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132nd General Assembly
Regular Session
2017-2018

. B. No.

A BILL

To amend sections 109.42, 149.43, 2151.356, 1
2151.358, 2152.20, 2152.81, 2152.811, 2907.02, 2
2907.05, 2907.10, 2929.18, 2929.20, 2929.22, 3
2929.28, 2930.01, 2930.02, 2930.03, 2930.04, 4
2930.05, 2930.06, 2930.062, 2930.08, 2930.09, 5
2930.11, 2930.12, 2930.13, 2930.14, 2930.15, 6
2930.16, 2930.17, 2930.18, 2930.19, 2937.11, 7
2945.481, 2945.482, 2945.72, 2947.051, 2951.041, 8
and 2953.32, to enact new section 2930.07 and 9
sections 2152.203, 2929.281, 2930.041, 2930.042, 10
2930.043, 2930.044, 2930.051, 2930.063, 11
2930.071, 2930.072, 2930.121, 2930.131, 12
2930.161, 2930.162, 2930.163, 2930.171, 13
2930.191, and 2945.483, and to repeal section 14
2930.07 of the Revised Code relative to the 15
rights of crime victims. 16

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

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



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

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

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

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

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

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

(4) The right of the victim ~~in certain criminal or~~ 71
~~juvenile cases or~~ and a victim's representative, if applicable, 72
to receive, pursuant to the Ohio Constitution and section 73
2930.06 of the Revised Code, notice of the date, time, and place 74
of the ~~trial or delinquency proceeding~~ proceedings in the case 75
~~or, if there will not be a trial or delinquency proceeding,~~ and 76
information from the prosecutor, as defined in section 2930.01 77
of the Revised Code, regarding ~~the disposition of~~ the case; 78

(5) The right of the victim ~~in certain criminal or~~ 79
~~juvenile cases or a~~ and the victim's representative, if 80

applicable, to receive, pursuant to section 2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the name of the person charged with the violation, the case or docket number assigned to the charge, and a telephone number or numbers that can be called to obtain information about ~~the disposition of the case;~~

(6) The right of the victim ~~in certain criminal or juvenile cases or~~ and of the victim's representative, if applicable, pursuant to the Ohio Constitution and section 2930.13 or 2930.14 of the Revised Code, subject to any reasonable terms set by the court as authorized under section 2930.14 of the Revised Code, to ~~make a statement~~ be heard orally, in writing, or both about the victimization and, if applicable, a statement to be heard orally, in writing, or both relative to the sentencing or disposition of the offender;

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

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

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

~~juvenile cases or a~~ and the victim's representative, if 111
applicable, pursuant to the Ohio Constitution and section 112
2930.16, 2967.12, 2967.26, or 5139.56 of the Revised Code to 113
receive notice of any pending commutation, pardon, parole, 114
transitional control, discharge, other form of authorized 115
release, post-release control, or supervised release for the 116
person who committed the offense against the victim or any 117
application for release of that person and to send a written 118
statement relative to the victimization and the pending action 119
to the adult parole authority or the release authority of the 120
department of youth services; 121

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

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

(12) The right, pursuant to section 3109.10 of the Revised 131
Code, to maintain a civil action to recover compensatory damages 132
not exceeding ten thousand dollars and costs from the parent of 133
a minor who willfully and maliciously assaults a person; 134

(13) ~~The possibility of receiving right of the victim,~~ 135
pursuant to section 2152.20, 2152.203, 2929.18, 2929.28, or 136
2929.281 of the Revised Code, to receive restitution from an 137
~~offender or a delinquent child pursuant to section 2152.20,~~ 138
~~2929.18, or 2929.28 of the Revised Code and, if the court~~ 139
imposes one or more financial sanctions in addition to 140

restitution, to have any amounts paid by the offender or 141
delinquent child credited first to restitution; 142

(14) The right of the victim ~~in certain criminal or~~ 143
~~juvenile cases or a~~ and the victim's representative, if 144
applicable, pursuant to the Ohio Constitution and section 145
2930.16 of the Revised Code, to receive notice of the escape 146
from confinement or custody of the person who committed the 147
offense, to receive that notice from the custodial agency of the 148
person at the victim's ~~last address or telephone number~~ contact
information provided to the custodial agency, and to receive 149
notice that, if ~~either the victim's address or telephone number~~ 150
contact information changes, it is in the victim's interest to 151
provide the new ~~address or telephone number~~ contact information 152
to the custodial agency; 153
154

(15) The right of a victim of domestic violence, including 155
domestic violence in a dating relationship as defined in section 156
3113.31 of the Revised Code, to seek the issuance of a civil 157
protection order pursuant to that section, the right of a victim 158
of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 159
2911.211, or 2919.22 of the Revised Code, a violation of a 160
substantially similar municipal ordinance, or an offense of 161
violence who is a family or household member of the offender at 162
the time of the offense to seek the issuance of a temporary 163
protection order pursuant to section 2919.26 of the Revised 164
Code, and the right of both types of victims to be accompanied 165
by a victim advocate during court proceedings; 166

(16) The right of a victim of a sexually oriented offense 167
or of a child-victim oriented offense that is committed by a 168
person who is convicted of, pleads guilty to, or is adjudicated 169
a delinquent child for committing the offense and who is in a 170

category specified in division (B) of section 2950.10 of the Revised Code to receive, pursuant to that section, notice that the person has registered with a sheriff under section 2950.04, 2950.041, or 2950.05 of the Revised Code and notice of the person's name, the person's residence that is registered, and the offender's school, institution of higher education, or place of employment address or addresses that are registered, the person's photograph, and a summary of the manner in which the victim must make a request to receive the notice. As used in this division, "sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.

(17) The right of a victim of certain sexually violent offenses committed by an offender who also is convicted of or pleads guilty to a sexually violent predator specification and who is sentenced to a prison term pursuant to division (A) (3) of section 2971.03 of the Revised Code, of a victim of a violation of division (A) (1) (b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, by an offender who is sentenced for the violation pursuant to division (B) (1) (a), (b), or (c) of section 2971.03 of the Revised Code, of a victim of an attempted rape committed on or after January 2, 2007, by an offender who also is convicted of or pleads guilty to a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code and is sentenced for the violation pursuant to division (B) (2) (a), (b), or (c) of section 2971.03 of the Revised Code, and of a victim of an offense that is described in division (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code and is committed by an offender who is sentenced pursuant to one of those divisions to receive, pursuant to section 2930.16 of the Revised Code,

notice of a hearing to determine whether to modify the 202
requirement that the offender serve the entire prison term in a 203
state correctional facility, whether to continue, revise, or 204
revoke any existing modification of that requirement, or whether 205
to terminate the prison term. As used in this division, 206
"sexually violent offense" and "sexually violent predator 207
specification" have the same meanings as in section 2971.01 of 208
the Revised Code. 209

(18) The right of the victim, pursuant to the Ohio 210
Constitution and section 2930.08 of the Revised Code to 211
proceedings free from unreasonable delay and prompt conclusion 212
of the case; 213

(19) The right of the victim, pursuant to the Ohio 214
Constitution and section 2930.09 of the Revised Code, to be 215
present and be heard at any public proceeding involving release, 216
a plea, sentencing, disposition, or parole, or in any public 217
proceeding in which a right of the victim is implicated; 218

(20) The right of the victim, pursuant to the Ohio 219
Constitution and section 2930.19 of the Revised Code, to be 220
represented by retained counsel and the right of the victim or 221
counsel to assert, or to challenge an order denying, the rights 222
of the victim as provided by law. Nothing in this division 223
creates a right to counsel at public expense for a victim. 224

(21) The right of a victim, pursuant to sections 2930.07 225
and 2930.071 of the Revised Code, generally to request the 226
confidentiality of the victim's name, address, or other 227
identifying information and any documents pertaining to the case 228
to be redacted prior to public release; 229

(22) The right of a victim to receive, pursuant to section 230

2930.171 of the Revised Code, notice of an application to seal 231
the applicable record of conviction or to seal or expunge the 232
applicable juvenile record and to be heard at the hearing on the 233
matter. 234

~~(B) (1) (a) Subject to division (B) (1) (c) of this section, a~~ 235
A prosecuting attorney, assistant prosecuting attorney, city 236
director of law, assistant city director of law, village 237
solicitor, assistant village solicitor, or similar chief legal 238
officer of a municipal corporation or an assistant of any of 239
those officers who prosecutes an offense committed in this 240
state, upon first contact with the victim of the offense, the 241
victim's family, or the victim's dependents, shall give the 242
victim, the victim's family, or the victim's dependents a copy 243
of the victim's rights request/waiver form, or a substantially 244
similar form, and pamphlet prepared pursuant to division (A) of 245
this section and explain, upon request, the information in the 246
form and pamphlet to the victim, the victim's family, or the 247
victim's dependents. 248

~~(b) Subject to division (B) (1) (c) of this section, a~~ 249
A law enforcement agency that investigates ~~an~~ a criminal offense or 250
delinquent act committed in this state shall give the victim of 251
the criminal offense or delinquent act, the victim's family, or 252
the victim's dependents a copy of the form and pamphlet prepared 253
pursuant to division (A) of this section at one of the following 254
times: 255

(i) Upon first contact with the victim, the victim's 256
family, or the victim's dependents; 257

(ii) If the ~~offense or delinquent act is an offense of~~ 258
~~violence, if the~~ circumstances of the criminal offense or 259
delinquent act and the condition of the victim, the victim's 260

family, or the victim's dependents indicate that the victim, the 261
victim's family, or the victim's dependents will not be able to 262
understand the significance of the form and pamphlet upon first 263
contact with the agency, and if the agency anticipates that it 264
will have an additional contact with the victim, the victim's 265
family, or the victim's dependents, upon the agency's second 266
contact with the victim, the victim's family, or the victim's 267
dependents. 268

If the agency does not give the victim, the victim's 269
family, or the victim's dependents a copy of the form and 270
pamphlet upon first contact with them and does not have a second 271
contact with the victim, the victim's family, or the victim's 272
dependents, the agency shall mail a copy of the form and 273
pamphlet to the victim, the victim's family, or the victim's 274
dependents at their last known address. 275

~~(c) In complying on and after December 9, 1994, with the 276
duties imposed by division (B) (1) (a) or (b) of this section, an 277
official or a law enforcement agency shall use copies of the 278
pamphlet that are in the official's or agency's possession on 279
December 9, 1994, until the official or agency has distributed 280
all of those copies. After the official or agency has 281
distributed all of those copies, the official or agency shall 282
use only copies of the pamphlet that contain at least the 283
information described in divisions (A) (1) to (17) of this 284
section. 285~~

~~(2) The failure of a law enforcement agency or of a 286
prosecuting attorney, assistant prosecuting attorney, city 287
director of law, assistant city director of law, village 288
solicitor, assistant village solicitor, or similar chief legal 289
officer of a municipal corporation or an assistant to any of 290~~

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

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

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

(D) As used in this section:

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

(2) "Victim advocate" has the same meaning as in section

2919.26 of the Revised Code.	320
Sec. 149.43. (A) As used in this section:	321
(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:	322 323 324 325 326 327 328 329
(a) Medical records;	330
(b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;	331 332 333
(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;	334 335 336
(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;	337 338 339
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	340 341 342 343 344 345
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	346 347

(g) Trial preparation records;	348
(h) Confidential law enforcement investigatory records;	349
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	350 351
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	352 353
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	354 355 356 357
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	358 359 360 361
(m) Intellectual property records;	362
(n) Donor profile records;	363
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	364 365
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer residential and familial information;	366 367 368 369 370 371 372
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital	373 374

operated pursuant to Chapter 749. of the Revised Code, 375
information that constitutes a trade secret, as defined in 376
section 1333.61 of the Revised Code; 377

(r) Information pertaining to the recreational activities 378
of a person under the age of eighteen; 379

(s) In the case of a child fatality review board acting 380
under sections 307.621 to 307.629 of the Revised Code or a 381
review conducted pursuant to guidelines established by the 382
director of health under section 3701.70 of the Revised Code, 383
records provided to the board or director, statements made by 384
board members during meetings of the board or by persons 385
participating in the director's review, and all work products of 386
the board or director, and in the case of a child fatality 387
review board, child fatality review data submitted by the board 388
to the department of health or a national child death review 389
database, other than the report prepared pursuant to division 390
(A) of section 307.626 of the Revised Code; 391

(t) Records provided to and statements made by the 392
executive director of a public children services agency or a 393
prosecuting attorney acting pursuant to section 5153.171 of the 394
Revised Code other than the information released under that 395
section; 396

(u) Test materials, examinations, or evaluation tools used 397
in an examination for licensure as a nursing home administrator 398
that the board of executives of long-term services and supports 399
administers under section 4751.04 of the Revised Code or 400
contracts under that section with a private or government entity 401
to administer; 402

(v) Records the release of which is prohibited by state or 403

federal law;	404
(w) Proprietary information of or relating to any person	405
that is submitted to or compiled by the Ohio venture capital	406
authority created under section 150.01 of the Revised Code;	407
(x) Financial statements and data any person submits for	408
any purpose to the Ohio housing finance agency or the	409
controlling board in connection with applying for, receiving, or	410
accounting for financial assistance from the agency, and	411
information that identifies any individual who benefits directly	412
or indirectly from financial assistance from the agency;	413
(y) Records listed in section 5101.29 of the Revised Code;	414
(z) Discharges recorded with a county recorder under	415
section 317.24 of the Revised Code, as specified in division (B)	416
(2) of that section;	417
(aa) Usage information including names and addresses of	418
specific residential and commercial customers of a municipally	419
owned or operated public utility;	420
(bb) Records described in division (C) of section 187.04	421
of the Revised Code that are not designated to be made available	422
to the public as provided in that division;	423
(cc) Information and records that are made confidential,	424
privileged, and not subject to disclosure under divisions (B)	425
and (C) of section 2949.221 of the Revised Code;	426
(dd) Personal information, as defined in section 149.45 of	427
the Revised Code;	428
(ee) The confidential name, address, and other personally	429
identifiable information of a program participant in the address	430
confidentiality program established under sections 111.41 to	431

111.47 of the Revised Code, including the contents of any 432
application for absent voter's ballots, absent voter's ballot 433
identification envelope statement of voter, or provisional 434
ballot affirmation completed by a program participant who has a 435
confidential voter registration record, and records or portions 436
of records pertaining to that program that identify the number 437
of program participants that reside within a precinct, ward, 438
township, municipal corporation, county, or any other geographic 439
area smaller than the state. As used in this division, 440
"confidential address" and "program participant" have the 441
meaning defined in section 111.41 of the Revised Code. 442

(ff) Orders for active military service of an individual 443
serving or with previous service in the armed forces of the 444
United States, including a reserve component, or the Ohio 445
organized militia, except that, such order becomes a public 446
record on the day that is fifteen years after the published date 447
or effective date of the call to order; 448

(gg) The name, address, contact information, or other 449
personal information of an individual who is less than eighteen 450
years of age that is included in any record related to a traffic 451
accident involving a school vehicle in which the individual was 452
an occupant at the time of the accident; 453

(hh) Protected health information, as defined in 45 C.F.R. 454
160.103, that is in a claim for payment for a health care 455
product, service, or procedure, as well as any other health 456
claims data in another document that reveals the identity of an 457
individual who is the subject of the data or could be used to 458
reveal that individual's identity; 459

(ii) Records, documents, and information the release of 460
which is prohibited under section 2930.07 of the Revised Code. 461

(2) "Confidential law enforcement investigatory record" 462
means any record that pertains to a law enforcement matter of a 463
criminal, quasi-criminal, civil, or administrative nature, but 464
only to the extent that the release of the record would create a 465
high probability of disclosure of any of the following: 466

(a) The identity of a suspect who has not been charged 467
with the offense to which the record pertains, or of an 468
information source or witness to whom confidentiality has been 469
reasonably promised; 470

(b) Information provided by an information source or 471
witness to whom confidentiality has been reasonably promised, 472
which information would reasonably tend to disclose the source's 473
or witness's identity; 474

(c) Specific confidential investigatory techniques or 475
procedures or specific investigatory work product; 476

(d) Information that would endanger the life or physical 477
safety of law enforcement personnel, a crime victim, a witness, 478
or a confidential information source. 479

(3) "Medical record" means any document or combination of 480
documents, except births, deaths, and the fact of admission to 481
or discharge from a hospital, that pertains to the medical 482
history, diagnosis, prognosis, or medical condition of a patient 483
and that is generated and maintained in the process of medical 484
treatment. 485

(4) "Trial preparation record" means any record that 486
contains information that is specifically compiled in reasonable 487
anticipation of, or in defense of, a civil or criminal action or 488
proceeding, including the independent thought processes and 489
personal trial preparation of an attorney. 490

(5) "Intellectual property record" means a record, other 491
than a financial or administrative record, that is produced or 492
collected by or for faculty or staff of a state institution of 493
higher learning in the conduct of or as a result of study or 494
research on an educational, commercial, scientific, artistic, 495
technical, or scholarly issue, regardless of whether the study 496
or research was sponsored by the institution alone or in 497
conjunction with a governmental body or private concern, and 498
that has not been publicly released, published, or patented. 499

(6) "Donor profile record" means all records about donors 500
or potential donors to a public institution of higher education 501
except the names and reported addresses of the actual donors and 502
the date, amount, and conditions of the actual donation. 503

(7) "Peace officer, parole officer, probation officer, 504
bailiff, prosecuting attorney, assistant prosecuting attorney, 505
correctional employee, community-based correctional facility 506
employee, youth services employee, firefighter, EMT, 507
investigator of the bureau of criminal identification and 508
investigation, or federal law enforcement officer residential 509
and familial information" means any information that discloses 510
any of the following about a peace officer, parole officer, 511
probation officer, bailiff, prosecuting attorney, assistant 512
prosecuting attorney, correctional employee, community-based 513
correctional facility employee, youth services employee, 514
firefighter, EMT, investigator of the bureau of criminal 515
identification and investigation, or federal law enforcement 516
officer: 517

(a) The address of the actual personal residence of a 518
peace officer, parole officer, probation officer, bailiff, 519
assistant prosecuting attorney, correctional employee, 520

community-based correctional facility employee, youth services 521
employee, firefighter, EMT, an investigator of the bureau of 522
criminal identification and investigation, or federal law 523
enforcement officer, except for the state or political 524
subdivision in which the peace officer, parole officer, 525
probation officer, bailiff, assistant prosecuting attorney, 526
correctional employee, community-based correctional facility 527
employee, youth services employee, firefighter, EMT, 528
investigator of the bureau of criminal identification and 529
investigation, or federal law enforcement officer resides; 530

(b) Information compiled from referral to or participation 531
in an employee assistance program; 532

(c) The social security number, the residential telephone 533
number, any bank account, debit card, charge card, or credit 534
card number, or the emergency telephone number of, or any 535
medical information pertaining to, a peace officer, parole 536
officer, probation officer, bailiff, prosecuting attorney, 537
assistant prosecuting attorney, correctional employee, 538
community-based correctional facility employee, youth services 539
employee, firefighter, EMT, investigator of the bureau of 540
criminal identification and investigation, or federal law 541
enforcement officer; 542

(d) The name of any beneficiary of employment benefits, 543
including, but not limited to, life insurance benefits, provided 544
to a peace officer, parole officer, probation officer, bailiff, 545
prosecuting attorney, assistant prosecuting attorney, 546
correctional employee, community-based correctional facility 547
employee, youth services employee, firefighter, EMT, 548
investigator of the bureau of criminal identification and 549
investigation, or federal law enforcement officer by the peace 550

officer's, parole officer's, probation officer's, bailiff's, 551
prosecuting attorney's, assistant prosecuting attorney's, 552
correctional employee's, community-based correctional facility 553
employee's, youth services employee's, firefighter's, EMT's, 554
investigator of the bureau of criminal identification and 555
investigation's, or federal law enforcement officer's employer; 556

(e) The identity and amount of any charitable or 557
employment benefit deduction made by the peace officer's, parole 558
officer's, probation officer's, bailiff's, prosecuting 559
attorney's, assistant prosecuting attorney's, correctional 560
employee's, community-based correctional facility employee's, 561
youth services employee's, firefighter's, EMT's, investigator of 562
the bureau of criminal identification and investigation's, or 563
federal law enforcement officer's employer from the peace 564
officer's, parole officer's, probation officer's, bailiff's, 565
prosecuting attorney's, assistant prosecuting attorney's, 566
correctional employee's, community-based correctional facility 567
employee's, youth services employee's, firefighter's, EMT's, 568
investigator of the bureau of criminal identification and 569
investigation's, or federal law enforcement officer's 570
compensation unless the amount of the deduction is required by 571
state or federal law; 572

(f) The name, the residential address, the name of the 573
employer, the address of the employer, the social security 574
number, the residential telephone number, any bank account, 575
debit card, charge card, or credit card number, or the emergency 576
telephone number of the spouse, a former spouse, or any child of 577
a peace officer, parole officer, probation officer, bailiff, 578
prosecuting attorney, assistant prosecuting attorney, 579
correctional employee, community-based correctional facility 580
employee, youth services employee, firefighter, EMT, 581

investigator of the bureau of criminal identification and 582
investigation, or federal law enforcement officer; 583

(g) A photograph of a peace officer who holds a position 584
or has an assignment that may include undercover or plain 585
clothes positions or assignments as determined by the peace 586
officer's appointing authority. 587

As used in divisions (A) (7) and (B) (9) of this section, 588
"peace officer" has the same meaning as in section 109.71 of the 589
Revised Code and also includes the superintendent and troopers 590
of the state highway patrol; it does not include the sheriff of 591
a county or a supervisory employee who, in the absence of the 592
sheriff, is authorized to stand in for, exercise the authority 593
of, and perform the duties of the sheriff. 594

As used in divisions (A) (7) and (B) (9) of this section, 595
"correctional employee" means any employee of the department of 596
rehabilitation and correction who in the course of performing 597
the employee's job duties has or has had contact with inmates 598
and persons under supervision. 599

As used in divisions (A) (7) and (B) (9) of this section, 600
"youth services employee" means any employee of the department 601
of youth services who in the course of performing the employee's 602
job duties has or has had contact with children committed to the 603
custody of the department of youth services. 604

As used in divisions (A) (7) and (B) (9) of this section, 605
"firefighter" means any regular, paid or volunteer, member of a 606
lawfully constituted fire department of a municipal corporation, 607
township, fire district, or village. 608

As used in divisions (A) (7) and (B) (9) of this section, 609
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 610

emergency medical services for a public emergency medical 611
service organization. "Emergency medical service organization," 612
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 613
in section 4765.01 of the Revised Code. 614

As used in divisions (A)(7) and (B)(9) of this section, 615
"investigator of the bureau of criminal identification and 616
investigation" has the meaning defined in section 2903.11 of the 617
Revised Code. 618

As used in divisions (A)(7) and (B)(9) of this section, 619
"federal law enforcement officer" has the meaning defined in 620
section 9.88 of the Revised Code. 621

(8) "Information pertaining to the recreational activities 622
of a person under the age of eighteen" means information that is 623
kept in the ordinary course of business by a public office, that 624
pertains to the recreational activities of a person under the 625
age of eighteen years, and that discloses any of the following: 626

(a) The address or telephone number of a person under the 627
age of eighteen or the address or telephone number of that 628
person's parent, guardian, custodian, or emergency contact 629
person; 630

(b) The social security number, birth date, or 631
photographic image of a person under the age of eighteen; 632

(c) Any medical record, history, or information pertaining 633
to a person under the age of eighteen; 634

(d) Any additional information sought or required about a 635
person under the age of eighteen for the purpose of allowing 636
that person to participate in any recreational activity 637
conducted or sponsored by a public office or to use or obtain 638
admission privileges to any recreational facility owned or 639

operated by a public office. 640

(9) "Community control sanction" has the same meaning as 641
in section 2929.01 of the Revised Code. 642

(10) "Post-release control sanction" has the same meaning 643
as in section 2967.01 of the Revised Code. 644

(11) "Redaction" means obscuring or deleting any 645
information that is exempt from the duty to permit public 646
inspection or copying from an item that otherwise meets the 647
definition of a "record" in section 149.011 of the Revised Code. 648

(12) "Designee," "elected official," and "future official" 649
have the same meanings as in section 109.43 of the Revised Code. 650

(B) (1) Upon request and subject to division (B) (8) of this 651
section, all public records responsive to the request shall be 652
promptly prepared and made available for inspection to any 653
person at all reasonable times during regular business hours. 654
Subject to division (B) (8) of this section, upon request, a 655
public office or person responsible for public records shall 656
make copies of the requested public record available at cost and 657
within a reasonable period of time. If a public record contains 658
information that is exempt from the duty to permit public 659
inspection or to copy the public record, the public office or 660
the person responsible for the public record shall make 661
available all of the information within the public record that 662
is not exempt. When making that public record available for 663
public inspection or copying that public record, the public 664
office or the person responsible for the public record shall 665
notify the requester of any redaction or make the redaction 666
plainly visible. A redaction shall be deemed a denial of a 667
request to inspect or copy the redacted information, except if 668

federal or state law authorizes or requires a public office to 669
make the redaction. 670

(2) To facilitate broader access to public records, a 671
public office or the person responsible for public records shall 672
organize and maintain public records in a manner that they can 673
be made available for inspection or copying in accordance with 674
division (B) of this section. A public office also shall have 675
available a copy of its current records retention schedule at a 676
location readily available to the public. If a requester makes 677
an ambiguous or overly broad request or has difficulty in making 678
a request for copies or inspection of public records under this 679
section such that the public office or the person responsible 680
for the requested public record cannot reasonably identify what 681
public records are being requested, the public office or the 682
person responsible for the requested public record may deny the 683
request but shall provide the requester with an opportunity to 684
revise the request by informing the requester of the manner in 685
which records are maintained by the public office and accessed 686
in the ordinary course of the public office's or person's 687
duties. 688

(3) If a request is ultimately denied, in part or in 689
whole, the public office or the person responsible for the 690
requested public record shall provide the requester with an 691
explanation, including legal authority, setting forth why the 692
request was denied. If the initial request was provided in 693
writing, the explanation also shall be provided to the requester 694
in writing. The explanation shall not preclude the public office 695
or the person responsible for the requested public record from 696
relying upon additional reasons or legal authority in defending 697
an action commenced under division (C) of this section. 698

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

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

(6) If any person chooses to obtain a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person seeking the copy under this division. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office

or person responsible for the public record determines that it 730
reasonably can be duplicated as an integral part of the normal 731
operations of the public office or person responsible for the 732
public record. When the person seeking the copy makes a choice 733
under this division, the public office or person responsible for 734
the public record shall provide a copy of it in accordance with 735
the choice made by the person seeking the copy. Nothing in this 736
section requires a public office or person responsible for the 737
public record to allow the person seeking a copy of the public 738
record to make the copies of the public record. 739

(7) (a) Upon a request made in accordance with division (B) 740
of this section and subject to division (B) (6) of this section, 741
a public office or person responsible for public records shall 742
transmit a copy of a public record to any person by United 743
States mail or by any other means of delivery or transmission 744
within a reasonable period of time after receiving the request 745
for the copy. The public office or person responsible for the 746
public record may require the person making the request to pay 747
in advance the cost of postage if the copy is transmitted by 748
United States mail or the cost of delivery if the copy is 749
transmitted other than by United States mail, and to pay in 750
advance the costs incurred for other supplies used in the 751
mailing, delivery, or transmission. 752

(b) Any public office may adopt a policy and procedures 753
that it will follow in transmitting, within a reasonable period 754
of time after receiving a request, copies of public records by 755
United States mail or by any other means of delivery or 756
transmission pursuant to division (B) (7) of this section. A 757
public office that adopts a policy and procedures under division 758
(B) (7) of this section shall comply with them in performing its 759
duties under that division. 760

(c) In any policy and procedures adopted under division 761
(B) (7) of this section: 762

(i) A public office may limit the number of records 763
requested by a person that the office will physically deliver by 764
United States mail or by another delivery service to ten per 765
month, unless the person certifies to the office in writing that 766
the person does not intend to use or forward the requested 767
records, or the information contained in them, for commercial 768
purposes; 769

(ii) A public office that chooses to provide some or all 770
of its public records on a web site that is fully accessible to 771
and searchable by members of the public at all times, other than 772
during acts of God outside the public office's control or 773
maintenance, and that charges no fee to search, access, 774
download, or otherwise receive records provided on the web site, 775
may limit to ten per month the number of records requested by a 776
person that the office will deliver in a digital format, unless 777
the requested records are not provided on the web site and 778
unless the person certifies to the office in writing that the 779
person does not intend to use or forward the requested records, 780
or the information contained in them, for commercial purposes. 781

(iii) For purposes of division (B) (7) of this section, 782
"commercial" shall be narrowly construed and does not include 783
reporting or gathering news, reporting or gathering information 784
to assist citizen oversight or understanding of the operation or 785
activities of government, or nonprofit educational research. 786

(8) A public office or person responsible for public 787
records is not required to permit a person who is incarcerated 788
pursuant to a criminal conviction or a juvenile adjudication to 789
inspect or to obtain a copy of any public record concerning a 790

criminal investigation or prosecution or concerning what would 791
be a criminal investigation or prosecution if the subject of the 792
investigation or prosecution were an adult, unless the request 793
to inspect or to obtain a copy of the record is for the purpose 794
of acquiring information that is subject to release as a public 795
record under this section and the judge who imposed the sentence 796
or made the adjudication with respect to the person, or the 797
judge's successor in office, finds that the information sought 798
in the public record is necessary to support what appears to be 799
a justiciable claim of the person. 800

(9) (a) Upon written request made and signed by a 801
journalist on or after December 16, 1999, a public office, or 802
person responsible for public records, having custody of the 803
records of the agency employing a specified peace officer, 804
parole officer, probation officer, bailiff, prosecuting 805
attorney, assistant prosecuting attorney, correctional employee, 806
community-based correctional facility employee, youth services 807
employee, firefighter, EMT, investigator of the bureau of 808
criminal identification and investigation, or federal law 809
enforcement officer shall disclose to the journalist the address 810
of the actual personal residence of the peace officer, parole 811
officer, probation officer, bailiff, prosecuting attorney, 812
assistant prosecuting attorney, correctional employee, 813
community-based correctional facility employee, youth services 814
employee, firefighter, EMT, investigator of the bureau of 815
criminal identification and investigation, or federal law 816
enforcement officer and, if the peace officer's, parole 817
officer's, probation officer's, bailiff's, prosecuting 818
attorney's, assistant prosecuting attorney's, correctional 819
employee's, community-based correctional facility employee's, 820
youth services employee's, firefighter's, EMT's, investigator of 821

the bureau of criminal identification and investigation's, or 822
federal law enforcement officer's spouse, former spouse, or 823
child is employed by a public office, the name and address of 824
the employer of the peace officer's, parole officer's, probation 825
officer's, bailiff's, prosecuting attorney's, assistant 826
prosecuting attorney's, correctional employee's, community-based 827
correctional facility employee's, youth services employee's, 828
firefighter's, EMT's, investigator of the bureau of criminal 829
identification and investigation's, or federal law enforcement 830
officer's spouse, former spouse, or child. The request shall 831
include the journalist's name and title and the name and address 832
of the journalist's employer and shall state that disclosure of 833
the information sought would be in the public interest. 834

(b) Division (B) (9) (a) of this section also applies to 835
journalist requests for: 836

(i) Customer information maintained by a municipally owned 837
or operated public utility, other than social security numbers 838
and any private financial information such as credit reports, 839
payment methods, credit card numbers, and bank account 840
information; 841

(ii) Information about minors involved in a school vehicle 842
accident as provided in division (A) (1) (gg) of this section, 843
other than personal information as defined in section 149.45 of 844
the Revised Code. 845

(c) As used in division (B) (9) of this section, 846
"journalist" means a person engaged in, connected with, or 847
employed by any news medium, including a newspaper, magazine, 848
press association, news agency, or wire service, a radio or 849
television station, or a similar medium, for the purpose of 850
gathering, processing, transmitting, compiling, editing, or 851

disseminating information for the general public. 852

(C) (1) If a person allegedly is aggrieved by the failure 853
of a public office or the person responsible for public records 854
to promptly prepare a public record and to make it available to 855
the person for inspection in accordance with division (B) of 856
this section or by any other failure of a public office or the 857
person responsible for public records to comply with an 858
obligation in accordance with division (B) of this section, the 859
person allegedly aggrieved may do only one of the following, and 860
not both: 861

(a) File a complaint with the clerk of the court of claims 862
or the clerk of the court of common pleas under section 2743.75 863
of the Revised Code; 864

(b) Commence a mandamus action to obtain a judgment that 865
orders the public office or the person responsible for the 866
public record to comply with division (B) of this section, that 867
awards court costs and reasonable attorney's fees to the person 868
that instituted the mandamus action, and, if applicable, that 869
includes an order fixing statutory damages under division (C) (2) 870
of this section. The mandamus action may be commenced in the 871
court of common pleas of the county in which division (B) of 872
this section allegedly was not complied with, in the supreme 873
court pursuant to its original jurisdiction under Section 2 of 874
Article IV, Ohio Constitution, or in the court of appeals for 875
the appellate district in which division (B) of this section 876
allegedly was not complied with pursuant to its original 877
jurisdiction under Section 3 of Article IV, Ohio Constitution. 878

(2) If a requester transmits a written request by hand 879
delivery, electronic submission, or certified mail to inspect or 880
receive copies of any public record in a manner that fairly 881

describes the public record or class of public records to the 882
public office or person responsible for the requested public 883
records, except as otherwise provided in this section, the 884
requester shall be entitled to recover the amount of statutory 885
damages set forth in this division if a court determines that 886
the public office or the person responsible for public records 887
failed to comply with an obligation in accordance with division 888
(B) of this section. 889

The amount of statutory damages shall be fixed at one 890
hundred dollars for each business day during which the public 891
office or person responsible for the requested public records 892
failed to comply with an obligation in accordance with division 893
(B) of this section, beginning with the day on which the 894
requester files a mandamus action to recover statutory damages, 895
up to a maximum of one thousand dollars. The award of statutory 896
damages shall not be construed as a penalty, but as compensation 897
for injury arising from lost use of the requested information. 898
The existence of this injury shall be conclusively presumed. The 899
award of statutory damages shall be in addition to all other 900
remedies authorized by this section. 901

The court may reduce an award of statutory damages or not 902
award statutory damages if the court determines both of the 903
following: 904

(a) That, based on the ordinary application of statutory 905
law and case law as it existed at the time of the conduct or 906
threatened conduct of the public office or person responsible 907
for the requested public records that allegedly constitutes a 908
failure to comply with an obligation in accordance with division 909
(B) of this section and that was the basis of the mandamus 910
action, a well-informed public office or person responsible for 911

the requested public records reasonably would believe that the 912
conduct or threatened conduct of the public office or person 913
responsible for the requested public records did not constitute 914
a failure to comply with an obligation in accordance with 915
division (B) of this section; 916

(b) That a well-informed public office or person 917
responsible for the requested public records reasonably would 918
believe that the conduct or threatened conduct of the public 919
office or person responsible for the requested public records 920
would serve the public policy that underlies the authority that 921
is asserted as permitting that conduct or threatened conduct. 922

(3) In a mandamus action filed under division (C) (1) of 923
this section, the following apply: 924

(a) (i) If the court orders the public office or the person 925
responsible for the public record to comply with division (B) of 926
this section, the court shall determine and award to the relator 927
all court costs, which shall be construed as remedial and not 928
punitive. 929

(ii) If the court makes a determination described in 930
division (C) (3) (b) (iii) of this section, the court shall 931
determine and award to the relator all court costs, which shall 932
be construed as remedial and not punitive. 933

(b) If the court renders a judgment that orders the public 934
office or the person responsible for the public record to comply 935
with division (B) of this section or if the court determines any 936
of the following, the court may award reasonable attorney's fees 937
to the relator, subject to the provisions of division (C) (4) of 938
this section: 939

(i) The public office or the person responsible for the 940

public records failed to respond affirmatively or negatively to 941
the public records request in accordance with the time allowed 942
under division (B) of this section. 943

(ii) The public office or the person responsible for the 944
public records promised to permit the relator to inspect or 945
receive copies of the public records requested within a 946
specified period of time but failed to fulfill that promise 947
within that specified period of time. 948

(iii) The public office or the person responsible for the 949
public records acted in bad faith when the office or person 950
voluntarily made the public records available to the relator for 951
the first time after the relator commenced the mandamus action, 952
but before the court issued any order concluding whether or not 953
the public office or person was required to comply with division 954
(B) of this section. No discovery may be conducted on the issue 955
of the alleged bad faith of the public office or person 956
responsible for the public records. This division shall not be 957
construed as creating a presumption that the public office or 958
the person responsible for the public records acted in bad faith 959
when the office or person voluntarily made the public records 960
available to the relator for the first time after the relator 961
commenced the mandamus action, but before the court issued any 962
order described in this division. 963

(c) The court shall not award attorney's fees to the 964
relator if the court determines both of the following: 965

(i) That, based on the ordinary application of statutory 966
law and case law as it existed at the time of the conduct or 967
threatened conduct of the public office or person responsible 968
for the requested public records that allegedly constitutes a 969
failure to comply with an obligation in accordance with division 970

(B) of this section and that was the basis of the mandamus 971
action, a well-informed public office or person responsible for 972
the requested public records reasonably would believe that the 973
conduct or threatened conduct of the public office or person 974
responsible for the requested public records did not constitute 975
a failure to comply with an obligation in accordance with 976
division (B) of this section; 977

(ii) That a well-informed public office or person 978
responsible for the requested public records reasonably would 979
believe that the conduct or threatened conduct of the public 980
office or person responsible for the requested public records 981
would serve the public policy that underlies the authority that 982
is asserted as permitting that conduct or threatened conduct. 983

(4) All of the following apply to any award of reasonable 984
attorney's fees awarded under division (C) (3) (b) of this 985
section: 986

(a) The fees shall be construed as remedial and not 987
punitive. 988

(b) The fees awarded shall not exceed the total of the 989
reasonable attorney's fees incurred before the public record was 990
made available to the relator and the fees described in division 991
(C) (4) (c) of this section. 992

(c) Reasonable attorney's fees shall include reasonable 993
fees incurred to produce proof of the reasonableness and amount 994
of the fees and to otherwise litigate entitlement to the fees. 995

(d) The court may reduce the amount of fees awarded if the 996
court determines that, given the factual circumstances involved 997
with the specific public records request, an alternative means 998
should have been pursued to more effectively and efficiently 999

resolve the dispute that was subject to the mandamus action 1000
filed under division (C) (1) of this section. 1001

(5) If the court does not issue a writ of mandamus under 1002
division (C) of this section and the court determines at that 1003
time that the bringing of the mandamus action was frivolous 1004
conduct as defined in division (A) of section 2323.51 of the 1005
Revised Code, the court may award to the public office all court 1006
costs, expenses, and reasonable attorney's fees, as determined 1007
by the court. 1008

(D) Chapter 1347. of the Revised Code does not limit the 1009
provisions of this section. 1010

(E) (1) To ensure that all employees of public offices are 1011
appropriately educated about a public office's obligations under 1012
division (B) of this section, all elected officials or their 1013
appropriate designees shall attend training approved by the 1014
attorney general as provided in section 109.43 of the Revised 1015
Code. A future official may satisfy the requirements of this 1016
division by attending the training before taking office, 1017
provided that the future official may not send a designee in the 1018
future official's place. 1019

(2) All public offices shall adopt a public records policy 1020
in compliance with this section for responding to public records 1021
requests. In adopting a public records policy under this 1022
division, a public office may obtain guidance from the model 1023
public records policy developed and provided to the public 1024
office by the attorney general under section 109.43 of the 1025
Revised Code. Except as otherwise provided in this section, the 1026
policy may not limit the number of public records that the 1027
public office will make available to a single person, may not 1028
limit the number of public records that it will make available 1029

during a fixed period of time, and may not establish a fixed 1030
period of time before it will respond to a request for 1031
inspection or copying of public records, unless that period is 1032
less than eight hours. 1033

The public office shall distribute the public records 1034
policy adopted by the public office under this division to the 1035
employee of the public office who is the records custodian or 1036
records manager or otherwise has custody of the records of that 1037
office. The public office shall require that employee to 1038
acknowledge receipt of the copy of the public records policy. 1039
The public office shall create a poster that describes its 1040
public records policy and shall post the poster in a conspicuous 1041
place in the public office and in all locations where the public 1042
office has branch offices. The public office may post its public 1043
records policy on the internet web site of the public office if 1044
the public office maintains an internet web site. A public 1045
office that has established a manual or handbook of its general 1046
policies and procedures for all employees of the public office 1047
shall include the public records policy of the public office in 1048
the manual or handbook. 1049

(F) (1) The bureau of motor vehicles may adopt rules 1050
pursuant to Chapter 119. of the Revised Code to reasonably limit 1051
the number of bulk commercial special extraction requests made 1052
by a person for the same records or for updated records during a 1053
calendar year. The rules may include provisions for charges to 1054
be made for bulk commercial special extraction requests for the 1055
actual cost of the bureau, plus special extraction costs, plus 1056
ten per cent. The bureau may charge for expenses for redacting 1057
information, the release of which is prohibited by law. 1058

(2) As used in division (F) (1) of this section: 1059

(a) "Actual cost" means the cost of depleted supplies, 1060
records storage media costs, actual mailing and alternative 1061
delivery costs, or other transmitting costs, and any direct 1062
equipment operating and maintenance costs, including actual 1063
costs paid to private contractors for copying services. 1064

(b) "Bulk commercial special extraction request" means a 1065
request for copies of a record for information in a format other 1066
than the format already available, or information that cannot be 1067
extracted without examination of all items in a records series, 1068
class of records, or database by a person who intends to use or 1069
forward the copies for surveys, marketing, solicitation, or 1070
resale for commercial purposes. "Bulk commercial special 1071
extraction request" does not include a request by a person who 1072
gives assurance to the bureau that the person making the request 1073
does not intend to use or forward the requested copies for 1074
surveys, marketing, solicitation, or resale for commercial 1075
purposes. 1076

(c) "Commercial" means profit-seeking production, buying, 1077
or selling of any good, service, or other product. 1078

(d) "Special extraction costs" means the cost of the time 1079
spent by the lowest paid employee competent to perform the task, 1080
the actual amount paid to outside private contractors employed 1081
by the bureau, or the actual cost incurred to create computer 1082
programs to make the special extraction. "Special extraction 1083
costs" include any charges paid to a public agency for computer 1084
or records services. 1085

(3) For purposes of divisions (F) (1) and (2) of this 1086
section, "surveys, marketing, solicitation, or resale for 1087
commercial purposes" shall be narrowly construed and does not 1088
include reporting or gathering news, reporting or gathering 1089

information to assist citizen oversight or understanding of the 1090
operation or activities of government, or nonprofit educational 1091
research. 1092

(G) A request by a defendant, counsel of a defendant, or 1093
any agent of a defendant in a criminal action that public 1094
records related to that action be made available under this 1095
section shall be considered a demand for discovery pursuant to 1096
the Criminal Rules, except to the extent that the Criminal Rules 1097
plainly indicate a contrary intent. The defendant, counsel of 1098
the defendant, or agent of the defendant making a request under 1099
this division shall serve a copy of the request on the 1100
prosecuting attorney, director of law, or other chief legal 1101
officer responsible for prosecuting the action. 1102

Sec. 2151.356. (A) The records of a case in which a person 1103
was adjudicated a delinquent child for committing a violation of 1104
section 2903.01, 2903.02, or 2907.02 of the Revised Code shall 1105
not be sealed under this section. 1106

(B) (1) The juvenile court shall promptly order the 1107
immediate sealing of records pertaining to a juvenile in any of 1108
the following circumstances: 1109

(a) If the court receives a record from a public office or 1110
agency under division (B) (2) of this section; 1111

(b) If a person was brought before or referred to the 1112
court for allegedly committing a delinquent or unruly act and 1113
the case was resolved without the filing of a complaint against 1114
the person with respect to that act pursuant to section 2151.27 1115
of the Revised Code; 1116

(c) If a person was charged with violating division (E) (1) 1117
of section 4301.69 of the Revised Code and the person has 1118

successfully completed a diversion program under division (E) (2) 1119
(a) of section 4301.69 of the Revised Code with respect to that 1120
charge; 1121

(d) If a complaint was filed against a person alleging 1122
that the person was a delinquent child, an unruly child, or a 1123
juvenile traffic offender and the court dismisses the complaint 1124
after a trial on the merits of the case or finds the person not 1125
to be a delinquent child, an unruly child, or a juvenile traffic 1126
offender; 1127

(e) Notwithstanding division (C) of this section and 1128
subject to section 2151.358 of the Revised Code, if a person has 1129
been adjudicated an unruly child, that person has attained 1130
eighteen years of age, and the person is not under the 1131
jurisdiction of the court in relation to a complaint alleging 1132
the person to be a delinquent child. 1133

(2) The appropriate public office or agency shall 1134
immediately deliver all original records at that public office 1135
or agency pertaining to a juvenile to the court, if the person 1136
was arrested or taken into custody for allegedly committing a 1137
delinquent or unruly act, no complaint was filed against the 1138
person with respect to the commission of the act pursuant to 1139
section 2151.27 of the Revised Code, and the person was not 1140
brought before or referred to the court for the commission of 1141
the act. The records delivered to the court as required under 1142
this division shall not include fingerprints, DNA specimens, and 1143
DNA records described under division (A) (3) of section 2151.357 1144
of the Revised Code. 1145

(C) (1) The juvenile court shall consider the sealing of 1146
records pertaining to a juvenile upon the court's own motion or 1147
upon the application of a person if the person has been 1148

adjudicated a delinquent child for committing an act other than 1149
a violation of section 2903.01, 2903.02, or 2907.02 of the 1150
Revised Code, an unruly child, or a juvenile traffic offender 1151
and if, at the time of the motion or application, the person is 1152
not under the jurisdiction of the court in relation to a 1153
complaint alleging the person to be a delinquent child. The 1154
court shall not require a fee for the filing of the application. 1155
The motion or application may be made on or after the time 1156
specified in whichever of the following is applicable: 1157

(a) If the person is under eighteen years of age, at any 1158
time after six months after any of the following events occur: 1159

(i) The termination of any order made by the court in 1160
relation to the adjudication; 1161

(ii) The unconditional discharge of the person from the 1162
department of youth services with respect to a dispositional 1163
order made in relation to the adjudication or from an 1164
institution or facility to which the person was committed 1165
pursuant to a dispositional order made in relation to the 1166
adjudication; 1167

(iii) The court enters an order under section 2152.84 or 1168
2152.85 of the Revised Code that contains a determination that 1169
the child is no longer a juvenile offender registrant. 1170

(b) If the person is eighteen years of age or older, at 1171
any time after the later of the following: 1172

(i) The person's attainment of eighteen years of age; 1173

(ii) The occurrence of any event identified in divisions 1174
(C) (1) (a) (i) to (iii) of this section. 1175

(2) In making the determination whether to seal records 1176

pursuant to division (C)(1) of this section, all of the 1177
following apply: 1178

(a) The court may require a person filing an application 1179
under division (C)(1) of this section to submit any relevant 1180
documentation to support the application. 1181

(b) The court may cause an investigation to be made to 1182
determine if the person who is the subject of the proceedings 1183
has been rehabilitated to a satisfactory degree. 1184

(c) The court shall promptly, but not less than sixty days 1185
prior to the hearing, notify the prosecuting attorney of any 1186
proceedings to seal records initiated pursuant to division (C) 1187
(1) of this section. The prosecutor shall provide timely notice 1188
to a victim and a victim's representative, if applicable, if the 1189
victim or victim's representative requested notice of the 1190
proceedings in the underlying case. 1191

(d) (i) The prosecuting attorney may file a response with 1192
the court within thirty days of receiving notice of the sealing 1193
proceedings. 1194

(ii) If the prosecuting attorney does not file a response 1195
with the court or if the prosecuting attorney files a response 1196
but indicates that the prosecuting attorney does not object to 1197
the sealing of the records, the court may order the records of 1198
the person that are under consideration to be sealed without 1199
conducting a hearing on the motion or application. If the court 1200
decides in its discretion to conduct a hearing on the motion or 1201
application, the court shall conduct the hearing within thirty 1202
days after making that decision and shall give notice, by 1203
regular mail, of the date, time, and location of the hearing to 1204
the prosecuting attorney and to the person who is the subject of 1205

the records under consideration. The victim, the victim's 1206
representative, and the victim's attorney, if applicable, may be 1207
present and heard orally, in writing, or both at any hearing 1208
under this section. The court shall consider the oral and 1209
written statement of any victim, victim's representative, and 1210
victim's attorney, if applicable. 1211

(iii) If the prosecuting attorney files a response with 1212
the court that indicates that the prosecuting attorney objects 1213
to the sealing of the records, the court shall conduct a hearing 1214
on the motion or application within thirty days after the court 1215
receives the response. The court shall give notice, by regular 1216
mail, of the date, time, and location of the hearing to the 1217
prosecuting attorney and to the person who is the subject of the 1218
records under consideration. 1219

(e) After conducting a hearing in accordance with division 1220
(C) (2) (d) of this section or after due consideration when a 1221
hearing is not conducted, except as provided in division (B) (1) 1222
(c) of this section, the court may order the records of the 1223
person that are the subject of the motion or application to be 1224
sealed if it finds that the person has been rehabilitated to a 1225
satisfactory degree. In determining whether the person has been 1226
rehabilitated to a satisfactory degree, the court may consider 1227
all of the following: 1228

(i) The age of the person; 1229

(ii) The nature of the case; 1230

(iii) The cessation or continuation of delinquent, unruly, 1231
or criminal behavior; 1232

(iv) The education and employment history of the person; 1233

(v) The granting of a new tier classification or 1234

declassification from the juvenile offender registry pursuant to 1235
section 2152.85 of the Revised Code, except for public registry- 1236
qualified juvenile offender registrants; 1237

(vi) Any other circumstances that may relate to the 1238
rehabilitation of the person who is the subject of the records 1239
under consideration. 1240

(D) (1) (a) The juvenile court shall provide verbal notice 1241
to a person whose records are sealed under division (B) of this 1242
section, if that person is present in the court at the time the 1243
court issues a sealing order, that explains what sealing a 1244
record means, states that the person may apply to have those 1245
records expunged under section 2151.358 of the Revised Code, and 1246
explains what expunging a record means. 1247

(b) The juvenile court shall provide written notice to a 1248
person whose records are sealed under division (B) of this 1249
section by regular mail to the person's last known address, if 1250
that person is not present in the court at the time the court 1251
issues a sealing order and if the court does not seal the 1252
person's record upon the court's own motion, that explains what 1253
sealing a record means, states that the person may apply to have 1254
those records expunged under section 2151.358 of the Revised 1255
Code, and explains what expunging a record means. 1256

(2) Upon final disposition of a case in which a person has 1257
been adjudicated a delinquent child for committing an act other 1258
than a violation of section 2903.01, 2903.02, or 2907.02 of the 1259
Revised Code, an unruly child, or a juvenile traffic offender, 1260
the juvenile court shall provide written notice to the person 1261
that does all of the following: 1262

(a) States that the person may apply to the court for an 1263

order to seal the record;	1264
(b) Explains what sealing a record means;	1265
(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;	1266 1267 1268
(d) Explains what expunging a record means.	1269
(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.	1270 1271 1272 1273 1274 1275 1276
Sec. 2151.358. (A) The juvenile court shall expunge all records sealed under section 2151.356 of the Revised Code five years after the court issues a sealing order or upon the twenty-third birthday of the person who is the subject of the sealing order, whichever date is earlier.	1277 1278 1279 1280 1281
(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:	1282 1283 1284 1285 1286 1287
(1) The court may require a person filing an application for expungement to submit any relevant documentation to support the application.	1288 1289 1290
(2) The court may cause an investigation to be made to	1291

determine if the person who is the subject of the proceedings 1292
has been rehabilitated to a satisfactory degree. 1293

(3) The court shall promptly, but not less than sixty days 1294
prior to the hearing, notify the prosecuting attorney of any 1295
proceedings to expunge records. The prosecutor shall provide 1296
timely notice to a victim and the victim's representative, if 1297
applicable, if the victim or victim's representative requested 1298
notice of the proceedings in the underlying case. 1299

(4) (a) The prosecuting attorney may file a response with 1300
the court within thirty days of receiving notice of the 1301
expungement proceedings. 1302

(b) If the prosecuting attorney does not file a response 1303
with the court or if the prosecuting attorney files a response 1304
but indicates that the prosecuting attorney does not object to 1305
the expungement of the records, the court may order the records 1306
of the person that are under consideration to be expunged 1307
without conducting a hearing on the application. If the court 1308
decides in its discretion to conduct a hearing on the 1309
application, the court shall conduct the hearing within thirty 1310
days after making that decision and shall give notice, by 1311
regular mail, of the date, time, and location of the hearing to 1312
the prosecuting attorney and to the person who is the subject of 1313
the records under consideration. 1314

(c) If the prosecuting attorney files a response with the 1315
court that indicates that the prosecuting attorney objects to 1316
the expungement of the records, the court shall conduct a 1317
hearing on the application within thirty days after the court 1318
receives the response. The court shall give notice, by regular 1319
mail, of the date, time, and location of the hearing to the 1320
prosecuting attorney and to the person who is the subject of the 1321

records under consideration. The victim and the victim's 1322
representative, if applicable, may be present and heard orally, 1323
in writing, or both at any hearing under this section. The court 1324
shall consider the oral and written statement of any victim, 1325
victim's representative, and victim's attorney, if applicable. 1326

(5) After conducting a hearing in accordance with division 1327
(B) (4) of this section or after due consideration when a hearing 1328
is not conducted, the court may order the records of the person 1329
that are the subject of the application to be expunged if it 1330
finds that the person has been rehabilitated to a satisfactory 1331
degree. In determining whether the person has been rehabilitated 1332
to a satisfactory degree, the court may consider all of the 1333
following: 1334

(a) The age of the person; 1335

(b) The nature of the case; 1336

(c) The cessation or continuation of delinquent, unruly, 1337
or criminal behavior; 1338

(d) The education and employment history of the person; 1339

(e) Any other circumstances that may relate to the 1340
rehabilitation of the person who is the subject of the records 1341
under consideration. 1342

(C) If the juvenile court is notified by any party in a 1343
civil action that a civil action has been filed based on a case 1344
the records for which are the subject of a sealing order, the 1345
juvenile court shall not expunge a record sealed under section 1346
2151.356 of the Revised Code until the civil action has been 1347
resolved and is not subject to further appellate review, at 1348
which time the records shall be expunged pursuant to division 1349
(A) of this section. 1350

(D) (1) A juvenile court that issues a protection order or 1351
approves a consent agreement under section 2151.34 or 3113.31 of 1352
the Revised Code shall automatically seal all of the records of 1353
the proceeding in which the order was issued or agreement 1354
approved on the date the person against whom the protection 1355
order was issued or the consent agreement approved attains the 1356
age of nineteen years if the court determines that the person 1357
has complied with all of the terms of the protection order or 1358
consent agreement. 1359

(2) In a proceeding under section 2151.34 of the Revised 1360
Code, if the juvenile court does not issue any protection order 1361
under division (E) of that section, the court shall 1362
automatically seal all of the records in that proceeding. In a 1363
proceeding under section 3113.31 of the Revised Code, if the 1364
juvenile court does not issue any protection order or approve 1365
any consent agreement under division (E) of that section, the 1366
court shall automatically seal all of the records in that 1367
proceeding. 1368

(3) (a) If a juvenile court that issues a protection order 1369
or approves a consent agreement under section 2151.34 or 3113.31 1370
of the Revised Code determines that the person against whom the 1371
protection order was issued or the consent agreement approved 1372
has not complied with all of the terms of the protection order 1373
or consent agreement, the court shall consider sealing all of 1374
the records of the proceeding in which the order was issued or 1375
agreement approved upon the court's own motion or upon the 1376
application of a person. The court may make the motion or the 1377
person who is the subject of the records under consideration may 1378
apply for an order sealing the records of the proceeding at any 1379
time after two years after the expiration of the protection 1380
order or consent agreement. 1381

(b) In making a determination whether to seal records 1382
pursuant to division (D) (3) of this section, all of the 1383
following apply: 1384

(i) The court may require a person filing an application 1385
under division (D) (3) of this section to submit any relevant 1386
documentation to support the application. 1387

(ii) The court shall promptly notify the victim or the 1388
victim's attorney of any proceedings to seal records initiated 1389
pursuant to division (D) (3) of this section. 1390

(iii) The victim or the victim's attorney may file a 1391
response with the court within thirty days of receiving notice 1392
of the sealing proceedings. 1393

If the victim or the victim's attorney does not file a 1394
response with the court or if the victim or the victim's 1395
attorney files a response but indicates that the victim or the 1396
victim's attorney does not object to the sealing of the records, 1397
the court may order the records of the person that are under 1398
consideration to be sealed without conducting a hearing on the 1399
motion or application. If the court decides in its discretion to 1400
conduct a hearing on the motion or application, the court shall 1401
conduct the hearing within thirty days after making that 1402
decision and shall give notice, by regular mail, of the date, 1403
time, and location of the hearing to the victim or the victim's 1404
attorney and to the person who is the subject of the records 1405
under consideration. 1406

If the victim or the victim's attorney files a response 1407
with the court that indicates that the victim or the victim's 1408
attorney objects to the sealing of the records, the court shall 1409
conduct a hearing on the motion or application within thirty 1410

days after the court receives the response. The court shall give 1411
notice, by regular mail, of the date, time, and location of the 1412
hearing to the victim or the victim's attorney and to the person 1413
who is the subject of the records under consideration. 1414

(iv) After conducting a hearing in accordance with 1415
division (D) (3) (b) (iii) of this section or after due 1416
consideration when a hearing is not conducted, the court may 1417
order the records of the person that are the subject of the 1418
motion or application to be sealed. 1419

(4) Inspection of the records sealed pursuant to division 1420
(D) (1), (2), or (3) of this section may be made only by the 1421
following persons or for the following purposes: 1422

(a) By a law enforcement officer or prosecutor, or the 1423
assistants of either, to determine whether the nature and 1424
character of the offense with which a person is to be charged 1425
would be affected by virtue of the person's previously having 1426
been convicted of a crime; 1427

(b) By the parole or probation officer of the person who 1428
is the subject of the records, for the exclusive use of the 1429
officer in supervising the person while on parole or under a 1430
community control sanction or a post-release control sanction, 1431
and in making inquiries and written reports as requested by the 1432
court or adult parole authority; 1433

(c) Upon application by the person who is the subject of 1434
the records, by the persons named in the application; 1435

(d) By a law enforcement officer who was involved in the 1436
case, for use in the officer's defense of a civil action arising 1437
out of the officer's involvement in that case; 1438

(e) By a prosecuting attorney or the prosecuting 1439

attorney's assistants, to determine a defendant's eligibility to 1440
enter a pre-trial diversion program established pursuant to 1441
section 2935.36 of the Revised Code; 1442

(f) By any law enforcement agency or any authorized 1443
employee of a law enforcement agency or by the department of 1444
rehabilitation and correction as part of a background 1445
investigation of a person who applies for employment with the 1446
agency as a law enforcement officer or with the department as a 1447
corrections officer; 1448

(g) By any law enforcement agency or any authorized 1449
employee of a law enforcement agency, for the purposes set forth 1450
in, and in the manner provided in, section 2953.321 of the 1451
Revised Code; 1452

(h) By the bureau of criminal identification and 1453
investigation or any authorized employee of the bureau for the 1454
purpose of providing information to a board or person pursuant 1455
to division (F) or (G) of section 109.57 of the Revised Code; 1456

(i) By the bureau of criminal identification and 1457
investigation or any authorized employee of the bureau for the 1458
purpose of performing a criminal history records check on a 1459
person to whom a certificate as prescribed in section 109.77 of 1460
the Revised Code is to be awarded; 1461

(j) By the bureau of criminal identification and 1462
investigation or any authorized employee of the bureau for the 1463
purpose of conducting a criminal records check of an individual 1464
pursuant to division (B) of section 109.572 of the Revised Code 1465
that was requested pursuant to any of the sections identified in 1466
division (B) (1) of that section; 1467

(k) By the bureau of criminal identification and 1468

investigation, an authorized employee of the bureau, a sheriff, 1469
or an authorized employee of a sheriff in connection with a 1470
criminal records check described in section 311.41 of the 1471
Revised Code; 1472

(1) By the attorney general or an authorized employee of 1473
the attorney general or a court for purposes of determining a 1474
person's classification pursuant to Chapter 2950. of the Revised 1475
Code. 1476

When the nature and character of the offense with which a 1477
person is to be charged would be affected by the information, it 1478
may be used for the purpose of charging the person with an 1479
offense. 1480

(E) In addition to the methods of expungement provided for 1481
in divisions (A) and (B) of this section, a person who has been 1482
adjudicated a delinquent child for having committed an act that 1483
would be a violation of section 2907.24, 2907.241, or 2907.25 of 1484
the Revised Code if the child were an adult may apply to the 1485
adjudicating court for the expungement of the record of 1486
adjudication if the person's participation in the act was a 1487
result of the person having been a victim of human trafficking. 1488
The application shall be made in the same manner as an 1489
application for expungement under section 2953.38 of the Revised 1490
Code, and all of the provisions of that section shall apply to 1491
the expungement procedure. 1492

(F) After the records have been expunged under this 1493
section, the person who is the subject of the expunged records 1494
properly may, and the court shall, reply that no record exists 1495
with respect to the person upon any inquiry in the matter. 1496

Sec. 2152.20. (A) If a child is adjudicated a delinquent 1497

child or a juvenile traffic offender, the court may order any of	1498
the following dispositions, in addition to any other disposition	1499
authorized or required by this chapter:	1500
(1) Impose a fine in accordance with the following	1501
schedule:	1502
(a) For an act that would be a minor misdemeanor or an	1503
unclassified misdemeanor if committed by an adult, a fine not to	1504
exceed fifty dollars;	1505
(b) For an act that would be a misdemeanor of the fourth	1506
degree if committed by an adult, a fine not to exceed one	1507
hundred dollars;	1508
(c) For an act that would be a misdemeanor of the third	1509
degree if committed by an adult, a fine not to exceed one	1510
hundred fifty dollars;	1511
(d) For an act that would be a misdemeanor of the second	1512
degree if committed by an adult, a fine not to exceed two	1513
hundred dollars;	1514
(e) For an act that would be a misdemeanor of the first	1515
degree if committed by an adult, a fine not to exceed two	1516
hundred fifty dollars;	1517
(f) For an act that would be a felony of the fifth degree	1518
or an unclassified felony if committed by an adult, a fine not	1519
to exceed three hundred dollars;	1520
(g) For an act that would be a felony of the fourth degree	1521
if committed by an adult, a fine not to exceed four hundred	1522
dollars;	1523
(h) For an act that would be a felony of the third degree	1524
if committed by an adult, a fine not to exceed seven hundred	1525

fifty dollars; 1526

(i) For an act that would be a felony of the second degree 1527
if committed by an adult, a fine not to exceed one thousand 1528
dollars; 1529

(j) For an act that would be a felony of the first degree 1530
if committed by an adult, a fine not to exceed one thousand five 1531
hundred dollars; 1532

(k) For an act that would be aggravated murder or murder 1533
if committed by an adult, a fine not to exceed two thousand 1534
dollars. 1535

(2) Require the child to pay costs; 1536

(3) Unless the child's ~~delinquent act or~~ juvenile traffic 1537
offense would be a minor misdemeanor if committed by an adult or 1538
could be disposed of by the juvenile traffic violations bureau 1539
serving the court under Traffic Rule 13.1 if the court has 1540
established a juvenile traffic violations bureau, require the 1541
child to make restitution to the victim of the child's 1542
delinquent act or juvenile traffic offense or, if the victim is 1543
deceased, to ~~a survivor~~ the estate of the victim in an amount 1544
based upon the victim's economic loss caused by or related to 1545
the delinquent act or juvenile traffic offense. The court may 1546
not require a child to make restitution pursuant to this 1547
division if the child's ~~delinquent act or~~ juvenile traffic 1548
offense would be a minor misdemeanor if committed by an adult or 1549
could be disposed of by the juvenile traffic violations bureau 1550
serving the court under Traffic Rule 13.1 if the court has 1551
established a juvenile traffic violations bureau. If the court 1552
requires restitution under this division, the restitution shall 1553
be made directly to the victim in open court or to the probation 1554

department that serves the jurisdiction or the clerk of courts 1555
on behalf of the victim. 1556

~~If the court requires restitution under this division, the 1557
restitution may be in the form of a cash reimbursement paid in a 1558
lump sum or in installments, the performance of repair work to 1559
restore any damaged property to its original condition, the 1560
performance of a reasonable amount of labor for the victim or 1561
survivor of the victim, the performance of community service 1562
work, any other form of restitution devised by the court, or any 1563
combination of the previously described forms of restitution. 1564~~

~~If the court requires restitution under this division, the 1565
court may base the restitution order on an amount recommended by 1566
the victim or survivor of the victim, the delinquent child, the 1567
juvenile traffic offender, a presentence investigation report, 1568
estimates or receipts indicating the cost of repairing or 1569
replacing property, and any other information, provided that the 1570
The victim, victim's representative, victim's attorney, if 1571
applicable, or the prosecuting attorney, upon the request of the 1572
victim, or the delinquent child or juvenile traffic offender may 1573
provide information relevant to the determination of the amount 1574
of restitution. The amount the court orders as restitution shall 1575
not exceed the amount of the economic loss suffered by the 1576
victim as a direct and proximate result of the delinquent act or 1577
juvenile traffic offense. If the court decides to or is required 1578
to order restitution under this division and the amount of the 1579
restitution is disputed by the ~~victim or survivor~~, victim's 1580
estate, victim's representative, or victim's attorney, if 1581
applicable, or by the delinquent child or juvenile traffic 1582
offender, the court shall hold a hearing on the restitution. ~~If 1583~~
~~the court requires restitution under this division, the court 1584~~
~~shall determine, or order the determination of, the amount of 1585~~~~

~~restitution to be paid by the delinquent child or juvenile~~ 1586
~~traffic offender.~~ The court shall determine the amount of full 1587
restitution by a preponderance of the evidence. All restitution 1588
payments shall be credited against any recovery of economic loss 1589
in a civil action brought by or on behalf of the victim against 1590
the delinquent child or juvenile traffic offender or the 1591
delinquent child's or juvenile traffic offender's parent, 1592
guardian, or other custodian. 1593

If the court requires restitution under this division, the 1594
court may order that the delinquent child or juvenile traffic 1595
offender pay a surcharge, in an amount not exceeding five per 1596
cent of the amount of restitution otherwise ordered under this 1597
division, to the entity responsible for collecting and 1598
processing the restitution payments. 1599

The victim or the ~~survivor of the victim~~ victim's estate 1600
may request that the prosecuting authority file a motion, or the 1601
delinquent child or juvenile traffic offender may file a motion, 1602
for modification of the payment terms of any restitution ordered 1603
under this division. If the court grants the motion, it may 1604
modify the payment terms as it determines appropriate. 1605

(4) Require the child to reimburse any or all of the costs 1606
incurred for services or sanctions provided or imposed, 1607
including, but not limited to, the following: 1608

(a) All or part of the costs of implementing any community 1609
control imposed as a disposition under section 2152.19 of the 1610
Revised Code, including a supervision fee; 1611

(b) All or part of the costs of confinement in a 1612
residential facility described in section 2152.19 of the Revised 1613
Code or in a department of youth services institution, 1614

including, but not limited to, a per diem fee for room and 1615
board, the costs of medical and dental treatment provided, and 1616
the costs of repairing property the delinquent child damaged 1617
while so confined. The amount of reimbursement ordered for a 1618
child under this division shall not exceed the total amount of 1619
reimbursement the child is able to pay as determined at a 1620
hearing and shall not exceed the actual cost of the confinement. 1621
The court may collect any reimbursement ordered under this 1622
division. If the court does not order reimbursement under this 1623
division, confinement costs may be assessed pursuant to a 1624
repayment policy adopted under section 2929.37 of the Revised 1625
Code and division (D) of section 307.93, division (A) of section 1626
341.19, division (C) of section 341.23 or 753.16, division (C) 1627
of section 2301.56, or division (B) of section 341.14, 753.02, 1628
753.04, or 2947.19 of the Revised Code. 1629

(B) Chapter 2981. of the Revised Code applies to a child 1630
who is adjudicated a delinquent child for violating section 1631
2923.32 or 2923.42 of the Revised Code or for committing an act 1632
that, if committed by an adult, would be a felony drug abuse 1633
offense. 1634

(C) The court may hold a hearing if necessary to determine 1635
whether a child is able to pay a sanction under this section. 1636

(D) If a child who is adjudicated a delinquent child is 1637
indigent, the court shall consider imposing a term of community 1638
service under division (A) of section 2152.19 of the Revised 1639
Code in lieu of imposing a financial sanction under this 1640
section. If a child who is adjudicated a delinquent child is not 1641
indigent, the court may impose a term of community service under 1642
that division in lieu of, or in addition to, imposing a 1643
financial sanction under this section. ~~The court may order~~ 1644

~~community service for an act that if committed by an adult would
be a minor misdemeanor.~~ 1645
1646

If a child fails to pay a financial sanction imposed under 1647
this section, the court may impose a term of community service 1648
in lieu of the sanction. 1649

(E) The clerk of the court, or another person authorized 1650
by law or by the court to collect a financial sanction imposed 1651
under this section, may do any of the following: 1652

(1) Enter into contracts with one or more public agencies 1653
or private vendors for the collection of the amounts due under 1654
the financial sanction, which amounts may include interest from 1655
the date of imposition of the financial sanction; 1656

(2) Permit payment of all, or any portion of, the 1657
financial sanction in installments, by credit or debit card, by 1658
another type of electronic transfer, or by any other reasonable 1659
method, within any period of time, and on any terms that the 1660
court considers just, except that the maximum time permitted for 1661
payment shall not exceed five years. The clerk may pay any fee 1662
associated with processing an electronic transfer out of public 1663
money and may charge the fee to the delinquent child. 1664

(3) To defray administrative costs, charge a reasonable 1665
fee to a child who elects a payment plan rather than a lump sum 1666
payment of a financial sanction. 1667

(F) If the court imposes one or more financial sanctions 1668
in addition to restitution, any amount paid by the delinquent 1669
child or juvenile traffic offender shall be credited first to 1670
restitution. 1671

Sec. 2152.203. (A) As used in this section, "criminal 1672
offense" and "delinquent act" have the same meanings as in 1673

section 2930.01 of the Revised Code. 1674

(B) In determining the amount of restitution under this 1675
section, the court shall order full restitution for any past or 1676
future expenses related to a victim's economic loss due to the 1677
delinquent act or juvenile traffic offense. The court shall not 1678
consider the delinquent child's or juvenile traffic offender's 1679
present or future ability to pay restitution. The amount of 1680
restitution shall be reduced by any payments to the victim for 1681
economic or other loss made or due under a policy of insurance 1682
or governmental program. 1683

A pending insurance or governmental program claim made by 1684
a victim shall not delay a payment of restitution as ordered by 1685
the court. Past and future economic loss includes, but is not 1686
limited to, the following: 1687

(1) Full or partial payment for the value of stolen or 1688
damaged property. The value of stolen or damaged property shall 1689
be the replacement cost of the property or the actual cost of 1690
repairing the property when repair is possible. 1691

(2) Medical expenses; 1692

(3) Mental health counseling expenses; 1693

(4) Wages or profits lost due to injury of the victim and, 1694
if the victim is a minor, wages or profits lost by the minor 1695
victim's parent or guardian while caring for the injured minor 1696
victim. Lost wages include commission income as well as base 1697
wages. Commission income shall be established by evidence of 1698
commission income during the twelve-month period prior to the 1699
date of the delinquent act for which restitution is being 1700
ordered, unless good cause for a shorter time period is shown. 1701

(5) Wages or profits lost by the victim and if the victim 1702

is a minor, wages or profits lost by the minor victim's parent 1703
or guardian due to time spent as a witness or assisting law 1704
enforcement or the prosecutor. Lost wages include commission 1705
income as well as base wages. Commission income shall be 1706
established as described in division (B)(4) of this section. 1707

(6) Actual and reasonable attorney's fees and other costs 1708
accrued by a private entity on behalf of a victim; 1709

(7) Expenses related to installing or increasing security 1710
related to violent felony or misdemeanor cases, including, but 1711
not limited to, a security device or system or the replacement 1712
or addition of locks; 1713

(8) Expenses related to making a vehicle or residence 1714
accessible to the victim if the victim is partially permanently 1715
disabled or totally permanently disabled as a direct result of 1716
the delinquent act; 1717

(9) Expenses related to monitoring the credit report of 1718
and repairing the credit of a victim of identity fraud for a 1719
period of time reasonably necessary to make the victim whole. 1720

(C) The court may order that restitution be made by a 1721
single lump sum payment, partial payments at specified 1722
intervals, in-kind payments, or a combination of payments at 1723
specified intervals and in-kind payments. The length of time 1724
over which scheduled payments are established shall be the 1725
shortest time in which full payment reasonably can be made. In- 1726
kind payments may be in the form of the return of property, 1727
replacement of property, or if the victim agrees, services 1728
rendered to the victim or a person or organization other than 1729
the victim. The court may enter a restraining order or 1730
injunction, require the execution of a satisfactory performance 1731

bond, or take any other action to ensure payment of restitution. 1732

(D) Any money owed by the state or by a political 1733
subdivision of the state to a delinquent child or juvenile 1734
traffic offender who is required to make restitution under this 1735
section, including any tax refund owed to the child or offender, 1736
shall be assigned first to the discharge of the child's or 1737
offender's outstanding restitution obligation, subject to any 1738
superseding federal statutes or regulations, including court- 1739
ordered support obligations. 1740

(E) If a delinquent child or juvenile traffic offender is 1741
required to make restitution under this section in the form of 1742
monetary payments to more than one victim, the child or offender 1743
shall make the payments to the victims in the following order of 1744
priority: 1745

(1) Individuals; 1746

(2) Nonprofit organizations; 1747

(3) Business entities; 1748

(4) Governmental entities. 1749

(F) A court that orders restitution as part of a 1750
delinquent child's or juvenile traffic offender's disposition 1751
under this section shall not suspend that part of the 1752
disposition if the victim or victim's attorney, if applicable, 1753
objects to the restitution part of the disposition being 1754
suspended. 1755

(G) A restitution obligation imposed pursuant to this 1756
section is not subject to discharge in bankruptcy or to any 1757
other statutory or common-law proceeding for relief against 1758
creditors, except to the extent required by federal law. 1759

(H) A restitution obligation imposed by a court does not 1760
expire until paid in full. The court retains jurisdiction over 1761
the restitution order until the delinquent child or juvenile 1762
traffic offender attains twenty-one years of age and the 1763
obligation shall continue to be enforceable by a victim, 1764
victim's representative, or victim's attorney, if applicable, 1765
until the obligation is satisfied or the child or offender 1766
attains twenty-one years of age. Any restitution order 1767
registered as a civil judgment shall not expire when the child 1768
or offender attains twenty-one years of age. 1769

(I) If money that is received pursuant to an order of 1770
restitution cannot be paid to the victim or the victim's estate 1771
within sixty days of receipt, the person or agency that receives 1772
the money shall provide written notice of that inability of 1773
payment to a crime victim service organization at least sixty 1774
days prior to paying the money to the division of unclaimed 1775
funds. If the money cannot be paid to the victim or the victim's 1776
estate after the expiration of sixty days from service of the 1777
notice to the crime victim services organization, the person or 1778
agency that received the money shall pay it to the division of 1779
unclaimed funds. 1780

Sec. 2152.81. (A) (1) As used in this section, "victim" 1781
includes any of the following persons: 1782

(a) A person who was a victim of a violation identified in 1783
division (A) (2) of this section or an act that would be an 1784
offense of violence if committed by an adult; 1785

(b) A person against whom was directed any conduct that 1786
constitutes, or that is an element of, a violation identified in 1787
division (A) (2) of this section or an act that would be an 1788
offense of violence if committed by an adult. 1789

(2) In any proceeding in juvenile court involving a 1790
complaint, indictment, or information in which a child is 1791
charged with a violation of section 2905.03, 2905.05, 2907.02, 1792
2907.03, 2907.05, 2907.06, 2907.07, 2907.09, 2907.21, 2907.23, 1793
2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, or 1794
2919.22 of the Revised Code or an act that would be an offense 1795
of violence if committed by an adult and in which an alleged 1796
victim of the violation or act was a child who was less than 1797
~~thirteen~~sixteen years of age when the complaint or information 1798
was filed or the indictment was returned, ~~the juvenile judge,~~ 1799
upon motion of an attorney for the prosecution, the child 1800
victim, or the child-victim's attorney, if applicable, and a 1801
showing by a preponderance of the evidence that the child will 1802
suffer serious emotional trauma if required to provide live 1803
trial testimony, the juvenile judge shall order that the 1804
testimony of the child victim be taken by deposition. The 1805
prosecution, child victim, or child-victim's attorney, if 1806
applicable, also may request that the deposition be ~~videotaped-~~ 1807
recorded in accordance with division (A) (3) of this section. The 1808
judge shall notify the child victim whose deposition is to be 1809
taken, the prosecution, the child-victim's attorney, if 1810
applicable, and the attorney for the child who is charged with 1811
the violation or act of the date, time, and place for taking the 1812
deposition. The notice shall identify the child victim, in a 1813
manner consistent with section 2930.07 of the Revised Code, who 1814
is to be examined and shall indicate whether a request that the 1815
deposition be ~~videotaped-~~recorded has been made. The child who 1816
is charged with the violation or act shall have the right to 1817
attend the deposition and the right to be represented by 1818
counsel. Depositions shall be taken in the manner provided in 1819
civil cases, except that the judge in the proceeding shall 1820
preside at the taking of the deposition and shall rule at that 1821

time on any objections of the prosecution, the child victim, the 1822
child-victim's attorney, if applicable, or the attorney for the 1823
child charged with the violation or act. The prosecution and the 1824
attorney for the child charged with the violation or act shall 1825
have the right, as at an adjudication hearing, to full 1826
examination and cross-examination of the child victim whose 1827
deposition is to be taken. If a deposition taken under this 1828
division is intended to be offered as evidence in the 1829
proceeding, it shall be filed in the juvenile court in which the 1830
action is pending and is admissible in the manner described in 1831
division (B) of this section. If a deposition of a child victim 1832
taken under this division is admitted as evidence at the 1833
proceeding under division (B) of this section, the child victim 1834
shall not be required to testify in person at the proceeding. 1835
However, at any time before the conclusion of the proceeding, 1836
the attorney for the child charged with the violation or act may 1837
file a motion with the judge requesting that another deposition 1838
of the child victim be taken because new evidence material to 1839
the defense of the child charged has been discovered that the 1840
attorney for the child charged could not with reasonable 1841
diligence have discovered prior to the taking of the admitted 1842
deposition. Any motion requesting another deposition shall be 1843
accompanied by supporting affidavits. Upon the filing of the 1844
motion and affidavits, the court may order that additional 1845
testimony of the child victim relative to the new evidence be 1846
taken by another deposition. If the court orders the taking of 1847
another deposition under this provision, the deposition shall be 1848
taken in accordance with this division; if the admitted 1849
deposition was a ~~videotaped~~ recorded deposition taken in 1850
accordance with division (A) (3) of this section, the new 1851
deposition also shall be ~~videotaped~~ recorded in accordance with 1852
that division, and, in other cases, the new deposition may be 1853

~~videotaped recorded~~ in accordance with that division. 1854

(3) If the prosecution, the child victim, or the child- 1855
victim's attorney, if applicable, requests that a deposition to 1856
be taken under division (A)(2) of this section be 1857
~~videotaped recorded~~, the juvenile judge shall order that the 1858
deposition be ~~videotaped recorded~~ in accordance with this 1859
division. If a juvenile judge issues an order to ~~video tape~~ 1860
record the deposition, the judge shall exclude from the room in 1861
which the deposition is to be taken every person except the 1862
child victim giving the testimony, the judge, one or more 1863
interpreters if needed, the attorneys for the prosecution, the 1864
child-victim's attorney, if applicable, and the child who is 1865
charged with the violation or act, any person needed to operate 1866
the equipment to be used, one person, who is not a witness, 1867
chosen by the child victim giving the deposition, the victim's 1868
representative, and any person whose presence the judge 1869
determines would contribute to the welfare and well-being of the 1870
child victim giving the deposition. The person chosen by the 1871
child victim ~~shall not be a witness in the proceeding and,~~ both 1872
before and during the deposition, shall not discuss the 1873
testimony of the child victim with any other witness in the 1874
proceeding. To the extent feasible, any person operating the 1875
recording equipment shall be restricted to a room adjacent to 1876
the room in which the deposition is being taken, or to a 1877
location in the room in which the deposition is being taken that 1878
is behind a screen or mirror so that the person operating the 1879
recording equipment can see and hear, but cannot be seen or 1880
heard by, the child victim giving the deposition during the 1881
deposition. The child who is charged with the violation or act 1882
shall be permitted to observe and hear the testimony of the 1883
child victim giving the deposition on a monitor, shall be 1884

provided with an electronic means of immediate communication 1885
with the attorney of the child who is charged with the violation 1886
or act during the testimony, and shall be restricted to a 1887
location from which the child who is charged with the violation 1888
or act cannot be seen or heard by the child victim giving the 1889
deposition, except on a monitor provided for that purpose. The 1890
child victim giving the deposition shall be provided with a 1891
monitor on which the child victim can observe, while giving 1892
testimony, the child who is charged with the violation or act. 1893
The judge, at the judge's discretion, may preside at the 1894
deposition by electronic means from outside the room in which 1895
the deposition is to be taken; if the judge presides by 1896
electronic means, the judge shall be provided with monitors on 1897
which the judge can see each person in the room in which the 1898
deposition is to be taken and with an electronic means of 1899
communication with each person in that room, and each person in 1900
the room shall be provided with a monitor on which that person 1901
can see the judge and with an electronic means of communication 1902
with the judge. A deposition that is ~~videotaped~~ recorded under 1903
this division shall be taken and filed in the manner described 1904
in division (A) (2) of this section and is admissible in the 1905
manner described in this division and division (B) of this 1906
section, and, if a deposition that is ~~videotaped~~ recorded under 1907
this division is admitted as evidence at the proceeding, the 1908
child victim shall not be required to testify in person at the 1909
proceeding. No deposition ~~videotaped~~ recorded under this 1910
division shall be admitted as evidence at any proceeding unless 1911
division (B) of this section is satisfied relative to the 1912
deposition and all of the following apply relative to the 1913
recording: 1914

(a) The recording is both aural and visual and is recorded 1915

on film or videotape, or by other electronic means. 1916

(b) The recording is authenticated under the Rules of 1917
Evidence and the Rules of Criminal Procedure as a fair and 1918
accurate representation of what occurred, and the recording is 1919
not altered other than at the direction and under the 1920
supervision of the judge in the proceeding. 1921

(c) Each voice on the recording that is material to the 1922
testimony on the recording or the making of the recording, as 1923
determined by the judge, is identified. 1924

(d) Both the prosecution and the child who is charged with 1925
the violation or act are afforded an opportunity to view the 1926
recording before it is shown in the proceeding. 1927

(B) (1) At any proceeding in relation to which a deposition 1928
was taken under division (A) of this section, the deposition or 1929
a part of it is admissible in evidence upon motion of the 1930
prosecution if the testimony in the deposition or the part to be 1931
admitted is not excluded by the hearsay rule and if the 1932
deposition or the part to be admitted otherwise is admissible 1933
under the Rules of Evidence. For purposes of this division, 1934
testimony is not excluded by the hearsay rule if the testimony 1935
is not hearsay under Evidence Rule 801; if the testimony is 1936
within an exception to the hearsay rule set forth in Evidence 1937
Rule 803; if the child victim who gave the testimony is 1938
unavailable as a witness, as defined in Evidence Rule 804, and 1939
the testimony is admissible under that rule; or if both of the 1940
following apply: 1941

(a) The child who is charged with the violation or act had 1942
an opportunity and similar motive at the time of the taking of 1943
the deposition to develop the testimony by direct, cross, or 1944

redirect examination. 1945

(b) The judge determines that there is reasonable cause to 1946
believe that, if the child victim who gave the testimony in the 1947
deposition were to testify in person at the proceeding, the 1948
child victim would experience serious emotional trauma as a 1949
result of the child victim's participation at the proceeding. 1950

(2) Objections to receiving in evidence a deposition or a 1951
part of it under division (B) of this section shall be made as 1952
provided in civil actions. 1953

(3) The provisions of divisions (A) and (B) of this 1954
section are in addition to any other provisions of the Revised 1955
Code, the Rules of Juvenile Procedure, the Rules of Criminal 1956
Procedure, or the Rules of Evidence that pertain to the taking 1957
or admission of depositions in a juvenile court proceeding and 1958
do not limit the admissibility under any of those other 1959
provisions of any deposition taken under division (A) of this 1960
section or otherwise taken. 1961

(C) In any proceeding in juvenile court involving a 1962
complaint, indictment, or information in which a child is 1963
charged with a violation listed in division (A)(2) of this 1964
section or an act that would be an offense of violence if 1965
committed by an adult and in which an alleged victim of the 1966
violation or offense was a child who was less than ~~thirteen-~~ 1967
sixteen years of age when the complaint or information was filed 1968
or indictment was returned, the prosecution or the child- 1969
victim's attorney, if applicable, may file a motion with the 1970
juvenile judge requesting the judge to order the testimony of 1971
the child victim to be taken in a room other than the room in 1972
which the proceeding is being conducted and be televised, by 1973
closed circuit equipment, into the room in which the proceeding 1974

is being conducted to be viewed by the child who is charged with 1975
the violation or act and any other persons who are not permitted 1976
in the room in which the testimony is to be taken but who would 1977
have been present during the testimony of the child victim had 1978
it been given in the room in which the proceeding is being 1979
conducted. Except for good cause shown, the prosecution or the 1980
child-victim's attorney, if applicable, shall file a motion 1981
under this division at least seven days before the date of the 1982
proceeding. The juvenile judge may issue the order upon the 1983
motion of the prosecution or the child-victim's attorney, if 1984
applicable, filed under this division, if the judge determines 1985
that the child victim is unavailable to testify in the room in 1986
which the proceeding is being conducted in the physical presence 1987
of the child charged with the violation or act, due to one or 1988
more of the reasons set forth in division (E) of this section. 1989
If a juvenile judge issues an order of that nature, the judge 1990
shall exclude from the room in which the testimony is to be 1991
taken every person except a person described in division (A) (3) 1992
of this section. The judge, at the judge's discretion, may 1993
preside during the giving of the testimony by electronic means 1994
from outside the room in which it is being given, subject to the 1995
limitations set forth in division (A) (3) of this section. To the 1996
extent feasible, any person operating the televising equipment 1997
shall be hidden from the sight and hearing of the child victim 1998
giving the testimony, in a manner similar to that described in 1999
division (A) (3) of this section. The child who is charged with 2000
the violation or act shall be permitted to observe and hear the 2001
testimony of the child victim giving the testimony on a monitor, 2002
shall be provided with an electronic means of immediate 2003
communication with the attorney of the child who is charged with 2004
the violation or act during the testimony, and shall be 2005
restricted to a location from which the child who is charged 2006

with the violation or act cannot be seen or heard by the child 2007
victim giving the testimony, except on a monitor provided for 2008
that purpose. The child victim giving the testimony shall be 2009
provided with a monitor on which the child victim can observe, 2010
while giving testimony, the child who is charged with the 2011
violation or act. 2012

(D) In any proceeding in juvenile court involving a 2013
complaint, indictment, or information in which a child is 2014
charged with a violation listed in division (A)(2) of this 2015
section or an act that would be an offense of violence if 2016
committed by an adult and in which an alleged victim of the 2017
violation or offense was a child who was less than ~~thirteen-~~ 2018
sixteen years of age when the complaint or information was filed 2019
or the indictment was returned, the prosecution or the child- 2020
victim's attorney, if applicable, may file a motion with the 2021
juvenile judge requesting the judge to order the testimony of 2022
the child victim to be taken outside of the room in which the 2023
proceeding is being conducted and be recorded for showing in the 2024
room in which the proceeding is being conducted before the 2025
judge, the child who is charged with the violation or act, and 2026
any other persons who would have been present during the 2027
testimony of the child victim had it been given in the room in 2028
which the proceeding is being conducted. Except for good cause 2029
shown, the prosecution or the child-victim's attorney, if 2030
applicable, shall file a motion under this division at least 2031
seven days before the date of the proceeding. The juvenile judge 2032
may issue the order upon the motion of the prosecution or the 2033
child-victim's attorney, if applicable, filed under this 2034
division, if the judge determines that the child victim is 2035
unavailable to testify in the room in which the proceeding is 2036
being conducted in the physical presence of the child charged 2037

with the violation or act, due to one or more of the reasons set 2038
forth in division (E) of this section. If a juvenile judge 2039
issues an order of that nature, the judge shall exclude from the 2040
room in which the testimony is to be taken every person except a 2041
person described in division (A) (3) of this section. To the 2042
extent feasible, any person operating the recording equipment 2043
shall be hidden from the sight and hearing of the child victim 2044
giving the testimony, in a manner similar to that described in 2045
division (A) (3) of this section. The child who is charged with 2046
the violation or act shall be permitted to observe and hear the 2047
testimony of the child victim giving the testimony on a monitor, 2048
shall be provided with an electronic means of immediate 2049
communication with the attorney of the child who is charged with 2050
the violation or act during the testimony, and shall be 2051
restricted to a location from which the child who is charged 2052
with the violation or act cannot be seen or heard by the child 2053
victim giving the testimony, except on a monitor provided for 2054
that purpose. The child victim giving the testimony shall be 2055
provided with a monitor on which the child victim can observe, 2056
while giving testimony, the child who is charged with the 2057
violation or act. No order for the taking of testimony by 2058
recording shall be issued under this division unless the 2059
provisions set forth in divisions (A) (3) (a), (b), (c), and (d) 2060
of this section apply to the recording of the testimony. 2061

(E) For purposes of divisions (C) and (D) of this section, 2062
a juvenile judge may order the testimony of a child victim to be 2063
taken outside of the room in which a proceeding is being 2064
conducted if the judge determines that the child victim is 2065
unavailable to testify in the room in the physical presence of 2066
the child charged with the violation or act due to one or more 2067
of the following circumstances: 2068

(1) The persistent refusal of the child victim to testify
despite judicial requests to do so; 2069
2070

(2) The inability of the child victim to communicate about
the alleged violation or offense because of extreme fear,
failure of memory, or another similar reason; 2071
2072
2073

(3) The substantial likelihood that the child victim will
suffer serious emotional trauma from so testifying. 2074
2075

(F) (1) If a juvenile judge issues an order pursuant to 2076
division (C) or (D) of this section that requires the testimony 2077
of a child victim in a juvenile court proceeding to be taken 2078
outside of the room in which the proceeding is being conducted, 2079
the order shall specifically identify the child victim, in a 2080
manner consistent with section 2930.07 of the Revised Code, to 2081
whose testimony it applies, the order applies only during the 2082
testimony of the specified child victim, and the child victim 2083
giving the testimony shall not be required to testify at the 2084
proceeding other than in accordance with the order. The 2085
authority of a judge to close the taking of a deposition under 2086
division (A) (3) of this section or a proceeding under division 2087
(C) or (D) of this section is in addition to the authority of a 2088
judge to close a hearing pursuant to section 2151.35 of the 2089
Revised Code. 2090

(2) A juvenile judge who makes any determination regarding 2091
the admissibility of a deposition under divisions (A) and (B) of 2092
this section, the ~~videotaping~~ recording of a deposition under 2093
division (A) (3) of this section, or the taking of testimony 2094
outside of the room in which a proceeding is being conducted 2095
under division (C) or (D) of this section, shall enter the 2096
determination and findings on the record in the proceeding. 2097

Sec. 2152.811. (A) As used in this section: 2098

(1) "Developmental disability" has the same meaning as in 2099
section 5123.01 of the Revised Code. 2100

(2) "Victim with a developmental disability" includes any 2101
of the following persons: 2102

(a) A person with a developmental disability who was a 2103
victim of a violation identified in division (B)(1) of this 2104
section or an act that would be an offense of violence if 2105
committed by an adult; 2106

(b) A person with a developmental disability against whom 2107
was directed any conduct that constitutes, or that is an element 2108
of, a violation identified in division (B)(1) of this section or 2109
an act that would be an offense of violence if committed by an 2110
adult. 2111

(B)(1) In any proceeding in juvenile court involving a 2112
complaint, indictment, or information in which a child is 2113
charged with a violation of section 2903.16, 2903.34, 2903.341, 2114
2907.02, 2907.03, 2907.05, 2907.21, 2907.23, 2907.24, 2907.32, 2115
2907.321, 2907.322, or 2907.323 of the Revised Code or an act 2116
that would be an offense of violence if committed by an adult 2117
and in which an alleged victim of the violation or act was a 2118
person with a developmental disability, ~~the juvenile judge,~~ upon 2119
motion of the prosecution or the victim's attorney, if 2120
applicable, and a showing by a preponderance of the evidence 2121
that the victim will suffer serious emotional trauma if required 2122
to provide live trial testimony, the juvenile judge shall order 2123
that the testimony of the victim with a developmental disability 2124
be taken by deposition. The prosecution, the victim, or the 2125
victim's attorney, if applicable, also may request that the 2126

deposition be ~~videotaped-recorded~~ in accordance with division 2127
(B) (2) of this section. The judge shall notify the victim with a 2128
developmental disability whose deposition is to be taken, the 2129
prosecution, the victim's attorney, if applicable, and the 2130
attorney for the child who is charged with the violation or act 2131
of the date, time, and place for taking the deposition. The 2132
notice shall identify the victim with a developmental 2133
disability, in a manner consistent with section 2930.07 of the 2134
Revised Code, who is to be examined and shall indicate whether a 2135
request that the deposition be ~~videotaped-recorded~~ has been 2136
made. The child who is charged with the violation or act shall 2137
have the right to attend the deposition and the right to be 2138
represented by counsel. Depositions shall be taken in the manner 2139
provided in civil cases, except that the judge in the proceeding 2140
shall preside at the taking of the deposition and shall rule at 2141
that time on any objections of the prosecution, the victim, or 2142
the attorney for the child charged with the violation or act. 2143
The prosecution and the attorney for the child charged with the 2144
violation or act shall have the right, as at an adjudication 2145
hearing, to full examination and cross-examination of the victim 2146
with a developmental disability whose deposition is to be taken. 2147

If a deposition taken under this division is intended to 2148
be offered as evidence in the proceeding, it shall be filed in 2149
the juvenile court in which the action is pending and is 2150
admissible in the manner described in division (C) of this 2151
section. If a deposition of a victim with a developmental 2152
disability taken under this division is admitted as evidence at 2153
the proceeding under division (C) of this section, the victim 2154
with a developmental disability shall not be required to testify 2155
in person at the proceeding. 2156

At any time before the conclusion of the proceeding, the 2157

attorney for the child charged with the violation or act may 2158
file a motion with the judge requesting that another deposition 2159
of the victim with a developmental disability be taken because 2160
new evidence material to the defense of the child charged has 2161
been discovered that the attorney for the child charged could 2162
not with reasonable diligence have discovered prior to the 2163
taking of the admitted deposition. Any motion requesting another 2164
deposition shall be accompanied by supporting affidavits. Upon 2165
the filing of the motion and affidavits, the court may order 2166
that additional testimony of the victim with a developmental 2167
disability relative to the new evidence be taken by another 2168
deposition. If the court orders the taking of another deposition 2169
under this provision, the deposition shall be taken in 2170
accordance with this division. If the admitted deposition was a 2171
~~videotaped~~ recorded deposition taken in accordance with division 2172
(B) (2) of this section, the new deposition also shall be 2173
~~videotaped~~ recorded in accordance with that division. In other 2174
cases, the new deposition may be ~~videotaped~~ recorded in 2175
accordance with that division. 2176

(2) If the prosecution, victim, or victim's attorney, if 2177
applicable, requests that a deposition to be taken under 2178
division (B) (1) of this section be ~~videotaped~~ recorded, the 2179
juvenile judge shall order that the deposition be ~~videotaped~~ 2180
recorded in accordance with this division. If a juvenile judge 2181
issues an order to ~~video tape~~ record the deposition, the judge 2182
shall exclude from the room in which the deposition is to be 2183
taken every person except the victim with a developmental 2184
disability giving the testimony, the judge, one or more 2185
interpreters if needed, the victim's attorney, if applicable, 2186
the attorneys for the prosecution and the child who is charged 2187
with the violation or act, any person needed to operate the 2188

equipment to be used, one person, who is not a witness, chosen 2189
by the victim with a developmental disability giving the 2190
deposition, the victim's representative, and any person whose 2191
presence the judge determines would contribute to the welfare 2192
and well-being of the victim with a developmental disability 2193
giving the deposition. The person chosen by the victim with a 2194
developmental disability ~~shall not be a witness in the~~ 2195
~~proceeding~~ and, both before and during the deposition, shall not 2196
discuss the testimony of the victim with any other witness in 2197
the proceeding. To the extent feasible, any person operating the 2198
recording equipment shall be restricted to a room adjacent to 2199
the room in which the deposition is being taken, or to a 2200
location in the room in which the deposition is being taken that 2201
is behind a screen or mirror so that the person operating the 2202
recording equipment can see and hear, but cannot be seen or 2203
heard by, the victim with a developmental disability giving the 2204
deposition during the deposition. 2205

The child who is charged with the violation or act shall 2206
be permitted to observe and hear the testimony of the victim 2207
with a developmental disability giving the deposition on a 2208
monitor, shall be provided with an electronic means of immediate 2209
communication with the attorney of the child who is charged with 2210
the violation or act during the testimony, and shall be 2211
restricted to a location from which the child who is charged 2212
with the violation or act cannot be seen or heard by the victim 2213
with a developmental disability giving the deposition, except on 2214
a monitor provided for that purpose. The victim with a 2215
developmental disability giving the deposition shall be provided 2216
with a monitor on which the victim with a developmental 2217
disability can observe, while giving testimony, the child who is 2218
charged with the violation or act. The judge, at the judge's 2219

discretion, may preside at the deposition by electronic means 2220
from outside the room in which the deposition is to be taken; if 2221
the judge presides by electronic means, the judge shall be 2222
provided with monitors on which the judge can see each person in 2223
the room in which the deposition is to be taken and with an 2224
electronic means of communication with each person in that room, 2225
and each person in the room shall be provided with a monitor on 2226
which that person can see the judge and with an electronic means 2227
of communication with the judge. A deposition that is ~~videotaped-~~ 2228
recorded under this division shall be taken and filed in the 2229
manner described in division (B) (1) of this section and is 2230
admissible in the manner described in this division and division 2231
(C) of this section. If a deposition that is ~~videotaped-~~ 2232
recorded under this division is admitted as evidence at the proceeding, 2233
the victim with a developmental disability shall not be required 2234
to testify in person at the proceeding. No deposition ~~videotaped-~~ 2235
recorded under this division shall be admitted as evidence at 2236
any proceeding unless division (C) of this section is satisfied 2237
relative to the deposition and all of the following apply 2238
relative to the recording: 2239

(a) The recording is both aural and visual and is recorded 2240
on film or videotape, or by other electronic means. 2241

(b) The recording is authenticated under the Rules of 2242
Evidence and the Rules of Criminal Procedure as a fair and 2243
accurate representation of what occurred, and the recording is 2244
not altered other than at the direction and under the 2245
supervision of the judge in the proceeding. 2246

(c) Each voice on the recording that is material to the 2247
testimony on the recording or the making of the recording, as 2248
determined by the judge, is identified. 2249

(d) Both the prosecution and the child who is charged with 2250
the violation or act are afforded an opportunity to view the 2251
recording before it is shown in the proceeding. 2252

(C) (1) At any proceeding in relation to which a deposition 2253
was taken under division (B) of this section, the deposition or 2254
a part of it is admissible in evidence upon motion of the 2255
prosecution if the testimony in the deposition or the part to be 2256
admitted is not excluded by the hearsay rule and if the 2257
deposition or the part to be admitted otherwise is admissible 2258
under the Rules of Evidence. For purposes of this division, 2259
testimony is not excluded by the hearsay rule if the testimony 2260
is not hearsay under Evidence Rule 801; the testimony is within 2261
an exception to the hearsay rule set forth in Evidence Rule 803; 2262
the victim with a developmental disability who gave the 2263
testimony is unavailable as a witness, as defined in Evidence 2264
Rule 804, and the testimony is admissible under that rule; or 2265
both of the following apply: 2266

(a) The child who is charged with the violation or act had 2267
an opportunity and similar motive at the time of the taking of 2268
the deposition to develop the testimony by direct, cross, or 2269
redirect examination. 2270

(b) The judge determines that there is reasonable cause to 2271
believe that, if the victim with a developmental disability who 2272
gave the testimony in the deposition were to testify in person 2273
at the proceeding, the victim with a developmental disability 2274
would experience serious emotional trauma as a result of the 2275
participation of the victim with a developmental disability at 2276
the proceeding. 2277

(2) Objections to receiving in evidence a deposition or a 2278
part of it under division (C) of this section shall be made as 2279

provided in civil actions. 2280

(3) The provisions of divisions (B) and (C) of this 2281
section are in addition to any other provisions of the Revised 2282
Code, the Rules of Juvenile Procedure, the Rules of Criminal 2283
Procedure, or the Rules of Evidence that pertain to the taking 2284
or admission of depositions in a juvenile court proceeding and 2285
do not limit the admissibility under any of those other 2286
provisions of any deposition taken under division (B) of this 2287
section or otherwise taken. 2288

(D) In any proceeding in juvenile court involving a 2289
complaint, indictment, or information in which a child is 2290
charged with a violation listed in division (B)(1) of this 2291
section or an act that would be an offense of violence if 2292
committed by an adult and in which an alleged victim of the 2293
violation or offense was a person with a developmental 2294
disability, the prosecution, the victim, or the victim's 2295
attorney, if applicable, may file a motion with the juvenile 2296
judge requesting the judge to order the testimony of the victim 2297
with a developmental disability to be taken in a room other than 2298
the room in which the proceeding is being conducted and be 2299
televised, by closed circuit equipment, into the room in which 2300
the proceeding is being conducted to be viewed by the child who 2301
is charged with the violation or act and any other persons who 2302
are not permitted in the room in which the testimony is to be 2303
taken but who would have been present during the testimony of 2304
the victim with a developmental disability had it been given in 2305
the room in which the proceeding is being conducted. Except for 2306
good cause shown, the prosecution, the victim, or the victim's 2307
attorney, if applicable, shall file a motion under this division 2308
at least seven days before the date of the proceeding. The 2309
juvenile judge may issue the order upon the motion of the 2310

prosecution, the victim, or the victim's attorney, if 2311
applicable, filed under this division, if the judge determines 2312
that the victim with a developmental disability is unavailable 2313
to testify in the room in which the proceeding is being 2314
conducted in the physical presence of the child charged with the 2315
violation or act for one or more of the reasons set forth in 2316
division (F) of this section. If a juvenile judge issues an 2317
order of that nature, the judge shall exclude from the room in 2318
which the testimony is to be taken every person except a person 2319
described in division (B) (2) of this section. The judge, at the 2320
judge's discretion, may preside during the giving of the 2321
testimony by electronic means from outside the room in which it 2322
is being given, subject to the limitations set forth in division 2323
(B) (2) of this section. To the extent feasible, any person 2324
operating the televising equipment shall be hidden from the 2325
sight and hearing of the victim with a developmental disability 2326
giving the testimony, in a manner similar to that described in 2327
division (B) (2) of this section. The child who is charged with 2328
the violation or act shall be permitted to observe and hear the 2329
testimony of the victim with a developmental disability giving 2330
the testimony on a monitor, shall be provided with an electronic 2331
means of immediate communication with the attorney of the child 2332
who is charged with the violation or act during the testimony, 2333
and shall be restricted to a location from which the child who 2334
is charged with the violation or act cannot be seen or heard by 2335
the victim with a developmental disability giving the testimony, 2336
except on a monitor provided for that purpose. The victim with a 2337
developmental disability giving the testimony shall be provided 2338
with a monitor on which the victim with a developmental 2339
disability can observe, while giving testimony, the child who is 2340
charged with the violation or act. 2341

(E) In any proceeding in juvenile court involving a 2342
complaint, indictment, or information in which a child is 2343
charged with a violation listed in division (B)(1) of this 2344
section or an act that would be an offense of violence if 2345
committed by an adult and in which an alleged victim of the 2346
violation or offense was a person with a developmental 2347
disability, the prosecution, the victim, or the victim's 2348
attorney, if applicable, may file a motion with the juvenile 2349
judge requesting the judge to order the testimony of the victim 2350
with a developmental disability to be taken outside of the room 2351
in which the proceeding is being conducted and be recorded for 2352
showing in the room in which the proceeding is being conducted 2353
before the judge, the child who is charged with the violation or 2354
act, and any other persons who would have been present during 2355
the testimony of the victim with a developmental disability had 2356
it been given in the room in which the proceeding is being 2357
conducted. Except for good cause shown, the prosecution, the 2358
victim, or the victim's attorney, if applicable, shall file a 2359
motion under this division at least seven days before the date 2360
of the proceeding. The juvenile judge may issue the order upon 2361
the motion of the prosecution, the victim, or the victim's 2362
attorney, if applicable, filed under this division, if the judge 2363
determines that the victim with a developmental disability is 2364
unavailable to testify in the room in which the proceeding is 2365
being conducted in the physical presence of the child charged 2366
with the violation or act, due to one or more of the reasons set 2367
forth in division (F) of this section. If a juvenile judge 2368
issues an order of that nature, the judge shall exclude from the 2369
room in which the testimony is to be taken every person except a 2370
person described in division (B)(2) of this section. To the 2371
extent feasible, any person operating the recording equipment 2372
shall be hidden from the sight and hearing of the victim with a 2373

developmental disability giving the testimony, in a manner 2374
similar to that described in division (B) (2) of this section. 2375
The child who is charged with the violation or act shall be 2376
permitted to observe and hear the testimony of the victim with a 2377
developmental disability giving the testimony on a monitor, 2378
shall be provided with an electronic means of immediate 2379
communication with the attorney of the child who is charged with 2380
the violation or act during the testimony, and shall be 2381
restricted to a location from which the child who is charged 2382
with the violation or act cannot be seen or heard by the victim 2383
with a developmental disability giving the testimony, except on 2384
a monitor provided for that purpose. The victim with a 2385
developmental disability giving the testimony shall be provided 2386
with a monitor on which the victim with a developmental 2387
disability can observe, while giving testimony, the child who is 2388
charged with the violation or act. No order for the taking of 2389
testimony by recording shall be issued under this division 2390
unless the provisions set forth in divisions (B) (2) (a), (b), 2391
(c), and (d) of this section apply to the recording of the 2392
testimony. 2393

(F) For purposes of divisions (D) and (E) of this section, 2394
a juvenile judge may order the testimony of a victim with a 2395
developmental disability to be taken outside of the room in 2396
which a proceeding is being conducted if the judge determines 2397
that the victim with a developmental disability is unavailable 2398
to testify in the room in the physical presence of the child 2399
charged with the violation or act due to one or more of the 2400
following circumstances: 2401

(1) The persistent refusal of the victim with a 2402
developmental disability to testify despite judicial requests to 2403
do so; 2404

(2) The inability of the victim with a developmental 2405
disability to communicate about the alleged violation or offense 2406
because of extreme fear, failure of memory, or another similar 2407
reason; 2408

(3) The substantial likelihood that the victim with a 2409
developmental disability will suffer serious emotional trauma 2410
from so testifying. 2411

(G)(1) If a juvenile judge issues an order pursuant to 2412
division (D) or (E) of this section that requires the testimony 2413
of a victim with a developmental disability in a juvenile court 2414
proceeding to be taken outside of the room in which the 2415
proceeding is being conducted, the order shall specifically 2416
identify the victim with a developmental disability, in a manner 2417
consistent with section 2930.07 of the Revised Code, to whose 2418
testimony it applies, the order applies only during the 2419
testimony of the specified victim with a developmental 2420
disability, and the victim with a developmental disability 2421
giving the testimony shall not be required to testify at the 2422
proceeding other than in accordance with the order. The 2423
authority of a judge to close the taking of a deposition under 2424
division (B)(2) of this section or a proceeding under division 2425
(D) or (E) of this section is in addition to the authority of a 2426
judge to close a hearing pursuant to section 2151.35 of the 2427
Revised Code. 2428

(2) A juvenile judge who makes any determination regarding 2429
the admissibility of a deposition under divisions (B) and (C) of 2430
this section, the ~~videotaping~~ recording of a deposition under 2431
division (B)(2) of this section, or the taking of testimony 2432
outside of the room in which a proceeding is being conducted 2433
under division (D) or (E) of this section shall enter the 2434

determination and findings on the record in the proceeding. 2435

Sec. 2907.02. (A) (1) No person shall engage in sexual 2436
conduct with another who is not the spouse of the offender or 2437
who is the spouse of the offender but is living separate and 2438
apart from the offender, when any of the following applies: 2439

(a) For the purpose of preventing resistance, the offender 2440
substantially impairs the other person's judgment or control by 2441
administering any drug, intoxicant, or controlled substance to 2442
the other person surreptitiously or by force, threat of force, 2443
or deception. 2444

(b) The other person is less than thirteen years of age, 2445
whether or not the offender knows the age of the other person. 2446

(c) The other person's ability to resist or consent is 2447
substantially impaired because of a mental or physical condition 2448
or because of advanced age, and the offender knows or has 2449
reasonable cause to believe that the other person's ability to 2450
resist or consent is substantially impaired because of a mental 2451
or physical condition or because of advanced age. 2452

(2) No person shall engage in sexual conduct with another 2453
when the offender purposely compels the other person to submit 2454
by force or threat of force. 2455

(B) Whoever violates this section is guilty of rape, a 2456
felony of the first degree. If the offender under division (A) 2457
(1)(a) of this section substantially impairs the other person's 2458
judgment or control by administering any controlled substance 2459
described in section 3719.41 of the Revised Code to the other 2460
person surreptitiously or by force, threat of force, or 2461
deception, the prison term imposed upon the offender shall be 2462
one of the prison terms prescribed for a felony of the first 2463

degree in section 2929.14 of the Revised Code that is not less 2464
than five years. Except as otherwise provided in this division, 2465
notwithstanding sections 2929.11 to 2929.14 of the Revised Code, 2466
an offender under division (A) (1) (b) of this section shall be 2467
sentenced to a prison term or term of life imprisonment pursuant 2468
to section 2971.03 of the Revised Code. If an offender is 2469
convicted of or pleads guilty to a violation of division (A) (1) 2470
(b) of this section, if the offender was less than sixteen years 2471
of age at the time the offender committed the violation of that 2472
division, and if the offender during or immediately after the 2473
commission of the offense did not cause serious physical harm to 2474
the victim, the victim was ten years of age or older at the time 2475
of the commission of the violation, and the offender has not 2476
previously been convicted of or pleaded guilty to a violation of 2477
this section or a substantially similar existing or former law 2478
of this state, another state, or the United States, the court 2479
shall not sentence the offender to a prison term or term of life 2480
imprisonment pursuant to section 2971.03 of the Revised Code, 2481
and instead the court shall sentence the offender as otherwise 2482
provided in this division. If an offender under division (A) (1) 2483
(b) of this section previously has been convicted of or pleaded 2484
guilty to violating division (A) (1) (b) of this section or to 2485
violating an existing or former law of this state, another 2486
state, or the United States that is substantially similar to 2487
division (A) (1) (b) of this section, if the offender during or 2488
immediately after the commission of the offense caused serious 2489
physical harm to the victim, or if the victim under division (A) 2490
(1) (b) of this section is less than ten years of age, in lieu of 2491
sentencing the offender to a prison term or term of life 2492
imprisonment pursuant to section 2971.03 of the Revised Code, 2493
the court may impose upon the offender a term of life without 2494
parole. If the court imposes a term of life without parole 2495

pursuant to this division, division (F) of section 2971.03 of 2496
the Revised Code applies, and the offender automatically is 2497
classified a tier III sex offender/child-victim offender, as 2498
described in that division. 2499

(C) A victim need not prove physical resistance to the 2500
offender in prosecutions under this section. 2501

(D) Evidence of specific instances of the victim's sexual 2502
activity, opinion evidence of the victim's sexual activity, and 2503
reputation evidence of the victim's sexual activity shall not be 2504
admitted under this section unless it involves evidence of the 2505
origin of semen, pregnancy, or sexually transmitted disease or 2506
infection, or the victim's past sexual activity with the 2507
offender, and only to the extent that the court finds that the 2508
evidence is material to a fact at issue in the case and that its 2509
inflammatory or prejudicial nature does not outweigh its 2510
probative value. 2511

Evidence of specific instances of the defendant's sexual 2512
activity, opinion evidence of the defendant's sexual activity, 2513
and reputation evidence of the defendant's sexual activity shall 2514
not be admitted under this section unless it involves evidence 2515
of the origin of semen, pregnancy, or sexually transmitted 2516
disease or infection, the defendant's past sexual activity with 2517
the victim, or is admissible against the defendant under section 2518
2945.59 of the Revised Code, and only to the extent that the 2519
court finds that the evidence is material to a fact at issue in 2520
the case and that its inflammatory or prejudicial nature does 2521
not outweigh its probative value. 2522

(E) Prior to taking testimony or receiving evidence of any 2523
sexual activity of the victim or the defendant in a proceeding 2524
under this section, the court shall resolve the admissibility of 2525

the proposed evidence in a hearing in chambers, which shall be 2526
held at or before preliminary hearing and not less than three 2527
days before trial, or for good cause shown during the trial. 2528

(F) Upon approval by the court, the victim may be 2529
represented by counsel in any hearing in chambers or other 2530
proceeding to resolve the admissibility of evidence. If the 2531
victim is indigent or otherwise is unable to obtain the services 2532
of counsel, the court, upon request, may appoint counsel to 2533
represent the victim without cost to the victim. 2534

(G) It is not a defense to a charge under division (A) (2) 2535
of this section that the offender and the victim were married or 2536
were cohabiting at the time of the commission of the offense. 2537

Sec. 2907.05. (A) No person shall have sexual contact with 2538
another, not the spouse of the offender; cause another, not the 2539
spouse of the offender, to have sexual contact with the 2540
offender; or cause two or more other persons to have sexual 2541
contact when any of the following applies: 2542

(1) The offender purposely compels the other person, or 2543
one of the other persons, to submit by force or threat of force. 2544

(2) For the purpose of preventing resistance, the offender 2545
substantially impairs the judgment or control of the other 2546
person or of one of the other persons by administering any drug, 2547
intoxicant, or controlled substance to the other person 2548
surreptitiously or by force, threat of force, or deception. 2549

(3) The offender knows that the judgment or control of the 2550
other person or of one of the other persons is substantially 2551
impaired as a result of the influence of any drug or intoxicant 2552
administered to the other person with the other person's consent 2553
for the purpose of any kind of medical or dental examination, 2554

treatment, or surgery. 2555

(4) The other person, or one of the other persons, is less 2556
than thirteen years of age, whether or not the offender knows 2557
the age of that person. 2558

(5) The ability of the other person to resist or consent 2559
or the ability of one of the other persons to resist or consent 2560
is substantially impaired because of a mental or physical 2561
condition or because of advanced age, and the offender knows or 2562
has reasonable cause to believe that the ability to resist or 2563
consent of the other person or of one of the other persons is 2564
substantially impaired because of a mental or physical condition 2565
or because of advanced age. 2566

(B) No person shall knowingly touch the genitalia of 2567
another, when the touching is not through clothing, the other 2568
person is less than twelve years of age, whether or not the 2569
offender knows the age of that person, and the touching is done 2570
with an intent to abuse, humiliate, harass, degrade, or arouse 2571
or gratify the sexual desire of any person. 2572

(C) Whoever violates this section is guilty of gross 2573
sexual imposition. 2574

(1) Except as otherwise provided in this section, gross 2575
sexual imposition committed in violation of division (A) (1), 2576
(2), (3), or (5) of this section is a felony of the fourth 2577
degree. If the offender under division (A) (2) of this section 2578
substantially impairs the judgment or control of the other 2579
person or one of the other persons by administering any 2580
controlled substance described in section 3719.41 of the Revised 2581
Code to the person surreptitiously or by force, threat of force, 2582
or deception, gross sexual imposition committed in violation of 2583

division (A) (2) of this section is a felony of the third degree. 2584

(2) Gross sexual imposition committed in violation of 2585
division (A) (4) or (B) of this section is a felony of the third 2586
degree. Except as otherwise provided in this division, for gross 2587
sexual imposition committed in violation of division (A) (4) or 2588
(B) of this section there is a presumption that a prison term 2589
shall be imposed for the offense. The court shall impose on an 2590
offender convicted of gross sexual imposition in violation of 2591
division (A) (4) or (B) of this section a mandatory prison term 2592
equal to one of the prison terms prescribed in section 2929.14 2593
of the Revised Code for a felony of the third degree if either 2594
of the following applies: 2595

(a) Evidence other than the testimony of the victim was 2596
admitted in the case corroborating the violation; 2597

(b) The offender previously was convicted of or pleaded 2598
guilty to a violation of this section, rape, the former offense 2599
of felonious sexual penetration, or sexual battery, and the 2600
victim of the previous offense was less than thirteen years of 2601
age. 2602

(D) A victim need not prove physical resistance to the 2603
offender in prosecutions under this section. 2604

(E) Evidence of specific instances of the victim's sexual 2605
activity, opinion evidence of the victim's sexual activity, and 2606
reputation evidence of the victim's sexual activity shall not be 2607
admitted under this section unless it involves evidence of the 2608
origin of semen, pregnancy, or sexually transmitted disease or 2609
infection, or the victim's past sexual activity with the 2610
offender, and only to the extent that the court finds that the 2611
evidence is material to a fact at issue in the case and that its 2612

inflammatory or prejudicial nature does not outweigh its 2613
probative value. 2614

Evidence of specific instances of the defendant's sexual 2615
activity, opinion evidence of the defendant's sexual activity, 2616
and reputation evidence of the defendant's sexual activity shall 2617
not be admitted under this section unless it involves evidence 2618
of the origin of semen, pregnancy, or sexually transmitted 2619
disease or infection, the defendant's past sexual activity with 2620
the victim, or is admissible against the defendant under section 2621
2945.59 of the Revised Code, and only to the extent that the 2622
court finds that the evidence is material to a fact at issue in 2623
the case and that its inflammatory or prejudicial nature does 2624
not outweigh its probative value. 2625

(F) Prior to taking testimony or receiving evidence of any 2626
sexual activity of the victim or the defendant in a proceeding 2627
under this section, the court shall resolve the admissibility of 2628
the proposed evidence in a hearing in chambers, which shall be 2629
held at or before preliminary hearing and not less than three 2630
days before trial, or for good cause shown during the trial. 2631

(G) Upon approval by the court, the victim may be 2632
represented by counsel in any hearing in chambers or other 2633
proceeding to resolve the admissibility of evidence. If the 2634
victim is indigent or otherwise is unable to obtain the services 2635
of counsel, the court, upon request, may appoint counsel to 2636
represent the victim without cost to the victim. 2637

Sec. 2907.10. (A) (1) A peace officer, prosecutor, ~~or~~ other 2638
public official, defendant, defendant's attorney, alleged 2639
juvenile offender, or alleged juvenile offender's attorney shall 2640
not ask or require a victim of an alleged sex offense to submit 2641
to a polygraph examination as a condition for proceeding with 2642

the investigation or prosecution of the alleged sex offense or 2643
for any other purpose. 2644

(2) The refusal of the victim of an alleged sex offense to 2645
submit to a polygraph examination shall not prevent the 2646
investigation of the alleged sex offense, the filing of criminal 2647
charges with respect to the alleged sex offense, or the 2648
prosecution of the alleged perpetrator of the alleged sex 2649
offense. 2650

(B) As used in this section: 2651

(1) "Peace officer" has the same meaning as in section 2652
2921.51 of the Revised Code. 2653

(2) "Polygraph examination" means any mechanical or 2654
electrical instrument or device of any type used or allegedly 2655
used to examine, test, or question an individual for the purpose 2656
of determining the individual's truthfulness. 2657

(3) "Prosecution" means the prosecution of criminal 2658
charges in a criminal prosecution or the prosecution of a 2659
delinquent child complaint in a delinquency proceeding. 2660

(4) "Prosecutor" has the same meaning as in section 2661
2935.01 of the Revised Code. 2662

(5) "Public official" has the same meaning as in section 2663
117.01 of the Revised Code. 2664

(6) "Sex offense" means a violation of any provision of 2665
sections 2907.02 to 2907.09 of the Revised Code. 2666

(7) "Alleged juvenile offender" has the same meaning as in 2667
section 2930.01 of the Revised Code. 2668

Sec. 2929.18. (A) Except as otherwise provided in this 2669

division and in addition to imposing court costs pursuant to 2670
section 2947.23 of the Revised Code, the court imposing a 2671
sentence upon an offender for a felony may sentence the offender 2672
to any financial sanction or combination of financial sanctions 2673
authorized under this section or, in the circumstances specified 2674
in section 2929.32 of the Revised Code, may impose upon the 2675
offender a fine in accordance with that section, and shall 2676
sentence the offender to make restitution pursuant to this 2677
section and section 2929.281 of the Revised Code. Financial 2678
sanctions that either are required to be or may be imposed 2679
pursuant to this section include, but are not limited to, the 2680
following: 2681

(1) Restitution by the offender to the victim of the 2682
offender's ~~crime~~ criminal offense or ~~any survivor of the victim~~ 2683
~~victim's estate,~~ in an amount based on the victim's economic 2684
loss. ~~If the court imposes restitution, the~~ The court shall 2685
order that ~~the~~ full restitution be made to the victim in open 2686
court, to the adult probation department that serves the county 2687
on behalf of the victim, to the clerk of courts, or to another 2688
agency designated by the court. ~~If the court imposes~~ 2689
~~restitution, at~~ At sentencing, the court shall determine the 2690
amount of restitution to be made by the offender. ~~If the court~~ 2691
~~imposes restitution, the court may base the amount of~~ 2692
~~restitution it orders on an amount recommended by the victim,~~ 2693
~~the offender, a presentence investigation report, estimates or~~ 2694
~~receipts indicating the cost of repairing or replacing property,~~ 2695
~~and other information, provided that the~~ The victim, victim's 2696
representative, victim's attorney, if applicable, prosecuting 2697
attorney, or the prosecuting attorney's designee shall, and the 2698
offender may, provide information relevant to the determination 2699
of the amount of restitution. The amount the court orders as 2700

restitution shall not exceed the amount of the economic loss 2701
suffered by the victim as a direct and proximate result of the 2702
commission of the offense. ~~If the court decides to impose~~ 2703
~~restitution, the~~ The court shall hold a hearing on restitution 2704
if the offender, victim, ~~or survivor~~ victim's representative, or 2705
victim's estate disputes the amount. The court shall determine 2706
the amount of full restitution by a preponderance of the 2707
evidence. All restitution payments shall be credited against any 2708
recovery of economic loss in a civil action brought by the 2709
victim or ~~any survivor of the victim~~ victim's estate against the 2710
offender. 2711

~~If the court imposes restitution, the~~ The court may order 2712
that the offender pay a surcharge of not more than five per cent 2713
of the amount of the restitution otherwise ordered to the entity 2714
responsible for collecting and processing restitution payments. 2715

~~The victim or survivor,~~ victim's estate, or victim's 2716
attorney, if applicable, may file a motion or request that the 2717
prosecutor in the case file a motion, or the offender may file a 2718
motion, for modification of the payment terms of any restitution 2719
ordered. If the court grants the motion, it may modify the 2720
payment terms as it determines appropriate but shall not reduce 2721
the amount of restitution ordered, except as provided in 2722
division (A) of section 2929.281 of the Revised Code. The court 2723
shall not discharge restitution until it is fully paid by the 2724
offender. 2725

(2) Except as provided in division (B) (1), (3), or (4) of 2726
this section, a fine payable by the offender to the state, to a 2727
political subdivision, or as described in division (B) (2) of 2728
this section to one or more law enforcement agencies, with the 2729
amount of the fine based on a standard percentage of the 2730

offender's daily income over a period of time determined by the 2731
court and based upon the seriousness of the offense. A fine 2732
ordered under this division shall not exceed the maximum 2733
conventional fine amount authorized for the level of the offense 2734
under division (A) (3) of this section. 2735

(3) Except as provided in division (B) (1), (3), or (4) of 2736
this section, a fine payable by the offender to the state, to a 2737
political subdivision when appropriate for a felony, or as 2738
described in division (B) (2) of this section to one or more law 2739
enforcement agencies, in the following amount: 2740

(a) For a felony of the first degree, not more than twenty 2741
thousand dollars; 2742

(b) For a felony of the second degree, not more than 2743
fifteen thousand dollars; 2744

(c) For a felony of the third degree, not more than ten 2745
thousand dollars; 2746

(d) For a felony of the fourth degree, not more than five 2747
thousand dollars; 2748

(e) For a felony of the fifth degree, not more than two 2749
thousand five hundred dollars. 2750

(4) A state fine or costs as defined in section 2949.111 2751
of the Revised Code. 2752

(5) (a) Reimbursement by the offender of any or all of the 2753
costs of sanctions incurred by the government, including the 2754
following: 2755

(i) All or part of the costs of implementing any community 2756
control sanction, including a supervision fee under section 2757
2951.021 of the Revised Code; 2758

(ii) All or part of the costs of confinement under a 2759
sanction imposed pursuant to section 2929.14, 2929.142, or 2760
2929.16 of the Revised Code, provided that the amount of 2761
reimbursement ordered under this division shall not exceed the 2762
total amount of reimbursement the offender is able to pay as 2763
determined at a hearing and shall not exceed the actual cost of 2764
the confinement; 2765

(iii) All or part of the cost of purchasing and using an 2766
immobilizing or disabling device, including a certified ignition 2767
interlock device, or a remote alcohol monitoring device that a 2768
court orders an offender to use under section 4510.13 of the 2769
Revised Code. 2770

(b) If the offender is sentenced to a sanction of 2771
confinement pursuant to section 2929.14 or 2929.16 of the 2772
Revised Code that is to be served in a facility operated by a 2773
board of county commissioners, a legislative authority of a 2774
municipal corporation, or another local governmental entity, if, 2775
pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 2776
753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 2777
section 2929.37 of the Revised Code, the board, legislative 2778
authority, or other local governmental entity requires prisoners 2779
to reimburse the county, municipal corporation, or other entity 2780
for its expenses incurred by reason of the prisoner's 2781
confinement, and if the court does not impose a financial 2782
sanction under division (A) (5) (a) (ii) of this section, 2783
confinement costs may be assessed pursuant to section 2929.37 of 2784
the Revised Code. In addition, the offender may be required to 2785
pay the fees specified in section 2929.38 of the Revised Code in 2786
accordance with that section. 2787

(c) Reimbursement by the offender for costs pursuant to 2788

section 2929.71 of the Revised Code. 2789

(B)(1) For a first, second, or third degree felony 2790
violation of any provision of Chapter 2925., 3719., or 4729. of 2791
the Revised Code, the sentencing court shall impose upon the 2792
offender a mandatory fine of at least one-half of, but not more 2793
than, the maximum statutory fine amount authorized for the level 2794
of the offense pursuant to division (A)(3) of this section. If 2795
an offender alleges in an affidavit filed with the court prior 2796
to sentencing that the offender is indigent and unable to pay 2797
the mandatory fine and if the court determines the offender is 2798
an indigent person and is unable to pay the mandatory fine 2799
described in this division, the court shall not impose the 2800
mandatory fine upon the offender. 2801

(2) Any mandatory fine imposed upon an offender under 2802
division (B)(1) of this section and any fine imposed upon an 2803
offender under division (A)(2) or (3) of this section for any 2804
fourth or fifth degree felony violation of any provision of 2805
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 2806
to law enforcement agencies pursuant to division (F) of section 2807
2925.03 of the Revised Code. 2808

(3) For a fourth degree felony OVI offense and for a third 2809
degree felony OVI offense, the sentencing court shall impose 2810
upon the offender a mandatory fine in the amount specified in 2811
division (G)(1)(d) or (e) of section 4511.19 of the Revised 2812
Code, whichever is applicable. The mandatory fine so imposed 2813
shall be disbursed as provided in the division pursuant to which 2814
it is imposed. 2815

(4) Notwithstanding any fine otherwise authorized or 2816
required to be imposed under division (A)(2) or (3) or (B)(1) of 2817
this section or section 2929.31 of the Revised Code for a 2818

violation of section 2925.03 of the Revised Code, in addition to 2819
any penalty or sanction imposed for that offense under section 2820
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 2821
in addition to the forfeiture of property in connection with the 2822
offense as prescribed in Chapter 2981. of the Revised Code, the 2823
court that sentences an offender for a violation of section 2824
2925.03 of the Revised Code may impose upon the offender a fine 2825
in addition to any fine imposed under division (A) (2) or (3) of 2826
this section and in addition to any mandatory fine imposed under 2827
division (B) (1) of this section. The fine imposed under division 2828
(B) (4) of this section shall be used as provided in division (H) 2829
of section 2925.03 of the Revised Code. A fine imposed under 2830
division (B) (4) of this section shall not exceed whichever of 2831
the following is applicable: 2832

(a) The total value of any personal or real property in 2833
which the offender has an interest and that was used in the 2834
course of, intended for use in the course of, derived from, or 2835
realized through conduct in violation of section 2925.03 of the 2836
Revised Code, including any property that constitutes proceeds 2837
derived from that offense; 2838

(b) If the offender has no interest in any property of the 2839
type described in division (B) (4) (a) of this section or if it is 2840
not possible to ascertain whether the offender has an interest 2841
in any property of that type in which the offender may have an 2842
interest, the amount of the mandatory fine for the offense 2843
imposed under division (B) (1) of this section or, if no 2844
mandatory fine is imposed under division (B) (1) of this section, 2845
the amount of the fine authorized for the level of the offense 2846
imposed under division (A) (3) of this section. 2847

(5) Prior to imposing a fine under division (B) (4) of this 2848

section, the court shall determine whether the offender has an 2849
interest in any property of the type described in division (B) 2850
(4) (a) of this section. Except as provided in division (B) (6) or 2851
(7) of this section, a fine that is authorized and imposed under 2852
division (B) (4) of this section does not limit or affect the 2853
imposition of the penalties and sanctions for a violation of 2854
section 2925.03 of the Revised Code prescribed under those 2855
sections or sections 2929.11 to 2929.18 of the Revised Code and 2856
does not limit or affect a forfeiture of property in connection 2857
with the offense as prescribed in Chapter 2981. of the Revised 2858
Code. 2859

(6) If the sum total of a mandatory fine amount imposed 2860
for a first, second, or third degree felony violation of section 2861
2925.03 of the Revised Code under division (B) (1) of this 2862
section plus the amount of any fine imposed under division (B) 2863
(4) of this section does not exceed the maximum statutory fine 2864
amount authorized for the level of the offense under division 2865
(A) (3) of this section or section 2929.31 of the Revised Code, 2866
the court may impose a fine for the offense in addition to the 2867
mandatory fine and the fine imposed under division (B) (4) of 2868
this section. The sum total of the amounts of the mandatory 2869
fine, the fine imposed under division (B) (4) of this section, 2870
and the additional fine imposed under division (B) (6) of this 2871
section shall not exceed the maximum statutory fine amount 2872
authorized for the level of the offense under division (A) (3) of 2873
this section or section 2929.31 of the Revised Code. The clerk 2874
of the court shall pay any fine that is imposed under division 2875
(B) (6) of this section to the county, township, municipal 2876
corporation, park district as created pursuant to section 511.18 2877
or 1545.04 of the Revised Code, or state law enforcement 2878
agencies in this state that primarily were responsible for or 2879

involved in making the arrest of, and in prosecuting, the 2880
offender pursuant to division (F) of section 2925.03 of the 2881
Revised Code. 2882

(7) If the sum total of the amount of a mandatory fine 2883
imposed for a first, second, or third degree felony violation of 2884
section 2925.03 of the Revised Code plus the amount of any fine 2885
imposed under division (B) (4) of this section exceeds the 2886
maximum statutory fine amount authorized for the level of the 2887
offense under division (A) (3) of this section or section 2929.31 2888
of the Revised Code, the court shall not impose a fine under 2889
division (B) (6) of this section. 2890

(8) (a) If an offender who is convicted of or pleads guilty 2891
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2892
2923.32, division (A) (1) or (2) of section 2907.323, or division 2893
(B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised 2894
Code also is convicted of or pleads guilty to a specification of 2895
the type described in section 2941.1422 of the Revised Code that 2896
charges that the offender knowingly committed the offense in 2897
furtherance of human trafficking, the sentencing court shall 2898
sentence the offender to a financial sanction of restitution by 2899
the offender to the victim or ~~any survivor of the victim~~ 2900
victim's estate, with the restitution including the costs of 2901
housing, counseling, and medical and legal assistance incurred 2902
by the victim as a direct result of the offense and the greater 2903
of the following: 2904

(i) The gross income or value to the offender of the 2905
victim's labor or services; 2906

(ii) The value of the victim's labor as guaranteed under 2907
the minimum wage and overtime provisions of the "Federal Fair 2908
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 2909

state labor laws. 2910

(b) If a court imposing sentence upon an offender for a 2911
felony is required to impose upon the offender a financial 2912
sanction of restitution under division (B)(8)(a) of this 2913
section, in addition to that financial sanction of restitution, 2914
the court may sentence the offender to any other financial 2915
sanction or combination of financial sanctions authorized under 2916
this section, including a restitution sanction under division 2917
(A)(1) of this section. 2918

(9) In addition to any other fine that is or may be 2919
imposed under this section, the court imposing sentence upon an 2920
offender for a felony that is a sexually oriented offense or a 2921
child-victim oriented offense, as those terms are defined in 2922
section 2950.01 of the Revised Code, may impose a fine of not 2923
less than fifty nor more than five hundred dollars. 2924

(10) For a felony violation of division (A) of section 2925
2921.321 of the Revised Code that results in the death of the 2926
police dog or horse that is the subject of the violation, the 2927
sentencing court shall impose upon the offender a mandatory fine 2928
from the range of fines provided under division (A)(3) of this 2929
section for a felony of the third degree. A mandatory fine 2930
imposed upon an offender under division (B)(10) of this section 2931
shall be paid to the law enforcement agency that was served by 2932
the police dog or horse that was killed in the felony violation 2933
of division (A) of section 2921.321 of the Revised Code to be 2934
used as provided in division (E)(1)(b) of that section. 2935

(11) In addition to any other fine that is or may be 2936
imposed under this section, the court imposing sentence upon an 2937
offender for any of the following offenses that is a felony may 2938
impose a fine of not less than seventy nor more than five 2939

hundred dollars, which shall be transmitted to the treasurer of 2940
state to be credited to the address confidentiality program fund 2941
created by section 111.48 of the Revised Code: 2942

(a) Domestic violence; 2943

(b) Menacing by stalking; 2944

(c) Rape; 2945

(d) Sexual battery; 2946

(e) Trafficking in persons; 2947

(f) A violation of section 2905.01, 2905.02, 2907.21, 2948
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 2949
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 2950
the Revised Code, if the offender also is convicted of a 2951
specification of the type described in section 2941.1422 of the 2952
Revised Code that charges that the offender knowingly committed 2953
the offense in furtherance of human trafficking. 2954

(C) (1) Except as provided in section 2951.021 of the 2955
Revised Code, the offender shall pay reimbursements imposed upon 2956
the offender pursuant to division (A) (5) (a) of this section to 2957
pay the costs incurred by a county pursuant to any sanction 2958
imposed under this section or section 2929.16 or 2929.17 of the 2959
Revised Code or in operating a facility used to confine 2960
offenders pursuant to a sanction imposed under section 2929.16 2961
of the Revised Code to the county treasurer. The county 2962
treasurer shall deposit the reimbursements in the sanction cost 2963
reimbursement fund that each board of county commissioners shall 2964
create in its county treasury. The county shall use the amounts 2965
deposited in the fund to pay the costs incurred by the county 2966
pursuant to any sanction imposed under this section or section 2967
2929.16 or 2929.17 of the Revised Code or in operating a 2968

facility used to confine offenders pursuant to a sanction 2969
imposed under section 2929.16 of the Revised Code. 2970

(2) Except as provided in section 2951.021 of the Revised 2971
Code, the offender shall pay reimbursements imposed upon the 2972
offender pursuant to division (A) (5) (a) of this section to pay 2973
the costs incurred by a municipal corporation pursuant to any 2974
sanction imposed under this section or section 2929.16 or 2975
2929.17 of the Revised Code or in operating a facility used to 2976
confine offenders pursuant to a sanction imposed under section 2977
2929.16 of the Revised Code to the treasurer of the municipal 2978
corporation. The treasurer shall deposit the reimbursements in a 2979
special fund that shall be established in the treasury of each 2980
municipal corporation. The municipal corporation shall use the 2981
amounts deposited in the fund to pay the costs incurred by the 2982
municipal corporation pursuant to any sanction imposed under 2983
this section or section 2929.16 or 2929.17 of the Revised Code 2984
or in operating a facility used to confine offenders pursuant to 2985
a sanction imposed under section 2929.16 of the Revised Code. 2986

(3) Except as provided in section 2951.021 of the Revised 2987
Code, the offender shall pay reimbursements imposed pursuant to 2988
division (A) (5) (a) of this section for the costs incurred by a 2989
private provider pursuant to a sanction imposed under this 2990
section or section 2929.16 or 2929.17 of the Revised Code to the 2991
provider. 2992

(D) Except as otherwise provided in this division, a 2993
financial sanction imposed pursuant to division (A) or (B) of 2994
this section is a judgment in favor of the state or a political 2995
subdivision in which the court that imposed the financial 2996
sanction is located, and the offender subject to the financial 2997
sanction is the judgment debtor. A financial sanction of 2998

reimbursement imposed pursuant to division (A) (5) (a) (ii) of this 2999
section upon an offender who is incarcerated in a state facility 3000
or a municipal jail is a judgment in favor of the state or the 3001
municipal corporation, and the offender subject to the financial 3002
sanction is the judgment debtor. A financial sanction of 3003
reimbursement imposed upon an offender pursuant to this section 3004
for costs incurred by a private provider of sanctions is a 3005
judgment in favor of the private provider, and the offender 3006
subject to the financial sanction is the judgment debtor. A 3007
financial sanction of a mandatory fine imposed under division 3008
(B) (10) of this section that is required under that division to 3009
be paid to a law enforcement agency is a judgment in favor of 3010
the specified law enforcement agency, and the offender subject 3011
to the financial sanction is the judgment debtor. A financial 3012
sanction of restitution imposed pursuant to division (A) (1) or 3013
(B) (8) of this section is an order in favor of the victim of the 3014
offender's criminal act that can be collected through a 3015
certificate of judgment as described in division (D) (1) of this 3016
section, through execution as described in division (D) (2) of 3017
this section, or through an order as described in division (D) 3018
(3) of this section, and the offender shall be considered for 3019
purposes of the collection as the judgment debtor. Imposition of 3020
a financial sanction and execution on the judgment does not 3021
preclude any other power of the court to impose or enforce 3022
sanctions on the offender. Once the financial sanction is 3023
imposed as a judgment or order under this division, the victim, 3024
private provider, state, or political subdivision may do any of 3025
the following: 3026

(1) Obtain from the clerk of the court in which the 3027
judgment was entered, at no cost, a certificate of judgment that 3028
shall be in the same manner and form as a certificate of 3029

judgment issued in a civil action;	3030
(2) Obtain execution of the judgment or order through any available procedure, including:	3031 3032
(a) An execution against the property of the judgment debtor under Chapter 2329. of the Revised Code;	3033 3034
(b) An execution against the person of the judgment debtor under Chapter 2331. of the Revised Code;	3035 3036
(c) A proceeding in aid of execution under Chapter 2333. of the Revised Code, including:	3037 3038
(i) A proceeding for the examination of the judgment debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 of the Revised Code;	3039 3040 3041
(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;	3042 3043
(iii) A creditor's suit under section 2333.01 of the Revised Code.	3044 3045
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	3046 3047
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	3048 3049
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	3050 3051
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	3052 3053 3054 3055
(F) Each court imposing a financial sanction upon an	3056

offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code, a court shall comply with sections 307.86 to 307.92 of the Revised Code.

(G) If the court imposes one or more financial sanctions in addition to restitution, any amounts paid by the offender shall be credited first to restitution.

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

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

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

(K) If an offender is sentenced to pay restitution, a 3087
fine, fee, or incarceration costs, the clerk of the sentencing 3088
court, on request, shall make the offender's payment history 3089
available to the prosecutor, victim, victim's representative, 3090
victim's attorney, if applicable, the probation department, and 3091
the court without cost. 3092

Sec. 2929.20. (A) As used in this section: 3093

(1) (a) Except as provided in division (A) (1) (b) of this 3094
section, "eligible offender" means any person who, on or after 3095
April 7, 2009, is serving a stated prison term that includes one 3096
or more nonmandatory prison terms. 3097

(b) "Eligible offender" does not include any person who, 3098
on or after April 7, 2009, is serving a stated prison term for 3099
any of the following criminal offenses that was a felony and was 3100
committed while the person held a public office in this state: 3101

(i) A violation of section 2921.02, 2921.03, 2921.05, 3102
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 3103
Code; 3104

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 3105
2921.12 of the Revised Code, when the conduct constituting the 3106
violation was related to the duties of the offender's public 3107
office or to the offender's actions as a public official holding 3108
that public office; 3109

(iii) A violation of an existing or former municipal 3110
ordinance or law of this or any other state or the United States 3111
that is substantially equivalent to any violation listed in 3112
division (A) (1) (b) (i) of this section; 3113

(iv) A violation of an existing or former municipal 3114
ordinance or law of this or any other state or the United States 3115

that is substantially equivalent to any violation listed in 3116
division (A) (1) (b) (ii) of this section, when the conduct 3117
constituting the violation was related to the duties of the 3118
offender's public office or to the offender's actions as a 3119
public official holding that public office; 3120

(v) A conspiracy to commit, attempt to commit, or 3121
complicity in committing any offense listed in division (A) (1) 3122
(b) (i) or described in division (A) (1) (b) (iii) of this section; 3123

(vi) A conspiracy to commit, attempt to commit, or 3124
complicity in committing any offense listed in division (A) (1) 3125
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 3126
if the conduct constituting the offense that was the subject of 3127
the conspiracy, that would have constituted the offense 3128
attempted, or constituting the offense in which the offender was 3129
complicit was or would have been related to the duties of the 3130
offender's public office or to the offender's actions as a 3131
public official holding that public office. 3132

(2) "Nonmandatory prison term" means a prison term that is 3133
not a mandatory prison term. 3134

(3) "Public office" means any elected federal, state, or 3135
local government office in this state. 3136

(4) "Victim's representative" has the same meaning as in 3137
section 2930.01 of the Revised Code. 3138

(5) "Imminent danger of death," "medically incapacitated," 3139
and "terminal illness" have the same meanings as in section 3140
2967.05 of the Revised Code. 3141

(B) On the motion of an eligible offender or upon its own 3142
motion, the sentencing court may reduce the eligible offender's 3143
aggregated nonmandatory prison term or terms through a judicial 3144

release under this section. 3145

(C) An eligible offender may file a motion for judicial 3146
release with the sentencing court within the following 3147
applicable periods: 3148

(1) If the aggregated nonmandatory prison term or terms is 3149
less than two years, the eligible offender may file the motion 3150
at any time after the offender is delivered to a state 3151
correctional institution or, if the prison term includes a 3152
mandatory prison term or terms, at any time after the expiration 3153
of all mandatory prison terms. 3154

(2) If the aggregated nonmandatory prison term or terms is 3155
at least two years but less than five years, the eligible 3156
offender may file the motion not earlier than one hundred eighty 3157
days after the offender is delivered to a state correctional 3158
institution or, if the prison term includes a mandatory prison 3159
term or terms, not earlier than one hundred eighty days after 3160
the expiration of all mandatory prison terms. 3161

(3) If the aggregated nonmandatory prison term or terms is 3162
five years, the eligible offender may file the motion not 3163
earlier than the date on which the eligible offender has served 3164
four years of the offender's stated prison term or, if the 3165
prison term includes a mandatory prison term or terms, not 3166
earlier than four years after the expiration of all mandatory 3167
prison terms. 3168

(4) If the aggregated nonmandatory prison term or terms is 3169
more than five years but not more than ten years, the eligible 3170
offender may file the motion not earlier than the date on which 3171
the eligible offender has served five years of the offender's 3172
stated prison term or, if the prison term includes a mandatory 3173

prison term or terms, not earlier than five years after the 3174
expiration of all mandatory prison terms. 3175

(5) If the aggregated nonmandatory prison term or terms is 3176
more than ten years, the eligible offender may file the motion 3177
not earlier than the later of the date on which the offender has 3178
served one-half of the offender's stated prison term or the date 3179
specified in division (C) (4) of this section. 3180

(D) Upon receipt of a timely motion for judicial release 3181
filed by an eligible offender under division (C) of this section 3182
or upon the sentencing court's own motion made within the 3183
appropriate time specified in that division, the court may deny 3184
the motion without a hearing or schedule a hearing on the 3185
motion. The court shall not grant the motion without a hearing. 3186
If a court denies a motion without a hearing, the court later 3187
may consider judicial release for that eligible offender on a 3188
subsequent motion filed by that eligible offender unless the 3189
court denies the motion with prejudice. If a court denies a 3190
motion with prejudice, the court may later consider judicial 3191
release on its own motion. If a court denies a motion after a 3192
hearing, the court shall not consider a subsequent motion for 3193
that eligible offender. The court shall hold only one hearing 3194
for any eligible offender. 3195

A hearing under this section shall be conducted in open 3196
court not less than thirty or more than sixty days after the 3197
motion is filed, provided that the court may delay the hearing 3198
for one hundred eighty additional days. If the court holds a 3199
hearing, the court shall enter a ruling on the motion within ten 3200
days after the hearing. If the court denies the motion without a 3201
hearing, the court shall enter its ruling on the motion within 3202
sixty days after the motion is filed. 3203

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

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

(2) If the offense was an offense of violence that is a felony of the first, second, or third degree, except as otherwise provided in this division, notify the victim ~~or~~ and the victim's representative, if applicable, of the hearing regardless of whether the victim or victim's representative has requested the notification. The notice of the hearing shall not be given under this division to a victim or victim's representative if the victim or victim's representative has requested pursuant to division (B) (2) of section 2930.03 of the Revised Code that the victim or the victim's representative not be provided the notice. If notice is to be provided to a victim

or victim's representative under this division, the prosecuting attorney may give the notice by any reasonable means, including regular mail, telephone, and electronic mail, in accordance with division (D) (1) of section 2930.16 of the Revised Code. If the notice is based on an offense committed prior to March 22, 2013, the notice also shall include the opt-out information described in division (D) (1) of section 2930.16 of the Revised Code. The prosecuting attorney, in accordance with division (D) (2) of section 2930.16 of the Revised Code, shall keep a record of all attempts to provide the notice, and of all notices provided, under this division. Division (E) (2) of this section, and the notice-related provisions of division (K) of this section, division (D) (1) of section 2930.16, division (H) of section 2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) (b) of section 2967.26, division (D) (1) of section 2967.28, and division (A) (2) of section 5149.101 of the Revised Code enacted in the act in which division (E) (2) of this section was enacted, shall be known as "Roberta's Law."

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

(G) Prior to the date of the hearing on a motion for judicial release under this section, the head of the state correctional institution in which the eligible offender is confined shall send to the court an institutional summary report on the eligible offender's conduct in the institution and in any institution from which the eligible offender may have been transferred. Upon the request of the prosecuting attorney of the county in which the eligible offender was indicted or of any law enforcement agency, the head of the state correctional

institution, at the same time the person sends the institutional 3266
summary report to the court, also shall send a copy of the 3267
report to the requesting prosecuting attorney and law 3268
enforcement agencies. The institutional summary report shall 3269
cover the eligible offender's participation in school, 3270
vocational training, work, treatment, and other rehabilitative 3271
activities and any disciplinary action taken against the 3272
eligible offender. The report shall be made part of the record 3273
of the hearing. A presentence investigation report is not 3274
required for judicial release. 3275

(H) If the court grants a hearing on a motion for judicial 3276
release under this section, the eligible offender shall attend 3277
the hearing if ordered to do so by the court. Upon receipt of a 3278
copy of the journal entry containing the order, the head of the 3279
state correctional institution in which the eligible offender is 3280
incarcerated shall deliver the eligible offender to the sheriff 3281
of the county in which the hearing is to be held. The sheriff 3282
shall convey the eligible offender to and from the hearing. 3283

(I) At the hearing on a motion for judicial release under 3284
this section, the court shall afford the eligible offender and 3285
the eligible offender's attorney an opportunity to present 3286
written and, if present, oral information relevant to the 3287
motion. The court shall afford a similar opportunity to the 3288
prosecuting attorney, the victim ~~or,~~ the victim's 3289
representative, the victim's attorney, if applicable, and any 3290
other person the court determines is likely to present 3291
additional relevant information. The court shall consider any 3292
oral or written statement of a victim, victim's representative, 3293
and victim's attorney, if applicable, made pursuant to section 3294
2930.14 or 2930.17 of the Revised Code, any victim impact 3295
statement prepared pursuant to section 2947.051 of the Revised 3296

Code, and any report made under division (G) of this section. 3297
The court may consider any written statement of any person 3298
submitted to the court pursuant to division (L) of this section. 3299
After ruling on the motion, the court shall notify the victim 3300
and the victim's representative of the ruling in accordance with 3301
sections 2930.03 and 2930.16 of the Revised Code. 3302

(J) (1) A court shall not grant a judicial release under 3303
this section to an eligible offender who is imprisoned for a 3304
felony of the first or second degree, or to an eligible offender 3305
who committed an offense under Chapter 2925. or 3719. of the 3306
Revised Code and for whom there was a presumption under section 3307
2929.13 of the Revised Code in favor of a prison term, unless 3308
the court, with reference to factors under section 2929.12 of 3309
the Revised Code, finds both of the following: 3310

(a) That a sanction other than a prison term would 3311
adequately punish the offender and protect the public from 3312
future criminal violations by the eligible offender because the 3313
applicable factors indicating a lesser likelihood of recidivism 3314
outweigh the applicable factors indicating a greater likelihood 3315
of recidivism; 3316

(b) That a sanction other than a prison term would not 3317
demean the seriousness of the offense because factors indicating 3318
that the eligible offender's conduct in committing the offense 3319
was less serious than conduct normally constituting the offense 3320
outweigh factors indicating that the eligible offender's conduct 3321
was more serious than conduct normally constituting the offense. 3322

(2) A court that grants a judicial release to an eligible 3323
offender under division (J) (1) of this section shall specify on 3324
the record both findings required in that division and also 3325
shall list all the factors described in that division that were 3326

presented at the hearing. 3327

(K) If the court grants a motion for judicial release 3328
under this section, the court shall order the release of the 3329
eligible offender, shall place the eligible offender under an 3330
appropriate community control sanction, under appropriate 3331
conditions, and under the supervision of the department of 3332
probation serving the court and shall reserve the right to 3333
reimpose the sentence that it reduced if the offender violates 3334
the sanction. If the court reimposes the reduced sentence, it 3335
may do so either concurrently with, or consecutive to, any new 3336
sentence imposed upon the eligible offender as a result of the 3337
violation that is a new offense. Except as provided in division 3338
(R) (2) of this section, the period of community control shall be 3339
no longer than five years. The court, in its discretion, may 3340
reduce the period of community control by the amount of time the 3341
eligible offender spent in jail or prison for the offense and in 3342
prison. If the court made any findings pursuant to division (J) 3343
(1) of this section, the court shall serve a copy of the 3344
findings upon counsel for the parties within fifteen days after 3345
the date on which the court grants the motion for judicial 3346
release. 3347

If the court grants a motion for judicial release, the 3348
court shall notify the appropriate person at the department of 3349
rehabilitation and correction, and the department shall post 3350
notice of the release on the database it maintains pursuant to 3351
section 5120.66 of the Revised Code. The court also shall notify 3352
the prosecuting attorney of the county in which the eligible 3353
offender was indicted that the motion has been granted. Unless 3354
the victim or the victim's representative has requested pursuant 3355
to division (B) (2) of section 2930.03 of the Revised Code that 3356
the victim or victim's representative not be provided the 3357

notice, the prosecuting attorney shall notify the victim ~~or~~ and 3358
the victim's representative, if applicable, of the judicial 3359
release in any manner, and in accordance with the same 3360
procedures, pursuant to which the prosecuting attorney is 3361
authorized to provide notice of the hearing pursuant to division 3362
(E) (2) of this section. If the notice is based on an offense 3363
committed prior to March 22, 2013, the notice to the victim or 3364
victim's representative also shall include the opt-out 3365
information described in division (D) (1) of section 2930.16 of 3366
the Revised Code. 3367

(L) In addition to and independent of the right of a 3368
victim to make a statement pursuant to section 2930.14, 2930.17, 3369
or 2946.051 of the Revised Code and any right of a person to 3370
present written information or make a statement pursuant to 3371
division (I) of this section, any person may submit to the 3372
court, at any time prior to the hearing on the offender's motion 3373
for judicial release, a written statement concerning the effects 3374
of the offender's ~~crime or crimes~~ criminal offense, the 3375
circumstances surrounding the ~~crime or crimes~~ criminal offense, 3376
the manner in which the ~~crime or crimes were~~ criminal offense 3377
was perpetrated, and the person's opinion as to whether the 3378
offender should be released. 3379

(M) The changes to this section that are made on September 3380
30, 2011, apply to any judicial release decision made on or 3381
after September 30, 2011, for any eligible offender. 3382

(N) Notwithstanding the eligibility requirements specified 3383
in division (A) of this section and the filing time frames 3384
specified in division (C) of this section and notwithstanding 3385
the findings required under division (J) of this section, the 3386
sentencing court, upon the court's own motion and after 3387

considering whether the release of the offender into society 3388
would create undue risk to public safety, may grant a judicial 3389
release to an offender who is not serving a life sentence at any 3390
time during the offender's imposed sentence when the director of 3391
rehabilitation and correction certifies to the sentencing court 3392
through the chief medical officer for the department of 3393
rehabilitation and correction that the offender is in imminent 3394
danger of death, is medically incapacitated, or is suffering 3395
from a terminal illness. 3396

(O) The director of rehabilitation and correction shall 3397
not certify any offender under division (N) of this section who 3398
is serving a death sentence. 3399

(P) A motion made by the court under division (N) of this 3400
section is subject to the notice, hearing, and other procedural 3401
requirements specified in divisions (D), (E), (G), (H), (I), 3402
(K), and (L) of this section, except for the following: 3403

(1) The court may waive the offender's appearance at any 3404
hearing scheduled by the court if the offender's condition makes 3405
it impossible for the offender to participate meaningfully in 3406
the proceeding. 3407

(2) The court may grant the motion without a hearing, 3408
provided that the prosecuting attorney ~~and, victim or, and~~ 3409
victim's representative, if applicable, to whom notice of the 3410
hearing was provided under division (E) of this section indicate 3411
that they do not wish to participate in the hearing or present 3412
information relevant to the motion. 3413

(Q) The court may request health care records from the 3414
department of rehabilitation and correction to verify the 3415
certification made under division (N) of this section. 3416

(R) (1) If the court grants judicial release under division 3417
(N) of this section, the court shall do all of the following: 3418

(a) Order the release of the offender; 3419

(b) Place the offender under an appropriate community 3420
control sanction, under appropriate conditions; 3421

(c) Place the offender under the supervision of the 3422
department of probation serving the court or under the 3423
supervision of the adult parole authority. 3424

(2) The court, in its discretion, may revoke the judicial 3425
release if the offender violates the community control sanction 3426
described in division (R) (1) of this section. The period of that 3427
community control is not subject to the five-year limitation 3428
described in division (K) of this section and shall not expire 3429
earlier than the date on which all of the offender's mandatory 3430
prison terms expire. 3431

(S) If the health of an offender who is released under 3432
division (N) of this section improves so that the offender is no 3433
longer terminally ill, medically incapacitated, or in imminent 3434
danger of death, the court shall, upon the court's own motion, 3435
revoke the judicial release. The court shall not grant the 3436
motion without a hearing unless the offender waives a hearing. 3437
If a hearing is held, the court shall afford the offender and 3438
the offender's attorney an opportunity to present written and, 3439
if the offender or the offender's attorney is present, oral 3440
information relevant to the motion. The court shall afford a 3441
similar opportunity to the prosecuting attorney, the victim ~~or,~~ 3442
the victim's representative, the victim's attorney, if 3443
applicable, and any other person the court determines is likely 3444
to present additional relevant information. A court that grants 3445

a motion under this division shall specify its findings on the 3446
record. 3447

Sec. 2929.22. (A) Unless a mandatory jail term is required 3448
to be imposed by division (G) of section 1547.99, division (B) 3449
of section 4510.14, division (G) of section 4511.19 of the 3450
Revised Code, or any other provision of the Revised Code a court 3451
that imposes a sentence under this chapter upon an offender for 3452
a misdemeanor or minor misdemeanor has discretion to determine 3453
the most effective way to achieve the purposes and principles of 3454
sentencing set forth in section 2929.21 of the Revised Code. 3455

Unless a specific sanction is required to be imposed or is 3456
precluded from being imposed by the section setting forth an 3457
offense or the penalty for an offense or by any provision of 3458
sections 2929.23 to 2929.28 of the Revised Code, a court that 3459
imposes a sentence upon an offender for a misdemeanor may impose 3460
on the offender any sanction or combination of sanctions under 3461
sections 2929.24 to 2929.28 of the Revised Code. The court shall 3462
not impose a sentence that imposes an unnecessary burden on 3463
local government resources. 3464

(B) (1) In determining the appropriate sentence for a 3465
misdemeanor, the court shall consider all of the following 3466
factors: 3467

(a) The nature and circumstances of the offense or 3468
offenses; 3469

(b) Whether the circumstances regarding the offender and 3470
the offense or offenses indicate that the offender has a history 3471
of persistent criminal activity and that the offender's 3472
character and condition reveal a substantial risk that the 3473
offender will commit another offense; 3474

(c) Whether the circumstances regarding the offender and 3475
the offense or offenses indicate that the offender's history, 3476
character, and condition reveal a substantial risk that the 3477
offender will be a danger to others and that the offender's 3478
conduct has been characterized by a pattern of repetitive, 3479
compulsive, or aggressive behavior with heedless indifference to 3480
the consequences; 3481

(d) Whether the victim's youth, age, disability, or other 3482
factor made the victim particularly vulnerable to the offense or 3483
made the impact of the offense more serious; 3484

(e) Whether the offender is likely to commit future crimes 3485
in general, in addition to the circumstances described in 3486
divisions (B) (1) (b) and (c) of this section; 3487

(f) Whether the offender has an emotional, mental, or 3488
physical condition that is traceable to the offender's service 3489
in the armed forces of the United States and that was a 3490
contributing factor in the offender's commission of the offense 3491
or offenses; 3492

(g) The offender's military service record. 3493

(2) In determining the appropriate sentence for a 3494
misdemeanor, in addition to complying with division (B) (1) of 3495
this section, the court may consider any other factors that are 3496
relevant to achieving the purposes and principles of sentencing 3497
set forth in section 2929.21 of the Revised Code. 3498

(C) Before imposing a jail term as a sentence for a 3499
misdemeanor, a court shall consider the appropriateness of 3500
imposing a community control sanction or a combination of 3501
community control sanctions under sections 2929.25, 2929.26, 3502
2929.27, and 2929.28 of the Revised Code. A court may impose the 3503

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 prior sanctions for prior offenses demonstrate that the imposition of the longest jail term is necessary to deter the offender from committing a future ~~crime~~ criminal offense.

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

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

Sec. 2929.28. (A) In addition to imposing court costs pursuant to section 2947.23 of the Revised Code, the court imposing a sentence upon an offender for a misdemeanor, including a minor misdemeanor, may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section and, if the offender is being sentenced for a criminal offense as defined in section 2930.01 of the Revised Code, shall sentence the offender to make restitution pursuant to this section and section 2929.281 of the Revised Code. If the court, in its discretion or as required by this section, imposes one or more financial sanctions, the financial sanctions that may be imposed pursuant to this section

include, but are not limited to, the following: 3534

(1) Unless the misdemeanor offense ~~is a minor misdemeanor~~ 3535
~~or~~ could be disposed of by the traffic violations bureau serving 3536
the court under Traffic Rule 13, restitution by the offender to 3537
the victim of the offender's crime or ~~any survivor of the victim~~ 3538
victim's estate, in an amount based on the victim's economic 3539
loss. The court may not impose restitution as a sanction 3540
pursuant to this division if the offense ~~is a minor misdemeanor~~ 3541
~~or~~ could be disposed of by the traffic violations bureau serving 3542
the court under Traffic Rule 13. If the court requires 3543
restitution, the court shall order that the restitution be made 3544
to the victim in open court or to the adult probation department 3545
that serves the jurisdiction or the clerk of the court on behalf 3546
of the victim. 3547

~~If the court imposes restitution, the~~ The court shall 3548
determine the amount of restitution to be paid by the offender. 3549
~~If the court imposes restitution, the court may base the amount~~ 3550
~~of restitution it orders on an amount recommended by the victim,~~ 3551
~~the offender, a presentence investigation report, estimates or~~ 3552
~~receipts indicating the cost of repairing or replacing property,~~ 3553
~~and other information, provided that the~~ The prosecutor or the 3554
prosecutor's designee shall, and the offender may, present 3555
evidence relevant to the determination of the amount of 3556
restitution. Nothing in this section prohibits a victim, 3557
victim's representative, or victim's attorney, if applicable, 3558
from providing information relevant to the determination of the 3559
amount of restitution. The amount the court orders as 3560
restitution shall not exceed the amount of the economic loss 3561
suffered by the victim as a direct and proximate result of the 3562
commission of the offense. If the court decides to or is 3563
required to impose restitution, the court shall hold an 3564

evidentiary hearing on restitution if the offender, victim, ~~or survivor~~ victim's representative, victim's attorney, if applicable, or victim's estate disputes the amount of restitution. ~~If the court holds an evidentiary hearing, at the hearing the victim or survivor has the burden to prove by a preponderance of the evidence the amount of restitution sought from the offender.~~ The court shall determine the amount of full restitution by a preponderance of the evidence.

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

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

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

(2) A fine of the type described in divisions (A) (2) (a) and (b) of this section payable to the appropriate entity as

required by law:	3595
(a) A fine in the following amount:	3596
(i) For a misdemeanor of the first degree, not more than one thousand dollars;	3597 3598
(ii) For a misdemeanor of the second degree, not more than seven hundred fifty dollars;	3599 3600
(iii) For a misdemeanor of the third degree, not more than five hundred dollars;	3601 3602
(iv) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars;	3603 3604
(v) For a minor misdemeanor, not more than one hundred fifty dollars.	3605 3606
(b) A state fine or cost as defined in section 2949.111 of the Revised Code.	3607 3608
(3) (a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:	3609 3610 3611
(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;	3612 3613 3614
(ii) All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined;	3615 3616 3617 3618 3619
(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition	3620 3621

interlock device, or a remote alcohol monitoring device that a 3622
court orders an offender to use under section 4510.13 of the 3623
Revised Code. 3624

(b) The amount of reimbursement ordered under division (A) 3625
(3) (a) of this section shall not exceed the total amount of 3626
reimbursement the offender is able to pay and shall not exceed 3627
the actual cost of the sanctions. The court may collect any 3628
amount of reimbursement the offender is required to pay under 3629
that division. If the court does not order reimbursement under 3630
that division, confinement costs may be assessed pursuant to a 3631
repayment policy adopted under section 2929.37 of the Revised 3632
Code. In addition, the offender may be required to pay the fees 3633
specified in section 2929.38 of the Revised Code in accordance 3634
with that section. 3635

(B) If the court determines a hearing is necessary, the 3636
court may hold a hearing to determine whether the offender is 3637
able to pay the financial sanction imposed pursuant to this 3638
section or court costs or is likely in the future to be able to 3639
pay the sanction or costs. 3640

If the court determines that the offender is indigent and 3641
unable to pay the financial sanction or court costs, the court 3642
shall consider imposing and may impose a term of community 3643
service under division (A) of section 2929.27 of the Revised 3644
Code in lieu of imposing a financial sanction or court costs. If 3645
the court does not determine that the offender is indigent, the 3646
court may impose a term of community service under division (A) 3647
of section 2929.27 of the Revised Code in lieu of or in addition 3648
to imposing a financial sanction under this section and in 3649
addition to imposing court costs. The court may order community 3650
service for a minor misdemeanor pursuant to division (D) of 3651

section 2929.27 of the Revised Code in lieu of or in addition to 3652
imposing a financial sanction under this section and in addition 3653
to imposing court costs. If a person fails to pay a financial 3654
sanction or court costs, the court may order community service 3655
in lieu of the financial sanction or court costs. 3656

(C) (1) The offender shall pay reimbursements imposed upon 3657
the offender pursuant to division (A) (3) of this section to pay 3658
the costs incurred by a county pursuant to any sanction imposed 3659
under this section or section 2929.26 or 2929.27 of the Revised 3660
Code or in operating a facility used to confine offenders 3661
pursuant to a sanction imposed under section 2929.26 of the 3662
Revised Code to the county treasurer. The county treasurer shall 3663
deposit the reimbursements in the county's general fund. The 3664
county shall use the amounts deposited in the fund to pay the 3665
costs incurred by the county pursuant to any sanction imposed 3666
under this section or section 2929.26 or 2929.27 of the Revised 3667
Code or in operating a facility used to confine offenders 3668
pursuant to a sanction imposed under section 2929.26 of the 3669
Revised Code. 3670

(2) The offender shall pay reimbursements imposed upon the 3671
offender pursuant to division (A) (3) of this section to pay the 3672
costs incurred by a municipal corporation pursuant to any 3673
sanction imposed under this section or section 2929.26 or 3674
2929.27 of the Revised Code or in operating a facility used to 3675
confine offenders pursuant to a sanction imposed under section 3676
2929.26 of the Revised Code to the treasurer of the municipal 3677
corporation. The treasurer shall deposit the reimbursements in 3678
the municipal corporation's general fund. The municipal 3679
corporation shall use the amounts deposited in the fund to pay 3680
the costs incurred by the municipal corporation pursuant to any 3681
sanction imposed under this section or section 2929.26 or 3682

2929.27 of the Revised Code or in operating a facility used to 3683
confine offenders pursuant to a sanction imposed under section 3684
2929.26 of the Revised Code. 3685

(3) The offender shall pay reimbursements imposed pursuant 3686
to division (A) (3) of this section for the costs incurred by a 3687
private provider pursuant to a sanction imposed under this 3688
section or section 2929.26 or 2929.27 of the Revised Code to the 3689
provider. 3690

(D) In addition to any other fine that is or may be 3691
imposed under this section, the court imposing sentence upon an 3692
offender for misdemeanor domestic violence or menacing by 3693
stalking may impose a fine of not less than seventy nor more 3694
than five hundred dollars, which shall be transmitted to the 3695
treasurer of state to be credited to the address confidentiality 3696
program fund created by section 111.48 of the Revised Code. 3697

(E) Except as otherwise provided in this division, a 3698
financial sanction imposed under division (A) of this section is 3699
a judgment in favor of the state or the political subdivision 3700
that operates the court that imposed the financial sanction, and 3701
the offender subject to the financial sanction is the judgment 3702
debtor. A financial sanction of reimbursement imposed pursuant 3703
to division (A) (3) (a) (i) of this section upon an offender is a 3704
judgment in favor of the entity administering the community 3705
control sanction, and the offender subject to the financial 3706
sanction is the judgment debtor. A financial sanction of 3707
reimbursement imposed pursuant to division (A) (3) (a) (ii) of this 3708
section upon an offender confined in a jail or other residential 3709
facility is a judgment in favor of the entity operating the jail 3710
or other residential facility, and the offender subject to the 3711
financial sanction is the judgment debtor. A financial sanction 3712

of restitution imposed pursuant to division (A)(1) of this 3713
section is an order in favor of the victim of the offender's 3714
criminal act that can be collected through a certificate of 3715
judgment as described in division (E)(1) of this section, 3716
through execution as described in division (E)(2) of this 3717
section, or through an order as described in division (E)(3) of 3718
this section, and the offender shall be considered for purposes 3719
of the collection as the judgment debtor. 3720

Once the financial sanction is imposed as a judgment or 3721
order under this division, the victim, private provider, state, 3722
or political subdivision may do any of the following: 3723

(1) Obtain from the clerk of the court in which the 3724
judgment was entered, at no charge, a certificate of judgment 3725
that shall be in the same manner and form as a certificate of 3726
judgment issued in a civil action; 3727

(2) Obtain execution of the judgment or order through any 3728
available procedure, including any of the procedures identified 3729
in divisions (E)(1) and (2) of section 2929.18 of the Revised 3730
Code. 3731

(3) Obtain an order for the assignment of wages of the 3732
judgment debtor under section 1321.33 of the Revised Code. 3733

(F) The civil remedies authorized under division (E) of 3734
this section for the collection of the financial sanction 3735
supplement, but do not preclude, enforcement of the criminal 3736
sentence. 3737

(G) Each court imposing a financial sanction upon an 3738
offender under this section may designate the clerk of the court 3739
or another person to collect the financial sanction. The clerk, 3740
or another person authorized by law or the court to collect the 3741

financial sanction may do the following: 3742

(1) Enter into contracts with one or more public agencies 3743
or private vendors for the collection of amounts due under the 3744
sanction. Before entering into a contract for the collection of 3745
amounts due from an offender pursuant to any financial sanction 3746
imposed pursuant to this section, a court shall comply with 3747
sections 307.86 to 307.92 of the Revised Code. 3748

(2) Permit payment of all or any portion of the sanction 3749
in installments, by financial transaction device if the court is 3750
a county court or a municipal court operated by a county, by 3751
credit or debit card or by another electronic transfer if the 3752
court is a municipal court not operated by a county, or by any 3753
other reasonable method, in any time, and on any terms that 3754
court considers just, except that the maximum time permitted for 3755
payment shall not exceed five years. If the court is a county 3756
court or a municipal court operated by a county, the acceptance 3757
of payments by any financial transaction device shall be 3758
governed by the policy adopted by the board of county 3759
commissioners of the county pursuant to section 301.28 of the 3760
Revised Code. If the court is a municipal court not operated by 3761
a county, the clerk may pay any fee associated with processing 3762
an electronic transfer out of public money or may charge the fee 3763
to the offender. 3764

(3) To defray administrative costs, charge a reasonable 3765
fee to an offender who elects a payment plan rather than a lump 3766
sum payment of any financial sanction. 3767

(H) If the court imposes one or more financial sanctions 3768
in addition to restitution, any amounts paid by the offender 3769
shall be credited first to restitution. 3770

(I) No financial sanction imposed under this section shall 3771
preclude a victim from bringing a civil action against the 3772
offender. 3773

(J) If the court imposes restitution, fines, fees, or 3774
incarceration costs on a business or corporation, it is the duty 3775
of the person authorized to make disbursements from assets of 3776
the business or corporation to pay the restitution, fines, fees, 3777
or incarceration costs from those assets. 3778

(K) If an offender is sentenced to pay restitution, a 3779
fine, fee, or incarceration costs, the clerk of the sentencing 3780
court, on request, shall make the offender's payment history 3781
available to the victim, victim's representative, victim's 3782
attorney, if applicable, the probation department, and the court 3783
without cost. 3784

Sec. 2929.281. (A) In determining the amount of 3785
restitution at the time of sentencing under this section, the 3786
court shall order full restitution for any past or future 3787
expenses related to a victim's economic loss as a result of the 3788
criminal offense. The court shall not consider the offender's 3789
present or future ability to pay restitution. The amount of 3790
restitution shall be reduced by any payments to the victim for 3791
economic or other loss made under a policy of insurance or 3792
governmental program. 3793

A pending insurance or governmental program claim made by 3794
a victim shall not delay a payment of restitution as ordered by 3795
the court. Past and future economic loss includes the following: 3796

(1) Full or partial payment for the value of stolen or 3797
damaged property. The value of stolen or damaged property shall 3798
be the replacement cost of the property or the actual cost of 3799

<u>repairing the property when repair is possible.</u>	3800
<u>(2) Medical expenses;</u>	3801
<u>(3) Mental health counseling expenses;</u>	3802
<u>(4) Wages or profits lost due to injury of the victim and,</u>	3803
<u>if the victim is a minor, wages or profits lost by the minor</u>	3804
<u>victim's parent or guardian while caring for the injured minor</u>	3805
<u>victim. Lost wages include commission income as well as base</u>	3806
<u>wages. Commission income shall be established by evidence of</u>	3807
<u>commission income during the twelve-month period prior to the</u>	3808
<u>date of the crime for which restitution is being ordered, unless</u>	3809
<u>good cause for a shorter time period is shown.</u>	3810
<u>(5) Wages or profits lost by the victim and if the victim</u>	3811
<u>is a minor, wages or profits lost by the minor victim's parent</u>	3812
<u>or guardian due to time spent as a witness or assisting law</u>	3813
<u>enforcement or the prosecutor. Lost wages include commission</u>	3814
<u>income as well as base wages. Commission income shall be</u>	3815
<u>established as described in division (A) (4) of this section.</u>	3816
<u>(6) Actual and reasonable attorney's fees and other costs</u>	3817
<u>accrued by a private entity on behalf of a victim;</u>	3818
<u>(7) Expenses incurred by an adult victim in relocating</u>	3819
<u>away from an offender, including, but not limited to, deposits</u>	3820
<u>for utilities, deposits for rental housing, temporary food and</u>	3821
<u>lodging expenses, and clothing and personal items;</u>	3822
<u>(8) Expenses related to installing or increasing security</u>	3823
<u>related to felony or misdemeanor offenses of violence,</u>	3824
<u>including, but not limited to, a security device or system or</u>	3825
<u>the replacement or addition of locks;</u>	3826
<u>(9) Expenses related to making a vehicle or residence</u>	3827

accessible to the victim if the victim is partially permanently 3828
disabled or totally permanently disabled as a direct result of 3829
the crime; 3830

(10) Expenses related to monitoring the credit report of 3831
and repairing the credit of a victim of identity fraud or a 3832
period of time reasonably necessary to make the victim whole. 3833

(B) The court may order that restitution be made by a 3834
single lump sum payment, partial payments at specified 3835
intervals, in-kind payments, or a combination of payments at 3836
specified intervals and in-kind payments. The length of time 3837
over which scheduled payments are established shall be the 3838
shortest time in which full payment reasonably can be made. In- 3839
kind payments may be in the form of the return of property, 3840
replacement of property, or if the victim agrees, services 3841
rendered to the victim or a person or organization other than 3842
the victim. The court may enter a restraining order or 3843
injunction, require the execution of a satisfactory performance 3844
bond, or take any other action to ensure payment of restitution, 3845
including an order that bail moneys deposited with the clerk of 3846
court be applied to payment of restitution. 3847

(C) Any money owed by the state or by a political 3848
subdivision of the state to an offender who is required to make 3849
restitution under this section, including any tax refund owed to 3850
the offender, shall be assigned first to the discharge of the 3851
offender's outstanding restitution obligation, subject to 3852
federal law or regulations and including court-ordered support 3853
obligations. 3854

(D) If an offender is required to make restitution under 3855
this section in the form of monetary payments to more than one 3856
victim, the offender shall make the payments to the victims in 3857

the following order of priority: 3858

(1) Individuals; 3859

(2) Nonprofit organizations; 3860

(3) Business entities; 3861

(4) Governmental entities. 3862

(E) A court that imposes restitution on an offender as 3863
part of the offender's sentence under this section shall not 3864
suspend that part of the offender's sentence if the victim, the 3865
victim's representative, or the victim's attorney, if 3866
applicable, objects to the suspension of the restitution part of 3867
the sentence. 3868

(F) A restitution obligation imposed pursuant to this 3869
section is not subject to discharge in bankruptcy or to any 3870
other statutory or common-law proceeding for relief against 3871
creditors, except to the extent required by federal law. 3872

(G) A restitution obligation imposed by a court does not 3873
expire until paid in full. The court retains jurisdiction over 3874
the restitution order and the obligation shall continue to be 3875
enforceable by a victim, victim's representative, victim's 3876
attorney, if applicable, or victim's estate until the obligation 3877
is satisfied. 3878

(H) If money that is received pursuant to a sentence of 3879
restitution cannot be paid to the victim or the victim's estate 3880
within sixty days of receipt, the person or agency that receives 3881
the money shall provide written notice of that inability of 3882
payment to a crime victim service organization at least sixty 3883
days prior to paying the money to the division of unclaimed 3884
funds. If the money cannot be paid to the victim or the victim's 3885

estate after the expiration of sixty days from service of the 3886
notice to the crime victim service organization, the person or 3887
agency that received the money shall pay it to the division of 3888
unclaimed funds. 3889

Sec. 2930.01. As used in this chapter, unless otherwise 3890
defined in any section in this chapter: 3891

(A) "~~Crime~~Criminal offense" means ~~any of the following:~~ 3892

~~(1) A felony;~~ 3893

~~(2) A violation of section 2903.05, 2903.06, 2903.13,~~ 3894
~~2903.21, 2903.211, 2903.22, 2907.06, 2919.25, or 2921.04 of the~~ 3895
~~Revised Code, a violation of section 2903.07 of the Revised Code~~ 3896
~~as it existed prior to March 23, 2000, or a violation of a~~ 3897
~~substantially equivalent municipal ordinance;~~ 3898

~~(3) A violation of division (A) or (B) of section 4511.19,~~ 3899
~~division (A) or (B) of section 1547.11, or division (A) (3) of~~ 3900
~~section 4561.15 of the Revised Code or of a municipal ordinance~~ 3901
~~substantially similar to any of those divisions that is the~~ 3902
~~proximate cause of a vehicle, streetcar, trackless trolley,~~ 3903
~~aquatic device, or aircraft accident in which the victim~~ 3904
~~receives injuries for which the victim receives medical~~ 3905
~~treatment either at the scene of the accident by emergency~~ 3906
~~medical services personnel or at a hospital, ambulatory care~~ 3907
~~facility, physician's office, specialist's office, or other~~ 3908
~~medical care facility.~~ 3909

~~(4) A motor vehicle accident to which both of the~~ 3910
~~following apply:~~ 3911

~~(a) The motor vehicle accident is caused by a violation of~~ 3912
~~a provision of the Revised Code that is a misdemeanor of the~~ 3913
~~first degree or higher.~~ 3914

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

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

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

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

(b) A county sheriff;

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

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

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

(2) The entity that has custody of an alleged juvenile 3944
offender pursuant to an order of disposition of a juvenile 3945
court, including the department of youth services or a school, 3946
camp, institution, or other facility operated for the care of 3947
delinquent children. 3948

(C) "Defendant" means a person who is alleged to be the 3949
perpetrator of a ~~crime in a police report or~~ criminal offense in 3950
a complaint, indictment, or information that charges the 3951
commission of a ~~crime~~ criminal offense and that provides the 3952
basis for the criminal prosecution and subsequent proceedings to 3953
which this chapter makes reference. 3954

(D) "Member of the victim's family" means a spouse, child, 3955
stepchild, sibling, parent, stepparent, grandparent, or other 3956
relative of a victim but does not include a person who is 3957
charged with, convicted of, or adjudicated to be a delinquent 3958
child for the ~~crime~~ criminal offense or ~~specified~~ delinquent act 3959
against the victim or another ~~crime~~ criminal offense or 3960
~~specified~~ delinquent act arising from the same conduct, criminal 3961
episode, or plan. 3962

(E) "Prosecutor" means one of the following: 3963

(1) With respect to a criminal case, it has the same 3964
meaning as in section 2935.01 of the Revised Code and also 3965
includes the attorney general and, when appropriate, the 3966
employees of any person listed in section 2935.01 of the Revised 3967
Code or of the attorney general. 3968

(2) With respect to a delinquency proceeding, it includes 3969
any person listed in division (C) of section 2935.01 of the 3970
Revised Code or an employee of a person listed in that division 3971
who prosecutes a delinquency proceeding. 3972

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

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

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

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

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

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

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

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

has been filed alleging that a child is a delinquent child. 4002

(L) "Case" means a delinquency proceeding and all related 4003
activity or a criminal prosecution and all related activity. 4004

(M) The "defense" means the defense against criminal 4005
charges in a criminal prosecution or the defense against a 4006
delinquent child complaint in a delinquency proceeding. 4007

(N) The "prosecution" means the prosecution of criminal 4008
charges in a criminal prosecution or the prosecution of a 4009
delinquent child complaint in a delinquency proceeding. 4010

(O) "~~Specified delinquent~~ Delinquent act" means ~~any of the~~ 4011
~~following:~~ 4012

~~(1) An an alleged act or omission committed by a child 4013
that if committed by an adult would be a felony;~~ 4014

~~(2) An act committed by a child that is a violation of a 4015
section listed in division (A) (1) or (2) of this section or is a 4016
violation of a substantially equivalent municipal ordinance;~~ 4017

~~(3) An act committed by a child that is described in 4018
division (A) (3) or (4) of this section, regardless of whether 4019
the child is competent, that is punishable by incarceration and 4020
is not disposed of by the juvenile traffic violations bureau 4021
serving the court under Traffic Rule 13.1. 4022~~

(P) (1) "Alleged juvenile offender" means a child who is 4023
alleged to have committed a ~~specified~~ delinquent act in a police 4024
report or in a complaint in juvenile court that charges the 4025
commission of a ~~specified~~ delinquent act and that provides the 4026
basis for the delinquency proceeding and all subsequent 4027
proceedings to which this chapter makes reference. 4028

(2) As used in divisions (O) and (P) (1) of this section, 4029

"child" has the same meaning as in section 2151.011 of the Revised Code. 4030
4031

(Q) "Motor vehicle accident" means any accident involving a motor vehicle. 4032
4033

(R) "Motor vehicle" has the same meaning as in section 4509.01 of the Revised Code. 4034
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(S) "Aircraft" has the same meaning as in section 4561.01 of the Revised Code. 4036
4037

(T) "Aquatic device" means any vessel, or any water skis, aquaplane, or similar device. 4038
4039

(U) "Vehicle," "streetcar," and "trackless trolley" have the same meanings as in section 4511.01 of the Revised Code. 4040
4041

(V) "Vehicle, streetcar, trackless trolley, aquatic device, or aircraft accident" means any accident involving a vehicle, streetcar, trackless trolley, aquatic device, or aircraft. 4042
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(W) "Vessel" has the same meaning as in section 1546.01 of the Revised Code. 4046
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(X) "Victim advocate" means a person employed or authorized by a public or private entity who provides support and assistance for a victim of a criminal offense or delinquent act in relation to criminal, administrative, and delinquency cases or proceedings and recovery efforts related to the criminal offense or delinquent act. 4048
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(Y) "Victim's attorney" means an attorney retained by the victim for the purpose of asserting the victim's constitutional and statutory rights. 4054
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4056

(Z) "Prosecutor's designee" does not include a court or court employee. 4057
4058

(AA) "Suspect" means a person who is alleged to be the perpetrator of a criminal offense. 4059
4060

(BB) As used in this chapter and in Section 10a of Article I of the Ohio Constitution: 4061
4062

(1) "Petition" means to file an appeal or seek an extraordinary writ. 4063
4064

(2) "Reasonable protection" means protection that is objectively reasonable based upon the facts and circumstances of the case. 4065
4066
4067

Sec. 2930.02. (A)–If Any of the following persons may, subject to the prohibition on the unauthorized practice of law under section 4705.07 of the Revised Code, exercise the rights of a victim under this chapter as the victim's representative: 4068
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(1) Any person designated by the victim; 4072

(2) A member of the victim's family or a victim advocate if a victim is a minor or is incapacitated, incompetent, or deceased, or if the victim chooses to designate another person, a member of a victim's family or another person may exercise the rights of the victim under this chapter as the victim's representative, subject to division (D) of this section; 4073
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(3) If the case involves a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.05, or 2903.06 of the Revised Code, a member of the deceased victim's family, a victim advocate, or another person designated by one or more members of the deceased victim's family. 4079
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(B) If the prosecutor in the case or the court has a 4084

reasonable basis to believe that the victim's representative is 4085
not acting to protect the interests of the child victim, victim 4086
with a developmental disability, or an incapacitated or 4087
incompetent victim, the court shall hold a hearing to determine 4088
whether the victim's representative is acting to protect the 4089
interests of the victim. The court shall make this determination 4090
by a preponderance of the evidence. If the court finds that the 4091
victim's representative is not acting to protect the interests 4092
of the victim, the court may appoint a court appointed special 4093
advocate, a guardian ad litem, or a victim advocate to act as a 4094
victim's representative instead of the previously appointed 4095
victim's representative. 4096

(C) If more than one person seeks to act as the victim's 4097
representative for a particular victim, the court that has 4098
jurisdiction over the criminal matter or the court in which the 4099
criminal prosecution or delinquency proceeding is held shall 4100
designate one of those persons as the victim's representative. 4101
If a victim does not want to have anyone act as the victim's 4102
representative, the court shall order that only the victim may 4103
exercise the rights of a victim under this chapter. 4104

~~(B)~~ (D) If pursuant to division (A) of this section a 4105
victim's representative is to exercise the rights of a victim, 4106
the victim ~~or victim's representative~~ shall notify law 4107
enforcement, the prosecutor, or, if it is a delinquency 4108
proceeding and a prosecutor is not involved in the case, shall 4109
notify the court that the victim's representative is to act for 4110
the victim. When a victim ~~or victim's representative~~ has so 4111
notified law enforcement, the prosecutor, or the court, all 4112
~~notice~~ notices under this chapter shall be sent ~~only~~ to the 4113
victim and the victim's representative, all rights under this 4114
chapter shall be granted ~~only~~ to the victim and the victim's 4115

representative, and all references in this chapter to a victim, 4116
except the references to a victim in section 2930.071 of the 4117
Revised Code, shall be interpreted as being references to the 4118
victim and the victim's representative unless the victim informs 4119
the notifying authority that the victim ~~also wishes~~ does not 4120
wish to receive the notices or exercise the rights. ~~If division~~ 4121
~~(B) of section 2930.03 of the Revised Code requires a victim to~~ 4122
~~make a request in order to receive any notice of a type~~ 4123
~~described in this division and if a victim's representative is~~ 4124
~~to exercise the rights of the victim, the victim's~~ 4125
~~representative shall make the request~~ 4126

(E) A suspect, defendant, offender, alleged juvenile 4127
offender, or delinquent child may not act as a victim's 4128
representative relative to the criminal offense or delinquent 4129
act involving the victim. 4130

Sec. 2930.03. (A) A person or entity required or 4131
authorized under this chapter to give notice to a victim shall 4132
give the notice to the victim by any means reasonably calculated 4133
to provide prompt actual notice. Except when a provision 4134
requires that notice is to be given in a specific manner, a 4135
notice may be oral or written. 4136

(B) (1) Except for receipt of the initial information and 4137
notice required to be given to a victim under divisions (A) and 4138
~~(B)~~ (C) of section 2930.04, section 2930.05, and divisions (A) 4139
and ~~(B)~~ (C) of section 2930.06 of the Revised Code and the 4140
notice required to be given to a victim under division (D) of 4141
section 2930.16 of the Revised Code, a victim who wishes to 4142
receive any notice authorized by this chapter shall make a 4143
request for the notice to the prosecutor or the custodial agency 4144
that is to provide the notice, as specified in this chapter. If 4145

the victim does not make a request as described in this 4146
division, the prosecutor or custodial agency is not required to 4147
provide any notice described in this chapter other than the 4148
initial information and notice required to be given to a victim 4149
under divisions (A) and ~~(B)~~ (C) of section 2930.04, section 4150
2930.05, and divisions (A) and ~~(B)~~ (C) of section 2930.06 of the 4151
Revised Code and the notice required to be given to a victim 4152
under division (D) of section 2930.16 of the Revised Code. 4153

(2) A victim who does not wish to receive any of the 4154
notices required to be given to a victim under division (E) (2) 4155
or (K) of section 2929.20, division (D) of section 2930.16, 4156
division (H) of section 2967.12, division (E) (1) (b) of section 4157
2967.19, division (A) (3) (b) of section 2967.26, division (D) (1) 4158
of section 2967.28, or division (A) (2) of section 5149.101 of 4159
the Revised Code shall make a request to the prosecutor or 4160
custodial agency that is to provide the particular notice that 4161
the notice not be provided to the victim. Unless the victim 4162
makes a request as described in this division, the prosecutor or 4163
custodial agency shall provide the notices required to be given 4164
to a victim under division (E) (2) or (K) of section 2929.20, 4165
division (D) of section 2930.16, division (H) of section 4166
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 4167
(b) of section 2967.26, division (D) (1) of section 2967.28, or 4168
division (A) (2) of section 5149.101 of the Revised Code in any 4169
manner, and in accordance with the procedures, specified in the 4170
particular division. This division also applies to a victim's 4171
representative or a member of a victim's immediate family that 4172
is authorized to receive any of the notices specified in this 4173
division. 4174

(C) A person or agency that is required to furnish notice 4175
under this chapter shall give the notice to the victim at the 4176

address or telephone number provided to the person or agency by 4177
the victim. A victim who requests to receive notice under this 4178
chapter as described in division (B) of this section shall 4179
inform the person or agency of the name, address, or telephone 4180
number of the victim and of any change to that information. 4181

(D) A person or agency that has furnished information to a 4182
victim in accordance with any requirement or authorization under 4183
this chapter shall notify the victim promptly of any significant 4184
changes to that information. 4185

(E) Divisions (A) to (D) of this section do not apply 4186
regarding a notice that a prosecutor is required to provide 4187
under section 2930.061 of the Revised Code. A prosecutor 4188
required to provide notice under that section shall provide the 4189
notice as specified in that section. 4190

Sec. 2930.04. (A) ~~After~~ On its initial contact with a 4191
victim of a ~~crime~~ criminal offense or delinquent act, the law 4192
enforcement agency responsible for investigating the ~~crime~~ 4193
criminal offense or delinquent act promptly shall ~~give to~~ 4194
provide the victim, ~~in writing,~~ with a victim's rights 4195
request/waiver form or a substantially similar form that does 4196
all of the following ~~information~~: 4197

(1) ~~An explanation of the victim's rights under this~~ 4198
~~chapter~~ Allows for the victim and victim's representative to 4199
request the applicable rights to which the victim and victim's 4200
representative are entitled, on request, under this section; 4201

(2) ~~Information about medical, counseling, housing,~~ 4202
~~emergency, and any other services that are available to a~~ 4203
Provides a method for the victim to designate a representative 4204
if the victim chooses; 4205

~~(3) Information about compensation for victims under the reparations program in sections 2743.51 to 2743.72 of the Revised Code and the name, street address, and telephone number of the agency to contact to apply for an award of reparations under those sections;~~ 4206
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~~(4) Information about protection that is available to the victim, including protective orders issued by a court. Includes signature lines for acknowledgment by the law enforcement agency, prosecutor, or custodial agency and victim and victim's representative;~~ 4211
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~~(4) Includes the address or contact information for the applicable law enforcement agency, prosecutor, or custodial agency.~~ 4216
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~~(B) As soon as practicable after (1) A person, who by reason of that person's regular business activities, is the subject of multiple and continuing criminal offenses or delinquent acts as a potential victim, may opt out of notices and rights available pursuant to the Ohio Constitution, Chapter 2930. of the Revised Code, and other laws providing victims with rights for future offenses by giving a written notification form to the appropriate prosecutor or the prosecutor's designee.~~ 4219
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~~(2) The form shall include the name and address of the person's business and the period of time that the person wishes to opt out of receiving the notices and rights available. The form may also state that the person is only interested in the notices described in this section if restitution is at issue. It shall be signed by the person or another person with management authority over the business.~~ 4227
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~~(C) If the information is available at the time of its~~ 4234

initial contact with a victim of a ~~crime~~ criminal offense or 4235
delinquent act, or as soon as practicable following the initial 4236
contact, the law enforcement agency responsible for 4237
investigating the ~~crime~~ criminal offense or delinquent act shall 4238
~~give to provide~~ the victim, in writing, all of the following 4239
information: 4240

(1) ~~The business telephone number of the law enforcement~~ 4241
~~officer assigned to investigate the case;~~ 4242

(2) ~~The office address and business telephone number of~~ 4243
~~the prosecutor in the case;~~ 4244

(3) ~~A statement that, if the victim is not notified of the~~ 4245
~~arrest of the offender in the case within a reasonable period of~~ 4246
~~time, the victim may contact the law enforcement agency to learn~~ 4247
~~the status of the case~~The victim's rights under this section and 4248
the victim's bill of rights under Section 10a of Article I of 4249
the Ohio Constitution, including the right to exercise these 4250
rights through counsel; 4251

(2) The availability of crisis intervention services, 4252
housing, and emergency and medical services, or contact 4253
information for statewide organizations that can direct victims 4254
to local resources; 4255

(3) (a) The right, pursuant to the "Americans with 4256
Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101, as 4257
amended, to a qualified or certified interpreter present at all 4258
court proceedings, all meetings with the prosecutor's office, 4259
and all contacts with law enforcement, at no cost to the victim; 4260

(b) The right, if the victim is non-English speaking or 4261
limited English proficient, to a qualified or certified 4262
interpreter at all court proceedings, all meetings with the 4263

prosecutor's office, and all contacts with law enforcement, at 4264
no cost to the victim, subject to the availability of a 4265
qualified or certified interpreter but not subject to the cost 4266
of retaining one. 4267

(4) When applicable, the procedures and resources 4268
available for the protection of the victim, including protection 4269
orders issued by the courts; 4270

(5) Information about public and private victim services 4271
programs, including, but not limited to, the crime victims 4272
compensation program and emergency shelter programs, or, if 4273
local information is not available, contact information for 4274
statewide organizations that can direct a victim to these types 4275
of resources; 4276

(6) The police report number, if applicable, business 4277
telephone number of the law enforcement agency investigating the 4278
victim's case, and the office address and business telephone 4279
number of the prosecutor in the victim's case, when available, 4280
and the following statement: 4281

"You have the right to contact law enforcement and receive 4282
status updates on the case from the beginning of the initial 4283
investigation through the completion of the investigation." 4284

(7) Whether the suspect is an adult or a juvenile, a 4285
statement that the victim will be notified by the investigating 4286
law enforcement agency or any other agency that has knowledge of 4287
the arrest of the suspect at the earliest opportunity after the 4288
arrest of a suspect for the underlying criminal offense or 4289
delinquent act, once the investigating law enforcement agency 4290
has knowledge of the arrest; 4291

(8) If the suspect has been arrested, the victim's right 4292

and victim's representative's right, on request, to be informed 4293
of the suspect's release, of the next regularly scheduled time, 4294
place, and date for an initial appearance by the suspect in the 4295
jurisdiction, and the victim's right and victim's 4296
representative's right to be heard at the initial appearance and 4297
that, to exercise these rights, the victim or victim's 4298
representative should contact the custodial agency regarding the 4299
suspect's release and contact the clerk of the court regarding 4300
any changes to the initial appearance schedule; 4301

(9) How a written statement by the victim and the victim's 4302
representative may be submitted to the court, if the victim or 4303
victim's representative chooses to exercise the right to be 4304
heard through such a statement; 4305

(10) The right of the victim, victim's representative, 4306
victim's attorney, if applicable, and the nonoffending victim's 4307
immediate family member if the victim is killed or 4308
incapacitated, to receive a copy of relevant reports, on request 4309
and subject to section 149.43 of the Revised Code, at no cost 4310
pursuant to section 2930.043 of the Revised Code. 4311

~~(C)~~(D) The law enforcement officer responsible for 4312
providing information under this section shall use reasonable 4313
efforts to identify the victim. At a minimum, this information 4314
should be disseminated to the individual or individuals 4315
identified in the police report as victims. If the law 4316
enforcement officer generates a report, the law enforcement 4317
agency shall collect and retain an executed copy of the victim's 4318
rights request/waiver form, or a substantially similar form. If 4319
at the time of contact with a law enforcement agency the victim 4320
does not request or waive the victim's applicable rights, the 4321
law enforcement agency shall designate this on the form. The 4322

victim's refusal to request or waive the victim's applicable 4323
rights shall be considered an assertion of the victim's rights. 4324

(E) If a suspect is arrested, the law enforcement agency 4325
shall submit an executed copy of the victim's rights 4326
request/waiver form to the custodial agency as soon as 4327
practicable once the law enforcement agency learns of the 4328
suspect's arrest. On the filing of charges or a complaint, the 4329
law enforcement agency shall submit an executed copy of that 4330
form to the prosecutor. The prosecutor shall file the assertion 4331
of rights portion of that form, but not the victim's or the 4332
victim's representative's contact information portion of that 4333
form, with the court within seven days of initiation of a 4334
criminal prosecution. 4335

(F) If a suspect is cited and released, the law 4336
enforcement agency responsible for investigating the offense 4337
shall inform the victim and the victim's representative, if 4338
applicable, of the court date, if known, and how to obtain 4339
additional information from the clerk of the court about the 4340
arraignment or initial appearance. 4341

(G) To the extent that the information required by this 4342
section is provided in the form and pamphlet prepared pursuant 4343
to section 109.42 of the Revised Code or in the information card 4344
or other material prepared pursuant to section 2743.71 of the 4345
Revised Code, the law enforcement agency may fulfill that 4346
portion of its obligations under this section by giving that 4347
form, pamphlet, information card, or other material to the 4348
victim. 4349

Sec. 2930.041. (A) Pursuant to the "Americans with 4350
Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101, as 4351
amended, a victim with a disability has the right to a qualified 4352

or certified interpreter at all court proceedings, all meetings 4353
with the prosecutor, and all contacts with law enforcement, the 4354
probation department, the department of rehabilitation and 4355
correction, and the department of youth services, at no cost to 4356
the victim. 4357

(B) A victim who is non-English speaking or has limited 4358
English proficiency has the right to a qualified or certified 4359
interpreter at all court proceedings, all meetings with the 4360
prosecutor, and all contacts with law enforcement, the probation 4361
department, the department of rehabilitation and correction, and 4362
the department of youth services, at no cost to the victim. 4363

(C) The victim's right to a qualified or certified 4364
interpreter under division (B) of this section is subject to 4365
availability but is not subject to the cost of retaining a 4366
qualified or certified interpreter. Any agency that is unable to 4367
provide a victim with a qualified or certified interpreter as 4368
required by division (B) of this section shall maintain records 4369
of the agency's attempt to comply with this requirement. 4370

Sec. 2930.042. In all inactive cases involving one or more 4371
criminal offenses or delinquent acts for which the statute of 4372
limitations is longer than three years, the law enforcement 4373
agency investigating the criminal offense or delinquent act 4374
shall provide the victim and victim's representative, if 4375
applicable, with information concerning any changes in the 4376
status of the inactive case, unless the victim has waived the 4377
right to notifications. 4378

Sec. 2930.043. A victim shall not be required to pay for a 4379
copy of any public records related to the victim's case. 4380

Sec. 2930.044. A person who has not previously been 4381

identified as a victim by law enforcement, including a person 4382
claiming to be directly or proximately harmed as a result of the 4383
criminal offense or delinquent act, shall affirmatively identify 4384
the person's self to law enforcement, the prosecutor, and the 4385
courts in order to receive the information and exercise the 4386
rights described in this chapter. If multiple victims are 4387
involved in a single case, law enforcement, prosecutors, and 4388
courts shall take reasonable precautions to protect the private 4389
information of the victims from other victims, unless all of the 4390
victims consent to release of that information. 4391

Sec. 2930.05. (A) Within a reasonable period of time after 4392
the arrest or detention of a defendant or an alleged juvenile 4393
offender for ~~a crime~~ the underlying criminal offense or 4394
~~specified delinquent act~~, the law enforcement agency that 4395
investigates the ~~crime~~ criminal offense or ~~specified delinquent~~ 4396
act shall give the victim ~~of the crime or specified delinquent~~ 4397
~~act or the victim's representative~~ notice of all of the 4398
following: 4399

(1) The arrest or detention once the investigating law 4400
enforcement agency has knowledge of the arrest or detention; 4401

(2) The name of the defendant or alleged juvenile offender 4402
once the investigating law enforcement agency has knowledge of 4403
the name of the defendant or alleged juvenile offender; 4404

(3) ~~Whether~~ That the defendant or alleged juvenile 4405
offender ~~is~~ may be eligible for pretrial release or for release 4406
from detention; 4407

(4) The telephone number of the law enforcement agency; 4408

(5) The victim's and the victim's representative's right, 4409
if applicable, to telephone the custodial agency to ascertain 4410

whether the defendant or alleged juvenile offender has been 4411
released from custody or from detention; 4412

(6) That, on request of the victim or the victim's 4413
representative, the prosecutor or the prosecutor's designee 4414
shall provide the victim and the victim's representative, if 4415
applicable, with a copy of the terms and conditions of bond; 4416

(7) Procedures for obtaining additional information from 4417
the clerk of the court about the time, place, and date of the 4418
arraignment or initial appearance of the defendant or alleged 4419
juvenile offender. 4420

(B) (1) If a defendant or alleged juvenile offender has 4421
been released from custody on a bond or personal recognizance or 4422
has been released from detention and the prosecutor in the case 4423
has received the affidavit of a victim stating that the 4424
defendant or alleged juvenile offender, or someone acting at the 4425
defendant's or alleged juvenile offender's direction, has 4426
committed or threatened to commit one or more acts of violence, 4427
harassment, or intimidation against the victim, the victim's 4428
family, or the victim's representative, the prosecutor may file 4429
a motion asking the court to reconsider the conditions of the 4430
bond or personal recognizance granted to the defendant or 4431
alleged juvenile offender or to consider returning the defendant 4432
or alleged juvenile offender to detention. 4433

(2) If the prosecutor elects not to file a motion under 4434
division (B) (1) of this section, the prosecutor or the 4435
prosecutor's designee shall inform the victim as soon as 4436
practicable that the victim or the victim's attorney may file a 4437
petition asking the court to reconsider the conditions of the 4438
bond or personal recognizance granted to the defendant or 4439
alleged juvenile offender. 4440

Sec. 2930.051. A custodial agency shall notify the 4441
investigating law enforcement agency of the incarceration of a 4442
defendant or detention of an alleged juvenile offender once the 4443
investigating law enforcement agency is known to the custodial 4444
agency. 4445

Sec. 2930.06. (A) (1) The prosecutor in a case,~~to the~~ 4446
~~extent practicable,~~ shall confer with the victim ~~in the case~~ 4447
~~before and, upon the victim's request, the victim's~~ 4448
representative at each of the following stages: 4449

(a) Before pretrial diversion is granted to the defendant 4450
or alleged juvenile offender in the case, ~~before;~~ 4451

(b) Before amending or dismissing an indictment, 4452
information, or complaint against that defendant or alleged 4453
juvenile offender, ~~before;~~ 4454

(c) Before agreeing to a negotiated plea for that 4455
defendant or alleged juvenile offender, ~~before;~~ 4456

(d) Before a trial of that defendant by judge or jury, ~~or~~ 4457
 ~~before;~~ 4458

(e) Before the juvenile court conducts an adjudicatory 4459
hearing for that alleged juvenile offender. 4460

(2) If the juvenile court disposes of a case prior to the 4461
prosecutor's involvement in the case, the court or a court 4462
employee shall notify the victim and the victim's representative 4463
in the case, if applicable, that the alleged juvenile offender 4464
will be granted pretrial diversion, the complaint against that 4465
alleged juvenile offender will be amended or dismissed, or the 4466
court will conduct an adjudicatory hearing for that alleged 4467
juvenile offender. 4468

(3) If the victim or the victim's representative requested 4469
to confer with the prosecutor, the court shall inquire as to 4470
whether or not the prosecutor conferred with the victim and the 4471
victim's representative. If the prosecutor fails to confer with 4472
the victim and the victim's representative at any of those 4473
times, the court, ~~if informed of the failure,~~ shall note on the 4474
record the failure and the prosecutor's reasons for the failure. 4475
~~A prosecutor's failure to confer with a victim as required by~~ 4476
~~this division and a court's failure to provide the notice as~~ 4477
~~required by this division do not affect the validity of an~~ 4478
~~agreement between the prosecutor and the defendant or alleged~~ 4479
~~juvenile offender in the case, a pretrial diversion of the~~ 4480
~~defendant or alleged juvenile offender, an amendment or~~ 4481
~~dismissal of an indictment, information, or complaint filed~~ 4482
~~against the defendant or alleged juvenile offender, a plea~~ 4483
~~entered by the defendant or alleged juvenile defender, an~~ 4484
~~admission entered by the defendant or alleged juvenile offender,~~ 4485
~~or any other disposition in the case.~~ 4486

(4) A court shall not dismiss a criminal complaint, 4487
charge, information, or indictment or a delinquent child 4488
complaint solely at the request of the victim or victim's 4489
representative and over the objection of the prosecuting 4490
attorney, village solicitor, city director of law, or other 4491
chief legal officer responsible for the prosecution of the case. 4492

(B) ~~After~~ On request of the victim or the victim's 4493
representative, the prosecutor shall keep the victim and the 4494
victim's representative, if applicable, apprised of requests and 4495
communications from the defendant, alleged juvenile offender, 4496
the attorney for the defendant or alleged juvenile offender, or 4497
the agent of the defendant or alleged juvenile offender that 4498
could affect the victim's privacy rights or safety concerns. 4499

(C) Within fourteen days after a prosecution in a case has 4500
been commenced, the prosecutor or a designee of the prosecutor 4501
other than a court or court employee, ~~to the extent practicable,~~ 4502
promptly shall give the victim and the victim's representative, 4503
if applicable, all of the following information, except that, if 4504
the juvenile court disposes of a case prior to the prosecutor's 4505
involvement in the case, the court or a court employee, ~~to the~~ 4506
~~extent practicable,~~ promptly shall give the victim and the 4507
victim's representative all of the following information: 4508

(1) The name of the ~~crime~~ criminal offense or ~~specified~~ 4509
delinquent act with which the defendant or alleged juvenile 4510
offender in the case has been charged and the name of the 4511
defendant or alleged juvenile offender; 4512

(2) The file number of the case; 4513

(3) A ~~brief~~ clear and concise statement regarding the 4514
procedural steps in a criminal prosecution or delinquency 4515
proceeding involving a ~~crime~~ criminal offense or ~~specified~~ 4516
delinquent act similar to the ~~crime~~ criminal offense or 4517
~~specified~~ delinquent act with which the defendant or alleged 4518
juvenile offender has been charged and the right of the victim 4519
and victim's representative to be present during all proceedings 4520
held throughout the prosecution of the case; 4521

(4) A summary of the rights of a victim under this chapter 4522
and under Section 10a of Article I of the Ohio Constitution; 4523

(5) Procedures the victim, the victim's representative, or 4524
the prosecutor may follow if the victim becomes subject to 4525
threats of violence, harassment, or intimidation by the 4526
defendant, alleged juvenile offender, or any other person; 4527

(6) The name and business telephone number of ~~a person~~ the 4528

office to contact for further information with respect to the 4529
case; 4530

(7) The right of the victim to have a victim's 4531
representative exercise the victim's rights under this chapter 4532
in accordance with section 2930.02 of the Revised Code and the 4533
procedure by which a victim's representative may be designated; 4534

(8) The right of the victim and victim's representative, 4535
if applicable, to confer with the prosecutor on request and the 4536
procedures the victim or victim's representative shall follow to 4537
confer with the prosecutor; 4538

(9) The fact that the victim can seek the advice of an 4539
attorney or have legal representation to enforce the victim's 4540
rights; 4541

(10) Notice that any notification under division ~~(C)~~(E) 4542
of this section, sections ~~2930.07-2930.08~~ to 2930.15, division 4543
(A), (B), or (C) of section 2930.16, sections 2930.17 to 4544
2930.19, and section 5139.56 of the Revised Code will be given 4545
to the victim and the victim's representative, if applicable, 4546
only if the victim or victim's representative asks to receive 4547
the notification and that notice under division (E) (2) or (K) of 4548
section 2929.20, division (D) of section 2930.16, division (H) 4549
of section 2967.12, division (E) (1) (b) of section 2967.19, 4550
division (A) (3) (b) of section 2967.26, division (D) (1) of 4551
section 2967.28, or division (A) (2) of section 5149.101 of the 4552
Revised Code will be given unless the victim ~~asks and the~~ 4553
victim's representative, if applicable, ask that the 4554
notification not be provided; 4555

(11) (a) The victim's rights request/waiver form, or a 4556
substantially similar form, that allows the victim and the 4557

victim's representative, if applicable, to request applicable 4558
rights to which the victim and victim's representative are 4559
entitled under this chapter, including notice to the victim and 4560
the victim's representative that failure to affirmatively 4561
request these rights will be considered a waiver of these 4562
rights, but that the victim or victim's representative may 4563
request these rights at a later date; 4564

(b) A person who, by reason of that person's regular 4565
business activities, is the subject of multiple and continuing 4566
criminal offenses or delinquent acts as a potential victim may 4567
choose to opt out of the notices and rights available pursuant 4568
to the Ohio Constitution, Chapter 2930. of the Revised Code, and 4569
any other provision of the Revised Code that provides a victim 4570
with rights for future offenses by giving a written notification 4571
form to the appropriate prosecutor or prosecutor's designee. The 4572
form shall include the name and address of the person's business 4573
and the period of time that the person wishes to opt out of the 4574
applicable notices and rights and may also state that the person 4575
is only interested in the applicable notices if restitution is 4576
at issue. The form shall be signed by the person or another 4577
person with management authority of the business. 4578

~~(C) Upon~~ (D) A court shall provide the prosecutor or 4579
prosecutor's designee with oral or written notice of any court 4580
proceeding not less than seven days prior to that court 4581
proceeding unless the parties agree that a shorter notice period 4582
is reasonable under the circumstances. The prosecutor or the 4583
prosecutor's designee shall promptly convey the information 4584
concerning the court proceeding to the victim and the victim's 4585
representative. 4586

(E) On the request of the victim or victim's 4587

representative, the prosecutor or, if it is a delinquency 4588
proceeding and a prosecutor is not involved in the case, the 4589
court shall give the victim and the victim's representative, if 4590
applicable, notice of the date, time, and place of any ~~scheduled~~ 4591
criminal or juvenile proceedings in the case and notice of any 4592
changes in those proceedings or in the schedule in the case not 4593
less than seven days prior to the criminal or juvenile 4594
proceedings in the case unless the parties agree that a shorter 4595
notice period is reasonable under the circumstances. 4596

~~(D)~~ (F) A victim or victim's representative who requests 4597
notice under division ~~(C)~~ (E) of this section and who elects 4598
pursuant to division (B) of section 2930.03 of the Revised Code 4599
to receive any further notice from the prosecutor or, if it is a 4600
delinquency proceeding and a prosecutor is not involved in the 4601
case, the court under this chapter shall keep the prosecutor or 4602
the court informed of the victim's ~~current address and telephone~~ 4603
~~number until the case is dismissed or terminated, the defendant~~ 4604
~~is acquitted or sentenced, the delinquent child complaint is~~ 4605
~~dismissed, the defendant is adjudicated a delinquent child, or~~ 4606
~~the appellate process is completed, whichever is the final~~ 4607
~~disposition in the case~~ or victim's representative's contact 4608
information. 4609

~~(E)~~ If a defendant is charged with the commission of a 4610
misdemeanor offense that is not identified in division (A) (2) of 4611
section 2930.01 of the Revised Code and if a police report or a 4612
complaint, indictment, or information that charges the 4613
commission of that offense and provides the basis for a criminal 4614
prosecution of that defendant identifies one or more individuals 4615
as individuals against whom that offense was committed, after a 4616
prosecution in the case has been commenced, the prosecutor or a 4617
designee of the prosecutor other than a court or court employee, 4618

~~to the extent practicable, promptly shall notify each of the~~ 4619
~~individuals so identified in the report, complaint, indictment,~~ 4620
~~or information that, if the defendant is convicted of or pleads~~ 4621
~~guilty to the offense, the individual may make an oral or~~ 4622
~~written statement to the court hearing the case regarding the~~ 4623
~~sentence to be imposed upon the defendant and that the court~~ 4624
~~must consider any statement so made that is relevant. Before~~ 4625
~~imposing sentence in the case, the court shall permit the~~ 4626
~~individuals so identified in the report, complaint, indictment,~~ 4627
~~or information to make an oral or written statement. Division~~ 4628
~~(A) of section 2930.14 of the Revised Code applies regarding any~~ 4629
~~statement so made. The court shall consider a statement so made,~~ 4630
~~in accordance with division (B) of that section and division (D)~~ 4631
~~of section 2929.22 of the Revised Code~~ 4632

(G) A prosecutor, the prosecutor's designee, or a court 4633
that is required to notify a victim or victim's representative 4634
of hearings, on request, shall attempt a notification and keep a 4635
record of attempted notifications in the same manner as 4636
described in divisions (D) (1) and (2) of section 2930.16 of the 4637
Revised Code. 4638

Sec. 2930.062. A victim described in division (H) ~~(2)~~ of 4639
section 2930.01 of the Revised Code may provide the prosecutor, 4640
or if it is a delinquency proceeding and a prosecutor is not 4641
involved in the case may provide the court, in the victim's case 4642
with written notification of the victim's injuries at any time. 4643
Upon receipt of the written notification, the prosecutor or 4644
court shall give the victim all of the information specified in 4645
division ~~(B)~~ (C) of section 2930.06 of the Revised Code if the 4646
prosecutor has not already done so. 4647

Sec. 2930.063. (A) On request, a victim or victim's 4648

representative has the right to receive a copy of all documents 4649
filed with the court at no cost to the victim. 4650

(B) In any criminal or delinquency proceeding in which a 4651
video recording or audio recording of the court proceedings has 4652
been previously prepared, the victim, victim's attorney, or 4653
victim's representative may obtain a copy of the video recording 4654
or audio recording for the actual cost to copy the video 4655
recording or audio recording. If a transcript of the court 4656
proceedings has been previously prepared, the victim, victim's 4657
attorney, or victim's representative may obtain a copy of the 4658
transcript at the same reduced cost that is available to a party 4659
to the case. 4660

Sec. 2930.07. (A) As used in this section: 4661

(1) "Case document" means a document or information in a 4662
document regarding a case that is submitted to a court, a law 4663
enforcement agency or officer, or a prosecutor or filed with a 4664
clerk of court, including, but not limited to, pleadings, 4665
motions, exhibits, transcripts, orders, and judgments, or any 4666
documentation prepared by a court, clerk of court, or law 4667
enforcement agency or officer, or a prosecutor regarding a case. 4668

(2) "Court" has the same meaning as in section 2930.01 of 4669
the Revised Code and includes a court of appeals and the supreme 4670
court. 4671

(3) "Minor victim" means any person who was under eighteen 4672
years of age at the time of the commission of the criminal 4673
offense or delinquent act of which the person is a victim. 4674

(4) "Public office" and "public official" have the same 4675
meanings as in section 149.011 of the Revised Code. 4676

(B) (1) (a) The victim and victim's representative, if 4677

applicable, have the right at any court proceeding, including 4678
any juvenile court proceeding, not to testify regarding the 4679
victim's address, telephone number, place of employment, or 4680
other locating information unless the victim specifically 4681
consents or the court orders disclosure on finding that a 4682
compelling need exists to disclose that information. 4683

(b) The court proceeding to determine if a compelling need 4684
exists to disclose that information shall be in-camera. The 4685
victim and the victim's attorney, if applicable, shall be 4686
present during the in-camera proceeding. If the court determines 4687
that the information shall be disclosed, the court proceeding 4688
shall be closed during the disclosure. 4689

(2) (a) A defendant may not compel any witness to a 4690
criminal offense or delinquent act to testify at any proceeding, 4691
including any juvenile court proceeding, regarding the witness's 4692
address, telephone number, place of employment, or other 4693
locating information unless the witness specifically consents in 4694
writing or the court orders disclosure of that information on 4695
finding that a compelling need for that information exists. 4696

(b) The court proceeding to determine if a compelling need 4697
exists to disclose that information shall be in camera. The 4698
victim and the victim's attorney, if applicable, shall be 4699
present during the in camera proceeding. 4700

(C) Any public office or public official that is charged 4701
with the responsibility of knowing the name, address, or other 4702
identifying information of a victim or victim's representative 4703
as part of the office's or official's duties shall have full and 4704
complete access to the name, address, or other identifying 4705
information of the victim or victim's representative. That 4706
public office or public official shall take measures to prevent 4707

the public disclosure of the name, address, or other identifying 4708
information of the victim or victim's representative through the 4709
use of redaction. Nothing in this section prevents a public 4710
agency from maintaining unredacted records of a victim's or 4711
victim's representative's name, contact information, and 4712
identifying information for its own records and use. A public 4713
office and official shall have access to all unredacted records 4714
maintained by any other public office and official. The release 4715
of unredacted records to a public office or official does not 4716
constitute a waiver of any exemption or exception pursuant to 4717
section 149.43 of the Revised Code. This section prohibits the 4718
public release of unredacted case documents pursuant to division 4719
(A) (1) (v) of section 149.43 of the Revised Code. 4720

(D) On written request of the victim or victim's 4721
representative to a law enforcement agency or prosecutor or 4722
filed under seal with a court and following a brief explanation 4723
from that law enforcement agency, prosecutor, or court of the 4724
potential risks and benefits of redaction and the ability of the 4725
victim to retain counsel or speak to the prosecutor for advice 4726
on redaction, all case documents maintained by the entity to 4727
whom the victim or victim's representative submitted the request 4728
shall be redacted prior to public release pursuant to section 4729
149.43 of the Revised Code or the supreme court Rules of 4730
Superintendence to remove the name, address, or other 4731
identifying information of the victim. If multiple victims are 4732
involved in a single case, the public office or official shall 4733
take reasonable precautions to protect the information of the 4734
victims from other victims, unless all of the victims consent to 4735
the release of information. 4736

(E) (1) This section does not apply to any disclosure of 4737
the name, address, or other identifying information of a victim 4738

that is required to be made in the statewide emergency alert 4739
program under section 5502.52 of the Revised Code, missing 4740
person alert system, or other similar alert system. 4741

(2) This section does not apply to any disclosure of the 4742
name, address, or other identifying information of a minor 4743
victim of a criminal offense or delinquent act that resulted in 4744
the death of the minor victim. 4745

(3) Nothing in this section shall prevent a victim, a 4746
victim's representative, or a victim's attorney from receiving a 4747
copy of any case document with the victim's name, contact 4748
information, and identifying information unredacted. A public 4749
office's or official's provision of a copy of a case document 4750
with the victim's name, contact information, and identifying 4751
information unredacted to a victim, victim's representative, or 4752
victim's attorney, if applicable, does not constitute a waiver 4753
of any exemption or exception under section 149.43 of the 4754
Revised Code. Pursuant to section 149.43 of the Revised Code, a 4755
victim, victim's representative, or victim's attorney shall not 4756
receive an unredacted copy of any recorded forensic interview of 4757
a minor victim or developmentally disabled victim absent a court 4758
order compelling disclosure of the interview. A victim, victim's 4759
representative, or victim's attorney shall have the right to 4760
receive a redacted copy of the interview on request. 4761

(4) Nothing in this section shall affect either of the 4762
following: 4763

(a) Any rights of a victim or victim's representative to 4764
be provided with notice or to make any written or oral statement 4765
under this chapter or other applicable law; 4766

(b) The disclosure of the general location where the 4767

reported criminal offense or delinquent act occurred. 4768

Sec. 2930.071. (A) (1) A defendant who seeks to subpoena 4769
records of or concerning the victim that are confidential or 4770
privileged by law shall request permission from the court before 4771
the subpoena is issued. The defendant shall file a written 4772
motion regarding the relevance, admissibility, and materiality 4773
of the records and the defendant shall serve the motion on the 4774
prosecutor and the victim's attorney, if applicable. 4775

(2) The court shall issue the subpoena if the court finds 4776
by a preponderance of the evidence that the records are not 4777
protected by an absolute privilege and the records contain 4778
relevant, admissible, and material evidence that is not 4779
available through other evidence or witnesses. The records shall 4780
be produced to the court for an in-camera review. 4781

(3) Pursuant to Criminal Rule 17, the court, on a motion 4782
made promptly and at or before the time specified in the 4783
subpoena for compliance, may quash or modify the subpoena if 4784
compliance would be unreasonable or oppressive. If the court 4785
does not quash the subpoena, the court shall conduct an in- 4786
camera review of the records. 4787

(4) If, after conducting an in-camera review of the 4788
records, the court determines that due process requires the 4789
disclosure of any portion of the records, the court shall 4790
provide copies of the information the court intends to disclose 4791
to the prosecutor, the victim, and the victim's attorney, if 4792
applicable. The prosecutor, the victim, and the victim's 4793
attorney, if applicable, shall have seven days to seek appellate 4794
review before the records are disclosed to the defendant. The 4795
disclosure of any portion of the records to the prosecutor does 4796
not make the records subject to discovery. 4797

(B) Before any victim may be subpoenaed by a defendant to 4798
testify at any pretrial hearing, the defendant shall show good 4799
cause at a hearing with the prosecutor and the victim, victim's 4800
representative, and victim's attorney, if applicable, as to why 4801
the court should issue the subpoena. 4802

Sec. 2930.072. (A) Unless the victim consents in writing, 4803
the victim shall not be compelled to submit to an interview on 4804
any matter, including any charged criminal offense witnessed by 4805
the victim and that occurred on the same occasion as the offense 4806
against the victim or filed in the same indictment or 4807
information or consolidated for trial, that is conducted by the 4808
defendant, the defendant's attorney, or an agent of the 4809
defendant. Nothing in this section permits a victim to ignore or 4810
disregard a subpoena seeking witness testimony issued pursuant 4811
to the Criminal Rules. 4812

(B) The defendant, the defendant's attorney, or an agent 4813
of the defendant shall only contact the victim through the 4814
prosecutor and the victim's attorney, if applicable, to schedule 4815
an interview or, subject to Criminal Rule 15 or Juvenile Rule 4816
25, a deposition. The prosecutor shall promptly inform the 4817
victim or the victim's attorney, if applicable, of the 4818
defendant's request for an interview and shall advise the victim 4819
of the victim's right to refuse the interview. The prosecutor 4820
shall also inform the victim of the victim's right to an 4821
attorney. 4822

(C) If the victim consents to an interview or, subject to 4823
Criminal Rule 15 or Juvenile Rule 25, as applicable, a 4824
deposition, the prosecutor shall inform the defendant, the 4825
defendant's attorney, or an agent of the defendant of the time 4826
and place the victim has selected for the interview or 4827

deposition, along with any other conditions requested by the 4828
victim. The victim has the right to terminate the interview or 4829
deposition at any time or refuse to answer any question during 4830
the interview or deposition. The victim's attorney, if 4831
applicable, or the prosecutor, at the request of the victim, has 4832
standing to protect the victim from harassment, intimidation, or 4833
abuse and, pursuant to that standing, may seek any appropriate 4834
protection order. 4835

(D) The prosecutor, or the prosecutor's designee, may 4836
attend all interviews and depositions between the victim and the 4837
defendant, defendant's attorney, or an agent of the defendant. 4838
On request of the prosecutor, the prosecutor shall receive a 4839
copy of the transcript or recording of the interview or 4840
deposition at the prosecutor's expense if a transcript or 4841
recording of the interview or deposition is made. 4842

(E) During the trial, the defendant or defendant's 4843
attorney shall not comment on the victim's refusal to be 4844
interviewed or deposed. If the defendant or the defendant's 4845
attorney comments at trial on the victim's refusal to be 4846
interviewed or deposed, the court shall instruct the jury that 4847
the victim has the right to refuse an interview or deposition. 4848

(F) An interview of a child victim shall only be permitted 4849
with leave of the court. An interview under this division shall 4850
be taken upon such terms and conditions and in such a manner as 4851
the court may order. 4852

Sec. 2930.08. (A) (1) The court and the prosecutor involved 4853
in the case shall take appropriate action to ensure a speedy 4854
disposition of the case. 4855

(2) A victim has the right to proceedings free from 4856

unreasonable delay and a prompt conclusion of the case. The 4857
court and all participants shall endeavor to complete the case 4858
strictly within the time frame provided by the Rules of 4859
Superintendence. 4860

(B) If a motion, request, or agreement between counsel the 4861
prosecutor and the defendant's or alleged juvenile offender's 4862
attorney is made in a case, including a motion, request, or 4863
agreement for a continuance of the case, and the motion, 4864
request, or agreement might result in a ~~substantial~~ delay in the 4865
prosecution of the case, the prosecutor ~~in the case, to the~~ 4866
~~extent practicable and,~~ if the victim or victim's representative 4867
has requested notice pursuant to ~~division (B) of section 2930.03~~ 4868
of the Revised Code, shall inform the victim and victim's 4869
representative, if applicable, that the motion, request, or 4870
agreement has been made and that it might result in a delay. If 4871
the victim, victim's representative, or victim's attorney, if 4872
applicable, objects to the delay, the prosecutor shall inform 4873
the court of the ~~victim's~~ objections, and the court shall 4874
consider the ~~victim's~~ objections and the victim's right to a 4875
speedy disposition of the case in ruling on the motion, request, 4876
or agreement. 4877

(C) If the victim, victim's representative, or victim's 4878
attorney, if applicable, objects to a delay in the prosecution 4879
of the case, the court shall grant a motion, request, or 4880
agreement for a continuance of the case only if extraordinary 4881
circumstances exist and delay in the prosecution of the case is 4882
indispensable to the interests of justice. The court may grant a 4883
motion, request, or agreement for a continuance of the case only 4884
for the time necessary to serve the interests of justice. If a 4885
continuance is granted, the court shall state on the record or 4886
in a judgment entry the specific reason for the continuance. 4887

Sec. 2930.09. (A)(1) A victim and victim's representative 4888
in a case may, if applicable, have the right to be present 4889
whenever the defendant or alleged juvenile offender in the case 4890
is present during any stage of the case against the defendant or 4891
alleged juvenile offender ~~that is conducted on the record,~~ other 4892
than a grand jury proceeding, ~~unless the court determines that~~ 4893
~~exclusion of the victim is necessary to protect the defendant's~~ 4894
~~or alleged juvenile offender's right to a fair trial or to a~~ 4895
~~fair delinquency proceeding.~~ At any stage of the case at which 4896
the victim is present, the court, ~~at the victim's request,~~ shall 4897
permit the victim to be accompanied by an individual a victim 4898
advocate or victim representative to provide support to the 4899
victim ~~unless the court determines that exclusion of the~~ 4900
~~individual is necessary to protect the defendant's or alleged~~ 4901
~~juvenile offender's right to a fair trial or to a fair~~ 4902
~~delinquency proceeding.~~ 4903

(2) If the victim or victim's representative is not 4904
present at a court proceeding in which a right of the victim is 4905
at issue, the court shall ask the prosecutor whether the victim 4906
and victim's representative, if the victim or victim's 4907
representative requested notifications, were notified of the 4908
time, place, and purpose of the court proceeding and that the 4909
victim and victim's representative had a right to be heard at 4910
the court proceeding. If the court determines that timely notice 4911
was not given to the victim and victim's representative, if 4912
applicable, or that the victim and victim's representative were 4913
not adequately informed of the nature of the court proceeding, 4914
the court shall not rule on any substantive issue that 4915
implicates a victim's right, accept a plea, or impose a sentence 4916
and shall continue the court proceeding for the time necessary 4917
to notify the victim and victim's representative, if applicable, 4918

of the time, place, and nature of the court proceeding. Nothing 4919
in this section shall infringe on the right of the defendant to 4920
a speedy trial under Chapter 2945. of the Revised Code. 4921

(B) The victim and victim's representative, if applicable, 4922
have the right to be present and be heard at any proceeding in 4923
which a negotiated plea for the defendant or alleged juvenile 4924
offender will be presented to the court. If present, the victim, 4925
victim's representative, and victim's attorney, if applicable, 4926
have the right to be heard orally, in writing, or both prior to 4927
the acceptance of the plea by the court. 4928

(C) The court shall not accept a negotiated plea agreement 4929
if the victim or the victim's representative is absent from the 4930
proceeding unless all of the following apply: 4931

(1) The prosecutor advises the court that before 4932
requesting and agreeing to a negotiated plea, the prosecutor 4933
conferred with the victim and victim's representative, if 4934
applicable, pursuant to section 2930.06 of the Revised Code, if 4935
the victim or victim's representative requested to confer with 4936
the prosecutor. 4937

(2) The prosecutor made reasonable efforts to give the 4938
victim and victim's representative, if applicable, notice of the 4939
plea proceedings and to inform the victim and victim's 4940
representative of the victim's and victim's representative's 4941
right to be present and be heard at the plea proceedings. 4942

(3) The prosecutor discloses to the court any and all 4943
attempts made to give each victim and victim's representative, 4944
if applicable, notice of the plea agreement, including the 4945
offense or delinquent act to which the defendant or alleged 4946
juvenile offender will plead guilty, the date that the plea will 4947

be presented to the court, and the terms of any sentence or 4948
disposition agreed to as part of the negotiated plea. 4949

(4) The prosecutor informs the court of any objection by 4950
the victim or victim's representative to the plea agreement. 4951

(5) The prosecutor advises the court that to the best of 4952
the prosecutor's knowledge the notice requirements of this 4953
chapter have been complied with. 4954

(D) The victim and victim's representative, if applicable, 4955
have the right to be present and be heard orally, in writing, or 4956
both at any proceeding in which the court conducts a hearing on 4957
the post-arrest release of the person accused of committing a 4958
criminal offense or delinquent act against the victim or the 4959
conditions of that release, including the arraignment or initial 4960
appearance. 4961

(E) The victim and victim's representative, if applicable, 4962
have the right to be present and be heard orally, in writing, or 4963
both at any probation or community control revocation 4964
disposition proceeding or any proceeding in which the court is 4965
requested to terminate the probation or community control of the 4966
person who is convicted of committing a criminal offense or 4967
delinquent act against the victim. 4968

(F) The victim and victim's representative, if applicable, 4969
have the right to be heard orally, in writing, or both at any 4970
proceeding in which the court is requested to modify the terms 4971
of probation or community control of a person if the 4972
modification will affect the person's contact with or the safety 4973
of the victim or if the modification involves restitution or 4974
incarceration status. 4975

(G) Nothing in this section requires a prosecutor to 4976

disclose victim contact information. 4977

Sec. 2930.11. (A) Except as otherwise provided in this 4978
section or in Chapter 2981. of the Revised Code, the law 4979
enforcement agency responsible for investigating a ~~crime~~ 4980
criminal offense or ~~specified~~-delinquent act shall promptly 4981
return to the victim of the ~~crime~~-criminal offense or ~~specified~~- 4982
delinquent act any property of the victim that was taken in the 4983
course of the investigation. In accordance with Criminal Rule 26 4984
or an applicable Juvenile Rule, the law enforcement agency may 4985
take photographs of the property for use as evidence. If the 4986
ownership of the property is in dispute, the agency shall not 4987
return the property until the dispute is resolved. Except as 4988
provided in divisions (B) and (C) of this section or when 4989
ownership of the property is in dispute, a court order is not 4990
required to release property to a victim. 4991

(B) The law enforcement agency responsible for 4992
investigating a ~~crime~~-criminal offense or ~~specified~~-delinquent 4993
act shall retain any property of the victim of the ~~crime~~- 4994
criminal offense or ~~specified~~-delinquent act that is needed as 4995
evidence in the case, including any weapon used in the 4996
commission of the ~~crime~~-criminal offense or ~~specified~~-delinquent 4997
act, if the prosecutor certifies to the court a need to retain 4998
the property in lieu of a photograph of the property or of 4999
another evidentiary substitute for the property itself, pursuant 5000
to Appellate Rule 9. 5001

(C) If the defendant or alleged juvenile offender in a 5002
case files a motion requesting the court to order the law 5003
enforcement agency to retain property of the victim because the 5004
property is needed for the defense in the case, the agency shall 5005
retain the property until the court rules on the motion. The 5006

court, in making a determination on the motion, shall weigh the 5007
victim's need for the property against the defendant's or 5008
alleged juvenile offender's assertion that the property has 5009
evidentiary value for the defense. The court shall rule on the 5010
motion in a timely fashion. 5011

Sec. 2930.12. (A) At the request of the victim or victim's 5012
representative in a criminal prosecution, the prosecutor or the 5013
prosecutor's designee shall give the victim and the victim's 5014
representative notice of the defendant's acquittal or conviction 5015
within seven days of the acquittal or conviction. At the request 5016
of the victim or victim's representative in a delinquency 5017
proceeding, the prosecutor or the prosecutor's designee shall 5018
give the victim and the victim's representative notice of the 5019
dismissal of the complaint against the alleged juvenile offender 5020
or of the adjudication of the alleged juvenile offender as a 5021
delinquent child, except that, if the juvenile court dismisses 5022
the complaint against the alleged juvenile offender or 5023
adjudicates the alleged juvenile offender a delinquent child 5024
prior to the prosecutor's involvement in the case, at the 5025
request of the victim or victim's representative, the court or a 5026
court employee shall give the victim and the victim's 5027
representative notice of the dismissal or of the adjudication. 5028
If the defendant or alleged juvenile offender is convicted or is 5029
adjudicated a delinquent child, the notice shall include all of 5030
the following: 5031

~~(A)~~ (1) The ~~crimes~~ criminal offenses or ~~specified~~ 5032
delinquent acts of which the defendant was convicted or for 5033
which the alleged juvenile offender was adjudicated a delinquent 5034
child; 5035

~~(B)~~ (2) The purpose of the presentence investigation 5036

report, if ordered, and that the victim and victim's 5037
representative, if applicable, have the right to review, on 5038
request to the prosecutor, a copy of the presentence 5039
investigation report except those portions of the report that 5040
are confidential by law; 5041

(3) The address and telephone number of the probation 5042
office—department or other person, if any, that is to prepare a 5043
presentence investigation report pursuant to section 2951.03 of 5044
the Revised Code or Criminal Rule 32.2, the address and 5045
telephone number of the person, if any, who is to prepare a 5046
disposition investigation report pursuant to division (C) (1) of 5047
section 2152.18 of the Revised Code, and the address and 5048
telephone number of the person, if any, who is to prepare a 5049
victim impact statement pursuant to division (D) (1) of section 5050
2152.19 or section 2947.051 of the Revised Code; 5051

~~(C)~~ (4) Notice that the victim and victim's 5052
representative, if applicable, may make a statement about the 5053
impact of the ~~crime—criminal offense or specified~~ delinquent act 5054
to the probation officer or other person, if any, who prepares 5055
the presentence investigation report or to the person, if any, 5056
who prepares a victim impact statement, that a statement of the 5057
victim and victim's representative, included in the report, if 5058
applicable, will be made available to the defendant or alleged 5059
juvenile offender unless the court exempts it from disclosure, 5060
and that the court may make the victim impact statement 5061
available to the defendant or alleged juvenile offender; 5062

~~(D)~~ (5) Notice of the victim's, victim's representative's, 5063
and victim's attorney's, if applicable, right under section 5064
2930.14 of the Revised Code to make a statement about the impact 5065
of the ~~crime—criminal offense or specified~~ delinquent act before 5066

sentencing or disposition; 5067

~~(E)~~ (6) The date, time, and place of the sentencing 5068
hearing or dispositional hearing; 5069

~~(F)~~ (7) Notice that, if the court orders restitution, the 5070
victim or victim's attorney, if applicable, has the right to 5071
file a restitution lien; 5072

(8) One of the following: 5073

~~(1)~~ (a) Any sentence imposed upon the defendant and any 5074
subsequent modification of that sentence, including modification 5075
under section 2929.20 or 5120.036 of the Revised Code or as a 5076
result of the defendant's appeal of the sentence pursuant to 5077
section 2953.08 of the Revised Code; 5078

~~(2)~~ (b) Any disposition ordered for the defendant and any 5079
subsequent modification of that disposition, if known to the 5080
prosecutor, including judicial release or early release in 5081
accordance with section 2151.38 of the Revised Code. If a court 5082
has not provided timely notice to the prosecutor of a subsequent 5083
modification of that disposition, the court shall promptly 5084
notify the victim and the victim's representative, if 5085
applicable, of the subsequent modification. 5086

(B) The probation department shall contact the victim, 5087
victim's representative, and victim's attorney, if applicable, 5088
concerning the victim's economic, physical, psychological, or 5089
emotional harm or victim's safety concerns as a result of the 5090
offense. 5091

Sec. 2930.121. (A) If a criminal offense or delinquent act 5092
against a victim has been charged but the prosecution on the 5093
count or counts involving the victim have been or are being 5094
dismissed as a result of a negotiated plea agreement in which 5095

the defendant is pleading guilty to or pleaded guilty to other 5096
charges, the victim and victim's representative, on request, may 5097
exercise all of the applicable rights of a crime victim 5098
throughout the criminal justice process as though the count or 5099
counts involving the victim had not been dismissed. 5100

(B) As to each count that is dismissed, the prosecutor 5101
shall notify the probation department or custodial or 5102
supervisory agency, as applicable, if the victim or victim's 5103
representative requested the victim's rights pursuant to this 5104
section. 5105

(C) For each victim and victim's representative who is 5106
involved in the dismissed counts and who requested the victim's 5107
rights, the prosecutor or the prosecutor's designee shall 5108
forward to the probation department or custodial or supervisory 5109
agency, as applicable, any available information that would 5110
enable the probation department or custodial or supervisory 5111
agency to carry out its duties prescribed by this section. 5112

(D) As used in this section, "dismissed counts" means 5113
counts dismissed only as a result of an exercise of 5114
prosecutorial discretion and does not include counts dismissed 5115
by operation of law. 5116

Sec. 2930.13. (A) If the court orders the preparation of a 5117
victim impact statement pursuant to division (D) (1) of section 5118
2152.19 or section 2947.051 of the Revised Code, the victim in 5119
the case or victim's representative may make a written ~~or~~ and 5120
oral statement regarding the impact of the ~~crime~~ criminal 5121
offense or specified delinquent act to the person whom the court 5122
orders to prepare the victim impact statement. A statement made 5123
by the victim or victim's representative under this section 5124
shall be included in the victim impact statement. 5125

(B) If a probation officer or other person is preparing a presentence investigation report pursuant to section 2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2, or a disposition investigation report pursuant to section 2152.18 of the Revised Code, concerning the defendant or alleged juvenile offender in the case, the victim and victim's representative, if applicable, may make a written ~~or~~ and oral statement regarding the impact of the ~~crime-criminal offense~~ or ~~specified~~-delinquent act to the probation officer or other person. The probation officer or other person shall use the statement in preparing the presentence investigation report or disposition investigation report and, upon the victim's or victim's representative's request, shall include a written statement submitted by the victim in the presentence investigation report or disposition investigation report.

(C) A statement made by the victim or victim's representative under division (A) or (B) of this section may include the following:

(1) An explanation of the nature and extent of any physical, psychological, or emotional harm suffered by the victim as a result of the ~~crime-criminal offense~~ or ~~specified~~-delinquent act that is the basis of the case;

(2) An explanation of the extent of any property damage or other economic loss suffered by the victim as a result of that ~~crime-criminal offense~~ or ~~specified~~-delinquent act;

(3) An opinion regarding the extent to which, if any, the victim needs restitution for harm caused by the defendant or alleged juvenile offender as a result of that ~~crime-criminal offense~~ or ~~specified~~-delinquent act and information about whether the victim has applied for or received any compensation

for loss or damage caused by that ~~crime~~criminal offense or 5156
~~specified~~ delinquent act; 5157

(4) The victim's and victim's representative's 5158
recommendation for an appropriate sanction or disposition for 5159
the defendant or alleged juvenile offender regarding that ~~crime~~criminal offense or ~~specified~~ delinquent act. 5160
5161

(D) If a statement made by a victim or victim's 5162
representative under division (A) of this section is included in 5163
a victim impact statement, the provision, receipt, and retention 5164
of copies of, the use of, and the confidentiality, nonpublic 5165
record character, and sealing of the victim impact statement is 5166
governed by division ~~(B) (2)~~ (D) (3) of section ~~2152.20~~ 2152.19 or 5167
by division (C) of section 2947.051 of the Revised Code, as 5168
appropriate. If a statement made by a victim or victim's 5169
representative under division (B) of this section is included in 5170
a presentence investigation report prepared pursuant to section 5171
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 or 5172
in a disposition investigation report pursuant to division (C) 5173
(1) of section 2152.18 of the Revised Code, the provision, 5174
receipt, and retention of copies of, the use of, and the 5175
confidentiality, nonpublic record character, and sealing of the 5176
presentence investigation report or disposition investigation 5177
report that contains the victim's statement is governed by 5178
section 2951.03 of the Revised Code. 5179

Sec. 2930.131. (A) If the presentence investigation report 5180
is made available to the defendant, the court shall allow the 5181
victim, victim's representative, and victim's attorney, if 5182
applicable, to review the presentence investigation report, 5183
except those parts of the report that are redacted by the court 5184
or made confidential by law. 5185

(B) If the court redacts any portion of the presentence investigation report, the court shall inform the parties and the victim, victim's representative, and victim's attorney, if applicable, of the court's decision and shall state on the record the court's reason for the redaction. 5186
5187
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5190

Sec. 2930.14. (A) Before imposing sentence upon, or 5191
entering an order of disposition for, a defendant or alleged 5192
juvenile offender for the commission of a ~~crime~~ criminal offense 5193
or ~~specified~~ delinquent act, the court shall permit the victim 5194
~~of the crime or specified delinquent act or victim's~~ 5195
representative to make a statement be heard orally, in writing, 5196
or both during the sentencing or disposition proceeding. The 5197
court may give copies of any written statement made by a victim 5198
or victim's representative to the defendant or alleged juvenile 5199
offender and defendant's or alleged juvenile offender's counsel 5200
and may give any written statement made by the defendant or 5201
alleged juvenile offender to the victim, victim's 5202
representative, or victim's attorney, if applicable, and the 5203
prosecutor. The court may redact any information contained in a 5204
written statement that the court determines is not relevant to 5205
and will not be relied upon in the sentencing or disposition 5206
decision. The victim's or victim's representative's oral 5207
statement is not subject to cross-examination. The written 5208
statement of the victim or victim's representative or ~~of~~ the 5209
defendant or alleged juvenile offender is confidential and is 5210
not a public record as used in section 149.43 of the Revised 5211
Code. Any person to whom a copy of a written statement was 5212
released by the court shall return it to the court immediately 5213
following sentencing or disposition. 5214

(B) The court shall consider a ~~victim's~~ statement made by 5215
a victim or victim's representative under division (A) of this 5216

section along with other factors that the court is required to 5217
consider in imposing sentence or in determining the order of 5218
disposition. If the statement includes new material facts, the 5219
court shall not rely on the new material facts unless it 5220
continues the sentencing or dispositional proceeding or takes 5221
other appropriate action to allow the defendant or alleged 5222
juvenile offender an adequate opportunity to respond to the new 5223
material facts. 5224

Sec. 2930.15. (A) If a defendant is convicted of 5225
committing a ~~crime~~criminal offense against a victim or an 5226
alleged juvenile offender is adjudicated a delinquent child for 5227
committing a ~~specified~~ delinquent act against a victim, if the 5228
victim or victim's representative requests notice of the filing 5229
of an appeal, and if the defendant or alleged juvenile offender 5230
files an appeal, the prosecutor in the case promptly, but not 5231
later than seven days after receiving the notice of appeal, 5232
shall notify the victim and victim's representative, if 5233
applicable, of the appeal. The prosecutor also shall give the 5234
victim and victim's representative, if applicable, all of the 5235
following information: 5236

(1) A brief explanation of the appellate process, 5237
including the possible disposition of the case; 5238

(2) Whether the defendant or alleged juvenile offender has 5239
been released on bail or other recognizance or under conditions 5240
imposed by the juvenile court pending the disposition of the 5241
appeal; 5242

(3) The time, place, and location of appellate court 5243
proceedings and any subsequent changes in the time, place, or 5244
location of those proceedings; 5245

(4) The result of the appeal. 5246

(B) If the appellate court returns the defendant's or 5247
alleged juvenile offender's case to the trial court or juvenile 5248
court for further proceedings, the victim and victim's 5249
representative, if applicable, may exercise all the rights that 5250
previously were available to the victim in the trial court or 5251
the juvenile court. 5252

Sec. 2930.16. (A) If a defendant is incarcerated, a victim 5253
~~in a case~~ or victim's representative who has requested to 5254
receive notice under this section shall be given notice of the 5255
incarceration of the defendant. If an alleged juvenile offender 5256
is committed to the temporary custody of a school, camp, 5257
institution, or other facility operated for the care of 5258
delinquent children or to the legal custody of the department of 5259
youth services, a victim ~~in a case~~ or victim's representative 5260
who has requested to receive notice under this section shall be 5261
given notice of the commitment. Promptly after sentence is 5262
imposed upon the defendant or the commitment of the alleged 5263
juvenile offender is ordered, the court or the court's designee 5264
shall notify the prosecutor in the case and the prosecutor shall 5265
notify the victim and victim's representative, if applicable, of 5266
the date on which the defendant will be released from 5267
confinement or the prosecutor's reasonable estimate of that date 5268
or the date on which the alleged juvenile offender will have 5269
served the minimum period of commitment or the prosecutor's 5270
reasonable estimate of that date. The prosecutor also shall 5271
notify the victim and victim's representative of the name of the 5272
custodial agency of the defendant or alleged juvenile offender 5273
and tell the victim and victim's representative how to contact 5274
that custodial agency. If the custodial agency is the department 5275
of rehabilitation and correction, the prosecutor shall notify 5276

the victim and victim's representative of the services offered 5277
by the office of victims' services pursuant to section 5120.60 5278
of the Revised Code. If the custodial agency is the department 5279
of youth services, the prosecutor shall notify the victim and 5280
victim's representative of the services provided by the office 5281
of victims' services within the release authority of the 5282
department pursuant to section 5139.55 of the Revised Code and 5283
the victim's right pursuant to section 5139.56 of the Revised 5284
Code to submit a written request to the release authority to be 5285
notified of actions the release authority takes with respect to 5286
the alleged juvenile offender. The victim and victim's 5287
representative shall keep the custodial agency informed of the 5288
victim's or victim's representative's ~~current address and~~ 5289
~~telephone number~~ contact information. 5290

(B) (1) Upon the victim's or victim's representative's 5291
request or in accordance with division (D) of this section, the 5292
court or the court's designee shall notify the prosecutor in the 5293
case and the prosecutor promptly, but not later than seven days 5294
after the hearing is scheduled or the application is filed, 5295
shall notify the victim and victim's representative, if 5296
applicable, of any application or hearing for judicial release 5297
of the defendant pursuant to section 2929.20 of the Revised 5298
Code, of any hearing for release of the defendant pursuant to 5299
section 2967.19 of the Revised Code, or of any hearing for 5300
judicial release or early release of the alleged juvenile 5301
offender pursuant to section 2151.38 of the Revised Code and of 5302
the victim's and victim's representative's right to make a 5303
statement under those sections. ~~The~~ If the court does not hold a 5304
hearing or if the victim and victim's representative, if 5305
applicable, do not attend the hearing or make a statement, the 5306
court shall notify the victim and victim's representative of its 5307

ruling in each of those hearings and on each of those applications. 5308
5309

(2) If an offender is sentenced to a prison term pursuant to division (A) (3) or (B) of section 2971.03 of the Revised Code, ~~upon~~ on the request of the victim ~~of the crime~~ or victim's representative or in accordance with division (D) of this section, the court or the court's designee shall notify the prosecutor in the case and the prosecutor promptly shall notify the victim and victim's representative, if applicable, of 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 victim's representative of any order issued at the conclusion of the hearing. 5310
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(C) (1) On first contact with a victim, the custodial agency of a defendant or delinquent child shall give the victim and victim's representative, if applicable, the victim's rights request/waiver form, or a substantially similar form. The custodial agency shall include a notice to the victim and victim's representative that failure to affirmatively request these rights is considered a waiver of these rights, but the victim or victim's representative may request the rights at a later time. A person claiming direct and proximate harm as a result of a criminal offense or delinquent act must 5329
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affirmatively identify the person's self and request the 5339
notifications provided in this section and section 2967.28 of 5340
the Revised Code. 5341

(2) Upon the victim's or victim's representative's request 5342
made at any time before the particular notice would be due or in 5343
accordance with division (D) of this section, the custodial 5344
agency of a defendant or alleged juvenile offender shall give 5345
the victim and victim's representative, if applicable, any of 5346
the following notices that is applicable: 5347

~~(1)~~ (a) At least sixty days before the adult parole 5348
authority recommends a pardon or commutation of sentence for the 5349
defendant or at least sixty days prior to a hearing before the 5350
adult parole authority regarding a grant of parole to the 5351
defendant, notice of the victim's and victim's representative's 5352
right to submit a statement regarding the impact of the 5353
defendant's release in accordance with section 2967.12 of the 5354
Revised Code and, if applicable, of the victim's and victim's 5355
representative's right to appear at a full board hearing of the 5356
parole board to give testimony as authorized by section 5149.101 5357
of the Revised Code; 5358

~~(2)~~ (b) At least sixty days before the defendant is 5359
transferred to transitional control under section 2967.26 of the 5360
Revised Code, notice of the pendency of the transfer and of the 5361
victim's and victim's representative's right under that section 5362
to submit a statement regarding the impact of the transfer; 5363

~~(3)~~ (c) At least sixty days before the release authority 5364
of the department of youth services holds a release review, 5365
release hearing, or discharge review for the alleged juvenile 5366
offender, notice of the pendency of the review or hearing, of 5367
the victim's and victim's representative's right to make an oral 5368

or written statement regarding the impact of the ~~crime~~criminal
offense or delinquent act upon the victim or regarding the 5369
possible release or discharge, and, if the notice pertains to a 5370
hearing, of the victim's and victim's representative's right to 5371
attend and make statements or comments at the hearing as 5372
authorized by section 5139.56 of the Revised Code; 5373
5374

~~(4)~~(d) Prompt notice, but not more than three days after
the escape, of the defendant's or alleged juvenile offender's 5375
escape from a facility of the custodial agency in which the 5376
defendant was incarcerated or in which the alleged juvenile 5377
offender was placed after commitment, of the defendant's or 5378
alleged juvenile offender's absence without leave from a mental 5379
health or developmental disabilities facility or from other 5380
custody, and of the capture of the defendant or alleged juvenile 5381
offender after an escape or absence; 5382
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~~(5)~~(e) Notice of the defendant's or alleged juvenile 5384
offender's death while in confinement or custody within thirty
days of the defendant's or alleged juvenile offender's death; 5385
5386

~~(6)~~(f) Notice of the filing of a petition by the director 5387
of rehabilitation and correction pursuant to section 2967.19 of 5388
the Revised Code requesting the early release under that section 5389
of the defendant within thirty days of the filing of the
petition; 5390
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~~(7)~~(g) Notice of the defendant's or alleged juvenile 5392
offender's post-conviction release from confinement or custody,
including jail or local custody, and the terms and conditions of 5393
the release as soon as the custodial agency becomes aware of the
release. 5394
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(D) (1) If a defendant is incarcerated for the commission 5397

of aggravated murder, murder, or an offense of violence that is 5398
a felony of the first, second, or third degree or is under a 5399
sentence of life imprisonment or if an alleged juvenile offender 5400
has been charged with the commission of an act that would be 5401
aggravated murder, murder, or an offense of violence that is a 5402
felony of the first, second, or third degree or be subject to a 5403
sentence of life imprisonment if committed by an adult, except 5404
as otherwise provided in this division, the notices described in 5405
divisions (B) and (C) of this section shall be given regardless 5406
of whether the victim or victim's representative has requested 5407
the notification. The notices described in divisions (B) and (C) 5408
of this section shall not be given under this division to a 5409
victim or victim's representative if the victim or victim's 5410
representative has requested pursuant to division (B) (2) of 5411
section 2930.03 of the Revised Code that the victim or victim's 5412
representative not be provided the notice. Regardless of whether 5413
the victim or victim's representative has requested that the 5414
notices described in division (C) of this section be provided or 5415
not be provided, the custodial agency shall give notice similar 5416
to those notices to the prosecutor in the case, to the 5417
sentencing court, to the law enforcement agency that arrested 5418
the defendant or alleged juvenile offender if any officer of 5419
that agency was a victim of the offense, and to any member of 5420
the victim's immediate family who requests notification. If the 5421
notice given under this division to the victim and victim's 5422
representative is based on an offense committed prior to March 5423
22, 2013, and if the prosecutor or custodial agency has not 5424
previously successfully provided any notice to the victim and 5425
victim's representative under this division or division (B) or 5426
(C) of this section with respect to that offense and the 5427
offender who committed it, the notice also shall inform the 5428
victim and victim's representative that the victim or victim's 5429

representative may request that the victim or victim's 5430
representative not be provided any further notices with respect 5431
to that offense and the offender who committed it and shall 5432
describe the procedure for making that request. If the notice 5433
given under this division to the victim and victim's 5434
representative pertains to a hearing regarding a grant of a 5435
parole to the defendant, the notice also shall inform the victim 5436
and victim's representative that the victim, a member of the 5437
victim's immediate family, or the victim's representative may 5438
request a victim conference, as described in division (E) of 5439
this section, and shall provide an explanation of a victim 5440
conference. 5441

The prosecutor or custodial agency may give the notices to 5442
which this division applies by any reasonable means, including, 5443
but not limited to, regular mail, telephone, and electronic 5444
mail. If the prosecutor or custodial agency attempts to provide 5445
notice to a victim or victim's representative under this 5446
division but the attempt is unsuccessful because the prosecutor 5447
or custodial agency is unable to locate the victim or victim's 5448
representative, is unable to provide the notice by its chosen 5449
method because it cannot determine the mailing address, 5450
telephone number, or electronic mail address at which to provide 5451
the notice, or, if the notice is sent by mail, the notice is 5452
returned, the prosecutor or custodial agency shall make another 5453
attempt to provide the notice to the victim or victim's 5454
representative. If the second attempt is unsuccessful, the 5455
prosecutor or custodial agency shall make at least one more 5456
attempt to provide the notice. If the notice is based on an 5457
offense committed prior to March 22, 2013, in each attempt to 5458
provide the notice to the victim or victim's representative, the 5459
notice shall include the opt-out information described in the 5460

preceding paragraph. The prosecutor or custodial agency, in 5461
accordance with division (D) (2) of this section, shall keep a 5462
record of all attempts to provide the notice, and of all notices 5463
provided, under this division. 5464

Division (D) (1) of this section, and the notice-related 5465
provisions of divisions (E) (2) and (K) of section 2929.20, 5466
division (H) of section 2967.12, division (E) (1) (b) of section 5467
2967.19, division (A) (3) (b) of section 2967.26, division (D) (1) 5468
of section 2967.28, and division (A) (2) of section 5149.101 of 5469
the Revised Code enacted in the act in which division (D) (1) of 5470
this section was enacted, shall be known as "Roberta's Law." 5471

(2) Each prosecutor and custodial agency that attempts to 5472
give any notice to which division (D) (1) of this section applies 5473
shall keep a record of all attempts to give the notice. The 5474
record shall indicate the person who was to be the recipient of 5475
the notice, the date on which the attempt was made, the manner 5476
in which the attempt was made, and the person who made the 5477
attempt. If the attempt is successful and the notice is given, 5478
the record shall indicate that fact. The record shall be kept in 5479
a manner that allows public inspection of attempts and notices 5480
given to persons other than victims or victims' representatives 5481
without revealing the names, addresses, or other identifying 5482
information relating to victims or victims' representatives. The 5483
record of attempts and notices given to victims or victims' 5484
representatives is not a public record, but the prosecutor or 5485
custodial agency shall provide upon request a copy of that 5486
record to a prosecuting attorney, judge, law enforcement agency, 5487
or member of the general assembly. The record of attempts and 5488
notices given to persons other than victims or victims' 5489
representatives is a public record. A record kept under this 5490
division may be indexed by offender name, or in any other manner 5491

determined by the prosecutor or the custodial agency. Each 5492
prosecutor or custodial agency that is required to keep a record 5493
under this division shall determine the procedures for keeping 5494
the record and the manner in which it is to be kept, subject to 5495
the requirements of this division. 5496

(E) The adult parole authority shall adopt rules under 5497
Chapter 119. of the Revised Code providing for a victim 5498
conference, upon request of the victim, a member of the victim's 5499
immediate family, or the victim's representative, prior to a 5500
parole hearing in the case of a prisoner who is incarcerated for 5501
the commission of aggravated murder, murder, or an offense of 5502
violence that is a felony of the first, second, or third degree 5503
or is under a sentence of life imprisonment. The rules shall 5504
provide for, but not be limited to, all of the following: 5505

(1) Subject to division (E) (3) of this section, attendance 5506
by the victim, members of the victim's immediate family, the 5507
victim's representative, and, if practicable, other individuals; 5508

(2) Allotment of up to one hour for the conference; 5509

(3) A specification of the number of persons specified in 5510
division (E) (1) of this section who may be present at any single 5511
victim conference, if limited by the department pursuant to 5512
division (F) of this section. 5513

(F) The department may limit the number of persons 5514
specified in division (E) (1) of this section who may be present 5515
at any single victim conference, provided that the department 5516
shall not limit the number of persons who may be present at any 5517
single conference to fewer than three. If the department limits 5518
the number of persons who may be present at any single victim 5519
conference, the department shall permit and schedule, upon 5520

request of the victim, a member of the victim's immediate 5521
family, or the victim's representative, multiple victim 5522
conferences for the persons specified in division (E) (1) of this 5523
section. 5524

(G) As used in this section, "victim's immediate family" 5525
has the same meaning as in section 2967.12 of the Revised Code. 5526

Sec. 2930.161. (A) Within seven days after a defendant is 5527
sentenced to a term of incarceration, the prosecutor, or the 5528
prosecutor's designee, shall provide written notice to the 5529
victim and victim's representative, if applicable, of the right 5530
of the victim or victim's representative, any member of the 5531
victim's family, or any member of the victim's household to 5532
request not to receive mail from the inmate who was convicted of 5533
committing a criminal offense against the victim. The notice 5534
shall do all of the following: 5535

(1) Inform the victim or victim's representative of the 5536
right of the victim or victim's representative, or any member of 5537
the victim's family or household, to request not to receive mail 5538
from the inmate; 5539

(2) Instruct the victim or victim's representative on how 5540
to file the request with the custodial agency; 5541

(3) Include the following statement: 5542

"If the defendant is incarcerated, you have the right to 5543
request that the defendant not send you, members of your family, 5544
or members of your household, mail. If the defendant sends you 5545
or your family or household members mail after you have made 5546
this request, you or the members of your family or household 5547
have the right to report the incident to the custodial agency 5548
for sanctions against the defendant." 5549

(B) On receipt of a post-conviction notice request in 5550
which a request not to receive mail is indicated, the custodial 5551
agency shall notify the inmate of the request and that sending 5552
mail to the victim or victim's representative, or the family or 5553
household members who are denoted by the victim or victim's 5554
representative, will result in appropriate sanctions, including, 5555
but not limited to, reduction or denial of earned release 5556
credits and review of all outgoing mail. 5557

(C) The custodial agency shall not knowingly forward mail 5558
addressed to any person who requests not to receive mail 5559
pursuant to this section. The custodial agency shall retain 5560
inmate mail pursuant to this section and forward the mail to the 5561
prosecutor that prosecuted the inmate for the underlying offense 5562
and shall retain the mail for at least one year from the date 5563
the inmate is released. 5564

Sec. 2930.162. (A) On request of a victim or victim's 5565
representative who has provided a current address or other 5566
current contact information, the court or the court's designee 5567
shall notify the victim and victim's representative, if 5568
applicable, of any of the following: 5569

(1) A probation or community control revocation 5570
disposition proceeding or any proceeding in which the court is 5571
asked to terminate the probation or community control of a 5572
person who was convicted of committing a criminal offense 5573
against the victim; 5574

(2) Any hearing on a proposed modification on the terms of 5575
probation or community control; 5576

(3) If the person is on supervised probation or community 5577
control, the arrest of the person pursuant to a warrant issued 5578

for a probation or community control violation; 5579

(4) The defendant's or alleged juvenile offender's failure 5580
to successfully complete a diversion, deferred judgment, or 5581
substantially similar program. 5582

(B) On request of a victim or victim's representative who 5583
has provided current contact information, the probation 5584
department shall notify the victim and victim's representative, 5585
if applicable, of the following as soon as it becomes known to 5586
the probation department: 5587

(1) Any proposed modification to any term of probation or 5588
community control if the modification affects restitution, 5589
incarceration, or detention status or the defendant's or alleged 5590
juvenile offender's contact with or safety of the victim; 5591

(2) The victim's and victim's representative's right to be 5592
heard at a hearing that is set to consider any modification to 5593
be made to any term of probation or community control; 5594

(3) Any violation of any term of probation or community 5595
control that results in the filing of a petition with the court 5596
to revoke probation or community control; 5597

(4) The filing of any petition with the court to revoke 5598
probation or community control alleging that the defendant or 5599
alleged juvenile offender absconded from probation or community 5600
control; 5601

(5) Any conduct by the defendant or alleged juvenile 5602
offender that raises a concern for the victim's safety; 5603

(6) Following a risk assessment of the terms of probation 5604
or community control, including the period of supervision and 5605
any modifications to the terms of probation or community 5606

control, any restricted locations and any other conditions that 5607
impact victim safety. 5608

Sec. 2930.163. Prior to the governor granting a pardon, 5609
commutation of sentence, or reprieve to an offender convicted of 5610
or found guilty of an offense of violence or adjudicated a 5611
delinquent child for a delinquent act that would be an offense 5612
of violence if committed by an adult, the governor, or the 5613
governor's designee, shall notify the victim, victim's 5614
representative, and victim's attorney, if applicable, that the 5615
offender or delinquent child has applied for a pardon, 5616
commutation of sentence, or reprieve. The governor shall notify 5617
the victim, victim's representative, and victim's attorney, if 5618
applicable, regarding the application not less than thirty days 5619
prior to issuing a decision on the application. The governor 5620
shall inform the victim, victim's representative, and victim's 5621
attorney, if applicable, that the victim, victim's 5622
representative, and victim's attorney, if applicable, may submit 5623
a written statement concerning the application. 5624

Sec. 2930.17. (A) In determining whether to grant a 5625
judicial release to a defendant from a prison term pursuant to 5626
section 2929.20 of the Revised Code at a time before the 5627
defendant's stated prison term expires, in determining whether 5628
to grant a release to an offender from a prison term pursuant to 5629
section 2967.19 of the Revised Code at a time before the 5630
offender's stated prison term expires, or in determining whether 5631
to grant a judicial release or early release to an alleged 5632
juvenile offender from a commitment to the department of youth 5633
services pursuant to section 2151.38 of the Revised Code, the 5634
court shall permit a victim of a ~~crime~~criminal offense or 5635
~~specified~~delinquent act for which the defendant or alleged 5636
juvenile offender was incarcerated or committed, and the 5637

victim's representative, if applicable, to make a statement be 5638
heard orally, in writing, or both, in addition to any other 5639
statement made under this chapter, concerning the effects of 5640
that ~~crime~~ criminal offense or ~~specified~~ delinquent act on the 5641
victim, the circumstances surrounding the ~~crime~~ criminal offense 5642
or ~~specified~~ delinquent act, the manner in which the ~~crime~~ 5643
criminal offense or ~~specified~~ delinquent act was perpetrated, 5644
and the victim's or victim's representative's opinion whether 5645
the defendant or alleged juvenile offender should be released. 5646
The victim and victim's representative, if applicable, may ~~make~~ 5647
~~the statement be heard in writing or,~~ orally, or both at the 5648
~~court's~~ victim's or victim's representative's discretion. The 5649
court shall ~~give~~ allow the defendant or alleged juvenile 5650
offender to review a copy of any written impact statement made 5651
by the victim or victim's representative under this section and 5652
shall give either the adult parole authority or the department 5653
of youth services, whichever is applicable, a copy of any 5654
written impact statement made by the victim or victim's 5655
representative under this division. 5656

(B) In deciding whether to grant a judicial release or 5657
early release to the defendant or alleged juvenile offender, the 5658
court shall consider a statement made by the victim and the 5659
victim's representative, if applicable, under division (A) of 5660
this section or section 2930.14 or 2947.051 of the Revised Code. 5661

(C) Upon making a determination whether to grant a 5662
judicial release to a defendant from a prison term pursuant to 5663
section 2929.20 of the Revised Code, a release to an offender 5664
from a prison term pursuant to section 2967.19 of the Revised 5665
Code, or a judicial release or early release to an alleged 5666
juvenile offender from a commitment to the department of youth 5667
services pursuant to section 2151.38 of the Revised Code, the 5668

court promptly shall send notice of its determination to the 5669
prosecutor of the county in which the criminal or delinquency 5670
proceeding was held against the defendant or alleged juvenile 5671
offender. Before ordering a defendant or alleged juvenile 5672
offender released from custody, the court shall send the 5673
custodial agency a copy of its journal entry of the 5674
determination. 5675

Sec. 2930.171. (A) In determining whether to grant an 5676
application to seal a record of conviction pursuant to section 5677
2953.32 of the Revised Code or an application to seal or expunge 5678
a juvenile record pursuant to section 2151.356 or 2151.358 of 5679
the Revised Code, the court shall notify the prosecutor 5680
regarding the hearing of the matter not less than sixty days 5681
before the hearing. The prosecutor shall provide timely notice 5682
to a victim of the criminal offense or delinquent act for which 5683
the offender or juvenile was incarcerated or committed and the 5684
victim's representative, if applicable, if the victim or 5685
victim's representative has requested notice and maintains 5686
current contact information with the prosecutor. The court shall 5687
permit a victim of a criminal offense or delinquent act for 5688
which the offender or juvenile was incarcerated or committed, 5689
the victim's representative, and the victim's attorney, if 5690
applicable, to make a statement, in addition to any other 5691
statement made under this chapter, concerning the effects of the 5692
criminal offense or delinquent act on the victim, the 5693
circumstances surrounding the criminal offense or delinquent 5694
act, the manner in which the criminal offense or delinquent act 5695
was perpetrated, and the victim's, victim's representative's, or 5696
victim's attorney's, if applicable, opinion whether the record 5697
should be sealed or expunged. The victim, victim's 5698
representative, or victim's attorney, if applicable, may be 5699

heard in writing, orally, or both at the victim's, victim's 5700
representative's, or victim's attorney's, if applicable, 5701
discretion. The court shall give the offender or juvenile an 5702
opportunity to review a copy of any written impact statement 5703
made by the victim, victim's representative, and victim's 5704
attorney, if applicable, under this division. The court shall 5705
give to either the adult parole authority or the department of 5706
youth services, whichever is applicable, a copy of any written 5707
impact statement made by the victim, victim's representative, 5708
and victim's attorney, if applicable, under this division. 5709

(B) In deciding whether to seal or expunge a record under 5710
this section, the court shall consider a statement made by the 5711
victim, victim's representative, and victim's attorney, if 5712
applicable, under division (A) of this section or section 5713
2930.14 or 2947.051 of the Revised Code. 5714

(C) Upon making a determination whether to grant an 5715
application to seal a record of conviction pursuant to section 5716
2953.32 of the Revised Code or an application to seal or expunge 5717
a juvenile record pursuant to section 2151.356 or 2151.358 of 5718
the Revised Code, the court promptly shall notify the prosecutor 5719
of the determination. The prosecutor shall promptly notify the 5720
victim and the victim's representative, if applicable, after 5721
receiving the notice from the court. 5722

Sec. 2930.18. (A) No employer of a victim shall discharge, 5723
discipline, or otherwise retaliate against the victim, a member 5724
of the victim's family, or a victim's representative for 5725
participating any of the following: 5726

(1) Participating, at the prosecutor's request, in 5727
preparation for a criminal or delinquency proceeding ~~or for~~ 5728
attendance, pursuant to a subpoena,; 5729

(2) Attendance at a criminal or delinquency proceeding if 5730
the attendance is reasonably necessary to protect the interests 5731
of the victim; 5732

(3) Attendance at a criminal or delinquency proceeding if 5733
the victim's attendance is pursuant to a victim's constitutional 5734
and statutory rights. 5735

~~This section generally does not require an employer to pay~~ 5736
~~an employee for time lost as a result of attendance at a~~ 5737
~~criminal or delinquency proceeding.~~ 5738

(B) An employer who knowingly violates this section is in 5739
contempt of court. This section does not limit or affect the 5740
application to any person of section 2151.211, 2939.121, or 5741
2945.451 of the Revised Code. 5742

Sec. 2930.19. ~~(A) In a manner consistent with the duty of~~ 5743
~~a prosecutor to represent the interests of the public as a~~ 5744
~~whole, a prosecutor shall seek compliance with this chapter on~~ 5745
~~behalf of a victim, a member of the victim's family, or the~~ 5746
~~victim's representative~~ (1) A victim, victim's representative, 5747
or victim's attorney, if applicable, or the prosecutor, on 5748
request of the victim, has standing as a matter of right to 5749
assert, or to challenge an order denying, the rights of the 5750
victim provided by law in any judicial or administrative 5751
proceeding. The court shall act promptly on a request to 5752
enforce, or on a challenge of an order denying, the rights of 5753
the victim. In any case, the court shall hear the matter within 5754
ten days of the assertion of the victim's rights. The reasons 5755
for any decision denying relief under this section shall be 5756
clearly stated on the record or in a judgment entry. 5757

(2) (a) If the court denies the relief sought, the victim 5758

or the victim's attorney, if applicable, may appeal or, if the 5759
victim has no remedy on appeal, petition the court of appeals or 5760
supreme court for an extraordinary writ. 5761

(b) If the victim or victim's attorney, if applicable, 5762
files an appeal, an interlocutory appeal divests the trial court 5763
of jurisdiction of the portion of the case implicating the 5764
victim's rights until the appeal is resolved by the appellate 5765
court. The court of appeals shall take up and decide such appeal 5766
giving the case the same priority as cases decided under 5767
Appellate Rule 11.2, unless the litigants, with the approval of 5768
the court, have stipulated to a different time period for 5769
consideration. 5770

(c) If the victim or victim's attorney, if applicable, 5771
petitions for an extraordinary writ, the court of appeals or the 5772
supreme court may issue the writ on the order of a single judge. 5773
If the court of appeals or the supreme court denies the relief 5774
sought, the reasons for the denial shall be clearly stated on 5775
the record in a written opinion. 5776

(B) A victim of a criminal offense or delinquent act has 5777
the right to be represented by retained counsel. Nothing in this 5778
section creates a right to counsel at public expense for a 5779
victim or prohibits a court from appointing counsel for a victim 5780
at the court's expense. If a victim is represented by counsel, 5781
the court shall notify the victim's counsel in the same manner 5782
in which the parties are notified under applicable law or rule. 5783
Counsel for the victim shall be included in all bench 5784
conferences, meetings in chambers, and sidebars with the trial 5785
court that directly involve a victim's rights. 5786

(C) The failure of a public official or public agency to 5787
comply with the requirements of this chapter does not give rise 5788

to a claim for damages against that public official or public 5789
agency, except that a public agency as an employer may be held 5790
responsible for a violation of section 2930.18 of the Revised 5791
Code. 5792

~~(C) (D) (1) The failure of any person or entity to use 5793
reasonable efforts to provide perform a duty or afford a right, 5794
privilege, or notice to a victim under this chapter does not 5795
constitute grounds for declaring a mistrial or new trial, for 5796
setting is not cause to seek to set aside a conviction, 5797
sentence, adjudication, or disposition, or for granting 5798
postconviction release to a defendant or alleged juvenile 5799
offender after trial. Failure to afford a right under this 5800
chapter shall not provide grounds for a new trial. A victim or 5801
victim's attorney, if applicable, who was given notice of a plea 5802
or sentencing proceeding may file a motion to reopen a plea or 5803
sentence only if the victim was not voluntarily absent from the 5804
proceeding and has asserted the right to be heard before, or 5805
attempted to assert the right during, the proceeding at issue 5806
and the right to be heard was denied and, in the case of a plea, 5807
the accused has not pleaded guilty to the highest offense 5808
charged. 5809~~

~~(D) If there is a conflict between a provision in this 5810
chapter and a specific statute governing the procedure in a case 5811
involving a capital offense, the specific statute supersedes the 5812
provision in this chapter. 5813~~

(2) Unless the offender has served the offender's entire 5814
sentence, the failure to use reasonable efforts to provide 5815
notice and a right to be present or be heard pursuant to this 5816
chapter at a proceeding that involves post-conviction release is 5817
grounds for the victim to seek to set aside the post-conviction 5818

release until the victim is afforded an opportunity to be 5819
present or be heard. 5820

(E) A defendant or juvenile offender may not raise the 5821
failure to afford a right to a victim as error in any legal 5822
argument to provide an advantage to that defendant or juvenile 5823
offender in any motion, including a dispositive motion, motion 5824
for new trial, or motion to have a conviction, sentence, or 5825
disposition set aside, in any petition for post-conviction 5826
relief, or in any assignment of error on appeal. 5827

(F) If the victim of a ~~crime~~ criminal offense or 5828
delinquent act is incarcerated in a state or local correctional 5829
facility or is in the legal custody of the department of youth 5830
services, the victim's rights ~~under this chapter~~ may be modified 5831
by court order to prevent any security risk, hardship, or undue 5832
burden upon a public official or public agency with a duty under 5833
this chapter. 5834

Sec. 2930.191. Once a pro se victim or victim's attorney, 5835
if applicable, files a notice of appearance in a case, the pro 5836
se victim or victim's attorney shall be served copies of all 5837
notices, motions, and court orders filed thereafter in the case 5838
in the same manner as the other parties in the case. 5839

Sec. 2937.11. (A) (1) As used in divisions (B) and (C) of 5840
this section, "victim" includes any person who was a victim of a 5841
felony violation identified in division (B) of this section or a 5842
felony offense of violence or against whom was directed any 5843
conduct that constitutes, or that is an element of, a felony 5844
violation identified in division (B) of this section or a felony 5845
offense of violence. 5846

(2) As used in division (D) of this section, "victim" 5847

means any person who is less than sixteen years of age and who 5848
was a victim of a violation of section 2905.32 of the Revised 5849
Code or against whom was directed any conduct that constitutes, 5850
or is an element of, a violation of section 2905.32 of the 5851
Revised Code. 5852

(3) At the preliminary hearing set pursuant to section 5853
2937.10 of the Revised Code and the Criminal Rules, the 5854
prosecutor may state, but is not required to state, orally the 5855
case for the state and shall then proceed to examine witnesses 5856
and introduce exhibits for the state. The accused and the 5857
magistrate have full right of cross examination, and the accused 5858
has the right of inspection of exhibits prior to their 5859
introduction. The hearing shall be conducted under the rules of 5860
evidence prevailing in criminal trials generally. On motion of 5861
either the state or the accused, witnesses shall be separated 5862
and not permitted in the hearing room except when called to 5863
testify. 5864

(B) In a case involving an alleged felony violation of 5865
section 2905.05, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 5866
2907.21, 2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 5867
2907.323, or 2919.22 of the Revised Code or an alleged felony 5868
offense of violence and in which an alleged victim of the 5869
alleged violation or offense was less than ~~thirteen~~sixteen 5870
years of age when the complaint or information was filed, 5871
whichever occurred earlier, upon motion of the prosecution, 5872
victim, or victim's attorney, if applicable, the testimony of 5873
the child victim at the preliminary hearing may be taken in a 5874
room other than the room in which the preliminary hearing is 5875
being conducted and be televised, by closed circuit equipment, 5876
into the room in which the preliminary hearing is being 5877
conducted, in accordance with division (C) of section 2945.481 5878

of the Revised Code. 5879

(C) In a case involving an alleged felony violation listed 5880
in division (B) of this section or an alleged felony offense of 5881
violence and in which an alleged victim of the alleged violation 5882
or offense was less than ~~thirteen~~sixteen years of age when the 5883
complaint or information was filed, whichever occurred earlier, 5884
the court, on written motion of the prosecutor in the case, the 5885
victim, or the victim's attorney, if applicable, filed at least 5886
three days prior to the hearing, shall order that all testimony 5887
of the child victim be recorded and preserved ~~on videotape,~~ in 5888
addition to being recorded for purposes of the transcript of the 5889
proceeding. If such an order is issued, it shall specifically 5890
identify the child victim, in a manner consistent with section 5891
2930.07 of the Revised Code, concerning whose testimony it 5892
pertains, apply only during the testimony of the child victim it 5893
specifically identifies, and apply to all testimony of the child 5894
victim presented at the hearing, regardless of whether the child 5895
victim is called as a witness by the prosecution or by the 5896
defense. 5897

(D) (1) (a) In a case involving an alleged violation of 5898
section 2905.32 of the Revised Code, upon motion of the 5899
prosecution, victim, or victim's attorney, if applicable, the 5900
testimony of the victim at the preliminary hearing may be taken 5901
in a place or room other than the room in which the preliminary 5902
hearing is being conducted and be televised, by closed circuit 5903
equipment, into the room in which the preliminary hearing is 5904
being conducted, to be viewed by the accused and any other 5905
persons who are not permitted in the room in which the testimony 5906
is to be taken but who would have been present during the 5907
testimony of the victim had it been given in the room in which 5908
the preliminary hearing is being conducted. Except for good 5909

cause shown, the prosecution, victim, or victim's attorney, if 5910
applicable, shall file a motion under this division at least 5911
seven days before the date of the preliminary hearing. 5912

(b) Upon the motion of the prosecution, victim, or 5913
victim's attorney, if applicable, filed under division (D) (1) (a) 5914
of this section and if the judge or magistrate determines that 5915
the victim is unavailable to testify in the room in which the 5916
preliminary hearing is being conducted in the physical presence 5917
of the accused for one or more of the reasons set forth in 5918
division (D) (2) of this section, the judge or magistrate may 5919
issue an order for the testimony of the victim to be taken in a 5920
place or room other than the room in which the preliminary 5921
hearing is being conducted and televised, by closed circuit 5922
equipment, into the room in which the preliminary hearing is 5923
being conducted. If a judge or magistrate issues an order of 5924
that nature, the judge or magistrate shall exclude from the room 5925
in which the testimony of the victim is to be taken every person 5926
except the following: 5927

(i) The victim giving the testimony; 5928

(ii) The judge or magistrate; 5929

(iii) One or more interpreters if needed; 5930

(iv) The attorneys for the prosecution, the victim, if 5931
applicable, and the defense; 5932

(v) Any person needed to operate the equipment to be used; 5933

(vi) One person chosen by the victim giving the testimony; 5934

(vii) Any person whose presence the judge or magistrate 5935
determines would contribute to the welfare and well-being of the 5936
victim giving the testimony. 5937

(c) The person chosen by the victim under division (D) (1) 5938
(b) (vi) of this section ~~shall not be a witness in the~~ 5939
~~preliminary hearing and, both before and during the testimony,~~ 5940
shall not discuss the testimony of the victim with any other 5941
witness in the preliminary hearing. 5942

(d) The judge or magistrate, at the judge's or 5943
magistrate's discretion, may preside during the giving of the 5944
testimony by electronic means from outside the room in which it 5945
is being given, subject to the limitations set forth in this 5946
division. If the judge or magistrate presides by electronic 5947
means, the judge or magistrate shall be provided with monitors 5948
on which the judge or magistrate can see each person in the room 5949
in which the testimony is to be taken and with an electronic 5950
means of communication with each person, and each person in the 5951
room shall be provided with a monitor on which that person can 5952
see the judge or magistrate and with an electronic means of 5953
communication with the judge or magistrate. To the extent 5954
feasible, any person operating the televising equipment shall be 5955
restricted to a room adjacent to the room in which the testimony 5956
is being taken, or to a location in the room in which the 5957
testimony is being taken that is behind a screen or mirror, so 5958
that the person operating the televising equipment can see and 5959
hear, but cannot be seen or heard by, the victim giving the 5960
testimony during the testimony. The accused shall be permitted 5961
to observe and hear the testimony of the victim giving the 5962
testimony on a monitor, shall be provided with an electronic 5963
means of immediate communication with the attorney of the 5964
accused during the testimony, and shall be restricted to a 5965
location from which the accused cannot be seen or heard by the 5966
victim giving the testimony, except on a monitor provided for 5967
that purpose. The accused and the judge or magistrate have full 5968

right of cross examination, and the accused has the right of 5969
inspection of exhibits prior to their introduction. The victim 5970
giving the testimony shall be provided with a monitor on which 5971
the victim can observe the accused during the testimony. 5972

(2) For purposes of division (D)(1) of this section, a 5973
judge or magistrate may order the testimony of a victim to be 5974
taken at a place or room outside the room in which the 5975
preliminary hearing is being conducted if the judge or 5976
magistrate determines that the victim is unavailable to testify 5977
in the room in the physical presence of the accused due to one 5978
or more of the following: 5979

(a) The inability of the victim to communicate about the 5980
alleged offense because of extreme fear, severe trauma, or 5981
another similar reason; 5982

(b) The substantial likelihood that the victim will suffer 5983
serious emotional trauma from so testifying; 5984

(c) The victim is at a hospital for care and treatment for 5985
any physical, mental, or emotional injury suffered by reason of 5986
the alleged offense. 5987

Sec. 2945.481. (A)(1) As used in this section, "victim" 5988
includes any person who was a victim of a violation identified 5989
in division (A)(2) of this section or an offense of violence or 5990
against whom was directed any conduct that constitutes, or that 5991
is an element of, a violation identified in division (A)(2) of 5992
this section or an offense of violence. 5993

(2) In any proceeding in the prosecution of a charge of a 5994
violation of section 2905.03, 2905.05, 2907.02, 2907.03, 5995
2907.04, 2907.05, 2907.06, 2907.07, 2907.09, 2907.21, 2907.23, 5996
2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, or 5997

2919.22 of the Revised Code or an offense of violence and in 5998
which an alleged victim of the violation or offense was a child 5999
who was less than ~~thirteen~~ sixteen years of age when the 6000
complaint, indictment, or information was filed, whichever 6001
occurred earlier, ~~the judge of the court in which the~~ 6002
~~prosecution is being conducted,~~ upon motion of the child victim, 6003
the child-victim's attorney, if applicable, or an attorney for 6004
the prosecution, and upon a showing by a preponderance of the 6005
evidence that the child will suffer serious emotional trauma if 6006
required to provide live trial testimony, the judge of the court 6007
in which the prosecution is being conducted shall order that the 6008
testimony of the child victim be taken by deposition. The 6009
prosecution, child victim, or child-victim's attorney, if 6010
applicable, also may request that the deposition be ~~videotaped-~~ 6011
~~recorded~~ in accordance with division (A)(3) of this section. The 6012
judge shall notify the child victim whose deposition is to be 6013
taken, the child-victim's attorney, if applicable, the 6014
prosecution, and the defense of the date, time, and place for 6015
taking the deposition. The notice shall identify the child 6016
victim who is to be examined and shall indicate whether a 6017
request that the deposition be ~~videotaped-~~ recorded has been 6018
made. The defendant shall have the right to attend the 6019
deposition and the right to be represented by counsel. 6020
Depositions shall be taken in the manner provided in civil 6021
cases, except that the judge shall preside at the taking of the 6022
deposition and shall rule at that time on any objections of the 6023
prosecution or the attorney for the defense. The prosecution and 6024
the attorney for the defense shall have the right, as at trial, 6025
to full examination and cross-examination of the child victim 6026
whose deposition is to be taken. If a deposition taken under 6027
this division is intended to be offered as evidence in the 6028
proceeding, it shall be filed in the court in which the action 6029

is pending and is admissible in the manner described in division 6030
(B) of this section. If a deposition of a child victim taken 6031
under this division is admitted as evidence at the proceeding 6032
under division (B) of this section, the child victim shall not 6033
be required to testify in person at the proceeding. However, at 6034
any time before the conclusion of the proceeding, the attorney 6035
for the defense may file a motion with the judge requesting that 6036
another deposition of the child victim be taken because new 6037
evidence material to the defense has been discovered that the 6038
attorney for the defense could not with reasonable diligence 6039
have discovered prior to the taking of the admitted deposition. 6040
A motion for another deposition shall be accompanied by 6041
supporting affidavits. Upon the filing of a motion for another 6042
deposition and affidavits, the court may order that additional 6043
testimony of the child victim relative to the new evidence be 6044
taken by another deposition. If the court orders the taking of 6045
another deposition under this provision, the deposition shall be 6046
taken in accordance with this division; if the admitted 6047
deposition was a ~~videotaped~~recorded deposition taken in 6048
accordance with division (A) (3) of this section, the new 6049
deposition also shall be ~~videotaped~~recorded in accordance with 6050
that division and in other cases, the new deposition may be 6051
~~videotaped~~recorded in accordance with that division. 6052

(3) If the prosecution, child victim, or child-victim's 6053
attorney, if applicable, requests that a deposition to be taken 6054
under division (A) (2) of this section be ~~videotaped~~recorded, the 6055
judge shall order that the deposition be ~~videotaped~~recorded in 6056
accordance with this division. If a judge issues an order that 6057
the deposition be ~~videotaped~~recorded, the judge shall exclude 6058
from the room in which the deposition is to be taken every 6059
person except the child victim giving the testimony, the judge, 6060

one or more interpreters if needed, the attorneys for the 6061
prosecution and the defense, any person needed to operate the 6062
equipment to be used, one person, who is not a witness, chosen 6063
by the child victim giving the deposition, the child-victim's
representative, and any person whose presence the judge 6064
determines would contribute to the welfare and well-being of the 6065
child victim giving the deposition. The person chosen by the 6066
child victim ~~shall not be a witness in the proceeding and~~, both 6067
before and during the deposition, shall not discuss the 6068
testimony of the child victim with any other witness in the 6069
proceeding. To the extent feasible, any person operating the 6070
recording equipment shall be restricted to a room adjacent to 6071
the room in which the deposition is being taken, or to a 6072
location in the room in which the deposition is being taken that 6073
is behind a screen or mirror, so that the person operating the 6074
recording equipment can see and hear, but cannot be seen or 6075
heard by, the child victim giving the deposition during the 6076
deposition. The defendant shall be permitted to observe and hear 6077
the testimony of the child victim giving the deposition on a 6078
monitor, shall be provided with an electronic means of immediate 6079
communication with the defendant's attorney during the 6080
testimony, and shall be restricted to a location from which the 6081
defendant cannot be seen or heard by the child victim giving the 6082
deposition, except on a monitor provided for that purpose. The 6083
child victim giving the deposition shall be provided with a 6084
monitor on which the child victim can observe, during the 6085
testimony, the defendant. The judge, at the judge's discretion, 6086
may preside at the deposition by electronic means from outside 6087
the room in which the deposition is to be taken; if the judge 6088
presides by electronic means, the judge shall be provided with 6089
monitors on which the judge can see each person in the room in 6090
which the deposition is to be taken and with an electronic means 6091
6092

of communication with each person, and each person in the room 6093
shall be provided with a monitor on which that person can see 6094
the judge and with an electronic means of communication with the 6095
judge. A deposition that is ~~videotaped~~recorded under this 6096
division shall be taken and filed in the manner described in 6097
division (A) (2) of this section and is admissible in the manner 6098
described in this division and division (B) of this section, 6099
and, if a deposition that is ~~videotaped~~recorded under this 6100
division is admitted as evidence at the proceeding, the child 6101
victim shall not be required to testify in person at the 6102
proceeding. No deposition ~~videotaped~~recorded under this 6103
division shall be admitted as evidence at any proceeding unless 6104
division (B) of this section is satisfied relative to the 6105
deposition and all of the following apply relative to the 6106
recording: 6107

(a) The recording is both aural and visual and is recorded 6108
on film or videotape, or by other electronic means. 6109

(b) The recording is authenticated under the Rules of 6110
Evidence and the Rules of Criminal Procedure as a fair and 6111
accurate representation of what occurred, and the recording is 6112
not altered other than at the direction and under the 6113
supervision of the judge in the proceeding. 6114

(c) Each voice on the recording that is material to the 6115
testimony on the recording or the making of the recording, as 6116
determined by the judge, is identified. 6117

(d) Both the prosecution and the defendant are afforded an 6118
opportunity to view the recording before it is shown in the 6119
proceeding. 6120

(B) (1) At any proceeding in a prosecution in relation to 6121

which a deposition was taken under division (A) of this section, 6122
the deposition or a part of it is admissible in evidence upon 6123
motion of the prosecution if the testimony in the deposition or 6124
the part to be admitted is not excluded by the hearsay rule and 6125
if the deposition or the part to be admitted otherwise is 6126
admissible under the Rules of Evidence. For purposes of this 6127
division, testimony is not excluded by the hearsay rule if the 6128
testimony is not hearsay under Evidence Rule 801; if the 6129
testimony is within an exception to the hearsay rule set forth 6130
in Evidence Rule 803; if the child victim who gave the testimony 6131
is unavailable as a witness, as defined in Evidence Rule 804, 6132
and the testimony is admissible under that rule; or if both of 6133
the following apply: 6134

(a) The defendant had an opportunity and similar motive at 6135
the time of the taking of the deposition to develop the 6136
testimony by direct, cross, or redirect examination. 6137

(b) The judge determines that there is reasonable cause to 6138
believe that, if the child victim who gave the testimony in the 6139
deposition were to testify in person at the proceeding, the 6140
child victim would experience serious emotional trauma as a 6141
result of the child victim's participation at the proceeding. 6142

(2) Objections to receiving in evidence a deposition or a 6143
part of it under division (B) of this section shall be made as 6144
provided in civil actions. 6145

(3) The provisions of divisions (A) and (B) of this 6146
section are in addition to any other provisions of the Revised 6147
Code, the Rules of Criminal Procedure, or the Rules of Evidence 6148
that pertain to the taking or admission of depositions in a 6149
criminal proceeding and do not limit the admissibility under any 6150
of those other provisions of any deposition taken under division 6151

(A) of this section or otherwise taken. 6152

(C) In any proceeding in the prosecution of any charge of 6153
a violation listed in division (A) (2) of this section or an 6154
offense of violence and in which an alleged victim of the 6155
violation or offense was a child who was less than ~~thirteen-~~ 6156
sixteen years of age when the complaint, indictment, or 6157
information was filed, whichever occurred earlier, the 6158
prosecution, child victim, or child-victim's attorney, if 6159
applicable, may file a motion with the judge requesting the 6160
judge to order the testimony of the child victim to be taken in 6161
a room other than the room in which the proceeding is being 6162
conducted and be televised, by closed circuit equipment, into 6163
the room in which the proceeding is being conducted to be viewed 6164
by the jury, if applicable, the defendant, and any other persons 6165
who are not permitted in the room in which the testimony is to 6166
be taken but who would have been present during the testimony of 6167
the child victim had it been given in the room in which the 6168
proceeding is being conducted. Except for good cause shown, the 6169
prosecution, child victim, or child-victim's attorney, if 6170
applicable, shall file a motion under this division at least 6171
seven days before the date of the proceeding. The judge may 6172
issue the order upon the motion of the prosecution, child 6173
victim, or child-victim's attorney, if applicable, filed under 6174
this section, if the judge determines that the child victim is 6175
unavailable to testify in the room in which the proceeding is 6176
being conducted in the physical presence of the defendant, for 6177
one or more of the reasons set forth in division (E) of this 6178
section. If a judge issues an order of that nature, the judge 6179
shall exclude from the room in which the testimony is to be 6180
taken every person except a person described in division (A) (3) 6181
of this section. The judge, at the judge's discretion, may 6182

preside during the giving of the testimony by electronic means 6183
from outside the room in which it is being given, subject to the 6184
limitations set forth in division (A) (3) of this section. To the 6185
extent feasible, any person operating the televising equipment 6186
shall be hidden from the sight and hearing of the child victim 6187
giving the testimony, in a manner similar to that described in 6188
division (A) (3) of this section. The defendant shall be 6189
permitted to observe and hear the testimony of the child victim 6190
giving the testimony on a monitor, shall be provided with an 6191
electronic means of immediate communication with the defendant's 6192
attorney during the testimony, and shall be restricted to a 6193
location from which the defendant cannot be seen or heard by the 6194
child victim giving the testimony, except on a monitor provided 6195
for that purpose. The child victim giving the testimony shall be 6196
provided with a monitor on which the child victim can observe, 6197
during the testimony, the defendant. 6198

(D) In any proceeding in the prosecution of any charge of 6199
a violation listed in division (A) (2) of this section or an 6200
offense of violence and in which an alleged victim of the 6201
violation or offense was a child who was less than ~~thirteen~~ 6202
sixteen years of age when the complaint, indictment, or 6203
information was filed, whichever occurred earlier, the 6204
prosecution, child victim, or child-victim's attorney, if 6205
applicable, may file a motion with the judge requesting the 6206
judge to order the testimony of the child victim to be taken 6207
outside of the room in which the proceeding is being conducted 6208
and be recorded for showing in the room in which the proceeding 6209
is being conducted before the judge, the jury, if applicable, 6210
the defendant, and any other persons who would have been present 6211
during the testimony of the child victim had it been given in 6212
the room in which the proceeding is being conducted. Except for 6213

good cause shown, the prosecution, child victim, or child- 6214
victim's attorney, if applicable, shall file a motion under this 6215
division at least seven days before the date of the proceeding. 6216
The judge may issue the order upon the motion of the 6217
prosecution, child victim, or child-victim's attorney, if 6218
applicable, filed under this division, if the judge determines 6219
that the child victim is unavailable to testify in the room in 6220
which the proceeding is being conducted in the physical presence 6221
of the defendant, for one or more of the reasons set forth in 6222
division (E) of this section. If a judge issues an order of that 6223
nature, the judge shall exclude from the room in which the 6224
testimony is to be taken every person except a person described 6225
in division (A) (3) of this section. To the extent feasible, any 6226
person operating the recording equipment shall be hidden from 6227
the sight and hearing of the child victim giving the testimony, 6228
in a manner similar to that described in division (A) (3) of this 6229
section. The defendant shall be permitted to observe and hear 6230
the testimony of the child victim who is giving the testimony on 6231
a monitor, shall be provided with an electronic means of 6232
immediate communication with the defendant's attorney during the 6233
testimony, and shall be restricted to a location from which the 6234
defendant cannot be seen or heard by the child victim giving the 6235
testimony, except on a monitor provided for that purpose. The 6236
child victim giving the testimony shall be provided with a 6237
monitor on which the child victim can observe, during the 6238
testimony, the defendant. No order for the taking of testimony 6239
by recording shall be issued under this division unless the 6240
provisions set forth in divisions (A) (3) (a), (b), (c), and (d) 6241
of this section apply to the recording of the testimony. 6242

(E) For purposes of divisions (C) and (D) of this section, 6243
a judge may order the testimony of a child victim to be taken 6244

outside the room in which the proceeding is being conducted if 6245
the judge determines that the child victim is unavailable to 6246
testify in the room in the physical presence of the defendant 6247
due to one or more of the following: 6248

(1) The persistent refusal of the child victim to testify 6249
despite judicial requests to do so; 6250

(2) The inability of the child victim to communicate about 6251
the alleged violation or offense because of extreme fear, 6252
failure of memory, or another similar reason; 6253

(3) The substantial likelihood that the child victim will 6254
suffer serious emotional trauma from so testifying. 6255

(F) (1) If a judge issues an order pursuant to division (C) 6256
or (D) of this section that requires the testimony of a child 6257
victim in a criminal proceeding to be taken outside of the room 6258
in which the proceeding is being conducted, the order shall 6259
specifically identify the child victim, in a manner consistent 6260
with section 2930.07 of the Revised Code, to whose testimony it 6261
applies, the order applies only during the testimony of the 6262
specified child victim, and the child victim giving the 6263
testimony shall not be required to testify at the proceeding 6264
other than in accordance with the order. 6265

(2) A judge who makes any determination regarding the 6266
admissibility of a deposition under divisions (A) and (B) of 6267
this section, the ~~videotaping~~ recording of a deposition under 6268
division (A) (3) of this section, or the taking of testimony 6269
outside of the room in which a proceeding is being conducted 6270
under division (C) or (D) of this section, shall enter the 6271
determination and findings on the record in the proceeding. 6272

Sec. 2945.482. (A) As used in this section: 6273

(1) "Developmental disability" has the same meaning as in 6274
section 5123.01 of the Revised Code. 6275

(2) "Victim with a developmental disability" or "victim" 6276
includes a person with a developmental disability who was a 6277
victim of a violation identified in division (B)(1) of this 6278
section or an offense of violence or against whom was directed 6279
any conduct that constitutes, or that is an element of, a 6280
violation identified in division (B)(1) of this section or an 6281
offense of violence. 6282

(B)(1) In any proceeding in the prosecution of a charge of 6283
a violation of section 2903.16, 2903.34, 2903.341, 2905.03, 6284
2907.02, 2907.03, 2907.05, 2907.06, 2907.09, 2907.21, 2907.23, 6285
2907.24, 2907.32, 2907.321, 2907.322, or 2907.323 of the Revised 6286
Code or an offense of violence and in which an alleged victim of 6287
the violation or offense was a person with a developmental 6288
disability, ~~the judge of the court in which the prosecution is~~ 6289
~~being conducted,~~ upon motion of the victim, the victim's 6290
attorney, if applicable, or an attorney for the prosecution, and 6291
upon a showing by a preponderance of the evidence that the 6292
victim will suffer serious emotional trauma if required to 6293
provide live trial testimony, the judge of the court in which 6294
the prosecution is being conducted shall order that the 6295
testimony of the victim with a developmental disability be taken 6296
by deposition. The prosecution, victim, or victim's attorney, if 6297
applicable, also may request that the deposition be ~~videotaped~~ 6298
~~recorded~~ in accordance with division (B)(2) of this section. The 6299
judge shall notify the victim with a developmental disability 6300
whose deposition is to be taken, the victim's attorney, the 6301
prosecution, and the defense of the date, time, and place for 6302
taking the deposition. The notice shall identify the victim with 6303
a developmental disability, in a manner consistent with section 6304

2930.07 of the Revised Code, who is to be examined and shall 6305
indicate whether a request that the deposition be ~~videotaped-~~ 6306
recorded has been made. The defendant shall have the right to 6307
attend the deposition and the right to be represented by 6308
counsel. Depositions shall be taken in the manner provided in 6309
civil cases, except that the judge shall preside at the taking 6310
of the deposition and shall rule at the time on any objections 6311
of the prosecution or the attorney for the defense. The 6312
prosecution and the attorney for the defense shall have the 6313
right, as at trial, to full examination and cross-examination of 6314
the victim with a developmental disability whose deposition is 6315
to be taken. If a deposition taken under this division is 6316
intended to be offered as evidence in the proceeding, it shall 6317
be filed in the court in which the action is pending and is 6318
admissible in the manner described in division (C) of this 6319
section. 6320

If a deposition of a victim with a developmental 6321
disability taken under this division is admitted as evidence at 6322
the proceeding under division (C) of this section, the victim 6323
with a developmental disability shall not be required to testify 6324
in person at the proceeding. 6325

At any time before the conclusion of the proceeding, the 6326
attorney for the defense may file a motion with the judge 6327
requesting that another deposition of the victim with a 6328
developmental disability be taken because new evidence material 6329
to the defense has been discovered that the attorney for the 6330
defense could not with reasonable diligence have discovered 6331
prior to the taking of the admitted deposition. If the court 6332
orders the taking of another deposition under this provision, 6333
the deposition shall be taken in accordance with this division. 6334
If the admitted deposition was a ~~videotaped-~~recorded deposition 6335

taken in accordance with division (B)(2) of this section, the 6336
new deposition shall be ~~videotaped~~recorded in accordance with 6337
that division. In other cases, the new deposition may be 6338
~~videotaped~~recorded in accordance with that division. 6339

(2) If the prosecution, victim, or victim's attorney, if 6340
applicable, requests that a deposition to be taken under 6341
division (B)(2) of this section be ~~videotaped~~recorded, the judge 6342
shall order that the deposition be ~~videotaped~~recorded in 6343
accordance with this division. If a judge issues an order that 6344
the deposition be ~~videotaped~~recorded, the judge shall exclude 6345
from the room in which the deposition is to be taken every 6346
person except the victim with a developmental disability giving 6347
the testimony, the judge, one or more interpreters if needed, 6348
the victim's attorney, the attorneys for the prosecution and the 6349
defense, any person needed to operate the equipment to be used, 6350
the victim's representative, one person who is not a witness 6351
chosen by the victim with a developmental disability giving the 6352
deposition, and any person whose presence the judge determines 6353
would contribute to the welfare and well-being of the victim 6354
with a developmental disability giving the deposition. The 6355
person chosen by the victim with a developmental disability 6356
~~shall not be a witness in the proceeding and,~~ both before and 6357
during the deposition, shall not discuss the testimony of the 6358
victim with a developmental disability with any other witness in 6359
the proceeding. To the extent feasible, any person operating the 6360
recording equipment shall be restricted to a room adjacent to 6361
the room in which the deposition is being taken, or to a 6362
location in the room in which the deposition is being taken that 6363
is behind a screen or mirror, so that the person operating the 6364
recording equipment can see and hear, but cannot be seen or 6365
heard by, the victim with a developmental disability giving the 6366

deposition during the deposition.

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The defendant shall be permitted to observe and hear the
testimony of the victim with a developmental disability giving
the deposition on a monitor, shall be provided with an
electronic means of immediate 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 deposition,
except on a monitor provided for that purpose. The victim with a
developmental disability giving the deposition shall be provided
with a monitor on which the victim can observe, during the
testimony, the defendant. The judge, at the judge's discretion,
may preside at the deposition by electronic means from outside
the room in which the deposition is to be taken. If the judge
presides by electronic means, the judge shall be provided with
monitors on which the judge can see each person in the room in
which the deposition is to be taken and with an electronic means
of communication with each person, and each person in the room
shall be provided with a monitor on which that person can see
the judge and with an electronic means of communication with the
judge. A deposition that is ~~videotaped~~recorded under this
division shall be taken and filed in the manner described in
division (B)(1) of this section and is admissible in the manner
described in this division and division (C) of this section,
and, if a deposition that is ~~videotaped~~recorded under this
division is admitted as evidence at the proceeding, the victim
with a developmental disability shall not be required to testify
in person at the proceeding. No deposition ~~videotaped~~recorded
under this division shall be admitted as evidence at any
proceeding unless division (C) of this section is satisfied
relative to the deposition and all of the following apply

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relative to the recording: 6398

(a) The recording is both aural and visual and is recorded 6399
on film or videotape, or by other electronic means. 6400

(b) The recording is authenticated under the Rules of 6401
Evidence and the Rules of Criminal Procedure as a fair and 6402
accurate representation of what occurred, and the recording is 6403
not altered other than at the direction and under the 6404
supervision of the judge in the proceeding. 6405

(c) Each voice on the recording that is material to the 6406
testimony on the recording or the making of the recording, as 6407
determined by the judge, is identified. 6408

(d) Both the prosecution and the defendant are afforded an 6409
opportunity to view the recording before it is shown in the 6410
proceeding. 6411

(C) (1) At any proceeding in a prosecution in relation to 6412
which a deposition was taken under division (B) of this section, 6413
the deposition or a part of it is admissible in evidence upon 6414
motion of the prosecution, victim, or victim's attorney, if 6415
applicable, if the testimony in the deposition or the part to be 6416
admitted is not excluded by the hearsay rule and if the 6417
deposition or the part to be admitted otherwise is admissible 6418
under the Rules of Evidence. For purposes of this division, 6419
testimony is not excluded by the hearsay rule if the testimony 6420
is not hearsay under Evidence Rule 801; the testimony is within 6421
an exception to the hearsay rule set forth in Evidence Rule 803; 6422
the victim with a developmental disability who gave the 6423
testimony is unavailable as a witness, as defined in Evidence 6424
Rule 804, and the testimony is admissible under that rule; or 6425
both of the following apply: 6426

(a) The defendant had an opportunity and similar motive at 6427
the time of the taking of the deposition to develop the 6428
testimony by direct, cross, or redirect examination. 6429

(b) The judge determines that there is reasonable cause to 6430
believe that, if the victim with a developmental disability who 6431
gave the testimony in the deposition were to testify in person 6432
at the proceeding, the victim with a developmental disability 6433
would experience serious emotional trauma as a result of the 6434
participation of the victim with a developmental disability at 6435
the proceeding. 6436

(2) Objections to receiving in evidence a deposition or a 6437
part of it under division (C) of this section shall be made as 6438
provided in civil actions. 6439

(3) The provisions of divisions (B) and (C) of this 6440
section are in addition to any other provisions of the Revised 6441
Code, the Rules of Criminal Procedure, or the Rules of Evidence 6442
that pertain to the taking or admission of depositions in a 6443
criminal proceeding and do not limit the admissibility under any 6444
of those other provisions of any deposition taken under division 6445
(B) of this section or otherwise taken. 6446

(D) In any proceeding in the prosecution of any charge of 6447
a violation listed in division (B)(1) of this section or an 6448
offense of violence and in which an alleged victim of the 6449
violation or offense was a person with a developmental 6450
disability, the prosecution, victim, or victim's attorney, if 6451
applicable, may file a motion with the judge requesting the 6452
judge to order the testimony of the victim with a developmental 6453
disability to be taken in a room other than the room in which 6454
the proceeding is being conducted and be televised, by closed 6455
circuit equipment, into the room in which the proceeding is 6456

being conducted to be viewed by the jury, if applicable, the 6457
defendant, and any other persons who are not permitted in the 6458
room in which the testimony is to be taken but who would have 6459
been present during the testimony of the victim with a 6460
developmental disability had it been given in the room in which 6461
the proceeding is being conducted. Except for good cause shown, 6462
the prosecution, victim, or victim's attorney, if applicable, 6463
shall file a motion under this division at least seven days 6464
before the date of the proceeding. The judge may issue the order 6465
upon the motion of the prosecution, victim, or victim's attorney 6466
filed under this section, if the judge determines that the 6467
victim with a developmental disability is unavailable to testify 6468
in the room in which the proceeding is being conducted in the 6469
physical presence of the defendant for one or more of the 6470
reasons set forth in division (F) of this section. If a judge 6471
issues an order of that nature, the judge shall exclude from the 6472
room in which the testimony is to be taken every person except a 6473
person described in division (B) (2) of this section. The judge, 6474
at the judge's discretion, may preside during the giving of the 6475
testimony by electronic means from outside the room in which it 6476
is being given, subject to the limitations set forth in division 6477
(B) (2) of this section. To the extent feasible, any person 6478
operating the televising equipment shall be hidden from the 6479
sight and hearing of the victim with a developmental disability 6480
giving the testimony, in a manner similar to that described in 6481
division (B) (2) of this section. The defendant shall be 6482
permitted to observe and hear the testimony of the victim with a 6483
developmental disability giving the testimony on a monitor, 6484
shall be provided with an electronic means of immediate 6485
communication with the defendant's attorney during the 6486
testimony, and shall be restricted to a location from which the 6487
defendant cannot be seen or heard by the victim with a 6488

developmental disability giving the testimony, except on a 6489
monitor provided for that purpose. The victim with a 6490
developmental disability giving the testimony shall be provided 6491
with a monitor on which the victim with a developmental 6492
disability can observe, during the testimony, the defendant. 6493

(E) In any proceeding in the prosecution of any charge of 6494
a violation listed in division (B)(1) of this section or an 6495
offense of violence and in which an alleged victim of the 6496
violation or offense was a victim with a developmental 6497
disability, the prosecution, victim, or victim's attorney, if 6498
applicable, may file a motion with the judge requesting the 6499
judge to order the testimony of the victim with a developmental 6500
disability to be taken outside of the room in which the 6501
proceeding is being conducted and be recorded for showing in the 6502
room in which the proceeding is being conducted before the 6503
judge, the jury, if applicable, the defendant, and any other 6504
persons who would have been present during the testimony of the 6505
victim with a developmental disability had it been given in the 6506
room in which the proceeding is being conducted. Except for good 6507
cause shown, the prosecution, victim, or victim's attorney, if 6508
applicable, shall file a motion under this division at least 6509
seven days before the date of the proceeding. The judge may 6510
issue the order upon the motion of the prosecution, victim, or 6511
victim's attorney filed under this division, if the judge 6512
determines that the victim with a developmental disability is 6513
unavailable to testify in the room in which the proceeding is 6514
being conducted in the physical presence of the defendant, for 6515
one or more of the reasons set forth in division (F) of this 6516
section. If a judge issues an order of that nature, the judge 6517
shall exclude from the room in which the testimony is to be 6518
taken every person except a person described in division (B)(2) 6519

of this section. To the extent feasible, any person operating 6520
the recording equipment shall be hidden from the sight and 6521
hearing of the victim with a developmental disability giving the 6522
testimony, in a manner similar to that described in division (B) 6523
(2) of this section. The defendant shall be permitted to observe 6524
and hear the testimony of the victim with a developmental 6525
disability who is giving the testimony on a monitor, shall be 6526
provided with an electronic means of immediate communication 6527
with the defendant's attorney during the testimony, and shall be 6528
restricted to a location from which the defendant cannot be seen 6529
or heard by the victim with a developmental disability giving 6530
the testimony, except on a monitor provided for that purpose. 6531
The victim with a developmental disability giving the testimony 6532
shall be provided with a monitor on which the victim can 6533
observe, during the testimony, the defendant. No order for the 6534
taking of testimony by recording shall be issued under this 6535
division unless the provisions set forth in divisions (B) (2) (a), 6536
(b), (c), and (d) of this section apply to the recording of the 6537
testimony. 6538

(F) For purposes of divisions (D) and (E) of this section, 6539
a judge may order the testimony of a victim with a developmental 6540
disability to be taken outside the room in which the proceeding 6541
is being conducted if the judge determines that the victim with 6542
a developmental disability is unavailable to testify in the room 6543
in the physical presence of the defendant due to one or more of 6544
the following: 6545

(1) The persistent refusal of the victim with a 6546
developmental disability to testify despite judicial requests to 6547
do so; 6548

(2) The inability of the victim with a developmental 6549

disability to communicate about the alleged violation or offense 6550
because of extreme fear, failure of memory, or another similar 6551
reason; 6552

(3) The substantial likelihood that the victim with a 6553
developmental disability will suffer serious emotional trauma 6554
from so testifying. 6555

(G) (1) If a judge issues an order pursuant to division (D) 6556
or (E) of this section that requires the testimony of a victim 6557
with a developmental disability in a criminal proceeding to be 6558
taken outside of the room in which the proceeding is being 6559
conducted, the order shall specifically identify the victim with 6560
a developmental disability, in a manner consistent with section 6561
2930.07 of the Revised Code, to whose testimony it applies, the 6562
order applies only during the testimony of the specified victim 6563
with a developmental disability, and the victim with a 6564
developmental disability giving the testimony shall not be 6565
required to testify at the proceeding other than in accordance 6566
with the order. 6567

(2) A judge who makes any determination regarding the 6568
admissibility of a deposition under divisions (B) and (C) of 6569
this section, the ~~videotaping~~ recording of a deposition under 6570
division (B) (2) of this section, or the taking of testimony 6571
outside of the room in which a proceeding is being conducted 6572
under division (D) or (E) of this section shall enter the 6573
determination and findings on the record in the proceeding. 6574

Sec. 2945.483. (A) As used in this section: 6575

(1) "Child" means any individual under eighteen years of 6576
age. 6577

(2) "Developmental disability" has the same meaning as in 6578

section 5123.01 of the Revised Code. 6579

(B) In any proceeding in which a child or person with a developmental disability testifies in open court, the child or person with a developmental disability shall have the following rights to be enforced sua sponte by the court or upon motion or notice of any attorney involved in the proceeding: 6580
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(1) To be asked questions in a manner the child or person with a developmental disability can reasonably understand, including, but not limited to, a child-friendly oath; 6585
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(2) To be free of harassment or intimidation tactics in the proceeding; 6588
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(3) (a) To have an advocate or victim's representative of the child's or person with a developmental disability's choosing present in the courtroom and in a position clearly visible in close proximity to the child or person with a developmental disability, subject to division (B) (3) (b) of this section; 6590
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(b) That if the prosecutor in the case or the court has a reasonable basis to believe that the victim's representative is not acting to protect the interests of the victim who is a child or a person with a developmental disability, the court shall hold a hearing to determine whether the victim's representative is acting to protect the interests of the victim. This determination shall be made by a preponderance of the evidence. If the court finds that the victim's representative is not acting to protect the interests of the victim, the court may appoint a court-appointed special advocate, guardian ad litem, or a victim advocate to act as the victim's representative in lieu of the previously appointed victim's representative. 6595
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(4) To have the courtroom or hearing room adjusted to 6607

ensure the comfort and protection of the child or person with a 6608
developmental disability; 6609

(5) To have flexibility in the formalities of the 6610
proceedings in an effort to ensure the comfort of the child or 6611
person with a developmental disability; 6612

(6) To permit a properly trained animal or comfort item, 6613
or both, to be present inside the courtroom or hearing room and 6614
to accompany the child or person with a developmental disability 6615
throughout the hearing; 6616

(7) To permit the use of a properly constructed screen 6617
that would allow the judge and jury in the courtroom or hearing 6618
room to see the child or person with a developmental disability 6619
but would obscure the child's or person with a developmental 6620
disability's view of the defendant or alleged juvenile offender 6621
or the public or both; 6622

(8) To have a secure and comfortable waiting area provided 6623
for the child or person with a developmental disability during 6624
the court proceedings and to have a support person of the 6625
child's or person with a developmental disability's choosing 6626
stay with the child or person with a developmental disability 6627
while waiting, subject to division (B) (3) (b) of this section; 6628

(9) To have an advocate or victim's representative inform 6629
the court about the child's or person with a developmental 6630
disability's ability to understand the nature of the 6631
proceedings, special accommodations that may be needed for the 6632
child's or person with a developmental disability's testimony, 6633
and any other information relevant to any of the rights set 6634
forth in this section. 6635

(C) In circumstances where the accused in a proceeding has 6636

chosen to proceed without counsel, the court may appoint standby 6637
counsel for that party and may order standby counsel to question 6638
a child or person with a developmental disability on behalf of 6639
the pro se party if the court finds that there is a substantial 6640
likelihood that serious emotional trauma would come to the child 6641
or person with a developmental disability if the pro se party 6642
were allowed to question the child or person with a 6643
developmental disability directly. 6644

(D) (1) If the child or person with a developmental 6645
disability is the victim of a criminal offense or delinquent 6646
act, the court shall ensure that all steps necessary to secure 6647
the physical safety of the child or person with a developmental 6648
disability, both in the courtroom and during periods of time 6649
that the child or person with a developmental disability may 6650
spend waiting for court, have been taken. 6651

(2) The court and all attorneys involved in a court 6652
proceeding involving a child or person with a developmental 6653
disability shall not disclose to any third party any discovery, 6654
including, but not limited to, the child's or person with a 6655
developmental disability's name, address, and date of birth, any 6656
and all interviews of the child or person with a developmental 6657
disability, and any other identifying information of the child 6658
or person with a developmental disability in a manner consistent 6659
with section 2930.07 of the Revised Code. The court shall 6660
enforce any violations of this section through the court's 6661
contempt powers. 6662

Sec. 2945.72. The time within which an accused must be 6663
brought to trial, or, in the case of felony, to preliminary 6664
hearing and trial, may be extended only by the following: 6665

(A) Any period during which the accused is unavailable for 6666

hearing or trial, by reason of other criminal proceedings 6667
against ~~him~~ the accused, within or outside the state, by reason 6668
of ~~his~~ confinement in another state, or by reason of the 6669
pendency of extradition proceedings, provided that the 6670
prosecution exercises reasonable diligence to secure ~~his~~ 6671
availability of the accused; 6672

(B) Any period during which the accused is mentally 6673
incompetent to stand trial or during which ~~his~~ the accused's 6674
mental competence to stand trial is being determined, or any 6675
period during which the accused is physically incapable of 6676
standing trial; 6677

(C) Any period of delay necessitated by the accused's lack 6678
of counsel, provided that such delay is not occasioned by any 6679
lack of diligence in providing counsel to an indigent accused 6680
upon ~~his~~ the accused's request as required by law; 6681

(D) Any period of delay occasioned by the neglect or 6682
improper act of the accused; 6683

(E) Any period of delay necessitated by reason of a plea 6684
in bar or abatement, motion, proceeding, or action made or 6685
instituted by the accused; 6686

(F) Any period of delay necessitated by a removal or 6687
change of venue pursuant to law; 6688

(G) Any period during which trial is stayed pursuant to an 6689
express statutory requirement, or pursuant to an order of 6690
another court competent to issue such order; 6691

(H) The period of any continuance granted on the accused's 6692
own motion, and the period of any reasonable continuance granted 6693
other than upon the accused's own motion; 6694

(I) Any period during which an appeal filed pursuant to 6695
section 2945.67 of the Revised Code is pending; 6696

(J) Any period during which an appeal filed pursuant to 6697
section 2930.19 of the Revised Code is pending. 6698

Sec. 2947.051. (A) In all criminal cases in which a person 6699
is convicted of or pleads guilty to a felony, if the offender, 6700
in committing the offense, caused, attempted to cause, 6701
threatened to cause, or created a risk of physical harm to the 6702
victim of the offense, the court, prior to sentencing the 6703
offender, shall order the preparation of a victim impact 6704
statement by the department of probation of the county in which 6705
the victim of the offense resides, by the court's own regular 6706
probation officer, or by a victim assistance program that is 6707
operated by the state, any county or municipal corporation, or 6708
any other governmental entity. The court, in accordance with 6709
sections 2929.13 and 2929.19 of the Revised Code, shall consider 6710
the victim impact statement in determining the sentence to be 6711
imposed upon the offender. 6712

(B) Each victim impact statement prepared under this 6713
section shall identify the victim of the offense, itemize any 6714
economic loss suffered by the victim as a result of the offense, 6715
identify any physical injury suffered by the victim as a result 6716
of the offense and the seriousness and permanence of the injury, 6717
identify any change in the victim's personal welfare or familial 6718
relationships as a result of the offense and any psychological 6719
impact experienced by the victim or the victim's family as a 6720
result of the offense, and contain any other information related 6721
to the impact of the offense upon the victim that the court 6722
requires. Each victim impact statement prepared under this 6723
section shall include any statement made by the victim or the 6724

victim's representative pursuant to section 2930.13 of the 6725
Revised Code. 6726

(C) A victim impact statement prepared under this section 6727
shall be kept confidential and is not a public record as defined 6728
in section 149.43 of the Revised Code. However, the court may 6729
furnish copies of the statement to both the defendant or the 6730
defendant's counsel and the prosecuting attorney. Immediately 6731
following the imposition of sentence upon the defendant, the 6732
defendant, the defendant's counsel, and the prosecuting attorney 6733
shall return to the court the copies of the victim impact 6734
statement that were made available to the defendant, the 6735
counsel, or the prosecuting attorney. 6736

Sec. 2951.041. (A) (1) If an offender is charged with a 6737
criminal offense, including but not limited to a violation of 6738
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 6739
of the Revised Code, and the court has reason to believe that 6740
drug or alcohol usage by the offender was a factor leading to 6741
the criminal offense with which the offender is charged or that, 6742
at the time of committing that offense, the offender had a 6743
mental illness, was a person with an intellectual disability, or 6744
was a victim of a violation of section 2905.32 or 2907.21 of the 6745
Revised Code and that the mental illness, status as a person 6746
with an intellectual disability, or fact that the offender was a 6747
victim of a violation of section 2905.32 or 2907.21 of the 6748
Revised Code was a factor leading to the offender's criminal 6749
behavior, the court may accept, prior to the entry of a guilty 6750
plea, the offender's request for intervention in lieu of 6751
conviction. The request shall include a statement from the 6752
offender as to whether the offender is alleging that drug or 6753
alcohol usage by the offender was a factor leading to the 6754
criminal offense with which the offender is charged or is 6755

alleging that, at the time of committing that offense, the 6756
offender had a mental illness, was a person with an intellectual 6757
disability, or was a victim of a violation of section 2905.32 or 6758
2907.21 of the Revised Code and that the mental illness, status 6759
as a person with an intellectual disability, or fact that the 6760
offender was a victim of a violation of section 2905.32 or 6761
2907.21 of the Revised Code was a factor leading to the criminal 6762
offense with which the offender is charged. The request also 6763
shall include a waiver of the defendant's right to a speedy 6764
trial, the preliminary hearing, the time period within which the 6765
grand jury may consider an indictment against the offender, and 6766
arraignment, unless the hearing, indictment, or arraignment has 6767
already occurred. The court may reject an offender's request 6768
without a hearing. If the court elects to consider an offender's 6769
request, the court shall conduct a hearing to determine whether 6770
the offender is eligible under this section for intervention in 6771
lieu of conviction and shall stay all criminal proceedings 6772
pending the outcome of the hearing. If the court schedules a 6773
hearing, the court shall order an assessment of the offender for 6774
the purpose of determining the offender's program eligibility 6775
for intervention in lieu of conviction and recommending an 6776
appropriate intervention plan. 6777

If the offender alleges that drug or alcohol usage by the 6778
offender was a factor leading to the criminal offense with which 6779
the offender is charged, the court may order that the offender 6780
be assessed by a community addiction services provider or a 6781
properly credentialed professional for the purpose of 6782
determining the offender's program eligibility for intervention 6783
in lieu of conviction and recommending an appropriate 6784
intervention plan. The community addiction services provider or 6785
the properly credentialed professional shall provide a written 6786

assessment of the offender to the court. 6787

(2) The victim notification provisions of division ~~(C)~~ (E) 6788
of section 2930.06 of the Revised Code apply in relation to any 6789
hearing held under division (A) (1) of this section. 6790

(B) An offender is eligible for intervention in lieu of 6791
conviction if the court finds all of the following: 6792

(1) The offender previously has not been convicted of or 6793
pleaded guilty to any felony offense of violence. 6794

(2) The offense is not a felony of the first, second, or 6795
third degree, is not an offense of violence, is not a violation 6796
of division (A) (1) or (2) of section 2903.06 of the Revised 6797
Code, is not a violation of division (A) (1) of section 2903.08 6798
of the Revised Code, is not a violation of division (A) of 6799
section 4511.19 of the Revised Code or a municipal ordinance 6800
that is substantially similar to that division, and is not an 6801
offense for which a sentencing court is required to impose a 6802
mandatory prison term. 6803

(3) The offender is not charged with a violation of 6804
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 6805
charged with a violation of section 2925.03 of the Revised Code 6806
that is a felony of the first, second, third, or fourth degree, 6807
and is not charged with a violation of section 2925.11 of the 6808
Revised Code that is a felony of the first or second degree. 6809

(4) If an offender alleges that drug or alcohol usage by 6810
the offender was a factor leading to the criminal offense with 6811
which the offender is charged, the court has ordered that the 6812
offender be assessed by a community addiction services provider 6813
or a properly credentialed professional for the purpose of 6814
determining the offender's program eligibility for intervention 6815

in lieu of conviction and recommending an appropriate 6816
intervention plan, the offender has been assessed by a community 6817
addiction services provider of that nature or a properly 6818
credentialed professional in accordance with the court's order, 6819
and the community addiction services provider or properly 6820
credentialed professional has filed the written assessment of 6821
the offender with the court. 6822

(5) If an offender alleges that, at the time of committing 6823
the criminal offense with which the offender is charged, the 6824
offender had a mental illness, was a person with an intellectual 6825
disability, or was a victim of a violation of section 2905.32 or 6826
2907.21 of the Revised Code and that the mental illness, status 6827
as a person with an intellectual disability, or fact that the 6828
offender was a victim of a violation of section 2905.32 or 6829
2907.21 of the Revised Code was a factor leading to that 6830
offense, the offender has been assessed by a psychiatrist, 6831
psychologist, independent social worker, licensed professional 6832
clinical counselor, or independent marriage and family therapist 6833
for the purpose of determining the offender's program 6834
eligibility for intervention in lieu of conviction and 6835
recommending an appropriate intervention plan. 6836

(6) The offender's drug usage, alcohol usage, mental 6837
illness, or intellectual disability, or the fact that the 6838
offender was a victim of a violation of section 2905.32 or 6839
2907.21 of the Revised Code, whichever is applicable, was a 6840
factor leading to the criminal offense with which the offender 6841
is charged, intervention in lieu of conviction would demean 6842
the seriousness of the offense, and intervention would 6843
substantially reduce the likelihood of any future criminal 6844
activity. 6845

(7) The alleged victim of the offense was not sixty-five 6846
years of age or older, permanently and totally disabled, under 6847
thirteen years of age, or a peace officer engaged in the 6848
officer's official duties at the time of the alleged offense. 6849

(8) If the offender is charged with a violation of section 6850
2925.24 of the Revised Code, the alleged violation did not 6851
result in physical harm to any person. 6852

(9) The offender is willing to comply with all terms and 6853
conditions imposed by the court pursuant to division (D) of this 6854
section. 6855

(10) The offender is not charged with an offense that 6856
would result in the offender being disqualified under Chapter 6857
4506. of the Revised Code from operating a commercial motor 6858
vehicle or would subject the offender to any other sanction 6859
under that chapter. 6860

(C) At the conclusion of a hearing held pursuant to 6861
division (A) of this section, the court shall enter its 6862
determination as to whether the offender will be granted 6863
intervention in lieu of conviction. If the court finds under 6864
this division and division (B) of this section that the offender 6865
is eligible for intervention in lieu of conviction and grants 6866
the offender's request, the court shall accept the offender's 6867
plea of guilty and waiver of the defendant's right to a speedy 6868
trial, the preliminary hearing, the time period within which the 6869
grand jury may consider an indictment against the offender, and 6870
arraignment, unless the hearing, indictment, or arraignment has 6871
already occurred. In addition, the court then may stay all 6872
criminal proceedings and order the offender to comply with all 6873
terms and conditions imposed by the court pursuant to division 6874
(D) of this section. If the court finds that the offender is not 6875

eligible or does not grant the offender's request, the criminal 6876
proceedings against the offender shall proceed as if the 6877
offender's request for intervention in lieu of conviction had 6878
not been made. 6879

(D) If the court grants an offender's request for 6880
intervention in lieu of conviction, the court shall place the 6881
offender under the general control and supervision of the county 6882
probation department, the adult parole authority, or another 6883
appropriate local probation or court services agency, if one 6884
exists, as if the offender was subject to a community control 6885
sanction imposed under section 2929.15, 2929.18, or 2929.25 of 6886
the Revised Code. The court shall establish an intervention plan 6887
for the offender. The terms and conditions of the intervention 6888
plan shall require the offender, for at least one year from the 6889
date on which the court grants the order of intervention in lieu 6890
of conviction, to abstain from the use of illegal drugs and 6891
alcohol, to participate in treatment and recovery support 6892
services, and to submit to regular random testing for drug and 6893
alcohol use and may include any other treatment terms and 6894
conditions, or terms and conditions similar to community control 6895
sanctions, which may include community service or restitution, 6896
that are ordered by the court. 6897

(E) If the court grants an offender's request for 6898
intervention in lieu of conviction and the court finds that the 6899
offender has successfully completed the intervention plan for 6900
the offender, including the requirement that the offender 6901
abstain from using illegal drugs and alcohol for a period of at 6902
least one year from the date on which the court granted the 6903
order of intervention in lieu of conviction, the requirement 6904
that the offender participate in treatment and recovery support 6905
services, and all other terms and conditions ordered by the 6906

court, the court shall dismiss the proceedings against the 6907
offender. Successful completion of the intervention plan and 6908
period of abstinence under this section shall be without 6909
adjudication of guilt and is not a criminal conviction for 6910
purposes of any disqualification or disability imposed by law 6911
and upon conviction of a crime, and the court may order the 6912
sealing of records related to the offense in question in the 6913
manner provided in sections 2953.31 to 2953.36 of the Revised 6914
Code. 6915

(F) If the court grants an offender's request for 6916
intervention in lieu of conviction and the offender fails to 6917
comply with any term or condition imposed as part of the 6918
intervention plan for the offender, the supervising authority 6919
for the offender promptly shall advise the court of this 6920
failure, and the court shall hold a hearing to determine whether 6921
the offender failed to comply with any term or condition imposed 6922
as part of the plan. If the court determines that the offender 6923
has failed to comply with any of those terms and conditions, it 6924
may continue the offender on intervention in lieu of conviction, 6925
continue the offender on intervention in lieu of conviction with 6926
additional terms, conditions, and sanctions, or enter a finding 6927
of guilty and impose an appropriate sanction under Chapter 2929. 6928
of the Revised Code. If the court sentences the offender to a 6929
prison term, the court, after consulting with the department of 6930
rehabilitation and correction regarding the availability of 6931
services, may order continued court-supervised activity and 6932
treatment of the offender during the prison term and, upon 6933
consideration of reports received from the department concerning 6934
the offender's progress in the program of activity and 6935
treatment, may consider judicial release under section 2929.20 6936
of the Revised Code. 6937

(G) As used in this section:	6938
(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	6939 6940
(2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	6941 6942
(3) "Intervention in lieu of conviction" means any court-supervised activity that complies with this section.	6943 6944
(4) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code.	6945 6946
(5) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	6947 6948
(6) "Mental illness" and "psychiatrist" have the same meanings as in section 5122.01 of the Revised Code.	6949 6950
(7) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	6951 6952
Sec. 2953.32. (A) (1) Except as provided in section 2953.61 of the Revised Code, an eligible offender may apply to the sentencing court if convicted in this state, or to a court of common pleas if convicted in another state or in a federal court, for the sealing of the record of the case that pertains to the conviction. Application may be made at one of the following times:	6953 6954 6955 6956 6957 6958 6959
(a) At the expiration of three years after the offender's final discharge if convicted of one felony;	6960 6961
(b) When division (A) (1) (a) of section 2953.31 of the Revised Code applies to the offender, at the expiration of four years after the offender's final discharge if convicted of two	6962 6963 6964

felonies, or at the expiration of five years after final 6965
discharge if convicted of three, four, or five felonies; 6966

(c) At the expiration of one year after the offender's 6967
final discharge if convicted of a misdemeanor. 6968

(2) Any person who has been arrested for any misdemeanor 6969
offense and who has effected a bail forfeiture for the offense 6970
charged may apply to the court in which the misdemeanor criminal 6971
case was pending when bail was forfeited for the sealing of the 6972
record of the case that pertains to the charge. Except as 6973
provided in section 2953.61 of the Revised Code, the application 6974
may be filed at any time after the expiration of one year from 6975
the date on which the bail forfeiture was entered upon the 6976
minutes of the court or the journal, whichever entry occurs 6977
first. 6978

(B) Upon the filing of an application under this section, 6979
the court shall set a date for a hearing and shall notify the 6980
prosecutor for the case of the hearing on the application not 6981
less than sixty days prior to the hearing. The prosecutor shall 6982
provide timely notice to a victim and victim's representative, 6983
if applicable, if the victim or victim's representative 6984
requested notice of the proceedings in the underlying case. The 6985
prosecutor may object to the granting of the application by 6986
filing an objection with the court prior to the date set for the 6987
hearing. The prosecutor shall specify in the objection the 6988
reasons for believing a denial of the application is justified. 6989
The victim, victim's representative, and victim's attorney, if 6990
applicable, may be present and heard orally, in writing, or both 6991
at any hearing under this section. The court shall direct its 6992
regular probation officer, a state probation officer, or the 6993
department of probation of the county in which the applicant 6994

resides to make inquiries and written reports as the court 6995
requires concerning the applicant. The probation officer or 6996
county department of probation that the court directs to make 6997
inquiries concerning the applicant shall determine whether or 6998
not the applicant was fingerprinted at the time of arrest or 6999
under section 109.60 of the Revised Code. If the applicant was 7000
so fingerprinted, the probation officer or county department of 7001
probation shall include with the written report a record of the 7002
applicant's fingerprints. If the applicant was convicted of or 7003
pleaded guilty to a violation of division (A) (2) or (B) of 7004
section 2919.21 of the Revised Code, the probation officer or 7005
county department of probation that the court directed to make 7006
inquiries concerning the applicant shall contact the child 7007
support enforcement agency enforcing the applicant's obligations 7008
under the child support order to inquire about the offender's 7009
compliance with the child support order. 7010

(C) (1) The court shall do each of the following: 7011

(a) Determine whether the applicant is an eligible 7012
offender or whether the forfeiture of bail was agreed to by the 7013
applicant and the prosecutor in the case. If the applicant 7014
applies as an eligible offender pursuant to division (A) (1) of 7015
this section and has two or three convictions that result from 7016
the same indictment, information, or complaint, from the same 7017
plea of guilty, or from the same official proceeding, and result 7018
from related criminal acts that were committed within a three- 7019
month period but do not result from the same act or from 7020
offenses committed at the same time, in making its determination 7021
under this division, the court initially shall determine whether 7022
it is not in the public interest for the two or three 7023
convictions to be counted as one conviction. If the court 7024
determines that it is not in the public interest for the two or 7025

three convictions to be counted as one conviction, the court 7026
shall determine that the applicant is not an eligible offender; 7027
if the court does not make that determination, the court shall 7028
determine that the offender is an eligible offender. 7029

(b) Determine whether criminal proceedings are pending 7030
against the applicant; 7031

(c) If the applicant is an eligible offender who applies 7032
pursuant to division (A) (1) of this section, determine whether 7033
the applicant has been rehabilitated to the satisfaction of the 7034
court; 7035

(d) If the prosecutor has filed an objection in accordance 7036
with division (B) of this section, consider the reasons against 7037
granting the application specified by the prosecutor in the 7038
objection; 7039

(e) Weigh the interests of the applicant in having the 7040
records pertaining to the applicant's conviction or bail 7041
forfeiture sealed against the legitimate needs, if any, of the 7042
government to maintain those records; 7043

(f) Consider the oral or written statement of any victim, 7044
victim's representative, and victim's attorney, if applicable. 7045

(2) If the court determines, after complying with division 7046
(C) (1) of this section, that the applicant is an eligible 7047
offender or the subject of a bail forfeiture, that no criminal 7048
proceeding is pending against the applicant, that the interests 7049
of the applicant in having the records pertaining to the 7050
applicant's conviction or bail forfeiture sealed are not 7051
outweighed by any legitimate governmental needs to maintain 7052
those records, and that the rehabilitation of an applicant who 7053
is an eligible offender applying pursuant to division (A) (1) of 7054

this section has been attained to the satisfaction of the court, 7055
the court, except as provided in division (C) (4), (G), (H), or 7056
(I) of this section, shall order all official records of the 7057
case that pertain to the conviction or bail forfeiture sealed 7058
and, except as provided in division (F) of this section, all 7059
index references to the case that pertain to the conviction or 7060
bail forfeiture deleted and, in the case of bail forfeitures, 7061
shall dismiss the charges in the case. The proceedings in the 7062
case that pertain to the conviction or bail forfeiture shall be 7063
considered not to have occurred and the conviction or bail 7064
forfeiture of the person who is the subject of the proceedings 7065
shall be sealed, except that upon conviction of a subsequent 7066
offense, the sealed record of prior conviction or bail 7067
forfeiture may be considered by the court in determining the 7068
sentence or other appropriate disposition, including the relief 7069
provided for in sections 2953.31 to 2953.33 of the Revised Code. 7070

(3) An applicant may request the sealing of the records of 7071
more than one case in a single application under this section. 7072
Upon the filing of an application under this section, the 7073
applicant, unless indigent, shall pay a fee of fifty dollars, 7074
regardless of the number of records the application requests to 7075
have sealed. The court shall pay thirty dollars of the fee into 7076
the state treasury. It shall pay twenty dollars of the fee into 7077
the county general revenue fund if the sealed conviction or bail 7078
forfeiture was pursuant to a state statute, or into the general 7079
revenue fund of the municipal corporation involved if the sealed 7080
conviction or bail forfeiture was pursuant to a municipal 7081
ordinance. 7082

(4) If the court orders the official records pertaining to 7083
the case sealed, the court shall do one of the following: 7084

(a) If the applicant was fingerprinted at the time of 7085
arrest or under section 109.60 of the Revised Code and the 7086
record of the applicant's fingerprints was provided to the court 7087
under division (B) of this section, forward a copy of the 7088
sealing order and the record of the applicant's fingerprints to 7089
the bureau of criminal identification and investigation. 7090

(b) If the applicant was not fingerprinted at the time of 7091
arrest or under section 109.60 of the Revised Code, or the 7092
record of the applicant's fingerprints was not provided to the 7093
court under division (B) of this section, but fingerprinting was 7094
required for the offense, order the applicant to appear before a 7095
sheriff to have the applicant's fingerprints taken according to 7096
the fingerprint system of identification on the forms furnished 7097
by the superintendent of the bureau of criminal identification 7098
and investigation. The sheriff shall forward the applicant's 7099
fingerprints to the court. The court shall forward the 7100
applicant's fingerprints and a copy of the sealing order to the 7101
bureau of criminal identification and investigation. 7102

Failure of the court to order fingerprints at the time of 7103
sealing does not constitute a reversible error. 7104

(5) At the time an applicant files an application under 7105
division (A) of this section, the following shall apply: 7106

(a) The clerk of court shall notify the applicant in 7107
writing that the court will send notice of any order under 7108
division (C)(2) of this section to the qualified third party 7109
selected by the attorney general under section 109.38 of the 7110
Revised Code and shall inform the applicant of the procedures 7111
under section 109.381 of the Revised Code. 7112

(b) The applicant shall then notify the clerk if the 7113

applicant wishes to opt out of receiving the benefits of having 7114
the court send notice of its order under division (C) (2) of this 7115
section to the qualified third party and having the procedures 7116
under section 109.381 of the Revised Code apply to the records 7117
that are subject to the order. 7118

(c) If the applicant does not opt out under division (C) 7119
(5) (b) of this section, the applicant shall pay to the clerk of 7120
court the fee provided in the contract between the attorney 7121
general and the qualified third party under division (D) (2) (b) 7122
of section 109.38 of the Revised Code. 7123

(6) (a) Upon the issuance of an order under division (C) (2) 7124
of this section, and unless the applicant opts out under 7125
division (C) (5) (b) of this section, the clerk shall remit the 7126
fee paid by the applicant under division (C) (5) (c) of this 7127
section to the qualified third party. The court shall send 7128
notice of the order under division (C) (2) of this section to the 7129
qualified third party. 7130

(b) If the applicant's application under division (A) of 7131
this section is denied for any reason or if the applicant 7132
informs the clerk of court in writing, before the issuance of 7133
the order under division (C) (2) of this section, that the 7134
applicant wishes to opt out of having the court send notice of 7135
its order under division (C) (2) of this section to the qualified 7136
third party, the clerk shall remit the fee paid by the applicant 7137
under division (C) (5) (c) of this section that is intended for 7138
the qualified third party back to the applicant. 7139

(D) Inspection of the sealed records included in the order 7140
may be made only by the following persons or for the following 7141
purposes: 7142

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

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

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

(4) 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;

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

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

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

(8) By the bureau of criminal identification and 7172
investigation or any authorized employee of the bureau for the 7173
purpose of providing information to a board or person pursuant 7174
to division (F) or (G) of section 109.57 of the Revised Code; 7175

(9) By the bureau of criminal identification and 7176
investigation or any authorized employee of the bureau for the 7177
purpose of performing a criminal history records check on a 7178
person to whom a certificate as prescribed in section 109.77 of 7179
the Revised Code is to be awarded; 7180

(10) By the bureau of criminal identification and 7181
investigation or any authorized employee of the bureau for the 7182
purpose of conducting a criminal records check of an individual 7183
pursuant to division (B) of section 109.572 of the Revised Code 7184
that was requested pursuant to any of the sections identified in 7185
division (B)(1) of that section; 7186

(11) By the bureau of criminal identification and 7187
investigation, an authorized employee of the bureau, a sheriff, 7188
or an authorized employee of a sheriff in connection with a 7189
criminal records check described in section 311.41 of the 7190
Revised Code; 7191

(12) By the attorney general or an authorized employee of 7192
the attorney general or a court for purposes of determining a 7193
person's classification pursuant to Chapter 2950. of the Revised 7194
Code; 7195

(13) By a court, the registrar of motor vehicles, a 7196
prosecuting attorney or the prosecuting attorney's assistants, 7197
or a law enforcement officer for the purpose of assessing points 7198
against a person under section 4510.036 of the Revised Code or 7199
for taking action with regard to points assessed. 7200

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

(E) In any criminal proceeding, proof of any otherwise admissible prior conviction may be introduced and proved, notwithstanding the fact that for any such prior conviction an order of sealing previously was issued pursuant to sections 2953.31 to 2953.36 of the Revised Code.

(F) The person or governmental agency, office, or department that maintains sealed records pertaining to convictions or bail forfeitures that have been sealed pursuant to this section may maintain a manual or computerized index to the sealed records. The index shall contain only the name of, and alphanumeric identifiers that relate to, the persons who are the subject of the sealed records, the word "sealed," and the name of the person, agency, office, or department that has custody of the sealed records, and shall not contain the name of the crime committed. The index shall be made available by the person who has custody of the sealed records only for the purposes set forth in divisions (C), (D), and (E) of this section.

(G) Notwithstanding any provision of this section or section 2953.33 of the Revised Code that requires otherwise, a board of education of a city, local, exempted village, or joint vocational school district that maintains records of an individual who has been permanently excluded under sections 3301.121 and 3313.662 of the Revised Code is permitted to maintain records regarding a conviction that was used as the basis for the individual's permanent exclusion, regardless of a

court order to seal the record. An order issued under this 7231
section to seal the record of a conviction does not revoke the 7232
adjudication order of the superintendent of public instruction 7233
to permanently exclude the individual who is the subject of the 7234
sealing order. An order issued under this section to seal the 7235
record of a conviction of an individual may be presented to a 7236
district superintendent as evidence to support the contention 7237
that the superintendent should recommend that the permanent 7238
exclusion of the individual who is the subject of the sealing 7239
order be revoked. Except as otherwise authorized by this 7240
division and sections 3301.121 and 3313.662 of the Revised Code, 7241
any school employee in possession of or having access to the 7242
sealed conviction records of an individual that were the basis 7243
of a permanent exclusion of the individual is subject to section 7244
2953.35 of the Revised Code. 7245

(H) For purposes of sections 2953.31 to 2953.36 of the 7246
Revised Code, DNA records collected in the DNA database and 7247
fingerprints filed for record by the superintendent of the 7248
bureau of criminal identification and investigation shall not be 7249
sealed unless the superintendent receives a certified copy of a 7250
final court order establishing that the offender's conviction 7251
has been overturned. For purposes of this section, a court order 7252
is not "final" if time remains for an appeal or application for 7253
discretionary review with respect to the order. 7254

(I) The sealing of a record under this section does not 7255
affect the assessment of points under section 4510.036 of the 7256
Revised Code and does not erase points assessed against a person 7257
as a result of the sealed record. 7258

Section 2. That section 2930.07 and existing sections 7259
109.42, 149.43, 2151.356, 2151.358, 2152.20, 2152.81, 2152.811, 7260

2907.02, 2907.05, 2907.10, 2929.18, 2929.20, 2929.22, 2929.28, 7261
2930.01, 2930.02, 2930.03, 2930.04, 2930.05, 2930.06, 2930.062, 7262
2930.08, 2930.09, 2930.11, 2930.12, 2930.13, 2930.14, 2930.15, 7263
2930.16, 2930.17, 2930.18, 2930.19, 2937.11, 2945.481, 2945.482, 7264
2945.72, 2947.051, 2951.041, and 2953.32 of the Revised Code are 7265
hereby repealed. 7266

Section 3. The General Assembly, applying the principle 7267
stated in division (B) of section 1.52 of the Revised Code that 7268
amendments are to be harmonized if reasonably capable of 7269
simultaneous operation, finds that the following sections, 7270
presented in this act as composites of the sections as amended 7271
by the acts indicated, are the resulting versions of the 7272
sections in effect prior to the effective date of the sections 7273
as presented in this act: 7274

Section 149.43 of the Revised Code as amended by Am. Sub. 7275
H.B. 8, Sub. H.B. 34, and Sub. H.B. 312, all of the 132nd 7276
General Assembly. 7277

Section 2929.18 of the Revised Code as amended by both 7278
Sub. H.B. 60 and Sub. H.B. 359 of the 131st General Assembly. 7279

Section 2951.041 of the Revised Code as amended by Sub. 7280
S.B. 4, Sub. S.B. 33, and Am. Sub. S.B. 66, all of the 132nd 7281
General Assembly. 7282

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