

**As Passed by the House**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. H. B. No. 343**

**Representative White**

**Cosponsors: Representatives Seitz, Stewart, Carfagna, Galonski, Ginter, Young, T., Leland, Abrams, Addison, Baldrige, Blackshear, Brent, Brown, Carruthers, Click, Creech, Crossman, Davis, Denson, Hicks-Hudson, Jarrells, LaRe, Lepore-Hagan, Manning, Miller, J., Miranda, O'Brien, Oelslager, Patton, Richardson, Riedel, Robinson, Russo, Schmidt, Sheehy, Skindell, Smith, K., Smith, M., Stein, Swearingen, Sweeney, Upchurch, Weinstein, West, Speaker Cupp**

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**A BILL**

To amend sections 9.39, 109.42, 109.91, 149.43, 1  
1901.31, 1907.20, 2151.356, 2151.358, 2152.20, 2  
2152.81, 2152.811, 2335.35, 2743.191, 2743.70, 3  
2907.02, 2907.05, 2907.10, 2929.18, 2929.20, 4  
2929.22, 2929.28, 2930.01, 2930.02, 2930.03, 5  
2930.04, 2930.05, 2930.06, 2930.062, 2930.08, 6  
2930.09, 2930.11, 2930.12, 2930.13, 2930.14, 7  
2930.15, 2930.16, 2930.17, 2930.18, 2930.19, 8  
2937.11, 2945.481, 2945.482, 2945.72, 2947.051, 9  
2951.041, and 2953.32; to enact new section 10  
2930.07 and sections 2152.203, 2929.281, 11  
2930.011, 2930.041, 2930.042, 2930.043, 12  
2930.044, 2930.051, 2930.063, 2930.071, 13  
2930.072, 2930.121, 2930.131, 2930.161, 14  
2930.162, 2930.171, 2930.191, and 2945.483; and 15  
to repeal section 2930.07 of the Revised Code to 16  
make changes relative to the rights of crime 17  
victims. 18

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

**Section 1.** That sections 9.39, 109.42, 109.91, 149.43, 19  
1901.31, 1907.20, 2151.356, 2151.358, 2152.20, 2152.81, 20  
2152.811, 2335.35, 2743.191, 2743.70, 2907.02, 2907.05, 2907.10, 21  
2929.18, 2929.20, 2929.22, 2929.28, 2930.01, 2930.02, 2930.03, 22  
2930.04, 2930.05, 2930.06, 2930.062, 2930.08, 2930.09, 2930.11, 23  
2930.12, 2930.13, 2930.14, 2930.15, 2930.16, 2930.17, 2930.18, 24  
2930.19, 2937.11, 2945.481, 2945.482, 2945.72, 2947.051, 25  
2951.041, and 2953.32 be amended and new section 2930.07 and 26  
sections 2152.203, 2929.281, 2930.011, 2930.041, 2930.042, 27  
2930.043, 2930.044, 2930.051, 2930.063, 2930.071, 2930.072, 28  
2930.121, 2930.131, 2930.161, 2930.162, 2930.171, 2930.191, and 29  
2945.483 of the Revised Code be enacted to read as follows: 30

**Sec. 9.39.** All public officials are liable for all public 31  
money received or collected by them or by their subordinates 32  
under color of office. All money received or collected by a 33  
public official under color of office and not otherwise paid out 34  
according to law shall be paid into the treasury of the public 35  
office with which ~~he~~ the public official is connected to the 36  
credit of a trust fund and shall be retained there until claimed 37  
by its lawful owner. If not claimed within a period of five 38  
years, the money shall revert to the general fund of the public 39  
office, except for the unclaimed money in the reparations fund 40  
created under section 2743.191 of the Revised Code. 41

**Sec. 109.42.** (A) The attorney general shall prepare and 42  
have printed a pamphlet that contains a compilation of all 43  
constitutional provisions and statutes relative to victim's 44  
rights in which the attorney general lists and explains the 45  
constitutional provisions and statutes in the form of a victim's 46

bill of rights. The attorney general shall ~~distribute~~make the 47  
pamphlet available to all sheriffs, marshals, municipal 48  
corporation and township police departments, constables, and 49  
other law enforcement agencies, to all prosecuting attorneys, 50  
city directors of law, village solicitors, and other similar 51  
chief legal officers of municipal corporations, and to 52  
organizations that represent or provide services for victims of 53  
crime. The victim's bill of rights set forth in the pamphlet 54  
shall contain a description of all of the rights of victims that 55  
are provided for in the Ohio Constitution, or in Chapter 2930. 56  
or ~~in~~ any other section of the Revised Code and shall include, 57  
but not be limited to, all of the following: 58

(1) The right of a victim ~~or~~and a victim's 59  
representative, if applicable, to attend a proceeding before a 60  
grand jury, in a juvenile delinquency case, or in a criminal 61  
case ~~pursuant to a subpoena~~ without being discharged from the 62  
victim's or victim's representative's employment, having the 63  
victim's or victim's representative's employment terminated, 64  
having the victim's or victim's representative's pay decreased 65  
or withheld, or otherwise being punished, penalized, or 66  
threatened as a result of time lost from regular employment 67  
because of the victim's or victim's representative's attendance 68  
at the proceeding ~~pursuant to the subpoena~~, as set forth in 69  
section 2151.211, 2930.18, 2939.121, or 2945.451 of the Revised 70  
Code; 71

(2) The potential availability pursuant to section 72  
2151.359 or 2152.61 of the Revised Code of a forfeited 73  
recognizance to pay damages caused by a child when the 74  
delinquency of the child or child's violation of probation or 75  
community control is found to be proximately caused by the 76  
failure of the child's parent or guardian to subject the child 77

to reasonable parental authority or to faithfully discharge the 78  
conditions of probation or community control; 79

(3) The availability of awards of reparations pursuant to 80  
sections 2743.51 to 2743.72 of the Revised Code for injuries 81  
caused by criminal offenses; 82

~~(4) The right of the victim in certain criminal or 83  
juvenile cases or a victim's representative to receive, pursuant 84  
to section 2930.06 of the Revised Code, notice of the date, 85  
time, and place of the trial or delinquency proceeding in the 86  
case or, if there will not be a trial or delinquency proceeding, 87  
information from the prosecutor, as defined in section 2930.01 88  
of the Revised Code, regarding the disposition of the case; 89~~

~~(5) The right of the victim in certain criminal or 90  
juvenile cases or a victim's representative to receive, pursuant 91  
to section 2930.04, 2930.05, or 2930.06 of the Revised Code, 92  
notice of the name of the person charged with the violation, the 93  
case or docket number assigned to the charge, and a telephone 94  
number or numbers that can be called to obtain information about 95  
the disposition of the case; 96~~

~~(6) The right of the victim in certain criminal or 97  
juvenile cases or of the victim's representative pursuant to 98  
section 2930.13 or 2930.14 of the Revised Code, subject to any 99  
reasonable terms set by the court as authorized under section 100  
2930.14 of the Revised Code, to make a statement about the 101  
victimization and, if applicable, a statement relative to the 102  
sentencing or disposition of the offender; 103~~

~~(7) The opportunity to obtain a court order, pursuant to 104  
section 2945.04 of the Revised Code, to prevent or stop the 105  
commission of the offense of intimidation of a crime victim or 106~~

witness or an offense against the person or property of the 107  
complainant, or of the complainant's ward or child; 108

~~(8)~~ (5) ~~The right of the victim in certain criminal or~~ 109  
~~juvenile cases or a~~ and the ~~victim's~~ representative pursuant to 110  
the Ohio Constitution and sections 2151.38, 2929.20, 2930.10, 111  
2930.16, and 2930.17 of the Revised Code to receive notice of a 112  
pending motion for judicial release, release pursuant to section 113  
2967.19 of the Revised Code, or other early release of the 114  
person who committed the offense against the victim, to make ~~an~~ 115  
~~oral or written~~ a statement orally, in writing, or both at the 116  
court hearing on the motion, and to be notified of the court's 117  
decision on the motion; 118

~~(9)~~ (6) ~~The right of the victim in certain criminal or~~ 119  
~~juvenile cases or a~~ and the ~~victim's~~ representative, if 120  
applicable, pursuant to the Ohio Constitution and section 121  
2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised 122  
Code to receive notice of any pending commutation, pardon, 123  
parole, transitional control, discharge, other form of 124  
authorized release, post-release control, or supervised release 125  
for the person who committed the offense against the victim or 126  
any application for release of that person and to send a written 127  
statement relative to the victimization and the pending action 128  
to the adult parole authority or the release authority of the 129  
department of youth services; 130

~~(10)~~ (7) The right of the victim to bring a civil action 131  
pursuant to sections 2969.01 to 2969.06 of the Revised Code to 132  
obtain money from the offender's profit fund; 133

~~(11)~~ (8) The right, pursuant to section 3109.09 of the 134  
Revised Code, to maintain a civil action to recover compensatory 135  
damages not exceeding ten thousand dollars and costs from the 136

parent of a minor who willfully damages property through the 137  
commission of an act that would be a theft offense, as defined 138  
in section 2913.01 of the Revised Code, if committed by an 139  
adult; 140

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

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

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

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

of a substantially similar municipal ordinance, or an offense of 167  
violence who is a family or household member of the offender at 168  
the time of the offense to seek the issuance of a temporary 169  
protection order pursuant to section 2919.26 of the Revised 170  
Code, and the right of both types of victims to be accompanied 171  
by a victim advocate during court proceedings; 172

~~(16)~~ (12) The right of a victim of a sexually oriented 173  
offense or of a child-victim oriented offense that is committed 174  
by a person who is convicted of, pleads guilty to, or is 175  
adjudicated a delinquent child for committing the offense and 176  
who is in a category specified in division (B) of section 177  
2950.10 of the Revised Code to receive, pursuant to that 178  
section, notice that the person has registered with a sheriff 179  
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 180  
and notice of the person's name, the person's residence that is 181  
registered, and the offender's school, institution of higher 182  
education, or place of employment address or addresses that are 183  
registered, the person's photograph, and a summary of the manner 184  
in which the victim must make a request to receive the notice. 185  
As used in this division, "sexually oriented offense" and 186  
"child-victim oriented offense" have the same meanings as in 187  
section 2950.01 of the Revised Code. 188

~~(17)~~ (13) The right of a victim of certain sexually 189  
violent offenses committed by an offender who also is convicted 190  
of or pleads guilty to a sexually violent predator specification 191  
and who is sentenced to a prison term pursuant to division (A) 192  
(3) of section 2971.03 of the Revised Code, of a victim of a 193  
violation of division (A) (1) (b) of section 2907.02 of the 194  
Revised Code committed on or after January 2, 2007, by an 195  
offender who is sentenced for the violation pursuant to division 196  
(B) (1) (a), (b), or (c) of section 2971.03 of the Revised Code, 197

of a victim of an attempted rape committed on or after January 198  
2, 2007, by an offender who also is convicted of or pleads 199  
guilty to a specification of the type described in section 200  
2941.1418, 2941.1419, or 2941.1420 of the Revised Code and is 201  
sentenced for the violation pursuant to division (B)(2)(a), (b), 202  
or (c) of section 2971.03 of the Revised Code, and of a victim 203  
of an offense that is described in division (B)(3)(a), (b), (c), 204  
or (d) of section 2971.03 of the Revised Code and is committed 205  
by an offender who is sentenced pursuant to one of those 206  
divisions to receive, pursuant to section 2930.16 of the Revised 207  
Code, notice of a hearing to determine whether to modify the 208  
requirement that the offender serve the entire prison term in a 209  
state correctional facility, whether to continue, revise, or 210  
revoke any existing modification of that requirement, or whether 211  
to terminate the prison term. As used in this division, 212  
"sexually violent offense" and "sexually violent predator 213  
specification" have the same meanings as in section 2971.01 of 214  
the Revised Code. 215

(B)(1)(a) ~~Subject to division (B)(1)(c) of this section, a~~ 216  
A prosecuting attorney, assistant prosecuting attorney, city 217  
director of law, assistant city director of law, village 218  
solicitor, assistant village solicitor, or similar chief legal 219  
officer of a municipal corporation or an assistant of any of 220  
those officers who prosecutes an offense committed in this 221  
state, upon first contact with the victim of the offense, the 222  
victim's family, or the victim's dependents, shall give the 223  
victim, the victim's family, or the victim's dependents a copy 224  
of the victim's rights request form created under section 225  
2930.04 of the Revised Code, or a similar form that, at a 226  
minimum, contains all the required information listed in that 227  
section, and the pamphlet prepared pursuant to division (A) of 228

this section and explain, upon request, the information in the 229  
form and pamphlet to the victim, the victim's family, or the 230  
victim's dependents. The victim may receive either through the 231  
online version of the pamphlet published to the attorney 232  
general's web site, or as a paper copy, upon request. 233

(b) ~~Subject to division (B) (1) (c) of this section, a~~ A law 234  
enforcement agency that investigates ~~an~~ a criminal offense or 235  
delinquent act committed in this state shall give the victim of 236  
the criminal offense or delinquent act, the victim's family, or 237  
the victim's dependents a copy of the form and pamphlet prepared 238  
pursuant to division (A) of this section at one of the following 239  
times: 240

(i) Upon first contact with the victim, the victim's 241  
family, or the victim's dependents, ~~a~~ a peace officer from the 242  
law enforcement agency investigating the criminal offense or 243  
delinquent act against the victim shall determine whether the 244  
victim has access to the internet and whether the victim would 245  
prefer to access the victim's rights pamphlet online or if the 246  
victim requires a paper copy. The peace officer may give the 247  
victim a paper copy upon first contact, if requested, or the 248  
peace officer may provide the victim with the attorney general's 249  
telephone number to access the pamphlet at a later time. The 250  
attorney general shall provide a web site address at which a 251  
printable version of the victim's rights pamphlet that can be 252  
downloaded and printed locally may be found. The attorney 253  
general shall provide limited paper copies of the victim's 254  
rights pamphlets upon request to law enforcement agencies that 255  
order copies directly from the attorney general and to law 256  
enforcement agencies and prosecutors to provide to victims who 257  
do not have internet access or who would prefer a paper copy. 258  
The attorney general shall create a page within the attorney 259

general's web site that is easy to access and navigate that 260  
contains the entire content of the victim's rights pamphlet and 261  
a link to the web site address at which a printable version of 262  
the victim's rights pamphlet may be found. 263

(ii) If the ~~offense or delinquent act is an offense of~~ 264  
~~violence, if the~~ circumstances of the criminal offense or 265  
delinquent act and the condition of the victim, the victim's 266  
family, or the victim's dependents indicate that the victim, the 267  
victim's family, or the victim's dependents will not be able to 268  
understand the significance of the form and pamphlet upon first 269  
contact with the agency, and if the agency anticipates that it 270  
will have an additional contact with the victim, the victim's 271  
family, or the victim's dependents, upon the agency's second 272  
contact with the victim, the victim's family, or the victim's 273  
dependents. 274

If the agency does not give the victim, the victim's 275  
family, or the victim's dependents a copy of the form and 276  
pamphlet upon first contact with them and does not have a second 277  
contact with the victim, the victim's family, or the victim's 278  
dependents, the agency shall mail a copy of the form and 279  
pamphlet to the victim, the victim's family, or the victim's 280  
dependents at their last known address. 281

(c) (i) The attorney general shall create an information 282  
card which contains all of the following: 283

(I) An outline list of victim's rights contained in the 284  
Ohio Constitution and Revised Code; 285

(II) A reference to the victim's rights request form; 286

(III) The attorney general's crime victim's services 287  
office telephone number, electronic mailing address, web site 288

address, and contact address, and a description of how to access 289  
victim's rights information; 290

(IV) The Ohio crime victim's justice center's telephone 291  
number, electronic mailing address, and contact address, and the 292  
web site address for accessing the center's victim's rights 293  
toolkit. 294

(ii) Upon first contact with the victim, the law 295  
enforcement agency shall provide the victim with the information 296  
card. 297

~~(c) In complying on and after December 9, 1994, with the~~ 298  
~~duties imposed by division (B) (1) (a) or (b) of this section, an~~ 299  
~~official or a law enforcement agency shall use copies of the~~ 300  
~~pamphlet that are in the official's or agency's possession on~~ 301  
~~December 9, 1994, until the official or agency has distributed~~ 302  
~~all of those copies. After the official or agency has~~ 303  
~~distributed all of those copies, the official or agency shall~~ 304  
~~use only copies of the pamphlet that contain at least the~~ 305  
~~information described in divisions (A) (1) to (17) of this~~ 306  
~~section.~~ 307

~~(2) The failure of a law enforcement agency or of a~~ 308  
~~prosecuting attorney, assistant prosecuting attorney, city~~ 309  
~~director of law, assistant city director of law, village~~ 310  
~~solicitor, assistant village solicitor, or similar chief legal~~ 311  
~~officer of a municipal corporation or an assistant to any of~~ 312  
~~those officers to give, as required by division (B) (1) of this~~ 313  
~~section, the victim of an offense or delinquent act, the~~ 314  
~~victim's family, or the victim's dependents a copy of the~~ 315  
~~pamphlet prepared pursuant to division (A) of this section does~~ 316  
~~not give the victim, the victim's family, the victim's~~ 317  
~~dependents, or a victim's representative any rights under~~ 318

~~section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 319  
2969.06, 3109.09, or 3109.10 of the Revised Code or under any 320  
other provision of the Revised Code and does not affect any 321  
right under those sections. 322~~

~~(3) A law enforcement agency, a prosecuting attorney or 323  
assistant prosecuting attorney, or a city director of law, 324  
assistant city director of law, village solicitor, assistant 325  
village solicitor, or similar chief legal officer of a municipal 326  
corporation that distributes a copy of the form and pamphlet 327  
prepared pursuant to division (A) of this section shall not be 328  
required to distribute a copy of an information card or other 329  
printed material provided by the clerk of the court of claims 330  
pursuant to section 2743.71 of the Revised Code. 331~~

~~(C) The cost of printing and distributing the form and 332  
pamphlet prepared pursuant to division (A) of this section shall 333  
be paid out of the reparations fund, created pursuant to section 334  
2743.191 of the Revised Code, in accordance with division (D) of 335  
that section. 336~~

~~(D) As used in this section: 337~~

~~(1) "Victim's "Criminal offense," "delinquent act," and 338  
"victim's representative" has have the same meaning meanings as 339  
in section 2930.01 of the Revised Code; 340~~

~~(2) "Victim advocate" has the same meaning as in section 341  
2919.26 of the Revised Code. 342~~

~~**Sec. 109.91.** (A) There is hereby established within the 343  
office of the attorney general the crime victims assistance 344  
office. 345~~

~~(B) There is hereby established the state victims 346  
assistance advisory council. The council shall consist of a 347~~

chairperson, to be appointed by the attorney general, three ex 348  
officio members, and ~~seventeen~~twenty-one members to be 349  
appointed by the attorney general as follows: one member who 350  
represents the Ohio victim-witness association; three members 351  
who represent local victim assistance programs, including one 352  
from a municipally operated program and one from a county- 353  
operated program; one member who represents the interests of 354  
elderly victims; one member who represents the interests of 355  
individuals with mental illness; one member who is a board 356  
member of any statewide or local organization that exists 357  
primarily to aid victims of domestic violence or who is an 358  
employee of, or counselor for, such an organization; one member 359  
who is a board member of any statewide or local organization 360  
that exists primarily to aid victims of sexual violence or who 361  
is an employee of or a counselor for an organization that exists 362  
primarily to aid victims of sexual violence; one member who is a 363  
board member or employee of any statewide organization that 364  
exists primarily to provide no cost legal representation to 365  
crime victims to seek enforcement of crime victims' rights 366  
during criminal proceedings; one member who is an employee of an 367  
agency that provides services to individuals with developmental 368  
or intellectual disabilities; one member of a victim service 369  
disability agency; one employee from a statewide forensic 370  
nursing organization; one member who is an employee or officer 371  
of a county probation department or a probation department 372  
operated by the department of rehabilitation and correction; one 373  
member who is a county prosecuting attorney; one member who is a 374  
city law director; one member who is a county sheriff; one 375  
member who is a member or officer of a township or municipal 376  
police department; one member who is a court of common pleas 377  
judge; one member who is a municipal court judge or county court 378  
judge; and two members who are private citizens and are not 379

government employees. 380

The council shall include the following ex officio, 381  
nonvoting members: the attorney general, one member of the 382  
senate to be designated by the president of the senate, and one 383  
member of the house of representatives to be designated by the 384  
speaker of the house. 385

Members of the council shall serve without compensation, 386  
but shall be reimbursed for travel and other necessary expenses 387  
that are incurred in the conduct of their official duties as 388  
members of the council. The chairperson and members of the 389  
council appointed by the attorney general shall serve at the 390  
pleasure of the attorney general. The attorney general shall 391  
serve on the council until the end of the term of office that 392  
qualified the attorney general for membership on the council. 393  
The member of the senate and the member of the house of 394  
representatives shall serve at the pleasure of the president of 395  
the senate and the speaker of the house of representatives, 396  
respectively. 397

(C) The victims assistance advisory council shall perform 398  
all of the following duties: 399

(1) Advise the crime victims assistance office in 400  
determining crime and delinquency victim service needs, 401  
determining crime and delinquency victim policies for the state, 402  
and improving and exercising leadership in the quality of crime 403  
and delinquency victim programs in the state; 404

(2) Review and recommend to the crime victims assistance 405  
office the victim assistance programs that should be considered 406  
for the receipt of state financial assistance pursuant to 407  
section 109.92 of the Revised Code. The financial assistance 408

allocation recommendations of the council shall be based on the 409  
following priorities: 410

(a) Programs in existence on July 1, 1985, shall be given 411  
first priority; 412

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

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

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

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

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

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

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

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

judicial proceedings;	437
(4) Assistance to victims of crime or delinquent acts	438
under the operation of any political subdivision of the state or	439
a branch of the criminal justice system set forth in division	440
(B) (1) (a), (b), or (c) of section 5502.61 of the Revised Code;	441
(5) Technical assistance to persons or organizations that	442
provide services to victims of crime or delinquent acts under	443
the operation of a branch of the criminal justice system set	444
forth in division (B) (1) (a), (b), or (c) of section 5502.61 of	445
the Revised Code.	446
A victim assistance program does not include the program	447
for the reparation of crime victims established pursuant to	448
Chapter 2743. of the Revised Code.	449
<b>Sec. 149.43.</b> (A) As used in this section:	450
(1) "Public record" means records kept by any public	451
office, including, but not limited to, state, county, city,	452
village, township, and school district units, and records	453
pertaining to the delivery of educational services by an	454
alternative school in this state kept by the nonprofit or for-	455
profit entity operating the alternative school pursuant to	456
section 3313.533 of the Revised Code. "Public record" does not	457
mean any of the following:	458
(a) Medical records;	459
(b) Records pertaining to probation and parole	460
proceedings, to proceedings related to the imposition of	461
community control sanctions and post-release control sanctions,	462
or to proceedings related to determinations under section	463
2967.271 of the Revised Code regarding the release or maintained	464
incarceration of an offender to whom that section applies;	465

(c) Records pertaining to actions under section 2151.85	466
and division (C) of section 2919.121 of the Revised Code and to	467
appeals of actions arising under those sections;	468
(d) Records pertaining to adoption proceedings, including	469
the contents of an adoption file maintained by the department of	470
health under sections 3705.12 to 3705.124 of the Revised Code;	471
(e) Information in a record contained in the putative	472
father registry established by section 3107.062 of the Revised	473
Code, regardless of whether the information is held by the	474
department of job and family services or, pursuant to section	475
3111.69 of the Revised Code, the office of child support in the	476
department or a child support enforcement agency;	477
(f) Records specified in division (A) of section 3107.52	478
of the Revised Code;	479
(g) Trial preparation records;	480
(h) Confidential law enforcement investigatory records;	481
(i) Records containing information that is confidential	482
under section 2710.03 or 4112.05 of the Revised Code;	483
(j) DNA records stored in the DNA database pursuant to	484
section 109.573 of the Revised Code;	485
(k) Inmate records released by the department of	486
rehabilitation and correction to the department of youth	487
services or a court of record pursuant to division (E) of	488
section 5120.21 of the Revised Code;	489
(l) Records maintained by the department of youth services	490
pertaining to children in its custody released by the department	491
of youth services to the department of rehabilitation and	492
correction pursuant to section 5139.05 of the Revised Code;	493

(m) Intellectual property records;	494
(n) Donor profile records;	495
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	496 497
(p) Designated public service worker residential and familial information;	498 499
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	500 501 502 503 504
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	505 506
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	507 508 509 510 511 512 513 514 515 516 517 518
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that	519 520 521 522

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

(cc) Information and records that are made confidential, 551  
privileged, and not subject to disclosure under divisions (B) 552  
and (C) of section 2949.221 of the Revised Code; 553

(dd) Personal information, as defined in section 149.45 of 554  
the Revised Code; 555

(ee) The confidential name, address, and other personally 556  
identifiable information of a program participant in the address 557  
confidentiality program established under sections 111.41 to 558  
111.47 of the Revised Code, including the contents of any 559  
application for absent voter's ballots, absent voter's ballot 560  
identification envelope statement of voter, or provisional 561  
ballot affirmation completed by a program participant who has a 562  
confidential voter registration record; records or portions of 563  
records pertaining to that program that identify the number of 564  
program participants that reside within a precinct, ward, 565  
township, municipal corporation, county, or any other geographic 566  
area smaller than the state; and any real property 567  
confidentiality notice filed under section 111.431 of the 568  
Revised Code and the information described in division (C) of 569  
that section. As used in this division, "confidential address" 570  
and "program participant" have the meaning defined in section 571  
111.41 of the Revised Code. 572

(ff) Orders for active military service of an individual 573  
serving or with previous service in the armed forces of the 574  
United States, including a reserve component, or the Ohio 575  
organized militia, except that, such order becomes a public 576  
record on the day that is fifteen years after the published date 577  
or effective date of the call to order; 578

(gg) The name, address, contact information, or other 579  
personal information of an individual who is less than eighteen 580

years of age that is included in any record related to a traffic 581  
accident involving a school vehicle in which the individual was 582  
an occupant at the time of the accident; 583

(hh) Protected health information, as defined in 45 C.F.R. 584  
160.103, that is in a claim for payment for a health care 585  
product, service, or procedure, as well as any other health 586  
claims data in another document that reveals the identity of an 587  
individual who is the subject of the data or could be used to 588  
reveal that individual's identity; 589

(ii) Any depiction by photograph, film, videotape, or 590  
printed or digital image under either of the following 591  
circumstances: 592

(i) The depiction is that of a victim of an offense the 593  
release of which would be, to a reasonable person of ordinary 594  
sensibilities, an offensive and objectionable intrusion into the 595  
victim's expectation of bodily privacy and integrity. 596

(ii) The depiction captures or depicts the victim of a 597  
sexually oriented offense, as defined in section 2950.01 of the 598  
Revised Code, at the actual occurrence of that offense. 599

(jj) Restricted portions of a body-worn camera or 600  
dashboard camera recording; 601

(kk) In the case of a fetal-infant mortality review board 602  
acting under sections 3707.70 to 3707.77 of the Revised Code, 603  
records, documents, reports, or other information presented to 604  
the board or a person abstracting such materials on the board's 605  
behalf, statements made by review board members during board 606  
meetings, all work products of the board, and data submitted by 607  
the board to the department of health or a national infant death 608  
review database, other than the report prepared pursuant to 609

section 3707.77 of the Revised Code. 610

(ll) Records, documents, reports, or other information 611  
presented to the pregnancy-associated mortality review board 612  
established under section 3738.01 of the Revised Code, 613  
statements made by board members during board meetings, all work 614  
products of the board, and data submitted by the board to the 615  
department of health, other than the biennial reports prepared 616  
under section 3738.08 of the Revised Code; 617

(mm) Except as otherwise provided in division (A) (1) (oo) 618  
of this section, telephone numbers for a victim, as defined in 619  
section 2930.01 of the Revised Code or a witness to a crime that 620  
are listed on any law enforcement record or report. 621

(nn) A preneed funeral contract, as defined in section 622  
4717.01 of the Revised Code, and contract terms and personally 623  
identifying information of a preneed funeral contract, that is 624  
contained in a report submitted by or for a funeral home to the 625  
board of embalmers and funeral directors under division (C) of 626  
section 4717.13, division (J) of section 4717.31, or section 627  
4717.41 of the Revised Code. 628

(oo) Telephone numbers for a party to a motor vehicle 629  
accident subject to the requirements of section 5502.11 of the 630  
Revised Code that are listed on any law enforcement record or 631  
report, except that the telephone numbers described in this 632  
division are not excluded from the definition of "public record" 633  
under this division on and after the thirtieth day after the 634  
occurrence of the motor vehicle accident. 635

(pp) Records, documents, and information the release of 636  
which is prohibited under sections 2930.04 and 2930.07 of the 637  
Revised Code. 638

A record that is not a public record under division (A) (1) 639  
of this section and that, under law, is permanently retained 640  
becomes a public record on the day that is seventy-five years 641  
after the day on which the record was created, except for any 642  
record protected by the attorney-client privilege, a trial 643  
preparation record as defined in this section, a statement 644  
prohibiting the release of identifying information signed under 645  
section 3107.083 of the Revised Code, a denial of release form 646  
filed pursuant to section 3107.46 of the Revised Code, or any 647  
record that is exempt from release or disclosure under section 648  
149.433 of the Revised Code. If the record is a birth 649  
certificate and a biological parent's name redaction request 650  
form has been accepted under section 3107.391 of the Revised 651  
Code, the name of that parent shall be redacted from the birth 652  
certificate before it is released under this paragraph. If any 653  
other section of the Revised Code establishes a time period for 654  
disclosure of a record that conflicts with the time period 655  
specified in this section, the time period in the other section 656  
prevails. 657

(2) "Confidential law enforcement investigatory record" 658  
means any record that pertains to a law enforcement matter of a 659  
criminal, quasi-criminal, civil, or administrative nature, but 660  
only to the extent that the release of the record would create a 661  
high probability of disclosure of any of the following: 662

(a) The identity of a suspect who has not been charged 663  
with the offense to which the record pertains, or of an 664  
information source or witness to whom confidentiality has been 665  
reasonably promised; 666

(b) Information provided by an information source or 667  
witness to whom confidentiality has been reasonably promised, 668

which information would reasonably tend to disclose the source's 669  
or witness's identity; 670

(c) Specific confidential investigatory techniques or 671  
procedures or specific investigatory work product; 672

(d) Information that would endanger the life or physical 673  
safety of law enforcement personnel, a crime victim, a witness, 674  
or a confidential information source. 675

(3) "Medical record" means any document or combination of 676  
documents, except births, deaths, and the fact of admission to 677  
or discharge from a hospital, that pertains to the medical 678  
history, diagnosis, prognosis, or medical condition of a patient 679  
and that is generated and maintained in the process of medical 680  
treatment. 681

(4) "Trial preparation record" means any record that 682  
contains information that is specifically compiled in reasonable 683  
anticipation of, or in defense of, a civil or criminal action or 684  
proceeding, including the independent thought processes and 685  
personal trial preparation of an attorney. 686

(5) "Intellectual property record" means a record, other 687  
than a financial or administrative record, that is produced or 688  
collected by or for faculty or staff of a state institution of 689  
higher learning in the conduct of or as a result of study or 690  
research on an educational, commercial, scientific, artistic, 691  
technical, or scholarly issue, regardless of whether the study 692  
or research was sponsored by the institution alone or in 693  
conjunction with a governmental body or private concern, and 694  
that has not been publicly released, published, or patented. 695

(6) "Donor profile record" means all records about donors 696  
or potential donors to a public institution of higher education 697

except the names and reported addresses of the actual donors and 698  
the date, amount, and conditions of the actual donation. 699

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

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

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

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

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

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

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

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

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

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

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

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

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

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

absence of the sheriff, is authorized to stand in for, exercise 756  
the authority of, and perform the duties of the sheriff. 757

"Correctional employee" means any employee of the 758  
department of rehabilitation and correction who in the course of 759  
performing the employee's job duties has or has had contact with 760  
inmates and persons under supervision. 761

"County or multicounty corrections officer" means any 762  
corrections officer employed by any county or multicounty 763  
correctional facility. 764

"Designated Ohio national guard member" means a member of 765  
the Ohio national guard who is participating in duties related 766  
to remotely piloted aircraft, including, but not limited to, 767  
pilots, sensor operators, and mission intelligence personnel, 768  
duties related to special forces operations, or duties related 769  
to cybersecurity, and is designated by the adjutant general as a 770  
designated public service worker for those purposes. 771

"Protective services worker" means any employee of a 772  
county agency who is responsible for child protective services, 773  
child support services, or adult protective services. 774

"Youth services employee" means any employee of the 775  
department of youth services who in the course of performing the 776  
employee's job duties has or has had contact with children 777  
committed to the custody of the department of youth services. 778

"Firefighter" means any regular, paid or volunteer, member 779  
of a lawfully constituted fire department of a municipal 780  
corporation, township, fire district, or village. 781

"EMT" means EMTs-basic, EMTs-I, and paramedics that 782  
provide emergency medical services for a public emergency 783  
medical service organization. "Emergency medical service 784

organization," "EMT-basic," "EMT-I," and "paramedic" have the 785  
meanings defined in section 4765.01 of the Revised Code. 786

"Investigator of the bureau of criminal identification and 787  
investigation" has the meaning defined in section 2903.11 of the 788  
Revised Code. 789

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

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

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

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

"Federal law enforcement officer" has the meaning defined 812  
in section 9.88 of the Revised Code. 813

(10) "Information pertaining to the recreational 814  
activities of a person under the age of eighteen" means 815  
information that is kept in the ordinary course of business by a 816  
public office, that pertains to the recreational activities of a 817  
person under the age of eighteen years, and that discloses any 818  
of the following: 819

(a) The address or telephone number of a person under the 820  
age of eighteen or the address or telephone number of that 821  
person's parent, guardian, custodian, or emergency contact 822  
person; 823

(b) The social security number, birth date, or 824  
photographic image of a person under the age of eighteen; 825

(c) Any medical record, history, or information pertaining 826  
to a person under the age of eighteen; 827

(d) Any additional information sought or required about a 828  
person under the age of eighteen for the purpose of allowing 829  
that person to participate in any recreational activity 830  
conducted or sponsored by a public office or to use or obtain 831  
admission privileges to any recreational facility owned or 832  
operated by a public office. 833

(11) "Community control sanction" has the meaning defined 834  
in section 2929.01 of the Revised Code. 835

(12) "Post-release control sanction" has the meaning 836  
defined in section 2967.01 of the Revised Code. 837

(13) "Redaction" means obscuring or deleting any 838  
information that is exempt from the duty to permit public 839  
inspection or copying from an item that otherwise meets the 840  
definition of a "record" in section 149.011 of the Revised Code. 841

- (14) "Designee," "elected official," and "future official" 842  
have the meanings defined in section 109.43 of the Revised Code. 843
- (15) "Body-worn camera" means a visual and audio recording 844  
device worn on the person of a peace officer while the peace 845  
officer is engaged in the performance of the peace officer's 846  
duties. 847
- (16) "Dashboard camera" means a visual and audio recording 848  
device mounted on a peace officer's vehicle or vessel that is 849  
used while the peace officer is engaged in the performance of 850  
the peace officer's duties. 851
- (17) "Restricted portions of a body-worn camera or 852  
dashboard camera recording" means any visual or audio portion of 853  
a body-worn camera or dashboard camera recording that shows, 854  
communicates, or discloses any of the following: 855
- (a) The image or identity of a child or information that 856  
could lead to the identification of a child who is a primary 857  
subject of the recording when the law enforcement agency knows 858  
or has reason to know the person is a child based on the law 859  
enforcement agency's records or the content of the recording; 860
- (b) The death of a person or a deceased person's body, 861  
unless the death was caused by a peace officer or, subject to 862  
division (H)(1) of this section, the consent of the decedent's 863  
executor or administrator has been obtained; 864
- (c) The death of a peace officer, firefighter, paramedic, 865  
or other first responder, occurring while the decedent was 866  
engaged in the performance of official duties, unless, subject 867  
to division (H)(1) of this section, the consent of the 868  
decedent's executor or administrator has been obtained; 869
- (d) Grievous bodily harm, unless the injury was effected 870

by a peace officer or, subject to division (H)(1) of this 871  
section, the consent of the injured person or the injured 872  
person's guardian has been obtained; 873

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

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

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

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

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

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

(k) Information, that does not constitute a confidential 900  
law enforcement investigatory record, that could identify a 901  
person who provides sensitive or confidential information to a 902  
law enforcement agency when the disclosure of the person's 903  
identity or the information provided could reasonably be 904  
expected to threaten or endanger the safety or property of the 905  
person or another person; 906

(l) Personal information of a person who is not arrested, 907  
cited, charged, or issued a written warning by a peace officer; 908

(m) Proprietary police contingency plans or tactics that 909  
are intended to prevent crime and maintain public order and 910  
safety; 911

(n) A personal conversation unrelated to work between 912  
peace officers or between a peace officer and an employee of a 913  
law enforcement agency; 914

(o) A conversation between a peace officer and a member of 915  
the public that does not concern law enforcement activities; 916

(p) The interior of a residence, unless the interior of a 917  
residence is the location of an adversarial encounter with, or a 918  
use of force by, a peace officer; 919

(q) Any portion of the interior of a private business that 920  
is not open to the public, unless an adversarial encounter with, 921  
or a use of force by, a peace officer occurs in that location. 922

As used in division (A) (17) of this section: 923

"Grievous bodily harm" has the same meaning as in section 924  
5924.120 of the Revised Code. 925

"Health care facility" has the same meaning as in section 926  
1337.11 of the Revised Code. 927

"Protected health information" has the same meaning as in	928
45 C.F.R. 160.103.	929
"Law enforcement agency" has the same meaning as in	930
section 2925.61 of the Revised Code.	931
"Personal information" means any government-issued	932
identification number, date of birth, address, financial	933
information, or criminal justice information from the law	934
enforcement automated data system or similar databases.	935
"Sex offense" has the same meaning as in section 2907.10	936
of the Revised Code.	937
"Firefighter," "paramedic," and "first responder" have the	938
same meanings as in section 4765.01 of the Revised Code.	939
(B) (1) Upon request by any person and subject to division	940
(B) (8) of this section, all public records responsive to the	941
request shall be promptly prepared and made available for	942
inspection to the requester at all reasonable times during	943
regular business hours. Subject to division (B) (8) of this	944
section, upon request by any person, a public office or person	945
responsible for public records shall make copies of the	946
requested public record available to the requester at cost and	947
within a reasonable period of time. If a public record contains	948
information that is exempt from the duty to permit public	949
inspection or to copy the public record, the public office or	950
the person responsible for the public record shall make	951
available all of the information within the public record that	952
is not exempt. When making that public record available for	953
public inspection or copying that public record, the public	954
office or the person responsible for the public record shall	955
notify the requester of any redaction or make the redaction	956

plainly visible. A redaction shall be deemed a denial of a 957  
request to inspect or copy the redacted information, except if 958  
federal or state law authorizes or requires a public office to 959  
make the redaction. 960

(2) To facilitate broader access to public records, a 961  
public office or the person responsible for public records shall 962  
organize and maintain public records in a manner that they can 963  
be made available for inspection or copying in accordance with 964  
division (B) of this section. A public office also shall have 965  
available a copy of its current records retention schedule at a 966  
location readily available to the public. If a requester makes 967  
an ambiguous or overly broad request or has difficulty in making 968  
a request for copies or inspection of public records under this 969  
section such that the public office or the person responsible 970  
for the requested public record cannot reasonably identify what 971  
public records are being requested, the public office or the 972  
person responsible for the requested public record may deny the 973  
request but shall provide the requester with an opportunity to 974  
revise the request by informing the requester of the manner in 975  
which records are maintained by the public office and accessed 976  
in the ordinary course of the public office's or person's 977  
duties. 978

(3) If a request is ultimately denied, in part or in 979  
whole, the public office or the person responsible for the 980  
requested public record shall provide the requester with an 981  
explanation, including legal authority, setting forth why the 982  
request was denied. If the initial request was provided in 983  
writing, the explanation also shall be provided to the requester 984  
in writing. The explanation shall not preclude the public office 985  
or the person responsible for the requested public record from 986  
relying upon additional reasons or legal authority in defending 987

an action commenced under division (C) of this section. 988

(4) Unless specifically required or authorized by state or 989  
federal law or in accordance with division (B) of this section, 990  
no public office or person responsible for public records may 991  
limit or condition the availability of public records by 992  
requiring disclosure of the requester's identity or the intended 993  
use of the requested public record. Any requirement that the 994  
requester disclose the requester's identity or the intended use 995  
of the requested public record constitutes a denial of the 996  
request. 997

(5) A public office or person responsible for public 998  
records may ask a requester to make the request in writing, may 999  
ask for the requester's identity, and may inquire about the 1000  
intended use of the information requested, but may do so only 1001  
after disclosing to the requester that a written request is not 1002  
mandatory, that the requester may decline to reveal the 1003  
requester's identity or the intended use, and when a written 1004  
request or disclosure of the identity or intended use would 1005  
benefit the requester by enhancing the ability of the public 1006  
office or person responsible for public records to identify, 1007  
locate, or deliver the public records sought by the requester. 1008

(6) If any person requests a copy of a public record in 1009  
accordance with division (B) of this section, the public office 1010  
or person responsible for the public record may require the 1011  
requester to pay in advance the cost involved in providing the 1012  
copy of the public record in accordance with the choice made by 1013  
the requester under this division. The public office or the 1014  
person responsible for the public record shall permit the 1015  
requester to choose to have the public record duplicated upon 1016  
paper, upon the same medium upon which the public office or 1017

person responsible for the public record keeps it, or upon any 1018  
other medium upon which the public office or person responsible 1019  
for the public record determines that it reasonably can be 1020  
duplicated as an integral part of the normal operations of the 1021  
public office or person responsible for the public record. When 1022  
the requester makes a choice under this division, the public 1023  
office or person responsible for the public record shall provide 1024  
a copy of it in accordance with the choice made by the 1025  
requester. Nothing in this section requires a public office or 1026  
person responsible for the public record to allow the requester 1027  
of a copy of the public record to make the copies of the public 1028  
record. 1029

(7) (a) Upon a request made in accordance with division (B) 1030  
of this section and subject to division (B) (6) of this section, 1031  
a public office or person responsible for public records shall 1032  
transmit a copy of a public record to any person by United 1033  
States mail or by any other means of delivery or transmission 1034  
within a reasonable period of time after receiving the request 1035  
for the copy. The public office or person responsible for the 1036  
public record may require the person making the request to pay 1037  
in advance the cost of postage if the copy is transmitted by 1038  
United States mail or the cost of delivery if the copy is 1039  
transmitted other than by United States mail, and to pay in 1040  
advance the costs incurred for other supplies used in the 1041  
mailing, delivery, or transmission. 1042

(b) Any public office may adopt a policy and procedures 1043  
that it will follow in transmitting, within a reasonable period 1044  
of time after receiving a request, copies of public records by 1045  
United States mail or by any other means of delivery or 1046  
transmission pursuant to division (B) (7) of this section. A 1047  
public office that adopts a policy and procedures under division 1048

(B) (7) of this section shall comply with them in performing its 1049  
duties under that division. 1050

(c) In any policy and procedures adopted under division 1051  
(B) (7) of this section: 1052

(i) A public office may limit the number of records 1053  
requested by a person that the office will physically deliver by 1054  
United States mail or by another delivery service to ten per 1055  
month, unless the person certifies to the office in writing that 1056  
the person does not intend to use or forward the requested 1057  
records, or the information contained in them, for commercial 1058  
purposes; 1059

(ii) A public office that chooses to provide some or all 1060  
of its public records on a web site that is fully accessible to 1061  
and searchable by members of the public at all times, other than 1062  
during acts of God outside the public office's control or 1063  
maintenance, and that charges no fee to search, access, 1064  
download, or otherwise receive records provided on the web site, 1065  
may limit to ten per month the number of records requested by a 1066  
person that the office will deliver in a digital format, unless 1067  
the requested records are not provided on the web site and 1068  
unless the person certifies to the office in writing that the 1069  
person does not intend to use or forward the requested records, 1070  
or the information contained in them, for commercial purposes. 1071

(iii) For purposes of division (B) (7) of this section, 1072  
"commercial" shall be narrowly construed and does not include 1073  
reporting or gathering news, reporting or gathering information 1074  
to assist citizen oversight or understanding of the operation or 1075  
activities of government, or nonprofit educational research. 1076

(8) A public office or person responsible for public 1077

records is not required to permit a person who is incarcerated 1078  
pursuant to a criminal conviction or a juvenile adjudication to 1079  
inspect or to obtain a copy of any public record concerning a 1080  
criminal investigation or prosecution or concerning what would 1081  
be a criminal investigation or prosecution if the subject of the 1082  
investigation or prosecution were an adult, unless the request 1083  
to inspect or to obtain a copy of the record is for the purpose 1084  
of acquiring information that is subject to release as a public 1085  
record under this section and the judge who imposed the sentence 1086  
or made the adjudication with respect to the person, or the 1087  
judge's successor in office, finds that the information sought 1088  
in the public record is necessary to support what appears to be 1089  
a justiciable claim of the person. 1090

(9) (a) Upon written request made and signed by a 1091  
journalist, a public office, or person responsible for public 1092  
records, having custody of the records of the agency employing a 1093  
specified designated public service worker shall disclose to the 1094  
journalist the address of the actual personal residence of the 1095  
designated public service worker and, if the designated public 1096  
service worker's spouse, former spouse, or child is employed by 1097  
a public office, the name and address of the employer of the 1098  
designated public service worker's spouse, former spouse, or 1099  
child. The request shall include the journalist's name and title 1100  
and the name and address of the journalist's employer and shall 1101  
state that disclosure of the information sought would be in the 1102  
public interest. 1103

(b) Division (B) (9) (a) of this section also applies to 1104  
journalist requests for: 1105

(i) Customer information maintained by a municipally owned 1106  
or operated public utility, other than social security numbers 1107

and any private financial information such as credit reports, 1108  
payment methods, credit card numbers, and bank account 1109  
information; 1110

(ii) Information about minors involved in a school vehicle 1111  
accident as provided in division (A)(1)(gg) of this section, 1112  
other than personal information as defined in section 149.45 of 1113  
the Revised Code. 1114

(c) As used in division (B)(9) of this section, 1115  
"journalist" means a person engaged in, connected with, or 1116  
employed by any news medium, including a newspaper, magazine, 1117  
press association, news agency, or wire service, a radio or 1118  
television station, or a similar medium, for the purpose of 1119  
gathering, processing, transmitting, compiling, editing, or 1120  
disseminating information for the general public. 1121

(10) Upon a request made by a victim, victim's attorney, 1122  
or victim's representative, as that term is used in section 1123  
2930.02 of the Revised Code, a public office or person 1124  
responsible for public records shall transmit a copy of a 1125  
depiction of the victim as described in division (A)(1)(ii) of 1126  
this section to the victim, victim's attorney, or victim's 1127  
representative. 1128

(C)(1) If a person allegedly is aggrieved by the failure 1129  
of a public office or the person responsible for public records 1130  
to promptly prepare a public record and to make it available to 1131  
the person for inspection in accordance with division (B) of 1132  
this section or by any other failure of a public office or the 1133  
person responsible for public records to comply with an 1134  
obligation in accordance with division (B) of this section, the 1135  
person allegedly aggrieved may do only one of the following, and 1136  
not both: 1137

(a) File a complaint with the clerk of the court of claims 1138  
or the clerk of the court of common pleas under section 2743.75 1139  
of the Revised Code; 1140

(b) Commence a mandamus action to obtain a judgment that 1141  
orders the public office or the person responsible for the 1142  
public record to comply with division (B) of this section, that 1143  
awards court costs and reasonable attorney's fees to the person 1144  
that instituted the mandamus action, and, if applicable, that 1145  
includes an order fixing statutory damages under division (C) (2) 1146  
of this section. The mandamus action may be commenced in the 1147  
court of common pleas of the county in which division (B) of 1148  
this section allegedly was not complied with, in the supreme 1149  
court pursuant to its original jurisdiction under Section 2 of 1150  
Article IV, Ohio Constitution, or in the court of appeals for 1151  
the appellate district in which division (B) of this section 1152  
allegedly was not complied with pursuant to its original 1153  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1154

(2) If a requester transmits a written request by hand 1155  
delivery, electronic submission, or certified mail to inspect or 1156  
receive copies of any public record in a manner that fairly 1157  
describes the public record or class of public records to the 1158  
public office or person responsible for the requested public 1159  
records, except as otherwise provided in this section, the 1160  
requester shall be entitled to recover the amount of statutory 1161  
damages set forth in this division if a court determines that 1162  
the public office or the person responsible for public records 1163  
failed to comply with an obligation in accordance with division 1164  
(B) of this section. 1165

The amount of statutory damages shall be fixed at one 1166  
hundred dollars for each business day during which the public 1167

office or person responsible for the requested public records 1168  
failed to comply with an obligation in accordance with division 1169  
(B) of this section, beginning with the day on which the 1170  
requester files a mandamus action to recover statutory damages, 1171  
up to a maximum of one thousand dollars. The award of statutory 1172  
damages shall not be construed as a penalty, but as compensation 1173  
for injury arising from lost use of the requested information. 1174  
The existence of this injury shall be conclusively presumed. The 1175  
award of statutory damages shall be in addition to all other 1176  
remedies authorized by this section. 1177

The court may reduce an award of statutory damages or not 1178  
award statutory damages if the court determines both of the 1179  
following: 1180

(a) That, based on the ordinary application of statutory 1181  
law and case law as it existed at the time of the conduct or 1182  
threatened conduct of the public office or person responsible 1183  
for the requested public records that allegedly constitutes a 1184  
failure to comply with an obligation in accordance with division 1185  
(B) of this section and that was the basis of the mandamus 1186  
action, a well-informed public office or person responsible for 1187  
the requested public records reasonably would believe that the 1188  
conduct or threatened conduct of the public office or person 1189  
responsible for the requested public records did not constitute 1190  
a failure to comply with an obligation in accordance with 1191  
division (B) of this section; 1192

(b) That a well-informed public office or person 1193  
responsible for the requested public records reasonably would 1194  
believe that the conduct or threatened conduct of the public 1195  
office or person responsible for the requested public records 1196  
would serve the public policy that underlies the authority that 1197

is asserted as permitting that conduct or threatened conduct. 1198

(3) In a mandamus action filed under division (C) (1) of 1199  
this section, the following apply: 1200

(a) (i) If the court orders the public office or the person 1201  
responsible for the public record to comply with division (B) of 1202  
this section, the court shall determine and award to the relator 1203  
all court costs, which shall be construed as remedial and not 1204  
punitive. 1205

(ii) If the court makes a determination described in 1206  
division (C) (3) (b) (iii) of this section, the court shall 1207  
determine and award to the relator all court costs, which shall 1208  
be construed as remedial and not punitive. 1209

(b) If the court renders a judgment that orders the public 1210  
office or the person responsible for the public record to comply 1211  
with division (B) of this section or if the court determines any 1212  
of the following, the court may award reasonable attorney's fees 1213  
to the relator, subject to division (C) (4) of this section: 1214

(i) The public office or the person responsible for the 1215  
public records failed to respond affirmatively or negatively to 1216  
the public records request in accordance with the time allowed 1217  
under division (B) of this section. 1218

(ii) The public office or the person responsible for the 1219  
public records promised to permit the relator to inspect or 1220  
receive copies of the public records requested within a 1221  
specified period of time but failed to fulfill that promise 1222  
within that specified period of time. 1223

(iii) The public office or the person responsible for the 1224  
public records acted in bad faith when the office or person 1225  
voluntarily made the public records available to the relator for 1226

the first time after the relator commenced the mandamus action, 1227  
but before the court issued any order concluding whether or not 1228  
the public office or person was required to comply with division 1229  
(B) of this section. No discovery may be conducted on the issue 1230  
of the alleged bad faith of the public office or person 1231  
responsible for the public records. This division shall not be 1232  
construed as creating a presumption that the public office or 1233  
the person responsible for the public records acted in bad faith 1234  
when the office or person voluntarily made the public records 1235  
available to the relator for the first time after the relator 1236  
commenced the mandamus action, but before the court issued any 1237  
order described in this division. 1238

(c) The court shall not award attorney's fees to the 1239  
relator if the court determines both of the following: 1240

(i) That, based on the ordinary application of statutory 1241  
law and case law as it existed at the time of the conduct or 1242  
threatened conduct of the public office or person responsible 1243  
for the requested public records that allegedly constitutes a 1244  
failure to comply with an obligation in accordance with division 1245  
(B) of this section and that was the basis of the mandamus 1246  
action, a well-informed public office or person responsible for 1247  
the requested public records reasonably would believe that the 1248  
conduct or threatened conduct of the public office or person 1249  
responsible for the requested public records did not constitute 1250  
a failure to comply with an obligation in accordance with 1251  
division (B) of this section; 1252

(ii) That a well-informed public office or person 1253  
responsible for the requested public records reasonably would 1254  
believe that the conduct or threatened conduct of the public 1255  
office or person responsible for the requested public records 1256

would serve the public policy that underlies the authority that 1257  
is asserted as permitting that conduct or threatened conduct. 1258

(4) All of the following apply to any award of reasonable 1259  
attorney's fees awarded under division (C) (3) (b) of this 1260  
section: 1261

(a) The fees shall be construed as remedial and not 1262  
punitive. 1263

(b) The fees awarded shall not exceed the total of the 1264  
reasonable attorney's fees incurred before the public record was 1265  
made available to the relator and the fees described in division 1266  
(C) (4) (c) of this section. 1267

(c) Reasonable attorney's fees shall include reasonable 1268  
fees incurred to produce proof of the reasonableness and amount 1269  
of the fees and to otherwise litigate entitlement to the fees. 1270

(d) The court may reduce the amount of fees awarded if the 1271  
court determines that, given the factual circumstances involved 1272  
with the specific public records request, an alternative means 1273  
should have been pursued to more effectively and efficiently 1274  
resolve the dispute that was subject to the mandamus action 1275  
filed under division (C) (1) of this section. 1276

(5) If the court does not issue a writ of mandamus under 1277  
division (C) of this section and the court determines at that 1278  
time that the bringing of the mandamus action was frivolous 1279  
conduct as defined in division (A) of section 2323.51 of the 1280  
Revised Code, the court may award to the public office all court 1281  
costs, expenses, and reasonable attorney's fees, as determined 1282  
by the court. 1283

(D) Chapter 1347. of the Revised Code does not limit the 1284  
provisions of this section. 1285

(E) (1) To ensure that all employees of public offices are 1286  
appropriately educated about a public office's obligations under 1287  
division (B) of this section, all elected officials or their 1288  
appropriate designees shall attend training approved by the 1289  
attorney general as provided in section 109.43 of the Revised 1290  
Code. A future official may satisfy the requirements of this 1291  
division by attending the training before taking office, 1292  
provided that the future official may not send a designee in the 1293  
future official's place. 1294

(2) All public offices shall adopt a public records policy 1295  
in compliance with this section for responding to public records 1296  
requests. In adopting a public records policy under this 1297  
division, a public office may obtain guidance from the model 1298  
public records policy developed and provided to the public 1299  
office by the attorney general under section 109.43 of the 1300  
Revised Code. Except as otherwise provided in this section, the 1301  
policy may not limit the number of public records that the 1302  
public office will make available to a single person, may not 1303  
limit the number of public records that it will make available 1304  
during a fixed period of time, and may not establish a fixed 1305  
period of time before it will respond to a request for 1306  
inspection or copying of public records, unless that period is 1307  
less than eight hours. 1308

The public office shall distribute the public records 1309  
policy adopted by the public office under this division to the 1310  
employee of the public office who is the records custodian or 1311  
records manager or otherwise has custody of the records of that 1312  
office. The public office shall require that employee to 1313  
acknowledge receipt of the copy of the public records policy. 1314  
The public office shall create a poster that describes its 1315  
public records policy and shall post the poster in a conspicuous 1316

place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

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

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

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

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

extraction request" does not include a request by a person who 1347  
gives assurance to the bureau that the person making the request 1348  
does not intend to use or forward the requested copies for 1349  
surveys, marketing, solicitation, or resale for commercial 1350  
purposes. 1351

(c) "Commercial" means profit-seeking production, buying, 1352  
or selling of any good, service, or other product. 1353

(d) "Special extraction costs" means the cost of the time 1354  
spent by the lowest paid employee competent to perform the task, 1355  
the actual amount paid to outside private contractors employed 1356  
by the bureau, or the actual cost incurred to create computer 1357  
programs to make the special extraction. "Special extraction 1358  
costs" include any charges paid to a public agency for computer 1359  
or records services. 1360

(3) For purposes of divisions (F) (1) and (2) of this 1361  
section, "surveys, marketing, solicitation, or resale for 1362  
commercial purposes" shall be narrowly construed and does not 1363  
include reporting or gathering news, reporting or gathering 1364  
information to assist citizen oversight or understanding of the 1365  
operation or activities of government, or nonprofit educational 1366  
research. 1367

(G) A request by a defendant, counsel of a defendant, or 1368  
any agent of a defendant in a criminal action that public 1369  
records related to that action be made available under this 1370  
section shall be considered a demand for discovery pursuant to 1371  
the Criminal Rules, except to the extent that the Criminal Rules 1372  
plainly indicate a contrary intent. The defendant, counsel of 1373  
the defendant, or agent of the defendant making a request under 1374  
this division shall serve a copy of the request on the 1375  
prosecuting attorney, director of law, or other chief legal 1376

officer responsible for prosecuting the action. 1377

(H) (1) Any portion of a body-worn camera or dashboard 1378  
camera recording described in divisions (A) (17) (b) to (h) of 1379  
this section may be released by consent of the subject of the 1380  
recording or a representative of that person, as specified in 1381  
those divisions, only if either of the following applies: 1382

(a) The recording will not be used in connection with any 1383  
probable or pending criminal proceedings; 1384

(b) The recording has been used in connection with a 1385  
criminal proceeding that was dismissed or for which a judgment 1386  
has been entered pursuant to Rule 32 of the Rules of Criminal 1387  
Procedure, and will not be used again in connection with any 1388  
probable or pending criminal proceedings. 1389

(2) If a public office denies a request to release a 1390  
restricted portion of a body-worn camera or dashboard camera 1391  
recording, as defined in division (A) (17) of this section, any 1392  
person may file a mandamus action pursuant to this section or a 1393  
complaint with the clerk of the court of claims pursuant to 1394  
section 2743.75 of the Revised Code, requesting the court to 1395  
order the release of all or portions of the recording. If the 1396  
court considering the request determines that the filing 1397  
articulates by clear and convincing evidence that the public 1398  
interest in the recording substantially outweighs privacy 1399  
interests and other interests asserted to deny release, the 1400  
court shall order the public office to release the recording. 1401

**Sec. 1901.31.** The clerk and deputy clerks of a municipal 1402  
court shall be selected, be compensated, give bond, and have 1403  
powers and duties as follows: 1404

(A) There shall be a clerk of the court who is appointed 1405

or elected as follows: 1406

(1) (a) Except in the Akron, Barberton, Toledo, Hamilton 1407  
county, Miami county, Montgomery county, Portage county, and 1408  
Wayne county municipal courts and through December 31, 2008, the 1409  
Cuyahoga Falls municipal court, if the population of the 1410  
territory equals or exceeds one hundred thousand at the regular 1411  
municipal election immediately preceding the expiration of the 1412  
term of the present clerk, the clerk shall be nominated and 1413  
elected by the qualified electors of the territory in the manner 1414  
that is provided for the nomination and election of judges in 1415  
section 1901.07 of the Revised Code. 1416

The clerk so elected shall hold office for a term of six 1417  
years, which term shall commence on the first day of January 1418  
following the clerk's election and continue until the clerk's 1419  
successor is elected and qualified. 1420

(b) In the Hamilton county municipal court, the clerk of 1421  
courts of Hamilton county shall be the clerk of the municipal 1422  
court and may appoint an assistant clerk who shall receive the 1423  
compensation, payable out of the treasury of Hamilton county in 1424  
semimonthly installments, that the board of county commissioners 1425  
prescribes. The clerk of courts of Hamilton county, acting as 1426  
the clerk of the Hamilton county municipal court and assuming 1427  
the duties of that office, shall receive compensation at one- 1428  
fourth the rate that is prescribed for the clerks of courts of 1429  
common pleas as determined in accordance with the population of 1430  
the county and the rates set forth in sections 325.08 and 325.18 1431  
of the Revised Code. This compensation shall be paid from the 1432  
county treasury in semimonthly installments and is in addition 1433  
to the annual compensation that is received for the performance 1434  
of the duties of the clerk of courts of Hamilton county, as 1435

provided in sections 325.08 and 325.18 of the Revised Code. 1436

(c) In the Portage county and Wayne county municipal 1437  
courts, the clerks of courts of Portage county and Wayne county 1438  
shall be the clerks, respectively, of the Portage county and 1439  
Wayne county municipal courts and may appoint a chief deputy 1440  
clerk for each branch that is established pursuant to section 1441  
1901.311 of the Revised Code and assistant clerks as the judges 1442  
of the municipal court determine are necessary, all of whom 1443  
shall receive the compensation that the legislative authority 1444  
prescribes. The clerks of courts of Portage county and Wayne 1445  
county, acting as the clerks of the Portage county and Wayne 1446  
county municipal courts and assuming the duties of these 1447  
offices, shall receive compensation payable from the county 1448  
treasury in semimonthly installments at one-fourth the rate that 1449  
is prescribed for the clerks of courts of common pleas as 1450  
determined in accordance with the population of the county and 1451  
the rates set forth in sections 325.08 and 325.18 of the Revised 1452  
Code. 1453

(d) In the Montgomery county and Miami county municipal 1454  
courts, the clerks of courts of Montgomery county and Miami 1455  
county shall be the clerks, respectively, of the Montgomery 1456  
county and Miami county municipal courts. The clerks of courts 1457  
of Montgomery county and Miami county, acting as the clerks of 1458  
the Montgomery county and Miami county municipal courts and 1459  
assuming the duties of these offices, shall receive compensation 1460  
at one-fourth the rate that is prescribed for the clerks of 1461  
courts of common pleas as determined in accordance with the 1462  
population of the county and the rates set forth in sections 1463  
325.08 and 325.18 of the Revised Code. This compensation shall 1464  
be paid from the county treasury in semimonthly installments and 1465  
is in addition to the annual compensation that is received for 1466

the performance of the duties of the clerks of courts of 1467  
Montgomery county and Miami county, as provided in sections 1468  
325.08 and 325.18 of the Revised Code. 1469

(e) Except as otherwise provided in division (A) (1) (e) of 1470  
this section, in the Akron municipal court, candidates for 1471  
election to the office of clerk of the court shall be nominated 1472  
by primary election. The primary election shall be held on the 1473  
day specified in the charter of the city of Akron for the 1474  
nomination of municipal officers. Notwithstanding any contrary 1475  
provision of section 3513.05 or 3513.257 of the Revised Code, 1476  
the declarations of candidacy and petitions of partisan 1477  
candidates and the nominating petitions of independent 1478  
candidates for the office of clerk of the Akron municipal court 1479  
shall be signed by at least fifty qualified electors of the 1480  
territory of the court. 1481

The candidates shall file a declaration of candidacy and 1482  
petition, or a nominating petition, whichever is applicable, not 1483  
later than four p.m. of the ninetieth day before the day of the 1484  
primary election, in the form prescribed by section 3513.07 or 1485  
3513.261 of the Revised Code. The declaration of candidacy and 1486  
petition, or the nominating petition, shall conform to the 1487  
applicable requirements of section 3513.05 or 3513.257 of the 1488  
Revised Code. 1489

If no valid declaration of candidacy and petition is filed 1490  
by any person for nomination as a candidate of a particular 1491  
political party for election to the office of clerk of the Akron 1492  
municipal court, a primary election shall not be held for the 1493  
purpose of nominating a candidate of that party for election to 1494  
that office. If only one person files a valid declaration of 1495  
candidacy and petition for nomination as a candidate of a 1496

particular political party for election to that office, a 1497  
primary election shall not be held for the purpose of nominating 1498  
a candidate of that party for election to that office, and the 1499  
candidate shall be issued a certificate of nomination in the 1500  
manner set forth in section 3513.02 of the Revised Code. 1501

Declarations of candidacy and petitions, nominating 1502  
petitions, and certificates of nomination for the office of 1503  
clerk of the Akron municipal court shall contain a designation 1504  
of the term for which the candidate seeks election. At the 1505  
following regular municipal election, all candidates for the 1506  
office shall be submitted to the qualified electors of the 1507  
territory of the court in the manner that is provided in section 1508  
1901.07 of the Revised Code for the election of the judges of 1509  
the court. The clerk so elected shall hold office for a term of 1510  
six years, which term shall commence on the first day of January 1511  
following the clerk's election and continue until the clerk's 1512  
successor is elected and qualified. 1513

(f) Except as otherwise provided in division (A) (1) (f) of 1514  
this section, in the Barberton municipal court, candidates for 1515  
election to the office of clerk of the court shall be nominated 1516  
by primary election. The primary election shall be held on the 1517  
day specified in the charter of the city of Barberton for the 1518  
nomination of municipal officers. Notwithstanding any contrary 1519  
provision of section 3513.05 or 3513.257 of the Revised Code, 1520  
the declarations of candidacy and petitions of partisan 1521  
candidates and the nominating petitions of independent 1522  
candidates for the office of clerk of the Barberton municipal 1523  
court shall be signed by at least fifty qualified electors of 1524  
the territory of the court. 1525

The candidates shall file a declaration of candidacy and 1526

petition, or a nominating petition, whichever is applicable, not 1527  
later than four p.m. of the ninetieth day before the day of the 1528  
primary election, in the form prescribed by section 3513.07 or 1529  
3513.261 of the Revised Code. The declaration of candidacy and 1530  
petition, or the nominating petition, shall conform to the 1531  
applicable requirements of section 3513.05 or 3513.257 of the 1532  
Revised Code. 1533

If no valid declaration of candidacy and petition is filed 1534  
by any person for nomination as a candidate of a particular 1535  
political party for election to the office of clerk of the 1536  
Barberton municipal court, a primary election shall not be held 1537  
for the purpose of nominating a candidate of that party for 1538  
election to that office. If only one person files a valid 1539  
declaration of candidacy and petition for nomination as a 1540  
candidate of a particular political party for election to that 1541  
office, a primary election shall not be held for the purpose of 1542  
nominating a candidate of that party for election to that 1543  
office, and the candidate shall be issued a certificate of 1544  
nomination in the manner set forth in section 3513.02 of the 1545  
Revised Code. 1546

Declarations of candidacy and petitions, nominating 1547  
petitions, and certificates of nomination for the office of 1548  
clerk of the Barberton municipal court shall contain a 1549  
designation of the term for which the candidate seeks election. 1550  
At the following regular municipal election, all candidates for 1551  
the office shall be submitted to the qualified electors of the 1552  
territory of the court in the manner that is provided in section 1553  
1901.07 of the Revised Code for the election of the judges of 1554  
the court. The clerk so elected shall hold office for a term of 1555  
six years, which term shall commence on the first day of January 1556  
following the clerk's election and continue until the clerk's 1557

successor is elected and qualified. 1558

(g) (i) Through December 31, 2008, except as otherwise 1559  
provided in division (A) (1) (g) (i) of this section, in the 1560  
Cuyahoga Falls municipal court, candidates for election to the 1561  
office of clerk of the court shall be nominated by primary 1562  
election. The primary election shall be held on the day 1563  
specified in the charter of the city of Cuyahoga Falls for the 1564  
nomination of municipal officers. Notwithstanding any contrary 1565  
provision of section 3513.05 or 3513.257 of the Revised Code, 1566  
the declarations of candidacy and petitions of partisan 1567  
candidates and the nominating petitions of independent 1568  
candidates for the office of clerk of the Cuyahoga Falls 1569  
municipal court shall be signed by at least fifty qualified 1570  
electors of the territory of the court. 1571

The candidates shall file a declaration of candidacy and 1572  
petition, or a nominating petition, whichever is applicable, not 1573  
later than four p.m. of the ninetieth day before the day of the 1574  
primary election, in the form prescribed by section 3513.07 or 1575  
3513.261 of the Revised Code. The declaration of candidacy and 1576  
petition, or the nominating petition, shall conform to the 1577  
applicable requirements of section 3513.05 or 3513.257 of the 1578  
Revised Code. 1579

If no valid declaration of candidacy and petition is filed 1580  
by any person for nomination as a candidate of a particular 1581  
political party for election to the office of clerk of the 1582  
Cuyahoga Falls municipal court, a primary election shall not be 1583  
held for the purpose of nominating a candidate of that party for 1584  
election to that office. If only one person files a valid 1585  
declaration of candidacy and petition for nomination as a 1586  
candidate of a particular political party for election to that 1587

office, a primary election shall not be held for the purpose of 1588  
nominating a candidate of that party for election to that 1589  
office, and the candidate shall be issued a certificate of 1590  
nomination in the manner set forth in section 3513.02 of the 1591  
Revised Code. 1592

Declarations of candidacy and petitions, nominating 1593  
petitions, and certificates of nomination for the office of 1594  
clerk of the Cuyahoga Falls municipal court shall contain a 1595  
designation of the term for which the candidate seeks election. 1596  
At the following regular municipal election, all candidates for 1597  
the office shall be submitted to the qualified electors of the 1598  
territory of the court in the manner that is provided in section 1599  
1901.07 of the Revised Code for the election of the judges of 1600  
the court. The clerk so elected shall hold office for a term of 1601  
six years, which term shall commence on the first day of January 1602  
following the clerk's election and continue until the clerk's 1603  
successor is elected and qualified. 1604

(ii) Division (A) (1) (g) (i) of this section shall have no 1605  
effect after December 31, 2008. 1606

(h) Except as otherwise provided in division (A) (1) (h) of 1607  
this section, in the Toledo municipal court, candidates for 1608  
election to the office of clerk of the court shall be nominated 1609  
by primary election. The primary election shall be held on the 1610  
day specified in the charter of the city of Toledo for the 1611  
nomination of municipal officers. Notwithstanding any contrary 1612  
provision of section 3513.05 or 3513.257 of the Revised Code, 1613  
the declarations of candidacy and petitions of partisan 1614  
candidates and the nominating petitions of independent 1615  
candidates for the office of clerk of the Toledo municipal court 1616  
shall be signed by at least fifty qualified electors of the 1617

territory of the court. 1618

The candidates shall file a declaration of candidacy and 1619  
petition, or a nominating petition, whichever is applicable, not 1620  
later than four p.m. of the ninetieth day before the day of the 1621  
primary election, in the form prescribed by section 3513.07 or 1622  
3513.261 of the Revised Code. The declaration of candidacy and 1623  
petition, or the nominating petition, shall conform to the 1624  
applicable requirements of section 3513.05 or 3513.257 of the 1625  
Revised Code. 1626

If no valid declaration of candidacy and petition is filed 1627  
by any person for nomination as a candidate of a particular 1628  
political party for election to the office of clerk of the 1629  
Toledo municipal court, a primary election shall not be held for 1630  
the purpose of nominating a candidate of that party for election 1631  
to that office. If only one person files a valid declaration of 1632  
candidacy and petition for nomination as a candidate of a 1633  
particular political party for election to that office, a 1634  
primary election shall not be held for the purpose of nominating 1635  
a candidate of that party for election to that office, and the 1636  
candidate shall be issued a certificate of nomination in the 1637  
manner set forth in section 3513.02 of the Revised Code. 1638

Declarations of candidacy and petitions, nominating 1639  
petitions, and certificates of nomination for the office of 1640  
clerk of the Toledo municipal court shall contain a designation 1641  
of the term for which the candidate seeks election. At the 1642  
following regular municipal election, all candidates for the 1643  
office shall be submitted to the qualified electors of the 1644  
territory of the court in the manner that is provided in section 1645  
1901.07 of the Revised Code for the election of the judges of 1646  
the court. The clerk so elected shall hold office for a term of 1647

six years, which term shall commence on the first day of January 1648  
following the clerk's election and continue until the clerk's 1649  
successor is elected and qualified. 1650

(2) (a) Except for the Alliance, Auglaize county, Brown 1651  
county, Columbiana county, Holmes county, Perry county, Putnam 1652  
county, Sandusky county, Lima, Lorain, Massillon, and Youngstown 1653  
municipal courts, in a municipal court for which the population 1654  
of the territory is less than one hundred thousand, the clerk 1655  
shall be appointed by the court, and the clerk shall hold office 1656  
until the clerk's successor is appointed and qualified. 1657

(b) In the Alliance, Lima, Lorain, Massillon, and 1658  
Youngstown municipal courts, the clerk shall be elected for a 1659  
term of office as described in division (A) (1) (a) of this 1660  
section. 1661

(c) In the Auglaize county, Brown county, Holmes county, 1662  
Perry county, Putnam county, and Sandusky county municipal 1663  
courts, the clerks of courts of Auglaize county, Brown county, 1664  
Holmes county, Perry county, Putnam county, and Sandusky county 1665  
shall be the clerks, respectively, of the Auglaize county, Brown 1666  
county, Holmes county, Perry county, Putnam county, and Sandusky 1667  
county municipal courts and may appoint a chief deputy clerk for 1668  
each branch office that is established pursuant to section 1669  
1901.311 of the Revised Code, and assistant clerks as the judge 1670  
of the court determines are necessary, all of whom shall receive 1671  
the compensation that the legislative authority prescribes. The 1672  
clerks of courts of Auglaize county, Brown county, Holmes 1673  
county, Perry county, Putnam county, and Sandusky county, acting 1674  
as the clerks of the Auglaize county, Brown county, Holmes 1675  
county, Perry county, Putnam county, and Sandusky county 1676  
municipal courts and assuming the duties of these offices, shall 1677

receive compensation payable from the county treasury in 1678  
semimonthly installments at one-fourth the rate that is 1679  
prescribed for the clerks of courts of common pleas as 1680  
determined in accordance with the population of the county and 1681  
the rates set forth in sections 325.08 and 325.18 of the Revised 1682  
Code. 1683

(d) In the Columbiana county municipal court, the clerk of 1684  
courts of Columbiana county shall be the clerk of the municipal 1685  
court, may appoint a chief deputy clerk for each branch office 1686  
that is established pursuant to section 1901.311 of the Revised 1687  
Code, and may appoint any assistant clerks that the judges of 1688  
the court determine are necessary. All of the chief deputy 1689  
clerks and assistant clerks shall receive the compensation that 1690  
the legislative authority prescribes. The clerk of courts of 1691  
Columbiana county, acting as the clerk of the Columbiana county 1692  
municipal court and assuming the duties of that office, shall 1693  
receive in either biweekly installments or semimonthly 1694  
installments, as determined by the payroll administrator, 1695  
compensation payable from the county treasury at one-fourth the 1696  
rate that is prescribed for the clerks of courts of common pleas 1697  
as determined in accordance with the population of the county 1698  
and the rates set forth in sections 325.08 and 325.18 of the 1699  
Revised Code. 1700

(3) During the temporary absence of the clerk due to 1701  
illness, vacation, or other proper cause, the court may appoint 1702  
a temporary clerk, who shall be paid the same compensation, have 1703  
the same authority, and perform the same duties as the clerk. 1704

(B) Except in the Hamilton county, Montgomery county, 1705  
Miami county, Portage county, and Wayne county municipal courts, 1706  
if a vacancy occurs in the office of the clerk of the Alliance, 1707

Lima, Lorain, Massillon, or Youngstown municipal court or occurs 1708  
in the office of the clerk of a municipal court for which the 1709  
population of the territory equals or exceeds one hundred 1710  
thousand because the clerk ceases to hold the office before the 1711  
end of the clerk's term or because a clerk-elect fails to take 1712  
office, the vacancy shall be filled, until a successor is 1713  
elected and qualified, by a person chosen by the residents of 1714  
the territory of the court who are members of the county central 1715  
committee of the political party by which the last occupant of 1716  
that office or the clerk-elect was nominated. Not less than five 1717  
nor more than fifteen days after a vacancy occurs, those members 1718  
of that county central committee shall meet to make an 1719  
appointment to fill the vacancy. At least four days before the 1720  
date of the meeting, the chairperson or a secretary of the 1721  
county central committee shall notify each such member of that 1722  
county central committee by first class mail of the date, time, 1723  
and place of the meeting and its purpose. A majority of all such 1724  
members of that county central committee constitutes a quorum, 1725  
and a majority of the quorum is required to make the 1726  
appointment. If the office so vacated was occupied or was to be 1727  
occupied by a person not nominated at a primary election, or if 1728  
the appointment was not made by the committee members in 1729  
accordance with this division, the court shall make an 1730  
appointment to fill the vacancy. A successor shall be elected to 1731  
fill the office for the unexpired term at the first municipal 1732  
election that is held more than one hundred thirty-five days 1733  
after the vacancy occurred. 1734

(C) (1) In a municipal court, other than the Auglaize 1735  
county, the Brown county, the Columbiana county, the Holmes 1736  
county, the Perry county, the Putnam county, the Sandusky 1737  
county, and the Lorain municipal courts, for which the 1738

population of the territory is less than one hundred thousand, 1739  
the clerk of the municipal court shall receive the annual 1740  
compensation that the presiding judge of the court prescribes, 1741  
if the revenue of the court for the preceding calendar year, as 1742  
certified by the auditor or chief fiscal officer of the 1743  
municipal corporation in which the court is located or, in the 1744  
case of a county-operated municipal court, the county auditor, 1745  
is equal to or greater than the expenditures, including any debt 1746  
charges, for the operation of the court payable under this 1747  
chapter from the city treasury or, in the case of a county- 1748  
operated municipal court, the county treasury for that calendar 1749  
year, as also certified by the auditor or chief fiscal officer. 1750  
If the revenue of a municipal court, other than the Auglaize 1751  
county, the Brown county, the Columbiana county, the Perry 1752  
county, the Putnam county, the Sandusky county, and the Lorain 1753  
municipal courts, for which the population of the territory is 1754  
less than one hundred thousand for the preceding calendar year 1755  
as so certified is not equal to or greater than those 1756  
expenditures for the operation of the court for that calendar 1757  
year as so certified, the clerk of a municipal court shall 1758  
receive the annual compensation that the legislative authority 1759  
prescribes. As used in this division, "revenue" means the total 1760  
of all costs and fees that are collected and paid to the city 1761  
treasury or, in a county-operated municipal court, the county 1762  
treasury by the clerk of the municipal court under division (F) 1763  
of this section and all interest received and paid to the city 1764  
treasury or, in a county-operated municipal court, the county 1765  
treasury in relation to the costs and fees under division (G) of 1766  
this section. 1767

(2) In a municipal court, other than the Hamilton county, 1768  
Montgomery county, Miami county, Portage county, and Wayne 1769

county municipal courts, for which the population of the 1770  
territory is one hundred thousand or more, and in the Lorain 1771  
municipal court, the clerk of the municipal court shall receive 1772  
annual compensation in a sum equal to eighty-five per cent of 1773  
the salary of a judge of the court. 1774

(3) The compensation of a clerk described in division (C) 1775  
(1) or (2) of this section and of the clerk of the Columbiana 1776  
county municipal court is payable in either semimonthly 1777  
installments or biweekly installments, as determined by the 1778  
payroll administrator, from the same sources and in the same 1779  
manner as provided in section 1901.11 of the Revised Code, 1780  
except that the compensation of the clerk of the Carroll county 1781  
municipal court is payable in biweekly installments. 1782

(D) Before entering upon the duties of the clerk's office, 1783  
the clerk of a municipal court shall give bond of not less than 1784  
six thousand dollars to be determined by the judges of the 1785  
court, conditioned upon the faithful performance of the clerk's 1786  
duties. 1787

(E) The clerk of a municipal court may do all of the 1788  
following: administer oaths, take affidavits, and issue 1789  
executions upon any judgment rendered in the court, including a 1790  
judgment for unpaid costs; issue, sign, and attach the seal of 1791  
the court to all writs, process, subpoenas, and papers issuing 1792  
out of the court; and approve all bonds, sureties, 1793  
recognizances, and undertakings fixed by any judge of the court 1794  
or by law. The clerk may refuse to accept for filing any 1795  
pleading or paper submitted for filing by a person who has been 1796  
found to be a vexatious litigator under section 2323.52 of the 1797  
Revised Code and who has failed to obtain leave to proceed under 1798  
that section. The clerk shall do all of the following: file and 1799

safely keep all journals, records, books, and papers belonging 1800  
or appertaining to the court; record the proceedings of the 1801  
court; perform all other duties that the judges of the court may 1802  
prescribe; and keep a book showing all receipts and 1803  
disbursements, which book shall be open for public inspection at 1804  
all times. 1805

The clerk shall prepare and maintain a general index, a 1806  
docket, and other records that the court, by rule, requires, all 1807  
of which shall be the public records of the court. In the 1808  
docket, the clerk shall enter, at the time of the commencement 1809  
of an action, the names of the parties in full, the names of the 1810  
counsel, and the nature of the proceedings. Under proper dates, 1811  
the clerk shall note the filing of the complaint, issuing of 1812  
summons or other process, returns, and any subsequent pleadings. 1813  
The clerk also shall enter all reports, verdicts, orders, 1814  
judgments, and proceedings of the court, clearly specifying the 1815  
relief granted or orders made in each action. The court may 1816  
order an extended record of any of the above to be made and 1817  
entered, under the proper action heading, upon the docket at the 1818  
request of any party to the case, the expense of which record 1819  
may be taxed as costs in the case or may be required to be 1820  
prepaid by the party demanding the record, upon order of the 1821  
court. 1822

(F) The clerk of a municipal court shall receive, collect, 1823  
and issue receipts for all costs, fees, fines, bail, and other 1824  
moneys payable to the office or to any officer of the court. The 1825  
clerk shall on or before the twentieth day of the month 1826  
following the month in which they are collected disburse to the 1827  
proper persons or officers, and take receipts for, all costs, 1828  
fees, fines, bail, and other moneys that the clerk collects. 1829  
Subject to sections 307.515 and 4511.193 of the Revised Code and 1830

to any other section of the Revised Code that requires a 1831  
specific manner of disbursement of any moneys received by a 1832  
municipal court and except for the Hamilton county, Lawrence 1833  
county, and Ottawa county municipal courts, the clerk shall pay 1834  
all fines received for violation of municipal ordinances into 1835  
the treasury of the municipal corporation the ordinance of which 1836  
was violated and shall pay all fines received for violation of 1837  
township resolutions adopted pursuant to section 503.52 or 1838  
503.53 or Chapter 504. of the Revised Code into the treasury of 1839  
the township the resolution of which was violated. Subject to 1840  
sections 1901.024 and 4511.193 of the Revised Code, in the 1841  
Hamilton county, Lawrence county, and Ottawa county municipal 1842  
courts, the clerk shall pay fifty per cent of the fines received 1843  
for violation of municipal ordinances and fifty per cent of the 1844  
fines received for violation of township resolutions adopted 1845  
pursuant to section 503.52 or 503.53 or Chapter 504. of the 1846  
Revised Code into the treasury of the county. Subject to 1847  
sections 307.515, 4511.19, and 5503.04 of the Revised Code and 1848  
to any other section of the Revised Code that requires a 1849  
specific manner of disbursement of any moneys received by a 1850  
municipal court, the clerk shall pay all fines collected for the 1851  
violation of state laws into the county treasury. Except in a 1852  
county-operated municipal court, the clerk shall pay all costs 1853  
and fees the disbursement of which is not otherwise provided for 1854  
in the Revised Code into the city treasury. The clerk of a 1855  
county-operated municipal court shall pay the costs and fees the 1856  
disbursement of which is not otherwise provided for in the 1857  
Revised Code into the county treasury. Moneys deposited as 1858  
security for costs shall be retained pending the litigation. The 1859  
clerk shall keep a separate account of all receipts and 1860  
disbursements in civil and criminal cases, which shall be a 1861  
permanent public record of the office. On the expiration of the 1862

term of the clerk, the clerk shall deliver the records to the 1863  
clerk's successor. The clerk shall have other powers and duties 1864  
as are prescribed by rule or order of the court. 1865

(G) All moneys paid into a municipal court shall be noted 1866  
on the record of the case in which they are paid and shall be 1867  
deposited in a state or national bank, as defined in section 1868  
1101.01 of the Revised Code, that is selected by the clerk. Any 1869  
interest received upon the deposits shall be paid into the city 1870  
treasury, except that, in a county-operated municipal court, the 1871  
interest shall be paid into the treasury of the county in which 1872  
the court is located. 1873

On the first Monday in January of each year, the clerk 1874  
shall make a list of the titles of all cases in the court that 1875  
were finally determined more than one year past in which there 1876  
remains unclaimed in the possession of the clerk any funds, or 1877  
any part of a deposit for security of costs not consumed by the 1878  
costs in the case. The clerk shall give notice of the moneys to 1879  
the parties who are entitled to the moneys or to their attorneys 1880  
of record. All the moneys remaining unclaimed that are for 1881  
restitution payments for crime victims shall be sent to the 1882  
reparations fund created under section 2743.191 of the Revised 1883  
Code, with a list from the clerk specifying the amounts and 1884  
individual identifying information of the funds. All the other 1885  
moneys remaining unclaimed on the first day of April of each 1886  
year shall be paid by the clerk to the city treasurer, except 1887  
that, in a county-operated municipal court, the moneys shall be 1888  
paid to the treasurer of the county in which the court is 1889  
located. The treasurer shall pay any part of the moneys at any 1890  
time to the person who has the right to the moneys upon proper 1891  
certification of the clerk. 1892

(H) Deputy clerks of a municipal court other than the 1893  
Carroll county municipal court may be appointed by the clerk and 1894  
shall receive the compensation, payable in either biweekly 1895  
installments or semimonthly installments, as determined by the 1896  
payroll administrator, out of the city treasury, that the clerk 1897  
may prescribe, except that the compensation of any deputy clerk 1898  
of a county-operated municipal court shall be paid out of the 1899  
treasury of the county in which the court is located. The judge 1900  
of the Carroll county municipal court may appoint deputy clerks 1901  
for the court, and the deputy clerks shall receive the 1902  
compensation, payable in biweekly installments out of the county 1903  
treasury, that the judge may prescribe. Each deputy clerk shall 1904  
take an oath of office before entering upon the duties of the 1905  
deputy clerk's office and, when so qualified, may perform the 1906  
duties appertaining to the office of the clerk. The clerk may 1907  
require any of the deputy clerks to give bond of not less than 1908  
three thousand dollars, conditioned for the faithful performance 1909  
of the deputy clerk's duties. 1910

(I) For the purposes of this section, whenever the 1911  
population of the territory of a municipal court falls below one 1912  
hundred thousand but not below ninety thousand, and the 1913  
population of the territory prior to the most recent regular 1914  
federal census exceeded one hundred thousand, the legislative 1915  
authority of the municipal corporation may declare, by 1916  
resolution, that the territory shall be considered to have a 1917  
population of at least one hundred thousand. 1918

(J) The clerk or a deputy clerk shall be in attendance at 1919  
all sessions of the municipal court, although not necessarily in 1920  
the courtroom, and may administer oaths to witnesses and jurors 1921  
and receive verdicts. 1922

**Sec. 1907.20.** (A) The clerk of courts shall be the clerk 1923  
of the county court, except that the board of county 1924  
commissioners, with the concurrence of the county court judges, 1925  
may appoint a clerk for each county court judge, who shall serve 1926  
at the pleasure of the board and shall receive compensation as 1927  
set by the board, payable in semimonthly installments from the 1928  
treasury of the county. Except as otherwise provided in section 1929  
3.061 of the Revised Code, an appointed clerk, before entering 1930  
upon the duties of the office, shall give bond of not less than 1931  
five thousand dollars, as determined by the board of county 1932  
commissioners, conditioned upon the faithful performance of the 1933  
clerk's duties. 1934

The clerks of courts of common pleas, when acting as the 1935  
clerks of county courts, and upon assuming their county court 1936  
duties, shall receive compensation at one-fourth the rate 1937  
prescribed for the clerks of courts of common pleas as 1938  
determined in accordance with the population of the county and 1939  
the rates set forth in sections 325.08 and 325.18 of the Revised 1940  
Code. This compensation shall be paid from the county treasury 1941  
in semimonthly installments and is in addition to the annual 1942  
compensation received for the performance of the duties of the 1943  
clerk of a court of common pleas as provided in sections 325.08 1944  
and 325.18 of the Revised Code. 1945

(B) The clerk of a county court shall have general powers 1946  
to administer oaths, take affidavits, and issue executions upon 1947  
any judgment rendered in the county court, including a judgment 1948  
for unpaid costs, power to issue and sign all writs, process, 1949  
subpoenas, and papers issuing out of the court, and to attach 1950  
the seal of the court to them, and power to approve all bonds, 1951  
sureties, recognizances, and undertakings fixed by any judge of 1952  
the court or by law. The clerk shall file and safely keep all 1953

journals, records, books, and papers belonging or appertaining 1954  
to the court, record its proceedings, perform all other duties 1955  
that the judges of the court may prescribe, and keep a book 1956  
showing all receipts and disbursements, which shall be open for 1957  
public inspection at all times. The clerk may refuse to accept 1958  
for filing any pleading or paper submitted for filing by a 1959  
person who has been found to be a vexatious litigator under 1960  
section 2323.52 of the Revised Code and who has failed to obtain 1961  
leave to proceed under that section. 1962

The clerk shall prepare and maintain a general index, a 1963  
docket as prescribed by the court, which shall be furnished by 1964  
the board of county commissioners, and such other records as the 1965  
court, by rule, requires, all of which shall be the public 1966  
records of the court. In the docket, the clerk shall enter at 1967  
times of the commencement of an action, the names of the parties 1968  
in full, the names of the counsel, and the nature of the 1969  
proceedings. Under proper dates, the clerk shall note the filing 1970  
of the complaint, issuing of summons or other process, returns, 1971  
and pleadings subsequent thereto. The clerk also shall enter all 1972  
reports, verdicts, orders, judgments, and proceedings of the 1973  
court, clearly specifying the relief granted or orders made in 1974  
each action. The court may order an extended record of any of 1975  
the above to be made and entered, under the proper action 1976  
heading, upon the docket at the request of any party to the 1977  
case, the expense of which may be taxed as costs in the case or 1978  
may be required to be prepaid by the party demanding the 1979  
extended record, upon order of the court. 1980

(C) The clerk of a county court shall receive and collect 1981  
all costs, fees, fines, penalties, bail, and other moneys 1982  
payable to the office or to any officer of the court and issue 1983  
receipts therefor, and shall on or before the twentieth day of 1984

the month following the month in which they are collected 1985  
disburse the costs, fees, fines, penalties, bail, and other 1986  
moneys to the proper persons or officers and take receipts 1987  
therefor. Subject to sections 307.515, 4511.19, 4511.193, and 1988  
5503.04 of the Revised Code and all other statutes that require 1989  
a different distribution of fines, fines received for violations 1990  
of municipal ordinances shall be paid into the treasury of the 1991  
municipal corporation whose ordinance was violated, fines 1992  
received for violations of township resolutions adopted pursuant 1993  
to section 503.52 or 503.53 or Chapter 504. of the Revised Code 1994  
shall be paid into the treasury of the township whose resolution 1995  
was violated, and fines collected for the violation of state 1996  
laws shall be paid into the county treasury. Moneys deposited as 1997  
security for costs shall be retained pending the litigation. 1998

The clerk shall keep a separate account of all receipts 1999  
and disbursements in civil and criminal cases. The separate 2000  
account shall be a permanent public record of the office. On the 2001  
expiration of a clerk's term, those records shall be delivered 2002  
to the clerk's successor. 2003

The clerk shall have such other powers and duties as are 2004  
prescribed by rule or order of the court. 2005

(D) All moneys paid into a county court shall be noted on 2006  
the record of the case in which they are paid and shall be 2007  
deposited in a state or national bank selected by the clerk. On 2008  
the first Monday in January of each year, the clerk shall make a 2009  
list of the titles of all cases in the county court that were 2010  
finally determined more than one year past in which there 2011  
remains unclaimed in the possession of the clerk any funds, or 2012  
any part of a deposit for security of costs not consumed by the 2013  
costs in the case. The clerk shall give notice of the moneys to 2014

the parties entitled to them or to their attorneys of record. 2015  
All the moneys remaining unclaimed that are for restitution 2016  
payments for crime victims shall be sent to the reparations fund 2017  
created under section 2743.191 of the Revised Code, with a list 2018  
from the clerk specifying the amounts and individual identifying 2019  
information of the funds. All ~~the~~ other moneys remaining 2020  
unclaimed on the first day of April of each year shall be paid 2021  
by the clerk to the county treasurer. Any part of the moneys 2022  
shall be paid by the county treasurer at any time to the person 2023  
having the right to them, upon proper certification of the 2024  
clerk. 2025

(E) (1) In county court districts having appointed clerks, 2026  
deputy clerks may be appointed by the board of county 2027  
commissioners. Clerks and deputy clerks shall receive such 2028  
compensation payable in semimonthly installments out of the 2029  
county treasury as the board may prescribe. Each deputy clerk 2030  
shall take an oath of office before entering upon the duties of 2031  
the deputy clerk's office and, when so qualified, may perform 2032  
the duties appertaining to the office of the clerk. The clerk 2033  
may require any of the deputy clerks to give bond of not less 2034  
than three thousand dollars, conditioned for the faithful 2035  
performance of the deputy clerk's duties. 2036

(2) A clerk of courts acting as clerk of the county court 2037  
may appoint deputy clerks to perform the duties pertaining to 2038  
the office of clerk of the county court. Each deputy clerk shall 2039  
take an oath of office before entering upon the deputy clerk's 2040  
duties, and the clerk of courts may require the deputy clerk to 2041  
give bond of not less than three thousand dollars, conditioned 2042  
for the faithful performance of the deputy clerk's duties. 2043

(3) The clerk or a deputy clerk of a county court shall be 2044

in attendance at all sessions of the court, although not 2045  
necessarily in the courtroom, and may administer oaths to 2046  
witnesses and jurors and receive verdicts. 2047

(F) (1) In county court districts having appointed clerks, 2048  
the board of county commissioners may order the establishment of 2049  
one or more branch offices of the clerk and, with the 2050  
concurrence of the county judges, may appoint a special deputy 2051  
clerk to administer each branch office. Each special deputy 2052  
clerk shall take an oath of office before entering upon the 2053  
duties of the deputy clerk's office and, when so qualified, may 2054  
perform any one or more of the duties appertaining to the office 2055  
of clerk, as the board prescribes. Special deputy clerks shall 2056  
receive such compensation payable in semimonthly installments 2057  
out of the county treasury as the board may prescribe. Except as 2058  
otherwise provided in section 3.061 of the Revised Code, the 2059  
board may require any of the special deputy clerks to give bond 2060  
of not less than three thousand dollars, conditioned for the 2061  
faithful performance of the deputy clerk's duties. 2062

The board of county commissioners may authorize the clerk 2063  
of the county court to operate one or more branch offices, to 2064  
divide the clerk's time between the offices, and to perform 2065  
duties appertaining to the office of clerk in locations that the 2066  
board prescribes. 2067

(2) A clerk of courts acting as clerk of the county court 2068  
may establish one or more branch offices for the clerk's duties 2069  
as clerk of the county court and, with the concurrence of the 2070  
county court judges, may appoint a special deputy clerk to 2071  
administer each branch office. Each special deputy clerk shall 2072  
take an oath of office before entering upon the deputy clerk's 2073  
duties and, when so qualified, may perform any of the duties 2074

pertaining to the office of clerk, as the clerk of courts 2075  
prescribes. The clerk of courts may require any of the special 2076  
deputy clerks to give bond of not less than three thousand 2077  
dollars, conditioned for the faithful performance of the deputy 2078  
clerk's duties. 2079

(G) The clerk of courts of the county shall fix the 2080  
compensation of deputy clerks and special deputy clerks 2081  
appointed by the clerk pursuant to this section. Those personnel 2082  
shall be paid and be subject to the same requirements as other 2083  
employees of the clerk under the provisions of section 325.17 of 2084  
the Revised Code insofar as that section is applicable. 2085

**Sec. 2151.356.** (A) The records of a case in which a person 2086  
was adjudicated a delinquent child for committing a violation of 2087  
section 2903.01, 2903.02, or 2907.02 of the Revised Code shall 2088  
not be sealed under this section. 2089

(B) (1) The juvenile court shall promptly order the 2090  
immediate sealing of records pertaining to a juvenile in any of 2091  
the following circumstances: 2092

(a) If the court receives a record from a public office or 2093  
agency under division (B) (2) of this section; 2094

(b) If a person was brought before or referred to the 2095  
court for allegedly committing a delinquent or unruly act and 2096  
the case was resolved without the filing of a complaint against 2097  
the person with respect to that act pursuant to section 2151.27 2098  
of the Revised Code; 2099

(c) If a person was charged with violating division (E) (1) 2100  
of section 4301.69 of the Revised Code and the person has 2101  
successfully completed a diversion program under division (E) (2) 2102  
(a) of section 4301.69 of the Revised Code with respect to that 2103

charge; 2104

(d) If a complaint was filed against a person alleging 2105  
that the person was a delinquent child, an unruly child, or a 2106  
juvenile traffic offender and the court dismisses the complaint 2107  
after a trial on the merits of the case or finds the person not 2108  
to be a delinquent child, an unruly child, or a juvenile traffic 2109  
offender; 2110

(e) Notwithstanding division (C) of this section and 2111  
subject to section 2151.358 of the Revised Code, if a person has 2112  
been adjudicated an unruly child, that person has attained 2113  
eighteen years of age, and the person is not under the 2114  
jurisdiction of the court in relation to a complaint alleging 2115  
the person to be a delinquent child. 2116

(2) The appropriate public office or agency shall 2117  
immediately deliver all original records at that public office 2118  
or agency pertaining to a juvenile to the court, if the person 2119  
was arrested or taken into custody for allegedly committing a 2120  
delinquent or unruly act, no complaint was filed against the 2121  
person with respect to the commission of the act pursuant to 2122  
section 2151.27 of the Revised Code, and the person was not 2123  
brought before or referred to the court for the commission of 2124  
the act. The records delivered to the court as required under 2125  
this division shall not include fingerprints, DNA specimens, and 2126  
DNA records described under division (A) (3) of section 2151.357 2127  
of the Revised Code. 2128

(C) (1) The juvenile court shall consider the sealing of 2129  
records pertaining to a juvenile upon the court's own motion or 2130  
upon the application of a person if the person has been 2131  
adjudicated a delinquent child for committing an act other than 2132  
a violation of section 2903.01, 2903.02, or 2907.02 of the 2133

Revised Code, an unruly child, or a juvenile traffic offender 2134  
and if, at the time of the motion or application, the person is 2135  
not under the jurisdiction of the court in relation to a 2136  
complaint alleging the person to be a delinquent child. The 2137  
court shall not require a fee for the filing of the application. 2138  
The motion or application may be made on or after the time 2139  
specified in whichever of the following is applicable: 2140

(a) If the person is under eighteen years of age, at any 2141  
time after six months after any of the following events occur: 2142

(i) The termination of any order made by the court in 2143  
relation to the adjudication; 2144

(ii) The unconditional discharge of the person from the 2145  
department of youth services with respect to a dispositional 2146  
order made in relation to the adjudication or from an 2147  
institution or facility to which the person was committed 2148  
pursuant to a dispositional order made in relation to the 2149  
adjudication; 2150

(iii) The court enters an order under section 2152.84 or 2151  
2152.85 of the Revised Code that contains a determination that 2152  
the child is no longer a juvenile offender registrant. 2153

(b) If the person is eighteen years of age or older, at 2154  
any time after the later of the following: 2155

(i) The person's attainment of eighteen years of age; 2156

(ii) The occurrence of any event identified in divisions 2157  
(C) (1) (a) (i) to (iii) of this section. 2158

(2) In making the determination whether to seal records 2159  
pursuant to division (C) (1) of this section, all of the 2160  
following apply: 2161

(a) The court may require a person filing an application 2162  
under division (C) (1) of this section to submit any relevant 2163  
documentation to support the application. 2164

(b) The court may cause an investigation to be made to 2165  
determine if the person who is the subject of the proceedings 2166  
has been rehabilitated to a satisfactory degree. 2167

(c) The court shall promptly, but not less than thirty 2168  
days prior to the hearing, notify the prosecuting attorney of 2169  
any proceedings to seal records initiated pursuant to division 2170  
(C) (1) of this section. The prosecutor shall provide timely 2171  
notice to a victim and a victim's representative, if applicable, 2172  
if the victim or victim's representative requested notice of the 2173  
proceedings in the underlying case. 2174

(d) (i) The prosecuting attorney may file a response with 2175  
the court within thirty days of receiving notice of the sealing 2176  
proceedings. 2177

(ii) If the prosecuting attorney does not file a response 2178  
with the court or if the prosecuting attorney files a response 2179  
but indicates that the prosecuting attorney does not object to 2180  
the sealing of the records, the court may order the records of 2181  
the person that are under consideration to be sealed without 2182  
conducting a hearing on the motion or application. If the court 2183  
decides in its discretion to conduct a hearing on the motion or 2184  
application, the court shall conduct the hearing within thirty 2185  
days after making that decision and shall give notice, by 2186  
regular mail, of the date, time, and location of the hearing to 2187  
the prosecuting attorney and to the person who is the subject of 2188  
the records under consideration. The victim, the victim's 2189  
representative, and the victim's attorney, if applicable, may be 2190  
present and heard orally, in writing, or both at any hearing 2191

under this division. The court shall consider the oral and 2192  
written statement of any victim, victim's representative, and 2193  
victim's attorney, if applicable. 2194

(iii) If the prosecuting attorney files a response with 2195  
the court that indicates that the prosecuting attorney objects 2196  
to the sealing of the records, the court shall conduct a hearing 2197  
on the motion or application within thirty days after the court 2198  
receives the response. The court shall give notice, by regular 2199  
mail, of the date, time, and location of the hearing to the 2200  
prosecuting attorney and to the person who is the subject of the 2201  
records under consideration. The victim, the victim's 2202  
representative, and the victim's attorney, if applicable, may be 2203  
present and heard orally, in writing, or both at any hearing 2204  
under this division. The court shall consider the oral and 2205  
written statement of any victim, victim's representative, and 2206  
victim's attorney, if applicable. 2207

(e) After conducting a hearing in accordance with division 2208  
(C) (2) (d) of this section or after due consideration when a 2209  
hearing is not conducted, except as provided in division (B) (1) 2210  
(c) of this section, the court may order the records of the 2211  
person that are the subject of the motion or application to be 2212  
sealed if it finds that the person has been rehabilitated to a 2213  
satisfactory degree. In determining whether the person has been 2214  
rehabilitated to a satisfactory degree, the court may consider 2215  
all of the following: 2216

(i) The age of the person; 2217

(ii) The nature of the case; 2218

(iii) The cessation or continuation of delinquent, unruly, 2219  
or criminal behavior; 2220

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

that does all of the following:	2250
(a) States that the person may apply to the court for an order to seal the record;	2251 2252
(b) Explains what sealing a record means;	2253
(c) States that the person may apply to the court for an order to expunge the record under section 2151.358 of the Revised Code;	2254 2255 2256
(d) Explains what expunging a record means.	2257
(3) The department of youth services and any other institution or facility that unconditionally discharges a person who has been adjudicated a delinquent child, an unruly child, or a juvenile traffic offender shall immediately give notice of the discharge to the court that committed the person. The court shall note the date of discharge on a separate record of discharges of those natures.	2258 2259 2260 2261 2262 2263 2264
<b>Sec. 2151.358.</b> (A) The juvenile court shall expunge all records sealed under section 2151.356 of the Revised Code five years after the court issues a sealing order or upon the twenty-third birthday of the person who is the subject of the sealing order, whichever date is earlier.	2265 2266 2267 2268 2269
(B) Notwithstanding division (A) of this section, upon application by the person who has had a record sealed under section 2151.356 of the Revised Code, the juvenile court may expunge a record sealed under section 2151.356 of the Revised Code. In making the determination whether to expunge records, all of the following apply:	2270 2271 2272 2273 2274 2275
(1) The court may require a person filing an application for expungement to submit any relevant documentation to support	2276 2277

the application. 2278

(2) The court may cause an investigation to be made to 2279  
determine if the person who is the subject of the proceedings 2280  
has been rehabilitated to a satisfactory degree. 2281

(3) The court shall promptly, but not less than thirty 2282  
days prior to the hearing, notify the prosecuting attorney of 2283  
any proceedings to expunge records. The prosecutor shall provide 2284  
timely notice to a victim and the victim's representative, if 2285  
applicable, if the victim or victim's representative requested 2286  
notice of the proceedings in the underlying case. 2287

(4) (a) The prosecuting attorney may file a response with 2288  
the court within thirty days of receiving notice of the 2289  
expungement proceedings. 2290

(b) If the prosecuting attorney does not file a response 2291  
with the court or if the prosecuting attorney files a response 2292  
but indicates that the prosecuting attorney does not object to 2293  
the expungement of the records, the court may order the records 2294  
of the person that are under consideration to be expunged 2295  
without conducting a hearing on the application. If the court 2296  
decides in its discretion to conduct a hearing on the 2297  
application, the court shall conduct the hearing within thirty 2298  
days after making that decision and shall give notice, by 2299  
regular mail, of the date, time, and location of the hearing to 2300  
the prosecuting attorney and to the person who is the subject of 2301  
the records under consideration. The victim and the victim's 2302  
representative, if applicable, may be present and heard orally, 2303  
in writing, or both at any hearing under this division. The 2304  
court shall consider the oral and written statement of any 2305  
victim, victim's representative, and victim's attorney, if 2306  
applicable. 2307

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

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

- (a) The age of the person;
- (b) The nature of the case;
- (c) The cessation or continuation of delinquent, unruly, or criminal behavior;
- (d) The education and employment history of the person;
- (e) Any other circumstances that may relate to the rehabilitation of the person who is the subject of the records under consideration.

(C) If the juvenile court is notified by any party in a

civil action that a civil action has been filed based on a case 2337  
the records for which are the subject of a sealing order, the 2338  
juvenile court shall not expunge a record sealed under section 2339  
2151.356 of the Revised Code until the civil action has been 2340  
resolved and is not subject to further appellate review, at 2341  
which time the records shall be expunged pursuant to division 2342  
(A) of this section. 2343

(D) (1) A juvenile court that issues a protection order or 2344  
approves a consent agreement under section 2151.34 or 3113.31 of 2345  
the Revised Code shall automatically seal all of the records of 2346  
the proceeding in which the order was issued or agreement 2347  
approved on the date the person against whom the protection 2348  
order was issued or the consent agreement approved attains the 2349  
age of nineteen years if the court determines that the person 2350  
has complied with all of the terms of the protection order or 2351  
consent agreement. 2352

(2) In a proceeding under section 2151.34 of the Revised 2353  
Code, if the juvenile court does not issue any protection order 2354  
under division (E) of that section, the court shall 2355  
automatically seal all of the records in that proceeding. In a 2356  
proceeding under section 3113.31 of the Revised Code, if the 2357  
juvenile court does not issue any protection order or approve 2358  
any consent agreement under division (E) of that section, the 2359  
court shall automatically seal all of the records in that 2360  
proceeding. 2361

(3) (a) If a juvenile court that issues a protection order 2362  
or approves a consent agreement under section 2151.34 or 3113.31 2363  
of the Revised Code determines that the person against whom the 2364  
protection order was issued or the consent agreement approved 2365  
has not complied with all of the terms of the protection order 2366

or consent agreement, the court shall consider sealing all of 2367  
the records of the proceeding in which the order was issued or 2368  
agreement approved upon the court's own motion or upon the 2369  
application of a person. The court may make the motion or the 2370  
person who is the subject of the records under consideration may 2371  
apply for an order sealing the records of the proceeding at any 2372  
time after two years after the expiration of the protection 2373  
order or consent agreement. 2374

(b) In making a determination whether to seal records 2375  
pursuant to division (D) (3) of this section, all of the 2376  
following apply: 2377

(i) The court may require a person filing an application 2378  
under division (D) (3) of this section to submit any relevant 2379  
documentation to support the application. 2380

(ii) The court shall promptly notify the victim or the 2381  
victim's attorney of any proceedings to seal records initiated 2382  
pursuant to division (D) (3) of this section. 2383

(iii) The victim or the victim's attorney may file a 2384  
response with the court within thirty days of receiving notice 2385  
of the sealing proceedings. 2386

If the victim or the victim's attorney does not file a 2387  
response with the court or if the victim or the victim's 2388  
attorney files a response but indicates that the victim or the 2389  
victim's attorney does not object to the sealing of the records, 2390  
the court may order the records of the person that are under 2391  
consideration to be sealed without conducting a hearing on the 2392  
motion or application. If the court decides in its discretion to 2393  
conduct a hearing on the motion or application, the court shall 2394  
conduct the hearing within thirty days after making that 2395

decision and shall give notice, by regular mail, of the date, 2396  
time, and location of the hearing to the victim or the victim's 2397  
attorney and to the person who is the subject of the records 2398  
under consideration. 2399

If the victim or the victim's attorney files a response 2400  
with the court that indicates that the victim or the victim's 2401  
attorney objects to the sealing of the records, the court shall 2402  
conduct a hearing on the motion or application within thirty 2403  
days after the court receives the response. The court shall give 2404  
notice, by regular mail, of the date, time, and location of the 2405  
hearing to the victim or the victim's attorney and to the person 2406  
who is the subject of the records under consideration. 2407

(iv) After conducting a hearing in accordance with 2408  
division (D) (3) (b) (iii) of this section or after due 2409  
consideration when a hearing is not conducted, the court may 2410  
order the records of the person that are the subject of the 2411  
motion or application to be sealed. 2412

(4) Inspection of the records sealed pursuant to division 2413  
(D) (1), (2), or (3) of this section may be made only by the 2414  
following persons or for the following purposes: 2415

(a) By a law enforcement officer or prosecutor, or the 2416  
assistants of either, to determine whether the nature and 2417  
character of the offense with which a person is to be charged 2418  
would be affected by virtue of the person's previously having 2419  
been convicted of a crime; 2420

(b) By the parole or probation officer of the person who 2421  
is the subject of the records, for the exclusive use of the 2422  
officer in supervising the person while on parole or under a 2423  
community control sanction or a post-release control sanction, 2424

and in making inquiries and written reports as requested by the court or adult parole authority;

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

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

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

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

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

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

(i) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of performing a criminal history records check on a person to whom a certificate as prescribed in section 109.77 of

the Revised Code is to be awarded; 2454

(j) By the bureau of criminal identification and 2455  
investigation or any authorized employee of the bureau for the 2456  
purpose of conducting a criminal records check of an individual 2457  
pursuant to division (B) of section 109.572 of the Revised Code 2458  
that was requested pursuant to any of the sections identified in 2459  
division (B)(1) of that section; 2460

(k) By the bureau of criminal identification and 2461  
investigation, an authorized employee of the bureau, a sheriff, 2462  
or an authorized employee of a sheriff in connection with a 2463  
criminal records check described in section 311.41 of the 2464  
Revised Code; 2465

(l) By the attorney general or an authorized employee of 2466  
the attorney general or a court for purposes of determining a 2467  
person's classification pursuant to Chapter 2950. of the Revised 2468  
Code. 2469

When the nature and character of the offense with which a 2470  
person is to be charged would be affected by the information, it 2471  
may be used for the purpose of charging the person with an 2472  
offense. 2473

(E) In addition to the methods of expungement provided for 2474  
in divisions (A) and (B) of this section, a person who has been 2475  
adjudicated a delinquent child for having committed an act that 2476  
would be a violation of section 2907.24, 2907.241, or 2907.25 of 2477  
the Revised Code if the child were an adult may apply to the 2478  
adjudicating court for the expungement of the record of 2479  
adjudication if the person's participation in the act was a 2480  
result of the person having been a victim of human trafficking. 2481  
The application shall be made in the same manner as an 2482

application for expungement under section 2953.38 of the Revised Code, and all of the provisions of that section shall apply to the expungement procedure.

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

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

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

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

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

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

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

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

(f) For an act that would be a felony of the fifth degree	2511
or an unclassified felony if committed by an adult, a fine not	2512
to exceed three hundred dollars;	2513
(g) For an act that would be a felony of the fourth degree	2514
if committed by an adult, a fine not to exceed four hundred	2515
dollars;	2516
(h) For an act that would be a felony of the third degree	2517
if committed by an adult, a fine not to exceed seven hundred	2518
fifty dollars;	2519
(i) For an act that would be a felony of the second degree	2520
if committed by an adult, a fine not to exceed one thousand	2521
dollars;	2522
(j) For an act that would be a felony of the first degree	2523
if committed by an adult, a fine not to exceed one thousand five	2524
hundred dollars;	2525
(k) For an act that would be aggravated murder or murder	2526
if committed by an adult, a fine not to exceed two thousand	2527
dollars.	2528
(2) Require the child to pay costs;	2529
(3) Unless the child's <del>delinquent act or</del> juvenile traffic	2530
offense would be a minor misdemeanor if committed by an adult or	2531
could be disposed of by the juvenile traffic violations bureau	2532
serving the court under Traffic Rule 13.1 if the court has	2533
established a juvenile traffic violations bureau, require the	2534
child to make restitution to the victim of the child's	2535
delinquent act or juvenile traffic offense or, if the victim is	2536
deceased, to a survivor <u>or the estate</u> of the victim in an amount	2537
based upon the victim's economic loss caused by or related to	2538
the delinquent act or juvenile traffic offense. The court may	2539

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

~~If the court requires restitution under this division, the 2550  
restitution may be in the form of a cash reimbursement paid in a 2551  
lump sum or in installments, the performance of repair work to 2552  
restore any damaged property to its original condition, the 2553  
performance of a reasonable amount of labor for the victim or 2554  
survivor of the victim, the performance of community service 2555  
work, any other form of restitution devised by the court, or any 2556  
combination of the previously described forms of restitution. 2557~~

~~If the court requires restitution under this division, the 2558  
court may base the restitution order on an amount recommended by 2559  
the victim or survivor of the victim, the delinquent child, the 2560  
juvenile traffic offender, a presentence investigation report, 2561  
estimates or receipts indicating the cost of repairing or 2562  
replacing property, and any other information, provided that the 2563  
The victim, victim's representative, victim's attorney, if 2564  
applicable, the prosecuting attorney, or the delinquent child or 2565  
juvenile traffic offender may provide information relevant to 2566  
the determination of the amount of restitution. The amount the 2567  
court orders as restitution shall not exceed the amount of the 2568  
economic loss suffered by the victim as a direct and proximate 2569  
result of the delinquent act or juvenile traffic offense. If the 2570~~

court decides to or is required to order restitution under this 2571  
division and the amount of the restitution is disputed by the 2572  
victim or survivor, victim's estate, victim's representative, or 2573  
victim's attorney, if applicable, or by the delinquent child or 2574  
juvenile traffic offender, the court shall hold a hearing on the 2575  
restitution. ~~If the court requires restitution under this~~ 2576  
~~division, the court shall determine, or order the determination~~ 2577  
~~of, the amount of restitution to be paid by the delinquent child~~ 2578  
~~or juvenile traffic offender~~ The court shall determine the 2579  
amount of full restitution by a preponderance of the evidence. 2580  
All restitution payments shall be credited against any recovery 2581  
of economic loss in a civil action brought by or on behalf of 2582  
the victim against the delinquent child or juvenile traffic 2583  
offender or the delinquent child's or juvenile traffic 2584  
offender's parent, guardian, or other custodian. 2585

If the court requires restitution under this division, the 2586  
court may order that the delinquent child or juvenile traffic 2587  
offender pay a surcharge, in an amount not exceeding five per 2588  
cent of the amount of restitution otherwise ordered under this 2589  
division, to the entity responsible for collecting and 2590  
processing the restitution payments. 2591

The victim ~~or the~~, survivor of the victim, or victim's 2592  
estate may request that the prosecuting authority file a motion, 2593  
or the delinquent child or juvenile traffic offender may file a 2594  
motion, for modification of the payment terms of any restitution 2595  
ordered under this division. If the court grants the motion, it 2596  
may modify the payment terms as it determines appropriate. 2597

(4) Require the child to reimburse any or all of the costs 2598  
incurred for services or sanctions provided or imposed, 2599  
including, but not limited to, the following: 2600

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

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

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

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

(D) If a child who is adjudicated a delinquent child is indigent, the court shall consider imposing a term of community

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

If a child fails to pay a financial sanction imposed under 2640  
this section, the court may impose a term of community service 2641  
in lieu of the sanction. 2642

(E) The clerk of the court, or another person authorized 2643  
by law or by the court to collect a financial sanction imposed 2644  
under this section, may do any of the following: 2645

(1) Enter into contracts with one or more public agencies 2646  
or private vendors for the collection of the amounts due under 2647  
the financial sanction, which amounts may include interest from 2648  
the date of imposition of the financial sanction; 2649

(2) Permit payment of all, or any portion of, the 2650  
financial sanction in installments, by credit or debit card, by 2651  
another type of electronic transfer, or by any other reasonable 2652  
method, within any period of time, and on any terms that the 2653  
court considers just, except that the maximum time permitted for 2654  
payment shall not exceed five years. The clerk may pay any fee 2655  
associated with processing an electronic transfer out of public 2656  
money and may charge the fee to the delinquent child. 2657

(3) To defray administrative costs, charge a reasonable 2658  
fee to a child who elects a payment plan rather than a lump sum 2659

payment of a financial sanction. 2660

Sec. 2152.203. (A) As used in this section, "criminal offense" and "delinquent act" have the same meanings as in section 2930.01 of the Revised Code. 2661  
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(B) In determining the amount of restitution under this section, the court shall order full restitution for any expenses related to a victim's economic loss due to the delinquent act. 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. 2664  
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Economic loss includes, but is not limited to, the following: 2670  
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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. 2672  
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(2) Medical expenses; 2676

(3) Mental health counseling expenses; 2677

(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 delinquent act for which restitution is being ordered, unless good cause for a shorter time period is shown. 2678  
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(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 2685  
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2687

the delinquent act. 2688

(C) Upon notification by the court, any money owed by the 2689  
state or by a political subdivision of the state to a delinquent 2690  
child who is required to make restitution under this section, 2691  
including any tax refund owed to the child or offender, shall be 2692  
assigned to the discharge of the child's or offender's 2693  
outstanding restitution obligation, subject to any superseding 2694  
federal statutes or regulations, including court-ordered support 2695  
obligations. 2696

(D) If a delinquent child or juvenile traffic offender is 2697  
required to make restitution under this section in the form of 2698  
monetary payments to more than one victim, the child or offender 2699  
shall make the payments to the victims in the following order of 2700  
priority: 2701

(1) Individuals; 2702

(2) Nonprofit organizations; 2703

(3) Business entities; 2704

(4) Governmental entities. 2705

(E) A court that orders restitution as part of a 2706  
delinquent child's disposition under this section shall not 2707  
suspend that part of the disposition if the victim or victim's 2708  
attorney, if applicable, objects to the restitution part of the 2709  
disposition being suspended. 2710

(F) A restitution obligation imposed by a court does not 2711  
expire until paid in full. If an order remains unpaid in full, a 2712  
court order for restitution imposed under this section shall be 2713  
reduced to a civil judgment in favor of the victim prior to the 2714  
termination of the court's jurisdiction upon the delinquent 2715

child's attainment of twenty-one years of age. If the order is 2716  
reduced to such a judgment, the person required to pay the 2717  
restitution under the order is the judgment debtor. The court 2718  
retains jurisdiction over the restitution order until the 2719  
delinquent child attains twenty-one years of age and the civil 2720  
judgment obligation continues to be enforceable by a victim, 2721  
victim's representative, or victim's attorney, if applicable, 2722  
until the obligation is satisfied. 2723

(G) The supreme court shall create a standardized form to 2724  
be made publicly available that provides guidance for victims 2725  
and victims' representatives regarding the compilation of 2726  
evidence to demonstrate losses for the purpose of this section. 2727

(H) On the request of the victim, if a judge determines 2728  
that, under the circumstances, it is appropriate and the victim 2729  
has not been coerced, a victim may accept a settlement that is 2730  
less than the full restitution order. 2731

**Sec. 2152.81.** (A) (1) As used in this section, "victim" 2732  
includes any of the following persons: 2733

(a) A person who was a victim of a violation identified in 2734  
division (A) (2) of this section or an act that would be an 2735  
offense of violence if committed by an adult; 2736

(b) A person against whom was directed any conduct that 2737  
constitutes, or that is an element of, a violation identified in 2738  
division (A) (2) of this section or an act that would be an 2739  
offense of violence if committed by an adult. 2740

~~(2)~~ (2) (a) In any proceeding in juvenile court involving a 2741  
complaint, indictment, or information in which a child is 2742  
charged with a violation of section 2905.03, 2905.05, 2907.02, 2743  
2907.03, 2907.05, 2907.06, 2907.07, 2907.09, 2907.21, 2907.23, 2744

2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, or 2745  
2919.22 of the Revised Code or an act that would be an offense 2746  
of violence if committed by an adult and in which an alleged 2747  
victim of the violation or act was a child who was less than 2748  
thirteen years of age when the complaint or information was 2749  
filed or the indictment was returned, the juvenile judge, upon 2750  
motion of an attorney for the prosecution, child victim, or 2751  
child victim's attorney, shall order that the testimony of the 2752  
child victim be taken by deposition. The prosecution, child 2753  
victim, or child victim's attorney also may request that the 2754  
deposition be ~~videotaped~~ recorded in accordance with division 2755  
(A) (3) of this section. 2756

(b) In any proceeding that is not otherwise eligible for 2757  
the protections provided for in division (A) (2) (a) of this 2758  
section, and in which an alleged victim of the violation was a 2759  
child who was less than eighteen years of age when the 2760  
complaint, indictment, or information was filed, whichever 2761  
occurred earlier, upon motion of the child victim, the child 2762  
victim's attorney, if applicable, or an attorney for the 2763  
prosecution, and upon a showing by a preponderance of the 2764  
evidence that the child will suffer serious emotional trauma if 2765  
required to provide live trial testimony, the juvenile judge 2766  
shall order that the testimony of the child victim be taken by 2767  
deposition. The prosecution may also request that the deposition 2768  
be recorded in accordance with division (A) (3) of this section. 2769

(c) The judge shall notify the child victim whose 2770  
deposition is to be taken, the victim's attorney, if applicable, 2771  
the prosecution, and the attorney for the child who is charged 2772  
with the violation or act of the date, time, and place for 2773  
taking the deposition. The notice shall identify the child 2774  
victim who is to be examined and shall indicate whether a 2775

request that the deposition be ~~videotaped~~ recorded has been 2776  
made. The child who is charged with the violation or act shall 2777  
have the right to attend the deposition and the right to be 2778  
represented by counsel. Depositions shall be taken in the manner 2779  
provided in civil cases, except that the judge in the proceeding 2780  
shall preside at the taking of the deposition and shall rule at 2781  
that time on any objections of the prosecution or the attorney 2782  
for the child charged with the violation or act. The prosecution 2783  
and the attorney for the child charged with the violation or act 2784  
shall have the right, as at an adjudication hearing, to full 2785  
examination and cross-examination of the child victim whose 2786  
deposition is to be taken. If a deposition taken under this 2787  
division is intended to be offered as evidence in the 2788  
proceeding, it shall be filed in the juvenile court in which the 2789  
action is pending and is admissible in the manner described in 2790  
division (B) of this section. If a deposition of a child victim 2791  
taken under this division is admitted as evidence at the 2792  
proceeding under division (B) of this section, the child victim 2793  
shall not be required to testify in person at the proceeding. 2794  
However, at any time before the conclusion of the proceeding, 2795  
the attorney for the child charged with the violation or act may 2796  
file a motion with the judge requesting that another deposition 2797  
of the child victim be taken because new evidence material to 2798  
the defense of the child charged has been discovered that the 2799  
attorney for the child charged could not with reasonable 2800  
diligence have discovered prior to the taking of the admitted 2801  
deposition. Any motion requesting another deposition shall be 2802  
accompanied by supporting affidavits. Upon the filing of the 2803  
motion and affidavits, the court may order that additional 2804  
testimony of the child victim relative to the new evidence be 2805  
taken by another deposition. If the court orders the taking of 2806  
another deposition under this provision, the deposition shall be 2807

taken in accordance with this division; if the admitted 2808  
deposition was a ~~videotaped~~ recorded deposition taken in 2809  
accordance with division (A) (3) of this section, the new 2810  
deposition also shall be ~~videotaped~~ recorded in accordance with 2811  
that division, and, in other cases, the new deposition may be 2812  
~~videotaped~~ recorded in accordance with that division. 2813

(3) If the prosecution ~~requests~~ that a deposition to be 2814  
taken under division (A) (2) of this section be ~~videotaped~~ 2815  
recorded, the juvenile judge shall order that the deposition be 2816  
~~videotaped~~ recorded in accordance with this division. If a 2817  
juvenile judge issues an order to ~~video tape~~ record the 2818  
deposition, the judge shall exclude from the room in which the 2819  
deposition is to be taken every person except the child victim 2820  
giving the testimony; the judge; one or more interpreters if 2821  
needed; the attorneys for the prosecution; the child victim's 2822  
attorney, if applicable ~~and;~~ the attorney for the child who is 2823  
charged with the violation or act; any person needed to operate 2824  
the equipment to be used; one person, who is not a witness, 2825  
chosen by the child victim giving the deposition; the victim's 2826  
representative; and any person whose presence the judge 2827  
determines would contribute to the welfare and well-being of the 2828  
child victim giving the deposition. The person chosen by the 2829  
child victim ~~shall not be a witness in the proceeding and,~~ both 2830  
before and during the deposition, shall not discuss the 2831  
testimony of the child victim with any other witness in the 2832  
proceeding. To the extent feasible, any person operating the 2833  
recording equipment shall be restricted to a room adjacent to 2834  
the room in which the deposition is being taken, or to a 2835  
location in the room in which the deposition is being taken that 2836  
is behind a screen or mirror so that the person operating the 2837  
recording equipment can see and hear, but cannot be seen or 2838

heard by, the child victim giving the deposition during the 2839  
deposition. The child who is charged with the violation or act 2840  
shall be permitted to observe and hear the testimony of the 2841  
child victim giving the deposition on a monitor, shall be 2842  
provided with an electronic means of immediate communication 2843  
with the attorney of the child who is charged with the violation 2844  
or act during the testimony, and shall be restricted to a 2845  
location from which the child who is charged with the violation 2846  
or act cannot be seen or heard by the child victim giving the 2847  
deposition, except on a monitor provided for that purpose. The 2848  
child victim giving the deposition shall be provided with a 2849  
monitor on which the child victim can observe, while giving 2850  
testimony, the child who is charged with the violation or act. 2851  
The judge, at the judge's discretion, may preside at the 2852  
deposition by electronic means from outside the room in which 2853  
the deposition is to be taken; if the judge presides by 2854  
electronic means, the judge shall be provided with monitors on 2855  
which the judge can see each person in the room in which the 2856  
deposition is to be taken and with an electronic means of 2857  
communication with each person in that room, and each person in 2858  
the room shall be provided with a monitor on which that person 2859  
can see the judge and with an electronic means of communication 2860  
with the judge. A deposition that is ~~videotaped~~recorded under 2861  
this division shall be taken and filed in the manner described 2862  
in division (A)(2) of this section and is admissible in the 2863  
manner described in this division and division (B) of this 2864  
section, and, if a deposition that is ~~videotaped~~recorded under 2865  
this division is admitted as evidence at the proceeding, the 2866  
child victim shall not be required to testify in person at the 2867  
proceeding. No deposition ~~videotaped~~recorded under this 2868  
division shall be admitted as evidence at any proceeding unless 2869  
division (B) of this section is satisfied relative to the 2870

deposition and all of the following apply relative to the 2871  
recording: 2872

(a) The recording is both aural and visual and is recorded 2873  
on film or videotape, or by other electronic means. 2874

(b) The recording is authenticated under the Rules of 2875  
Evidence and the Rules of Criminal Procedure as a fair and 2876  
accurate representation of what occurred, and the recording is 2877  
not altered other than at the direction and under the 2878  
supervision of the judge in the proceeding. 2879

(c) Each voice on the recording that is material to the 2880  
testimony on the recording or the making of the recording, as 2881  
determined by the judge, is identified. 2882

(d) Both the prosecution and the child who is charged with 2883  
the violation or act are afforded an opportunity to view the 2884  
recording before it is shown in the proceeding. 2885

(B) (1) At any proceeding in relation to which a deposition 2886  
was taken under division (A) of this section, the deposition or 2887  
a part of it is admissible in evidence upon motion of the 2888  
prosecution if the testimony in the deposition or the part to be 2889  
admitted is not excluded by the hearsay rule and if the 2890  
deposition or the part to be admitted otherwise is admissible 2891  
under the Rules of Evidence. For purposes of this division, 2892  
testimony is not excluded by the hearsay rule if the testimony 2893  
is not hearsay under Evidence Rule 801; if the testimony is 2894  
within an exception to the hearsay rule set forth in Evidence 2895  
Rule 803; if the child victim who gave the testimony is 2896  
unavailable as a witness, as defined in Evidence Rule 804, and 2897  
the testimony is admissible under that rule; or if both of the 2898  
following apply: 2899

(a) The child who is charged with the violation or act had 2900  
an opportunity and similar motive at the time of the taking of 2901  
the deposition to develop the testimony by direct, cross, or 2902  
redirect examination. 2903

(b) The judge determines that there is reasonable cause to 2904  
believe that, if the child victim who gave the testimony in the 2905  
deposition were to testify in person at the proceeding, the 2906  
child victim would experience serious emotional trauma as a 2907  
result of the child victim's participation at the proceeding. 2908

(2) Objections to receiving in evidence a deposition or a 2909  
part of it under division (B) of this section shall be made as 2910  
provided in civil actions. 2911

(3) The provisions of divisions (A) and (B) of this 2912  
section are in addition to any other provisions of the Revised 2913  
Code, the Rules of Juvenile Procedure, the Rules of Criminal 2914  
Procedure, or the Rules of Evidence that pertain to the taking 2915  
or admission of depositions in a juvenile court proceeding and 2916  
do not limit the admissibility under any of those other 2917  
provisions of any deposition taken under division (A) of this 2918  
section or otherwise taken. 2919

(C) In any proceeding in juvenile court involving a 2920  
complaint, indictment, or information in which a child is 2921  
charged with a violation listed in division (A)(2) of this 2922  
section or an act that would be an offense of violence if 2923  
committed by an adult and in which an alleged victim of the 2924  
violation or offense was a child who was less than thirteen 2925  
years of age when the complaint or information was filed or 2926  
indictment was returned, the prosecution, the child victim, or 2927  
the child victim's attorney, if applicable, may file a motion 2928  
with the juvenile judge requesting the judge to order the 2929

testimony of the child victim to be taken in a room other than 2930  
the room in which the proceeding is being conducted and be 2931  
televised, by closed circuit equipment, into the room in which 2932  
the proceeding is being conducted to be viewed by the child who 2933  
is charged with the violation or act and any other persons who 2934  
are not permitted in the room in which the testimony is to be 2935  
taken but who would have been present during the testimony of 2936  
the child victim had it been given in the room in which the 2937  
proceeding is being conducted. Except for good cause shown, the 2938  
prosecution, the child victim, or the child victim's attorney, 2939  
if applicable, shall file a motion under this division at least 2940  
seven days before the date of the proceeding. The juvenile judge 2941  
may issue the order upon the motion of the prosecution, the 2942  
child victim, or the child victim's attorney, if applicable, 2943  
filed under this division, if the judge determines that the 2944  
child victim is unavailable to testify in the room in which the 2945  
proceeding is being conducted in the physical presence of the 2946  
child charged with the violation or act, due to one or more of 2947  
the reasons set forth in division (E) of this section. If a 2948  
juvenile judge issues an order of that nature, the judge shall 2949  
exclude from the room in which the testimony is to be taken 2950  
every person except a person described in division (A) (3) of 2951  
this section. The judge, at the judge's discretion, may preside 2952  
during the giving of the testimony by electronic means from 2953  
outside the room in which it is being given, subject to the 2954  
limitations set forth in division (A) (3) of this section. To the 2955  
extent feasible, any person operating the televising equipment 2956  
shall be hidden from the sight and hearing of the child victim 2957  
giving the testimony, in a manner similar to that described in 2958  
division (A) (3) of this section. The child who is charged with 2959  
the violation or act shall be permitted to observe and hear the 2960  
testimony of the child victim giving the testimony on a monitor, 2961

shall be provided with an electronic means of immediate 2962  
communication with the attorney of the child who is charged with 2963  
the violation or act during the testimony, and shall be 2964  
restricted to a location from which the child who is charged 2965  
with the violation or act cannot be seen or heard by the child 2966  
victim giving the testimony, except on a monitor provided for 2967  
that purpose. The child victim giving the testimony shall be 2968  
provided with a monitor on which the child victim can observe, 2969  
while giving testimony, the child who is charged with the 2970  
violation or act. 2971

(D) In any proceeding in juvenile court involving a 2972  
complaint, indictment, or information in which a child is 2973  
charged with a violation listed in division (A)(2) of this 2974  
section or an act that would be an offense of violence if 2975  
committed by an adult and in which an alleged victim of the 2976  
violation or offense was a child who was less than thirteen 2977  
years of age when the complaint or information was filed or the 2978  
indictment was returned, the prosecution, the child victim, or 2979  
the child victim's attorney, if applicable, may file a motion 2980  
with the juvenile judge requesting the judge to order the 2981  
testimony of the child victim to be taken outside of the room in 2982  
which the proceeding is being conducted and be recorded for 2983  
showing in the room in which the proceeding is being conducted 2984  
before the judge, the child who is charged with the violation or 2985  
act, and any other persons who would have been present during 2986  
the testimony of the child victim had it been given in the room 2987  
in which the proceeding is being conducted. Except for good 2988  
cause shown, the prosecution, the child victim, or the child 2989  
victim's attorney, if applicable, shall file a motion under this 2990  
division at least seven days before the date of the proceeding. 2991  
The juvenile judge may issue the order upon the motion of the 2992

prosecution, the child victim, or the child victim's attorney, 2993  
if applicable, filed under this division, if the judge 2994  
determines that the child victim is unavailable to testify in 2995  
the room in which the proceeding is being conducted in the 2996  
physical presence of the child charged with the violation or 2997  
act, due to one or more of the reasons set forth in division (E) 2998  
of this section. If a juvenile judge issues an order of that 2999  
nature, the judge shall exclude from the room in which the 3000  
testimony is to be taken every person except a person described 3001  
in division (A) (3) of this section. To the extent feasible, any 3002  
person operating the recording equipment shall be hidden from 3003  
the sight and hearing of the child victim giving the testimony, 3004  
in a manner similar to that described in division (A) (3) of this 3005  
section. The child who is charged with the violation or act 3006  
shall be permitted to observe and hear the testimony of the 3007  
child victim giving the testimony on a monitor, shall be 3008  
provided with an electronic means of immediate communication 3009  
with the attorney of the child who is charged with the violation 3010  
or act during the testimony, and shall be restricted to a 3011  
location from which the child who is charged with the violation 3012  
or act cannot be seen or heard by the child victim giving the 3013  
testimony, except on a monitor provided for that purpose. The 3014  
child victim giving the testimony shall be provided with a 3015  
monitor on which the child victim can observe, while giving 3016  
testimony, the child who is charged with the violation or act. 3017  
No order for the taking of testimony by recording shall be 3018  
issued under this division unless the provisions set forth in 3019  
divisions (A) (3) (a), (b), (c), and (d) of this section apply to 3020  
the recording of the testimony. 3021

(E) For purposes of divisions (C) and (D) of this section, 3022  
a juvenile judge may order the testimony of a child victim to be 3023

taken outside of the room in which a proceeding is being 3024  
conducted if the judge determines that the child victim is 3025  
unavailable to testify in the room in the physical presence of 3026  
the child charged with the violation or act due to one or more 3027  
of the following circumstances: 3028

(1) The persistent refusal of the child victim to testify 3029  
despite judicial requests to do so; 3030

(2) The inability of the child victim to communicate about 3031  
the alleged violation or offense because of extreme fear, 3032  
failure of memory, or another similar reason; 3033

(3) The substantial likelihood that the child victim will 3034  
suffer serious emotional trauma from so testifying. 3035

(F)(1) If a juvenile judge issues an order pursuant to 3036  
division (C) or (D) of this section that requires the testimony 3037  
of a child victim in a juvenile court proceeding to be taken 3038  
outside of the room in which the proceeding is being conducted, 3039  
the order shall specifically identify the child victim, in a 3040  
manner consistent with section 2930.07 of the Revised Code, to 3041  
whose testimony it applies, the order applies only during the 3042  
testimony of the specified child victim, and the child victim 3043  
giving the testimony shall not be required to testify at the 3044  
proceeding other than in accordance with the order. The 3045  
authority of a judge to close the taking of a deposition under 3046  
division (A)(3) of this section or a proceeding under division 3047  
(C) or (D) of this section is in addition to the authority of a 3048  
judge to close a hearing pursuant to section 2151.35 of the 3049  
Revised Code. 3050

(2) A juvenile judge who makes any determination regarding 3051  
the admissibility of a deposition under divisions (A) and (B) of 3052

this section, the ~~videotaping~~ recording of a deposition under 3053  
division (A) (3) of this section, or the taking of testimony 3054  
outside of the room in which a proceeding is being conducted 3055  
under division (C) or (D) of this section, shall enter the 3056  
determination and findings on the record in the proceeding. 3057

**Sec. 2152.811.** (A) As used in this section: 3058

(1) "Developmental disability" has the same meaning as in 3059  
section 5123.01 of the Revised Code. 3060

(2) "Victim with a developmental disability" includes any 3061  
of the following persons: 3062

(a) A person with a developmental disability who was a 3063  
victim of a violation identified in division (B) (1) of this 3064  
section or an act that would be an offense of violence if 3065  
committed by an adult; 3066

(b) A person with a developmental disability against whom 3067  
was directed any conduct that constitutes, or that is an element 3068  
of, a violation identified in division (B) (1) of this section or 3069  
an act that would be an offense of violence if committed by an 3070  
adult. 3071

~~(B) (1)~~ (B) (1) (a) In any proceeding in juvenile court 3072  
involving a complaint, indictment, or information in which a 3073  
child is charged with a violation of section 2903.16, 2903.34, 3074  
2903.341, 2907.02, 2907.03, 2907.05, 2907.21, 2907.23, 2907.24, 3075  
2907.32, 2907.321, 2907.322, or 2907.323 of the Revised Code or 3076  
an act that would be an offense of violence if committed by an 3077  
adult and in which an alleged victim of the violation or act was 3078  
a person with a developmental disability, the juvenile judge, 3079  
upon motion of the prosecution, victim, or victim's attorney, if 3080  
applicable, shall order that the testimony of the victim with a 3081

developmental disability be taken by deposition. The 3082  
~~prosecution~~ also prosecution, victim, or victim's attorney, if 3083  
applicable, also may request that the deposition be ~~videotaped~~ 3084  
recorded in accordance with division (B)(2) of this section. 3085

(b) In any proceeding that is not otherwise eligible for 3086  
the protections provided for in division (B)(1)(a) of this 3087  
section and in which an alleged victim of the violation or act 3088  
was a person with a developmental disability, upon motion of the 3089  
prosecution, the victim, or the victim's attorney, if 3090  
applicable, and a showing by a preponderance of the evidence 3091  
that the victim will suffer serious emotional trauma if required 3092  
to provide live trial testimony, the juvenile judge shall order 3093  
that the testimony of the victim with a developmental disability 3094  
be taken by deposition. The prosecution, the victim, or the 3095  
victim's attorney, if applicable, also may request that the 3096  
deposition be recorded in accordance with division (B)(2) of 3097  
this section. 3098

(c) The judge shall notify the victim with a developmental 3099  
disability whose deposition is to be taken, the prosecution, the 3100  
victim's attorney, if applicable, and the attorney for the child 3101  
who is charged with the violation or act of the date, time, and 3102  
place for taking the deposition. The notice shall identify the 3103  
victim with a developmental disability, in a manner consistent 3104  
with section 2930.07 of the Revised Code, who is to be examined 3105  
and shall indicate whether a request that the deposition be 3106  
~~videotaped~~ recorded has been made. The child who is charged with 3107  
the violation or act shall have the right to attend the 3108  
deposition and the right to be represented by counsel. 3109  
Depositions shall be taken in the manner provided in civil 3110  
cases, except that the judge in the proceeding shall preside at 3111  
the taking of the deposition and shall rule at that time on any 3112

objections of the prosecution or the attorney for the child 3113  
charged with the violation or act. The prosecution and the 3114  
attorney for the child charged with the violation or act shall 3115  
have the right, as at an adjudication hearing, to full 3116  
examination and cross-examination of the victim with a 3117  
developmental disability whose deposition is to be taken. 3118

If a deposition taken under this division is intended to 3119  
be offered as evidence in the proceeding, it shall be filed in 3120  
the juvenile court in which the action is pending and is 3121  
admissible in the manner described in division (C) of this 3122  
section. If a deposition of a victim with a developmental 3123  
disability taken under this division is admitted as evidence at 3124  
the proceeding under division (C) of this section, the victim 3125  
with a developmental disability shall not be required to testify 3126  
in person at the proceeding. 3127

At any time before the conclusion of the proceeding, the 3128  
attorney for the child charged with the violation or act may 3129  
file a motion with the judge requesting that another deposition 3130  
of the victim with a developmental disability be taken because 3131  
new evidence material to the defense of the child charged has 3132  
been discovered that the attorney for the child charged could 3133  
not with reasonable diligence have discovered prior to the 3134  
taking of the admitted deposition. Any motion requesting another 3135  
deposition shall be accompanied by supporting affidavits. Upon 3136  
the filing of the motion and affidavits, the court may order 3137  
that additional testimony of the victim with a developmental 3138  
disability relative to the new evidence be taken by another 3139  
deposition. If the court orders the taking of another deposition 3140  
under this provision, the deposition shall be taken in 3141  
accordance with this division. If the admitted deposition was a 3142  
~~videotaped~~ recorded deposition taken in accordance with division 3143

(B) (2) of this section, the new deposition also shall be 3144  
~~videotaped~~ recorded in accordance with that division. In other 3145  
cases, the new deposition may be ~~videotaped~~ recorded in 3146  
accordance with that division. 3147

(2) If the ~~prosecution requests~~ prosecution, victim, or 3148  
victim's attorney, if applicable, requests that a deposition to 3149  
be taken under division (B) (1) of this section be ~~videotaped~~ 3150  
recorded, the juvenile judge shall order that the deposition be 3151  
~~videotaped~~ recorded in accordance with this division. If a 3152  
juvenile judge issues an order to ~~video tape record~~ the 3153  
deposition, the judge shall exclude from the room in which the 3154  
deposition is to be taken every person except the victim with a 3155  
developmental disability giving the testimony, the judge, one or 3156  
more interpreters if needed, the attorneys for the prosecution 3157  
and the child who is charged with the violation or act, the 3158  
victim's attorney, if applicable, any person needed to operate 3159  
the equipment to be used, one person chosen by the victim with a 3160  
developmental disability giving the deposition, the victim's 3161  
representative, if applicable, and any person whose presence the 3162  
judge determines would contribute to the welfare and well-being 3163  
of the victim with a developmental disability giving the 3164  
deposition. The person chosen by the victim with a developmental 3165  
disability shall not be a witness in the proceeding and, both 3166  
before and during the deposition, shall not discuss the 3167  
testimony of the victim with any other witness in the 3168  
proceeding. To the extent feasible, any person operating the 3169  
recording equipment shall be restricted to a room adjacent to 3170  
the room in which the deposition is being taken, or to a 3171  
location in the room in which the deposition is being taken that 3172  
is behind a screen or mirror so that the person operating the 3173  
recording equipment can see and hear, but cannot be seen or 3174

heard by, the victim with a developmental disability giving the 3175  
deposition during the deposition. 3176

The child who is charged with the violation or act shall 3177  
be permitted to observe and hear the testimony of the victim 3178  
with a developmental disability giving the deposition on a 3179  
monitor, shall be provided with an electronic means of immediate 3180  
communication with the attorney of the child who is charged with 3181  
the violation or act during the testimony, and shall be 3182  
restricted to a location from which the child who is charged 3183  
with the violation or act cannot be seen or heard by the victim 3184  
with a developmental disability giving the deposition, except on 3185  
a monitor provided for that purpose. The victim with a 3186  
developmental disability giving the deposition shall be provided 3187  
with a monitor on which the victim with a developmental 3188  
disability can observe, while giving testimony, the child who is 3189  
charged with the violation or act. The judge, at the judge's 3190  
discretion, may preside at the deposition by electronic means 3191  
from outside the room in which the deposition is to be taken; if 3192  
the judge presides by electronic means, the judge shall be 3193  
provided with monitors on which the judge can see each person in 3194  
the room in which the deposition is to be taken and with an 3195  
electronic means of communication with each person in that room, 3196  
and each person in the room shall be provided with a monitor on 3197  
which that person can see the judge and with an electronic means 3198  
of communication with the judge. A deposition that is ~~videotaped-~~ 3199  
recorded under this division shall be taken and filed in the 3200  
manner described in division (B) (1) of this section and is 3201  
admissible in the manner described in this division and division 3202  
(C) of this section. If a deposition that is ~~videotaped-~~ 3203  
recorded under this division is admitted as evidence at the proceeding, 3204  
the victim with a developmental disability shall not be required 3205

to testify in person at the proceeding. No deposition ~~videotaped-~~ 3206  
recorded under this division shall be admitted as evidence at 3207  
any proceeding unless division (C) of this section is satisfied 3208  
relative to the deposition and all of the following apply 3209  
relative to the recording: 3210

(a) The recording is both aural and visual and is recorded 3211  
on film or videotape, or by other electronic means. 3212

(b) The recording is authenticated under the Rules of 3213  
Evidence and the Rules of Criminal Procedure as a fair and 3214  
accurate representation of what occurred, and the recording is 3215  
not altered other than at the direction and under the 3216  
supervision of the judge in the proceeding. 3217

(c) Each voice on the recording that is material to the 3218  
testimony on the recording or the making of the recording, as 3219  
determined by the judge, is identified. 3220

(d) ~~Both the~~ The prosecution, victim, or victim's 3221  
attorney, if applicable, and the child who is charged with the 3222  
violation or act are afforded an opportunity to view the 3223  
recording before it is shown in the proceeding. 3224

(C) (1) At any proceeding in relation to which a deposition 3225  
was taken under division (B) of this section, the deposition or 3226  
a part of it is admissible in evidence upon motion of the 3227  
prosecution if the testimony in the deposition or the part to be 3228  
admitted is not excluded by the hearsay rule and if the 3229  
deposition or the part to be admitted otherwise is admissible 3230  
under the Rules of Evidence. For purposes of this division, 3231  
testimony is not excluded by the hearsay rule if the testimony 3232  
is not hearsay under Evidence Rule 801; the testimony is within 3233  
an exception to the hearsay rule set forth in Evidence Rule 803; 3234

the victim with a developmental disability who gave the 3235  
testimony is unavailable as a witness, as defined in Evidence 3236  
Rule 804, and the testimony is admissible under that rule; or 3237  
both of the following apply: 3238

(a) The child who is charged with the violation or act had 3239  
an opportunity and similar motive at the time of the taking of 3240  
the deposition to develop the testimony by direct, cross, or 3241  
redirect examination. 3242

(b) The judge determines that there is reasonable cause to 3243  
believe that, if the victim with a developmental disability who 3244  
gave the testimony in the deposition were to testify in person 3245  
at the proceeding, the victim with a developmental disability 3246  
would experience serious emotional trauma as a result of the 3247  
participation of the victim with a developmental disability at 3248  
the proceeding. 3249

(2) Objections to receiving in evidence a deposition or a 3250  
part of it under division (C) of this section shall be made as 3251  
provided in civil actions. 3252

(3) The provisions of divisions (B) and (C) of this 3253  
section are in addition to any other provisions of the Revised 3254  
Code, the Rules of Juvenile Procedure, the Rules of Criminal 3255  
Procedure, or the Rules of Evidence that pertain to the taking 3256  
or admission of depositions in a juvenile court proceeding and 3257  
do not limit the admissibility under any of those other 3258  
provisions of any deposition taken under division (B) of this 3259  
section or otherwise taken. 3260

(D) In any proceeding in juvenile court involving a 3261  
complaint, indictment, or information in which a child is 3262  
charged with a violation listed in division (B) (1) of this 3263

section or an act that would be an offense of violence if 3264  
committed by an adult and in which an alleged victim of the 3265  
violation or offense was a person with a developmental 3266  
disability, the prosecution, victim, or victim's attorney, if 3267  
applicable, may file a motion with the juvenile judge requesting 3268  
the judge to order the testimony of the victim with a 3269  
developmental disability to be taken in a room other than the 3270  
room in which the proceeding is being conducted and be 3271  
televised, by closed circuit equipment, into the room in which 3272  
the proceeding is being conducted to be viewed by the child who 3273  
is charged with the violation or act and any other persons who 3274  
are not permitted in the room in which the testimony is to be 3275  
taken but who would have been present during the testimony of 3276  
the victim with a developmental disability had it been given in 3277  
the room in which the proceeding is being conducted. Except for 3278  
good cause shown, the prosecution, victim, or victim's attorney, 3279  
if applicable, shall file a motion under this division at least 3280  
seven days before the date of the proceeding. The juvenile judge 3281  
may issue the order upon the motion of the prosecution filed 3282  
under this division, if the judge determines that the victim 3283  
with a developmental disability is unavailable to testify in the 3284  
room in which the proceeding is being conducted in the physical 3285  
presence of the child charged with the violation or act for one 3286  
or more of the reasons set forth in division (F) of this 3287  
section. If a juvenile judge issues an order of that nature, the 3288  
judge shall exclude from the room in which the testimony is to 3289  
be taken every person except a person described in division (B) 3290  
(2) of this section. The judge, at the judge's discretion, may 3291  
preside during the giving of the testimony by electronic means 3292  
from outside the room in which it is being given, subject to the 3293  
limitations set forth in division (B) (2) of this section. To the 3294  
extent feasible, any person operating the televising equipment 3295

shall be hidden from the sight and hearing of the victim with a 3296  
developmental disability giving the testimony, in a manner 3297  
similar to that described in division (B)(2) of this section. 3298  
The child who is charged with the violation or act shall be 3299  
permitted to observe and hear the testimony of the victim with a 3300  
developmental disability giving the testimony on a monitor, 3301  
shall be provided with an electronic means of immediate 3302  
communication with the attorney of the child who is charged with 3303  
the violation or act during the testimony, and shall be 3304  
restricted to a location from which the child who is charged 3305  
with the violation or act cannot be seen or heard by the victim 3306  
with a developmental disability giving the testimony, except on 3307  
a monitor provided for that purpose. The victim with a 3308  
developmental disability giving the testimony shall be provided 3309  
with a monitor on which the victim with a developmental 3310  
disability can observe, while giving testimony, the child who is 3311  
charged with the violation or act. 3312

(E) In any proceeding in juvenile court involving a 3313  
complaint, indictment, or information in which a child is 3314  
charged with a violation listed in division (B)(1) of this 3315  
section or an act that would be an offense of violence if 3316  
committed by an adult and in which an alleged victim of the 3317  
violation or offense was a person with a developmental 3318  
disability, the prosecution, victim, or victim's attorney, if 3319  
applicable, may file a motion with the juvenile judge requesting 3320  
the judge to order the testimony of the victim with a 3321  
developmental disability to be taken outside of the room in 3322  
which the proceeding is being conducted and be recorded for 3323  
showing in the room in which the proceeding is being conducted 3324  
before the judge, the child who is charged with the violation or 3325  
act, and any other persons who would have been present during 3326

the testimony of the victim with a developmental disability had 3327  
it been given in the room in which the proceeding is being 3328  
conducted. Except for good cause shown, the prosecution, victim, 3329  
or victim's attorney, if applicable, shall file a motion under 3330  
this division at least seven days before the date of the 3331  
proceeding. The juvenile judge may issue the order upon the 3332  
motion of the prosecution, victim, or victim's attorney, if 3333  
applicable, filed under this division, if the judge determines 3334  
that the victim with a developmental disability is unavailable 3335  
to testify in the room in which the proceeding is being 3336  
conducted in the physical presence of the child charged with the 3337  
violation or act, due to one or more of the reasons set forth in 3338  
division (F) of this section. If a juvenile judge issues an 3339  
order of that nature, the judge shall exclude from the room in 3340  
which the testimony is to be taken every person except a person 3341  
described in division (B) (2) of this section. To the extent 3342  
feasible, any person operating the recording equipment shall be 3343  
hidden from the sight and hearing of the victim with a 3344  
developmental disability giving the testimony, in a manner 3345  
similar to that described in division (B) (2) of this section. 3346  
The child who is charged with the violation or act shall be 3347  
permitted to observe and hear the testimony of the victim with a 3348  
developmental disability giving the testimony on a monitor, 3349  
shall be provided with an electronic means of immediate 3350  
communication with the attorney of the child who is charged with 3351  
the violation or act during the testimony, and shall be 3352  
restricted to a location from which the child who is charged 3353  
with the violation or act cannot be seen or heard by the victim 3354  
with a developmental disability giving the testimony, except on 3355  
a monitor provided for that purpose. The victim with a 3356  
developmental disability giving the testimony shall be provided 3357  
with a monitor on which the victim with a developmental 3358

disability can observe, while giving testimony, the child who is 3359  
charged with the violation or act. No order for the taking of 3360  
testimony by recording shall be issued under this division 3361  
unless the provisions set forth in divisions (B) (2) (a), (b), 3362  
(c), and (d) of this section apply to the recording of the 3363  
testimony. 3364

(F) For purposes of divisions (D) and (E) of this section, 3365  
a juvenile judge may order the testimony of a victim with a 3366  
developmental disability to be taken outside of the room in 3367  
which a proceeding is being conducted if the judge determines 3368  
that the victim with a developmental disability is unavailable 3369  
to testify in the room in the physical presence of the child 3370  
charged with the violation or act due to one or more of the 3371  
following circumstances: 3372

(1) The persistent refusal of the victim with a 3373  
developmental disability to testify despite judicial requests to 3374  
do so; 3375

(2) The inability of the victim with a developmental 3376  
disability to communicate about the alleged violation or offense 3377  
because of extreme fear, failure of memory, or another similar 3378  
reason; 3379

(3) The substantial likelihood that the victim with a 3380  
developmental disability will suffer serious emotional trauma 3381  
from so testifying. 3382

(G) (1) If a juvenile judge issues an order pursuant to 3383  
division (D) or (E) of this section that requires the testimony 3384  
of a victim with a developmental disability in a juvenile court 3385  
proceeding to be taken outside of the room in which the 3386  
proceeding is being conducted, the order shall specifically 3387

identify the victim with a developmental disability, in a manner 3388  
consistent with section 2930.07 of the Revised Code, to whose 3389  
testimony it applies, the order applies only during the 3390  
testimony of the specified victim with a developmental 3391  
disability, and the victim with a developmental disability 3392  
giving the testimony shall not be required to testify at the 3393  
proceeding other than in accordance with the order. The 3394  
authority of a judge to close the taking of a deposition under 3395  
division (B) (2) of this section or a proceeding under division 3396  
(D) or (E) of this section is in addition to the authority of a 3397  
judge to close a hearing pursuant to section 2151.35 of the 3398  
Revised Code. 3399

(2) A juvenile judge who makes any determination regarding 3400  
the admissibility of a deposition under divisions (B) and (C) of 3401  
this section, the ~~videotaping~~ recording of a deposition under 3402  
division (B) (2) of this section, or the taking of testimony 3403  
outside of the room in which a proceeding is being conducted 3404  
under division (D) or (E) of this section shall enter the 3405  
determination and findings on the record in the proceeding. 3406

**Sec. 2335.35.** (A) All moneys, fees, costs, debts, and 3407  
damages, remaining in the hands of the clerk of the court of 3408  
common pleas or probate judge, and all unclaimed moneys, other 3409  
than costs, remaining in the hands of the sheriff from the 3410  
expiration of thirty days from the ending of the time of 3411  
advertisement as provided by section 2335.34 of the Revised 3412  
Code, shall be paid by such officer or ~~his~~ such officer's 3413  
successor to the county treasurer, on the order of the county 3414  
auditor, except for unclaimed moneys that are for restitution 3415  
payments for crime victims. Each such officer shall indicate 3416  
each item in ~~his~~ the officer's cashbook and docket the 3417  
disposition made thereof. Upon ceasing to be such officer, each 3418

clerk, probate judge, and sheriff shall immediately pay to 3419  
~~his~~the clerk's, probate judge's, or sheriff's successor all 3420  
money ~~in his hands~~on hand as such officer. 3421

(B) All the moneys remaining unclaimed that are for 3422  
restitution payments for crime victims shall be sent to the 3423  
reparations fund created under section 2743.191 of the Revised 3424  
Code, with a list from the clerk specifying the amounts and 3425  
individual identifying information of the funds. 3426

**Sec. 2743.191.** (A) (1) There is hereby created in the state 3427  
treasury the reparations fund, which shall be used only for the 3428  
following purposes: 3429

(a) The payment of awards of reparations that are granted 3430  
by the attorney general; 3431

(b) The compensation of any personnel needed by the 3432  
attorney general to administer sections 2743.51 to 2743.72 of 3433  
the Revised Code; 3434

(c) The compensation of witnesses as provided in division 3435  
(J) of section 2743.65 of the Revised Code; 3436

(d) Other administrative costs of hearing and determining 3437  
claims for an award of reparations by the attorney general; 3438

(e) The costs of administering sections 2907.28 and 3439  
2969.01 to 2969.06 of the Revised Code; 3440

(f) The costs of investigation and decision-making as 3441  
certified by the attorney general; 3442

(g) The provision of state financial assistance to victim 3443  
assistance programs in accordance with sections 109.91 and 3444  
109.92 of the Revised Code; 3445

(h) The costs of paying the expenses of sex offense- 3446  
related examinations, antibiotics, and HIV post-exposure 3447  
prophylaxis pursuant to section 2907.28 of the Revised Code; 3448

(i) The cost of printing and distributing the pamphlet 3449  
prepared by the attorney general pursuant to section 109.42 of 3450  
the Revised Code; 3451

(j) Subject to division (D) of section 2743.71 of the 3452  
Revised Code, the costs associated with the printing and 3453  
providing of information cards or other printed materials to law 3454  
enforcement agencies and prosecuting authorities and with 3455  
publicizing the availability of awards of reparations pursuant 3456  
to section 2743.71 of the Revised Code; 3457

(k) The payment of costs of administering a DNA specimen 3458  
collection procedure pursuant to sections 2152.74 and 2901.07 of 3459  
the Revised Code, of performing DNA analysis of those DNA 3460  
specimens, and of entering the resulting DNA records regarding 3461  
those analyses into the DNA database pursuant to section 109.573 3462  
of the Revised Code; 3463

(l) The payment of actual costs associated with 3464  
initiatives by the attorney general for the apprehension, 3465  
prosecution, and accountability of offenders, and the enhancing 3466  
of services to crime victims. The amount of payments made 3467  
pursuant to division (A) (1) (1) of this section during any given 3468  
fiscal year shall not exceed five per cent of the balance of the 3469  
reparations fund at the close of the immediately previous fiscal 3470  
year; 3471

(m) The costs of administering the adult parole 3472  
authority's supervision pursuant to division (E) of section 3473  
2971.05 of the Revised Code of sexually violent predators who 3474

are sentenced to a prison term pursuant to division (A) (3) of 3475  
section 2971.03 of the Revised Code and of offenders who are 3476  
sentenced to a prison term pursuant to division (B) (1) (a), (b), 3477  
or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) 3478  
of that section; 3479

(n) Subject to the limit set forth in those sections, the 3480  
costs of the installation and monitoring of an electronic 3481  
monitoring device used in the monitoring of a respondent 3482  
pursuant to an electronic monitoring order issued by a court 3483  
under division (E) (1) (b) of section 2151.34 or division (E) (1) 3484  
(b) of section 2903.214 of the Revised Code if the court 3485  
determines that the respondent is indigent or used in the 3486  
monitoring of an offender pursuant to an electronic monitoring 3487  
order issued under division (B) (5) of section 2919.27 of the 3488  
Revised Code if the court determines that the offender is 3489  
indigent. 3490

(2) All costs paid pursuant to section 2743.70 of the 3491  
Revised Code, the portions of license reinstatement fees 3492  
mandated by division (F) (2) (b) of section 4511.191 of the 3493  
Revised Code to be credited to the fund, the portions of the 3494  
proceeds of the sale of a forfeited vehicle specified in 3495  
division (C) (2) of section 4503.234 of the Revised Code, 3496  
payments collected by the department of rehabilitation and 3497  
correction from prisoners who voluntarily participate in an 3498  
approved work and training program pursuant to division (C) (8) 3499  
(b) (ii) of section 5145.16 of the Revised Code, and all moneys 3500  
collected by the state pursuant to its right of subrogation 3501  
provided in section 2743.72 of the Revised Code shall be 3502  
deposited in the fund. 3503

(B) In making an award of reparations, the attorney 3504

general shall render the award against the state. The award 3505  
shall be accomplished only through the following procedure, and 3506  
the following procedure may be enforced by writ of mandamus 3507  
directed to the appropriate official: 3508

(1) The attorney general shall provide for payment of the 3509  
claimant or providers in the amount of the award only if the 3510  
amount of the award is fifty dollars or more. 3511

(2) The expense shall be charged against all available 3512  
unencumbered moneys in the fund. 3513

(3) If sufficient unencumbered moneys do not exist in the 3514  
fund, the attorney general shall make application for payment of 3515  
the award out of the emergency purposes account or any other 3516  
appropriation for emergencies or contingencies, and payment out 3517  
of this account or other appropriation shall be authorized if 3518  
there are sufficient moneys greater than the sum total of then 3519  
pending emergency purposes account requests or requests for 3520  
releases from the other appropriations. 3521

(4) If sufficient moneys do not exist in the account or 3522  
any other appropriation for emergencies or contingencies to pay 3523  
the award, the attorney general shall request the general 3524  
assembly to make an appropriation sufficient to pay the award, 3525  
and no payment shall be made until the appropriation has been 3526  
made. The attorney general shall make this appropriation request 3527  
during the current biennium and during each succeeding biennium 3528  
until a sufficient appropriation is made. If, prior to the time 3529  
that an appropriation is made by the general assembly pursuant 3530  
to this division, the fund has sufficient unencumbered funds to 3531  
pay the award or part of the award, the available funds shall be 3532  
used to pay the award or part of the award, and the 3533  
appropriation request shall be amended to request only 3534

sufficient funds to pay that part of the award that is unpaid. 3535

(C) The attorney general shall not make payment on a 3536  
decision or order granting an award until all appeals have been 3537  
determined and all rights to appeal exhausted, except as 3538  
otherwise provided in this section. If any party to a claim for 3539  
an award of reparations appeals from only a portion of an award, 3540  
and a remaining portion provides for the payment of money by the 3541  
state, that part of the award calling for the payment of money 3542  
by the state and not a subject of the appeal shall be processed 3543  
for payment as described in this section. 3544

(D) If any unclaimed moneys that are in the reparations 3545  
fund are not claimed within a period of five years, the attorney 3546  
general shall use those moneys for the benefit of other victims 3547  
of crime. The attorney general shall pay any part of the 3548  
restitution award owed to a victim at any time to the person who 3549  
has the right to the moneys upon proper certification from the 3550  
clerk and documentation from the individual claiming such right. 3551

(E) The attorney general shall prepare itemized bills for 3552  
the costs of printing and distributing the pamphlet the attorney 3553  
general prepares pursuant to section 109.42 of the Revised Code. 3554  
The itemized bills shall set forth the name and address of the 3555  
persons owed the amounts set forth in them. 3556

~~(E)~~ (F) Interest earned on the moneys in the fund shall be 3557  
credited to the fund. 3558

~~(F)~~ (G) As used in this section, "DNA analysis" and "DNA 3559  
specimen" have the same meanings as in section 109.573 of the 3560  
Revised Code. 3561

**Sec. 2743.70.** (A) (1) The court, in which any person is 3562  
convicted of or pleads guilty to any offense other than a 3563

traffic offense that is not a moving violation, shall impose the 3564  
following sum as costs in the case in addition to any other 3565  
court costs that the court is required by law to impose upon the 3566  
offender: 3567

(a) Thirty dollars, if the offense is a felony; 3568

(b) Nine dollars, if the offense is a misdemeanor. 3569

The court shall not waive the payment of the ~~thirty~~ 3570  
~~thirty-~~ nine-dollar ~~or nine dollars~~ nine-dollar court ~~costs~~ cost, unless the 3571  
court determines that the offender is indigent and waives the 3572  
payment of all court costs imposed upon the indigent offender. 3573  
All such moneys shall be transmitted on the first business day 3574  
of each month by the clerk of the court to the treasurer of 3575  
state and deposited by the treasurer in the reparations fund. 3576

(2) The juvenile court in which a child is found to be a 3577  
delinquent child or a juvenile traffic offender for an act 3578  
which, if committed by an adult, would be an offense other than 3579  
a traffic offense that is not a moving violation, shall impose 3580  
the following sum as costs in the case in addition to any other 3581  
court costs that the court is required or permitted by law to 3582  
impose upon the delinquent child or juvenile traffic offender: 3583

(a) Thirty dollars, if the act, if committed by an adult, 3584  
would be a felony; 3585

(b) Nine dollars, if the act, if committed by an adult, 3586  
would be a misdemeanor. 3587

The ~~thirty~~ thirty- ~~or nine dollars~~ nine-dollar court 3588  
~~costs~~ cost shall be collected in all cases unless the court 3589  
determines the juvenile is indigent and waives the payment of 3590  
all court costs, or enters an order on its journal stating that 3591  
it has determined that the juvenile is indigent, that no other 3592

~~court costs are to be taxed in the case, and that the payment of~~ 3593  
~~the thirty or nine dollars court costs is waived.~~ All such 3594  
moneys collected during a month shall be transmitted on or 3595  
before the twentieth day of the following month by the clerk of 3596  
the court to the treasurer of state and deposited by the 3597  
treasurer in the reparations fund. 3598

(B) Whenever a person is charged with any offense other 3599  
than a traffic offense that is not a moving violation and posts 3600  
bail pursuant to sections 2937.22 to 2937.46 of the Revised 3601  
Code, Criminal Rule 46, or Traffic Rule 4, the court shall add 3602  
to the amount of the bail the thirty or nine dollars required to 3603  
be paid by division (A)(1) of this section. The thirty or nine 3604  
dollars shall be retained by the clerk of the court until the 3605  
person is convicted, pleads guilty, forfeits bail, is found not 3606  
guilty, or has the charges dismissed. If the person is 3607  
convicted, pleads guilty, or forfeits bail, the clerk shall 3608  
transmit the thirty or nine dollars to the treasurer of state, 3609  
who shall deposit it in the reparations fund. If the person is 3610  
found not guilty or the charges are dismissed, the clerk shall 3611  
return the thirty or nine dollars to the person. 3612

(C) No person shall be placed or held in jail for failing 3613  
to pay the additional ~~thirty thirty-~~ or ~~nine dollars~~ nine-dollar 3614  
~~court costs~~ cost or bail ~~that are~~ required to be paid by this 3615  
section. 3616

(D) As used in this section: 3617

(1) "Moving violation" means any violation of any statute 3618  
or ordinance, other than section 4513.263 of the Revised Code or 3619  
an ordinance that is substantially equivalent to that section, 3620  
that regulates the operation of vehicles, streetcars, or 3621  
trackless trolleys on highways or streets or that regulates size 3622

or load limitations or fitness requirements of vehicles. "Moving 3623  
violation" does not include the violation of any statute or 3624  
ordinance that regulates pedestrians or the parking of vehicles. 3625

(2) "Bail" means cash, a check, a money order, a credit 3626  
card, or any other form of money that is posted by or for an 3627  
offender pursuant to sections 2937.22 to 2937.46 of the Revised 3628  
Code, Criminal Rule 46, or Traffic Rule 4 to prevent the 3629  
offender from being placed or held in a detention facility, as 3630  
defined in section 2921.01 of the Revised Code. 3631

**Sec. 2907.02.** (A) (1) No person shall engage in sexual 3632  
conduct with another who is not the spouse of the offender or 3633  
who is the spouse of the offender but is living separate and 3634  
apart from the offender, when any of the following applies: 3635

(a) For the purpose of preventing resistance, the offender 3636  
substantially impairs the other person's judgment or control by 3637  
administering any drug, intoxicant, or controlled substance to 3638  
the other person surreptitiously or by force, threat of force, 3639  
or deception. 3640

(b) The other person is less than thirteen years of age, 3641  
whether or not the offender knows the age of the other person. 3642

(c) The other person's ability to resist or consent is 3643  
substantially impaired because of a mental or physical condition 3644  
or because of advanced age, and the offender knows or has 3645  
reasonable cause to believe that the other person's ability to 3646  
resist or consent is substantially impaired because of a mental 3647  
or physical condition or because of advanced age. 3648

(2) No person shall engage in sexual conduct with another 3649  
when the offender purposely compels the other person to submit 3650  
by force or threat of force. 3651

(B) Whoever violates this section is guilty of rape, a 3652  
felony of the first degree. If the offender under division (A) 3653  
(1) (a) of this section substantially impairs the other person's 3654  
judgment or control by administering any controlled substance, 3655  
as defined in section 3719.01 of the Revised Code, to the other 3656  
person surreptitiously or by force, threat of force, or 3657  
deception, the prison term imposed upon the offender shall be 3658  
one of the definite prison terms prescribed for a felony of the 3659  
first degree in division (A) (1) (b) of section 2929.14 of the 3660  
Revised Code that is not less than five years, except that if 3661  
the violation is committed on or after March 22, 2019, the court 3662  
shall impose as the minimum prison term for the offense a 3663  
mandatory prison term that is one of the minimum terms 3664  
prescribed for a felony of the first degree in division (A) (1) 3665  
(a) of section 2929.14 of the Revised Code that is not less than 3666  
five years. Except as otherwise provided in this division, 3667  
notwithstanding sections 2929.11 to 2929.14 of the Revised Code, 3668  
an offender under division (A) (1) (b) of this section shall be 3669  
sentenced to a prison term or term of life imprisonment pursuant 3670  
to section 2971.03 of the Revised Code. If an offender is 3671  
convicted of or pleads guilty to a violation of division (A) (1) 3672  
(b) of this section, if the offender was less than sixteen years 3673  
of age at the time the offender committed the violation of that 3674  
division, and if the offender during or immediately after the 3675  
commission of the offense did not cause serious physical harm to 3676  
the victim, the victim was ten years of age or older at the time 3677  
of the commission of the violation, and the offender has not 3678  
previously been convicted of or pleaded guilty to a violation of 3679  
this section or a substantially similar existing or former law 3680  
of this state, another state, or the United States, the court 3681  
shall not sentence the offender to a prison term or term of life 3682  
imprisonment pursuant to section 2971.03 of the Revised Code, 3683

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

(C) A victim need not prove physical resistance to the 3705  
offender in prosecutions under this section. 3706

(D) Evidence of specific instances of the victim's sexual 3707  
activity, opinion evidence of the victim's sexual activity, and 3708  
reputation evidence of the victim's sexual activity shall not be 3709  
admitted under this section unless it involves evidence of the 3710  
origin of semen, pregnancy, or sexually transmitted disease or 3711  
infection, or the victim's past sexual activity with the 3712  
offender, and only to the extent that the court finds that the 3713  
evidence is material to a fact at issue in the case and that its 3714

inflammatory or prejudicial nature does not outweigh its 3715  
probative value. 3716

Evidence of specific instances of the defendant's sexual 3717  
activity, opinion evidence of the defendant's sexual activity, 3718  
and reputation evidence of the defendant's sexual activity shall 3719  
not be admitted under this section unless it involves evidence 3720  
of the origin of semen, pregnancy, or sexually transmitted 3721  
disease or infection, the defendant's past sexual activity with 3722  
the victim, or is admissible against the defendant under section 3723  
2945.59 of the Revised Code, and only to the extent that the 3724  
court finds that the evidence is material to a fact at issue in 3725  
the case and that its inflammatory or prejudicial nature does 3726  
not outweigh its probative value. 3727

(E) Prior to taking testimony or receiving evidence of any 3728  
sexual activity of the victim or the defendant in a proceeding 3729  
under this section, the court shall resolve the admissibility of 3730  
the proposed evidence in a hearing in chambers, which shall be 3731  
held at or before preliminary hearing and not less than three 3732  
days before trial, or for good cause shown during the trial. 3733

(F) Upon approval by the court, the victim may be 3734  
represented by counsel in any hearing in chambers or other 3735  
proceeding to resolve the admissibility of evidence. If the 3736  
victim is indigent or otherwise is unable to obtain the services 3737  
of counsel, the court, upon request, may appoint counsel to 3738  
represent the victim without cost to the victim. 3739

(G) It is not a defense to a charge under division (A) (2) 3740  
of this section that the offender and the victim were married or 3741  
were cohabiting at the time of the commission of the offense. 3742

**Sec. 2907.05.** (A) No person shall have sexual contact with 3743

another, not the spouse of the offender; cause another, not the 3744  
spouse of the offender, to have sexual contact with the 3745  
offender; or cause two or more other persons to have sexual 3746  
contact when any of the following applies: 3747

(1) The offender purposely compels the other person, or 3748  
one of the other persons, to submit by force or threat of force. 3749

(2) For the purpose of preventing resistance, the offender 3750  
substantially impairs the judgment or control of the other 3751  
person or of one of the other persons by administering any drug, 3752  
intoxicant, or controlled substance to the other person 3753  
surreptitiously or by force, threat of force, or deception. 3754

(3) The offender knows that the judgment or control of the 3755  
other person or of one of the other persons is substantially 3756  
impaired as a result of the influence of any drug or intoxicant 3757  
administered to the other person with the other person's consent 3758  
for the purpose of any kind of medical or dental examination, 3759  
treatment, or surgery. 3760

(4) The other person, or one of the other persons, is less 3761  
than thirteen years of age, whether or not the offender knows 3762  
the age of that person. 3763

(5) The ability of the other person to resist or consent 3764  
or the ability of one of the other persons to resist or consent 3765  
is substantially impaired because of a mental or physical 3766  
condition or because of advanced age, and the offender knows or 3767  
has reasonable cause to believe that the ability to resist or 3768  
consent of the other person or of one of the other persons is 3769  
substantially impaired because of a mental or physical condition 3770  
or because of advanced age. 3771

(B) No person shall knowingly touch the genitalia of 3772

another, when the touching is not through clothing, the other 3773  
person is less than twelve years of age, whether or not the 3774  
offender knows the age of that person, and the touching is done 3775  
with an intent to abuse, humiliate, harass, degrade, or arouse 3776  
or gratify the sexual desire of any person. 3777

(C) Whoever violates this section is guilty of gross 3778  
sexual imposition. 3779

(1) Except as otherwise provided in this section, gross 3780  
sexual imposition committed in violation of division (A) (1), 3781  
(2), (3), or (5) of this section is a felony of the fourth 3782  
degree. If the offender under division (A) (2) of this section 3783  
substantially impairs the judgment or control of the other 3784  
person or one of the other persons by administering any 3785  
controlled substance, as defined in section 3719.01 of the 3786  
Revised Code, to the person surreptitiously or by force, threat 3787  
of force, or deception, gross sexual imposition committed in 3788  
violation of division (A) (2) of this section is a felony of the 3789  
third degree. 3790

(2) Gross sexual imposition committed in violation of 3791  
division (A) (4) or (B) of this section is a felony of the third 3792  
degree. Except as otherwise provided in this division, for gross 3793  
sexual imposition committed in violation of division (A) (4) or 3794  
(B) of this section there is a presumption that a prison term 3795  
shall be imposed for the offense. The court shall impose on an 3796  
offender convicted of gross sexual imposition in violation of 3797  
division (A) (4) or (B) of this section a mandatory prison term, 3798  
as described in division (C) (3) of this section, for a felony of 3799  
the third degree if either of the following applies: 3800

(a) Evidence other than the testimony of the victim was 3801  
admitted in the case corroborating the violation; 3802

(b) The offender previously was convicted of or pleaded 3803  
guilty to a violation of this section, rape, the former offense 3804  
of felonious sexual penetration, or sexual battery, and the 3805  
victim of the previous offense was less than thirteen years of 3806  
age. 3807

(3) A mandatory prison term required under division (C) (2) 3808  
of this section shall be a definite term from the range of 3809  
prison terms provided in division (A) (3) (a) of section 2929.14 3810  
of the Revised Code for a felony of the third degree. 3811

(D) A victim need not prove physical resistance to the 3812  
offender in prosecutions under this section. 3813

(E) Evidence of specific instances of the victim's sexual 3814  
activity, opinion evidence of the victim's sexual activity, and 3815  
reputation evidence of the victim's sexual activity shall not be 3816  
admitted under this section unless it involves evidence of the 3817  
origin of semen, pregnancy, or sexually transmitted disease or 3818  
infection, or the victim's past sexual activity with the 3819  
offender, and only to the extent that the court finds that the 3820  
evidence is material to a fact at issue in the case and that its 3821  
inflammatory or prejudicial nature does not outweigh its 3822  
probative value. 3823

Evidence of specific instances of the defendant's sexual 3824  
activity, opinion evidence of the defendant's sexual activity, 3825  
and reputation evidence of the defendant's sexual activity shall 3826  
not be admitted under this section unless it involves evidence 3827  
of the origin of semen, pregnancy, or sexually transmitted 3828  
disease or infection, the defendant's past sexual activity with 3829  
the victim, or is admissible against the defendant under section 3830  
2945.59 of the Revised Code, and only to the extent that the 3831  
court finds that the evidence is material to a fact at issue in 3832

the case and that its inflammatory or prejudicial nature does 3833  
not outweigh its probative value. 3834

(F) Prior to taking testimony or receiving evidence of any 3835  
sexual activity of the victim or the defendant in a proceeding 3836  
under this section, the court shall resolve the admissibility of 3837  
the proposed evidence in a hearing in chambers, which shall be 3838  
held at or before preliminary hearing and not less than three 3839  
days before trial, or for good cause shown during the trial. 3840

(G) Upon approval by the court, the victim may be 3841  
represented by counsel in any hearing in chambers or other 3842  
proceeding to resolve the admissibility of evidence. If the 3843  
victim is indigent or otherwise is unable to obtain the services 3844  
of counsel, the court, upon request, may appoint counsel to 3845  
represent the victim without cost to the victim. 3846

**Sec. 2907.10.** (A) (1) A peace officer, prosecutor, ~~or~~ other 3847  
public official, defendant, defendant's attorney, alleged 3848  
juvenile offender, or alleged juvenile offender's attorney shall 3849  
not ask or require a victim of an alleged sex offense to submit 3850  
to a polygraph examination as a condition for proceeding with 3851  
the investigation or prosecution of the alleged sex offense. 3852

(2) The refusal of the victim of an alleged sex offense to 3853  
submit to a polygraph examination shall not prevent the 3854  
investigation of the alleged sex offense, the filing of criminal 3855  
charges with respect to the alleged sex offense, or the 3856  
prosecution of the alleged perpetrator of the alleged sex 3857  
offense. 3858

(B) As used in this section: 3859

(1) "Peace officer" has the same meaning as in section 3860  
2921.51 of the Revised Code. 3861

(2) "Polygraph examination" means any mechanical or 3862  
electrical instrument or device of any type used or allegedly 3863  
used to examine, test, or question an individual for the purpose 3864  
of determining the individual's truthfulness. 3865

(3) "Prosecution" means the prosecution of criminal 3866  
charges in a criminal prosecution or the prosecution of a 3867  
delinquent child complaint in a delinquency proceeding. 3868

(4) "Prosecutor" has the same meaning as in section 3869  
2935.01 of the Revised Code. 3870

(5) "Public official" has the same meaning as in section 3871  
117.01 of the Revised Code. 3872

(6) "Sex offense" means a violation of any provision of 3873  
sections 2907.02 to 2907.09 of the Revised Code. 3874

(7) "Alleged juvenile offender" has the same meaning as in 3875  
section 2930.01 of the Revised Code. 3876

**Sec. 2929.18.** (A) Except as otherwise provided in this 3877  
division and in addition to imposing court costs pursuant to 3878  
section 2947.23 of the Revised Code, the court imposing a 3879  
sentence upon an offender for a felony may sentence the offender 3880  
to any financial sanction or combination of financial sanctions 3881  
authorized under this section or, in the circumstances specified 3882  
in section 2929.32 of the Revised Code, may impose upon the 3883  
offender a fine in accordance with that section, and shall 3884  
sentence the offender to make restitution pursuant to this 3885  
section and section 2929.281 of the Revised Code. The victim has 3886  
a right not to seek restitution. Financial sanctions that either 3887  
are required to be or may be imposed pursuant to this section 3888  
include, but are not limited to, the following: 3889

(1) Restitution by the offender to the victim of the 3890

offender's ~~crime~~criminal offense or ~~any survivor of the~~ 3891  
~~victim~~victim's estate, in an amount based on the victim's 3892  
economic loss. ~~If the~~In open court~~imposes restitution~~, the 3893  
court shall order that ~~the~~full restitution be made to the 3894  
victim ~~in open court~~, to the adult probation department that 3895  
serves the county on behalf of the victim, to the clerk of 3896  
courts, or to another agency designated by the court. ~~If the~~ 3897  
~~court imposes restitution~~, at At sentencing, the court shall 3898  
determine the amount of restitution to be made by the offender. 3899  
~~If the court imposes restitution, the court may base the amount~~ 3900  
~~of restitution it orders on an amount recommended by the victim,~~ 3901  
~~the offender, a presentence investigation report, estimates or~~ 3902  
~~receipts indicating the cost of repairing or replacing property,~~ 3903  
~~and other information, provided that the~~The victim, victim's 3904  
representative, victim's attorney, if applicable, the prosecutor 3905  
or the prosecutor's designee, and the offender may provide 3906  
information relevant to the determination of the amount of 3907  
restitution. The amount the court orders as restitution shall 3908  
not exceed the amount of the economic loss suffered by the 3909  
victim as a direct and proximate result of the commission of the 3910  
offense. If the court imposes restitution for the cost of 3911  
accounting or auditing done to determine the extent of economic 3912  
loss, the court may order restitution for any amount of the 3913  
victim's costs of accounting or auditing provided that the 3914  
amount of restitution is reasonable and does not exceed the 3915  
value of property or services stolen or damaged as a result of 3916  
the offense. ~~If the court decides to impose restitution, the~~The 3917  
court shall hold a hearing on restitution if the offender, 3918  
victim, ~~or survivor~~victim's representative, or victim's estate 3919  
disputes the amount. The court shall determine the amount of 3920  
full restitution by a preponderance of the evidence. All 3921  
restitution payments shall be credited against any recovery of 3922

economic loss in a civil action brought by the victim or ~~any~~ 3923  
~~survivor of the victim~~ victim's estate against the offender. 3924

~~If the court imposes restitution, the~~ The court may order 3925  
that the offender pay a surcharge of not more than five per cent 3926  
of the amount of the restitution otherwise ordered to the entity 3927  
responsible for collecting and processing restitution payments. 3928

~~The victim or survivor,~~ victim's estate, or victim's 3929  
attorney, if applicable, may file a motion or request that the 3930  
prosecutor in the case file a motion, or the offender may file a 3931  
motion, for modification of the payment terms of any restitution 3932  
ordered. If the court grants the motion, it may modify the 3933  
payment terms as it determines appropriate but shall not reduce 3934  
the amount of restitution ordered, except as provided in 3935  
division (A) of section 2929.281 of the Revised Code. The court 3936  
shall not discharge restitution until it is fully paid by the 3937  
offender. 3938

(2) Except as provided in division (B) (1), (3), or (4) of 3939  
this section, a fine payable by the offender to the state, to a 3940  
political subdivision, or as described in division (B) (2) of 3941  
this section to one or more law enforcement agencies, with the 3942  
amount of the fine based on a standard percentage of the 3943  
offender's daily income over a period of time determined by the 3944  
court and based upon the seriousness of the offense. A fine 3945  
ordered under this division shall not exceed the maximum 3946  
conventional fine amount authorized for the level of the offense 3947  
under division (A) (3) of this section. 3948

(3) Except as provided in division (B) (1), (3), or (4) of 3949  
this section, a fine payable by the offender to the state, to a 3950  
political subdivision when appropriate for a felony, or as 3951  
described in division (B) (2) of this section to one or more law 3952

enforcement agencies, in the following amount:	3953
(a) For a felony of the first degree, not more than twenty thousand dollars;	3954 3955
(b) For a felony of the second degree, not more than fifteen thousand dollars;	3956 3957
(c) For a felony of the third degree, not more than ten thousand dollars;	3958 3959
(d) For a felony of the fourth degree, not more than five thousand dollars;	3960 3961
(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.	3962 3963
(4) A state fine or costs as defined in section 2949.111 of the Revised Code.	3964 3965
(5) (a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:	3966 3967 3968
(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;	3969 3970 3971
(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement;	3972 3973 3974 3975 3976 3977 3978
(iii) All or part of the cost of purchasing and using an	3979

immobilizing or disabling device, including a certified ignition 3980  
interlock device, or a remote alcohol monitoring device that a 3981  
court orders an offender to use under section 4510.13 of the 3982  
Revised Code. 3983

(b) If the offender is sentenced to a sanction of 3984  
confinement pursuant to section 2929.14 or 2929.16 of the 3985  
Revised Code that is to be served in a facility operated by a 3986  
board of county commissioners, a legislative authority of a 3987  
municipal corporation, or another local governmental entity, if, 3988  
pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 3989  
753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 3990  
section 2929.37 of the Revised Code, the board, legislative 3991  
authority, or other local governmental entity requires prisoners 3992  
to reimburse the county, municipal corporation, or other entity 3993  
for its expenses incurred by reason of the prisoner's 3994  
confinement, and if the court does not impose a financial 3995  
sanction under division (A) (5) (a) (ii) of this section, 3996  
confinement costs may be assessed pursuant to section 2929.37 of 3997  
the Revised Code. In addition, the offender may be required to 3998  
pay the fees specified in section 2929.38 of the Revised Code in 3999  
accordance with that section. 4000

(c) Reimbursement by the offender for costs pursuant to 4001  
section 2929.71 of the Revised Code. 4002

(B) (1) For a first, second, or third degree felony 4003  
violation of any provision of Chapter 2925., 3719., or 4729. of 4004  
the Revised Code, the sentencing court shall impose upon the 4005  
offender a mandatory fine of at least one-half of, but not more 4006  
than, the maximum statutory fine amount authorized for the level 4007  
of the offense pursuant to division (A) (3) of this section. If 4008  
an offender alleges in an affidavit filed with the court prior 4009

to sentencing that the offender is indigent and unable to pay 4010  
the mandatory fine and if the court determines the offender is 4011  
an indigent person and is unable to pay the mandatory fine 4012  
described in this division, the court shall not impose the 4013  
mandatory fine upon the offender. 4014

(2) Any mandatory fine imposed upon an offender under 4015  
division (B)(1) of this section and any fine imposed upon an 4016  
offender under division (A)(2) or (3) of this section for any 4017  
fourth or fifth degree felony violation of any provision of 4018  
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 4019  
to law enforcement agencies pursuant to division (F) of section 4020  
2925.03 of the Revised Code. 4021

(3) For a fourth degree felony OVI offense and for a third 4022  
degree felony OVI offense, the sentencing court shall impose 4023  
upon the offender a mandatory fine in the amount specified in 4024  
division (G)(1)(d) or (e) of section 4511.19 of the Revised 4025  
Code, whichever is applicable. The mandatory fine so imposed 4026  
shall be disbursed as provided in the division pursuant to which 4027  
it is imposed. 4028

(4) Notwithstanding any fine otherwise authorized or 4029  
required to be imposed under division (A)(2) or (3) or (B)(1) of 4030  
this section or section 2929.31 of the Revised Code for a 4031  
violation of section 2925.03 of the Revised Code, in addition to 4032  
any penalty or sanction imposed for that offense under section 4033  
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 4034  
in addition to the forfeiture of property in connection with the 4035  
offense as prescribed in Chapter 2981. of the Revised Code, the 4036  
court that sentences an offender for a violation of section 4037  
2925.03 of the Revised Code may impose upon the offender a fine 4038  
in addition to any fine imposed under division (A)(2) or (3) of 4039

this section and in addition to any mandatory fine imposed under 4040  
division (B) (1) of this section. The fine imposed under division 4041  
(B) (4) of this section shall be used as provided in division (H) 4042  
of section 2925.03 of the Revised Code. A fine imposed under 4043  
division (B) (4) of this section shall not exceed whichever of 4044  
the following is applicable: 4045

(a) The total value of any personal or real property in 4046  
which the offender has an interest and that was used in the 4047  
course of, intended for use in the course of, derived from, or 4048  
realized through conduct in violation of section 2925.03 of the 4049  
Revised Code, including any property that constitutes proceeds 4050  
derived from that offense; 4051

(b) If the offender has no interest in any property of the 4052  
type described in division (B) (4) (a) of this section or if it is 4053  
not possible to ascertain whether the offender has an interest 4054  
in any property of that type in which the offender may have an 4055  
interest, the amount of the mandatory fine for the offense 4056  
imposed under division (B) (1) of this section or, if no 4057  
mandatory fine is imposed under division (B) (1) of this section, 4058  
the amount of the fine authorized for the level of the offense 4059  
imposed under division (A) (3) of this section. 4060

(5) Prior to imposing a fine under division (B) (4) of this 4061  
section, the court shall determine whether the offender has an 4062  
interest in any property of the type described in division (B) 4063  
(4) (a) of this section. Except as provided in division (B) (6) or 4064  
(7) of this section, a fine that is authorized and imposed under 4065  
division (B) (4) of this section does not limit or affect the 4066  
imposition of the penalties and sanctions for a violation of 4067  
section 2925.03 of the Revised Code prescribed under those 4068  
sections or sections 2929.11 to 2929.18 of the Revised Code and 4069

does not limit or affect a forfeiture of property in connection 4070  
with the offense as prescribed in Chapter 2981. of the Revised 4071  
Code. 4072

(6) If the sum total of a mandatory fine amount imposed 4073  
for a first, second, or third degree felony violation of section 4074  
2925.03 of the Revised Code under division (B)(1) of this 4075  
section plus the amount of any fine imposed under division (B) 4076  
(4) of this section does not exceed the maximum statutory fine 4077  
amount authorized for the level of the offense under division 4078  
(A)(3) of this section or section 2929.31 of the Revised Code, 4079  
the court may impose a fine for the offense in addition to the 4080  
mandatory fine and the fine imposed under division (B)(4) of 4081  
this section. The sum total of the amounts of the mandatory 4082  
fine, the fine imposed under division (B)(4) of this section, 4083  
and the additional fine imposed under division (B)(6) of this 4084  
section shall not exceed the maximum statutory fine amount 4085  
authorized for the level of the offense under division (A)(3) of 4086  
this section or section 2929.31 of the Revised Code. The clerk 4087  
of the court shall pay any fine that is imposed under division 4088  
(B)(6) of this section to the county, township, municipal 4089  
corporation, park district as created pursuant to section 511.18 4090  
or 1545.04 of the Revised Code, or state law enforcement 4091  
agencies in this state that primarily were responsible for or 4092  
involved in making the arrest of, and in prosecuting, the 4093  
offender pursuant to division (F) of section 2925.03 of the 4094  
Revised Code. 4095

(7) If the sum total of the amount of a mandatory fine 4096  
imposed for a first, second, or third degree felony violation of 4097  
section 2925.03 of the Revised Code plus the amount of any fine 4098  
imposed under division (B)(4) of this section exceeds the 4099  
maximum statutory fine amount authorized for the level of the 4100

offense under division (A) (3) of this section or section 2929.31 4101  
of the Revised Code, the court shall not impose a fine under 4102  
division (B) (6) of this section. 4103

(8) (a) If an offender who is convicted of or pleads guilty 4104  
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 4105  
2923.32, division (A) (1) or (2) of section 2907.323 involving a 4106  
minor, or division (B) (1), (2), (3), (4), or (5) of section 4107  
2919.22 of the Revised Code also is convicted of or pleads 4108  
guilty to a specification of the type described in section 4109  
2941.1422 of the Revised Code that charges that the offender 4110  
knowingly committed the offense in furtherance of human 4111  
trafficking, the sentencing court shall sentence the offender to 4112  
a financial sanction of restitution by the offender to the 4113  
victim or ~~any survivor of the victim~~victim's estate, with the 4114  
restitution including the costs of housing, counseling, and 4115  
medical and legal assistance incurred by the victim as a direct 4116  
result of the offense and the greater of the following: 4117

(i) The gross income or value to the offender of the 4118  
victim's labor or services; 4119

(ii) The value of the victim's labor as guaranteed under 4120  
the minimum wage and overtime provisions of the "Federal Fair 4121  
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 4122  
state labor laws. 4123

(b) If a court imposing sentence upon an offender for a 4124  
felony is required to impose upon the offender a financial 4125  
sanction of restitution under division (B) (8) (a) of this 4126  
section, in addition to that financial sanction of restitution, 4127  
the court may sentence the offender to any other financial 4128  
sanction or combination of financial sanctions authorized under 4129  
this section, including a restitution sanction under division 4130

(A) (1) of this section. 4131

(9) In addition to any other fine that is or may be 4132  
imposed under this section, the court imposing sentence upon an 4133  
offender for a felony that is a sexually oriented offense or a 4134  
child-victim oriented offense, as those terms are defined in 4135  
section 2950.01 of the Revised Code, may impose a fine of not 4136  
less than fifty nor more than five hundred dollars. 4137

(10) For a felony violation of division (A) of section 4138  
2921.321 of the Revised Code that results in the death of the 4139  
police dog or horse that is the subject of the violation, the 4140  
sentencing court shall impose upon the offender a mandatory fine 4141  
from the range of fines provided under division (A) (3) of this 4142  
section for a felony of the third degree. A mandatory fine 4143  
imposed upon an offender under division (B) (10) of this section 4144  
shall be paid to the law enforcement agency that was served by 4145  
the police dog or horse that was killed in the felony violation 4146  
of division (A) of section 2921.321 of the Revised Code to be 4147  
used as provided in division (E) (1) (b) of that section. 4148

(11) In addition to any other fine that is or may be 4149  
imposed under this section, the court imposing sentence upon an 4150  
offender for any of the following offenses that is a felony may 4151  
impose a fine of not less than seventy nor more than five 4152  
hundred dollars, which shall be transmitted to the treasurer of 4153  
state to be credited to the address confidentiality program fund 4154  
created by section 111.48 of the Revised Code: 4155

(a) Domestic violence; 4156

(b) Menacing by stalking; 4157

(c) Rape; 4158

(d) Sexual battery; 4159

(e) Trafficking in persons; 4160

(f) A violation of section 2905.01, 2905.02, 2907.21, 4161  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 4162  
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 4163  
section 2919.22 of the Revised Code, if the offender also is 4164  
convicted of a specification of the type described in section 4165  
2941.1422 of the Revised Code that charges that the offender 4166  
knowingly committed the offense in furtherance of human 4167  
trafficking. 4168

(C) (1) Except as provided in section 2951.021 of the 4169  
Revised Code, the offender shall pay reimbursements imposed upon 4170  
the offender pursuant to division (A) (5) (a) of this section to 4171  
pay the costs incurred by a county pursuant to any sanction 4172  
imposed under this section or section 2929.16 or 2929.17 of the 4173  
Revised Code or in operating a facility used to confine 4174  
offenders pursuant to a sanction imposed under section 2929.16 4175  
of the Revised Code to the county treasurer. The county 4176  
treasurer shall deposit the reimbursements in the sanction cost 4177  
reimbursement fund that each board of county commissioners shall 4178  
create in its county treasury. The county shall use the amounts 4179  
deposited in the fund to pay the costs incurred by the county 4180  
pursuant to any sanction imposed under this section or section 4181  
2929.16 or 2929.17 of the Revised Code or in operating a 4182  
facility used to confine offenders pursuant to a sanction 4183  
imposed under section 2929.16 of the Revised Code. 4184

(2) Except as provided in section 2951.021 of the Revised 4185  
Code, the offender shall pay reimbursements imposed upon the 4186  
offender pursuant to division (A) (5) (a) of this section to pay 4187  
the costs incurred by a municipal corporation pursuant to any 4188  
sanction imposed under this section or section 2929.16 or 4189

2929.17 of the Revised Code or in operating a facility used to 4190  
confine offenders pursuant to a sanction imposed under section 4191  
2929.16 of the Revised Code to the treasurer of the municipal 4192  
corporation. The treasurer shall deposit the reimbursements in a 4193  
special fund that shall be established in the treasury of each 4194  
municipal corporation. The municipal corporation shall use the 4195  
amounts deposited in the fund to pay the costs incurred by the 4196  
municipal corporation pursuant to any sanction imposed under 4197  
this section or section 2929.16 or 2929.17 of the Revised Code 4198  
or in operating a facility used to confine offenders pursuant to 4199  
a sanction imposed under section 2929.16 of the Revised Code. 4200

(3) Except as provided in section 2951.021 of the Revised 4201  
Code, the offender shall pay reimbursements imposed pursuant to 4202  
division (A) (5) (a) of this section for the costs incurred by a 4203  
private provider pursuant to a sanction imposed under this 4204  
section or section 2929.16 or 2929.17 of the Revised Code to the 4205  
provider. 4206

(D) Except as otherwise provided in this division, a 4207  
financial sanction imposed pursuant to division (A) or (B) of 4208  
this section is a judgment in favor of the state or a political 4209  
subdivision in which the court that imposed the financial 4210  
sanction is located, and the offender subject to the financial 4211  
sanction is the judgment debtor. A financial sanction of 4212  
reimbursement imposed pursuant to division (A) (5) (a) (ii) of this 4213  
section upon an offender who is incarcerated in a state facility 4214  
or a municipal jail is a judgment in favor of the state or the 4215  
municipal corporation, and the offender subject to the financial 4216  
sanction is the judgment debtor. A financial sanction of 4217  
reimbursement imposed upon an offender pursuant to this section 4218  
for costs incurred by a private provider of sanctions is a 4219  
judgment in favor of the private provider, and the offender 4220

subject to the financial sanction is the judgment debtor. A 4221  
financial sanction of a mandatory fine imposed under division 4222  
(B) (10) of this section that is required under that division to 4223  
be paid to a law enforcement agency is a judgment in favor of 4224  
the specified law enforcement agency, and the offender subject 4225  
to the financial sanction is the judgment debtor. A financial 4226  
sanction of restitution imposed pursuant to division (A) (1) or 4227  
(B) (8) of this section is an order in favor of the victim of the 4228  
offender's criminal act that can be collected through a 4229  
certificate of judgment as described in division (D) (1) of this 4230  
section, through execution as described in division (D) (2) of 4231  
this section, or through an order as described in division (D) 4232  
(3) of this section, and the offender shall be considered for 4233  
purposes of the collection as the judgment debtor. Imposition of 4234  
a financial sanction and execution on the judgment does not 4235  
preclude any other power of the court to impose or enforce 4236  
sanctions on the offender. Once the financial sanction is 4237  
imposed as a judgment or order under this division, the victim, 4238  
private provider, state, or political subdivision may do any of 4239  
the following: 4240

(1) Obtain from the clerk of the court in which the 4241  
judgment was entered, at no cost, a certificate of judgment that 4242  
shall be in the same manner and form as a certificate of 4243  
judgment issued in a civil action; 4244

(2) Obtain execution of the judgment or order through any 4245  
available procedure, including: 4246

(a) An execution against the property of the judgment 4247  
debtor under Chapter 2329. of the Revised Code; 4248

(b) An execution against the person of the judgment debtor 4249  
under Chapter 2331. of the Revised Code; 4250

(c) A proceeding in aid of execution under Chapter 2333.	4251
of the Revised Code, including:	4252
(i) A proceeding for the examination of the judgment	4253
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to	4254
2333.27 of the Revised Code;	4255
(ii) A proceeding for attachment of the person of the	4256
judgment debtor under section 2333.28 of the Revised Code;	4257
(iii) A creditor's suit under section 2333.01 of the	4258
Revised Code.	4259
(d) The attachment of the property of the judgment debtor	4260
under Chapter 2715. of the Revised Code;	4261
(e) The garnishment of the property of the judgment debtor	4262
under Chapter 2716. of the Revised Code.	4263
(3) Obtain an order for the assignment of wages of the	4264
judgment debtor under section 1321.33 of the Revised Code.	4265
(E) A court that imposes a financial sanction upon an	4266
offender may hold a hearing if necessary to determine whether	4267
the offender is able to pay the sanction or is likely in the	4268
future to be able to pay it.	4269
(F) Each court imposing a financial sanction upon an	4270
offender under this section or under section 2929.32 of the	4271
Revised Code may designate the clerk of the court or another	4272
person to collect the financial sanction. The clerk or other	4273
person authorized by law or the court to collect the financial	4274
sanction may enter into contracts with one or more public	4275
agencies or private vendors for the collection of, amounts due	4276
under the financial sanction imposed pursuant to this section or	4277
section 2929.32 of the Revised Code. Before entering into a	4278

contract for the collection of amounts due from an offender 4279  
pursuant to any financial sanction imposed pursuant to this 4280  
section or section 2929.32 of the Revised Code, a court shall 4281  
comply with sections 307.86 to 307.92 of the Revised Code. 4282

(G) If a court that imposes a financial sanction under 4283  
division (A) or (B) of this section finds that an offender 4284  
satisfactorily has completed all other sanctions imposed upon 4285  
the offender and that all restitution that has been ordered has 4286  
been paid as ordered, the court may suspend any financial 4287  
sanctions imposed pursuant to this section or section 2929.32 of 4288  
the Revised Code that have not been paid. 4289

(H) No financial sanction imposed under this section or 4290  
section 2929.32 of the Revised Code shall preclude a victim from 4291  
bringing a civil action against the offender. 4292

(I) If the court imposes restitution, fines, fees, or 4293  
incarceration costs on a business or corporation, it is the duty 4294  
of the person authorized to make disbursements from the assets 4295  
of the business or corporation to pay the restitution, fines, 4296  
fees, or incarceration costs from those assets. 4297

(J) If an offender is sentenced to pay restitution, a 4298  
fine, fee, or incarceration costs, the clerk of the sentencing 4299  
court, on request, shall make the offender's payment history 4300  
available to the prosecutor, victim, victim's representative, 4301  
victim's attorney, if applicable, the probation department, and 4302  
the court without cost. 4303

**Sec. 2929.20.** (A) As used in this section: 4304

(1) (a) Except as provided in division (A) (1) (b) of this 4305  
section, "eligible offender" means any person who, on or after 4306  
April 7, 2009, is serving a stated prison term that includes one 4307

or more nonmandatory prison terms. 4308

(b) "Eligible offender" does not include any person who, 4309  
on or after April 7, 2009, is serving a stated prison term for 4310  
any of the following criminal offenses that was a felony and was 4311  
committed while the person held a public office in this state: 4312

(i) A violation of section 2921.02, 2921.03, 2921.05, 4313  
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 4314  
Code; 4315

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 4316  
2921.12 of the Revised Code, when the conduct constituting the 4317  
violation was related to the duties of the offender's public 4318  
office or to the offender's actions as a public official holding 4319  
that public office; 4320

(iii) A violation of an existing or former municipal 4321  
ordinance or law of this or any other state or the United States 4322  
that is substantially equivalent to any violation listed in 4323  
division (A) (1) (b) (i) of this section; 4324

(iv) A violation of an existing or former municipal 4325  
ordinance or law of this or any other state or the United States 4326  
that is substantially equivalent to any violation listed in 4327  
division (A) (1) (b) (ii) of this section, when the conduct 4328  
constituting the violation was related to the duties of the 4329  
offender's public office or to the offender's actions as a 4330  
public official holding that public office; 4331

(v) A conspiracy to commit, attempt to commit, or 4332  
complicity in committing any offense listed in division (A) (1) 4333  
(b) (i) or described in division (A) (1) (b) (iii) of this section; 4334

(vi) A conspiracy to commit, attempt to commit, or 4335  
complicity in committing any offense listed in division (A) (1) 4336

(b) (ii) or described in division (A) (1) (b) (iv) of this section, 4337  
if the conduct constituting the offense that was the subject of 4338  
the conspiracy, that would have constituted the offense 4339  
attempted, or constituting the offense in which the offender was 4340  
complicit was or would have been related to the duties of the 4341  
offender's public office or to the offender's actions as a 4342  
public official holding that public office. 4343

(2) "Nonmandatory prison term" means a prison term that is 4344  
not a mandatory prison term. 4345

(3) "Public office" means any elected federal, state, or 4346  
local government office in this state. 4347

(4) "Victim's representative" has the same meaning as in 4348  
section 2930.01 of the Revised Code. 4349

(5) "Imminent danger of death," "medically incapacitated," 4350  
and "terminal illness" have the same meanings as in section 4351  
2967.05 of the Revised Code. 4352

(6) "Aggregated nonmandatory prison term or terms" means 4353  
the aggregate of the following: 4354

(a) All nonmandatory definite prison terms; 4355

(b) With respect to any non-life felony indefinite prison 4356  
term, all nonmandatory minimum prison terms imposed as part of 4357  
the non-life felony indefinite prison term or terms. 4358

(B) On the motion of an eligible offender or upon its own 4359  
motion, the sentencing court may reduce the eligible offender's 4360  
aggregated nonmandatory prison term or terms through a judicial 4361  
release under this section. 4362

(C) An eligible offender may file a motion for judicial 4363  
release with the sentencing court within the following 4364

applicable periods: 4365

(1) If the aggregated nonmandatory prison term or terms is 4366  
less than two years, the eligible offender may file the motion 4367  
at any time after the offender is delivered to a state 4368  
correctional institution or, if the prison term includes a 4369  
mandatory prison term or terms, at any time after the expiration 4370  
of all mandatory prison terms. 4371

(2) If the aggregated nonmandatory prison term or terms is 4372  
at least two years but less than five years, the eligible 4373  
offender may file the motion not earlier than one hundred eighty 4374  
days after the offender is delivered to a state correctional 4375  
institution or, if the prison term includes a mandatory prison 4376  
term or terms, not earlier than one hundred eighty days after 4377  
the expiration of all mandatory prison terms. 4378

(3) If the aggregated nonmandatory prison term or terms is 4379  
five years, the eligible offender may file the motion not 4380  
earlier than the date on which the eligible offender has served 4381  
four years of the offender's stated prison term or, if the 4382  
prison term includes a mandatory prison term or terms, not 4383  
earlier than four years after the expiration of all mandatory 4384  
prison terms. 4385

(4) If the aggregated nonmandatory prison term or terms is 4386  
more than five years but not more than ten years, the eligible 4387  
offender may file the motion not earlier than the date on which 4388  
the eligible offender has served five years of the offender's 4389  
stated prison term or, if the prison term includes a mandatory 4390  
prison term or terms, not earlier than five years after the 4391  
expiration of all mandatory prison terms. 4392

(5) If the aggregated nonmandatory prison term or terms is 4393

more than ten years, the eligible offender may file the motion 4394  
not earlier than the later of the date on which the offender has 4395  
served one-half of the offender's stated prison term or the date 4396  
specified in division (C) (4) of this section. 4397

(D) Upon receipt of a timely motion for judicial release 4398  
filed by an eligible offender under division (C) of this section 4399  
or upon the sentencing court's own motion made within the 4400  
appropriate time specified in that division, the court may deny 4401  
the motion without a hearing or schedule a hearing on the 4402  
motion. The court shall not grant the motion without a hearing. 4403  
If a court denies a motion without a hearing, the court later 4404  
may consider judicial release for that eligible offender on a 4405  
subsequent motion filed by that eligible offender unless the 4406  
court denies the motion with prejudice. If a court denies a 4407  
motion with prejudice, the court may later consider judicial 4408  
release on its own motion. If a court denies a motion after a 4409  
hearing, the court shall not consider a subsequent motion for 4410  
that eligible offender. The court shall hold only one hearing 4411  
for any eligible offender. 4412

A hearing under this section shall be conducted in open 4413  
court not less than thirty or more than sixty days after the 4414  
motion is filed, provided that the court may delay the hearing 4415  
for one hundred eighty additional days. If the court holds a 4416  
hearing, the court shall enter a ruling on the motion within ten 4417  
days after the hearing. If the court denies the motion without a 4418  
hearing, the court shall enter its ruling on the motion within 4419  
sixty days after the motion is filed. 4420

(E) If a court schedules a hearing under division (D) of 4421  
this section, the court shall notify the eligible offender and 4422  
the head of the state correctional institution in which the 4423

eligible offender is confined prior to the hearing. The head of 4424  
the state correctional institution immediately shall notify the 4425  
appropriate person at the department of rehabilitation and 4426  
correction of the hearing, and the department within twenty-four 4427  
hours after receipt of the notice, shall post on the database it 4428  
maintains pursuant to section 5120.66 of the Revised Code the 4429  
offender's name and all of the information specified in division 4430  
(A) (1) (c) (i) of that section. If the court schedules a hearing 4431  
for judicial release, the court promptly shall give notice of 4432  
the hearing to the prosecuting attorney of the county in which 4433  
the eligible offender was indicted. Upon receipt of the notice 4434  
from the court, the prosecuting attorney shall do whichever of 4435  
the following is applicable: 4436

(1) Subject to division (E) (2) of this section, notify the 4437  
victim of the offense ~~or and~~ the victim's representative, if 4438  
applicable, pursuant to division (B) of section 2930.16 of the 4439  
Revised Code; 4440

(2) If the offense was an offense of violence that is a 4441  
felony of the first, second, or third degree, except as 4442  
otherwise provided in this division, notify the victim ~~or and~~ 4443  
the victim's representative, if applicable, of the hearing 4444  
regardless of whether the victim or victim's representative has 4445  
requested the notification. The notice of the hearing shall not 4446  
be given under this division to a victim or victim's 4447  
representative if the victim or victim's representative has 4448  
requested pursuant to division (B) (2) of section 2930.03 of the 4449  
Revised Code that the victim or the victim's representative not 4450  
be provided the notice. If notice is to be provided to a victim 4451  
or victim's representative under this division, the prosecuting 4452  
attorney may give the notice by any reasonable means, including 4453  
regular mail, telephone, and electronic mail, in accordance with 4454

division (D) (1) of section 2930.16 of the Revised Code. If the 4455  
notice is based on an offense committed prior to March 22, 2013, 4456  
the notice also shall include the opt-out information described 4457  
in division (D) (1) of section 2930.16 of the Revised Code. The 4458  
prosecuting attorney, in accordance with division (D) (2) of 4459  
section 2930.16 of the Revised Code, shall keep a record of all 4460  
attempts to provide the notice, and of all notices provided, 4461  
under this division. Division (E) (2) of this section, and the 4462  
notice-related provisions of division (K) of this section, 4463  
division (D) (1) of section 2930.16, division (H) of section 4464  
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 4465  
(b) of section 2967.26, division (D) (1) of section 2967.28, and 4466  
division (A) (2) of section 5149.101 of the Revised Code enacted 4467  
in the act in which division (E) (2) of this section was enacted, 4468  
shall be known as "Roberta's Law." 4469

(F) Upon an offender's successful completion of 4470  
rehabilitative activities, the head of the state correctional 4471  
institution may notify the sentencing court of the successful 4472  
completion of the activities. 4473

(G) Prior to the date of the hearing on a motion for 4474  
judicial release under this section, the head of the state 4475  
correctional institution in which the eligible offender is 4476  
confined shall send to the court an institutional summary report 4477  
on the eligible offender's conduct in the institution and in any 4478  
institution from which the eligible offender may have been 4479  
transferred. Upon the request of the prosecuting attorney of the 4480  
county in which the eligible offender was indicted or of any law 4481  
enforcement agency, the head of the state correctional 4482  
institution, at the same time the person sends the institutional 4483  
summary report to the court, also shall send a copy of the 4484  
report to the requesting prosecuting attorney and law 4485

enforcement agencies. The institutional summary report shall 4486  
cover the eligible offender's participation in school, 4487  
vocational training, work, treatment, and other rehabilitative 4488  
activities and any disciplinary action taken against the 4489  
eligible offender. The report shall be made part of the record 4490  
of the hearing. A presentence investigation report is not 4491  
required for judicial release. 4492

(H) If the court grants a hearing on a motion for judicial 4493  
release under this section, the eligible offender shall attend 4494  
the hearing if ordered to do so by the court. Upon receipt of a 4495  
copy of the journal entry containing the order, the head of the 4496  
state correctional institution in which the eligible offender is 4497  
incarcerated shall deliver the eligible offender to the sheriff 4498  
of the county in which the hearing is to be held. The sheriff 4499  
shall convey the eligible offender to and from the hearing. 4500

(I) At the hearing on a motion for judicial release under 4501  
this section, the court shall afford the eligible offender and 4502  
the eligible offender's attorney an opportunity to present 4503  
written and, if present, oral information relevant to the 4504  
motion. The court shall afford a similar opportunity to the 4505  
prosecuting attorney, the victim~~or~~, the victim's 4506  
representative, the victim's attorney, if applicable, and any 4507  
other person the court determines is likely to present 4508  
additional relevant information. The court shall consider any 4509  
oral or written statement of a victim, victim's representative, 4510  
and victim's attorney, if applicable, made pursuant to section 4511  
2930.14 or 2930.17 of the Revised Code, any victim impact 4512  
statement prepared pursuant to section 2947.051 of the Revised 4513  
Code, and any report made under division (G) of this section. 4514  
The court may consider any written statement of any person 4515  
submitted to the court pursuant to division (L) of this section. 4516

After ruling on the motion, the court shall notify the victim 4517  
and the victim's representative of the ruling in accordance with 4518  
sections 2930.03 and 2930.16 of the Revised Code. 4519

(J) (1) A court shall not grant a judicial release under 4520  
this section to an eligible offender who is imprisoned for a 4521  
felony of the first or second degree, or to an eligible offender 4522  
who committed an offense under Chapter 2925. or 3719. of the 4523  
Revised Code and for whom there was a presumption under section 4524  
2929.13 of the Revised Code in favor of a prison term, unless 4525  
the court, with reference to factors under section 2929.12 of 4526  
the Revised Code, finds both of the following: 4527

(a) That a sanction other than a prison term would 4528  
adequately punish the offender and protect the public from 4529  
future criminal violations by the eligible offender because the 4530  
applicable factors indicating a lesser likelihood of recidivism 4531  
outweigh the applicable factors indicating a greater likelihood 4532  
of recidivism; 4533

(b) That a sanction other than a prison term would not 4534  
demean the seriousness of the offense because factors indicating 4535  
that the eligible offender's conduct in committing the offense 4536  
was less serious than conduct normally constituting the offense 4537  
outweigh factors indicating that the eligible offender's conduct 4538  
was more serious than conduct normally constituting the offense. 4539

(2) A court that grants a judicial release to an eligible 4540  
offender under division (J) (1) of this section shall specify on 4541  
the record both findings required in that division and also 4542  
shall list all the factors described in that division that were 4543  
presented at the hearing. 4544

(K) If the court grants a motion for judicial release 4545

under this section, the court shall order the release of the 4546  
eligible offender, shall place the eligible offender under an 4547  
appropriate community control sanction, under appropriate 4548  
conditions, and under the supervision of the department of 4549  
probation serving the court and shall reserve the right to 4550  
reimpose the sentence that it reduced if the offender violates 4551  
the sanction. If the court reimposes the reduced sentence, it 4552  
may do so either concurrently with, or consecutive to, any new 4553  
sentence imposed upon the eligible offender as a result of the 4554  
violation that is a new offense. Except as provided in division 4555  
(R) (2) of this section, the period of community control shall be 4556  
no longer than five years. The court, in its discretion, may 4557  
reduce the period of community control by the amount of time the 4558  
eligible offender spent in jail or prison for the offense and in 4559  
prison. If the court made any findings pursuant to division (J) 4560  
(1) of this section, the court shall serve a copy of the 4561  
findings upon counsel for the parties within fifteen days after 4562  
the date on which the court grants the motion for judicial 4563  
release. 4564

If the court grants a motion for judicial release, the 4565  
court shall notify the appropriate person at the department of 4566  
rehabilitation and correction, and the department shall post 4567  
notice of the release on the database it maintains pursuant to 4568  
section 5120.66 of the Revised Code. The court also shall notify 4569  
the prosecuting attorney of the county in which the eligible 4570  
offender was indicted that the motion has been granted. Unless 4571  
the victim or the victim's representative has requested pursuant 4572  
to division (B) (2) of section 2930.03 of the Revised Code that 4573  
the victim or victim's representative not be provided the 4574  
notice, the prosecuting attorney shall notify the victim ~~or~~ and 4575  
the victim's representative, if applicable, of the judicial 4576

release in any manner, and in accordance with the same 4577  
procedures, pursuant to which the prosecuting attorney is 4578  
authorized to provide notice of the hearing pursuant to division 4579  
(E) (2) of this section. If the notice is based on an offense 4580  
committed prior to March 22, 2013, the notice to the victim or 4581  
victim's representative also shall include the opt-out 4582  
information described in division (D) (1) of section 2930.16 of 4583  
the Revised Code. 4584

(L) In addition to and independent of the right of a 4585  
victim to make a statement pursuant to section 2930.14, 2930.17, 4586  
or 2946.051 of the Revised Code and any right of a person to 4587  
present written information or make a statement pursuant to 4588  
division (I) of this section, any person may submit to the 4589  
court, at any time prior to the hearing on the offender's motion 4590  
for judicial release, a written statement concerning the effects 4591  
of the offender's ~~crime or crimes~~ criminal offense, the 4592  
circumstances surrounding the ~~crime or crimes~~ criminal offense, 4593  
the manner in which the ~~crime or crimes were~~ criminal offense 4594  
was perpetrated, and the person's opinion as to whether the 4595  
offender should be released. 4596

(M) The changes to this section that are made on September 4597  
30, 2011, apply to any judicial release decision made on or 4598  
after September 30, 2011, for any eligible offender. 4599

(N) Notwithstanding the eligibility requirements specified 4600  
in division (A) of this section and the filing time frames 4601  
specified in division (C) of this section and notwithstanding 4602  
the findings required under division (J) of this section, the 4603  
sentencing court, upon the court's own motion and after 4604  
considering whether the release of the offender into society 4605  
would create undue risk to public safety, may grant a judicial 4606

release to an offender who is not serving a life sentence at any 4607  
time during the offender's imposed sentence when the director of 4608  
rehabilitation and correction certifies to the sentencing court 4609  
through the chief medical officer for the department of 4610  
rehabilitation and correction that the offender is in imminent 4611  
danger of death, is medically incapacitated, or is suffering 4612  
from a terminal illness. 4613

(O) The director of rehabilitation and correction shall 4614  
not certify any offender under division (N) of this section who 4615  
is serving a death sentence. 4616

(P) A motion made by the court under division (N) of this 4617  
section is subject to the notice, hearing, and other procedural 4618  
requirements specified in divisions (D), (E), (G), (H), (I), 4619  
(K), and (L) of this section, except for the following: 4620

(1) The court may waive the offender's appearance at any 4621  
hearing scheduled by the court if the offender's condition makes 4622  
it impossible for the offender to participate meaningfully in 4623  
the proceeding. 4624

(2) The court may grant the motion without a hearing, 4625  
provided that the prosecuting attorney ~~and, victim or, and~~ 4626  
victim's representative, if applicable, to whom notice of the 4627  
hearing was provided under division (E) of this section indicate 4628  
that they do not wish to participate in the hearing or present 4629  
information relevant to the motion. 4630

(Q) The court may request health care records from the 4631  
department of rehabilitation and correction to verify the 4632  
certification made under division (N) of this section. 4633

(R) (1) If the court grants judicial release under division 4634  
(N) of this section, the court shall do all of the following: 4635

(a) Order the release of the offender; 4636

(b) Place the offender under an appropriate community 4637  
control sanction, under appropriate conditions; 4638

(c) Place the offender under the supervision of the 4639  
department of probation serving the court or under the 4640  
supervision of the adult parole authority. 4641

(2) The court, in its discretion, may revoke the judicial 4642  
release if the offender violates the community control sanction 4643  
described in division (R) (1) of this section. The period of that 4644  
community control is not subject to the five-year limitation 4645  
described in division (K) of this section and shall not expire 4646  
earlier than the date on which all of the offender's mandatory 4647  
prison terms expire. 4648

(S) If the health of an offender who is released under 4649  
division (N) of this section improves so that the offender is no 4650  
longer terminally ill, medically incapacitated, or in imminent 4651  
danger of death, the court shall, upon the court's own motion, 4652  
revoke the judicial release. The court shall not grant the 4653  
motion without a hearing unless the offender waives a hearing. 4654  
If a hearing is held, the court shall afford the offender and 4655  
the offender's attorney an opportunity to present written and, 4656  
if the offender or the offender's attorney is present, oral 4657  
information relevant to the motion. The court shall afford a 4658  
similar opportunity to the prosecuting attorney, the victim~~or,~~ 4659  
the victim's representative, the victim's attorney, if 4660  
applicable, and any other person the court determines is likely 4661  
to present additional relevant information. A court that grants 4662  
a motion under this division shall specify its findings on the 4663  
record. 4664

**Sec. 2929.22.** (A) Unless a mandatory jail term is required 4665  
to be imposed by division (G) of section 1547.99, division (B) 4666  
of section 4510.14, division (G) of section 4511.19 of the 4667  
Revised Code, or any other provision of the Revised Code a court 4668  
that imposes a sentence under this chapter upon an offender for 4669  
a misdemeanor or minor misdemeanor has discretion to determine 4670  
the most effective way to achieve the purposes and principles of 4671  
sentencing set forth in section 2929.21 of the Revised Code. 4672

Unless a specific sanction is required to be imposed or is 4673  
precluded from being imposed by the section setting forth an 4674  
offense or the penalty for an offense or by any provision of 4675  
sections 2929.23 to 2929.28 of the Revised Code, a court that 4676  
imposes a sentence upon an offender for a misdemeanor may impose 4677  
on the offender any sanction or combination of sanctions under 4678  
sections 2929.24 to 2929.28 of the Revised Code. The court shall 4679  
not impose a sentence that imposes an unnecessary burden on 4680  
local government resources. 4681

(B) (1) In determining the appropriate sentence for a 4682  
misdemeanor, the court shall consider all of the following 4683  
factors: 4684

(a) The nature and circumstances of the offense or 4685  
offenses; 4686

(b) Whether the circumstances regarding the offender and 4687  
the offense or offenses indicate that the offender has a history 4688  
of persistent criminal activity and that the offender's 4689  
character and condition reveal a substantial risk that the 4690  
offender will commit another offense; 4691

(c) Whether the circumstances regarding the offender and 4692  
the offense or offenses indicate that the offender's history, 4693

character, and condition reveal a substantial risk that the  
offender will be a danger to others and that the offender's  
conduct has been characterized by a pattern of repetitive,  
compulsive, or aggressive behavior with heedless indifference to  
the consequences;

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

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

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

(g) The offender's military service record.

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

(C) Before imposing a jail term as a sentence for a  
misdemeanor, a court shall consider the appropriateness of  
imposing a community control sanction or a combination of  
community control sanctions under sections 2929.25, 2929.26,  
2929.27, and 2929.28 of the Revised Code. A court may impose the  
longest jail term authorized under section 2929.24 of the  
Revised Code only upon offenders who commit the worst forms of

the offense or upon offenders whose conduct and response to 4723  
prior sanctions for prior offenses demonstrate that the 4724  
imposition of the longest jail term is necessary to deter the 4725  
offender from committing a future ~~crime~~ criminal offense. 4726

(D) (1) A sentencing court shall consider any relevant oral 4727  
~~or~~ and written statement made by the victim, the victim's 4728  
representative, the victim's attorney, if applicable, the 4729  
defendant, the defense attorney, ~~or~~ and the prosecuting 4730  
authority regarding sentencing for a misdemeanor. This division 4731  
does not create any rights to notice other than those rights 4732  
authorized by Chapter 2930. of the Revised Code. 4733

(2) At the time of sentencing for a misdemeanor or as soon 4734  
as possible after sentencing, the court shall notify the victim 4735  
of the offense of the victim's right to file an application for 4736  
an award of reparations pursuant to sections 2743.51 to 2743.72 4737  
of the Revised Code. 4738

**Sec. 2929.28.** (A) In addition to imposing court costs 4739  
pursuant to section 2947.23 of the Revised Code, the court 4740  
imposing a sentence upon an offender for a misdemeanor, 4741  
including a minor misdemeanor, may sentence the offender to any 4742  
financial sanction or combination of financial sanctions 4743  
authorized under this section and, if the offender is being 4744  
sentenced for a criminal offense as defined in section 2930.01 4745  
of the Revised Code, shall sentence the offender to make 4746  
restitution pursuant to this section and section 2929.281 of the 4747  
Revised Code. If the court, in its discretion or as required by 4748  
this section, imposes one or more financial sanctions, the 4749  
financial sanctions that may be imposed pursuant to this section 4750  
include, but are not limited to, the following: 4751

(1) Unless the misdemeanor offense ~~is a minor misdemeanor~~ 4752

~~or~~ could be disposed of by the traffic violations bureau serving 4753  
the court under Traffic Rule 13, restitution by the offender to 4754  
the victim of the offender's crime or ~~any survivor of the~~ 4755  
~~victim~~victim's estate, in an amount based on the victim's 4756  
economic loss. The court may not impose restitution as a 4757  
sanction pursuant to this division if the offense is ~~a minor~~ 4758  
~~misdemeanor~~ or could be disposed of by the traffic violations 4759  
bureau serving the court under Traffic Rule 13. If the court 4760  
requires restitution, the court shall order that the restitution 4761  
be made to the victim in open court or to the adult probation 4762  
department that serves the jurisdiction or the clerk of the 4763  
court on behalf of the victim. 4764

~~If the court imposes restitution, the~~The court shall 4765  
determine the amount of restitution to be paid by the offender. 4766  
~~If the court imposes restitution, the court may base the amount~~ 4767  
~~of restitution it orders on an amount recommended by the victim,~~ 4768  
~~the offender, a presentence investigation report, estimates or~~ 4769  
~~receipts indicating the cost of repairing or replacing property,~~ 4770  
~~and other information, provided that the~~The victim, victim's 4771  
representative, victim's attorney, if applicable, the prosecutor 4772  
or the prosecutor's designee, and the offender may provide 4773  
information relevant to the determination of the amount of 4774  
restitution. The amount the court orders as restitution shall 4775  
not exceed the amount of the economic loss suffered by the 4776  
victim as a direct and proximate result of the commission of the 4777  
offense. If the court imposes restitution for the cost of 4778  
accounting or auditing done to determine the extent of economic 4779  
loss, the court may order restitution for any amount of the 4780  
victim's costs of accounting or auditing provided that the 4781  
amount of restitution is reasonable and does not exceed the 4782  
value of property or services stolen or damaged as a result of 4783

the offense. If the court decides to or is required to impose 4784  
restitution, the court shall hold an evidentiary hearing on 4785  
restitution if the offender, victim, ~~or survivor~~ victim's 4786  
representative, victim's attorney, if applicable, or victim's 4787  
estate disputes the amount of restitution. ~~If the~~ The court 4788  
~~holds an evidentiary hearing, at the hearing the victim or~~ 4789  
~~survivor has the burden to prove~~ shall determine the amount of 4790  
full restitution by a preponderance of the evidence ~~the amount~~ 4791  
~~of restitution sought from the offender.~~ 4792

All restitution payments shall be credited against any 4793  
recovery of economic loss in a civil action brought by the 4794  
victim or ~~any survivor of the victim~~ victim's estate against the 4795  
offender. No person may introduce evidence of an award of 4796  
restitution under this section in a civil action for purposes of 4797  
imposing liability against an insurer under section 3937.18 of 4798  
the Revised Code. 4799

~~If the court imposes restitution, the~~ The court may order 4800  
that the offender pay a surcharge, of not more than five per 4801  
cent of the amount of the restitution otherwise ordered, to the 4802  
entity responsible for collecting and processing restitution 4803  
payments. 4804

~~The victim or survivor,~~ victim's attorney, if applicable, 4805  
or the attorney for the victim's estate may request that the 4806  
prosecutor in the case file a motion, or the offender may file a 4807  
motion, for modification of the payment terms of any restitution 4808  
ordered. If the court grants the motion, it may modify the 4809  
payment terms as it determines appropriate but shall not reduce 4810  
the amount of restitution ordered, except as provided in 4811  
division (A) of section 2929.281 of the Revised Code. 4812

(2) A fine of the type described in divisions (A) (2) (a) 4813

and (b) of this section payable to the appropriate entity as 4814  
required by law: 4815

(a) A fine in the following amount: 4816

(i) For a misdemeanor of the first degree, not more than 4817  
one thousand dollars; 4818

(ii) For a misdemeanor of the second degree, not more than 4819  
seven hundred fifty dollars; 4820

(iii) For a misdemeanor of the third degree, not more than 4821  
five hundred dollars; 4822

(iv) For a misdemeanor of the fourth degree, not more than 4823  
two hundred fifty dollars; 4824

(v) For a minor misdemeanor, not more than one hundred 4825  
fifty dollars. 4826

(b) A state fine or cost as defined in section 2949.111 of 4827  
the Revised Code. 4828

(3) (a) Reimbursement by the offender of any or all of the 4829  
costs of sanctions incurred by the government, including, but 4830  
not limited to, the following: 4831

(i) All or part of the costs of implementing any community 4832  
control sanction, including a supervision fee under section 4833  
2951.021 of the Revised Code and the costs of global positioning 4834  
system device monitoring; 4835

(ii) All or part of the costs of confinement in a jail or 4836  
other residential facility, including, but not limited to, a per 4837  
diem fee for room and board, the costs of medical and dental 4838  
treatment, and the costs of repairing property damaged by the 4839  
offender while confined; 4840

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

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

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

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

addition to imposing court costs. The court may order community 4871  
service for a minor misdemeanor pursuant to division (D) of 4872  
section 2929.27 of the Revised Code in lieu of or in addition to 4873  
imposing a financial sanction under this section and in addition 4874  
to imposing court costs. If a person fails to pay a financial 4875  
sanction or court costs, the court may order community service 4876  
in lieu of the financial sanction or court costs. 4877

(C) (1) The offender shall pay reimbursements imposed upon 4878  
the offender pursuant to division (A) (3) of this section to pay 4879  
the costs incurred by a county pursuant to any sanction imposed 4880  
under this section or section 2929.26 or 2929.27 of the Revised 4881  
Code or in operating a facility used to confine offenders 4882  
pursuant to a sanction imposed under section 2929.26 of the 4883  
Revised Code to the county treasurer. The county treasurer shall 4884  
deposit the reimbursements in the county's general fund. The 4885  
county shall use the amounts deposited in the fund to pay the 4886  
costs incurred by the county pursuant to any sanction imposed 4887  
under this section or section 2929.26 or 2929.27 of the Revised 4888  
Code or in operating a facility used to confine offenders 4889  
pursuant to a sanction imposed under section 2929.26 of the 4890  
Revised Code. 4891

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

the costs incurred by the municipal corporation pursuant to any 4902  
sanction imposed under this section or section 2929.26 or 4903  
2929.27 of the Revised Code or in operating a facility used to 4904  
confine offenders pursuant to a sanction imposed under section 4905  
2929.26 of the Revised Code. 4906

(3) The offender shall pay reimbursements imposed pursuant 4907  
to division (A) (3) of this section for the costs incurred by a 4908  
private provider pursuant to a sanction imposed under this 4909  
section or section 2929.26 or 2929.27 of the Revised Code to the 4910  
provider. 4911

(D) In addition to any other fine that is or may be 4912  
imposed under this section, the court imposing sentence upon an 4913  
offender for misdemeanor domestic violence or menacing by 4914  
stalking may impose a fine of not less than seventy nor more 4915  
than five hundred dollars, which shall be transmitted to the 4916  
treasurer of state to be credited to the address confidentiality 4917  
program fund created by section 111.48 of the Revised Code. 4918

(E) Except as otherwise provided in this division, a 4919  
financial sanction imposed under division (A) of this section is 4920  
a judgment in favor of the state or the political subdivision 4921  
that operates the court that imposed the financial sanction, and 4922  
the offender subject to the financial sanction is the judgment 4923  
debtor. A financial sanction of reimbursement imposed pursuant 4924  
to division (A) (3) (a) (i) of this section upon an offender is a 4925  
judgment in favor of the entity administering the community 4926  
control sanction, and the offender subject to the financial 4927  
sanction is the judgment debtor. A financial sanction of 4928  
reimbursement imposed pursuant to division (A) (3) (a) (ii) of this 4929  
section upon an offender confined in a jail or other residential 4930  
facility is a judgment in favor of the entity operating the jail 4931

or other residential facility, and the offender subject to the 4932  
financial sanction is the judgment debtor. A financial sanction 4933  
of restitution imposed pursuant to division (A)(1) of this 4934  
section is an order in favor of the victim of the offender's 4935  
criminal act that can be collected through a certificate of 4936  
judgment as described in division (E)(1) of this section, 4937  
through execution as described in division (E)(2) of this 4938  
section, or through an order as described in division (E)(3) of 4939  
this section, and the offender shall be considered for purposes 4940  
of the collection as the judgment debtor. 4941

Once the financial sanction is imposed as a judgment or 4942  
order under this division, the victim, private provider, state, 4943  
or political subdivision may do any of the following: 4944

(1) Obtain from the clerk of the court in which the 4945  
judgment was entered, at no charge, a certificate of judgment 4946  
that shall be in the same manner and form as a certificate of 4947  
judgment issued in a civil action; 4948

(2) Obtain execution of the judgment or order through any 4949  
available procedure, including any of the procedures identified 4950  
in divisions ~~(E)(1)~~ (D)(1) and (2) of section 2929.18 of the 4951  
Revised Code. 4952

(3) Obtain an order for the assignment of wages of the 4953  
judgment debtor under section 1321.33 of the Revised Code. 4954

(F) The civil remedies authorized under division (E) of 4955  
this section for the collection of the financial sanction 4956  
supplement, but do not preclude, enforcement of the criminal 4957  
sentence. 4958

(G) Each court imposing a financial sanction upon an 4959  
offender under this section may designate the clerk of the court 4960

or another person to collect the financial sanction. The clerk, 4961  
or another person authorized by law or the court to collect the 4962  
financial sanction may do the following: 4963

(1) Enter into contracts with one or more public agencies 4964  
or private vendors for the collection of amounts due under the 4965  
sanction. Before entering into a contract for the collection of 4966  
amounts due from an offender pursuant to any financial sanction 4967  
imposed pursuant to this section, a court shall comply with 4968  
sections 307.86 to 307.92 of the Revised Code. 4969

(2) Permit payment of all or any portion of the sanction 4970  
in installments, by financial transaction device if the court is 4971  
a county court or a municipal court operated by a county, by 4972  
credit or debit card or by another electronic transfer if the 4973  
court is a municipal court not operated by a county, or by any 4974  
other reasonable method, in any time, and on any terms that 4975  
court considers just, except that the maximum time permitted for 4976  
payment shall not exceed five years. If the court is a county 4977  
court or a municipal court operated by a county, the acceptance 4978  
of payments by any financial transaction device shall be 4979  
governed by the policy adopted by the board of county 4980  
commissioners of the county pursuant to section 301.28 of the 4981  
Revised Code. If the court is a municipal court not operated by 4982  
a county, the clerk may pay any fee associated with processing 4983  
an electronic transfer out of public money or may charge the fee 4984  
to the offender. 4985

(3) To defray administrative costs, charge a reasonable 4986  
fee to an offender who elects a payment plan rather than a lump 4987  
sum payment of any financial sanction. 4988

(H) No financial sanction imposed under this section shall 4989  
preclude a victim from bringing a civil action against the 4990

offender. 4991

(I) If the court imposes restitution, fines, fees, or 4992  
incarceration costs on a business or corporation, it is the duty 4993  
of the person authorized to make disbursements from assets of 4994  
the business or corporation to pay the restitution, fines, fees, 4995  
or incarceration costs from those assets. 4996

(J) If an offender is sentenced to pay restitution, a 4997  
fine, fee, or incarceration costs, the clerk of the sentencing 4998  
court, on request, shall make the offender's payment history 4999  
available to the victim, victim's representative, victim's 5000  
attorney, if applicable, the prosecutor, the probation 5001  
department, and the court without cost. 5002

**Sec. 2929.281.** (A) In determining the amount of 5003  
restitution at the time of sentencing under this section, the 5004  
court shall order full restitution for any expenses related to a 5005  
victim's economic loss due to the criminal offense. The amount 5006  
of restitution shall be reduced by any payments to the victim 5007  
for economic loss made or due under a policy of insurance or 5008  
governmental program. 5009

Economic loss includes, but is not limited to, the 5010  
following: 5011

(1) Full or partial payment for the value of stolen or 5012  
damaged property. The value of stolen or damaged property shall 5013  
be the replacement cost of the property or the actual cost of 5014  
repairing the property when repair is possible. 5015

(2) Medical expenses; 5016

(3) Mental health counseling expenses; 5017

(4) Wages or profits lost due to injury or harm to the 5018

victim as determined by the court. Lost wages include commission 5019  
income as well as base wages. Commission income shall be 5020  
established by evidence of commission income during the twelve- 5021  
month period prior to the date of the crime for which 5022  
restitution is being ordered, unless good cause for a shorter 5023  
time period is shown. 5024

(5) Expenses related to making a vehicle or residence 5025  
accessible to the victim if the victim is partially permanently 5026  
disabled or totally permanently disabled as a direct result of 5027  
the crime. 5028

(B) The court may require the execution of a satisfactory 5029  
performance bond or take other action permitted by law to ensure 5030  
payment of restitution. 5031

(C) Upon notification by the court, money owed by the 5032  
state or by a political subdivision of the state to an offender 5033  
who is required to make restitution under this section, 5034  
including any tax refund owed to the offender, shall be assigned 5035  
to the discharge of the offender's outstanding restitution 5036  
obligation, subject to any superseding federal statutes or 5037  
regulations, including court-ordered support obligations. 5038

(D) If an offender is required to make restitution under 5039  
this section in the form of monetary payments to more than one 5040  
victim, the offender shall make the payments to the victims in 5041  
the following order of priority: 5042

(1) Individuals; 5043

(2) Nonprofit organizations; 5044

(3) Business entities; 5045

(4) Governmental entities. 5046

(E) 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. 5047  
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(F) Pursuant to division (D) of section 2929.18 and division (E) of section 2929.28 of the Revised Code, a court order for restitution imposed under this section may be reduced to a certificate of judgment in favor of the victim. If the order is reduced to such a judgment, the person required to pay the restitution under the order is the judgment debtor. 5052  
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(G) The supreme court shall create a standardized form to be made publicly available that provides guidance for victims and victims' representatives regarding the compilation of evidence to demonstrate losses for the purpose of this section. 5058  
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(H) On the request of the victim, if a judge determines that, under the circumstances, it is appropriate and the victim has not been coerced, a victim may accept a settlement that is less than the full restitution order. 5062  
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5065

**Sec. 2930.01.** As used in this chapter, unless otherwise defined in any section in this chapter: 5066  
5067

(A) "CrimeCriminal offense" means any of the following: 5068

(1) A felony; 5069

(2) A violation of section 2903.05, 2903.06, 2903.13, 2903.21, 2903.211, 2903.22, 2907.06, 2919.25, or 2921.04 of the Revised Code, a violation of section 2903.07 of the Revised Code as it existed prior to March 23, 2000, or a violation of a substantially equivalent municipal ordinance; 5070  
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~~(3) A violation of division (A) or (B) of section 4511.19, 5075  
division (A) or (B) of section 1547.11, or division (A) (3) of 5076  
section 4561.15 of the Revised Code or of a municipal ordinance 5077  
substantially similar to any of those divisions that is the 5078  
proximate cause of a vehicle, streetcar, trackless trolley, 5079  
aquatic device, or aircraft accident in which the victim 5080  
receives injuries for which the victim receives medical 5081  
treatment either at the scene of the accident by emergency 5082  
medical services personnel or at a hospital, ambulatory care 5083  
facility, physician's office, specialist's office, or other 5084  
medical care facility. 5085~~

~~(4) A motor vehicle accident to which both of the 5086  
following apply: 5087~~

~~(a) The motor vehicle accident is caused by a violation of 5088  
a provision of the Revised Code that is a misdemeanor of the 5089  
first degree or higher. 5090~~

~~(b) As a result of the motor vehicle accident, the victim 5091  
receives injuries for which the victim receives medical 5092  
treatment either at the scene of the accident by emergency 5093  
medical services personnel or at a hospital, ambulatory care 5094  
facility, physician's office, specialist's office, or other 5095  
medical care facility an alleged act or omission committed by a 5096  
person that is punishable by incarceration and is not eligible 5097  
to be disposed of by the traffic violations bureau. 5098~~

(B) "Custodial agency" means one of the following: 5099

(1) The entity that has custody of a defendant or an 5100  
alleged juvenile offender who is incarcerated for a ~~crime~~ 5101  
criminal offense, is under detention for the commission of a 5102  
~~specified delinquent act~~, or who is detained after a finding of 5103

incompetence to stand trial or not guilty by reason of insanity 5104  
relative to a ~~crime~~ criminal offense, including any of the 5105  
following: 5106

(a) The department of rehabilitation and correction or the 5107  
adult parole authority; 5108

(b) A county sheriff; 5109

(c) The entity that administers a jail, as defined in 5110  
section 2929.01 of the Revised Code; 5111

(d) The entity that administers a community-based 5112  
correctional facility and program or a district community-based 5113  
correctional facility and program; 5114

(e) The department of mental health and addiction services 5115  
or other entity to which a defendant found incompetent to stand 5116  
trial or not guilty by reason of insanity is committed. 5117

(2) The entity that has custody of an alleged juvenile 5118  
offender pursuant to an order of disposition of a juvenile 5119  
court, including the department of youth services or a school, 5120  
camp, institution, or other facility operated for the care of 5121  
delinquent children. 5122

(C) "Defendant" means a person who is alleged to be the 5123  
perpetrator of a ~~crime in a police report or~~ criminal offense in 5124  
a complaint, indictment, or information that charges the 5125  
commission of a ~~crime~~ criminal offense and that provides the 5126  
basis for the criminal prosecution and subsequent proceedings to 5127  
which this chapter makes reference. 5128

(D) "Member of the victim's family" means a spouse, child, 5129  
stepchild, sibling, parent, stepparent, grandparent, or other 5130  
relative of a victim but does not include a person who is 5131

charged with, convicted of, or adjudicated to be a delinquent 5132  
child for the ~~crime~~criminal offense or ~~specified~~ delinquent act 5133  
against the victim or another ~~crime~~criminal offense or 5134  
~~specified~~ delinquent act arising from the same conduct, criminal 5135  
episode, or plan. 5136

(E) "Prosecutor" means one of the following: 5137

(1) With respect to a criminal case, it has the same 5138  
meaning as in section 2935.01 of the Revised Code and also 5139  
includes the attorney general and, when appropriate, the 5140  
employees of any person listed in section 2935.01 of the Revised 5141  
Code or of the attorney general. 5142

(2) With respect to a delinquency proceeding, it includes 5143  
any person listed in division (C) of section 2935.01 of the 5144  
Revised Code or an employee of a person listed in that division 5145  
who prosecutes a delinquency proceeding. 5146

(F) "Public agency" means an office, agency, department, 5147  
bureau, or other governmental entity of the state or of a 5148  
political subdivision of the state. 5149

(G) "Public official" has the same meaning as in section 5150  
2921.01 of the Revised Code. 5151

~~(H) "Victim" means either of the following:~~ 5152

~~(1) A person who is identified as the victim of a crime or 5153  
specified delinquent act in a police report or in a complaint, 5154  
indictment, or information that charges the commission of a 5155  
crime and that provides the basis for the criminal prosecution 5156  
or delinquency proceeding and subsequent proceedings to which 5157  
this chapter makes reference. 5158~~

~~(2) A person who receives injuries as a result of a 5159~~

~~vehicle, streetcar, trackless trolley, aquatic device, or~~ 5160  
~~aircraft accident that is proximately caused by a violation~~ 5161  
~~described in division (A) (3) of this section or a motor vehicle~~ 5162  
~~accident that is proximately caused by a violation described in~~ 5163  
~~division (A) (4) of this section and who receives medical~~ 5164  
~~treatment as described in division (A) (3) or (4) of this~~ 5165  
~~section, whichever is applicable has the same meaning as in~~ 5166  
~~Section 10a of Article I of the Ohio Constitution.~~ 5167

(I) "Victim's representative" means a member of the 5168  
victim's family or another person who pursuant to the authority 5169  
of section 2930.02 of the Revised Code exercises the rights of a 5170  
victim under this chapter. 5171

(J) "Court" means a court of common pleas, juvenile court, 5172  
municipal court, or county court. 5173

(K) "Delinquency proceeding" means all proceedings in a 5174  
juvenile court that are related to a case in which a complaint 5175  
has been filed alleging that a child is a delinquent child. 5176

(L) "Case" means a delinquency proceeding and all related 5177  
activity or a criminal prosecution and all related activity. 5178

(M) The "defense" means the defense against criminal 5179  
charges in a criminal prosecution or the defense against a 5180  
delinquent child complaint in a delinquency proceeding. 5181

(N) The "prosecution" means the prosecution of criminal 5182  
charges in a criminal prosecution or the prosecution of a 5183  
delinquent child complaint in a delinquency proceeding. 5184

(O) ~~"Specified delinquent Delinquent act" means any of the~~ 5185  
~~following:~~ 5186

~~(1) An alleged act committed by a child ~~that if~~~~ 5187

~~committed by an adult would be a felony;~~ 5188

~~(2) An act committed by a child that is a violation of a~~ 5189  
~~section listed in division (A) (1) or (2) of this section or is a~~ 5190  
~~violation of a substantially equivalent municipal ordinance;~~ 5191

~~(3) An act committed by a child that is described in~~ 5192  
~~division (A) (3) or (4) of this section, regardless of whether~~ 5193  
the child is competent, that does any of the following and is 5194  
not disposed of by the juvenile traffic violations bureau 5195  
serving the court under Traffic Rule 13.1: 5196

(1) Violates any law of this state or the United States, 5197  
or any ordinance of a political subdivision of the state, that 5198  
would be an offense if committed by an adult; 5199

(2) Violates any lawful order of the court made under this 5200  
chapter, including a child who violates a court order regarding 5201  
the child's prior adjudication as an unruly child for being an 5202  
habitual truant; 5203

(3) Violates any lawful order of the court made under 5204  
Chapter 2151. of the Revised Code other than an order issued 5205  
under section 2151.87 of the Revised Code; 5206

(4) Violates division (C) of section 2907.39, division (A) 5207  
of section 2923.211, or division (C) (1) or (D) of section 5208  
2925.55 of the Revised Code. 5209

(P) (1) "Alleged juvenile offender" means a child who is 5210  
alleged to have committed a ~~specified~~-delinquent act in a police 5211  
report or in a complaint in juvenile court that charges the 5212  
commission of a ~~specified~~-delinquent act and that provides the 5213  
basis for the delinquency proceeding and all subsequent 5214  
proceedings to which this chapter makes reference. 5215

(2) As used in divisions (O) and (P) (1) of this section, 5216  
"child" has the same meaning as in section 2151.011 of the 5217  
Revised Code. 5218

(Q) "Motor vehicle accident" means any accident involving 5219  
a motor vehicle. 5220

(R) "Motor vehicle" has the same meaning as in section 5221  
4509.01 of the Revised Code. 5222

(S) "Aircraft" has the same meaning as in section 4561.01 5223  
of the Revised Code. 5224

(T) "Aquatic device" means any vessel, or any water skis, 5225  
aquaplane, or similar device. 5226

(U) "Vehicle," "streetcar," and "trackless trolley" have 5227  
the same meanings as in section 4511.01 of the Revised Code. 5228

(V) "Vehicle, streetcar, trackless trolley, aquatic 5229  
device, or aircraft accident" means any accident involving a 5230  
vehicle, streetcar, trackless trolley, aquatic device, or 5231  
aircraft. 5232

(W) "Vessel" has the same meaning as in section 1546.01 of 5233  
the Revised Code. 5234

(X) "Victim advocate" means a person employed or 5235  
authorized by a public or private entity who provides support 5236  
and assistance for a victim of a criminal offense or delinquent 5237  
act in relation to criminal, civil, administrative, and 5238  
delinquency cases or proceedings and recovery efforts related to 5239  
the criminal offense or delinquent act. 5240

(Y) "Victim's attorney" means an attorney retained by the 5241  
victim for the purpose of asserting the victim's constitutional 5242  
and statutory rights. 5243

(Z) "Prosecutor's designee" means any person or entity 5244  
designated by the prosecuting attorney but does not include a 5245  
court or court employee. 5246

(AA) "Suspect" means a person who is alleged to be the 5247  
perpetrator of a criminal offense. 5248

**Sec. 2930.011.** Nothing in this chapter shall prevent a 5249  
victim or the victim's other lawful representative from 5250  
asserting the rights enumerated in Ohio Constitution, Article I, 5251  
Section 10a. 5252

**Sec. 2930.02.** (A) ~~If~~ Any of the following persons may, 5253  
subject to the prohibition on the unauthorized practice of law 5254  
under section 4705.07 of the Revised Code, exercise the rights 5255  
of a victim under this chapter as the victim's representative: 5256

(1) Any person designated by the victim; 5257

(2) A member of the victim's family or a victim advocate 5258  
designated as the victim's representative to exercise the rights 5259  
of a victim under this chapter as the victim's representative if 5260  
a victim is a minor or is incapacitated, incompetent, or 5261  
deceased, or if the victim chooses to designate another person, 5262  
a member of a victim's family or another person may exercise the 5263  
rights of the victim under this chapter as the victim's 5264  
representative, subject to division (D) of this section; 5265

(3) If the case involves a violation of section 2903.01, 5266  
2903.02, 2903.03, 2903.04, 2903.041, 2903.05, or 2903.06 of the 5267  
Revised Code, a member of the deceased victim's family, a victim 5268  
advocate, or another person designated by one or more members of 5269  
the deceased victim's family. 5270

(B) If the prosecutor in the case or the court has a 5271  
reasonable basis to believe that the victim's representative is 5272

not acting in the interests of the child victim, victim with a 5273  
developmental disability, or an incapacitated or incompetent 5274  
victim, the prosecutor shall file a motion with the court 5275  
setting forth the reasonable basis for that belief and the court 5276  
shall hold a hearing to determine whether the victim's 5277  
representative is acting in the interests of the victim. The 5278  
court shall make this determination by a preponderance of the 5279  
evidence. If the court finds that the victim's representative is 5280  
not acting in the interests of the victim, the court shall 5281  
appoint a court appointed special advocate, a guardian ad litem, 5282  
or a victim advocate to act as a victim's representative instead 5283  
of the previously appointed victim's representative. 5284

(C) If more than one person seeks to act as the victim's 5285  
representative for a particular victim, the court that has 5286  
jurisdiction over the criminal matter or the court in which the 5287  
criminal prosecution or delinquency proceeding is held shall 5288  
designate one of those persons as the victim's representative. 5289  
If a victim does not want to have anyone act as the victim's 5290  
representative, the court shall order that only the victim may 5291  
exercise the rights of a victim under this chapter. 5292

~~(B)~~ (D) If pursuant to division (A) of this section a 5293  
victim's representative is to exercise the rights of a victim, 5294  
the victim ~~or victim's representative~~ shall notify law 5295  
enforcement and the prosecutor, or, if it is a delinquency 5296  
proceeding and a prosecutor is not involved in the case, shall 5297  
notify the court that the victim's representative is to act for 5298  
the victim. When a victim ~~or victim's representative~~ has so 5299  
notified law enforcement and the prosecutor, or the court, all 5300  
~~notice~~ notices under this chapter shall be sent ~~only~~ to the 5301  
victim and the victim's representative, all rights under this 5302  
chapter shall be granted ~~only~~ to the victim and the victim's 5303

representative, and all references in this chapter to a victim, 5304  
except the references to a victim in section 2930.071 of the 5305  
Revised Code, shall be interpreted as being references to the 5306  
victim and the victim's representative unless the victim informs 5307  
the notifying authority that the victim ~~also wishes~~ does not 5308  
wish to receive the notices or exercise the rights. ~~If division~~ 5309  
~~(B) of section 2930.03 of the Revised Code requires a victim to~~ 5310  
~~make a request in order to receive any notice of a type~~ 5311  
~~described in this division and if a victim's representative is~~ 5312  
~~to exercise the rights of the victim, the victim's~~ 5313  
~~representative shall make the request~~ 5314

(E) A suspect, defendant, offender, alleged juvenile 5315  
offender, or delinquent child may not act as a victim's 5316  
representative relative to the criminal offense or delinquent 5317  
act involving the victim. 5318

(F) In any post-conviction proceeding or in regards to any 5319  
post-conviction relief, if the prosecutor in the case or the 5320  
court has a reasonable basis to believe that the victim's 5321  
representative is not acting in the interests of the child 5322  
victim, victim with a developmental disability, or an 5323  
incapacitated or incompetent victim, the prosecutor shall file a 5324  
motion with the court setting forth the reasonable basis for 5325  
that belief and the court shall hold a hearing to determine 5326  
whether the victim's representative is acting in the interests 5327  
of the victim. The court shall make this determination by a 5328  
preponderance of the evidence. If the court finds that the 5329  
victim's representative is not acting in the interests of the 5330  
victim, the court shall appoint a court appointed special 5331  
advocate, a guardian ad litem, or a victim advocate to act as a 5332  
victim's representative instead of the previously appointed 5333  
victim's representative. 5334

**Sec. 2930.03.** (A) A person or entity required or 5335  
authorized under this chapter to give notice to a victim shall 5336  
give the notice to the victim by any means reasonably calculated 5337  
to provide prompt actual notice. Except when a provision 5338  
requires that notice is to be given in a specific manner, a 5339  
notice may be oral or written. 5340

(B) (1) Except for receipt of the initial information and 5341  
notice required to be given to a victim under divisions (A) and 5342  
~~(B)~~ (C) of section 2930.04, section 2930.05, and divisions (A) 5343  
and ~~(B)~~ (C) of section 2930.06 of the Revised Code and the 5344  
notice required to be given to a victim under division (D) of 5345  
section 2930.16 of the Revised Code, a victim who wishes to 5346  
receive any notice authorized by this chapter shall make a 5347  
request for the notice to the prosecutor or the custodial agency 5348  
that is to provide the notice, as specified in this chapter. If 5349  
the victim does not make a request as described in this 5350  
division, the prosecutor or custodial agency is not required to 5351  
provide any notice described in this chapter other than the 5352  
initial information and notice required to be given to a victim 5353  
under divisions (A) and ~~(B)~~ (C) of section 2930.04, section 5354  
2930.05, and divisions (A) and ~~(B)~~ (C) of section 2930.06 of the 5355  
Revised Code and the notice required to be given to a victim 5356  
under division (D) of section 2930.16 of the Revised Code. 5357

(2) A victim who does not wish to receive any of the 5358  
notices required to be given to a victim under division (E) (2) 5359  
or (K) of section 2929.20, division (D) of section 2930.16, 5360  
division (H) of section 2967.12, division (E) (1) (b) of section 5361  
2967.19, division (A) (3) (b) of section 2967.26, division (D) (1) 5362  
of section 2967.28, or division (A) (2) of section 5149.101 of 5363  
the Revised Code shall make a request to the prosecutor or 5364  
custodial agency that is to provide the particular notice that 5365

the notice not be provided to the victim. Unless the victim 5366  
makes a request as described in this division, the prosecutor or 5367  
custodial agency shall provide the notices required to be given 5368  
to a victim under division (E) (2) or (K) of section 2929.20, 5369  
division (D) of section 2930.16, division (H) of section 5370  
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3)  
(b) of section 2967.26, division (D) (1) of section 2967.28, or 5371  
division (A) (2) of section 5149.101 of the Revised Code in any 5372  
manner, and in accordance with the procedures, specified in the 5373  
particular division. This division also applies to a victim's 5374  
representative or a member of a victim's immediate family that 5375  
is authorized to receive any of the notices specified in this 5376  
division. 5377  
5378

(C) A person or agency that is required to furnish notice 5379  
under this chapter shall give the notice to the victim at the 5380  
address or telephone number provided to the person or agency by 5381  
the victim. A victim who requests to receive notice under this 5382  
chapter as described in division (B) of this section shall 5383  
inform the person or agency of the name, address, or telephone 5384  
number of the victim and of any change to that information. 5385

(D) A person or agency that has furnished information to a 5386  
victim in accordance with any requirement or authorization under 5387  
this chapter shall notify the victim promptly of any significant 5388  
changes to that information. 5389

(E) Divisions (A) to (D) of this section do not apply 5390  
regarding a notice that a prosecutor is required to provide 5391  
under section 2930.061 of the Revised Code. A prosecutor 5392  
required to provide notice under that section shall provide the 5393  
notice as specified in that section. 5394

**Sec. 2930.04.** (A) The supreme court shall create the 5395

victim's rights request form, which shall include the 5396  
information specified in division (B) of this section or a 5397  
similar form that, at a minimum, contains all the required 5398  
information listed in division (B) of this section. The supreme 5399  
court shall make the form available to all sheriffs, marshals, 5400  
municipal corporation and township police departments, 5401  
constables, and other law enforcement agencies, to all 5402  
prosecuting attorneys, city directors of law, village 5403  
solicitors, and other similar chief legal officers of municipal 5404  
corporations, and to organizations that represent or provide 5405  
services for victims of crime.~~After~~ 5406

(B)(1) On its initial contact with a victim of a ~~crime~~ 5407  
criminal offense or delinquent act, the law enforcement agency 5408  
responsible for investigating the ~~crime~~ criminal offense or 5409  
delinquent act promptly shall ~~give to~~ provide the victim, in 5410  
writing, with a victim's rights request form or a similar form 5411  
that, at a minimum, contains the required information listed in 5412  
this division and division (B)(2) of this section. The form 5413  
shall do all of the following ~~information~~: 5414

~~(1) An explanation of the victim's rights under this~~ 5415  
~~chapter~~(a) Inform victims of rights that are automatically 5416  
granted; 5417

~~(2) Information about medical, counseling, housing,~~ 5418  
~~emergency, and any other services that are available to a~~ 5419  
~~victim~~(b) Of the rights that are not automatically granted, 5420  
allow the victim and victim's representative, if applicable, to 5421  
select which rights the victim wishes to request; 5422

~~(3) Information about compensation for victims under the~~ 5423  
~~reparations program in sections 2743.51 to 2743.72 of the~~ 5424  
~~Revised Code and the name, street address, and telephone number~~ 5425

~~of the agency to contact to apply for an award of reparations—~~ 5426  
~~under those sections;~~ 5427

~~(4) Information about protection that is available to the~~ 5428  
~~victim, including protective orders issued by a court.~~(c) Inform 5429  
victims that an election of rights made on the form can be 5430  
changed at any time; 5431

(d) Include a section for law enforcement to indicate that 5432  
the victim did not make an election or was unable to complete 5433  
the form at the time of first contact with law enforcement, if 5434  
applicable, and is therefore considered to have requested all 5435  
rights until the prosecutor contacts the victim pursuant to 5436  
section 2930.06 of the Revised Code to provide another 5437  
opportunity to request any right that is not automatically 5438  
conferred by the Ohio Constitution; 5439

(e) Inform the victim and victim's representative that 5440  
failure to affirmatively request the rights that are not 5441  
automatically granted is a waiver of those rights once contacted 5442  
by the prosecutor, but that the victim or victim's 5443  
representative may request those rights at a later date; 5444

(f) Provide a method for the victim to designate a 5445  
victim's representative if the victim chooses; 5446

(g) Include a section where the victim or victim's 5447  
representative shall indicate whether the victim was a victim 5448  
against whom the criminal offense or delinquent act was 5449  
committed or the victim was directly or proximately harmed by 5450  
the commission of the criminal offense or delinquent act; 5451

(h) Include a section where the victim or victim's 5452  
representative shall indicate that a law enforcement official or 5453  
the prosecutor provided the form to the victim; 5454

(i) Include the address, telephone number, and electronic mail address, if available, for the victim and victim's representative, if applicable; 5455  
5456  
5457

(j) Include the contact information or address for the law enforcement official, incident report number, badge number of the law enforcement officer, case number, and arraignment date, time and location, if known; 5458  
5459  
5460  
5461

(k) Include signature lines for acknowledgment by the applicable law enforcement officer or agency, prosecutor, or custodial agent or agency, and victim and victim's representative; 5462  
5463  
5464  
5465

(l) Advise victims of the right to counsel and refer the victim to the attorney general information card and victim's rights handbook online or in print, including telephone and web site information for obtaining a copy if not provided by law enforcement officials; 5466  
5467  
5468  
5469  
5470

(m) Inform victims of the responsibility to keep contact information current with the applicable law enforcement official; 5471  
5472  
5473

(n) Provide a section for prosecutors to inform the custodial agency of the victim's and victim's representative's, if applicable, name and identifying information. The custodial agency shall notify the victim and victim's representative, if applicable, of the victim's post-conviction rights and provide post-conviction information; 5474  
5475  
5476  
5477  
5478  
5479

(o) Contain a statement that the victim's identifying information on the form is not a public record under section 149.43 of the Revised Code. 5480  
5481  
5482

~~(B)~~ (2) As part of the victim's rights request form, the 5483

<u>law enforcement official shall provide an informational page to</u>	5484
<u>the victim that includes information about the following:</u>	5485
<u>(a) The fact that some rights are automatic and some</u>	5486
<u>rights are upon request;</u>	5487
<u>(b) Appointing a victim representative;</u>	5488
<u>(c) The importance of the arraignment process for victim's</u>	5489
<u>rights;</u>	5490
<u>(d) The right to refuse interview, deposition and</u>	5491
<u>discovery requests from the defendant;</u>	5492
<u>(e) The potential availability of protection orders;</u>	5493
<u>(f) Victims' compensation and restitution, and the</u>	5494
<u>importance of preserving documentation during the criminal</u>	5495
<u>justice process for purposes of obtaining compensation or</u>	5496
<u>restitution;</u>	5497
<u>(g) Privacy for victim addresses through the address</u>	5498
<u>confidentiality program established by section 111.42 of the</u>	5499
<u>Revised Code, including the web site address and contact</u>	5500
<u>telephone number for the program;</u>	5501
<u>(h) Tracking incarcerated offenders through the victim</u>	5502
<u>information and notification everyday program, including the web</u>	5503
<u>site address to register for text message or electronic mail</u>	5504
<u>notices of offender release.</u>	5505
<u>(C) (1) The portion on the completed victim's rights</u>	5506
<u>request form that contains a victim's name and identifying</u>	5507
<u>information is not a public record under section 149.43 of the</u>	5508
<u>Revised Code.</u>	5509
<u>(2) On documents filed with the court, the victim's name</u>	5510

and identifying information shall be filed separately on a page 5511  
that is not a public record under section 149.43 of the Revised 5512  
Code so that the identity of the victim or victims remains 5513  
confidential. 5514

~~As soon as practicable after~~ 5515

(D) At the time of its initial contact with a victim of a 5516  
crime criminal offense or delinquent act, or as soon as 5517  
practicable following the initial contact, the law enforcement 5518  
agency responsible for investigating the crime criminal offense 5519  
or delinquent act shall give to provide the victim, in writing, 5520  
all of the following information: 5521

~~(1) The business telephone number of the law enforcement~~ 5522  
~~officer assigned to investigate the case;~~ 5523

~~(2) The office address and business telephone number of~~ 5524  
~~the prosecutor in the case;~~ 5525

~~(3) A statement that, if the victim is not notified of the~~ 5526  
~~arrest of the offender in the case within a reasonable period of~~ 5527  
~~time, the victim may contact the law enforcement agency to learn~~ 5528  
~~the status of the case. The victim's rights under this section~~ 5529  
and the victim's bill of rights under Ohio Constitution, Article 5530  
I, Section 10a, including the right to exercise those rights 5531  
through counsel; 5532

(2) The availability of crisis intervention services, 5533  
housing, and emergency and medical services, or contact 5534  
information for statewide organizations that can direct victims 5535  
to local resources; 5536

(3) When applicable, the procedures and resources 5537  
available for the protection of the victim, including protection 5538  
orders issued by the courts; 5539

(4) Information about public and private victim services 5540  
programs, including, but not limited to, the crime victims 5541  
compensation program and emergency shelter programs, or, if 5542  
local information is not available, contact information for 5543  
statewide organizations that can direct a victim to these types 5544  
of resources; 5545

(5) The police report number, if applicable, business 5546  
telephone number of the law enforcement agency investigating the 5547  
victim's case, and the office address and business telephone 5548  
number of the prosecutor in the victim's case, when available. 5549

~~(C)~~(E) The law enforcement officer responsible for 5550  
providing information under this section shall use reasonable 5551  
efforts to identify the victim. At a minimum, this information 5552  
should be disseminated to the individual or individuals 5553  
identified in the police report as victims. If the law 5554  
enforcement officer generates a report, the law enforcement 5555  
agency shall collect and retain an executed copy of the victim's 5556  
rights request form or a form that, at a minimum, contains the 5557  
required information listed in division (B) of this section. If 5558  
at the time of contact with a law enforcement agency the victim 5559  
does not complete the form or request the victim's applicable 5560  
rights, the law enforcement agency shall designate this on the 5561  
form. The victim's refusal to request or waive the victim's 5562  
applicable rights shall be considered an assertion of the 5563  
victim's rights until the prosecutor contacts the victim within 5564  
seven days of initiation of a criminal prosecution pursuant to 5565  
section 2930.06 of the Revised Code to provide another 5566  
opportunity to request any right that is not automatically 5567  
conferred under the Ohio Constitution. 5568

(F) If a suspect is arrested, the law enforcement agency 5569

shall submit an executed copy of the victim's rights request 5570  
form to the custodial agency as soon as practicable once the law 5571  
enforcement agency learns of the suspect's arrest. 5572

(G) On the filing of charges or a complaint, the law 5573  
enforcement agency shall submit an executed copy of that form to 5574  
the prosecutor and to the court. The prosecutor shall review the 5575  
victim's rights request form with the victim or victim's 5576  
representative and obtain signatures from the victim and 5577  
victim's representative, if applicable, if the form was not 5578  
previously completed with law enforcement and shall file the 5579  
form with the court within seven days after initiation of a 5580  
criminal prosecution. 5581

(H) If a suspect is cited and released, the law 5582  
enforcement agency responsible for investigating the offense 5583  
shall inform the victim and the victim's representative, if 5584  
applicable, of the court date, if known, and how to obtain 5585  
additional information from the clerk of the court about the 5586  
arraignment or initial appearance. 5587

(I) To the extent that the information required by this 5588  
section is provided in the victim's rights request form created 5589  
under this section and the pamphlet prepared pursuant to section 5590  
109.42 of the Revised Code or in the information card or other 5591  
material prepared pursuant to section 2743.71 of the Revised 5592  
Code, the law enforcement agency may fulfill that portion of its 5593  
obligations under this section by giving that form, pamphlet, 5594  
information card, or other material to the victim. 5595

(J) (1) Once completed, the law enforcement agency shall 5596  
provide the victim's rights request form with the information of 5597  
the victim or victims to the prosecutor with the complaint and 5598  
affidavit and provide it to the court at the time of criminal 5599

case filing. 5600

(2) If the form containing the information of the victim 5601  
or victims as described in division (B) of this section is not 5602  
completed and sent to the prosecutor prior to the first 5603  
interaction between the prosecutor and the victim or victims, 5604  
then the prosecutor shall complete the form during the 5605  
prosecutor's first interaction with the victim. 5606

(3) A victim may elect not to receive the notifications 5607  
described in division (B)(1) of this section, in which case the 5608  
prosecutor shall document that refusal. Once the prosecutor has 5609  
met with the victim, the prosecutor shall file the completed or 5610  
updated victim's rights request form with the court. 5611

(4) If a defendant is convicted and sentenced to the 5612  
department of rehabilitation and correction or the department of 5613  
youth services, the court shall ask the victim, if present, or 5614  
the prosecutor if the victim wishes to update the victim's 5615  
contact information and shall inform the victim that it is the 5616  
victim's duty to notify the department of rehabilitation and 5617  
correction or department of youth services of any change in 5618  
address or contact information. 5619

(K)(1) A person, who by reason of that person's regular 5620  
business activities, is the subject of multiple and continuing 5621  
criminal offenses or delinquent acts as a potential victim, may 5622  
opt out of notices and rights available pursuant to the Ohio 5623  
Constitution, Chapter 2930. of the Revised Code, and other laws 5624  
providing victims with rights for future offenses by giving a 5625  
written notification form to the appropriate prosecutor or the 5626  
prosecutor's designee. 5627

(2) The form shall include the name and address of the 5628

person's business and the period of time that the person wishes 5629  
to opt out of receiving the notices and rights available. The 5630  
form may also state that the person is only interested in the 5631  
notices described in this section if restitution is at issue. It 5632  
shall be signed by the person or another person with management 5633  
authority over the business. 5634

**Sec. 2930.041.** (A) Pursuant to the "Americans with 5635  
Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101, as 5636  
amended, a victim with a disability has the right to a qualified 5637  
or certified interpreter at all court proceedings, all meetings 5638  
with the prosecutor, and all investigative contacts with law 5639  
enforcement, the probation department, the department of 5640  
rehabilitation and correction, and the department of youth 5641  
services, at no cost to the victim and paid for by the court. 5642

(B) A victim who is non-English speaking or has limited 5643  
English proficiency has the right to a qualified or certified 5644  
interpreter at all court proceedings, all meetings with the 5645  
prosecutor, and all investigative contacts with law enforcement, 5646  
the probation department, the department of rehabilitation and 5647  
correction, and the department of youth services, at no cost to 5648  
the victim and paid for by the court. 5649

(C) The victim's right to a qualified or certified 5650  
interpreter under division (B) of this section is subject to 5651  
availability but is not subject to the cost of retaining a 5652  
qualified or certified interpreter. Any agency described in 5653  
division (B) of this section that is unable to provide a victim 5654  
with a qualified or certified interpreter as required by 5655  
division (B) of this section shall maintain records of the 5656  
agency's attempt to comply with this requirement. 5657

(D) As used in this section, "qualified interpreter" has 5658

the same meaning as in the "Americans with Disabilities Act of 1990," 42 U.S.C. 12101, as amended. 5659  
5660

Sec. 2930.042. In all inactive cases involving one or more criminal offenses or delinquent acts for which the statute of limitations is longer than three years, the law enforcement agency investigating the criminal offense or delinquent act shall provide the victim and victim's representative, if applicable, with notice as to whether an inactive case is reopened or closed, unless the victim has waived the right to notifications. 5661  
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Sec. 2930.043. A victim shall not be required to pay for a copy of any public records related to the victim's case. 5669  
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Sec. 2930.044. A person who has not previously been identified as a victim by law enforcement, including a person claiming to be directly or proximately harmed as a result of the criminal offense or delinquent act, shall affirmatively identify the person's self to law enforcement, the prosecutor, and the courts in order to receive the information and exercise the rights described in this chapter. 5671  
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Sec. 2930.05. (A) Within a reasonable period of time after the arrest or detention of a defendant or an alleged juvenile offender for a ~~crime~~ the underlying criminal offense or ~~specified delinquent act~~, the law enforcement agency that investigates the ~~crime~~ criminal offense or ~~specified delinquent act~~ shall give the victim ~~of the crime or specified delinquent act~~ and the victim's representative notice of all of the following: 5678  
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(1) The arrest or detention once the investigating law enforcement agency has knowledge of the arrest or detention; 5686  
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(2) The name of the defendant or alleged juvenile offender 5688  
once the investigating law enforcement agency has knowledge of 5689  
the name of the defendant or alleged juvenile offender; 5690

(3) ~~Whether~~ That the defendant or alleged juvenile 5691  
offender ~~is~~ may be eligible for pretrial release or for release 5692  
from detention; 5693

(4) The telephone number of the law enforcement agency; 5694

(5) The victim's and the victim's representative's right, 5695  
if applicable, to telephone the custodial agency to ascertain 5696  
whether the defendant or alleged juvenile offender has been 5697  
released from custody or from detention; 5698

(6) That, on request of the victim or the victim's 5699  
representative, the prosecutor or the prosecutor's designee 5700  
shall provide the victim and the victim's representative, if 5701  
applicable, with a copy of the terms and conditions of bond; 5702

(7) Procedures for obtaining additional information from 5703  
the clerk of the court about the time, place, and date of the 5704  
arraignment or initial appearance of the defendant or alleged 5705  
juvenile offender; 5706

(8) If the defendant or alleged juvenile offender is 5707  
arrested or detained by another law enforcement agency, the 5708  
applicable pick-up radius and whether the investigating law 5709  
enforcement agency will pick up the defendant or alleged 5710  
juvenile offender, once the investigating law enforcement agency 5711  
has knowledge of the defendant's or alleged juvenile offender's 5712  
arrest or detention. 5713

~~(B)~~ (B) (1) If a defendant or alleged juvenile offender has 5714  
been released from custody on a bond or personal recognizance or 5715  
has been released from detention and the prosecutor in the case 5716

has received the affidavit of a victim stating that the 5717  
defendant or alleged juvenile offender, or someone acting at the 5718  
defendant's or alleged juvenile offender's direction, has 5719  
committed or threatened to commit one or more acts of violence, 5720  
harassment, or intimidation against the victim, the victim's 5721  
family, or the victim's representative, the prosecutor may file 5722  
a motion asking the court to reconsider the conditions of the 5723  
bond or personal recognizance granted to the defendant or 5724  
alleged juvenile offender or to consider returning the defendant 5725  
or alleged juvenile offender to detention. 5726

(2) If the prosecutor elects not to file a motion under 5727  
division (B) (1) of this section, the prosecutor or the 5728  
prosecutor's designee shall inform the victim as soon as 5729  
practicable that the victim or the victim's attorney may file a 5730  
petition asking the court to reconsider the conditions of the 5731  
bond or personal recognizance granted to the defendant or 5732  
alleged juvenile offender. 5733

**Sec. 2930.051.** A custodial agency shall notify the 5734  
investigating law enforcement agency of the incarceration of a 5735  
defendant or detention of an alleged juvenile offender once the 5736  
investigating law enforcement agency is known to the custodial 5737  
agency. 5738

**Sec. 2930.06.** ~~(A)~~ (A) (1) The prosecutor in a case or the 5739  
prosecutor's designee, to the extent practicable, shall, on the 5740  
victim's request, confer with the victim in the case before and 5741  
the victim's representative, if applicable, at each of the 5742  
following stages: 5743

(a) Before pretrial diversion is granted to the defendant 5744  
or alleged juvenile offender in the case, ~~before;~~ 5745

(b) Before amending or dismissing an indictment, 5746  
information, or complaint against that defendant or alleged 5747  
juvenile offender, ~~before~~ unless the amendment to the 5748  
indictment, information, or complaint is a correction of a 5749  
procedural defect that is not substantive in nature; 5750

(c) Before agreeing to a negotiated plea for that 5751  
defendant or alleged juvenile offender, ~~before;~~ 5752

(d) Before a trial of that defendant by judge or jury, ~~or~~ 5753  
~~before;~~ 5754

(e) Before the juvenile court conducts an adjudicatory 5755  
hearing for that alleged juvenile offender. 5756

(2) If the juvenile court disposes of a case prior to the 5757  
prosecutor's involvement in the case, the court or a court 5758  
employee shall notify the victim and the victim's representative 5759  
in the case, if applicable, that the alleged juvenile offender 5760  
will be granted pretrial diversion, the complaint against that 5761  
alleged juvenile offender will be amended or dismissed, or the 5762  
court will conduct an adjudicatory hearing for that alleged 5763  
juvenile offender. 5764

(3) At a hearing at any of the stages listed in division 5765  
(A) (1) of this section, the court shall inquire as to whether 5766  
the victim or victim's representative, if applicable, requested 5767  
to confer with the prosecutor, and whether or not the prosecutor 5768  
conferred with the victim and the victim's representative, if 5769  
applicable. If the prosecutor fails to confer with the victim 5770  
and the victim's representative, if applicable, at any of those 5771  
times, the court, ~~if informed of the failure,~~ shall note on the 5772  
record the failure and the prosecutor's reasons for the failure. 5773  
Except as provided in division (A) (5) of this section, if the 5774

court determines that reasonable efforts were not made to confer 5775  
with the victim and victim's representative, if applicable, or 5776  
reasonable efforts were not made to provide reasonable and 5777  
timely notice of the time, place, and nature of the court 5778  
proceeding to the victim and victim's representative, if 5779  
applicable, as required by this section or by Ohio Constitution, 5780  
Article I, Section 10a, the court shall not rule on any 5781  
substantive issue that implicates a victim's right, accept a 5782  
plea, or impose a sentence, and shall continue the court 5783  
proceeding for the time necessary to provide the required notice 5784  
to the victim and victim's representative, if applicable. A 5785  
prosecutor's failure to confer with a victim as required by this 5786  
division and a court's failure to provide the notice as required 5787  
by this division do not affect the validity of an agreement 5788  
between the prosecutor and the defendant or alleged juvenile 5789  
offender in the case, a pretrial diversion of the defendant or 5790  
alleged juvenile offender, an amendment or dismissal of an 5791  
indictment, information, or complaint filed against the 5792  
defendant or alleged juvenile offender, a plea entered by the 5793  
defendant or alleged juvenile defender, an admission entered by 5794  
the defendant or alleged juvenile offender, or any other 5795  
disposition in the case. 5796

(4) A court shall not dismiss a criminal complaint, 5797  
charge, information, or indictment or a delinquent child 5798  
complaint solely at the request of the victim or victim's 5799  
representative and over the objection of the prosecuting 5800  
attorney, village solicitor, city director of law, or other 5801  
chief legal officer responsible for the prosecution of the case. 5802

(5) Nothing in this section prohibits a court from taking 5803  
any action necessary to ensure that a person charged with an 5804  
offense is brought to trial within the time required by sections 5805

2945.71 and 2945.72 of the Revised Code and a defendant's 5806  
constitutional right to a speedy trial. 5807

(B) ~~After~~ On request of the victim or the victim's 5808  
representative, the prosecutor shall keep the victim and the 5809  
victim's representative, if applicable, apprised of requests and 5810  
communications from the defendant, alleged juvenile offender, 5811  
the attorney for the defendant or alleged juvenile offender, or 5812  
the agent of the defendant or alleged juvenile offender that 5813  
could affect the victim's privacy rights or safety concerns. 5814

(C) Within fourteen days after a prosecution in a case has 5815  
been commenced, the prosecutor or a designee of the prosecutor 5816  
other than a court or court employee, ~~to the extent practicable,~~ 5817  
promptly shall give the victim and the victim's representative, 5818  
if applicable, all of the following information, except that, if 5819  
the juvenile court disposes of a case prior to the prosecutor's 5820  
involvement in the case, the court or a court employee, ~~to the~~ 5821  
~~extent practicable,~~ promptly shall give the victim and the 5822  
victim's representative all of the following information: 5823

(1) The name of the ~~crime~~ criminal offense or ~~specified~~ 5824  
delinquent act with which the defendant or alleged juvenile 5825  
offender in the case has been charged and the name of the 5826  
defendant or alleged juvenile offender; 5827

(2) The file number of the case; 5828

(3) A ~~brief~~ clear and concise statement regarding the 5829  
procedural steps in a criminal prosecution or delinquency 5830  
proceeding involving a ~~crime~~ criminal offense or ~~specified~~ 5831  
delinquent act similar to the ~~crime~~ criminal offense or 5832  
~~specified~~ delinquent act with which the defendant or alleged 5833  
juvenile offender has been charged and the right of the victim 5834

and victim's representative to be present during all proceedings 5835  
held throughout the prosecution of the case; 5836

(4) A summary of the rights of a victim under this chapter 5837  
and under Section 10a of Article I of the Ohio Constitution; 5838

(5) Procedures the victim, the victim's representative, or 5839  
the prosecutor may follow if the victim becomes subject to 5840  
threats of violence, harassment, or intimidation by the 5841  
defendant, alleged juvenile offender, or any other person; 5842

(6) The name and business telephone number of ~~a person~~ the 5843  
office to contact for further information with respect to the 5844  
case; 5845

(7) The right of the victim to have a victim's 5846  
representative exercise the victim's rights under this chapter 5847  
in accordance with section 2930.02 of the Revised Code and the 5848  
procedure by which a victim's representative may be designated; 5849

(8) The right of the victim and victim's representative, 5850  
if applicable, to confer with the prosecutor on request and the 5851  
procedures the victim or victim's representative shall follow to 5852  
confer with the prosecutor; 5853

(9) The fact that the victim can seek the advice of an 5854  
attorney or have legal representation to enforce the victim's 5855  
rights; 5856

(10) Notice that any notification under division ~~(C)~~ ~~(E)~~ 5857  
of this section, sections ~~2930.07~~ ~~2930.08~~ to 2930.15, division 5858  
(A), (B), or (C) of section 2930.16, sections 2930.17 to 5859  
2930.19, and section 5139.56 of the Revised Code will be given 5860  
to the victim and the victim's representative, if applicable, 5861  
only if the victim or victim's representative asks to receive 5862  
the notification and that notice under division (E) (2) or (K) of 5863

section 2929.20, division (D) of section 2930.16, division (H) 5864  
of section 2967.12, division (E) (1) (b) of section 2967.19, 5865  
division (A) (3) (b) of section 2967.26, division (D) (1) of 5866  
section 2967.28, or division (A) (2) of section 5149.101 of the 5867  
Revised Code will be given unless the victim ~~asks~~ and the 5868  
victim's representative, if applicable, ask that the 5869  
notification not be provided; 5870

(11) (a) The victim's rights request form, or a similar 5871  
form that, at a minimum, contains the required information 5872  
listed in this section and on the victim's rights request form, 5873  
that allows the victim and the victim's representative, if 5874  
applicable, to request applicable rights to which the victim and 5875  
victim's representative are entitled under this chapter, 5876  
including notice to the victim and the victim's representative 5877  
that failure to affirmatively request these rights will be 5878  
considered a waiver of these rights, but that the victim or 5879  
victim's representative may request these rights at a later 5880  
date; 5881

(b) A person who, by reason of that person's regular 5882  
business activities, is the subject of multiple and continuing 5883  
criminal offenses or delinquent acts as a potential victim may 5884  
choose to opt out of the notices and rights available pursuant 5885  
to the Ohio Constitution, Chapter 2930. of the Revised Code, and 5886  
any other provision of the Revised Code that provides a victim 5887  
with rights for future offenses by giving a written notification 5888  
form to the appropriate prosecutor or prosecutor's designee. The 5889  
form shall include the name and address of the person's business 5890  
and the period of time that the person wishes to opt out of the 5891  
applicable notices and rights and may also state that the person 5892  
is only interested in the applicable notices if restitution is 5893  
at issue. The form shall be signed by the person or another 5894

person with management authority of the business. 5895

~~(C) Upon~~ (D) Unless a shorter notice period is reasonable 5896  
under the circumstances, the court shall provide the prosecutor 5897  
or prosecutor's designee with oral or written notice of any 5898  
court proceeding not less than ten days prior to that court 5899  
proceeding unless the parties agree that a shorter notice period 5900  
is reasonable under the circumstances. 5901

(E) On the request of the victim or victim's 5902  
representative, the prosecutor or, if it is a delinquency 5903  
proceeding and a prosecutor is not involved in the case, the 5904  
court shall give the victim and the victim's representative, if 5905  
applicable, notice of the date, time, and place of any ~~scheduled~~ 5906  
criminal or juvenile proceedings in the case and notice of any 5907  
changes in those proceedings or in the schedule in the case not 5908  
less than seven days prior to the criminal or juvenile 5909  
proceedings in the case unless the parties agree that a shorter 5910  
notice period is reasonable under the circumstances. 5911

~~(D)~~ (F) A victim or victim's representative who requests 5912  
notice under division ~~(C)~~ (E) of this section and who elects 5913  
pursuant to division (B) of section 2930.03 of the Revised Code 5914  
to receive any further notice from the prosecutor or, if it is a 5915  
delinquency proceeding and a prosecutor is not involved in the 5916  
case, the court under this chapter shall keep the prosecutor or 5917  
the court informed of the victim's ~~current address and telephone~~ 5918  
number until the case is dismissed or terminated, the defendant 5919  
is acquitted or sentenced, the delinquent child complaint is 5920  
dismissed, the defendant is adjudicated a delinquent child, or 5921  
the appellate process is completed, whichever is the final 5922  
disposition in the case or victim's representative's contact 5923  
information. 5924

~~(E) If a defendant is charged with the commission of a  
misdemeanor offense that is not identified in division (A) (2) of  
section 2930.01 of the Revised Code and if a police report or a  
complaint, indictment, or information that charges the  
commission of that offense and provides the basis for a criminal  
prosecution of that defendant identifies one or more individuals  
as individuals against whom that offense was committed, after a  
prosecution in the case has been commenced, the prosecutor or a  
designee of the prosecutor other than a court or court employee,  
to the extent practicable, promptly shall notify each of the  
individuals so identified in the report, complaint, indictment,  
or information that, if the defendant is convicted of or pleads  
guilty to the offense, the individual may make an oral or  
written statement to the court hearing the case regarding the  
sentence to be imposed upon the defendant and that the court  
must consider any statement so made that is relevant. Before  
imposing sentence in the case, the court shall permit the  
individuals so identified in the report, complaint, indictment,  
or information to make an oral or written statement. Division  
(A) of section 2930.14 of the Revised Code applies regarding any  
statement so made. The court shall consider a statement so made,  
in accordance with division (B) of that section and division (D)  
of section 2929.22 of the Revised Code~~

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

(H) The prosecutor shall review the victim's rights  
request form with the victim or victim's representative and

obtain the victim's and victim's representative's, if 5956  
applicable, signatures if the form was not previously completed 5957  
with law enforcement and shall file this form with the court 5958  
within seven days after initiation of a criminal prosecution. 5959

**Sec. 2930.062.** A victim described in division (H) ~~(2)~~ of 5960  
section 2930.01 of the Revised Code may provide the prosecutor, 5961  
or if it is a delinquency proceeding and a prosecutor is not 5962  
involved in the case may provide the court, in the victim's case 5963  
with written notification of the victim's injuries at any time. 5964  
Upon receipt of the written notification, the prosecutor or 5965  
court shall give the victim all of the information specified in 5966  
division ~~(B)~~ (C) of section 2930.06 of the Revised Code if the 5967  
prosecutor has not already done so. 5968

**Sec. 2930.063.** (A) On request, a victim or victim's 5969  
representative has the right to receive a copy of the 5970  
certificate of judgement and the judgment entry from the clerk 5971  
at no cost to the victim. Copies of other case documents may be 5972  
requested and provided by the clerk at cost. Copies provided 5973  
pursuant to this division may be provided in electronic format. 5974

(B) In any criminal or delinquency proceeding in which a 5975  
video recording or audio recording of the court proceedings has 5976  
been previously prepared, the victim, victim's attorney, or 5977  
victim's representative may obtain a copy of the video recording 5978  
or audio recording for the actual cost to copy the video 5979  
recording or audio recording. If a transcript of the court 5980  
proceedings has been previously prepared, the victim, victim's 5981  
attorney, or victim's representative may obtain a copy of the 5982  
transcript at the same reduced cost that is available to a party 5983  
to the case. 5984

**Sec. 2930.07.** (A) As used in this section: 5985

(1) (a) "Case document" means a document or information in 5986  
a document regarding a case that is submitted to a court, a law 5987  
enforcement agency or officer, or a prosecutor or filed with a 5988  
clerk of court, including, but not limited to, pleadings, 5989  
motions, exhibits, transcripts, orders, and judgments, or any 5990  
documentation prepared by a court, clerk of court, or law 5991  
enforcement agency or officer, or a prosecutor regarding a case. 5992

(b) "Case document" does not include materials subject to 5993  
the work product doctrine, materials that by law are subject to 5994  
privilege or confidentiality, or materials that are otherwise 5995  
protected or prohibited from disclosure by state or federal law. 5996

(2) "Court" has the same meaning as in section 2930.01 of 5997  
the Revised Code and includes a court of appeals and the supreme 5998  
court. 5999

(3) "Minor victim" means any person who was under eighteen 6000  
years of age at the time of the commission of the criminal 6001  
offense or delinquent act of which the person is a victim. 6002

(4) "Public office" and "public official" have the same 6003  
meanings as in section 149.011 of the Revised Code. 6004

(B) The victim and victim's representative, if applicable, 6005  
have the right at any court proceeding, including any juvenile 6006  
court proceeding, not to testify regarding the victim's address, 6007  
telephone number, place of employment, or other locating 6008  
information unless the victim specifically consents or the court 6009  
determines that the fundamental demands of due process of law in 6010  
the fair administration of criminal justice prevails over the 6011  
victim's rights to keep the information confidential. 6012

The court shall make this determination pursuant to an in- 6013  
camera review. If the court determines that the information 6014

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

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

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(D) (1) On written request of the victim or victim's  
representative to a law enforcement agency or prosecutor's  
office and following a brief explanation from that law  
enforcement agency or prosecutor's office of the potential risks  
and benefits of redaction and the ability of the victim to  
retain counsel, all case documents related to the cases or  
matters specified by the victim maintained by the entity to whom

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the victim or victim's representative submitted the request 6046  
shall be redacted prior to public release pursuant to section 6047  
149.43 of the Revised Code to remove the name, address, or other 6048  
identifying information of the victim. 6049

(2) On written application under seal of a victim or 6050  
victim's representative to a court, and following a brief 6051  
explanation from that court of the potential risks and benefits 6052  
of redaction and the ability of the victim to retain counsel, 6053  
all case documents related to the cases or matters specified by 6054  
the victim maintained by the entity to whom the victim or 6055  
victim's representative submitted the request shall be redacted 6056  
prior to public release pursuant to the supreme court Rules of 6057  
Superintendence to remove the name, address, or other 6058  
identifying information of the victim. The application shall be 6059  
deemed to be filed under seal and the court shall promptly rule 6060  
on the application. The court shall not release any unredacted 6061  
records while the application is pending. 6062

(3) If multiple victims are involved in a single case, the 6063  
public office or official shall take reasonable precautions to 6064  
protect the information of the victims from other victims, 6065  
unless all of the victims consent to the release of information. 6066

(E) (1) This section does not apply to any disclosure of 6067  
the name, address, or other identifying information of a victim 6068  
that is required to be made in the statewide emergency alert 6069  
program under section 5502.52 of the Revised Code, missing 6070  
person alert system, or other similar alert system. 6071

(2) This section does not apply to any disclosure of the 6072  
name, address, or other identifying information of a minor 6073  
victim of a criminal offense or delinquent act that resulted in 6074  
the death of the minor victim. 6075

(3) Nothing in this section shall prevent a victim, a victim's representative, or a victim's attorney from receiving a copy of any case document with the victim's name, contact information, and identifying information unredacted. A public office's or official's provision of a copy of a case document with the victim's name, contact information, and identifying information unredacted to a victim, victim's representative, or victim's attorney, if applicable, does not constitute a waiver of any exemption or exception under section 149.43 of the Revised Code. A victim or victim's attorney shall receive an unredacted copy of any recorded forensic interview of a minor victim or developmentally disabled victim. A victim's representative may receive an unredacted copy of any recorded forensic interview of a minor victim or developmentally disabled victim on request and with approval of the court, or a redacted copy of the interview on request, subject to section 149.43 of the Revised Code.

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

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

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

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

information be redacted from public records. 6106

Sec. 2930.071. (A) (1) A defendant who seeks to subpoena 6107  
records of or concerning the victim shall serve the prosecutor, 6108  
the victim, and the victim's attorney, if applicable, with a 6109  
copy of the subpoena. 6110

The prosecutor shall ensure that the defendant is provided 6111  
the information necessary to effect such service. 6112

(2) (a) Pursuant to Criminal Rule 17, the court, on a 6113  
motion made promptly and at or before the time specified in the 6114  
subpoena for compliance, may quash or modify the subpoena if 6115  
compliance would be unreasonable or oppressive. 6116

(b) Upon the filing of a motion to quash, the court shall 6117  
conduct a hearing in which the proponent of the subpoena shall 6118  
prove all of the following: 6119

(i) That the documents are evidentiary and relevant; 6120

(ii) That the documents are not otherwise procurable 6121  
reasonably in advance of trial by exercise of due diligence; 6122

(iii) That the party cannot properly prepare for trial 6123  
without such production and inspection in advance of trial and 6124  
that the failure to obtain such inspection may tend unreasonably 6125  
to delay the trial; 6126

(iv) That the application is made in good faith and is not 6127  
a violation of Ohio Rules of Criminal Procedure. 6128

(3) If the court does not quash the subpoena, the court 6129  
shall conduct an in-camera review of any records as to which a 6130  
right of privilege has been asserted. 6131

(4) If the court determines that any of the records 6132

reviewed in camera are privileged or constitutionally protected, 6133  
the court shall balance the victim's rights and privileges 6134  
against the constitutional rights of the defendant. The 6135  
disclosure of any portion of the records to the prosecutor does 6136  
not make the records subject to discovery, unless the material 6137  
is such that due process requires that the prosecutor provide it 6138  
to the defendant pursuant to the Brady Rule. 6139

(B) Before any victim may be subpoenaed by a defendant to 6140  
testify at any pretrial hearing, the defendant shall show good 6141  
cause at a hearing with the prosecutor and the victim, victim's 6142  
representative, and victim's attorney, if applicable, as to why 6143  
the court should issue the subpoena. 6144

(C) As used in this section, "Brady Rule" has the same 6145  
meaning as in section 2743.48 of the Revised Code. 6146

**Sec. 2930.072.** (A) Unless the victim consents in writing, 6147  
which may be executed at the time of the interview, the victim 6148  
shall not be compelled to submit to an interview on any matter, 6149  
including any charged criminal offense witnessed by the victim 6150  
and that occurred on the same occasion as the offense against 6151  
the victim or filed in the same indictment or information or 6152  
consolidated for trial, that is conducted by the defendant, the 6153  
defendant's attorney, or an agent of the defendant. Nothing in 6154  
this section permits a victim to ignore or disregard a subpoena 6155  
seeking witness testimony issued pursuant to the Criminal Rules. 6156

(B) When a notice of appearance has been filed by the 6157  
defendant's attorney, the prosecutor shall inform the victim of 6158  
the defense counsel's name. The prosecutor shall inform the 6159  
victim of the victim's right to refuse to submit to an 6160  
interview, or, subject to Criminal Rule 15 or Juvenile Rule 25, 6161  
a deposition with the defendant, the defendant's attorney, or an 6162

agent of the defendant. The prosecutor shall also inform the 6163  
victim of the victim's right to an attorney. A defendant, 6164  
defendant's attorney, or agent of a defendant who attempts to 6165  
contact a victim shall first identify self as such. 6166

(C) (1) If the victim consents to an interview or, subject 6167  
to Criminal Rule 15 or Juvenile Rule 25, as applicable, a 6168  
deposition, the victim or the victim's attorney, if applicable, 6169  
and the defendant, the defendant's attorney, or an agent of the 6170  
defendant shall determine and specify a mutually agreed upon 6171  
time and place for the interview or deposition, along with any 6172  
other conditions requested by the victim. 6173

(2) The victim has the right to terminate the interview or 6174  
deposition at any time or refuse to answer any question during 6175  
the interview or deposition. If the victim refuses to answer 6176  
questions during the deposition or terminates the deposition, 6177  
the deposition may not be used in lieu of trial testimony. 6178

(3) The victim's attorney, if applicable, or the 6179  
prosecutor, at the request of the victim, has standing to 6180  
protect the victim from harassment, intimidation, or abuse and, 6181  
pursuant to that standing, may seek any appropriate protective 6182  
order. 6183

(4) The victim may request or the victim's attorney, if 6184  
applicable, or the prosecutor, with the victim's consent, may 6185  
request that the deposition be audio or video recorded. 6186

(D) If the defendant or the defendant's attorney comments 6187  
at trial on the victim's refusal to be interviewed or deposed, 6188  
the court shall instruct the jury that the victim has the right 6189  
to refuse an interview or deposition. 6190

**Sec. 2930.08.** (A) (1) The court and the prosecutor involved 6191

in the case shall take appropriate action to ensure a speedy 6192  
disposition of the case. 6193

(2) A victim has the right to proceedings free from 6194  
unreasonable delay and a prompt conclusion of the case. The 6195  
court and all participants shall endeavor to complete the case 6196  
within the time frame provided by the Rules of Superintendence. 6197

(B) If a motion, request, or agreement between ~~counsel~~ the 6198  
prosecutor and the defendant's or alleged juvenile offender's 6199  
attorney is made in a case, including a motion, request, or 6200  
agreement for a continuance of the case, and the motion, 6201  
request, or agreement might result in a ~~substantial~~ delay in the 6202  
prosecution of the case, the prosecutor ~~in the case, to the~~ 6203  
~~extent practicable and,~~ if the victim or victim's representative 6204  
has requested notice pursuant to ~~division (B) of section 2930.03~~ 6205  
of the Revised Code, shall inform the victim and victim's 6206  
representative, if applicable, that the motion, request, or 6207  
agreement has been made and that it might result in a delay. If 6208  
the victim, victim's representative, or victim's attorney, if 6209  
applicable, objects to the delay, the prosecutor shall inform 6210  
the court of the ~~victim's~~ objections, and the court shall 6211  
consider the ~~victim's~~ objections and the victim's right to a 6212  
speedy disposition of the case in ruling on the motion, request, 6213  
or agreement. 6214

(C) If the victim, victim's representative, or victim's 6215  
attorney, if applicable, objects to a delay in the prosecution 6216  
of the case, the court shall grant a motion, request, or 6217  
agreement for a continuance of the case only if the party 6218  
seeking the continuance demonstrates that the delay in the 6219  
prosecution of the case is reasonable under the circumstances or 6220  
is otherwise in the interest of justice. The court may grant a 6221

motion, request, or agreement for a continuance of the case only 6222  
for the time necessary to serve the interests of justice. If a 6223  
continuance is granted, the court shall state on the record or 6224  
in a judgment entry the specific reason for the continuance. 6225

**Sec. 2930.09.** (A) (1) A victim and victim's representative 6226  
in a case may, if applicable, have the right to be present 6227  
whenever the defendant or alleged juvenile offender in the case 6228  
is present during any stage of the case against the defendant or 6229  
alleged juvenile offender that is conducted on the record, 6230  
during any public proceeding, other than a grand jury 6231  
proceeding, unless the court determines that exclusion of the 6232  
victim is necessary to protect the defendant's or alleged 6233  
juvenile offender's right to a fair trial or to a fair 6234  
delinquency proceeding. At any stage of the case at which the 6235  
victim is present, the court, at the victim's request, shall 6236  
permit the victim to be accompanied by an individual to provide 6237  
support to the victim, a victim advocate and victim 6238  
representative to provide support to the victim unless the court 6239  
determines that exclusion of the individual is necessary to 6240  
protect the defendant's or alleged juvenile offender's right to 6241  
a fair trial or to a fair delinquency proceeding. The victim, 6242  
victim's representative, and victim's attorney, if applicable, 6243  
have the right to be heard by the court at any proceeding in 6244  
which any right of the victim is implicated. If present, the 6245  
victim, victim's representative, and victim's attorney, if 6246  
applicable, have the right to be heard orally, in writing, or 6247  
both. 6248

(2) (a) If the victim or victim's representative is not 6249  
present at a court proceeding in which a right of the victim is 6250  
at issue, the court shall ask the prosecutor all of the 6251  
following: 6252

(i) Whether the victim and victim's representative, if the 6253  
victim or victim's representative requested notifications, were 6254  
notified of the time, place, and purpose of the court 6255  
proceeding; 6256

(ii) To disclose to the court any and all attempts made to 6257  
give each victim and victim's representative, if applicable, 6258  
notice; 6259

(iii) Whether the victim or victim representative were 6260  
advised that the victim and victim's representative had a right 6261  
to be heard at the court proceeding; 6262

(iv) Whether the victim and victim representative were 6263  
conferred with pursuant to section 2930.06 of the Revised Code. 6264

(b) If the court determines that timely notice was not 6265  
given to the victim and victim's representative, if applicable, 6266  
or that the victim and victim's representative were not 6267  
adequately informed of the nature of the court proceeding, or 6268  
that the prosecutor failed to confer with the victim and 6269  
victim's representative as required by section 2930.06 of the 6270  
Revised Code, the court shall not rule on any substantive issue 6271  
that implicates a victim's right, accept a plea, or impose a 6272  
sentence and shall continue the court proceeding for the time 6273  
necessary to notify the victim and victim's representative, if 6274  
applicable, of the time, place, and nature of the court 6275  
proceeding. 6276

(c) If the victim or victim's representative is not 6277  
present at a court proceeding in which a right of the victim is 6278  
at issue, the court may proceed with the hearing if the 6279  
prosecutor informs the court that the victim and victim's 6280  
representative, if the victim or victim's representative 6281

requested notifications, were notified of the time, place, and 6282  
purpose of the court proceeding and that the victim or victim's 6283  
representative had a right to be heard at the court proceeding, 6284  
and any and all attempts to give each victim and victim's 6285  
representative, if applicable, notice. The prosecutor shall 6286  
inform the court of the victim's and victim's representative's, 6287  
if applicable, position on the matter before the court, if the 6288  
position is known to the prosecutor. 6289

(B) (1) The victim and victim's representative, if 6290  
applicable, have the right to be present and be heard at any 6291  
proceeding in which a negotiated plea for the defendant or 6292  
alleged juvenile offender will be presented to the court. If 6293  
present, the victim, victim's representative, and victim's 6294  
attorney, if applicable, have the right to be heard orally, in 6295  
writing, or both prior to the acceptance of the plea by the 6296  
court. 6297

(2) The victim and the victim's representative, if 6298  
applicable, have a right to elect to not be present at a 6299  
proceeding in which a negotiated plea for the defendant or 6300  
alleged juvenile offender will be presented to the court, unless 6301  
a subpoena was served on the victim or victim's representative, 6302  
if applicable, compelling the presence of the victim or the 6303  
victim's representative. 6304

(C) The court shall not accept a negotiated plea agreement 6305  
if the victim or the victim's representative is absent from the 6306  
proceeding unless all of the following apply: 6307

(1) The prosecutor advises the court that before 6308  
requesting and agreeing to a negotiated plea, the prosecutor 6309  
conferred with the victim and victim's representative, if 6310  
applicable, pursuant to section 2930.06 of the Revised Code, if 6311

the victim or victim's representative requested to confer with 6312  
the prosecutor. 6313

(2) The prosecutor made reasonable efforts to give the 6314  
victim and victim's representative, if applicable, notice of the 6315  
plea proceedings and to inform the victim and victim's 6316  
representative of the victim's and victim's representative's 6317  
right to be present and be heard at the plea proceedings. 6318

(3) The prosecutor discloses to the court any and all 6319  
attempts made to give each victim and victim's representative, 6320  
if applicable, notice of the plea agreement, including the 6321  
offense or delinquent act to which the defendant or alleged 6322  
juvenile offender will plead guilty, the date that the plea will 6323  
be presented to the court, and the terms of any sentence or 6324  
disposition agreed to as part of the negotiated plea. 6325

(4) The prosecutor informs the court of any objection by 6326  
the victim or victim's representative to the plea agreement. 6327

(5) The prosecutor advises the court that to the best of 6328  
the prosecutor's knowledge the notice requirements of this 6329  
chapter have been complied with. 6330

(D) The victim and victim's representative, if applicable, 6331  
have the right to be present and be heard orally, in writing, or 6332  
both at any proceeding in which the court conducts a hearing on 6333  
the post-arrest release of the person accused of committing a 6334  
criminal offense or delinquent act against the victim or the 6335  
conditions of that release, including the arraignment or initial 6336  
appearance. 6337

(E) The victim and victim's representative, if applicable, 6338  
have the right to be present and be heard orally, in writing, or 6339  
both at any probation or community control revocation 6340

disposition proceeding or any proceeding in which the court is 6341  
requested to terminate the probation or community control of the 6342  
person who is convicted of committing a criminal offense or 6343  
delinquent act against the victim. 6344

(F) The victim and victim's representative, if applicable, 6345  
have the right to be heard orally, in writing, or both at any 6346  
proceeding in which the court is requested to modify the terms 6347  
of probation or community control of a person if the 6348  
modification will affect the person's contact with or the safety 6349  
of the victim or if the modification involves restitution or 6350  
incarceration status. 6351

(G) Nothing in this section requires a prosecutor to 6352  
disclose victim contact information. 6353

**Sec. 2930.11.** (A) Except as otherwise provided in this 6354  
section or in Chapter 2981. of the Revised Code, the law 6355  
enforcement agency responsible for investigating a ~~crime-~~ 6356  
criminal offense or ~~specified-~~ delinquent act shall promptly 6357  
return to the victim of the ~~crime-~~criminal offense or ~~specified-~~ 6358  
delinquent act any property of the victim that was taken in the 6359  
course of the investigation. In accordance with Criminal Rule 26 6360  
or an applicable Juvenile Rule, the law enforcement agency may 6361  
take photographs of the property for use as evidence. If the 6362  
ownership of the property is in dispute, the agency shall not 6363  
return the property until the dispute is resolved. 6364

(B) The law enforcement agency responsible for 6365  
investigating a ~~crime-~~criminal offense or ~~specified-~~ delinquent 6366  
act shall retain any property of the victim of the ~~crime-~~ 6367  
criminal offense or ~~specified-~~ delinquent act that is needed as 6368  
evidence in the case, including any weapon used in the 6369  
commission of the ~~crime-~~criminal offense or ~~specified-~~ delinquent 6370

act, if the prosecutor certifies to the court a need to retain 6371  
the property in lieu of a photograph of the property or of 6372  
another evidentiary substitute for the property itself, pursuant 6373  
to Ohio Rules of Appellate Procedure. 6374

(C) If the defendant or alleged juvenile offender in a 6375  
case files a motion requesting the court to order the law 6376  
enforcement agency to retain property of the victim because the 6377  
property is needed for the defense in the case, the agency shall 6378  
retain the property until the court rules on the motion. The 6379  
court, in making a determination on the motion, shall weigh the 6380  
victim's need for the property against the defendant's or 6381  
alleged juvenile offender's assertion that the property has 6382  
evidentiary value for the defense. The court shall rule on the 6383  
motion in a timely fashion. 6384

**Sec. 2930.12.** (A) At the request of the victim or victim's 6385  
representative in a criminal prosecution, the prosecutor or the 6386  
prosecutor's designee shall give the victim and the victim's 6387  
representative notice of the defendant's acquittal or conviction 6388  
within seven days of the acquittal or conviction. At the request 6389  
of the victim or victim's representative in a delinquency 6390  
proceeding, the prosecutor or the prosecutor's designee shall 6391  
give the victim and the victim's representative notice of the 6392  
dismissal of the complaint against the alleged juvenile offender 6393  
or of the adjudication of the alleged juvenile offender as a 6394  
delinquent child, except that, if the juvenile court dismisses 6395  
the complaint against the alleged juvenile offender or 6396  
adjudicates the alleged juvenile offender a delinquent child 6397  
prior to the prosecutor's involvement in the case, at the 6398  
request of the victim or victim's representative, the court or a 6399  
court employee shall give the victim and the victim's 6400  
representative notice of the dismissal or of the adjudication. 6401

If the defendant or alleged juvenile offender is convicted or is 6402  
adjudicated a delinquent child, the notice shall include all of 6403  
the following: 6404

~~(A) (1) The crimes—criminal offenses or specified— 6405  
delinquent acts of which the defendant was convicted or for 6406  
which the alleged juvenile offender was adjudicated a delinquent 6407  
child; 6408~~

~~(B) (2) The purpose of the presentence investigation 6409  
report, if ordered, and that the victim and victim's 6410  
representative, if applicable, have the right to review, on 6411  
request to the prosecutor, a copy of the presentence 6412  
investigation report except those portions of the report that 6413  
are confidential by law; 6414~~

~~(3) The address and telephone number of the probation 6415  
office—department or other person, if any, that is to prepare a 6416  
presentence investigation report pursuant to section 2951.03 of 6417  
the Revised Code or Criminal Rule 32.2, the address and 6418  
telephone number of the person, if any, who is to prepare a 6419  
disposition investigation report pursuant to division (C) (1) of 6420  
section 2152.18 of the Revised Code, and the address and 6421  
telephone number of the person, if any, who is to prepare a 6422  
victim impact statement pursuant to division (D) (1) of section 6423  
2152.19 or section 2947.051 of the Revised Code; 6424~~

~~(C) (4) Notice that the victim and victim's 6425  
representative, if applicable, may make a statement about the 6426  
impact of the ~~crime—criminal offense or specified—~~delinquent act 6427  
to the probation officer or other person, if any, who prepares 6428  
the presentence investigation report or to the person, if any, 6429  
who prepares a victim impact statement, that a statement of the 6430  
victim and victim's representative, included in the report, if 6431~~

applicable, will be made available to the defendant or alleged 6432  
juvenile offender unless the court exempts it from disclosure, 6433  
and that the court may make the victim impact statement 6434  
available to the defendant or alleged juvenile offender; 6435

~~(D)~~ (5) Notice of the victim's, victim's representative's, 6436  
and victim's attorney's, if applicable, right under section 6437  
2930.14 of the Revised Code to make a statement about the impact 6438  
of the ~~crime~~ criminal offense or ~~specified~~ delinquent act before 6439  
sentencing or disposition; 6440

~~(E)~~ (6) The date, time, and place of the sentencing 6441  
hearing or dispositional hearing; 6442

~~(F)~~ (7) Notice that, if the court orders restitution, the 6443  
victim or victim's attorney, if applicable, has the right to 6444  
file a lien; 6445

(8) One of the following: 6446

~~(1)~~ (a) Any sentence imposed upon the defendant and any 6447  
subsequent modification of that sentence, including modification 6448  
under section 2929.20 or 5120.036 of the Revised Code or as a 6449  
result of the defendant's appeal of the sentence pursuant to 6450  
section 2953.08 of the Revised Code; 6451

~~(2)~~ (b) Any disposition ordered for the defendant and any 6452  
subsequent modification of that disposition, if known to the 6453  
prosecutor, including judicial release or early release in 6454  
accordance with section 2151.38 of the Revised Code. If a court 6455  
has not provided timely notice to the prosecutor of a subsequent 6456  
modification of that disposition, the court shall promptly 6457  
notify the victim and the victim's representative, if 6458  
applicable, of the subsequent modification. 6459

(B) During the probation department's presentence 6460

investigation, the department shall contact the victim, victim's 6461  
representative, and victim's attorney, if applicable, concerning 6462  
the victim's economic, physical, psychological, or emotional 6463  
harm or victim's safety concerns as a result of the offense. 6464

**Sec. 2930.121.** If a prosecutor dismisses a count or counts 6465  
of a complaint, information, or indictment involving the victim 6466  
as a result of a negotiated plea agreement, the victim and 6467  
victim's representative, on request, may exercise all of the 6468  
applicable rights specified in the victim's bill of rights under 6469  
Ohio Constitution, Article I, Section 10a, including the right 6470  
to restitution. 6471

**Sec. 2930.13.** (A) If the court orders the preparation of a 6472  
victim impact statement pursuant to division (D) (1) of section 6473  
2152.19 or section 2947.051 of the Revised Code, the victim in 6474  
the case and victim's representative, if applicable, may make a 6475  
written ~~or and~~ oral statement regarding the impact of the ~~crime-~~ 6476  
~~criminal offense~~ or ~~specified~~ delinquent act to the person whom 6477  
the court orders to prepare the victim impact statement. A 6478  
statement made by the victim or victim's representative under 6479  
this section shall be included in the victim impact statement. 6480

(B) If a probation officer or other person is preparing a 6481  
presentence investigation report pursuant to section 2947.06 or 6482  
2951.03 of the Revised Code or Criminal Rule 32.2, or a 6483  
disposition investigation report pursuant to section 2152.18 of 6484  
the Revised Code, concerning the defendant or alleged juvenile 6485  
offender in the case, the victim and victim's representative, if 6486  
applicable, may make a written ~~or and~~ oral statement regarding 6487  
the impact of the ~~crime-~~ criminal offense or ~~specified~~ delinquent 6488  
act to the probation officer or other person. The probation 6489  
officer or other person shall use the statement in preparing the 6490

presentence investigation report or disposition investigation 6491  
report and, upon the victim's or victim's representative's 6492  
request, shall include a written statement submitted by the 6493  
victim in the presentence investigation report or disposition 6494  
investigation report. 6495

(C) A statement made by the victim or victim's 6496  
representative under division (A) or (B) of this section may 6497  
include the following: 6498

(1) An explanation of the nature and extent of any 6499  
physical, psychological, or emotional harm suffered by the 6500  
victim as a result of the ~~crime~~ criminal offense or ~~specified~~ 6501  
delinquent act that is the basis of the case; 6502

(2) An explanation of the extent of any property damage or 6503  
other economic loss suffered by the victim as a result of that 6504  
~~crime~~ criminal offense or ~~specified~~ delinquent act; 6505

(3) An opinion regarding the extent to which, if any, the 6506  
victim needs restitution for harm caused by the defendant or 6507  
alleged juvenile offender as a result of that ~~crime~~ criminal 6508  
offense or ~~specified~~ delinquent act and information about 6509  
whether the victim has applied for or received any compensation 6510  
for loss or damage caused by that ~~crime~~ criminal offense or 6511  
~~specified~~ delinquent act; 6512

(4) The victim's and victim's representative's 6513  
recommendation for an appropriate sanction or disposition for 6514  
the defendant or alleged juvenile offender regarding that ~~crime~~ 6515  
criminal offense or ~~specified~~ delinquent act. 6516

(D) If a statement made by a victim or victim's 6517  
representative under division (A) of this section is included in 6518  
a victim impact statement, the provision, receipt, and retention 6519

of copies of, the use of, and the confidentiality, nonpublic 6520  
record character, and sealing of the victim impact statement is 6521  
governed by division ~~(B) (2)~~ (D) (3) of section ~~2152.20~~ 2152.19 or 6522  
by division (C) of section 2947.051 of the Revised Code, as 6523  
appropriate. If a statement made by a victim or victim's 6524  
representative under division (B) of this section is included in 6525  
a presentence investigation report prepared pursuant to section 6526  
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 or 6527  
in a disposition investigation report pursuant to division (C) 6528  
(1) of section 2152.18 of the Revised Code, the provision, 6529  
receipt, and retention of copies of, the use of, and the 6530  
confidentiality, nonpublic record character, and sealing of the 6531  
presentence investigation report or disposition investigation 6532  
report that contains the victim's statement is governed by 6533  
section 2951.03 of the Revised Code. 6534

Sec. 2930.131. (A) If the presentence investigation report 6535  
is made available to the defendant prior to the sentencing 6536  
hearing, the court shall simultaneously provide a copy of the 6537  
report to the prosecutor assigned to the case. If requested, the 6538  
prosecutor shall promptly forward a copy of the report to the 6539  
victim, victim's representative, and victim's attorney, if 6540  
applicable, except those parts of the report that are redacted 6541  
by the court or made confidential by law. 6542

(B) If the court redacts any portion of the presentence 6543  
investigation report, the court shall state on the record the 6544  
court's reason for the redaction. 6545

**Sec. 2930.14.** (A) Before imposing sentence upon, or 6546  
entering an order of disposition for, a defendant or alleged 6547  
juvenile offender for the commission of a ~~crime~~ criminal offense 6548  
or ~~specified~~ delinquent act, the court shall permit the victim 6549

~~of the crime or specified delinquent act and victim's~~ 6550  
representative, if applicable, to make a statement be heard 6551  
orally, in writing, or both during the sentencing or disposition 6552  
proceeding. The court may give copies of any written statement 6553  
made by a victim or victim's representative to the defendant or 6554  
alleged juvenile offender and defendant's or alleged juvenile 6555  
offender's counsel and may give any written statement made by 6556  
the defendant or alleged juvenile offender to the victim, 6557  
victim's representative, or victim's attorney, if applicable, 6558  
and the prosecutor. The court may redact any information 6559  
contained in a written statement that the court determines is 6560  
not relevant to and will not be relied upon in the sentencing or 6561  
disposition decision. The victim's or victim's representative's 6562  
oral statement is not subject to cross-examination. The written 6563  
statement of the victim or victim's representative or ~~of the~~ 6564  
defendant or alleged juvenile offender is confidential and is 6565  
not a public record as used in section 149.43 of the Revised 6566  
Code. Any person to whom a copy of a written statement was 6567  
released by the court shall return it to the court immediately 6568  
following sentencing or disposition. 6569

(B) The court shall consider a ~~victim's~~ statement made by 6570  
a victim or victim's representative under division (A) of this 6571  
section along with other factors that the court is required to 6572  
consider in imposing sentence or in determining the order of 6573  
disposition. If the statement includes new material facts, the 6574  
court shall not rely on the new material facts unless it 6575  
continues the sentencing or dispositional proceeding or takes 6576  
other appropriate action to allow the defendant or alleged 6577  
juvenile offender an adequate opportunity to respond to the new 6578  
material facts. 6579

**Sec. 2930.15.** (A) If a defendant is convicted of 6580

committing a ~~crime~~criminal offense against a victim or an 6581  
alleged juvenile offender is adjudicated a delinquent child for 6582  
committing a ~~specified~~ delinquent act against a victim, if the 6583  
victim or victim's representative requests notice of the filing 6584  
of an appeal, and if the defendant or alleged juvenile offender 6585  
files an appeal, the prosecutor in the case promptly, but not 6586  
later than seven days after receiving the notice of appeal, 6587  
shall notify the victim and victim's representative, if 6588  
applicable, of the appeal. The prosecutor also shall give the 6589  
victim and victim's representative, if applicable, all of the 6590  
following information: 6591

(1) A brief explanation of the appellate process, 6592  
including the possible disposition of the case; 6593

(2) Whether the defendant or alleged juvenile offender has 6594  
been released on bail or other recognizance or under conditions 6595  
imposed by the juvenile court pending the disposition of the 6596  
appeal; 6597

(3) The time, place, and location of appellate court 6598  
proceedings and any subsequent changes in the time, place, or 6599  
location of those proceedings; 6600

(4) The result of the appeal. 6601

(B) If the appellate court returns the defendant's or 6602  
alleged juvenile offender's case to the trial court or juvenile 6603  
court for further proceedings, the victim and victim's 6604  
representative, if applicable, may exercise all the rights that 6605  
previously were available to the victim in the trial court or 6606  
the juvenile court. 6607

**Sec. 2930.16.** (A) If a defendant is incarcerated, a victim 6608  
~~in a case or~~ victim's representative who has requested to 6609

receive notice under this section shall be given notice of the 6610  
incarceration of the defendant. If an alleged juvenile offender 6611  
is committed to the temporary custody of a school, camp, 6612  
institution, or other facility operated for the care of 6613  
delinquent children or to the legal custody of the department of 6614  
youth services, a victim ~~in a case~~ or victim's representative 6615  
who has requested to receive notice under this section shall be 6616  
given notice of the commitment. Promptly after sentence is 6617  
imposed upon the defendant or the commitment of the alleged 6618  
juvenile offender is ordered, the court or the court's designee 6619  
shall notify the prosecutor in the case and the prosecutor shall 6620  
notify the victim and the victim's representative, if 6621  
applicable, of the date on which the defendant will be released, 6622  
or initially will be eligible for release, from confinement or 6623  
the prosecutor's reasonable estimate of that date or the date on 6624  
which the alleged juvenile offender will have served the minimum 6625  
period of commitment or the prosecutor's reasonable estimate of 6626  
that date. The prosecutor also shall notify the victim and the 6627  
victim's representative of the name of the custodial agency of 6628  
the defendant or alleged juvenile offender and tell the victim 6629  
and the victim's representative how to contact that custodial 6630  
agency. If the custodial agency is the department of 6631  
rehabilitation and correction, the prosecutor shall notify the 6632  
victim and the victim's representative of the services offered 6633  
by the office of victims' services pursuant to section 5120.60 6634  
of the Revised Code. If the custodial agency is the department 6635  
of youth services, the prosecutor shall notify the victim and 6636  
the victim's representative of the services provided by the 6637  
office of victims' services within the release authority of the 6638  
department pursuant to section 5139.55 of the Revised Code and 6639  
the victim's right pursuant to section 5139.56 of the Revised 6640  
Code to submit a written request to the release authority to be 6641

notified of actions the release authority takes with respect to 6642  
the alleged juvenile offender. The victim and the victim's 6643  
representative shall keep the custodial agency informed of the 6644  
victim's or victim's representative's ~~current address and~~ 6645  
~~telephone number~~ contact information. 6646

(B) (1) Upon the victim's or victim's representative's 6647  
request or in accordance with division (D) of this section, the 6648  
court or the court's designee shall notify the prosecutor in the 6649  
case and the prosecutor promptly, but not later than seven days 6650  
after the hearing is scheduled or the application is filed, 6651  
shall notify the victim and the victim's representative, if 6652  
applicable, of any application or hearing for judicial release 6653  
of the defendant pursuant to section 2929.20 of the Revised 6654  
Code, of any hearing for release of the defendant pursuant to 6655  
section 2967.19 of the Revised Code, or of any hearing for 6656  
judicial release or early release of the alleged juvenile 6657  
offender pursuant to section 2151.38 of the Revised Code and of 6658  
the victim's and victim's representative's right to make a 6659  
statement under those sections. ~~The~~ If the court does not hold a 6660  
hearing or if the victim and victim's representative, if 6661  
applicable, do not attend the hearing or make a statement, the 6662  
court shall notify the victim and victim's representative of its 6663  
ruling in each of those hearings and on each of those 6664  
applications. 6665

(2) If an offender is sentenced to a prison term pursuant 6666  
to division (A) (3) or (B) of section 2971.03 of the Revised 6667  
Code, ~~upon~~ on the request of the victim ~~of the crime~~ or victim's 6668  
representative or in accordance with division (D) of this 6669  
section, the court or the court's designee shall notify the 6670  
prosecutor in the case and the prosecutor promptly shall notify 6671  
the victim and the victim's representative, if applicable, of 6672

any hearing to be conducted pursuant to section 2971.05 of the Revised Code to determine whether to modify the requirement that the offender serve the entire prison term in a state correctional facility in accordance with division (C) of that section, whether to continue, revise, or revoke any existing modification of that requirement, or whether to terminate the prison term in accordance with division (D) of that section. ~~The~~ If the court does not hold a hearing or if the victim and victim's representative, if applicable, do not attend the hearing or make a statement, the court shall notify the victim and the victim's representative of any order issued at the conclusion of the hearing.

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

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

~~(1)~~ (a) At least sixty days before the adult parole authority recommends a pardon or commutation of sentence for the defendant or at least sixty days prior to a hearing before the adult parole authority regarding a grant of parole to the defendant, notice of the victim's and victim's representative's right to submit a statement regarding the impact of the defendant's release in accordance with section 2967.12 of the Revised Code and, if applicable, of the victim's and victim's representative's right to appear at a full board hearing of the parole board to give testimony as authorized by section 5149.101 of the Revised Code; and at least sixty days prior to a hearing before the department regarding a determination of whether the inmate must be released under division (C) or (D) (2) of section 2967.271 of the Revised Code if the inmate is serving a non-life felony indefinite prison term, notice of the fact that the inmate will be having a hearing regarding a possible grant of release, the date of any hearing regarding a possible grant of release, and the right of any person to submit a written statement regarding the pending action;

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

~~(3)~~ (c) At least sixty days before the release authority of the department of youth services holds a release review, release hearing, or discharge review for the alleged juvenile offender, notice of the pendency of the review or hearing, of the victim's and victim's representative's right to make an oral or written statement regarding the impact of the crime upon the victim or regarding the possible release or discharge, and, if

the notice pertains to a hearing, of the victim's right to 6735  
attend and make statements or comments at the hearing as 6736  
authorized by section 5139.56 of the Revised Code; 6737

~~(4)~~ (d) Prompt notice, but not more than three days after 6738  
the escape, of the defendant's or alleged juvenile offender's 6739  
escape from a facility of the custodial agency in which the 6740  
defendant was incarcerated or in which the alleged juvenile 6741  
offender was placed after commitment, of the defendant's or 6742  
alleged juvenile offender's absence without leave from a mental 6743  
health or developmental disabilities facility or from other 6744  
custody, and of the capture of the defendant or alleged juvenile 6745  
offender after an escape or absence; 6746

~~(5)~~ (e) Notice of the defendant's or alleged juvenile 6747  
offender's death while in confinement or custody within thirty 6748  
days of the defendant's or alleged juvenile offender's death; 6749

~~(6)~~ (f) Notice of the filing of a petition by the director 6750  
of rehabilitation and correction pursuant to section 2967.19 of 6751  
the Revised Code requesting the early release under that section 6752  
of the defendant within thirty days of the filing of the 6753  
petition; 6754

~~(7)~~ (g) Notice of the defendant's or alleged juvenile 6755  
offender's post-conviction release from confinement or custody, 6756  
including jail or local custody, and the terms and conditions of 6757  
the release as soon as the custodial agency becomes aware of the 6758  
release. 6759

(D) (1) If a defendant is incarcerated for the commission 6760  
of aggravated murder, murder, or an offense of violence that is 6761  
a felony of the first, second, or third degree or is under a 6762  
sentence of life imprisonment or if an alleged juvenile offender 6763

has been charged with the commission of an act that would be 6764  
aggravated murder, murder, or an offense of violence that is a 6765  
felony of the first, second, or third degree or be subject to a 6766  
sentence of life imprisonment if committed by an adult, except 6767  
as otherwise provided in this division, the notices described in 6768  
divisions (B) and (C) of this section shall be given regardless 6769  
of whether the victim or victim's representative has requested 6770  
the notification. The notices described in divisions (B) and (C) 6771  
of this section shall not be given under this division to a 6772  
victim or victim's representative if the victim or victim's 6773  
representative has requested pursuant to division (B) (2) of 6774  
section 2930.03 of the Revised Code that the victim or victim's 6775  
representative not be provided the notice. Regardless of whether 6776  
the victim or victim's representative has requested that the 6777  
notices described in division (C) of this section be provided or 6778  
not be provided, the custodial agency shall give notice similar 6779  
to those notices to the prosecutor in the case, to the 6780  
sentencing court, to the law enforcement agency that arrested 6781  
the defendant or alleged juvenile offender if any officer of 6782  
that agency was a victim of the offense, and to any member of 6783  
the victim's immediate family who requests notification. If the 6784  
notice given under this division to the victim and victim's 6785  
representative is based on an offense committed prior to March 6786  
22, 2013, and if the prosecutor or custodial agency has not 6787  
previously successfully provided any notice to the victim and 6788  
victim's representative under this division or division (B) or 6789  
(C) of this section with respect to that offense and the 6790  
offender who committed it, the notice also shall inform the 6791  
victim and victim's representative that the victim or victim's 6792  
representative may request that the victim or victim's 6793  
representative not be provided any further notices with respect 6794  
to that offense and the offender who committed it and shall 6795

describe the procedure for making that request. If the notice 6796  
given under this division to the victim and victim's 6797  
representative pertains to a hearing regarding a grant of a 6798  
parole to the defendant, the notice also shall inform the victim 6799  
and victim's representative that the victim, a member of the 6800  
victim's immediate family, or the victim's representative may 6801  
request a victim conference, as described in division (E) of 6802  
this section, and shall provide an explanation of a victim 6803  
conference. 6804

The prosecutor or custodial agency may give the notices to 6805  
which this division applies by any reasonable means, including, 6806  
but not limited to, regular mail, telephone, and electronic 6807  
mail. If the prosecutor or custodial agency attempts to provide 6808  
notice to a victim or victim's representative under this 6809  
division but the attempt is unsuccessful because the prosecutor 6810  
or custodial agency is unable to locate the victim or victim's 6811  
representative, is unable to provide the notice by its chosen 6812  
method because it cannot determine the mailing address, 6813  
telephone number, or electronic mail address at which to provide 6814  
the notice, or, if the notice is sent by mail, the notice is 6815  
returned, the prosecutor or custodial agency shall make another 6816  
attempt to provide the notice to the victim or victim's 6817  
representative. If the second attempt is unsuccessful, the 6818  
prosecutor or custodial agency shall make at least one more 6819  
attempt to provide the notice. If the notice is based on an 6820  
offense committed prior to March 22, 2013, in each attempt to 6821  
provide the notice to the victim or victim's representative, the 6822  
notice shall include the opt-out information described in the 6823  
preceding paragraph. The prosecutor or custodial agency, in 6824  
accordance with division (D) (2) of this section, shall keep a 6825  
record of all attempts to provide the notice, and of all notices 6826

provided, under this division. 6827

Division (D) (1) of this section, and the notice-related 6828  
provisions of divisions (E) (2) and (K) of section 2929.20, 6829  
division (H) of section 2967.12, division (E) (1) (b) of section 6830  
2967.19, division (A) (3) (b) of section 2967.26, division (D) (1) 6831  
of section 2967.28, and division (A) (2) of section 5149.101 of 6832  
the Revised Code enacted in the act in which division (D) (1) of 6833  
this section was enacted, shall be known as "Roberta's Law." 6834

(2) Each prosecutor and custodial agency that attempts to 6835  
give any notice to which division (D) (1) of this section applies 6836  
shall keep a record of all attempts to give the notice. The 6837  
record shall indicate the person who was to be the recipient of 6838  
the notice, the date on which the attempt was made, the manner 6839  
in which the attempt was made, and the person who made the 6840  
attempt. If the attempt is successful and the notice is given, 6841  
the record shall indicate that fact. The record shall be kept in 6842  
a manner that allows public inspection of attempts and notices 6843  
given to persons other than victims or victims' representatives 6844  
without revealing the names, addresses, or other identifying 6845  
information relating to victims or victims' representatives. The 6846  
record of attempts and notices given to victims or victims' 6847  
representatives is not a public record, but the prosecutor or 6848  
custodial agency shall provide upon request a copy of that 6849  
record to a prosecuting attorney, judge, law enforcement agency, 6850  
or member of the general assembly. The record of attempts and 6851  
notices given to persons other than victims or victims' 6852  
representatives is a public record. A record kept under this 6853  
division may be indexed by offender name, or in any other manner 6854  
determined by the prosecutor or the custodial agency. Each 6855  
prosecutor or custodial agency that is required to keep a record 6856  
under this division shall determine the procedures for keeping 6857

the record and the manner in which it is to be kept, subject to 6858  
the requirements of this division. 6859

(E) The adult parole authority shall adopt rules under 6860  
Chapter 119. of the Revised Code providing for a victim 6861  
conference, upon request of the victim, a member of the victim's 6862  
immediate family, or the victim's representative, prior to a 6863  
parole hearing in the case of a prisoner who is incarcerated for 6864  
the commission of aggravated murder, murder, or an offense of 6865  
violence that is a felony of the first, second, or third degree 6866  
or is under a sentence of life imprisonment. The rules shall 6867  
provide for, but not be limited to, all of the following: 6868

(1) Subject to division (E) (3) of this section, attendance 6869  
by the victim, members of the victim's immediate family, the 6870  
victim's representative, and, if practicable, other individuals; 6871

(2) Allotment of up to one hour for the conference; 6872

(3) A specification of the number of persons specified in 6873  
division (E) (1) of this section who may be present at any single 6874  
victim conference, if limited by the department pursuant to 6875  
division (F) of this section. 6876

(F) The department may limit the number of persons 6877  
specified in division (E) (1) of this section who may be present 6878  
at any single victim conference, provided that the department 6879  
shall not limit the number of persons who may be present at any 6880  
single conference to fewer than three. If the department limits 6881  
the number of persons who may be present at any single victim 6882  
conference, the department shall permit and schedule, upon 6883  
request of the victim, a member of the victim's immediate 6884  
family, or the victim's representative, multiple victim 6885  
conferences for the persons specified in division (E) (1) of this 6886

section. 6887

(G) As used in this section, "victim's immediate family" 6888  
has the same meaning as in section 2967.12 of the Revised Code. 6889

Sec. 2930.161. (A) On request of a victim or victim's 6890  
representative who has provided a current address or other 6891  
current contact information, the court or the court's designee 6892  
shall notify the victim and victim's representative, if 6893  
applicable, of any of the following: 6894

(1) A probation or community control revocation 6895  
disposition proceeding or any proceeding in which the court is 6896  
asked to terminate the probation or community control of a 6897  
person who was convicted of committing a criminal offense 6898  
against the victim; 6899

(2) Any hearing on a proposed modification on the terms of 6900  
probation or community control; 6901

(3) If the person is on supervised probation or community 6902  
control, the arrest of the person pursuant to a warrant issued 6903  
for a probation or community control violation; 6904

(4) The defendant's or alleged juvenile offender's failure 6905  
to successfully complete a diversion or substantially similar 6906  
program. 6907

(B) On request of a victim or victim's representative who 6908  
has provided current contact information, the probation 6909  
department shall notify the victim and victim's representative, 6910  
if applicable, of the following as soon as it becomes known to 6911  
the probation department: 6912

(1) Any proposed modification to any term of probation or 6913  
community control if the modification affects restitution, 6914

incarceration, or detention status or the defendant's or alleged 6915  
juvenile offender's contact with or safety of the victim; 6916

(2) The victim's and victim's representative's right to be 6917  
heard at a hearing that is set to consider any modification to 6918  
be made to any term of probation or community control; 6919

(3) Any violation of any term of probation or community 6920  
control that results in the filing of a petition with the court 6921  
to revoke probation or community control; 6922

(4) Following a risk assessment of the terms of probation 6923  
or community control, including the period of supervision and 6924  
any modifications to the terms of probation or community 6925  
control, any restricted locations and any other conditions of 6926  
probation or community control that impact victim safety. 6927

**Sec. 2930.162.** Prior to the governor granting a pardon, 6928  
commutation of sentence, or reprieve to an offender convicted of 6929  
or found guilty of an offense of violence or adjudicated a 6930  
delinquent child for a delinquent act that would be an offense 6931  
of violence if committed by an adult, the governor, or the 6932  
governor's designee, shall notify the victim, victim's 6933  
representative, and victim's attorney, if applicable, that the 6934  
offender or delinquent child has applied for a pardon, 6935  
commutation of sentence, or reprieve. The governor shall notify 6936  
the victim, victim's representative, and victim's attorney, if 6937  
applicable, regarding the application not less than thirty days 6938  
prior to issuing a decision on the application. The governor 6939  
shall inform the victim, victim's representative, and victim's 6940  
attorney, if applicable, that the victim, victim's 6941  
representative, and victim's attorney, if applicable, may submit 6942  
a written statement concerning the application. 6943

Sec. 2930.17. (A) In determining whether to grant a 6944  
judicial release to a defendant from a prison term pursuant to 6945  
section 2929.20 of the Revised Code at a time before the 6946  
defendant's stated prison term expires, in determining whether 6947  
to grant a release to an offender from a prison term pursuant to 6948  
section 2967.19 of the Revised Code at a time before the 6949  
offender's stated prison term expires, or in determining whether 6950  
to grant a judicial release or early release to an alleged 6951  
juvenile offender from a commitment to the department of youth 6952  
services pursuant to section 2151.38 of the Revised Code, the 6953  
court shall permit a victim of a ~~crime~~criminal offense or 6954  
~~specified~~ delinquent act for which the defendant or alleged 6955  
juvenile offender was incarcerated or committed, and the 6956  
victim's representative, if applicable, to make a statement be 6957  
heard orally, in writing, or both, in addition to any other 6958  
statement made under this chapter, concerning the effects of 6959  
that ~~crime~~criminal offense or ~~specified~~ delinquent act on the 6960  
victim, the circumstances surrounding the ~~crime~~criminal offense 6961  
or ~~specified~~ delinquent act, the manner in which the ~~crime~~ 6962  
criminal offense or ~~specified~~ delinquent act was perpetrated, 6963  
and the victim's or victim's representative's opinion whether 6964  
the defendant or alleged juvenile offender should be released. 6965  
The victim and victim's representative, if applicable, may ~~make~~ 6966  
~~the statement be heard in writing or, orally, or both~~ at the 6967  
~~court's~~victim's or victim's representative's discretion. The 6968  
court shall ~~give~~allow the defendant or alleged juvenile 6969  
offender to review a copy of any written impact statement made 6970  
by the victim or victim's representative under this section and 6971  
shall give either the adult parole authority or the department 6972  
of youth services, whichever is applicable, a copy of any 6973  
written impact statement made by the victim or victim's 6974  
representative under this division. 6975

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

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

**Sec. 2930.171.** (A) In determining whether to grant an  
application to seal a record of conviction pursuant to section  
2953.32 of the Revised Code or an application to seal or expunge  
a juvenile record pursuant to section 2151.356 or 2151.358 of  
the Revised Code, the court shall notify the prosecutor  
regarding the hearing of the matter not less than sixty days  
before the hearing. The prosecutor shall provide timely notice  
to a victim of the criminal offense or delinquent act for which  
the offender or juvenile was incarcerated or committed and the  
victim's representative, if applicable, if the victim or  
victim's representative has requested notice and maintains  
current contact information with the prosecutor. The court shall

permit a victim, the victim's representative, and the victim's 7007  
attorney, if applicable, to make a statement, in addition to any 7008  
other statement made under this chapter, concerning the effects 7009  
of the criminal offense or delinquent act on the victim, the 7010  
circumstances surrounding the criminal offense or delinquent 7011  
act, the manner in which the criminal offense or delinquent act 7012  
was perpetrated, and the victim's, victim's representative's, or 7013  
victim's attorney's, if applicable, opinion whether the record 7014  
should be sealed or expunged. The victim, victim's 7015  
representative, or victim's attorney, if applicable, may be 7016  
heard in writing, orally, or both at the victim's, victim's 7017  
representative's, or victim's attorney's, if applicable, 7018  
discretion. The court shall give the offender or juvenile an 7019  
opportunity to review a copy of any written impact statement 7020  
made by the victim, victim's representative, and victim's 7021  
attorney, if applicable, under this division. The court shall 7022  
give to either the adult parole authority or the department of 7023  
youth services, whichever is applicable, a copy of any written 7024  
impact statement made by the victim, victim's representative, 7025  
and victim's attorney, if applicable, under this division. 7026

(B) In deciding whether to seal or expunge a record under 7027  
this section, the court shall consider a statement made by the 7028  
victim, victim's representative, and victim's attorney, if 7029  
applicable, under division (A) of this section or section 7030  
2930.14 or 2947.051 of the Revised Code. 7031

(C) Upon making a determination whether to grant an 7032  
application to seal a record of conviction pursuant to section 7033  
2953.32 of the Revised Code or an application to seal or expunge 7034  
a juvenile record pursuant to section 2151.356 or 2151.358 of 7035  
the Revised Code, the court promptly shall notify the prosecutor 7036  
of the determination. The prosecutor shall promptly notify the 7037

victim and the victim's representative, if applicable, after 7038  
receiving the notice from the court. 7039

**Sec. 2930.18.** (A) No employer of a victim shall discharge, 7040  
discipline, or otherwise retaliate against the victim, a member 7041  
of the victim's family, or a victim's representative for 7042  
participating any of the following: 7043

(1) Participating, at the prosecutor's request, in 7044  
preparation for a criminal or delinquency proceeding ~~or for~~ 7045  
attendance, pursuant to a subpoena; 7046

(2) Attendance at a criminal or delinquency proceeding if 7047  
the attendance is reasonably necessary to protect the interests 7048  
of the victim; 7049

(3) Attendance at a criminal or delinquency proceeding if 7050  
the victim's attendance is pursuant to a victim's constitutional 7051  
and statutory rights. 7052

~~This section generally does not require an employer to pay~~ 7053  
~~an employee for time lost as a result of attendance at a~~ 7054  
~~criminal or delinquency proceeding.~~ 7055

(B) An employer who knowingly violates this section is in 7056  
contempt of court. This section does not limit or affect the 7057  
application to any person of section 2151.211, 2939.121, or 7058  
2945.451 of the Revised Code. 7059

**Sec. 2930.19.** ~~(A) In a manner consistent with the duty of~~ 7060  
~~a prosecutor to represent the interests of the public as a~~ 7061  
~~whole, a prosecutor shall seek compliance with this chapter on~~ 7062  
~~behalf of a victim, a member of the victim's family, or the~~ 7063  
~~victim's representative~~ (A) (1) A victim, victim's 7064  
representative, or victim's attorney, if applicable, or the 7065  
prosecutor, on request of the victim, has standing as a matter 7066

of right to assert, or to challenge an order denying, the rights 7067  
of the victim provided by law in any judicial or administrative 7068  
proceeding. The trial court shall act promptly on a request to 7069  
enforce, or on a challenge of an order denying, the rights of 7070  
the victim. In any case, the trial court shall hear the matter 7071  
within ten days of the assertion of the victim's rights. The 7072  
reasons for any decision denying relief under this section shall 7073  
be clearly stated on the record or in a judgment entry. 7074

(2) (a) If the trial court denies the relief sought under 7075  
division (A) (1) of this section, the trial court shall do all of 7076  
the following: 7077

(i) Provide the victim, the victim's representative, if 7078  
applicable, the victim's attorney, if applicable, and the 7079  
parties with notice of the decision and a copy of the judgment 7080  
entry; 7081

(ii) Provide the victim, the victim's representative, if 7082  
applicable, and the victim's attorney, if applicable, with the 7083  
following statement along with the judgment entry: 7084

"NOTICE 7085

The victim, the victim's attorney, if applicable, or the 7086  
prosecutor on request of the victim, may appeal this decision or 7087  
petition to the court of appeals for an extraordinary writ. If 7088  
such an interlocutory appeal or extraordinary writ is sought 7089  
while the case is still pending in the trial court, it shall be 7090  
initiated no later than fourteen days after notice of the 7091  
decision was provided to the victim by telephone or electronic 7092  
mail to the latest telephone number or electronic mail address 7093  
provided by the victim. The prosecutor or the prosecutor's 7094  
designee shall provide the notice to the victim and the notice 7095

shall be memorialized in a manner sufficient to prove to the 7096  
court the prosecutor or prosecutor's designee sent the notice. 7097  
The court shall dismiss any such interlocutory appeal or 7098  
petition as untimely if it does not comply with this fourteen- 7099  
day limit." 7100

(b) (i) If the court denies the relief sought, the victim 7101  
or the victim's attorney, if applicable, or the prosecutor on 7102  
request of the victim, may appeal or, if the victim has no 7103  
remedy on appeal, petition the court of appeals or supreme court 7104  
for an extraordinary writ, and the victim has standing to assert 7105  
a right of limited appeal as it pertains to the decisions 7106  
impacting the rights of the victim. If the victim or victim's 7107  
attorney, if applicable, files an appeal, an interlocutory 7108  
appeal divests the trial court of jurisdiction of the portion of 7109  
the case implicating the victim's rights until the appeal is 7110  
resolved by the appellate court. 7111

(ii) Upon the filing of an interlocutory appeal, the trial 7112  
court shall transmit the relevant transcript to the court of 7113  
appeals within five business days. Once the transcript is 7114  
received by the court of appeals, the party that initiated the 7115  
appeal shall have eight days to file a merit brief. Once the 7116  
merit brief is filed, the appellee shall have eight days to file 7117  
a response brief. The court of appeals shall decide the entire 7118  
appeal not later than thirty-five days after the appeal is 7119  
filed. The court of appeals shall have the remaining time period 7120  
after all parties have filed to enter judgment. Notwithstanding 7121  
these limits, the litigants, with the approval of the court, may 7122  
stipulate to a different period of time for the briefing and 7123  
issuance of the decision and judgment on the appeal. The victim, 7124  
the victim's attorney, the prosecutor, or the defendant may 7125  
notify the supreme court if a court of appeals has failed to 7126

issue a judgment in accordance with the stipulated period of 7127  
time. Such notifications are public records. 7128

(iii) Nothing in this section shall be interpreted as 7129  
applying to a direct appeal that is filed after the court 7130  
sentences the defendant. A victim who wishes to appeal from an 7131  
order that is final on its entry after the court sentences the 7132  
defendant shall file the notice of appeal within thirty days of 7133  
that entry. 7134

(c) If the victim or victim's attorney, if applicable, 7135  
petitions for an extraordinary writ, the court of appeals or the 7136  
supreme court shall enter an order establishing an expedited 7137  
schedule for the filing of an answer, the submission of 7138  
evidence, the filing of briefing by the litigants, and the entry 7139  
of decision and judgment and shall place the petition on its 7140  
accelerated calendar. The court of appeals or the supreme court 7141  
shall immediately notify the trial court of the petition, and 7142  
the trial court shall transmit to the court of appeals or the 7143  
supreme court the relevant transcript within five business days 7144  
of the filing of the appeal or petition. The court shall enter 7145  
judgment within forty-five days after the petition for an 7146  
extraordinary writ is filed. Notwithstanding these limits, the 7147  
litigants, with the approval of the court, may stipulate to a 7148  
different period of time for the briefing and issuance of the 7149  
decision and judgment in the action. The victim, the victim's 7150  
attorney, the prosecutor, or the defendant may notify the 7151  
supreme court if a court of appeals has failed to issue a 7152  
judgment in accordance with the stipulated period of time. Such 7153  
notifications are a public record. 7154

(d) If any interlocutory appeal is pursued to the supreme 7155  
court, the supreme court shall enter an order establishing an 7156

expedited schedule for its proceedings, including, as 7157  
applicable, the filing of jurisdictional memoranda and ruling 7158  
thereon, the transmission of the record, the filing of briefing 7159  
by the litigants, oral argument if permitted, and the entry of 7160  
decision and judgment and shall place the appeal on its 7161  
accelerated calendar. The court shall enter judgment within 7162  
sixty days after the appeal is filed. The supreme court shall 7163  
immediately notify the trial court of the appeal, and the trial 7164  
court shall transmit to the court of appeals or the supreme 7165  
court the relevant transcript within five business days of the 7166  
filing of the appeal. Notwithstanding these limits, the 7167  
litigants, with the approval of the court, may stipulate to a 7168  
different period of time for the supreme court's proceedings and 7169  
for the issuance of the supreme court's decision and judgment in 7170  
the case. 7171

(e) Nothing in this division applies to a direct appeal 7172  
that is filed by the victim after the court sentences the 7173  
defendant. A victim who wishes to appeal from an appellate entry 7174  
shall file the appropriate notice of appeal to the supreme court 7175  
within thirty days of the entry. 7176

~~(B)~~-(B) (1) A victim of a criminal offense or delinquent 7177  
act has the right to be represented by an attorney. Nothing in 7178  
this section creates a right to an attorney at public expense 7179  
for a victim. If a victim is represented by an attorney, the 7180  
court shall notify the victim's attorney in the same manner in 7181  
which the parties are notified under applicable law or rule. The 7182  
victim's attorney shall be included in all bench conferences, 7183  
meetings in chambers, and sidebars with the trial court that 7184  
directly involve a decision implicating that victim's rights as 7185  
enumerated in Ohio Constitution, Article I, Section 10a. Nothing 7186  
in this section shall be construed as making a victim a party to 7187

the case. 7188

(2) A defendant has a right to respond and be represented 7189  
by an attorney for appeals and writs the victim, the victim's 7190  
attorney, if applicable, or the prosecutor may file pursuant to 7191  
this section. An indigent defendant has the right to appointed 7192  
counsel for appeals and writs filed pursuant to this section. 7193  
If, as an indigent person, a defendant is unable to employ 7194  
counsel, the defendant is entitled to have counsel provided 7195  
pursuant to Chapter 120. of the Revised Code. The court shall 7196  
notify the defendant and the defendant's attorney in the same 7197  
manner that the parties are notified under applicable law or 7198  
rule. 7199

(C) The failure of a public official or public agency or 7200  
the public official's or public agency's designee to comply with 7201  
the requirements of this chapter does not give rise to a claim 7202  
for damages against that public official or public agency or 7203  
that public official's or public agency's designee, except that 7204  
a public agency as an employer may be held responsible for a 7205  
violation of section 2930.18 of the Revised Code. 7206

~~(C)~~ (D) The failure of any person or entity to provide a 7207  
right, privilege, or notice to a victim under this chapter does 7208  
not constitute grounds for declaring a mistrial or new trial, 7209  
for setting aside a conviction, sentence, adjudication, or 7210  
disposition, or for granting postconviction release to a 7211  
defendant or alleged juvenile offender. 7212

~~(D)~~ (E) If there is a conflict between a provision in this 7213  
chapter and a specific statute governing the procedure in a case 7214  
involving a capital offense, the specific statute supersedes the 7215  
provision in this chapter. 7216

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

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

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

**Sec. 2930.191.** Once a pro se victim or victim's attorney, if applicable, files a notice of appearance in a case, the pro se victim or victim's attorney shall be served copies of all notices, motions, and court orders filed thereafter in the case in the same manner as the parties in the case.

**Sec. 2937.11.** (A) (1) As used in divisions (B) and (C) of this section, "victim" includes any person who was a victim of a felony violation identified in division (B) of this section or a felony offense of violence or against whom was directed any conduct that constitutes, or that is an element of, a felony violation identified in division (B) of this section or a felony offense of violence.

(2) As used in division (D) of this section, "victim" 7246  
means any person who is less than sixteen years of age and who 7247  
was a victim of a violation of section 2905.32 of the Revised 7248  
Code or against whom was directed any conduct that constitutes, 7249  
or is an element of, a violation of section 2905.32 of the 7250  
Revised Code. 7251

(3) At the preliminary hearing set pursuant to section 7252  
2937.10 of the Revised Code and the Criminal Rules, the 7253  
prosecutor may state, but is not required to state, orally the 7254  
case for the state and shall then proceed to examine witnesses 7255  
and introduce exhibits for the state. The accused and the 7256  
magistrate have full right of cross examination, and the accused 7257  
has the right of inspection of exhibits prior to their 7258  
introduction. The hearing shall be conducted under the rules of 7259  
evidence prevailing in criminal trials generally. On motion of 7260  
either the state or the accused, witnesses shall be separated 7261  
and not permitted in the hearing room except when called to 7262  
testify. 7263

~~(B)~~(B)(1) In a case involving an alleged felony violation 7264  
of section 2905.05, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 7265  
2907.21, 2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 7266  
2907.323, or 2919.22 of the Revised Code or an alleged felony 7267  
offense of violence and in which an alleged victim of the 7268  
alleged violation or offense was less than thirteen years of age 7269  
when the complaint or information was filed, whichever occurred 7270  
earlier, upon motion of the prosecution, victim, or victim's 7271  
attorney, if applicable, the testimony of the child victim at 7272  
the preliminary hearing may be taken in a room other than the 7273  
room in which the preliminary hearing is being conducted and be 7274  
televised, by closed circuit equipment, into the room in which 7275  
the preliminary hearing is being conducted, in accordance with 7276

division (C) of section 2945.481 of the Revised Code. 7277

(2) In a case that is not otherwise eligible for the 7278  
protections provided for in division (B)(1) of this section, and 7279  
if either of the following apply, upon motion of the 7280  
prosecution, victim, or victim's attorney, if applicable, the 7281  
testimony of the alleged victim at the preliminary hearing may 7282  
be taken in a room other than the room in which the preliminary 7283  
hearing is being conducted and be televised, by closed circuit 7284  
equipment, into the room in which the preliminary hearing is 7285  
being conducted, in accordance with division (C) of section 7286  
2945.481 of the Revised Code: 7287

(a) An alleged victim of the violation was a child who was 7288  
less than eighteen years of age when the complaint, indictment, 7289  
or information was filed, whichever occurred earlier, and the 7290  
alleged victim would be permitted to provide recorded testimony 7291  
under section 2945.481 of the Revised Code. 7292

(b) An alleged victim of the violation or act was a person 7293  
with a developmental disability, and the alleged victim would be 7294  
permitted to provide recorded testimony under section 2945.482 7295  
of the Revised Code. 7296

(C) In a case involving an alleged felony violation listed 7297  
in division (B) of this section or an alleged felony offense of 7298  
violence and in which an alleged victim of the alleged violation 7299  
or offense was less than thirteen years of age when the 7300  
complaint or information was filed, whichever occurred earlier, 7301  
the court, on written motion of the prosecutor in the case, the 7302  
victim, or the victim's attorney, if applicable, filed at least 7303  
three days prior to the hearing, shall order that all testimony 7304  
of the child victim be recorded and preserved ~~on videotape,~~ in 7305  
addition to being recorded for purposes of the transcript of the 7306

proceeding. If such an order is issued, it shall specifically 7307  
identify the child victim, in a manner consistent with section 7308  
2930.07 of the Revised Code, concerning whose testimony it 7309  
pertains, apply only during the testimony of the child victim it 7310  
specifically identifies, and apply to all testimony of the child 7311  
victim presented at the hearing, regardless of whether the child 7312  
victim is called as a witness by the prosecution or by the 7313  
defense. 7314

(D) (1) (a) In a case involving an alleged violation of 7315  
section 2905.32 of the Revised Code, upon motion of the 7316  
prosecution, victim, or victim's attorney, if applicable, the 7317  
testimony of the victim at the preliminary hearing may be taken 7318  
in a place or room other than the room in which the preliminary 7319  
hearing is being conducted and be televised, by closed circuit 7320  
equipment, into the room in which the preliminary hearing is 7321  
being conducted, to be viewed by the accused and any other 7322  
persons who are not permitted in the room in which the testimony 7323  
is to be taken but who would have been present during the 7324  
testimony of the victim had it been given in the room in which 7325  
the preliminary hearing is being conducted. Except for good 7326  
cause shown, the prosecution, victim, or victim's attorney, if 7327  
applicable, shall file a motion under this division at least 7328  
seven days before the date of the preliminary hearing. 7329

(b) Upon the motion of the prosecution, victim, or 7330  
victim's attorney, if applicable, filed under division (D) (1) (a) 7331  
of this section and if the judge or magistrate determines that 7332  
the victim is unavailable to testify in the room in which the 7333  
preliminary hearing is being conducted in the physical presence 7334  
of the accused for one or more of the reasons set forth in 7335  
division (D) (2) of this section, the judge or magistrate may 7336  
issue an order for the testimony of the victim to be taken in a 7337

place or room other than the room in which the preliminary 7338  
hearing is being conducted and televised, by closed circuit 7339  
equipment, into the room in which the preliminary hearing is 7340  
being conducted. If a judge or magistrate issues an order of 7341  
that nature, the judge or magistrate shall exclude from the room 7342  
in which the testimony of the victim is to be taken every person 7343  
except the following: 7344

(i) The victim giving the testimony; 7345

(ii) The judge or magistrate; 7346

(iii) One or more interpreters if needed; 7347

(iv) The attorneys for the prosecution, the victim, if 7348  
applicable, and the defense; 7349

(v) Any person needed to operate the equipment to be used; 7350

(vi) One person chosen by the victim giving the testimony; 7351

(vii) Any person whose presence the judge or magistrate 7352  
determines would contribute to the welfare and well-being of the 7353  
victim giving the testimony. 7354

(c) The person chosen by the victim under division (D) (1) 7355

(b) (vi) of this section ~~shall not be a witness in the~~ 7356  
~~preliminary hearing and, both before and during the testimony,~~ 7357  
shall not discuss the testimony of the victim with any other 7358  
witness in the preliminary hearing. 7359

(d) The judge or magistrate, at the judge's or 7360  
magistrate's discretion, may preside during the giving of the 7361  
testimony by electronic means from outside the room in which it 7362  
is being given, subject to the limitations set forth in this 7363  
division. If the judge or magistrate presides by electronic 7364  
means, the judge or magistrate shall be provided with monitors 7365

on which the judge or magistrate can see each person in the room 7366  
in which the testimony is to be taken and with an electronic 7367  
means of communication with each person, and each person in the 7368  
room shall be provided with a monitor on which that person can 7369  
see the judge or magistrate and with an electronic means of 7370  
communication with the judge or magistrate. To the extent 7371  
feasible, any person operating the televising equipment shall be 7372  
restricted to a room adjacent to the room in which the testimony 7373  
is being taken, or to a location in the room in which the 7374  
testimony is being taken that is behind a screen or mirror, so 7375  
that the person operating the televising equipment can see and 7376  
hear, but cannot be seen or heard by, the victim giving the 7377  
testimony during the testimony. The accused shall be permitted 7378  
to observe and hear the testimony of the victim giving the 7379  
testimony on a monitor, shall be provided with an electronic 7380  
means of immediate communication with the attorney of the 7381  
accused during the testimony, and shall be restricted to a 7382  
location from which the accused cannot be seen or heard by the 7383  
victim giving the testimony, except on a monitor provided for 7384  
that purpose. The accused and the judge or magistrate have full 7385  
right of cross examination, and the accused has the right of 7386  
inspection of exhibits prior to their introduction. The victim 7387  
giving the testimony shall be provided with a monitor on which 7388  
the victim can observe the accused during the testimony. 7389

(2) For purposes of division (D)(1) of this section, a 7390  
judge or magistrate may order the testimony of a victim to be 7391  
taken at a place or room outside the room in which the 7392  
preliminary hearing is being conducted if the judge or 7393  
magistrate determines that the victim is unavailable to testify 7394  
in the room in the physical presence of the accused due to one 7395  
or more of the following: 7396

(a) The inability of the victim to communicate about the 7397  
alleged offense because of extreme fear, severe trauma, or 7398  
another similar reason; 7399

(b) The substantial likelihood that the victim will suffer 7400  
serious emotional trauma from so testifying; 7401

(c) The victim is at a hospital for care and treatment for 7402  
any physical, mental, or emotional injury suffered by reason of 7403  
the alleged offense. 7404

**Sec. 2945.481.** (A) (1) As used in this section, "victim" 7405  
includes any person who was a victim of a violation identified 7406  
in division (A) (2) of this section or an offense of violence or 7407  
against whom was directed any conduct that constitutes, or that 7408  
is an element of, a violation identified in division (A) (2) of 7409  
this section or an offense of violence. 7410

~~(2)~~ (2) (a) In any proceeding in the prosecution of a charge 7411  
of a violation of section 2905.03, 2905.05, 2907.02, 2907.03, 7412  
2907.04, 2907.05, 2907.06, 2907.07, 2907.09, 2907.21, 2907.23, 7413  
2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, or 7414  
2919.22 of the Revised Code or an offense of violence and in 7415  
which an alleged victim of the violation or offense was a child 7416  
who was less than thirteen years of age when the complaint, 7417  
indictment, or information was filed, whichever occurred 7418  
earlier, the judge of the court in which the prosecution is 7419  
being conducted, upon motion of an attorney for the prosecution, 7420  
shall order that the testimony of the child victim be taken by 7421  
deposition. The prosecution also may request that the deposition 7422  
be ~~videotaped~~ recorded in accordance with division (A) (3) of 7423  
this section. 7424

(b) In any proceeding that is not otherwise eligible for 7425

the protections provided for in division (A) (2) (a) of this 7426  
section, and in which an alleged victim of the violation was a 7427  
child who was less than eighteen years of age when the 7428  
complaint, indictment, or information was filed, whichever 7429  
occurred earlier, upon motion of the child victim, the child 7430  
victim's attorney, if applicable, or an attorney for the 7431  
prosecution, and upon a showing by a preponderance of the 7432  
evidence that the child will suffer serious emotional trauma if 7433  
required to provide live trial testimony, the judge of the court 7434  
in which the prosecution is being conducted shall order that the 7435  
testimony of the child victim be taken by deposition. The 7436  
prosecution may also request that the deposition be recorded in 7437  
accordance with division (A) (3) of this section. 7438

(c) The judge shall notify the child victim whose 7439  
deposition is to be taken, the child victim's attorney, if 7440  
applicable, the prosecution, and the defense of the date, time, 7441  
and place for taking the deposition. The notice shall identify 7442  
the child victim who is to be examined and shall indicate 7443  
whether a request that the deposition be ~~videotaped~~ recorded has 7444  
been made. The defendant shall have the right to attend the 7445  
deposition and the right to be represented by counsel. 7446  
Depositions shall be taken in the manner provided in civil 7447  
cases, except that the judge shall preside at the taking of the 7448  
deposition and shall rule at that time on any objections of the 7449  
prosecution or the attorney for the defense. The prosecution and 7450  
the attorney for the defense shall have the right, as at trial, 7451  
to full examination and cross-examination of the child victim 7452  
whose deposition is to be taken. If a deposition taken under 7453  
this division is intended to be offered as evidence in the 7454  
proceeding, it shall be filed in the court in which the action 7455  
is pending and is admissible in the manner described in division 7456

(B) of this section. If a deposition of a child victim taken 7457  
under this division is admitted as evidence at the proceeding 7458  
under division (B) of this section, the child victim shall not 7459  
be required to testify in person at the proceeding. However, at 7460  
any time before the conclusion of the proceeding, the attorney 7461  
for the defense may file a motion with the judge requesting that 7462  
another deposition of the child victim be taken because new 7463  
evidence material to the defense has been discovered that the 7464  
attorney for the defense could not with reasonable diligence 7465  
have discovered prior to the taking of the admitted deposition. 7466  
A motion for another deposition shall be accompanied by 7467  
supporting affidavits. Upon the filing of a motion for another 7468  
deposition and affidavits, the court may order that additional 7469  
testimony of the child victim relative to the new evidence be 7470  
taken by another deposition. If the court orders the taking of 7471  
another deposition under this provision, the deposition shall be 7472  
taken in accordance with this division; if the admitted 7473  
deposition was a ~~videotaped~~recorded deposition taken in 7474  
accordance with division (A) (3) of this section, the new 7475  
deposition also shall be ~~videotaped~~recorded in accordance with 7476  
that division and in other cases, the new deposition may be 7477  
~~videotaped~~recorded in accordance with that division. 7478

(3) If the prosecution requests that a deposition to be 7479  
taken under division (A) (2) of this section be 7480  
~~videotaped~~recorded, the judge shall order that the deposition be 7481  
~~videotaped~~recorded in accordance with this division. If a judge 7482  
issues an order that the deposition be ~~videotaped~~recorded, the 7483  
judge shall exclude from the room in which the deposition is to 7484  
be taken every person except the child victim giving the 7485  
testimony, the judge, one or more interpreters if needed, the 7486  
attorneys for the prosecution and the defense, the child 7487

victim's attorney, if applicable, the child victim's 7488  
representative, if applicable, any person needed to operate the 7489  
equipment to be used, one person chosen by the child victim 7490  
giving the deposition, and any person whose presence the judge 7491  
determines would contribute to the welfare and well-being of the 7492  
child victim giving the deposition. The person chosen by the 7493  
child victim shall not be a witness in the proceeding and, both 7494  
before and during the deposition, shall not discuss the 7495  
testimony of the child victim with any other witness in the 7496  
proceeding. To the extent feasible, any person operating the 7497  
recording equipment shall be restricted to a room adjacent to 7498  
the room in which the deposition is being taken, or to a 7499  
location in the room in which the deposition is being taken that 7500  
is behind a screen or mirror, so that the person operating the 7501  
recording equipment can see and hear, but cannot be seen or 7502  
heard by, the child victim giving the deposition during the 7503  
deposition. The defendant shall be permitted to observe and hear 7504  
the testimony of the child victim giving the deposition on a 7505  
monitor, shall be provided with an electronic means of immediate 7506  
communication with the defendant's attorney during the 7507  
testimony, and shall be restricted to a location from which the 7508  
defendant cannot be seen or heard by the child victim giving the 7509  
deposition, except on a monitor provided for that purpose. The 7510  
child victim giving the deposition shall be provided with a 7511  
monitor on which the child victim can observe, during the 7512  
testimony, the defendant. The judge, at the judge's discretion, 7513  
may preside at the deposition by electronic means from outside 7514  
the room in which the deposition is to be taken; if the judge 7515  
presides by electronic means, the judge shall be provided with 7516  
monitors on which the judge can see each person in the room in 7517  
which the deposition is to be taken and with an electronic means 7518  
of communication with each person, and each person in the room 7519

shall be provided with a monitor on which that person can see 7520  
the judge and with an electronic means of communication with the 7521  
judge. A deposition that is ~~videotaped~~recorded under this 7522  
division shall be taken and filed in the manner described in 7523  
division (A) (2) of this section and is admissible in the manner 7524  
described in this division and division (B) of this section, 7525  
and, if a deposition that is ~~videotaped~~recorded under this 7526  
division is admitted as evidence at the proceeding, the child 7527  
victim shall not be required to testify in person at the 7528  
proceeding. No deposition ~~videotaped~~recorded under this 7529  
division shall be admitted as evidence at any proceeding unless 7530  
division (B) of this section is satisfied relative to the 7531  
deposition and all of the following apply relative to the 7532  
recording: 7533

(a) The recording is both aural and visual and is recorded 7534  
on film or videotape, or by other electronic means. 7535

(b) The recording is authenticated under the Rules of 7536  
Evidence and the Rules of Criminal Procedure as a fair and 7537  
accurate representation of what occurred, and the recording is 7538  
not altered other than at the direction and under the 7539  
supervision of the judge in the proceeding. 7540

(c) Each voice on the recording that is material to the 7541  
testimony on the recording or the making of the recording, as 7542  
determined by the judge, is identified. 7543

(d) Both the prosecution and the defendant are afforded an 7544  
opportunity to view the recording before it is shown in the 7545  
proceeding. 7546

(B) (1) At any proceeding in a prosecution in relation to 7547  
which a deposition was taken under division (A) of this section, 7548

the deposition or a part of it is admissible in evidence upon 7549  
motion of the prosecution if the testimony in the deposition or 7550  
the part to be admitted is not excluded by the hearsay rule and 7551  
if the deposition or the part to be admitted otherwise is 7552  
admissible under the Rules of Evidence. For purposes of this 7553  
division, testimony is not excluded by the hearsay rule if the 7554  
testimony is not hearsay under Evidence Rule 801; if the 7555  
testimony is within an exception to the hearsay rule set forth 7556  
in Evidence Rule 803; if the child victim who gave the testimony 7557  
is unavailable as a witness, as defined in Evidence Rule 804, 7558  
and the testimony is admissible under that rule; or if both of 7559  
the following apply: 7560

(a) The defendant had an opportunity and similar motive at 7561  
the time of the taking of the deposition to develop the 7562  
testimony by direct, cross, or redirect examination. 7563

(b) The judge determines that there is reasonable cause to 7564  
believe that, if the child victim who gave the testimony in the 7565  
deposition were to testify in person at the proceeding, the 7566  
child victim would experience serious emotional trauma as a 7567  
result of the child victim's participation at the proceeding. 7568

(2) Objections to receiving in evidence a deposition or a 7569  
part of it under division (B) of this section shall be made as 7570  
provided in civil actions. 7571

(3) The provisions of divisions (A) and (B) of this 7572  
section are in addition to any other provisions of the Revised 7573  
Code, the Rules of Criminal Procedure, or the Rules of Evidence 7574  
that pertain to the taking or admission of depositions in a 7575  
criminal proceeding and do not limit the admissibility under any 7576  
of those other provisions of any deposition taken under division 7577  
(A) of this section or otherwise taken. 7578

(C) In any proceeding in the prosecution of any charge of 7579  
a violation listed in division (A) (2) of this section or an 7580  
offense of violence and in which an alleged victim of the 7581  
violation or offense was a child who was less than thirteen 7582  
years of age when the complaint, indictment, or information was 7583  
filed, whichever occurred earlier, the prosecution, the child 7584  
victim, or the child victim's attorney, if applicable, may file 7585  
a motion with the judge requesting the judge to order the 7586  
testimony of the child victim to be taken in a room other than 7587  
the room in which the proceeding is being conducted and be 7588  
televised, by closed circuit equipment, into the room in which 7589  
the proceeding is being conducted to be viewed by the jury, if 7590  
applicable, the defendant, and any other persons who are not 7591  
permitted in the room in which the testimony is to be taken but 7592  
who would have been present during the testimony of the child 7593  
victim had it been given in the room in which the proceeding is 7594  
being conducted. Except for good cause shown, the prosecution,  7595  
child victim, or child victim's attorney, if applicable, shall 7596  
file a motion under this division at least seven days before the 7597  
date of the proceeding. The judge may issue the order upon the 7598  
motion of the prosecution, child victim, or child victim's 7599  
attorney, if applicable, filed under this section, if the judge 7600  
determines that the child victim is unavailable to testify in 7601  
the room in which the proceeding is being conducted in the 7602  
physical presence of the defendant, for one or more of the 7603  
reasons set forth in division (E) of this section. If a judge 7604  
issues an order of that nature, the judge shall exclude from the 7605  
room in which the testimony is to be taken every person except a 7606  
person described in division (A) (3) of this section. The judge, 7607  
at the judge's discretion, may preside during the giving of the 7608  
testimony by electronic means from outside the room in which it 7609  
is being given, subject to the limitations set forth in division 7610

(A) (3) of this section. To the extent feasible, any person 7611  
operating the televising equipment shall be hidden from the 7612  
sight and hearing of the child victim giving the testimony, in a 7613  
manner similar to that described in division (A) (3) of this 7614  
section. The defendant shall be permitted to observe and hear 7615  
the testimony of the child victim giving the testimony on a 7616  
monitor, shall be provided with an electronic means of immediate 7617  
communication with the defendant's attorney during the 7618  
testimony, and shall be restricted to a location from which the 7619  
defendant cannot be seen or heard by the child victim giving the 7620  
testimony, except on a monitor provided for that purpose. The 7621  
child victim giving the testimony shall be provided with a 7622  
monitor on which the child victim can observe, during the 7623  
testimony, the defendant. 7624

(D) In any proceeding in the prosecution of any charge of 7625  
a violation listed in division (A) (2) of this section or an 7626  
offense of violence and in which an alleged victim of the 7627  
violation or offense was a child who was less than thirteen 7628  
years of age when the complaint, indictment, or information was 7629  
filed, whichever occurred earlier, the prosecution, child 7630  
victim, or child victim's attorney, if applicable, may file a 7631  
motion with the judge requesting the judge to order the 7632  
testimony of the child victim to be taken outside of the room in 7633  
which the proceeding is being conducted and be recorded for 7634  
showing in the room in which the proceeding is being conducted 7635  
before the judge, the jury, if applicable, the defendant, and 7636  
any other persons who would have been present during the 7637  
testimony of the child victim had it been given in the room in 7638  
which the proceeding is being conducted. Except for good cause 7639  
shown, the prosecution, child victim, or child victim's 7640  
attorney, if applicable, shall file a motion under this division 7641

at least seven days before the date of the proceeding. The judge 7642  
may issue the order upon the motion of the prosecution, child 7643  
victim, or child victim's attorney, if applicable, filed under 7644  
this division, if the judge determines that the child victim is 7645  
unavailable to testify in the room in which the proceeding is 7646  
being conducted in the physical presence of the defendant, for 7647  
one or more of the reasons set forth in division (E) of this 7648  
section. If a judge issues an order of that nature, the judge 7649  
shall exclude from the room in which the testimony is to be 7650  
taken every person except a person described in division (A)(3) 7651  
of this section. To the extent feasible, any person operating 7652  
the recording equipment shall be hidden from the sight and 7653  
hearing of the child victim giving the testimony, in a manner 7654  
similar to that described in division (A)(3) of this section. 7655  
The defendant shall be permitted to observe and hear the 7656  
testimony of the child victim who is giving the testimony on a 7657  
monitor, shall be provided with an electronic means of immediate 7658  
communication with the defendant's attorney during the 7659  
testimony, and shall be restricted to a location from which the 7660  
defendant cannot be seen or heard by the child victim giving the 7661  
testimony, except on a monitor provided for that purpose. The 7662  
child victim giving the testimony shall be provided with a 7663  
monitor on which the child victim can observe, during the 7664  
testimony, the defendant. No order for the taking of testimony 7665  
by recording shall be issued under this division unless the 7666  
provisions set forth in divisions (A)(3)(a), (b), (c), and (d) 7667  
of this section apply to the recording of the testimony. 7668

(E) For purposes of divisions (C) and (D) of this section, 7669  
a judge may order the testimony of a child victim to be taken 7670  
outside the room in which the proceeding is being conducted if 7671  
the judge determines that the child victim is unavailable to 7672

testify in the room in the physical presence of the defendant 7673  
due to one or more of the following: 7674

(1) The persistent refusal of the child victim to testify 7675  
despite judicial requests to do so; 7676

(2) The inability of the child victim to communicate about 7677  
the alleged violation or offense because of extreme fear, 7678  
failure of memory, or another similar reason; 7679

(3) The substantial likelihood that the child victim will 7680  
suffer serious emotional trauma from so testifying. 7681

(F) (1) If a judge issues an order pursuant to division (C) 7682  
or (D) of this section that requires the testimony of a child 7683  
victim in a criminal proceeding to be taken outside of the room 7684  
in which the proceeding is being conducted, the order shall 7685  
specifically identify the child victim, in a manner consistent 7686  
with section 2930.07 of the Revised Code, to whose testimony it 7687  
applies, the order applies only during the testimony of the 7688  
specified child victim, and the child victim giving the 7689  
testimony shall not be required to testify at the proceeding 7690  
other than in accordance with the order. 7691

(2) A judge who makes any determination regarding the 7692  
admissibility of a deposition under divisions (A) and (B) of 7693  
this section, the ~~videotaping~~ recording of a deposition under 7694  
division (A) (3) of this section, or the taking of testimony 7695  
outside of the room in which a proceeding is being conducted 7696  
under division (C) or (D) of this section, shall enter the 7697  
determination and findings on the record in the proceeding. 7698

**Sec. 2945.482.** (A) As used in this section: 7699

(1) "Developmental disability" has the same meaning as in 7700  
section 5123.01 of the Revised Code. 7701

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

~~(B)(1)~~ (B)(1)(a) In any proceeding in the prosecution of a charge of a violation of section 2903.16, 2903.34, 2903.341, 2905.03, 2907.02, 2907.03, 2907.05, 2907.06, 2907.09, 2907.21, 2907.23, 2907.24, 2907.32, 2907.321, 2907.322, or 2907.323 of the Revised Code 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 of the court in which the prosecution is being conducted, upon motion of an attorney for the prosecution, shall order that the testimony of the victim with a developmental disability be taken by deposition. The prosecution also may request that the deposition be ~~videotaped~~ recorded in accordance with division (B)(2) of this section.

(b) In any proceeding that is not otherwise eligible for the protections provided for in division (B)(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 of the court in which the prosecution is being conducted shall order that the testimony of the victim with a developmental disability be taken by deposition. The prosecution, the victim, or the victim's attorney, if applicable, also may request that the deposition be

recorded in accordance with division (B) (2) of this section. 7733

(c) The judge shall notify the victim with a developmental 7734  
disability whose deposition is to be taken, the victim's 7735  
attorney, if applicable, the prosecution, and the defense of the 7736  
date, time, and place for taking the deposition. The notice 7737  
shall identify the victim with a developmental disability, in a 7738  
manner consistent with section 2930.07 of the Revised Code, who 7739  
is to be examined and shall indicate whether a request that the 7740  
deposition be ~~videotaped~~ recorded has been made. The defendant 7741  
shall have the right to attend the deposition and the right to 7742  
be represented by counsel. Depositions shall be taken in the 7743  
manner provided in civil cases, except that the judge shall 7744  
preside at the taking of the deposition and shall rule at the 7745  
time on any objections of the prosecution or the attorney for 7746  
the defense. The prosecution and the attorney for the defense 7747  
shall have the right, as at trial, to full examination and 7748  
cross-examination of the victim with a developmental disability 7749  
whose deposition is to be taken. If a deposition taken under 7750  
this division is intended to be offered as evidence in the 7751  
proceeding, it shall be filed in the court in which the action 7752  
is pending and is admissible in the manner described in division 7753  
(C) of this section. 7754

If a deposition of a victim with a developmental 7755  
disability taken under this division is admitted as evidence at 7756  
the proceeding under division (C) of this section, the victim 7757  
with a developmental disability shall not be required to testify 7758  
in person at the proceeding. 7759

At any time before the conclusion of the proceeding, the 7760  
attorney for the defense may file a motion with the judge 7761  
requesting that another deposition of the victim with a 7762

developmental disability be taken because new evidence material 7763  
to the defense has been discovered that the attorney for the 7764  
defense could not with reasonable diligence have discovered 7765  
prior to the taking of the admitted deposition. If the court 7766  
orders the taking of another deposition under this provision, 7767  
the deposition shall be taken in accordance with this division. 7768  
If the admitted deposition was a ~~videotaped-recorded~~ deposition 7769  
taken in accordance with division (B) (2) of this section, the 7770  
new deposition shall be ~~videotaped-recorded~~ in accordance with 7771  
that division. In other cases, the new deposition may be 7772  
~~videotaped-recorded~~ in accordance with that division. 7773

(2) If the prosecution, victim, or victim's attorney, if 7774  
applicable, requests that a deposition to be taken under 7775  
division (B) (2) of this section be ~~videotaped-recorded~~, the judge 7776  
shall order that the deposition be ~~videotaped-recorded~~ in 7777  
accordance with this division. If a judge issues an order that 7778  
the deposition be ~~videotaped-recorded~~, the judge shall exclude 7779  
from the room in which the deposition is to be taken every 7780  
person except the victim with a developmental disability giving 7781  
the testimony, the judge, one or more interpreters if needed, 7782  
the attorneys for the prosecution and the defense, the victim's 7783  
attorney, if applicable, the victim's representative, if 7784  
applicable, any person needed to operate the equipment to be 7785  
used, one person chosen by the victim with a developmental 7786  
disability giving the deposition, and any person whose presence 7787  
the judge determines would contribute to the welfare and well- 7788  
being of the victim with a developmental disability giving the 7789  
deposition. The person chosen by the victim with a developmental 7790  
disability shall not be a witness in the proceeding and, both 7791  
before and during the deposition, shall not discuss the 7792  
testimony of the victim with a developmental disability with any 7793

other witness in the proceeding. To the extent feasible, any 7794  
person operating the recording equipment shall be restricted to 7795  
a room adjacent to the room in which the deposition is being 7796  
taken, or to a location in the room in which the deposition is 7797  
being taken that is behind a screen or mirror, so that the 7798  
person operating the recording equipment can see and hear, but 7799  
cannot be seen or heard by, the victim with a developmental 7800  
disability giving the deposition during the deposition. 7801

The defendant shall be permitted to observe and hear the 7802  
testimony of the victim with a developmental disability giving 7803  
the deposition on a monitor, shall be provided with an 7804  
electronic means of immediate communication with the defendant's 7805  
attorney during the testimony, and shall be restricted to a 7806  
location from which the defendant cannot be seen or heard by the 7807  
victim with a developmental disability giving the deposition, 7808  
except on a monitor provided for that purpose. The victim with a 7809  
developmental disability giving the deposition shall be provided 7810  
with a monitor on which the victim can observe, during the 7811  
testimony, the defendant. The judge, at the judge's discretion, 7812  
may preside at the deposition by electronic means from outside 7813  
the room in which the deposition is to be taken. If the judge 7814  
presides by electronic means, the judge shall be provided with 7815  
monitors on which the judge can see each person in the room in 7816  
which the deposition is to be taken and with an electronic means 7817  
of communication with each person, and each person in the room 7818  
shall be provided with a monitor on which that person can see 7819  
the judge and with an electronic means of communication with the 7820  
judge. A deposition that is ~~videotaped~~ recorded under this 7821  
division shall be taken and filed in the manner described in 7822  
division (B) (1) of this section and is admissible in the manner 7823  
described in this division and division (C) of this section, 7824

and, if a deposition that is ~~videotaped~~recorded under this 7825  
division is admitted as evidence at the proceeding, the victim 7826  
with a developmental disability shall not be required to testify 7827  
in person at the proceeding. No deposition ~~videotaped~~recorded 7828  
under this division shall be admitted as evidence at any 7829  
proceeding unless division (C) of this section is satisfied 7830  
relative to the deposition and all of the following apply 7831  
relative to the recording: 7832

(a) The recording is both aural and visual and is recorded 7833  
on film or videotape, or by other electronic means. 7834

(b) The recording is authenticated under the Rules of 7835  
Evidence and the Rules of Criminal Procedure as a fair and 7836  
accurate representation of what occurred, and the recording is 7837  
not altered other than at the direction and under the 7838  
supervision of the judge in the proceeding. 7839

(c) Each voice on the recording that is material to the 7840  
testimony on the recording or the making of the recording, as 7841  
determined by the judge, is identified. 7842

(d) Both the prosecution and the defendant are afforded an 7843  
opportunity to view the recording before it is shown in the 7844  
proceeding. 7845

(C) (1) At any proceeding in a prosecution in relation to 7846  
which a deposition was taken under division (B) of this section, 7847  
the deposition or a part of it is admissible in evidence upon 7848  
motion of the prosecution, victim, or victim's attorney, if 7849  
applicable, if the testimony in the deposition or the part to be 7850  
admitted is not excluded by the hearsay rule and if the 7851  
deposition or the part to be admitted otherwise is admissible 7852  
under the Rules of Evidence. For purposes of this division, 7853

testimony is not excluded by the hearsay rule if the testimony 7854  
is not hearsay under Evidence Rule 801; the testimony is within 7855  
an exception to the hearsay rule set forth in Evidence Rule 803; 7856  
the victim with a developmental disability who gave the 7857  
testimony is unavailable as a witness, as defined in Evidence 7858  
Rule 804, and the testimony is admissible under that rule; or 7859  
both of the following apply: 7860

(a) The defendant had an opportunity and similar motive at 7861  
the time of the taking of the deposition to develop the 7862  
testimony by direct, cross, or redirect examination. 7863

(b) The judge determines that there is reasonable cause to 7864  
believe that, if the victim with a developmental disability who 7865  
gave the testimony in the deposition were to testify in person 7866  
at the proceeding, the victim with a developmental disability 7867  
would experience serious emotional trauma as a result of the 7868  
participation of the victim with a developmental disability at 7869  
the proceeding. 7870

(2) Objections to receiving in evidence a deposition or a 7871  
part of it under division (C) of this section shall be made as 7872  
provided in civil actions. 7873

(3) The provisions of divisions (B) and (C) of this 7874  
section are in addition to any other provisions of the Revised 7875  
Code, the Rules of Criminal Procedure, or the Rules of Evidence 7876  
that pertain to the taking or admission of depositions in a 7877  
criminal proceeding and do not limit the admissibility under any 7878  
of those other provisions of any deposition taken under division 7879  
(B) of this section or otherwise taken. 7880

(D) In any proceeding in the prosecution of any charge of 7881  
a violation listed in division (B) (1) of this section or an 7882

offense of violence and in which an alleged victim of the 7883  
violation or offense was a person with a developmental 7884  
disability, the prosecution, victim, or victim's attorney, if 7885  
applicable, may file a motion with the judge requesting the 7886  
judge to order the testimony of the victim with a developmental 7887  
disability to be taken in a room other than the room in which 7888  
the proceeding is being conducted and be televised, by closed 7889  
circuit equipment, into the room in which the proceeding is 7890  
being conducted to be viewed by the jury, if applicable, the 7891  
defendant, and any other persons who are not permitted in the 7892  
room in which the testimony is to be taken but who would have 7893  
been present during the testimony of the victim with a 7894  
developmental disability had it been given in the room in which 7895  
the proceeding is being conducted. Except for good cause shown, 7896  
the prosecution, victim, or victim's attorney, if applicable, 7897  
shall file a motion under this division at least seven days 7898  
before the date of the proceeding. The judge may issue the order 7899  
upon the motion of the prosecution filed under this section, if 7900  
the judge determines that the victim with a developmental 7901  
disability is unavailable to testify in the room in which the 7902  
proceeding is being conducted in the physical presence of the 7903  
defendant for one or more of the reasons set forth in division 7904  
(F) of this section. If a judge issues an order of that nature, 7905  
the judge shall exclude from the room in which the testimony is 7906  
to be taken every person except a person described in division 7907  
(B) (2) of this section. The judge, at the judge's discretion, 7908  
may preside during the giving of the testimony by electronic 7909  
means from outside the room in which it is being given, subject 7910  
to the limitations set forth in division (B) (2) of this section. 7911  
To the extent feasible, any person operating the televising 7912  
equipment shall be hidden from the sight and hearing of the 7913  
victim with a developmental disability giving the testimony, in 7914

a manner similar to that described in division (B) (2) of this section. The defendant shall be permitted to observe and hear the testimony of the victim with a developmental disability giving the testimony on a monitor, shall be provided with an electronic means of immediate communication with the defendant's attorney during the testimony, and shall be restricted to a location from which the defendant cannot be seen or heard by the victim with a developmental disability giving the testimony, except on a monitor provided for that purpose. The victim with a developmental disability giving the testimony shall be provided with a monitor on which the victim with a developmental disability can observe, during the testimony, the defendant.

(E) In any proceeding in the prosecution of any charge of a violation listed in division (B) (1) of this section or an offense of violence and in which an alleged victim of the violation or offense was a victim with a developmental disability, the prosecution, victim, or victim's attorney, if applicable, may file a motion with the judge requesting the judge to order the testimony of the victim with a developmental disability to be taken outside of the room in which the proceeding is being conducted and be recorded for showing in the room in which the proceeding is being conducted before the judge, the jury, if applicable, the defendant, and any other persons who would have been present during the testimony of the victim with a developmental disability had it been given in the room in which the proceeding is being conducted. Except for good cause shown, the prosecution, victim, or victim's attorney, if applicable, shall file a motion under this division at least seven days before the date of the proceeding. The judge may issue the order upon the motion of the prosecution filed under this division, if the judge determines that the victim with a

developmental disability is unavailable to testify in the room 7946  
in which the proceeding is being conducted in the physical 7947  
presence of the defendant, for one or more of the reasons set 7948  
forth in division (F) of this section. If a judge issues an 7949  
order of that nature, the judge shall exclude from the room in 7950  
which the testimony is to be taken every person except a person 7951  
described in division (B) (2) of this section. To the extent 7952  
feasible, any person operating the recording equipment shall be 7953  
hidden from the sight and hearing of the victim with a 7954  
developmental disability giving the testimony, in a manner 7955  
similar to that described in division (B) (2) of this section. 7956  
The defendant shall be permitted to observe and hear the 7957  
testimony of the victim with a developmental disability who is 7958  
giving the testimony on a monitor, shall be provided with an 7959  
electronic means of immediate communication with the defendant's 7960  
attorney during the testimony, and shall be restricted to a 7961  
location from which the defendant cannot be seen or heard by the 7962  
victim with a developmental disability giving the testimony, 7963  
except on a monitor provided for that purpose. The victim with a 7964  
developmental disability giving the testimony shall be provided 7965  
with a monitor on which the victim can observe, during the 7966  
testimony, the defendant. No order for the taking of testimony 7967  
by recording shall be issued under this division unless the 7968  
provisions set forth in divisions (B) (2) (a), (b), (c), and (d) 7969  
of this section apply to the recording of the testimony. 7970

(F) For purposes of divisions (D) and (E) of this section, 7971  
a judge may order the testimony of a victim with a developmental 7972  
disability to be taken outside the room in which the proceeding 7973  
is being conducted if the judge determines that the victim with 7974  
a developmental disability is unavailable to testify in the room 7975  
in the physical presence of the defendant due to one or more of 7976

the following: 7977

(1) The persistent refusal of the victim with a 7978  
developmental disability to testify despite judicial requests to 7979  
do so; 7980

(2) The inability of the victim with a developmental 7981  
disability to communicate about the alleged violation or offense 7982  
because of extreme fear, failure of memory, or another similar 7983  
reason; 7984

(3) The substantial likelihood that the victim with a 7985  
developmental disability will suffer serious emotional trauma 7986  
from so testifying. 7987

(G) (1) If a judge issues an order pursuant to division (D) 7988  
or (E) of this section that requires the testimony of a victim 7989  
with a developmental disability in a criminal proceeding to be 7990  
taken outside of the room in which the proceeding is being 7991  
conducted, the order shall specifically identify the victim with 7992  
a developmental disability, in a manner consistent with section 7993  
2930.07 of the Revised Code, to whose testimony it applies, the 7994  
order applies only during the testimony of the specified victim 7995  
with a developmental disability, and the victim with a 7996  
developmental disability giving the testimony shall not be 7997  
required to testify at the proceeding other than in accordance 7998  
with the order. 7999

(2) A judge who makes any determination regarding the 8000  
admissibility of a deposition under divisions (B) and (C) of 8001  
this section, the ~~videotaping~~ recording of a deposition under 8002  
division (B) (2) of this section, or the taking of testimony 8003  
outside of the room in which a proceeding is being conducted 8004  
under division (D) or (E) of this section shall enter the 8005

determination and findings on the record in the proceeding. 8006

Sec. 2945.483. (A) As used in this section: 8007

(1) "Child" means any individual under eighteen years of 8008  
age. 8009

(2) "Developmental disability" has the same meaning as in 8010  
section 5123.01 of the Revised Code. 8011

(B) In any proceeding in which a child or person with a 8012  
developmental disability testifies in open court, the child or 8013  
person with a developmental disability shall have the following 8014  
rights to be enforced sua sponte by the court or upon motion or 8015  
notice of any attorney involved in the proceeding: 8016

(1) To be asked questions in a manner the child or person 8017  
with a developmental disability can reasonably understand, 8018  
including, but not limited to, a child-friendly oath; 8019

(2) To be free of harassment or intimidation tactics in 8020  
the proceeding; 8021

(3) (a) To have an advocate or victim's representative of 8022  
the child's or person with a developmental disability's choosing 8023  
present in the courtroom and in a position clearly visible in 8024  
close proximity to the child or person with a developmental 8025  
disability, subject to division (B) (3) (b) of this section; 8026

(b) That if the prosecutor in the case or the court has a 8027  
reasonable basis to believe that the victim's representative is 8028  
not acting in the interests of the victim who is a child or a 8029  
person with a developmental disability, the prosecutor shall 8030  
file a motion setting forth the reasonable basis for this belief 8031  
and the court shall hold a hearing to determine whether the 8032  
victim's representative is acting in the interests of the 8033

victim. The court shall make this determination by a 8034  
preponderance of the evidence. If the court finds that the 8035  
victim's representative is not acting in the interests of the 8036  
victim, the court shall appoint a court-appointed special 8037  
advocate, guardian ad litem, or a victim advocate to act as the 8038  
victim's representative in lieu of the previously appointed 8039  
victim's representative. 8040

(4) To have the courtroom or hearing room adjusted to 8041  
ensure the comfort and protection of the child or person with a 8042  
developmental disability; 8043

(5) To have flexibility in the formalities of the 8044  
proceedings in an effort to ensure the comfort of the child or 8045  
person with a developmental disability; 8046

(6) To permit a comfort item to be present inside the 8047  
courtroom or hearing room and to accompany the child or person 8048  
with a developmental disability throughout the hearing; 8049

(7) To permit the use of a properly constructed screen 8050  
that would allow the judge and jury in the courtroom or hearing 8051  
room to see the child or person with a developmental disability 8052  
but would obscure the child's or person with a developmental 8053  
disability's view of the defendant or alleged juvenile offender 8054  
or the public or both; 8055

(8) To have a secure and comfortable waiting area provided 8056  
for the child or person with a developmental disability during 8057  
the court proceedings and to have a support person of the 8058  
child's or person with a developmental disability's choosing 8059  
stay with the child or person with a developmental disability 8060  
while waiting, subject to division (B) (3) (b) of this section; 8061

(9) To have an advocate or victim's representative inform 8062

the court about the child's or person with a developmental 8063  
disability's ability to understand the nature of the 8064  
proceedings, special accommodations that may be needed for the 8065  
child's or person with a developmental disability's testimony, 8066  
and any other information relevant to any of the rights set 8067  
forth in this section. 8068

(C) In circumstances where the accused in a proceeding has 8069  
chosen to proceed without counsel, the court may appoint standby 8070  
counsel for that party and may order standby counsel to question 8071  
a child or person with a developmental disability on behalf of 8072  
the pro se party if the court finds that there is a substantial 8073  
likelihood that serious emotional trauma would come to the child 8074  
or person with a developmental disability if the pro se party 8075  
were allowed to question the child or person with a 8076  
developmental disability directly. 8077

(D) (1) If the child or person with a developmental 8078  
disability is the victim of a criminal offense or delinquent 8079  
act, the court shall ensure that all steps necessary to secure 8080  
the physical safety of the child or person with a developmental 8081  
disability, both in the courtroom and during periods of time 8082  
that the child or person with a developmental disability may 8083  
spend waiting for court, have been taken. 8084

(2) The court and all attorneys involved in a court 8085  
proceeding involving a child or person with a developmental 8086  
disability shall not disclose to any third party any discovery, 8087  
including, but not limited to, the child's or person with a 8088  
developmental disability's name, address, and date of birth, any 8089  
and all interviews of the child or person with a developmental 8090  
disability, and any other identifying information of the child 8091  
or person with a developmental disability in a manner consistent 8092

with section 2930.07 of the Revised Code. The court shall 8093  
enforce any violations of this section through the court's 8094  
contempt powers. 8095

(E) In any post-conviction proceeding or in regards to 8096  
post-conviction relief, if the prosecutor in the case or the 8097  
court has a reasonable basis to believe that the victim's 8098  
representative is not acting in the interests of the victim who 8099  
is a child or a person with a developmental disability, the 8100  
prosecutor shall file a motion setting forth the reasonable 8101  
basis for this belief and the court shall hold a hearing to 8102  
determine whether the victim's representative is acting in the 8103  
interests of the victim. The court shall make this determination 8104  
by a preponderance of the evidence. If the court finds that the 8105  
victim's representative is not acting in the interests of the 8106  
victim, the court shall appoint a court-appointed special 8107  
advocate, guardian ad litem, or a victim advocate to act as the 8108  
victim's representative in lieu of the previously appointed 8109  
victim's representative. 8110

**Sec. 2945.72.** The time within which an accused must be 8111  
brought to trial, or, in the case of felony, to preliminary 8112  
hearing and trial, may be extended only by the following: 8113

(A) Any period during which the accused is unavailable for 8114  
hearing or trial, by reason of other criminal proceedings 8115  
against ~~him~~ the accused, within or outside the state, by reason 8116  
of ~~his~~ confinement in another state, or by reason of the 8117  
pendency of extradition proceedings, provided that the 8118  
prosecution exercises reasonable diligence to secure ~~his~~ 8119  
availability of the accused; 8120

(B) Any period during which the accused is mentally 8121  
incompetent to stand trial or during which ~~his~~ the accused's 8122

mental competence to stand trial is being determined, or any 8123  
period during which the accused is physically incapable of 8124  
standing trial; 8125

(C) Any period of delay necessitated by the accused's lack 8126  
of counsel, provided that such delay is not occasioned by any 8127  
lack of diligence in providing counsel to an indigent accused 8128  
upon ~~his~~ the accused's request as required by law; 8129

(D) Any period of delay occasioned by the neglect or 8130  
improper act of the accused; 8131

(E) Any period of delay necessitated by reason of a plea 8132  
in bar or abatement, motion, proceeding, or action made or 8133  
instituted by the accused; 8134

(F) Any period of delay necessitated by a removal or 8135  
change of venue pursuant to law; 8136

(G) Any period during which trial is stayed pursuant to an 8137  
express statutory requirement, or pursuant to an order of 8138  
another court competent to issue such order; 8139

(H) The period of any continuance granted on the accused's 8140  
own motion, and the period of any reasonable continuance granted 8141  
other than upon the accused's own motion; 8142

(I) Any period during which an appeal filed pursuant to 8143  
section 2945.67 of the Revised Code is pending; 8144

(J) Any period during which an appeal or petition for a 8145  
writ filed pursuant to section 2930.19 of the Revised Code is 8146  
pending. 8147

**Sec. 2947.051.** (A) In all criminal cases in which a person 8148  
is convicted of or pleads guilty to a felony, if the offender, 8149  
in committing the offense, caused, attempted to cause, 8150

threatened to cause, or created a risk of physical harm to the 8151  
victim of the offense, the court, prior to sentencing the 8152  
offender, shall order the preparation of a victim impact 8153  
statement by the department of probation of the county in which 8154  
the victim of the offense resides, by the court's own regular 8155  
probation officer, or by a victim assistance program that is 8156  
operated by the state, any county or municipal corporation, or 8157  
any other governmental entity. The court, in accordance with 8158  
sections 2929.13 and 2929.19 of the Revised Code, shall consider 8159  
the victim impact statement in determining the sentence to be 8160  
imposed upon the offender. 8161

(B) Each victim impact statement prepared under this 8162  
section shall identify the victim of the offense, itemize any 8163  
economic loss suffered by the victim as a result of the offense, 8164  
identify any physical injury suffered by the victim as a result 8165  
of the offense and the seriousness and permanence of the injury, 8166  
identify any change in the victim's personal welfare or familial 8167  
relationships as a result of the offense and any psychological 8168  
impact experienced by the victim or the victim's family as a 8169  
result of the offense, and contain any other information related 8170  
to the impact of the offense upon the victim that the court 8171  
requires. Each victim impact statement prepared under this 8172  
section shall include any statement made by the victim or the 8173  
victim's representative pursuant to section 2930.13 of the 8174  
Revised Code. 8175

(C) A victim impact statement prepared under this section 8176  
shall be kept confidential and is not a public record as defined 8177  
in section 149.43 of the Revised Code. However, the court may 8178  
furnish copies of the statement to both the defendant or the 8179  
defendant's counsel and the prosecuting attorney. Immediately 8180  
following the imposition of sentence upon the defendant, the 8181

defendant, the defendant's counsel, and the prosecuting attorney 8182  
shall return to the court the copies of the victim impact 8183  
statement that were made available to the defendant, the 8184  
counsel, or the prosecuting attorney. 8185

**Sec. 2951.041.** (A) (1) If an offender is charged with a 8186  
criminal offense, including but not limited to a violation of 8187  
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 8188  
of the Revised Code, and the court has reason to believe that 8189  
drug or alcohol usage by the offender was a factor leading to 8190  
the criminal offense with which the offender is charged or that, 8191  
at the time of committing that offense, the offender had a 8192  
mental illness, was a person with an intellectual disability, or 8193  
was a victim of a violation of section 2905.32 or 2907.21 of the 8194  
Revised Code and that the mental illness, status as a person 8195  
with an intellectual disability, or fact that the offender was a 8196  
victim of a violation of section 2905.32 or 2907.21 of the 8197  
Revised Code was a factor leading to the offender's criminal 8198  
behavior, the court may accept, prior to the entry of a guilty 8199  
plea, the offender's request for intervention in lieu of 8200  
conviction. The request shall include a statement from the 8201  
offender as to whether the offender is alleging that drug or 8202  
alcohol usage by the offender was a factor leading to the 8203  
criminal offense with which the offender is charged or is 8204  
alleging that, at the time of committing that offense, the 8205  
offender had a mental illness, was a person with an intellectual 8206  
disability, or was a victim of a violation of section 2905.32 or 8207  
2907.21 of the Revised Code and that the mental illness, status 8208  
as a person with an intellectual disability, or fact that the 8209  
offender was a victim of a violation of section 2905.32 or 8210  
2907.21 of the Revised Code was a factor leading to the criminal 8211  
offense with which the offender is charged. The request also 8212

shall include a waiver of the defendant's right to a speedy 8213  
trial, the preliminary hearing, the time period within which the 8214  
grand jury may consider an indictment against the offender, and 8215  
arraignment, unless the hearing, indictment, or arraignment has 8216  
already occurred. Unless an offender alleges that drug or 8217  
alcohol usage by the offender was a factor leading to the 8218  
criminal offense with which the offender is charged, the court 8219  
may reject an offender's request without a hearing. If the court 8220  
elects to consider an offender's request or the offender alleges 8221  
that drug or alcohol usage by the offender was a factor leading 8222  
to the criminal offense with which the offender is charged, the 8223  
court shall conduct a hearing to determine whether the offender 8224  
is eligible under this section for intervention in lieu of 8225  
conviction and shall stay all criminal proceedings pending the 8226  
outcome of the hearing. If the court schedules a hearing, the 8227  
court shall order an assessment of the offender for the purpose 8228  
of determining the offender's program eligibility for 8229  
intervention in lieu of conviction and recommending an 8230  
appropriate intervention plan. 8231

If the offender alleges that drug or alcohol usage by the 8232  
offender was a factor leading to the criminal offense with which 8233  
the offender is charged, the court may order that the offender 8234  
be assessed by a community addiction services provider or a 8235  
properly credentialed professional for the purpose of 8236  
determining the offender's program eligibility for intervention 8237  
in lieu of conviction and recommending an appropriate 8238  
intervention plan. The community addiction services provider or 8239  
the properly credentialed professional shall provide a written 8240  
assessment of the offender to the court. 8241

(2) The victim notification provisions of division ~~(C)~~ (E) 8242  
of section 2930.06 of the Revised Code apply in relation to any 8243

hearing held under division (A) (1) of this section. 8244

(B) An offender is eligible for intervention in lieu of 8245  
conviction if the court finds all of the following: 8246

(1) The offender previously has not been convicted of or 8247  
pleaded guilty to any felony offense of violence. 8248

(2) The offense is not a felony of the first, second, or 8249  
third degree, is not an offense of violence, is not a felony sex 8250  
offense, is not a violation of division (A) (1) or (2) of section 8251  
2903.06 of the Revised Code, is not a violation of division (A) 8252  
(1) of section 2903.08 of the Revised Code, is not a violation 8253  
of division (A) of section 4511.19 of the Revised Code or a 8254  
municipal ordinance that is substantially similar to that 8255  
division, and is not an offense for which a sentencing court is 8256  
required to impose a mandatory prison term. 8257

(3) The offender is not charged with a violation of 8258  
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 8259  
charged with a violation of section 2925.03 of the Revised Code 8260  
that is a felony of the first, second, third, or fourth degree, 8261  
and is not charged with a violation of section 2925.11 of the 8262  
Revised Code that is a felony of the first or second degree. 8263

(4) If an offender alleges that drug or alcohol usage by 8264  
the offender was a factor leading to the criminal offense with 8265  
which the offender is charged, the court has ordered that the 8266  
offender be assessed by a community addiction services provider 8267  
or a properly credentialed professional for the purpose of 8268  
determining the offender's program eligibility for intervention 8269  
in lieu of conviction and recommending an appropriate 8270  
intervention plan, the offender has been assessed by a community 8271  
addiction services provider of that nature or a properly 8272

credentialed professional in accordance with the court's order, 8273  
and the community addiction services provider or properly 8274  
credentialed professional has filed the written assessment of 8275  
the offender with the court. 8276

(5) If an offender alleges that, at the time of committing 8277  
the criminal offense with which the offender is charged, the 8278  
offender had a mental illness, was a person with an intellectual 8279  
disability, or was a victim of a violation of section 2905.32 or 8280  
2907.21 of the Revised Code and that the mental illness, status 8281  
as a person with an intellectual disability, or fact that the 8282  
offender was a victim of a violation of section 2905.32 or 8283  
2907.21 of the Revised Code was a factor leading to that 8284  
offense, the offender has been assessed by a psychiatrist, 8285  
psychologist, independent social worker, licensed professional 8286  
clinical counselor, or independent marriage and family therapist 8287  
for the purpose of determining the offender's program 8288  
eligibility for intervention in lieu of conviction and 8289  
recommending an appropriate intervention plan. 8290

(6) The offender's drug usage, alcohol usage, mental 8291  
illness, or intellectual disability, or the fact that the 8292  
offender was a victim of a violation of section 2905.32 or 8293  
2907.21 of the Revised Code, whichever is applicable, was a 8294  
factor leading to the criminal offense with which the offender 8295  
is charged, intervention in lieu of conviction would not demean 8296  
the seriousness of the offense, and intervention would 8297  
substantially reduce the likelihood of any future criminal 8298  
activity. 8299

(7) The alleged victim of the offense was not sixty-five 8300  
years of age or older, permanently and totally disabled, under 8301  
thirteen years of age, or a peace officer engaged in the 8302

officer's official duties at the time of the alleged offense. 8303

(8) If the offender is charged with a violation of section 8304  
2925.24 of the Revised Code, the alleged violation did not 8305  
result in physical harm to any person. 8306

(9) The offender is willing to comply with all terms and 8307  
conditions imposed by the court pursuant to division (D) of this 8308  
section. 8309

(10) The offender is not charged with an offense that 8310  
would result in the offender being disqualified under Chapter 8311  
4506. of the Revised Code from operating a commercial motor 8312  
vehicle or would subject the offender to any other sanction 8313  
under that chapter. 8314

(C) At the conclusion of a hearing held pursuant to 8315  
division (A) of this section, the court shall determine whether 8316  
the offender will be granted intervention in lieu of conviction. 8317  
In making this determination, the court shall presume that 8318  
intervention in lieu of conviction is appropriate. If the court 8319  
finds under this division and division (B) of this section that 8320  
the offender is eligible for intervention in lieu of conviction, 8321  
the court shall grant the offender's request unless the court 8322  
finds specific reasons to believe that the candidate's 8323  
participation in intervention in lieu of conviction would be 8324  
inappropriate. 8325

If the court denies an eligible offender's request for 8326  
intervention in lieu of conviction, the court shall state the 8327  
reasons for the denial, with particularity, in a written entry. 8328

If the court grants the offender's request, the court 8329  
shall accept the offender's plea of guilty and waiver of the 8330  
defendant's right to a speedy trial, the preliminary hearing, 8331

the time period within which the grand jury may consider an 8332  
indictment against the offender, and arraignment, unless the 8333  
hearing, indictment, or arraignment has already occurred. In 8334  
addition, the court then may stay all criminal proceedings and 8335  
order the offender to comply with all terms and conditions 8336  
imposed by the court pursuant to division (D) of this section. 8337  
If the court finds that the offender is not eligible or does not 8338  
grant the offender's request, the criminal proceedings against 8339  
the offender shall proceed as if the offender's request for 8340  
intervention in lieu of conviction had not been made. 8341

(D) If the court grants an offender's request for 8342  
intervention in lieu of conviction, the court shall place the 8343  
offender under the general control and supervision of the county 8344  
probation department, the adult parole authority, or another 8345  
appropriate local probation or court services agency, if one 8346  
exists, as if the offender was subject to a community control 8347  
sanction imposed under section 2929.15, 2929.18, or 2929.25 of 8348  
the Revised Code. The court shall establish an intervention plan 8349  
for the offender. The terms and conditions of the intervention 8350  
plan shall require the offender, for at least one year, but not 8351  
more than five years, from the date on which the court grants 8352  
the order of intervention in lieu of conviction, to abstain from 8353  
the use of illegal drugs and alcohol, to participate in 8354  
treatment and recovery support services, and to submit to 8355  
regular random testing for drug and alcohol use and may include 8356  
any other treatment terms and conditions, or terms and 8357  
conditions similar to community control sanctions, which may 8358  
include community service or restitution, that are ordered by 8359  
the court. 8360

(E) If the court grants an offender's request for 8361  
intervention in lieu of conviction and the court finds that the 8362

offender has successfully completed the intervention plan for 8363  
the offender, including the requirement that the offender 8364  
abstain from using illegal drugs and alcohol for a period of at 8365  
least one year, but not more than five years, from the date on 8366  
which the court granted the order of intervention in lieu of 8367  
conviction, the requirement that the offender participate in 8368  
treatment and recovery support services, and all other terms and 8369  
conditions ordered by the court, the court shall dismiss the 8370  
proceedings against the offender. Successful completion of the 8371  
intervention plan and period of abstinence under this section 8372  
shall be without adjudication of guilt and is not a criminal 8373  
conviction for purposes of any disqualification or disability 8374  
imposed by law and upon conviction of a crime, and the court may 8375  
order the sealing of records related to the offense in question, 8376  
as a dismissal of the charges, in the manner provided in 8377  
sections 2953.51 to 2953.56 of the Revised Code. 8378

(F) If the court grants an offender's request for 8379  
intervention in lieu of conviction and the offender fails to 8380  
comply with any term or condition imposed as part of the 8381  
intervention plan for the offender, the supervising authority 8382  
for the offender promptly shall advise the court of this 8383  
failure, and the court shall hold a hearing to determine whether 8384  
the offender failed to comply with any term or condition imposed 8385  
as part of the plan. If the court determines that the offender 8386  
has failed to comply with any of those terms and conditions, it 8387  
may continue the offender on intervention in lieu of conviction, 8388  
continue the offender on intervention in lieu of conviction with 8389  
additional terms, conditions, and sanctions, or enter a finding 8390  
of guilty and impose an appropriate sanction under Chapter 2929. 8391  
of the Revised Code. If the court sentences the offender to a 8392  
prison term, the court, after consulting with the department of 8393

rehabilitation and correction regarding the availability of 8394  
services, may order continued court-supervised activity and 8395  
treatment of the offender during the prison term and, upon 8396  
consideration of reports received from the department concerning 8397  
the offender's progress in the program of activity and 8398  
treatment, may consider judicial release under section 2929.20 8399  
of the Revised Code. 8400

(G) As used in this section: 8401

(1) "Community addiction services provider" has the same 8402  
meaning as in section 5119.01 of the Revised Code. 8403

(2) "Community control sanction" has the same meaning as 8404  
in section 2929.01 of the Revised Code. 8405

(3) "Intervention in lieu of conviction" means any court- 8406  
supervised activity that complies with this section. 8407

(4) "Intellectual disability" has the same meaning as in 8408  
section 5123.01 of the Revised Code. 8409

(5) "Peace officer" has the same meaning as in section 8410  
2935.01 of the Revised Code. 8411

(6) "Mental illness" and "psychiatrist" have the same 8412  
meanings as in section 5122.01 of the Revised Code. 8413

(7) "Psychologist" has the same meaning as in section 8414  
4732.01 of the Revised Code. 8415

(8) "Felony sex offense" means a violation of a section 8416  
contained in Chapter 2907. of the Revised Code that is a felony. 8417

**Sec. 2953.32.** (A) (1) Except as provided in section 2953.61 8418  
of the Revised Code or as otherwise provided in division ~~(A)(1)~~ 8419  
~~(d)~~ (A)(1)(c) of this section, an eligible offender may apply to 8420

the sentencing court if convicted in this state, or to a court 8421  
of common pleas if convicted in another state or in a federal 8422  
court, for the sealing of the record of the case that pertains 8423  
to the conviction, except for convictions listed under section 8424  
2953.36 of the Revised Code. Application may be made at one of 8425  
the following times: 8426

(a) At the expiration of three years after the offender's 8427  
final discharge if convicted of a felony of the third degree, so 8428  
long as none of the offenses is a violation of section 2921.43 8429  
of the Revised Code; 8430

(b) At the expiration of one year after the offender's 8431  
final discharge if convicted of a felony of the fourth or fifth 8432  
degree or a misdemeanor, so long as none of the offenses is a 8433  
violation of section 2921.43 of the Revised Code; 8434

(c) At the expiration of seven years after the offender's 8435  
final discharge if the record includes a conviction of 8436  
soliciting improper compensation in violation of section 2921.43 8437  
of the Revised Code. 8438

(2) Any person who has been arrested for any misdemeanor 8439  
offense and who has effected a bail forfeiture for the offense 8440  
charged may apply to the court in which the misdemeanor criminal 8441  
case was pending when bail was forfeited for the sealing of the 8442  
record of the case that pertains to the charge. Except as 8443  
provided in section 2953.61 of the Revised Code, the application 8444  
may be filed at any time after the expiration of one year from 8445  
the date on which the bail forfeiture was entered upon the 8446  
minutes of the court or the journal, whichever entry occurs 8447  
first. 8448

(B) Upon the filing of an application under this section, 8449

the court shall set a date for a hearing and shall notify the 8450  
prosecutor for the case of the hearing on the application not 8451  
less than sixty days prior to the hearing. The prosecutor shall 8452  
provide timely notice to a victim and victim's representative, 8453  
if applicable, if the victim or victim's representative 8454  
requested notice of the proceedings in the underlying case. The 8455  
prosecutor may object to the granting of the application by 8456  
filing an objection with the court prior to the date set for the 8457  
hearing. The prosecutor shall specify in the objection the 8458  
reasons for believing a denial of the application is justified. 8459  
The victim, victim's representative, and victim's attorney, if 8460  
applicable, may be present and heard orally, in writing, or both 8461  
at any hearing under this section. The court shall direct its 8462  
regular probation officer, a state probation officer, or the 8463  
department of probation of the county in which the applicant 8464  
resides to make inquiries and written reports as the court 8465  
requires concerning the applicant. The probation officer or 8466  
county department of probation that the court directs to make 8467  
inquiries concerning the applicant shall determine whether or 8468  
not the applicant was fingerprinted at the time of arrest or 8469  
under section 109.60 of the Revised Code. If the applicant was 8470  
so fingerprinted, the probation officer or county department of 8471  
probation shall include with the written report a record of the 8472  
applicant's fingerprints. If the applicant was convicted of or 8473  
pleaded guilty to a violation of division (A) (2) or (B) of 8474  
section 2919.21 of the Revised Code, the probation officer or 8475  
county department of probation that the court directed to make 8476  
inquiries concerning the applicant shall contact the child 8477  
support enforcement agency enforcing the applicant's obligations 8478  
under the child support order to inquire about the offender's 8479  
compliance with the child support order. 8480

(C) (1) The court shall do each of the following: 8481

(a) Determine whether the applicant is an eligible 8482  
offender or whether the forfeiture of bail was agreed to by the 8483  
applicant and the prosecutor in the case. If the applicant 8484  
applies as an eligible offender pursuant to division (A) (1) of 8485  
this section and has two or three convictions that result from 8486  
the same indictment, information, or complaint, from the same 8487  
plea of guilty, or from the same official proceeding, and result 8488  
from related criminal acts that were committed within a three- 8489  
month period but do not result from the same act or from 8490  
offenses committed at the same time, in making its determination 8491  
under this division, the court initially shall determine whether 8492  
it is not in the public interest for the two or three 8493  
convictions to be counted as one conviction. If the court 8494  
determines that it is not in the public interest for the two or 8495  
three convictions to be counted as one conviction, the court 8496  
shall determine that the applicant is not an eligible offender; 8497  
if the court does not make that determination, the court shall 8498  
determine that the offender is an eligible offender. 8499

(b) Determine whether criminal proceedings are pending 8500  
against the applicant; 8501

(c) If the applicant is an eligible offender who applies 8502  
pursuant to division (A) (1) of this section, determine whether 8503  
the applicant has been rehabilitated to the satisfaction of the 8504  
court; 8505

(d) If the prosecutor has filed an objection in accordance 8506  
with division (B) of this section, consider the reasons against 8507  
granting the application specified by the prosecutor in the 8508  
objection; 8509

(e) Weigh the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed against the legitimate needs, if any, of the government to maintain those records;

(f) Consider the oral or written statement of any victim, victim's representative, and victim's attorney, if applicable;

(g) If the applicant is an eligible offender of the type described in division (A) (3) of section 2953.36 of the Revised Code, determine whether the offender has been rehabilitated to a satisfactory degree. In making the determination, the court may consider all of the following:

(i) The age of the offender;

(ii) The facts and circumstances of the offense;

(iii) The cessation or continuation of criminal behavior;

(iv) The education and employment of the offender;

(v) Any other circumstances that may relate to the offender's rehabilitation.

(2) If the court determines, after complying with division (C) (1) of this section, that the applicant is an eligible offender or the subject of a bail forfeiture, that no criminal proceeding is pending against the applicant, that the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed are not outweighed by any legitimate governmental needs to maintain those records, and that the rehabilitation of an applicant who is an eligible offender applying pursuant to division (A) (1) of this section has been attained to the satisfaction of the court, the court, except as provided in division (C) (4), (G), (H), or

(I) of this section, shall order all official records of the 8538  
case that pertain to the conviction or bail forfeiture sealed 8539  
and, except as provided in division (F) of this section, all 8540  
index references to the case that pertain to the conviction or 8541  
bail forfeiture deleted and, in the case of bail forfeitures, 8542  
shall dismiss the charges in the case. The proceedings in the 8543  
case that pertain to the conviction or bail forfeiture shall be 8544  
considered not to have occurred and the conviction or bail 8545  
forfeiture of the person who is the subject of the proceedings 8546  
shall be sealed, except that upon conviction of a subsequent 8547  
offense, the sealed record of prior conviction or bail 8548  
forfeiture may be considered by the court in determining the 8549  
sentence or other appropriate disposition, including the relief 8550  
provided for in sections 2953.31 to 2953.33 of the Revised Code. 8551

(3) An applicant may request the sealing of the records of 8552  
more than one case in a single application under this section. 8553  
Upon the filing of an application under this section, the 8554  
applicant, unless indigent, shall pay a fee of fifty dollars, 8555  
regardless of the number of records the application requests to 8556  
have sealed. The court shall pay thirty dollars of the fee into 8557  
the state treasury, with fifteen dollars of that amount credited 8558  
to the attorney general reimbursement fund created by section 8559  
109.11 of the Revised Code. It shall pay twenty dollars of the 8560  
fee into the county general revenue fund if the sealed 8561  
conviction or bail forfeiture was pursuant to a state statute, 8562  
or into the general revenue fund of the municipal corporation 8563  
involved if the sealed conviction or bail forfeiture was 8564  
pursuant to a municipal ordinance. 8565

(4) If the court orders the official records pertaining to 8566  
the case sealed, the court shall do one of the following: 8567

(a) If the applicant was fingerprinted at the time of 8568  
arrest or under section 109.60 of the Revised Code and the 8569  
record of the applicant's fingerprints was provided to the court 8570  
under division (B) of this section, forward a copy of the 8571  
sealing order and the record of the applicant's fingerprints to 8572  
the bureau of criminal identification and investigation. 8573

(b) If the applicant was not fingerprinted at the time of 8574  
arrest or under section 109.60 of the Revised Code, or the 8575  
record of the applicant's fingerprints was not provided to the 8576  
court under division (B) of this section, but fingerprinting was 8577  
required for the offense, order the applicant to appear before a 8578  
sheriff to have the applicant's fingerprints taken according to 8579  
the fingerprint system of identification on the forms furnished 8580  
by the superintendent of the bureau of criminal identification 8581  
and investigation. The sheriff shall forward the applicant's 8582  
fingerprints to the court. The court shall forward the 8583  
applicant's fingerprints and a copy of the sealing order to the 8584  
bureau of criminal identification and investigation. 8585

Failure of the court to order fingerprints at the time of 8586  
sealing does not constitute a reversible error. 8587

(D) Inspection of the sealed records included in the order 8588  
may be made only by the following persons or for the following 8589  
purposes: 8590

(1) By a law enforcement officer or prosecutor, or the 8591  
assistants of either, to determine whether the nature and 8592  
character of the offense with which a person is to be charged 8593  
would be affected by virtue of the person's previously having 8594  
been convicted of a crime; 8595

(2) By the parole or probation officer of the person who 8596

is the subject of the records, for the exclusive use of the 8597  
officer in supervising the person while on parole or under a 8598  
community control sanction or a post-release control sanction, 8599  
and in making inquiries and written reports as requested by the 8600  
court or adult parole authority; 8601

(3) Upon application by the person who is the subject of 8602  
the records, by the persons named in the application; 8603

(4) By a law enforcement officer who was involved in the 8604  
case, for use in the officer's defense of a civil action arising 8605  
out of the officer's involvement in that case; 8606

(5) By a prosecuting attorney or the prosecuting 8607  
attorney's assistants, to determine a defendant's eligibility to 8608  
enter a pre-trial diversion program established pursuant to 8609  
section 2935.36 of the Revised Code; 8610

(6) By any law enforcement agency or any authorized 8611  
employee of a law enforcement agency or by the department of 8612  
rehabilitation and correction or department of youth services as 8613  
part of a background investigation of a person who applies for 8614  
employment with the agency or with the department; 8615

(7) By any law enforcement agency or any authorized 8616  
employee of a law enforcement agency, for the purposes set forth 8617  
in, and in the manner provided in, section 2953.321 of the 8618  
Revised Code; 8619

(8) By the bureau of criminal identification and 8620  
investigation or any authorized employee of the bureau for the 8621  
purpose of providing information to a board or person pursuant 8622  
to division (F) or (G) of section 109.57 of the Revised Code; 8623

(9) By the bureau of criminal identification and 8624  
investigation or any authorized employee of the bureau for the 8625

purpose of performing a criminal history records check on a 8626  
person to whom a certificate as prescribed in section 109.77 of 8627  
the Revised Code is to be awarded; 8628

(10) By the bureau of criminal identification and 8629  
investigation or any authorized employee of the bureau for the 8630  
purpose of conducting a criminal records check of an individual 8631  
pursuant to division (B) of section 109.572 of the Revised Code 8632  
that was requested pursuant to any of the sections identified in 8633  
division (B) (1) of that section; 8634

(11) By the bureau of criminal identification and 8635  
investigation, an authorized employee of the bureau, a sheriff, 8636  
or an authorized employee of a sheriff in connection with a 8637  
criminal records check described in section 311.41 of the 8638  
Revised Code; 8639

(12) By the attorney general or an authorized employee of 8640  
the attorney general or a court for purposes of determining a 8641  
person's classification pursuant to Chapter 2950. of the Revised 8642  
Code; 8643

(13) By a court, the registrar of motor vehicles, a 8644  
prosecuting attorney or the prosecuting attorney's assistants, 8645  
or a law enforcement officer for the purpose of assessing points 8646  
against a person under section 4510.036 of the Revised Code or 8647  
for taking action with regard to points assessed. 8648

When the nature and character of the offense with which a 8649  
person is to be charged would be affected by the information, it 8650  
may be used for the purpose of charging the person with an 8651  
offense. 8652

(E) In any criminal proceeding, proof of any otherwise 8653  
admissible prior conviction may be introduced and proved, 8654

notwithstanding the fact that for any such prior conviction an 8655  
order of sealing previously was issued pursuant to sections 8656  
2953.31 to 2953.36 of the Revised Code. 8657

(F) The person or governmental agency, office, or 8658  
department that maintains sealed records pertaining to 8659  
convictions or bail forfeitures that have been sealed pursuant 8660  
to this section may maintain a manual or computerized index to 8661  
the sealed records. The index shall contain only the name of, 8662  
and alphanumeric identifiers that relate to, the persons who are 8663  
the subject of the sealed records, the word "sealed," and the 8664  
name of the person, agency, office, or department that has 8665  
custody of the sealed records, and shall not contain the name of 8666  
the crime committed. The index shall be made available by the 8667  
person who has custody of the sealed records only for the 8668  
purposes set forth in divisions (C), (D), and (E) of this 8669  
section. 8670

(G) Notwithstanding any provision of this section or 8671  
section 2953.33 of the Revised Code that requires otherwise, a 8672  
board of education of a city, local, exempted village, or joint 8673  
vocational school district that maintains records of an 8674  
individual who has been permanently excluded under sections 8675  
3301.121 and 3313.662 of the Revised Code is permitted to 8676  
maintain records regarding a conviction that was used as the 8677  
basis for the individual's permanent exclusion, regardless of a 8678  
court order to seal the record. An order issued under this 8679  
section to seal the record of a conviction does not revoke the 8680  
adjudication order of the superintendent of public instruction 8681  
to permanently exclude the individual who is the subject of the 8682  
sealing order. An order issued under this section to seal the 8683  
record of a conviction of an individual may be presented to a 8684  
district superintendent as evidence to support the contention 8685

that the superintendent should recommend that the permanent 8686  
exclusion of the individual who is the subject of the sealing 8687  
order be revoked. Except as otherwise authorized by this 8688  
division and sections 3301.121 and 3313.662 of the Revised Code, 8689  
any school employee in possession of or having access to the 8690  
sealed conviction records of an individual that were the basis 8691  
of a permanent exclusion of the individual is subject to section 8692  
2953.35 of the Revised Code. 8693

(H) Notwithstanding any provision of this section or 8694  
section 2953.33 of the Revised Code that requires otherwise, if 8695  
the auditor of state or a prosecutor maintains records, reports, 8696  
or audits of an individual who has been forever disqualified 8697  
from holding public office, employment, or position of trust in 8698  
this state under sections 2921.41 and 2921.43 of the Revised 8699  
Code, or has otherwise been convicted of an offense based upon 8700  
the records, reports, or audits of the auditor of state, the 8701  
auditor of state or prosecutor is permitted to maintain those 8702  
records to the extent they were used as the basis for the 8703  
individual's disqualification or conviction, and shall not be 8704  
compelled by court order to seal those records. 8705

(I) For purposes of sections 2953.31 to 2953.36 of the 8706  
Revised Code, DNA records collected in the DNA database and 8707  
fingerprints filed for record by the superintendent of the 8708  
bureau of criminal identification and investigation shall not be 8709  
sealed unless the superintendent receives a certified copy of a 8710  
final court order establishing that the offender's conviction 8711  
has been overturned. For purposes of this section, a court order 8712  
is not "final" if time remains for an appeal or application for 8713  
discretionary review with respect to the order. 8714

(J) The sealing of a record under this section does not 8715

affect the assessment of points under section 4510.036 of the Revised Code and does not erase points assessed against a person as a result of the sealed record.

**Section 2.** That existing sections 9.39, 109.42, 109.91, 149.43, 1901.31, 1907.20, 2151.356, 2151.358, 2152.20, 2152.81, 2152.811, 2335.35, 2743.191, 2743.70, 2907.02, 2907.05, 2907.10, 2929.18, 2929.20, 2929.22, 2929.28, 2930.01, 2930.02, 2930.03, 2930.04, 2930.05, 2930.06, 2930.062, 2930.08, 2930.09, 2930.11, 2930.12, 2930.13, 2930.14, 2930.15, 2930.16, 2930.17, 2930.18, 2930.19, 2937.11, 2945.481, 2945.482, 2945.72, 2947.051, 2951.041, and 2953.32 of the Revised Code are hereby repealed.

**Section 3.** That section 2930.07 of the Revised Code is hereby repealed.

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

Section 109.42 of the Revised Code as amended by both H.B. 1 and S.B. 201 of the 132nd General Assembly.

Section 149.43 of the Revised Code as amended by H.B. 93, H.B 110, and S.B. 4 of the 134th General Assembly and S.B. 284 of the 133rd General Assembly.

Section 2907.05 of the Revised Code as amended by both S.B. 201 and S.B. 229 of the 132nd General Assembly.

Section 2953.32 of the Revised Code as amended by H.B. 1,

H.B. 431, and S.B. 10, all of the 133rd General Assembly.

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