

As Reported by the House Civil Justice Committee

135th General Assembly

Regular Session

2023-2024

Sub. S. B. No. 16

Senator Wilson

Cosponsors: Senators Antonio, Brenner, Cirino, Craig, DeMora, Dolan, Gavarone, Hackett, Hicks-Hudson, Huffman, S., Ingram, Johnson, Kunze, Landis, Lang, Manning, McColley, Reineke, Reynolds, Roegner, Romanchuk, Rulli, Schaffer, Sykes

Representatives Hillyer, Galonski

A BILL

To amend sections 109.42, 2152.20, 2152.81, 1
2152.811, 2305.37, 2743.71, 2903.213, 2919.26, 2
2929.28, 2929.281, 2930.02, 2930.04, 2930.041, 3
2930.06, 2930.063, 2930.07, 2930.161, 2930.171, 4
2930.19, 2945.481, and 2945.482 and to repeal 5
section 2930.043 of the Revised Code to alter 6
the law governing immunity from liability for 7
donations of perishable food, to make changes 8
relative to the rights of crime victims, and to 9
declare an emergency. 10

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

Section 1. That sections 109.42, 2152.20, 2152.81, 11
2152.811, 2305.37, 2743.71, 2903.213, 2919.26, 2929.28, 12
2929.281, 2930.02, 2930.04, 2930.041, 2930.06, 2930.063, 13
2930.07, 2930.161, 2930.171, 2930.19, 2945.481, and 2945.482 of 14
the Revised Code be amended to read as follows: 15

Sec. 109.42. (A) The attorney general shall prepare ~~and~~ 16
~~have printed a pamphlet that contains~~ and make available a 17
compilation of all constitutional provisions and statutes 18
relative to victim's rights in which the attorney general lists 19
and explains the constitutional provisions and statutes in the 20
form of a victim's bill of rights. The attorney general shall 21
make the ~~pamphlet~~ compilation available to all sheriffs, 22
marshals, municipal corporation and township police departments, 23
constables, and other law enforcement agencies, to all 24
prosecuting attorneys, city directors of law, village 25
solicitors, and other similar chief legal officers of municipal 26
corporations, and to organizations that represent or provide 27
services for victims of crime. The victim's bill of rights set 28
forth in the ~~pamphlet~~ compilation shall contain a description of 29
all of the rights of victims that are provided for in the Ohio 30
Constitution, or in Chapter 2930. or any other section of the 31
Revised Code and shall include, but not be limited to, all of 32
the following: 33

(1) The right of a victim and a victim's representative, 34
if applicable, to attend a proceeding before a grand jury, in a 35
juvenile delinquency case, or in a criminal case without being 36
discharged from the victim's or victim's representative's 37
employment, having the victim's or victim's representative's 38
employment terminated, having the victim's or victim's 39
representative's pay decreased or withheld, or otherwise being 40
punished, penalized, or threatened as a result of time lost from 41
regular employment because of the victim's or victim's 42
representative's attendance at the proceeding, as set forth in 43
section 2151.211, 2930.18, 2939.121, or 2945.451 of the Revised 44
Code; 45

(2) The potential availability pursuant to section 46

2151.359 or 2152.61 of the Revised Code of a forfeited 47
recognizance to pay damages caused by a child when the 48
delinquency of the child or child's violation of probation or 49
community control is found to be proximately caused by the 50
failure of the child's parent or guardian to subject the child 51
to reasonable parental authority or to faithfully discharge the 52
conditions of probation or community control; 53

(3) The availability of awards of reparations pursuant to 54
sections 2743.51 to 2743.72 of the Revised Code for injuries 55
caused by criminal offenses; 56

(4) The opportunity to obtain a court order, pursuant to 57
section 2945.04 of the Revised Code, to prevent or stop the 58
commission of the offense of intimidation of a crime victim or 59
witness or an offense against the person or property of the 60
complainant, or of the complainant's ward or child; 61

(5) The right of the victim and the victim's 62
representative pursuant to the Ohio Constitution and sections 63
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 64
Code to receive notice of a pending motion for judicial release 65
or other early release of the person who committed the offense 66
against the victim, to make a statement orally, in writing, or 67
both at the court hearing on the motion, and to be notified of 68
the court's decision on the motion; 69

(6) The right of the victim and the victim's 70
representative, if applicable, pursuant to the Ohio Constitution 71
and section 2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of 72
the Revised Code to receive notice of any pending commutation, 73
pardon, parole, transitional control, discharge, other form of 74
authorized release, post-release control, or supervised release 75
for the person who committed the offense against the victim or 76

any application for release of that person and to send a written 77
statement relative to the victimization and the pending action 78
to the adult parole authority or the release authority of the 79
department of youth services; 80

(7) The right of the victim to bring a civil action 81
pursuant to sections 2969.01 to 2969.06 of the Revised Code to 82
obtain money from the offender's profit fund; 83

(8) The right, pursuant to section 3109.09 of the Revised 84
Code, to maintain a civil action to recover compensatory damages 85
not exceeding ten thousand dollars and costs from the parent of 86
a minor who willfully damages property through the commission of 87
an act that would be a theft offense, as defined in section 88
2913.01 of the Revised Code, if committed by an adult; 89

(9) The right, pursuant to section 3109.10 of the Revised 90
Code, to maintain a civil action to recover compensatory damages 91
not exceeding ten thousand dollars and costs from the parent of 92
a minor who willfully and maliciously assaults a person; 93

(10) The right of the victim, pursuant to section 2152.20, 94
2152.203, 2929.18, 2929.28, or 2929.281 of the Revised Code, to 95
receive restitution from an offender or a delinquent child; 96

(11) The right of a victim of domestic violence, including 97
domestic violence in a dating relationship as defined in section 98
3113.31 of the Revised Code, to seek the issuance of a civil 99
protection order pursuant to that section, the right of a victim 100
of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 101
2911.211, or 2919.22 of the Revised Code, a violation of a 102
substantially similar municipal ordinance, or an offense of 103
violence who is a family or household member of the offender at 104
the time of the offense to seek the issuance of a temporary 105

protection order pursuant to section 2919.26 of the Revised 106
Code, and the right of both types of victims to be accompanied 107
by a victim advocate during court proceedings; 108

(12) The right of a victim of a sexually oriented offense 109
or of a child-victim oriented offense that is committed by a 110
person who is convicted of, pleads guilty to, or is adjudicated 111
a delinquent child for committing the offense and who is in a 112
category specified in division (B) of section 2950.10 of the 113
Revised Code to receive, pursuant to that section, notice that 114
the person has registered with a sheriff under section 2950.04, 115
2950.041, or 2950.05 of the Revised Code and notice of the 116
person's name, the person's residence that is registered, and 117
the offender's school, institution of higher education, or place 118
of employment address or addresses that are registered, the 119
person's photograph, and a summary of the manner in which the 120
victim must make a request to receive the notice. As used in 121
this division, "sexually oriented offense" and "child-victim 122
oriented offense" have the same meanings as in section 2950.01 123
of the Revised Code. 124

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

2941.1419, or 2941.1420 of the Revised Code and is sentenced for 137
the violation pursuant to division (B) (2) (a), (b), or (c) of 138
section 2971.03 of the Revised Code, and of a victim of an 139
offense that is described in division (B) (3) (a), (b), (c), or 140
(d) of section 2971.03 of the Revised Code and is committed by 141
an offender who is sentenced pursuant to one of those divisions 142
to receive, pursuant to section 2930.16 of the Revised Code, 143
notice of a hearing to determine whether to modify the 144
requirement that the offender serve the entire prison term in a 145
state correctional facility, whether to continue, revise, or 146
revoke any existing modification of that requirement, or whether 147
to terminate the prison term. As used in this division, 148
"sexually violent offense" and "sexually violent predator 149
specification" have the same meanings as in section 2971.01 of 150
the Revised Code. 151

(B) (1) (a) A prosecuting attorney, assistant prosecuting 152
attorney, city director of law, assistant city director of law, 153
village solicitor, assistant village solicitor, or similar chief 154
legal officer of a municipal corporation or an assistant of any 155
of those officers who prosecutes an offense committed in this 156
state, upon first contact with the victim of the offense, the 157
victim's family, or the victim's dependents, shall give the 158
victim, the victim's family, or the victim's dependents a copy 159
of the victim's rights request form created under section 160
2930.04 of the Revised Code, or a similar form that, at a 161
minimum, contains all the required information listed in that 162
section, and the ~~pamphlet~~pamphlet compilation prepared pursuant to 163
division (A) of this section and explain, upon request, the 164
information in the form and ~~pamphlet~~pamphlet compilation to the victim, 165
the victim's family, or the victim's dependents. The victim may 166
receive either through the online version of the 167

~~pamphlet~~compilation published to the attorney general's web 168
site, or as a paper copy, upon request. 169

(b) A law enforcement agency that investigates a criminal 170
offense or delinquent act committed in this state shall give the 171
victim of the criminal offense or delinquent act, the victim's 172
family, or the victim's dependents a copy of the form and 173
~~pamphlet~~compilation prepared pursuant to division (A) of this 174
section at one of the following times: 175

(i) Upon first contact with the victim, the victim's 176
family, or the victim's dependents, a peace officer from the law 177
enforcement agency investigating the criminal offense or 178
delinquent act against the victim shall determine whether the 179
victim has access to the internet and whether the victim would 180
prefer to access the victim's rights ~~pamphlet~~compilation online 181
or if the victim requires a paper copy. The peace officer may 182
give the victim a paper copy upon first contact, if requested, 183
or the peace officer may provide the victim with the attorney 184
general's telephone number to access the ~~pamphlet~~compilation at 185
a later time. The attorney general shall provide a web site 186
address at which a printable version of the victim's rights 187
~~pamphlet~~compilation that can be downloaded and printed locally 188
may be found. The attorney general shall provide limited paper 189
copies of the victim's rights ~~pamphlets~~compilation upon request 190
to law enforcement agencies that order copies directly from the 191
attorney general and to law enforcement agencies and prosecutors 192
to provide to victims who do not have internet access or who 193
would prefer a paper copy. The attorney general shall create a 194
page within the attorney general's web site that is easy to 195
access and navigate that contains the entire content of the 196
victim's rights ~~pamphlet~~compilation and a link to the web site 197
address at which a printable version of the victim's rights 198

~~pamphlet~~compilation may be found. 199

(ii) If the circumstances of the criminal offense or 200
delinquent act and the condition of the victim, the victim's 201
family, or the victim's dependents indicate that the victim, the 202
victim's family, or the victim's dependents will not be able to 203
understand the significance of the form and ~~pamphlet~~compilation 204
upon first contact with the agency, and if the agency 205
anticipates that it will have an additional contact with the 206
victim, the victim's family, or the victim's dependents, upon 207
the agency's second contact with the victim, the victim's 208
family, or the victim's dependents. 209

If the agency does not give the victim, the victim's 210
family, or the victim's dependents a copy of the form and 211
~~pamphlet~~compilation upon first contact with them and does not 212
have a second contact with the victim, the victim's family, or 213
the victim's dependents, the agency shall mail a copy of the 214
form and ~~pamphlet~~compilation to the victim, the victim's family, 215
or the victim's dependents at their last known address. 216

(c) (i) The attorney general shall create an information 217
card ~~which~~that contains all of the following: 218

(I) An outline list of victim's rights contained in the 219
Ohio Constitution and Revised Code; 220

(II) A reference to the victim's rights request form; 221

(III) The attorney general's crime victim's services 222
office telephone number, electronic mailing address, web site 223
address, and contact address, and a description of how to access 224
victim's rights information; 225

(IV) The Ohio crime victim's justice center's telephone 226
number, electronic mailing address, and contact address, and the 227

web site address for accessing the center's victim's rights 228
toolkit. 229

(ii) Upon first contact with the victim, the law 230
enforcement agency shall provide the victim with the information 231
card. 232

(2) A law enforcement agency, a prosecuting attorney or 233
assistant prosecuting attorney, or a city director of law, 234
assistant city director of law, village solicitor, assistant 235
village solicitor, or similar chief legal officer of a municipal 236
corporation that distributes a copy of the form and 237
~~pamphlet~~compilation prepared pursuant to division (A) of this 238
section shall not be required to distribute a copy of an 239
information card or other printed material provided by the clerk 240
of the court of claims pursuant to section 2743.71 of the 241
Revised Code but may provide the compilation along with the 242
information cards or other printed materials provided by the 243
clerk of the court of claims under section 2743.71 of the 244
Revised Code. 245

(C) The cost of printing and distributing the form and 246
~~pamphlet~~compilation prepared pursuant to division (A) of this 247
section shall be paid out of the reparations fund, created 248
pursuant to section 2743.191 of the Revised Code, in accordance 249
with division (D) of that section. 250

(D) As used in this section: 251

(1) "Criminal offense," "delinquent act," and "victim's 252
representative" have the same meanings as in section 2930.01 of 253
the Revised Code; 254

(2) "Victim advocate" has the same meaning as in section 255
2919.26 of the Revised Code. 256

Sec. 2152.20. (A) If a child is adjudicated a delinquent 257
child or a juvenile traffic offender, the court may order any of 258
the following dispositions, in addition to any other disposition 259
authorized or required by this chapter: 260

(1) Impose a fine in accordance with the following 261
schedule: 262

(a) For an act that would be a minor misdemeanor or an 263
unclassified misdemeanor if committed by an adult, a fine not to 264
exceed fifty dollars; 265

(b) For an act that would be a misdemeanor of the fourth 266
degree if committed by an adult, a fine not to exceed one 267
hundred dollars; 268

(c) For an act that would be a misdemeanor of the third 269
degree if committed by an adult, a fine not to exceed one 270
hundred fifty dollars; 271

(d) For an act that would be a misdemeanor of the second 272
degree if committed by an adult, a fine not to exceed two 273
hundred dollars; 274

(e) For an act that would be a misdemeanor of the first 275
degree if committed by an adult, a fine not to exceed two 276
hundred fifty dollars; 277

(f) For an act that would be a felony of the fifth degree 278
or an unclassified felony if committed by an adult, a fine not 279
to exceed three hundred dollars; 280

(g) For an act that would be a felony of the fourth degree 281
if committed by an adult, a fine not to exceed four hundred 282
dollars; 283

(h) For an act that would be a felony of the third degree 284

if committed by an adult, a fine not to exceed seven hundred 285
fifty dollars; 286

(i) For an act that would be a felony of the second degree 287
if committed by an adult, a fine not to exceed one thousand 288
dollars; 289

(j) For an act that would be a felony of the first degree 290
if committed by an adult, a fine not to exceed one thousand five 291
hundred dollars; 292

(k) For an act that would be aggravated murder or murder 293
if committed by an adult, a fine not to exceed two thousand 294
dollars. 295

(2) Require the child to pay costs; 296

(3) Unless the child's juvenile traffic offense would be a 297
minor misdemeanor if committed by an adult or could be disposed 298
of by the juvenile traffic violations bureau serving the court 299
under Traffic Rule 13.1 if the court has established a juvenile 300
traffic violations bureau, require the child to make restitution 301
to the victim of the child's delinquent act or juvenile traffic 302
offense or, if the victim is deceased, to a survivor or the 303
estate of the victim in an amount based upon the victim's 304
economic loss caused by or related to the delinquent act or 305
juvenile traffic offense. The court may not require a child to 306
make restitution pursuant to this division if the child's 307
juvenile traffic offense would be a minor misdemeanor if 308
committed by an adult or could be disposed of by the juvenile 309
traffic violations bureau serving the court under Traffic Rule 310
13.1 if the court has established a juvenile traffic violations 311
bureau. If the court requires restitution under this division, 312
the restitution shall be made directly to the victim in open 313

court or to the probation department that serves the 314
jurisdiction or the clerk of courts on behalf of the victim. 315

The victim, victim's representative, victim's attorney, if 316
applicable, the prosecuting attorney, or the delinquent child or 317
juvenile traffic offender may provide information relevant to 318
the determination of the amount of restitution. The amount the 319
court orders as restitution shall not exceed the amount of the 320
economic loss suffered by the victim as a direct and proximate 321
result of the delinquent act or juvenile traffic offense. If the 322
court decides to or is required to order restitution under this 323
division and the amount of the restitution is disputed by the 324
victim or survivor, victim's estate, victim's representative, or 325
victim's attorney, if applicable, or by the delinquent child or 326
juvenile traffic offender, the court shall hold a hearing on the 327
restitution. The court shall determine the amount of full 328
restitution by a preponderance of the evidence. All restitution 329
payments shall be credited against any recovery of economic loss 330
in a civil action brought by or on behalf of the victim against 331
the delinquent child or juvenile traffic offender or the 332
delinquent child's or juvenile traffic offender's parent, 333
guardian, or other custodian. 334

If the court requires restitution under this division, the 335
court may order that the delinquent child or juvenile traffic 336
offender pay a surcharge, in an amount not exceeding five per 337
cent of the amount of restitution otherwise ordered under this 338
division, to the entity responsible for collecting and 339
processing the restitution payments. 340

The victim, survivor of the victim, or victim's estate may 341
request that the prosecuting authority file a motion, or the 342
delinquent child or juvenile traffic offender may file a motion, 343

for modification of the payment terms of any restitution ordered 344
under this division. If the court grants the motion, it may 345
modify the payment terms as it determines appropriate. 346

(4) Require the child to reimburse any or all of the costs 347
incurred for services or sanctions provided or imposed, 348
including, but not limited to, the following: 349

(a) All or part of the costs of implementing any community 350
control imposed as a disposition under section 2152.19 of the 351
Revised Code, including a supervision fee; 352

(b) All or part of the costs of confinement in a 353
residential facility described in section 2152.19 of the Revised 354
Code or in a department of youth services institution, 355
including, but not limited to, a per diem fee for room and 356
board, the costs of medical and dental treatment provided, and 357
the costs of repairing property the delinquent child damaged 358
while so confined. The amount of reimbursement ordered for a 359
child under this division shall not exceed the total amount of 360
reimbursement the child is able to pay as determined at a 361
hearing and shall not exceed the actual cost of the confinement. 362
The court may collect any reimbursement ordered under this 363
division. If the court does not order reimbursement under this 364
division, confinement costs may be assessed pursuant to a 365
repayment policy adopted under section 2929.37 of the Revised 366
Code and division (D) of section 307.93, division (A) of section 367
341.19, division (C) of section 341.23 or 753.16, division (C) 368
of section 2301.56, or division (B) of section 341.14, 753.02, 369
753.04, or 2947.19 of the Revised Code. 370

(B) Chapter 2981. of the Revised Code applies to a child 371
who is adjudicated a delinquent child for violating section 372
2923.32 or 2923.42 of the Revised Code or for committing an act 373

that, if committed by an adult, would be a felony drug abuse 374
offense. 375

(C) The court may hold a hearing if necessary to determine 376
whether a child is able to pay a sanction under this section. 377

(D) If a child who is adjudicated a delinquent child is 378
indigent, the court shall consider imposing a term of community 379
service under division (A) of section 2152.19 of the Revised 380
Code in lieu of imposing a financial sanction under this 381
section. If a child who is adjudicated a delinquent child is not 382
indigent, the court may impose a term of community service under 383
that division in lieu of, or in addition to, imposing a 384
financial sanction under this section. The court may order the 385
performance of community service for an act that if committed by 386
an adult would be a minor misdemeanor if that order would to 387
generate funds for restitution. 388

If a child fails to pay a financial sanction imposed under 389
this section, the court may impose a term of community service 390
in lieu of the sanction. 391

(E) The clerk of the court, or another person authorized 392
by law or by the court to collect a financial sanction imposed 393
under this section, may do any of the following: 394

(1) Enter into contracts with one or more public agencies 395
or private vendors for the collection of the amounts due under 396
the financial sanction, which amounts may include interest from 397
the date of imposition of the financial sanction; 398

(2) Permit payment of all, or any portion of, the 399
financial sanction in installments, by credit or debit card, by 400
another type of electronic transfer, or by any other reasonable 401
method, within any period of time, and on any terms that the 402

court considers just, except that the maximum time permitted for 403
payment shall not exceed five years. The clerk may pay any fee 404
associated with processing an electronic transfer out of public 405
money and may charge the fee to the delinquent child. 406

(3) To defray administrative costs, charge a reasonable 407
fee to a child who elects a payment plan rather than a lump sum 408
payment of a financial sanction. 409

Sec. 2152.81. (A) (1) As used in this section, "victim" 410
includes any of the following persons: 411

(a) A person who was a victim of a violation identified in 412
division (A) (2) of this section or an act that would be an 413
offense of violence if committed by an adult; 414

(b) A person against whom was directed any conduct that 415
constitutes, or that is an element of, a violation identified in 416
division (A) (2) of this section or an act that would be an 417
offense of violence if committed by an adult. 418

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

victim, or child victim's attorney also may request that the 432
deposition be recorded in accordance with division (A) (3) of 433
this section. 434

(b) In any proceeding that is not otherwise eligible for 435
the protections provided for in division (A) (2) (a) of this 436
section, and in which an alleged victim of the violation was a 437
child who was less than eighteen years of age when the 438
complaint, indictment, or information was filed, whichever 439
occurred earlier, upon motion of the child victim, the child 440
victim's attorney, if applicable, or an attorney for the 441
prosecution, and upon a showing by a preponderance of the 442
evidence that the child will suffer serious emotional trauma if 443
required to provide live trial testimony, the juvenile judge 444
shall order that the testimony of the child victim be taken by 445
deposition. The prosecution, child victim, or child victim's 446
attorney may also request that the deposition be recorded in 447
accordance with division (A) (3) of this section. 448

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

the attorney for the child charged with the violation or act 463
shall have the right, as at an adjudication hearing, to full 464
examination and cross-examination of the child victim whose 465
deposition is to be taken. If a deposition taken under this 466
division is intended to be offered as evidence in the 467
proceeding, it shall be filed in the juvenile court in which the 468
action is pending and is admissible in the manner described in 469
division (B) of this section. If a deposition of a child victim 470
taken under this division is admitted as evidence at the 471
proceeding under division (B) of this section, the child victim 472
shall not be required to testify in person at the proceeding. 473
However, at any time before the conclusion of the proceeding, 474
the attorney for the child charged with the violation or act may 475
file a motion with the judge requesting that another deposition 476
of the child victim be taken because new evidence material to 477
the defense of the child charged has been discovered that the 478
attorney for the child charged could not with reasonable 479
diligence have discovered prior to the taking of the admitted 480
deposition. Any motion requesting another deposition shall be 481
accompanied by supporting affidavits. Upon the filing of the 482
motion and affidavits, the court may order that additional 483
testimony of the child victim relative to the new evidence be 484
taken by another deposition. If the court orders the taking of 485
another deposition under this provision, the deposition shall be 486
taken in accordance with this division; if the admitted 487
deposition was a recorded deposition taken in accordance with 488
division (A) (3) of this section, the new deposition also shall 489
be recorded in accordance with that division, and, in other 490
cases, the new deposition may be recorded in accordance with 491
that division. 492

(3) If the prosecution requests that a deposition to be 493

taken under division (A) (2) of this section be recorded, the 494
juvenile judge shall order that the deposition be recorded in 495
accordance with this division. If a juvenile judge issues an 496
order to record the deposition, the judge shall exclude from the 497
room in which the deposition is to be taken every person except 498
the child victim giving the testimony; the judge; one or more 499
interpreters if needed; the attorneys for the prosecution; the 500
child victim's attorney, if applicable; the attorney for the 501
child who is charged with the violation or act; any person 502
needed to operate the equipment to be used; one person, who is 503
not a witness, chosen by the child victim giving the deposition; 504
the victim's representative; and any person whose presence the 505
judge determines would contribute to the welfare and well-being 506
of the child victim giving the deposition. The person chosen by 507
the child victim, both before and during the deposition, shall 508
not discuss the testimony of the child victim with any other 509
witness in the proceeding. To the extent feasible, any person 510
operating the recording equipment shall be restricted to a room 511
adjacent to the room in which the deposition is being taken, or 512
to a location in the room in which the deposition is being taken 513
that is behind a screen or mirror so that the person operating 514
the recording equipment can see and hear, but cannot be seen or 515
heard by, the child victim giving the deposition during the 516
deposition. The child who is charged with the violation or act 517
shall be permitted to observe and hear the testimony of the 518
child victim giving the deposition on a monitor, shall be 519
provided with an electronic means of immediate communication 520
with the attorney of the child who is charged with the violation 521
or act during the testimony, and shall be restricted to a 522
location from which the child who is charged with the violation 523
or act cannot be seen or heard by the child victim giving the 524
deposition, except on a monitor provided for that purpose. The 525

child victim giving the deposition shall be provided with a 526
monitor on which the child victim can observe, while giving 527
testimony, the child who is charged with the violation or act. 528
The judge, at the judge's discretion, may preside at the 529
deposition by electronic means from outside the room in which 530
the deposition is to be taken; if the judge presides by 531
electronic means, the judge shall be provided with monitors on 532
which the judge can see each person in the room in which the 533
deposition is to be taken and with an electronic means of 534
communication with each person in that room, and each person in 535
the room shall be provided with a monitor on which that person 536
can see the judge and with an electronic means of communication 537
with the judge. A deposition that is recorded under this 538
division shall be taken and filed in the manner described in 539
division (A) (2) of this section and is admissible in the manner 540
described in this division and division (B) of this section, 541
and, if a deposition that is recorded under this division is 542
admitted as evidence at the proceeding, the child victim shall 543
not be required to testify in person at the proceeding. No 544
deposition recorded under this division shall be admitted as 545
evidence at any proceeding unless division (B) of this section 546
is satisfied relative to the deposition and all of the following 547
apply relative to the recording: 548

(a) The recording is both aural and visual and is recorded 549
on film or videotape, or by other electronic means. 550

(b) The recording is authenticated under the Rules of 551
Evidence and the Rules of Criminal Procedure as a fair and 552
accurate representation of what occurred, and the recording is 553
not altered other than at the direction and under the 554
supervision of the judge in the proceeding. 555

(c) Each voice on the recording that is material to the 556
testimony on the recording or the making of the recording, as 557
determined by the judge, is identified. 558

(d) Both the prosecution and the child who is charged with 559
the violation or act are afforded an opportunity to view the 560
recording before it is shown in the proceeding. 561

(B) (1) At any proceeding in relation to which a deposition 562
was taken under division (A) of this section, the deposition or 563
a part of it is admissible in evidence upon motion of the 564
prosecution if the testimony in the deposition or the part to be 565
admitted is not excluded by the hearsay rule and if the 566
deposition or the part to be admitted otherwise is admissible 567
under the Rules of Evidence. For purposes of this division, 568
testimony is not excluded by the hearsay rule if the testimony 569
is not hearsay under Evidence Rule 801; if the testimony is 570
within an exception to the hearsay rule set forth in Evidence 571
Rule 803; if the child victim who gave the testimony is 572
unavailable as a witness, as defined in Evidence Rule 804, and 573
the testimony is admissible under that rule; or if both of the 574
following apply: 575

(a) The child who is charged with the violation or act had 576
an opportunity and similar motive at the time of the taking of 577
the deposition to develop the testimony by direct, cross, or 578
redirect examination. 579

(b) The judge determines that there is reasonable cause to 580
believe that, if the child victim who gave the testimony in the 581
deposition were to testify in person at the proceeding, the 582
child victim would experience serious emotional trauma as a 583
result of the child victim's participation at the proceeding. 584

(2) Objections to receiving in evidence a deposition or a 585
part of it under division (B) of this section shall be made as 586
provided in civil actions. 587

(3) The provisions of divisions (A) and (B) of this 588
section are in addition to any other provisions of the Revised 589
Code, the Rules of Juvenile Procedure, the Rules of Criminal 590
Procedure, or the Rules of Evidence that pertain to the taking 591
or admission of depositions in a juvenile court proceeding and 592
do not limit the admissibility under any of those other 593
provisions of any deposition taken under division (A) of this 594
section or otherwise taken. 595

~~(C)~~ (C) (1) (a) In any proceeding in juvenile court involving 596
a complaint, indictment, or information in which a child is 597
charged with a violation listed in division (A) (2) of this 598
section or an act that would be an offense of violence if 599
committed by an adult and in which an alleged victim of the 600
violation or offense was a child who was less than thirteen 601
years of age when the complaint or information was filed or 602
indictment was returned, the juvenile judge, upon motion of the 603
prosecution, the child victim, or the child victim's attorney, 604
if applicable, ~~may file a motion with the juvenile judge~~ 605
~~requesting the judge to shall~~ order the testimony of the child 606
victim to be taken in a room other than the room in which the 607
proceeding is being conducted and be ~~televised, by closed-~~ 608
~~circuit equipment, broadcast~~ into the room in which the 609
proceeding is being conducted to be viewed by the child who is 610
charged with the violation or act and any other persons who are 611
not permitted in the room in which the testimony is to be taken 612
but who would have been present during the testimony of the 613
child victim had it been given in the room in which the 614
proceeding is being conducted. 615

(b) In any proceeding that is not otherwise eligible for 616
the protections provided for in division (C)(1)(a) of this 617
section, and in which an alleged victim of the violation was a 618
child who was less than eighteen years of age when the 619
complaint, indictment, or information was filed, whichever 620
occurred earlier, upon motion of the child victim, the child 621
victim's attorney, if applicable, or the prosecution, and upon a 622
showing by a preponderance of the evidence that the child will 623
suffer serious emotional trauma if required to provide live 624
trial testimony, the juvenile judge shall order that the 625
testimony of the child victim be taken in a room other than the 626
room in which the proceeding is being conducted and be broadcast 627
into the room in which the proceeding is being conducted to be 628
viewed by the child who is charged with the violation or act and 629
any other persons who are not permitted in the room in which the 630
testimony is to be taken but who would have been present during 631
the testimony of the child victim had it been given in the room 632
in which the proceeding is being conducted. 633

(2) Except for good cause shown, the prosecution, the 634
child victim, or the child victim's attorney, if applicable, 635
shall file a motion under this division at least seven days 636
before the date of the proceeding. The juvenile judge may issue 637
the order upon the motion of the prosecution, the child victim, 638
or the child victim's attorney, if applicable, filed under this 639
division, if the judge determines that the child victim is 640
unavailable to testify in the room in which the proceeding is 641
being conducted in the physical presence of the child charged 642
with the violation or act, due to one or more of the reasons set 643
forth in division (E) of this section. If a juvenile judge 644
issues an order of that nature, the judge shall exclude from the 645
room in which the testimony is to be taken every person except a 646

person described in division (A) (3) of this section. The judge, 647
at the judge's discretion, may preside during the giving of the 648
testimony by electronic means from outside the room in which it 649
is being given, subject to the limitations set forth in division 650
(A) (3) of this section. To the extent feasible, any person 651
operating the televising equipment shall be hidden from the 652
sight and hearing of the child victim giving the testimony, in a 653
manner similar to that described in division (A) (3) of this 654
section. The child who is charged with the violation or act 655
shall be permitted to observe and hear the testimony of the 656
child victim giving the testimony on a monitor, shall be 657
provided with an electronic means of immediate communication 658
with the attorney of the child who is charged with the violation 659
or act during the testimony, and shall be restricted to a 660
location from which the child who is charged with the violation 661
or act cannot be seen or heard by the child victim giving the 662
testimony, except on a monitor provided for that purpose. The 663
child victim giving the testimony shall be provided with a 664
monitor on which the child victim can observe, while giving 665
testimony, the child who is charged with the violation or act. 666

~~(D) (1) (a)~~ In any proceeding in juvenile court involving 667
a complaint, indictment, or information in which a child is 668
charged with a violation listed in division (A) (2) of this 669
section or an act that would be an offense of violence if 670
committed by an adult and in which an alleged victim of the 671
violation or offense was a child who was less than thirteen 672
years of age when the complaint or information was filed or the 673
indictment was returned, the juvenile judge, upon motion of the 674
prosecution, the child victim, or the child victim's attorney, 675
~~if applicable, may file a motion with the juvenile judge~~ 676
~~requesting the judge to~~ shall order the testimony of the child 677

victim to be taken outside of the room in which the proceeding 678
is being conducted and be recorded for showing in the room in 679
which the proceeding is being conducted before the judge, the 680
child who is charged with the violation or act, and any other 681
persons who would have been present during the testimony of the 682
child victim had it been given in the room in which the 683
proceeding is being conducted. 684

(b) In any proceeding that is not otherwise eligible for 685
the protections provided for in division (D)(1)(a) of this 686
section, and in which an alleged victim of the violation was a 687
child who was less than eighteen years of age when the 688
complaint, indictment, or information was filed, whichever 689
occurred earlier, upon motion of the child victim, the child 690
victim's attorney, if applicable, or the prosecution, and upon a 691
showing by a preponderance of the evidence that the child will 692
suffer serious emotional trauma if required to provide live 693
trial testimony, the juvenile judge shall order that the 694
testimony of the child victim be taken outside of the room in 695
which the proceeding is being conducted and be recorded for 696
showing in the room in which the proceeding is being conducted 697
before the judge, the child who is charged with the violation or 698
act, and any other persons who would have been present during 699
the testimony of the child victim had it been given in the room 700
in which the proceeding is being conducted. 701

(2) Except for good cause shown, the prosecution, the 702
child victim, or the child victim's attorney, if applicable, 703
shall file a motion under this division at least seven days 704
before the date of the proceeding. The juvenile judge may issue 705
the order upon the motion of the prosecution, the child victim, 706
or the child victim's attorney, if applicable, filed under this 707
division, if the judge determines that the child victim is 708

unavailable to testify in the room in which the proceeding is 709
being conducted in the physical presence of the child charged 710
with the violation or act, due to one or more of the reasons set 711
forth in division (E) of this section. If a juvenile judge 712
issues an order of that nature, the judge shall exclude from the 713
room in which the testimony is to be taken every person except a 714
person described in division (A) (3) of this section. To the 715
extent feasible, any person operating the recording equipment 716
shall be hidden from the sight and hearing of the child victim 717
giving the testimony, in a manner similar to that described in 718
division (A) (3) of this section. The child who is charged with 719
the violation or act shall be permitted to observe and hear the 720
testimony of the child victim giving the testimony on a monitor, 721
shall be provided with an electronic means of immediate 722
communication with the attorney of the child who is charged with 723
the violation or act during the testimony, and shall be 724
restricted to a location from which the child who is charged 725
with the violation or act cannot be seen or heard by the child 726
victim giving the testimony, except on a monitor provided for 727
that purpose. The child victim giving the testimony shall be 728
provided with a monitor on which the child victim can observe, 729
while giving testimony, the child who is charged with the 730
violation or act. No order for the taking of testimony by 731
recording shall be issued under this division unless the 732
provisions set forth in divisions (A) (3) (a), (b), (c), and (d) 733
of this section apply to the recording of the testimony. 734

(E) For purposes of divisions (C) and (D) of this section, 735
a juvenile judge may order the testimony of a child victim to be 736
taken outside of the room in which a proceeding is being 737
conducted if the judge determines that the child victim is 738
unavailable to testify in the room in the physical presence of 739

the child charged with the violation or act due to one or more 740
of the following circumstances: 741

(1) The persistent refusal of the child victim to testify 742
despite judicial requests to do so; 743

(2) The inability of the child victim to communicate about 744
the alleged violation or offense because of extreme fear, 745
failure of memory, or another similar reason; 746

(3) The substantial likelihood that the child victim will 747
suffer serious emotional trauma from so testifying. 748

(F) (1) If a juvenile judge issues an order pursuant to 749
division (C) or (D) of this section that requires the testimony 750
of a child victim in a juvenile court proceeding to be taken 751
outside of the room in which the proceeding is being conducted, 752
the order shall specifically identify the child victim, in a 753
manner consistent with section 2930.07 of the Revised Code, to 754
whose testimony it applies, the order applies only during the 755
testimony of the specified child victim, and the child victim 756
giving the testimony shall not be required to testify at the 757
proceeding other than in accordance with the order. The 758
authority of a judge to close the taking of a deposition under 759
division (A) (3) of this section or a proceeding under division 760
(C) or (D) of this section is in addition to the authority of a 761
judge to close a hearing pursuant to section 2151.35 of the 762
Revised Code. 763

(2) A juvenile judge who makes any determination regarding 764
the admissibility of a deposition under divisions (A) and (B) of 765
this section, the recording of a deposition under division (A) 766
(3) of this section, or the taking of testimony outside of the 767
room in which a proceeding is being conducted under division (C) 768

or (D) of this section, shall enter the determination and 769
findings on the record in the proceeding. 770

Sec. 2152.811. (A) As used in this section: 771

(1) "Developmental disability" has the same meaning as in 772
section 5123.01 of the Revised Code. 773

(2) "Victim with a developmental disability" includes any 774
of the following persons: 775

(a) A person with a developmental disability who was a 776
victim of a violation identified in division (B)(1) of this 777
section or an act that would be an offense of violence if 778
committed by an adult; 779

(b) A person with a developmental disability against whom 780
was directed any conduct that constitutes, or that is an element 781
of, a violation identified in division (B)(1) of this section or 782
an act that would be an offense of violence if committed by an 783
adult. 784

(B)(1)(a) In any proceeding in juvenile court involving a 785
complaint, indictment, or information in which a child is 786
charged with a violation of section 2903.16, 2903.34, 2903.341, 787
2907.02, 2907.03, 2907.05, 2907.21, 2907.23, 2907.24, 2907.32, 788
2907.321, 2907.322, or 2907.323 of the Revised Code or an act 789
that would be an offense of violence if committed by an adult 790
and in which an alleged victim of the violation or act was a 791
person with a developmental disability, the juvenile judge, upon 792
motion of the prosecution, victim, or victim's attorney, if 793
applicable, shall order that the testimony of the victim with a 794
developmental disability be taken by deposition. The 795
prosecution, victim, or victim's attorney, if applicable, also 796
may request that the deposition be recorded in accordance with 797

division (B) (2) of this section. 798

(b) In any proceeding that is not otherwise eligible for 799
the protections provided for in division (B) (1) (a) of this 800
section and in which an alleged victim of the violation or act 801
was a person with a developmental disability, upon motion of the 802
prosecution, the victim, or the victim's attorney, if 803
applicable, and a showing by a preponderance of the evidence 804
that the victim will suffer serious emotional trauma if required 805
to provide live trial testimony, the juvenile judge shall order 806
that the testimony of the victim with a developmental disability 807
be taken by deposition. The prosecution, the victim, or the 808
victim's attorney, if applicable, also may request that the 809
deposition be recorded in accordance with division (B) (2) of 810
this section. 811

(c) The judge shall notify the victim with a developmental 812
disability whose deposition is to be taken, the prosecution, the 813
victim's attorney, if applicable, and the attorney for the child 814
who is charged with the violation or act of the date, time, and 815
place for taking the deposition. The notice shall identify the 816
victim with a developmental disability, in a manner consistent 817
with section 2930.07 of the Revised Code, who is to be examined 818
and shall indicate whether a request that the deposition be 819
recorded has been made. The child who is charged with the 820
violation or act shall have the right to attend the deposition 821
and the right to be represented by counsel. Depositions shall be 822
taken in the manner provided in civil cases, except that the 823
judge in the proceeding shall preside at the taking of the 824
deposition and shall rule at that time on any objections of the 825
prosecution or the attorney for the child charged with the 826
violation or act. The prosecution and the attorney for the child 827
charged with the violation or act shall have the right, as at an 828

adjudication hearing, to full examination and cross-examination 829
of the victim with a developmental disability whose deposition 830
is to be taken. 831

If a deposition taken under this division is intended to 832
be offered as evidence in the proceeding, it shall be filed in 833
the juvenile court in which the action is pending and is 834
admissible in the manner described in division (C) of this 835
section. If a deposition of a victim with a developmental 836
disability taken under this division is admitted as evidence at 837
the proceeding under division (C) of this section, the victim 838
with a developmental disability shall not be required to testify 839
in person at the proceeding. 840

At any time before the conclusion of the proceeding, the 841
attorney for the child charged with the violation or act may 842
file a motion with the judge requesting that another deposition 843
of the victim with a developmental disability be taken because 844
new evidence material to the defense of the child charged has 845
been discovered that the attorney for the child charged could 846
not with reasonable diligence have discovered prior to the 847
taking of the admitted deposition. Any motion requesting another 848
deposition shall be accompanied by supporting affidavits. Upon 849
the filing of the motion and affidavits, the court may order 850
that additional testimony of the victim with a developmental 851
disability relative to the new evidence be taken by another 852
deposition. If the court orders the taking of another deposition 853
under this provision, the deposition shall be taken in 854
accordance with this division. If the admitted deposition was a 855
recorded deposition taken in accordance with division (B) (2) of 856
this section, the new deposition also shall be recorded in 857
accordance with that division. In other cases, the new 858
deposition may be recorded in accordance with that division. 859

(2) If the prosecution, victim, or victim's attorney, if 860
applicable, requests that a deposition to be taken under 861
division (B)(1) of this section be recorded, the juvenile judge 862
shall order that the deposition be recorded in accordance with 863
this division. If a juvenile judge issues an order to record the 864
deposition, the judge shall exclude from the room in which the 865
deposition is to be taken every person except the victim with a 866
developmental disability giving the testimony, the judge, one or 867
more interpreters if needed, the attorneys for the prosecution 868
and the child who is charged with the violation or act, the 869
victim's attorney, if applicable, any person needed to operate 870
the equipment to be used, one person chosen by the victim with a 871
developmental disability giving the deposition, the victim's 872
representative, if applicable, and any person whose presence the 873
judge determines would contribute to the welfare and well-being 874
of the victim with a developmental disability giving the 875
deposition. The person chosen by the victim with a developmental 876
disability shall not be a witness in the proceeding and, both 877
before and during the deposition, shall not discuss the 878
testimony of the victim with any other witness in the 879
proceeding. To the extent feasible, any person operating the 880
recording equipment shall be restricted to a room adjacent to 881
the room in which the deposition is being taken, or to a 882
location in the room in which the deposition is being taken that 883
is behind a screen or mirror so that the person operating the 884
recording equipment can see and hear, but cannot be seen or 885
heard by, the victim with a developmental disability giving the 886
deposition during the deposition. 887

The child who is charged with the violation or act shall 888
be permitted to observe and hear the testimony of the victim 889
with a developmental disability giving the deposition on a 890

monitor, shall be provided with an electronic means of immediate 891
communication with the attorney of the child who is charged with 892
the violation or act during the testimony, and shall be 893
restricted to a location from which the child who is charged 894
with the violation or act cannot be seen or heard by the victim 895
with a developmental disability giving the deposition, except on 896
a monitor provided for that purpose. The victim with a 897
developmental disability giving the deposition shall be provided 898
with a monitor on which the victim with a developmental 899
disability can observe, while giving testimony, the child who is 900
charged with the violation or act. The judge, at the judge's 901
discretion, may preside at the deposition by electronic means 902
from outside the room in which the deposition is to be taken; if 903
the judge presides by electronic means, the judge shall be 904
provided with monitors on which the judge can see each person in 905
the room in which the deposition is to be taken and with an 906
electronic means of communication with each person in that room, 907
and each person in the room shall be provided with a monitor on 908
which that person can see the judge and with an electronic means 909
of communication with the judge. A deposition that is recorded 910
under this division shall be taken and filed in the manner 911
described in division (B) (1) of this section and is admissible 912
in the manner described in this division and division (C) of 913
this section. If a deposition that is recorded under this 914
division is admitted as evidence at the proceeding, the victim 915
with a developmental disability shall not be required to testify 916
in person at the proceeding. No deposition recorded under this 917
division shall be admitted as evidence at any proceeding unless 918
division (C) of this section is satisfied relative to the 919
deposition and all of the following apply relative to the 920
recording: 921

(a) The recording is both aural and visual and is recorded 922
on film or videotape, or by other electronic means. 923

(b) The recording is authenticated under the Rules of 924
Evidence and the Rules of Criminal Procedure as a fair and 925
accurate representation of what occurred, and the recording is 926
not altered other than at the direction and under the 927
supervision of the judge in the proceeding. 928

(c) Each voice on the recording that is material to the 929
testimony on the recording or the making of the recording, as 930
determined by the judge, is identified. 931

(d) The prosecution, victim, or victim's attorney, if 932
applicable, and the child who is charged with the violation or 933
act are afforded an opportunity to view the recording before it 934
is shown in the proceeding. 935

(C) (1) At any proceeding in relation to which a deposition 936
was taken under division (B) of this section, the deposition or 937
a part of it is admissible in evidence upon motion of the 938
prosecution if the testimony in the deposition or the part to be 939
admitted is not excluded by the hearsay rule and if the 940
deposition or the part to be admitted otherwise is admissible 941
under the Rules of Evidence. For purposes of this division, 942
testimony is not excluded by the hearsay rule if the testimony 943
is not hearsay under Evidence Rule 801; the testimony is within 944
an exception to the hearsay rule set forth in Evidence Rule 803; 945
the victim with a developmental disability who gave the 946
testimony is unavailable as a witness, as defined in Evidence 947
Rule 804, and the testimony is admissible under that rule; or 948
both of the following apply: 949

(a) The child who is charged with the violation or act had 950

an opportunity and similar motive at the time of the taking of 951
the deposition to develop the testimony by direct, cross, or 952
redirect examination. 953

(b) The judge determines that there is reasonable cause to 954
believe that, if the victim with a developmental disability who 955
gave the testimony in the deposition were to testify in person 956
at the proceeding, the victim with a developmental disability 957
would experience serious emotional trauma as a result of the 958
participation of the victim with a developmental disability at 959
the proceeding. 960

(2) Objections to receiving in evidence a deposition or a 961
part of it under division (C) of this section shall be made as 962
provided in civil actions. 963

(3) The provisions of divisions (B) and (C) of this 964
section are in addition to any other provisions of the Revised 965
Code, the Rules of Juvenile Procedure, the Rules of Criminal 966
Procedure, or the Rules of Evidence that pertain to the taking 967
or admission of depositions in a juvenile court proceeding and 968
do not limit the admissibility under any of those other 969
provisions of any deposition taken under division (B) of this 970
section or otherwise taken. 971

~~(D)~~ (D) (1) (a) In any proceeding in juvenile court involving 972
a complaint, indictment, or information in which a child is 973
charged with a violation listed in division (B) (1) of this 974
section or an act that would be an offense of violence if 975
committed by an adult and in which an alleged victim of the 976
violation or offense was a person with a developmental 977
disability, the juvenile judge, upon motion of the prosecution, 978
victim, or victim's attorney, if applicable, may file a motion 979
with the juvenile judge requesting the judge to shall order the 980

testimony of the victim with a developmental disability to be 981
taken in a room other than the room in which the proceeding is 982
being conducted and be ~~televised, by closed circuit equipment,~~ 983
broadcast into the room in which the proceeding is being 984
conducted to be viewed by the child who is charged with the 985
violation or act and any other persons who are not permitted in 986
the room in which the testimony is to be taken but who would 987
have been present during the testimony of the victim with a 988
developmental disability had it been given in the room in which 989
the proceeding is being conducted. 990

(b) In any proceeding that is not otherwise eligible for 991
the protections provided for in division (D)(1)(a) of this 992
section and in which an alleged victim of the violation or act 993
was a person with a developmental disability, upon motion of the 994
prosecution, the victim, or the victim's attorney, if 995
applicable, and a showing by a preponderance of the evidence 996
that the victim will suffer serious emotional trauma if required 997
to provide live trial testimony, the juvenile judge shall order 998
the testimony be taken in a room other than the room in which 999
the proceeding is being conducted and be broadcast into the room 1000
in which the proceeding is being conducted to be viewed by the 1001
jury, if applicable, the defendant, and any other persons who 1002
are not permitted in the room in which the testimony is to be 1003
taken but who would have been present during the testimony of 1004
the victim with a developmental disability had it been given in 1005
the room in which the proceeding is being conducted. 1006

(2) Except for good cause shown, the prosecution, victim, 1007
or victim's attorney, if applicable, shall file a motion under 1008
this division at least seven days before the date of the 1009
proceeding. The juvenile judge may issue the order upon the 1010
motion of the prosecution filed under this division, if the 1011

judge determines that the victim with a developmental disability 1012
is unavailable to testify in the room in which the proceeding is 1013
being conducted in the physical presence of the child charged 1014
with the violation or act for one or more of the reasons set 1015
forth in division (F) of this section. If a juvenile judge 1016
issues an order of that nature, the judge shall exclude from the 1017
room in which the testimony is to be taken every person except a 1018
person described in division (B) (2) of this section. The judge, 1019
at the judge's discretion, may preside during the giving of the 1020
testimony by electronic means from outside the room in which it 1021
is being given, subject to the limitations set forth in division 1022
(B) (2) of this section. To the extent feasible, any person 1023
operating the televising equipment shall be hidden from the 1024
sight and hearing of the victim with a developmental disability 1025
giving the testimony, in a manner similar to that described in 1026
division (B) (2) of this section. The child who is charged with 1027
the violation or act shall be permitted to observe and hear the 1028
testimony of the victim with a developmental disability giving 1029
the testimony on a monitor, shall be provided with an electronic 1030
means of immediate communication with the attorney of the child 1031
who is charged with the violation or act during the testimony, 1032
and shall be restricted to a location from which the child who 1033
is charged with the violation or act cannot be seen or heard by 1034
the victim with a developmental disability giving the testimony, 1035
except on a monitor provided for that purpose. The victim with a 1036
developmental disability giving the testimony shall be provided 1037
with a monitor on which the victim with a developmental 1038
disability can observe, while giving testimony, the child who is 1039
charged with the violation or act. 1040

~~(F)~~ (E) (1) (a) In any proceeding in juvenile court involving 1041
a complaint, indictment, or information in which a child is 1042

charged with a violation listed in division (B)(1) of this 1043
section or an act that would be an offense of violence if 1044
committed by an adult and in which an alleged victim of the 1045
violation or offense was a person with a developmental 1046
disability, the juvenile judge, upon motion of the prosecution, 1047
victim, or victim's attorney, if applicable, may file a motion 1048
with the juvenile judge requesting the judge to shall order the 1049
testimony of the victim with a developmental disability to be 1050
taken outside of the room in which the proceeding is being 1051
conducted and be recorded for showing in the room in which the 1052
proceeding is being conducted before the judge, the child who is 1053
charged with the violation or act, and any other persons who 1054
would have been present during the testimony of the victim with 1055
a developmental disability had it been given in the room in 1056
which the proceeding is being conducted. 1057

(b) In any proceeding that is not otherwise eligible for 1058
the protections provided for in division (E)(1)(a) of this 1059
section and in which an alleged victim of the violation or act 1060
was a person with a developmental disability, upon motion of the 1061
prosecution, the victim, or the victim's attorney, if 1062
applicable, and a showing by a preponderance of the evidence 1063
that the victim will suffer serious emotional trauma if required 1064
to provide live trial testimony, the juvenile judge shall order 1065
the testimony be taken outside of the room in which the 1066
proceeding is being conducted and be recorded for showing in the 1067
room in which the proceeding is being conducted before the 1068
judge, the child who is charged with the violation or act, and 1069
any other persons who would have been present during the 1070
testimony of the victim with a developmental disability had it 1071
been given in the room in which the proceeding is being 1072
conducted. 1073

(2) Except for good cause shown, the prosecution, victim, 1074
or victim's attorney, if applicable, shall file a motion under 1075
this division at least seven days before the date of the 1076
proceeding. The juvenile judge may issue the order upon the 1077
motion of the prosecution, victim, or victim's attorney, if 1078
applicable, filed under this division, if the judge determines 1079
that the victim with a developmental disability is unavailable 1080
to testify in the room in which the proceeding is being 1081
conducted in the physical presence of the child charged with the 1082
violation or act, due to one or more of the reasons set forth in 1083
division (F) of this section. If a juvenile judge issues an 1084
order of that nature, the judge shall exclude from the room in 1085
which the testimony is to be taken every person except a person 1086
described in division (B) (2) of this section. To the extent 1087
feasible, any person operating the recording equipment shall be 1088
hidden from the sight and hearing of the victim with a 1089
developmental disability giving the testimony, in a manner 1090
similar to that described in division (B) (2) of this section. 1091
The child who is charged with the violation or act shall be 1092
permitted to observe and hear the testimony of the victim with a 1093
developmental disability giving the testimony on a monitor, 1094
shall be provided with an electronic means of immediate 1095
communication with the attorney of the child who is charged with 1096
the violation or act during the testimony, and shall be 1097
restricted to a location from which the child who is charged 1098
with the violation or act cannot be seen or heard by the victim 1099
with a developmental disability giving the testimony, except on 1100
a monitor provided for that purpose. The victim with a 1101
developmental disability giving the testimony shall be provided 1102
with a monitor on which the victim with a developmental 1103
disability can observe, while giving testimony, the child who is 1104
charged with the violation or act. No order for the taking of 1105

testimony by recording shall be issued under this division 1106
unless the provisions set forth in divisions (B) (2) (a), (b), 1107
(c), and (d) of this section apply to the recording of the 1108
testimony. 1109

(F) For purposes of divisions (D) and (E) of this section, 1110
a juvenile judge may order the testimony of a victim with a 1111
developmental disability to be taken outside of the room in 1112
which a proceeding is being conducted if the judge determines 1113
that the victim with a developmental disability is unavailable 1114
to testify in the room in the physical presence of the child 1115
charged with the violation or act due to one or more of the 1116
following circumstances: 1117

(1) The persistent refusal of the victim with a 1118
developmental disability to testify despite judicial requests to 1119
do so; 1120

(2) The inability of the victim with a developmental 1121
disability to communicate about the alleged violation or offense 1122
because of extreme fear, failure of memory, or another similar 1123
reason; 1124

(3) The substantial likelihood that the victim with a 1125
developmental disability will suffer serious emotional trauma 1126
from so testifying. 1127

(G) (1) If a juvenile judge issues an order pursuant to 1128
division (D) or (E) of this section that requires the testimony 1129
of a victim with a developmental disability in a juvenile court 1130
proceeding to be taken outside of the room in which the 1131
proceeding is being conducted, the order shall specifically 1132
identify the victim with a developmental disability, in a manner 1133
consistent with section 2930.07 of the Revised Code, to whose 1134

testimony it applies, the order applies only during the 1135
testimony of the specified victim with a developmental 1136
disability, and the victim with a developmental disability 1137
giving the testimony shall not be required to testify at the 1138
proceeding other than in accordance with the order. The 1139
authority of a judge to close the taking of a deposition under 1140
division (B) (2) of this section or a proceeding under division 1141
(D) or (E) of this section is in addition to the authority of a 1142
judge to close a hearing pursuant to section 2151.35 of the 1143
Revised Code. 1144

(2) A juvenile judge who makes any determination regarding 1145
the admissibility of a deposition under divisions (B) and (C) of 1146
this section, the recording of a deposition under division (B) 1147
(2) of this section, or the taking of testimony outside of the 1148
room in which a proceeding is being conducted under division (D) 1149
or (E) of this section shall enter the determination and 1150
findings on the record in the proceeding. 1151

Sec. 2305.37. (A) As used in this section: 1152

(1) "Agency" means any nonhospital, charitable nonprofit 1153
corporation that is organized and operated pursuant to Chapter 1154
1702. of the Revised Code and that satisfies ~~both~~ all of the 1155
following, or any nonhospital, charitable association, group, 1156
institution, organization, or society that is not organized and 1157
not operated for profit and that satisfies ~~both~~ all of the 1158
following: 1159

(a) It distributes consumer goods or perishable food, 1160
directly or indirectly, to individuals in need. 1161

(b) It does not charge or accept any form of compensation 1162
from the individuals in need for the distribution of the 1163

consumer goods~~or to them.~~ 1164

(c) It does not charge for the distribution of perishable 1165
food to individuals in need, or it does not charge individuals 1166
in need more than an amount sufficient to cover the cost of 1167
handling the perishable food distributed to them. 1168

(2) "At-cost" means the perishable food handling costs 1169
incurred by an agency. 1170

(3) "Consumer goods" means items of tangible personal 1171
property other than food that are used primarily for personal, 1172
family, or household purposes. 1173

~~(3)~~ (4) "Food service operation" has the same meaning as 1174
in section 3717.01 of the Revised Code. 1175

~~(4)~~ (5) "Food that is gleaned" means perishable food that 1176
remains on a farm or other real property and that the owner, 1177
lessee, renter, or operator of the property permits one or more 1178
persons to salvage free-of-charge for subsequent donation to one 1179
or more agencies. 1180

~~(5)~~ (6) "Harm" means injury, death, or loss to person or 1181
property. 1182

~~(6)~~ (7) "Hospital" has the same meaning as in section 1183
3701.01, 3727.01, or 5122.01 of the Revised Code. 1184

~~(7)~~ (8) "Individuals in need" means those persons who an 1185
agency determines are eligible to receive free distributions of 1186
consumer goods or free or at-cost distributions of perishable 1187
food because of poverty, illness, disability, infancy, or other 1188
conditions or circumstances that may result in persons having a 1189
need to receive ~~free such distributions of consumer goods or~~ 1190
~~perishable food.~~ 1191

~~(8)~~ (9) "Perishable food" means any food that may spoil or 1192
otherwise become unfit for human consumption because of its 1193
nature, age, or physical condition. "Perishable food" includes, 1194
but is not limited to, fresh meats, processed meats, poultry, 1195
fish and other seafood, dairy products, bakery products, eggs in 1196
the shell, fresh fruits, fresh vegetables, food that is gleaned, 1197
food that is packaged, refrigerated, or frozen, food that is 1198
canned, and prepared or other food that has not been served by a 1199
restaurant, cafeteria, hospital, hotel, caterer, or other food 1200
service operation to any customer, patient, or other person in 1201
the ordinary course of business, by a public or private school, 1202
college, university, or other educational institution to a 1203
student or another person on the premises in the ordinary course 1204
of the operation of the institution, or by a fraternal, 1205
veteran's, or other organization to its members or other persons 1206
on the premises in the ordinary course of the operation of the 1207
organization. 1208

~~(9)~~ (10) "Person" has the same meaning as in section 1.59 1209
of the Revised Code and additionally includes governmental 1210
entities and federal instrumentalities. 1211

~~(10)~~ (11) "Sale date" means the date by which the 1212
manufacturer, processor, or packager of a packaged food product 1213
recommends that the food product be sold for consumption based 1214
on the food product's quality assurance period. 1215

~~(11)~~ (12) "Tort action" means a civil action for damages 1216
for injury, death, or loss to person or property. "Tort action" 1217
includes a product liability claim that is subject to sections 1218
2307.71 to 2307.80 of the Revised Code but does not include a 1219
civil action for a breach of contract or another agreement 1220
between persons. 1221

(B) Notwithstanding Chapter 3715. of the Revised Code, a 1222
person who, in good faith, donates perishable food to an agency 1223
is not liable in damages in a tort action for harm that 1224
allegedly arises because that perishable food, when distributed 1225
by the agency or any other agency to a particular individual in 1226
need, is not fit for human consumption, if both of the following 1227
apply: 1228

(1) Prior to the donation of the perishable food to the 1229
agency, the person determines that the perishable food will be 1230
fit for human consumption at the time of its donation. A 1231
presumption favoring liability does not arise because the 1232
perishable food is donated to an agency on or after an 1233
applicable sale date. 1234

(2) The person does not make the determination that the 1235
perishable food will be fit for human consumption at the time of 1236
its donation to the agency in a manner that constitutes gross 1237
negligence or willful or wanton misconduct. 1238

(C) A person who, in good faith, donates consumer goods to 1239
an agency is not liable in damages in a tort action for harm 1240
that allegedly arises because those consumer goods are not fit 1241
for use at the time the agency or any other agency distributes 1242
them to a particular individual in need, if both of the 1243
following apply: 1244

(1) Prior to the donation of the consumer goods to the 1245
agency, the person determines that the consumer goods will be 1246
fit for use at the time of their donation. A presumption 1247
favoring liability does not arise because the consumer goods are 1248
in packaging that has been damaged. 1249

(2) The person does not make the determination that the 1250

consumer goods will be fit for use at the time of their donation 1251
to the agency in a manner that constitutes gross negligence or 1252
willful or wanton misconduct. 1253

(D) Notwithstanding Chapter 3715. of the Revised Code, an 1254
agency that, in good faith, distributes consumer goods or 1255
perishable food to a particular individual in need is not liable 1256
in damages in a tort action for harm that allegedly arises 1257
because those consumer goods are not fit for use or that 1258
perishable food is not fit for human consumption if both of the 1259
following apply: 1260

(1) Prior to the distribution of the consumer goods or 1261
perishable food to the individual, the agency determines that 1262
the consumer goods will be fit for use or the perishable food 1263
will be fit for human consumption at the time of its 1264
distribution. A presumption favoring liability does not arise 1265
because the consumer goods are in packaging that has been 1266
damaged or because the perishable food is distributed to an 1267
individual on or after an applicable sale date. 1268

(2) The agency does not make the determination that the 1269
consumer goods will be fit for use or the perishable food will 1270
be fit for human consumption at the time of its distribution to 1271
the individual in a manner that constitutes gross negligence or 1272
willful or wanton misconduct. 1273

(E) (1) This section does not create a new cause of action 1274
or substantive legal right against persons who donate consumer 1275
goods or perishable food to an agency or against agencies that 1276
distribute consumer goods or perishable food to an individual in 1277
need. 1278

(2) This section does not affect any immunities from or 1279

defenses to tort liability established by another section of the 1280
Revised Code or available at common law to which persons who 1281
donate consumer goods or perishable food other than to agencies, 1282
or to which agencies that distribute consumer goods or 1283
perishable food other than to individuals in need, may be 1284
entitled. 1285

Sec. 2743.71. (A) Any law enforcement agency that 1286
investigates, and any prosecuting attorney, city director of 1287
law, village solicitor, or similar prosecuting authority who 1288
prosecutes, an offense committed in this state shall, upon first 1289
contact with the victim, as defined in division (L) (1) of 1290
section 2743.51 of the Revised Code, or the victim's family or 1291
dependents, give the victim or the victim's family or dependents 1292
a copy of an information card or other printed material provided 1293
by the attorney general pursuant to division (B) of this section 1294
and explain, upon request, the information on the card or 1295
material to the victim or the victim's family or dependents. 1296

(B) The attorney general shall have printed, and shall 1297
provide to law enforcement agencies, prosecuting attorneys, city 1298
directors of law, village solicitors, and similar prosecuting 1299
authorities, cards or other materials that contain information 1300
explaining awards of reparations. The information on the cards 1301
or other materials shall include, but shall not be limited to, 1302
the following statements: 1303

(1) Awards of reparations are limited to losses that are 1304
caused by physical injury resulting from criminally injurious 1305
conduct; 1306

(2) Reparations applications may be filed at any time 1307
within three years after the occurrence of the criminally 1308
injurious conduct, except as provided in divisions (A) (2) (b) to 1309

(d) of section 2743.60 of the Revised Code; 1310

(3) An attorney who represents an applicant for an award 1311
of reparations cannot charge the applicant for the services 1312
rendered in relation to that representation but is required to 1313
apply to the attorney general for payment for the 1314
representation; 1315

(4) Applications for awards of reparations may be obtained 1316
from the attorney general, law enforcement agencies, and victim 1317
assistance agencies and are to be filed with the attorney 1318
general. 1319

(C) The attorney general may order that a reasonable 1320
amount of money be paid out of the reparations fund, subject to 1321
the limitation imposed by division (D) of this section, for use 1322
by the attorney general to publicize the availability of awards 1323
of reparations. 1324

(D) During any fiscal year, the total expenditure for the 1325
printing and providing of information cards or other materials 1326
pursuant to division (B) of this section and for the publicizing 1327
of the availability of awards of reparations pursuant to 1328
division (C) of this section shall not exceed two per cent of 1329
the total of all court costs deposited, in accordance with 1330
section 2743.70 of the Revised Code, in the reparations fund 1331
during the immediately preceding fiscal year. 1332

(E) The information cards or other materials provided 1333
pursuant to division (B) of this section may be provided with 1334
the compilation prepared pursuant to division (A) of section 1335
109.42 of the Revised Code. 1336

Sec. 2903.213. (A) Except when the complaint or indictment 1337
involves a person who is a family or household member as defined 1338

in section 2919.25 of the Revised Code, upon the filing of a 1339
complaint or indictment that alleges a violation of section 1340
2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 1341
2911.211 of the Revised Code, a violation of a municipal 1342
ordinance substantially similar to section 2903.13, 2903.21, 1343
2903.211, 2903.22, or 2911.211 of the Revised Code, or the 1344
commission of a sexually oriented offense, the complainant, the 1345
prosecutor, the alleged victim, or a family or household member 1346
of an alleged victim may file a motion that requests the 1347
issuance of a protection order as a pretrial condition of 1348
release of the alleged offender, in addition to any bail set 1349
under Criminal Rule 46. The motion shall be filed with the clerk 1350
of the court that has jurisdiction of the case at any time after 1351
the filing of the complaint or indictment. If the complaint or 1352
indictment involves a person who is a family or household 1353
member, the complainant, the alleged victim, or the family or 1354
household member may file a motion for a temporary protection 1355
order pursuant to section 2919.26 of the Revised Code. 1356

(B) A motion for a protection order under this section 1357
shall be prepared on a form that is provided by the clerk of the 1358
court, and the form shall be substantially as follows: 1359

"Motion for Protection Order 1360

_____ 1361

Name and address of court 1362

State of Ohio 1363

v. No. _____ 1364

_____ 1365

Name of Defendant 1366

(Name of person), moves the court to issue a protection order 1367
containing terms designed to ensure the safety and protection of 1368
the complainant or the alleged victim in the above-captioned 1369
case, in relation to the named defendant, pursuant to its 1370
authority to issue a protection order under section 2903.213 of 1371
the Revised Code. 1372

A complaint or indictment, a copy of which has been 1373
attached to this motion, has been filed in this court charging 1374
the named defendant with a violation of section 2903.11, 1375
2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 1376
Revised Code, a violation of a municipal ordinance substantially 1377
similar to section 2903.13, 2903.21, 2903.211, 2903.22, or 1378
2911.211 of the Revised Code, or the commission of a sexually 1379
oriented offense. 1380

I understand that I must appear before the court, at a 1381
time set by the court not later than the next day that the court 1382
is in session after the filing of this motion, for a hearing on 1383
the motion, and that any protection order granted pursuant to 1384
this motion is a pretrial condition of release and is effective 1385
only until the disposition of the criminal proceeding arising 1386
out of the attached complaint or indictment or until the 1387
issuance under section 2903.214 of the Revised Code of a 1388
protection order arising out of the same activities as those 1389
that were the basis of the attached complaint or indictment. 1390

1391

Signature of person 1392

1393

Address of person" 1394

(C) (1) As soon as possible after the filing of a motion 1395

that requests the issuance of a protection order under this 1396
section, but not later than the next day that the court is in 1397
session after the filing of the motion, the court shall conduct 1398
a hearing to determine whether to issue the order. The person 1399
who requested the order shall appear before the court and 1400
provide the court with the information that it requests 1401
concerning the basis of the motion. If the court finds that the 1402
safety and protection of the complainant or the alleged victim 1403
may be impaired by the continued presence of the alleged 1404
offender, the court may issue a protection order under this 1405
section, as a pretrial condition of release, that contains terms 1406
designed to ensure the safety and protection of the complainant 1407
or the alleged victim, including a requirement that the alleged 1408
offender refrain from entering the residence, school, business, 1409
or place of employment of the complainant or the alleged victim. 1410
The court may include within a protection order issued under 1411
this section a term requiring that the alleged offender not 1412
remove, damage, hide, harm, or dispose of any companion animal 1413
owned or possessed by the complainant or the alleged victim, and 1414
may include within the order a term authorizing the complainant 1415
or the alleged victim to remove a companion animal owned by the 1416
complainant or the alleged victim from the possession of the 1417
alleged offender. 1418

(2) (a) If the court issues a protection order under this 1419
section that includes a requirement that the alleged offender 1420
refrain from entering the residence, school, business, or place 1421
of employment of the complainant or the alleged victim, the 1422
order shall clearly state that the order cannot be waived or 1423
nullified by an invitation to the alleged offender from the 1424
complainant, the alleged victim, or a family or household member 1425
to enter the residence, school, business, or place of employment 1426

or by the alleged offender's entry into one of those places 1427
otherwise upon the consent of the complainant, the alleged 1428
victim, or a family or household member. 1429

(b) Division (C) (2) (a) of this section does not limit any 1430
discretion of a court to determine that an alleged offender 1431
charged with a violation of section 2919.27 of the Revised Code, 1432
with a violation of a municipal ordinance substantially 1433
equivalent to that section, or with contempt of court, which 1434
charge is based on an alleged violation of a protection order 1435
issued under this section, did not commit the violation or was 1436
not in contempt of court. 1437

(D) (1) Except when the complaint or indictment involves a 1438
person who is a family or household member as defined in section 1439
2919.25 of the Revised Code, upon the filing of a complaint or 1440
indictment that alleges a violation specified in division (A) of 1441
this section, the court, upon its own motion, may issue a 1442
protection order under this section as a pretrial condition of 1443
release of the alleged offender if it finds that the safety and 1444
protection of the complainant or the alleged victim may be 1445
impaired by the continued presence of the alleged offender. 1446

(2) If the court issues a protection order under this 1447
section as an ex parte order, it shall conduct, as soon as 1448
possible after the issuance of the order but not later than the 1449
next day that the court is in session after its issuance, a 1450
hearing to determine whether the order should remain in effect, 1451
be modified, or be revoked. The hearing shall be conducted under 1452
the standards set forth in division (C) of this section. 1453

(3) If a municipal court or a county court issues a 1454
protection order under this section and if, subsequent to the 1455
issuance of the order, the alleged offender who is the subject 1456

of the order is bound over to the court of common pleas for 1457
prosecution of a felony arising out of the same activities as 1458
those that were the basis of the complaint upon which the order 1459
is based, notwithstanding the fact that the order was issued by 1460
a municipal court or county court, the order shall remain in 1461
effect, as though it were an order of the court of common pleas, 1462
while the charges against the alleged offender are pending in 1463
the court of common pleas, for the period of time described in 1464
division (E) (2) of this section, and the court of common pleas 1465
has exclusive jurisdiction to modify the order issued by the 1466
municipal court or county court. This division applies when the 1467
alleged offender is bound over to the court of common pleas as a 1468
result of the person waiving a preliminary hearing on the felony 1469
charge, as a result of the municipal court or county court 1470
having determined at a preliminary hearing that there is 1471
probable cause to believe that the felony has been committed and 1472
that the alleged offender committed it, as a result of the 1473
alleged offender having been indicted for the felony, or in any 1474
other manner. 1475

(E) A protection order that is issued as a pretrial 1476
condition of release under this section: 1477

(1) Is in addition to, but shall not be construed as a 1478
part of, any bail set under Criminal Rule 46; 1479

(2) Is effective only until the disposition, by the court 1480
that issued the order or, in the circumstances described in 1481
division (D) (3) of this section, by the court of common pleas to 1482
which the alleged offender is bound over for prosecution, of the 1483
criminal proceeding arising out of the complaint or indictment 1484
upon which the order is based or until the issuance under 1485
section 2903.214 of the Revised Code of a protection order 1486

arising out of the same activities as those that were the basis 1487
of the complaint or indictment filed under this section; 1488

(3) Shall not be construed as a finding that the alleged 1489
offender committed the alleged offense and shall not be 1490
introduced as evidence of the commission of the offense at the 1491
trial of the alleged offender on the complaint or indictment 1492
upon which the order is based. 1493

(F) A person who meets the criteria for bail under 1494
Criminal Rule 46 and who, if required to do so pursuant to that 1495
rule, executes or posts bond or deposits cash or securities as 1496
bail, shall not be held in custody pending a hearing before the 1497
court on a motion requesting a protection order under this 1498
section. 1499

(G) (1) A copy of a protection order that is issued under 1500
this section shall be issued by the court to the complainant, to 1501
the alleged victim, to the person who requested the order, to 1502
the defendant, and to all law enforcement agencies that have 1503
jurisdiction to enforce the order. The court shall direct that a 1504
copy of the order be delivered to the defendant on the same day 1505
that the order is entered. If a municipal court or a county 1506
court issues a protection order under this section and if, 1507
subsequent to the issuance of the order, the defendant who is 1508
the subject of the order is bound over to the court of common 1509
pleas for prosecution as described in division (D) (3) of this 1510
section, the municipal court or county court shall direct that a 1511
copy of the order be delivered to the court of common pleas to 1512
which the defendant is bound over. 1513

(2) All law enforcement agencies shall establish and 1514
maintain an index for the protection orders delivered to the 1515
agencies pursuant to division (G) (1) of this section. With 1516

respect to each order delivered, each agency shall note on the 1517
index the date and time of the agency's receipt of the order. 1518

(3) Regardless of whether the petitioner has registered 1519
the protection order in the county in which the officer's agency 1520
has jurisdiction, any officer of a law enforcement agency shall 1521
enforce a protection order issued pursuant to this section in 1522
accordance with the provisions of the order. 1523

(H) Upon a violation of a protection order issued pursuant 1524
to this section, the court may issue another protection order 1525
under this section, as a pretrial condition of release, that 1526
modifies the terms of the order that was violated. 1527

(I) (1) Subject to division (I) (2) of this section and 1528
regardless of whether a protection order is issued or a consent 1529
agreement is approved by a court of another county or by a court 1530
of another state, no court or unit of state or local government 1531
shall charge the movant any fee, cost, deposit, or money in 1532
connection with the filing of a motion pursuant to this section, 1533
in connection with the filing, issuance, registration, 1534
modification, enforcement, dismissal, withdrawal, or service of 1535
a protection order, consent agreement, or witness subpoena or 1536
for obtaining certified copies of a protection order or consent 1537
agreement. 1538

(2) Regardless of whether a protection order is issued or 1539
a consent agreement is approved pursuant to this section, if the 1540
defendant is convicted the court may assess costs against the 1541
defendant in connection with the filing, issuance, registration, 1542
modification, enforcement, dismissal, withdrawal, or service of 1543
a protection order, consent agreement, or witness subpoena or 1544
for obtaining a certified copy of a protection order or consent 1545
agreement. 1546

(J) At the time of termination of a protection order 1547
issued under this section, the court shall inform all law 1548
enforcement agencies that have jurisdiction to enforce the order 1549
that the order is no longer effective. 1550

(K) As used in this section: 1551

(1) "Sexually oriented offense" has the same meaning as in 1552
section 2950.01 of the Revised Code. 1553

(2) "Companion animal" has the same meaning as in section 1554
959.131 of the Revised Code. 1555

Sec. 2919.26. (A) (1) Upon the filing of a complaint or 1556
indictment that alleges a violation of section 2909.06, 2909.07, 1557
2911.12, or 2911.211 of the Revised Code if the alleged victim 1558
of the violation was a family or household member at the time of 1559
the violation, a violation of a municipal ordinance that is 1560
substantially similar to any of those sections if the alleged 1561
victim of the violation was a family or household member at the 1562
time of the violation, any offense of violence if the alleged 1563
victim of the offense was a family or household member at the 1564
time of the commission of the offense, or any sexually oriented 1565
offense if the alleged victim of the offense was a family or 1566
household member at the time of the commission of the offense, 1567
the complainant, the alleged victim, or a family or household 1568
member of an alleged victim may file, or, if in an emergency the 1569
alleged victim is unable to file, a person who made an arrest 1570
for the alleged violation or offense under section 2935.03 of 1571
the Revised Code may file on behalf of the alleged victim, a 1572
motion that requests the issuance of a temporary protection 1573
order as a pretrial condition of release of the alleged 1574
offender, in addition to any bail set under Criminal Rule 46. 1575
The motion shall be filed with the clerk of the court that has 1576

jurisdiction of the case at any time after the filing of the 1577
complaint or indictment. 1578

(2) For purposes of section 2930.09 of the Revised Code, 1579
all stages of a proceeding arising out of a complaint or 1580
indictment alleging the commission of a violation, offense of 1581
violence, or sexually oriented offense described in division (A) 1582
(1) of this section, including all proceedings on a motion for a 1583
temporary protection order, are critical stages of the case, and 1584
a victim may be accompanied by a victim advocate or another 1585
person to provide support to the victim as provided in that 1586
section. 1587

(B) The motion shall be prepared on a form that is 1588
provided by the clerk of the court, which form shall be 1589
substantially as follows: 1590

"MOTION FOR TEMPORARY PROTECTION ORDER 1591

_____ Court 1592

Name and address of court 1593

State of Ohio 1594

v. No. _____ 1595

_____ 1596

Name of Defendant 1597

(name of person), moves the court to issue a temporary 1598
protection order containing terms designed to ensure the safety 1599
and protection of the complainant, alleged victim, and other 1600
family or household members, in relation to the named defendant, 1601
pursuant to its authority to issue such an order under section 1602
2919.26 of the Revised Code. 1603

A complaint or indictment, a copy of which has been 1604
attached to this motion, has been filed in this court charging 1605
the named defendant with _____ (name of the 1606
specified violation, the offense of violence, or sexually 1607
oriented offense charged) in circumstances in which the victim 1608
was a family or household member in violation of (section of the 1609
Revised Code designating the specified violation, offense of 1610
violence, or sexually oriented offense charged), or charging the 1611
named defendant with a violation of a municipal ordinance that 1612
is substantially similar to _____ (section of 1613
the Revised Code designating the specified violation, offense of 1614
violence, or sexually oriented offense charged) involving a 1615
family or household member. 1616

I understand that I must appear before the court, at a 1617
time set by the court within twenty-four hours after the filing 1618
of this motion, for a hearing on the motion or that, if I am 1619
unable to appear because of hospitalization or a medical 1620
condition resulting from the offense alleged in the complaint or 1621
indictment, a person who can provide information about my need 1622
for a temporary protection order must appear before the court in 1623
lieu of my appearing in court. I understand that any temporary 1624
protection order granted pursuant to this motion is a pretrial 1625
condition of release and is effective only until the disposition 1626
of the criminal proceeding arising out of the attached complaint 1627
or indictment, or the issuance of a civil protection order or 1628
the approval of a consent agreement, arising out of the same 1629
activities as those that were the basis of the complaint or 1630
indictment, under section 3113.31 of the Revised Code. 1631

Signature of person 1632
1633

(or signature of the arresting officer who filed the motion on 1634
behalf of the alleged victim) 1635

1636

Address of person (or office address of the arresting officer 1637
who filed the motion on behalf of the alleged victim)" 1638

(C) (1) As soon as possible after the filing of a motion 1639
that requests the issuance of a temporary protection order, but 1640
not later than twenty-four hours after the filing of the motion, 1641
the court shall conduct a hearing to determine whether to issue 1642
the order. The person who requested the order shall appear 1643
before the court and provide the court with the information that 1644
it requests concerning the basis of the motion. If the person 1645
who requested the order is unable to appear and if the court 1646
finds that the failure to appear is because of the person's 1647
hospitalization or medical condition resulting from the offense 1648
alleged in the complaint or indictment, another person who is 1649
able to provide the court with the information it requests may 1650
appear in lieu of the person who requested the order. If the 1651
court finds that the safety and protection of the complainant, 1652
alleged victim, or any other family or household member of the 1653
alleged victim may be impaired by the continued presence of the 1654
alleged offender, the court may issue a temporary protection 1655
order, as a pretrial condition of release, that contains terms 1656
designed to ensure the safety and protection of the complainant, 1657
alleged victim, or the family or household member, including a 1658
requirement that the alleged offender refrain from entering the 1659
residence, school, business, or place of employment of the 1660
complainant, alleged victim, or the family or household member. 1661
The court may include within a protection order issued under 1662
this section a term requiring that the alleged offender not 1663

remove, damage, hide, harm, or dispose of any companion animal 1664
owned or possessed by the complainant, alleged victim, or any 1665
other family or household member of the alleged victim, and may 1666
include within the order a term authorizing the complainant, 1667
alleged victim, or other family or household member of the 1668
alleged victim to remove a companion animal owned by the 1669
complainant, alleged victim, or other family or household member 1670
from the possession of the alleged offender. 1671

(2) (a) If the court issues a temporary protection order 1672
that includes a requirement that the alleged offender refrain 1673
from entering the residence, school, business, or place of 1674
employment of the complainant, the alleged victim, or the family 1675
or household member, the order shall state clearly that the 1676
order cannot be waived or nullified by an invitation to the 1677
alleged offender from the complainant, alleged victim, or family 1678
or household member to enter the residence, school, business, or 1679
place of employment or by the alleged offender's entry into one 1680
of those places otherwise upon the consent of the complainant, 1681
alleged victim, or family or household member. 1682

(b) Division (C) (2) (a) of this section does not limit any 1683
discretion of a court to determine that an alleged offender 1684
charged with a violation of section 2919.27 of the Revised Code, 1685
with a violation of a municipal ordinance substantially 1686
equivalent to that section, or with contempt of court, which 1687
charge is based on an alleged violation of a temporary 1688
protection order issued under this section, did not commit the 1689
violation or was not in contempt of court. 1690

(D) (1) Upon the filing of a complaint or indictment that 1691
alleges a violation of section 2909.06, 2909.07, 2911.12, or 1692
2911.211 of the Revised Code if the alleged victim of the 1693

violation was a family or household member at the time of the 1694
violation, a violation of a municipal ordinance that is 1695
substantially similar to any of those sections if the alleged 1696
victim of the violation was a family or household member at the 1697
time of the violation, any offense of violence if the alleged 1698
victim of the offense was a family or household member at the 1699
time of the commission of the offense, or any sexually oriented 1700
offense if the alleged victim of the offense was a family or 1701
household member at the time of the commission of the offense, 1702
the court, upon its own motion, may issue a temporary protection 1703
order as a pretrial condition of release if it finds that the 1704
safety and protection of the complainant, alleged victim, or 1705
other family or household member of the alleged offender may be 1706
impaired by the continued presence of the alleged offender. 1707

(2) If the court issues a temporary protection order under 1708
this section as an ex parte order, it shall conduct, as soon as 1709
possible after the issuance of the order, a hearing in the 1710
presence of the alleged offender not later than the next day on 1711
which the court is scheduled to conduct business after the day 1712
on which the alleged offender was arrested or at the time of the 1713
appearance of the alleged offender pursuant to summons to 1714
determine whether the order should remain in effect, be 1715
modified, or be revoked. The hearing shall be conducted under 1716
the standards set forth in division (C) of this section. 1717

(3) An order issued under this section shall contain only 1718
those terms authorized in orders issued under division (C) of 1719
this section. 1720

(4) If a municipal court or a county court issues a 1721
temporary protection order under this section and if, subsequent 1722
to the issuance of the order, the alleged offender who is the 1723

subject of the order is bound over to the court of common pleas 1724
for prosecution of a felony arising out of the same activities 1725
as those that were the basis of the complaint upon which the 1726
order is based, notwithstanding the fact that the order was 1727
issued by a municipal court or county court, the order shall 1728
remain in effect, as though it were an order of the court of 1729
common pleas, while the charges against the alleged offender are 1730
pending in the court of common pleas, for the period of time 1731
described in division (E) (2) of this section, and the court of 1732
common pleas has exclusive jurisdiction to modify the order 1733
issued by the municipal court or county court. This division 1734
applies when the alleged offender is bound over to the court of 1735
common pleas as a result of the person waiving a preliminary 1736
hearing on the felony charge, as a result of the municipal court 1737
or county court having determined at a preliminary hearing that 1738
there is probable cause to believe that the felony has been 1739
committed and that the alleged offender committed it, as a 1740
result of the alleged offender having been indicted for the 1741
felony, or in any other manner. 1742

(E) A temporary protection order that is issued as a 1743
pretrial condition of release under this section: 1744

(1) Is in addition to, but shall not be construed as a 1745
part of, any bail set under Criminal Rule 46; 1746

(2) Is effective only until the occurrence of either of 1747
the following: 1748

(a) The disposition, by the court that issued the order 1749
or, in the circumstances described in division (D) (4) of this 1750
section, by the court of common pleas to which the alleged 1751
offender is bound over for prosecution, of the criminal 1752
proceeding arising out of the complaint or indictment upon which 1753

the order is based; 1754

(b) The issuance of a protection order or the approval of 1755
a consent agreement, arising out of the same activities as those 1756
that were the basis of the complaint or indictment upon which 1757
the order is based, under section 3113.31 of the Revised Code. 1758

(3) Shall not be construed as a finding that the alleged 1759
offender committed the alleged offense, and shall not be 1760
introduced as evidence of the commission of the offense at the 1761
trial of the alleged offender on the complaint or indictment 1762
upon which the order is based. 1763

(F) A person who meets the criteria for bail under 1764
Criminal Rule 46 and who, if required to do so pursuant to that 1765
rule, executes or posts bond or deposits cash or securities as 1766
bail, shall not be held in custody pending a hearing before the 1767
court on a motion requesting a temporary protection order. 1768

(G) (1) A copy of any temporary protection order that is 1769
issued under this section shall be issued by the court to the 1770
complainant, to the alleged victim, to the person who requested 1771
the order, to the defendant, and to all law enforcement agencies 1772
that have jurisdiction to enforce the order. The court shall 1773
direct that a copy of the order be delivered to the defendant on 1774
the same day that the order is entered. If a municipal court or 1775
a county court issues a temporary protection order under this 1776
section and if, subsequent to the issuance of the order, the 1777
defendant who is the subject of the order is bound over to the 1778
court of common pleas for prosecution as described in division 1779
(D) (4) of this section, the municipal court or county court 1780
shall direct that a copy of the order be delivered to the court 1781
of common pleas to which the defendant is bound over. 1782

(2) Upon the issuance of a protection order under this 1783
section, the court shall provide the parties to the order with 1784
the following notice orally or by form: 1785

"NOTICE 1786

As a result of this protection order, it may be unlawful 1787
for you to possess or purchase a firearm, including a rifle, 1788
pistol, or revolver, or ammunition pursuant to federal law under 1789
18 U.S.C. 922(g)(8) for the duration of this order. If you have 1790
any questions whether this law makes it illegal for you to 1791
possess or purchase a firearm or ammunition, you should consult 1792
an attorney." 1793

(3) All law enforcement agencies shall establish and 1794
maintain an index for the temporary protection orders delivered 1795
to the agencies pursuant to division (G)(1) of this section. 1796
With respect to each order delivered, each agency shall note on 1797
the index, the date and time of the receipt of the order by the 1798
agency. 1799

(4) A complainant, alleged victim, or other person who 1800
obtains a temporary protection order under this section may 1801
provide notice of the issuance of the temporary protection order 1802
to the judicial and law enforcement officials in any county 1803
other than the county in which the order is issued by 1804
registering that order in the other county in accordance with 1805
division (N) of section 3113.31 of the Revised Code and filing a 1806
copy of the registered protection order with a law enforcement 1807
agency in the other county in accordance with that division. 1808

(5) Any officer of a law enforcement agency shall enforce 1809
a temporary protection order issued by any court in this state 1810
in accordance with the provisions of the order, including 1811

removing the defendant from the premises, regardless of whether 1812
the order is registered in the county in which the officer's 1813
agency has jurisdiction as authorized by division (G) (4) of this 1814
section. 1815

(H) Upon a violation of a temporary protection order, the 1816
court may issue another temporary protection order, as a 1817
pretrial condition of release, that modifies the terms of the 1818
order that was violated. 1819

(I) (1) As used in divisions (I) (1) and (2) of this 1820
section, "defendant" means a person who is alleged in a 1821
complaint or indictment to have committed a violation, offense 1822
of violence, or sexually oriented offense of the type described 1823
in division (A) of this section. 1824

(2) If a complaint or indictment is filed that alleges 1825
that a person committed a violation, offense of violence, or 1826
sexually oriented offense of the type described in division (A) 1827
of this section, the court may not issue a temporary protection 1828
order under this section that requires the complainant, the 1829
alleged victim, or another family or household member of the 1830
defendant to do or refrain from doing an act that the court may 1831
require the defendant to do or refrain from doing under a 1832
temporary protection order unless both of the following apply: 1833

(a) The defendant has filed a separate complaint that 1834
alleges that the complainant, alleged victim, or other family or 1835
household member in question who would be required under the 1836
order to do or refrain from doing the act committed a violation 1837
or offense of violence of the type described in division (A) of 1838
this section. 1839

(b) The court determines that both the complainant, 1840

alleged victim, or other family or household member in question 1841
who would be required under the order to do or refrain from 1842
doing the act and the defendant acted primarily as aggressors, 1843
that neither the complainant, alleged victim, or other family or 1844
household member in question who would be required under the 1845
order to do or refrain from doing the act nor the defendant 1846
acted primarily in self-defense, and, in accordance with the 1847
standards and criteria of this section as applied in relation to 1848
the separate complaint filed by the defendant, that it should 1849
issue the order to require the complainant, alleged victim, or 1850
other family or household member in question to do or refrain 1851
from doing the act. 1852

(J) (1) Subject to division (J) (2) of this section and 1853
regardless of whether a protection order is issued or a consent 1854
agreement is approved by a court of another county or a court of 1855
another state, no court or unit of state or local government 1856
shall charge the movant any fee, cost, deposit, or money in 1857
connection with the filing of a motion pursuant to this section, 1858
in connection with the filing, issuance, registration, 1859
modification, enforcement, dismissal, withdrawal, or service of 1860
a protection order, consent agreement, or witness subpoena or 1861
for obtaining a certified copy of a protection order or consent 1862
agreement. 1863

(2) Regardless of whether a protection order is issued or 1864
a consent agreement is approved pursuant to this section, if the 1865
defendant is convicted the court may assess costs against the 1866
defendant in connection with the filing, issuance, registration, 1867
modification, enforcement, dismissal, withdrawal, or service of 1868
a protection order, consent agreement, or witness subpoena or 1869
for obtaining a certified copy of a protection order or consent 1870
agreement. 1871

(K) As used in this section: 1872

(1) "Companion animal" has the same meaning as in section 1873
959.131 of the Revised Code. 1874

(2) "Sexually oriented offense" has the same meaning as in 1875
section 2950.01 of the Revised Code. 1876

(3) "Victim advocate" means a person who provides support 1877
and assistance for a victim of an offense during court 1878
proceedings. 1879

Sec. 2929.28. (A) In addition to imposing court costs 1880
pursuant to section 2947.23 of the Revised Code, the court 1881
imposing a sentence upon an offender for a misdemeanor, 1882
including a minor misdemeanor, may sentence the offender to any 1883
financial sanction or combination of financial sanctions 1884
authorized under this section and, if the offender is being 1885
sentenced for a criminal offense as defined in section 2930.01 1886
of the Revised Code, shall sentence the offender to make 1887
restitution pursuant to this section and section 2929.281 of the 1888
Revised Code. If the court, in its discretion or as required by 1889
this section, imposes one or more financial sanctions, the 1890
financial sanctions that may be imposed pursuant to this section 1891
include, but are not limited to, the following: 1892

(1) Unless the misdemeanor offense could be disposed of by 1893
the traffic violations bureau serving the court under Traffic 1894
Rule 13, restitution by the offender to the victim of the 1895
offender's crime or the victim's estate, in an amount based on 1896
the victim's economic loss. The court may not impose restitution 1897
as a sanction pursuant to this division if the offense could be 1898
disposed of by the traffic violations bureau serving the court 1899
under Traffic Rule 13. If the court requires restitution, the 1900

court shall order that the restitution be made to the victim in 1901
open court or to the adult probation department that serves the 1902
jurisdiction or the clerk of the court on behalf of the victim. 1903

The court shall determine the amount of restitution to be 1904
paid by the offender. The victim, victim's representative, 1905
victim's attorney, if applicable, the prosecutor or the 1906
prosecutor's designee, and the offender may provide information 1907
relevant to the determination of the amount of restitution. The 1908
amount the court orders as restitution shall not exceed the 1909
amount of the economic loss suffered by the victim as a direct 1910
and proximate result of the commission of the offense. If the 1911
court imposes restitution for the cost of accounting or auditing 1912
done to determine the extent of economic loss, the court may 1913
order restitution for any amount of the victim's costs of 1914
accounting or auditing provided that the amount of restitution 1915
is reasonable and does not exceed the value of property or 1916
services stolen or damaged as a result of the offense. If the 1917
court decides to or is required to impose restitution, the court 1918
shall hold an evidentiary hearing on restitution if the 1919
offender, victim, victim's representative, victim's attorney, if 1920
applicable, or victim's estate disputes the amount of 1921
restitution. The court shall determine the amount of full 1922
restitution by a preponderance of the evidence. 1923

All restitution payments shall be credited against any 1924
recovery of economic loss in a civil action brought by the 1925
victim or the victim's estate against the offender. No person 1926
may introduce evidence of an award of restitution under this 1927
section in a civil action for purposes of imposing liability 1928
against an insurer under section 3937.18 of the Revised Code. 1929

The court may order that the offender pay a surcharge, of 1930

not more than five per cent of the amount of the restitution 1931
otherwise ordered, to the entity responsible for collecting and 1932
processing restitution payments. 1933

The victim, victim's attorney, if applicable, or the 1934
attorney for the victim's estate may request that the prosecutor 1935
in the case file a motion, or the offender may file a motion, 1936
for modification of the payment terms of any restitution 1937
ordered. If the court grants the motion, it may modify the 1938
payment terms as it determines appropriate but shall not reduce 1939
the amount of restitution ordered, except as provided in 1940
division (A) of section 2929.281 of the Revised Code. 1941

(2) A fine of the type described in divisions (A) (2) (a) 1942
and (b) of this section payable to the appropriate entity as 1943
required by law: 1944

(a) A fine in the following amount: 1945

(i) For a misdemeanor of the first degree, not more than 1946
one thousand dollars; 1947

(ii) For a misdemeanor of the second degree, not more than 1948
seven hundred fifty dollars; 1949

(iii) For a misdemeanor of the third degree, not more than 1950
five hundred dollars; 1951

(iv) For a misdemeanor of the fourth degree, not more than 1952
two hundred fifty dollars; 1953

(v) For a minor misdemeanor, not more than one hundred 1954
fifty dollars. 1955

(b) A state fine or cost as defined in section 2949.111 of 1956
the Revised Code. 1957

(3) (a) Reimbursement by the offender of any or all of the 1958
costs of sanctions incurred by the government, including, but 1959
not limited to, the following: 1960

(i) All or part of the costs of implementing any community 1961
control sanction, including a supervision fee under section 1962
2951.021 of the Revised Code and the costs of global positioning 1963
system device monitoring; 1964

(ii) All or part of the costs of confinement in a jail or 1965
other residential facility, including, but not limited to, a per 1966
diem fee for room and board, the costs of medical and dental 1967
treatment, and the costs of repairing property damaged by the 1968
offender while confined; 1969

(iii) All or part of the cost of purchasing and using an 1970
immobilizing or disabling device, including a certified ignition 1971
interlock device, or a remote alcohol monitoring device that a 1972
court orders an offender to use under section 4510.13 of the 1973
Revised Code. 1974

(b) The amount of reimbursement ordered under division (A) 1975
(3) (a) of this section shall not exceed the total amount of 1976
reimbursement the offender is able to pay and shall not exceed 1977
the actual cost of the sanctions. The court may collect any 1978
amount of reimbursement the offender is required to pay under 1979
that division. If the court does not order reimbursement under 1980
that division, confinement costs may be assessed pursuant to a 1981
repayment policy adopted under section 2929.37 of the Revised 1982
Code. In addition, the offender may be required to pay the fees 1983
specified in section 2929.38 of the Revised Code in accordance 1984
with that section. 1985

(B) If the court determines a hearing is necessary, the 1986

court may hold a hearing to determine whether the offender is 1987
able to pay the financial sanction imposed pursuant to this 1988
section or court costs or is likely in the future to be able to 1989
pay the sanction or costs. 1990

If the court determines that the offender is indigent and 1991
unable to pay the financial sanction or court costs, the court 1992
shall consider imposing and may impose a term of community 1993
service under division (A) of section 2929.27 of the Revised 1994
Code in lieu of imposing a financial sanction or court costs. If 1995
the court does not determine that the offender is indigent, the 1996
court may impose a term of community service under division (A) 1997
of section 2929.27 of the Revised Code in lieu of or in addition 1998
to imposing a financial sanction under this section and in 1999
addition to imposing court costs. The court may order community 2000
service for a minor misdemeanor pursuant to division (D) of 2001
section 2929.27 of the Revised Code in lieu of or in addition to 2002
imposing a financial sanction under this section and in addition 2003
to imposing court costs. If a person fails to pay a financial 2004
sanction or court costs, the court may order community service 2005
in lieu of the financial sanction or court costs. 2006

(C) (1) The offender shall pay reimbursements imposed upon 2007
the offender pursuant to division (A) (3) of this section to pay 2008
the costs incurred by a county pursuant to any sanction imposed 2009
under this section or section 2929.26 or 2929.27 of the Revised 2010
Code or in operating a facility used to confine offenders 2011
pursuant to a sanction imposed under section 2929.26 of the 2012
Revised Code to the county treasurer. The county treasurer shall 2013
deposit the reimbursements in the county's general fund. The 2014
county shall use the amounts deposited in the fund to pay the 2015
costs incurred by the county pursuant to any sanction imposed 2016
under this section or section 2929.26 or 2929.27 of the Revised 2017

Code or in operating a facility used to confine offenders 2018
pursuant to a sanction imposed under section 2929.26 of the 2019
Revised Code. 2020

(2) The offender shall pay reimbursements imposed upon the 2021
offender pursuant to division (A)(3) of this section to pay the 2022
costs incurred by a municipal corporation pursuant to any 2023
sanction imposed under this section or section 2929.26 or 2024
2929.27 of the Revised Code or in operating a facility used to 2025
confine offenders pursuant to a sanction imposed under section 2026
2929.26 of the Revised Code to the treasurer of the municipal 2027
corporation. The treasurer shall deposit the reimbursements in 2028
the municipal corporation's general fund. The municipal 2029
corporation shall use the amounts deposited in the fund to pay 2030
the costs incurred by the municipal corporation pursuant to any 2031
sanction imposed under this section or section 2929.26 or 2032
2929.27 of the Revised Code or in operating a facility used to 2033
confine offenders pursuant to a sanction imposed under section 2034
2929.26 of the Revised Code. 2035

(3) The offender shall pay reimbursements imposed pursuant 2036
to division (A)(3) of this section for the costs incurred by a 2037
private provider pursuant to a sanction imposed under this 2038
section or section 2929.26 or 2929.27 of the Revised Code to the 2039
provider. 2040

(D) In addition to any other fine that is or may be 2041
imposed under this section, the court imposing sentence upon an 2042
offender for misdemeanor domestic violence or menacing by 2043
stalking may impose a fine of not less than seventy nor more 2044
than five hundred dollars, which shall be transmitted to the 2045
treasurer of state to be credited to the address confidentiality 2046
program fund created by section 111.48 of the Revised Code. 2047

(E) Except as otherwise provided in this division, a 2048
financial sanction imposed under division (A) of this section is 2049
a judgment in favor of the state or the political subdivision 2050
that operates the court that imposed the financial sanction, and 2051
the offender subject to the financial sanction is the judgment 2052
debtor. A financial sanction of reimbursement imposed pursuant 2053
to division (A) (3) (a) (i) of this section upon an offender is a 2054
judgment in favor of the entity administering the community 2055
control sanction, and the offender subject to the financial 2056
sanction is the judgment debtor. A financial sanction of 2057
reimbursement imposed pursuant to division (A) (3) (a) (ii) of this 2058
section upon an offender confined in a jail or other residential 2059
facility is a judgment in favor of the entity operating the jail 2060
or other residential facility, and the offender subject to the 2061
financial sanction is the judgment debtor. A financial sanction 2062
of restitution imposed pursuant to division (A) (1) of this 2063
section is an order in favor of the victim of the offender's 2064
criminal act that can be collected through a certificate of 2065
judgment as described in division (E) (1) of this section, 2066
through execution as described in division (E) (2) of this 2067
section, or through an order as described in division (E) (3) of 2068
this section, and the offender shall be considered for purposes 2069
of the collection as the judgment debtor. 2070

Once the financial sanction is imposed as a judgment or 2071
order under this division, the victim, private provider, state, 2072
or political subdivision may do any of the following: 2073

(1) Obtain from the clerk of the court in which the 2074
judgment was entered, at no charge, a certificate of judgment 2075
that shall be in the same manner and form as a certificate of 2076
judgment issued in a civil action; 2077

(2) Obtain execution of the judgment or order through any 2078
available procedure, including any of the procedures identified 2079
in divisions (D) (1) and (2) of section 2929.18 of the Revised 2080
Code. 2081

(3) Obtain an order for the assignment of wages of the 2082
judgment debtor under section 1321.33 of the Revised Code. 2083

(F) The civil remedies authorized under division (E) of 2084
this section for the collection of the financial sanction 2085
supplement, but do not preclude, enforcement of the criminal 2086
sentence. 2087

(G) Each court imposing a financial sanction upon an 2088
offender under this section may designate the clerk of the court 2089
or another person to collect the financial sanction. The clerk, 2090
or another person authorized by law or the court to collect the 2091
financial sanction may do the following: 2092

(1) Enter into contracts with one or more public agencies 2093
or private vendors for the collection of amounts due under the 2094
sanction. Before entering into a contract for the collection of 2095
amounts due from an offender pursuant to any financial sanction 2096
imposed pursuant to this section, a court shall comply with 2097
sections 307.86 to 307.92 of the Revised Code. 2098

(2) Permit payment of all or any portion of the sanction 2099
in installments, by financial transaction device if the court is 2100
a county court or a municipal court operated by a county, by 2101
credit or debit card or by another electronic transfer if the 2102
court is a municipal court not operated by a county, or by any 2103
other reasonable method, in any time, and on any terms that 2104
court considers just, ~~except that the maximum time permitted for~~ 2105
~~payment shall not exceed five years.~~ If the court is a county 2106

court or a municipal court operated by a county, the acceptance 2107
of payments by any financial transaction device shall be 2108
governed by the policy adopted by the board of county 2109
commissioners of the county pursuant to section 301.28 of the 2110
Revised Code. If the court is a municipal court not operated by 2111
a county, the clerk may pay any fee associated with processing 2112
an electronic transfer out of public money or may charge the fee 2113
to the offender. 2114

(3) To defray administrative costs, charge a reasonable 2115
fee to an offender who elects a payment plan rather than a lump 2116
sum payment of any financial sanction. 2117

(H) No financial sanction imposed under this section shall 2118
preclude a victim from bringing a civil action against the 2119
offender. 2120

(I) If the court imposes restitution, fines, fees, or 2121
incarceration costs on a business or corporation, it is the duty 2122
of the person authorized to make disbursements from assets of 2123
the business or corporation to pay the restitution, fines, fees, 2124
or incarceration costs from those assets. 2125

~~(J) If an offender is sentenced to pay restitution, a 2126
fine, fee, or incarceration costs, the clerk of the sentencing 2127
court, on request, shall make the offender's payment history 2128
available to the victim, victim's representative, victim's 2129
attorney, if applicable, the prosecutor, the probation 2130
department, and the court without cost. 2131~~

Sec. 2929.281. (A) In determining the amount of 2132
restitution at the time of sentencing under this section, the 2133
court shall order full restitution for any expenses related to a 2134
victim's economic loss due to the criminal offense. The amount 2135

of restitution shall be reduced by any payments to the victim 2136
for economic loss made or due under a policy of insurance or 2137
governmental program. 2138

Economic loss includes, but is not limited to, the 2139
following: 2140

(1) Full or partial payment for the value of stolen or 2141
damaged property. The value of stolen or damaged property shall 2142
be the replacement cost of the property or the actual cost of 2143
repairing the property when repair is possible. 2144

(2) Medical expenses; 2145

(3) Mental health counseling expenses; 2146

(4) Wages or profits lost due to injury or harm to the 2147
victim as determined by the court. Lost wages include commission 2148
income as well as base wages. Commission income shall be 2149
established by evidence of commission income during the twelve- 2150
month period prior to the date of the crime for which 2151
restitution is being ordered, unless good cause for a shorter 2152
time period is shown. 2153

(5) Expenses related to making a vehicle or residence 2154
accessible to the victim if the victim is partially permanently 2155
disabled or totally permanently disabled as a direct result of 2156
the crime. 2157

(B) Upon notification by the court, if provided, money 2158
owed by the state or by a political subdivision of the state to 2159
an offender who is required to make restitution under this 2160
section, including any tax refund owed to the offender, shall be 2161
assigned to the discharge of the offender's outstanding 2162
restitution obligation, subject to any superseding federal 2163
statutes or regulations, including court-ordered support 2164

obligations. 2165

(C) If an offender is required to make restitution under 2166
this section in the form of monetary payments to more than one 2167
victim, the offender shall make the payments to the victims in 2168
the following order of priority: 2169

(1) Individuals; 2170

(2) Nonprofit organizations; 2171

(3) Business entities; 2172

(4) Governmental entities. 2173

(D) A court that imposes restitution on an offender as 2174
part of the offender's sentence under this section shall not 2175
suspend that part of the offender's sentence if the victim or 2176
the victim's attorney, if applicable, objects to the suspension 2177
of the restitution part of the sentence. 2178

(E) Pursuant to division (D) of section 2929.18 and 2179
division (E) of section 2929.28 of the Revised Code, a court 2180
order for restitution imposed under this section may be reduced 2181
to a certificate of judgment in favor of the victim. If the 2182
order is reduced to such a judgment, the person required to pay 2183
the restitution under the order is the judgment debtor. 2184

(F) The supreme court shall create a standardized form to 2185
be made publicly available that provides guidance for victims 2186
and victims' representatives regarding the compilation of 2187
evidence to demonstrate losses for the purpose of this section. 2188

(G) On the request of the victim, if a judge determines 2189
that, under the circumstances, it is appropriate and the victim 2190
has not been coerced, a victim may accept a settlement that is 2191
less than the full restitution order. 2192

Sec. 2930.02. ~~(A)~~(A) (1) Any of the following persons may, 2193
subject to the prohibition on the unauthorized practice of law 2194
under section 4705.07 of the Revised Code, exercise the rights 2195
of a victim under this chapter as the victim's representative: 2196

~~(1)~~(a) Any person designated by the victim; 2197

~~(2)~~(b) A member of the victim's family or a victim 2198
advocate designated as the victim's representative to exercise 2199
the rights of a victim under this chapter as the victim's 2200
representative if a victim is a minor or is incapacitated, 2201
incompetent, or deceased, subject to division (D) of this 2202
section; 2203

~~(3)~~(c) If the case involves a violation of section 2204
2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.05, or 2205
2903.06 of the Revised Code, a member of the deceased victim's 2206
family, a victim advocate, or another person designated by one 2207
or more members of the deceased victim's family. 2208

(2) If a victim is incapacitated, incompetent, or 2209
deceased, and no member of the victim's family or victim 2210
advocate comes forward to act as a victim representative, a 2211
court may appoint a victim advocate or other person the court 2212
determines to be appropriate to act as a victim representative, 2213
except that the court shall not appoint any person employed by 2214
the prosecuting attorney to act as a victim representative 2215
unless the prosecuting attorney consents to the appointment. 2216

(B) If the prosecutor in the case or the court has a 2217
reasonable basis to believe that the victim's representative is 2218
not acting in the interests of the child victim, victim with a 2219
developmental disability, or an incapacitated or incompetent 2220
victim, the prosecutor shall file a motion with the court 2221

setting forth the reasonable basis for that belief and the court 2222
shall hold a hearing to determine whether the victim's 2223
representative is acting in the interests of the victim. The 2224
court shall make this determination by a preponderance of the 2225
evidence. If the court finds that the victim's representative is 2226
not acting in the interests of the victim, the court shall 2227
appoint ~~a court appointed special advocate, a guardian ad litem,~~ 2228
~~or a victim advocate~~ or other person the court determines to be 2229
appropriate to act as a victim's representative instead of the 2230
previously appointed victim's representative, except that the 2231
court shall not appoint any person employed by the prosecuting 2232
attorney to act as a victim representative unless the 2233
prosecuting attorney consents to the appointment. 2234

(C) If more than one person seeks to act as the victim's 2235
representative for a particular victim, the court that has 2236
jurisdiction over the criminal matter or the court in which the 2237
criminal prosecution or delinquency proceeding is held shall 2238
designate one of those persons as the victim's representative. 2239
If a victim does not want to have anyone act as the victim's 2240
representative, the court shall order that only the victim may 2241
exercise the rights of a victim under this chapter. 2242

(D) If pursuant to division (A) of this section a victim's 2243
representative is to exercise the rights of a victim, the victim 2244
shall notify law enforcement and the prosecutor, or, if it is a 2245
delinquency proceeding and a prosecutor is not involved in the 2246
case, shall notify the court that the victim's representative is 2247
to act for the victim. When a victim has so notified law 2248
enforcement and the prosecutor, or the court, all notices under 2249
this chapter shall be sent to the victim and the victim's 2250
representative, all rights under this chapter shall be granted 2251
to the victim and the victim's representative, and all 2252

references in this chapter to a victim, except the references to 2253
a victim in section 2930.071 of the Revised Code, shall be 2254
interpreted as being references to the victim and the victim's 2255
representative unless the victim informs the notifying authority 2256
that the victim does not wish to receive the notices or exercise 2257
the rights. 2258

(E) A suspect, defendant, offender, alleged juvenile 2259
offender, or delinquent child may not act as a victim's 2260
representative relative to the criminal offense or delinquent 2261
act involving the victim. 2262

(F) In any post-conviction proceeding or in regards to any 2263
post-conviction relief, if the prosecutor in the case or the 2264
court has a reasonable basis to believe that the victim's 2265
representative is not acting in the interests of the child 2266
victim, victim with a developmental disability, or an 2267
incapacitated or incompetent victim, the prosecutor shall file a 2268
motion with the court setting forth the reasonable basis for 2269
that belief and the court shall hold a hearing to determine 2270
whether the victim's representative is acting in the interests 2271
of the victim. The court shall make this determination by a 2272
preponderance of the evidence. If the court finds that the 2273
victim's representative is not acting in the interests of the 2274
victim, the court shall appoint a court appointed special 2275
advocate, a guardian ad litem, or a victim advocate to act as a 2276
victim's representative instead of the previously appointed 2277
victim's representative. 2278

Sec. 2930.04. (A) The ~~supreme court attorney general~~ shall 2279
~~create the~~ provide access to a sample victim's rights request 2280
form, which shall include the information specified in division 2281
(B) of this section ~~or a similar form that, at a minimum,~~ 2282

~~contains all the required information listed in division (B) of~~ 2283
~~this section. The form shall be created in English, Spanish, and~~ 2284
~~Arabic, and any other languages upon request. The supreme court~~ 2285
~~attorney general shall make the form available to all sheriffs,~~ 2286
~~marshals, municipal corporation and township police departments,~~ 2287
~~constables, and other law enforcement agencies, to all~~ 2288
~~prosecuting attorneys, city directors of law, village~~ 2289
~~solicitors, and other similar chief legal officers of municipal~~ 2290
~~corporations, and to organizations that represent or provide~~ 2291
~~services for victims of crime. Any organization or entity may~~ 2292
~~use the sample victim's rights request form provided by the~~ 2293
~~attorney general or a similar form that, at a minimum, contains~~ 2294
~~all the required information listed in division (B) of this~~ 2295
~~section.~~ 2296

~~(B) (1) On its initial contact with a victim of a criminal~~ 2297
~~offense or delinquent act, the law enforcement agency~~ 2298
~~responsible for investigating the criminal offense or delinquent~~ 2299
~~act promptly shall provide the victim with a victim's rights~~ 2300
~~request form or a similar form that, at a minimum, contains the~~ 2301
~~required information listed in this division and division (B) (2)~~ 2302
~~of this section. The form may be in print or electronic format~~ 2303
~~and shall do all of the following:~~ 2304

~~(a) Inform victims of rights that are automatically~~ 2305
~~granted;~~ 2306

~~(b) Of the rights that are not automatically granted,~~ 2307
~~allow the victim and victim's representative, if applicable, to~~ 2308
~~select which rights the victim wishes to request;~~ 2309

~~(c) Inform victims that an election of rights made on the~~ 2310
~~form can be changed at any time;~~ 2311

(d) Include a section for law enforcement to indicate that 2312
the victim did not ~~make an election or was unable to~~ complete 2313
the form at the time of first contact with law enforcement, if 2314
applicable, ~~and is therefore considered to have requested all~~ 2315
~~rights until the prosecutor contacts the victim pursuant to~~ 2316
~~section 2930.06 of the Revised Code to provide another~~ 2317
~~opportunity to request any right that is not automatically~~ 2318
~~conferred by the Ohio Constitution;~~ 2319

(e) Inform the victim and victim's representative that 2320
failure to affirmatively request the rights that are not 2321
automatically granted is a waiver of those rights once contacted 2322
by the prosecutor, but that the victim or victim's 2323
representative may request those rights at a later date; 2324

(f) Provide ~~a~~ information about the right to designate a 2325
victim's representative and the method for the victim to 2326
designate a victim's representative if the victim chooses and 2327
include a section that allows a victim who has appointed a 2328
victim's representative the opportunity to opt out of notices; 2329

(g) Include a section ~~where~~ that allows the victim or 2330
victim's representative ~~shall indicate whether the victim was a~~ 2331
~~victim against whom the criminal offense or delinquent act was~~ 2332
~~committed or the victim was directly or proximately harmed by~~ 2333
~~the commission of the criminal offense or delinquent act~~ to 2334
request interpretation services and provide the information 2335
necessary for the criminal justice system official to provide 2336
those services; 2337

(h) Include a section ~~where the victim or victim's~~ 2338
~~representative shall indicate~~ that indicates that a law 2339
enforcement official or the prosecutor provided the form to the 2340
victim, and indicates whether a law enforcement officer, the 2341

prosecutor, or the victim completed the form; 2342

(i) Include the address, telephone number, and electronic 2343
mail address, if available, for the victim and victim's 2344
representative, if applicable; 2345

(j) Include a section to indicate the contact information 2346
or address for the law enforcement official, incident report 2347
number, badge number of the law enforcement officer, case 2348
number, if available, and arraignment date, time and location, 2349
if known; 2350

(k) ~~Include signature lines for acknowledgment by the~~ 2351
~~applicable law enforcement officer or agency, prosecutor, or~~ 2352
~~custodial agent or agency, and victim and victim's~~ 2353
~~representative;~~ Include a section that explains that if a victim 2354
of violating a protection order, an offense of violence, or a 2355
sexually oriented offense does not complete the form or request 2356
the victim's applicable rights on first contact with law 2357
enforcement, it is considered an assertion of the victim's 2358
rights until the victim completes the form or requests 2359
applicable rights, or the prosecutor contacts the victim 2360
pursuant to section 2930.06 of the Revised Code to provide 2361
another opportunity to request any right that is not 2362
automatically conferred under the Ohio Constitution; 2363

(l) Advise victims of the right to counsel and ~~refer~~ 2364
provide victims information about available no-cost legal 2365
services to help enforce victims' rights. 2366

(m) Provide information for online or print access to the 2367
~~victim to the attorney general information card and, victim's~~ 2368
~~rights handbook online or in print, request form, and~~ 2369
compilation of victim's bill of rights as described in section 2370

109.42 of the Revised Code, including telephone and web site 2371
information for obtaining a copy if not provided by law 2372
enforcement officials; copies; 2373

~~(m)~~ (n) Inform victims of the responsibility to keep 2374
contact information current with the applicable law enforcement 2375
official; 2376

~~(n)~~ (o) Provide a section for prosecutors to inform the 2377
custodial agency of the victim's and victim's representative's, 2378
if applicable, name and identifying information. ~~The custodial~~ 2379
~~agency shall notify the victim and victim's representative, if~~ 2380
~~applicable, of the victim's post-conviction rights and provide~~ 2381
~~post-conviction information;~~ 2382

~~(o)~~ (p) Contain a statement that the victim's ~~identifying~~ 2383
~~information on the rights request~~ form is not a public record 2384
under section 149.43 of the Revised Code; 2385

(q) Include a section that allows the victim or victim's 2386
representative to request redaction of the victim's name, 2387
address, and identifying information in case documents related 2388
to the criminal offense or delinquent act, and that includes all 2389
of the following: 2390

(i) The ability to select redaction of law enforcement 2391
records, redaction of prosecutor records, and redaction of court 2392
records, as set forth under section 2930.07 of the Revised Code; 2393

(ii) An explanation that the right to redaction does not 2394
apply to motor vehicle accident reports submitted to the 2395
department of public safety pursuant to section 5502.11 of the 2396
Revised Code unless the victim sends a separate redaction 2397
request to the department of public safety; 2398

~~(2) As part of the victim's rights request form, the law~~ 2399

~~enforcement official shall provide an informational page to the~~ 2400
~~victim that includes information about the following:~~ 2401

~~(a) The fact that some rights are automatic and some~~ 2402
~~rights are upon request;~~ 2403

~~(b) Appointing a victim representative;~~ 2404

(iii) The contact information for the department of public 2405
safety where a victim may request redaction of motor vehicle 2406
accident reports submitted pursuant to section 5502.11 of the 2407
Revised Code, as provided in division (D)(2) of section 2930.07 2408
of the Revised Code; 2409

~~(c) The~~ (r) Provide information about the importance of 2410
the arraignment process for victim's rights; 2411

~~(d) The~~ (s) Provide information about the right to refuse 2412
interview, deposition and discovery requests from the defendant; 2413

~~(e) The~~ (t) Provide information about the potential 2414
availability of protection orders; 2415

~~(f) Victims'~~ (u) Provide information about victims' 2416
compensation and restitution, and the importance of preserving 2417
documentation during the criminal justice process for purposes 2418
of obtaining compensation or restitution; 2419

~~(g) Privacy~~ (v) Provide information about privacy for 2420
victim addresses through the address confidentiality program 2421
established by section 111.42 of the Revised Code, including the 2422
web site address and contact telephone number for the program; 2423

~~(h) Tracking~~ (w) Provide information about incarcerated 2424
offenders through the victim information and notification 2425
everyday program, including the web site address to register for 2426
text message or electronic mail notices of offender release. 2427

(C) (1) ~~On documents filed with the court, the victim's~~ 2428
~~name and identifying information shall be filed separately on a~~ 2429
~~page that is not a public record under section 149.43 of the~~ 2430
~~Revised Code so that the identity of the victim or victims~~ 2431
~~remains confidential.~~ A completed or partially completed 2432
victim's rights request form is not a public record under 2433
section 149.43 of the Revised Code. 2434

(2) The prosecutor, the victim, and the victim's 2435
representative, if applicable, shall be provided a copy of the 2436
unredacted victim's rights form. The defendant, alleged 2437
delinquent child, or the attorney for the defendant or alleged 2438
delinquent child shall be permitted access to the victim's name 2439
and completed or partially completed victim's rights request 2440
form with the exception of the victim's and victim 2441
representative's address, phone number, electronic mail address, 2442
or other identifying information, unless directed by the court 2443
under division (B) of section 2930.07 of the Revised Code. 2444

(D) At the time of its initial contact with a victim of a 2445
criminal offense or delinquent act, or as soon as practicable 2446
following the initial contact, the law enforcement agency 2447
responsible for investigating the criminal offense or delinquent 2448
act shall provide the victim, in writing, or provide access to, 2449
as specified in division (E) (2) of this section, all of the 2450
following information: 2451

(1) The victim's rights under this section and the 2452
victim's bill of rights under Ohio Constitution, Article I, 2453
Section 10a, including the right to exercise those rights 2454
through counsel; 2455

(2) The availability of crisis intervention services, 2456
housing, and emergency and medical services, or contact 2457

information for statewide organizations that can direct victims 2458
to local resources; 2459

(3) When applicable, the procedures and resources 2460
available for the protection of the victim, including protection 2461
orders issued by the courts; 2462

(4) Information about public and private victim services 2463
programs, including, but not limited to, the crime victims 2464
compensation program and emergency shelter programs, or, if 2465
local information is not available, contact information for 2466
statewide organizations that can direct a victim to these types 2467
of resources; 2468

(5) The police report number, if applicable, business 2469
telephone number of the law enforcement agency investigating the 2470
victim's case, and the office address and business telephone 2471
number of the prosecutor in the victim's case, when available. 2472

~~(E)~~ (E) (1) The law enforcement officer responsible for 2473
providing information under this section shall use reasonable 2474
efforts to identify the victim. At a minimum, this information 2475
should be disseminated to the individual or individuals 2476
identified in the police report as victims. 2477

(2) If the law enforcement officer generates a report, the 2478
law enforcement agency shall do one of the following: 2479

(a) If the offense for which the report is generated is 2480
violating a protection order, an offense of violence, or a 2481
sexually oriented offense, on initial contact with the victim, 2482
the law enforcement agency shall collect and retain ~~an executed~~ 2483
a completed copy of the victim's rights request form or a form 2484
that, at a minimum, contains the required information listed in 2485
division (B) of this section from the individual identified as 2486

the victim in the report. If at the time of contact with a law 2487
enforcement agency the victim does not complete the form for any 2488
reason or request the victim's applicable rights, the law 2489
enforcement agency shall designate this on the form. The law 2490
enforcement agency shall use the form to document the name and 2491
contact information of the victim and the victim's 2492
representative, if applicable, or shall ensure the victim's 2493
noncompletion is documented in a written or electronic police 2494
report, along with the names of the victim and victim's 2495
representative, if applicable, and shall provide the prosecutor 2496
with access to the form or this report. The form or report shall 2497
be available to the victim upon request. The victim's ~~refusal-~~ 2498
~~failure to complete the form or to request or waive~~ the victim's 2499
applicable rights under this division shall be considered an 2500
assertion of the victim's rights, including redaction, until the 2501
prosecutor contacts the victim ~~within seven days of initiation-~~ 2502
~~of a criminal prosecution~~ pursuant to section 2930.06 of the 2503
Revised Code to provide another opportunity to request any right 2504
that is not automatically conferred under the Ohio Constitution. 2505

(b) A law enforcement agency that does not obtain a 2506
completed form from a victim of violating a protection order, an 2507
offense of violence, or a sexually oriented offense shall do all 2508
of the following: 2509

(i) Review the form with the victim, or victim's 2510
representative, if applicable; 2511

(ii) Provide the victim with a copy of the form; 2512

(iii) Provide the victim with the arraignment information 2513
as set forth in section 2930.05 of the Revised Code that would 2514
also be provided to a victim if the victim completes the form. 2515

(c) If the offense for which the report is generated is 2516
not violating a protection order, an offense of violence, or a 2517
sexually oriented offense, the law enforcement agency shall 2518
provide the victim with information on how to obtain a copy of 2519
the form and the compilation prepared under section 109.42 of 2520
the Revised Code, or, if practicable, the agency may provide a 2521
copy of the form and review the victim's rights with the victim. 2522

(F) If a suspect is arrested, the law enforcement agency 2523
shall submit ~~an executed~~ a copy of the victim's rights request 2524
form if one was completed upon initial contact with law 2525
enforcement, or the name and contact information for the victim 2526
and victim's representative, if applicable, to the custodial 2527
agency as soon as practicable once the law enforcement agency 2528
learns of the suspect's arrest. 2529

~~(G) On the filing of charges or a complaint, the law~~ 2530
~~enforcement agency shall submit an executed copy of that form to~~ 2531
~~the prosecutor and to the court. The prosecutor shall review the~~ 2532
~~victim's rights request form with the victim or victim's~~ 2533
~~representative and obtain signatures from the victim and~~ 2534
~~victim's representative, if applicable, if the form was not~~ 2535
~~previously completed with law enforcement and shall file the~~ 2536
~~form with the court within seven days after initiation of a~~ 2537
~~criminal prosecution.~~ 2538

~~(H)~~ If a suspect is cited and released, the law 2539
enforcement agency responsible for investigating the offense 2540
shall inform the victim and the victim's representative, if 2541
applicable, of the court date, if known, and how to obtain 2542
additional information from the clerk of the court about the 2543
arraignment or initial appearance. 2544

~~(I)~~ (H) To the extent that the information required by this 2545

section is provided in the victim's rights request form created 2546
under this section and the ~~pamphlet~~compilation prepared 2547
pursuant to section 109.42 of the Revised Code or in the 2548
information card or other material prepared pursuant to section 2549
2743.71 of the Revised Code, the law enforcement agency may 2550
fulfill that portion of its obligations under this section by 2551
giving or providing access to that form, ~~pamphlet~~compilation, 2552
information card, or other material to the victim. 2553

~~(J) (1) Once completed, the law enforcement agency shall~~ 2554
~~provide the victim's rights request form with the information of~~ 2555
~~the victim or victims to the prosecutor with the complaint and~~ 2556
~~affidavit and provide it to the court at the time of criminal~~ 2557
~~case filing.~~ 2558

~~(2) If the form containing the information of the victim~~ 2559
~~or victims as described in division (B) of this section is not~~ 2560
~~completed and sent to the prosecutor prior to the first~~ 2561
~~interaction between the prosecutor and the victim or victims,~~ 2562
~~then the prosecutor shall complete the form during the~~ 2563
~~prosecutor's first interaction with the victim~~(I) (1) (a) On the 2564
filing of charges or a complaint, the law enforcement agency 2565
shall submit a copy of the victim's rights request form if 2566
completed, or a copy of the police report that contains the name 2567
and contact information of the victim or victim's 2568
representative, if applicable, and indicates the victim's 2569
noncompletion of the form, to the prosecutor and to the court if 2570
the victim is a victim of violating a protection order, an 2571
offense of violence, or a sexually oriented offense. 2572

(b) For all other violations, the law enforcement agency 2573
shall submit a copy of the victim's rights request form to the 2574
prosecutor and to the court when the victim has submitted a form 2575

to the law enforcement agency. 2576

(2) During the first interaction between the prosecutor 2577
and the victim, the prosecutor shall review the victim's rights 2578
request form with the victim, or victim's representative, if 2579
applicable, if the form was not previously completed with law 2580
enforcement, and shall file the form with the court after 2581
initiation of a criminal prosecution and provide a copy to law 2582
enforcement. 2583

(3) A victim may elect not to receive the notifications 2584
described in division (B)(1) of this section, in which case the 2585
prosecutor shall document that refusal. Once the prosecutor has 2586
met with the victim, the prosecutor shall file the completed or 2587
updated victim's rights request form with the court. 2588

(4) If a defendant is convicted and sentenced to the 2589
department of rehabilitation and correction or the department of 2590
youth services, the court shall ask the victim or victim's 2591
representative, if present, or the prosecutor if the victim 2592
wishes to update the victim's contact information, notifications 2593
or other opt-in rights, and shall inform the victim or victim's 2594
representative that it is the victim's or victim's 2595
representative's duty to notify the department of rehabilitation 2596
and correction or department of youth services of any change in 2597
address or contact information. The court shall forward a copy 2598
of the most recently filed form to the custodial agency to which 2599
the defendant is sentenced and to the probation department, if 2600
applicable. 2601

(K)(1) A person, who by reason of that person's regular 2602
business activities, is the subject of multiple and continuing 2603
criminal offenses or delinquent acts as a potential victim, may 2604
opt out of notices and rights available pursuant to the Ohio 2605

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.

(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.

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

Sec. 2930.041. (A) Pursuant to the "Americans with
Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101, as
amended, a victim with a disability has the right to a ~~qualified~~
~~or certified~~ registered or certified American sign language
interpreter on the registry for interpreters for the deaf at all
court proceedings, all meetings with the prosecutor, and all
investigative contacts with law enforcement, the probation
department, the department of rehabilitation and correction, and
the department of youth services, at no cost to the victim ~~and~~
~~paid for by the court.~~ The costs of the interpreter shall be
paid for as follows:

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

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

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

(4) By the custodial agency for all contacts with the 2635
department of rehabilitation and correction or the department of 2636
youth services. 2637

~~(B)~~ (B) (1) A victim who is non-English speaking or has 2638
limited English proficiency has the right to a ~~qualified or~~ 2639
certified, provisional, registered, or language-skilled foreign 2640
language interpreter at all ~~court of the following at no cost to~~ 2641
the victim: 2642

(a) Court proceedings, ~~all meetings;~~ 2643

(b) Meetings with the prosecutor, ~~and all investigative;~~ 2644

(c) Investigative contacts with law enforcement except 2645
that law enforcement officers in the field may utilize 2646
technology assisted interpretation if interpretation services 2647
are not reasonably available; 2648

(d) Contacts with the probation department, ~~;~~ 2649

(e) Contacts with the department of rehabilitation and 2650
correction, and the department of youth services, ~~at no cost to~~ 2651
~~the victim and paid for by the court.~~ 2652

(2) The costs of a foreign language interpreter described 2653
in division (B) (1) of this section shall be paid for as follows: 2654

(a) By the court at all court proceedings and for all 2655
contacts with the probation department; 2656

(b) By the prosecutor at all meetings with the prosecutor; 2657

(c) By the law enforcement agency for all investigative 2658
contacts with law enforcement; 2659

(d) By the custodial agency for all contacts with the 2660
department of rehabilitation and correction or the department of 2661

youth services.

2662

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

2663

2664

2665

2666

2667

2668

2669

2670

2671

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

2672

2673

2674

Sec. 2930.06. (A) (1) The prosecutor in a case or the
prosecutor's designee, to the extent practicable, shall, on the
victim's request, confer with the victim and the victim's
representative, if applicable, at each of the following stages:

2675

2676

2677

2678

(a) Before pretrial diversion is granted to the defendant
or alleged juvenile offender in the case;

2679

2680

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

2681

2682

2683

2684

2685

(c) Before agreeing to a negotiated plea for that
defendant or alleged juvenile offender;

2686

2687

(d) Before a trial of that defendant by judge or jury;

2688

(e) Before the juvenile court conducts an adjudicatory

2689

hearing for that alleged juvenile offender. 2690

(2) If the juvenile court disposes of a case prior to the 2691
prosecutor's involvement in the case, the court or a court 2692
employee shall notify the victim and the victim's representative 2693
in the case, if applicable, that the alleged juvenile offender 2694
will be granted pretrial diversion, the complaint against that 2695
alleged juvenile offender will be amended or dismissed, or the 2696
court will conduct an adjudicatory hearing for that alleged 2697
juvenile offender. 2698

(3) At a hearing at any of the stages listed in division 2699
(A) (1) of this section, the court shall inquire as to whether 2700
the victim or victim's representative, if applicable, requested 2701
to confer with the prosecutor, and whether or not the prosecutor 2702
conferred with the victim and the victim's representative, if 2703
applicable. If the prosecutor fails to confer with the victim 2704
and the victim's representative, if applicable, at any of those 2705
times, the court shall note on the record the failure and the 2706
prosecutor's reasons for the failure. Except as provided in 2707
division (A) (5) of this section, if the court determines that 2708
reasonable efforts were not made to confer with the victim and 2709
victim's representative, if applicable, or reasonable efforts 2710
were not made to provide reasonable and timely notice of the 2711
time, place, and nature of the court proceeding to the victim 2712
and victim's representative, if applicable, as required by this 2713
section or by Ohio Constitution, Article I, Section 10a, the 2714
court shall not rule on any substantive issue that implicates a 2715
victim's right, accept a plea, or impose a sentence, and shall 2716
continue the court proceeding for the time necessary to provide 2717
the required notice to the victim and victim's representative, 2718
if applicable. A prosecutor's failure to confer with a victim as 2719
required by this division and a court's failure to provide the 2720

notice as required by this division do not affect the validity 2721
of an agreement between the prosecutor and the defendant or 2722
alleged juvenile offender in the case, a pretrial diversion of 2723
the defendant or alleged juvenile offender, an amendment or 2724
dismissal of an indictment, information, or complaint filed 2725
against the defendant or alleged juvenile offender, a plea 2726
entered by the defendant or alleged juvenile defender, an 2727
admission entered by the defendant or alleged juvenile offender, 2728
or any other disposition in the case. 2729

(4) A court shall not dismiss a criminal complaint, 2730
charge, information, or indictment or a delinquent child 2731
complaint solely at the request of the victim or victim's 2732
representative and over the objection of the prosecuting 2733
attorney, village solicitor, city director of law, or other 2734
chief legal officer responsible for the prosecution of the case. 2735

(5) Nothing in this section prohibits a court from taking 2736
any action necessary to ensure that a person charged with an 2737
offense is brought to trial within the time required by sections 2738
2945.71 and 2945.72 of the Revised Code and a defendant's 2739
constitutional right to a speedy trial. 2740

(B) On request of the victim or the victim's 2741
representative, the prosecutor shall keep the victim and the 2742
victim's representative, if applicable, apprised of requests and 2743
communications from the defendant, alleged juvenile offender, 2744
the attorney for the defendant or alleged juvenile offender, or 2745
the agent of the defendant or alleged juvenile offender that 2746
could affect the victim's privacy rights or safety concerns. 2747

(C) ~~Within fourteen days after~~ After a prosecution in a 2748
case has been commenced, the prosecutor or a designee of the 2749
prosecutor other than a court or court employee ~~promptly~~ shall 2750

give the victim and the victim's representative, if applicable, 2751
all of the following information within a reasonable time frame, 2752
except that, if the juvenile court disposes of a case prior to 2753
the prosecutor's involvement in the case, the court or a court 2754
employee promptly shall give the victim and the victim's 2755
representative all of the following information: 2756

(1) The name of the criminal offense or delinquent act 2757
with which the defendant or alleged juvenile offender in the 2758
case has been charged and the name of the defendant or alleged 2759
juvenile offender; 2760

(2) The file number of the case; 2761

(3) ~~A clear and concise statement regarding~~ An explanation 2762
of the procedural steps in a criminal prosecution or delinquency 2763
proceeding involving a criminal offense or delinquent act 2764
similar to the criminal offense or delinquent act with which the 2765
defendant or alleged juvenile offender has been charged and the 2766
right of the victim and victim's representative to be present 2767
during all proceedings held throughout the prosecution of the 2768
case; 2769

(4) A summary of the rights of a victim under this chapter 2770
and under Section 10a of Article I of the Ohio Constitution; 2771

(5) Procedures the victim, the victim's representative, or 2772
the prosecutor may follow if the victim becomes subject to 2773
threats of violence, harassment, or intimidation by the 2774
defendant, alleged juvenile offender, or any other person; 2775

(6) The name and business telephone number of the office 2776
to contact for further information with respect to the case; 2777

~~(7) The right of the victim to have a victim's~~ 2778
~~representative exercise the victim's rights under this chapter~~ 2779

~~in accordance with section 2930.02 of the Revised Code and the~~ 2780
~~procedure by which a victim's representative may be designated;~~ 2781

~~(8) The right of the victim and victim's representative,~~ 2782
~~if applicable, to confer with the prosecutor on request and the~~ 2783
~~procedures the victim or victim's representative shall follow to~~ 2784
~~confer with the prosecutor;~~ 2785

~~(9) The fact that the victim can seek the advice of an~~ 2786
~~attorney or have legal representation to enforce the victim's~~ 2787
~~rights;~~ 2788

~~(10) Notice that any notification under division (E) of~~ 2789
~~this section, sections 2930.08 to 2930.15, division (A), (B), or~~ 2790
~~(C) of section 2930.16, sections 2930.17 to 2930.19, and section~~ 2791
~~5139.56 of the Revised Code will be given to the victim and the~~ 2792
~~victim's representative, if applicable, only if the victim or~~ 2793
~~victim's representative asks to receive the notification and~~ 2794
~~that notice under division (E) (2) or (K) of section 2929.20,~~ 2795
~~division (D) of section 2930.16, division (H) of section~~ 2796
~~2967.12, division (A) (3) (b) of section 2967.26, division (D) (1)~~ 2797
~~of section 2967.28, or division (A) (2) of section 5149.101 of~~ 2798
~~the Revised Code will be given unless the victim and the~~ 2799
~~victim's representative, if applicable, ask that the~~ 2800
~~notification not be provided;~~ 2801

~~(11) (a) (7) (a)~~ The victim's rights request form, or a 2802
similar form that, at a minimum, contains the required 2803
information listed in this section and on the victim's rights 2804
request form, that allows the victim and the victim's 2805
representative, if applicable, to request applicable rights to 2806
which the victim and victim's representative are entitled under 2807
this chapter, including notice to the victim and the victim's 2808
representative that failure to affirmatively request these 2809

rights will be considered a waiver of these rights, but that the 2810
victim or victim's representative may request these rights at a 2811
later date; 2812

(b) A person who, by reason of that person's regular 2813
business activities, is the subject of multiple and continuing 2814
criminal offenses or delinquent acts as a potential victim may 2815
choose to opt out of the notices and rights available pursuant 2816
to the Ohio Constitution, Chapter 2930. of the Revised Code, and 2817
any other provision of the Revised Code that provides a victim 2818
with rights for future offenses by giving a written notification 2819
form to the appropriate prosecutor or prosecutor's designee. The 2820
form shall include the name and address of the person's business 2821
and the period of time that the person wishes to opt out of the 2822
applicable notices and rights and may also state that the person 2823
is only interested in the applicable notices if restitution is 2824
at issue. The form shall be signed by the person or another 2825
person with management authority of the business. 2826

(D) Unless a shorter notice period is reasonable under the 2827
circumstances, the court shall provide the prosecutor or 2828
prosecutor's designee with oral or written notice of any court 2829
proceeding not less than ten days prior to that court proceeding 2830
unless the parties agree that a shorter notice period is 2831
reasonable under the circumstances. 2832

(E) On the request of the victim or victim's 2833
representative, the prosecutor or, if it is a delinquency 2834
proceeding and a prosecutor is not involved in the case, the 2835
court shall give the victim and the victim's representative, if 2836
applicable, notice of the date, time, and place of any criminal 2837
or juvenile proceedings in the case and notice of any changes in 2838
those proceedings or in the schedule in the case not less than 2839

seven days prior to the criminal or juvenile proceedings in the 2840
case unless the parties agree that a shorter notice period is 2841
reasonable under the circumstances. 2842

(F) A victim or victim's representative who requests 2843
notice under division (E) of this section and who elects 2844
pursuant to division (B) of section 2930.03 of the Revised Code 2845
to receive any further notice from the prosecutor or, if it is a 2846
delinquency proceeding and a prosecutor is not involved in the 2847
case, the court under this chapter shall keep the prosecutor or 2848
the court informed of the victim's or victim's representative's 2849
contact information. 2850

(G) A prosecutor, the prosecutor's designee, or a court 2851
that is required to notify a victim or victim's representative 2852
of hearings, on request, shall attempt a notification and keep a 2853
record of attempted notifications ~~in the same manner as~~ 2854
~~described in divisions (D) (1) and (2) of section 2930.16 of the~~ 2855
~~Revised Code.~~ The record shall indicate the person who was to be 2856
the recipient of the notice, the date on which the attempt was 2857
made, the manner in which the attempt was made, and the person 2858
who made the attempt. The notification shall be provided to the 2859
victim using the victim contact information provided on the 2860
victims' rights request form or otherwise provided by the victim 2861
or victim representative by any reasonable means, including 2862
regular mail, telephone, or electronic mail. 2863

(H) The prosecutor shall review the victim's rights 2864
request form with the victim or victim's representative and may 2865
obtain the victim's and victim's representative's, if 2866
applicable, signatures if the form was not previously completed 2867
with law enforcement and shall file this form with the court 2868
within seven days after initiation of a criminal prosecution. 2869

Sec. 2930.063. (A) ~~On request~~ Unless otherwise provided, a 2870
victim, victim's attorney, or victim's representative has the 2871
right to receive ~~a copy of the~~ copies free of charge of any of 2872
the following: 2873

(1) Court records available for public access related to 2874
the victim's case, including the offender's payment history in 2875
the criminal or delinquency matter when sentenced to pay 2876
restitution, a fine, or incarceration costs; 2877

(2) Any certificate of judgement and the judgment obtained 2878
by a victim executing on a restitution order; 2879

(3) The judgment entry ordering restitution be paid from 2880
the offender to the victim; 2881

(4) Any proceedings in aid of execution thereof from the 2882
~~clerk at no cost to the victim. Copies of other case documents~~ 2883
Certified copies may be requested and provided by the clerk at 2884
actual cost. ~~Copies provided pursuant to this division may be~~ 2885
~~provided in electronic format.~~ 2886

~~(B) In any criminal or delinquency proceeding in which a~~ 2887
~~video recording or audio recording of the court proceedings has~~ 2888
~~been previously prepared, the~~ A victim, victim's attorney, or 2889
victim's representative may obtain a ~~copy of the~~ video recording 2890
or audio recording of the offender's criminal or delinquency 2891
court proceedings that has been previously prepared for the 2892
actual cost to copy the video recording or audio recording. If a 2893
written transcript of the court proceedings has been previously 2894
prepared, the victim, victim's attorney, or victim's 2895
representative may obtain a copy of the transcript at the same 2896
reduced cost that is available to a party to the case. 2897

(C) Any copies provided pursuant to this section may be 2898

provided in electronic format. 2899

Sec. 2930.07. (A) As used in this section: 2900

(1) (a) "Case document" means a document or information in 2901
a document, or audio or video recording of a victim of violating 2902
a protection order, an offense of violence, or a sexually 2903
oriented offense, regarding a case that is submitted to a court, 2904
a law enforcement agency or officer, or a prosecutor or filed 2905
with a clerk of court, including, but not limited to, pleadings, 2906
motions, exhibits, transcripts, orders, and judgments, or any 2907
documentation, including audio or video recordings of a victim 2908
of violating a protection order, an offense of violence, or a 2909
sexually oriented offense, prepared or created by a court, clerk 2910
of court, or law enforcement agency or officer, or a prosecutor 2911
regarding a case. 2912

(b) "Case document" does not include materials subject to 2913
the work product doctrine, materials that by law are subject to 2914
privilege or confidentiality, or materials that are otherwise 2915
protected or prohibited from disclosure by state or federal law. 2916
"Case document" also does not include motor vehicle accident 2917
reports submitted to the department of public safety pursuant to 2918
section 5502.11 of the Revised Code unless the victim or 2919
victim's representative requests redaction pursuant to division 2920
(B) (1) (p) of section 2930.04 of the Revised Code. 2921

(2) "Court" has the same meaning as in section 2930.01 of 2922
the Revised Code and includes a court of appeals and the supreme 2923
court. 2924

(3) "Minor victim" means any person who was under eighteen 2925
years of age at the time of the commission of the criminal 2926
offense or delinquent act of which the person is a victim. 2927

(4) "Public office" and "public official" have the same 2928
meanings as in section 149.011 of the Revised Code. 2929

(5) "Sexually oriented offense" has the same meaning as in 2930
section 2950.01 of the Revised Code. 2931

(B) The victim and victim's representative, if applicable, 2932
have the right at any court proceeding, including any juvenile 2933
court proceeding, not to testify regarding the victim's address, 2934
telephone number, place of employment, or other locating 2935
information unless the victim specifically consents or the court 2936
determines that the fundamental demands of due process of law in 2937
the fair administration of criminal justice prevails over the 2938
victim's rights to keep the information confidential. 2939

The court shall make this determination pursuant to an in- 2940
camera review. If the court determines that the information 2941
shall be disclosed, the court proceeding shall be closed during 2942
the disclosure. 2943

(C) Any public office or public official that is charged 2944
with the responsibility of knowing the name, address, or other 2945
identifying information of a victim or victim's representative 2946
as part of the office's or official's duties shall have full and 2947
complete access to the name, address, or other identifying 2948
information of the victim or victim's representative. That 2949
public office or public official shall take measures to prevent 2950
the public disclosure of the name, address, or other identifying 2951
information of the victim or victim's representative through the 2952
use of redaction as set forth in division (D) of this section. 2953
Nothing in this section prevents a public agency from 2954
maintaining unredacted records of a victim's or victim's 2955
representative's name, contact information, and identifying 2956
information for its own records and use or a public office or 2957

public official from allowing another public office or public 2958
official to access or obtain copies of its unredacted records. 2959
The release of unredacted records to a public office or official 2960
does not constitute a waiver of any exemption or exception 2961
pursuant to section 149.43 of the Revised Code. This section 2962
prohibits the public release of unredacted case documents 2963
pursuant to division (A)(1)(v) of section 149.43 of the Revised 2964
Code and division (D) of this section. 2965

~~(D)(1)(D)(1)(a)(i)~~ On written request of the victim or 2966
victim's representative to a law enforcement agency ~~or,~~ 2967
~~prosecutor's office and following a brief explanation from that~~ 2968
~~law enforcement agency or prosecutor's office of the potential~~ 2969
~~risks and benefits of redaction and the ability of the victim to~~ 2970
~~retain counsel, or court,~~ all case documents related to the 2971
cases or matters specified by the victim maintained by the 2972
entity to whom the victim or victim's representative submitted 2973
the request shall be redacted prior to public release pursuant 2974
to section 149.43 of the Revised Code to remove the name, 2975
address, or other identifying information of the victim. 2976

(ii) If the victim of violating a protection order, an 2977
offense of violence, or a sexually oriented offense, or the 2978
victim's representative, was unable to complete the form at the 2979
time of first contact with law enforcement pursuant to section 2980
2930.04 of the Revised Code, until the victim's initial 2981
interaction with a prosecutor, all case documents related to the 2982
cases or matters currently before the court regarding that 2983
offense shall be redacted prior to public release pursuant to 2984
section 149.43 of the Revised Code to remove the name, address, 2985
or other identifying information of the victim. 2986

(b) If the victim or victim's representative uses the 2987

victims' rights request form to request redaction, that 2988
redaction request applies only to the case or cases to which the 2989
form pertains. If the victim requests redaction using some other 2990
manner than the victims' rights request form, that written 2991
request shall specify the cases or matters to which the request 2992
applies. 2993

(2) On written ~~application under seal request~~ of a victim 2994
or victim's representative to a court, and following a brief 2995
~~explanation from that court of the potential risks and benefits~~ 2996
~~of redaction and the ability of the victim to retain counsel,~~ 2997
~~all case documents related to the cases or matters specified by~~ 2998
~~the victim maintained by the entity to whom the victim or~~ 2999
~~victim's representative submitted the request shall be redacted~~ 3000
~~prior to public release pursuant to the supreme court Rules of~~ 3001
~~Superintendence to remove the name, address, or other~~ 3002
~~identifying information of the victim. The application shall be~~ 3003
~~deemed to be filed under seal and the court shall promptly rule~~ 3004
~~on the application. The court shall not release any unredacted~~ 3005
~~records while the application is pending~~the department of public 3006
safety, through the contact information provided under division 3007
(B) (1) (p) of section 2930.04 of the Revised Code, a report 3008
submitted pursuant to section 5502.11 of the Revised Code as 3009
maintained by the department of public safety shall be redacted 3010
prior to public release as a public record under section 149.43 3011
of the Revised Code to remove the name, address, or other 3012
identifying information of the victim. 3013

(3) If multiple victims are involved in a single case, the 3014
public office or official shall take reasonable precautions to 3015
protect the information of the victims from other victims, 3016
unless all of the victims consent to the release of information. 3017

~~(E) (1)~~ (E) (1) (a) Once a case is closed or inactive, a 3018
victim or victim's attorney, if applicable, may view the 3019
recorded forensic interview of a minor victim or developmentally 3020
disabled victim upon request. The victim or victim's attorney 3021
shall be permitted to view the unredacted forensic interview at 3022
the location of the child advocacy center or other agency 3023
responsible for the forensic interview. An employee or designee 3024
of the child advocacy center or agency shall be present at all 3025
times during the victim's or victim's attorney's viewing of the 3026
interview. The victim or victim's attorney shall not be 3027
permitted to record, copy, photograph, or remove from the 3028
location the forensic interview or any materials summarizing, 3029
documenting, transcribing, or otherwise associated with the 3030
forensic interview. The release of an unredacted copy of any 3031
recorded forensic interview to a victim, victim's attorney, or 3032
victim's representative pursuant to this division is not a 3033
violation of section 2151.421 of the Revised Code. 3034

(b) Once a case is closed or inactive, on written 3035
application under seal to the court of common pleas in the 3036
county in which the forensic interview was recorded, a victim, 3037
victim's attorney, if applicable, or victim's representative may 3038
request an unredacted copy of any recorded forensic interview of 3039
a minor victim or developmentally disabled victim. 3040

(2) Upon receiving the application, the court shall notify 3041
the child advocacy center or other agency responsible for the 3042
forensic interview and shall provide the child advocacy center 3043
or other agency an opportunity to respond or object to the 3044
application. While the application is pending, the child 3045
advocacy center or other agency responsible for the forensic 3046
interview shall not make available for inspection or otherwise 3047
disclose the forensic interview or associated materials to the 3048

applicant or any person or entity acting on behalf of the 3049
applicant. 3050

(3) The forensic interview shall be made available to the 3051
court for an in-camera review. 3052

(4) The court may grant the application only upon an 3053
express finding that allowing the applicant to receive an 3054
unredacted copy of the forensic interview is in the interest of 3055
the victim under the totality of the circumstances. 3056

(F) This section does not apply to any disclosure of the 3057
name, address, or other identifying information of a victim that 3058
is required to be made in the statewide emergency alert program 3059
under section 5502.52 of the Revised Code, missing person alert 3060
system, or other similar alert system. 3061

(2) This section does not apply to any disclosure of the 3062
name, address, or other identifying information of a ~~minor~~ 3063
victim of a criminal offense or delinquent act that resulted in 3064
the death of the ~~minor~~-victim. 3065

(3) Nothing in this section shall prevent a victim, a 3066
victim's representative, or a victim's attorney from receiving a 3067
copy of any case document with the victim's name, contact 3068
information, and identifying information unredacted. A public 3069
office's or official's provision of a copy of a case document 3070
with the victim's name, contact information, and identifying 3071
information unredacted to a victim, victim's representative, or 3072
victim's attorney, if applicable, does not constitute a waiver 3073
of any exemption or exception under section 149.43 of the 3074
Revised Code. ~~A victim or victim's attorney shall receive an~~ 3075
~~unredacted copy of any recorded forensic interview of a minor~~ 3076
~~victim or developmentally disabled victim. A victim's~~ 3077

~~representative may receive an unredacted copy of any recorded~~ 3078
~~forensic interview of a minor victim or developmentally disabled~~ 3079
~~victim on request and with approval of the court, or a redacted~~ 3080
~~copy of the interview on request, subject to section 149.43 of~~ 3081
~~the Revised Code.~~ 3082

(4) Nothing in this section shall affect either of the 3083
following: 3084

(a) Any rights of a victim or victim's representative to 3085
be provided with notice or to make any written or oral statement 3086
under this chapter or other applicable law; 3087

(b) The disclosure of the location where the reported 3088
criminal offense or delinquent act occurred. 3089

(5) Nothing in this section prohibits the defendant from 3090
including necessary information about the victim in filings with 3091
the trial court, court of appeals, or the supreme court. The 3092
victim's name and identifying information in the filings is not 3093
a public record under section 149.43 of the Revised Code if the 3094
victim has requested that the victim's name and identifying 3095
information be redacted from public records. 3096

(6) Nothing in this section prevents a law enforcement 3097
agency or prosecutor from providing a victim's preferred contact 3098
information to a designated agency that provides victim services 3099
and rights notification, and any release of documents or 3100
information to a law enforcement officer or public official's 3101
designee does not constitute a waiver of a victim's right to 3102
redaction under this section. 3103

Sec. 2930.161. (A) On request of a victim or victim's 3104
representative who has provided a current address or other 3105
current contact information, the court ~~or the court's designee~~ 3106

shall notify the victim and victim's representative, if 3107
applicable, of any of the following: 3108

(1) A probation or community control revocation 3109
disposition proceeding or any proceeding in which the court is 3110
asked to terminate the probation or community control of a 3111
person who was convicted of committing a criminal offense 3112
against the victim; 3113

(2) Any hearing on a proposed modification on the terms of 3114
probation or community control; 3115

(3) If the person is on supervised probation or community 3116
control, the arrest of the person pursuant to a warrant issued 3117
for a probation or community control violation; 3118

(4) The defendant's or alleged juvenile offender's failure 3119
to successfully complete a diversion or substantially similar 3120
program. 3121

(B) On request of a victim or victim's representative who 3122
has provided current contact information, the probation 3123
department shall notify the victim and victim's representative, 3124
if applicable, of the following as soon as it becomes known to 3125
the probation department: 3126

(1) Any proposed modification to any term of probation or 3127
community control if the modification affects restitution, 3128
incarceration, or detention status or the defendant's or alleged 3129
juvenile offender's contact with or safety of the victim; 3130

(2) The victim's and victim's representative's right to be 3131
heard at a hearing that is set to consider any modification to 3132
be made to any term of probation or community control; 3133

(3) Any violation of any term of probation or community 3134

control that results in the filing of a petition with the court 3135
to revoke probation or community control; 3136

(4) Following a risk assessment of the terms of probation 3137
or community control, including the period of supervision and 3138
any modifications to the terms of probation or community 3139
control, any restricted locations and any other conditions of 3140
probation or community control that impact victim safety. 3141

Sec. 2930.171. (A) In determining whether to grant an 3142
application to seal ~~a record of conviction pursuant to section~~ 3143
~~2953.32 of the Revised Code or an application to seal or expunge~~ 3144
a juvenile record pursuant to section 2151.356 or 2151.358 of 3145
the Revised Code, the court shall notify the prosecutor 3146
regarding the hearing of the matter not less than thirty days 3147
before the hearing. In determining whether to grant an 3148
application to seal a record of conviction pursuant to section 3149
2953.32 of the Revised Code, the court shall notify the 3150
prosecutor not less than sixty days before the hearing, unless a 3151
shorter notice period is agreed to by the prosecutor and the 3152
court. The prosecutor shall provide timely notice to a victim of 3153
the criminal offense or delinquent act for which the offender or 3154
juvenile was incarcerated or committed and the victim's 3155
representative, if applicable, if the victim or victim's 3156
representative has requested notice and maintains current 3157
contact information with the prosecutor. The court shall permit 3158
a victim, the victim's representative, and the victim's 3159
attorney, if applicable, to make a statement, in addition to any 3160
other statement made under this chapter, concerning the effects 3161
of the criminal offense or delinquent act on the victim, the 3162
circumstances surrounding the criminal offense or delinquent 3163
act, the manner in which the criminal offense or delinquent act 3164
was perpetrated, and the victim's, victim's representative's, or 3165

victim's attorney's, if applicable, opinion whether the record 3166
should be sealed or expunged. The victim, victim's 3167
representative, or victim's attorney, if applicable, may be 3168
heard in writing, orally, or both at the victim's, victim's 3169
representative's, or victim's attorney's, if applicable, 3170
discretion. The court shall give the offender or juvenile an 3171
opportunity to review a copy of any written impact statement 3172
made by the victim, victim's representative, and victim's 3173
attorney, if applicable, under this division. The court shall 3174
give to either the adult parole authority or the department of 3175
youth services, whichever is applicable, a copy of any written 3176
impact statement made by the victim, victim's representative, 3177
and victim's attorney, if applicable, under this division. 3178

(B) In deciding whether to seal or expunge a record under 3179
this section, the court shall consider a statement made by the 3180
victim, victim's representative, and victim's attorney, if 3181
applicable, under division (A) of this section or section 3182
2930.14 or 2947.051 of the Revised Code. 3183

(C) Upon making a determination whether to grant an 3184
application to seal a record of conviction pursuant to section 3185
2953.32 of the Revised Code or an application to seal or expunge 3186
a juvenile record pursuant to section 2151.356 or 2151.358 of 3187
the Revised Code, the court promptly shall notify the prosecutor 3188
of the determination. The prosecutor shall promptly notify the 3189
victim and the victim's representative, if applicable, after 3190
receiving the notice from the court. 3191

Sec. 2930.19. (A) (1) A victim, victim's representative, or 3192
victim's attorney, if applicable, or the prosecutor, on request 3193
of the victim, has standing as a matter of right to assert, or 3194
to challenge an order denying, the rights of the victim provided 3195

by law in any judicial or administrative proceeding. The trial 3196
court shall act promptly on a request to enforce, or on a 3197
challenge of an order denying, the rights of the victim. In any 3198
case, the trial court shall hear the matter within ten days of 3199
the assertion of the victim's rights. The reasons for any 3200
decision denying relief under this section shall be clearly 3201
stated on the record or in a judgment entry. 3202

(2) (a) If the trial court denies the relief sought under 3203
division (A) (1) of this section, the trial court shall do all of 3204
the following: 3205

(i) Provide the victim, the victim's representative, if 3206
applicable, the victim's attorney, if applicable, and the 3207
parties with notice of the decision and a copy of the judgment 3208
entry; 3209

(ii) Provide the victim, the victim's representative, if 3210
applicable, and the victim's attorney, if applicable, with the 3211
following statement along with the judgment entry: 3212

"NOTICE 3213

The victim, the victim's attorney, if applicable, or the 3214
prosecutor on request of the victim, may appeal this decision or 3215
petition to the court of appeals for an extraordinary writ. If 3216
such an interlocutory appeal or extraordinary writ is sought 3217
while the case is still pending in the trial court, it shall be 3218
initiated no later than fourteen days after notice of the 3219
decision was provided to the victim by telephone or electronic 3220
mail to the latest telephone number or electronic mail address 3221
provided by the victim. The prosecutor or the prosecutor's 3222
designee shall provide the notice to the victim and the notice 3223
shall be memorialized in a manner sufficient to prove to the 3224

court the prosecutor or prosecutor's designee sent the notice. 3225
The court shall dismiss any such interlocutory appeal or 3226
petition as untimely if it does not comply with this fourteen- 3227
day limit." 3228

(b) (i) If the court denies the relief sought, the victim 3229
or the victim's attorney, if applicable, or the prosecutor on 3230
request of the victim, may appeal or, if the victim has no 3231
remedy on appeal, petition the court of appeals or supreme court 3232
for an extraordinary writ, and the victim has standing to assert 3233
a right of limited appeal as it pertains to the decisions 3234
impacting the rights of the victim. An interlocutory appeal 3235
filed under this section shall be filed not later than fourteen 3236
days after notice was provided to the victim as described in 3237
division (A) (1) of this section, and such an appeal divests the 3238
trial court of jurisdiction of the portion of the case 3239
implicating the victim's rights until the interlocutory appeal 3240
is resolved by the appellate court. 3241

(ii) Upon the filing of an interlocutory appeal, the trial 3242
court shall transmit those portions of the transcript necessary 3243
for consideration of the issues to be reviewed by the court of 3244
appeals within five business days. Once the transcript is 3245
received by the court of appeals, the party that initiated the 3246
appeal shall have eight days to file a merit brief. Once the 3247
merit brief is filed, the appellee shall have eight days to file 3248
a response brief. The court of appeals shall decide the entire 3249
appeal not later than thirty-five days after the appeal is 3250
filed. Notwithstanding these limits, the litigants, with the 3251
approval of the court, may stipulate to a different period of 3252
time for the briefing and issuance of the decision and judgment 3253
on the appeal. The victim, the victim's attorney, the 3254
prosecutor, or the defendant may notify the supreme court if a 3255

court of appeals has failed to issue a judgment in accordance 3256
with the stipulated period of time. Such notifications are 3257
public records. 3258

(iii) Nothing in this section shall be interpreted as 3259
applying to a direct appeal that is filed after the court 3260
sentences the defendant. A victim who wishes to appeal from an 3261
order that is final on its entry after the court sentences the 3262
defendant shall file the notice of appeal within thirty days of 3263
that entry. 3264

(c) If the victim or victim's attorney, if applicable, 3265
petitions for an extraordinary writ, the court of appeals or the 3266
supreme court shall enter an order establishing an expedited 3267
schedule for the filing of an answer, the submission of 3268
evidence, the filing of briefing by the litigants, and the entry 3269
of decision and judgment and shall place the petition on its 3270
accelerated calendar. The court of appeals or the supreme court 3271
shall immediately notify the trial court of the petition, and 3272
the trial court shall transmit to the court of appeals or the 3273
supreme court those portions of the transcript necessary for the 3274
consideration of the issues to be reviewed by the applicable 3275
appellate court within five business days of the filing of the 3276
appeal or petition. The court shall enter judgment within forty- 3277
five days after the petition for an extraordinary writ is filed. 3278
Notwithstanding these limits, the litigants, with the approval 3279
of the court, may stipulate to a different period of time for 3280
the briefing and issuance of the decision and judgment in the 3281
action. The victim, the victim's attorney, the prosecutor, or 3282
the defendant may notify the supreme court if a court of appeals 3283
has failed to issue a judgment in accordance with the stipulated 3284
period of time. Such notifications are a public record. 3285

(d) If any interlocutory appeal is pursued to the supreme 3286
court, the supreme court shall enter an order establishing an 3287
expedited schedule for its proceedings, including, as 3288
applicable, the filing of jurisdictional memoranda and ruling 3289
thereon, the transmission of the record, the filing of briefing 3290
by the litigants, oral argument if permitted, and the entry of 3291
decision and judgment and shall place the appeal on its 3292
accelerated calendar. The court shall enter judgment within 3293
sixty days after the appeal is filed. The supreme court shall 3294
immediately notify the trial court of the appeal, and the trial 3295
court shall transmit to the court of appeals or the supreme 3296
court those portions of the transcript necessary for 3297
consideration of the issues to be reviewed by the applicable 3298
appellate court within five business days of the filing of the 3299
appeal. Notwithstanding these limits, the litigants, with the 3300
approval of the court, may stipulate to a different period of 3301
time for the supreme court's proceedings and for the issuance of 3302
the supreme court's decision and judgment in the case. 3303

(e) Nothing in this division applies to a direct appeal 3304
that is filed by the victim after the court sentences the 3305
defendant. A victim who wishes to appeal from an appellate entry 3306
shall file the appropriate notice of appeal to the supreme court 3307
within thirty days of the entry. 3308

(B) (1) A victim of a criminal offense or delinquent act 3309
has the right to be represented by an attorney. Nothing in this 3310
section creates a right to an attorney at public expense for a 3311
victim. If a victim is represented by an attorney, the court 3312
shall notify the victim's attorney in the same manner in which 3313
the parties are notified under applicable law or rule. The 3314
victim's attorney shall be included in all bench conferences, 3315
meetings in chambers, and sidebars with the trial court that 3316

directly involve a decision implicating that victim's rights as 3317
enumerated in Ohio Constitution, Article I, Section 10a. Nothing 3318
in this section shall be construed as making a victim a party to 3319
the case. 3320

(2) A defendant has a right to respond and be represented 3321
by an attorney for appeals and writs the victim, the victim's 3322
attorney, if applicable, or the prosecutor may file pursuant to 3323
this section. An indigent defendant has the right to appointed 3324
counsel for appeals and writs filed pursuant to this section. 3325
If, as an indigent person, a defendant is unable to employ 3326
counsel, the defendant is entitled to have counsel provided 3327
pursuant to Chapter 120. of the Revised Code. The court shall 3328
notify the defendant and the defendant's attorney in the same 3329
manner that the parties are notified under applicable law or 3330
rule. 3331

(C) The failure of a public official or public agency or 3332
the public official's or public agency's designee to comply with 3333
the requirements of this chapter does not give rise to a claim 3334
for damages against that public official or public agency or 3335
that public official's or public agency's designee, except that 3336
a public agency as an employer may be held responsible for a 3337
violation of section 2930.18 of the Revised Code. 3338

(D) The failure of any person or entity to provide a 3339
right, privilege, or notice to a victim under this chapter does 3340
not constitute grounds for declaring a mistrial or new trial, 3341
for setting aside a conviction, sentence, adjudication, or 3342
disposition, or for granting postconviction release to a 3343
defendant or alleged juvenile offender. 3344

(E) If there is a conflict between a provision in this 3345
chapter and a specific statute governing the procedure in a case 3346

involving a capital offense, the specific statute supersedes the 3347
provision in this chapter. 3348

(F) A defendant or juvenile offender may not raise the 3349
failure to afford a right to a victim as error in any legal 3350
argument to provide an advantage to that defendant or juvenile 3351
offender in any motion, including a dispositive motion, motion 3352
for a mistrial, motion for new trial, or motion to have a 3353
conviction, sentence, or disposition set aside, in any petition 3354
for post-conviction relief, or in any assignment of error on 3355
appeal. 3356

(G) If the victim of a criminal offense or delinquent act 3357
is incarcerated in a state or local correctional facility or is 3358
in the legal custody of the department of youth services, the 3359
victim's rights under this chapter may be modified by court 3360
order to prevent any security risk, hardship, or undue burden 3361
upon a public official or public agency with a duty under this 3362
chapter. 3363

(H) As used in this section, "post-conviction release" 3364
means judicial release, early release, and parole, but does not 3365
mean relief pursuant to a federal petition in habeas corpus. 3366

Sec. 2945.481. (A) (1) As used in this section, "victim" 3367
includes any person who was a victim of a violation identified 3368
in division (A) (2) of this section or an offense of violence or 3369
against whom was directed any conduct that constitutes, or that 3370
is an element of, a violation identified in division (A) (2) of 3371
this section or an offense of violence. 3372

(2) (a) In any proceeding in the prosecution of a charge of 3373
a violation of section 2905.03, 2905.05, 2907.02, 2907.03, 3374
2907.04, 2907.05, 2907.06, 2907.07, 2907.09, 2907.21, 2907.23, 3375

2907.24, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, or 3376
2919.22 of the Revised Code or an offense of violence and in 3377
which an alleged victim of the violation or offense was a child 3378
who was less than thirteen years of age when the complaint, 3379
indictment, or information was filed, whichever occurred 3380
earlier, the judge of the court in which the prosecution is 3381
being conducted, upon motion of an attorney for the prosecution, 3382
shall order that the testimony of the child victim be taken by 3383
deposition. The prosecution, child victim, or child victim's 3384
attorney also may request that the deposition be recorded in 3385
accordance with division (A) (3) of this section. 3386

(b) In any proceeding that is not otherwise eligible for 3387
the protections provided for in division (A) (2) (a) of this 3388
section, and in which an alleged victim of the violation was a 3389
child who was less than eighteen years of age when the 3390
complaint, indictment, or information was filed, whichever 3391
occurred earlier, upon motion of the child victim, the child 3392
victim's attorney, if applicable, or an attorney for the 3393
prosecution, and upon a showing by a preponderance of the 3394
evidence that the child will suffer serious emotional trauma if 3395
required to provide live trial testimony, the judge of the court 3396
in which the prosecution is being conducted shall order that the 3397
testimony of the child victim be taken by deposition. The 3398
prosecution, child victim, or child victim's attorney may also 3399
request that the deposition be recorded in accordance with 3400
division (A) (3) of this section. 3401

(c) The judge shall notify the child victim whose 3402
deposition is to be taken, the child victim's attorney, if 3403
applicable, the prosecution, and the defense of the date, time, 3404
and place for taking the deposition. The notice shall identify 3405
the child victim who is to be examined and shall indicate 3406

whether a request that the deposition be recorded has been made. 3407
The defendant shall have the right to attend the deposition and 3408
the right to be represented by counsel. Depositions shall be 3409
taken in the manner provided in civil cases, except that the 3410
judge shall preside at the taking of the deposition and shall 3411
rule at that time on any objections of the prosecution or the 3412
attorney for the defense. The prosecution and the attorney for 3413
the defense shall have the right, as at trial, to full 3414
examination and cross-examination of the child victim whose 3415
deposition is to be taken. If a deposition taken under this 3416
division is intended to be offered as evidence in the 3417
proceeding, it shall be filed in the court in which the action 3418
is pending and is admissible in the manner described in division 3419
(B) of this section. If a deposition of a child victim taken 3420
under this division is admitted as evidence at the proceeding 3421
under division (B) of this section, the child victim shall not 3422
be required to testify in person at the proceeding. However, at 3423
any time before the conclusion of the proceeding, the attorney 3424
for the defense may file a motion with the judge requesting that 3425
another deposition of the child victim be taken because new 3426
evidence material to the defense has been discovered that the 3427
attorney for the defense could not with reasonable diligence 3428
have discovered prior to the taking of the admitted deposition. 3429
A motion for another deposition shall be accompanied by 3430
supporting affidavits. Upon the filing of a motion for another 3431
deposition and affidavits, the court may order that additional 3432
testimony of the child victim relative to the new evidence be 3433
taken by another deposition. If the court orders the taking of 3434
another deposition under this provision, the deposition shall be 3435
taken in accordance with this division; if the admitted 3436
deposition was a recorded deposition taken in accordance with 3437
division (A) (3) of this section, the new deposition also shall 3438

be recorded in accordance with that division and in other cases, 3439
the new deposition may be recorded in accordance with that 3440
division. 3441

(3) If the prosecution, child victim, or child victim's 3442
attorney requests that a deposition to be taken under division 3443
(A) (2) of this section be recorded, the judge shall order that 3444
the deposition be recorded in accordance with this division. If 3445
a judge issues an order that the deposition be recorded, the 3446
judge shall exclude from the room in which the deposition is to 3447
be taken every person except the child victim giving the 3448
testimony, the judge, one or more interpreters if needed, the 3449
attorneys for the prosecution and the defense, the child 3450
victim's attorney, if applicable, the child victim's 3451
representative, if applicable, any person needed to operate the 3452
equipment to be used, one person chosen by the child victim 3453
giving the deposition, and any person whose presence the judge 3454
determines would contribute to the welfare and well-being of the 3455
child victim giving the deposition. The person chosen by the 3456
child victim shall not be a witness in the proceeding and, both 3457
before and during the deposition, shall not discuss the 3458
testimony of the child victim with any other witness in the 3459
proceeding. To the extent feasible, any person operating the 3460
recording equipment shall be restricted to a room adjacent to 3461
the room in which the deposition is being taken, or to a 3462
location in the room in which the deposition is being taken that 3463
is behind a screen or mirror, so that the person operating the 3464
recording equipment can see and hear, but cannot be seen or 3465
heard by, the child victim giving the deposition during the 3466
deposition. The defendant shall be permitted to observe and hear 3467
the testimony of the child victim giving the deposition on a 3468
monitor, shall be provided with an electronic means of immediate 3469

communication with the defendant's attorney during the 3470
testimony, and shall be restricted to a location from which the 3471
defendant cannot be seen or heard by the child victim giving the 3472
deposition, except on a monitor provided for that purpose. The 3473
child victim giving the deposition shall be provided with a 3474
monitor on which the child victim can observe, during the 3475
testimony, the defendant. The judge, at the judge's discretion, 3476
may preside at the deposition by electronic means from outside 3477
the room in which the deposition is to be taken; if the judge 3478
presides by electronic means, the judge shall be provided with 3479
monitors on which the judge can see each person in the room in 3480
which the deposition is to be taken and with an electronic means 3481
of communication with each person, and each person in the room 3482
shall be provided with a monitor on which that person can see 3483
the judge and with an electronic means of communication with the 3484
judge. A deposition that is recorded under this division shall 3485
be taken and filed in the manner described in division (A) (2) of 3486
this section and is admissible in the manner described in this 3487
division and division (B) of this section, and, if a deposition 3488
that is recorded under this division is admitted as evidence at 3489
the proceeding, the child victim shall not be required to 3490
testify in person at the proceeding. No deposition recorded 3491
under this division shall be admitted as evidence at any 3492
proceeding unless division (B) of this section is satisfied 3493
relative to the deposition and all of the following apply 3494
relative to the recording: 3495

(a) The recording is both aural and visual and is recorded 3496
on film or videotape, or by other electronic means. 3497

(b) The recording is authenticated under the Rules of 3498
Evidence and the Rules of Criminal Procedure as a fair and 3499
accurate representation of what occurred, and the recording is 3500

not altered other than at the direction and under the 3501
supervision of the judge in the proceeding. 3502

(c) Each voice on the recording that is material to the 3503
testimony on the recording or the making of the recording, as 3504
determined by the judge, is identified. 3505

(d) Both the prosecution and the defendant are afforded an 3506
opportunity to view the recording before it is shown in the 3507
proceeding. 3508

(B) (1) At any proceeding in a prosecution in relation to 3509
which a deposition was taken under division (A) of this section, 3510
the deposition or a part of it is admissible in evidence upon 3511
motion of the prosecution if the testimony in the deposition or 3512
the part to be admitted is not excluded by the hearsay rule and 3513
if the deposition or the part to be admitted otherwise is 3514
admissible under the Rules of Evidence. For purposes of this 3515
division, testimony is not excluded by the hearsay rule if the 3516
testimony is not hearsay under Evidence Rule 801; if the 3517
testimony is within an exception to the hearsay rule set forth 3518
in Evidence Rule 803; if the child victim who gave the testimony 3519
is unavailable as a witness, as defined in Evidence Rule 804, 3520
and the testimony is admissible under that rule; or if both of 3521
the following apply: 3522

(a) The defendant had an opportunity and similar motive at 3523
the time of the taking of the deposition to develop the 3524
testimony by direct, cross, or redirect examination. 3525

(b) The judge determines that there is reasonable cause to 3526
believe that, if the child victim who gave the testimony in the 3527
deposition were to testify in person at the proceeding, the 3528
child victim would experience serious emotional trauma as a 3529

result of the child victim's participation at the proceeding. 3530

(2) Objections to receiving in evidence a deposition or a 3531
part of it under division (B) of this section shall be made as 3532
provided in civil actions. 3533

(3) The provisions of divisions (A) and (B) of this 3534
section are in addition to any other provisions of the Revised 3535
Code, the Rules of Criminal Procedure, or the Rules of Evidence 3536
that pertain to the taking or admission of depositions in a 3537
criminal proceeding and do not limit the admissibility under any 3538
of those other provisions of any deposition taken under division 3539
(A) of this section or otherwise taken. 3540

~~(C)~~ (C) (1) (a) In any proceeding in the prosecution of any 3541
charge of a violation listed in division ~~(A) (2)~~ (A) (2) (a) of this 3542
section or an offense of violence and in which an alleged victim 3543
of the violation or offense was a child who was less than 3544
thirteen years of age when the complaint, indictment, or 3545
information was filed, whichever occurred earlier, the judge, 3546
upon motion of the prosecution, the child victim, or the child 3547
victim's attorney, if applicable, ~~may file a motion with the~~ 3548
~~judge requesting the judge to~~ shall order the testimony of the 3549
child victim to be taken in a room other than the room in which 3550
the proceeding is being conducted and be ~~televised, by closed-~~ 3551
~~circuit equipment, broadcast~~ into the room in which the 3552
proceeding is being conducted to be viewed by the jury, if 3553
applicable, the defendant, and any other persons who are not 3554
permitted in the room in which the testimony is to be taken but 3555
who would have been present during the testimony of the child 3556
victim had it been given in the room in which the proceeding is 3557
being conducted. 3558

(b) In any proceeding that is not otherwise eligible for 3559

the protections provided for in division (C) (1) (a) of this 3560
section, and in which an alleged victim of the violation was a 3561
child who was less than eighteen years of age when the 3562
complaint, indictment, or information was filed, whichever 3563
occurred earlier, upon motion of the child victim, the child 3564
victim's attorney, if applicable, or the prosecution, and upon a 3565
showing by a preponderance of the evidence that the child will 3566
suffer serious emotional trauma if required to provide live 3567
trial testimony, the judge shall order that the testimony of the 3568
child victim be taken in a room other than the room in which the 3569
proceeding is being conducted and broadcast into the room in 3570
which the proceeding is being conducted to be viewed by the 3571
defendant who is charged with the violation or act and any other 3572
persons who are not permitted in the room in which the testimony 3573
is to be taken but who would have been present during the 3574
testimony of the child victim had it been given in the room in 3575
which the proceeding is being conducted. 3576

(2) Except for good cause shown, the prosecution, child 3577
victim, or child victim's attorney, if applicable, shall file a 3578
motion under this division at least seven days before the date 3579
of the proceeding. The judge may issue the order upon the motion 3580
of the prosecution, child victim, or child victim's attorney, if 3581
applicable, filed under this section, if the judge determines 3582
that the child victim is unavailable to testify in the room in 3583
which the proceeding is being conducted in the physical presence 3584
of the defendant, for one or more of the reasons set forth in 3585
division (E) of this section. If a judge issues an order of that 3586
nature, the judge shall exclude from the room in which the 3587
testimony is to be taken every person except a person described 3588
in division (A) (3) of this section. The judge, at the judge's 3589
discretion, may preside during the giving of the testimony by 3590

electronic means from outside the room in which it is being 3591
given, subject to the limitations set forth in division (A) (3) 3592
of this section. To the extent feasible, any person operating 3593
the televising equipment shall be hidden from the sight and 3594
hearing of the child victim giving the testimony, in a manner 3595
similar to that described in division (A) (3) of this section. 3596
The defendant shall be permitted to observe and hear the 3597
testimony of the child victim giving the testimony on a monitor, 3598
shall be provided with an electronic means of immediate 3599
communication with the defendant's attorney during the 3600
testimony, and shall be restricted to a location from which the 3601
defendant cannot be seen or heard by the child victim giving the 3602
testimony, except on a monitor provided for that purpose. The 3603
child victim giving the testimony shall be provided with a 3604
monitor on which the child victim can observe, during the 3605
testimony, the defendant. 3606

~~(D) (1) (a)~~ In any proceeding in the prosecution of any 3607
charge of a violation listed in division ~~(A) (2) (a)~~ (2) (a) of this 3608
section or an offense of violence and in which an alleged victim 3609
of the violation or offense was a child who was less than 3610
thirteen years of age when the complaint, indictment, or 3611
information was filed, whichever occurred earlier, the judge, 3612
upon motion of the prosecution, child victim, or child victim's 3613
attorney, if applicable, ~~may file a motion with the judge~~ 3614
~~requesting the judge to shall~~ order the testimony of the child 3615
victim to be taken outside of the room in which the proceeding 3616
is being conducted and be recorded for showing in the room in 3617
which the proceeding is being conducted before the judge, the 3618
jury, if applicable, the defendant, and any other persons who 3619
would have been present during the testimony of the child victim 3620
had it been given in the room in which the proceeding is being 3621

conducted.

3622

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

3623
3624
3625
3626
3627
3628
3629
3630
3631
3632
3633
3634
3635
3636
3637
3638
3639

(2) Except for good cause shown, the prosecution, child
victim, or child victim's attorney, if applicable, shall file a
motion under this division at least seven days before the date
of the proceeding. The judge may issue the order upon the motion
of the prosecution, child victim, or child victim's attorney, if
applicable, filed under this division, if the judge determines
that the child victim is unavailable to testify in the room in
which the proceeding is being conducted in the physical presence
of the defendant, for one or more of the reasons set forth in
division (E) of this section. If a judge issues an order of that
nature, the judge shall exclude from the room in which the
testimony is to be taken every person except a person described
in division (A) (3) of this section. To the extent feasible, any

3640
3641
3642
3643
3644
3645
3646
3647
3648
3649
3650
3651
3652

person operating the recording equipment shall be hidden from 3653
the sight and hearing of the child victim giving the testimony, 3654
in a manner similar to that described in division (A) (3) of this 3655
section. The defendant shall be permitted to observe and hear 3656
the testimony of the child victim who is giving the testimony on 3657
a monitor, shall be provided with an electronic means of 3658
immediate communication with the defendant's attorney during the 3659
testimony, and shall be restricted to a location from which the 3660
defendant cannot be seen or heard by the child victim giving the 3661
testimony, except on a monitor provided for that purpose. The 3662
child victim giving the testimony shall be provided with a 3663
monitor on which the child victim can observe, during the 3664
testimony, the defendant. No order for the taking of testimony 3665
by recording shall be issued under this division unless the 3666
provisions set forth in divisions (A) (3) (a), (b), (c), and (d) 3667
of this section apply to the recording of the testimony. 3668

(E) For purposes of divisions (C) and (D) of this section, 3669
a judge may order the testimony of a child victim to be taken 3670
outside the room in which the proceeding is being conducted if 3671
the judge determines that the child victim is unavailable to 3672
testify in the room in the physical presence of the defendant 3673
due to one or more of the following: 3674

(1) The persistent refusal of the child victim to testify 3675
despite judicial requests to do so; 3676

(2) The inability of the child victim to communicate about 3677
the alleged violation or offense because of extreme fear, 3678
failure of memory, or another similar reason; 3679

(3) The substantial likelihood that the child victim will 3680
suffer serious emotional trauma from so testifying. 3681

(F) (1) If a judge issues an order pursuant to division (C) 3682
or (D) of this section that requires the testimony of a child 3683
victim in a criminal proceeding to be taken outside of the room 3684
in which the proceeding is being conducted, the order shall 3685
specifically identify the child victim, in a manner consistent 3686
with section 2930.07 of the Revised Code, to whose testimony it 3687
applies, the order applies only during the testimony of the 3688
specified child victim, and the child victim giving the 3689
testimony shall not be required to testify at the proceeding 3690
other than in accordance with the order. 3691

(2) A judge who makes any determination regarding the 3692
admissibility of a deposition under divisions (A) and (B) of 3693
this section, the recording of a deposition under division (A) 3694
(3) of this section, or the taking of testimony outside of the 3695
room in which a proceeding is being conducted under division (C) 3696
or (D) of this section, shall enter the determination and 3697
findings on the record in the proceeding. 3698

Sec. 2945.482. (A) As used in this section: 3699

(1) "Developmental disability" has the same meaning as in 3700
section 5123.01 of the Revised Code. 3701

(2) "Victim with a developmental disability" includes a 3702
person with a developmental disability who was a victim of a 3703
violation identified in division (B)(1) of this section or an 3704
offense of violence or against whom was directed any conduct 3705
that constitutes, or that is an element of, a violation 3706
identified in division (B)(1) of this section or an offense of 3707
violence. 3708

(B) (1) (a) In any proceeding in the prosecution of a charge 3709
of a violation of section 2903.16, 2903.34, 2903.341, 2905.03, 3710

2907.02, 2907.03, 2907.05, 2907.06, 2907.09, 2907.21, 2907.23, 3711
2907.24, 2907.32, 2907.321, 2907.322, or 2907.323 of the Revised 3712
Code or an offense of violence and in which an alleged victim of 3713
the violation or offense was a person with a developmental 3714
disability, the judge of the court in which the prosecution is 3715
being conducted, upon motion of a victim, victim's attorney, or 3716
an attorney for the prosecution, shall order that the testimony 3717
of the victim with a developmental disability be taken by 3718
deposition. The prosecution, victim, or victim's attorney also 3719
may request that the deposition be recorded in accordance with 3720
division (B) (2) of this section. 3721

(b) In any proceeding that is not otherwise eligible for 3722
the protections provided for in division (B) (1) (a) of this 3723
section and in which an alleged victim of the violation or act 3724
was a person with a developmental disability, upon motion of the 3725
prosecution, the victim, or the victim's attorney, if 3726
applicable, and a showing by a preponderance of the evidence 3727
that the victim will suffer serious emotional trauma if required 3728
to provide live trial testimony, the judge of the court in which 3729
the prosecution is being conducted shall order that the 3730
testimony of the victim with a developmental disability be taken 3731
by deposition. The prosecution, the victim, or the victim's 3732
attorney, if applicable, also may request that the deposition be 3733
recorded in accordance with division (B) (2) of this section. 3734

(c) The judge shall notify the victim with a developmental 3735
disability whose deposition is to be taken, the victim's 3736
attorney, if applicable, the prosecution, and the defense of the 3737
date, time, and place for taking the deposition. The notice 3738
shall identify the victim with a developmental disability, in a 3739
manner consistent with section 2930.07 of the Revised Code, who 3740
is to be examined and shall indicate whether a request that the 3741

deposition be recorded has been made. The defendant shall have 3742
the right to attend the deposition and the right to be 3743
represented by counsel. Depositions shall be taken in the manner 3744
provided in civil cases, except that the judge shall preside at 3745
the taking of the deposition and shall rule at the time on any 3746
objections of the prosecution or the attorney for the defense. 3747
The prosecution and the attorney for the defense shall have the 3748
right, as at trial, to full examination and cross-examination of 3749
the victim with a developmental disability whose deposition is 3750
to be taken. If a deposition taken under this division is 3751
intended to be offered as evidence in the proceeding, it shall 3752
be filed in the court in which the action is pending and is 3753
admissible in the manner described in division (C) of this 3754
section. 3755

If a deposition of a victim with a developmental 3756
disability taken under this division is admitted as evidence at 3757
the proceeding under division (C) of this section, the victim 3758
with a developmental disability shall not be required to testify 3759
in person at the proceeding. 3760

At any time before the conclusion of the proceeding, the 3761
attorney for the defense may file a motion with the judge 3762
requesting that another deposition of the victim with a 3763
developmental disability be taken because new evidence material 3764
to the defense has been discovered that the attorney for the 3765
defense could not with reasonable diligence have discovered 3766
prior to the taking of the admitted deposition. If the court 3767
orders the taking of another deposition under this provision, 3768
the deposition shall be taken in accordance with this division. 3769
If the admitted deposition was a recorded deposition taken in 3770
accordance with division (B) (2) of this section, the new 3771
deposition shall be recorded in accordance with that division. 3772

In other cases, the new deposition may be recorded in accordance 3773
with that division. 3774

(2) If the prosecution, victim, or victim's attorney, if 3775
applicable, requests that a deposition to be taken under 3776
division (B) (2) of this section be recorded, the judge shall 3777
order that the deposition be recorded in accordance with this 3778
division. If a judge issues an order that the deposition be 3779
recorded, the judge shall exclude from the room in which the 3780
deposition is to be taken every person except the victim with a 3781
developmental disability giving the testimony, the judge, one or 3782
more interpreters if needed, the attorneys for the prosecution 3783
and the defense, the victim's attorney, if applicable, the 3784
victim's representative, if applicable, any person needed to 3785
operate the equipment to be used, one person chosen by the 3786
victim with a developmental disability giving the deposition, 3787
and any person whose presence the judge determines would 3788
contribute to the welfare and well-being of the victim with a 3789
developmental disability giving the deposition. The person 3790
chosen by the victim with a developmental disability shall not 3791
be a witness in the proceeding and, both before and during the 3792
deposition, shall not discuss the testimony of the victim with a 3793
developmental disability with any other witness in the 3794
proceeding. To the extent feasible, any person operating the 3795
recording equipment shall be restricted to a room adjacent to 3796
the room in which the deposition is being taken, or to a 3797
location in the room in which the deposition is being taken that 3798
is behind a screen or mirror, so that the person operating the 3799
recording equipment can see and hear, but cannot be seen or 3800
heard by, the victim with a developmental disability giving the 3801
deposition during the deposition. 3802

The defendant shall be permitted to observe and hear the 3803

testimony of the victim with a developmental disability giving 3804
the deposition on a monitor, shall be provided with an 3805
electronic means of immediate communication with the defendant's 3806
attorney during the testimony, and shall be restricted to a 3807
location from which the defendant cannot be seen or heard by the 3808
victim with a developmental disability giving the deposition, 3809
except on a monitor provided for that purpose. The victim with a 3810
developmental disability giving the deposition shall be provided 3811
with a monitor on which the victim can observe, during the 3812
testimony, the defendant. The judge, at the judge's discretion, 3813
may preside at the deposition by electronic means from outside 3814
the room in which the deposition is to be taken. If the judge 3815
presides by electronic means, the judge shall be provided with 3816
monitors on which the judge can see each person in the room in 3817
which the deposition is to be taken and with an electronic means 3818
of communication with each person, and each person in the room 3819
shall be provided with a monitor on which that person can see 3820
the judge and with an electronic means of communication with the 3821
judge. A deposition that is recorded under this division shall 3822
be taken and filed in the manner described in division (B) (1) of 3823
this section and is admissible in the manner described in this 3824
division and division (C) of this section, and, if a deposition 3825
that is recorded under this division is admitted as evidence at 3826
the proceeding, the victim with a developmental disability shall 3827
not be required to testify in person at the proceeding. No 3828
deposition recorded under this division shall be admitted as 3829
evidence at any proceeding unless division (C) of this section 3830
is satisfied relative to the deposition and all of the following 3831
apply relative to the recording: 3832

(a) The recording is both aural and visual and is recorded 3833
on film or videotape, or by other electronic means. 3834

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

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

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

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

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

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

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

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

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

be taken but who would have been present during the testimony of 3894
the victim with a developmental disability had it been given in 3895
the room in which the proceeding is being conducted. 3896

(b) In any proceeding that is not otherwise eligible for 3897
the protections provided for in division (D)(1)(a) of this 3898
section and in which an alleged victim of the violation or act 3899
was a person with a developmental disability, upon motion of the 3900
prosecution, the victim, or the victim's attorney, if 3901
applicable, and a showing by a preponderance of the evidence 3902
that the victim will suffer serious emotional trauma if required 3903
to provide live trial testimony, the judge shall order the 3904
testimony be taken in a room other than the room in which the 3905
proceeding is being conducted and broadcast into the room in 3906
which the proceeding is being conducted to be viewed by the 3907
jury, if applicable, the defendant, and any other persons who 3908
are not permitted in the room in which the testimony is to be 3909
taken but who would have been present during the testimony of 3910
the victim with a developmental disability had it been given in 3911
the room in which the proceeding is being conducted. 3912

(2) Except for good cause shown, the prosecution, victim, 3913
or victim's attorney, if applicable, shall file a motion under 3914
this division at least seven days before the date of the 3915
proceeding. The judge may issue the order upon the motion of the 3916
prosecution filed under this section, if the judge determines 3917
that the victim with a developmental disability is unavailable 3918
to testify in the room in which the proceeding is being 3919
conducted in the physical presence of the defendant for one or 3920
more of the reasons set forth in division (F) of this section. 3921
If a judge issues an order of that nature, the judge shall 3922
exclude from the room in which the testimony is to be taken 3923
every person except a person described in division (B)(2) of 3924

this section. The judge, at the judge's discretion, may preside 3925
during the giving of the testimony by electronic means from 3926
outside the room in which it is being given, subject to the 3927
limitations set forth in division (B) (2) of this section. To the 3928
extent feasible, any person operating the televising equipment 3929
shall be hidden from the sight and hearing of the victim with a 3930
developmental disability giving the testimony, in a manner 3931
similar to that described in division (B) (2) of this section. 3932
The defendant shall be permitted to observe and hear the 3933
testimony of the victim with a developmental disability giving 3934
the testimony on a monitor, shall be provided with an electronic 3935
means of immediate communication with the defendant's attorney 3936
during the testimony, and shall be restricted to a location from 3937
which the defendant cannot be seen or heard by the victim with a 3938
developmental disability giving the testimony, except on a 3939
monitor provided for that purpose. The victim with a 3940
developmental disability giving the testimony shall be provided 3941
with a monitor on which the victim with a developmental 3942
disability can observe, during the testimony, the defendant. 3943

~~(E)~~ (E) (1) (a) In any proceeding in the prosecution of any 3944
charge of a violation listed in division (B) (1) of this section 3945
or an offense of violence and in which an alleged victim of the 3946
violation or offense was a victim with a developmental 3947
disability, the judge, upon motion of the prosecution, victim, 3948
or victim's attorney, if applicable, may file a motion with the 3949
judge requesting the judge to shall order the testimony of the 3950
victim with a developmental disability to be taken outside of 3951
the room in which the proceeding is being conducted and be 3952
recorded for showing in the room in which the proceeding is 3953
being conducted before the judge, the jury, if applicable, the 3954
defendant, and any other persons who would have been present 3955

during the testimony of the victim with a developmental 3956
disability had it been given in the room in which the proceeding 3957
is being conducted. 3958

(b) In any proceeding that is not otherwise eligible for 3959
the protections provided for in division (E)(1)(a) of this 3960
section and in which an alleged victim of the violation or act 3961
was a person with a developmental disability, upon motion of the 3962
prosecution, the victim, or the victim's attorney, if 3963
applicable, and a showing by a preponderance of the evidence 3964
that the victim will suffer serious emotional trauma if required 3965
to provide live trial testimony, the judge shall order the 3966
testimony be taken outside of the room in which the proceeding 3967
is being conducted and be recorded for showing in the room in 3968
which the proceeding is being conducted before the judge, the 3969
jury, if applicable, the defendant, and any other persons who 3970
would have been present during the testimony of the victim with 3971
a developmental disability had it been given in the room in 3972
which the proceeding is being conducted. 3973

(2) Except for good cause shown, the prosecution, victim, 3974
or victim's attorney, if applicable, shall file a motion under 3975
this division at least seven days before the date of the 3976
proceeding. The judge may issue the order upon the motion of the 3977
prosecution filed under this division, if the judge determines 3978
that the victim with a developmental disability is unavailable 3979
to testify in the room in which the proceeding is being 3980
conducted in the physical presence of the defendant, for one or 3981
more of the reasons set forth in division (F) of this section. 3982
If a judge issues an order of that nature, the judge shall 3983
exclude from the room in which the testimony is to be taken 3984
every person except a person described in division (B)(2) of 3985
this section. To the extent feasible, any person operating the 3986

recording equipment shall be hidden from the sight and hearing 3987
of the victim with a developmental disability giving the 3988
testimony, in a manner similar to that described in division (B) 3989
(2) of this section. The defendant shall be permitted to observe 3990
and hear the testimony of the victim with a developmental 3991
disability who is giving the testimony on a monitor, shall be 3992
provided with an electronic means of immediate communication 3993
with the defendant's attorney during the testimony, and shall be 3994
restricted to a location from which the defendant cannot be seen 3995
or heard by the victim with a developmental disability giving 3996
the testimony, except on a monitor provided for that purpose. 3997
The victim with a developmental disability giving the testimony 3998
shall be provided with a monitor on which the victim can 3999
observe, during the testimony, the defendant. No order for the 4000
taking of testimony by recording shall be issued under this 4001
division unless the provisions set forth in divisions (B) (2) (a), 4002
(b), (c), and (d) of this section apply to the recording of the 4003
testimony. 4004

(F) For purposes of divisions (D) and (E) of this section, 4005
a judge may order the testimony of a victim with a developmental 4006
disability to be taken outside the room in which the proceeding 4007
is being conducted if the judge determines that the victim with 4008
a developmental disability is unavailable to testify in the room 4009
in the physical presence of the defendant due to one or more of 4010
the following: 4011

(1) The persistent refusal of the victim with a 4012
developmental disability to testify despite judicial requests to 4013
do so; 4014

(2) The inability of the victim with a developmental 4015
disability to communicate about the alleged violation or offense 4016

because of extreme fear, failure of memory, or another similar 4017
reason; 4018

(3) The substantial likelihood that the victim with a 4019
developmental disability will suffer serious emotional trauma 4020
from so testifying. 4021

(G) (1) If a judge issues an order pursuant to division (D) 4022
or (E) of this section that requires the testimony of a victim 4023
with a developmental disability in a criminal proceeding to be 4024
taken outside of the room in which the proceeding is being 4025
conducted, the order shall specifically identify the victim with 4026
a developmental disability, in a manner consistent with section 4027
2930.07 of the Revised Code, to whose testimony it applies, the 4028
order applies only during the testimony of the specified victim 4029
with a developmental disability, and the victim with a 4030
developmental disability giving the testimony shall not be 4031
required to testify at the proceeding other than in accordance 4032
with the order. 4033

(2) A judge who makes any determination regarding the 4034
admissibility of a deposition under divisions (B) and (C) of 4035
this section, the recording of a deposition under division (B) 4036
(2) of this section, or the taking of testimony outside of the 4037
room in which a proceeding is being conducted under division (D) 4038
or (E) of this section shall enter the determination and 4039
findings on the record in the proceeding. 4040

Section 2. That existing sections 109.42, 2152.20, 4041
2152.81, 2152.811, 2305.37, 2743.71, 2903.213, 2919.26, 2929.28, 4042
2929.281, 2930.02, 2930.04, 2930.041, 2930.06, 2930.063, 4043
2930.07, 2930.161, 2930.171, 2930.19, 2945.481, and 2945.482 of 4044
the Revised Code are hereby repealed. 4045

Section 3. That section 2930.043 of the Revised Code is 4046
hereby repealed. 4047

Section 4. The General Assembly, applying the principle 4048
stated in division (B) of section 1.52 of the Revised Code that 4049
amendments are to be harmonized and reconciled if reasonably 4050
capable of simultaneous operation, finds that the following 4051
sections, presented in this act as composites of the sections as 4052
amended by the acts indicated, are the resulting version of the 4053
sections in effect prior to the effective date of the sections 4054
as presented in this act: 4055

Section 109.42 of the Revised Code as amended by both H.B. 4056
343 and S.B. 288 of the 134th General Assembly. 4057

Section 2930.06 of the Revised Code as amended by both 4058
H.B. 343 and S.B. 288 of the 134th General Assembly. 4059

Section 5. This act is hereby declared to be an emergency 4060
measure necessary for the immediate preservation of the public 4061
peace, health, and safety. The reason for such necessity is to 4062
address changes to victims rights made by H.B. 343 of the 134th 4063
General Assembly to clarify the requirements and procedures for 4064
the redaction of victim information for various entities in the 4065
criminal justice system. Therefore, this act shall go into 4066
immediate effect. 4067