 1690  
the Revised Code if the child were an adult may apply to the 1691  
adjudicating court for the expungement of the record of 1692  
adjudication if the person's participation in the act was a 1693

result of the person having been a victim of human trafficking. 1694  
The application shall be made in the same manner as an 1695  
application for expungement under section 2953.38 of the Revised 1696  
Code, and all of the provisions of that section shall apply to 1697  
the expungement procedure. 1698

(F) After the records have been expunged under this 1699  
section, the person who is the subject of the expunged records 1700  
properly may, and the court shall, reply that no record exists 1701  
with respect to the person upon any inquiry in the matter. 1702

**Sec. 2152.20.** (A) If a child is adjudicated a delinquent 1703  
child or a juvenile traffic offender, the court may order any of 1704  
the following dispositions, in addition to any other disposition 1705  
authorized or required by this chapter: 1706

(1) Impose a fine in accordance with the following 1707  
schedule: 1708

(a) For an act that would be a minor misdemeanor or an 1709  
unclassified misdemeanor if committed by an adult, a fine not to 1710  
exceed fifty dollars; 1711

(b) For an act that would be a misdemeanor of the fourth 1712  
degree if committed by an adult, a fine not to exceed one 1713  
hundred dollars; 1714

(c) For an act that would be a misdemeanor of the third 1715  
degree if committed by an adult, a fine not to exceed one 1716  
hundred fifty dollars; 1717

(d) For an act that would be a misdemeanor of the second 1718  
degree if committed by an adult, a fine not to exceed two 1719  
hundred dollars; 1720

(e) For an act that would be a misdemeanor of the first 1721

degree if committed by an adult, a fine not to exceed two 1722  
hundred fifty dollars; 1723

(f) For an act that would be a felony of the fifth degree 1724  
or an unclassified felony if committed by an adult, a fine not 1725  
to exceed three hundred dollars; 1726

(g) For an act that would be a felony of the fourth degree 1727  
if committed by an adult, a fine not to exceed four hundred 1728  
dollars; 1729

(h) For an act that would be a felony of the third degree 1730  
if committed by an adult, a fine not to exceed seven hundred 1731  
fifty dollars; 1732

(i) For an act that would be a felony of the second degree 1733  
if committed by an adult, a fine not to exceed one thousand 1734  
dollars; 1735

(j) For an act that would be a felony of the first degree 1736  
if committed by an adult, a fine not to exceed one thousand five 1737  
hundred dollars; 1738

(k) For an act that would be aggravated murder or murder 1739  
if committed by an adult, a fine not to exceed two thousand 1740  
dollars. 1741

(2) Require the child to pay costs; 1742

(3) Unless the child's ~~delinquent act or~~ juvenile traffic 1743  
offense would be a minor misdemeanor if committed by an adult or 1744  
could be disposed of by the juvenile traffic violations bureau 1745  
serving the court under Traffic Rule 13.1 if the court has 1746  
established a juvenile traffic violations bureau, require the 1747  
child to make restitution to the victim of the child's 1748  
delinquent act or juvenile traffic offense or, if the victim is 1749

deceased, to ~~a survivor~~ the estate of the victim in an amount 1750  
based upon the victim's economic loss caused by or related to 1751  
the delinquent act or juvenile traffic offense. The court may 1752  
not require a child to make restitution pursuant to this 1753  
division if the child's ~~delinquent act or~~ juvenile traffic 1754  
offense would be a minor misdemeanor if committed by an adult or 1755  
could be disposed of by the juvenile traffic violations bureau 1756  
serving the court under Traffic Rule 13.1 if the court has 1757  
established a juvenile traffic violations bureau. If the court 1758  
requires restitution under this division, the restitution shall 1759  
be made directly to the victim in open court or to the probation 1760  
department that serves the jurisdiction or the clerk of courts 1761  
on behalf of the victim. 1762

~~If the court requires restitution under this division, the 1763  
restitution may be in the form of a cash reimbursement paid in a 1764  
lump sum or in installments, the performance of repair work to 1765  
restore any damaged property to its original condition, the 1766  
performance of a reasonable amount of labor for the victim or 1767  
survivor of the victim, the performance of community service 1768  
work, any other form of restitution devised by the court, or any 1769  
combination of the previously described forms of restitution. 1770~~

~~If the court requires restitution under this division, the 1771  
court may base the restitution order on an amount recommended by 1772  
the victim or survivor of the victim, the delinquent child, the 1773  
juvenile traffic offender, a presentence investigation report, 1774  
estimates or receipts indicating the cost of repairing or 1775  
replacing property, and any other information, provided that the 1776  
The victim, victim's representative, victim's attorney, if 1777  
applicable, the prosecuting attorney, or the delinquent child or 1778  
juvenile traffic offender may provide information relevant to 1779  
the determination of the amount of restitution. The amount the 1780~~

court orders as restitution shall not exceed the amount of the 1781  
economic loss suffered by the victim as a direct and proximate 1782  
result of the delinquent act or juvenile traffic offense. If the 1783  
court decides to or is required to order restitution under this 1784  
division and the amount of the restitution is disputed by the 1785  
~~victim or survivor, victim's estate, victim's representative, or~~ 1786  
~~victim's attorney, if applicable,~~ or by the delinquent child or 1787  
juvenile traffic offender, the court shall hold a hearing on the 1788  
restitution. ~~If the court requires restitution under this~~ 1789  
~~division, the court shall determine, or order the determination~~ 1790  
~~of, the amount of restitution to be paid by the delinquent child~~ 1791  
~~or juvenile traffic offender.~~ The court shall determine the 1792  
amount of full restitution by a preponderance of the evidence. 1793  
All restitution payments shall be credited against any recovery 1794  
of economic loss in a civil action brought by or on behalf of 1795  
the victim against the delinquent child or juvenile traffic 1796  
offender or the delinquent child's or juvenile traffic 1797  
offender's parent, guardian, or other custodian. 1798

If the court requires restitution under this division, the 1799  
court may order that the delinquent child or juvenile traffic 1800  
offender pay a surcharge, in an amount not exceeding five per 1801  
cent of the amount of restitution otherwise ordered under this 1802  
division, to the entity responsible for collecting and 1803  
processing the restitution payments. 1804

The victim or the ~~survivor of the victim~~ victim's estate 1805  
may request that the prosecuting authority file a motion, or the 1806  
delinquent child or juvenile traffic offender may file a motion, 1807  
for modification of the payment terms of any restitution ordered 1808  
under this division. If the court grants the motion, it may 1809  
modify the payment terms as it determines appropriate. 1810

(4) Require the child to reimburse any or all of the costs 1811  
incurred for services or sanctions provided or imposed, 1812  
including, but not limited to, the following: 1813

(a) All or part of the costs of implementing any community 1814  
control imposed as a disposition under section 2152.19 of the 1815  
Revised Code, including a supervision fee; 1816

(b) All or part of the costs of confinement in a 1817  
residential facility described in section 2152.19 of the Revised 1818  
Code or in a department of youth services institution, 1819  
including, but not limited to, a per diem fee for room and 1820  
board, the costs of medical and dental treatment provided, and 1821  
the costs of repairing property the delinquent child damaged 1822  
while so confined. The amount of reimbursement ordered for a 1823  
child under this division shall not exceed the total amount of 1824  
reimbursement the child is able to pay as determined at a 1825  
hearing and shall not exceed the actual cost of the confinement. 1826  
The court may collect any reimbursement ordered under this 1827  
division. If the court does not order reimbursement under this 1828  
division, confinement costs may be assessed pursuant to a 1829  
repayment policy adopted under section 2929.37 of the Revised 1830  
Code and division (D) of section 307.93, division (A) of section 1831  
341.19, division (C) of section 341.23 or 753.16, division (C) 1832  
of section 2301.56, or division (B) of section 341.14, 753.02, 1833  
753.04, or 2947.19 of the Revised Code. 1834

(B) Chapter 2981. of the Revised Code applies to a child 1835  
who is adjudicated a delinquent child for violating section 1836  
2923.32 or 2923.42 of the Revised Code or for committing an act 1837  
that, if committed by an adult, would be a felony drug abuse 1838  
offense. 1839

(C) The court may hold a hearing if necessary to determine 1840

whether a child is able to pay a sanction under this section. 1841

(D) If a child who is adjudicated a delinquent child is 1842  
indigent, the court shall consider imposing a term of community 1843  
service under division (A) of section 2152.19 of the Revised 1844  
Code in lieu of imposing a financial sanction under this 1845  
section. If a child who is adjudicated a delinquent child is not 1846  
indigent, the court may impose a term of community service under 1847  
that division in lieu of, or in addition to, imposing a 1848  
financial sanction under this section. ~~The court may order~~ 1849  
~~community service for an act that if committed by an adult would~~ 1850  
~~be a minor misdemeanor.~~ 1851

If a child fails to pay a financial sanction imposed under 1852  
this section, the court may impose a term of community service 1853  
in lieu of the sanction. 1854

(E) The clerk of the court, or another person authorized 1855  
by law or by the court to collect a financial sanction imposed 1856  
under this section, may do any of the following: 1857

(1) Enter into contracts with one or more public agencies 1858  
or private vendors for the collection of the amounts due under 1859  
the financial sanction, which amounts may include interest from 1860  
the date of imposition of the financial sanction; 1861

(2) Permit payment of all, or any portion of, the 1862  
financial sanction in installments, by credit or debit card, by 1863  
another type of electronic transfer, or by any other reasonable 1864  
method, within any period of time, and on any terms that the 1865  
court considers just, except that the maximum time permitted for 1866  
payment shall not exceed five years. The clerk may pay any fee 1867  
associated with processing an electronic transfer out of public 1868  
money and may charge the fee to the delinquent child. 1869

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

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

(B) In determining the amount of restitution under this section, the court shall order full restitution for any past and future expenses related to a victim's economic loss due to the delinquent act or juvenile traffic offense. The court shall not consider the delinquent child's or juvenile traffic offender's present or future ability to pay restitution. The amount of restitution shall be reduced by any payments to the victim for economic or other loss made or due under a policy of insurance or governmental program.

A pending insurance or governmental program claim made by a victim shall not delay a payment of restitution as ordered by the court. Past and future economic loss includes, but is not limited to, the following:

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

(2) Medical expenses;

(3) Mental health counseling expenses;

(4) Wages or profits lost due to injury of the victim and, if the victim is a minor, wages or profits lost by the minor victim's parent or guardian while caring for the injured minor victim. Lost wages include commission income as well as base

wages. Commission income shall be established by evidence of 1899  
commission income during the twelve-month period prior to the 1900  
date of the delinquent act for which restitution is being 1901  
ordered, unless good cause for a shorter time period is shown. 1902

(5) Wages or profits lost by the victim and if the victim 1903  
is a minor, wages or profits lost by the minor victim's parent 1904  
or guardian due to time spent as a witness or assisting law 1905  
enforcement or the prosecutor. Lost wages include commission 1906  
income as well as base wages. Commission income shall be 1907  
established as described in division (B) (4) of this section. 1908

(6) Expenses related to installing or increasing security 1909  
related to felony or misdemeanor offenses of violence, 1910  
including, but not limited to, a security device or system or 1911  
the replacement or addition of locks; 1912

(7) Expenses related to making a vehicle or residence 1913  
accessible to the victim if the victim is partially permanently 1914  
disabled or totally permanently disabled as a direct result of 1915  
the delinquent act; 1916

(8) Expenses related to monitoring the credit report of 1917  
and repairing the credit of a victim of identity fraud for a 1918  
period of time reasonably necessary to make the victim whole. 1919

(C) The court may order that restitution be made by a 1920  
single lump sum payment, partial payments at specified 1921  
intervals, in-kind payments, or a combination of payments at 1922  
specified intervals and in-kind payments. The length of time 1923  
over which scheduled payments are established shall be the 1924  
shortest time in which full payment reasonably can be made. In- 1925  
kind payments may be in the form of the return of property, 1926  
replacement of property, or if the victim agrees, services 1927

rendered to the victim or a person or organization other than 1928  
the victim. The court may enter a restraining order or 1929  
injunction, require the execution of a satisfactory performance 1930  
bond, or take any other action to ensure payment of restitution. 1931

(D) Any money owed by the state or by a political 1932  
subdivision of the state to a delinquent child or juvenile 1933  
traffic offender who is required to make restitution under this 1934  
section, including any tax refund owed to the child or offender, 1935  
shall be assigned to the discharge of the child's or offender's 1936  
outstanding restitution obligation, subject to any superseding 1937  
federal statutes or regulations, including court-ordered support 1938  
obligations. 1939

(E) If a delinquent child or juvenile traffic offender is 1940  
required to make restitution under this section in the form of 1941  
monetary payments to more than one victim, the child or offender 1942  
shall make the payments to the victims in the following order of 1943  
priority: 1944

(1) Individuals; 1945

(2) Nonprofit organizations; 1946

(3) Business entities; 1947

(4) Governmental entities. 1948

(F) A court that orders restitution as part of a 1949  
delinquent child's or juvenile traffic offender's disposition 1950  
under this section shall not suspend that part of the 1951  
disposition if the victim or victim's attorney, if applicable, 1952  
objects to the restitution part of the disposition being 1953  
suspended. 1954

(G) A restitution obligation imposed pursuant to this 1955

section is not subject to discharge in bankruptcy or to any 1956  
other statutory or common-law proceeding for relief against 1957  
creditors, except to the extent required by federal law. 1958

(H) A restitution obligation imposed by a court does not 1959  
expire until paid in full. The court retains jurisdiction over 1960  
the restitution order until the delinquent child or juvenile 1961  
traffic offender attains twenty-one years of age and the 1962  
obligation shall continue to be enforceable by a victim, 1963  
victim's representative, or victim's attorney, if applicable, 1964  
until the obligation is satisfied or the child or offender 1965  
attains twenty-one years of age. Any restitution order 1966  
registered as a civil judgment shall not expire when the child 1967  
or offender attains twenty-one years of age. 1968

(I) If money that is received pursuant to an order of 1969  
restitution cannot be paid to the victim or the victim's estate 1970  
within sixty days of receipt, the person or agency that receives 1971  
the money shall provide written notice of that inability of 1972  
payment to a crime victim service organization at least sixty 1973  
days prior to paying the money to the division of unclaimed 1974  
funds. If the money cannot be paid to the victim or the victim's 1975  
estate after the expiration of sixty days from service of the 1976  
notice to the crime victim services organization, the person or 1977  
agency that received the money shall pay it to the division of 1978  
unclaimed funds. 1979

(J) The supreme court shall create a standardized form to 1980  
be made publicly available that provides guidance for victims 1981  
and victims' representatives regarding the compilation of 1982  
evidence to demonstrate losses for the purpose of this section. 1983

**Sec. 2152.81.** (A) (1) As used in this section, "victim" 1984  
includes any of the following persons: 1985

(a) A person who was a victim of a violation identified in 1986  
division (A) (2) of this section or an act that would be an 1987  
offense of violence if committed by an adult; 1988

(b) A person against whom was directed any conduct that 1989  
constitutes, or that is an element of, a violation identified in 1990  
division (A) (2) of this section or an act that would be an 1991  
offense of violence if committed by an adult. 1992

(2) In any proceeding in juvenile court involving a 1993  
complaint, indictment, or information in which a child is 1994  
charged with a violation of section 2905.03, 2905.05, 2907.02, 1995  
2907.03, 2907.05, 2907.06, 2907.07, 2907.09, 2907.21, 2907.23, 1996  
2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, or 1997  
2919.22 of the Revised Code or an act that would be an offense 1998  
of violence if committed by an adult and in which an alleged 1999  
victim of the violation or act was a child who was less than 2000  
~~thirteen~~ sixteen years of age when the complaint or information 2001  
was filed or the indictment was returned, ~~the juvenile judge,~~ 2002  
upon motion of an attorney for the prosecution, the child 2003  
victim, or the child-victim's attorney, if applicable, and a 2004  
showing by a preponderance of the evidence that the child will 2005  
suffer serious emotional trauma if required to provide live 2006  
trial testimony, the juvenile judge shall order that the 2007  
testimony of the child victim be taken by deposition. The 2008  
prosecution, child victim, or child-victim's attorney, if 2009  
applicable, also may request that the deposition be ~~videotaped-~~ 2010  
recorded in accordance with division (A) (3) of this section. The 2011  
judge shall notify the child victim whose deposition is to be 2012  
taken, the prosecution, the child-victim's attorney, if 2013  
applicable, and the attorney for the child who is charged with 2014  
the violation or act of the date, time, and place for taking the 2015  
deposition. The notice shall identify the child victim, in a 2016

manner consistent with section 2930.07 of the Revised Code, who 2017  
is to be examined and shall indicate whether a request that the 2018  
deposition be ~~videotaped~~ recorded has been made. The child who 2019  
is charged with the violation or act shall have the right to 2020  
attend the deposition and the right to be represented by 2021  
counsel. Depositions shall be taken in the manner provided in 2022  
civil cases, except that the judge in the proceeding shall 2023  
preside at the taking of the deposition and shall rule at that 2024  
time on any objections of the prosecution, the child victim, the 2025  
child-victim's attorney, if applicable, or the attorney for the 2026  
child charged with the violation or act. The prosecution and the 2027  
attorney for the child charged with the violation or act shall 2028  
have the right, as at an adjudication hearing, to full 2029  
examination and cross-examination of the child victim whose 2030  
deposition is to be taken. If a deposition taken under this 2031  
division is intended to be offered as evidence in the 2032  
proceeding, it shall be filed in the juvenile court in which the 2033  
action is pending and is admissible in the manner described in 2034  
division (B) of this section. If a deposition of a child victim 2035  
taken under this division is admitted as evidence at the 2036  
proceeding under division (B) of this section, the child victim 2037  
shall not be required to testify in person at the proceeding. 2038  
However, at any time before the conclusion of the proceeding, 2039  
the attorney for the child charged with the violation or act may 2040  
file a motion with the judge requesting that another deposition 2041  
of the child victim be taken because new evidence material to 2042  
the defense of the child charged has been discovered that the 2043  
attorney for the child charged could not with reasonable 2044  
diligence have discovered prior to the taking of the admitted 2045  
deposition. Any motion requesting another deposition shall be 2046  
accompanied by supporting affidavits. Upon the filing of the 2047  
motion and affidavits, the court may order that additional 2048

testimony of the child victim relative to the new evidence be 2049  
taken by another deposition. If the court orders the taking of 2050  
another deposition under this provision, the deposition shall be 2051  
taken in accordance with this division; if the admitted 2052  
deposition was a ~~videotaped~~ recorded deposition taken in 2053  
accordance with division (A) (3) of this section, the new 2054  
deposition also shall be ~~videotaped~~ recorded in accordance with 2055  
that division, and, in other cases, the new deposition may be 2056  
~~videotaped~~ recorded in accordance with that division. 2057

(3) If the prosecution, the child victim, or the child- 2058  
victim's attorney, if applicable, requests that a deposition to 2059  
be taken under division (A) (2) of this section be ~~videotaped~~ 2060  
recorded, the juvenile judge shall order that the deposition be 2061  
~~videotaped~~ recorded in accordance with this division. If a 2062  
juvenile judge issues an order to ~~video tape~~ record the 2063  
deposition, the judge shall exclude from the room in which the 2064  
deposition is to be taken every person except the child victim 2065  
giving the testimony, the judge, one or more interpreters if 2066  
needed, the attorneys for the prosecution, the child-victim's 2067  
attorney, if applicable, and the child who is charged with the 2068  
violation or act, any person needed to operate the equipment to 2069  
be used, one person, who is not a witness, chosen by the child 2070  
victim giving the deposition, the victim's representative, and 2071  
any person whose presence the judge determines would contribute 2072  
to the welfare and well-being of the child victim giving the 2073  
deposition. The person chosen by the child victim ~~shall not be~~ 2074  
~~a witness in the proceeding~~ and, both before and during the 2075  
deposition, shall not discuss the testimony of the child victim 2076  
with any other witness in the proceeding. To the extent 2077  
feasible, any person operating the recording equipment shall be 2078  
restricted to a room adjacent to the room in which the 2079

deposition is being taken, or to a location in the room in which 2080  
the deposition is being taken that is behind a screen or mirror 2081  
so that the person operating the recording equipment can see and 2082  
hear, but cannot be seen or heard by, the child victim giving 2083  
the deposition during the deposition. The child who is charged 2084  
with the violation or act shall be permitted to observe and hear 2085  
the testimony of the child victim giving the deposition on a 2086  
monitor, shall be provided with an electronic means of immediate 2087  
communication with the attorney of the child who is charged with 2088  
the violation or act during the testimony, and shall be 2089  
restricted to a location from which the child who is charged 2090  
with the violation or act cannot be seen or heard by the child 2091  
victim giving the deposition, except on a monitor provided for 2092  
that purpose. The child victim giving the deposition shall be 2093  
provided with a monitor on which the child victim can observe, 2094  
while giving testimony, the child who is charged with the 2095  
violation or act. The judge, at the judge's discretion, may 2096  
preside at the deposition by electronic means from outside the 2097  
room in which the deposition is to be taken; if the judge 2098  
presides by electronic means, the judge shall be provided with 2099  
monitors on which the judge can see each person in the room in 2100  
which the deposition is to be taken and with an electronic means 2101  
of communication with each person in that room, and each person 2102  
in the room shall be provided with a monitor on which that 2103  
person can see the judge and with an electronic means of 2104  
communication with the judge. A deposition that is ~~videotaped-~~ 2105  
recorded under this division shall be taken and filed in the 2106  
manner described in division (A) (2) of this section and is 2107  
admissible in the manner described in this division and division 2108  
(B) of this section, and, if a deposition that is ~~videotaped-~~ 2109  
recorded under this division is admitted as evidence at the 2110  
proceeding, the child victim shall not be required to testify in 2111

person at the proceeding. No deposition ~~videotaped~~ recorded 2112  
under this division shall be admitted as evidence at any 2113  
proceeding unless division (B) of this section is satisfied 2114  
relative to the deposition and all of the following apply 2115  
relative to the recording: 2116

(a) The recording is both aural and visual and is recorded 2117  
on film or videotape, or by other electronic means. 2118

(b) The recording is authenticated under the Rules of 2119  
Evidence and the Rules of Criminal Procedure as a fair and 2120  
accurate representation of what occurred, and the recording is 2121  
not altered other than at the direction and under the 2122  
supervision of the judge in the proceeding. 2123

(c) Each voice on the recording that is material to the 2124  
testimony on the recording or the making of the recording, as 2125  
determined by the judge, is identified. 2126

(d) Both the prosecution and the child who is charged with 2127  
the violation or act are afforded an opportunity to view the 2128  
recording before it is shown in the proceeding. 2129

(B) (1) At any proceeding in relation to which a deposition 2130  
was taken under division (A) of this section, the deposition or 2131  
a part of it is admissible in evidence upon motion of the 2132  
prosecution if the testimony in the deposition or the part to be 2133  
admitted is not excluded by the hearsay rule and if the 2134  
deposition or the part to be admitted otherwise is admissible 2135  
under the Rules of Evidence. For purposes of this division, 2136  
testimony is not excluded by the hearsay rule if the testimony 2137  
is not hearsay under Evidence Rule 801; if the testimony is 2138  
within an exception to the hearsay rule set forth in Evidence 2139  
Rule 803; if the child victim who gave the testimony is 2140

unavailable as a witness, as defined in Evidence Rule 804, and 2141  
the testimony is admissible under that rule; or if both of the 2142  
following apply: 2143

(a) The child who is charged with the violation or act had 2144  
an opportunity and similar motive at the time of the taking of 2145  
the deposition to develop the testimony by direct, cross, or 2146  
redirect examination. 2147

(b) The judge determines that there is reasonable cause to 2148  
believe that, if the child victim who gave the testimony in the 2149  
deposition were to testify in person at the proceeding, the 2150  
child victim would experience serious emotional trauma as a 2151  
result of the child victim's participation at the proceeding. 2152

(2) Objections to receiving in evidence a deposition or a 2153  
part of it under division (B) of this section shall be made as 2154  
provided in civil actions. 2155

(3) The provisions of divisions (A) and (B) of this 2156  
section are in addition to any other provisions of the Revised 2157  
Code, the Rules of Juvenile Procedure, the Rules of Criminal 2158  
Procedure, or the Rules of Evidence that pertain to the taking 2159  
or admission of depositions in a juvenile court proceeding and 2160  
do not limit the admissibility under any of those other 2161  
provisions of any deposition taken under division (A) of this 2162  
section or otherwise taken. 2163

(C) In any proceeding in juvenile court involving a 2164  
complaint, indictment, or information in which a child is 2165  
charged with a violation listed in division (A)(2) of this 2166  
section or an act that would be an offense of violence if 2167  
committed by an adult and in which an alleged victim of the 2168  
violation or offense was a child who was less than ~~thirteen~~ 2169

sixteen years of age when the complaint or information was filed 2170  
or indictment was returned, the prosecution or the child- 2171  
victim's attorney, if applicable, may file a motion with the 2172  
juvenile judge requesting the judge to order the testimony of 2173  
the child victim to be taken in a room other than the room in 2174  
which the proceeding is being conducted and be televised, by 2175  
closed circuit equipment, into the room in which the proceeding 2176  
is being conducted to be viewed by the child who is charged with 2177  
the violation or act and any other persons who are not permitted 2178  
in the room in which the testimony is to be taken but who would 2179  
have been present during the testimony of the child victim had 2180  
it been given in the room in which the proceeding is being 2181  
conducted. Except for good cause shown, the prosecution or the 2182  
child-victim's attorney, if applicable, shall file a motion 2183  
under this division at least seven days before the date of the 2184  
proceeding. The juvenile judge may issue the order upon the 2185  
motion of the prosecution or the child-victim's attorney, if 2186  
applicable, filed under this division, if the judge determines 2187  
that the child victim is unavailable to testify in the room in 2188  
which the proceeding is being conducted in the physical presence 2189  
of the child charged with the violation or act, due to one or 2190  
more of the reasons set forth in division (E) of this section. 2191  
If a juvenile judge issues an order of that nature, the judge 2192  
shall exclude from the room in which the testimony is to be 2193  
taken every person except a person described in division (A) (3) 2194  
of this section. The judge, at the judge's discretion, may 2195  
preside during the giving of the testimony by electronic means 2196  
from outside the room in which it is being given, subject to the 2197  
limitations set forth in division (A) (3) of this section. To the 2198  
extent feasible, any person operating the televising equipment 2199  
shall be hidden from the sight and hearing of the child victim 2200  
giving the testimony, in a manner similar to that described in 2201

division (A) (3) of this section. The child who is charged with 2202  
the violation or act shall be permitted to observe and hear the 2203  
testimony of the child victim giving the testimony on a monitor, 2204  
shall be provided with an electronic means of immediate 2205  
communication with the attorney of the child who is charged with 2206  
the violation or act during the testimony, and shall be 2207  
restricted to a location from which the child who is charged 2208  
with the violation or act cannot be seen or heard by the child 2209  
victim giving the testimony, except on a monitor provided for 2210  
that purpose. The child victim giving the testimony shall be 2211  
provided with a monitor on which the child victim can observe, 2212  
while giving testimony, the child who is charged with the 2213  
violation or act. 2214

(D) In any proceeding in juvenile court involving a 2215  
complaint, indictment, or information in which a child is 2216  
charged with a violation listed in division (A) (2) of this 2217  
section or an act that would be an offense of violence if 2218  
committed by an adult and in which an alleged victim of the 2219  
violation or offense was a child who was less than ~~thirteen-~~ 2220  
sixteen years of age when the complaint or information was filed 2221  
or the indictment was returned, the prosecution or the child- 2222  
victim's attorney, if applicable, may file a motion with the 2223  
juvenile judge requesting the judge to order the testimony of 2224  
the child victim to be taken outside of the room in which the 2225  
proceeding is being conducted and be recorded for showing in the 2226  
room in which the proceeding is being conducted before the 2227  
judge, the child who is charged with the violation or act, and 2228  
any other persons who would have been present during the 2229  
testimony of the child victim had it been given in the room in 2230  
which the proceeding is being conducted. Except for good cause 2231  
shown, the prosecution or the child-victim's attorney, if 2232

applicable, shall file a motion under this division at least 2233  
seven days before the date of the proceeding. The juvenile judge 2234  
may issue the order upon the motion of the prosecution or the 2235  
child-victim's attorney, if applicable, filed under this 2236  
division, if the judge determines that the child victim is 2237  
unavailable to testify in the room in which the proceeding is 2238  
being conducted in the physical presence of the child charged 2239  
with the violation or act, due to one or more of the reasons set 2240  
forth in division (E) of this section. If a juvenile judge 2241  
issues an order of that nature, the judge shall exclude from the 2242  
room in which the testimony is to be taken every person except a 2243  
person described in division (A) (3) of this section. To the 2244  
extent feasible, any person operating the recording equipment 2245  
shall be hidden from the sight and hearing of the child victim 2246  
giving the testimony, in a manner similar to that described in 2247  
division (A) (3) of this section. The child who is charged with 2248  
the violation or act shall be permitted to observe and hear the 2249  
testimony of the child victim giving the testimony on a monitor, 2250  
shall be provided with an electronic means of immediate 2251  
communication with the attorney of the child who is charged with 2252  
the violation or act during the testimony, and shall be 2253  
restricted to a location from which the child who is charged 2254  
with the violation or act cannot be seen or heard by the child 2255  
victim giving the testimony, except on a monitor provided for 2256  
that purpose. The child victim giving the testimony shall be 2257  
provided with a monitor on which the child victim can observe, 2258  
while giving testimony, the child who is charged with the 2259  
violation or act. No order for the taking of testimony by 2260  
recording shall be issued under this division unless the 2261  
provisions set forth in divisions (A) (3) (a), (b), (c), and (d) 2262  
of this section apply to the recording of the testimony. 2263

(E) For purposes of divisions (C) and (D) of this section, 2264  
a juvenile judge may order the testimony of a child victim to be 2265  
taken outside of the room in which a proceeding is being 2266  
conducted if the judge determines that the child victim is 2267  
unavailable to testify in the room in the physical presence of 2268  
the child charged with the violation or act due to one or more 2269  
of the following circumstances: 2270

(1) The persistent refusal of the child victim to testify 2271  
despite judicial requests to do so; 2272

(2) The inability of the child victim to communicate about 2273  
the alleged violation or offense because of extreme fear, 2274  
failure of memory, or another similar reason; 2275

(3) The substantial likelihood that the child victim will 2276  
suffer serious emotional trauma from so testifying. 2277

(F) (1) If a juvenile judge issues an order pursuant to 2278  
division (C) or (D) of this section that requires the testimony 2279  
of a child victim in a juvenile court proceeding to be taken 2280  
outside of the room in which the proceeding is being conducted, 2281  
the order shall specifically identify the child victim, in a 2282  
manner consistent with section 2930.07 of the Revised Code, to 2283  
whose testimony it applies, the order applies only during the 2284  
testimony of the specified child victim, and the child victim 2285  
giving the testimony shall not be required to testify at the 2286  
proceeding other than in accordance with the order. The 2287  
authority of a judge to close the taking of a deposition under 2288  
division (A) (3) of this section or a proceeding under division 2289  
(C) or (D) of this section is in addition to the authority of a 2290  
judge to close a hearing pursuant to section 2151.35 of the 2291  
Revised Code. 2292

(2) A juvenile judge who makes any determination regarding 2293  
the admissibility of a deposition under divisions (A) and (B) of 2294  
this section, the ~~videotaping~~ recording of a deposition under 2295  
division (A) (3) of this section, or the taking of testimony 2296  
outside of the room in which a proceeding is being conducted 2297  
under division (C) or (D) of this section, shall enter the 2298  
determination and findings on the record in the proceeding. 2299

**Sec. 2152.811.** (A) As used in this section: 2300

(1) "Developmental disability" has the same meaning as in 2301  
section 5123.01 of the Revised Code. 2302

(2) "Victim with a developmental disability" includes any 2303  
of the following persons: 2304

(a) A person with a developmental disability who was a 2305  
victim of a violation identified in division (B) (1) of this 2306  
section or an act that would be an offense of violence if 2307  
committed by an adult; 2308

(b) A person with a developmental disability against whom 2309  
was directed any conduct that constitutes, or that is an element 2310  
of, a violation identified in division (B) (1) of this section or 2311  
an act that would be an offense of violence if committed by an 2312  
adult. 2313

(B) (1) In any proceeding in juvenile court involving a 2314  
complaint, indictment, or information in which a child is 2315  
charged with a violation of section 2903.16, 2903.34, 2903.341, 2316  
2907.02, 2907.03, 2907.05, 2907.21, 2907.23, 2907.24, 2907.32, 2317  
2907.321, 2907.322, or 2907.323 of the Revised Code or an act 2318  
that would be an offense of violence if committed by an adult 2319  
and in which an alleged victim of the violation or act was a 2320  
person with a developmental disability, ~~the juvenile judge,~~ upon 2321

motion of the prosecution or the victim's attorney, if 2322  
applicable, and a showing by a preponderance of the evidence 2323  
that the victim will suffer serious emotional trauma if required 2324  
to provide live trial testimony, the juvenile judge shall order 2325  
that the testimony of the victim with a developmental disability 2326  
be taken by deposition. The prosecution, the victim, or the 2327  
victim's attorney, if applicable, also may request that the 2328  
deposition be ~~videotaped~~ recorded in accordance with division 2329  
(B) (2) of this section. The judge shall notify the victim with a 2330  
developmental disability whose deposition is to be taken, the 2331  
prosecution, the victim's attorney, if applicable, and the 2332  
attorney for the child who is charged with the violation or act 2333  
of the date, time, and place for taking the deposition. The 2334  
notice shall identify the victim with a developmental 2335  
disability, in a manner consistent with section 2930.07 of the 2336  
Revised Code, who is to be examined and shall indicate whether a 2337  
request that the deposition be ~~videotaped~~ recorded has been 2338  
made. The child who is charged with the violation or act shall 2339  
have the right to attend the deposition and the right to be 2340  
represented by counsel. Depositions shall be taken in the manner 2341  
provided in civil cases, except that the judge in the proceeding 2342  
shall preside at the taking of the deposition and shall rule at 2343  
that time on any objections of the prosecution, the victim, or 2344  
the attorney for the child charged with the violation or act. 2345  
The prosecution and the attorney for the child charged with the 2346  
violation or act shall have the right, as at an adjudication 2347  
hearing, to full examination and cross-examination of the victim 2348  
with a developmental disability whose deposition is to be taken. 2349

If a deposition taken under this division is intended to 2350  
be offered as evidence in the proceeding, it shall be filed in 2351  
the juvenile court in which the action is pending and is 2352

admissible in the manner described in division (C) of this 2353  
section. If a deposition of a victim with a developmental 2354  
disability taken under this division is admitted as evidence at 2355  
the proceeding under division (C) of this section, the victim 2356  
with a developmental disability shall not be required to testify 2357  
in person at the proceeding. 2358

At any time before the conclusion of the proceeding, the 2359  
attorney for the child charged with the violation or act may 2360  
file a motion with the judge requesting that another deposition 2361  
of the victim with a developmental disability be taken because 2362  
new evidence material to the defense of the child charged has 2363  
been discovered that the attorney for the child charged could 2364  
not with reasonable diligence have discovered prior to the 2365  
taking of the admitted deposition. Any motion requesting another 2366  
deposition shall be accompanied by supporting affidavits. Upon 2367  
the filing of the motion and affidavits, the court may order 2368  
that additional testimony of the victim with a developmental 2369  
disability relative to the new evidence be taken by another 2370  
deposition. If the court orders the taking of another deposition 2371  
under this provision, the deposition shall be taken in 2372  
accordance with this division. If the admitted deposition was a 2373  
~~videotaped~~ recorded deposition taken in accordance with division 2374  
(B) (2) of this section, the new deposition also shall be 2375  
~~videotaped~~ recorded in accordance with that division. In other 2376  
cases, the new deposition may be ~~videotaped~~ recorded in 2377  
accordance with that division. 2378

(2) If the prosecution, victim, or victim's attorney, if 2379  
applicable, requests that a deposition to be taken under 2380  
division (B) (1) of this section be ~~videotaped~~ recorded, the 2381  
juvenile judge shall order that the deposition be ~~videotaped~~ 2382  
recorded in accordance with this division. If a juvenile judge 2383

issues an order to ~~video tape record~~ record the deposition, the judge 2384  
shall exclude from the room in which the deposition is to be 2385  
taken every person except the victim with a developmental 2386  
disability giving the testimony, the judge, one or more 2387  
interpreters if needed, the victim's attorney, if applicable, 2388  
the attorneys for the prosecution and the child who is charged 2389  
with the violation or act, any person needed to operate the 2390  
equipment to be used, one person, who is not a witness, chosen 2391  
by the victim with a developmental disability giving the 2392  
deposition, the victim's representative, and any person whose 2393  
presence the judge determines would contribute to the welfare 2394  
and well-being of the victim with a developmental disability 2395  
giving the deposition. The person chosen by the victim with a 2396  
developmental disability ~~shall not be a witness in the~~ 2397  
~~proceeding~~ and, both before and during the deposition, shall not 2398  
discuss the testimony of the victim with any other witness in 2399  
the proceeding. To the extent feasible, any person operating the 2400  
recording equipment shall be restricted to a room adjacent to 2401  
the room in which the deposition is being taken, or to a 2402  
location in the room in which the deposition is being taken that 2403  
is behind a screen or mirror so that the person operating the 2404  
recording equipment can see and hear, but cannot be seen or 2405  
heard by, the victim with a developmental disability giving the 2406  
deposition during the deposition. 2407

The child who is charged with the violation or act shall 2408  
be permitted to observe and hear the testimony of the victim 2409  
with a developmental disability giving the deposition on a 2410  
monitor, shall be provided with an electronic means of immediate 2411  
communication with the attorney of the child who is charged with 2412  
the violation or act during the testimony, and shall be 2413  
restricted to a location from which the child who is charged 2414

with the violation or act cannot be seen or heard by the victim 2415  
with a developmental disability giving the deposition, except on 2416  
a monitor provided for that purpose. The victim with a 2417  
developmental disability giving the deposition shall be provided 2418  
with a monitor on which the victim with a developmental 2419  
disability can observe, while giving testimony, the child who is 2420  
charged with the violation or act. The judge, at the judge's 2421  
discretion, may preside at the deposition by electronic means 2422  
from outside the room in which the deposition is to be taken; if 2423  
the judge presides by electronic means, the judge shall be 2424  
provided with monitors on which the judge can see each person in 2425  
the room in which the deposition is to be taken and with an 2426  
electronic means of communication with each person in that room, 2427  
and each person in the room shall be provided with a monitor on 2428  
which that person can see the judge and with an electronic means 2429  
of communication with the judge. A deposition that is ~~videotaped-~~ 2430  
recorded under this division shall be taken and filed in the 2431  
manner described in division (B) (1) of this section and is 2432  
admissible in the manner described in this division and division 2433  
(C) of this section. If a deposition that is ~~videotaped-~~ 2434  
recorded under this division is admitted as evidence at the proceeding, 2435  
the victim with a developmental disability shall not be required 2436  
to testify in person at the proceeding. No deposition ~~videotaped-~~ 2437  
recorded under this division shall be admitted as evidence at 2438  
any proceeding unless division (C) of this section is satisfied 2439  
relative to the deposition and all of the following apply 2440  
relative to the recording: 2441

(a) The recording is both aural and visual and is recorded 2442  
on film or videotape, or by other electronic means. 2443

(b) The recording is authenticated under the Rules of 2444  
Evidence and the Rules of Criminal Procedure as a fair and 2445

accurate representation of what occurred, and the recording is 2446  
not altered other than at the direction and under the 2447  
supervision of the judge in the proceeding. 2448

(c) Each voice on the recording that is material to the 2449  
testimony on the recording or the making of the recording, as 2450  
determined by the judge, is identified. 2451

(d) Both the prosecution and the child who is charged with 2452  
the violation or act are afforded an opportunity to view the 2453  
recording before it is shown in the proceeding. 2454

(C) (1) At any proceeding in relation to which a deposition 2455  
was taken under division (B) of this section, the deposition or 2456  
a part of it is admissible in evidence upon motion of the 2457  
prosecution if the testimony in the deposition or the part to be 2458  
admitted is not excluded by the hearsay rule and if the 2459  
deposition or the part to be admitted otherwise is admissible 2460  
under the Rules of Evidence. For purposes of this division, 2461  
testimony is not excluded by the hearsay rule if the testimony 2462  
is not hearsay under Evidence Rule 801; the testimony is within 2463  
an exception to the hearsay rule set forth in Evidence Rule 803; 2464  
the victim with a developmental disability who gave the 2465  
testimony is unavailable as a witness, as defined in Evidence 2466  
Rule 804, and the testimony is admissible under that rule; or 2467  
both of the following apply: 2468

(a) The child who is charged with the violation or act had 2469  
an opportunity and similar motive at the time of the taking of 2470  
the deposition to develop the testimony by direct, cross, or 2471  
redirect examination. 2472

(b) The judge determines that there is reasonable cause to 2473  
believe that, if the victim with a developmental disability who 2474

gave the testimony in the deposition were to testify in person 2475  
at the proceeding, the victim with a developmental disability 2476  
would experience serious emotional trauma as a result of the 2477  
participation of the victim with a developmental disability at 2478  
the proceeding. 2479

(2) Objections to receiving in evidence a deposition or a 2480  
part of it under division (C) of this section shall be made as 2481  
provided in civil actions. 2482

(3) The provisions of divisions (B) and (C) of this 2483  
section are in addition to any other provisions of the Revised 2484  
Code, the Rules of Juvenile Procedure, the Rules of Criminal 2485  
Procedure, or the Rules of Evidence that pertain to the taking 2486  
or admission of depositions in a juvenile court proceeding and 2487  
do not limit the admissibility under any of those other 2488  
provisions of any deposition taken under division (B) of this 2489  
section or otherwise taken. 2490

(D) In any proceeding in juvenile court involving a 2491  
complaint, indictment, or information in which a child is 2492  
charged with a violation listed in division (B)(1) of this 2493  
section or an act that would be an offense of violence if 2494  
committed by an adult and in which an alleged victim of the 2495  
violation or offense was a person with a developmental 2496  
disability, the prosecution, the victim, or the victim's 2497  
attorney, if applicable, may file a motion with the juvenile 2498  
judge requesting the judge to order the testimony of the victim 2499  
with a developmental disability to be taken in a room other than 2500  
the room in which the proceeding is being conducted and be 2501  
televised, by closed circuit equipment, into the room in which 2502  
the proceeding is being conducted to be viewed by the child who 2503  
is charged with the violation or act and any other persons who 2504

are not permitted in the room in which the testimony is to be 2505  
taken but who would have been present during the testimony of 2506  
the victim with a developmental disability had it been given in 2507  
the room in which the proceeding is being conducted. Except for 2508  
good cause shown, the prosecution, the victim, or the victim's 2509  
attorney, if applicable, shall file a motion under this division 2510  
at least seven days before the date of the proceeding. The 2511  
juvenile judge may issue the order upon the motion of the 2512  
prosecution, the victim, or the victim's attorney, if 2513  
applicable, filed under this division, if the judge determines 2514  
that the victim with a developmental disability is unavailable 2515  
to testify in the room in which the proceeding is being 2516  
conducted in the physical presence of the child charged with the 2517  
violation or act for one or more of the reasons set forth in 2518  
division (F) of this section. If a juvenile judge issues an 2519  
order of that nature, the judge shall exclude from the room in 2520  
which the testimony is to be taken every person except a person 2521  
described in division (B) (2) of this section. The judge, at the 2522  
judge's discretion, may preside during the giving of the 2523  
testimony by electronic means from outside the room in which it 2524  
is being given, subject to the limitations set forth in division 2525  
(B) (2) of this section. To the extent feasible, any person 2526  
operating the televising equipment shall be hidden from the 2527  
sight and hearing of the victim with a developmental disability 2528  
giving the testimony, in a manner similar to that described in 2529  
division (B) (2) of this section. The child who is charged with 2530  
the violation or act shall be permitted to observe and hear the 2531  
testimony of the victim with a developmental disability giving 2532  
the testimony on a monitor, shall be provided with an electronic 2533  
means of immediate communication with the attorney of the child 2534  
who is charged with the violation or act during the testimony, 2535  
and shall be restricted to a location from which the child who 2536

is charged with the violation or act cannot be seen or heard by 2537  
the victim with a developmental disability giving the testimony, 2538  
except on a monitor provided for that purpose. The victim with a 2539  
developmental disability giving the testimony shall be provided 2540  
with a monitor on which the victim with a developmental 2541  
disability can observe, while giving testimony, the child who is 2542  
charged with the violation or act. 2543

(E) In any proceeding in juvenile court involving a 2544  
complaint, indictment, or information in which a child is 2545  
charged with a violation listed in division (B)(1) of this 2546  
section or an act that would be an offense of violence if 2547  
committed by an adult and in which an alleged victim of the 2548  
violation or offense was a person with a developmental 2549  
disability, the prosecution, the victim, or the victim's 2550  
attorney, if applicable, may file a motion with the juvenile 2551  
judge requesting the judge to order the testimony of the victim 2552  
with a developmental disability to be taken outside of the room 2553  
in which the proceeding is being conducted and be recorded for 2554  
showing in the room in which the proceeding is being conducted 2555  
before the judge, the child who is charged with the violation or 2556  
act, and any other persons who would have been present during 2557  
the testimony of the victim with a developmental disability had 2558  
it been given in the room in which the proceeding is being 2559  
conducted. Except for good cause shown, the 2560  
prosecution, the victim, or the victim's attorney, if applicable, shall file a 2561  
motion under this division at least seven days before the date 2562  
of the proceeding. The juvenile judge may issue the order upon 2563  
the motion of the prosecution, the victim, or the victim's 2564  
attorney, if applicable, filed under this division, if the judge 2565  
determines that the victim with a developmental disability is 2566  
unavailable to testify in the room in which the proceeding is 2567

being conducted in the physical presence of the child charged 2568  
with the violation or act, due to one or more of the reasons set 2569  
forth in division (F) of this section. If a juvenile judge 2570  
issues an order of that nature, the judge shall exclude from the 2571  
room in which the testimony is to be taken every person except a 2572  
person described in division (B) (2) of this section. To the 2573  
extent feasible, any person operating the recording equipment 2574  
shall be hidden from the sight and hearing of the victim with a 2575  
developmental disability giving the testimony, in a manner 2576  
similar to that described in division (B) (2) of this section. 2577  
The child who is charged with the violation or act shall be 2578  
permitted to observe and hear the testimony of the victim with a 2579  
developmental disability giving the testimony on a monitor, 2580  
shall be provided with an electronic means of immediate 2581  
communication with the attorney of the child who is charged with 2582  
the violation or act during the testimony, and shall be 2583  
restricted to a location from which the child who is charged 2584  
with the violation or act cannot be seen or heard by the victim 2585  
with a developmental disability giving the testimony, except on 2586  
a monitor provided for that purpose. The victim with a 2587  
developmental disability giving the testimony shall be provided 2588  
with a monitor on which the victim with a developmental 2589  
disability can observe, while giving testimony, the child who is 2590  
charged with the violation or act. No order for the taking of 2591  
testimony by recording shall be issued under this division 2592  
unless the provisions set forth in divisions (B) (2) (a), (b), 2593  
(c), and (d) of this section apply to the recording of the 2594  
testimony. 2595

(F) For purposes of divisions (D) and (E) of this section, 2596  
a juvenile judge may order the testimony of a victim with a 2597  
developmental disability to be taken outside of the room in 2598

which a proceeding is being conducted if the judge determines 2599  
that the victim with a developmental disability is unavailable 2600  
to testify in the room in the physical presence of the child 2601  
charged with the violation or act due to one or more of the 2602  
following circumstances: 2603

(1) The persistent refusal of the victim with a 2604  
developmental disability to testify despite judicial requests to 2605  
do so; 2606

(2) The inability of the victim with a developmental 2607  
disability to communicate about the alleged violation or offense 2608  
because of extreme fear, failure of memory, or another similar 2609  
reason; 2610

(3) The substantial likelihood that the victim with a 2611  
developmental disability will suffer serious emotional trauma 2612  
from so testifying. 2613

(G) (1) If a juvenile judge issues an order pursuant to 2614  
division (D) or (E) of this section that requires the testimony 2615  
of a victim with a developmental disability in a juvenile court 2616  
proceeding to be taken outside of the room in which the 2617  
proceeding is being conducted, the order shall specifically 2618  
identify the victim with a developmental disability, in a manner 2619  
consistent with section 2930.07 of the Revised Code, to whose 2620  
testimony it applies, the order applies only during the 2621  
testimony of the specified victim with a developmental 2622  
disability, and the victim with a developmental disability 2623  
giving the testimony shall not be required to testify at the 2624  
proceeding other than in accordance with the order. The 2625  
authority of a judge to close the taking of a deposition under 2626  
division (B) (2) of this section or a proceeding under division 2627  
(D) or (E) of this section is in addition to the authority of a 2628

judge to close a hearing pursuant to section 2151.35 of the Revised Code.

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

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

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

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

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

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

(B) Whoever violates this section is guilty of rape, a 2658  
felony of the first degree. If the offender under division (A) 2659  
(1) (a) of this section substantially impairs the other person's 2660  
judgment or control by administering any controlled substance, 2661  
as defined in section 3719.01 of the Revised Code, to the other 2662  
person surreptitiously or by force, threat of force, or 2663  
deception, the prison term imposed upon the offender shall be 2664  
one of the definite prison terms prescribed for a felony of the 2665  
first degree in division (A) (1) (b) of section 2929.14 of the 2666  
Revised Code that is not less than five years, except that if 2667  
the violation is committed on or after March 22, 2019, the court 2668  
shall impose as the minimum prison term for the offense a 2669  
mandatory prison term that is one of the minimum terms 2670  
prescribed for a felony of the first degree in division (A) (1) 2671  
(a) of section 2929.14 of the Revised Code that is not less than 2672  
five years. Except as otherwise provided in this division, 2673  
notwithstanding sections 2929.11 to 2929.14 of the Revised Code, 2674  
an offender under division (A) (1) (b) of this section shall be 2675  
sentenced to a prison term or term of life imprisonment pursuant 2676  
to section 2971.03 of the Revised Code. If an offender is 2677  
convicted of or pleads guilty to a violation of division (A) (1) 2678  
(b) of this section, if the offender was less than sixteen years 2679  
of age at the time the offender committed the violation of that 2680  
division, and if the offender during or immediately after the 2681  
commission of the offense did not cause serious physical harm to 2682  
the victim, the victim was ten years of age or older at the time 2683  
of the commission of the violation, and the offender has not 2684  
previously been convicted of or pleaded guilty to a violation of 2685  
this section or a substantially similar existing or former law 2686  
of this state, another state, or the United States, the court 2687  
shall not sentence the offender to a prison term or term of life 2688  
imprisonment pursuant to section 2971.03 of the Revised Code, 2689

and instead the court shall sentence the offender as otherwise 2690  
provided in this division. If an offender under division (A) (1) 2691  
(b) of this section previously has been convicted of or pleaded 2692  
guilty to violating division (A) (1) (b) of this section or to 2693  
violating an existing or former law of this state, another 2694  
state, or the United States that is substantially similar to 2695  
division (A) (1) (b) of this section, if the offender during or 2696  
immediately after the commission of the offense caused serious 2697  
physical harm to the victim, or if the victim under division (A) 2698  
(1) (b) of this section is less than ten years of age, in lieu of 2699  
sentencing the offender to a prison term or term of life 2700  
imprisonment pursuant to section 2971.03 of the Revised Code, 2701  
except as otherwise provided in this division, the court may 2702  
impose upon the offender a term of life without parole. If the 2703  
court imposes a term of life without parole pursuant to this 2704  
division, division (F) of section 2971.03 of the Revised Code 2705  
applies, and the offender automatically is classified a tier III 2706  
sex offender/child-victim offender, as described in that 2707  
division. A court shall not impose a term of life without parole 2708  
on an offender for rape if the offender was under eighteen years 2709  
of age at the time of the offense. 2710

(C) A victim need not prove physical resistance to the 2711  
offender in prosecutions under this section. 2712

(D) Evidence of specific instances of the victim's sexual 2713  
activity, opinion evidence of the victim's sexual activity, and 2714  
reputation evidence of the victim's sexual activity shall not be 2715  
admitted under this section unless it involves evidence of the 2716  
origin of semen, pregnancy, or sexually transmitted disease or 2717  
infection, or the victim's past sexual activity with the 2718  
offender, and only to the extent that the court finds that the 2719  
evidence is material to a fact at issue in the case and that its 2720

inflammatory or prejudicial nature does not outweigh its 2721  
probative value. 2722

Evidence of specific instances of the defendant's sexual 2723  
activity, opinion evidence of the defendant's sexual activity, 2724  
and reputation evidence of the defendant's sexual activity shall 2725  
not be admitted under this section unless it involves evidence 2726  
of the origin of semen, pregnancy, or sexually transmitted 2727  
disease or infection, the defendant's past sexual activity with 2728  
the victim, or is admissible against the defendant under section 2729  
2945.59 of the Revised Code, and only to the extent that the 2730  
court finds that the evidence is material to a fact at issue in 2731  
the case and that its inflammatory or prejudicial nature does 2732  
not outweigh its probative value. 2733

(E) Prior to taking testimony or receiving evidence of any 2734  
sexual activity of the victim or the defendant in a proceeding 2735  
under this section, the court shall resolve the admissibility of 2736  
the proposed evidence in a hearing in chambers, which shall be 2737  
held at or before preliminary hearing and not less than three 2738  
days before trial, or for good cause shown during the trial. 2739

(F) Upon approval by the court, the victim may be 2740  
represented by counsel in any hearing in chambers or other 2741  
proceeding to resolve the admissibility of evidence. If the 2742  
victim is indigent or otherwise is unable to obtain the services 2743  
of counsel, the court, upon request, may appoint counsel to 2744  
represent the victim without cost to the victim. 2745

(G) It is not a defense to a charge under division (A) (2) 2746  
of this section that the offender and the victim were married or 2747  
were cohabiting at the time of the commission of the offense. 2748

**Sec. 2907.05.** (A) No person shall have sexual contact with 2749

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

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

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

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

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

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

(B) No person shall knowingly touch the genitalia of

another, when the touching is not through clothing, the other 2779  
person is less than twelve years of age, whether or not the 2780  
offender knows the age of that person, and the touching is done 2781  
with an intent to abuse, humiliate, harass, degrade, or arouse 2782  
or gratify the sexual desire of any person. 2783

(C) Whoever violates this section is guilty of gross 2784  
sexual imposition. 2785

(1) Except as otherwise provided in this section, gross 2786  
sexual imposition committed in violation of division (A) (1), 2787  
(2), (3), or (5) of this section is a felony of the fourth 2788  
degree. If the offender under division (A) (2) of this section 2789  
substantially impairs the judgment or control of the other 2790  
person or one of the other persons by administering any 2791  
controlled substance, as defined in section 3719.01 of the 2792  
Revised Code, to the person surreptitiously or by force, threat 2793  
of force, or deception, gross sexual imposition committed in 2794  
violation of division (A) (2) of this section is a felony of the 2795  
third degree. 2796

(2) Gross sexual imposition committed in violation of 2797  
division (A) (4) or (B) of this section is a felony of the third 2798  
degree. Except as otherwise provided in this division, for gross 2799  
sexual imposition committed in violation of division (A) (4) or 2800  
(B) of this section there is a presumption that a prison term 2801  
shall be imposed for the offense. The court shall impose on an 2802  
offender convicted of gross sexual imposition in violation of 2803  
division (A) (4) or (B) of this section a mandatory prison term, 2804  
as described in division (C) (3) of this section, for a felony of 2805  
the third degree if either of the following applies: 2806

(a) Evidence other than the testimony of the victim was 2807  
admitted in the case corroborating the violation; 2808

(b) The offender previously was convicted of or pleaded 2809  
guilty to a violation of this section, rape, the former offense 2810  
of felonious sexual penetration, or sexual battery, and the 2811  
victim of the previous offense was less than thirteen years of 2812  
age. 2813

(3) A mandatory prison term required under division (C) (2) 2814  
of this section shall be a definite term from the range of 2815  
prison terms provided in division (A) (3) (a) of section 2929.14 2816  
of the Revised Code for a felony of the third degree. 2817

(D) A victim need not prove physical resistance to the 2818  
offender in prosecutions under this section. 2819

(E) Evidence of specific instances of the victim's sexual 2820  
activity, opinion evidence of the victim's sexual activity, and 2821  
reputation evidence of the victim's sexual activity shall not be 2822  
admitted under this section unless it involves evidence of the 2823  
origin of semen, pregnancy, or sexually transmitted disease or 2824  
infection, or the victim's past sexual activity with the 2825  
offender, and only to the extent that the court finds that the 2826  
evidence is material to a fact at issue in the case and that its 2827  
inflammatory or prejudicial nature does not outweigh its 2828  
probative value. 2829

Evidence of specific instances of the defendant's sexual 2830  
activity, opinion evidence of the defendant's sexual activity, 2831  
and reputation evidence of the defendant's sexual activity shall 2832  
not be admitted under this section unless it involves evidence 2833  
of the origin of semen, pregnancy, or sexually transmitted 2834  
disease or infection, the defendant's past sexual activity with 2835  
the victim, or is admissible against the defendant under section 2836  
2945.59 of the Revised Code, and only to the extent that the 2837  
court finds that the evidence is material to a fact at issue in 2838

the case and that its inflammatory or prejudicial nature does 2839  
not outweigh its probative value. 2840

(F) Prior to taking testimony or receiving evidence of any 2841  
sexual activity of the victim or the defendant in a proceeding 2842  
under this section, the court shall resolve the admissibility of 2843  
the proposed evidence in a hearing in chambers, which shall be 2844  
held at or before preliminary hearing and not less than three 2845  
days before trial, or for good cause shown during the trial. 2846

(G) Upon approval by the court, the victim may be 2847  
represented by counsel in any hearing in chambers or other 2848  
proceeding to resolve the admissibility of evidence. If the 2849  
victim is indigent or otherwise is unable to obtain the services 2850  
of counsel, the court, upon request, may appoint counsel to 2851  
represent the victim without cost to the victim. 2852

**Sec. 2907.10.** (A) (1) A peace officer, prosecutor, ~~or~~ other 2853  
public official, defendant, defendant's attorney, alleged 2854  
juvenile offender, or alleged juvenile offender's attorney shall 2855  
not ask or require a victim of an alleged sex offense to submit 2856  
to a polygraph examination as a condition for proceeding with 2857  
the investigation or prosecution of the alleged sex offense or 2858  
for any other purpose. 2859

(2) The refusal of the victim of an alleged sex offense to 2860  
submit to a polygraph examination shall not prevent the 2861  
investigation of the alleged sex offense, the filing of criminal 2862  
charges with respect to the alleged sex offense, or the 2863  
prosecution of the alleged perpetrator of the alleged sex 2864  
offense. 2865

(B) As used in this section: 2866

(1) "Peace officer" has the same meaning as in section 2867

2921.51 of the Revised Code. 2868

(2) "Polygraph examination" means any mechanical or 2869  
electrical instrument or device of any type used or allegedly 2870  
used to examine, test, or question an individual for the purpose 2871  
of determining the individual's truthfulness. 2872

(3) "Prosecution" means the prosecution of criminal 2873  
charges in a criminal prosecution or the prosecution of a 2874  
delinquent child complaint in a delinquency proceeding. 2875

(4) "Prosecutor" has the same meaning as in section 2876  
2935.01 of the Revised Code. 2877

(5) "Public official" has the same meaning as in section 2878  
117.01 of the Revised Code. 2879

(6) "Sex offense" means a violation of any provision of 2880  
sections 2907.02 to 2907.09 of the Revised Code. 2881

(7) "Alleged juvenile offender" has the same meaning as in 2882  
section 2930.01 of the Revised Code. 2883

**Sec. 2929.18.** (A) Except as otherwise provided in this 2884  
division and in addition to imposing court costs pursuant to 2885  
section 2947.23 of the Revised Code, the court imposing a 2886  
sentence upon an offender for a felony may sentence the offender 2887  
to any financial sanction or combination of financial sanctions 2888  
authorized under this section or, in the circumstances specified 2889  
in section 2929.32 of the Revised Code, may impose upon the 2890  
offender a fine in accordance with that section, and shall 2891  
sentence the offender to make restitution pursuant to this 2892  
section and section 2929.281 of the Revised Code. Financial 2893  
sanctions that either are required to be or may be imposed 2894  
pursuant to this section include, but are not limited to, the 2895  
following: 2896

(1) Restitution by the offender to the victim of the 2897  
offender's ~~crime~~ criminal offense or ~~any survivor of the~~ 2898  
~~victim~~ victim's estate, in an amount based on the victim's 2899  
economic loss. ~~If the~~ In open court ~~imposes restitution~~, the 2900  
court shall order that ~~the~~ full restitution be made to the 2901  
victim ~~in open court~~, to the adult probation department that 2902  
serves the county on behalf of the victim, to the clerk of 2903  
courts, or to another agency designated by the court. ~~If the~~ 2904  
~~court imposes restitution~~, at sentencing, the court shall 2905  
determine the amount of restitution to be made by the offender. 2906  
~~If the court imposes restitution, the court may base the amount~~ 2907  
~~of restitution it orders on an amount recommended by the victim,~~ 2908  
~~the offender, a presentence investigation report, estimates or~~ 2909  
~~receipts indicating the cost of repairing or replacing property,~~ 2910  
~~and other information, provided that the~~ The victim, victim's 2911  
representative, victim's attorney, if applicable, the prosecutor 2912  
or the prosecutor's designee, and the offender may provide 2913  
information relevant to the determination of the amount of 2914  
restitution. The amount the court orders as restitution shall 2915  
not exceed the amount of the economic loss suffered by the 2916  
victim as a direct and proximate result of the commission of the 2917  
offense. If the court imposes restitution for the cost of 2918  
accounting or auditing done to determine the extent of economic 2919  
loss, the court may order restitution for any amount of the 2920  
victim's costs of accounting or auditing provided that the 2921  
amount of restitution is reasonable and does not exceed the 2922  
value of property or services stolen or damaged as a result of 2923  
the offense. ~~If the court decides to impose restitution, the~~ The 2924  
court shall hold a hearing on restitution if the offender, 2925  
victim, ~~or survivor~~ victim's representative, or victim's estate 2926  
disputes the amount. The court shall determine the amount of 2927  
full restitution by a preponderance of the evidence. All 2928

restitution payments shall be credited against any recovery of 2929  
economic loss in a civil action brought by the victim or ~~any~~ 2930  
~~survivor of the victim~~ victim's estate against the offender. 2931

~~If the court imposes restitution, the~~ The court may order 2932  
that the offender pay a surcharge of not more than five per cent 2933  
of the amount of the restitution otherwise ordered to the entity 2934  
responsible for collecting and processing restitution payments. 2935

~~The victim or survivor,~~  victim's estate, or victim's 2936  
attorney, if applicable, may file a motion or request that the 2937  
prosecutor in the case file a motion, or the offender may file a 2938  
motion, for modification of the payment terms of any restitution 2939  
ordered. If the court grants the motion, it may modify the 2940  
payment terms as it determines appropriate but shall not reduce 2941  
the amount of restitution ordered, except as provided in 2942  
division (A) of section 2929.281 of the Revised Code. The court 2943  
shall not discharge restitution until it is fully paid by the 2944  
offender. 2945

(2) Except as provided in division (B) (1), (3), or (4) of 2946  
this section, a fine payable by the offender to the state, to a 2947  
political subdivision, or as described in division (B) (2) of 2948  
this section to one or more law enforcement agencies, with the 2949  
amount of the fine based on a standard percentage of the 2950  
offender's daily income over a period of time determined by the 2951  
court and based upon the seriousness of the offense. A fine 2952  
ordered under this division shall not exceed the maximum 2953  
conventional fine amount authorized for the level of the offense 2954  
under division (A) (3) of this section. 2955

(3) Except as provided in division (B) (1), (3), or (4) of 2956  
this section, a fine payable by the offender to the state, to a 2957  
political subdivision when appropriate for a felony, or as 2958

described in division (B) (2) of this section to one or more law enforcement agencies, in the following amount:	2959
	2960
(a) For a felony of the first degree, not more than twenty thousand dollars;	2961
	2962
(b) For a felony of the second degree, not more than fifteen thousand dollars;	2963
	2964
(c) For a felony of the third degree, not more than ten thousand dollars;	2965
	2966
(d) For a felony of the fourth degree, not more than five thousand dollars;	2967
	2968
(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.	2969
	2970
(4) A state fine or costs as defined in section 2949.111 of the Revised Code.	2971
	2972
(5) (a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:	2973
	2974
	2975
(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;	2976
	2977
	2978
(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement;	2979
	2980
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(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) If the offender is sentenced to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the Revised Code that is to be served in a facility operated by a board of county commissioners, a legislative authority of a municipal corporation, or another local governmental entity, if, pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and section 2929.37 of the Revised Code, the board, legislative authority, or other local governmental entity requires prisoners to reimburse the county, municipal corporation, or other entity for its expenses incurred by reason of the prisoner's confinement, and if the court does not impose a financial sanction under division (A) (5) (a) (ii) of this section, confinement costs may be assessed pursuant to section 2929.37 of the Revised Code. In addition, the offender may be required to pay the fees specified in section 2929.38 of the Revised Code in accordance with that section.

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

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

an offender alleges in an affidavit filed with the court prior 3016  
to sentencing that the offender is indigent and unable to pay 3017  
the mandatory fine and if the court determines the offender is 3018  
an indigent person and is unable to pay the mandatory fine 3019  
described in this division, the court shall not impose the 3020  
mandatory fine upon the offender. 3021

(2) Any mandatory fine imposed upon an offender under 3022  
division (B)(1) of this section and any fine imposed upon an 3023  
offender under division (A)(2) or (3) of this section for any 3024  
fourth or fifth degree felony violation of any provision of 3025  
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 3026  
to law enforcement agencies pursuant to division (F) of section 3027  
2925.03 of the Revised Code. 3028

(3) For a fourth degree felony OVI offense and for a third 3029  
degree felony OVI offense, the sentencing court shall impose 3030  
upon the offender a mandatory fine in the amount specified in 3031  
division (G)(1)(d) or (e) of section 4511.19 of the Revised 3032  
Code, whichever is applicable. The mandatory fine so imposed 3033  
shall be disbursed as provided in the division pursuant to which 3034  
it is imposed. 3035

(4) Notwithstanding any fine otherwise authorized or 3036  
required to be imposed under division (A)(2) or (3) or (B)(1) of 3037  
this section or section 2929.31 of the Revised Code for a 3038  
violation of section 2925.03 of the Revised Code, in addition to 3039  
any penalty or sanction imposed for that offense under section 3040  
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 3041  
in addition to the forfeiture of property in connection with the 3042  
offense as prescribed in Chapter 2981. of the Revised Code, the 3043  
court that sentences an offender for a violation of section 3044  
2925.03 of the Revised Code may impose upon the offender a fine 3045

in addition to any fine imposed under division (A) (2) or (3) of 3046  
this section and in addition to any mandatory fine imposed under 3047  
division (B) (1) of this section. The fine imposed under division 3048  
(B) (4) of this section shall be used as provided in division (H) 3049  
of section 2925.03 of the Revised Code. A fine imposed under 3050  
division (B) (4) of this section shall not exceed whichever of 3051  
the following is applicable: 3052

(a) The total value of any personal or real property in 3053  
which the offender has an interest and that was used in the 3054  
course of, intended for use in the course of, derived from, or 3055  
realized through conduct in violation of section 2925.03 of the 3056  
Revised Code, including any property that constitutes proceeds 3057  
derived from that offense; 3058

(b) If the offender has no interest in any property of the 3059  
type described in division (B) (4) (a) of this section or if it is 3060  
not possible to ascertain whether the offender has an interest 3061  
in any property of that type in which the offender may have an 3062  
interest, the amount of the mandatory fine for the offense 3063  
imposed under division (B) (1) of this section or, if no 3064  
mandatory fine is imposed under division (B) (1) of this section, 3065  
the amount of the fine authorized for the level of the offense 3066  
imposed under division (A) (3) of this section. 3067

(5) Prior to imposing a fine under division (B) (4) of this 3068  
section, the court shall determine whether the offender has an 3069  
interest in any property of the type described in division (B) 3070  
(4) (a) of this section. Except as provided in division (B) (6) or 3071  
(7) of this section, a fine that is authorized and imposed under 3072  
division (B) (4) of this section does not limit or affect the 3073  
imposition of the penalties and sanctions for a violation of 3074  
section 2925.03 of the Revised Code prescribed under those 3075

sections or sections 2929.11 to 2929.18 of the Revised Code and 3076  
does not limit or affect a forfeiture of property in connection 3077  
with the offense as prescribed in Chapter 2981. of the Revised 3078  
Code. 3079

(6) If the sum total of a mandatory fine amount imposed 3080  
for a first, second, or third degree felony violation of section 3081  
2925.03 of the Revised Code under division (B)(1) of this 3082  
section plus the amount of any fine imposed under division (B) 3083  
(4) of this section does not exceed the maximum statutory fine 3084  
amount authorized for the level of the offense under division 3085  
(A)(3) of this section or section 2929.31 of the Revised Code, 3086  
the court may impose a fine for the offense in addition to the 3087  
mandatory fine and the fine imposed under division (B)(4) of 3088  
this section. The sum total of the amounts of the mandatory 3089  
fine, the fine imposed under division (B)(4) of this section, 3090  
and the additional fine imposed under division (B)(6) of this 3091  
section shall not exceed the maximum statutory fine amount 3092  
authorized for the level of the offense under division (A)(3) of 3093  
this section or section 2929.31 of the Revised Code. The clerk 3094  
of the court shall pay any fine that is imposed under division 3095  
(B)(6) of this section to the county, township, municipal 3096  
corporation, park district as created pursuant to section 511.18 3097  
or 1545.04 of the Revised Code, or state law enforcement 3098  
agencies in this state that primarily were responsible for or 3099  
involved in making the arrest of, and in prosecuting, the 3100  
offender pursuant to division (F) of section 2925.03 of the 3101  
Revised Code. 3102

(7) If the sum total of the amount of a mandatory fine 3103  
imposed for a first, second, or third degree felony violation of 3104  
section 2925.03 of the Revised Code plus the amount of any fine 3105  
imposed under division (B)(4) of this section exceeds the 3106

maximum statutory fine amount authorized for the level of the 3107  
offense under division (A) (3) of this section or section 2929.31 3108  
of the Revised Code, the court shall not impose a fine under 3109  
division (B) (6) of this section. 3110

(8) (a) If an offender who is convicted of or pleads guilty 3111  
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 3112  
2923.32, division (A) (1) or (2) of section 2907.323 involving a 3113  
minor, or division (B) (1), (2), (3), (4), or (5) of section 3114  
2919.22 of the Revised Code also is convicted of or pleads 3115  
guilty to a specification of the type described in section 3116  
2941.1422 of the Revised Code that charges that the offender 3117  
knowingly committed the offense in furtherance of human 3118  
trafficking, the sentencing court shall sentence the offender to 3119  
a financial sanction of restitution by the offender to the 3120  
victim or ~~any survivor of the victim~~ victim's estate, with the 3121  
restitution including the costs of housing, counseling, and 3122  
medical and legal assistance incurred by the victim as a direct 3123  
result of the offense and the greater of the following: 3124

(i) The gross income or value to the offender of the 3125  
victim's labor or services; 3126

(ii) The value of the victim's labor as guaranteed under 3127  
the minimum wage and overtime provisions of the "Federal Fair 3128  
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 3129  
state labor laws. 3130

(b) If a court imposing sentence upon an offender for a 3131  
felony is required to impose upon the offender a financial 3132  
sanction of restitution under division (B) (8) (a) of this 3133  
section, in addition to that financial sanction of restitution, 3134  
the court may sentence the offender to any other financial 3135  
sanction or combination of financial sanctions authorized under 3136

this section, including a restitution sanction under division 3137  
(A) (1) of this section. 3138

(9) In addition to any other fine that is or may be 3139  
imposed under this section, the court imposing sentence upon an 3140  
offender for a felony that is a sexually oriented offense or a 3141  
child-victim oriented offense, as those terms are defined in 3142  
section 2950.01 of the Revised Code, may impose a fine of not 3143  
less than fifty nor more than five hundred dollars. 3144

(10) For a felony violation of division (A) of section 3145  
2921.321 of the Revised Code that results in the death of the 3146  
police dog or horse that is the subject of the violation, the 3147  
sentencing court shall impose upon the offender a mandatory fine 3148  
from the range of fines provided under division (A) (3) of this 3149  
section for a felony of the third degree. A mandatory fine 3150  
imposed upon an offender under division (B) (10) of this section 3151  
shall be paid to the law enforcement agency that was served by 3152  
the police dog or horse that was killed in the felony violation 3153  
of division (A) of section 2921.321 of the Revised Code to be 3154  
used as provided in division (E) (1) (b) of that section. 3155

(11) In addition to any other fine that is or may be 3156  
imposed under this section, the court imposing sentence upon an 3157  
offender for any of the following offenses that is a felony may 3158  
impose a fine of not less than seventy nor more than five 3159  
hundred dollars, which shall be transmitted to the treasurer of 3160  
state to be credited to the address confidentiality program fund 3161  
created by section 111.48 of the Revised Code: 3162

(a) Domestic violence; 3163

(b) Menacing by stalking; 3164

(c) Rape; 3165

(d) Sexual battery;	3166
(e) Trafficking in persons;	3167
(f) A violation of section 2905.01, 2905.02, 2907.21,	3168
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323	3169
involving a minor, or division (B) (1), (2), (3), (4), or (5) of	3170
section 2919.22 of the Revised Code, if the offender also is	3171
convicted of a specification of the type described in section	3172
2941.1422 of the Revised Code that charges that the offender	3173
knowingly committed the offense in furtherance of human	3174
trafficking.	3175
(C) (1) Except as provided in section 2951.021 of the	3176
Revised Code, the offender shall pay reimbursements imposed upon	3177
the offender pursuant to division (A) (5) (a) of this section to	3178
pay the costs incurred by a county pursuant to any sanction	3179
imposed under this section or section 2929.16 or 2929.17 of the	3180
Revised Code or in operating a facility used to confine	3181
offenders pursuant to a sanction imposed under section 2929.16	3182
of the Revised Code to the county treasurer. The county	3183
treasurer shall deposit the reimbursements in the sanction cost	3184
reimbursement fund that each board of county commissioners shall	3185
create in its county treasury. The county shall use the amounts	3186
deposited in the fund to pay the costs incurred by the county	3187
pursuant to any sanction imposed under this section or section	3188
2929.16 or 2929.17 of the Revised Code or in operating a	3189
facility used to confine offenders pursuant to a sanction	3190
imposed under section 2929.16 of the Revised Code.	3191
(2) Except as provided in section 2951.021 of the Revised	3192
Code, the offender shall pay reimbursements imposed upon the	3193
offender pursuant to division (A) (5) (a) of this section to pay	3194
the costs incurred by a municipal corporation pursuant to any	3195

sanction imposed under this section or section 2929.16 or 3196  
2929.17 of the Revised Code or in operating a facility used to 3197  
confine offenders pursuant to a sanction imposed under section 3198  
2929.16 of the Revised Code to the treasurer of the municipal 3199  
corporation. The treasurer shall deposit the reimbursements in a 3200  
special fund that shall be established in the treasury of each 3201  
municipal corporation. The municipal corporation shall use the 3202  
amounts deposited in the fund to pay the costs incurred by the 3203  
municipal corporation pursuant to any sanction imposed under 3204  
this section or section 2929.16 or 2929.17 of the Revised Code 3205  
or in operating a facility used to confine offenders pursuant to 3206  
a sanction imposed under section 2929.16 of the Revised Code. 3207

(3) Except as provided in section 2951.021 of the Revised 3208  
Code, the offender shall pay reimbursements imposed pursuant to 3209  
division (A) (5) (a) of this section for the costs incurred by a 3210  
private provider pursuant to a sanction imposed under this 3211  
section or section 2929.16 or 2929.17 of the Revised Code to the 3212  
provider. 3213

(D) Except as otherwise provided in this division, a 3214  
financial sanction imposed pursuant to division (A) or (B) of 3215  
this section is a judgment in favor of the state or a political 3216  
subdivision in which the court that imposed the financial 3217  
sanction is located, and the offender subject to the financial 3218  
sanction is the judgment debtor. A financial sanction of 3219  
reimbursement imposed pursuant to division (A) (5) (a) (ii) of this 3220  
section upon an offender who is incarcerated in a state facility 3221  
or a municipal jail is a judgment in favor of the state or the 3222  
municipal corporation, and the offender subject to the financial 3223  
sanction is the judgment debtor. A financial sanction of 3224  
reimbursement imposed upon an offender pursuant to this section 3225  
for costs incurred by a private provider of sanctions is a 3226

judgment in favor of the private provider, and the offender 3227  
subject to the financial sanction is the judgment debtor. A 3228  
financial sanction of a mandatory fine imposed under division 3229  
(B) (10) of this section that is required under that division to 3230  
be paid to a law enforcement agency is a judgment in favor of 3231  
the specified law enforcement agency, and the offender subject 3232  
to the financial sanction is the judgment debtor. A financial 3233  
sanction of restitution imposed pursuant to division (A) (1) or 3234  
(B) (8) of this section is an order in favor of the victim of the 3235  
offender's criminal act that can be collected through a 3236  
certificate of judgment as described in division (D) (1) of this 3237  
section, through execution as described in division (D) (2) of 3238  
this section, or through an order as described in division (D) 3239  
(3) of this section, and the offender shall be considered for 3240  
purposes of the collection as the judgment debtor. Imposition of 3241  
a financial sanction and execution on the judgment does not 3242  
preclude any other power of the court to impose or enforce 3243  
sanctions on the offender. Once the financial sanction is 3244  
imposed as a judgment or order under this division, the victim, 3245  
private provider, state, or political subdivision may do any of 3246  
the following: 3247

(1) Obtain from the clerk of the court in which the 3248  
judgment was entered, at no cost, a certificate of judgment that 3249  
shall be in the same manner and form as a certificate of 3250  
judgment issued in a civil action; 3251

(2) Obtain execution of the judgment or order through any 3252  
available procedure, including: 3253

(a) An execution against the property of the judgment 3254  
debtor under Chapter 2329. of the Revised Code; 3255

(b) An execution against the person of the judgment debtor 3256

under Chapter 2331. of the Revised Code;	3257
(c) A proceeding in aid of execution under Chapter 2333. of the Revised Code, including:	3258 3259
(i) A proceeding for the examination of the judgment debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 of the Revised Code;	3260 3261 3262
(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;	3263 3264
(iii) A creditor's suit under section 2333.01 of the Revised Code.	3265 3266
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	3267 3268
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	3269 3270
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	3271 3272
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	3273 3274 3275 3276
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or	3277 3278 3279 3280 3281 3282 3283 3284

section 2929.32 of the Revised Code. Before entering into a 3285  
contract for the collection of amounts due from an offender 3286  
pursuant to any financial sanction imposed pursuant to this 3287  
section or section 2929.32 of the Revised Code, a court shall 3288  
comply with sections 307.86 to 307.92 of the Revised Code. 3289

(G) If a court that imposes a financial sanction under 3290  
division (A) or (B) of this section finds that an offender 3291  
satisfactorily has completed all other sanctions imposed upon 3292  
the offender and that all restitution that has been ordered has 3293  
been paid as ordered, the court may suspend any financial 3294  
sanctions imposed pursuant to this section or section 2929.32 of 3295  
the Revised Code that have not been paid. 3296

(H) No financial sanction imposed under this section or 3297  
section 2929.32 of the Revised Code shall preclude a victim from 3298  
bringing a civil action against the offender. 3299

(I) If the court imposes restitution, fines, fees, or 3300  
incarceration costs on a business or corporation, it is the duty 3301  
of the person authorized to make disbursements from the assets 3302  
of the business or corporation to pay the restitution, fines, 3303  
fees, or incarceration costs from those assets. 3304

(J) If an offender is sentenced to pay restitution, a 3305  
fine, fee, or incarceration costs, the clerk of the sentencing 3306  
court, on request, shall make the offender's payment history 3307  
available to the prosecutor, victim, victim's representative, 3308  
victim's attorney, if applicable, the probation department, and 3309  
the court without cost. 3310

**Sec. 2929.20.** (A) As used in this section: 3311

(1) (a) Except as provided in division (A) (1) (b) of this 3312  
section, "eligible offender" means any person who, on or after 3313

April 7, 2009, is serving a stated prison term that includes one 3314  
or more nonmandatory prison terms. 3315

(b) "Eligible offender" does not include any person who, 3316  
on or after April 7, 2009, is serving a stated prison term for 3317  
any of the following criminal offenses that was a felony and was 3318  
committed while the person held a public office in this state: 3319

(i) A violation of section 2921.02, 2921.03, 2921.05, 3320  
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 3321  
Code; 3322

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 3323  
2921.12 of the Revised Code, when the conduct constituting the 3324  
violation was related to the duties of the offender's public 3325  
office or to the offender's actions as a public official holding 3326  
that public office; 3327

(iii) A violation of an existing or former municipal 3328  
ordinance or law of this or any other state or the United States 3329  
that is substantially equivalent to any violation listed in 3330  
division (A) (1) (b) (i) of this section; 3331

(iv) A violation of an existing or former municipal 3332  
ordinance or law of this or any other state or the United States 3333  
that is substantially equivalent to any violation listed in 3334  
division (A) (1) (b) (ii) of this section, when the conduct 3335  
constituting the violation was related to the duties of the 3336  
offender's public office or to the offender's actions as a 3337  
public official holding that public office; 3338

(v) A conspiracy to commit, attempt to commit, or 3339  
complicity in committing any offense listed in division (A) (1) 3340  
(b) (i) or described in division (A) (1) (b) (iii) of this section; 3341

(vi) A conspiracy to commit, attempt to commit, or 3342

complicity in committing any offense listed in division (A) (1) 3343  
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 3344  
if the conduct constituting the offense that was the subject of 3345  
the conspiracy, that would have constituted the offense 3346  
attempted, or constituting the offense in which the offender was 3347  
complicit was or would have been related to the duties of the 3348  
offender's public office or to the offender's actions as a 3349  
public official holding that public office. 3350

(2) "Nonmandatory prison term" means a prison term that is 3351  
not a mandatory prison term. 3352

(3) "Public office" means any elected federal, state, or 3353  
local government office in this state. 3354

(4) "Victim's representative" has the same meaning as in 3355  
section 2930.01 of the Revised Code. 3356

(5) "Imminent danger of death," "medically incapacitated," 3357  
and "terminal illness" have the same meanings as in section 3358  
2967.05 of the Revised Code. 3359

(6) "Aggregated nonmandatory prison term or terms" means 3360  
the aggregate of the following: 3361

(a) All nonmandatory definite prison terms; 3362

(b) With respect to any non-life felony indefinite prison 3363  
term, all nonmandatory minimum prison terms imposed as part of 3364  
the non-life felony indefinite prison term or terms. 3365

(B) On the motion of an eligible offender or upon its own 3366  
motion, the sentencing court may reduce the eligible offender's 3367  
aggregated nonmandatory prison term or terms through a judicial 3368  
release under this section. 3369

(C) An eligible offender may file a motion for judicial 3370

release with the sentencing court within the following 3371  
applicable periods: 3372

(1) If the aggregated nonmandatory prison term or terms is 3373  
less than two years, the eligible offender may file the motion 3374  
at any time after the offender is delivered to a state 3375  
correctional institution or, if the prison term includes a 3376  
mandatory prison term or terms, at any time after the expiration 3377  
of all mandatory prison terms. 3378

(2) If the aggregated nonmandatory prison term or terms is 3379  
at least two years but less than five years, the eligible 3380  
offender may file the motion not earlier than one hundred eighty 3381  
days after the offender is delivered to a state correctional 3382  
institution or, if the prison term includes a mandatory prison 3383  
term or terms, not earlier than one hundred eighty days after 3384  
the expiration of all mandatory prison terms. 3385

(3) If the aggregated nonmandatory prison term or terms is 3386  
five years, the eligible offender may file the motion not 3387  
earlier than the date on which the eligible offender has served 3388  
four years of the offender's stated prison term or, if the 3389  
prison term includes a mandatory prison term or terms, not 3390  
earlier than four years after the expiration of all mandatory 3391  
prison terms. 3392

(4) If the aggregated nonmandatory prison term or terms is 3393  
more than five years but not more than ten years, the eligible 3394  
offender may file the motion not earlier than the date on which 3395  
the eligible offender has served five years of the offender's 3396  
stated prison term or, if the prison term includes a mandatory 3397  
prison term or terms, not earlier than five years after the 3398  
expiration of all mandatory prison terms. 3399

(5) If the aggregated nonmandatory prison term or terms is 3400  
more than ten years, the eligible offender may file the motion 3401  
not earlier than the later of the date on which the offender has 3402  
served one-half of the offender's stated prison term or the date 3403  
specified in division (C) (4) of this section. 3404

(D) Upon receipt of a timely motion for judicial release 3405  
filed by an eligible offender under division (C) of this section 3406  
or upon the sentencing court's own motion made within the 3407  
appropriate time specified in that division, the court may deny 3408  
the motion without a hearing or schedule a hearing on the 3409  
motion. The court shall not grant the motion without a hearing. 3410  
If a court denies a motion without a hearing, the court later 3411  
may consider judicial release for that eligible offender on a 3412  
subsequent motion filed by that eligible offender unless the 3413  
court denies the motion with prejudice. If a court denies a 3414  
motion with prejudice, the court may later consider judicial 3415  
release on its own motion. If a court denies a motion after a 3416  
hearing, the court shall not consider a subsequent motion for 3417  
that eligible offender. The court shall hold only one hearing 3418  
for any eligible offender. 3419

A hearing under this section shall be conducted in open 3420  
court not less than thirty or more than sixty days after the 3421  
motion is filed, provided that the court may delay the hearing 3422  
for one hundred eighty additional days. If the court holds a 3423  
hearing, the court shall enter a ruling on the motion within ten 3424  
days after the hearing. If the court denies the motion without a 3425  
hearing, the court shall enter its ruling on the motion within 3426  
sixty days after the motion is filed. 3427

(E) If a court schedules a hearing under division (D) of 3428  
this section, the court shall notify the eligible offender and 3429

the head of the state correctional institution in which the 3430  
eligible offender is confined prior to the hearing. The head of 3431  
the state correctional institution immediately shall notify the 3432  
appropriate person at the department of rehabilitation and 3433  
correction of the hearing, and the department within twenty-four 3434  
hours after receipt of the notice, shall post on the database it 3435  
maintains pursuant to section 5120.66 of the Revised Code the 3436  
offender's name and all of the information specified in division 3437  
(A) (1) (c) (i) of that section. If the court schedules a hearing 3438  
for judicial release, the court promptly shall give notice of 3439  
the hearing to the prosecuting attorney of the county in which 3440  
the eligible offender was indicted. Upon receipt of the notice 3441  
from the court, the prosecuting attorney shall do whichever of 3442  
the following is applicable: 3443

(1) Subject to division (E) (2) of this section, notify the 3444  
victim of the offense ~~or~~ and the victim's representative, if 3445  
applicable, pursuant to division (B) of section 2930.16 of the 3446  
Revised Code; 3447

(2) If the offense was an offense of violence that is a 3448  
felony of the first, second, or third degree, except as 3449  
otherwise provided in this division, notify the victim ~~or~~ and 3450  
the victim's representative, if applicable, of the hearing 3451  
regardless of whether the victim or victim's representative has 3452  
requested the notification. The notice of the hearing shall not 3453  
be given under this division to a victim or victim's 3454  
representative if the victim or victim's representative has 3455  
requested pursuant to division (B) (2) of section 2930.03 of the 3456  
Revised Code that the victim or the victim's representative not 3457  
be provided the notice. If notice is to be provided to a victim 3458  
or victim's representative under this division, the prosecuting 3459  
attorney may give the notice by any reasonable means, including 3460

regular mail, telephone, and electronic mail, in accordance with 3461  
division (D) (1) of section 2930.16 of the Revised Code. If the 3462  
notice is based on an offense committed prior to March 22, 2013, 3463  
the notice also shall include the opt-out information described 3464  
in division (D) (1) of section 2930.16 of the Revised Code. The 3465  
prosecuting attorney, in accordance with division (D) (2) of 3466  
section 2930.16 of the Revised Code, shall keep a record of all 3467  
attempts to provide the notice, and of all notices provided, 3468  
under this division. Division (E) (2) of this section, and the 3469  
notice-related provisions of division (K) of this section, 3470  
division (D) (1) of section 2930.16, division (H) of section 3471  
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 3472  
(b) of section 2967.26, division (D) (1) of section 2967.28, and 3473  
division (A) (2) of section 5149.101 of the Revised Code enacted 3474  
in the act in which division (E) (2) of this section was enacted, 3475  
shall be known as "Roberta's Law." 3476

(F) Upon an offender's successful completion of 3477  
rehabilitative activities, the head of the state correctional 3478  
institution may notify the sentencing court of the successful 3479  
completion of the activities. 3480

(G) Prior to the date of the hearing on a motion for 3481  
judicial release under this section, the head of the state 3482  
correctional institution in which the eligible offender is 3483  
confined shall send to the court an institutional summary report 3484  
on the eligible offender's conduct in the institution and in any 3485  
institution from which the eligible offender may have been 3486  
transferred. Upon the request of the prosecuting attorney of the 3487  
county in which the eligible offender was indicted or of any law 3488  
enforcement agency, the head of the state correctional 3489  
institution, at the same time the person sends the institutional 3490  
summary report to the court, also shall send a copy of the 3491

report to the requesting prosecuting attorney and law enforcement agencies. The institutional summary report shall cover the eligible offender's participation in school, vocational training, work, treatment, and other rehabilitative activities and any disciplinary action taken against the eligible offender. The report shall be made part of the record of the hearing. A presentence investigation report is not required for judicial release.

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

(I) At the hearing on a motion for judicial release under this section, the court shall afford the eligible offender and the eligible offender's attorney an opportunity to present written and, if present, oral information relevant to the motion. The court shall afford a similar opportunity to the prosecuting attorney, the victim~~or~~, the victim's representative, the victim's attorney, if applicable, and any other person the court determines is likely to present additional relevant information. The court shall consider any oral or written statement of a victim, victim's representative, and victim's attorney, if applicable, made pursuant to section 2930.14 or 2930.17 of the Revised Code, any victim impact statement prepared pursuant to section 2947.051 of the Revised Code, and any report made under division (G) of this section. The court may consider any written statement of any person

submitted to the court pursuant to division (L) of this section. 3523  
After ruling on the motion, the court shall notify the victim 3524  
and the victim's representative of the ruling in accordance with 3525  
sections 2930.03 and 2930.16 of the Revised Code. 3526

(J) (1) A court shall not grant a judicial release under 3527  
this section to an eligible offender who is imprisoned for a 3528  
felony of the first or second degree, or to an eligible offender 3529  
who committed an offense under Chapter 2925. or 3719. of the 3530  
Revised Code and for whom there was a presumption under section 3531  
2929.13 of the Revised Code in favor of a prison term, unless 3532  
the court, with reference to factors under section 2929.12 of 3533  
the Revised Code, finds both of the following: 3534

(a) That a sanction other than a prison term would 3535  
adequately punish the offender and protect the public from 3536  
future criminal violations by the eligible offender because the 3537  
applicable factors indicating a lesser likelihood of recidivism 3538  
outweigh the applicable factors indicating a greater likelihood 3539  
of recidivism; 3540

(b) That a sanction other than a prison term would not 3541  
demean the seriousness of the offense because factors indicating 3542  
that the eligible offender's conduct in committing the offense 3543  
was less serious than conduct normally constituting the offense 3544  
outweigh factors indicating that the eligible offender's conduct 3545  
was more serious than conduct normally constituting the offense. 3546

(2) A court that grants a judicial release to an eligible 3547  
offender under division (J) (1) of this section shall specify on 3548  
the record both findings required in that division and also 3549  
shall list all the factors described in that division that were 3550  
presented at the hearing. 3551

(K) If the court grants a motion for judicial release 3552  
under this section, the court shall order the release of the 3553  
eligible offender, shall place the eligible offender under an 3554  
appropriate community control sanction, under appropriate 3555  
conditions, and under the supervision of the department of 3556  
probation serving the court and shall reserve the right to 3557  
reimpose the sentence that it reduced if the offender violates 3558  
the sanction. If the court reimposes the reduced sentence, it 3559  
may do so either concurrently with, or consecutive to, any new 3560  
sentence imposed upon the eligible offender as a result of the 3561  
violation that is a new offense. Except as provided in division 3562  
(R) (2) of this section, the period of community control shall be 3563  
no longer than five years. The court, in its discretion, may 3564  
reduce the period of community control by the amount of time the 3565  
eligible offender spent in jail or prison for the offense and in 3566  
prison. If the court made any findings pursuant to division (J) 3567  
(1) of this section, the court shall serve a copy of the 3568  
findings upon counsel for the parties within fifteen days after 3569  
the date on which the court grants the motion for judicial 3570  
release. 3571

If the court grants a motion for judicial release, the 3572  
court shall notify the appropriate person at the department of 3573  
rehabilitation and correction, and the department shall post 3574  
notice of the release on the database it maintains pursuant to 3575  
section 5120.66 of the Revised Code. The court also shall notify 3576  
the prosecuting attorney of the county in which the eligible 3577  
offender was indicted that the motion has been granted. Unless 3578  
the victim or the victim's representative has requested pursuant 3579  
to division (B) (2) of section 2930.03 of the Revised Code that 3580  
the victim or victim's representative not be provided the 3581  
notice, the prosecuting attorney shall notify the victim ~~or~~ and 3582

the victim's representative, if applicable, of the judicial 3583  
release in any manner, and in accordance with the same 3584  
procedures, pursuant to which the prosecuting attorney is 3585  
authorized to provide notice of the hearing pursuant to division 3586  
(E) (2) of this section. If the notice is based on an offense 3587  
committed prior to March 22, 2013, the notice to the victim or 3588  
victim's representative also shall include the opt-out 3589  
information described in division (D) (1) of section 2930.16 of 3590  
the Revised Code. 3591

(L) In addition to and independent of the right of a 3592  
victim to make a statement pursuant to section 2930.14, 2930.17, 3593  
or 2946.051 of the Revised Code and any right of a person to 3594  
present written information or make a statement pursuant to 3595  
division (I) of this section, any person may submit to the 3596  
court, at any time prior to the hearing on the offender's motion 3597  
for judicial release, a written statement concerning the effects 3598  
of the offender's ~~crime or crimes~~ criminal offense, the 3599  
circumstances surrounding the ~~crime or crimes~~ criminal offense, 3600  
the manner in which the ~~crime or crimes were~~ criminal offense 3601  
was perpetrated, and the person's opinion as to whether the 3602  
offender should be released. 3603

(M) The changes to this section that are made on September 3604  
30, 2011, apply to any judicial release decision made on or 3605  
after September 30, 2011, for any eligible offender. 3606

(N) Notwithstanding the eligibility requirements specified 3607  
in division (A) of this section and the filing time frames 3608  
specified in division (C) of this section and notwithstanding 3609  
the findings required under division (J) of this section, the 3610  
sentencing court, upon the court's own motion and after 3611  
considering whether the release of the offender into society 3612

would create undue risk to public safety, may grant a judicial 3613  
release to an offender who is not serving a life sentence at any 3614  
time during the offender's imposed sentence when the director of 3615  
rehabilitation and correction certifies to the sentencing court 3616  
through the chief medical officer for the department of 3617  
rehabilitation and correction that the offender is in imminent 3618  
danger of death, is medically incapacitated, or is suffering 3619  
from a terminal illness. 3620

(O) The director of rehabilitation and correction shall 3621  
not certify any offender under division (N) of this section who 3622  
is serving a death sentence. 3623

(P) A motion made by the court under division (N) of this 3624  
section is subject to the notice, hearing, and other procedural 3625  
requirements specified in divisions (D), (E), (G), (H), (I), 3626  
(K), and (L) of this section, except for the following: 3627

(1) The court may waive the offender's appearance at any 3628  
hearing scheduled by the court if the offender's condition makes 3629  
it impossible for the offender to participate meaningfully in 3630  
the proceeding. 3631

(2) The court may grant the motion without a hearing, 3632  
provided that the prosecuting attorney ~~and, victim or, and~~ 3633  
victim's representative, if applicable, to whom notice of the 3634  
hearing was provided under division (E) of this section indicate 3635  
that they do not wish to participate in the hearing or present 3636  
information relevant to the motion. 3637

(Q) The court may request health care records from the 3638  
department of rehabilitation and correction to verify the 3639  
certification made under division (N) of this section. 3640

(R) (1) If the court grants judicial release under division 3641

(N) of this section, the court shall do all of the following: 3642

(a) Order the release of the offender; 3643

(b) Place the offender under an appropriate community 3644  
control sanction, under appropriate conditions; 3645

(c) Place the offender under the supervision of the 3646  
department of probation serving the court or under the 3647  
supervision of the adult parole authority. 3648

(2) The court, in its discretion, may revoke the judicial 3649  
release if the offender violates the community control sanction 3650  
described in division (R) (1) of this section. The period of that 3651  
community control is not subject to the five-year limitation 3652  
described in division (K) of this section and shall not expire 3653  
earlier than the date on which all of the offender's mandatory 3654  
prison terms expire. 3655

(S) If the health of an offender who is released under 3656  
division (N) of this section improves so that the offender is no 3657  
longer terminally ill, medically incapacitated, or in imminent 3658  
danger of death, the court shall, upon the court's own motion, 3659  
revoke the judicial release. The court shall not grant the 3660  
motion without a hearing unless the offender waives a hearing. 3661  
If a hearing is held, the court shall afford the offender and 3662  
the offender's attorney an opportunity to present written and, 3663  
if the offender or the offender's attorney is present, oral 3664  
information relevant to the motion. The court shall afford a 3665  
similar opportunity to the prosecuting attorney, the victim ~~or,~~ 3666  
the victim's representative, the victim's attorney, if 3667  
applicable, and any other person the court determines is likely 3668  
to present additional relevant information. A court that grants 3669  
a motion under this division shall specify its findings on the 3670

record. 3671

**Sec. 2929.22.** (A) Unless a mandatory jail term is required 3672  
to be imposed by division (G) of section 1547.99, division (B) 3673  
of section 4510.14, division (G) of section 4511.19 of the 3674  
Revised Code, or any other provision of the Revised Code a court 3675  
that imposes a sentence under this chapter upon an offender for 3676  
a misdemeanor or minor misdemeanor has discretion to determine 3677  
the most effective way to achieve the purposes and principles of 3678  
sentencing set forth in section 2929.21 of the Revised Code. 3679

Unless a specific sanction is required to be imposed or is 3680  
precluded from being imposed by the section setting forth an 3681  
offense or the penalty for an offense or by any provision of 3682  
sections 2929.23 to 2929.28 of the Revised Code, a court that 3683  
imposes a sentence upon an offender for a misdemeanor may impose 3684  
on the offender any sanction or combination of sanctions under 3685  
sections 2929.24 to 2929.28 of the Revised Code. The court shall 3686  
not impose a sentence that imposes an unnecessary burden on 3687  
local government resources. 3688

(B) (1) In determining the appropriate sentence for a 3689  
misdemeanor, the court shall consider all of the following 3690  
factors: 3691

(a) The nature and circumstances of the offense or 3692  
offenses; 3693

(b) Whether the circumstances regarding the offender and 3694  
the offense or offenses indicate that the offender has a history 3695  
of persistent criminal activity and that the offender's 3696  
character and condition reveal a substantial risk that the 3697  
offender will commit another offense; 3698

(c) Whether the circumstances regarding the offender and 3699

the offense or offenses indicate that the offender's history, 3700  
character, and condition reveal a substantial risk that the 3701  
offender will be a danger to others and that the offender's 3702  
conduct has been characterized by a pattern of repetitive, 3703  
compulsive, or aggressive behavior with heedless indifference to 3704  
the consequences; 3705

(d) Whether the victim's youth, age, disability, or other 3706  
factor made the victim particularly vulnerable to the offense or 3707  
made the impact of the offense more serious; 3708

(e) Whether the offender is likely to commit future crimes 3709  
in general, in addition to the circumstances described in 3710  
divisions (B) (1) (b) and (c) of this section; 3711

(f) Whether the offender has an emotional, mental, or 3712  
physical condition that is traceable to the offender's service 3713  
in the armed forces of the United States and that was a 3714  
contributing factor in the offender's commission of the offense 3715  
or offenses; 3716

(g) The offender's military service record. 3717

(2) In determining the appropriate sentence for a 3718  
misdemeanor, in addition to complying with division (B) (1) of 3719  
this section, the court may consider any other factors that are 3720  
relevant to achieving the purposes and principles of sentencing 3721  
set forth in section 2929.21 of the Revised Code. 3722

(C) Before imposing a jail term as a sentence for a 3723  
misdemeanor, a court shall consider the appropriateness of 3724  
imposing a community control sanction or a combination of 3725  
community control sanctions under sections 2929.25, 2929.26, 3726  
2929.27, and 2929.28 of the Revised Code. A court may impose the 3727  
longest jail term authorized under section 2929.24 of the 3728

Revised Code only upon offenders who commit the worst forms of 3729  
the offense or upon offenders whose conduct and response to 3730  
prior sanctions for prior offenses demonstrate that the 3731  
imposition of the longest jail term is necessary to deter the 3732  
offender from committing a future ~~crime~~ criminal offense. 3733

(D) (1) A sentencing court shall consider any relevant oral 3734  
~~or~~ and written statement made by the victim, the victim's 3735  
representative, the victim's attorney, if applicable, the 3736  
defendant, the defense attorney, or the prosecuting authority 3737  
regarding sentencing for a misdemeanor. This division does not 3738  
create any rights to notice other than those rights authorized 3739  
by Chapter 2930. of the Revised Code. 3740

(2) At the time of sentencing for a misdemeanor or as soon 3741  
as possible after sentencing, the court shall notify the victim 3742  
of the offense of the victim's right to file an application for 3743  
an award of reparations pursuant to sections 2743.51 to 2743.72 3744  
of the Revised Code. 3745

**Sec. 2929.28.** (A) In addition to imposing court costs 3746  
pursuant to section 2947.23 of the Revised Code, the court 3747  
imposing a sentence upon an offender for a misdemeanor, 3748  
including a minor misdemeanor, may sentence the offender to any 3749  
financial sanction or combination of financial sanctions 3750  
authorized under this section and, if the offender is being 3751  
sentenced for a criminal offense as defined in section 2930.01 3752  
of the Revised Code, shall sentence the offender to make 3753  
restitution pursuant to this section and section 2929.281 of the 3754  
Revised Code. If the court, in its discretion or as required by 3755  
this section, imposes one or more financial sanctions, the 3756  
financial sanctions that may be imposed pursuant to this section 3757  
include, but are not limited to, the following: 3758

(1) Unless the misdemeanor offense ~~is a minor misdemeanor~~ 3759  
~~or~~ could be disposed of by the traffic violations bureau serving 3760  
the court under Traffic Rule 13, restitution by the offender to 3761  
the victim of the offender's crime or ~~any survivor of the~~ 3762  
~~victim~~victim's estate, in an amount based on the victim's 3763  
economic loss. The court may not impose restitution as a 3764  
sanction pursuant to this division if the offense ~~is a minor~~ 3765  
~~misdemeanor or~~ could be disposed of by the traffic violations 3766  
bureau serving the court under Traffic Rule 13. If the court 3767  
requires restitution, the court shall order that the restitution 3768  
be made to the victim in open court or to the adult probation 3769  
department that serves the jurisdiction or the clerk of the 3770  
court on behalf of the victim. 3771

~~If the court imposes restitution, the~~The court shall 3772  
determine the amount of restitution to be paid by the offender. 3773  
~~If the court imposes restitution, the court may base the amount~~ 3774  
~~of restitution it orders on an amount recommended by the victim,~~ 3775  
~~the offender, a presentence investigation report, estimates or~~ 3776  
~~receipts indicating the cost of repairing or replacing property,~~ 3777  
~~and other information, provided that the~~The victim, victim's 3778  
representative, victim's attorney, if applicable, the prosecutor 3779  
or the prosecutor's designee, and the offender may provide 3780  
information relevant to the determination of the amount of 3781  
restitution. The amount the court orders as restitution shall 3782  
not exceed the amount of the economic loss suffered by the 3783  
victim as a direct and proximate result of the commission of the 3784  
offense. If the court imposes restitution for the cost of 3785  
accounting or auditing done to determine the extent of economic 3786  
loss, the court may order restitution for any amount of the 3787  
victim's costs of accounting or auditing provided that the 3788  
amount of restitution is reasonable and does not exceed the 3789

value of property or services stolen or damaged as a result of 3790  
the offense. If the court decides to or is required to impose 3791  
restitution, the court shall hold an evidentiary hearing on 3792  
restitution if the offender, victim, ~~or survivor~~ victim's 3793  
representative, victim's attorney, if applicable, or victim's 3794  
estate disputes the amount of restitution. ~~If the~~ The court 3795  
~~holds an evidentiary hearing, at the hearing the victim or~~ 3796  
~~survivor has the burden to prove~~ shall determine the amount of 3797  
full restitution by a preponderance of the evidence ~~the amount~~ 3798  
~~of restitution sought from the offender.~~ 3799

All restitution payments shall be credited against any 3800  
recovery of economic loss in a civil action brought by the 3801  
victim or ~~any survivor of the~~ victim ~~victim's estate~~ against the 3802  
offender. No person may introduce evidence of an award of 3803  
restitution under this section in a civil action for purposes of 3804  
imposing liability against an insurer under section 3937.18 of 3805  
the Revised Code. 3806

~~If the court imposes restitution, the~~ The court may order 3807  
that the offender pay a surcharge, of not more than five per 3808  
cent of the amount of the restitution otherwise ordered, to the 3809  
entity responsible for collecting and processing restitution 3810  
payments. 3811

~~The victim or survivor,~~ victim's attorney, if applicable, 3812  
or the attorney for the victim's estate may request that the 3813  
prosecutor in the case file a motion, or the offender may file a 3814  
motion, for modification of the payment terms of any restitution 3815  
ordered. If the court grants the motion, it may modify the 3816  
payment terms as it determines appropriate but shall not reduce 3817  
the amount of restitution ordered, except as provided in 3818  
division (A) of section 2929.281 of the Revised Code. 3819

(2) A fine of the type described in divisions (A) (2) (a)	3820
and (b) of this section payable to the appropriate entity as	3821
required by law:	3822
(a) A fine in the following amount:	3823
(i) For a misdemeanor of the first degree, not more than	3824
one thousand dollars;	3825
(ii) For a misdemeanor of the second degree, not more than	3826
seven hundred fifty dollars;	3827
(iii) For a misdemeanor of the third degree, not more than	3828
five hundred dollars;	3829
(iv) For a misdemeanor of the fourth degree, not more than	3830
two hundred fifty dollars;	3831
(v) For a minor misdemeanor, not more than one hundred	3832
fifty dollars.	3833
(b) A state fine or cost as defined in section 2949.111 of	3834
the Revised Code.	3835
(3) (a) Reimbursement by the offender of any or all of the	3836
costs of sanctions incurred by the government, including, but	3837
not limited to, the following:	3838
(i) All or part of the costs of implementing any community	3839
control sanction, including a supervision fee under section	3840
2951.021 of the Revised Code <u>and the costs of global positioning</u>	3841
<u>system device monitoring;</u>	3842
(ii) All or part of the costs of confinement in a jail or	3843
other residential facility, including, but not limited to, a per	3844
diem fee for room and board, the costs of medical and dental	3845
treatment, and the costs of repairing property damaged by the	3846

offender while confined; 3847

(iii) All or part of the cost of purchasing and using an 3848  
immobilizing or disabling device, including a certified ignition 3849  
interlock device, or a remote alcohol monitoring device that a 3850  
court orders an offender to use under section 4510.13 of the 3851  
Revised Code. 3852

(b) The amount of reimbursement ordered under division (A) 3853  
(3) (a) of this section shall not exceed the total amount of 3854  
reimbursement the offender is able to pay and shall not exceed 3855  
the actual cost of the sanctions. The court may collect any 3856  
amount of reimbursement the offender is required to pay under 3857  
that division. If the court does not order reimbursement under 3858  
that division, confinement costs may be assessed pursuant to a 3859  
repayment policy adopted under section 2929.37 of the Revised 3860  
Code. In addition, the offender may be required to pay the fees 3861  
specified in section 2929.38 of the Revised Code in accordance 3862  
with that section. 3863

(B) If the court determines a hearing is necessary, the 3864  
court may hold a hearing to determine whether the offender is 3865  
able to pay the financial sanction imposed pursuant to this 3866  
section or court costs or is likely in the future to be able to 3867  
pay the sanction or costs. 3868

If the court determines that the offender is indigent and 3869  
unable to pay the financial sanction or court costs, the court 3870  
shall consider imposing and may impose a term of community 3871  
service under division (A) of section 2929.27 of the Revised 3872  
Code in lieu of imposing a financial sanction or court costs. If 3873  
the court does not determine that the offender is indigent, the 3874  
court may impose a term of community service under division (A) 3875  
of section 2929.27 of the Revised Code in lieu of or in addition 3876

to imposing a financial sanction under this section and in 3877  
addition to imposing court costs. The court may order community 3878  
service for a minor misdemeanor pursuant to division (D) of 3879  
section 2929.27 of the Revised Code in lieu of or in addition to 3880  
imposing a financial sanction under this section and in addition 3881  
to imposing court costs. If a person fails to pay a financial 3882  
sanction or court costs, the court may order community service 3883  
in lieu of the financial sanction or court costs. 3884

(C) (1) The offender shall pay reimbursements imposed upon 3885  
the offender pursuant to division (A) (3) of this section to pay 3886  
the costs incurred by a county pursuant to any sanction imposed 3887  
under this section or section 2929.26 or 2929.27 of the Revised 3888  
Code or in operating a facility used to confine offenders 3889  
pursuant to a sanction imposed under section 2929.26 of the 3890  
Revised Code to the county treasurer. The county treasurer shall 3891  
deposit the reimbursements in the county's general fund. The 3892  
county shall use the amounts deposited in the fund to pay the 3893  
costs incurred by the county pursuant to any sanction imposed 3894  
under this section or section 2929.26 or 2929.27 of the Revised 3895  
Code or in operating a facility used to confine offenders 3896  
pursuant to a sanction imposed under section 2929.26 of the 3897  
Revised Code. 3898

(2) The offender shall pay reimbursements imposed upon the 3899  
offender pursuant to division (A) (3) of this section to pay the 3900  
costs incurred by a municipal corporation pursuant to any 3901  
sanction imposed under this section or section 2929.26 or 3902  
2929.27 of the Revised Code or in operating a facility used to 3903  
confine offenders pursuant to a sanction imposed under section 3904  
2929.26 of the Revised Code to the treasurer of the municipal 3905  
corporation. The treasurer shall deposit the reimbursements in 3906  
the municipal corporation's general fund. The municipal 3907

corporation shall use the amounts deposited in the fund to pay 3908  
the costs incurred by the municipal corporation pursuant to any 3909  
sanction imposed under this section or section 2929.26 or 3910  
2929.27 of the Revised Code or in operating a facility used to 3911  
confine offenders pursuant to a sanction imposed under section 3912  
2929.26 of the Revised Code. 3913

(3) The offender shall pay reimbursements imposed pursuant 3914  
to division (A) (3) of this section for the costs incurred by a 3915  
private provider pursuant to a sanction imposed under this 3916  
section or section 2929.26 or 2929.27 of the Revised Code to the 3917  
provider. 3918

(D) In addition to any other fine that is or may be 3919  
imposed under this section, the court imposing sentence upon an 3920  
offender for misdemeanor domestic violence or menacing by 3921  
stalking may impose a fine of not less than seventy nor more 3922  
than five hundred dollars, which shall be transmitted to the 3923  
treasurer of state to be credited to the address confidentiality 3924  
program fund created by section 111.48 of the Revised Code. 3925

(E) Except as otherwise provided in this division, a 3926  
financial sanction imposed under division (A) of this section is 3927  
a judgment in favor of the state or the political subdivision 3928  
that operates the court that imposed the financial sanction, and 3929  
the offender subject to the financial sanction is the judgment 3930  
debtor. A financial sanction of reimbursement imposed pursuant 3931  
to division (A) (3) (a) (i) of this section upon an offender is a 3932  
judgment in favor of the entity administering the community 3933  
control sanction, and the offender subject to the financial 3934  
sanction is the judgment debtor. A financial sanction of 3935  
reimbursement imposed pursuant to division (A) (3) (a) (ii) of this 3936  
section upon an offender confined in a jail or other residential 3937

facility is a judgment in favor of the entity operating the jail 3938  
or other residential facility, and the offender subject to the 3939  
financial sanction is the judgment debtor. A financial sanction 3940  
of restitution imposed pursuant to division (A)(1) of this 3941  
section is an order in favor of the victim of the offender's 3942  
criminal act that can be collected through a certificate of 3943  
judgment as described in division (E)(1) of this section, 3944  
through execution as described in division (E)(2) of this 3945  
section, or through an order as described in division (E)(3) of 3946  
this section, and the offender shall be considered for purposes 3947  
of the collection as the judgment debtor. 3948

Once the financial sanction is imposed as a judgment or 3949  
order under this division, the victim, private provider, state, 3950  
or political subdivision may do any of the following: 3951

(1) Obtain from the clerk of the court in which the 3952  
judgment was entered, at no charge, a certificate of judgment 3953  
that shall be in the same manner and form as a certificate of 3954  
judgment issued in a civil action; 3955

(2) Obtain execution of the judgment or order through any 3956  
available procedure, including any of the procedures identified 3957  
in divisions ~~(E)(1)~~ (D)(1) and (2) of section 2929.18 of the 3958  
Revised Code. 3959

(3) Obtain an order for the assignment of wages of the 3960  
judgment debtor under section 1321.33 of the Revised Code. 3961

(F) The civil remedies authorized under division (E) of 3962  
this section for the collection of the financial sanction 3963  
supplement, but do not preclude, enforcement of the criminal 3964  
sentence. 3965

(G) Each court imposing a financial sanction upon an 3966

offender under this section may designate the clerk of the court 3967  
or another person to collect the financial sanction. The clerk, 3968  
or another person authorized by law or the court to collect the 3969  
financial sanction may do the following: 3970

(1) Enter into contracts with one or more public agencies 3971  
or private vendors for the collection of amounts due under the 3972  
sanction. Before entering into a contract for the collection of 3973  
amounts due from an offender pursuant to any financial sanction 3974  
imposed pursuant to this section, a court shall comply with 3975  
sections 307.86 to 307.92 of the Revised Code. 3976

(2) Permit payment of all or any portion of the sanction 3977  
in installments, by financial transaction device if the court is 3978  
a county court or a municipal court operated by a county, by 3979  
credit or debit card or by another electronic transfer if the 3980  
court is a municipal court not operated by a county, or by any 3981  
other reasonable method, in any time, and on any terms that 3982  
court considers just, except that the maximum time permitted for 3983  
payment shall not exceed five years. If the court is a county 3984  
court or a municipal court operated by a county, the acceptance 3985  
of payments by any financial transaction device shall be 3986  
governed by the policy adopted by the board of county 3987  
commissioners of the county pursuant to section 301.28 of the 3988  
Revised Code. If the court is a municipal court not operated by 3989  
a county, the clerk may pay any fee associated with processing 3990  
an electronic transfer out of public money or may charge the fee 3991  
to the offender. 3992

(3) To defray administrative costs, charge a reasonable 3993  
fee to an offender who elects a payment plan rather than a lump 3994  
sum payment of any financial sanction. 3995

(H) No financial sanction imposed under this section shall 3996

preclude a victim from bringing a civil action against the 3997  
offender. 3998

(I) If the court imposes restitution, fines, fees, or 3999  
incarceration costs on a business or corporation, it is the duty 4000  
of the person authorized to make disbursements from assets of 4001  
the business or corporation to pay the restitution, fines, fees, 4002  
or incarceration costs from those assets. 4003

(J) If an offender is sentenced to pay restitution, a 4004  
fine, fee, or incarceration costs, the clerk of the sentencing 4005  
court, on request, shall make the offender's payment history 4006  
available to the victim, victim's representative, victim's 4007  
attorney, if applicable, the prosecutor, the probation 4008  
department, and the court without cost. 4009

**Sec. 2929.281.** (A) In determining the amount of 4010  
restitution at the time of sentencing under this section, the 4011  
court shall order full restitution for any past and future 4012  
expenses related to a victim's economic loss as a result of the 4013  
criminal offense. The court shall not consider the offender's 4014  
present or future ability to pay restitution. The amount of 4015  
restitution shall be reduced by any payments to the victim for 4016  
economic or other loss made under a policy of insurance or 4017  
governmental program. 4018

A pending insurance or governmental program claim made by 4019  
a victim shall not delay a payment of restitution as ordered by 4020  
the court. Past and future economic loss includes, but is not 4021  
limited to, the following: 4022

(1) Full or partial payment for the value of stolen or 4023  
damaged property. The value of stolen or damaged property shall 4024  
be the replacement cost of the property or the actual cost of 4025

<u>repairing the property when repair is possible.</u>	4026
<u>(2) Medical expenses;</u>	4027
<u>(3) Mental health counseling expenses;</u>	4028
<u>(4) Wages or profits lost due to injury of the victim and,</u>	4029
<u>if the victim is a minor, wages or profits lost by the minor</u>	4030
<u>victim's parent or guardian while caring for the injured minor</u>	4031
<u>victim. Lost wages include commission income as well as base</u>	4032
<u>wages. Commission income shall be established by evidence of</u>	4033
<u>commission income during the twelve-month period prior to the</u>	4034
<u>date of the crime for which restitution is being ordered, unless</u>	4035
<u>good cause for a shorter time period is shown.</u>	4036
<u>(5) Wages or profits lost by the victim and if the victim</u>	4037
<u>is a minor, wages or profits lost by the minor victim's parent</u>	4038
<u>or guardian due to time spent as a witness or assisting law</u>	4039
<u>enforcement or the prosecutor. Lost wages include commission</u>	4040
<u>income as well as base wages. Commission income shall be</u>	4041
<u>established as described in division (A) (4) of this section.</u>	4042
<u>(6) Expenses incurred by an adult victim in relocating</u>	4043
<u>away from an offender, including, but not limited to, deposits</u>	4044
<u>for utilities, deposits for rental housing, temporary food and</u>	4045
<u>lodging expenses, and clothing and personal items;</u>	4046
<u>(7) Expenses related to installing or increasing security</u>	4047
<u>related to felony or misdemeanor offenses of violence,</u>	4048
<u>including, but not limited to, a security device or system or</u>	4049
<u>the replacement or addition of locks;</u>	4050
<u>(8) Expenses related to making a vehicle or residence</u>	4051
<u>accessible to the victim if the victim is partially permanently</u>	4052
<u>disabled or totally permanently disabled as a direct result of</u>	4053
<u>the crime;</u>	4054

(9) Expenses related to monitoring the credit report of 4055  
and repairing the credit of a victim of identity fraud or a 4056  
period of time reasonably necessary to make the victim whole. 4057

(B) The court may order that restitution be made by a 4058  
single lump sum payment, partial payments at specified 4059  
intervals, in-kind payments, or a combination of payments at 4060  
specified intervals and in-kind payments. The length of time 4061  
over which scheduled payments are established shall be the 4062  
shortest time in which full payment reasonably can be made. In- 4063  
kind payments may be in the form of the return of property, 4064  
replacement of property, or if the victim agrees, services 4065  
rendered to the victim or a person or organization other than 4066  
the victim. The court may enter a restraining order or 4067  
injunction, require the execution of a satisfactory performance 4068  
bond, or take any other action to ensure payment of restitution, 4069  
including an order that bail moneys deposited with the clerk of 4070  
court be applied to payment of restitution. 4071

(C) Any money owed by the state or by a political 4072  
subdivision of the state to an offender who is required to make 4073  
restitution under this section, including any tax refund owed to 4074  
the offender, shall be assigned to the discharge of the 4075  
offender's outstanding restitution obligation, subject to 4076  
federal law or regulations and including court-ordered support 4077  
obligations. 4078

(D) If an offender is required to make restitution under 4079  
this section in the form of monetary payments to more than one 4080  
victim, the offender shall make the payments to the victims in 4081  
the following order of priority: 4082

(1) Individuals; 4083

<u>(2) Nonprofit organizations;</u>	4084
<u>(3) Business entities;</u>	4085
<u>(4) Governmental entities.</u>	4086
<u>(E) A court that imposes restitution on an offender as</u>	4087
<u>part of the offender's sentence under this section shall not</u>	4088
<u>suspend that part of the offender's sentence if the victim, the</u>	4089
<u>victim's representative, or the victim's attorney, if</u>	4090
<u>applicable, objects to the suspension of the restitution part of</u>	4091
<u>the sentence.</u>	4092
<u>(F) A restitution obligation imposed pursuant to this</u>	4093
<u>section is not subject to discharge in bankruptcy or to any</u>	4094
<u>other statutory or common-law proceeding for relief against</u>	4095
<u>creditors, except to the extent required by federal law.</u>	4096
<u>(G) A restitution obligation imposed by a court does not</u>	4097
<u>expire until paid in full. The court retains jurisdiction over</u>	4098
<u>the restitution order and the obligation shall continue to be</u>	4099
<u>enforceable by a victim, victim's representative, victim's</u>	4100
<u>attorney, if applicable, or victim's estate until the obligation</u>	4101
<u>is satisfied.</u>	4102
<u>(H) If money that is received pursuant to a sentence of</u>	4103
<u>restitution cannot be paid to the victim or the victim's estate</u>	4104
<u>within sixty days of receipt, the person or agency that receives</u>	4105
<u>the money shall provide written notice of that inability of</u>	4106
<u>payment to a crime victim service organization at least sixty</u>	4107
<u>days prior to paying the money to the division of unclaimed</u>	4108
<u>funds. If the money cannot be paid to the victim or the victim's</u>	4109
<u>estate after the expiration of sixty days from service of the</u>	4110
<u>notice to the crime victim service organization, the person or</u>	4111
<u>agency that received the money shall pay it to the division of</u>	4112

unclaimed funds. 4113

(I) The supreme court shall create a standardized form to 4114  
be made publicly available that provides guidance for victims 4115  
and victims' representatives regarding the compilation of 4116  
evidence to demonstrate losses for the purpose of this section. 4117

**Sec. 2930.01.** As used in this chapter, unless otherwise 4118  
defined in any section in this chapter: 4119

(A) "~~CrimeCriminal offense~~" means ~~any of the following:~~ 4120

~~(1) A felony;~~ 4121

~~(2) A violation of section 2903.05, 2903.06, 2903.13,~~ 4122  
~~2903.21, 2903.211, 2903.22, 2907.06, 2919.25, or 2921.04 of the~~ 4123  
~~Revised Code, a violation of section 2903.07 of the Revised Code~~ 4124  
~~as it existed prior to March 23, 2000, or a violation of a~~ 4125  
~~substantially equivalent municipal ordinance;~~ 4126

~~(3) A violation of division (A) or (B) of section 4511.19,~~ 4127  
~~division (A) or (B) of section 1547.11, or division (A) (3) of~~ 4128  
~~section 4561.15 of the Revised Code or of a municipal ordinance~~ 4129  
~~substantially similar to any of those divisions that is the~~ 4130  
~~proximate cause of a vehicle, streetcar, trackless trolley,~~ 4131  
~~aquatic device, or aircraft accident in which the victim~~ 4132  
~~receives injuries for which the victim receives medical~~ 4133  
~~treatment either at the scene of the accident by emergency~~ 4134  
~~medical services personnel or at a hospital, ambulatory care~~ 4135  
~~facility, physician's office, specialist's office, or other~~ 4136  
~~medical care facility.~~ 4137

~~(4) A motor vehicle accident to which both of the~~ 4138  
~~following apply:~~ 4139

~~(a) The motor vehicle accident is caused by a violation of~~ 4140

~~a provision of the Revised Code that is a misdemeanor of the first degree or higher.~~ 4141  
4142

~~(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.~~ 4143  
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(B) "Custodial agency" means one of the following: 4152

(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: 4153  
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(a) The department of rehabilitation and correction or the adult parole authority; 4160  
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(b) A county sheriff; 4162

(c) The entity that administers a jail, as defined in section 2929.01 of the Revised Code; 4163  
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(d) The entity that administers a community-based correctional facility and program or a district community-based correctional facility and program; 4165  
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(e) The department of mental health and addiction services 4168

or other entity to which a defendant found incompetent to stand trial or not guilty by reason of insanity is committed. 4169  
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(2) The entity that has custody of an alleged juvenile offender pursuant to an order of disposition of a juvenile court, including the department of youth services or a school, camp, institution, or other facility operated for the care of delinquent children. 4171  
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(C) "Defendant" means a person who is alleged to be the perpetrator of a ~~crime in a police report or~~ criminal offense in a complaint, indictment, or information that charges the commission of a ~~crime~~ criminal offense and that provides the basis for the criminal prosecution and subsequent proceedings to which this chapter makes reference. 4176  
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(D) "Member of the victim's family" means a spouse, child, stepchild, sibling, parent, stepparent, grandparent, or other relative of a victim but does not include a person who is charged with, convicted of, or adjudicated to be a delinquent child for the ~~crime~~ criminal offense or ~~specified~~ delinquent act against the victim or another ~~crime~~ criminal offense or ~~specified~~ delinquent act arising from the same conduct, criminal episode, or plan. 4182  
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(E) "Prosecutor" means one of the following: 4190

(1) With respect to a criminal case, it has the same meaning as in section 2935.01 of the Revised Code and also includes the attorney general and, when appropriate, the employees of any person listed in section 2935.01 of the Revised Code or of the attorney general. 4191  
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(2) With respect to a delinquency proceeding, it includes any person listed in division (C) of section 2935.01 of the 4196  
4197

Revised Code or an employee of a person listed in that division 4198  
who prosecutes a delinquency proceeding. 4199

(F) "Public agency" means an office, agency, department, 4200  
bureau, or other governmental entity of the state or of a 4201  
political subdivision of the state. 4202

(G) "Public official" has the same meaning as in section 4203  
2921.01 of the Revised Code. 4204

(H) "Victim" ~~means either of the following:~~ 4205

~~(1) A person who is identified as the victim of a crime or 4206  
specified delinquent act in a police report or in a complaint, 4207  
indictment, or information that charges the commission of a 4208  
crime and that provides the basis for the criminal prosecution 4209  
or delinquency proceeding and subsequent proceedings to which 4210  
this chapter makes reference. 4211~~

~~(2) A person who receives injuries as a result of a 4212  
vehicle, streetcar, trackless trolley, aquatic device, or 4213  
aircraft accident that is proximately caused by a violation 4214  
described in division (A) (3) of this section or a motor vehicle 4215  
accident that is proximately caused by a violation described in 4216  
division (A) (4) of this section and who receives medical 4217  
treatment as described in division (A) (3) or (4) of this 4218  
section, whichever is applicable has the same meaning as in 4219  
Section 10a of Article I of the Ohio Constitution. 4220~~

(I) "Victim's representative" means a member of the 4221  
victim's family or another person who pursuant to the authority 4222  
of section 2930.02 of the Revised Code exercises the rights of a 4223  
victim under this chapter. 4224

(J) "Court" means a court of common pleas, juvenile court, 4225  
municipal court, or county court. 4226

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

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

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

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

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

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

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

~~(3) An act committed by a child that is described in division (A) (3) or (4) of this section, regardless of whether the child is competent, that is punishable by incarceration and is not disposed of by the juvenile traffic violations bureau serving the court under Traffic Rule 13.1.~~

(P) (1) "Alleged juvenile offender" means a child who is alleged to have committed a ~~specified~~ delinquent act in a police report or in a complaint in juvenile court that charges the commission of a ~~specified~~ delinquent act and that provides the basis for the delinquency proceeding and all subsequent

proceedings to which this chapter makes reference.	4255
(2) As used in divisions (O) and (P) (1) of this section,	4256
"child" has the same meaning as in section 2151.011 of the	4257
Revised Code.	4258
(Q) "Motor vehicle accident" means any accident involving	4259
a motor vehicle.	4260
(R) "Motor vehicle" has the same meaning as in section	4261
4509.01 of the Revised Code.	4262
(S) "Aircraft" has the same meaning as in section 4561.01	4263
of the Revised Code.	4264
(T) "Aquatic device" means any vessel, or any water skis,	4265
aquaplane, or similar device.	4266
(U) "Vehicle," "streetcar," and "trackless trolley" have	4267
the same meanings as in section 4511.01 of the Revised Code.	4268
(V) "Vehicle, streetcar, trackless trolley, aquatic	4269
device, or aircraft accident" means any accident involving a	4270
vehicle, streetcar, trackless trolley, aquatic device, or	4271
aircraft.	4272
(W) "Vessel" has the same meaning as in section 1546.01 of	4273
the Revised Code.	4274
<u>(X) "Victim advocate" means a person employed or</u>	4275
<u>authorized by a public or private entity who provides support</u>	4276
<u>and assistance for a victim of a criminal offense or delinquent</u>	4277
<u>act in relation to criminal, civil, administrative, and</u>	4278
<u>delinquency cases or proceedings and recovery efforts related to</u>	4279
<u>the criminal offense or delinquent act.</u>	4280
<u>(Y) "Victim's attorney" means an attorney retained by the</u>	4281

victim for the purpose of asserting the victim's constitutional 4282  
and statutory rights. 4283

(Z) "Prosecutor's designee" means any person or entity 4284  
designated by the prosecuting attorney but does not include a 4285  
court or court employee. 4286

(AA) "Suspect" means a person who is alleged to be the 4287  
perpetrator of a criminal offense. 4288

**Sec. 2930.02.** (A) ~~If~~ Any of the following persons may, 4289  
subject to the prohibition on the unauthorized practice of law 4290  
under section 4705.07 of the Revised Code, exercise the rights 4291  
of a victim under this chapter as the victim's representative: 4292

(1) Any person designated by the victim; 4293

(2) A member of the victim's family or a victim advocate 4294  
if a victim is a minor or is incapacitated, incompetent, or 4295  
deceased, or if the victim chooses to designate another person, 4296  
a member of a victim's family or another person may exercise the 4297  
rights of the victim under this chapter as the victim's 4298  
representative, subject to division (D) of this section; 4299

(3) If the case involves a violation of section 2903.01, 4300  
2903.02, 2903.03, 2903.04, 2903.041, 2903.05, or 2903.06 of the 4301  
Revised Code, a member of the deceased victim's family, a victim 4302  
advocate, or another person designated by one or more members of 4303  
the deceased victim's family. 4304

(B) If the prosecutor in the case or the court has a 4305  
reasonable basis to believe that the victim's representative is 4306  
not acting in the interests of the child victim, victim with a 4307  
developmental disability, or an incapacitated or incompetent 4308  
victim, the prosecutor shall file a motion with the court 4309  
setting forth the reasonable basis for that belief and the court 4310

shall hold a hearing to determine whether the victim's 4311  
representative is acting in the interests of the victim. The 4312  
court shall make this determination by a preponderance of the 4313  
evidence. If the court finds that the victim's representative is 4314  
not acting in the interests of the victim, the court shall 4315  
appoint a court appointed special advocate, a guardian ad litem, 4316  
or a victim advocate to act as a victim's representative instead 4317  
of the previously appointed victim's representative. 4318

(C) If more than one person seeks to act as the victim's 4319  
representative for a particular victim, the court that has 4320  
jurisdiction over the criminal matter or the court in which the 4321  
criminal prosecution or delinquency proceeding is held shall 4322  
designate one of those persons as the victim's representative. 4323  
If a victim does not want to have anyone act as the victim's 4324  
representative, the court shall order that only the victim may 4325  
exercise the rights of a victim under this chapter. 4326

~~(B)~~ (D) If pursuant to division (A) of this section a 4327  
victim's representative is to exercise the rights of a victim, 4328  
the victim ~~or victim's representative~~ shall notify law 4329  
enforcement and the prosecutor, or, if it is a delinquency 4330  
proceeding and a prosecutor is not involved in the case, shall 4331  
notify the court that the victim's representative is to act for 4332  
the victim. When a victim ~~or victim's representative~~ has so 4333  
notified law enforcement and the prosecutor, or the court, all 4334  
~~notice notices~~ under this chapter shall be sent ~~only~~ to the 4335  
victim and the victim's representative, all rights under this 4336  
chapter shall be granted ~~only~~ to the victim and the victim's 4337  
representative, and all references in this chapter to a victim, 4338  
except the references to a victim in section 2930.071 of the 4339  
Revised Code, shall be interpreted as being references to the 4340  
victim and the victim's representative unless the victim informs 4341

the notifying authority that the victim ~~also wishes does not~~ 4342  
~~wish~~ to receive the notices or exercise the rights. ~~If division-~~ 4343  
~~(B) of section 2930.03 of the Revised Code requires a victim to-~~ 4344  
~~make a request in order to receive any notice of a type-~~ 4345  
~~described in this division and if a victim's representative is-~~ 4346  
~~to exercise the rights of the victim, the victim's-~~ 4347  
~~representative shall make the request-~~ 4348

(E) A suspect, defendant, offender, alleged juvenile 4349  
offender, or delinquent child may not act as a victim's 4350  
representative relative to the criminal offense or delinquent 4351  
act involving the victim. 4352

**Sec. 2930.03.** (A) A person or entity required or 4353  
authorized under this chapter to give notice to a victim shall 4354  
give the notice to the victim by any means reasonably calculated 4355  
to provide prompt actual notice. Except when a provision 4356  
requires that notice is to be given in a specific manner, a 4357  
notice may be oral or written. 4358

(B) (1) Except for receipt of the initial information and 4359  
notice required to be given to a victim under divisions (A) and 4360  
~~(B)-(C)~~ of section 2930.04, section 2930.05, and divisions (A) 4361  
and ~~(B)-(C)~~ of section 2930.06 of the Revised Code and the 4362  
notice required to be given to a victim under division (D) of 4363  
section 2930.16 of the Revised Code, a victim who wishes to 4364  
receive any notice authorized by this chapter shall make a 4365  
request for the notice to the prosecutor or the custodial agency 4366  
that is to provide the notice, as specified in this chapter. If 4367  
the victim does not make a request as described in this 4368  
division, the prosecutor or custodial agency is not required to 4369  
provide any notice described in this chapter other than the 4370  
initial information and notice required to be given to a victim 4371

under divisions (A) and ~~(B)~~ (C) of section 2930.04, section 4372  
2930.05, and divisions (A) and ~~(B)~~ (C) of section 2930.06 of the 4373  
Revised Code and the notice required to be given to a victim 4374  
under division (D) of section 2930.16 of the Revised Code. 4375

(2) A victim who does not wish to receive any of the 4376  
notices required to be given to a victim under division (E) (2) 4377  
or (K) of section 2929.20, division (D) of section 2930.16, 4378  
division (H) of section 2967.12, division (E) (1) (b) of section 4379  
2967.19, division (A) (3) (b) of section 2967.26, division (D) (1) 4380  
of section 2967.28, or division (A) (2) of section 5149.101 of 4381  
the Revised Code shall make a request to the prosecutor or 4382  
custodial agency that is to provide the particular notice that 4383  
the notice not be provided to the victim. Unless the victim 4384  
makes a request as described in this division, the prosecutor or 4385  
custodial agency shall provide the notices required to be given 4386  
to a victim under division (E) (2) or (K) of section 2929.20, 4387  
division (D) of section 2930.16, division (H) of section 4388  
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 4389  
(b) of section 2967.26, division (D) (1) of section 2967.28, or 4390  
division (A) (2) of section 5149.101 of the Revised Code in any 4391  
manner, and in accordance with the procedures, specified in the 4392  
particular division. This division also applies to a victim's 4393  
representative or a member of a victim's immediate family that 4394  
is authorized to receive any of the notices specified in this 4395  
division. 4396

(C) A person or agency that is required to furnish notice 4397  
under this chapter shall give the notice to the victim at the 4398  
address or telephone number provided to the person or agency by 4399  
the victim. A victim who requests to receive notice under this 4400  
chapter as described in division (B) of this section shall 4401  
inform the person or agency of the name, address, or telephone 4402

number of the victim and of any change to that information. 4403

(D) A person or agency that has furnished information to a 4404  
victim in accordance with any requirement or authorization under 4405  
this chapter shall notify the victim promptly of any significant 4406  
changes to that information. 4407

(E) Divisions (A) to (D) of this section do not apply 4408  
regarding a notice that a prosecutor is required to provide 4409  
under section 2930.061 of the Revised Code. A prosecutor 4410  
required to provide notice under that section shall provide the 4411  
notice as specified in that section. 4412

**Sec. 2930.04.** (A) ~~After~~On its initial contact with a 4413  
victim of a ~~crime~~criminal offense or delinquent act, the law 4414  
enforcement agency responsible for investigating the ~~crime~~criminal  
offense or delinquent act promptly shall ~~give to~~provide the 4415  
victim, ~~in writing,~~with a victim's rights  
request/waiver form or a substantially similar form that does  
all of the following ~~information~~: 4416  
4417  
4418  
4419

(1) ~~An explanation of the victim's rights under this~~  
~~chapter~~Allows for the victim and victim's representative to  
request the applicable rights to which the victim and victim's  
representative are entitled, on request, under this section; 4420  
4421  
4422  
4423

(2) ~~Information about medical, counseling, housing,~~  
~~emergency, and any other services that are available to a~~  
Provides a method for the victim to designate a representative  
if the victim chooses; 4424  
4425  
4426  
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(3) ~~Information about compensation for victims under the~~  
~~reparations program in sections 2743.51 to 2743.72 of the~~  
~~Revised Code and the name, street address, and telephone number~~  
~~of the agency to contact to apply for an award of reparations~~ 4428  
4429  
4430  
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~~under those sections;~~ 4432

~~(4) Information about protection that is available to the~~ 4433  
~~victim, including protective orders issued by a court. Includes~~ 4434  
~~signature lines for acknowledgment by the law enforcement~~ 4435  
~~agency, prosecutor, or custodial agency and victim and victim's~~ 4436  
~~representative;~~ 4437

(4) Includes the address or contact information for the 4438  
applicable law enforcement agency, prosecutor, or custodial 4439  
agency; 4440

(5) Includes the address, telephone number, and electronic 4441  
mail address, if applicable, for the victim and victim 4442  
representative, if applicable. 4443

~~(B) As soon as practicable after (1) A person, who by~~ 4444  
~~reason of that person's regular business activities, is the~~ 4445  
~~subject of multiple and continuing criminal offenses or~~ 4446  
~~delinquent acts as a potential victim, may opt out of notices~~ 4447  
~~and rights available pursuant to the Ohio Constitution, Chapter~~ 4448  
~~2930. of the Revised Code, and other laws providing victims with~~ 4449  
~~rights for future offenses by giving a written notification form~~ 4450  
~~to the appropriate prosecutor or the prosecutor's designee.~~ 4451

(2) The form shall include the name and address of the 4452  
person's business and the period of time that the person wishes 4453  
to opt out of receiving the notices and rights available. The 4454  
form may also state that the person is only interested in the 4455  
notices described in this section if restitution is at issue. It 4456  
shall be signed by the person or another person with management 4457  
authority over the business. 4458

(C) At the time of its initial contact with a victim of a 4459  
crime criminal offense or delinquent act, or as soon as 4460

practicable following the initial contact, the law enforcement 4461  
agency responsible for investigating the ~~crime~~ criminal offense 4462  
or delinquent act shall ~~give to~~ provide the victim, in writing, 4463  
all of the following information: 4464

~~(1) The business telephone number of the law enforcement~~ 4465  
~~officer assigned to investigate the case;~~ 4466

~~(2) The office address and business telephone number of~~ 4467  
~~the prosecutor in the case;~~ 4468

~~(3) A statement that, if the victim is not notified of the~~ 4469  
~~arrest of the offender in the case within a reasonable period of~~ 4470  
~~time, the victim may contact the law enforcement agency to learn~~ 4471  
~~the status of the case. The victim's rights under this section~~ 4472  
and the victim's bill of rights under Section 10a of Article I 4473  
of the Ohio Constitution, including the right to exercise these 4474  
rights through counsel; 4475

(2) The availability of crisis intervention services, 4476  
housing, and emergency and medical services, or contact 4477  
information for statewide organizations that can direct victims 4478  
to local resources; 4479

(3) When applicable, the procedures and resources 4480  
available for the protection of the victim, including protection 4481  
orders issued by the courts; 4482

(4) Information about public and private victim services 4483  
programs, including, but not limited to, the crime victims 4484  
compensation program and emergency shelter programs, or, if 4485  
local information is not available, contact information for 4486  
statewide organizations that can direct a victim to these types 4487  
of resources; 4488

(5) The police report number, if applicable, business 4489

telephone number of the law enforcement agency investigating the 4490  
victim's case, and the office address and business telephone 4491  
number of the prosecutor in the victim's case, when available. 4492

~~(C)~~ (D) The law enforcement officer responsible for 4493  
providing information under this section shall use reasonable 4494  
efforts to identify the victim. At a minimum, this information 4495  
should be disseminated to the individual or individuals 4496  
identified in the police report as victims. If the law 4497  
enforcement officer generates a report, the law enforcement 4498  
agency shall collect and retain an executed copy of the victim's 4499  
rights request/waiver form, or a substantially similar form. If 4500  
at the time of contact with a law enforcement agency the victim 4501  
does not request or waive the victim's applicable rights, the 4502  
law enforcement agency shall designate this on the form. The 4503  
victim's refusal to request or waive the victim's applicable 4504  
rights shall be considered an assertion of the victim's rights. 4505

(E) If a suspect is arrested, the law enforcement agency 4506  
shall submit an executed copy of the victim's rights 4507  
request/waiver form to the custodial agency as soon as 4508  
practicable once the law enforcement agency learns of the 4509  
suspect's arrest. On the filing of charges or a complaint, the 4510  
law enforcement agency shall submit an executed copy of that 4511  
form to the prosecutor. The prosecutor shall file the assertion 4512  
of rights portion of that form, but not the victim's or the 4513  
victim's representative's contact information portion of that 4514  
form, with the court within seven days of initiation of a 4515  
criminal prosecution. 4516

(F) If a suspect is cited and released, the law 4517  
enforcement agency responsible for investigating the offense 4518  
shall inform the victim and the victim's representative, if 4519

applicable, of the court date, if known, and how to obtain 4520  
additional information from the clerk of the court about the 4521  
arraignment or initial appearance. 4522

(G) To the extent that the information required by this 4523  
section is provided in the form and pamphlet prepared pursuant 4524  
to section 109.42 of the Revised Code or in the information card 4525  
or other material prepared pursuant to section 2743.71 of the 4526  
Revised Code, the law enforcement agency may fulfill that 4527  
portion of its obligations under this section by giving that 4528  
form, pamphlet, information card, or other material to the 4529  
victim. 4530

**Sec. 2930.041.** (A) Pursuant to the "Americans with 4531  
Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101, as 4532  
amended, a victim with a disability has the right to a qualified 4533  
or certified interpreter at all court proceedings, all meetings 4534  
with the prosecutor, and all investigative contacts with law 4535  
enforcement, the probation department, the department of 4536  
rehabilitation and correction, and the department of youth 4537  
services, at no cost to the victim. 4538

(B) A victim who is non-English speaking or has limited 4539  
English proficiency has the right to a qualified or certified 4540  
interpreter at all court proceedings, all meetings with the 4541  
prosecutor, and all investigative contacts with law enforcement, 4542  
the probation department, the department of rehabilitation and 4543  
correction, and the department of youth services, at no cost to 4544  
the victim. 4545

(C) The victim's right to a qualified or certified 4546  
interpreter under division (B) of this section is subject to 4547  
availability but is not subject to the cost of retaining a 4548  
qualified or certified interpreter. Any agency described in 4549

division (B) of this section that is unable to provide a victim 4550  
with a qualified or certified interpreter as required by 4551  
division (B) of this section shall maintain records of the 4552  
agency's attempt to comply with this requirement. 4553

(D) As used in this section, "qualified interpreter" has 4554  
the same meaning as in the "Americans with Disabilities Act of 4555  
1990," 42 U.S.C. 12101, as amended. 4556

**Sec. 2930.042.** In all inactive cases involving one or more 4557  
criminal offenses or delinquent acts for which the statute of 4558  
limitations is longer than three years, the law enforcement 4559  
agency investigating the criminal offense or delinquent act 4560  
shall provide the victim and victim's representative, if 4561  
applicable, with notice as to whether an inactive case is 4562  
reopened or closed, unless the victim has waived the right to 4563  
notifications. 4564

**Sec. 2930.043.** A victim shall not be required to pay for a 4565  
copy of any public records related to the victim's case. 4566

**Sec. 2930.044.** A person who has not previously been 4567  
identified as a victim by law enforcement, including a person 4568  
claiming to be directly or proximately harmed as a result of the 4569  
criminal offense or delinquent act, shall affirmatively identify 4570  
the person's self to law enforcement, the prosecutor, and the 4571  
courts in order to receive the information and exercise the 4572  
rights described in this chapter. 4573

**Sec. 2930.05.** (A) Within a reasonable period of time after 4574  
the arrest or detention of a defendant or an alleged juvenile 4575  
offender for ~~a crime~~ the underlying criminal offense or 4576  
~~specified~~ delinquent act, the law enforcement agency that 4577  
investigates the ~~crime~~ criminal offense or ~~specified~~ delinquent 4578

act shall give the victim ~~of the crime or specified delinquent-~~ 4579  
~~act or the victim's representative~~ notice of all of the 4580  
following: 4581

(1) The arrest or detention once the investigating law 4582  
enforcement agency has knowledge of the arrest or detention; 4583

(2) The name of the defendant or alleged juvenile offender 4584  
once the investigating law enforcement agency has knowledge of 4585  
the name of the defendant or alleged juvenile offender; 4586

(3) ~~Whether That~~ the defendant or alleged juvenile 4587  
offender ~~is~~ may be eligible for pretrial release or for release 4588  
from detention; 4589

(4) The telephone number of the law enforcement agency; 4590

(5) The victim's and the victim's representative's right, 4591  
if applicable, to telephone the custodial agency to ascertain 4592  
whether the defendant or alleged juvenile offender has been 4593  
released from custody or from detention; 4594

(6) That, on request of the victim or the victim's 4595  
representative, the prosecutor or the prosecutor's designee 4596  
shall provide the victim and the victim's representative, if 4597  
applicable, with a copy of the terms and conditions of bond; 4598

(7) Procedures for obtaining additional information from 4599  
the clerk of the court about the time, place, and date of the 4600  
arraignment or initial appearance of the defendant or alleged 4601  
juvenile offender; 4602

(8) If the defendant or alleged juvenile offender is 4603  
arrested or detained by another law enforcement agency, the 4604  
applicable pick-up radius and whether the investigating law 4605  
enforcement agency will pick up the defendant or alleged 4606

juvenile offender, once the investigating law enforcement agency 4607  
has knowledge of the defendant's or alleged juvenile offender's 4608  
arrest or detention. 4609

(B) (1) If a defendant or alleged juvenile offender has 4610  
been released from custody on a bond or personal recognizance or 4611  
has been released from detention and the prosecutor in the case 4612  
has received the affidavit of a victim stating that the 4613  
defendant or alleged juvenile offender, or someone acting at the 4614  
defendant's or alleged juvenile offender's direction, has 4615  
committed or threatened to commit one or more acts of violence, 4616  
harassment, or intimidation against the victim, the victim's 4617  
family, or the victim's representative, the prosecutor may file 4618  
a motion asking the court to reconsider the conditions of the 4619  
bond or personal recognizance granted to the defendant or 4620  
alleged juvenile offender or to consider returning the defendant 4621  
or alleged juvenile offender to detention. 4622

(2) If the prosecutor elects not to file a motion under 4623  
division (B) (1) of this section, the prosecutor or the 4624  
prosecutor's designee shall inform the victim as soon as 4625  
practicable that the victim or the victim's attorney may file a 4626  
petition asking the court to reconsider the conditions of the 4627  
bond or personal recognizance granted to the defendant or 4628  
alleged juvenile offender. 4629

**Sec. 2930.051.** A custodial agency shall notify the 4630  
investigating law enforcement agency of the incarceration of a 4631  
defendant or detention of an alleged juvenile offender once the 4632  
investigating law enforcement agency is known to the custodial 4633  
agency. 4634

**Sec. 2930.06.** (A) (1) The prosecutor in a case or the 4635  
prosecutor's designee, to the extent practicable, shall confer 4636

with the victim ~~in the case before~~ and, upon the victim's 4637  
request, the victim's representative at each of the following 4638  
stages: 4639

(a) Before pretrial diversion is granted to the defendant 4640  
or alleged juvenile offender in the case, ~~before;~~ 4641

(b) Before amending or dismissing an indictment, 4642  
information, or complaint against that defendant or alleged 4643  
juvenile offender, ~~before~~ unless the amendment to the 4644  
indictment, information, or complaint is a correction of a 4645  
procedural defect that is not substantive in nature; 4646

(c) Before agreeing to a negotiated plea for that 4647  
defendant or alleged juvenile offender, ~~before;~~ 4648

(d) Before a trial of that defendant by judge or jury, ~~or~~ 4649  
~~before;~~ 4650

(e) Before the juvenile court conducts an adjudicatory 4651  
hearing for that alleged juvenile offender. 4652

(2) If the juvenile court disposes of a case prior to the 4653  
prosecutor's involvement in the case, the court or a court 4654  
employee shall notify the victim and the victim's representative 4655  
in the case, if applicable, that the alleged juvenile offender 4656  
will be granted pretrial diversion, the complaint against that 4657  
alleged juvenile offender will be amended or dismissed, or the 4658  
court will conduct an adjudicatory hearing for that alleged 4659  
juvenile offender. 4660

(3) If the victim or the victim's representative requested 4661  
to confer with the prosecutor, the court shall inquire as to 4662  
whether or not the prosecutor conferred with the victim and the 4663  
victim's representative at the stages set forth in division (A) 4664  
(1) of this section. If the prosecutor fails to confer with the 4665

victim and the victim's representative at any of those times, 4666  
the court, ~~if informed of the failure,~~ shall note on the record 4667  
the failure and the prosecutor's reasons for the failure. ~~A~~ 4668  
~~prosecutor's failure to confer with a victim as required by this~~ 4669  
~~division and a court's failure to provide the notice as required~~ 4670  
~~by this division do not affect the validity of an agreement~~ 4671  
~~between the prosecutor and the defendant or alleged juvenile~~ 4672  
~~offender in the case, a pretrial diversion of the defendant or~~ 4673  
~~alleged juvenile offender, an amendment or dismissal of an~~ 4674  
~~indictment, information, or complaint filed against the~~ 4675  
~~defendant or alleged juvenile offender, a plea entered by the~~ 4676  
~~defendant or alleged juvenile defender, an admission entered by~~ 4677  
~~the defendant or alleged juvenile offender, or any other~~ 4678  
~~disposition in the case.~~ 4679

(4) A court shall not dismiss a criminal complaint, 4680  
charge, information, or indictment or a delinquent child 4681  
complaint solely at the request of the victim or victim's 4682  
representative and over the objection of the prosecuting 4683  
attorney, village solicitor, city director of law, or other 4684  
chief legal officer responsible for the prosecution of the case. 4685

(B) After ~~On request of the victim or the victim's~~ 4686  
representative, the prosecutor shall keep the victim and the 4687  
victim's representative, if applicable, apprised of requests and 4688  
communications from the defendant, alleged juvenile offender, 4689  
the attorney for the defendant or alleged juvenile offender, or 4690  
the agent of the defendant or alleged juvenile offender that 4691  
could affect the victim's privacy rights or safety concerns. 4692

(C) Within fourteen days after a prosecution in a case has 4693  
been commenced, the prosecutor or a designee of the prosecutor 4694  
other than a court or court employee, ~~to the extent practicable,~~ 4695

promptly shall give the victim and the victim's representative, 4696  
if applicable, all of the following information, except that, if 4697  
the juvenile court disposes of a case prior to the prosecutor's 4698  
involvement in the case, the court or a court employee, ~~to the~~ 4699  
~~extent practicable,~~ promptly shall give the victim and the 4700  
victim's representative all of the following information: 4701

(1) The name of the ~~crime~~ criminal offense or ~~specified~~ 4702  
delinquent act with which the defendant or alleged juvenile 4703  
offender in the case has been charged and the name of the 4704  
defendant or alleged juvenile offender; 4705

(2) The file number of the case; 4706

(3) A ~~brief~~ clear and concise statement regarding the 4707  
procedural steps in a criminal prosecution or delinquency 4708  
proceeding involving a ~~crime~~ criminal offense or ~~specified~~ 4709  
delinquent act similar to the ~~crime~~ criminal offense or 4710  
~~specified~~ delinquent act with which the defendant or alleged 4711  
juvenile offender has been charged and the right of the victim 4712  
and victim's representative to be present during all proceedings 4713  
held throughout the prosecution of the case; 4714

(4) A summary of the rights of a victim under this chapter 4715  
and under Section 10a of Article I of the Ohio Constitution; 4716

(5) Procedures the victim, the victim's representative, or 4717  
the prosecutor may follow if the victim becomes subject to 4718  
threats of violence, harassment, or intimidation by the 4719  
defendant, alleged juvenile offender, or any other person; 4720

(6) The name and business telephone number of ~~a person~~ the 4721  
office to contact for further information with respect to the 4722  
case; 4723

(7) The right of the victim to have a victim's 4724

representative exercise the victim's rights under this chapter 4725  
in accordance with section 2930.02 of the Revised Code and the 4726  
procedure by which a victim's representative may be designated; 4727

(8) The right of the victim and victim's representative, 4728  
if applicable, to confer with the prosecutor on request and the 4729  
procedures the victim or victim's representative shall follow to 4730  
confer with the prosecutor; 4731

(9) The fact that the victim can seek the advice of an 4732  
attorney or have legal representation to enforce the victim's 4733  
rights; 4734

(10) Notice that any notification under division ~~(C)~~-(E) 4735  
of this section, sections ~~2930.07-2930.08~~ to 2930.15, division 4736  
(A), (B), or (C) of section 2930.16, sections 2930.17 to 4737  
2930.19, and section 5139.56 of the Revised Code will be given 4738  
to the victim and the victim's representative, if applicable, 4739  
only if the victim or victim's representative asks to receive 4740  
the notification and that notice under division (E) (2) or (K) of 4741  
section 2929.20, division (D) of section 2930.16, division (H) 4742  
of section 2967.12, division (E) (1) (b) of section 2967.19, 4743  
division (A) (3) (b) of section 2967.26, division (D) (1) of 4744  
section 2967.28, or division (A) (2) of section 5149.101 of the 4745  
Revised Code will be given unless the victim ~~asks~~ and the 4746  
victim's representative, if applicable, ask that the 4747  
notification not be provided; 4748

(11) (a) The victim's rights request/waiver form, or a 4749  
substantially similar form, that allows the victim and the 4750  
victim's representative, if applicable, to request applicable 4751  
rights to which the victim and victim's representative are 4752  
entitled under this chapter, including notice to the victim and 4753  
the victim's representative that failure to affirmatively 4754

request these rights will be considered a waiver of these 4755  
rights, but that the victim or victim's representative may 4756  
request these rights at a later date; 4757

(b) A person who, by reason of that person's regular 4758  
business activities, is the subject of multiple and continuing 4759  
criminal offenses or delinquent acts as a potential victim may 4760  
choose to opt out of the notices and rights available pursuant 4761  
to the Ohio Constitution, Chapter 2930. of the Revised Code, and 4762  
any other provision of the Revised Code that provides a victim 4763  
with rights for future offenses by giving a written notification 4764  
form to the appropriate prosecutor or prosecutor's designee. The 4765  
form shall include the name and address of the person's business 4766  
and the period of time that the person wishes to opt out of the 4767  
applicable notices and rights and may also state that the person 4768  
is only interested in the applicable notices if restitution is 4769  
at issue. The form shall be signed by the person or another 4770  
person with management authority of the business. 4771

~~(C) Upon~~ (D) Unless a shorter notice period is reasonable 4772  
under the circumstances, the court shall provide the prosecutor 4773  
or prosecutor's designee with oral or written notice of any 4774  
court proceeding not less than ten days prior to that court 4775  
proceeding unless the parties agree that a shorter notice period 4776  
is reasonable under the circumstances. 4777

(E) On the request of the victim or victim's 4778  
representative, the prosecutor or, if it is a delinquency 4779  
proceeding and a prosecutor is not involved in the case, the 4780  
court shall give the victim and the victim's representative, if 4781  
applicable, notice of the date, time, and place of any ~~scheduled~~ 4782  
criminal or juvenile proceedings in the case and notice of any 4783  
changes in those proceedings or in the schedule in the case not 4784

less than seven days prior to the criminal or juvenile 4785  
proceedings in the case unless the parties agree that a shorter 4786  
notice period is reasonable under the circumstances. 4787

~~(D)-(F)~~ A victim or victim's representative who requests 4788  
notice under division ~~(C)-(E)~~ of this section and who elects 4789  
pursuant to division (B) of section 2930.03 of the Revised Code 4790  
to receive any further notice from the prosecutor or, if it is a 4791  
delinquency proceeding and a prosecutor is not involved in the 4792  
case, the court under this chapter shall keep the prosecutor or 4793  
the court informed of the victim's ~~current address and telephone~~ 4794  
~~number until the case is dismissed or terminated, the defendant~~ 4795  
~~is acquitted or sentenced, the delinquent child complaint is~~ 4796  
~~dismissed, the defendant is adjudicated a delinquent child, or~~ 4797  
~~the appellate process is completed, whichever is the final~~ 4798  
~~disposition in the case~~ or victim's representative's contact 4799  
information. 4800

~~(E)~~ If a defendant is charged with the commission of a 4801  
misdemeanor offense that is not identified in division (A)(2) of 4802  
section 2930.01 of the Revised Code and if a police report or a 4803  
complaint, indictment, or information that charges the 4804  
commission of that offense and provides the basis for a criminal 4805  
prosecution of that defendant identifies one or more individuals 4806  
as individuals against whom that offense was committed, after a 4807  
prosecution in the case has been commenced, the prosecutor or a 4808  
designee of the prosecutor other than a court or court employee, 4809  
to the extent practicable, promptly shall notify each of the 4810  
individuals so identified in the report, complaint, indictment, 4811  
or information that, if the defendant is convicted of or pleads 4812  
guilty to the offense, the individual may make an oral or 4813  
written statement to the court hearing the case regarding the 4814  
sentence to be imposed upon the defendant and that the court 4815

~~must consider any statement so made that is relevant. Before imposing sentence in the case, the court shall permit the individuals so identified in the report, complaint, indictment, or information to make an oral or written statement. Division (A) of section 2930.14 of the Revised Code applies regarding any statement so made. The court shall consider a statement so made, in accordance with division (B) of that section and division (D) of section 2929.22 of the Revised Code~~

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

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

**Sec. 2930.063.** (A) On request, a victim or victim's representative has the right to receive a copy of all documents filed with the court in the victim's case at no cost to the victim. Copies provided pursuant to this division may be provided in electronic format.

(B) In any criminal or delinquency proceeding in which a video recording or audio recording of the court proceedings has

been previously prepared, the victim, victim's attorney, or 4846  
victim's representative may obtain a copy of the video recording 4847  
or audio recording for the actual cost to copy the video 4848  
recording or audio recording. If a transcript of the court 4849  
proceedings has been previously prepared, the victim, victim's 4850  
attorney, or victim's representative may obtain a copy of the 4851  
transcript at the same reduced cost that is available to a party 4852  
to the case. 4853

Sec. 2930.07. (A) As used in this section: 4854

(1) (a) "Case document" means a document or information in 4855  
a document regarding a case that is submitted to a court, a law 4856  
enforcement agency or officer, or a prosecutor or filed with a 4857  
clerk of court, including, but not limited to, pleadings, 4858  
motions, exhibits, transcripts, orders, and judgments, or any 4859  
documentation prepared by a court, clerk of court, or law 4860  
enforcement agency or officer, or a prosecutor regarding a case. 4861

(b) "Case document" does not include materials subject to 4862  
the work product doctrine, materials that by law are subject to 4863  
privilege or confidentiality, or materials that are otherwise 4864  
protected or prohibited from disclosure by state or federal law. 4865

(2) "Court" has the same meaning as in section 2930.01 of 4866  
the Revised Code and includes a court of appeals and the supreme 4867  
court. 4868

(3) "Minor victim" means any person who was under eighteen 4869  
years of age at the time of the commission of the criminal 4870  
offense or delinquent act of which the person is a victim. 4871

(4) "Public office" and "public official" have the same 4872  
meanings as in section 149.011 of the Revised Code. 4873

(B) (1) (a) The victim and victim's representative, if 4874

applicable, have the right at any court proceeding, including 4875  
any juvenile court proceeding, not to testify regarding the 4876  
victim's address, telephone number, place of employment, or 4877  
other locating information unless the victim specifically 4878  
consents or the court orders disclosure on finding that a 4879  
compelling need exists to disclose that information. 4880

(b) The court proceeding to determine if a compelling need 4881  
exists to disclose that information shall be in-camera. The 4882  
victim and the victim's attorney, if applicable, shall be 4883  
present during the in-camera proceeding. If the court determines 4884  
that the information shall be disclosed, the court proceeding 4885  
shall be closed during the disclosure. 4886

(2) (a) A defendant may not compel any witness to a 4887  
criminal offense or delinquent act to testify at any proceeding, 4888  
including any juvenile court proceeding, regarding the witness's 4889  
address, telephone number, place of employment, or other 4890  
locating information unless the witness specifically consents in 4891  
writing or the court orders disclosure of that information on 4892  
finding that a compelling need for that information exists. 4893

(b) The court proceeding to determine if a compelling need 4894  
exists to disclose that information shall be in camera. The 4895  
victim and the victim's attorney, if applicable, shall be 4896  
present during the in camera proceeding. 4897

(C) Any public office or public official that is charged 4898  
with the responsibility of knowing the name, address, or other 4899  
identifying information of a victim or victim's representative 4900  
as part of the office's or official's duties shall have full and 4901  
complete access to the name, address, or other identifying 4902  
information of the victim or victim's representative. That 4903  
public office or public official shall take measures to prevent 4904

the public disclosure of the name, address, or other identifying 4905  
information of the victim or victim's representative through the 4906  
use of redaction as set forth in division (D) of this section. 4907

Nothing in this section prevents a public agency from 4908  
maintaining unredacted records of a victim's or victim's 4909  
representative's name, contact information, and identifying 4910  
information for its own records and use or a public office or 4911  
public official from allowing another public office or public 4912  
official to access or obtain copies of its unredacted records. 4913  
The release of unredacted records to a public office or official 4914  
does not constitute a waiver of any exemption or exception 4915  
pursuant to section 149.43 of the Revised Code. This section 4916  
prohibits the public release of unredacted case documents 4917  
pursuant to division (A)(1)(v) of section 149.43 of the Revised 4918  
Code and division (D) of this section. 4919

(D)(1) On written request of the victim or victim's 4920  
representative to a law enforcement agency or prosecutor's 4921  
office and following a brief explanation from that law 4922  
enforcement agency or prosecutor's office of the potential risks 4923  
and benefits of redaction and the ability of the victim to 4924  
retain counsel, all case documents related to the cases or 4925  
matters specified by the victim maintained by the entity to whom 4926  
the victim or victim's representative submitted the request 4927  
shall be redacted prior to public release pursuant to section 4928  
149.43 of the Revised Code to remove the name, address, or other 4929  
identifying information of the victim. 4930

(2) On written application under seal of a victim or 4931  
victim's representative to a court, and following a brief 4932  
explanation from that court of the potential risks and benefits 4933  
of redaction and the ability of the victim to retain counsel, 4934  
all case documents related to the cases or matters specified by 4935

the victim maintained by the entity to whom the victim or 4936  
victim's representative submitted the request shall be redacted 4937  
prior to public release pursuant to the supreme court Rules of 4938  
Superintendence to remove the name, address, or other 4939  
identifying information of the victim. The application shall be 4940  
deemed to be filed under seal and the court shall promptly rule 4941  
on the application. The court shall not release any unredacted 4942  
records while the application is pending. 4943

(3) If multiple victims are involved in a single case, the 4944  
public office or official shall take reasonable precautions to 4945  
protect the information of the victims from other victims, 4946  
unless all of the victims consent to the release of information. 4947

(E) (1) This section does not apply to any disclosure of 4948  
the name, address, or other identifying information of a victim 4949  
that is required to be made in the statewide emergency alert 4950  
program under section 5502.52 of the Revised Code, missing 4951  
person alert system, or other similar alert system. 4952

(2) This section does not apply to any disclosure of the 4953  
name, address, or other identifying information of a minor 4954  
victim of a criminal offense or delinquent act that resulted in 4955  
the death of the minor victim. 4956

(3) Nothing in this section shall prevent a victim, a 4957  
victim's representative, or a victim's attorney from receiving a 4958  
copy of any case document with the victim's name, contact 4959  
information, and identifying information unredacted. A public 4960  
office's or official's provision of a copy of a case document 4961  
with the victim's name, contact information, and identifying 4962  
information unredacted to a victim, victim's representative, or 4963  
victim's attorney, if applicable, does not constitute a waiver 4964  
of any exemption or exception under section 149.43 of the 4965

Revised Code. Pursuant to section 149.43 of the Revised Code, a 4966  
victim, victim's representative, or victim's attorney shall not 4967  
receive an unredacted copy of any recorded forensic interview of 4968  
a minor victim or developmentally disabled victim absent a court 4969  
order compelling disclosure of the interview. A victim, victim's 4970  
representative, or victim's attorney shall have the right to 4971  
receive a redacted copy of the interview on request, subject to 4972  
section 149.43 of the Revised Code. 4973

(4) Nothing in this section shall affect either of the 4974  
following: 4975

(a) Any rights of a victim or victim's representative to 4976  
be provided with notice or to make any written or oral statement 4977  
under this chapter or other applicable law; 4978

(b) The disclosure of the location where the reported 4979  
criminal offense or delinquent act occurred. 4980

**Sec. 2930.071.** (A) (1) A defendant who seeks to subpoena 4981  
records of or concerning the victim that are confidential or 4982  
privileged by law shall request permission from the court before 4983  
the subpoena is issued. The defendant shall file a written 4984  
motion regarding the relevance, admissibility, and materiality 4985  
of the records and the defendant shall serve the motion on the 4986  
prosecutor and the victim's attorney, if applicable. 4987

(2) The court shall issue the subpoena if the court finds 4988  
by a preponderance of the evidence that the records are not 4989  
protected by privilege and the records contain relevant, 4990  
admissible, and material evidence that is not available through 4991  
other evidence or witnesses. The records shall be produced to 4992  
the court for an in-camera review. 4993

(3) A defendant who seeks to subpoena records of or 4994

concerning the victim that are not confidential or privileged by 4995  
law shall serve the prosecutor, the victim, and the victim's 4996  
attorney, if applicable, with a copy of the subpoena. 4997

(4) Pursuant to Criminal Rule 17, the court, on a motion 4998  
made promptly and at or before the time specified in the 4999  
subpoena for compliance, may quash or modify the subpoena if 5000  
compliance would be unreasonable or oppressive. If the court 5001  
does not quash the subpoena, the court shall conduct an in- 5002  
camera review of the records. 5003

(5) If, after conducting an in-camera review of the 5004  
records, the court determines that due process requires the 5005  
disclosure of any portion of the records, the court shall 5006  
provide copies of the information the court intends to disclose 5007  
to the prosecutor, the victim, and the victim's attorney, if 5008  
applicable. The prosecutor, the victim, and the victim's 5009  
attorney, if applicable, shall have seven days to seek appellate 5010  
review before the records are disclosed to the defendant. The 5011  
disclosure of any portion of the records to the prosecutor does 5012  
not make the records subject to discovery. 5013

(B) Before any victim may be subpoenaed by a defendant to 5014  
testify at any pretrial hearing, the defendant shall show good 5015  
cause at a hearing with the prosecutor and the victim, victim's 5016  
representative, and victim's attorney, if applicable, as to why 5017  
the court should issue the subpoena. 5018

**Sec. 2930.072.** (A) Unless the victim consents in writing, 5019  
the victim shall not be compelled to submit to an interview on 5020  
any matter, including any charged criminal offense witnessed by 5021  
the victim and that occurred on the same occasion as the offense 5022  
against the victim or filed in the same indictment or 5023  
information or consolidated for trial, that is conducted by the 5024

defendant, the defendant's attorney, or an agent of the 5025  
defendant. Nothing in this section permits a victim to ignore or 5026  
disregard a subpoena seeking witness testimony issued pursuant 5027  
to the Criminal Rules. 5028

(B) The defendant, the defendant's attorney, or an agent 5029  
of the defendant shall only contact the victim through the 5030  
prosecutor and the victim's attorney, if applicable, to schedule 5031  
an interview or, subject to Criminal Rule 15 or Juvenile Rule 5032  
25, a deposition. The prosecutor shall promptly inform the 5033  
victim or the victim's attorney, if applicable, of the 5034  
defendant's request for an interview and shall advise the victim 5035  
of the victim's right to refuse the interview. The prosecutor 5036  
shall also inform the victim of the victim's right to an 5037  
attorney. 5038

(C) (1) If the victim consents to an interview or, subject 5039  
to Criminal Rule 15 or Juvenile Rule 25, as applicable, a 5040  
deposition, the prosecutor or the victim's attorney, if 5041  
applicable, shall inform the defendant, the defendant's 5042  
attorney, or an agent of the defendant of the time and place the 5043  
victim has selected for the interview or deposition, along with 5044  
any other conditions requested by the victim, except that an 5045  
interview of a child victim shall only be permitted with leave 5046  
of the court. 5047

(2) The victim has the right to terminate the interview or 5048  
deposition at any time or refuse to answer any question during 5049  
the interview or deposition. If the victim refuses to answer 5050  
questions during the deposition or terminates the deposition, 5051  
the deposition may not be used in lieu of trial testimony. 5052

(3) The victim's attorney, if applicable, or the 5053  
prosecutor, at the request of the victim, has standing to 5054

protect the victim from harassment, intimidation, or abuse and, 5055  
pursuant to that standing, may seek any appropriate protective 5056  
order. 5057

(4) The victim may request or the victim's attorney, if 5058  
applicable, or the prosecutor, with the victim's consent, may 5059  
request that the deposition be audio or video recorded. 5060

(D) The prosecutor, or the prosecutor's designee, may 5061  
attend all interviews and depositions between the victim and the 5062  
defendant, defendant's attorney, or an agent of the defendant. 5063  
On request of the prosecutor, the prosecutor shall receive a 5064  
copy of the transcript or recording of the interview or 5065  
deposition at the prosecutor's expense if a transcript or 5066  
recording of the interview or deposition is made. 5067

(E) During the trial, the defendant or defendant's 5068  
attorney shall not comment on the victim's refusal to be 5069  
interviewed or deposed. If the defendant or the defendant's 5070  
attorney comments at trial on the victim's refusal to be 5071  
interviewed or deposed, the court shall instruct the jury that 5072  
the victim has the right to refuse an interview or deposition. 5073

**Sec. 2930.08.** (A) (1) The court and the prosecutor involved 5074  
in the case shall take appropriate action to ensure a speedy 5075  
disposition of the case. 5076

(2) A victim has the right to proceedings free from 5077  
unreasonable delay and a prompt conclusion of the case. The 5078  
court and all participants shall endeavor to complete the case 5079  
within the time frame provided by the Rules of Superintendence. 5080

(B) If a motion, request, or agreement between ~~counsel~~ the 5081  
prosecutor and the defendant's or alleged juvenile offender's 5082  
attorney is made in a case, including a motion, request, or 5083

agreement for a continuance of the case, and the motion, 5084  
request, or agreement might result in a ~~substantial~~ delay in the 5085  
prosecution of the case, the prosecutor ~~in the case, to the~~ 5086  
~~extent practicable and,~~ if the victim or victim's representative 5087  
has requested notice pursuant to ~~division (B) of~~ section 2930.03 5088  
of the Revised Code, shall inform the victim and victim's 5089  
representative, if applicable, that the motion, request, or 5090  
agreement has been made and that it might result in a delay. If 5091  
the victim, victim's representative, or victim's attorney, if 5092  
applicable, objects to the delay, the prosecutor shall inform 5093  
the court of the ~~victim's~~ objections, and the court shall 5094  
consider the ~~victim's~~ objections and the victim's right to a 5095  
speedy disposition of the case in ruling on the motion, request, 5096  
or agreement. 5097

(C) If the victim, victim's representative, or victim's 5098  
attorney, if applicable, objects to a delay in the prosecution 5099  
of the case, the court shall grant a motion, request, or 5100  
agreement for a continuance of the case only if the party 5101  
seeking the continuance demonstrates that the delay in the 5102  
prosecution of the case is reasonable under the circumstances or 5103  
is otherwise in the interest of justice. The court may grant a 5104  
motion, request, or agreement for a continuance of the case only 5105  
for the time necessary to serve the interests of justice. If a 5106  
continuance is granted, the court shall state on the record or 5107  
in a judgment entry the specific reason for the continuance. 5108

**Sec. 2930.09.** (A) (1) A victim and victim's representative 5109  
in a case ~~may, if applicable, have the right to be present~~ 5110  
whenever the defendant or alleged juvenile offender in the case 5111  
is present during any stage of the case against the defendant or 5112  
alleged juvenile offender ~~that is conducted on the record,~~ 5113  
other than a grand jury proceeding, ~~unless the court determines~~ 5114

~~that exclusion of the victim is necessary to protect the~~ 5115  
~~defendant's or alleged juvenile offender's right to a fair trial~~ 5116  
~~or to a fair delinquency proceeding.~~ At any stage of the case at 5117  
which the victim is present, the court, ~~at the victim's request,~~ 5118  
shall permit the victim to be accompanied by ~~an individual a~~ 5119  
victim advocate or victim representative to provide support to 5120  
the victim ~~unless the court determines that exclusion of the~~ 5121  
~~individual is necessary to protect the defendant's or alleged~~ 5122  
~~juvenile offender's right to a fair trial or to a fair~~ 5123  
~~delinquency proceeding.~~ 5124

(2) If the victim or victim's representative is not 5125  
present at a court proceeding in which a right of the victim is 5126  
at issue, the court shall ask the prosecutor whether the victim 5127  
and victim's representative, if the victim or victim's 5128  
representative requested notifications, were notified of the 5129  
time, place, and purpose of the court proceeding and that the 5130  
victim and victim's representative had a right to be heard at 5131  
the court proceeding. If the court determines that timely notice 5132  
was not given to the victim and victim's representative, if 5133  
applicable, or that the victim and victim's representative were 5134  
not adequately informed of the nature of the court proceeding, 5135  
the court shall not rule on any substantive issue that 5136  
implicates a victim's right, accept a plea, or impose a sentence 5137  
and shall continue the court proceeding for the time necessary 5138  
to notify the victim and victim's representative, if applicable, 5139  
of the time, place, and nature of the court proceeding. 5140

(B) (1) The victim and victim's representative, if 5141  
applicable, have the right to be present and be heard at any 5142  
proceeding in which a negotiated plea for the defendant or 5143  
alleged juvenile offender will be presented to the court. If 5144  
present, the victim, victim's representative, and victim's 5145

attorney, if applicable, have the right to be heard orally, in 5146  
writing, or both prior to the acceptance of the plea by the 5147  
court. 5148

(2) The victim and the victim's representative, if 5149  
applicable, have a right to elect to not be present at a 5150  
proceeding in which a negotiated plea for the defendant or 5151  
alleged juvenile offender will be presented to the court, unless 5152  
a subpoena was served on the victim or victim's representative, 5153  
if applicable, compelling the presence of the victim or the 5154  
victim's representative. 5155

(C) The court shall not accept a negotiated plea agreement 5156  
if the victim or the victim's representative is absent from the 5157  
proceeding unless all of the following apply: 5158

(1) The prosecutor advises the court that before 5159  
requesting and agreeing to a negotiated plea, the prosecutor 5160  
conferred with the victim and victim's representative, if 5161  
applicable, pursuant to section 2930.06 of the Revised Code, if 5162  
the victim or victim's representative requested to confer with 5163  
the prosecutor. 5164

(2) The prosecutor made reasonable efforts to give the 5165  
victim and victim's representative, if applicable, notice of the 5166  
plea proceedings and to inform the victim and victim's 5167  
representative of the victim's and victim's representative's 5168  
right to be present and be heard at the plea proceedings. 5169

(3) The prosecutor discloses to the court any and all 5170  
attempts made to give each victim and victim's representative, 5171  
if applicable, notice of the plea agreement, including the 5172  
offense or delinquent act to which the defendant or alleged 5173  
juvenile offender will plead guilty, the date that the plea will 5174

be presented to the court, and the terms of any sentence or 5175  
disposition agreed to as part of the negotiated plea. 5176

(4) The prosecutor informs the court of any objection by 5177  
the victim or victim's representative to the plea agreement. 5178

(5) The prosecutor advises the court that to the best of 5179  
the prosecutor's knowledge the notice requirements of this 5180  
chapter have been complied with. 5181

(D) The victim and victim's representative, if applicable, 5182  
have the right to be present and be heard orally, in writing, or 5183  
both at any proceeding in which the court conducts a hearing on 5184  
the post-arrest release of the person accused of committing a 5185  
criminal offense or delinquent act against the victim or the 5186  
conditions of that release, including the arraignment or initial 5187  
appearance. 5188

(E) The victim and victim's representative, if applicable, 5189  
have the right to be present and be heard orally, in writing, or 5190  
both at any probation or community control revocation 5191  
disposition proceeding or any proceeding in which the court is 5192  
requested to terminate the probation or community control of the 5193  
person who is convicted of committing a criminal offense or 5194  
delinquent act against the victim. 5195

(F) The victim and victim's representative, if applicable, 5196  
have the right to be heard orally, in writing, or both at any 5197  
proceeding in which the court is requested to modify the terms 5198  
of probation or community control of a person if the 5199  
modification will affect the person's contact with or the safety 5200  
of the victim or if the modification involves restitution or 5201  
incarceration status. 5202

(G) Nothing in this section requires a prosecutor to 5203

disclose victim contact information. 5204

**Sec. 2930.11.** (A) Except as otherwise provided in this 5205  
section or in Chapter 2981. of the Revised Code, the law 5206  
enforcement agency responsible for investigating a ~~crime-~~ 5207  
criminal offense or ~~specified-~~ delinquent act shall promptly 5208  
return to the victim of the ~~crime-~~criminal offense or ~~specified-~~ 5209  
delinquent act any property of the victim that was taken in the 5210  
course of the investigation. In accordance with Criminal Rule 26 5211  
or an applicable Juvenile Rule, the law enforcement agency may 5212  
take photographs of the property for use as evidence. If the 5213  
ownership of the property is in dispute, the agency shall not 5214  
return the property until the dispute is resolved. 5215

(B) The law enforcement agency responsible for 5216  
investigating a ~~crime-~~criminal offense or ~~specified-~~ delinquent 5217  
act shall retain any property of the victim of the ~~crime-~~ 5218  
criminal offense or ~~specified-~~ delinquent act that is needed as 5219  
evidence in the case, including any weapon used in the 5220  
commission of the ~~crime-~~criminal offense or ~~specified-~~ delinquent 5221  
act, if the prosecutor certifies to the court a need to retain 5222  
the property in lieu of a photograph of the property or of 5223  
another evidentiary substitute for the property itself, pursuant 5224  
to Appellate Rule 9. 5225

(C) If the defendant or alleged juvenile offender in a 5226  
case files a motion requesting the court to order the law 5227  
enforcement agency to retain property of the victim because the 5228  
property is needed for the defense in the case, the agency shall 5229  
retain the property until the court rules on the motion. The 5230  
court, in making a determination on the motion, shall weigh the 5231  
victim's need for the property against the defendant's or 5232  
alleged juvenile offender's assertion that the property has 5233

evidentiary value for the defense. The court shall rule on the motion in a timely fashion.

**Sec. 2930.12.** (A) At the request of the victim or victim's representative in a criminal prosecution, the prosecutor or the prosecutor's designee shall give the victim and the victim's representative notice of the defendant's acquittal or conviction within seven days of the acquittal or conviction. At the request of the victim or victim's representative in a delinquency proceeding, the prosecutor or the prosecutor's designee shall give the victim and the victim's representative notice of the dismissal of the complaint against the alleged juvenile offender or of the adjudication of the alleged juvenile offender as a delinquent child, except that, if the juvenile court dismisses the complaint against the alleged juvenile offender or adjudicates the alleged juvenile offender a delinquent child prior to the prosecutor's involvement in the case, at the request of the victim or victim's representative, the court or a court employee shall give the victim and the victim's representative notice of the dismissal or of the adjudication. If the defendant or alleged juvenile offender is convicted or is adjudicated a delinquent child, the notice shall include all of the following:

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

~~(B) (2) The purpose of the presentence investigation report, if ordered, and that the victim and victim's representative, if applicable, have the right to review, on request to the prosecutor, a copy of the presentence~~

investigation report except those portions of the report that 5264  
are confidential by law; 5265

(3) The address and telephone number of the probation 5266  
~~office department~~ or other person, if any, that is to prepare a 5267  
presentence investigation report pursuant to section 2951.03 of 5268  
the Revised Code or Criminal Rule 32.2, the address and 5269  
telephone number of the person, if any, who is to prepare a 5270  
disposition investigation report pursuant to division (C) (1) of 5271  
section 2152.18 of the Revised Code, and the address and 5272  
telephone number of the person, if any, who is to prepare a 5273  
victim impact statement pursuant to division (D) (1) of section 5274  
2152.19 or section 2947.051 of the Revised Code; 5275

~~(C)~~ (4) Notice that the victim and victim's 5276  
representative, if applicable, may make a statement about the 5277  
impact of the ~~crime-criminal offense~~ or ~~specified~~ delinquent act 5278  
to the probation officer or other person, if any, who prepares 5279  
the presentence investigation report or to the person, if any, 5280  
who prepares a victim impact statement, that a statement of the 5281  
victim and victim's representative, included in the report, if 5282  
applicable, will be made available to the defendant or alleged 5283  
juvenile offender unless the court exempts it from disclosure, 5284  
and that the court may make the victim impact statement 5285  
available to the defendant or alleged juvenile offender; 5286

~~(D)~~ (5) Notice of the victim's, victim's representative's, 5287  
and victim's attorney's, if applicable, right under section 5288  
2930.14 of the Revised Code to make a statement about the impact 5289  
of the ~~crime-criminal offense~~ or ~~specified~~ delinquent act before 5290  
sentencing or disposition; 5291

~~(E)~~ (6) The date, time, and place of the sentencing 5292  
hearing or dispositional hearing; 5293

~~(F)~~ (7) Notice that, if the court orders restitution, the victim or victim's attorney, if applicable, has the right to file a restitution lien; 5294  
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(8) One of the following: 5297

~~(1)~~ (a) Any sentence imposed upon the defendant and any subsequent modification of that sentence, including modification under section 2929.20 or 5120.036 of the Revised Code or as a result of the defendant's appeal of the sentence pursuant to section 2953.08 of the Revised Code; 5298  
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~~(2)~~ (b) Any disposition ordered for the defendant and any subsequent modification of that disposition, if known to the prosecutor, including judicial release or early release in accordance with section 2151.38 of the Revised Code. If a court has not provided timely notice to the prosecutor of a subsequent modification of that disposition, the court shall promptly notify the victim and the victim's representative, if applicable, of the subsequent modification. 5303  
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(B) During the probation department's presentence investigation, the department shall contact the victim, victim's representative, and victim's attorney, if applicable, concerning the victim's economic, physical, psychological, or emotional harm or victim's safety concerns as a result of the offense. 5311  
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**Sec. 2930.121.** (A) If a prosecutor dismisses a count or counts of a complaint, information, or indictment involving the victim as a result of a negotiated plea agreement, the victim and victim's representative, on request, may exercise all of the applicable rights of a crime victim throughout the criminal justice process as though the count or counts involving the victim had not been dismissed. 5316  
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(B) As to each count that is dismissed as a result of a negotiated plea agreement, the prosecutor shall notify the probation department or custodial or supervisory agency, as applicable, if the victim or victim's representative requested the victim's rights pursuant to this section.

(C) For each victim and victim's representative who is involved in the counts dismissed as a result of a negotiated plea agreement and who requested the victim's rights, the prosecutor or the prosecutor's designee shall forward to the probation department or custodial or supervisory agency, as applicable, any available information that would enable the probation department or custodial or supervisory agency to carry out its duties prescribed by this section.

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

(B) If a probation officer or other person is preparing a presentence investigation report pursuant to section 2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2, or a disposition investigation report pursuant to section 2152.18 of the Revised Code, concerning the defendant or alleged juvenile offender in the case, the victim and victim's representative, if applicable, may make a written ~~or~~ and oral statement regarding the impact of the ~~crime~~ criminal offense ~~or specified delinquent~~

act to the probation officer or other person. The probation 5353  
officer or other person shall use the statement in preparing the 5354  
presentence investigation report or disposition investigation 5355  
report and, upon the victim's or victim's representative's 5356  
request, shall include a written statement submitted by the 5357  
victim in the presentence investigation report or disposition 5358  
investigation report. 5359

(C) A statement made by the victim or victim's 5360  
representative under division (A) or (B) of this section may 5361  
include the following: 5362

(1) An explanation of the nature and extent of any 5363  
physical, psychological, or emotional harm suffered by the 5364  
victim as a result of the ~~crime~~ criminal offense or ~~specified~~ 5365  
delinquent act that is the basis of the case; 5366

(2) An explanation of the extent of any property damage or 5367  
other economic loss suffered by the victim as a result of that 5368  
~~crime~~ criminal offense or ~~specified~~ delinquent act; 5369

(3) An opinion regarding the extent to which, if any, the 5370  
victim needs restitution for harm caused by the defendant or 5371  
alleged juvenile offender as a result of that ~~crime~~ criminal 5372  
offense or ~~specified~~ delinquent act and information about 5373  
whether the victim has applied for or received any compensation 5374  
for loss or damage caused by that ~~crime~~ criminal offense or 5375  
~~specified~~ delinquent act; 5376

(4) The victim's and victim's representative's 5377  
recommendation for an appropriate sanction or disposition for 5378  
the defendant or alleged juvenile offender regarding that ~~crime~~ 5379  
criminal offense or ~~specified~~ delinquent act. 5380

(D) If a statement made by a victim or victim's 5381

representative under division (A) of this section is included in 5382  
a victim impact statement, the provision, receipt, and retention 5383  
of copies of, the use of, and the confidentiality, nonpublic 5384  
record character, and sealing of the victim impact statement is 5385  
governed by division ~~(B)(2)~~ (D)(3) of section ~~2152.20~~ 2152.19 or 5386  
by division (C) of section 2947.051 of the Revised Code, as 5387  
appropriate. If a statement made by a victim or victim's 5388  
representative under division (B) of this section is included in 5389  
a presentence investigation report prepared pursuant to section 5390  
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 or 5391  
in a disposition investigation report pursuant to division (C) 5392  
(1) of section 2152.18 of the Revised Code, the provision, 5393  
receipt, and retention of copies of, the use of, and the 5394  
confidentiality, nonpublic record character, and sealing of the 5395  
presentence investigation report or disposition investigation 5396  
report that contains the victim's statement is governed by 5397  
section 2951.03 of the Revised Code. 5398

**Sec. 2930.131.** (A) If the presentence investigation report 5399  
is made available to the defendant, the court shall provide a 5400  
copy of the report to the prosecutor assigned to the case at 5401  
least seven days prior to the sentencing hearing. The prosecutor 5402  
shall, upon request, provide a copy of the report to the victim, 5403  
victim's representative, and victim's attorney, if applicable, 5404  
at least five days prior to the sentencing hearing, except those 5405  
parts of the report that are redacted by the court or made 5406  
confidential by law. 5407

(B) If the court redacts any portion of the presentence 5408  
investigation report, the court shall inform the parties and the 5409  
victim, victim's representative, and victim's attorney, if 5410  
applicable, of the court's decision and shall state on the 5411  
record the court's reason for the redaction. 5412

**Sec. 2930.14.** (A) Before imposing sentence upon, or 5413  
entering an order of disposition for, a defendant or alleged 5414  
juvenile offender for the commission of a ~~crime~~ criminal offense 5415  
or ~~specified~~ delinquent act, the court shall permit the victim 5416  
~~of the crime or specified delinquent act~~ or victim's 5417  
representative to make a statement be heard orally, in writing, 5418  
or both during the sentencing or disposition proceeding. The 5419  
court may give copies of any written statement made by a victim 5420  
or victim's representative to the defendant or alleged juvenile 5421  
offender and defendant's or alleged juvenile offender's counsel 5422  
and may give any written statement made by the defendant or 5423  
alleged juvenile offender to the victim, victim's 5424  
representative, or victim's attorney, if applicable, and the 5425  
prosecutor. The court may redact any information contained in a 5426  
written statement that the court determines is not relevant to 5427  
and will not be relied upon in the sentencing or disposition 5428  
decision. The victim's or victim's representative's oral 5429  
statement is not subject to cross-examination. The written 5430  
statement of the victim or victim's representative or ~~of~~ the 5431  
defendant or alleged juvenile offender is confidential and is 5432  
not a public record as used in section 149.43 of the Revised 5433  
Code. Any person to whom a copy of a written statement was 5434  
released by the court shall return it to the court immediately 5435  
following sentencing or disposition. 5436

(B) The court shall consider a ~~victim's~~ statement made by 5437  
a victim or victim's representative under division (A) of this 5438  
section along with other factors that the court is required to 5439  
consider in imposing sentence or in determining the order of 5440  
disposition. If the statement includes new material facts, the 5441  
court shall not rely on the new material facts unless it 5442  
continues the sentencing or dispositional proceeding or takes 5443

other appropriate action to allow the defendant or alleged 5444  
juvenile offender an adequate opportunity to respond to the new 5445  
material facts. 5446

**Sec. 2930.15.** (A) If a defendant is convicted of 5447  
committing a ~~crime~~criminal offense against a victim or an 5448  
alleged juvenile offender is adjudicated a delinquent child for 5449  
committing a ~~specified~~ delinquent act against a victim, if the 5450  
victim or victim's representative requests notice of the filing 5451  
of an appeal, and if the defendant or alleged juvenile offender 5452  
files an appeal, the prosecutor in the case promptly, but not 5453  
later than seven days after receiving the notice of appeal, 5454  
shall notify the victim and victim's representative, if 5455  
applicable, of the appeal. The prosecutor also shall give the 5456  
victim and victim's representative, if applicable, all of the 5457  
following information: 5458

(1) A brief explanation of the appellate process, 5459  
including the possible disposition of the case; 5460

(2) Whether the defendant or alleged juvenile offender has 5461  
been released on bail or other recognizance or under conditions 5462  
imposed by the juvenile court pending the disposition of the 5463  
appeal; 5464

(3) The time, place, and location of appellate court 5465  
proceedings and any subsequent changes in the time, place, or 5466  
location of those proceedings; 5467

(4) The result of the appeal. 5468

(B) If the appellate court returns the defendant's or 5469  
alleged juvenile offender's case to the trial court or juvenile 5470  
court for further proceedings, the victim and victim's 5471  
representative, if applicable, may exercise all the rights that 5472

previously were available to the victim in the trial court or 5473  
the juvenile court. 5474

**Sec. 2930.16.** (A) If a defendant is incarcerated, a victim 5475  
~~in a case or~~ victim's representative who has requested to 5476  
receive notice under this section shall be given notice of the 5477  
incarceration of the defendant. If an alleged juvenile offender 5478  
is committed to the temporary custody of a school, camp, 5479  
institution, or other facility operated for the care of 5480  
delinquent children or to the legal custody of the department of 5481  
youth services, a victim ~~in a case or~~ victim's representative 5482  
who has requested to receive notice under this section shall be 5483  
given notice of the commitment. Promptly after sentence is 5484  
imposed upon the defendant or the commitment of the alleged 5485  
juvenile offender is ordered, the court or the court's designee 5486  
shall notify the prosecutor in the case and the prosecutor shall 5487  
notify the victim and the victim's representative, if 5488  
applicable, of the date on which the defendant will be released, 5489  
or initially will be eligible for release, from confinement or 5490  
the prosecutor's reasonable estimate of that date or the date on 5491  
which the alleged juvenile offender will have served the minimum 5492  
period of commitment or the prosecutor's reasonable estimate of 5493  
that date. The prosecutor also shall notify the victim and the 5494  
victim's representative of the name of the custodial agency of 5495  
the defendant or alleged juvenile offender and tell the victim 5496  
and the victim's representative how to contact that custodial 5497  
agency. If the custodial agency is the department of 5498  
rehabilitation and correction, the ~~prosecutor~~ custodial agency 5499  
shall notify the victim and the victim's representative of the 5500  
services offered by the office of victims' services pursuant to 5501  
section 5120.60 of the Revised Code. If the custodial agency is 5502  
the department of youth services, the ~~prosecutor~~ custodial 5503

agency shall notify the victim and the victim's representative 5504  
of the services provided by the office of victims' services 5505  
within the release authority of the department pursuant to 5506  
section 5139.55 of the Revised Code and the victim's right 5507  
pursuant to section 5139.56 of the Revised Code to submit a 5508  
written request to the release authority to be notified of 5509  
actions the release authority takes with respect to the alleged 5510  
juvenile offender. The victim and the victim's representative 5511  
shall keep the custodial agency informed of the victim's or 5512  
victim's representative's current address and telephone number 5513  
contact information. 5514

(B) (1) Upon the victim's or victim's representative's 5515  
request or in accordance with division (D) of this section, the 5516  
court or the court's designee shall notify the prosecutor in the 5517  
case and the prosecutor promptly, but not later than seven days 5518  
after the hearing is scheduled or the application is filed, 5519  
shall notify the victim and the victim's representative, if 5520  
applicable, of any application or hearing for judicial release 5521  
of the defendant pursuant to section 2929.20 of the Revised 5522  
Code, of any hearing for release of the defendant pursuant to 5523  
section 2967.19 of the Revised Code, or of any hearing for 5524  
judicial release or early release of the alleged juvenile 5525  
offender pursuant to section 2151.38 of the Revised Code and of 5526  
the victim's and victim's representative's right to make a 5527  
statement under those sections. ~~The~~ If the court does not hold a 5528  
hearing or if the victim and victim's representative, if 5529  
applicable, do not attend the hearing or make a statement, the 5530  
court shall notify the victim and victim's representative of its 5531  
ruling in each of those hearings and on each of those 5532  
applications. 5533

(2) If an offender is sentenced to a prison term pursuant 5534

to division (A) (3) or (B) of section 2971.03 of the Revised 5535  
Code, ~~upon~~ on the request of the victim ~~of the crime or victim's~~ 5536  
representative or in accordance with division (D) of this 5537  
section, the court or the court's designee shall notify the 5538  
prosecutor in the case and the prosecutor promptly shall notify 5539  
the victim and the victim's representative, if applicable, of 5540  
any hearing to be conducted pursuant to section 2971.05 of the 5541  
Revised Code to determine whether to modify the requirement that 5542  
the offender serve the entire prison term in a state 5543  
correctional facility in accordance with division (C) of that 5544  
section, whether to continue, revise, or revoke any existing 5545  
modification of that requirement, or whether to terminate the 5546  
prison term in accordance with division (D) of that section. ~~The~~ 5547  
If the court does not hold a hearing or if the victim and 5548  
victim's representative, if applicable, do not attend the 5549  
hearing or make a statement, the court shall notify the victim 5550  
and the victim's representative of any order issued at the 5551  
conclusion of the hearing. 5552

(C) (1) On first contact with a victim, the custodial 5553  
agency of a defendant or delinquent child shall give the victim 5554  
and victim's representative, if applicable, the victim's rights 5555  
request/waiver form, or a substantially similar form. The 5556  
custodial agency shall include a notice to the victim and 5557  
victim's representative that failure to affirmatively request 5558  
these rights is considered a waiver of these rights, but the 5559  
victim or victim's representative may request the rights at a 5560  
later time. A person claiming direct and proximate harm as a 5561  
result of a criminal offense or delinquent act must 5562  
affirmatively identify the person's self and request the 5563  
notifications provided in this section and section 2967.28 of 5564  
the Revised Code. 5565

(2) Upon the victim's or victim's representative's request 5566  
made at any time before the particular notice would be due or in 5567  
accordance with division (D) of this section, the custodial 5568  
agency of a defendant or alleged juvenile offender shall give 5569  
the victim and the victim's representative, if applicable, any 5570  
of the following notices that is applicable: 5571

~~(1)~~ (a) At least sixty days before the adult parole 5572  
authority recommends a pardon or commutation of sentence for the 5573  
defendant or at least sixty days prior to a hearing before the 5574  
adult parole authority regarding a grant of parole to the 5575  
defendant, notice of the victim's and victim's representative's 5576  
right to submit a statement regarding the impact of the 5577  
defendant's release in accordance with section 2967.12 of the 5578  
Revised Code and, if applicable, of the victim's and victim's 5579  
representative's right to appear at a full board hearing of the 5580  
parole board to give testimony as authorized by section 5149.101 5581  
of the Revised Code; and at least sixty days prior to a hearing 5582  
before the department regarding a determination of whether the 5583  
inmate must be released under division (C) or (D) (2) of section 5584  
2967.271 of the Revised Code if the inmate is serving a non-life 5585  
felony indefinite prison term, notice of the fact that the 5586  
inmate will be having a hearing regarding a possible grant of 5587  
release, the date of any hearing regarding a possible grant of 5588  
release, and the right of any person to submit a written 5589  
statement regarding the pending action; 5590

~~(2)~~ (b) At least sixty days before the defendant is 5591  
transferred to transitional control under section 2967.26 of the 5592  
Revised Code, notice of the pendency of the transfer and of the 5593  
victim's and victim's representative's right under that section 5594  
to submit a statement regarding the impact of the transfer; 5595

~~(3)~~ (c) At least sixty days before the release authority 5596  
of the department of youth services holds a release review, 5597  
release hearing, or discharge review for the alleged juvenile 5598  
offender, notice of the pendency of the review or hearing, of 5599  
the victim's and victim's representative's right to make an oral 5600  
or written statement regarding the impact of the crime upon the 5601  
victim or regarding the possible release or discharge, and, if 5602  
the notice pertains to a hearing, of the victim's right to 5603  
attend and make statements or comments at the hearing as 5604  
authorized by section 5139.56 of the Revised Code; 5605

~~(4)~~ (d) Prompt notice, but not more than three days after 5606  
the escape, of the defendant's or alleged juvenile offender's 5607  
escape from a facility of the custodial agency in which the 5608  
defendant was incarcerated or in which the alleged juvenile 5609  
offender was placed after commitment, of the defendant's or 5610  
alleged juvenile offender's absence without leave from a mental 5611  
health or developmental disabilities facility or from other 5612  
custody, and of the capture of the defendant or alleged juvenile 5613  
offender after an escape or absence; 5614

~~(5)~~ (e) Notice of the defendant's or alleged juvenile 5615  
offender's death while in confinement or custody within thirty 5616  
days of the defendant's or alleged juvenile offender's death; 5617

~~(6)~~ (f) Notice of the filing of a petition by the director 5618  
of rehabilitation and correction pursuant to section 2967.19 of 5619  
the Revised Code requesting the early release under that section 5620  
of the defendant within thirty days of the filing of the 5621  
petition; 5622

~~(7)~~ (g) Notice of the defendant's or alleged juvenile 5623  
offender's post-conviction release from confinement or custody, 5624  
including jail or local custody, and the terms and conditions of 5625

the release as soon as the custodial agency becomes aware of the 5626  
release. 5627

(D) (1) If a defendant is incarcerated for the commission 5628  
of aggravated murder, murder, or an offense of violence that is 5629  
a felony of the first, second, or third degree or is under a 5630  
sentence of life imprisonment or if an alleged juvenile offender 5631  
has been charged with the commission of an act that would be 5632  
aggravated murder, murder, or an offense of violence that is a 5633  
felony of the first, second, or third degree or be subject to a 5634  
sentence of life imprisonment if committed by an adult, except 5635  
as otherwise provided in this division, the notices described in 5636  
divisions (B) and (C) of this section shall be given regardless 5637  
of whether the victim or victim's representative has requested 5638  
the notification. The notices described in divisions (B) and (C) 5639  
of this section shall not be given under this division to a 5640  
victim or victim's representative if the victim or victim's 5641  
representative has requested pursuant to division (B) (2) of 5642  
section 2930.03 of the Revised Code that the victim or victim's 5643  
representative not be provided the notice. Regardless of whether 5644  
the victim or victim's representative has requested that the 5645  
notices described in division (C) of this section be provided or 5646  
not be provided, the custodial agency shall give notice similar 5647  
to those notices to the prosecutor in the case, to the 5648  
sentencing court, to the law enforcement agency that arrested 5649  
the defendant or alleged juvenile offender if any officer of 5650  
that agency was a victim of the offense, and to any member of 5651  
the victim's immediate family who requests notification. If the 5652  
notice given under this division to the victim and victim's 5653  
representative is based on an offense committed prior to March 5654  
22, 2013, and if the prosecutor or custodial agency has not 5655  
previously successfully provided any notice to the victim and 5656

victim's representative under this division or division (B) or 5657  
(C) of this section with respect to that offense and the 5658  
offender who committed it, the notice also shall inform the 5659  
victim and victim's representative that the victim or victim's 5660  
representative may request that the victim or victim's 5661  
representative not be provided any further notices with respect 5662  
to that offense and the offender who committed it and shall 5663  
describe the procedure for making that request. If the notice 5664  
given under this division to the victim and victim's 5665  
representative pertains to a hearing regarding a grant of a 5666  
parole to the defendant, the notice also shall inform the victim 5667  
and victim's representative that the victim, a member of the 5668  
victim's immediate family, or the victim's representative may 5669  
request a victim conference, as described in division (E) of 5670  
this section, and shall provide an explanation of a victim 5671  
conference. 5672

The prosecutor or custodial agency may give the notices to 5673  
which this division applies by any reasonable means, including, 5674  
but not limited to, regular mail, telephone, and electronic 5675  
mail. If the prosecutor or custodial agency attempts to provide 5676  
notice to a victim or victim's representative under this 5677  
division but the attempt is unsuccessful because the prosecutor 5678  
or custodial agency is unable to locate the victim or victim's 5679  
representative, is unable to provide the notice by its chosen 5680  
method because it cannot determine the mailing address, 5681  
telephone number, or electronic mail address at which to provide 5682  
the notice, or, if the notice is sent by mail, the notice is 5683  
returned, the prosecutor or custodial agency shall make another 5684  
attempt to provide the notice to the victim or victim's 5685  
representative. If the second attempt is unsuccessful, the 5686  
prosecutor or custodial agency shall make at least one more 5687

attempt to provide the notice. If the notice is based on an 5688  
offense committed prior to March 22, 2013, in each attempt to 5689  
provide the notice to the victim or victim's representative, the 5690  
notice shall include the opt-out information described in the 5691  
preceding paragraph. The prosecutor or custodial agency, in 5692  
accordance with division (D) (2) of this section, shall keep a 5693  
record of all attempts to provide the notice, and of all notices 5694  
provided, under this division. 5695

Division (D) (1) of this section, and the notice-related 5696  
provisions of divisions (E) (2) and (K) of section 2929.20, 5697  
division (H) of section 2967.12, division (E) (1) (b) of section 5698  
2967.19, division (A) (3) (b) of section 2967.26, division (D) (1) 5699  
of section 2967.28, and division (A) (2) of section 5149.101 of 5700  
the Revised Code enacted in the act in which division (D) (1) of 5701  
this section was enacted, shall be known as "Roberta's Law." 5702

(2) Each prosecutor and custodial agency that attempts to 5703  
give any notice to which division (D) (1) of this section applies 5704  
shall keep a record of all attempts to give the notice. The 5705  
record shall indicate the person who was to be the recipient of 5706  
the notice, the date on which the attempt was made, the manner 5707  
in which the attempt was made, and the person who made the 5708  
attempt. If the attempt is successful and the notice is given, 5709  
the record shall indicate that fact. The record shall be kept in 5710  
a manner that allows public inspection of attempts and notices 5711  
given to persons other than victims or victims' representatives 5712  
without revealing the names, addresses, or other identifying 5713  
information relating to victims or victims' representatives. The 5714  
record of attempts and notices given to victims or victims' 5715  
representatives is not a public record, but the prosecutor or 5716  
custodial agency shall provide upon request a copy of that 5717  
record to a prosecuting attorney, judge, law enforcement agency, 5718

or member of the general assembly. The record of attempts and 5719  
notices given to persons other than victims or victims' 5720  
representatives is a public record. A record kept under this 5721  
division may be indexed by offender name, or in any other manner 5722  
determined by the prosecutor or the custodial agency. Each 5723  
prosecutor or custodial agency that is required to keep a record 5724  
under this division shall determine the procedures for keeping 5725  
the record and the manner in which it is to be kept, subject to 5726  
the requirements of this division. 5727

(E) The adult parole authority shall adopt rules under 5728  
Chapter 119. of the Revised Code providing for a victim 5729  
conference, upon request of the victim, a member of the victim's 5730  
immediate family, or the victim's representative, prior to a 5731  
parole hearing in the case of a prisoner who is incarcerated for 5732  
the commission of aggravated murder, murder, or an offense of 5733  
violence that is a felony of the first, second, or third degree 5734  
or is under a sentence of life imprisonment. The rules shall 5735  
provide for, but not be limited to, all of the following: 5736

(1) Subject to division (E)(3) of this section, attendance 5737  
by the victim, members of the victim's immediate family, the 5738  
victim's representative, and, if practicable, other individuals; 5739

(2) Allotment of up to one hour for the conference; 5740

(3) A specification of the number of persons specified in 5741  
division (E)(1) of this section who may be present at any single 5742  
victim conference, if limited by the department pursuant to 5743  
division (F) of this section. 5744

(F) The department may limit the number of persons 5745  
specified in division (E)(1) of this section who may be present 5746  
at any single victim conference, provided that the department 5747

shall not limit the number of persons who may be present at any 5748  
single conference to fewer than three. If the department limits 5749  
the number of persons who may be present at any single victim 5750  
conference, the department shall permit and schedule, upon 5751  
request of the victim, a member of the victim's immediate 5752  
family, or the victim's representative, multiple victim 5753  
conferences for the persons specified in division (E) (1) of this 5754  
section. 5755

(G) As used in this section, "victim's immediate family" 5756  
has the same meaning as in section 2967.12 of the Revised Code. 5757

Sec. 2930.161. (A) Within seven days after a defendant is 5758  
sentenced to a term of incarceration, the prosecutor, or the 5759  
prosecutor's designee, shall provide written notice to the 5760  
victim and victim's representative, if applicable, of the right 5761  
of the victim or victim's representative, any member of the 5762  
victim's family, or any member of the victim's household to 5763  
request not to receive mail from the inmate who was convicted of 5764  
committing a criminal offense against the victim. The notice 5765  
shall do all of the following: 5766

(1) Inform the victim or victim's representative of the 5767  
right of the victim or victim's representative, or any member of 5768  
the victim's family or household, to request not to receive mail 5769  
from the inmate; 5770

(2) Instruct the victim or victim's representative on how 5771  
to file the request with the custodial agency; 5772

(3) Include the following statement: 5773

"If the defendant is incarcerated, you have the right to 5774  
request that the defendant not send you, members of your family, 5775  
or members of your household, mail. If the defendant sends you 5776

or your family or household members mail after you have made 5777  
this request, you or the members of your family or household 5778  
have the right to report the incident to the custodial agency 5779  
for sanctions against the defendant." 5780

(B) On receipt of a post-conviction notice request in 5781  
which a request not to receive mail is indicated, the custodial 5782  
agency shall notify the inmate of the request and that sending 5783  
mail to the victim or victim's representative, or the family or 5784  
household members who are denoted by the victim or victim's 5785  
representative, will result in appropriate sanctions, including, 5786  
but not limited to, reduction or denial of earned release 5787  
credits and review of all outgoing mail. 5788

(C) The custodial agency shall not knowingly forward mail 5789  
addressed to any person who requests not to receive mail 5790  
pursuant to this section. The custodial agency shall retain 5791  
inmate mail pursuant to this section and forward the mail to the 5792  
prosecutor that prosecuted the inmate for the underlying offense 5793  
and shall retain the mail for at least one year from the date 5794  
the inmate is released. On request, the victim, the victim's 5795  
representative, or the victim's attorney, if applicable, may 5796  
obtain any such mail received by the prosecutor at any time 5797  
prior to the date the prosecutor is no longer required to retain 5798  
the mail. 5799

(D) Nothing in this section shall be construed as altering 5800  
or limiting an order from a court of competent jurisdiction 5801  
permitting contact between an incarcerated offender and the 5802  
child or children of that offender. 5803

**Sec. 2930.162.** (A) On request of a victim or victim's 5804  
representative who has provided a current address or other 5805  
current contact information, the court or the court's designee 5806

shall notify the victim and victim's representative, if 5807  
applicable, of any of the following: 5808

(1) A probation or community control revocation 5809  
disposition proceeding or any proceeding in which the court is 5810  
asked to terminate the probation or community control of a 5811  
person who was convicted of committing a criminal offense 5812  
against the victim; 5813

(2) Any hearing on a proposed modification on the terms of 5814  
probation or community control; 5815

(3) If the person is on supervised probation or community 5816  
control, the arrest of the person pursuant to a warrant issued 5817  
for a probation or community control violation; 5818

(4) The defendant's or alleged juvenile offender's failure 5819  
to successfully complete a diversion or substantially similar 5820  
program. 5821

(B) On request of a victim or victim's representative who 5822  
has provided current contact information, the probation 5823  
department shall notify the victim and victim's representative, 5824  
if applicable, of the following as soon as it becomes known to 5825  
the probation department: 5826

(1) Any proposed modification to any term of probation or 5827  
community control if the modification affects restitution, 5828  
incarceration, or detention status or the defendant's or alleged 5829  
juvenile offender's contact with or safety of the victim; 5830

(2) The victim's and victim's representative's right to be 5831  
heard at a hearing that is set to consider any modification to 5832  
be made to any term of probation or community control; 5833

(3) Any violation of any term of probation or community 5834

control that results in the filing of a petition with the court 5835  
to revoke probation or community control; 5836

(4) Any conduct by the defendant or alleged juvenile 5837  
offender that raises a concern for the victim's safety; 5838

(5) Following a risk assessment of the terms of probation 5839  
or community control, including the period of supervision and 5840  
any modifications to the terms of probation or community 5841  
control, any restricted locations and any other conditions that 5842  
impact victim safety. 5843

**Sec. 2930.163.** Prior to the governor granting a pardon, 5844  
commutation of sentence, or reprieve to an offender convicted of 5845  
or found guilty of an offense of violence or adjudicated a 5846  
delinquent child for a delinquent act that would be an offense 5847  
of violence if committed by an adult, the governor, or the 5848  
governor's designee, shall notify the victim, victim's 5849  
representative, and victim's attorney, if applicable, that the 5850  
offender or delinquent child has applied for a pardon, 5851  
commutation of sentence, or reprieve. The governor shall notify 5852  
the victim, victim's representative, and victim's attorney, if 5853  
applicable, regarding the application not less than thirty days 5854  
prior to issuing a decision on the application. The governor 5855  
shall inform the victim, victim's representative, and victim's 5856  
attorney, if applicable, that the victim, victim's 5857  
representative, and victim's attorney, if applicable, may submit 5858  
a written statement concerning the application. 5859

**Sec. 2930.17.** (A) In determining whether to grant a 5860  
judicial release to a defendant from a prison term pursuant to 5861  
section 2929.20 of the Revised Code at a time before the 5862  
defendant's stated prison term expires, in determining whether 5863  
to grant a release to an offender from a prison term pursuant to 5864

section 2967.19 of the Revised Code at a time before the 5865  
offender's stated prison term expires, or in determining whether 5866  
to grant a judicial release or early release to an alleged 5867  
juvenile offender from a commitment to the department of youth 5868  
services pursuant to section 2151.38 of the Revised Code, the 5869  
court shall permit a victim of a ~~crime~~criminal offense or 5870  
~~specified~~ delinquent act for which the defendant or alleged 5871  
juvenile offender was incarcerated or committed, and the 5872  
victim's representative, if applicable, to make a statement be 5873  
heard orally, in writing, or both, in addition to any other 5874  
statement made under this chapter, concerning the effects of 5875  
that ~~crime~~criminal offense or ~~specified~~ delinquent act on the 5876  
victim, the circumstances surrounding the ~~crime~~criminal offense 5877  
or ~~specified~~ delinquent act, the manner in which the ~~crime~~ 5878  
criminal offense or ~~specified~~ delinquent act was perpetrated, 5879  
and the victim's or victim's representative's opinion whether 5880  
the defendant or alleged juvenile offender should be released. 5881  
The victim and victim's representative, if applicable, may ~~make~~ 5882  
~~the statement be heard~~ in writing ~~or,~~ orally, or both at the 5883  
~~court's~~ victim's or victim's representative's discretion. The 5884  
court shall ~~give~~ allow the defendant or alleged juvenile 5885  
offender to review a copy of any written impact statement made 5886  
by the victim or victim's representative under this section and 5887  
shall give either the adult parole authority or the department 5888  
of youth services, whichever is applicable, a copy of any 5889  
written impact statement made by the victim or victim's 5890  
representative under this division. 5891

(B) In deciding whether to grant a judicial release or 5892  
early release to the defendant or alleged juvenile offender, the 5893  
court shall consider a statement made by the victim and the 5894  
victim's representative, if applicable, under division (A) of 5895

this section or section 2930.14 or 2947.051 of the Revised Code. 5896

(C) Upon making a determination whether to grant a 5897  
judicial release to a defendant from a prison term pursuant to 5898  
section 2929.20 of the Revised Code, a release to an offender 5899  
from a prison term pursuant to section 2967.19 of the Revised 5900  
Code, or a judicial release or early release to an alleged 5901  
juvenile offender from a commitment to the department of youth 5902  
services pursuant to section 2151.38 of the Revised Code, the 5903  
court promptly shall send notice of its determination to the 5904  
prosecutor of the county in which the criminal or delinquency 5905  
proceeding was held against the defendant or alleged juvenile 5906  
offender. Before ordering a defendant or alleged juvenile 5907  
offender released from custody, the court shall send the 5908  
custodial agency a copy of its journal entry of the 5909  
determination. 5910

Sec. 2930.171. (A) In determining whether to grant an 5911  
application to seal a record of conviction pursuant to section 5912  
2953.32 of the Revised Code or an application to seal or expunge 5913  
a juvenile record pursuant to section 2151.356 or 2151.358 of 5914  
the Revised Code, the court shall notify the prosecutor 5915  
regarding the hearing of the matter not less than sixty days 5916  
before the hearing. The prosecutor shall provide timely notice 5917  
to a victim of the criminal offense or delinquent act for which 5918  
the offender or juvenile was incarcerated or committed and the 5919  
victim's representative, if applicable, if the victim or 5920  
victim's representative has requested notice and maintains 5921  
current contact information with the prosecutor. The court shall 5922  
permit a victim, the victim's representative, and the victim's 5923  
attorney, if applicable, to make a statement, in addition to any 5924  
other statement made under this chapter, concerning the effects 5925  
of the criminal offense or delinquent act on the victim, the 5926

circumstances surrounding the criminal offense or delinquent 5927  
act, the manner in which the criminal offense or delinquent act 5928  
was perpetrated, and the victim's, victim's representative's, or 5929  
victim's attorney's, if applicable, opinion whether the record 5930  
should be sealed or expunged. The victim, victim's 5931  
representative, or victim's attorney, if applicable, may be 5932  
heard in writing, orally, or both at the victim's, victim's 5933  
representative's, or victim's attorney's, if applicable, 5934  
discretion. The court shall give the offender or juvenile an 5935  
opportunity to review a copy of any written impact statement 5936  
made by the victim, victim's representative, and victim's 5937  
attorney, if applicable, under this division. The court shall 5938  
give to either the adult parole authority or the department of 5939  
youth services, whichever is applicable, a copy of any written 5940  
impact statement made by the victim, victim's representative, 5941  
and victim's attorney, if applicable, under this division. 5942

(B) In deciding whether to seal or expunge a record under 5943  
this section, the court shall consider a statement made by the 5944  
victim, victim's representative, and victim's attorney, if 5945  
applicable, under division (A) of this section or section 5946  
2930.14 or 2947.051 of the Revised Code. 5947

(C) Upon making a determination whether to grant an 5948  
application to seal a record of conviction pursuant to section 5949  
2953.32 of the Revised Code or an application to seal or expunge 5950  
a juvenile record pursuant to section 2151.356 or 2151.358 of 5951  
the Revised Code, the court promptly shall notify the prosecutor 5952  
of the determination. The prosecutor shall promptly notify the 5953  
victim and the victim's representative, if applicable, after 5954  
receiving the notice from the court. 5955

**Sec. 2930.18.** (A) No employer of a victim shall discharge, 5956

discipline, or otherwise retaliate against the victim, a member 5957  
of the victim's family, or a victim's representative for 5958  
~~participating any of the following:~~ 5959

(1) Participating, at the prosecutor's request, in 5960  
preparation for a criminal or delinquency proceeding ~~or for~~ 5961  
~~attendance, pursuant to a subpoena;~~ 5962

(2) Attendance at a criminal or delinquency proceeding if 5963  
the attendance is reasonably necessary to protect the interests 5964  
of the victim; 5965

(3) Attendance at a criminal or delinquency proceeding if 5966  
the victim's attendance is pursuant to a victim's constitutional 5967  
and statutory rights. 5968

~~This section generally does not require an employer to pay~~ 5969  
~~an employee for time lost as a result of attendance at a~~ 5970  
~~criminal or delinquency proceeding.~~ 5971

(B) An employer who knowingly violates this section is in 5972  
contempt of court. This section does not limit or affect the 5973  
application to any person of section 2151.211, 2939.121, or 5974  
2945.451 of the Revised Code. 5975

**Sec. 2930.19.** ~~(A) In a manner consistent with the duty of~~ 5976  
~~a prosecutor to represent the interests of the public as a~~ 5977  
~~whole, a prosecutor shall seek compliance with this chapter on~~ 5978  
~~behalf of a victim, a member of the victim's family, or the~~ 5979  
~~victim's representative~~ (1) A victim, victim's representative, 5980  
or victim's attorney, if applicable, or the prosecutor, on 5981  
request of the victim, has standing as a matter of right to 5982  
assert, or to challenge an order denying, the rights of the 5983  
victim provided by law in any judicial or administrative 5984  
proceeding. The court shall act promptly on a request to 5985

enforce, or on a challenge of an order denying, the rights of 5986  
the victim . In any case, the court shall hear the matter within 5987  
ten days of the assertion of the victim's rights. The reasons 5988  
for any decision denying relief under this section shall be 5989  
clearly stated on the record or in a judgment entry. 5990

(2) (a) If the court denies the relief sought, the victim 5991  
or the victim's attorney, if applicable, or the prosecutor, on 5992  
request of the victim, may appeal or, if the victim has no 5993  
remedy on appeal, petition the court of appeals or supreme court 5994  
for an extraordinary writ. 5995

(b) If the victim or victim's attorney, if applicable, 5996  
files an appeal, an interlocutory appeal divests the trial court 5997  
of jurisdiction of the portion of the case implicating the 5998  
victim's rights until the appeal is resolved by the appellate 5999  
court. The court of appeals shall take up and decide such appeal 6000  
giving the case the same priority as cases decided under 6001  
Appellate Rule 11.2, unless the litigants, with the approval of 6002  
the court, have stipulated to a different time period for 6003  
consideration. 6004

(c) If the victim or victim's attorney, if applicable, 6005  
petitions for an extraordinary writ, the court of appeals or the 6006  
supreme court may issue the writ on the order of a single judge. 6007  
If the court of appeals or the supreme court denies the relief 6008  
sought, the reasons for the denial shall be clearly stated on 6009  
the record in a written opinion. 6010

(B) A victim of a criminal offense or delinquent act has 6011  
the right to be represented by retained counsel. Nothing in this 6012  
section creates a right to counsel at public expense for a 6013  
victim. If a victim is represented by counsel, the court shall 6014  
notify the victim's counsel in the same manner in which the 6015

parties are notified under applicable law or rule. Counsel for 6016  
the victim shall be included in all bench conferences, meetings 6017  
in chambers, and sidebars with the trial court that directly 6018  
involve a decision implicating that victim's rights. Nothing in 6019  
this section shall be construed as making a victim a party to 6020  
the case. 6021

(C) The failure of a public official or public agency or 6022  
the public official's or public agency's designee to comply with 6023  
the requirements of this chapter does not give rise to a claim 6024  
for damages against that public official or public agency or 6025  
that public official's or public agency's designee, except that 6026  
a public agency as an employer may be held responsible for a 6027  
violation of section 2930.18 of the Revised Code. 6028

~~(C)-(D) (1) The failure of any person or entity to use~~ 6029  
~~reasonable efforts to provide perform a duty or afford a right,~~ 6030  
~~privilege, or notice to a victim under this chapter does not~~ 6031  
~~constitute grounds for declaring a mistrial or new trial, for~~ 6032  
~~setting is not cause to seek to set aside a conviction, sentence,~~ 6033  
~~adjudication, or disposition, or for granting postconviction~~ 6034  
~~release to a defendant or alleged juvenile offender after trial.~~ 6035  
Failure to afford a right under this chapter shall not provide 6036  
grounds for a new trial. A victim or victim's attorney, if 6037  
applicable, may file a motion to reopen a plea or sentence only 6038  
if all of the following apply: 6039

(a) The victim was not voluntarily absent from the 6040  
proceeding and has asserted the right to be heard before, or 6041  
attempted to assert the right during, the proceeding at issue 6042  
and the right to be heard was denied. 6043

(b) The victim files the motion within fourteen days after 6044  
the victim has received notice of the plea or sentence. 6045

(c) In the case of a plea, the accused has not pleaded 6046  
guilty to the highest offense charged. 6047

~~(D) If there is a conflict between a provision in this~~ 6048  
~~chapter and a specific statute governing the procedure in a case~~ 6049  
~~involving a capital offense, the specific statute supersedes the~~ 6050  
~~provision in this chapter.~~ 6051

(2) Unless the offender has served the offender's entire 6052  
sentence, the failure to use reasonable efforts to provide 6053  
notice and a right to be present or be heard pursuant to this 6054  
chapter at a proceeding that involves post-conviction release is 6055  
grounds for the victim to seek to set aside the post-conviction 6056  
release until the victim is afforded an opportunity to be 6057  
present or be heard. 6058

(E) A defendant or juvenile offender may not raise the 6059  
failure to afford a right to a victim as error in any legal 6060  
argument to provide an advantage to that defendant or juvenile 6061  
offender in any motion, including a dispositive motion, motion 6062  
for new trial, or motion to have a conviction, sentence, or 6063  
disposition set aside, in any petition for post-conviction 6064  
relief, or in any assignment of error on appeal. 6065

(F) If the victim of a ~~crime~~ criminal offense or 6066  
delinquent act is incarcerated in a state or local correctional 6067  
facility or is in the legal custody of the department of youth 6068  
services, the victim's rights ~~under this chapter~~ may be modified 6069  
by court order to prevent any security risk, hardship, or undue 6070  
burden upon a public official or public agency with a duty under 6071  
this chapter. 6072

(G) As used in this section, "post-conviction release" 6073  
means judicial release, early release, and parole, but does not 6074

mean relief pursuant to a federal petition in habeas corpus. 6075

Sec. 2930.191. Once a pro se victim or victim's attorney, 6076  
if applicable, files a notice of appearance in a case, the pro 6077  
se victim or victim's attorney shall be served copies of all 6078  
notices, motions, and court orders filed thereafter in the case 6079  
in the same manner as the parties in the case. 6080

**Sec. 2937.11.** (A) (1) As used in divisions (B) and (C) of 6081  
this section, "victim" includes any person who was a victim of a 6082  
felony violation identified in division (B) of this section or a 6083  
felony offense of violence or against whom was directed any 6084  
conduct that constitutes, or that is an element of, a felony 6085  
violation identified in division (B) of this section or a felony 6086  
offense of violence. 6087

(2) As used in division (D) of this section, "victim" 6088  
means any person who is less than sixteen years of age and who 6089  
was a victim of a violation of section 2905.32 of the Revised 6090  
Code or against whom was directed any conduct that constitutes, 6091  
or is an element of, a violation of section 2905.32 of the 6092  
Revised Code. 6093

(3) At the preliminary hearing set pursuant to section 6094  
2937.10 of the Revised Code and the Criminal Rules, the 6095  
prosecutor may state, but is not required to state, orally the 6096  
case for the state and shall then proceed to examine witnesses 6097  
and introduce exhibits for the state. The accused and the 6098  
magistrate have full right of cross examination, and the accused 6099  
has the right of inspection of exhibits prior to their 6100  
introduction. The hearing shall be conducted under the rules of 6101  
evidence prevailing in criminal trials generally. On motion of 6102  
either the state or the accused, witnesses shall be separated 6103  
and not permitted in the hearing room except when called to 6104

testify. 6105

(B) In a case involving an alleged felony violation of 6106  
section 2905.05, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 6107  
2907.21, 2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 6108  
2907.323, or 2919.22 of the Revised Code or an alleged felony 6109  
offense of violence and in which an alleged victim of the 6110  
alleged violation or offense was less than ~~thirteen~~sixteen 6111  
years of age when the complaint or information was filed, 6112  
whichever occurred earlier, upon motion of the prosecution,  6113  
victim, or victim's attorney, if applicable, the testimony of 6114  
the child victim at the preliminary hearing may be taken in a 6115  
room other than the room in which the preliminary hearing is 6116  
being conducted and be televised, by closed circuit equipment, 6117  
into the room in which the preliminary hearing is being 6118  
conducted, in accordance with division (C) of section 2945.481 6119  
of the Revised Code. 6120

(C) In a case involving an alleged felony violation listed 6121  
in division (B) of this section or an alleged felony offense of 6122  
violence and in which an alleged victim of the alleged violation 6123  
or offense was less than ~~thirteen~~sixteen years of age when the 6124  
complaint or information was filed, whichever occurred earlier, 6125  
the court, on written motion of the prosecutor in the case, the 6126  
victim, or the victim's attorney, if applicable, filed at least 6127  
three days prior to the hearing, shall order that all testimony 6128  
of the child victim be recorded and preserved ~~on videotape,~~ in 6129  
addition to being recorded for purposes of the transcript of the 6130  
proceeding. If such an order is issued, it shall specifically 6131  
identify the child victim, in a manner consistent with section 6132  
2930.07 of the Revised Code, concerning whose testimony it 6133  
pertains, apply only during the testimony of the child victim it 6134  
specifically identifies, and apply to all testimony of the child 6135

victim presented at the hearing, regardless of whether the child 6136  
victim is called as a witness by the prosecution or by the 6137  
defense. 6138

(D) (1) (a) In a case involving an alleged violation of 6139  
section 2905.32 of the Revised Code, upon motion of the 6140  
prosecution, victim, or victim's attorney, if applicable, the 6141  
testimony of the victim at the preliminary hearing may be taken 6142  
in a place or room other than the room in which the preliminary 6143  
hearing is being conducted and be televised, by closed circuit 6144  
equipment, into the room in which the preliminary hearing is 6145  
being conducted, to be viewed by the accused and any other 6146  
persons who are not permitted in the room in which the testimony 6147  
is to be taken but who would have been present during the 6148  
testimony of the victim had it been given in the room in which 6149  
the preliminary hearing is being conducted. Except for good 6150  
cause shown, the prosecution, victim, or victim's attorney, if 6151  
applicable, shall file a motion under this division at least 6152  
seven days before the date of the preliminary hearing. 6153

(b) Upon the motion of the prosecution, victim, or 6154  
victim's attorney, if applicable, filed under division (D) (1) (a) 6155  
of this section and if the judge or magistrate determines that 6156  
the victim is unavailable to testify in the room in which the 6157  
preliminary hearing is being conducted in the physical presence 6158  
of the accused for one or more of the reasons set forth in 6159  
division (D) (2) of this section, the judge or magistrate may 6160  
issue an order for the testimony of the victim to be taken in a 6161  
place or room other than the room in which the preliminary 6162  
hearing is being conducted and televised, by closed circuit 6163  
equipment, into the room in which the preliminary hearing is 6164  
being conducted. If a judge or magistrate issues an order of 6165  
that nature, the judge or magistrate shall exclude from the room 6166

in which the testimony of the victim is to be taken every person 6167  
except the following: 6168

- (i) The victim giving the testimony; 6169
- (ii) The judge or magistrate; 6170
- (iii) One or more interpreters if needed; 6171
- (iv) The attorneys for the prosecution, the victim, if 6172  
applicable, and the defense; 6173
- (v) Any person needed to operate the equipment to be used; 6174
- (vi) One person chosen by the victim giving the testimony; 6175
- (vii) Any person whose presence the judge or magistrate 6176  
determines would contribute to the welfare and well-being of the 6177  
victim giving the testimony. 6178

(c) The person chosen by the victim under division (D) (1) 6179  
(b) (vi) of this section ~~shall not be a witness in the~~ 6180  
~~preliminary hearing and, both before and during the testimony,~~ 6181  
shall not discuss the testimony of the victim with any other 6182  
witness in the preliminary hearing. 6183

(d) The judge or magistrate, at the judge's or 6184  
magistrate's discretion, may preside during the giving of the 6185  
testimony by electronic means from outside the room in which it 6186  
is being given, subject to the limitations set forth in this 6187  
division. If the judge or magistrate presides by electronic 6188  
means, the judge or magistrate shall be provided with monitors 6189  
on which the judge or magistrate can see each person in the room 6190  
in which the testimony is to be taken and with an electronic 6191  
means of communication with each person, and each person in the 6192  
room shall be provided with a monitor on which that person can 6193  
see the judge or magistrate and with an electronic means of 6194

communication with the judge or magistrate. To the extent 6195  
feasible, any person operating the televising equipment shall be 6196  
restricted to a room adjacent to the room in which the testimony 6197  
is being taken, or to a location in the room in which the 6198  
testimony is being taken that is behind a screen or mirror, so 6199  
that the person operating the televising equipment can see and 6200  
hear, but cannot be seen or heard by, the victim giving the 6201  
testimony during the testimony. The accused shall be permitted 6202  
to observe and hear the testimony of the victim giving the 6203  
testimony on a monitor, shall be provided with an electronic 6204  
means of immediate communication with the attorney of the 6205  
accused during the testimony, and shall be restricted to a 6206  
location from which the accused cannot be seen or heard by the 6207  
victim giving the testimony, except on a monitor provided for 6208  
that purpose. The accused and the judge or magistrate have full 6209  
right of cross examination, and the accused has the right of 6210  
inspection of exhibits prior to their introduction. The victim 6211  
giving the testimony shall be provided with a monitor on which 6212  
the victim can observe the accused during the testimony. 6213

(2) For purposes of division (D)(1) of this section, a 6214  
judge or magistrate may order the testimony of a victim to be 6215  
taken at a place or room outside the room in which the 6216  
preliminary hearing is being conducted if the judge or 6217  
magistrate determines that the victim is unavailable to testify 6218  
in the room in the physical presence of the accused due to one 6219  
or more of the following: 6220

(a) The inability of the victim to communicate about the 6221  
alleged offense because of extreme fear, severe trauma, or 6222  
another similar reason; 6223

(b) The substantial likelihood that the victim will suffer 6224

serious emotional trauma from so testifying; 6225

(c) The victim is at a hospital for care and treatment for 6226  
any physical, mental, or emotional injury suffered by reason of 6227  
the alleged offense. 6228

**Sec. 2945.481.** (A) (1) As used in this section, "victim" 6229  
includes any person who was a victim of a violation identified 6230  
in division (A) (2) of this section or an offense of violence or 6231  
against whom was directed any conduct that constitutes, or that 6232  
is an element of, a violation identified in division (A) (2) of 6233  
this section or an offense of violence. 6234

(2) In any proceeding in the prosecution of a charge of a 6235  
violation of section 2905.03, 2905.05, 2907.02, 2907.03, 6236  
2907.04, 2907.05, 2907.06, 2907.07, 2907.09, 2907.21, 2907.23, 6237  
2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, or 6238  
2919.22 of the Revised Code or an offense of violence and in 6239  
which an alleged victim of the violation or offense was a child 6240  
who was less than ~~thirteen~~ sixteen years of age when the 6241  
complaint, indictment, or information was filed, whichever 6242  
occurred earlier, ~~the judge of the court in which the~~ 6243  
~~prosecution is being conducted,~~ upon motion of the child victim, 6244  
the child-victim's attorney, if applicable, or an attorney for 6245  
the prosecution, and upon a showing by a preponderance of the 6246  
evidence that the child will suffer serious emotional trauma if 6247  
required to provide live trial testimony, the judge of the court 6248  
in which the prosecution is being conducted shall order that the 6249  
testimony of the child victim be taken by deposition. The 6250  
prosecution, child victim, or child-victim's attorney, if 6251  
applicable, also may request that the deposition be ~~videotaped~~ 6252  
~~recorded~~ in accordance with division (A) (3) of this section. The 6253  
judge shall notify the child victim whose deposition is to be 6254

taken, the child-victim's attorney, if applicable, the 6255  
prosecution, and the defense of the date, time, and place for 6256  
taking the deposition. The notice shall identify the child 6257  
victim who is to be examined and shall indicate whether a 6258  
request that the deposition be ~~videotaped~~ recorded has been 6259  
made. The defendant shall have the right to attend the 6260  
deposition and the right to be represented by counsel. 6261  
Depositions shall be taken in the manner provided in civil 6262  
cases, except that the judge shall preside at the taking of the 6263  
deposition and shall rule at that time on any objections of the 6264  
prosecution or the attorney for the defense. The prosecution and 6265  
the attorney for the defense shall have the right, as at trial, 6266  
to full examination and cross-examination of the child victim 6267  
whose deposition is to be taken. If a deposition taken under 6268  
this division is intended to be offered as evidence in the 6269  
proceeding, it shall be filed in the court in which the action 6270  
is pending and is admissible in the manner described in division 6271  
(B) of this section. If a deposition of a child victim taken 6272  
under this division is admitted as evidence at the proceeding 6273  
under division (B) of this section, the child victim shall not 6274  
be required to testify in person at the proceeding. However, at 6275  
any time before the conclusion of the proceeding, the attorney 6276  
for the defense may file a motion with the judge requesting that 6277  
another deposition of the child victim be taken because new 6278  
evidence material to the defense has been discovered that the 6279  
attorney for the defense could not with reasonable diligence 6280  
have discovered prior to the taking of the admitted deposition. 6281  
A motion for another deposition shall be accompanied by 6282  
supporting affidavits. Upon the filing of a motion for another 6283  
deposition and affidavits, the court may order that additional 6284  
testimony of the child victim relative to the new evidence be 6285  
taken by another deposition. If the court orders the taking of 6286

another deposition under this provision, the deposition shall be 6287  
taken in accordance with this division; if the admitted 6288  
deposition was a ~~videotaped~~ recorded deposition taken in 6289  
accordance with division (A) (3) of this section, the new 6290  
deposition also shall be ~~videotaped~~ recorded in accordance with 6291  
that division and in other cases, the new deposition may be 6292  
~~videotaped~~ recorded in accordance with that division. 6293

(3) If the prosecution, child victim, or child-victim's 6294  
attorney, if applicable, requests that a deposition to be taken 6295  
under division (A) (2) of this section be ~~videotaped~~ recorded, the 6296  
judge shall order that the deposition be ~~videotaped~~ recorded in 6297  
accordance with this division. If a judge issues an order that 6298  
the deposition be ~~videotaped~~ recorded, the judge shall exclude 6299  
from the room in which the deposition is to be taken every 6300  
person except the child victim giving the testimony, the judge, 6301  
one or more interpreters if needed, the attorneys for the 6302  
prosecution and the defense, any person needed to operate the 6303  
equipment to be used, one person, who is not a witness, chosen 6304  
by the child victim giving the deposition, the child-victim's 6305  
representative, and any person whose presence the judge 6306  
determines would contribute to the welfare and well-being of the 6307  
child victim giving the deposition. The person chosen by the 6308  
child victim ~~shall not be a witness in the proceeding and,~~ both 6309  
before and during the deposition, shall not discuss the 6310  
testimony of the child victim with any other witness in the 6311  
proceeding. To the extent feasible, any person operating the 6312  
recording equipment shall be restricted to a room adjacent to 6313  
the room in which the deposition is being taken, or to a 6314  
location in the room in which the deposition is being taken that 6315  
is behind a screen or mirror, so that the person operating the 6316  
recording equipment can see and hear, but cannot be seen or 6317

heard by, the child victim giving the deposition during the 6318  
deposition. The defendant shall be permitted to observe and hear 6319  
the testimony of the child victim giving the deposition on a 6320  
monitor, shall be provided with an electronic means of immediate 6321  
communication with the defendant's attorney during the 6322  
testimony, and shall be restricted to a location from which the 6323  
defendant cannot be seen or heard by the child victim giving the 6324  
deposition, except on a monitor provided for that purpose. The 6325  
child victim giving the deposition shall be provided with a 6326  
monitor on which the child victim can observe, during the 6327  
testimony, the defendant. The judge, at the judge's discretion, 6328  
may preside at the deposition by electronic means from outside 6329  
the room in which the deposition is to be taken; if the judge 6330  
presides by electronic means, the judge shall be provided with 6331  
monitors on which the judge can see each person in the room in 6332  
which the deposition is to be taken and with an electronic means 6333  
of communication with each person, and each person in the room 6334  
shall be provided with a monitor on which that person can see 6335  
the judge and with an electronic means of communication with the 6336  
judge. A deposition that is ~~videotaped~~-recorded under this 6337  
division shall be taken and filed in the manner described in 6338  
division (A) (2) of this section and is admissible in the manner 6339  
described in this division and division (B) of this section, 6340  
and, if a deposition that is ~~videotaped~~-recorded under this 6341  
division is admitted as evidence at the proceeding, the child 6342  
victim shall not be required to testify in person at the 6343  
proceeding. No deposition ~~videotaped~~-recorded under this 6344  
division shall be admitted as evidence at any proceeding unless 6345  
division (B) of this section is satisfied relative to the 6346  
deposition and all of the following apply relative to the 6347  
recording: 6348

(a) The recording is both aural and visual and is recorded 6349  
on film or videotape, or by other electronic means. 6350

(b) The recording is authenticated under the Rules of 6351  
Evidence and the Rules of Criminal Procedure as a fair and 6352  
accurate representation of what occurred, and the recording is 6353  
not altered other than at the direction and under the 6354  
supervision of the judge in the proceeding. 6355

(c) Each voice on the recording that is material to the 6356  
testimony on the recording or the making of the recording, as 6357  
determined by the judge, is identified. 6358

(d) Both the prosecution and the defendant are afforded an 6359  
opportunity to view the recording before it is shown in the 6360  
proceeding. 6361

(B) (1) At any proceeding in a prosecution in relation to 6362  
which a deposition was taken under division (A) of this section, 6363  
the deposition or a part of it is admissible in evidence upon 6364  
motion of the prosecution if the testimony in the deposition or 6365  
the part to be admitted is not excluded by the hearsay rule and 6366  
if the deposition or the part to be admitted otherwise is 6367  
admissible under the Rules of Evidence. For purposes of this 6368  
division, testimony is not excluded by the hearsay rule if the 6369  
testimony is not hearsay under Evidence Rule 801; if the 6370  
testimony is within an exception to the hearsay rule set forth 6371  
in Evidence Rule 803; if the child victim who gave the testimony 6372  
is unavailable as a witness, as defined in Evidence Rule 804, 6373  
and the testimony is admissible under that rule; or if both of 6374  
the following apply: 6375

(a) The defendant had an opportunity and similar motive at 6376  
the time of the taking of the deposition to develop the 6377

testimony by direct, cross, or redirect examination. 6378

(b) The judge determines that there is reasonable cause to 6379  
believe that, if the child victim who gave the testimony in the 6380  
deposition were to testify in person at the proceeding, the 6381  
child victim would experience serious emotional trauma as a 6382  
result of the child victim's participation at the proceeding. 6383

(2) Objections to receiving in evidence a deposition or a 6384  
part of it under division (B) of this section shall be made as 6385  
provided in civil actions. 6386

(3) The provisions of divisions (A) and (B) of this 6387  
section are in addition to any other provisions of the Revised 6388  
Code, the Rules of Criminal Procedure, or the Rules of Evidence 6389  
that pertain to the taking or admission of depositions in a 6390  
criminal proceeding and do not limit the admissibility under any 6391  
of those other provisions of any deposition taken under division 6392  
(A) of this section or otherwise taken. 6393

(C) In any proceeding in the prosecution of any charge of 6394  
a violation listed in division (A) (2) of this section or an 6395  
offense of violence and in which an alleged victim of the 6396  
violation or offense was a child who was less than ~~thirteen~~ 6397  
sixteen years of age when the complaint, indictment, or 6398  
information was filed, whichever occurred earlier, the 6399  
prosecution, child victim, or child-victim's attorney, if 6400  
applicable, may file a motion with the judge requesting the 6401  
judge to order the testimony of the child victim to be taken in 6402  
a room other than the room in which the proceeding is being 6403  
conducted and be televised, by closed circuit equipment, into 6404  
the room in which the proceeding is being conducted to be viewed 6405  
by the jury, if applicable, the defendant, and any other persons 6406  
who are not permitted in the room in which the testimony is to 6407

be taken but who would have been present during the testimony of 6408  
the child victim had it been given in the room in which the 6409  
proceeding is being conducted. Except for good cause shown, the 6410  
prosecution, child victim, or child-victim's attorney, if 6411  
applicable, shall file a motion under this division at least 6412  
seven days before the date of the proceeding. The judge may 6413  
issue the order upon the motion of the prosecution, child 6414  
victim, or child-victim's attorney, if applicable, filed under 6415  
this section, if the judge determines that the child victim is 6416  
unavailable to testify in the room in which the proceeding is 6417  
being conducted in the physical presence of the defendant, for 6418  
one or more of the reasons set forth in division (E) of this 6419  
section. If a judge issues an order of that nature, the judge 6420  
shall exclude from the room in which the testimony is to be 6421  
taken every person except a person described in division (A) (3) 6422  
of this section. The judge, at the judge's discretion, may 6423  
preside during the giving of the testimony by electronic means 6424  
from outside the room in which it is being given, subject to the 6425  
limitations set forth in division (A) (3) of this section. To the 6426  
extent feasible, any person operating the televising equipment 6427  
shall be hidden from the sight and hearing of the child victim 6428  
giving the testimony, in a manner similar to that described in 6429  
division (A) (3) of this section. The defendant shall be 6430  
permitted to observe and hear the testimony of the child victim 6431  
giving the testimony on a monitor, shall be provided with an 6432  
electronic means of immediate communication with the defendant's 6433  
attorney during the testimony, and shall be restricted to a 6434  
location from which the defendant cannot be seen or heard by the 6435  
child victim giving the testimony, except on a monitor provided 6436  
for that purpose. The child victim giving the testimony shall be 6437  
provided with a monitor on which the child victim can observe, 6438  
during the testimony, the defendant. 6439

(D) In any proceeding in the prosecution of any charge of 6440  
a violation listed in division (A) (2) of this section or an 6441  
offense of violence and in which an alleged victim of the 6442  
violation or offense was a child who was less than ~~thirteen-~~ 6443  
sixteen years of age when the complaint, indictment, or 6444  
information was filed, whichever occurred earlier, the 6445  
prosecution, child victim, or child-victim's attorney, if 6446  
applicable, may file a motion with the judge requesting the 6447  
judge to order the testimony of the child victim to be taken 6448  
outside of the room in which the proceeding is being conducted 6449  
and be recorded for showing in the room in which the proceeding 6450  
is being conducted before the judge, the jury, if applicable, 6451  
the defendant, and any other persons who would have been present 6452  
during the testimony of the child victim had it been given in 6453  
the room in which the proceeding is being conducted. Except for 6454  
good cause shown, the prosecution, child victim, or child- 6455  
victim's attorney, if applicable, shall file a motion under this 6456  
division at least seven days before the date of the proceeding. 6457  
The judge may issue the order upon the motion of the 6458  
prosecution, child victim, or child-victim's attorney, if 6459  
applicable, filed under this division, if the judge determines 6460  
that the child victim is unavailable to testify in the room in 6461  
which the proceeding is being conducted in the physical presence 6462  
of the defendant, for one or more of the reasons set forth in 6463  
division (E) of this section. If a judge issues an order of that 6464  
nature, the judge shall exclude from the room in which the 6465  
testimony is to be taken every person except a person described 6466  
in division (A) (3) of this section. To the extent feasible, any 6467  
person operating the recording equipment shall be hidden from 6468  
the sight and hearing of the child victim giving the testimony, 6469  
in a manner similar to that described in division (A) (3) of this 6470  
section. The defendant shall be permitted to observe and hear 6471

the testimony of the child victim who is giving the testimony on 6472  
a monitor, shall be provided with an electronic means of 6473  
immediate communication with the defendant's attorney during the 6474  
testimony, and shall be restricted to a location from which the 6475  
defendant cannot be seen or heard by the child victim giving the 6476  
testimony, except on a monitor provided for that purpose. The 6477  
child victim giving the testimony shall be provided with a 6478  
monitor on which the child victim can observe, during the 6479  
testimony, the defendant. No order for the taking of testimony 6480  
by recording shall be issued under this division unless the 6481  
provisions set forth in divisions (A) (3) (a), (b), (c), and (d) 6482  
of this section apply to the recording of the testimony. 6483

(E) For purposes of divisions (C) and (D) of this section, 6484  
a judge may order the testimony of a child victim to be taken 6485  
outside the room in which the proceeding is being conducted if 6486  
the judge determines that the child victim is unavailable to 6487  
testify in the room in the physical presence of the defendant 6488  
due to one or more of the following: 6489

(1) The persistent refusal of the child victim to testify 6490  
despite judicial requests to do so; 6491

(2) The inability of the child victim to communicate about 6492  
the alleged violation or offense because of extreme fear, 6493  
failure of memory, or another similar reason; 6494

(3) The substantial likelihood that the child victim will 6495  
suffer serious emotional trauma from so testifying. 6496

(F) (1) If a judge issues an order pursuant to division (C) 6497  
or (D) of this section that requires the testimony of a child 6498  
victim in a criminal proceeding to be taken outside of the room 6499  
in which the proceeding is being conducted, the order shall 6500

specifically identify the child victim, in a manner consistent 6501  
with section 2930.07 of the Revised Code, to whose testimony it 6502  
applies, the order applies only during the testimony of the 6503  
specified child victim, and the child victim giving the 6504  
testimony shall not be required to testify at the proceeding 6505  
other than in accordance with the order. 6506

(2) A judge who makes any determination regarding the 6507  
admissibility of a deposition under divisions (A) and (B) of 6508  
this section, the ~~videotaping~~ recording of a deposition under 6509  
division (A) (3) of this section, or the taking of testimony 6510  
outside of the room in which a proceeding is being conducted 6511  
under division (C) or (D) of this section, shall enter the 6512  
determination and findings on the record in the proceeding. 6513

**Sec. 2945.482.** (A) As used in this section: 6514

(1) "Developmental disability" has the same meaning as in 6515  
section 5123.01 of the Revised Code. 6516

(2) "Victim with a developmental disability" or "victim" 6517  
includes a person with a developmental disability who was a 6518  
victim of a violation identified in division (B)(1) of this 6519  
section or an offense of violence or against whom was directed 6520  
any conduct that constitutes, or that is an element of, a 6521  
violation identified in division (B)(1) of this section or an 6522  
offense of violence. 6523

(B) (1) In any proceeding in the prosecution of a charge of 6524  
a violation of section 2903.16, 2903.34, 2903.341, 2905.03, 6525  
2907.02, 2907.03, 2907.05, 2907.06, 2907.09, 2907.21, 2907.23, 6526  
2907.24, 2907.32, 2907.321, 2907.322, or 2907.323 of the Revised 6527  
Code or an offense of violence and in which an alleged victim of 6528  
the violation or offense was a person with a developmental 6529

disability, ~~the judge of the court in which the prosecution is~~ 6530  
~~being conducted,~~ upon motion of the victim, the victim's 6531  
attorney, if applicable, or an attorney for the prosecution, and 6532  
upon a showing by a preponderance of the evidence that the 6533  
victim will suffer serious emotional trauma if required to 6534  
provide live trial testimony, the judge of the court in which 6535  
the prosecution is being conducted shall order that the 6536  
testimony of the victim with a developmental disability be taken 6537  
by deposition. The prosecution, victim, or victim's attorney, if 6538  
applicable, also may request that the deposition be ~~videotaped-~~ 6539  
~~recorded~~ in accordance with division (B) (2) of this section. The 6540  
judge shall notify the victim with a developmental disability 6541  
whose deposition is to be taken, the victim's attorney, the 6542  
prosecution, and the defense of the date, time, and place for 6543  
taking the deposition. The notice shall identify the victim with 6544  
a developmental disability, in a manner consistent with section 6545  
2930.07 of the Revised Code, who is to be examined and shall 6546  
indicate whether a request that the deposition be ~~videotaped-~~ 6547  
~~recorded~~ has been made. The defendant shall have the right to 6548  
attend the deposition and the right to be represented by 6549  
counsel. Depositions shall be taken in the manner provided in 6550  
civil cases, except that the judge shall preside at the taking 6551  
of the deposition and shall rule at the time on any objections 6552  
of the prosecution or the attorney for the defense. The 6553  
prosecution and the attorney for the defense shall have the 6554  
right, as at trial, to full examination and cross-examination of 6555  
the victim with a developmental disability whose deposition is 6556  
to be taken. If a deposition taken under this division is 6557  
intended to be offered as evidence in the proceeding, it shall 6558  
be filed in the court in which the action is pending and is 6559  
admissible in the manner described in division (C) of this 6560  
section. 6561

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.

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  
developmental disability be taken because new evidence material  
to the defense has been discovered that the attorney for the  
defense could not with reasonable diligence have discovered  
prior to the taking of the admitted deposition. If the court  
orders the taking of another deposition under this provision,  
the deposition shall be taken in accordance with this division.  
If the admitted deposition was a ~~videotaped~~ recorded deposition  
taken in accordance with division (B) (2) of this section, the  
new deposition shall be ~~videotaped~~ recorded in accordance with  
that division. In other cases, the new deposition may be  
~~videotaped~~ recorded in accordance with that division.

(2) If the prosecution, victim, or victim's attorney, if  
applicable, requests that a deposition to be taken under  
division (B) (2) of this section be ~~videotaped~~ recorded, the judge  
shall order that the deposition be ~~videotaped~~ recorded in  
accordance with this division. If a judge issues an order that  
the deposition be ~~videotaped~~ recorded, the judge shall exclude  
from the room in which the deposition is to be taken every  
person except the victim with a developmental disability giving  
the testimony, the judge, one or more interpreters if needed,  
the victim's attorney, the attorneys for the prosecution and the  
defense, any person needed to operate the equipment to be used,  
the victim's representative, one person who is not a witness

chosen by the victim with a developmental disability giving the 6593  
deposition, and any person whose presence the judge determines 6594  
would contribute to the welfare and well-being of the victim 6595  
with a developmental disability giving the deposition. The 6596  
person chosen by the victim with a developmental disability 6597  
~~shall not be a witness in the proceeding and,~~ both before and 6598  
during the deposition, shall not discuss the testimony of the 6599  
victim with a developmental disability with any other witness in 6600  
the proceeding. To the extent feasible, any person operating the 6601  
recording equipment shall be restricted to a room adjacent to 6602  
the room in which the deposition is being taken, or to a 6603  
location in the room in which the deposition is being taken that 6604  
is behind a screen or mirror, so that the person operating the 6605  
recording equipment can see and hear, but cannot be seen or 6606  
heard by, the victim with a developmental disability giving the 6607  
deposition during the deposition. 6608

The defendant shall be permitted to observe and hear the 6609  
testimony of the victim with a developmental disability giving 6610  
the deposition on a monitor, shall be provided with an 6611  
electronic means of immediate communication with the defendant's 6612  
attorney during the testimony, and shall be restricted to a 6613  
location from which the defendant cannot be seen or heard by the 6614  
victim with a developmental disability giving the deposition, 6615  
except on a monitor provided for that purpose. The victim with a 6616  
developmental disability giving the deposition shall be provided 6617  
with a monitor on which the victim can observe, during the 6618  
testimony, the defendant. The judge, at the judge's discretion, 6619  
may preside at the deposition by electronic means from outside 6620  
the room in which the deposition is to be taken. If the judge 6621  
presides by electronic means, the judge shall be provided with 6622  
monitors on which the judge can see each person in the room in 6623

which the deposition is to be taken and with an electronic means 6624  
of communication with each person, and each person in the room 6625  
shall be provided with a monitor on which that person can see 6626  
the judge and with an electronic means of communication with the 6627  
judge. A deposition that is ~~videotaped~~recorded under this 6628  
division shall be taken and filed in the manner described in 6629  
division (B)(1) of this section and is admissible in the manner 6630  
described in this division and division (C) of this section, 6631  
and, if a deposition that is ~~videotaped~~recorded under this 6632  
division is admitted as evidence at the proceeding, the victim 6633  
with a developmental disability shall not be required to testify 6634  
in person at the proceeding. No deposition ~~videotaped~~recorded 6635  
under this division shall be admitted as evidence at any 6636  
proceeding unless division (C) of this section is satisfied 6637  
relative to the deposition and all of the following apply 6638  
relative to the recording: 6639

(a) The recording is both aural and visual and is recorded 6640  
on film or videotape, or by other electronic means. 6641

(b) The recording is authenticated under the Rules of 6642  
Evidence and the Rules of Criminal Procedure as a fair and 6643  
accurate representation of what occurred, and the recording is 6644  
not altered other than at the direction and under the 6645  
supervision of the judge in the proceeding. 6646

(c) Each voice on the recording that is material to the 6647  
testimony on the recording or the making of the recording, as 6648  
determined by the judge, is identified. 6649

(d) Both the prosecution and the defendant are afforded an 6650  
opportunity to view the recording before it is shown in the 6651  
proceeding. 6652

(C) (1) At any proceeding in a prosecution in relation to 6653  
which a deposition was taken under division (B) of this section, 6654  
the deposition or a part of it is admissible in evidence upon 6655  
motion of the prosecution, victim, or victim's attorney, if 6656  
applicable, if the testimony in the deposition or the part to be 6657  
admitted is not excluded by the hearsay rule and if the 6658  
deposition or the part to be admitted otherwise is admissible 6659  
under the Rules of Evidence. For purposes of this division, 6660  
testimony is not excluded by the hearsay rule if the testimony 6661  
is not hearsay under Evidence Rule 801; the testimony is within 6662  
an exception to the hearsay rule set forth in Evidence Rule 803; 6663  
the victim with a developmental disability who gave the 6664  
testimony is unavailable as a witness, as defined in Evidence 6665  
Rule 804, and the testimony is admissible under that rule; or 6666  
both of the following apply: 6667

(a) The defendant had an opportunity and similar motive at 6668  
the time of the taking of the deposition to develop the 6669  
testimony by direct, cross, or redirect examination. 6670

(b) The judge determines that there is reasonable cause to 6671  
believe that, if the victim with a developmental disability who 6672  
gave the testimony in the deposition were to testify in person 6673  
at the proceeding, the victim with a developmental disability 6674  
would experience serious emotional trauma as a result of the 6675  
participation of the victim with a developmental disability at 6676  
the proceeding. 6677

(2) Objections to receiving in evidence a deposition or a 6678  
part of it under division (C) of this section shall be made as 6679  
provided in civil actions. 6680

(3) The provisions of divisions (B) and (C) of this 6681  
section are in addition to any other provisions of the Revised 6682

Code, the Rules of Criminal Procedure, or the Rules of Evidence 6683  
that pertain to the taking or admission of depositions in a 6684  
criminal proceeding and do not limit the admissibility under any 6685  
of those other provisions of any deposition taken under division 6686  
(B) of this section or otherwise taken. 6687

(D) In any proceeding in the prosecution of any charge of 6688  
a violation listed in division (B)(1) of this section or an 6689  
offense of violence and in which an alleged victim of the 6690  
violation or offense was a person with a developmental 6691  
disability, the prosecution, victim, or victim's attorney, if 6692  
applicable, may file a motion with the judge requesting the 6693  
judge to order the testimony of the victim with a developmental 6694  
disability to be taken in a room other than the room in which 6695  
the proceeding is being conducted and be televised, by closed 6696  
circuit equipment, into the room in which the proceeding is 6697  
being conducted to be viewed by the jury, if applicable, the 6698  
defendant, and any other persons who are not permitted in the 6699  
room in which the testimony is to be taken but who would have 6700  
been present during the testimony of the victim with a 6701  
developmental disability had it been given in the room in which 6702  
the proceeding is being conducted. Except for good cause shown, 6703  
the prosecution, victim, or victim's attorney, if applicable, 6704  
shall file a motion under this division at least seven days 6705  
before the date of the proceeding. The judge may issue the order 6706  
upon the motion of the prosecution, victim, or victim's attorney 6707  
filed under this section, if the judge determines that the 6708  
victim with a developmental disability is unavailable to testify 6709  
in the room in which the proceeding is being conducted in the 6710  
physical presence of the defendant for one or more of the 6711  
reasons set forth in division (F) of this section. If a judge 6712  
issues an order of that nature, the judge shall exclude from the 6713

room in which the testimony is to be taken every person except a 6714  
person described in division (B) (2) of this section. The judge, 6715  
at the judge's discretion, may preside during the giving of the 6716  
testimony by electronic means from outside the room in which it 6717  
is being given, subject to the limitations set forth in division 6718  
(B) (2) of this section. To the extent feasible, any person 6719  
operating the televising equipment shall be hidden from the 6720  
sight and hearing of the victim with a developmental disability 6721  
giving the testimony, in a manner similar to that described in 6722  
division (B) (2) of this section. The defendant shall be 6723  
permitted to observe and hear the testimony of the victim with a 6724  
developmental disability giving the testimony on a monitor, 6725  
shall be provided with an electronic means of immediate 6726  
communication with the defendant's attorney during the 6727  
testimony, and shall be restricted to a location from which the 6728  
defendant cannot be seen or heard by the victim with a 6729  
developmental disability giving the testimony, except on a 6730  
monitor provided for that purpose. The victim with a 6731  
developmental disability giving the testimony shall be provided 6732  
with a monitor on which the victim with a developmental 6733  
disability can observe, during the testimony, the defendant. 6734

(E) In any proceeding in the prosecution of any charge of 6735  
a violation listed in division (B) (1) of this section or an 6736  
offense of violence and in which an alleged victim of the 6737  
violation or offense was a victim with a developmental 6738  
disability, the prosecution, victim, or victim's attorney, if 6739  
applicable, may file a motion with the judge requesting the 6740  
judge to order the testimony of the victim with a developmental 6741  
disability to be taken outside of the room in which the 6742  
proceeding is being conducted and be recorded for showing in the 6743  
room in which the proceeding is being conducted before the 6744

judge, the jury, if applicable, the defendant, and any other 6745  
persons who would have been present during the testimony of the 6746  
victim with a developmental disability had it been given in the 6747  
room in which the proceeding is being conducted. Except for good 6748  
cause shown, the prosecution, victim, or victim's attorney, if 6749  
applicable, shall file a motion under this division at least 6750  
seven days before the date of the proceeding. The judge may 6751  
issue the order upon the motion of the prosecution, victim, or 6752  
victim's attorney filed under this division, if the judge 6753  
determines that the victim with a developmental disability is 6754  
unavailable to testify in the room in which the proceeding is 6755  
being conducted in the physical presence of the defendant, for 6756  
one or more of the reasons set forth in division (F) of this 6757  
section. If a judge issues an order of that nature, the judge 6758  
shall exclude from the room in which the testimony is to be 6759  
taken every person except a person described in division (B) (2) 6760  
of this section. To the extent feasible, any person operating 6761  
the recording equipment shall be hidden from the sight and 6762  
hearing of the victim with a developmental disability giving the 6763  
testimony, in a manner similar to that described in division (B) 6764  
(2) of this section. The defendant shall be permitted to observe 6765  
and hear the testimony of the victim with a developmental 6766  
disability who is giving the testimony on a monitor, shall be 6767  
provided with an electronic means of immediate communication 6768  
with the defendant's attorney during the testimony, and shall be 6769  
restricted to a location from which the defendant cannot be seen 6770  
or heard by the victim with a developmental disability giving 6771  
the testimony, except on a monitor provided for that purpose. 6772  
The victim with a developmental disability giving the testimony 6773  
shall be provided with a monitor on which the victim can 6774  
observe, during the testimony, the defendant. No order for the 6775  
taking of testimony by recording shall be issued under this 6776

division unless the provisions set forth in divisions (B) (2) (a), 6777  
(b), (c), and (d) of this section apply to the recording of the 6778  
testimony. 6779

(F) For purposes of divisions (D) and (E) of this section, 6780  
a judge may order the testimony of a victim with a developmental 6781  
disability to be taken outside the room in which the proceeding 6782  
is being conducted if the judge determines that the victim with 6783  
a developmental disability is unavailable to testify in the room 6784  
in the physical presence of the defendant due to one or more of 6785  
the following: 6786

(1) The persistent refusal of the victim with a 6787  
developmental disability to testify despite judicial requests to 6788  
do so; 6789

(2) The inability of the victim with a developmental 6790  
disability to communicate about the alleged violation or offense 6791  
because of extreme fear, failure of memory, or another similar 6792  
reason; 6793

(3) The substantial likelihood that the victim with a 6794  
developmental disability will suffer serious emotional trauma 6795  
from so testifying. 6796

(G) (1) If a judge issues an order pursuant to division (D) 6797  
or (E) of this section that requires the testimony of a victim 6798  
with a developmental disability in a criminal proceeding to be 6799  
taken outside of the room in which the proceeding is being 6800  
conducted, the order shall specifically identify the victim with 6801  
a developmental disability, in a manner consistent with section 6802  
2930.07 of the Revised Code, to whose testimony it applies, the 6803  
order applies only during the testimony of the specified victim 6804  
with a developmental disability, and the victim with a 6805

developmental disability giving the testimony shall not be 6806  
required to testify at the proceeding other than in accordance 6807  
with the order. 6808

(2) A judge who makes any determination regarding the 6809  
admissibility of a deposition under divisions (B) and (C) of 6810  
this section, the ~~videotaping~~ recording of a deposition under 6811  
division (B)(2) of this section, or the taking of testimony 6812  
outside of the room in which a proceeding is being conducted 6813  
under division (D) or (E) of this section shall enter the 6814  
determination and findings on the record in the proceeding. 6815

**Sec. 2945.483.** (A) As used in this section: 6816

(1) "Child" means any individual under eighteen years of 6817  
age. 6818

(2) "Developmental disability" has the same meaning as in 6819  
section 5123.01 of the Revised Code. 6820

(B) In any proceeding in which a child or person with a 6821  
developmental disability testifies in open court, the child or 6822  
person with a developmental disability shall have the following 6823  
rights to be enforced sua sponte by the court or upon motion or 6824  
notice of any attorney involved in the proceeding: 6825

(1) To be asked questions in a manner the child or person 6826  
with a developmental disability can reasonably understand, 6827  
including, but not limited to, a child-friendly oath; 6828

(2) To be free of harassment or intimidation tactics in 6829  
the proceeding; 6830

(3) (a) To have an advocate or victim's representative of 6831  
the child's or person with a developmental disability's choosing 6832  
present in the courtroom and in a position clearly visible in 6833

close proximity to the child or person with a developmental 6834  
disability, subject to division (B) (3) (b) of this section; 6835

(b) That if the prosecutor in the case or the court has a 6836  
reasonable basis to believe that the victim's representative is 6837  
not acting in the interests of the victim who is a child or a 6838  
person with a developmental disability, the prosecutor shall 6839  
file a motion setting forth the reasonable basis for this belief 6840  
and the court shall hold a hearing to determine whether the 6841  
victim's representative is acting in the interests of the 6842  
victim. The court shall make this determination by a 6843  
preponderance of the evidence. If the court finds that the 6844  
victim's representative is not acting in the interests of the 6845  
victim, the court shall appoint a court-appointed special 6846  
advocate, guardian ad litem, or a victim advocate to act as the 6847  
victim's representative in lieu of the previously appointed 6848  
victim's representative. 6849

(4) To have the courtroom or hearing room adjusted to 6850  
ensure the comfort and protection of the child or person with a 6851  
developmental disability; 6852

(5) To have flexibility in the formalities of the 6853  
proceedings in an effort to ensure the comfort of the child or 6854  
person with a developmental disability; 6855

(6) To permit a comfort item to be present inside the 6856  
courtroom or hearing room and to accompany the child or person 6857  
with a developmental disability throughout the hearing; 6858

(7) To permit the use of a properly constructed screen 6859  
that would allow the judge and jury in the courtroom or hearing 6860  
room to see the child or person with a developmental disability 6861  
but would obscure the child's or person with a developmental 6862

disability's view of the defendant or alleged juvenile offender 6863  
or the public or both; 6864

(8) To have a secure and comfortable waiting area provided 6865  
for the child or person with a developmental disability during 6866  
the court proceedings and to have a support person of the 6867  
child's or person with a developmental disability's choosing 6868  
stay with the child or person with a developmental disability 6869  
while waiting, subject to division (B) (3) (b) of this section; 6870

(9) To have an advocate or victim's representative inform 6871  
the court about the child's or person with a developmental 6872  
disability's ability to understand the nature of the 6873  
proceedings, special accommodations that may be needed for the 6874  
child's or person with a developmental disability's testimony, 6875  
and any other information relevant to any of the rights set 6876  
forth in this section. 6877

(C) In circumstances where the accused in a proceeding has 6878  
chosen to proceed without counsel, the court may appoint standby 6879  
counsel for that party and may order standby counsel to question 6880  
a child or person with a developmental disability on behalf of 6881  
the pro se party if the court finds that there is a substantial 6882  
likelihood that serious emotional trauma would come to the child 6883  
or person with a developmental disability if the pro se party 6884  
were allowed to question the child or person with a 6885  
developmental disability directly. 6886

(D) (1) If the child or person with a developmental 6887  
disability is the victim of a criminal offense or delinquent 6888  
act, the court shall ensure that all steps necessary to secure 6889  
the physical safety of the child or person with a developmental 6890  
disability, both in the courtroom and during periods of time 6891  
that the child or person with a developmental disability may 6892

spend waiting for court, have been taken. 6893

(2) The court and all attorneys involved in a court 6894  
proceeding involving a child or person with a developmental 6895  
disability shall not disclose to any third party any discovery, 6896  
including, but not limited to, the child's or person with a 6897  
developmental disability's name, address, and date of birth, any 6898  
and all interviews of the child or person with a developmental 6899  
disability, and any other identifying information of the child 6900  
or person with a developmental disability in a manner consistent 6901  
with section 2930.07 of the Revised Code. The court shall 6902  
enforce any violations of this section through the court's 6903  
contempt powers. 6904

**Sec. 2945.72.** The time within which an accused must be 6905  
brought to trial, or, in the case of felony, to preliminary 6906  
hearing and trial, may be extended only by the following: 6907

(A) Any period during which the accused is unavailable for 6908  
hearing or trial, by reason of other criminal proceedings 6909  
against ~~him~~ the accused, within or outside the state, by reason 6910  
of ~~his~~ confinement in another state, or by reason of the 6911  
pendency of extradition proceedings, provided that the 6912  
prosecution exercises reasonable diligence to secure ~~his~~ 6913  
availability of the accused; 6914

(B) Any period during which the accused is mentally 6915  
incompetent to stand trial or during which ~~his~~ the accused's 6916  
mental competence to stand trial is being determined, or any 6917  
period during which the accused is physically incapable of 6918  
standing trial; 6919

(C) Any period of delay necessitated by the accused's lack 6920  
of counsel, provided that such delay is not occasioned by any 6921

lack of diligence in providing counsel to an indigent accused 6922  
upon ~~his~~ the accused's request as required by law; 6923

(D) Any period of delay occasioned by the neglect or 6924  
improper act of the accused; 6925

(E) Any period of delay necessitated by reason of a plea 6926  
in bar or abatement, motion, proceeding, or action made or 6927  
instituted by the accused; 6928

(F) Any period of delay necessitated by a removal or 6929  
change of venue pursuant to law; 6930

(G) Any period during which trial is stayed pursuant to an 6931  
express statutory requirement, or pursuant to an order of 6932  
another court competent to issue such order; 6933

(H) The period of any continuance granted on the accused's 6934  
own motion, and the period of any reasonable continuance granted 6935  
other than upon the accused's own motion; 6936

(I) Any period during which an appeal filed pursuant to 6937  
section 2945.67 of the Revised Code is pending; 6938

(J) Any period during which an appeal or petition for a 6939  
writ filed pursuant to section 2930.19 of the Revised Code is 6940  
pending. 6941

**Sec. 2947.051.** (A) In all criminal cases in which a person 6942  
is convicted of or pleads guilty to a felony, if the offender, 6943  
in committing the offense, caused, attempted to cause, 6944  
threatened to cause, or created a risk of physical harm to the 6945  
victim of the offense, the court, prior to sentencing the 6946  
offender, shall order the preparation of a victim impact 6947  
statement by the department of probation of the county in which 6948  
the victim of the offense resides, by the court's own regular 6949

probation officer, or by a victim assistance program that is 6950  
operated by the state, any county or municipal corporation, or 6951  
any other governmental entity. The court, in accordance with 6952  
sections 2929.13 and 2929.19 of the Revised Code, shall consider 6953  
the victim impact statement in determining the sentence to be 6954  
imposed upon the offender. 6955

(B) Each victim impact statement prepared under this 6956  
section shall identify the victim of the offense, itemize any 6957  
economic loss suffered by the victim as a result of the offense, 6958  
identify any physical injury suffered by the victim as a result 6959  
of the offense and the seriousness and permanence of the injury, 6960  
identify any change in the victim's personal welfare or familial 6961  
relationships as a result of the offense and any psychological 6962  
impact experienced by the victim or the victim's family as a 6963  
result of the offense, and contain any other information related 6964  
to the impact of the offense upon the victim that the court 6965  
requires. Each victim impact statement prepared under this 6966  
section shall include any statement made by the victim or the 6967  
victim's representative pursuant to section 2930.13 of the 6968  
Revised Code. 6969

(C) A victim impact statement prepared under this section 6970  
shall be kept confidential and is not a public record as defined 6971  
in section 149.43 of the Revised Code. However, the court may 6972  
furnish copies of the statement to both the defendant or the 6973  
defendant's counsel and the prosecuting attorney. Immediately 6974  
following the imposition of sentence upon the defendant, the 6975  
defendant, the defendant's counsel, and the prosecuting attorney 6976  
shall return to the court the copies of the victim impact 6977  
statement that were made available to the defendant, the 6978  
counsel, or the prosecuting attorney. 6979

**Sec. 2951.041.** (A) (1) If an offender is charged with a 6980  
criminal offense, including but not limited to a violation of 6981  
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 6982  
of the Revised Code, and the court has reason to believe that 6983  
drug or alcohol usage by the offender was a factor leading to 6984  
the criminal offense with which the offender is charged or that, 6985  
at the time of committing that offense, the offender had a 6986  
mental illness, was a person with an intellectual disability, or 6987  
was a victim of a violation of section 2905.32 or 2907.21 of the 6988  
Revised Code and that the mental illness, status as a person 6989  
with an intellectual disability, or fact that the offender was a 6990  
victim of a violation of section 2905.32 or 2907.21 of the 6991  
Revised Code was a factor leading to the offender's criminal 6992  
behavior, the court may accept, prior to the entry of a guilty 6993  
plea, the offender's request for intervention in lieu of 6994  
conviction. The request shall include a statement from the 6995  
offender as to whether the offender is alleging that drug or 6996  
alcohol usage by the offender was a factor leading to the 6997  
criminal offense with which the offender is charged or is 6998  
alleging that, at the time of committing that offense, the 6999  
offender had a mental illness, was a person with an intellectual 7000  
disability, or was a victim of a violation of section 2905.32 or 7001  
2907.21 of the Revised Code and that the mental illness, status 7002  
as a person with an intellectual disability, or fact that the 7003  
offender was a victim of a violation of section 2905.32 or 7004  
2907.21 of the Revised Code was a factor leading to the criminal 7005  
offense with which the offender is charged. The request also 7006  
shall include a waiver of the defendant's right to a speedy 7007  
trial, the preliminary hearing, the time period within which the 7008  
grand jury may consider an indictment against the offender, and 7009  
arraignment, unless the hearing, indictment, or arraignment has 7010  
already occurred. Unless an offender alleges that drug or 7011

alcohol usage by the offender was a factor leading to the 7012  
criminal offense with which the offender is charged, the court 7013  
may reject an offender's request without a hearing. If the court 7014  
elects to consider an offender's request or the offender alleges 7015  
that drug or alcohol usage by the offender was a factor leading 7016  
to the criminal offense with which the offender is charged, the 7017  
court shall conduct a hearing to determine whether the offender 7018  
is eligible under this section for intervention in lieu of 7019  
conviction and shall stay all criminal proceedings pending the 7020  
outcome of the hearing. If the court schedules a hearing, the 7021  
court shall order an assessment of the offender for the purpose 7022  
of determining the offender's program eligibility for 7023  
intervention in lieu of conviction and recommending an 7024  
appropriate intervention plan. 7025

If the offender alleges that drug or alcohol usage by the 7026  
offender was a factor leading to the criminal offense with which 7027  
the offender is charged, the court may order that the offender 7028  
be assessed by a community addiction services provider or a 7029  
properly credentialed professional for the purpose of 7030  
determining the offender's program eligibility for intervention 7031  
in lieu of conviction and recommending an appropriate 7032  
intervention plan. The community addiction services provider or 7033  
the properly credentialed professional shall provide a written 7034  
assessment of the offender to the court. 7035

(2) The victim notification provisions of division ~~(C)~~ (E) 7036  
of section 2930.06 of the Revised Code apply in relation to any 7037  
hearing held under division (A) (1) of this section. 7038

(B) An offender is eligible for intervention in lieu of 7039  
conviction if the court finds all of the following: 7040

(1) The offender previously has not been convicted of or 7041

pleaded guilty to any felony offense of violence. 7042

(2) The offense is not a felony of the first, second, or 7043  
third degree, is not an offense of violence, is not a felony sex 7044  
offense, is not a violation of division (A) (1) or (2) of section 7045  
2903.06 of the Revised Code, is not a violation of division (A) 7046  
(1) of section 2903.08 of the Revised Code, is not a violation 7047  
of division (A) of section 4511.19 of the Revised Code or a 7048  
municipal ordinance that is substantially similar to that 7049  
division, and is not an offense for which a sentencing court is 7050  
required to impose a mandatory prison term. 7051

(3) The offender is not charged with a violation of 7052  
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 7053  
charged with a violation of section 2925.03 of the Revised Code 7054  
that is a felony of the first, second, third, or fourth degree, 7055  
and is not charged with a violation of section 2925.11 of the 7056  
Revised Code that is a felony of the first or second degree. 7057

(4) If an offender alleges that drug or alcohol usage by 7058  
the offender was a factor leading to the criminal offense with 7059  
which the offender is charged, the court has ordered that the 7060  
offender be assessed by a community addiction services provider 7061  
or a properly credentialed professional for the purpose of 7062  
determining the offender's program eligibility for intervention 7063  
in lieu of conviction and recommending an appropriate 7064  
intervention plan, the offender has been assessed by a community 7065  
addiction services provider of that nature or a properly 7066  
credentialed professional in accordance with the court's order, 7067  
and the community addiction services provider or properly 7068  
credentialed professional has filed the written assessment of 7069  
the offender with the court. 7070

(5) If an offender alleges that, at the time of committing 7071

the criminal offense with which the offender is charged, the 7072  
offender had a mental illness, was a person with an intellectual 7073  
disability, or was a victim of a violation of section 2905.32 or 7074  
2907.21 of the Revised Code and that the mental illness, status 7075  
as a person with an intellectual disability, or fact that the 7076  
offender was a victim of a violation of section 2905.32 or 7077  
2907.21 of the Revised Code was a factor leading to that 7078  
offense, the offender has been assessed by a psychiatrist, 7079  
psychologist, independent social worker, licensed professional 7080  
clinical counselor, or independent marriage and family therapist 7081  
for the purpose of determining the offender's program 7082  
eligibility for intervention in lieu of conviction and 7083  
recommending an appropriate intervention plan. 7084

(6) The offender's drug usage, alcohol usage, mental 7085  
illness, or intellectual disability, or the fact that the 7086  
offender was a victim of a violation of section 2905.32 or 7087  
2907.21 of the Revised Code, whichever is applicable, was a 7088  
factor leading to the criminal offense with which the offender 7089  
is charged, intervention in lieu of conviction would not demean 7090  
the seriousness of the offense, and intervention would 7091  
substantially reduce the likelihood of any future criminal 7092  
activity. 7093

(7) The alleged victim of the offense was not sixty-five 7094  
years of age or older, permanently and totally disabled, under 7095  
thirteen years of age, or a peace officer engaged in the 7096  
officer's official duties at the time of the alleged offense. 7097

(8) If the offender is charged with a violation of section 7098  
2925.24 of the Revised Code, the alleged violation did not 7099  
result in physical harm to any person. 7100

(9) The offender is willing to comply with all terms and 7101

conditions imposed by the court pursuant to division (D) of this section. 7102  
7103

(10) The offender is not charged with an offense that 7104  
would result in the offender being disqualified under Chapter 7105  
4506. of the Revised Code from operating a commercial motor 7106  
vehicle or would subject the offender to any other sanction 7107  
under that chapter. 7108

(C) At the conclusion of a hearing held pursuant to 7109  
division (A) of this section, the court shall determine whether 7110  
the offender will be granted intervention in lieu of conviction. 7111  
In making this determination, the court shall presume that 7112  
intervention in lieu of conviction is appropriate. If the court 7113  
finds under this division and division (B) of this section that 7114  
the offender is eligible for intervention in lieu of conviction, 7115  
the court shall grant the offender's request unless the court 7116  
finds specific reasons to believe that the candidate's 7117  
participation in intervention in lieu of conviction would be 7118  
inappropriate. 7119

If the court denies an eligible offender's request for 7120  
intervention in lieu of conviction, the court shall state the 7121  
reasons for the denial, with particularity, in a written entry. 7122

If the court grants the offender's request, the court 7123  
shall accept the offender's plea of guilty and waiver of the 7124  
defendant's right to a speedy trial, the preliminary hearing, 7125  
the time period within which the grand jury may consider an 7126  
indictment against the offender, and arraignment, unless the 7127  
hearing, indictment, or arraignment has already occurred. In 7128  
addition, the court then may stay all criminal proceedings and 7129  
order the offender to comply with all terms and conditions 7130  
imposed by the court pursuant to division (D) of this section. 7131

If the court finds that the offender is not eligible or does not 7132  
grant the offender's request, the criminal proceedings against 7133  
the offender shall proceed as if the offender's request for 7134  
intervention in lieu of conviction had not been made. 7135

(D) If the court grants an offender's request for 7136  
intervention in lieu of conviction, the court shall place the 7137  
offender under the general control and supervision of the county 7138  
probation department, the adult parole authority, or another 7139  
appropriate local probation or court services agency, if one 7140  
exists, as if the offender was subject to a community control 7141  
sanction imposed under section 2929.15, 2929.18, or 2929.25 of 7142  
the Revised Code. The court shall establish an intervention plan 7143  
for the offender. The terms and conditions of the intervention 7144  
plan shall require the offender, for at least one year, but not 7145  
more than five years, from the date on which the court grants 7146  
the order of intervention in lieu of conviction, to abstain from 7147  
the use of illegal drugs and alcohol, to participate in 7148  
treatment and recovery support services, and to submit to 7149  
regular random testing for drug and alcohol use and may include 7150  
any other treatment terms and conditions, or terms and 7151  
conditions similar to community control sanctions, which may 7152  
include community service or restitution, that are ordered by 7153  
the court. 7154

(E) If the court grants an offender's request for 7155  
intervention in lieu of conviction and the court finds that the 7156  
offender has successfully completed the intervention plan for 7157  
the offender, including the requirement that the offender 7158  
abstain from using illegal drugs and alcohol for a period of at 7159  
least one year, but not more than five years, from the date on 7160  
which the court granted the order of intervention in lieu of 7161  
conviction, the requirement that the offender participate in 7162

treatment and recovery support services, and all other terms and 7163  
conditions ordered by the court, the court shall dismiss the 7164  
proceedings against the offender. Successful completion of the 7165  
intervention plan and period of abstinence under this section 7166  
shall be without adjudication of guilt and is not a criminal 7167  
conviction for purposes of any disqualification or disability 7168  
imposed by law and upon conviction of a crime, and the court may 7169  
order the sealing of records related to the offense in question, 7170  
as a dismissal of the charges, in the manner provided in 7171  
sections 2953.51 to 2953.56 of the Revised Code. 7172

(F) If the court grants an offender's request for 7173  
intervention in lieu of conviction and the offender fails to 7174  
comply with any term or condition imposed as part of the 7175  
intervention plan for the offender, the supervising authority 7176  
for the offender promptly shall advise the court of this 7177  
failure, and the court shall hold a hearing to determine whether 7178  
the offender failed to comply with any term or condition imposed 7179  
as part of the plan. If the court determines that the offender 7180  
has failed to comply with any of those terms and conditions, it 7181  
may continue the offender on intervention in lieu of conviction, 7182  
continue the offender on intervention in lieu of conviction with 7183  
additional terms, conditions, and sanctions, or enter a finding 7184  
of guilty and impose an appropriate sanction under Chapter 2929. 7185  
of the Revised Code. If the court sentences the offender to a 7186  
prison term, the court, after consulting with the department of 7187  
rehabilitation and correction regarding the availability of 7188  
services, may order continued court-supervised activity and 7189  
treatment of the offender during the prison term and, upon 7190  
consideration of reports received from the department concerning 7191  
the offender's progress in the program of activity and 7192  
treatment, may consider judicial release under section 2929.20 7193

of the Revised Code.	7194
(G) As used in this section:	7195
(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	7196 7197
(2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	7198 7199
(3) "Intervention in lieu of conviction" means any court-supervised activity that complies with this section.	7200 7201
(4) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code.	7202 7203
(5) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	7204 7205
(6) "Mental illness" and "psychiatrist" have the same meanings as in section 5122.01 of the Revised Code.	7206 7207
(7) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	7208 7209
(8) "Felony sex offense" means a violation of a section contained in Chapter 2907. of the Revised Code that is a felony.	7210 7211
<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:	7212 7213 7214 7215 7216 7217 7218 7219 7220

(a) At the expiration of three years after the offender's 7221  
final discharge if convicted of a felony of the third degree, so 7222  
long as none of the offenses is a violation of section 2921.43 7223  
of the Revised Code; 7224

(b) At the expiration of one year after the offender's 7225  
final discharge if convicted of a felony of the fourth or fifth 7226  
degree or a misdemeanor, so long as none of the offenses is a 7227  
violation of section 2921.43 of the Revised Code; 7228

(c) At the expiration of seven years after the offender's 7229  
final discharge if the record includes a conviction of 7230  
soliciting improper compensation in violation of section 2921.43 7231  
of the Revised Code. 7232

(2) Any person who has been arrested for any misdemeanor 7233  
offense and who has effected a bail forfeiture for the offense 7234  
charged may apply to the court in which the misdemeanor criminal 7235  
case was pending when bail was forfeited for the sealing of the 7236  
record of the case that pertains to the charge. Except as 7237  
provided in section 2953.61 of the Revised Code, the application 7238  
may be filed at any time after the expiration of one year from 7239  
the date on which the bail forfeiture was entered upon the 7240  
minutes of the court or the journal, whichever entry occurs 7241  
first. 7242

(B) Upon the filing of an application under this section, 7243  
the court shall set a date for a hearing and shall notify the 7244  
prosecutor for the case of the hearing on the application not 7245  
less than sixty days prior to the hearing. The prosecutor shall 7246  
provide timely notice to a victim and victim's representative, 7247  
if applicable, if the victim or victim's representative 7248  
requested notice of the proceedings in the underlying case. The 7249  
prosecutor may object to the granting of the application by 7250

filing an objection with the court prior to the date set for the hearing. The prosecutor shall specify in the objection the reasons for believing a denial of the application is justified. The victim, victim's representative, and victim's attorney, if applicable, may be present and heard orally, in writing, or both at any hearing under this section. The court shall direct its regular probation officer, a state probation officer, or the department of probation of the county in which the applicant resides to make inquiries and written reports as the court requires concerning the applicant. The probation officer or county department of probation that the court directs to make inquiries concerning the applicant shall determine whether or not the applicant was fingerprinted at the time of arrest or under section 109.60 of the Revised Code. If the applicant was so fingerprinted, the probation officer or county department of probation shall include with the written report a record of the applicant's fingerprints. If the applicant was convicted of or pleaded guilty to a violation of division (A) (2) or (B) of section 2919.21 of the Revised Code, the probation officer or county department of probation that the court directed to make inquiries concerning the applicant shall contact the child support enforcement agency enforcing the applicant's obligations under the child support order to inquire about the offender's compliance with the child support order.

(C) (1) The court shall do each of the following:

(a) Determine whether the applicant is an eligible offender or whether the forfeiture of bail was agreed to by the applicant and the prosecutor in the case. If the applicant applies as an eligible offender pursuant to division (A) (1) of this section and has two or three convictions that result from the same indictment, information, or complaint, from the same

plea of guilty, or from the same official proceeding, and result 7282  
from related criminal acts that were committed within a three- 7283  
month period but do not result from the same act or from 7284  
offenses committed at the same time, in making its determination 7285  
under this division, the court initially shall determine whether 7286  
it is not in the public interest for the two or three 7287  
convictions to be counted as one conviction. If the court 7288  
determines that it is not in the public interest for the two or 7289  
three convictions to be counted as one conviction, the court 7290  
shall determine that the applicant is not an eligible offender; 7291  
if the court does not make that determination, the court shall 7292  
determine that the offender is an eligible offender. 7293

(b) Determine whether criminal proceedings are pending 7294  
against the applicant; 7295

(c) If the applicant is an eligible offender who applies 7296  
pursuant to division (A)(1) of this section, determine whether 7297  
the applicant has been rehabilitated to the satisfaction of the 7298  
court; 7299

(d) If the prosecutor has filed an objection in accordance 7300  
with division (B) of this section, consider the reasons against 7301  
granting the application specified by the prosecutor in the 7302  
objection; 7303

(e) Weigh the interests of the applicant in having the 7304  
records pertaining to the applicant's conviction or bail 7305  
forfeiture sealed against the legitimate needs, if any, of the 7306  
government to maintain those records; 7307

(f) Consider the oral or written statement of any victim, 7308  
victim's representative, and victim's attorney, if applicable; 7309

(g) If the applicant is an eligible offender of the type 7310

described in division (A) (3) of section 2953.36 of the Revised Code, determine whether the offender has been rehabilitated to a satisfactory degree. In making the determination, the court may consider all of the following:

- (i) The age of the offender;
- (ii) The facts and circumstances of the offense;
- (iii) The cessation or continuation of criminal behavior;
- (iv) The education and employment of the offender;
- (v) Any other circumstances that may relate to the offender's rehabilitation.

(2) If the court determines, after complying with division (C) (1) of this section, that the applicant is an eligible offender or the subject of a bail forfeiture, that no criminal proceeding is pending against the applicant, that the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed are not outweighed by any legitimate governmental needs to maintain those records, and that the rehabilitation of an applicant who is an eligible offender applying pursuant to division (A) (1) of this section has been attained to the satisfaction of the court, the court, except as provided in division (C) (4), (G), (H), or (I) of this section, shall order all official records of the 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 7340  
shall be sealed, except that upon conviction of a subsequent 7341  
offense, the sealed record of prior conviction or bail 7342  
forfeiture may be considered by the court in determining the 7343  
sentence or other appropriate disposition, including the relief 7344  
provided for in sections 2953.31 to 2953.33 of the Revised Code. 7345

(3) An applicant may request the sealing of the records of 7346  
more than one case in a single application under this section. 7347  
Upon the filing of an application under this section, the 7348  
applicant, unless indigent, shall pay a fee of fifty dollars, 7349  
regardless of the number of records the application requests to 7350  
have sealed. The court shall pay thirty dollars of the fee into 7351  
the state treasury, with fifteen dollars of that amount credited 7352  
to the attorney general reimbursement fund created by section 7353  
109.11 of the Revised Code. It shall pay twenty dollars of the 7354  
fee into the county general revenue fund if the sealed 7355  
conviction or bail forfeiture was pursuant to a state statute, 7356  
or into the general revenue fund of the municipal corporation 7357  
involved if the sealed conviction or bail forfeiture was 7358  
pursuant to a municipal ordinance. 7359

(4) If the court orders the official records pertaining to 7360  
the case sealed, the court shall do one of the following: 7361

(a) If the applicant was fingerprinted at the time of 7362  
arrest or under section 109.60 of the Revised Code and the 7363  
record of the applicant's fingerprints was provided to the court 7364  
under division (B) of this section, forward a copy of the 7365  
sealing order and the record of the applicant's fingerprints to 7366  
the bureau of criminal identification and investigation. 7367

(b) If the applicant was not fingerprinted at the time of 7368  
arrest or under section 109.60 of the Revised Code, or the 7369

record of the applicant's fingerprints was not provided to the 7370  
court under division (B) of this section, but fingerprinting was 7371  
required for the offense, order the applicant to appear before a 7372  
sheriff to have the applicant's fingerprints taken according to 7373  
the fingerprint system of identification on the forms furnished 7374  
by the superintendent of the bureau of criminal identification 7375  
and investigation. The sheriff shall forward the applicant's 7376  
fingerprints to the court. The court shall forward the 7377  
applicant's fingerprints and a copy of the sealing order to the 7378  
bureau of criminal identification and investigation. 7379

Failure of the court to order fingerprints at the time of 7380  
sealing does not constitute a reversible error. 7381

(D) Inspection of the sealed records included in the order 7382  
may be made only by the following persons or for the following 7383  
purposes: 7384

(1) By a law enforcement officer or prosecutor, or the 7385  
assistants of either, to determine whether the nature and 7386  
character of the offense with which a person is to be charged 7387  
would be affected by virtue of the person's previously having 7388  
been convicted of a crime; 7389

(2) By the parole or probation officer of the person who 7390  
is the subject of the records, for the exclusive use of the 7391  
officer in supervising the person while on parole or under a 7392  
community control sanction or a post-release control sanction, 7393  
and in making inquiries and written reports as requested by the 7394  
court or adult parole authority; 7395

(3) Upon application by the person who is the subject of 7396  
the records, by the persons named in the application; 7397

(4) By a law enforcement officer who was involved in the 7398

case, for use in the officer's defense of a civil action arising 7399  
out of the officer's involvement in that case; 7400

(5) By a prosecuting attorney or the prosecuting 7401  
attorney's assistants, to determine a defendant's eligibility to 7402  
enter a pre-trial diversion program established pursuant to 7403  
section 2935.36 of the Revised Code; 7404

(6) By any law enforcement agency or any authorized 7405  
employee of a law enforcement agency or by the department of 7406  
rehabilitation and correction or department of youth services as 7407  
part of a background investigation of a person who applies for 7408  
employment with the agency or with the department; 7409

(7) By any law enforcement agency or any authorized 7410  
employee of a law enforcement agency, for the purposes set forth 7411  
in, and in the manner provided in, section 2953.321 of the 7412  
Revised Code; 7413

(8) By the bureau of criminal identification and 7414  
investigation or any authorized employee of the bureau for the 7415  
purpose of providing information to a board or person pursuant 7416  
to division (F) or (G) of section 109.57 of the Revised Code; 7417

(9) By the bureau of criminal identification and 7418  
investigation or any authorized employee of the bureau for the 7419  
purpose of performing a criminal history records check on a 7420  
person to whom a certificate as prescribed in section 109.77 of 7421  
the Revised Code is to be awarded; 7422

(10) By the bureau of criminal identification and 7423  
investigation or any authorized employee of the bureau for the 7424  
purpose of conducting a criminal records check of an individual 7425  
pursuant to division (B) of section 109.572 of the Revised Code 7426  
that was requested pursuant to any of the sections identified in 7427

division (B) (1) of that section; 7428

(11) By the bureau of criminal identification and 7429  
investigation, an authorized employee of the bureau, a sheriff, 7430  
or an authorized employee of a sheriff in connection with a 7431  
criminal records check described in section 311.41 of the 7432  
Revised Code; 7433

(12) By the attorney general or an authorized employee of 7434  
the attorney general or a court for purposes of determining a 7435  
person's classification pursuant to Chapter 2950. of the Revised 7436  
Code; 7437

(13) By a court, the registrar of motor vehicles, a 7438  
prosecuting attorney or the prosecuting attorney's assistants, 7439  
or a law enforcement officer for the purpose of assessing points 7440  
against a person under section 4510.036 of the Revised Code or 7441  
for taking action with regard to points assessed. 7442

When the nature and character of the offense with which a 7443  
person is to be charged would be affected by the information, it 7444  
may be used for the purpose of charging the person with an 7445  
offense. 7446

(E) In any criminal proceeding, proof of any otherwise 7447  
admissible prior conviction may be introduced and proved, 7448  
notwithstanding the fact that for any such prior conviction an 7449  
order of sealing previously was issued pursuant to sections 7450  
2953.31 to 2953.36 of the Revised Code. 7451

(F) The person or governmental agency, office, or 7452  
department that maintains sealed records pertaining to 7453  
convictions or bail forfeitures that have been sealed pursuant 7454  
to this section may maintain a manual or computerized index to 7455  
the sealed records. The index shall contain only the name of, 7456

and alphanumeric identifiers that relate to, the persons who are 7457  
the subject of the sealed records, the word "sealed," and the 7458  
name of the person, agency, office, or department that has 7459  
custody of the sealed records, and shall not contain the name of 7460  
the crime committed. The index shall be made available by the 7461  
person who has custody of the sealed records only for the 7462  
purposes set forth in divisions (C), (D), and (E) of this 7463  
section. 7464

(G) Notwithstanding any provision of this section or 7465  
section 2953.33 of the Revised Code that requires otherwise, a 7466  
board of education of a city, local, exempted village, or joint 7467  
vocational school district that maintains records of an 7468  
individual who has been permanently excluded under sections 7469  
3301.121 and 3313.662 of the Revised Code is permitted to 7470  
maintain records regarding a conviction that was used as the 7471  
basis for the individual's permanent exclusion, regardless of a 7472  
court order to seal the record. An order issued under this 7473  
section to seal the record of a conviction does not revoke the 7474  
adjudication order of the superintendent of public instruction 7475  
to permanently exclude the individual who is the subject of the 7476  
sealing order. An order issued under this section to seal the 7477  
record of a conviction of an individual may be presented to a 7478  
district superintendent as evidence to support the contention 7479  
that the superintendent should recommend that the permanent 7480  
exclusion of the individual who is the subject of the sealing 7481  
order be revoked. Except as otherwise authorized by this 7482  
division and sections 3301.121 and 3313.662 of the Revised Code, 7483  
any school employee in possession of or having access to the 7484  
sealed conviction records of an individual that were the basis 7485  
of a permanent exclusion of the individual is subject to section 7486  
2953.35 of the Revised Code. 7487

(H) Notwithstanding any provision of this section or 7488  
section 2953.33 of the Revised Code that requires otherwise, if 7489  
the auditor of state or a prosecutor maintains records, reports, 7490  
or audits of an individual who has been forever disqualified 7491  
from holding public office, employment, or position of trust in 7492  
this state under sections 2921.41 and 2921.43 of the Revised 7493  
Code, or has otherwise been convicted of an offense based upon 7494  
the records, reports, or audits of the auditor of state, the 7495  
auditor of state or prosecutor is permitted to maintain those 7496  
records to the extent they were used as the basis for the 7497  
individual's disqualification or conviction, and shall not be 7498  
compelled by court order to seal those records. 7499

(I) For purposes of sections 2953.31 to 2953.36 of the 7500  
Revised Code, DNA records collected in the DNA database and 7501  
fingerprints filed for record by the superintendent of the 7502  
bureau of criminal identification and investigation shall not be 7503  
sealed unless the superintendent receives a certified copy of a 7504  
final court order establishing that the offender's conviction 7505  
has been overturned. For purposes of this section, a court order 7506  
is not "final" if time remains for an appeal or application for 7507  
discretionary review with respect to the order. 7508

(J) The sealing of a record under this section does not 7509  
affect the assessment of points under section 4510.036 of the 7510  
Revised Code and does not erase points assessed against a person 7511  
as a result of the sealed record. 7512

**Section 2.** That existing sections 109.42, 109.91, 149.43, 7513  
2151.356, 2151.358, 2152.20, 2152.81, 2152.811, 2907.02, 7514  
2907.05, 2907.10, 2929.18, 2929.20, 2929.22, 2929.28, 2930.01, 7515  
2930.02, 2930.03, 2930.04, 2930.05, 2930.06, 2930.062, 2930.08, 7516  
2930.09, 2930.11, 2930.12, 2930.13, 2930.14, 2930.15, 2930.16, 7517

2930.17, 2930.18, 2930.19, 2937.11, 2945.481, 2945.482, 2945.72, 7518  
2947.051, 2951.041, and 2953.32 of the Revised Code are hereby 7519  
repealed. 7520

**Section 3.** That section 2930.07 of the Revised Code is 7521  
hereby repealed. 7522

**Section 4.** The General Assembly, applying the principle 7523  
stated in division (B) of section 1.52 of the Revised Code that 7524  
amendments are to be harmonized if reasonably capable of 7525  
simultaneous operation, finds that the following sections, 7526  
presented in this act as composites of the sections as amended 7527  
by the acts indicated, are the resulting versions of the 7528  
sections in effect prior to the effective date of the sections 7529  
as presented in this act: 7530

Section 109.42 of the Revised Code as amended by both H.B. 7531  
1 and S.B. 201 of the 132nd General Assembly. 7532

Section 2907.05 of the Revised Code as amended by both 7533  
S.B. 201 and S.B. 229 of the 132nd General Assembly. 7534

Section 2953.32 of the Revised Code as amended by H.B. 1, 7535  
H.B. 431, and S.B. 10, all of the 133rd General Assembly. 7536