

S. B. No. 16  
As Passed by the Senate

\_\_\_\_\_ moved to amend as follows:

In line 1 of the title, delete "section" and insert "sections 109.42, 2152.20, 2152.81, 2152.811,"; after "2305.37" insert ", 2743.71, 2903.213, 2919.26, 2929.28, 2929.281, 2930.02, 2930.04, 2930.041, 2930.06, 2930.063, 2930.07, 2930.161, 2930.171, 2930.19, 2945.481, and 2945.482 and to repeal section 2930.043"

In line 3 of the title, after "food" insert ", to make changes relative to the rights of crime victims, and to declare an emergency"

In line 4, delete "section" and insert "sections 109.42, 2152.20, 2152.81, 2152.811,"; after "2305.37" insert ", 2743.71, 2903.213, 2919.26, 2929.28, 2929.281, 2930.02, 2930.04, 2930.041, 2930.06, 2930.063, 2930.07, 2930.161, 2930.171, 2930.19, 2945.481, and 2945.482"

After line 5, insert:

**"Sec. 109.42.** (A) The attorney general shall prepare ~~and have printed a pamphlet that contains~~ and make available a compilation of all constitutional provisions and statutes relative to victim's rights in which the attorney general lists and explains the constitutional provisions and statutes in the



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

(1) The right of a victim and a victim's representative, 31  
if applicable, to attend a proceeding before a grand jury, in a 32  
juvenile delinquency case, or in a criminal case without being 33  
discharged from the victim's or victim's representative's 34  
employment, having the victim's or victim's representative's 35  
employment terminated, having the victim's or victim's 36  
representative's pay decreased or withheld, or otherwise being 37  
punished, penalized, or threatened as a result of time lost from 38  
regular employment because of the victim's or victim's 39  
representative's attendance at the proceeding, as set forth in 40  
section 2151.211, 2930.18, 2939.121, or 2945.451 of the Revised 41  
Code; 42

(2) The potential availability pursuant to section 43  
2151.359 or 2152.61 of the Revised Code of a forfeited 44  
recognizance to pay damages caused by a child when the 45  
delinquency of the child or child's violation of probation or 46  
community control is found to be proximately caused by the 47  
failure of the child's parent or guardian to subject the child 48

to reasonable parental authority or to faithfully discharge the 49  
conditions of probation or community control; 50

(3) The availability of awards of reparations pursuant to 51  
sections 2743.51 to 2743.72 of the Revised Code for injuries 52  
caused by criminal offenses; 53

(4) The opportunity to obtain a court order, pursuant to 54  
section 2945.04 of the Revised Code, to prevent or stop the 55  
commission of the offense of intimidation of a crime victim or 56  
witness or an offense against the person or property of the 57  
complainant, or of the complainant's ward or child; 58

(5) The right of the victim and the victim's 59  
representative pursuant to the Ohio Constitution and sections 60  
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 61  
Code to receive notice of a pending motion for judicial release 62  
or other early release of the person who committed the offense 63  
against the victim, to make a statement orally, in writing, or 64  
both at the court hearing on the motion, and to be notified of 65  
the court's decision on the motion; 66

(6) The right of the victim and the victim's 67  
representative, if applicable, pursuant to the Ohio Constitution 68  
and section 2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of 69  
the Revised Code to receive notice of any pending commutation, 70  
pardon, parole, transitional control, discharge, other form of 71  
authorized release, post-release control, or supervised release 72  
for the person who committed the offense against the victim or 73  
any application for release of that person and to send a written 74  
statement relative to the victimization and the pending action 75  
to the adult parole authority or the release authority of the 76  
department of youth services; 77

(7) The right of the victim to bring a civil action	78
pursuant to sections 2969.01 to 2969.06 of the Revised Code to	79
obtain money from the offender's profit fund;	80
(8) The right, pursuant to section 3109.09 of the Revised	81
Code, to maintain a civil action to recover compensatory damages	82
not exceeding ten thousand dollars and costs from the parent of	83
a minor who willfully damages property through the commission of	84
an act that would be a theft offense, as defined in section	85
2913.01 of the Revised Code, if committed by an adult;	86
(9) The right, pursuant to section 3109.10 of the Revised	87
Code, to maintain a civil action to recover compensatory damages	88
not exceeding ten thousand dollars and costs from the parent of	89
a minor who willfully and maliciously assaults a person;	90
(10) The right of the victim, pursuant to section 2152.20,	91
2152.203, 2929.18, 2929.28, or 2929.281 of the Revised Code, to	92
receive restitution from an offender or a delinquent child;	93
(11) The right of a victim of domestic violence, including	94
domestic violence in a dating relationship as defined in section	95
3113.31 of the Revised Code, to seek the issuance of a civil	96
protection order pursuant to that section, the right of a victim	97
of a violation of section 2903.14, 2909.06, 2909.07, 2911.12,	98
2911.211, or 2919.22 of the Revised Code, a violation of a	99
substantially similar municipal ordinance, or an offense of	100
violence who is a family or household member of the offender at	101
the time of the offense to seek the issuance of a temporary	102
protection order pursuant to section 2919.26 of the Revised	103
Code, and the right of both types of victims to be accompanied	104
by a victim advocate during court proceedings;	105
(12) The right of a victim of a sexually oriented offense	106

or of a child-victim oriented offense that is committed by a 107  
person who is convicted of, pleads guilty to, or is adjudicated 108  
a delinquent child for committing the offense and who is in a 109  
category specified in division (B) of section 2950.10 of the 110  
Revised Code to receive, pursuant to that section, notice that 111  
the person has registered with a sheriff under section 2950.04, 112  
2950.041, or 2950.05 of the Revised Code and notice of the 113  
person's name, the person's residence that is registered, and 114  
the offender's school, institution of higher education, or place 115  
of employment address or addresses that are registered, the 116  
person's photograph, and a summary of the manner in which the 117  
victim must make a request to receive the notice. As used in 118  
this division, "sexually oriented offense" and "child-victim 119  
oriented offense" have the same meanings as in section 2950.01 120  
of the Revised Code. 121

(13) The right of a victim of certain sexually violent 122  
offenses committed by an offender who also is convicted of or 123  
pleads guilty to a sexually violent predator specification and 124  
who is sentenced to a prison term pursuant to division (A) (3) of 125  
section 2971.03 of the Revised Code, of a victim of a violation 126  
of division (A) (1) (b) of section 2907.02 of the Revised Code 127  
committed on or after January 2, 2007, by an offender who is 128  
sentenced for the violation pursuant to division (B) (1) (a), (b), 129  
or (c) of section 2971.03 of the Revised Code, of a victim of an 130  
attempted rape committed on or after January 2, 2007, by an 131  
offender who also is convicted of or pleads guilty to a 132  
specification of the type described in section 2941.1418, 133  
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 134  
the violation pursuant to division (B) (2) (a), (b), or (c) of 135  
section 2971.03 of the Revised Code, and of a victim of an 136  
offense that is described in division (B) (3) (a), (b), (c), or 137

(d) of section 2971.03 of the Revised Code and is committed by 138  
an offender who is sentenced pursuant to one of those divisions 139  
to receive, pursuant to section 2930.16 of the Revised Code, 140  
notice of a hearing to determine whether to modify the 141  
requirement that the offender serve the entire prison term in a 142  
state correctional facility, whether to continue, revise, or 143  
revoke any existing modification of that requirement, or whether 144  
to terminate the prison term. As used in this division, 145  
"sexually violent offense" and "sexually violent predator 146  
specification" have the same meanings as in section 2971.01 of 147  
the Revised Code. 148

(B) (1) (a) A prosecuting attorney, assistant prosecuting 149  
attorney, city director of law, assistant city director of law, 150  
village solicitor, assistant village solicitor, or similar chief 151  
legal officer of a municipal corporation or an assistant of any 152  
of those officers who prosecutes an offense committed in this 153  
state, upon first contact with the victim of the offense, the 154  
victim's family, or the victim's dependents, shall give the 155  
victim, the victim's family, or the victim's dependents a copy 156  
of the victim's rights request form created under section 157  
2930.04 of the Revised Code, or a similar form that, at a 158  
minimum, contains all the required information listed in that 159  
section, and the ~~pamphlet~~compilation prepared pursuant to 160  
division (A) of this section and explain, upon request, the 161  
information in the form and ~~pamphlet~~compilation to the victim, 162  
the victim's family, or the victim's dependents. The victim may 163  
receive either through the online version of the 164  
~~pamphlet~~compilation published to the attorney general's web 165  
site, or as a paper copy, upon request. 166

(b) A law enforcement agency that investigates a criminal 167  
offense or delinquent act committed in this state shall give the 168

victim of the criminal offense or delinquent act, the victim's 169  
family, or the victim's dependents a copy of the form and 170  
~~pamphlet~~compilation prepared pursuant to division (A) of this 171  
section at one of the following times: 172

(i) Upon first contact with the victim, the victim's 173  
family, or the victim's dependents, a peace officer from the law 174  
enforcement agency investigating the criminal offense or 175  
delinquent act against the victim shall determine whether the 176  
victim has access to the internet and whether the victim would 177  
prefer to access the victim's rights ~~pamphlet~~compilation online 178  
or if the victim requires a paper copy. The peace officer may 179  
give the victim a paper copy upon first contact, if requested, 180  
or the peace officer may provide the victim with the attorney 181  
general's telephone number to access the ~~pamphlet~~compilation at 182  
a later time. The attorney general shall provide a web site 183  
address at which a printable version of the victim's rights 184  
~~pamphlet~~compilation that can be downloaded and printed locally 185  
may be found. The attorney general shall provide limited paper 186  
copies of the victim's rights ~~pamphlets~~compilation upon request 187  
to law enforcement agencies that order copies directly from the 188  
attorney general and to law enforcement agencies and prosecutors 189  
to provide to victims who do not have internet access or who 190  
would prefer a paper copy. The attorney general shall create a 191  
page within the attorney general's web site that is easy to 192  
access and navigate that contains the entire content of the 193  
victim's rights ~~pamphlet~~compilation and a link to the web site 194  
address at which a printable version of the victim's rights 195  
~~pamphlet~~compilation may be found. 196

(ii) If the circumstances of the criminal offense or 197  
delinquent act and the condition of the victim, the victim's 198  
family, or the victim's dependents indicate that the victim, the 199

victim's family, or the victim's dependents will not be able to 200  
understand the significance of the form and ~~pamphlet~~compilation 201  
upon first contact with the agency, and if the agency 202  
anticipates that it will have an additional contact with the 203  
victim, the victim's family, or the victim's dependents, upon 204  
the agency's second contact with the victim, the victim's 205  
family, or the victim's dependents. 206

If the agency does not give the victim, the victim's 207  
family, or the victim's dependents a copy of the form and 208  
~~pamphlet~~compilation upon first contact with them and does not 209  
have a second contact with the victim, the victim's family, or 210  
the victim's dependents, the agency shall mail a copy of the 211  
form and ~~pamphlet~~compilation to the victim, the victim's family, 212  
or the victim's dependents at their last known address. 213

(c) (i) The attorney general shall create an information 214  
card ~~which~~that contains all of the following: 215

(I) An outline list of victim's rights contained in the 216  
Ohio Constitution and Revised Code; 217

(II) A reference to the victim's rights request form; 218

(III) The attorney general's crime victim's services 219  
office telephone number, electronic mailing address, web site 220  
address, and contact address, and a description of how to access 221  
victim's rights information; 222

(IV) The Ohio crime victim's justice center's telephone 223  
number, electronic mailing address, and contact address, and the 224  
web site address for accessing the center's victim's rights 225  
toolkit. 226

(ii) Upon first contact with the victim, the law 227



enforcement agency shall provide the victim with the information 228  
card. 229

(2) A law enforcement agency, a prosecuting attorney or 230  
assistant prosecuting attorney, or a city director of law, 231  
assistant city director of law, village solicitor, assistant 232  
village solicitor, or similar chief legal officer of a municipal 233  
corporation that distributes a copy of the form and 234  
~~pamphlet~~compilation prepared pursuant to division (A) of this 235  
section shall not be required to distribute a copy of an 236  
information card or other printed material provided by the clerk 237  
of the court of claims pursuant to section 2743.71 of the 238  
Revised Code but may provide the compilation along with the 239  
information cards or other printed materials provided by the 240  
clerk of the court of claims under section 2743.71 of the 241  
Revised Code. 242

(C) The cost of printing and distributing the form and 243  
~~pamphlet~~compilation prepared pursuant to division (A) of this 244  
section shall be paid out of the reparations fund, created 245  
pursuant to section 2743.191 of the Revised Code, in accordance 246  
with division (D) of that section. 247

(D) As used in this section: 248

(1) "Criminal offense," "delinquent act," and "victim's 249  
representative" have the same meanings as in section 2930.01 of 250  
the Revised Code; 251

(2) "Victim advocate" has the same meaning as in section 252  
2919.26 of the Revised Code. 253

**Sec. 2152.20.** (A) If a child is adjudicated a delinquent 254  
child or a juvenile traffic offender, the court may order any of 255  
the following dispositions, in addition to any other disposition 256

authorized or required by this chapter:	257
(1) Impose a fine in accordance with the following	258
schedule:	259
(a) For an act that would be a minor misdemeanor or an	260
unclassified misdemeanor if committed by an adult, a fine not to	261
exceed fifty dollars;	262
(b) For an act that would be a misdemeanor of the fourth	263
degree if committed by an adult, a fine not to exceed one	264
hundred dollars;	265
(c) For an act that would be a misdemeanor of the third	266
degree if committed by an adult, a fine not to exceed one	267
hundred fifty dollars;	268
(d) For an act that would be a misdemeanor of the second	269
degree if committed by an adult, a fine not to exceed two	270
hundred dollars;	271
(e) For an act that would be a misdemeanor of the first	272
degree if committed by an adult, a fine not to exceed two	273
hundred fifty dollars;	274
(f) For an act that would be a felony of the fifth degree	275
or an unclassified felony if committed by an adult, a fine not	276
to exceed three hundred dollars;	277
(g) For an act that would be a felony of the fourth degree	278
if committed by an adult, a fine not to exceed four hundred	279
dollars;	280
(h) For an act that would be a felony of the third degree	281
if committed by an adult, a fine not to exceed seven hundred	282
fifty dollars;	283

(i) For an act that would be a felony of the second degree	284
if committed by an adult, a fine not to exceed one thousand	285
dollars;	286
(j) For an act that would be a felony of the first degree	287
if committed by an adult, a fine not to exceed one thousand five	288
hundred dollars;	289
(k) For an act that would be aggravated murder or murder	290
if committed by an adult, a fine not to exceed two thousand	291
dollars.	292
(2) Require the child to pay costs;	293
(3) Unless the child's juvenile traffic offense would be a	294
minor misdemeanor if committed by an adult or could be disposed	295
of by the juvenile traffic violations bureau serving the court	296
under Traffic Rule 13.1 if the court has established a juvenile	297
traffic violations bureau, require the child to make restitution	298
to the victim of the child's delinquent act or juvenile traffic	299
offense or, if the victim is deceased, to a survivor or the	300
estate of the victim in an amount based upon the victim's	301
economic loss caused by or related to the delinquent act or	302
juvenile traffic offense. The court may not require a child to	303
make restitution pursuant to this division if the child's	304
juvenile traffic offense would be a minor misdemeanor if	305
committed by an adult or could be disposed of by the juvenile	306
traffic violations bureau serving the court under Traffic Rule	307
13.1 if the court has established a juvenile traffic violations	308
bureau. If the court requires restitution under this division,	309
the restitution shall be made directly to the victim in open	310
court or to the probation department that serves the	311
jurisdiction or the clerk of courts on behalf of the victim.	312

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

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

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

(4) Require the child to reimburse any or all of the costs 344  
incurred for services or sanctions provided or imposed, 345  
including, but not limited to, the following: 346

(a) All or part of the costs of implementing any community 347  
control imposed as a disposition under section 2152.19 of the 348  
Revised Code, including a supervision fee; 349

(b) All or part of the costs of confinement in a 350  
residential facility described in section 2152.19 of the Revised 351  
Code or in a department of youth services institution, 352  
including, but not limited to, a per diem fee for room and 353  
board, the costs of medical and dental treatment provided, and 354  
the costs of repairing property the delinquent child damaged 355  
while so confined. The amount of reimbursement ordered for a 356  
child under this division shall not exceed the total amount of 357  
reimbursement the child is able to pay as determined at a 358  
hearing and shall not exceed the actual cost of the confinement. 359  
The court may collect any reimbursement ordered under this 360  
division. If the court does not order reimbursement under this 361  
division, confinement costs may be assessed pursuant to a 362  
repayment policy adopted under section 2929.37 of the Revised 363  
Code and division (D) of section 307.93, division (A) of section 364  
341.19, division (C) of section 341.23 or 753.16, division (C) 365  
of section 2301.56, or division (B) of section 341.14, 753.02, 366  
753.04, or 2947.19 of the Revised Code. 367

(B) Chapter 2981. of the Revised Code applies to a child 368  
who is adjudicated a delinquent child for violating section 369  
2923.32 or 2923.42 of the Revised Code or for committing an act 370  
that, if committed by an adult, would be a felony drug abuse 371  
offense. 372

(C) The court may hold a hearing if necessary to determine 373

whether a child is able to pay a sanction under this section. 374

(D) If a child who is adjudicated a delinquent child is 375  
indigent, the court shall consider imposing a term of community 376  
service under division (A) of section 2152.19 of the Revised 377  
Code in lieu of imposing a financial sanction under this 378  
section. If a child who is adjudicated a delinquent child is not 379  
indigent, the court may impose a term of community service under 380  
that division in lieu of, or in addition to, imposing a 381  
financial sanction under this section. The court may order the 382  
performance of community service ~~for an act that if committed by~~ 383  
~~an adult would be a minor misdemeanor if that order would to~~ 384  
generate funds for restitution. 385

If a child fails to pay a financial sanction imposed under 386  
this section, the court may impose a term of community service 387  
in lieu of the sanction. 388

(E) The clerk of the court, or another person authorized 389  
by law or by the court to collect a financial sanction imposed 390  
under this section, may do any of the following: 391

(1) Enter into contracts with one or more public agencies 392  
or private vendors for the collection of the amounts due under 393  
the financial sanction, which amounts may include interest from 394  
the date of imposition of the financial sanction; 395

(2) Permit payment of all, or any portion of, the 396  
financial sanction in installments, by credit or debit card, by 397  
another type of electronic transfer, or by any other reasonable 398  
method, within any period of time, and on any terms that the 399  
court considers just, except that the maximum time permitted for 400  
payment shall not exceed five years. The clerk may pay any fee 401  
associated with processing an electronic transfer out of public 402

money and may charge the fee to the delinquent child. 403

(3) To defray administrative costs, charge a reasonable 404  
fee to a child who elects a payment plan rather than a lump sum 405  
payment of a financial sanction. 406

**Sec. 2152.81.** (A) (1) As used in this section, "victim" 407  
includes any of the following persons: 408

(a) A person who was a victim of a violation identified in 409  
division (A) (2) of this section or an act that would be an 410  
offense of violence if committed by an adult; 411

(b) A person against whom was directed any conduct that 412  
constitutes, or that is an element of, a violation identified in 413  
division (A) (2) of this section or an act that would be an 414  
offense of violence if committed by an adult. 415

(2) (a) In any proceeding in juvenile court involving a 416  
complaint, indictment, or information in which a child is 417  
charged with a violation of section 2905.03, 2905.05, 2907.02, 418  
2907.03, 2907.05, 2907.06, 2907.07, 2907.09, 2907.21, 2907.23, 419  
2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, or 420  
2919.22 of the Revised Code or an act that would be an offense 421  
of violence if committed by an adult and in which an alleged 422  
victim of the violation or act was a child who was less than 423  
thirteen years of age when the complaint or information was 424  
filed or the indictment was returned, the juvenile judge, upon 425  
motion of an attorney for the prosecution, child victim, or 426  
child victim's attorney, shall order that the testimony of the 427  
child victim be taken by deposition. The prosecution, child 428  
victim, or child victim's attorney also may request that the 429  
deposition be recorded in accordance with division (A) (3) of 430  
this section. 431

(b) In any proceeding that is not otherwise eligible for 432  
the protections provided for in division (A) (2) (a) of this 433  
section, and in which an alleged victim of the violation was a 434  
child who was less than eighteen years of age when the 435  
complaint, indictment, or information was filed, whichever 436  
occurred earlier, upon motion of the child victim, the child 437  
victim's attorney, if applicable, or an attorney for the 438  
prosecution, and upon a showing by a preponderance of the 439  
evidence that the child will suffer serious emotional trauma if 440  
required to provide live trial testimony, the juvenile judge 441  
shall order that the testimony of the child victim be taken by 442  
deposition. The prosecution, child victim, or child victim's 443  
attorney may also request that the deposition be recorded in 444  
accordance with division (A) (3) of this section. 445

(c) The judge shall notify the child victim whose 446  
deposition is to be taken, the victim's attorney, if applicable, 447  
the prosecution, and the attorney for the child who is charged 448  
with the violation or act of the date, time, and place for 449  
taking the deposition. The notice shall identify the child 450  
victim who is to be examined and shall indicate whether a 451  
request that the deposition be recorded has been made. The child 452  
who is charged with the violation or act shall have the right to 453  
attend the deposition and the right to be represented by 454  
counsel. Depositions shall be taken in the manner provided in 455  
civil cases, except that the judge in the proceeding shall 456  
preside at the taking of the deposition and shall rule at that 457  
time on any objections of the prosecution or the attorney for 458  
the child charged with the violation or act. The prosecution and 459  
the attorney for the child charged with the violation or act 460  
shall have the right, as at an adjudication hearing, to full 461  
examination and cross-examination of the child victim whose 462



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

(3) If the prosecution requests that a deposition to be 490  
taken under division (A) (2) of this section be recorded, the 491  
juvenile judge shall order that the deposition be recorded in 492  
accordance with this division. If a juvenile judge issues an 493

order to record the deposition, the judge shall exclude from the 494  
room in which the deposition is to be taken every person except 495  
the child victim giving the testimony; the judge; one or more 496  
interpreters if needed; the attorneys for the prosecution; the 497  
child victim's attorney, if applicable; the attorney for the 498  
child who is charged with the violation or act; any person 499  
needed to operate the equipment to be used; one person, who is 500  
not a witness, chosen by the child victim giving the deposition; 501  
the victim's representative; and any person whose presence the 502  
judge determines would contribute to the welfare and well-being 503  
of the child victim giving the deposition. The person chosen by 504  
the child victim, both before and during the deposition, shall 505  
not discuss the testimony of the child victim with any other 506  
witness in the proceeding. To the extent feasible, any person 507  
operating the recording equipment shall be restricted to a room 508  
adjacent to the room in which the deposition is being taken, or 509  
to a location in the room in which the deposition is being taken 510  
that is behind a screen or mirror so that the person operating 511  
the recording equipment can see and hear, but cannot be seen or 512  
heard by, the child victim giving the deposition during the 513  
deposition. The child who is charged with the violation or act 514  
shall be permitted to observe and hear the testimony of the 515  
child victim giving the deposition on a monitor, shall be 516  
provided with an electronic means of immediate communication 517  
with the attorney of the child who is charged with the violation 518  
or act during the testimony, and shall be restricted to a 519  
location from which the child who is charged with the violation 520  
or act cannot be seen or heard by the child victim giving the 521  
deposition, except on a monitor provided for that purpose. The 522  
child victim giving the deposition shall be provided with a 523  
monitor on which the child victim can observe, while giving 524

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

(a) The recording is both aural and visual and is recorded 546  
on film or videotape, or by other electronic means. 547

(b) The recording is authenticated under the Rules of 548  
Evidence and the Rules of Criminal Procedure as a fair and 549  
accurate representation of what occurred, and the recording is 550  
not altered other than at the direction and under the 551  
supervision of the judge in the proceeding. 552

(c) Each voice on the recording that is material to the 553  
testimony on the recording or the making of the recording, as 554

determined by the judge, is identified. 555

(d) Both the prosecution and the child who is charged with 556  
the violation or act are afforded an opportunity to view the 557  
recording before it is shown in the proceeding. 558

(B) (1) At any proceeding in relation to which a deposition 559  
was taken under division (A) of this section, the deposition or 560  
a part of it is admissible in evidence upon motion of the 561  
prosecution if the testimony in the deposition or the part to be 562  
admitted is not excluded by the hearsay rule and if the 563  
deposition or the part to be admitted otherwise is admissible 564  
under the Rules of Evidence. For purposes of this division, 565  
testimony is not excluded by the hearsay rule if the testimony 566  
is not hearsay under Evidence Rule 801; if the testimony is 567  
within an exception to the hearsay rule set forth in Evidence 568  
Rule 803; if the child victim who gave the testimony is 569  
unavailable as a witness, as defined in Evidence Rule 804, and 570  
the testimony is admissible under that rule; or if both of the 571  
following apply: 572

(a) The child who is charged with the violation or act had 573  
an opportunity and similar motive at the time of the taking of 574  
the deposition to develop the testimony by direct, cross, or 575  
redirect examination. 576

(b) The judge determines that there is reasonable cause to 577  
believe that, if the child victim who gave the testimony in the 578  
deposition were to testify in person at the proceeding, the 579  
child victim would experience serious emotional trauma as a 580  
result of the child victim's participation at the proceeding. 581

(2) Objections to receiving in evidence a deposition or a 582  
part of it under division (B) of this section shall be made as 583

provided in civil actions. 584

(3) The provisions of divisions (A) and (B) of this 585  
section are in addition to any other provisions of the Revised 586  
Code, the Rules of Juvenile Procedure, the Rules of Criminal 587  
Procedure, or the Rules of Evidence that pertain to the taking 588  
or admission of depositions in a juvenile court proceeding and 589  
do not limit the admissibility under any of those other 590  
provisions of any deposition taken under division (A) of this 591  
section or otherwise taken. 592

~~(C)~~ (C) (1) (a) In any proceeding in juvenile court involving 593  
a complaint, indictment, or information in which a child is 594  
charged with a violation listed in division (A) (2) of this 595  
section or an act that would be an offense of violence if 596  
committed by an adult and in which an alleged victim of the 597  
violation or offense was a child who was less than thirteen 598  
years of age when the complaint or information was filed or 599  
indictment was returned, the juvenile judge, upon motion of the 600  
prosecution, the child victim, or the child victim's attorney, 601  
if applicable, ~~may file a motion with the juvenile judge~~ 602  
~~requesting the judge to shall~~ order the testimony of the child 603  
victim to be taken in a room other than the room in which the 604  
proceeding is being conducted and be ~~televised, by closed~~ 605  
~~circuit equipment, broadcast~~ into the room in which the 606  
proceeding is being conducted to be viewed by the child who is 607  
charged with the violation or act and any other persons who are 608  
not permitted in the room in which the testimony is to be taken 609  
but who would have been present during the testimony of the 610  
child victim had it been given in the room in which the 611  
proceeding is being conducted. 612

(b) In any proceeding that is not otherwise eligible for 613

the protections provided for in division (C)(1)(a) of this 614  
section, and in which an alleged victim of the violation was a 615  
child who was less than eighteen years of age when the 616  
complaint, indictment, or information was filed, whichever 617  
occurred earlier, upon motion of the child victim, the child 618  
victim's attorney, if applicable, or the prosecution, and upon a 619  
showing by a preponderance of the evidence that the child will 620  
suffer serious emotional trauma if required to provide live 621  
trial testimony, the juvenile judge shall order that the 622  
testimony of the child victim be taken in a room other than the 623  
room in which the proceeding is being conducted and be broadcast 624  
into the room in which the proceeding is being conducted to be 625  
viewed by the child who is charged with the violation or act and 626  
any other persons who are not permitted in the room in which the 627  
testimony is to be taken but who would have been present during 628  
the testimony of the child victim had it been given in the room 629  
in which the proceeding is being conducted. 630

(2) Except for good cause shown, the prosecution, the 631  
child victim, or the child victim's attorney, if applicable, 632  
shall file a motion under this division at least seven days 633  
before the date of the proceeding. The juvenile judge may issue 634  
the order upon the motion of the prosecution, the child victim, 635  
or the child victim's attorney, if applicable, filed under this 636  
division, if the judge determines that the child victim is 637  
unavailable to testify in the room in which the proceeding is 638  
being conducted in the physical presence of the child charged 639  
with the violation or act, due to one or more of the reasons set 640  
forth in division (E) of this section. If a juvenile judge 641  
issues an order of that nature, the judge shall exclude from the 642  
room in which the testimony is to be taken every person except a 643  
person described in division (A)(3) of this section. The judge, 644

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

~~(D)~~ (D) (1) (a) In any proceeding in juvenile court involving a complaint, indictment, or information in which a child is charged with a violation listed in division (A) (2) of this section or an act that would be an offense of violence if committed by an adult and in which an alleged victim of the violation or offense was a child who was less than thirteen years of age when the complaint or information was filed or the indictment was returned, the juvenile judge, upon motion of the prosecution, the child victim, or the child victim's attorney, if applicable, may file a motion with the juvenile judge requesting the judge to shall order the testimony of the child victim to be taken outside of the room in which the proceeding

is being conducted and be recorded for showing in the room in 676  
which the proceeding is being conducted before the judge, the 677  
child who is charged with the violation or act, and any other 678  
persons who would have been present during the testimony of the 679  
child victim had it been given in the room in which the 680  
proceeding is being conducted. 681

(b) In any proceeding that is not otherwise eligible for 682  
the protections provided for in division (D)(1)(a) of this 683  
section, and in which an alleged victim of the violation was a 684  
child who was less than eighteen years of age when the 685  
complaint, indictment, or information was filed, whichever 686  
occurred earlier, upon motion of the child victim, the child 687  
victim's attorney, if applicable, or the prosecution, and upon a 688  
showing by a preponderance of the evidence that the child will 689  
suffer serious emotional trauma if required to provide live 690  
trial testimony, the juvenile judge shall order that the 691  
testimony of the child victim be taken outside of the room in 692  
which the proceeding is being conducted and be recorded for 693  
showing in the room in which the proceeding is being conducted 694  
before the judge, the child who is charged with the violation or 695  
act, and any other persons who would have been present during 696  
the testimony of the child victim had it been given in the room 697  
in which the proceeding is being conducted. 698

(2) Except for good cause shown, the prosecution, the 699  
child victim, or the child victim's attorney, if applicable, 700  
shall file a motion under this division at least seven days 701  
before the date of the proceeding. The juvenile judge may issue 702  
the order upon the motion of the prosecution, the child victim, 703  
or the child victim's attorney, if applicable, filed under this 704  
division, if the judge determines that the child victim is 705  
unavailable to testify in the room in which the proceeding is 706



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

(E) For purposes of divisions (C) and (D) of this section, 732  
a juvenile judge may order the testimony of a child victim to be 733  
taken outside of the room in which a proceeding is being 734  
conducted if the judge determines that the child victim is 735  
unavailable to testify in the room in the physical presence of 736  
the child charged with the violation or act due to one or more 737

of the following circumstances: 738

(1) The persistent refusal of the child victim to testify 739  
despite judicial requests to do so; 740

(2) The inability of the child victim to communicate about 741  
the alleged violation or offense because of extreme fear, 742  
failure of memory, or another similar reason; 743

(3) The substantial likelihood that the child victim will 744  
suffer serious emotional trauma from so testifying. 745

(F) (1) If a juvenile judge issues an order pursuant to 746  
division (C) or (D) of this section that requires the testimony 747  
of a child victim in a juvenile court proceeding to be taken 748  
outside of the room in which the proceeding is being conducted, 749  
the order shall specifically identify the child victim, in a 750  
manner consistent with section 2930.07 of the Revised Code, to 751  
whose testimony it applies, the order applies only during the 752  
testimony of the specified child victim, and the child victim 753  
giving the testimony shall not be required to testify at the 754  
proceeding other than in accordance with the order. The 755  
authority of a judge to close the taking of a deposition under 756  
division (A) (3) of this section or a proceeding under division 757  
(C) or (D) of this section is in addition to the authority of a 758  
judge to close a hearing pursuant to section 2151.35 of the 759  
Revised Code. 760

(2) A juvenile judge who makes any determination regarding 761  
the admissibility of a deposition under divisions (A) and (B) of 762  
this section, the recording of a deposition under division (A) 763  
(3) of this section, or the taking of testimony outside of the 764  
room in which a proceeding is being conducted under division (C) 765  
or (D) of this section, shall enter the determination and 766

findings on the record in the proceeding. 767

**Sec. 2152.811.** (A) As used in this section: 768

(1) "Developmental disability" has the same meaning as in 769  
section 5123.01 of the Revised Code. 770

(2) "Victim with a developmental disability" includes any 771  
of the following persons: 772

(a) A person with a developmental disability who was a 773  
victim of a violation identified in division (B)(1) of this 774  
section or an act that would be an offense of violence if 775  
committed by an adult; 776

(b) A person with a developmental disability against whom 777  
was directed any conduct that constitutes, or that is an element 778  
of, a violation identified in division (B)(1) of this section or 779  
an act that would be an offense of violence if committed by an 780  
adult. 781

(B)(1)(a) In any proceeding in juvenile court involving a 782  
complaint, indictment, or information in which a child is 783  
charged with a violation of section 2903.16, 2903.34, 2903.341, 784  
2907.02, 2907.03, 2907.05, 2907.21, 2907.23, 2907.24, 2907.32, 785  
2907.321, 2907.322, or 2907.323 of the Revised Code or an act 786  
that would be an offense of violence if committed by an adult 787  
and in which an alleged victim of the violation or act was a 788  
person with a developmental disability, the juvenile judge, upon 789  
motion of the prosecution, victim, or victim's attorney, if 790  
applicable, shall order that the testimony of the victim with a 791  
developmental disability be taken by deposition. The 792  
prosecution, victim, or victim's attorney, if applicable, also 793  
may request that the deposition be recorded in accordance with 794  
division (B)(2) of this section. 795

(b) In any proceeding that is not otherwise eligible for 796  
the protections provided for in division (B)(1)(a) of this 797  
section and in which an alleged victim of the violation or act 798  
was a person with a developmental disability, upon motion of the 799  
prosecution, the victim, or the victim's attorney, if 800  
applicable, and a showing by a preponderance of the evidence 801  
that the victim will suffer serious emotional trauma if required 802  
to provide live trial testimony, the juvenile judge shall order 803  
that the testimony of the victim with a developmental disability 804  
be taken by deposition. The prosecution, the victim, or the 805  
victim's attorney, if applicable, also may request that the 806  
deposition be recorded in accordance with division (B)(2) of 807  
this section. 808

(c) The judge shall notify the victim with a developmental 809  
disability whose deposition is to be taken, the prosecution, the 810  
victim's attorney, if applicable, and the attorney for the child 811  
who is charged with the violation or act of the date, time, and 812  
place for taking the deposition. The notice shall identify the 813  
victim with a developmental disability, in a manner consistent 814  
with section 2930.07 of the Revised Code, who is to be examined 815  
and shall indicate whether a request that the deposition be 816  
recorded has been made. The child who is charged with the 817  
violation or act shall have the right to attend the deposition 818  
and the right to be represented by counsel. Depositions shall be 819  
taken in the manner provided in civil cases, except that the 820  
judge in the proceeding shall preside at the taking of the 821  
deposition and shall rule at that time on any objections of the 822  
prosecution or the attorney for the child charged with the 823  
violation or act. The prosecution and the attorney for the child 824  
charged with the violation or act shall have the right, as at an 825  
adjudication hearing, to full examination and cross-examination 826

of the victim with a developmental disability whose deposition 827  
is to be taken. 828

If a deposition taken under this division is intended to 829  
be offered as evidence in the proceeding, it shall be filed in 830  
the juvenile court in which the action is pending and is 831  
admissible in the manner described in division (C) of this 832  
section. If a deposition of a victim with a developmental 833  
disability taken under this division is admitted as evidence at 834  
the proceeding under division (C) of this section, the victim 835  
with a developmental disability shall not be required to testify 836  
in person at the proceeding. 837

At any time before the conclusion of the proceeding, the 838  
attorney for the child charged with the violation or act may 839  
file a motion with the judge requesting that another deposition 840  
of the victim with a developmental disability be taken because 841  
new evidence material to the defense of the child charged has 842  
been discovered that the attorney for the child charged could 843  
not with reasonable diligence have discovered prior to the 844  
taking of the admitted deposition. Any motion requesting another 845  
deposition shall be accompanied by supporting affidavits. Upon 846  
the filing of the motion and affidavits, the court may order 847  
that additional testimony of the victim with a developmental 848  
disability relative to the new evidence be taken by another 849  
deposition. If the court orders the taking of another deposition 850  
under this provision, the deposition shall be taken in 851  
accordance with this division. If the admitted deposition was a 852  
recorded deposition taken in accordance with division (B) (2) of 853  
this section, the new deposition also shall be recorded in 854  
accordance with that division. In other cases, the new 855  
deposition may be recorded in accordance with that division. 856

(2) If the prosecution, victim, or victim's attorney, if applicable, requests that a deposition to be taken under division (B)(1) of this section be recorded, the juvenile judge shall order that the deposition be recorded in accordance with this division. If a juvenile judge issues an order to record the deposition, 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 attorneys for the prosecution and the child who is charged with the violation or act, the victim's attorney, if applicable, any person needed to operate the equipment to be used, one person chosen by the victim with a developmental disability giving the deposition, the victim's representative, if applicable, and any person whose presence the judge determines would contribute to the welfare and well-being of the victim with a developmental disability giving the deposition. The person chosen by the victim with a developmental disability shall not be a witness in the proceeding and, both before and during the deposition, shall not discuss the testimony of the victim with any other witness in the proceeding. To the extent feasible, any person operating the recording equipment shall be restricted to a room adjacent to the room in which the deposition is being taken, or to a location in the room in which the deposition is being taken that is behind a screen or mirror so that the person operating the recording equipment can see and hear, but cannot be seen or heard by, the victim with a developmental disability giving the deposition during the deposition.

The child who is charged with the violation or act shall be permitted to observe and hear the testimony of the victim with a developmental disability giving the deposition on a

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

(a) The recording is both aural and visual and is recorded on film or videotape, or by other electronic means.	919 920
(b) The recording is authenticated under the Rules of Evidence and the Rules of Criminal Procedure as a fair and accurate representation of what occurred, and the recording is not altered other than at the direction and under the supervision of the judge in the proceeding.	921 922 923 924 925
(c) Each voice on the recording that is material to the testimony on the recording or the making of the recording, as determined by the judge, is identified.	926 927 928
(d) The prosecution, victim, or victim's attorney, if applicable, and the child who is charged with the violation or act are afforded an opportunity to view the recording before it is shown in the proceeding.	929 930 931 932
(C) (1) At any proceeding in relation to which a deposition was taken under division (B) of this section, the deposition or a part of it is admissible in evidence upon motion of the prosecution if the testimony in the deposition or the part to be admitted is not excluded by the hearsay rule and if the deposition or the part to be admitted otherwise is admissible under the Rules of Evidence. For purposes of this division, testimony is not excluded by the hearsay rule if the testimony is not hearsay under Evidence Rule 801; the testimony is within an exception to the hearsay rule set forth in Evidence Rule 803; the victim with a developmental disability who gave the testimony is unavailable as a witness, as defined in Evidence Rule 804, and the testimony is admissible under that rule; or both of the following apply:	933 934 935 936 937 938 939 940 941 942 943 944 945 946
(a) The child who is charged with the violation or act had	947



an opportunity and similar motive at the time of the taking of 948  
the deposition to develop the testimony by direct, cross, or 949  
redirect examination. 950

(b) The judge determines that there is reasonable cause to 951  
believe that, if the victim with a developmental disability who 952  
gave the testimony in the deposition were to testify in person 953  
at the proceeding, the victim with a developmental disability 954  
would experience serious emotional trauma as a result of the 955  
participation of the victim with a developmental disability at 956  
the proceeding. 957

(2) Objections to receiving in evidence a deposition or a 958  
part of it under division (C) of this section shall be made as 959  
provided in civil actions. 960

(3) The provisions of divisions (B) and (C) of this 961  
section are in addition to any other provisions of the Revised 962  
Code, the Rules of Juvenile Procedure, the Rules of Criminal 963  
Procedure, or the Rules of Evidence that pertain to the taking 964  
or admission of depositions in a juvenile court proceeding and 965  
do not limit the admissibility under any of those other 966  
provisions of any deposition taken under division (B) of this 967  
section or otherwise taken. 968

~~(D)~~ (D) (1) (a) In any proceeding in juvenile court involving 969  
a complaint, indictment, or information in which a child is 970  
charged with a violation listed in division (B) (1) of this 971  
section or an act that would be an offense of violence if 972  
committed by an adult and in which an alleged victim of the 973  
violation or offense was a person with a developmental 974  
disability, the juvenile judge, upon motion of the prosecution, 975  
victim, or victim's attorney, ~~if applicable, may file a motion~~ 976  
~~with the juvenile judge requesting the judge to shall~~ order the 977

testimony of the victim with a developmental disability to be 978  
taken in a room other than the room in which the proceeding is 979  
being conducted and be ~~televised, by closed circuit equipment,~~ 980  
broadcast into the room in which the proceeding is being 981  
conducted to be viewed by the child who is charged with the 982  
violation or act and any other persons who are not permitted in 983  
the room in which the testimony is to be taken but who would 984  
have been present during the testimony of the victim with a 985  
developmental disability had it been given in the room in which 986  
the proceeding is being conducted. 987

(b) In any proceeding that is not otherwise eligible for 988  
the protections provided for in division (D) (1) (a) of this 989  
section and in which an alleged victim of the violation or act 990  
was a person with a developmental disability, upon motion of the 991  
prosecution, the victim, or the victim's attorney, if 992  
applicable, and a showing by a preponderance of the evidence 993  
that the victim will suffer serious emotional trauma if required 994  
to provide live trial testimony, the juvenile judge shall order 995  
the testimony be taken in a room other than the room in which 996  
the proceeding is being conducted and be broadcast into the room 997  
in which the proceeding is being conducted to be viewed by the 998  
jury, if applicable, the defendant, and any other persons who 999  
are not permitted in the room in which the testimony is to be 1000  
taken but who would have been present during the testimony of 1001  
the victim with a developmental disability had it been given in 1002  
the room in which the proceeding is being conducted. 1003

(2) Except for good cause shown, the prosecution, victim, 1004  
or victim's attorney, if applicable, shall file a motion under 1005  
this division at least seven days before the date of the 1006  
proceeding. The juvenile judge may issue the order upon the 1007  
motion of the prosecution filed under this division, if the 1008

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

~~(F)~~ (E) (1) (a) In any proceeding in juvenile court involving 1038  
a complaint, indictment, or information in which a child is 1039

charged with a violation listed in division (B)(1) of this 1040  
section or an act that would be an offense of violence if 1041  
committed by an adult and in which an alleged victim of the 1042  
violation or offense was a person with a developmental 1043  
disability, the juvenile judge, upon motion of the prosecution, 1044  
victim, or victim's attorney, if applicable, may file a motion- 1045  
with the juvenile judge requesting the judge to shall order the 1046  
testimony of the victim with a developmental disability to be 1047  
taken outside of the room in which the proceeding is being 1048  
conducted and be recorded for showing in the room in which the 1049  
proceeding is being conducted before the judge, the child who is 1050  
charged with the violation or act, and any other persons who 1051  
would have been present during the testimony of the victim with 1052  
a developmental disability had it been given in the room in 1053  
which the proceeding is being conducted. 1054

(b) In any proceeding that is not otherwise eligible for 1055  
the protections provided for in division (E)(1)(a) of this 1056  
section and in which an alleged victim of the violation or act 1057  
was a person with a developmental disability, upon motion of the 1058  
prosecution, the victim, or the victim's attorney, if 1059  
applicable, and a showing by a preponderance of the evidence 1060  
that the victim will suffer serious emotional trauma if required 1061  
to provide live trial testimony, the juvenile judge shall order 1062  
the testimony be taken outside of the room in which the 1063  
proceeding is being conducted and be recorded for showing in the 1064  
room in which the proceeding is being conducted before the 1065  
judge, the child who is charged with the violation or act, and 1066  
any other persons who would have been present during the 1067  
testimony of the victim with a developmental disability had it 1068  
been given in the room in which the proceeding is being 1069  
conducted. 1070

(2) Except for good cause shown, the prosecution, victim, 1071  
or victim's attorney, if applicable, shall file a motion under 1072  
this division at least seven days before the date of the 1073  
proceeding. The juvenile judge may issue the order upon the 1074  
motion of the prosecution, victim, or victim's attorney, if 1075  
applicable, filed under this division, if the judge determines 1076  
that the victim with a developmental disability is unavailable 1077  
to testify in the room in which the proceeding is being 1078  
conducted in the physical presence of the child charged with the 1079  
violation or act, due to one or more of the reasons set forth in 1080  
division (F) of this section. If a juvenile judge issues an 1081  
order of that nature, the judge shall exclude from the room in 1082  
which the testimony is to be taken every person except a person 1083  
described in division (B) (2) of this section. To the extent 1084  
feasible, any person operating the recording equipment shall be 1085  
hidden from the sight and hearing of the victim with a 1086  
developmental disability giving the testimony, in a manner 1087  
similar to that described in division (B) (2) of this section. 1088  
The child who is charged with the violation or act shall be 1089  
permitted to observe and hear the testimony of the victim with a 1090  
developmental disability giving the testimony on a monitor, 1091  
shall be provided with an electronic means of immediate 1092  
communication with the attorney of the child who is charged with 1093  
the violation or act during the testimony, and shall be 1094  
restricted to a location from which the child who is charged 1095  
with the violation or act cannot be seen or heard by the victim 1096  
with a developmental disability giving the testimony, except on 1097  
a monitor provided for that purpose. The victim with a 1098  
developmental disability giving the testimony shall be provided 1099  
with a monitor on which the victim with a developmental 1100  
disability can observe, while giving testimony, the child who is 1101

charged with the violation or act. No order for the taking of 1102  
testimony by recording shall be issued under this division 1103  
unless the provisions set forth in divisions (B) (2) (a), (b), 1104  
(c), and (d) of this section apply to the recording of the 1105  
testimony. 1106

(F) For purposes of divisions (D) and (E) of this section, 1107  
a juvenile judge may order the testimony of a victim with a 1108  
developmental disability to be taken outside of the room in 1109  
which a proceeding is being conducted if the judge determines 1110  
that the victim with a developmental disability is unavailable 1111  
to testify in the room in the physical presence of the child 1112  
charged with the violation or act due to one or more of the 1113  
following circumstances: 1114

(1) The persistent refusal of the victim with a 1115  
developmental disability to testify despite judicial requests to 1116  
do so; 1117

(2) The inability of the victim with a developmental 1118  
disability to communicate about the alleged violation or offense 1119  
because of extreme fear, failure of memory, or another similar 1120  
reason; 1121

(3) The substantial likelihood that the victim with a 1122  
developmental disability will suffer serious emotional trauma 1123  
from so testifying. 1124

(G) (1) If a juvenile judge issues an order pursuant to 1125  
division (D) or (E) of this section that requires the testimony 1126  
of a victim with a developmental disability in a juvenile court 1127  
proceeding to be taken outside of the room in which the 1128  
proceeding is being conducted, the order shall specifically 1129  
identify the victim with a developmental disability, in a manner 1130

consistent with section 2930.07 of the Revised Code, to whose 1131  
testimony it applies, the order applies only during the 1132  
testimony of the specified victim with a developmental 1133  
disability, and the victim with a developmental disability 1134  
giving the testimony shall not be required to testify at the 1135  
proceeding other than in accordance with the order. The 1136  
authority of a judge to close the taking of a deposition under 1137  
division (B) (2) of this section or a proceeding under division 1138  
(D) or (E) of this section is in addition to the authority of a 1139  
judge to close a hearing pursuant to section 2151.35 of the 1140  
Revised Code. 1141

(2) A juvenile judge who makes any determination regarding 1142  
the admissibility of a deposition under divisions (B) and (C) of 1143  
this section, the recording of a deposition under division (B) 1144  
(2) of this section, or the taking of testimony outside of the 1145  
room in which a proceeding is being conducted under division (D) 1146  
or (E) of this section shall enter the determination and 1147  
findings on the record in the proceeding." 1148

After line 139, insert: 1149

**"Sec. 2743.71.** (A) Any law enforcement agency that 1150  
investigates, and any prosecuting attorney, city director of 1151  
law, village solicitor, or similar prosecuting authority who 1152  
prosecutes, an offense committed in this state shall, upon first 1153  
contact with the victim, as defined in division (L) (1) of 1154  
section 2743.51 of the Revised Code, or the victim's family or 1155  
dependents, give the victim or the victim's family or dependents 1156  
a copy of an information card or other printed material provided 1157  
by the attorney general pursuant to division (B) of this section 1158  
and explain, upon request, the information on the card or 1159  
material to the victim or the victim's family or dependents. 1160

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

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

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

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

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

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

(D) During any fiscal year, the total expenditure for the



printing and providing of information cards or other materials 1190  
pursuant to division (B) of this section and for the publicizing 1191  
of the availability of awards of reparations pursuant to 1192  
division (C) of this section shall not exceed two per cent of 1193  
the total of all court costs deposited, in accordance with 1194  
section 2743.70 of the Revised Code, in the reparations fund 1195  
during the immediately preceding fiscal year. 1196

(E) The information cards or other materials provided 1197  
pursuant to division (B) of this section may be provided with 1198  
the compilation prepared pursuant to division (A) of section 1199  
109.42 of the Revised Code. 1200

**Sec. 2903.213.** (A) Except when the complaint or 1201  
indictment involves a person who is a family or household member 1202  
as defined in section 2919.25 of the Revised Code, upon the 1203  
filing of a complaint or indictment that alleges a violation of 1204  
section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, 1205  
or 2911.211 of the Revised Code, a violation of a municipal 1206  
ordinance substantially similar to section 2903.13, 2903.21, 1207  
2903.211, 2903.22, or 2911.211 of the Revised Code, or the 1208  
commission of a sexually oriented offense, the complainant, the 1209  
prosecutor, the alleged victim, or a family or household member 1210  
of an alleged victim may file a motion that requests the 1211  
issuance of a protection order as a pretrial condition of 1212  
release of the alleged offender, in addition to any bail set 1213  
under Criminal Rule 46. The motion shall be filed with the clerk 1214  
of the court that has jurisdiction of the case at any time after 1215  
the filing of the complaint or indictment. If the complaint or 1216  
indictment involves a person who is a family or household 1217  
member, the complainant, the alleged victim, or the family or 1218  
household member may file a motion for a temporary protection 1219  
order pursuant to section 2919.26 of the Revised Code. 1220

(B) A motion for a protection order under this section 1221  
shall be prepared on a form that is provided by the clerk of the 1222  
court, and the form shall be substantially as follows: 1223

"Motion for Protection Order 1224

\_\_\_\_\_ 1225

Name and address of court 1226

State of Ohio 1227

v. No. \_\_\_\_\_ 1228

\_\_\_\_\_ 1229

Name of Defendant 1230

(Name of person), moves the court to issue a protection order 1231  
containing terms designed to ensure the safety and protection of 1232  
the complainant or the alleged victim in the above-captioned 1233  
case, in relation to the named defendant, pursuant to its 1234  
authority to issue a protection order under section 2903.213 of 1235  
the Revised Code. 1236

A complaint or indictment, a copy of which has been 1237  
attached to this motion, has been filed in this court charging 1238  
the named defendant with a violation of section 2903.11, 1239  
2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 1240  
Revised Code, a violation of a municipal ordinance substantially 1241  
similar to section 2903.13, 2903.21, 2903.211, 2903.22, or 1242  
2911.211 of the Revised Code, or the commission of a sexually 1243  
oriented offense. 1244

I understand that I must appear before the court, at a 1245  
time set by the court not later than the next day that the court 1246  
is in session after the filing of this motion, for a hearing on 1247

the motion, and that any protection order granted pursuant to 1248  
this motion is a pretrial condition of release and is effective 1249  
only until the disposition of the criminal proceeding arising 1250  
out of the attached complaint or indictment or until the 1251  
issuance under section 2903.214 of the Revised Code of a 1252  
protection order arising out of the same activities as those 1253  
that were the basis of the attached complaint or indictment. 1254

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Signature of person 1255  
1256

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Address of person" 1257  
1258

(C) (1) As soon as possible after the filing of a motion 1259  
that requests the issuance of a protection order under this 1260  
section, but not later than the next day that the court is in 1261  
session after the filing of the motion, the court shall conduct 1262  
a hearing to determine whether to issue the order. The person 1263  
who requested the order shall appear before the court and 1264  
provide the court with the information that it requests 1265  
concerning the basis of the motion. If the court finds that the 1266  
safety and protection of the complainant or the alleged victim 1267  
may be impaired by the continued presence of the alleged 1268  
offender, the court may issue a protection order under this 1269  
section, as a pretrial condition of release, that contains terms 1270  
designed to ensure the safety and protection of the complainant 1271  
or the alleged victim, including a requirement that the alleged 1272  
offender refrain from entering the residence, school, business, 1273  
or place of employment of the complainant or the alleged victim. 1274  
The court may include within a protection order issued under 1275  
this section a term requiring that the alleged offender not 1276

remove, damage, hide, harm, or dispose of any companion animal 1277  
owned or possessed by the complainant or the alleged victim, and 1278  
may include within the order a term authorizing the complainant 1279  
or the alleged victim to remove a companion animal owned by the 1280  
complainant or the alleged victim from the possession of the 1281  
alleged offender. 1282

(2) (a) If the court issues a protection order under this 1283  
section that includes a requirement that the alleged offender 1284  
refrain from entering the residence, school, business, or place 1285  
of employment of the complainant or the alleged victim, the 1286  
order shall clearly state that the order cannot be waived or 1287  
nullified by an invitation to the alleged offender from the 1288  
complainant, the alleged victim, or a family or household member 1289  
to enter the residence, school, business, or place of employment 1290  
or by the alleged offender's entry into one of those places 1291  
otherwise upon the consent of the complainant, the alleged 1292  
victim, or a family or household member. 1293

(b) Division (C) (2) (a) of this section does not limit any 1294  
discretion of a court to determine that an alleged offender 1295  
charged with a violation of section 2919.27 of the Revised Code, 1296  
with a violation of a municipal ordinance substantially 1297  
equivalent to that section, or with contempt of court, which 1298  
charge is based on an alleged violation of a protection order 1299  
issued under this section, did not commit the violation or was 1300  
not in contempt of court. 1301

(D) (1) Except when the complaint or indictment involves a 1302  
person who is a family or household member as defined in section 1303  
2919.25 of the Revised Code, upon the filing of a complaint or 1304  
indictment that alleges a violation specified in division (A) of 1305  
this section, the court, upon its own motion, may issue a 1306

protection order under this section as a pretrial condition of 1307  
release of the alleged offender if it finds that the safety and 1308  
protection of the complainant or the alleged victim may be 1309  
impaired by the continued presence of the alleged offender. 1310

(2) If the court issues a protection order under this 1311  
section as an ex parte order, it shall conduct, as soon as 1312  
possible after the issuance of the order but not later than the 1313  
next day that the court is in session after its issuance, a 1314  
hearing to determine whether the order should remain in effect, 1315  
be modified, or be revoked. The hearing shall be conducted under 1316  
the standards set forth in division (C) of this section. 1317

(3) If a municipal court or a county court issues a 1318  
protection order under this section and if, subsequent to the 1319  
issuance of the order, the alleged offender who is the subject 1320  
of the order is bound over to the court of common pleas for 1321  
prosecution of a felony arising out of the same activities as 1322  
those that were the basis of the complaint upon which the order 1323  
is based, notwithstanding the fact that the order was issued by 1324  
a municipal court or county court, the order shall remain in 1325  
effect, as though it were an order of the court of common pleas, 1326  
while the charges against the alleged offender are pending in 1327  
the court of common pleas, for the period of time described in 1328  
division (E)(2) of this section, and the court of common pleas 1329  
has exclusive jurisdiction to modify the order issued by the 1330  
municipal court or county court. This division applies when the 1331  
alleged offender is bound over to the court of common pleas as a 1332  
result of the person waiving a preliminary hearing on the felony 1333  
charge, as a result of the municipal court or county court 1334  
having determined at a preliminary hearing that there is 1335  
probable cause to believe that the felony has been committed and 1336  
that the alleged offender committed it, as a result of the 1337

alleged offender having been indicted for the felony, or in any other manner. 1338  
1339

(E) A protection order that is issued as a pretrial condition of release under this section: 1340  
1341

(1) Is in addition to, but shall not be construed as a part of, any bail set under Criminal Rule 46; 1342  
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(2) Is effective only until the disposition, by the court that issued the order or, in the circumstances described in division (D)(3) of this section, by the court of common pleas to which the alleged offender is bound over for prosecution, of the criminal proceeding arising out of the complaint or indictment upon which the order is based or until the issuance under section 2903.214 of the Revised Code of a protection order arising out of the same activities as those that were the basis of the complaint or indictment filed under this section; 1344  
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(3) Shall not be construed as a finding that the alleged offender committed the alleged offense and shall not be introduced as evidence of the commission of the offense at the trial of the alleged offender on the complaint or indictment upon which the order is based. 1353  
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(F) A person who meets the criteria for bail under Criminal Rule 46 and who, if required to do so pursuant to that rule, executes or posts bond or deposits cash or securities as bail, shall not be held in custody pending a hearing before the court on a motion requesting a protection order under this section. 1358  
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(G) (1) A copy of a protection order that is issued under this section shall be issued by the court to the complainant, to the alleged victim, to the person who requested the order, to 1364  
1365  
1366

the defendant, and to all law enforcement agencies that have 1367  
jurisdiction to enforce the order. The court shall direct that a 1368  
copy of the order be delivered to the defendant on the same day 1369  
that the order is entered. If a municipal court or a county 1370  
court issues a protection order under this section and if, 1371  
subsequent to the issuance of the order, the defendant who is 1372  
the subject of the order is bound over to the court of common 1373  
pleas for prosecution as described in division (D) (3) of this 1374  
section, the municipal court or county court shall direct that a 1375  
copy of the order be delivered to the court of common pleas to 1376  
which the defendant is bound over. 1377

(2) All law enforcement agencies shall establish and 1378  
maintain an index for the protection orders delivered to the 1379  
agencies pursuant to division (G) (1) of this section. With 1380  
respect to each order delivered, each agency shall note on the 1381  
index the date and time of the agency's receipt of the order. 1382

(3) Regardless of whether the petitioner has registered 1383  
the protection order in the county in which the officer's agency 1384  
has jurisdiction, any officer of a law enforcement agency shall 1385  
enforce a protection order issued pursuant to this section in 1386  
accordance with the provisions of the order. 1387

(H) Upon a violation of a protection order issued pursuant 1388  
to this section, the court may issue another protection order 1389  
under this section, as a pretrial condition of release, that 1390  
modifies the terms of the order that was violated. 1391

(I) (1) Subject to division (I) (2) of this section and 1392  
regardless of whether a protection order is issued or a consent 1393  
agreement is approved by a court of another county or by a court 1394  
of another state, no court or unit of state or local government 1395  
shall charge the movant any fee, cost, deposit, or money in 1396

connection with the filing of a motion pursuant to this section, 1397  
in connection with the filing, issuance, registration, 1398  
modification, enforcement, dismissal, withdrawal, or service of 1399  
a protection order, consent agreement, or witness subpoena or 1400  
for obtaining certified copies of a protection order or consent 1401  
agreement. 1402

(2) Regardless of whether a protection order is issued or 1403  
a consent agreement is approved pursuant to this section, if the 1404  
defendant is convicted the court may assess costs against the 1405  
defendant in connection with the filing, issuance, registration, 1406  
modification, enforcement, dismissal, withdrawal, or service of 1407  
a protection order, consent agreement, or witness subpoena or 1408  
for obtaining a certified copy of a protection order or consent 1409  
agreement. 1410

(J) At the time of termination of a protection order 1411  
issued under this section, the court shall inform all law 1412  
enforcement agencies that have jurisdiction to enforce the order 1413  
that the order is no longer effective. 1414

(K) As used in this section: 1415

(1) "Sexually oriented offense" has the same meaning as in 1416  
section 2950.01 of the Revised Code. 1417

(2) "Companion animal" has the same meaning as in section 1418  
959.131 of the Revised Code. 1419

**Sec. 2919.26.** (A) (1) Upon the filing of a complaint or 1420  
indictment that alleges a violation of section 2909.06, 2909.07, 1421  
2911.12, or 2911.211 of the Revised Code if the alleged victim 1422  
of the violation was a family or household member at the time of 1423  
the violation, a violation of a municipal ordinance that is 1424  
substantially similar to any of those sections if the alleged 1425



victim of the violation was a family or household member at the 1426  
time of the violation, any offense of violence if the alleged 1427  
victim of the offense was a family or household member at the 1428  
time of the commission of the offense, or any sexually oriented 1429  
offense if the alleged victim of the offense was a family or 1430  
household member at the time of the commission of the offense, 1431  
the complainant, the alleged victim, or a family or household 1432  
member of an alleged victim may file, or, if in an emergency the 1433  
alleged victim is unable to file, a person who made an arrest 1434  
for the alleged violation or offense under section 2935.03 of 1435  
the Revised Code may file on behalf of the alleged victim, a 1436  
motion that requests the issuance of a temporary protection 1437  
order as a pretrial condition of release of the alleged 1438  
offender, in addition to any bail set under Criminal Rule 46. 1439  
The motion shall be filed with the clerk of the court that has 1440  
jurisdiction of the case at any time after the filing of the 1441  
complaint or indictment. 1442

(2) For purposes of section 2930.09 of the Revised Code, 1443  
all stages of a proceeding arising out of a complaint or 1444  
indictment alleging the commission of a violation, offense of 1445  
violence, or sexually oriented offense described in division (A) 1446  
(1) of this section, including all proceedings on a motion for a 1447  
temporary protection order, are critical stages of the case, and 1448  
a victim may be accompanied by a victim advocate or another 1449  
person to provide support to the victim as provided in that 1450  
section. 1451

(B) The motion shall be prepared on a form that is 1452  
provided by the clerk of the court, which form shall be 1453  
substantially as follows: 1454

"MOTION FOR TEMPORARY PROTECTION ORDER 1455

_____ Court	1456
Name and address of court	1457
State of Ohio	1458
v. _____	1459
_____	1460
Name of Defendant	1461
(name of person), moves the court to issue a temporary	1462
protection order containing terms designed to ensure the safety	1463
and protection of the complainant, alleged victim, and other	1464
family or household members, in relation to the named defendant,	1465
pursuant to its authority to issue such an order under section	1466
2919.26 of the Revised Code.	1467
A complaint <u>or indictment</u> , a copy of which has been	1468
attached to this motion, has been filed in this court charging	1469
the named defendant with _____ (name of the	1470
specified violation, the offense of violence, or sexually	1471
oriented offense charged) in circumstances in which the victim	1472
was a family or household member in violation of (section of the	1473
Revised Code designating the specified violation, offense of	1474
violence, or sexually oriented offense charged), or charging the	1475
named defendant with a violation of a municipal ordinance that	1476
is substantially similar to _____ (section of	1477
the Revised Code designating the specified violation, offense of	1478
violence, or sexually oriented offense charged) involving a	1479
family or household member.	1480
I understand that I must appear before the court, at a	1481
time set by the court within twenty-four hours after the filing	1482
of this motion, for a hearing on the motion or that, if I am	1483

unable to appear because of hospitalization or a medical 1484  
condition resulting from the offense alleged in the complaint or 1485  
indictment, a person who can provide information about my need 1486  
for a temporary protection order must appear before the court in 1487  
lieu of my appearing in court. I understand that any temporary 1488  
protection order granted pursuant to this motion is a pretrial 1489  
condition of release and is effective only until the disposition 1490  
of the criminal proceeding arising out of the attached complaint 1491  
or indictment, or the issuance of a civil protection order or 1492  
the approval of a consent agreement, arising out of the same 1493  
activities as those that were the basis of the complaint or 1494  
indictment, under section 3113.31 of the Revised Code. 1495

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1496

Signature of person 1497

(or signature of the arresting officer who filed the motion on 1498

behalf of the alleged victim) 1499

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1500

Address of person (or office address of the arresting officer 1501

who filed the motion on behalf of the alleged victim)" 1502

(C) (1) As soon as possible after the filing of a motion 1503

that requests the issuance of a temporary protection order, but 1504

not later than twenty-four hours after the filing of the motion, 1505

the court shall conduct a hearing to determine whether to issue 1506

the order. The person who requested the order shall appear 1507

before the court and provide the court with the information that 1508

it requests concerning the basis of the motion. If the person 1509

who requested the order is unable to appear and if the court 1510

finds that the failure to appear is because of the person's 1511

hospitalization or medical condition resulting from the offense 1512

alleged in the complaint or indictment, another person who is 1513  
able to provide the court with the information it requests may 1514  
appear in lieu of the person who requested the order. If the 1515  
court finds that the safety and protection of the complainant, 1516  
alleged victim, or any other family or household member of the 1517  
alleged victim may be impaired by the continued presence of the 1518  
alleged offender, the court may issue a temporary protection 1519  
order, as a pretrial condition of release, that contains terms 1520  
designed to ensure the safety and protection of the complainant, 1521  
alleged victim, or the family or household member, including a 1522  
requirement that the alleged offender refrain from entering the 1523  
residence, school, business, or place of employment of the 1524  
complainant, alleged victim, or the family or household member. 1525  
The court may include within a protection order issued under 1526  
this section a term requiring that the alleged offender not 1527  
remove, damage, hide, harm, or dispose of any companion animal 1528  
owned or possessed by the complainant, alleged victim, or any 1529  
other family or household member of the alleged victim, and may 1530  
include within the order a term authorizing the complainant, 1531  
alleged victim, or other family or household member of the 1532  
alleged victim to remove a companion animal owned by the 1533  
complainant, alleged victim, or other family or household member 1534  
from the possession of the alleged offender. 1535

(2) (a) If the court issues a temporary protection order 1536  
that includes a requirement that the alleged offender refrain 1537  
from entering the residence, school, business, or place of 1538  
employment of the complainant, the alleged victim, or the family 1539  
or household member, the order shall state clearly that the 1540  
order cannot be waived or nullified by an invitation to the 1541  
alleged offender from the complainant, alleged victim, or family 1542  
or household member to enter the residence, school, business, or 1543

place of employment or by the alleged offender's entry into one 1544  
of those places otherwise upon the consent of the complainant, 1545  
alleged victim, or family or household member. 1546

(b) Division (C) (2) (a) of this section does not limit any 1547  
discretion of a court to determine that an alleged offender 1548  
charged with a violation of section 2919.27 of the Revised Code, 1549  
with a violation of a municipal ordinance substantially 1550  
equivalent to that section, or with contempt of court, which 1551  
charge is based on an alleged violation of a temporary 1552  
protection order issued under this section, did not commit the 1553  
violation or was not in contempt of court. 1554

(D) (1) Upon the filing of a complaint or indictment that 1555  
alleges a violation of section 2909.06, 2909.07, 2911.12, or 1556  
2911.211 of the Revised Code if the alleged victim of the 1557  
violation was a family or household member at the time of the 1558  
violation, a violation of a municipal ordinance that is 1559  
substantially similar to any of those sections if the alleged 1560  
victim of the violation was a family or household member at the 1561  
time of the violation, any offense of violence if the alleged 1562  
victim of the offense was a family or household member at the 1563  
time of the commission of the offense, or any sexually oriented 1564  
offense if the alleged victim of the offense was a family or 1565  
household member at the time of the commission of the offense, 1566  
the court, upon its own motion, may issue a temporary protection 1567  
order as a pretrial condition of release if it finds that the 1568  
safety and protection of the complainant, alleged victim, or 1569  
other family or household member of the alleged offender may be 1570  
impaired by the continued presence of the alleged offender. 1571

(2) If the court issues a temporary protection order under 1572  
this section as an ex parte order, it shall conduct, as soon as 1573

possible after the issuance of the order, a hearing in the 1574  
presence of the alleged offender not later than the next day on 1575  
which the court is scheduled to conduct business after the day 1576  
on which the alleged offender was arrested or at the time of the 1577  
appearance of the alleged offender pursuant to summons to 1578  
determine whether the order should remain in effect, be 1579  
modified, or be revoked. The hearing shall be conducted under 1580  
the standards set forth in division (C) of this section. 1581

(3) An order issued under this section shall contain only 1582  
those terms authorized in orders issued under division (C) of 1583  
this section. 1584

(4) If a municipal court or a county court issues a 1585  
temporary protection order under this section and if, subsequent 1586  
to the issuance of the order, the alleged offender who is the 1587  
subject of the order is bound over to the court of common pleas 1588  
for prosecution of a felony arising out of the same activities 1589  
as those that were the basis of the complaint upon which the 1590  
order is based, notwithstanding the fact that the order was 1591  
issued by a municipal court or county court, the order shall 1592  
remain in effect, as though it were an order of the court of 1593  
common pleas, while the charges against the alleged offender are 1594  
pending in the court of common pleas, for the period of time 1595  
described in division (E)(2) of this section, and the court of 1596  
common pleas has exclusive jurisdiction to modify the order 1597  
issued by the municipal court or county court. This division 1598  
applies when the alleged offender is bound over to the court of 1599  
common pleas as a result of the person waiving a preliminary 1600  
hearing on the felony charge, as a result of the municipal court 1601  
or county court having determined at a preliminary hearing that 1602  
there is probable cause to believe that the felony has been 1603  
committed and that the alleged offender committed it, as a 1604

result of the alleged offender having been indicted for the 1605  
felony, or in any other manner. 1606

(E) A temporary protection order that is issued as a 1607  
pretrial condition of release under this section: 1608

(1) Is in addition to, but shall not be construed as a 1609  
part of, any bail set under Criminal Rule 46; 1610

(2) Is effective only until the occurrence of either of 1611  
the following: 1612

(a) The disposition, by the court that issued the order 1613  
or, in the circumstances described in division (D)(4) of this 1614  
section, by the court of common pleas to which the alleged 1615  
offender is bound over for prosecution, of the criminal 1616  
proceeding arising out of the complaint or indictment upon which 1617  
the order is based; 1618

(b) The issuance of a protection order or the approval of 1619  
a consent agreement, arising out of the same activities as those 1620  
that were the basis of the complaint or indictment upon which 1621  
the order is based, under section 3113.31 of the Revised Code. 1622

(3) Shall not be construed as a finding that the alleged 1623  
offender committed the alleged offense, and shall not be 1624  
introduced as evidence of the commission of the offense at the 1625  
trial of the alleged offender on the complaint or indictment 1626  
upon which the order is based. 1627

(F) A person who meets the criteria for bail under 1628  
Criminal Rule 46 and who, if required to do so pursuant to that 1629  
rule, executes or posts bond or deposits cash or securities as 1630  
bail, shall not be held in custody pending a hearing before the 1631  
court on a motion requesting a temporary protection order. 1632

(G) (1) A copy of any temporary protection order that is 1633  
issued under this section shall be issued by the court to the 1634  
complainant, to the alleged victim, to the person who requested 1635  
the order, to the defendant, and to all law enforcement agencies 1636  
that have jurisdiction to enforce the order. The court shall 1637  
direct that a copy of the order be delivered to the defendant on 1638  
the same day that the order is entered. If a municipal court or 1639  
a county court issues a temporary protection order under this 1640  
section and if, subsequent to the issuance of the order, the 1641  
defendant who is the subject of the order is bound over to the 1642  
court of common pleas for prosecution as described in division 1643  
(D) (4) of this section, the municipal court or county court 1644  
shall direct that a copy of the order be delivered to the court 1645  
of common pleas to which the defendant is bound over. 1646

(2) Upon the issuance of a protection order under this 1647  
section, the court shall provide the parties to the order with 1648  
the following notice orally or by form: 1649

"NOTICE 1650

As a result of this protection order, it may be unlawful 1651  
for you to possess or purchase a firearm, including a rifle, 1652  
pistol, or revolver, or ammunition pursuant to federal law under 1653  
18 U.S.C. 922(g) (8) for the duration of this order. If you have 1654  
any questions whether this law makes it illegal for you to 1655  
possess or purchase a firearm or ammunition, you should consult 1656  
an attorney." 1657

(3) All law enforcement agencies shall establish and 1658  
maintain an index for the temporary protection orders delivered 1659  
to the agencies pursuant to division (G) (1) of this section. 1660  
With respect to each order delivered, each agency shall note on 1661  
the index, the date and time of the receipt of the order by the 1662



agency. 1663

(4) A complainant, alleged victim, or other person who 1664  
obtains a temporary protection order under this section may 1665  
provide notice of the issuance of the temporary protection order 1666  
to the judicial and law enforcement officials in any county 1667  
other than the county in which the order is issued by 1668  
registering that order in the other county in accordance with 1669  
division (N) of section 3113.31 of the Revised Code and filing a 1670  
copy of the registered protection order with a law enforcement 1671  
agency in the other county in accordance with that division. 1672

(5) Any officer of a law enforcement agency shall enforce 1673  
a temporary protection order issued by any court in this state 1674  
in accordance with the provisions of the order, including 1675  
removing the defendant from the premises, regardless of whether 1676  
the order is registered in the county in which the officer's 1677  
agency has jurisdiction as authorized by division (G) (4) of this 1678  
section. 1679

(H) Upon a violation of a temporary protection order, the 1680  
court may issue another temporary protection order, as a 1681  
pretrial condition of release, that modifies the terms of the 1682  
order that was violated. 1683

(I) (1) As used in divisions (I) (1) and (2) of this 1684  
section, "defendant" means a person who is alleged in a 1685  
complaint\_or indictment to have committed a violation, offense 1686  
of violence, or sexually oriented offense of the type described 1687  
in division (A) of this section. 1688

(2) If a complaint\_or indictment is filed that alleges 1689  
that a person committed a violation, offense of violence, or 1690  
sexually oriented offense of the type described in division (A) 1691

of this section, the court may not issue a temporary protection order under this section that requires the complainant, the alleged victim, or another family or household member of the defendant to do or refrain from doing an act that the court may require the defendant to do or refrain from doing under a temporary protection order unless both of the following apply:

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

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

(J) (1) Subject to division (J) (2) of this section and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or a court of another state, no court or unit of state or local government shall charge the movant any fee, cost, deposit, or money in

connection with the filing of a motion pursuant to this section, 1722  
in connection with the filing, issuance, registration, 1723  
modification, enforcement, dismissal, withdrawal, or service of 1724  
a protection order, consent agreement, or witness subpoena or 1725  
for obtaining a certified copy of a protection order or consent 1726  
agreement. 1727

(2) Regardless of whether a protection order is issued or 1728  
a consent agreement is approved pursuant to this section, if the 1729  
defendant is convicted the court may assess costs against the 1730  
defendant in connection with the filing, issuance, registration, 1731  
modification, enforcement, dismissal, withdrawal, or service of 1732  
a protection order, consent agreement, or witness subpoena or 1733  
for obtaining a certified copy of a protection order or consent 1734  
agreement. 1735

(K) As used in this section: 1736

(1) "Companion animal" has the same meaning as in section 1737  
959.131 of the Revised Code. 1738

(2) "Sexually oriented offense" has the same meaning as in 1739  
section 2950.01 of the Revised Code. 1740

(3) "Victim advocate" means a person who provides support 1741  
and assistance for a victim of an offense during court 1742  
proceedings. 1743

**Sec. 2929.28.** (A) In addition to imposing court costs 1744  
pursuant to section 2947.23 of the Revised Code, the court 1745  
imposing a sentence upon an offender for a misdemeanor, 1746  
including a minor misdemeanor, may sentence the offender to any 1747  
financial sanction or combination of financial sanctions 1748  
authorized under this section and, if the offender is being 1749  
sentenced for a criminal offense as defined in section 2930.01 1750

of the Revised Code, shall sentence the offender to make 1751  
restitution pursuant to this section and section 2929.281 of the 1752  
Revised Code. If the court, in its discretion or as required by 1753  
this section, imposes one or more financial sanctions, the 1754  
financial sanctions that may be imposed pursuant to this section 1755  
include, but are not limited to, the following: 1756

(1) Unless the misdemeanor offense could be disposed of by 1757  
the traffic violations bureau serving the court under Traffic 1758  
Rule 13, restitution by the offender to the victim of the 1759  
offender's crime or the victim's estate, in an amount based on 1760  
the victim's economic loss. The court may not impose restitution 1761  
as a sanction pursuant to this division if the offense could be 1762  
disposed of by the traffic violations bureau serving the court 1763  
under Traffic Rule 13. If the court requires restitution, the 1764  
court shall order that the restitution be made to the victim in 1765  
open court or to the adult probation department that serves the 1766  
jurisdiction or the clerk of the court on behalf of the victim. 1767

The court shall determine the amount of restitution to be 1768  
paid by the offender. The victim, victim's representative, 1769  
victim's attorney, if applicable, the prosecutor or the 1770  
prosecutor's designee, and the offender may provide information 1771  
relevant to the determination of the amount of restitution. The 1772  
amount the court orders as restitution shall not exceed the 1773  
amount of the economic loss suffered by the victim as a direct 1774  
and proximate result of the commission of the offense. If the 1775  
court imposes restitution for the cost of accounting or auditing 1776  
done to determine the extent of economic loss, the court may 1777  
order restitution for any amount of the victim's costs of 1778  
accounting or auditing provided that the amount of restitution 1779  
is reasonable and does not exceed the value of property or 1780  
services stolen or damaged as a result of the offense. If the 1781

court decides to or is required to impose restitution, the court 1782  
shall hold an evidentiary hearing on restitution if the 1783  
offender, victim, victim's representative, victim's attorney, if 1784  
applicable, or victim's estate disputes the amount of 1785  
restitution. The court shall determine the amount of full 1786  
restitution by a preponderance of the evidence. 1787

All restitution payments shall be credited against any 1788  
recovery of economic loss in a civil action brought by the 1789  
victim or the victim's estate against the offender. No person 1790  
may introduce evidence of an award of restitution under this 1791  
section in a civil action for purposes of imposing liability 1792  
against an insurer under section 3937.18 of the Revised Code. 1793

The court may order that the offender pay a surcharge, of 1794  
not more than five per cent of the amount of the restitution 1795  
otherwise ordered, to the entity responsible for collecting and 1796  
processing restitution payments. 1797

The victim, victim's attorney, if applicable, or the 1798  
attorney for the victim's estate may request that the prosecutor 1799  
in the case file a motion, or the offender may file a motion, 1800  
for modification of the payment terms of any restitution 1801  
ordered. If the court grants the motion, it may modify the 1802  
payment terms as it determines appropriate but shall not reduce 1803  
the amount of restitution ordered, except as provided in 1804  
division (A) of section 2929.281 of the Revised Code. 1805

(2) A fine of the type described in divisions (A) (2) (a) 1806  
and (b) of this section payable to the appropriate entity as 1807  
required by law: 1808

(a) A fine in the following amount: 1809

(i) For a misdemeanor of the first degree, not more than 1810

one thousand dollars;	1811
(ii) For a misdemeanor of the second degree, not more than seven hundred fifty dollars;	1812 1813
(iii) For a misdemeanor of the third degree, not more than five hundred dollars;	1814 1815
(iv) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars;	1816 1817
(v) For a minor misdemeanor, not more than one hundred fifty dollars.	1818 1819
(b) A state fine or cost as defined in section 2949.111 of the Revised Code.	1820 1821
(3) (a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:	1822 1823 1824
(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code and the costs of global positioning system device monitoring;	1825 1826 1827 1828
(ii) All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined;	1829 1830 1831 1832 1833
(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.	1834 1835 1836 1837 1838

(b) The amount of reimbursement ordered under division (A) 1839  
(3) (a) of this section shall not exceed the total amount of 1840  
reimbursement the offender is able to pay and shall not exceed 1841  
the actual cost of the sanctions. The court may collect any 1842  
amount of reimbursement the offender is required to pay under 1843  
that division. If the court does not order reimbursement under 1844  
that division, confinement costs may be assessed pursuant to a 1845  
repayment policy adopted under section 2929.37 of the Revised 1846  
Code. In addition, the offender may be required to pay the fees 1847  
specified in section 2929.38 of the Revised Code in accordance 1848  
with that section. 1849

(B) If the court determines a hearing is necessary, the 1850  
court may hold a hearing to determine whether the offender is 1851  
able to pay the financial sanction imposed pursuant to this 1852  
section or court costs or is likely in the future to be able to 1853  
pay the sanction or costs. 1854

If the court determines that the offender is indigent and 1855  
unable to pay the financial sanction or court costs, the court 1856  
shall consider imposing and may impose a term of community 1857  
service under division (A) of section 2929.27 of the Revised 1858  
Code in lieu of imposing a financial sanction or court costs. If 1859  
the court does not determine that the offender is indigent, the 1860  
court may impose a term of community service under division (A) 1861  
of section 2929.27 of the Revised Code in lieu of or in addition 1862  
to imposing a financial sanction under this section and in 1863  
addition to imposing court costs. The court may order community 1864  
service for a minor misdemeanor pursuant to division (D) of 1865  
section 2929.27 of the Revised Code in lieu of or in addition to 1866  
imposing a financial sanction under this section and in addition 1867  
to imposing court costs. If a person fails to pay a financial 1868  
sanction or court costs, the court may order community service 1869

in lieu of the financial sanction or court costs. 1870

(C) (1) The offender shall pay reimbursements imposed upon 1871  
the offender pursuant to division (A) (3) of this section to pay 1872  
the costs incurred by a county pursuant to any sanction imposed 1873  
under this section or section 2929.26 or 2929.27 of the Revised 1874  
Code or in operating a facility used to confine offenders 1875  
pursuant to a sanction imposed under section 2929.26 of the 1876  
Revised Code to the county treasurer. The county treasurer shall 1877  
deposit the reimbursements in the county's general fund. The 1878  
county shall use the amounts deposited in the fund to pay the 1879  
costs incurred by the county pursuant to any sanction imposed 1880  
under this section or section 2929.26 or 2929.27 of the Revised 1881  
Code or in operating a facility used to confine offenders 1882  
pursuant to a sanction imposed under section 2929.26 of the 1883  
Revised Code. 1884

(2) The offender shall pay reimbursements imposed upon the 1885  
offender pursuant to division (A) (3) of this section to pay the 1886  
costs incurred by a municipal corporation pursuant to any 1887  
sanction imposed under this section or section 2929.26 or 1888  
2929.27 of the Revised Code or in operating a facility used to 1889  
confine offenders pursuant to a sanction imposed under section 1890  
2929.26 of the Revised Code to the treasurer of the municipal 1891  
corporation. The treasurer shall deposit the reimbursements in 1892  
the municipal corporation's general fund. The municipal 1893  
corporation shall use the amounts deposited in the fund to pay 1894  
the costs incurred by the municipal corporation pursuant to any 1895  
sanction imposed under this section or section 2929.26 or 1896  
2929.27 of the Revised Code or in operating a facility used to 1897  
confine offenders pursuant to a sanction imposed under section 1898  
2929.26 of the Revised Code. 1899



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

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

(E) Except as otherwise provided in this division, a financial sanction imposed under division (A) of this section is a judgment in favor of the state or the political subdivision that operates the court that imposed the financial sanction, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed pursuant to division (A) (3) (a) (i) of this section upon an offender is a judgment in favor of the entity administering the community control sanction, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed pursuant to division (A) (3) (a) (ii) of this section upon an offender confined in a jail or other residential facility is a judgment in favor of the entity operating the jail or other residential facility, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of restitution imposed pursuant to division (A) (1) of this section is an order in favor of the victim of the offender's criminal act that can be collected through a certificate of judgment as described in division (E) (1) of this section,

through execution as described in division (E) (2) of this 1931  
section, or through an order as described in division (E) (3) of 1932  
this section, and the offender shall be considered for purposes 1933  
of the collection as the judgment debtor. 1934

Once the financial sanction is imposed as a judgment or 1935  
order under this division, the victim, private provider, state, 1936  
or political subdivision may do any of the following: 1937

(1) Obtain from the clerk of the court in which the 1938  
judgment was entered, at no charge, a certificate of judgment 1939  
that shall be in the same manner and form as a certificate of 1940  
judgment issued in a civil action; 1941

(2) Obtain execution of the judgment or order through any 1942  
available procedure, including any of the procedures identified 1943  
in divisions (D) (1) and (2) of section 2929.18 of the Revised 1944  
Code. 1945

(3) Obtain an order for the assignment of wages of the 1946  
judgment debtor under section 1321.33 of the Revised Code. 1947

(F) The civil remedies authorized under division (E) of 1948  
this section for the collection of the financial sanction 1949  
supplement, but do not preclude, enforcement of the criminal 1950  
sentence. 1951

(G) Each court imposing a financial sanction upon an 1952  
offender under this section may designate the clerk of the court 1953  
or another person to collect the financial sanction. The clerk, 1954  
or another person authorized by law or the court to collect the 1955  
financial sanction may do the following: 1956

(1) Enter into contracts with one or more public agencies 1957  
or private vendors for the collection of amounts due under the 1958

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

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

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

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

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

or incarceration costs from those assets. 1989

~~(J) If an offender is sentenced to pay restitution, a fine, fee, or incarceration costs, the clerk of the sentencing court, on request, shall make the offender's payment history available to the victim, victim's representative, victim's attorney, if applicable, the prosecutor, the probation department, and the court without cost.~~ 1990  
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**Sec. 2929.281.** (A) In determining the amount of restitution at the time of sentencing under this section, the court shall order full restitution for any expenses related to a victim's economic loss due to the criminal offense. The amount of restitution shall be reduced by any payments to the victim for economic loss made or due under a policy of insurance or governmental program. 1996  
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Economic loss includes, but is not limited to, the following: 2003  
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(1) Full or partial payment for the value of stolen or damaged property. The value of stolen or damaged property shall be the replacement cost of the property or the actual cost of repairing the property when repair is possible. 2005  
2006  
2007  
2008

(2) Medical expenses; 2009

(3) Mental health counseling expenses; 2010

(4) Wages or profits lost due to injury or harm to the victim as determined by the court. Lost wages include commission income as well as base wages. Commission income shall be established by evidence of commission income during the twelve-month period prior to the date of the crime for which restitution is being ordered, unless good cause for a shorter 2011  
2012  
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time period is shown.	2017
(5) Expenses related to making a vehicle or residence accessible to the victim if the victim is partially permanently disabled or totally permanently disabled as a direct result of the crime.	2018 2019 2020 2021
(B) Upon notification by the court, <u>if provided</u> , money owed by the state or by a political subdivision of the state to an offender who is required to make restitution under this section, including any tax refund owed to the offender, shall be assigned to the discharge of the offender's outstanding restitution obligation, subject to any superseding federal statutes or regulations, including court-ordered support obligations.	2022 2023 2024 2025 2026 2027 2028 2029
(C) If an offender is required to make restitution under this section in the form of monetary payments to more than one victim, the offender shall make the payments to the victims in the following order of priority:	2030 2031 2032 2033
(1) Individuals;	2034
(2) Nonprofit organizations;	2035
(3) Business entities;	2036
(4) Governmental entities.	2037
(D) A court that imposes restitution on an offender as part of the offender's sentence under this section shall not suspend that part of the offender's sentence if the victim or the victim's attorney, if applicable, objects to the suspension of the restitution part of the sentence.	2038 2039 2040 2041 2042
(E) Pursuant to division (D) of section 2929.18 and division (E) of section 2929.28 of the Revised Code, a court	2043 2044

order for restitution imposed under this section may be reduced 2045  
to a certificate of judgment in favor of the victim. If the 2046  
order is reduced to such a judgment, the person required to pay 2047  
the restitution under the order is the judgment debtor. 2048

(F) The supreme court shall create a standardized form to 2049  
be made publicly available that provides guidance for victims 2050  
and victims' representatives regarding the compilation of 2051  
evidence to demonstrate losses for the purpose of this section. 2052

(G) On the request of the victim, if a judge determines 2053  
that, under the circumstances, it is appropriate and the victim 2054  
has not been coerced, a victim may accept a settlement that is 2055  
less than the full restitution order. 2056

**Sec. 2930.02.** ~~(A)~~ (A) (1) Any of the following persons may, 2057  
subject to the prohibition on the unauthorized practice of law 2058  
under section 4705.07 of the Revised Code, exercise the rights 2059  
of a victim under this chapter as the victim's representative: 2060

~~(1)~~ (a) Any person designated by the victim; 2061

~~(2)~~ (b) A member of the victim's family or a victim 2062  
advocate designated as the victim's representative to exercise 2063  
the rights of a victim under this chapter as the victim's 2064  
representative if a victim is a minor or is incapacitated, 2065  
incompetent, or deceased, subject to division (D) of this 2066  
section; 2067

~~(3)~~ (c) If the case involves a violation of section 2068  
2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.05, or 2069  
2903.06 of the Revised Code, a member of the deceased victim's 2070  
family, a victim advocate, or another person designated by one 2071  
or more members of the deceased victim's family. 2072

(2) If a victim is incapacitated, incompetent, or 2073  
deceased, and no member of the victim's family or victim 2074  
advocate comes forward to act as a victim representative, a 2075  
court may appoint a victim advocate or other person the court 2076  
determines to be appropriate to act as a victim representative, 2077  
except that the court shall not appoint any person employed by 2078  
the prosecuting attorney to act as a victim representative 2079  
unless the prosecuting attorney consents to the appointment. 2080

(B) If the prosecutor in the case or the court has a 2081  
reasonable basis to believe that the victim's representative is 2082  
not acting in the interests of the child victim, victim with a 2083  
developmental disability, or an incapacitated or incompetent 2084  
victim, the prosecutor shall file a motion with the court 2085  
setting forth the reasonable basis for that belief and the court 2086  
shall hold a hearing to determine whether the victim's 2087  
representative is acting in the interests of the victim. The 2088  
court shall make this determination by a preponderance of the 2089  
evidence. If the court finds that the victim's representative is 2090  
not acting in the interests of the victim, the court shall 2091  
appoint ~~a court appointed special advocate, a guardian ad litem,~~ 2092  
~~or~~ a victim advocate or other person the court determines to be 2093  
appropriate to act as a victim's representative instead of the 2094  
previously appointed victim's representative, except that the 2095  
court shall not appoint any person employed by the prosecuting 2096  
attorney to act as a victim representative unless the 2097  
prosecuting attorney consents to the appointment. 2098

(C) If more than one person seeks to act as the victim's 2099  
representative for a particular victim, the court that has 2100  
jurisdiction over the criminal matter or the court in which the 2101  
criminal prosecution or delinquency proceeding is held shall 2102  
designate one of those persons as the victim's representative. 2103

If a victim does not want to have anyone act as the victim's representative, the court shall order that only the victim may exercise the rights of a victim under this chapter. 2104  
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(D) If pursuant to division (A) of this section a victim's representative is to exercise the rights of a victim, the victim shall notify law enforcement and the prosecutor, or, if it is a delinquency proceeding and a prosecutor is not involved in the case, shall notify the court that the victim's representative is to act for the victim. When a victim has so notified law enforcement and the prosecutor, or the court, all notices under this chapter shall be sent to the victim and the victim's representative, all rights under this chapter shall be granted to the victim and the victim's representative, and all references in this chapter to a victim, except the references to a victim in section 2930.071 of the Revised Code, shall be interpreted as being references to the victim and the victim's representative unless the victim informs the notifying authority that the victim does not wish to receive the notices or exercise the rights. 2107  
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(E) A suspect, defendant, offender, alleged juvenile offender, or delinquent child may not act as a victim's representative relative to the criminal offense or delinquent act involving the victim. 2123  
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(F) In any post-conviction proceeding or in regards to any post-conviction relief, if the prosecutor in the case or the court has a reasonable basis to believe that the victim's representative is not acting in the interests of the child victim, victim with a developmental disability, or an incapacitated or incompetent victim, the prosecutor shall file a motion with the court setting forth the reasonable basis for 2127  
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that belief and the court shall hold a hearing to determine 2134  
whether the victim's representative is acting in the interests 2135  
of the victim. The court shall make this determination by a 2136  
preponderance of the evidence. If the court finds that the 2137  
victim's representative is not acting in the interests of the 2138  
victim, the court shall appoint a court appointed special 2139  
advocate, a guardian ad litem, or a victim advocate to act as a 2140  
victim's representative instead of the previously appointed 2141  
victim's representative. 2142

**Sec. 2930.04.** (A) ~~The supreme court attorney general~~ 2143  
~~shall create the provide access to a sample~~ victim's rights 2144  
request form, which shall include the information specified in 2145  
division (B) of this section ~~or a similar form that, at a~~ 2146  
~~minimum, contains all the required information listed in~~ 2147  
~~division (B) of this section. The form shall be created in~~ 2148  
English, Spanish, and Arabic, and any other languages upon 2149  
request. The supreme court attorney general shall make the form 2150  
available to all sheriffs, marshals, municipal corporation and 2151  
township police departments, constables, and other law 2152  
enforcement agencies, to all prosecuting attorneys, city 2153  
directors of law, village solicitors, and other similar chief 2154  
legal officers of municipal corporations, and to organizations 2155  
that represent or provide services for victims of crime. Any 2156  
organization or entity may use the sample victim's rights 2157  
request form provided by the attorney general or a similar form 2158  
that, at a minimum, contains all the required information listed 2159  
in division (B) of this section. 2160

(B) (1) ~~On its initial contact with a victim of a criminal-~~ 2161  
~~offense or delinquent act, the law enforcement agency-~~ 2162  
~~responsible for investigating the criminal offense or delinquent~~ 2163  
~~act promptly shall provide the victim with a victim's rights-~~ 2164

~~request form or a similar form that, at a minimum, contains the~~ 2165  
~~required information listed in this division and division (B) (2)~~ 2166  
~~of this section. The form may be in print or electronic format~~ 2167  
and shall do all of the following: 2168

(a) Inform victims of rights that are automatically 2169  
granted; 2170

(b) Of the rights that are not automatically granted, 2171  
allow the victim and victim's representative, if applicable, to 2172  
select which rights the victim wishes to request; 2173

(c) Inform victims that an election of rights made on the 2174  
form can be changed at any time; 2175

(d) Include a section for law enforcement to indicate that 2176  
the victim did not ~~make an election or was unable to~~ complete 2177  
the form at the time of first contact with law enforcement, if 2178  
~~applicable, and is therefore considered to have requested all~~ 2179  
~~rights until the prosecutor contacts the victim pursuant to~~ 2180  
~~section 2930.06 of the Revised Code to provide another~~ 2181  
~~opportunity to request any right that is not automatically~~ 2182  
~~conferred by the Ohio Constitution;~~ 2183

(e) Inform the victim and victim's representative that 2184  
failure to affirmatively request the rights that are not 2185  
automatically granted is a waiver of those rights once contacted 2186  
by the prosecutor, but that the victim or victim's 2187  
representative may request those rights at a later date; 2188

(f) Provide a information about the right to designate a 2189  
victim's representative and the method for the victim to 2190  
designate a victim's representative if the victim chooses and 2191  
include a section that allows a victim who has appointed a 2192  
victim's representative the opportunity to opt out of notices; 2193

(g) Include a section ~~where~~ that allows the victim or 2194  
victim's representative ~~shall indicate whether the victim was a~~ 2195  
~~victim against whom the criminal offense or delinquent act was~~ 2196  
~~committed or the victim was directly or proximately harmed by~~ 2197  
~~the commission of the criminal offense or delinquent act~~ to 2198  
request interpretation services and provide the information 2199  
necessary for the criminal justice system official to provide 2200  
those services; 2201

(h) Include a section ~~where the victim or victim's~~ 2202  
~~representative shall indicate~~ that indicates that a law 2203  
enforcement official or the prosecutor provided the form to the 2204  
victim, and indicates whether a law enforcement officer, the 2205  
prosecutor, or the victim completed the form; 2206

(i) Include the address, telephone number, and electronic 2207  
mail address, if available, for the victim and victim's 2208  
representative, if applicable; 2209

(j) Include a section to indicate the contact information 2210  
or address for the law enforcement official, incident report 2211  
number, badge number of the law enforcement officer, case 2212  
number, if available, and arraignment date, time and location, 2213  
if known; 2214

(k) ~~Include signature lines for acknowledgment by the~~ 2215  
~~applicable law enforcement officer or agency, prosecutor, or~~ 2216  
~~custodial agent or agency, and victim and victim's~~ 2217  
~~representative;~~ Include a section that explains that if a victim 2218  
of violating a protection order, an offense of violence, or a 2219  
sexually oriented offense does not complete the form or request 2220  
the victim's applicable rights on first contact with law 2221  
enforcement, it is considered an assertion of the victim's 2222  
rights until the victim completes the form or requests 2223

applicable rights, or the prosecutor contacts the victim 2224  
pursuant to section 2930.06 of the Revised Code to provide 2225  
another opportunity to request any right that is not 2226  
automatically conferred under the Ohio Constitution; 2227

(l) Advise victims of the right to counsel and ~~refer~~ 2228  
provide victims information about available no-cost legal 2229  
services to help enforce victims' rights. 2230

(m) Provide information for online or print access to the 2231  
~~victim to the attorney general information card and, victim's~~ 2232  
~~rights handbook online or in print, request form, and~~ 2233  
compilation of victim's bill of rights as described in section 2234  
109.42 of the Revised Code, including telephone and web site 2235  
~~information for obtaining a copy if not provided by law~~ 2236  
~~enforcement officials~~copies; 2237

~~(m)~~(n) Inform victims of the responsibility to keep 2238  
contact information current with the applicable law enforcement 2239  
official; 2240

~~(n)~~(o) Provide a section for prosecutors to inform the 2241  
custodial agency of the victim's and victim's representative's, 2242  
if applicable, name and identifying information. ~~The custodial~~ 2243  
~~agency shall notify the victim and victim's representative, if~~ 2244  
~~applicable, of the victim's post conviction rights and provide~~ 2245  
~~post conviction information;~~ 2246

~~(o)~~(p) Contain a statement that the victim's ~~identifying~~ 2247  
~~information on the rights request form~~ is not a public record 2248  
under section 149.43 of the Revised Code; 2249

(q) Include a section that allows the victim or victim's 2250  
representative to request redaction of the victim's name, 2251  
address, and identifying information in case documents related 2252

<u>to the criminal offense or delinquent act, and that includes all</u>	2253
<u>of the following:</u>	2254
<u>(i) The ability to select redaction of law enforcement</u>	2255
<u>records, redaction of prosecutor records, and redaction of court</u>	2256
<u>records, as set forth under section 2930.07 of the Revised Code;</u>	2257
<u>(ii) An explanation that the right to redaction does not</u>	2258
<u>apply to motor vehicle accident reports submitted to the</u>	2259
<u>department of public safety pursuant to section 5502.11 of the</u>	2260
<u>Revised Code unless the victim sends a separate redaction</u>	2261
<u>request to the department of public safety.</u>	2262
<del>(2) As part of the victim's rights request form, the law</del>	2263
<del>enforcement official shall provide an informational page to the</del>	2264
<del>victim that includes information about the following:</del>	2265
<del>(a) The fact that some rights are automatic and some</del>	2266
<del>rights are upon request;</del>	2267
<del>(b) Appointing a victim representative;</del>	2268
<u>(iii) The contact information for the department of public</u>	2269
<u>safety where a victim may request redaction of motor vehicle</u>	2270
<u>accident reports submitted pursuant to section 5502.11 of the</u>	2271
<u>Revised Code, as provided in division (D) (2) of section 2930.07</u>	2272
<u>of the Revised Code;</u>	2273
<del>(c) The</del> <u>(r) Provide information about the importance of</u>	2274
<u>the arraignment process for victim's rights;</u>	2275
<del>(d) The</del> <u>(s) Provide information about the right to refuse</u>	2276
<u>interview, deposition and discovery requests from the defendant;</u>	2277
<del>(e) The</del> <u>(t) Provide information about the potential</u>	2278
<u>availability of protection orders;</u>	2279

~~(f) Victims'~~ (u) Provide information about victims' 2280  
 compensation and restitution, and the importance of preserving 2281  
 documentation during the criminal justice process for purposes 2282  
 of obtaining compensation or restitution; 2283

~~(g) Privacy~~ (v) Provide information about privacy for 2284  
 victim addresses through the address confidentiality program 2285  
 established by section 111.42 of the Revised Code, including the 2286  
 web site address and contact telephone number for the program; 2287

~~(h) Tracking~~ (w) Provide information about incarcerated 2288  
 offenders through the victim information and notification 2289  
 everyday program, including the web site address to register for 2290  
 text message or electronic mail notices of offender release. 2291

(C) (1) ~~On documents filed with the court, the victim's~~ 2292  
~~name and identifying information shall be filed separately on a~~ 2293  
~~page that is not a public record under section 149.43 of the~~ 2294  
~~Revised Code so that the identity of the victim or victims~~ 2295  
~~remains confidential.~~ A completed or partially completed 2296  
 victim's rights request form is not a public record under 2297  
 section 149.43 of the Revised Code. 2298

(2) The prosecutor, the victim, and the victim's 2299  
 representative, if applicable, shall be provided a copy of the 2300  
 unredacted victim's rights form. The defendant, alleged 2301  
 delinquent child, or the attorney for the defendant or alleged 2302  
 delinquent child shall be permitted access to the victim's name 2303  
 and completed or partially completed victim's rights request 2304  
 form with the exception of the victim's and victim 2305  
 representative's address, phone number, electronic mail address, 2306  
 or other identifying information, unless directed by the court 2307  
 under division (B) of section 2930.07 of the Revised Code. 2308

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

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

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

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

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

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

~~(E)~~ (E) (1) The law enforcement officer responsible for

providing information under this section shall use reasonable 2338  
efforts to identify the victim. At a minimum, this information 2339  
should be disseminated to the individual or individuals 2340  
identified in the police report as victims. 2341

(2) If the law enforcement officer generates a report, the 2342  
law enforcement agency shall do one of the following: 2343

(a) If the offense for which the report is generated is 2344  
violating a protection order, an offense of violence, or a 2345  
sexually oriented offense, on initial contact with the victim, 2346  
the law enforcement agency shall collect and retain an ~~executed~~ 2347  
a completed copy of the victim's rights request form or a form 2348  
that, at a minimum, contains the required information listed in 2349  
division (B) of this section from the individual identified as 2350  
the victim in the report. If at the time of contact with a law 2351  
enforcement agency the victim does not complete the form for any 2352  
reason or request the victim's applicable rights, the law 2353  
enforcement agency shall designate this on the form. The law 2354  
enforcement agency shall use the form to document the name and 2355  
contact information of the victim and the victim's 2356  
representative, if applicable, or shall ensure the victim's 2357  
noncompletion is documented in a written or electronic police 2358  
report, along with the names of the victim and victim's 2359  
representative, if applicable, and shall provide the prosecutor 2360  
with access to the form or this report. The form or report shall 2361  
be available to the victim upon request. The victim's ~~refusal~~ 2362  
failure to complete the form or to request ~~or waive~~ the victim's 2363  
applicable rights under this division shall be considered an 2364  
assertion of the victim's rights, including redaction, until the 2365  
prosecutor contacts the victim ~~within seven days of initiation~~ 2366  
~~of a criminal prosecution~~ pursuant to section 2930.06 of the 2367  
Revised Code to provide another opportunity to request any right 2368



that is not automatically conferred under the Ohio Constitution. 2369

(b) A law enforcement agency that does not obtain a 2370  
completed form from a victim of violating a protection order, an 2371  
offense of violence, or a sexually oriented offense shall do all 2372  
of the following: 2373

(i) Review the form with the victim, or victim's 2374  
representative, if applicable; 2375

(ii) Provide the victim with a copy of the form; 2376

(iii) Provide the victim with the arraignment information 2377  
as set forth in section 2930.05 of the Revised Code that would 2378  
also be provided to a victim if the victim completes the form. 2379

(c) If the offense for which the report is generated is 2380  
not violating a protection order, an offense of violence, or a 2381  
sexually oriented offense, the law enforcement agency shall 2382  
provide the victim with information on how to obtain a copy of 2383  
the form and the compilation prepared under section 109.42 of 2384  
the Revised Code, or, if practicable, the agency may provide a 2385  
copy of the form and review the victim's rights with the victim. 2386

(F) If a suspect is arrested, the law enforcement agency 2387  
shall submit ~~an executed~~ a copy of the victim's rights request 2388  
form if one was completed upon initial contact with law 2389  
enforcement, or the name and contact information for the victim 2390  
and victim's representative, if applicable, to the custodial 2391  
agency as soon as practicable once the law enforcement agency 2392  
learns of the suspect's arrest. 2393

(G) ~~On the filing of charges or a complaint, the law~~ 2394  
~~enforcement agency shall submit an executed copy of that form to~~ 2395  
~~the prosecutor and to the court. The prosecutor shall review the~~ 2396

~~victim's rights request form with the victim or victim's  
representative and obtain signatures from the victim and  
victim's representative, if applicable, if the form was not  
previously completed with law enforcement and shall file the  
form with the court within seven days after initiation of a  
criminal prosecution.~~

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

~~(I)~~ (H) To the extent that the information required by this  
section is provided in the victim's rights request form created  
under this section and the ~~pamphlet compilation~~ prepared  
pursuant to section 109.42 of the Revised Code or in the  
information card or other material prepared pursuant to section  
2743.71 of the Revised Code, the law enforcement agency may  
fulfill that portion of its obligations under this section by  
giving or providing access to that form, ~~pamphlet compilation~~,  
information card, or other material to the victim.

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

~~(2) If the form containing the information of the victim  
or victims as described in division (B) of this section is not  
completed and sent to the prosecutor prior to the first  
interaction between the prosecutor and the victim or victims,~~

~~then the prosecutor shall complete the form during the~~ 2427  
~~prosecutor's first interaction with the victim~~(I) (1) (a) On the 2428  
filing of charges or a complaint, the law enforcement agency 2429  
shall submit a copy of the victim's rights request form if 2430  
completed, or a copy of the police report that contains the name 2431  
and contact information of the victim or victim's 2432  
representative, if applicable, and indicates the victim's 2433  
noncompletion of the form, to the prosecutor and to the court if 2434  
the victim is a victim of violating a protection order, an 2435  
offense of violence, or a sexually oriented offense. 2436

(b) For all other violations, the law enforcement agency 2437  
shall submit a copy of the victim's rights request form to the 2438  
prosecutor and to the court when the victim has submitted a form 2439  
to the law enforcement agency. 2440

(2) During the first interaction between the prosecutor 2441  
and the victim, the prosecutor shall review the victim's rights 2442  
request form with the victim, or victim's representative, if 2443  
applicable, if the form was not previously completed with law 2444  
enforcement, and shall file the form with the court after 2445  
initiation of a criminal prosecution and provide a copy to law 2446  
enforcement. 2447

(3) A victim may elect not to receive the notifications 2448  
described in division (B) (1) of this section, in which case the 2449  
prosecutor shall document that refusal. Once the prosecutor has 2450  
met with the victim, the prosecutor shall file the completed or 2451  
updated victim's rights request form with the court. 2452

(4) If a defendant is convicted and sentenced to the 2453  
department of rehabilitation and correction or the department of 2454  
youth services, the court shall ask the victim or victim's 2455  
representative, if present, or the prosecutor if the victim 2456

wishes to update the victim's contact information, notifications 2457  
or other opt-in rights, and shall inform the victim or victim's 2458  
representative that it is the victim's or victim's 2459  
representative's duty to notify the department of rehabilitation 2460  
and correction or department of youth services of any change in 2461  
address or contact information. The court shall forward a copy 2462  
of the most recently filed form to the custodial agency to which 2463  
the defendant is sentenced and to the probation department, if 2464  
applicable. 2465

(K) (1) A person, who by reason of that person's regular 2466  
business activities, is the subject of multiple and continuing 2467  
criminal offenses or delinquent acts as a potential victim, may 2468  
opt out of notices and rights available pursuant to the Ohio 2469  
Constitution, Chapter 2930. of the Revised Code, and other laws 2470  
providing victims with rights for future offenses by giving a 2471  
written notification form to the appropriate prosecutor or the 2472  
prosecutor's designee. 2473

(2) The form shall include the name and address of the 2474  
person's business and the period of time that the person wishes 2475  
to opt out of receiving the notices and rights available. The 2476  
form may also state that the person is only interested in the 2477  
notices described in this section if restitution is at issue. It 2478  
shall be signed by the person or another person with management 2479  
authority over the business. 2480

(L) As used in this section, "sexually oriented offense" 2481  
has the same meaning as in section 2950.01 of the Revised Code. 2482

**Sec. 2930.041.** (A) Pursuant to the "Americans with 2483  
Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101, as 2484  
amended, a victim with a disability has the right to a ~~qualified~~ 2485  
~~or certified~~ registered or certified American sign language 2486

interpreter on the registry for interpreters for the deaf at all 2487  
 court proceedings, all meetings with the prosecutor, and all 2488  
 investigative contacts with law enforcement, the probation 2489  
 department, the department of rehabilitation and correction, and 2490  
 the department of youth services, at no cost to the victim ~~and~~ 2491  
~~paid for by the court.~~ The costs of the interpreter shall be 2492  
paid for as follows: 2493

(1) By the court at all court proceedings and for all 2494  
contacts with the probation department; 2495

(2) By the prosecutor at all meetings with the prosecutor; 2496

(3) By the law enforcement agency for all investigative 2497  
contacts with law enforcement; 2498

(4) By the custodial agency for all contacts with the 2499  
department of rehabilitation and correction or the department of 2500  
youth services. 2501

~~(B)~~ (B) (1) A victim who is non-English speaking or has 2502  
 limited English proficiency has the right to a ~~qualified or~~ 2503  
certified, provisional, registered, or language-skilled foreign 2504  
language interpreter at all court of the following at no cost to 2505  
the victim: 2506

(a) Court proceedings, ~~all meetings;~~ 2507

(b) Meetings with the prosecutor, ~~and all investigative;~~ 2508

(c) Investigative contacts with law enforcement except 2509  
that law enforcement officers in the field may utilize 2510  
technology assisted interpretation if interpretation services 2511  
are not reasonably available; 2512

(d) Contacts with the probation department, ~~;~~ 2513

(e) Contacts with the department of rehabilitation and 2514  
correction, and the department of youth services, at no cost to 2515  
the victim and paid for by the court. 2516

(2) The costs of a foreign language interpreter described 2517  
in division (B) (1) of this section shall be paid for as follows: 2518

(a) By the court at all court proceedings and for all 2519  
contacts with the probation department; 2520

(b) By the prosecutor at all meetings with the prosecutor; 2521

(c) By the law enforcement agency for all investigative 2522  
contacts with law enforcement; 2523

(d) By the custodial agency for all contacts with the 2524  
department of rehabilitation and correction or the department of 2525  
youth services. 2526

(C) The victim's right to a ~~qualified or certified~~ 2527  
certified, provisional, registered, or language-skilled foreign 2528  
language interpreter under division (B) of this section is 2529  
subject to availability but is not subject to the cost of 2530  
retaining a ~~qualified or certified~~ an interpreter. Any agency 2531  
described in division (B) of this section that is unable to 2532  
provide a victim with a ~~qualified or certified~~ an interpreter as 2533  
required by division (B) of this section shall maintain records 2534  
of the agency's attempt to comply with this requirement. 2535

~~(D) As used in this section, "qualified interpreter" has~~ 2536  
~~the same meaning as in the "Americans with Disabilities Act of~~ 2537  
~~1990," 42 U.S.C. 12101, as amended.~~ 2538

**Sec. 2930.06.** (A) (1) The prosecutor in a case or the 2539  
prosecutor's designee, to the extent practicable, shall, on the 2540  
victim's request, confer with the victim and the victim's 2541

representative, if applicable, at each of the following stages:	2542
(a) Before pretrial diversion is granted to the defendant	2543
or alleged juvenile offender in the case;	2544
(b) Before amending or dismissing an indictment,	2545
information, or complaint against that defendant or alleged	2546
juvenile offender, unless the amendment to the indictment,	2547
information, or complaint is a correction of a procedural defect	2548
that is not substantive in nature;	2549
(c) Before agreeing to a negotiated plea for that	2550
defendant or alleged juvenile offender;	2551
(d) Before a trial of that defendant by judge or jury;	2552
(e) Before the juvenile court conducts an adjudicatory	2553
hearing for that alleged juvenile offender.	2554
(2) If the juvenile court disposes of a case prior to the	2555
prosecutor's involvement in the case, the court or a court	2556
employee shall notify the victim and the victim's representative	2557
in the case, if applicable, that the alleged juvenile offender	2558
will be granted pretrial diversion, the complaint against that	2559
alleged juvenile offender will be amended or dismissed, or the	2560
court will conduct an adjudicatory hearing for that alleged	2561
juvenile offender.	2562
(3) At a hearing at any of the stages listed in division	2563
(A) (1) of this section, the court shall inquire as to whether	2564
the victim or victim's representative, if applicable, requested	2565
to confer with the prosecutor, and whether or not the prosecutor	2566
conferred with the victim and the victim's representative, if	2567
applicable. If the prosecutor fails to confer with the victim	2568
and the victim's representative, if applicable, at any of those	2569

times, the court shall note on the record the failure and the prosecutor's reasons for the failure. Except as provided in division (A)(5) of this section, if the court determines that reasonable efforts were not made to confer with the victim and victim's representative, if applicable, or reasonable efforts were not made to provide reasonable and timely notice of the time, place, and nature of the court proceeding to the victim and victim's representative, if applicable, as required by this section or by Ohio Constitution, Article I, Section 10a, the court shall not rule on any substantive issue that implicates a victim's right, accept a plea, or impose a sentence, and shall continue the court proceeding for the time necessary to provide the required notice to the victim and victim's representative, if applicable. A prosecutor's failure to confer with a victim as required by this division and a court's failure to provide the notice as required by this division do not affect the validity of an agreement between the prosecutor and the defendant or alleged juvenile offender in the case, a pretrial diversion of the defendant or alleged juvenile offender, an amendment or dismissal of an indictment, information, or complaint filed against the defendant or alleged juvenile offender, a plea entered by the defendant or alleged juvenile defender, an admission entered by the defendant or alleged juvenile offender, or any other disposition in the case.

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

(5) Nothing in this section prohibits a court from taking



any action necessary to ensure that a person charged with an 2601  
offense is brought to trial within the time required by sections 2602  
2945.71 and 2945.72 of the Revised Code and a defendant's 2603  
constitutional right to a speedy trial. 2604

(B) On request of the victim or the victim's 2605  
representative, the prosecutor shall keep the victim and the 2606  
victim's representative, if applicable, apprised of requests and 2607  
communications from the defendant, alleged juvenile offender, 2608  
the attorney for the defendant or alleged juvenile offender, or 2609  
the agent of the defendant or alleged juvenile offender that 2610  
could affect the victim's privacy rights or safety concerns. 2611

(C) ~~Within fourteen days after~~ After a prosecution in a 2612  
case has been commenced, the prosecutor or a designee of the 2613  
prosecutor other than a court or court employee ~~promptly~~ shall 2614  
give the victim and the victim's representative, if applicable, 2615  
all of the following information within a reasonable time frame, 2616  
except that, if the juvenile court disposes of a case prior to 2617  
the prosecutor's involvement in the case, the court or a court 2618  
employee promptly shall give the victim and the victim's 2619  
representative all of the following information: 2620

(1) The name of the criminal offense or delinquent act 2621  
with which the defendant or alleged juvenile offender in the 2622  
case has been charged and the name of the defendant or alleged 2623  
juvenile offender; 2624

(2) The file number of the case; 2625

(3) ~~A clear and concise statement regarding~~ An explanation 2626  
of the procedural steps in a criminal prosecution or delinquency 2627  
proceeding involving a criminal offense or delinquent act 2628  
similar to the criminal offense or delinquent act with which the 2629

defendant or alleged juvenile offender has been charged and the 2630  
right of the victim and victim's representative to be present 2631  
during all proceedings held throughout the prosecution of the 2632  
case; 2633

(4) A summary of the rights of a victim under this chapter 2634  
and under Section 10a of Article I of the Ohio Constitution; 2635

(5) Procedures the victim, the victim's representative, or 2636  
the prosecutor may follow if the victim becomes subject to 2637  
threats of violence, harassment, or intimidation by the 2638  
defendant, alleged juvenile offender, or any other person; 2639

(6) The name and business telephone number of the office 2640  
to contact for further information with respect to the case; 2641

~~(7) The right of the victim to have a victim's-~~ 2642  
~~representative exercise the victim's rights under this chapter-~~ 2643  
~~in accordance with section 2930.02 of the Revised Code and the-~~ 2644  
~~procedure by which a victim's representative may be designated;-~~ 2645

~~(8) The right of the victim and victim's representative,~~ 2646  
~~if applicable, to confer with the prosecutor on request and the-~~ 2647  
~~procedures the victim or victim's representative shall follow to~~ 2648  
~~confer with the prosecutor;-~~ 2649

~~(9) The fact that the victim can seek the advice of an-~~ 2650  
~~attorney or have legal representation to enforce the victim's-~~ 2651  
~~rights;-~~ 2652

~~(10) Notice that any notification under division (E) of-~~ 2653  
~~this section, sections 2930.08 to 2930.15, division (A), (B), or~~ 2654  
~~(C) of section 2930.16, sections 2930.17 to 2930.19, and section~~ 2655  
~~5139.56 of the Revised Code will be given to the victim and the-~~ 2656  
~~victim's representative, if applicable, only if the victim or-~~ 2657

~~victim's representative asks to receive the notification and 2658  
that notice under division (E) (2) or (K) of section 2929.20, 2659  
division (D) of section 2930.16, division (H) of section 2660  
2967.12, division (A) (3) (b) of section 2967.26, division (D) (1) 2661  
of section 2967.28, or division (A) (2) of section 5149.101 of 2662  
the Revised Code will be given unless the victim and the 2663  
victim's representative, if applicable, ask that the 2664  
notification not be provided; 2665~~

~~(11) (a) (7) (a) The victim's rights request form, or a 2666  
similar form that, at a minimum, contains the required 2667  
information listed in this section and on the victim's rights 2668  
request form, that allows the victim and the victim's 2669  
representative, if applicable, to request applicable rights to 2670  
which the victim and victim's representative are entitled under 2671  
this chapter, including notice to the victim and the victim's 2672  
representative that failure to affirmatively request these 2673  
rights will be considered a waiver of these rights, but that the 2674  
victim or victim's representative may request these rights at a 2675  
later date; 2676~~

(b) A person who, by reason of that person's regular 2677  
business activities, is the subject of multiple and continuing 2678  
criminal offenses or delinquent acts as a potential victim may 2679  
choose to opt out of the notices and rights available pursuant 2680  
to the Ohio Constitution, Chapter 2930. of the Revised Code, and 2681  
any other provision of the Revised Code that provides a victim 2682  
with rights for future offenses by giving a written notification 2683  
form to the appropriate prosecutor or prosecutor's designee. The 2684  
form shall include the name and address of the person's business 2685  
and the period of time that the person wishes to opt out of the 2686  
applicable notices and rights and may also state that the person 2687  
is only interested in the applicable notices if restitution is 2688

at issue. The form shall be signed by the person or another 2689  
person with management authority of the business. 2690

(D) Unless a shorter notice period is reasonable under the 2691  
circumstances, the court shall provide the prosecutor or 2692  
prosecutor's designee with oral or written notice of any court 2693  
proceeding not less than ten days prior to that court proceeding 2694  
unless the parties agree that a shorter notice period is 2695  
reasonable under the circumstances. 2696

(E) On the request of the victim or victim's 2697  
representative, the prosecutor or, if it is a delinquency 2698  
proceeding and a prosecutor is not involved in the case, the 2699  
court shall give the victim and the victim's representative, if 2700  
applicable, notice of the date, time, and place of any criminal 2701  
or juvenile proceedings in the case and notice of any changes in 2702  
those proceedings or in the schedule in the case not less than 2703  
seven days prior to the criminal or juvenile proceedings in the 2704  
case unless the parties agree that a shorter notice period is 2705  
reasonable under the circumstances. 2706

(F) A victim or victim's representative who requests 2707  
notice under division (E) of this section and who elects 2708  
pursuant to division (B) of section 2930.03 of the Revised Code 2709  
to receive any further notice from the prosecutor or, if it is a 2710  
delinquency proceeding and a prosecutor is not involved in the 2711  
case, the court under this chapter shall keep the prosecutor or 2712  
the court informed of the victim's or victim's representative's 2713  
contact information. 2714

(G) A prosecutor, the prosecutor's designee, or a court 2715  
that is required to notify a victim or victim's representative 2716  
of hearings, on request, shall attempt a notification and keep a 2717  
record of attempted notifications ~~in the same manner as~~ 2718

~~described in divisions (D) (1) and (2) of section 2930.16 of the Revised Code. The record shall indicate the person who was to be the recipient of the notice, the date on which the attempt was made, the manner in which the attempt was made, and the person who made the attempt. The notification shall be provided to the victim using the victim contact information provided on the victims' rights request form or otherwise provided by the victim or victim representative by any reasonable means, including regular mail, telephone, or electronic mail.~~

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

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

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

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

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

(4) Any proceedings in aid of execution thereof from the clerk at no cost to the victim. Copies of other case documents

Certified copies may be requested and provided by the clerk at 2748  
actual cost. Copies provided pursuant to this division may be 2749  
provided in electronic format. 2750

~~(B) In any criminal or delinquency proceeding in which a~~ 2751  
~~video recording or audio recording of the court proceedings has~~ 2752  
~~been previously prepared, the A~~ victim, victim's attorney, or 2753  
victim's representative may obtain a ~~copy of the~~ video recording 2754  
or audio recording of the offender's criminal or delinquency 2755  
court proceedings that has been previously prepared for the 2756  
actual cost to copy the video recording or audio recording. If a 2757  
written transcript of the court proceedings has been previously 2758  
prepared, the victim, victim's attorney, or victim's 2759  
representative may obtain a copy of the transcript at the same 2760  
reduced cost that is available to a party to the case. 2761

(C) Any copies provided pursuant to this section may be 2762  
provided in electronic format. 2763

**Sec. 2930.07.** (A) As used in this section: 2764

(1) (a) "Case document" means a document or information in 2765  
a document, or audio or video recording of a victim of violating 2766  
a protection order, an offense of violence, or a sexually 2767  
oriented offense, regarding a case that is submitted to a court, 2768  
a law enforcement agency or officer, or a prosecutor or filed 2769  
with a clerk of court, including, but not limited to, pleadings, 2770  
motions, exhibits, transcripts, orders, and judgments, or any 2771  
documentation, including audio or video recordings of a victim 2772  
of violating a protection order, an offense of violence, or a 2773  
sexually oriented offense, prepared or created by a court, clerk 2774  
of court, or law enforcement agency or officer, or a prosecutor 2775  
regarding a case. 2776

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

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

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

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

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

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

The court shall make this determination pursuant to an in-camera review. If the court determines that the information

shall be disclosed, the court proceeding shall be closed during 2806  
the disclosure. 2807

(C) Any public office or public official that is charged 2808  
with the responsibility of knowing the name, address, or other 2809  
identifying information of a victim or victim's representative 2810  
as part of the office's or official's duties shall have full and 2811  
complete access to the name, address, or other identifying 2812  
information of the victim or victim's representative. That 2813  
public office or public official shall take measures to prevent 2814  
the public disclosure of the name, address, or other identifying 2815  
information of the victim or victim's representative through the 2816  
use of redaction as set forth in division (D) of this section. 2817  
Nothing in this section prevents a public agency from 2818  
maintaining unredacted records of a victim's or victim's 2819  
representative's name, contact information, and identifying 2820  
information for its own records and use or a public office or 2821  
public official from allowing another public office or public 2822  
official to access or obtain copies of its unredacted records. 2823  
The release of unredacted records to a public office or official 2824  
does not constitute a waiver of any exemption or exception 2825  
pursuant to section 149.43 of the Revised Code. This section 2826  
prohibits the public release of unredacted case documents 2827  
pursuant to division (A) (1) (v) of section 149.43 of the Revised 2828  
Code and division (D) of this section. 2829

~~(D) (1) (D) (1) (a) (i)~~ On written request of the victim or 2830  
victim's representative to a law enforcement agency ~~or,~~ 2831  
~~prosecutor's office and following a brief explanation from that~~ 2832  
~~law enforcement agency or prosecutor's office of the potential~~ 2833  
~~risks and benefits of redaction and the ability of the victim to~~ 2834  
~~retain counsel, or court,~~ all case documents related to the 2835  
cases or matters specified by the victim maintained by the 2836



entity to whom the victim or victim's representative submitted 2837  
the request shall be redacted prior to public release pursuant 2838  
to section 149.43 of the Revised Code to remove the name, 2839  
address, or other identifying information of the victim. 2840

(ii) If the victim of violating a protection order, an 2841  
offense of violence, or a sexually oriented offense, or the 2842  
victim's representative, was unable to complete the form at the 2843  
time of first contact with law enforcement pursuant to section 2844  
2930.04 of the Revised Code, until the victim's initial 2845  
interaction with a prosecutor, all case documents related to the 2846  
cases or matters currently before the court regarding that 2847  
offense shall be redacted prior to public release pursuant to 2848  
section 149.43 of the Revised Code to remove the name, address, 2849  
or other identifying information of the victim. 2850

(b) If the victim or victim's representative uses the 2851  
victims' rights request form to request redaction, that 2852  
redaction request applies only to the case or cases to which the 2853  
form pertains. If the victim requests redaction using some other 2854  
manner than the victims' rights request form, that written 2855  
request shall specify the cases or matters to which the request 2856  
applies. 2857

~~(2) On written application under seal request of a victim 2858  
or victim's representative to a court, and following a brief- 2859  
explanation from that court of the potential risks and benefits- 2860  
of redaction and the ability of the victim to retain counsel,- 2861  
all case documents related to the cases or matters specified by- 2862  
the victim maintained by the entity to whom the victim or- 2863  
victim's representative submitted the request shall be redacted- 2864  
prior to public release pursuant to the supreme court Rules of 2865  
Superintendence to remove the name, address, or other- 2866~~

~~identifying information of the victim. The application shall be~~ 2867  
~~deemed to be filed under seal and the court shall promptly rule~~ 2868  
~~on the application. The court shall not release any unredacted~~ 2869  
~~records while the application is pending~~ 2870  
the department of public 2871  
safety, through the contact information provided under division  
(B) (1) (p) of section 2930.04 of the Revised Code, a report 2872  
submitted pursuant to section 5502.11 of the Revised Code as 2873  
maintained by the department of public safety shall be redacted 2874  
prior to public release as a public record under section 149.43 2875  
of the Revised Code to remove the name, address, or other 2876  
identifying information of the victim. 2877

(3) If multiple victims are involved in a single case, the 2878  
public office or official shall take reasonable precautions to 2879  
protect the information of the victims from other victims, 2880  
unless all of the victims consent to the release of information. 2881

~~(E) (1)~~ (E) (1) (a) Once a case is closed or inactive, a 2882  
victim or victim's attorney, if applicable, may view the 2883  
recorded forensic interview of a minor victim or developmentally 2884  
disabled victim upon request. The victim or victim's attorney 2885  
shall be permitted to view the unredacted forensic interview at 2886  
the location of the child advocacy center or other agency 2887  
responsible for the forensic interview. An employee or designee 2888  
of the child advocacy center or agency shall be present at all 2889  
times during the victim's or victim's attorney's viewing of the 2890  
interview. The victim or victim's attorney shall not be 2891  
permitted to record, copy, photograph, or remove from the 2892  
location the forensic interview or any materials summarizing, 2893  
documenting, transcribing, or otherwise associated with the 2894  
forensic interview. The release of an unredacted copy of any 2895  
recorded forensic interview to a victim, victim's attorney, or 2896  
victim's representative pursuant to this division is not a 2897

violation of section 2151.421 of the Revised Code. 2898

(b) Once a case is closed or inactive, on written 2899  
application under seal to the court of common pleas in the 2900  
county in which the forensic interview was recorded, a victim, 2901  
victim's attorney, if applicable, or victim's representative may 2902  
request an unredacted copy of any recorded forensic interview of 2903  
a minor victim or developmentally disabled victim. 2904

(2) Upon receiving the application, the court shall notify 2905  
the child advocacy center or other agency responsible for the 2906  
forensic interview and shall provide the child advocacy center 2907  
or other agency an opportunity to respond or object to the 2908  
application. While the application is pending, the child 2909  
advocacy center or other agency responsible for the forensic 2910  
interview shall not make available for inspection or otherwise 2911  
disclose the forensic interview or associated materials to the 2912  
applicant or any person or entity acting on behalf of the 2913  
applicant. 2914

(3) The forensic interview shall be made available to the 2915  
court for an in-camera review. 2916

(4) The court may grant the application only upon an 2917  
express finding that allowing the applicant to receive an 2918  
unredacted copy of the forensic interview is in the interest of 2919  
the victim under the totality of the circumstances. 2920

(F) This section does not apply to any disclosure of the 2921  
name, address, or other identifying information of a victim that 2922  
is required to be made in the statewide emergency alert program 2923  
under section 5502.52 of the Revised Code, missing person alert 2924  
system, or other similar alert system. 2925

(2) This section does not apply to any disclosure of the 2926

name, address, or other identifying information of a ~~minor~~ 2927  
victim of a criminal offense or delinquent act that resulted in 2928  
the death of the ~~minor~~-victim. 2929

(3) Nothing in this section shall prevent a victim, a 2930  
victim's representative, or a victim's attorney from receiving a 2931  
copy of any case document with the victim's name, contact 2932  
information, and identifying information unredacted. A public 2933  
office's or official's provision of a copy of a case document 2934  
with the victim's name, contact information, and identifying 2935  
information unredacted to a victim, victim's representative, or 2936  
victim's attorney, if applicable, does not constitute a waiver 2937  
of any exemption or exception under section 149.43 of the 2938  
Revised Code. ~~A victim or victim's attorney shall receive an~~ 2939  
~~unredacted copy of any recorded forensic interview of a minor~~ 2940  
~~victim or developmentally disabled victim. A victim's~~ 2941  
~~representative may receive an unredacted copy of any recorded~~ 2942  
~~forensic interview of a minor victim or developmentally disabled~~ 2943  
~~victim on request and with approval of the court, or a redacted~~ 2944  
~~copy of the interview on request, subject to section 149.43 of~~ 2945  
~~the Revised Code.~~ 2946

(4) Nothing in this section shall affect either of the 2947  
following: 2948

(a) Any rights of a victim or victim's representative to 2949  
be provided with notice or to make any written or oral statement 2950  
under this chapter or other applicable law; 2951

(b) The disclosure of the location where the reported 2952  
criminal offense or delinquent act occurred. 2953

(5) Nothing in this section prohibits the defendant from 2954  
including necessary information about the victim in filings with 2955

the trial court, court of appeals, or the supreme court. The 2956  
victim's name and identifying information in the filings is not 2957  
a public record under section 149.43 of the Revised Code if the 2958  
victim has requested that the victim's name and identifying 2959  
information be redacted from public records. 2960

(6) Nothing in this section prevents a law enforcement 2961  
agency or prosecutor from providing a victim's preferred contact 2962  
information to a designated agency that provides victim services 2963  
and rights notification, and any release of documents or 2964  
information to a law enforcement officer or public official's 2965  
designee does not constitute a waiver of a victim's right to 2966  
redaction under this section. 2967

**Sec. 2930.161.** (A) On request of a victim or victim's 2968  
representative who has provided a current address or other 2969  
current contact information, the court ~~or the court's designee~~ 2970  
shall notify the victim and victim's representative, if 2971  
applicable, of any of the following: 2972

(1) A probation or community control revocation 2973  
disposition proceeding or any proceeding in which the court is 2974  
asked to terminate the probation or community control of a 2975  
person who was convicted of committing a criminal offense 2976  
against the victim; 2977

(2) Any hearing on a proposed modification on the terms of 2978  
probation or community control; 2979

(3) If the person is on supervised probation or community 2980  
control, the arrest of the person pursuant to a warrant issued 2981  
for a probation or community control violation; 2982

(4) The defendant's or alleged juvenile offender's failure 2983  
to successfully complete a diversion or substantially similar 2984

program. 2985

(B) On request of a victim or victim's representative who 2986  
has provided current contact information, the probation 2987  
department shall notify the victim and victim's representative, 2988  
if applicable, of the following as soon as it becomes known to 2989  
the probation department: 2990

(1) Any proposed modification to any term of probation or 2991  
community control if the modification affects restitution, 2992  
incarceration, or detention status or the defendant's or alleged 2993  
juvenile offender's contact with or safety of the victim; 2994

(2) The victim's and victim's representative's right to be 2995  
heard at a hearing that is set to consider any modification to 2996  
be made to any term of probation or community control; 2997

(3) Any violation of any term of probation or community 2998  
control that results in the filing of a petition with the court 2999  
to revoke probation or community control; 3000

(4) Following a risk assessment of the terms of probation 3001  
or community control, including the period of supervision and 3002  
any modifications to the terms of probation or community 3003  
control, any restricted locations and any other conditions of 3004  
probation or community control that impact victim safety. 3005

**Sec. 2930.171.** (A) In determining whether to grant an 3006  
application to seal ~~a record of conviction pursuant to section~~ 3007  
~~2953.32 of the Revised Code or an application to seal or expunge~~ 3008  
a juvenile record pursuant to section 2151.356 or 2151.358 of 3009  
the Revised Code, the court shall notify the prosecutor 3010  
regarding the hearing of the matter not less than thirty days 3011  
before the hearing. In determining whether to grant an 3012  
application to seal a record of conviction pursuant to section 3013

2953.32 of the Revised Code, the court shall notify the 3014  
prosecutor not less than sixty days before the hearing, unless a 3015  
shorter notice period is agreed to by the prosecutor and the 3016  
court. The prosecutor shall provide timely notice to a victim of 3017  
the criminal offense or delinquent act for which the offender or 3018  
juvenile was incarcerated or committed and the victim's 3019  
representative, if applicable, if the victim or victim's 3020  
representative has requested notice and maintains current 3021  
contact information with the prosecutor. The court shall permit 3022  
a victim, the victim's representative, and the victim's 3023  
attorney, if applicable, to make a statement, in addition to any 3024  
other statement made under this chapter, concerning the effects 3025  
of the criminal offense or delinquent act on the victim, the 3026  
circumstances surrounding the criminal offense or delinquent 3027  
act, the manner in which the criminal offense or delinquent act 3028  
was perpetrated, and the victim's, victim's representative's, or 3029  
victim's attorney's, if applicable, opinion whether the record 3030  
should be sealed or expunged. The victim, victim's 3031  
representative, or victim's attorney, if applicable, may be 3032  
heard in writing, orally, or both at the victim's, victim's 3033  
representative's, or victim's attorney's, if applicable, 3034  
discretion. The court shall give the offender or juvenile an 3035  
opportunity to review a copy of any written impact statement 3036  
made by the victim, victim's representative, and victim's 3037  
attorney, if applicable, under this division. The court shall 3038  
give to either the adult parole authority or the department of 3039  
youth services, whichever is applicable, a copy of any written 3040  
impact statement made by the victim, victim's representative, 3041  
and victim's attorney, if applicable, under this division. 3042

(B) In deciding whether to seal or expunge a record under 3043  
this section, the court shall consider a statement made by the 3044

victim, victim's representative, and victim's attorney, if 3045  
applicable, under division (A) of this section or section 3046  
2930.14 or 2947.051 of the Revised Code. 3047

(C) Upon making a determination whether to grant an 3048  
application to seal a record of conviction pursuant to section 3049  
2953.32 of the Revised Code or an application to seal or expunge 3050  
a juvenile record pursuant to section 2151.356 or 2151.358 of 3051  
the Revised Code, the court promptly shall notify the prosecutor 3052  
of the determination. The prosecutor shall promptly notify the 3053  
victim and the victim's representative, if applicable, after 3054  
receiving the notice from the court. 3055

**Sec. 2930.19.** (A) (1) A victim, victim's representative, 3056  
or victim's attorney, if applicable, or the prosecutor, on 3057  
request of the victim, has standing as a matter of right to 3058  
assert, or to challenge an order denying, the rights of the 3059  
victim provided by law in any judicial or administrative 3060  
proceeding. The trial court shall act promptly on a request to 3061  
enforce, or on a challenge of an order denying, the rights of 3062  
the victim. In any case, the trial court shall hear the matter 3063  
within ten days of the assertion of the victim's rights. The 3064  
reasons for any decision denying relief under this section shall 3065  
be clearly stated on the record or in a judgment entry. 3066

(2) (a) If the trial court denies the relief sought under 3067  
division (A) (1) of this section, the trial court shall do all of 3068  
the following: 3069

(i) Provide the victim, the victim's representative, if 3070  
applicable, the victim's attorney, if applicable, and the 3071  
parties with notice of the decision and a copy of the judgment 3072  
entry; 3073



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

"NOTICE

The victim, the victim's attorney, if applicable, or the prosecutor on request of the victim, may appeal this decision or petition to the court of appeals for an extraordinary writ. If such an interlocutory appeal or extraordinary writ is sought while the case is still pending in the trial court, it shall be initiated no later than fourteen days after notice of the decision was provided to the victim by telephone or electronic mail to the latest telephone number or electronic mail address provided by the victim. The prosecutor or the prosecutor's designee shall provide the notice to the victim and the notice shall be memorialized in a manner sufficient to prove to the court the prosecutor or prosecutor's designee sent the notice. The court shall dismiss any such interlocutory appeal or petition as untimely if it does not comply with this fourteen-day limit."

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

implicating the victim's rights until the interlocutory appeal 3104  
is resolved by the appellate court. 3105

(ii) Upon the filing of an interlocutory appeal, the trial 3106  
court shall transmit those portions of the transcript necessary 3107  
for consideration of the issues to be reviewed by the court of 3108  
appeals within five business days. Once the transcript is 3109  
received by the court of appeals, the party that initiated the 3110  
appeal shall have eight days to file a merit brief. Once the 3111  
merit brief is filed, the appellee shall have eight days to file 3112  
a response brief. The court of appeals shall decide the entire 3113  
appeal not later than thirty-five days after the appeal is 3114  
filed. Notwithstanding these limits, the litigants, with the 3115  
approval of the court, may stipulate to a different period of 3116  
time for the briefing and issuance of the decision and judgment 3117  
on the appeal. The victim, the victim's attorney, the 3118  
prosecutor, or the defendant may notify the supreme court if a 3119  
court of appeals has failed to issue a judgment in accordance 3120  
with the stipulated period of time. Such notifications are 3121  
public records. 3122

(iii) Nothing in this section shall be interpreted as 3123  
applying to a direct appeal that is filed after the court 3124  
sentences the defendant. A victim who wishes to appeal from an 3125  
order that is final on its entry after the court sentences the 3126  
defendant shall file the notice of appeal within thirty days of 3127  
that entry. 3128

(c) If the victim or victim's attorney, if applicable, 3129  
petitions for an extraordinary writ, the court of appeals or the 3130  
supreme court shall enter an order establishing an expedited 3131  
schedule for the filing of an answer, the submission of 3132  
evidence, the filing of briefing by the litigants, and the entry 3133

of decision and judgment and shall place the petition on its 3134  
accelerated calendar. The court of appeals or the supreme court 3135  
shall immediately notify the trial court of the petition, and 3136  
the trial court shall transmit to the court of appeals or the 3137  
supreme court those portions of the transcript necessary for the 3138  
consideration of the issues to be reviewed by the applicable 3139  
appellate court within five business days of the filing of the 3140  
appeal or petition. The court shall enter judgment within forty- 3141  
five days after the petition for an extraordinary writ is filed. 3142  
Notwithstanding these limits, the litigants, with the approval 3143  
of the court, may stipulate to a different period of time for 3144  
the briefing and issuance of the decision and judgment in the 3145  
action. The victim, the victim's attorney, the prosecutor, or 3146  
the defendant may notify the supreme court if a court of appeals 3147  
has failed to issue a judgment in accordance with the stipulated 3148  
period of time. Such notifications are a public record. 3149

(d) If any interlocutory appeal is pursued to the supreme 3150  
court, the supreme court shall enter an order establishing an 3151  
expedited schedule for its proceedings, including, as 3152  
applicable, the filing of jurisdictional memoranda and ruling 3153  
thereon, the transmission of the record, the filing of briefing 3154  
by the litigants, oral argument if permitted, and the entry of 3155  
decision and judgment and shall place the appeal on its 3156  
accelerated calendar. The court shall enter judgment within 3157  
sixty days after the appeal is filed. The supreme court shall 3158  
immediately notify the trial court of the appeal, and the trial 3159  
court shall transmit to the court of appeals or the supreme 3160  
court those portions of the transcript necessary for 3161  
consideration of the issues to be reviewed by the applicable 3162  
appellate court within five business days of the filing of the 3163  
appeal. Notwithstanding these limits, the litigants, with the 3164

approval of the court, may stipulate to a different period of 3165  
time for the supreme court's proceedings and for the issuance of 3166  
the supreme court's decision and judgment in the case. 3167

(e) Nothing in this division applies to a direct appeal 3168  
that is filed by the victim after the court sentences the 3169  
defendant. A victim who wishes to appeal from an appellate entry 3170  
shall file the appropriate notice of appeal to the supreme court 3171  
within thirty days of the entry. 3172

(B) (1) A victim of a criminal offense or delinquent act 3173  
has the right to be represented by an attorney. Nothing in this 3174  
section creates a right to an attorney at public expense for a 3175  
victim. If a victim is represented by an attorney, the court 3176  
shall notify the victim's attorney in the same manner in which 3177  
the parties are notified under applicable law or rule. The 3178  
victim's attorney shall be included in all bench conferences, 3179  
meetings in chambers, and sidebars with the trial court that 3180  
directly involve a decision implicating that victim's rights as 3181  
enumerated in Ohio Constitution, Article I, Section 10a. Nothing 3182  
in this section shall be construed as making a victim a party to 3183  
the case. 3184

(2) A defendant has a right to respond and be represented 3185  
by an attorney for appeals and writs the victim, the victim's 3186  
attorney, if applicable, or the prosecutor may file pursuant to 3187  
this section. An indigent defendant has the right to appointed 3188  
counsel for appeals and writs filed pursuant to this section. 3189  
If, as an indigent person, a defendant is unable to employ 3190  
counsel, the defendant is entitled to have counsel provided 3191  
pursuant to Chapter 120. of the Revised Code. The court shall 3192  
notify the defendant and the defendant's attorney in the same 3193  
manner that the parties are notified under applicable law or 3194

rule. 3195

(C) The failure of a public official or public agency or 3196  
the public official's or public agency's designee to comply with 3197  
the requirements of this chapter does not give rise to a claim 3198  
for damages against that public official or public agency or 3199  
that public official's or public agency's designee, except that 3200  
a public agency as an employer may be held responsible for a 3201  
violation of section 2930.18 of the Revised Code. 3202

(D) The failure of any person or entity to provide a 3203  
right, privilege, or notice to a victim under this chapter does 3204  
not constitute grounds for declaring a mistrial or new trial, 3205  
for setting aside a conviction, sentence, adjudication, or 3206  
disposition, or for granting postconviction release to a 3207  
defendant or alleged juvenile offender. 3208

(E) If there is a conflict between a provision in this 3209  
chapter and a specific statute governing the procedure in a case 3210  
involving a capital offense, the specific statute supersedes the 3211  
provision in this chapter. 3212

(F) A defendant or juvenile offender may not raise the 3213  
failure to afford a right to a victim as error in any legal 3214  
argument to provide an advantage to that defendant or juvenile 3215  
offender in any motion, including a dispositive motion, motion 3216  
for a mistrial, motion for new trial, or motion to have a 3217  
conviction, sentence, or disposition set aside, in any petition 3218  
for post-conviction relief, or in any assignment of error on 3219  
appeal. 3220

(G) If the victim of a criminal offense or delinquent act 3221  
is incarcerated in a state or local correctional facility or is 3222  
in the legal custody of the department of youth services, the 3223

victim's rights under this chapter may be modified by court 3224  
order to prevent any security risk, hardship, or undue burden 3225  
upon a public official or public agency with a duty under this 3226  
chapter. 3227

(H) As used in this section, "post-conviction release" 3228  
means judicial release, early release, and parole, but does not 3229  
mean relief pursuant to a federal petition in habeas corpus. 3230

**Sec. 2945.481.** (A) (1) As used in this section, "victim" 3231  
includes any person who was a victim of a violation identified 3232  
in division (A) (2) of this section or an offense of violence or 3233  
against whom was directed any conduct that constitutes, or that 3234  
is an element of, a violation identified in division (A) (2) of 3235  
this section or an offense of violence. 3236

(2) (a) In any proceeding in the prosecution of a charge of 3237  
a violation of section 2905.03, 2905.05, 2907.02, 2907.03, 3238  
2907.04, 2907.05, 2907.06, 2907.07, 2907.09, 2907.21, 2907.23, 3239  
2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, or 3240  
2919.22 of the Revised Code or an offense of violence and in 3241  
which an alleged victim of the violation or offense was a child 3242  
who was less than thirteen years of age when the complaint, 3243  
indictment, or information was filed, whichever occurred 3244  
earlier, the judge of the court in which the prosecution is 3245  
being conducted, upon motion of an attorney for the prosecution, 3246  
shall order that the testimony of the child victim be taken by 3247  
deposition. The prosecution, child victim, or child victim's 3248  
attorney also may request that the deposition be recorded in 3249  
accordance with division (A) (3) of this section. 3250

(b) In any proceeding that is not otherwise eligible for 3251  
the protections provided for in division (A) (2) (a) of this 3252  
section, and in which an alleged victim of the violation was a 3253

child who was less than eighteen years of age when the 3254  
complaint, indictment, or information was filed, whichever 3255  
occurred earlier, upon motion of the child victim, the child 3256  
victim's attorney, if applicable, or an attorney for the 3257  
prosecution, and upon a showing by a preponderance of the 3258  
evidence that the child will suffer serious emotional trauma if 3259  
required to provide live trial testimony, the judge of the court 3260  
in which the prosecution is being conducted shall order that the 3261  
testimony of the child victim be taken by deposition. The 3262  
prosecution, child victim, or child victim's attorney may also 3263  
request that the deposition be recorded in accordance with 3264  
division (A) (3) of this section. 3265

(c) The judge shall notify the child victim whose 3266  
deposition is to be taken, the child victim's attorney, if 3267  
applicable, the prosecution, and the defense of the date, time, 3268  
and place for taking the deposition. The notice shall identify 3269  
the child victim who is to be examined and shall indicate 3270  
whether a request that the deposition be recorded has been made. 3271  
The defendant shall have the right to attend the deposition and 3272  
the right to be represented by counsel. Depositions shall be 3273  
taken in the manner provided in civil cases, except that the 3274  
judge shall preside at the taking of the deposition and shall 3275  
rule at that time on any objections of the prosecution or the 3276  
attorney for the defense. The prosecution and the attorney for 3277  
the defense shall have the right, as at trial, to full 3278  
examination and cross-examination of the child victim whose 3279  
deposition is to be taken. If a deposition taken under this 3280  
division is intended to be offered as evidence in the 3281  
proceeding, it shall be filed in the court in which the action 3282  
is pending and is admissible in the manner described in division 3283  
(B) of this section. If a deposition of a child victim taken 3284

under this division is admitted as evidence at the proceeding 3285  
under division (B) of this section, the child victim shall not 3286  
be required to testify in person at the proceeding. However, at 3287  
any time before the conclusion of the proceeding, the attorney 3288  
for the defense may file a motion with the judge requesting that 3289  
another deposition of the child victim be taken because new 3290  
evidence material to the defense has been discovered that the 3291  
attorney for the defense could not with reasonable diligence 3292  
have discovered prior to the taking of the admitted deposition. 3293  
A motion for another deposition shall be accompanied by 3294  
supporting affidavits. Upon the filing of a motion for another 3295  
deposition and affidavits, the court may order that additional 3296  
testimony of the child victim relative to the new evidence be 3297  
taken by another deposition. If the court orders the taking of 3298  
another deposition under this provision, the deposition shall be 3299  
taken in accordance with this division; if the admitted 3300  
deposition was a recorded deposition taken in accordance with 3301  
division (A) (3) of this section, the new deposition also shall 3302  
be recorded in accordance with that division and in other cases, 3303  
the new deposition may be recorded in accordance with that 3304  
division. 3305

(3) If the prosecution, child victim, or child victim's 3306  
attorney requests that a deposition to be taken under division 3307  
(A) (2) of this section be recorded, the judge shall order that 3308  
the deposition be recorded in accordance with this division. If 3309  
a judge issues an order that the deposition be recorded, the 3310  
judge shall exclude from the room in which the deposition is to 3311  
be taken every person except the child victim giving the 3312  
testimony, the judge, one or more interpreters if needed, the 3313  
attorneys for the prosecution and the defense, the child 3314  
victim's attorney, if applicable, the child victim's 3315



representative, if applicable, any person needed to operate the 3316  
equipment to be used, one person chosen by the child victim 3317  
giving the deposition, and any person whose presence the judge 3318  
determines would contribute to the welfare and well-being of the 3319  
child victim giving the deposition. The person chosen by the 3320  
child victim shall not be a witness in the proceeding and, both 3321  
before and during the deposition, shall not discuss the 3322  
testimony of the child victim with any other witness in the 3323  
proceeding. To the extent feasible, any person operating the 3324  
recording equipment shall be restricted to a room adjacent to 3325  
the room in which the deposition is being taken, or to a 3326  
location in the room in which the deposition is being taken that 3327  
is behind a screen or mirror, so that the person operating the 3328  
recording equipment can see and hear, but cannot be seen or 3329  
heard by, the child victim giving the deposition during the 3330  
deposition. The defendant shall be permitted to observe and hear 3331  
the testimony of the child victim giving the deposition on a 3332  
monitor, shall be provided with an electronic means of immediate 3333  
communication with the defendant's attorney during the 3334  
testimony, and shall be restricted to a location from which the 3335  
defendant cannot be seen or heard by the child victim giving the 3336  
deposition, except on a monitor provided for that purpose. The 3337  
child victim giving the deposition shall be provided with a 3338  
monitor on which the child victim can observe, during the 3339  
testimony, the defendant. The judge, at the judge's discretion, 3340  
may preside at the deposition by electronic means from outside 3341  
the room in which the deposition is to be taken; if the judge 3342  
presides by electronic means, the judge shall be provided with 3343  
monitors on which the judge can see each person in the room in 3344  
which the deposition is to be taken and with an electronic means 3345  
of communication with each person, and each person in the room 3346

shall be provided with a monitor on which that person can see 3347  
the judge and with an electronic means of communication with the 3348  
judge. A deposition that is recorded under this division shall 3349  
be taken and filed in the manner described in division (A) (2) of 3350  
this section and is admissible in the manner described in this 3351  
division and division (B) of this section, and, if a deposition 3352  
that is recorded under this division is admitted as evidence at 3353  
the proceeding, the child victim shall not be required to 3354  
testify in person at the proceeding. No deposition recorded 3355  
under this division shall be admitted as evidence at any 3356  
proceeding unless division (B) of this section is satisfied 3357  
relative to the deposition and all of the following apply 3358  
relative to the recording: 3359

(a) The recording is both aural and visual and is recorded 3360  
on film or videotape, or by other electronic means. 3361

(b) The recording is authenticated under the Rules of 3362  
Evidence and the Rules of Criminal Procedure as a fair and 3363  
accurate representation of what occurred, and the recording is 3364  
not altered other than at the direction and under the 3365  
supervision of the judge in the proceeding. 3366

(c) Each voice on the recording that is material to the 3367  
testimony on the recording or the making of the recording, as 3368  
determined by the judge, is identified. 3369

(d) Both the prosecution and the defendant are afforded an 3370  
opportunity to view the recording before it is shown in the 3371  
proceeding. 3372

(B) (1) At any proceeding in a prosecution in relation to 3373  
which a deposition was taken under division (A) of this section, 3374  
the deposition or a part of it is admissible in evidence upon 3375

motion of the prosecution if the testimony in the deposition or 3376  
 the part to be admitted is not excluded by the hearsay rule and 3377  
 if the deposition or the part to be admitted otherwise is 3378  
 admissible under the Rules of Evidence. For purposes of this 3379  
 division, testimony is not excluded by the hearsay rule if the 3380  
 testimony is not hearsay under Evidence Rule 801; if the 3381  
 testimony is within an exception to the hearsay rule set forth 3382  
 in Evidence Rule 803; if the child victim who gave the testimony 3383  
 is unavailable as a witness, as defined in Evidence Rule 804, 3384  
 and the testimony is admissible under that rule; or if both of 3385  
 the following apply: 3386

(a) The defendant had an opportunity and similar motive at 3387  
 the time of the taking of the deposition to develop the 3388  
 testimony by direct, cross, or redirect examination. 3389

(b) The judge determines that there is reasonable cause to 3390  
 believe that, if the child victim who gave the testimony in the 3391  
 deposition were to testify in person at the proceeding, the 3392  
 child victim would experience serious emotional trauma as a 3393  
 result of the child victim's participation at the proceeding. 3394

(2) Objections to receiving in evidence a deposition or a 3395  
 part of it under division (B) of this section shall be made as 3396  
 provided in civil actions. 3397

(3) The provisions of divisions (A) and (B) of this 3398  
 section are in addition to any other provisions of the Revised 3399  
 Code, the Rules of Criminal Procedure, or the Rules of Evidence 3400  
 that pertain to the taking or admission of depositions in a 3401  
 criminal proceeding and do not limit the admissibility under any 3402  
 of those other provisions of any deposition taken under division 3403  
 (A) of this section or otherwise taken. 3404

~~(C)~~(C) (1) (a) In any proceeding in the prosecution of any 3405  
charge of a violation listed in division ~~(A) (2)~~ (A) (2) (a) of this 3406  
section or an offense of violence and in which an alleged victim 3407  
of the violation or offense was a child who was less than 3408  
thirteen years of age when the complaint, indictment, or 3409  
information was filed, whichever occurred earlier, the judge, 3410  
upon motion of the prosecution, the child victim, or the child 3411  
victim's attorney, if applicable, may file a motion with the 3412  
judge requesting the judge to shall order the testimony of the 3413  
child victim to be taken in a room other than the room in which 3414  
the proceeding is being conducted and be ~~televised, by closed-~~ 3415  
~~circuit equipment, broadcast~~ into the room in which the 3416  
proceeding is being conducted to be viewed by the jury, if 3417  
applicable, the defendant, and any other persons who are not 3418  
permitted in the room in which the testimony is to be taken but 3419  
who would have been present during the testimony of the child 3420  
victim had it been given in the room in which the proceeding is 3421  
being conducted. 3422

(b) In any proceeding that is not otherwise eligible for 3423  
the protections provided for in division (C) (1) (a) of this 3424  
section, and in which an alleged victim of the violation was a 3425  
child who was less than eighteen years of age when the 3426  
complaint, indictment, or information was filed, whichever 3427  
occurred earlier, upon motion of the child victim, the child 3428  
victim's attorney, if applicable, or the prosecution, and upon a 3429  
showing by a preponderance of the evidence that the child will 3430  
suffer serious emotional trauma if required to provide live 3431  
trial testimony, the judge shall order that the testimony of the 3432  
child victim be taken in a room other than the room in which the 3433  
proceeding is being conducted and broadcast into the room in 3434  
which the proceeding is being conducted to be viewed by the 3435

defendant who is charged with the violation or act and any other 3436  
persons who are not permitted in the room in which the testimony 3437  
is to be taken but who would have been present during the 3438  
testimony of the child victim had it been given in the room in 3439  
which the proceeding is being conducted. 3440

(2) Except for good cause shown, the prosecution, child 3441  
victim, or child victim's attorney, if applicable, shall file a 3442  
motion under this division at least seven days before the date 3443  
of the proceeding. The judge may issue the order upon the motion 3444  
of the prosecution, child victim, or child victim's attorney, if 3445  
applicable, filed under this section, if the judge determines 3446  
that the child victim is unavailable to testify in the room in 3447  
which the proceeding is being conducted in the physical presence 3448  
of the defendant, for one or more of the reasons set forth in 3449  
division (E) of this section. If a judge issues an order of that 3450  
nature, the judge shall exclude from the room in which the 3451  
testimony is to be taken every person except a person described 3452  
in division (A) (3) of this section. The judge, at the judge's 3453  
discretion, may preside during the giving of the testimony by 3454  
electronic means from outside the room in which it is being 3455  
given, subject to the limitations set forth in division (A) (3) 3456  
of this section. To the extent feasible, any person operating 3457  
the televising equipment shall be hidden from the sight and 3458  
hearing of the child victim giving the testimony, in a manner 3459  
similar to that described in division (A) (3) of this section. 3460  
The defendant shall be permitted to observe and hear the 3461  
testimony of the child victim giving the testimony on a monitor, 3462  
shall be provided with an electronic means of immediate 3463  
communication with the defendant's attorney during the 3464  
testimony, and shall be restricted to a location from which the 3465  
defendant cannot be seen or heard by the child victim giving the 3466

testimony, except on a monitor provided for that purpose. The 3467  
child victim giving the testimony shall be provided with a 3468  
monitor on which the child victim can observe, during the 3469  
testimony, the defendant. 3470

~~(D)~~ (D) (1) (a) In any proceeding in the prosecution of any 3471  
charge of a violation listed in division ~~(A) (2)~~ (A) (2) (a) of this 3472  
section or an offense of violence and in which an alleged victim 3473  
of the violation or offense was a child who was less than 3474  
thirteen years of age when the complaint, indictment, or 3475  
information was filed, whichever occurred earlier, the judge, 3476  
upon motion of the prosecution, child victim, or child victim's 3477  
attorney, if applicable, ~~may file a motion with the judge~~ 3478  
~~requesting the judge to~~ shall order the testimony of the child 3479  
victim to be taken outside of the room in which the proceeding 3480  
is being conducted and be recorded for showing in the room in 3481  
which the proceeding is being conducted before the judge, the 3482  
jury, if applicable, the defendant, and any other persons who 3483  
would have been present during the testimony of the child victim 3484  
had it been given in the room in which the proceeding is being 3485  
conducted. 3486

(b) In any proceeding that is not otherwise eligible for 3487  
the protections provided for in division (D) (1) (a) of this 3488  
section, and in which an alleged victim of the violation was a 3489  
child who was less than eighteen years of age when the 3490  
complaint, indictment, or information was filed, whichever 3491  
occurred earlier, upon motion of the child victim, the child 3492  
victim's attorney, if applicable, or the prosecution, and upon a 3493  
showing by a preponderance of the evidence that the child will 3494  
suffer serious emotional trauma if required to provide live 3495  
trial testimony, the judge shall order that the testimony of the 3496  
child victim be taken outside of the room in which the 3497

proceeding is being conducted and be recorded for showing in the 3498  
room in which the proceeding is being conducted before the 3499  
judge, the defendant who is charged with the violation or act, 3500  
and any other persons who would have been present during the 3501  
testimony of the child victim had it been given in the room in 3502  
which the proceeding is being conducted. 3503

(2) Except for good cause shown, the prosecution, child 3504  
victim, or child victim's attorney, if applicable, shall file a 3505  
motion under this division at least seven days before the date 3506  
of the proceeding. The judge may issue the order upon the motion 3507  
of the prosecution, child victim, or child victim's attorney, if 3508  
applicable, filed under this division, if the judge determines 3509  
that the child victim is unavailable to testify in the room in 3510  
which the proceeding is being conducted in the physical presence 3511  
of the defendant, for one or more of the reasons set forth in 3512  
division (E) of this section. If a judge issues an order of that 3513  
nature, the judge shall exclude from the room in which the 3514  
testimony is to be taken every person except a person described 3515  
in division (A) (3) of this section. To the extent feasible, any 3516  
person operating the recording equipment shall be hidden from 3517  
the sight and hearing of the child victim giving the testimony, 3518  
in a manner similar to that described in division (A) (3) of this 3519  
section. The defendant shall be permitted to observe and hear 3520  
the testimony of the child victim who is giving the testimony on 3521  
a monitor, shall be provided with an electronic means of 3522  
immediate communication with the defendant's attorney during the 3523  
testimony, and shall be restricted to a location from which the 3524  
defendant cannot be seen or heard by the child victim giving the 3525  
testimony, except on a monitor provided for that purpose. The 3526  
child victim giving the testimony shall be provided with a 3527  
monitor on which the child victim can observe, during the 3528

testimony, the defendant. No order for the taking of testimony 3529  
by recording shall be issued under this division unless the 3530  
provisions set forth in divisions (A) (3) (a), (b), (c), and (d) 3531  
of this section apply to the recording of the testimony. 3532

(E) For purposes of divisions (C) and (D) of this section, 3533  
a judge may order the testimony of a child victim to be taken 3534  
outside the room in which the proceeding is being conducted if 3535  
the judge determines that the child victim is unavailable to 3536  
testify in the room in the physical presence of the defendant 3537  
due to one or more of the following: 3538

(1) The persistent refusal of the child victim to testify 3539  
despite judicial requests to do so; 3540

(2) The inability of the child victim to communicate about 3541  
the alleged violation or offense because of extreme fear, 3542  
failure of memory, or another similar reason; 3543

(3) The substantial likelihood that the child victim will 3544  
suffer serious emotional trauma from so testifying. 3545

(F) (1) If a judge issues an order pursuant to division (C) 3546  
or (D) of this section that requires the testimony of a child 3547  
victim in a criminal proceeding to be taken outside of the room 3548  
in which the proceeding is being conducted, the order shall 3549  
specifically identify the child victim, in a manner consistent 3550  
with section 2930.07 of the Revised Code, to whose testimony it 3551  
applies, the order applies only during the testimony of the 3552  
specified child victim, and the child victim giving the 3553  
testimony shall not be required to testify at the proceeding 3554  
other than in accordance with the order. 3555

(2) A judge who makes any determination regarding the 3556  
admissibility of a deposition under divisions (A) and (B) of 3557



this section, the recording of a deposition under division (A) 3558  
(3) of this section, or the taking of testimony outside of the 3559  
room in which a proceeding is being conducted under division (C) 3560  
or (D) of this section, shall enter the determination and 3561  
findings on the record in the proceeding. 3562

**Sec. 2945.482.** (A) As used in this section: 3563

(1) "Developmental disability" has the same meaning as in 3564  
section 5123.01 of the Revised Code. 3565

(2) "Victim with a developmental disability" includes a 3566  
person with a developmental disability who was a victim of a 3567  
violation identified in division (B)(1) of this section or an 3568  
offense of violence or against whom was directed any conduct 3569  
that constitutes, or that is an element of, a violation 3570  
identified in division (B)(1) of this section or an offense of 3571  
violence. 3572

(B)(1)(a) In any proceeding in the prosecution of a charge 3573  
of a violation of section 2903.16, 2903.34, 2903.341, 2905.03, 3574  
2907.02, 2907.03, 2907.05, 2907.06, 2907.09, 2907.21, 2907.23, 3575  
2907.24, 2907.32, 2907.321, 2907.322, or 2907.323 of the Revised 3576  
Code or an offense of violence and in which an alleged victim of 3577  
the violation or offense was a person with a developmental 3578  
disability, the judge of the court in which the prosecution is 3579  
being conducted, upon motion of a victim, victim's attorney, or 3580  
an attorney for the prosecution, shall order that the testimony 3581  
of the victim with a developmental disability be taken by 3582  
deposition. The prosecution, victim, or victim's attorney also 3583  
may request that the deposition be recorded in accordance with 3584  
division (B)(2) of this section. 3585

(b) In any proceeding that is not otherwise eligible for 3586

the protections provided for in division (B)(1)(a) of this 3587  
section and in which an alleged victim of the violation or act 3588  
was a person with a developmental disability, upon motion of the 3589  
prosecution, the victim, or the victim's attorney, if 3590  
applicable, and a showing by a preponderance of the evidence 3591  
that the victim will suffer serious emotional trauma if required 3592  
to provide live trial testimony, the judge of the court in which 3593  
the prosecution is being conducted shall order that the 3594  
testimony of the victim with a developmental disability be taken 3595  
by deposition. The prosecution, the victim, or the victim's 3596  
attorney, if applicable, also may request that the deposition be 3597  
recorded in accordance with division (B)(2) of this section. 3598

(c) The judge shall notify the victim with a developmental 3599  
disability whose deposition is to be taken, the victim's 3600  
attorney, if applicable, the prosecution, and the defense of the 3601  
date, time, and place for taking the deposition. The notice 3602  
shall identify the victim with a developmental disability, in a 3603  
manner consistent with section 2930.07 of the Revised Code, who 3604  
is to be examined and shall indicate whether a request that the 3605  
deposition be recorded has been made. The defendant shall have 3606  
the right to attend the deposition and the right to be 3607  
represented by counsel. Depositions shall be taken in the manner 3608  
provided in civil cases, except that the judge shall preside at 3609  
the taking of the deposition and shall rule at the time on any 3610  
objections of the prosecution or the attorney for the defense. 3611  
The prosecution and the attorney for the defense shall have the 3612  
right, as at trial, to full examination and cross-examination of 3613  
the victim with a developmental disability whose deposition is 3614  
to be taken. If a deposition taken under this division is 3615  
intended to be offered as evidence in the proceeding, it shall 3616  
be filed in the court in which the action is pending and is 3617

admissible in the manner described in division (C) of this 3618  
section. 3619

If a deposition of a victim with a developmental 3620  
disability taken under this division is admitted as evidence at 3621  
the proceeding under division (C) of this section, the victim 3622  
with a developmental disability shall not be required to testify 3623  
in person at the proceeding. 3624

At any time before the conclusion of the proceeding, the 3625  
attorney for the defense may file a motion with the judge 3626  
requesting that another deposition of the victim with a 3627  
developmental disability be taken because new evidence material 3628  
to the defense has been discovered that the attorney for the 3629  
defense could not with reasonable diligence have discovered 3630  
prior to the taking of the admitted deposition. If the court 3631  
orders the taking of another deposition under this provision, 3632  
the deposition shall be taken in accordance with this division. 3633  
If the admitted deposition was a recorded deposition taken in 3634  
accordance with division (B) (2) of this section, the new 3635  
deposition shall be recorded in accordance with that division. 3636  
In other cases, the new deposition may be recorded in accordance 3637  
with that division. 3638

(2) If the prosecution, victim, or victim's attorney, if 3639  
applicable, requests that a deposition to be taken under 3640  
division (B) (2) of this section be recorded, the judge shall 3641  
order that the deposition be recorded in accordance with this 3642  
division. If a judge issues an order that the deposition be 3643  
recorded, the judge shall exclude from the room in which the 3644  
deposition is to be taken every person except the victim with a 3645  
developmental disability giving the testimony, the judge, one or 3646  
more interpreters if needed, the attorneys for the prosecution 3647

and the defense, the victim's attorney, if applicable, the 3648  
victim's representative, if applicable, any person needed to 3649  
operate the equipment to be used, one person chosen by the 3650  
victim with a developmental disability giving the deposition, 3651  
and any person whose presence the judge determines would 3652  
contribute to the welfare and well-being of the victim with a 3653  
developmental disability giving the deposition. The person 3654  
chosen by the victim with a developmental disability shall not 3655  
be a witness in the proceeding and, both before and during the 3656  
deposition, shall not discuss the testimony of the victim with a 3657  
developmental disability with any other witness in the 3658  
proceeding. To the extent feasible, any person operating the 3659  
recording equipment shall be restricted to a room adjacent to 3660  
the room in which the deposition is being taken, or to a 3661  
location in the room in which the deposition is being taken that 3662  
is behind a screen or mirror, so that the person operating the 3663  
recording equipment can see and hear, but cannot be seen or 3664  
heard by, the victim with a developmental disability giving the 3665  
deposition during the deposition. 3666

The defendant shall be permitted to observe and hear the 3667  
testimony of the victim with a developmental disability giving 3668  
the deposition on a monitor, shall be provided with an 3669  
electronic means of immediate communication with the defendant's 3670  
attorney during the testimony, and shall be restricted to a 3671  
location from which the defendant cannot be seen or heard by the 3672  
victim with a developmental disability giving the deposition, 3673  
except on a monitor provided for that purpose. The victim with a 3674  
developmental disability giving the deposition shall be provided 3675  
with a monitor on which the victim can observe, during the 3676  
testimony, the defendant. The judge, at the judge's discretion, 3677  
may preside at the deposition by electronic means from outside 3678

the room in which the deposition is to be taken. If the judge  
presides by electronic means, the judge shall be provided with  
monitors on which the judge can see each person in the room in  
which the deposition is to be taken and with an electronic means  
of communication with each person, and each person in the room  
shall be provided with a monitor on which that person can see  
the judge and with an electronic means of communication with the  
judge. A deposition that is recorded under this division shall  
be taken and filed in the manner described in division (B)(1) of  
this section and is admissible in the manner described in this  
division and division (C) of this section, and, if a deposition  
that is recorded under this division is admitted as evidence at  
the proceeding, the victim with a developmental disability shall  
not be required to testify in person at the proceeding. No  
deposition recorded under this division shall be admitted as  
evidence at any proceeding unless division (C) of this section  
is satisfied relative to the deposition and all of the following  
apply relative to the recording:

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

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

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

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

proceeding. 3709

(C) (1) At any proceeding in a prosecution in relation to 3710  
which a deposition was taken under division (B) of this section, 3711  
the deposition or a part of it is admissible in evidence upon 3712  
motion of the prosecution, victim, or victim's attorney, if 3713  
applicable, if the testimony in the deposition or the part to be 3714  
admitted is not excluded by the hearsay rule and if the 3715  
deposition or the part to be admitted otherwise is admissible 3716  
under the Rules of Evidence. For purposes of this division, 3717  
testimony is not excluded by the hearsay rule if the testimony 3718  
is not hearsay under Evidence Rule 801; the testimony is within 3719  
an exception to the hearsay rule set forth in Evidence Rule 803; 3720  
the victim with a developmental disability who gave the 3721  
testimony is unavailable as a witness, as defined in Evidence 3722  
Rule 804, and the testimony is admissible under that rule; or 3723  
both of the following apply: 3724

(a) The defendant had an opportunity and similar motive at 3725  
the time of the taking of the deposition to develop the 3726  
testimony by direct, cross, or redirect examination. 3727

(b) The judge determines that there is reasonable cause to 3728  
believe that, if the victim with a developmental disability who 3729  
gave the testimony in the deposition were to testify in person 3730  
at the proceeding, the victim with a developmental disability 3731  
would experience serious emotional trauma as a result of the 3732  
participation of the victim with a developmental disability at 3733  
the proceeding. 3734

(2) Objections to receiving in evidence a deposition or a 3735  
part of it under division (C) of this section shall be made as 3736  
provided in civil actions. 3737

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

~~(D)~~ (D) (1) (a) In any proceeding in the prosecution of any charge of a violation listed in division (B) (1) of this section or an offense of violence and in which an alleged victim of the violation or offense was a person with a developmental disability, the judge, upon motion of the prosecution, victim, or victim's attorney, ~~if applicable, may file a motion with the judge requesting the judge to~~ shall order the testimony of the victim with a developmental disability to be taken in a room other than the room in which the proceeding is being conducted and be ~~televised, by closed circuit equipment,~~ broadcast into the room in which the proceeding is being conducted to be viewed by the jury, if applicable, the defendant, and any other persons who are not permitted in the room in which the testimony is to be taken but who would have been present during the testimony of the victim with a developmental disability had it been given in the room in which the proceeding is being conducted.

(b) In any proceeding that is not otherwise eligible for the protections provided for in division (D) (1) (a) of this section and in which an alleged victim of the violation or act was a person with a developmental disability, upon motion of the prosecution, the victim, or the victim's attorney, if applicable, and a showing by a preponderance of the evidence that the victim will suffer serious emotional trauma if required to provide live trial testimony, the judge shall order the

testimony be taken in a room other than the room in which the 3769  
proceeding is being conducted and broadcast into the room in 3770  
which the proceeding is being conducted to be viewed by the 3771  
jury, if applicable, the defendant, and any other persons who 3772  
are not permitted in the room in which the testimony is to be 3773  
taken but who would have been present during the testimony of 3774  
the victim with a developmental disability had it been given in 3775  
the room in which the proceeding is being conducted. 3776

(2) Except for good cause shown, the prosecution, victim, 3777  
or victim's attorney, if applicable, shall file a motion under 3778  
this division at least seven days before the date of the 3779  
proceeding. The judge may issue the order upon the motion of the 3780  
prosecution filed under this section, if the judge determines 3781  
that the victim with a developmental disability is unavailable 3782  
to testify in the room in which the proceeding is being 3783  
conducted in the physical presence of the defendant for one or 3784  
more of the reasons set forth in division (F) of this section. 3785  
If a judge issues an order of that nature, the judge shall 3786  
exclude from the room in which the testimony is to be taken 3787  
every person except a person described in division (B) (2) of 3788  
this section. The judge, at the judge's discretion, may preside 3789  
during the giving of the testimony by electronic means from 3790  
outside the room in which it is being given, subject to the 3791  
limitations set forth in division (B) (2) of this section. To the 3792  
extent feasible, any person operating the televising equipment 3793  
shall be hidden from the sight and hearing of the victim with a 3794  
developmental disability giving the testimony, in a manner 3795  
similar to that described in division (B) (2) of this section. 3796  
The defendant shall be permitted to observe and hear the 3797  
testimony of the victim with a developmental disability giving 3798  
the testimony on a monitor, shall be provided with an electronic 3799



means of immediate communication with the defendant's attorney 3800  
during the testimony, and shall be restricted to a location from 3801  
which the defendant cannot be seen or heard by the victim with a 3802  
developmental disability giving the testimony, except on a 3803  
monitor provided for that purpose. The victim with a 3804  
developmental disability giving the testimony shall be provided 3805  
with a monitor on which the victim with a developmental 3806  
disability can observe, during the testimony, the defendant. 3807

~~(E)~~ (E) (1) (a) In any proceeding in the prosecution of any 3808  
charge of a violation listed in division (B) (1) of this section 3809  
or an offense of violence and in which an alleged victim of the 3810  
violation or offense was a victim with a developmental 3811  
disability, the judge, upon motion of the prosecution, victim, 3812  
or victim's attorney, ~~if applicable, may file a motion with the~~ 3813  
~~judge requesting the judge to~~ shall order the testimony of the 3814  
victim with a developmental disability to be taken outside of 3815  
the room in which the proceeding is being conducted and be 3816  
recorded for showing in the room in which the proceeding is 3817  
being conducted before the judge, the jury, if applicable, the 3818  
defendant, and any other persons who would have been present 3819  
during the testimony of the victim with a developmental 3820  
disability had it been given in the room in which the proceeding 3821  
is being conducted. 3822

(b) In any proceeding that is not otherwise eligible for 3823  
the protections provided for in division (E) (1) (a) of this 3824  
section and in which an alleged victim of the violation or act 3825  
was a person with a developmental disability, upon motion of the 3826  
prosecution, the victim, or the victim's attorney, if 3827  
applicable, and a showing by a preponderance of the evidence 3828  
that the victim will suffer serious emotional trauma if required 3829  
to provide live trial testimony, the judge shall order the 3830

testimony be taken outside of the room in which the proceeding 3831  
is being conducted and be recorded for showing in the room in 3832  
which the proceeding is being conducted before the judge, the 3833  
jury, if applicable, the defendant, and any other persons who 3834  
would have been present during the testimony of the victim with 3835  
a developmental disability had it been given in the room in 3836  
which the proceeding is being conducted. 3837

(2) Except for good cause shown, the prosecution, victim, 3838  
or victim's attorney, if applicable, shall file a motion under 3839  
this division at least seven days before the date of the 3840  
proceeding. The judge may issue the order upon the motion of the 3841  
prosecution filed under this division, if the judge determines 3842  
that the victim with a developmental disability is unavailable 3843  
to testify in the room in which the proceeding is being 3844  
conducted in the physical presence of the defendant, for one or 3845  
more of the reasons set forth in division (F) of this section. 3846  
If a judge issues an order of that nature, the judge shall 3847  
exclude from the room in which the testimony is to be taken 3848  
every person except a person described in division (B) (2) of 3849  
this section. To the extent feasible, any person operating the 3850  
recording equipment shall be hidden from the sight and hearing 3851  
of the victim with a developmental disability giving the 3852  
testimony, in a manner similar to that described in division (B) 3853  
(2) of this section. The defendant shall be permitted to observe 3854  
and hear the testimony of the victim with a developmental 3855  
disability who is giving the testimony on a monitor, shall be 3856  
provided with an electronic means of immediate communication 3857  
with the defendant's attorney during the testimony, and shall be 3858  
restricted to a location from which the defendant cannot be seen 3859  
or heard by the victim with a developmental disability giving 3860  
the testimony, except on a monitor provided for that purpose. 3861

The victim with a developmental disability giving the testimony 3862  
shall be provided with a monitor on which the victim can 3863  
observe, during the testimony, the defendant. No order for the 3864  
taking of testimony by recording shall be issued under this 3865  
division unless the provisions set forth in divisions (B) (2) (a), 3866  
(b), (c), and (d) of this section apply to the recording of the 3867  
testimony. 3868

(F) For purposes of divisions (D) and (E) of this section, 3869  
a judge may order the testimony of a victim with a developmental 3870  
disability to be taken outside the room in which the proceeding 3871  
is being conducted if the judge determines that the victim with 3872  
a developmental disability is unavailable to testify in the room 3873  
in the physical presence of the defendant due to one or more of 3874  
the following: 3875

(1) The persistent refusal of the victim with a 3876  
developmental disability to testify despite judicial requests to 3877  
do so; 3878

(2) The inability of the victim with a developmental 3879  
disability to communicate about the alleged violation or offense 3880  
because of extreme fear, failure of memory, or another similar 3881  
reason; 3882

(3) The substantial likelihood that the victim with a 3883  
developmental disability will suffer serious emotional trauma 3884  
from so testifying. 3885

(G) (1) If a judge issues an order pursuant to division (D) 3886  
or (E) of this section that requires the testimony of a victim 3887  
with a developmental disability in a criminal proceeding to be 3888  
taken outside of the room in which the proceeding is being 3889  
conducted, the order shall specifically identify the victim with 3890

a developmental disability, in a manner consistent with section 3891  
2930.07 of the Revised Code, to whose testimony it applies, the 3892  
order applies only during the testimony of the specified victim 3893  
with a developmental disability, and the victim with a 3894  
developmental disability giving the testimony shall not be 3895  
required to testify at the proceeding other than in accordance 3896  
with the order. 3897

(2) A judge who makes any determination regarding the 3898  
admissibility of a deposition under divisions (B) and (C) of 3899  
this section, the recording of a deposition under division (B) 3900  
(2) of this section, or the taking of testimony outside of the 3901  
room in which a proceeding is being conducted under division (D) 3902  
or (E) of this section shall enter the determination and 3903  
findings on the record in the proceeding." 3904

In line 140, delete "section" and insert "sections 109.42, 2152.20, 3905  
2152.81, 2152.811,"; after "2305.37" insert ", 2743.71, 2903.213, 2919.26, 3906  
2929.28, 2929.281, 2930.02, 2930.04, 2930.041, 2930.06, 2930.063, 2930.07, 3907  
2930.161, 2930.171, 2930.19, 2945.481, and 2945.482" 3908

In line 141, delete "is" and insert "are" 3909

After line 141, insert: 3910

**"Section 3.** That section 2930.043 of the Revised Code is 3911  
hereby repealed. 3912

**Section 4.** The General Assembly, applying the principle 3913  
stated in division (B) of section 1.52 of the Revised Code that 3914  
amendments are to be harmonized and reconciled if reasonably 3915  
capable of simultaneous operation, finds that the following 3916  
sections, presented in this act as composites of the sections as 3917  
amended by the acts indicated, are the resulting version of the 3918  
sections in effect prior to the effective date of the sections 3919

as presented in this act: 3920

Section 109.42 of the Revised Code as amended by both H.B. 3921  
 343 and S.B. 288 of the 134th General Assembly. 3922

Section 2930.06 of the Revised Code as amended by both 3923  
 H.B. 343 and S.B. 288 of the 134th General Assembly. 3924

**Section 5.** This act is hereby declared to be an emergency 3925  
 measure necessary for the immediate preservation of the public 3926  
 peace, health, and safety. The reason for such necessity is to 3927  
 address changes to victims rights made by H.B. 343 of the 134th 3928  
 General Assembly to clarify the requirements and procedures for 3929  
 the redaction of victim information for various entities in the 3930  
 criminal justice system. Therefore, this act shall go into 3931  
 immediate effect." 3932

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS 3933

**Victims' rights** 3934

**R.C. 109.42, 2152.20, 2152.81, 2152.811, 2743.71,** 3935  
**2903.213, 2919.26, 2929.28, 2929.281, 2930.02, 2930.04,** 3936  
**2930.041, 2930.043 (repealed), 2930.06, 2930.063, 2930.07,** 3937  
**2930.161, 2930.171, 2930.19, 2945.481, and 2945.482** 3938

Excludes from the definition of "case document" motor 3939  
 vehicle accident reports submitted to the Department of Public 3940  
 Safety unless the victim or victim's representative requests 3941  
 redaction of those reports. 3942

Permits a court to appoint a victim advocate or other  
appropriate person if the victim is incapacitated, incompetent,  
or deceased and no family member or victim advocate comes  
forward to be the victim's representative, or if the victim  
representative is not acting in the victim's interests.

Requires specified information be provided by the  
prosecution to the victim within a reasonable time frame after  
prosecution in the case has commenced, rather than after 14  
days.

Removes the requirement that the prosecutor provide the  
victim with information on the following:

- The right of the victim to have a victim's  
representative;

- How to designate a representative;

- The right of the victim and victim's representative to  
confer with the prosecutor upon request;

- The fact that the victim can seek the advice of an  
attorney or have legal representation;

- Information on notification.

Requires a court to provide a prosecutor notice of having  
to seal or expunge a juvenile record not less than 30 days  
before the hearing.

Permits charging a victim or victim's representative for  
copies of certain case documents at actual cost.

Permits a prosecutor and court to agree to a shorter  
notice period for nonjuvenile sealing and expungement hearings  
than the otherwise required 60 days notice.

Requires the court to inform all law enforcement agencies	3970
that have jurisdiction to enforce a protection order that the	3971
order is no longer effective at the time of termination of that	3972
order.	3973
Removes the maximum time limit of 5 years from payment of	3974
sanctions imposed for misdemeanors.	3975
Eliminates the requirement that the clerk of the	3976
sentencing court make an offender's payment history available to	3977
the victim, victim's representative, victim's attorney,	3978
prosecutor, probation department, and court, upon request,	3979
without cost.	3980
Removes from the victim's rights request form the section	3981
where the victim or victim's representative was required to	3982
indicate whether the victim was a victim against whom the	3983
criminal offense or delinquent act was committed or if the	3984
victim was directly or proximately harmed by the commissions of	3985
the offense or act.	3986
Requires the Attorney General to provide access to a	3987
sample victims' rights request form.	3988
Requires the victim's rights request form to be provided	3989
in English, Spanish, and Arabic, and any other language upon	3990
request.	3991
Adds to the victim's rights request form the following	3992
sections:	3993
- A section that allows the victim or victim's	3994
representative to request redaction of the victim's name,	3995
address, and identifying information in case documents.	3996
- A section that allows the victim or victim's	3997

representative to request interpretation services and provide 3998  
the information necessary for the criminal justice system to 3999  
provide those services. 4000

- A section that explains that if a victim of an offense 4001  
of violence or a sexually oriented offense does not complete the 4002  
form or request the victim's applicable rights on first contact 4003  
with law enforcement, it is considered an assertion of the 4004  
victim's rights until the victim completes the form or requests 4005  
applicable rights, or the prosecutor contacts the victim. 4006

Removes the requirement that a victim's name and 4007  
identifying information be filed separately on documents filed 4008  
with the court. 4009

Requires a separate redaction request be submitted to the 4010  
Department of Public Safety for redaction of victim information 4011  
motor vehicle accident reports. 4012

Requires a juvenile judge, upon a motion from the 4013  
prosecution, child victim, or child victim's attorney, where the 4014  
child victim was less than 13 years old when the complaint or 4015  
indictment was filed, to order the child victim's testimony be 4016  
taken outside the room in which the proceeding is being 4017  
conducted and broadcast into the room. 4018

Requires a juvenile judge, upon a motion from the 4019  
prosecution, child victim, or child victim's attorney, where the 4020  
child victim was less than 18 years old when the complaint or 4021  
indictment was file, to order the child victim's testimony be 4022  
taken outside the room in which the proceeding is being 4023  
conducted and broadcast into the room where the child victim 4024  
would, by a preponderance of the evidence, suffer serious 4025  
emotional trauma if required to provide live trial testimony. 4026



Requires a juvenile judge, upon motion of the prosecution, 4027  
a victim with a developmental disability or the victim's 4028  
attorney, to order that the victim's testimony be taken in a 4029  
room other than the one in which the proceeding is being 4030  
conducted and be broadcast into the room, where a child is 4031  
charged with an offense that would be an act of violence if 4032  
committed by an adult, or other listed offenses. 4033

Requires a juvenile judge, upon motion of the prosecution, 4034  
a victim with a developmental disability, or the victim's 4035  
attorney, to order that the victim's testimony be taken in a 4036  
room other than the one in which the proceeding is being 4037  
conducted and be broadcast into the room, where it is shown by a 4038  
preponderance of the evidence that the victim will suffer 4039  
serious emotional trauma if required to provide live trial 4040  
testimony. 4041

Permits the victim's rights compilation to be provided to 4042  
victims with the information card or other materials regarding 4043  
information explaining awards of reparations. 4044

Prohibits a court from appointing a person employed by the 4045  
prosecuting attorney to act as a victim representative without 4046  
the consent of the prosecuting attorney. 4047

Specifies the procedures for if a law enforcement agency 4048  
does not obtain a completed victim's rights request form from a 4049  
victim of a violent or sexually oriented offense. 4050

Specifies the timing of submission of a victim's rights 4051  
request form to the court by law enforcement or the prosecutor. 4052

Clarifies how the costs for an interpreter for the victim 4053  
are allocated. 4054

Specifies that if the victim of an offense of violence or 4055  
sexually oriented offense, or the victim's representative, was 4056  
unable to complete the victim's rights request form at the time 4057  
of first contact with law enforcement, then all case documents 4058  
related to the case or matters currently before the court 4059  
regarding that offense must be redacted prior to public release 4060  
as public records to remove the name, address, or other 4061  
identifying information of the victim. 4062

Establishes procedures for a victim or victim's attorney 4063  
to access and view the forensic interview of the victim. 4064