

# AN ACT

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

*Be it enacted by the General Assembly of the State of Ohio:*

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

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

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

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

(3) The availability of awards of reparations pursuant to sections 2743.51 to 2743.72 of the

Revised Code for injuries caused by criminal offenses;

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

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

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

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

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

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

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

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

(12) The right of a victim of a sexually oriented offense or of a child-victim oriented offense that is committed by a person who is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing the offense and who is in a category specified in division (B) of section 2950.10 of the Revised Code to receive, pursuant to that section, notice that the person has registered with a sheriff under section 2950.04, 2950.041, or 2950.05 of the Revised Code and notice of the person's name, the person's residence that is registered, and the offender's school, institution of higher education, or place of employment address or addresses that are registered, the person's photograph,

and a summary of the manner in which the victim must make a request to receive the notice. As used in this division, "sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.

(13) The right of a victim of certain sexually violent offenses committed by an offender who also is convicted of or pleads guilty to a sexually violent predator specification and who is sentenced to a prison term pursuant to division (A)(3) of section 2971.03 of the Revised Code, of a victim of a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, by an offender who is sentenced for the violation pursuant to division (B)(1)(a), (b), or (c) of section 2971.03 of the Revised Code, of a victim of an attempted rape committed on or after January 2, 2007, by an offender who also is convicted of or pleads guilty to a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code and is sentenced for the violation pursuant to division (B)(2)(a), (b), or (c) of section 2971.03 of the Revised Code, and of a victim of an offense that is described in division (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code and is committed by an offender who is sentenced pursuant to one of those divisions to receive, pursuant to section 2930.16 of the Revised Code, notice of a hearing to determine whether to modify the requirement that the offender serve the entire prison term in a state correctional facility, whether to continue, revise, or revoke any existing modification of that requirement, or whether to terminate the prison term. As used in this division, "sexually violent offense" and "sexually violent predator specification" have the same meanings as in section 2971.01 of the Revised Code.

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

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

(i) Upon first contact with the victim, the victim's family, or the victim's dependents, a peace officer from the law enforcement agency investigating the criminal offense or delinquent act against the victim shall determine whether the victim has access to the internet and whether the victim would prefer to access the victim's rights ~~pamphlet~~compilation online or if the victim requires a paper copy. The peace officer may give the victim a paper copy upon first contact, if requested, or the peace officer may provide the victim with the attorney general's telephone number to access the ~~pamphlet~~compilation at a later time. The attorney general shall provide a web site address at which a printable version of the victim's rights ~~pamphlet~~compilation that can be downloaded and printed

locally may be found. The attorney general shall provide limited paper copies of the victim's rights ~~pamphlet~~compilation upon request to law enforcement agencies that order copies directly from the attorney general and to law enforcement agencies and prosecutors to provide to victims who do not have internet access or who would prefer a paper copy. The attorney general shall create a page within the attorney general's web site that is easy to access and navigate that contains the entire content of the victim's rights ~~pamphlet~~compilation and a link to the web site address at which a printable version of the victim's rights ~~pamphlet~~compilation may be found.

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

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

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

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

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

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

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

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

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

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

(D) As used in this section:

(1) "Criminal offense," "delinquent act," and "victim's representative" have the same

meanings as in section 2930.01 of the Revised Code;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Require the child to pay costs;

(3) Unless the child's juvenile traffic offense would be a minor misdemeanor if committed by an adult or could be disposed of by the juvenile traffic violations bureau serving the court under Traffic Rule 13.1 if the court has established a juvenile traffic violations bureau, require the child to make restitution to the victim of the child's delinquent act or juvenile traffic offense or, if the victim is deceased, to a survivor or the estate of the victim in an amount based upon the victim's economic loss caused by or related to the delinquent act or juvenile traffic offense. The court may not require a child to make restitution pursuant to this division if the child's juvenile traffic offense would be a minor misdemeanor if committed by an adult or could be disposed of by the juvenile traffic violations bureau serving the court under Traffic Rule 13.1 if the court has established a juvenile traffic violations bureau. If the court requires restitution under this division, the restitution shall be made directly to the victim in open court or to the probation department that serves the jurisdiction or the clerk of courts on behalf of the victim.

The victim, victim's representative, victim's attorney, if applicable, the prosecuting attorney,

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

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

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

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

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

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

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

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

(D) If a child who is adjudicated a delinquent child is indigent, the court shall consider imposing a term of community service under division (A) of section 2152.19 of the Revised Code in lieu of imposing a financial sanction under this section. If a child who is adjudicated a delinquent

child is not indigent, the court may impose a term of community service under that division in lieu of, or in addition to, imposing a financial sanction under this section. The court may order the performance of community service for an act that if committed by an adult would be a minor misdemeanor if that order would to generate funds for restitution.

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

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

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

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

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

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

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

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

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

(b) In any proceeding that is not otherwise eligible for the protections provided for in division (A)(2)(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 an attorney for 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 juvenile judge shall order that the testimony of the child victim be taken by deposition. The prosecution, child victim, or child victim's attorney may also request that the deposition be recorded in accordance with

division (A)(3) of this section.

(c) The judge shall notify the child victim whose deposition is to be taken, the victim's attorney, if applicable, the prosecution, and the attorney for the child who is charged with the violation or act of the date, time, and place for taking the deposition. The notice shall identify the child victim who is to be examined and shall indicate whether a request that the deposition be recorded has been made. The child who is charged with the violation or act shall have the right to attend the deposition and the right to be represented by counsel. Depositions shall be taken in the manner provided in civil cases, except that the judge in the proceeding shall preside at the taking of the deposition and shall rule at that time on any objections of the prosecution or the attorney for the child charged with the violation or act. The prosecution and the attorney for the child charged with the violation or act shall have the right, as at an adjudication hearing, to full examination and cross-examination of the child victim whose deposition is to be taken. If a deposition taken under this division is intended to be offered as evidence in the proceeding, it shall be filed in the juvenile court in which the action is pending and is admissible in the manner described in division (B) of this section. If a deposition of a child victim taken under this division is admitted as evidence at the proceeding under division (B) of this section, the child victim shall not be required to testify in person at the proceeding. However, at any time before the conclusion of the proceeding, the attorney for the child charged with the violation or act may file a motion with the judge requesting that another deposition of the child victim be taken because new evidence material to the defense of the child charged has been discovered that the attorney for the child charged could not with reasonable diligence have discovered prior to the taking of the admitted deposition. Any motion requesting another deposition shall be accompanied by supporting affidavits. Upon the filing of the motion and affidavits, the court may order that additional testimony of the child victim relative to the new evidence be taken by another deposition. If the court orders the taking of another deposition under this provision, the deposition shall be taken in accordance with this division; if the admitted deposition was a recorded deposition taken in accordance with division (A)(3) of this section, the new deposition also shall be recorded in accordance with that division, and, in other cases, the new deposition may be recorded in accordance with that division.

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



see and hear, but cannot be seen or heard by, the child victim giving the deposition during the deposition. The child who is charged with the violation or act shall be permitted to observe and hear the testimony of the child victim giving the deposition on a monitor, shall be provided with an electronic means of immediate communication with the attorney of the child who is charged with the violation or act during the testimony, and shall be restricted to a location from which the child who is charged with the violation or act cannot be seen or heard by the child victim giving the deposition, except on a monitor provided for that purpose. The child victim giving the deposition shall be provided with a monitor on which the child victim can observe, while giving testimony, the child who is charged with the violation or act. The judge, at the judge's discretion, may preside at the deposition by electronic means from outside the room in which the deposition is to be taken; if the judge presides by electronic means, the judge shall be provided with monitors on which the judge can see each person in the room in which the deposition is to be taken and with an electronic means of communication with each person in that room, and each person in the room shall be provided with a monitor on which that person can see the judge and with an electronic means of communication with the judge. A deposition that is recorded under this division shall be taken and filed in the manner described in division (A)(2) of this section and is admissible in the manner described in this division and division (B) of this section, and, if a deposition that is recorded under this division is admitted as evidence at the proceeding, the child victim shall not be required to testify in person at the proceeding. No deposition recorded under this division shall be admitted as evidence at any proceeding unless division (B) of this section is satisfied relative to the deposition and all of the following apply relative to the recording:

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

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

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

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

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

(a) The child who is charged with the violation or act 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 child victim who gave the testimony in the deposition were to testify in person at the proceeding, the child victim would experience serious emotional trauma as a result of the child victim's participation at the proceeding.

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

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

~~(C)(1)(a)~~ In any proceeding in juvenile court involving a complaint, indictment, or information in which a child is charged with a violation listed in division (A)(2) of this section or an act that would be an offense of violence if committed by an adult and in which an alleged victim of the violation or offense was a child who was less than thirteen years of age when the complaint or information was filed or indictment was returned, the juvenile judge, upon motion of the prosecution, the child victim, or the child victim's attorney, if applicable, may file a motion with the juvenile judge requesting the judge to shall order the testimony of the child victim to be taken 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 child who is charged with the violation or act and any other persons who are not permitted in the room in which the testimony is to be taken but who would have been present during the testimony of the child victim had it been given in the room in which the proceeding is being conducted.

(b) In any proceeding that is not otherwise eligible for the protections provided for in division (C)(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 juvenile judge shall order that the testimony of the child victim be taken in a room other than the room in which the proceeding is being conducted and be broadcast into the room in which the proceeding is being conducted to be viewed by the child who is charged with the violation or act and any other persons who are not permitted in the room in which the testimony is to be taken but who would have been present during the testimony of the child victim had it been given in the room in which the proceeding is being conducted.

(2) Except for good cause shown, the prosecution, the child victim, or the child victim's attorney, if applicable, shall file a motion under this division at least seven days before the date of the proceeding. The juvenile judge may issue the order upon the motion of the prosecution, the child victim, or the 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 child charged with the violation or act, due to one or more of the reasons set forth in division (E) of this section. If a juvenile 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. The judge, at the judge's discretion, may preside during the giving of the testimony by electronic means from outside the room in which it is being given, subject to the limitations set forth in division (A)(3) of this section. To the extent feasible, any person operating the televising equipment shall be hidden from the sight and hearing of the child victim giving the testimony, in a manner similar to that described in division (A)(3) of this section. The child who is charged with the violation or act shall be permitted to observe and hear the testimony of the child victim giving the testimony on a monitor, shall be provided with an electronic means of immediate communication with the attorney of the child who is charged with the violation or act during the testimony, and shall be restricted to a location from which the child who is charged with the violation or act cannot be seen or heard by the child victim giving the testimony, except on a monitor provided for that purpose. The child victim giving the testimony shall be provided with a monitor on which the child victim can observe, while giving testimony, the child who is charged with the violation or act.

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

(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 juvenile 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 child 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.

(2) Except for good cause shown, the prosecution, the child victim, or the child victim's attorney, if applicable, shall file a motion under this division at least seven days before the date of the proceeding. The juvenile judge may issue the order upon the motion of the prosecution, the child victim, or the 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 child charged with the violation or act, due to one or more of the

reasons set forth in division (E) of this section. If a juvenile 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 person operating the recording equipment shall be hidden from the sight and hearing of the child victim giving the testimony, in a manner similar to that described in division (A)(3) of this section. The child who is charged with the violation or act shall be permitted to observe and hear the testimony of the child victim giving the testimony on a monitor, shall be provided with an electronic means of immediate communication with the attorney of the child who is charged with the violation or act during the testimony, and shall be restricted to a location from which the child who is charged with the violation or act cannot be seen or heard by the child victim giving the testimony, except on a monitor provided for that purpose. The child victim giving the testimony shall be provided with a monitor on which the child victim can observe, while giving testimony, the child who is charged with the violation or act. No order for the taking of testimony by recording shall be issued under this division unless the provisions set forth in divisions (A)(3)(a), (b), (c), and (d) of this section apply to the recording of the testimony.

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

- (1) The persistent refusal of the child victim to testify despite judicial requests to do so;
- (2) The inability of the child victim to communicate about the alleged violation or offense because of extreme fear, failure of memory, or another similar reason;
- (3) The substantial likelihood that the child victim will suffer serious emotional trauma from so testifying.

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

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

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

- (1) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code.
- (2) "Victim with a developmental disability" includes any of the following persons:

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

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

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

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

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

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

At any time before the conclusion of the proceeding, the attorney for the child charged with the violation or act may file a motion with the judge requesting that another deposition of the victim

with a developmental disability be taken because new evidence material to the defense of the child charged has been discovered that the attorney for the child charged could not with reasonable diligence have discovered prior to the taking of the admitted deposition. Any motion requesting another deposition shall be accompanied by supporting affidavits. Upon the filing of the motion and affidavits, the court may order that additional testimony of the victim with a developmental disability relative to the new evidence be taken by another deposition. If the court orders the taking of another deposition under this provision, the deposition shall be taken in accordance with this division. If the admitted deposition was a recorded deposition taken in accordance with division (B)(2) of this section, the new deposition also shall be recorded in accordance with that division. In other cases, the new deposition may be recorded in accordance with that division.

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

The child who is charged with the violation or act shall be permitted to observe and hear the testimony of the victim with a developmental disability giving the deposition on a monitor, shall be provided with an electronic means of immediate communication with the attorney of the child who is charged with the violation or act during the testimony, and shall be restricted to a location from which the child who is charged with the violation or act cannot be seen or heard by the victim with a developmental disability giving the deposition, except on a monitor provided for that purpose. The victim with a developmental disability giving the deposition shall be provided with a monitor on which the victim with a developmental disability can observe, while giving testimony, the child who is charged with the violation or act. The judge, at the judge's discretion, may preside at the deposition by electronic means from outside the room in which the deposition is to be taken; if the judge presides by electronic means, the judge shall be provided with monitors on which the judge can see each person in the room in which the deposition is to be taken and with an electronic means of communication with each person in that room, and each person in the room shall be provided with a monitor on which that person can see the judge and with an electronic means of communication with the judge. A deposition that is recorded under this division shall be taken and filed in the manner

described in division (B)(1) of this section and is admissible in the manner described in this division and division (C) of this section. If a deposition that is recorded under this division is admitted as evidence at the proceeding, the victim with a developmental disability shall not be required to testify in person at the proceeding. No deposition recorded under this division shall be admitted as evidence at any proceeding unless division (C) of this section is satisfied relative to the deposition and all of the following apply relative to the recording:

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

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

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

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

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

(a) The child who is charged with the violation or act 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 Juvenile Procedure, the Rules of Criminal Procedure, or the Rules of Evidence that pertain to the taking or admission of depositions in a juvenile court 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 juvenile court involving a complaint, indictment, or information in which a child is charged with a violation listed in division (B)(1) of this section or an act that would be an offense of violence if committed by an adult and in which an alleged victim of

the violation or offense was a person with a developmental disability, ~~the juvenile judge, upon motion of the~~ prosecution, victim, or victim's attorney, ~~if applicable, may file a motion with the juvenile 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 child who is charged with the violation or act and any other persons who are not permitted in the room in which the testimony is to be taken but who would have been present during the testimony of the victim with a developmental disability had it been given in the room in which the proceeding is being conducted.

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

(2) Except for good cause shown, the prosecution, victim, or victim's attorney, if applicable, shall file a motion under this division at least seven days before the date of the proceeding. The juvenile judge may issue the order upon the motion of the prosecution filed under this division, if the judge determines that the victim with a developmental disability is unavailable to testify in the room in which the proceeding is being conducted in the physical presence of the child charged with the violation or act for one or more of the reasons set forth in division (F) of this section. If a juvenile 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 (B)(2) of this section. The judge, at the judge's discretion, may preside during the giving of the testimony by electronic means from outside the room in which it is being given, subject to the limitations set forth in division (B)(2) of this section. To the extent feasible, any person operating the televising equipment shall be hidden from the sight and hearing of the victim with a developmental disability giving the testimony, in a manner similar to that described in division (B)(2) of this section. The child who is charged with the violation or act shall be permitted to observe and hear the testimony of the victim with a developmental disability giving the testimony on a monitor, shall be provided with an electronic means of immediate communication with the attorney of the child who is charged with the violation or act during the testimony, and shall be restricted to a location from which the child who is charged with the violation or act cannot be seen or heard by the victim with a developmental disability giving the testimony, except on a monitor provided for that purpose. The victim with a developmental disability giving the testimony shall be provided with a monitor on which the victim with a developmental disability can observe, while giving testimony, the child who is charged with the violation or act.

~~(E)~~(E)(1)(a) In any proceeding in juvenile court involving a complaint, indictment, or information in which a child is charged with a violation listed in division (B)(1) of this section or an



act that would be an offense of violence if committed by an adult and in which an alleged victim of the violation or offense was a person with a developmental disability, the juvenile judge, upon motion of the prosecution, victim, or victim's attorney, if applicable, may file a motion with the juvenile judge requesting the judge to shall order the testimony of the victim with a developmental disability to be taken outside of the room in which the proceeding is being conducted and be recorded for showing in the room in which the proceeding is being conducted before the judge, the child who is charged with the violation or act, and any other persons who would have been present during the testimony of the victim with a developmental disability had it been given in the room in which the proceeding is being conducted.

(b) In any proceeding that is not otherwise eligible for the protections provided for in division (E)(1)(a) of this section and in which an alleged victim of the violation or act was a person with a developmental disability, upon motion of the prosecution, the victim, or the victim's attorney, if applicable, and a showing by a preponderance of the evidence that the victim will suffer serious emotional trauma if required to provide live trial testimony, the juvenile judge shall order the testimony 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 child who is charged with the violation or act, and any other persons who would have been present during the testimony of the victim with a developmental disability had it been given in the room in which the proceeding is being conducted.

(2) Except for good cause shown, the prosecution, victim, or victim's attorney, if applicable, shall file a motion under this division at least seven days before the date of the proceeding. The juvenile judge may issue the order upon the motion of the prosecution, victim, or victim's attorney, if applicable, filed under this division, if the judge determines that the victim with a developmental disability is unavailable to testify in the room in which the proceeding is being conducted in the physical presence of the child charged with the violation or act, due to one or more of the reasons set forth in division (F) of this section. If a juvenile 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 (B)(2) of this section. To the extent feasible, any person operating the recording equipment shall be hidden from the sight and hearing of the victim with a developmental disability giving the testimony, in a manner similar to that described in division (B)(2) of this section. The child who is charged with the violation or act shall be permitted to observe and hear the testimony of the victim with a developmental disability giving the testimony on a monitor, shall be provided with an electronic means of immediate communication with the attorney of the child who is charged with the violation or act during the testimony, and shall be restricted to a location from which the child who is charged with the violation or act cannot be seen or heard by the victim with a developmental disability giving the testimony, except on a monitor provided for that purpose. The victim with a developmental disability giving the testimony shall be provided with a monitor on which the victim with a developmental disability can observe, while giving testimony, the child who is charged with the violation or act. No order for the taking of testimony by recording shall be issued under this division unless the provisions set forth in divisions (B)(2)(a), (b), (c), and (d) of this section apply to the recording of the testimony.

(F) For purposes of divisions (D) and (E) of this section, a juvenile judge may order the

testimony of a victim with a developmental disability to be taken outside of the room in which a proceeding is being conducted if the judge determines that the victim with a developmental disability is unavailable to testify in the room in the physical presence of the child charged with the violation or act due to one or more of the following circumstances:

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

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

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

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

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

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

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

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

(b) It does not charge or accept any form of compensation from the individuals in need for the distribution of the consumer goods ~~or to them~~.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) A person who, in good faith, donates consumer goods to an agency is not liable in damages in a tort action for harm that allegedly arises because those consumer goods are not fit for

use at the time the agency or any other agency distributes them to a particular individual in need, if both of the following apply:

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

(2) The person does not make the determination that the consumer goods will be fit for use at the time of their donation to the agency in a manner that constitutes gross negligence or willful or wanton misconduct.

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

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

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

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

(2) This section does not affect any immunities from or defenses to tort liability established by another section of the Revised Code or available at common law to which persons who donate consumer goods or perishable food other than to agencies, or to which agencies that distribute consumer goods or perishable food other than to individuals in need, may be entitled.

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

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

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

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

2743.60 of the Revised Code;

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

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

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

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

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

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

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

"Motion for Protection Order

\_\_\_\_\_  
Name and address of court

State of Ohio

v.

No. \_\_\_\_\_

\_\_\_\_\_  
Name of Defendant

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

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

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

\_\_\_\_\_  
Signature of person

\_\_\_\_\_  
Address of person"

(C)(1) As soon as possible after the filing of a motion that requests the issuance of a protection order under this section, but not later than the next day that the court is in session after the filing of the motion, the court shall conduct a hearing to determine whether to issue the order. The person who requested the order shall appear before the court and provide the court with the information that it requests concerning the basis of the motion. If the court finds that the safety and protection of the complainant or the alleged victim may be impaired by the continued presence of the alleged offender, the court may issue a protection order under this section, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant or the alleged victim, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant or the alleged victim. The court may include within a protection order issued under this section a term requiring that the alleged offender not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the complainant or the alleged victim, and may include within the order a term authorizing the complainant or the alleged victim to remove a companion animal owned by the complainant or the alleged victim from the possession of the alleged offender.

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

alleged victim, or a family or household member.

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

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

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

(3) If a municipal court or a county court issues a protection order under this section and if, subsequent to the issuance of the order, the alleged offender who is the subject of the order is bound over to the court of common pleas for prosecution of a felony arising out of the same activities as those that were the basis of the complaint upon which the order is based, notwithstanding the fact that the order was issued by a municipal court or county court, the order shall remain in effect, as though it were an order of the court of common pleas, while the charges against the alleged offender are pending in the court of common pleas, for the period of time described in division (E)(2) of this section, and the court of common pleas has exclusive jurisdiction to modify the order issued by the municipal court or county court. This division applies when the alleged offender is bound over to the court of common pleas as a result of the person waiving a preliminary hearing on the felony charge, as a result of the municipal court or county court having determined at a preliminary hearing that there is probable cause to believe that the felony has been committed and that the alleged offender committed it, as a result of the alleged offender having been indicted for the felony, or in any other manner.

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

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

(2) Is effective only until the disposition, by the court that issued the order or, in the circumstances described in division (D)(3) of this section, by the court of common pleas to which the alleged offender is bound over for prosecution, of the criminal proceeding arising out of the complaint or indictment upon which the order is based or until the issuance under section 2903.214 of the Revised Code of a protection order arising out of the same activities as those that were the basis of the complaint or indictment filed under this section;

(3) Shall not be construed as a finding that the alleged offender committed the alleged offense and shall not be introduced as evidence of the commission of the offense at the trial of the alleged

offender on the complaint or indictment upon which the order is based.

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

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

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

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

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

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

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

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

(K) As used in this section:

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

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



Sec. 2919.26. (A)(1) Upon the filing of a complaint or indictment that alleges a violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the Revised Code if the alleged victim of the violation was a family or household member at the time of the violation, a violation of a municipal ordinance that is substantially similar to any of those sections if the alleged victim of the violation was a family or household member at the time of the violation, any offense of violence if the alleged victim of the offense was a family or household member at the time of the commission of the offense, or any sexually oriented offense if the alleged victim of the offense was a family or household member at the time of the commission of the offense, the complainant, the alleged victim, or a family or household member of an alleged victim may file, or, if in an emergency the alleged victim is unable to file, a person who made an arrest for the alleged violation or offense under section 2935.03 of the Revised Code may file on behalf of the alleged victim, a motion that requests the issuance of a temporary protection order as a pretrial condition of release of the alleged offender, in addition to any bail set under Criminal Rule 46. The motion shall be filed with the clerk of the court that has jurisdiction of the case at any time after the filing of the complaint or indictment.

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

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

"MOTION FOR TEMPORARY PROTECTION ORDER

\_\_\_\_\_ Court

Name and address of court

State of Ohio

v.

No. \_\_\_\_\_

\_\_\_\_\_  
Name of Defendant

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

A complaint or indictment, a copy of which has been attached to this motion, has been filed in this court charging the named defendant with \_\_\_\_\_ (name of the specified violation, the offense of violence, or sexually oriented offense charged) in circumstances in which the victim was a family or household member in violation of (section of the Revised Code designating the specified violation, offense of violence, or sexually oriented offense charged), or

charging the named defendant with a violation of a municipal ordinance that is substantially similar to \_\_\_\_\_ (section of the Revised Code designating the specified violation, offense of violence, or sexually oriented offense charged) involving a family or household member.

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

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Signature of person

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

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

(C)(1) As soon as possible after the filing of a motion that requests the issuance of a temporary protection order, but not later than twenty-four hours after the filing of the motion, the court shall conduct a hearing to determine whether to issue the order. The person who requested the order shall appear before the court and provide the court with the information that it requests concerning the basis of the motion. If the person who requested the order is unable to appear and if the court finds that the failure to appear is because of the person's hospitalization or medical condition resulting from the offense alleged in the complaint or indictment, another person who is able to provide the court with the information it requests may appear in lieu of the person who requested the order. If the court finds that the safety and protection of the complainant, alleged victim, or any other family or household member of the alleged victim may be impaired by the continued presence of the alleged offender, the court may issue a temporary protection order, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant, alleged victim, or the family or household member, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant, alleged victim, or the family or household member. The court may include within a protection order issued under this section a term requiring that the alleged offender not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the complainant, alleged victim, or any other family or household member of the alleged victim, and may include within the order a term authorizing the complainant, alleged victim, or other family or household

member of the alleged victim to remove a companion animal owned by the complainant, alleged victim, or other family or household member from the possession of the alleged offender.

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

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

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

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

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

(4) If a municipal court or a county court issues a temporary protection order under this section and if, subsequent to the issuance of the order, the alleged offender who is the subject of the order is bound over to the court of common pleas for prosecution of a felony arising out of the same activities as those that were the basis of the complaint upon which the order is based, notwithstanding the fact that the order was issued by a municipal court or county court, the order shall remain in effect, as though it were an order of the court of common pleas, while the charges against the alleged offender are pending in the court of common pleas, for the period of time described in division (E)(2) of this section, and the court of common pleas has exclusive jurisdiction to modify the order issued

by the municipal court or county court. This division applies when the alleged offender is bound over to the court of common pleas as a result of the person waiving a preliminary hearing on the felony charge, as a result of the municipal court or county court having determined at a preliminary hearing that there is probable cause to believe that the felony has been committed and that the alleged offender committed it, as a result of the alleged offender having been indicted for the felony, or in any other manner.

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

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

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

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

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

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

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

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

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

"NOTICE

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

(3) All law enforcement agencies shall establish and maintain an index for the temporary

protection orders delivered to the agencies pursuant to division (G)(1) of this section. With respect to each order delivered, each agency shall note on the index, the date and time of the receipt of the order by the agency.

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

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

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

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

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

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

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

(J)(1) Subject to division (J)(2) of this section and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or a court of another state, no court or unit of state or local government shall charge the movant any fee, cost, deposit, or money in connection with the filing of a motion pursuant to this section, in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order,

consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.

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

(K) As used in this section:

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

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

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

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

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

The court shall determine the amount of restitution to be paid by the offender. The victim, victim's representative, victim's attorney, if applicable, the prosecutor or the prosecutor's designee, and the offender may provide information relevant to the determination of the amount of restitution. The amount the court orders as restitution shall not exceed the amount of the economic loss suffered by the victim as a direct and proximate result of the commission of the offense. If the court imposes restitution for the cost of accounting or auditing done to determine the extent of economic loss, the court may order restitution for any amount of the victim's costs of accounting or auditing provided that the amount of restitution is reasonable and does not exceed the value of property or services stolen or damaged as a result of the offense. If the court decides to or is required to impose restitution, the court shall hold an evidentiary hearing on restitution if the offender, victim, victim's representative, victim's attorney, if applicable, or victim's estate disputes the amount of restitution. The court shall determine the amount of full restitution by a preponderance of the evidence.

All restitution payments shall be credited against any recovery of economic loss in a civil action brought by the victim or the victim's estate against the offender. No person may introduce

evidence of an award of restitution under this section in a civil action for purposes of imposing liability against an insurer under section 3937.18 of the Revised Code.

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

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

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

(a) A fine in the following amount:

- (i) For a misdemeanor of the first degree, not more than one thousand dollars;
- (ii) For a misdemeanor of the second degree, not more than seven hundred fifty dollars;
- (iii) For a misdemeanor of the third degree, not more than five hundred dollars;
- (iv) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars;
- (v) For a minor misdemeanor, not more than one hundred fifty dollars.

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

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

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

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

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

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

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

If the court determines that the offender is indigent and unable to pay the financial sanction or court costs, the court shall consider imposing and may impose a term of community service under

division (A) of section 2929.27 of the Revised Code in lieu of imposing a financial sanction or court costs. If the court does not determine that the offender is indigent, the court may impose a term of community service under division (A) of section 2929.27 of the Revised Code in lieu of or in addition to imposing a financial sanction under this section and in addition to imposing court costs. The court may order community service for a minor misdemeanor pursuant to division (D) of section 2929.27 of the Revised Code in lieu of or in addition to imposing a financial sanction under this section and in addition to imposing court costs. If a person fails to pay a financial sanction or court costs, the court may order community service in lieu of the financial sanction or court costs.

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

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

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

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

(E) Except as otherwise provided in this division, a financial sanction imposed under division (A) of this section is a judgment in favor of the state or the political subdivision that operates the court that imposed the financial sanction, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed pursuant to division (A)(3)(a)(i) of this section upon an offender is a judgment in favor of the entity administering the community control sanction, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed pursuant to division (A)(3)(a)(ii) of this section upon an offender



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Medical expenses;

(3) Mental health counseling expenses;

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

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

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

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

(1) Individuals;

(2) Nonprofit organizations;

(3) Business entities;

(4) Governmental entities.

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

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

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

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

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

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

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

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

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

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

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

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

section 2930.071 of the Revised Code, shall be interpreted as being references to the victim and the victim's representative unless the victim informs the notifying authority that the victim does not wish to receive the notices or exercise the rights.

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

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

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

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

- ~~(a) Inform victims of rights that are automatically granted;~~
- ~~(b) Of the rights that are not automatically granted, allow the victim and victim's representative, if applicable, to select which rights the victim wishes to request;~~
- ~~(c) Inform victims that an election of rights made on the form can be changed at any time;~~
- ~~(d) Include a section for law enforcement to indicate that the victim did not make an election or was unable to complete the form at the time of first contact with law enforcement, if applicable; and is therefore considered to have requested all rights until the prosecutor contacts the victim pursuant to section 2930.06 of the Revised Code to provide another opportunity to request any right that is not automatically conferred by the Ohio Constitution;~~

~~(e) Inform the victim and victim's representative that failure to affirmatively request the rights that are not automatically granted is a waiver of those rights once contacted by the prosecutor, but~~

that the victim or victim's representative may request those rights at a later date;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(2) As part of the victim's rights request form, the law enforcement official shall provide an informational page to the victim that includes information about the following:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) If the offense for which the report is generated is violating a protection order, an offense of violence, or a sexually oriented offense, on initial contact with the victim, the law enforcement agency shall collect and retain an ~~executed~~ a completed copy of the victim's rights request form or a form that, at a minimum, contains the required information listed in division (B) of this section from the individual identified as the victim in the report. If at the time of contact with a law enforcement agency the victim does not complete the form for any reason or request the victim's applicable rights, the law enforcement agency shall designate this on the form. The law enforcement agency shall use the form to document the name and contact information of the victim and the victim's representative, if applicable, or shall ensure the victim's noncompletion is documented in a written or electronic police report, along with the names of the victim and victim's representative, if applicable, and shall provide the prosecutor with access to the form or this report. The form or report shall be available to the victim upon request. The victim's ~~refusal~~ failure to complete the form or to request ~~or waive~~ the victim's applicable rights under this division shall be considered an assertion of the victim's rights, including redaction, until the prosecutor contacts the victim within seven days of initiation of a criminal prosecution pursuant to section 2930.06 of the Revised Code to provide another opportunity to request any right that is not automatically conferred under the Ohio Constitution.

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

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

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

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

(c) If the offense for which the report is generated is not violating a protection order, an offense of violence, or a sexually oriented offense, the law enforcement agency shall provide the victim with information on how to obtain a copy of the form and the compilation prepared under

section 109.42 of the Revised Code, or, if practicable, the agency may provide a copy of the form and review the victim's rights with the victim.

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

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

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

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

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

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

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

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



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

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

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

(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 department of rehabilitation and correction or the department of youth services.

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

- (a) Court proceedings, all meetings;
- (b) Meetings with the prosecutor, and all investigative;
- (c) Investigative contacts with law enforcement except that law enforcement officers in the

field may utilize technology assisted interpretation if interpretation services are not reasonably available;

(d) Contacts with the probation department;

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

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

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

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

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

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

(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.

~~(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.~~

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:

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

(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;

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

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

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

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

(3) At a hearing at any of the stages listed in division (A)(1) of this section, the court shall inquire as to whether the victim or victim's representative, if applicable, requested to confer with the prosecutor, and whether or not the prosecutor conferred with the victim and the victim's representative, if applicable. If the prosecutor fails to confer with the victim and the victim's representative, if applicable, at any of those times, the court shall note on the record the failure and

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

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

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

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

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

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

(2) The file number of the case;

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

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

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

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

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

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

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

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

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

(b) A person who, by reason of that person's regular business activities, is the subject of multiple and continuing criminal offenses or delinquent acts as a potential victim may choose to opt out of the notices and rights available pursuant to the Ohio Constitution, Chapter 2930. of the Revised Code, and any other provision of the Revised Code that provides a victim with rights for future offenses by giving a written notification form to the appropriate prosecutor or prosecutor's designee. 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 the applicable notices and rights and may also state that the person is only interested in the applicable notices if restitution is at issue. The form shall be signed by the person or another person with management authority of the business.

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

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

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

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

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

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

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

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

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

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

(B) ~~In any criminal or delinquency proceeding in which a video recording or audio recording of the court proceedings has been previously prepared, the~~ A victim, victim's attorney, or victim's representative may obtain a ~~copy of the~~ video recording or audio recording of the offender's criminal or delinquency court proceedings that has been previously prepared for the actual cost to copy the video recording or audio recording. If a written transcript of the court proceedings has been previously prepared, the victim, victim's attorney, or victim's representative may obtain a copy of the

transcript at the same reduced cost that is available to a party to the case.

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

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

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

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

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

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

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

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

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

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

(C) Any public office or public official that is charged with the responsibility of knowing the name, address, or other identifying information of a victim or victim's representative as part of the office's or official's duties shall have full and complete access to the name, address, or other identifying information of the victim or victim's representative. That public office or public official shall take measures to prevent the public disclosure of the name, address, or other identifying information of the victim or victim's representative through the use of redaction as set forth in division (D) of this section. Nothing in this section prevents a public agency from maintaining unredacted records of a victim's or victim's representative's name, contact information, and

identifying information for its own records and use or a public office or public official from allowing another public office or public official to access or obtain copies of its unredacted records. The release of unredacted records to a public office or official does not constitute a waiver of any exemption or exception pursuant to section 149.43 of the Revised Code. This section prohibits the public release of unredacted case documents pursuant to division (A)(1)(v) of section 149.43 of the Revised Code and division (D) of this section.

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

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

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

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

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

~~(E)(1)(E)(1)(a)~~ Once a case is closed or inactive, a victim or victim's attorney, if applicable, may view the recorded forensic interview of a minor victim or developmentally disabled victim upon request. The victim or victim's attorney shall be permitted to view the unredacted forensic interview

at the location of the child advocacy center or other agency responsible for the forensic interview. An employee or designee of the child advocacy center or agency shall be present at all times during the victim's or victim's attorney's viewing of the interview. The victim or victim's attorney shall not be permitted to record, copy, photograph, or remove from the location the forensic interview or any materials summarizing, documenting, transcribing, or otherwise associated with the forensic interview. The release of an unredacted copy of any recorded forensic interview to a victim, victim's attorney, or victim's representative pursuant to this division is not a violation of section 2151.421 of the Revised Code.

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

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

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

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

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

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

(3) Nothing in this section shall prevent a victim, a victim's representative, or a victim's attorney from receiving a copy of any case document with the victim's name, contact information, and identifying information unredacted. A public office's or official's provision of a copy of a case document with the victim's name, contact information, and identifying information unredacted to a victim, victim's representative, or victim's attorney, if applicable, does not constitute a waiver of any exemption or exception under section 149.43 of the Revised Code. ~~A victim or victim's attorney shall receive an unredacted copy of any recorded forensic interview of a minor victim or developmentally disabled victim. A victim's representative may receive an unredacted copy of any recorded forensic interview of a minor victim or developmentally disabled victim on request and with approval of the court, or a redacted copy of the interview on request, subject to section 149.43 of the Revised Code.~~

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

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

(b) The disclosure of the location where the reported criminal offense or delinquent act



occurred.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 2930.171. (A) In determining whether to grant an application to seal ~~a record of conviction pursuant to section 2953.32 of the Revised Code or an application to seal or expunge a juvenile record pursuant to section 2151.356 or 2151.358 of the Revised Code~~, the court shall notify the prosecutor regarding the hearing of the matter not less than thirty days before the hearing. In determining whether to grant an application to seal a record of conviction pursuant to section 2953.32 of the Revised Code, the court shall notify the prosecutor not less than sixty days before the hearing, unless a shorter notice period is agreed to by the prosecutor and the court. The prosecutor

shall provide timely notice to a victim of the criminal offense or delinquent act for which the offender or juvenile was incarcerated or committed and the victim's representative, if applicable, if the victim or victim's representative has requested notice and maintains current contact information with the prosecutor. The court shall permit a victim, the victim's representative, and the victim's attorney, if applicable, to make a statement, in addition to any other statement made under this chapter, concerning the effects of the criminal offense or delinquent act on the victim, the circumstances surrounding the criminal offense or delinquent act, the manner in which the criminal offense or delinquent act was perpetrated, and the victim's, victim's representative's, or victim's attorney's, if applicable, opinion whether the record should be sealed or expunged. The victim, victim's representative, or victim's attorney, if applicable, may be heard in writing, orally, or both at the victim's, victim's representative's, or victim's attorney's, if applicable, discretion. The court shall give the offender or juvenile an opportunity to review a copy of any written impact statement made by the victim, victim's representative, and victim's attorney, if applicable, under this division. The court shall give to either the adult parole authority or the department of youth services, whichever is applicable, a copy of any written impact statement made by the victim, victim's representative, and victim's attorney, if applicable, under this division.

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

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

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

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

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

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

"NOTICE

The victim, the victim's attorney, if applicable, or the prosecutor on request of the victim, may appeal this decision or petition to the court of appeals for an extraordinary writ. If such an interlocutory appeal or extraordinary writ is sought while the case is still pending in the trial court, it shall be initiated no later than fourteen days after notice of the decision was provided to the victim by

telephone or electronic mail to the latest telephone number or electronic mail address provided by the victim. The prosecutor or the prosecutor's designee shall provide the notice to the victim and the notice shall be memorialized in a manner sufficient to prove to the court the prosecutor or prosecutor's designee sent the notice. The court shall dismiss any such interlocutory appeal or petition as untimely if it does not comply with this fourteen-day limit."

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

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

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

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

(d) If any interlocutory appeal is pursued to the supreme court, the supreme court shall enter an order establishing an expedited schedule for its proceedings, including, as applicable, the filing of

jurisdictional memoranda and ruling thereon, the transmission of the record, the filing of briefing by the litigants, oral argument if permitted, and the entry of decision and judgment and shall place the appeal on its accelerated calendar. The court shall enter judgment within sixty days after the appeal is filed. The supreme court shall immediately notify the trial court of the appeal, and the trial court shall transmit to the court of appeals or the supreme court those portions of the transcript necessary for consideration of the issues to be reviewed by the applicable appellate court within five business days of the filing of the appeal. Notwithstanding these limits, the litigants, with the approval of the court, may stipulate to a different period of time for the supreme court's proceedings and for the issuance of the supreme court's decision and judgment in the case.

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

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

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

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

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

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

(F) A defendant or juvenile offender may not raise the failure to afford a right to a victim as error in any legal argument to provide an advantage to that defendant or juvenile offender in any motion, including a dispositive motion, motion for a mistrial, motion for new trial, or motion to have a conviction, sentence, or disposition set aside, in any petition for post-conviction relief, or in any

assignment of error on appeal.

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

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

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

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

(b) In any proceeding that is not otherwise eligible for the protections provided for in division (A)(2)(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 an attorney for 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 of the court in which the prosecution is being conducted shall order that the testimony of the child victim be taken by deposition. The prosecution, child victim, or child victim's attorney may also request that the deposition be recorded in accordance with division (A)(3) of this section.

(c) The judge shall notify the child victim whose deposition is to be taken, the child victim's attorney, if applicable, the prosecution, and the defense of the date, time, and place for taking the deposition. The notice shall identify the child victim who is to be examined and shall indicate whether a request that the deposition be recorded has been made. The defendant shall have the right to attend the deposition and the right to be represented by counsel. Depositions shall be taken in the manner provided in civil cases, except that the judge shall preside at the taking of the deposition and shall rule at that time on any objections of the prosecution or the attorney for the defense. The prosecution and the attorney for the defense shall have the right, as at trial, to full examination and cross-examination of the child victim whose deposition is to be taken. If a deposition taken under this division is intended to be offered as evidence in the proceeding, it shall be filed in the court in which the action is pending and is admissible in the manner described in division (B) of this section. If a deposition of a child victim taken under this division is admitted as evidence at the proceeding under division (B) of this section, the child victim shall not be required to testify in person at the

proceeding. However, at any time before the conclusion of the proceeding, the attorney for the defense may file a motion with the judge requesting that another deposition of the child victim be taken because new evidence material to the defense has been discovered that the attorney for the defense could not with reasonable diligence have discovered prior to the taking of the admitted deposition. A motion for another deposition shall be accompanied by supporting affidavits. Upon the filing of a motion for another deposition and affidavits, the court may order that additional testimony of the child victim relative to the new evidence be taken by another deposition. If the court orders the taking of another deposition under this provision, the deposition shall be taken in accordance with this division; if the admitted deposition was a recorded deposition taken in accordance with division (A)(3) of this section, the new deposition also shall be recorded in accordance with that division and in other cases, the new deposition may be recorded in accordance with that division.

(3) If the prosecution, child victim, or child victim's attorney requests that a deposition to be taken under division (A)(2) of this section be recorded, the judge shall order that the deposition be recorded in accordance with this division. If a judge issues an order that the deposition be recorded, the judge shall exclude from the room in which the deposition is to be taken every person except the child victim giving the testimony, the judge, one or more interpreters if needed, the attorneys for the prosecution and the defense, the child victim's attorney, if applicable, the child victim's representative, if applicable, any person needed to operate the equipment to be used, one person chosen by the child victim giving the deposition, and any person whose presence the judge determines would contribute to the welfare and well-being of the child victim giving the deposition. The person chosen by the child victim shall not be a witness in the proceeding and, both before and during the deposition, shall not discuss the testimony of the child victim with any other witness in the proceeding. To the extent feasible, any person operating the recording equipment shall be restricted to a room adjacent to the room in which the deposition is being taken, or to a location in the room in which the deposition is being taken that is behind a screen or mirror, so that the person operating the recording equipment can see and hear, but cannot be seen or heard by, the child victim giving the deposition during the deposition. The defendant shall be permitted to observe and hear the testimony of the child victim giving the deposition on a monitor, shall be provided with an electronic means of immediate communication with the defendant's attorney during the testimony, and shall be restricted to a location from which the defendant cannot be seen or heard by the child victim giving the deposition, except on a monitor provided for that purpose. The child victim giving the deposition shall be provided with a monitor on which the child victim can observe, during the testimony, the defendant. The judge, at the judge's discretion, may preside at the deposition by electronic means from outside the room in which the deposition is to be taken; if the judge presides by electronic means, the judge shall be provided with monitors on which the judge can see each person in the room in which the deposition is to be taken and with an electronic means of communication with each person, and each person in the room shall be provided with a monitor on which that person can see the judge and with an electronic means of communication with the judge. A deposition that is recorded under this division shall be taken and filed in the manner described in division (A)(2) of this section and is admissible in the manner described in this division and division (B) of this section, and, if a deposition that is recorded under this division is admitted as evidence at the proceeding, the child victim shall not be required to testify in person at the proceeding. No deposition recorded under

this division shall be admitted as evidence at any proceeding unless division (B) of this section is satisfied relative to the deposition and all of the following apply relative to the recording:

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

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

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

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

(B)(1) At any proceeding in a prosecution in relation to which a deposition was taken under division (A) of this section, the deposition or a part of it is admissible in evidence upon motion of the prosecution if the testimony in the deposition or the part to be admitted is not excluded by the hearsay rule and if the deposition or the part to be admitted otherwise is admissible under the Rules of Evidence. For purposes of this division, testimony is not excluded by the hearsay rule if the testimony is not hearsay under Evidence Rule 801; if the testimony is within an exception to the hearsay rule set forth in Evidence Rule 803; if the child victim who gave the testimony is unavailable as a witness, as defined in Evidence Rule 804, and the testimony is admissible under that rule; or if 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 child victim who gave the testimony in the deposition were to testify in person at the proceeding, the child victim would experience serious emotional trauma as a result of the child victim's participation at the proceeding.

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

(3) The provisions of divisions (A) and (B) 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 (A) of this section or otherwise taken.

~~(C)(1)(a)~~ In any proceeding in the prosecution of any charge of a violation listed in division ~~(A)(2)(A)(2)(a)~~ of this section or an offense of violence and in which an alleged victim of the violation or offense was a child who was less than thirteen years of age when the complaint, indictment, or information was filed, whichever occurred earlier, the judge, upon motion of the prosecution, the child victim, or the child victim's attorney, if applicable, may file a motion with the judge requesting the judge to shall order the testimony of the child victim to be taken in a room other than the room in which the proceeding is being conducted and be ~~televised, by closed circuit equipment, broadcast~~ into the room in which the proceeding is being conducted to be viewed by the jury, if applicable, the defendant, and any other persons who are not permitted in the room in which

the testimony is to be taken but who would have been present during the testimony of the child victim had it been given in the room in which the proceeding is being conducted.

(b) In any proceeding that is not otherwise eligible for the protections provided for in division (C)(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 in a room other than the room in which the proceeding is being conducted and broadcast into the room in which the proceeding is being conducted to be viewed by the defendant who is charged with the violation or act and any other persons who are not permitted in the room in which the testimony is to be taken but who would have been present during the testimony of the child victim had it been given in the room in which the proceeding is being conducted.

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

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



the room in which the proceeding is being conducted.

(b) In any proceeding that is not otherwise eligible for the protections provided for in division (D)(1)(a) of this section, and in which an alleged victim of the violation 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.

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

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

- (1) The persistent refusal of the child victim to testify despite judicial requests to do so;
- (2) The inability of the child victim to communicate about the alleged violation or offense because of extreme fear, failure of memory, or another similar reason;
- (3) The substantial likelihood that the child victim will suffer serious emotional trauma from so testifying.

(F)(1) If a judge issues an order pursuant to division (C) or (D) of this section that requires the testimony of a child victim in a criminal proceeding to be taken outside of the room in which the

proceeding is being conducted, the order shall specifically identify the child victim, in a manner consistent with section 2930.07 of the Revised Code, to whose testimony it applies, the order applies only during the testimony of the specified child victim, and the child victim giving the testimony shall not be required to testify at the proceeding other than in accordance with the order.

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

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

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

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

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

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

(c) The judge shall notify the victim with a developmental disability whose deposition is to be taken, the victim's attorney, if applicable, the prosecution, and the defense of the date, time, and place for taking the deposition. The notice shall identify the victim with a developmental disability, in a manner consistent with section 2930.07 of the Revised Code, who is to be examined and shall indicate whether a request that the deposition be recorded has been made. The defendant shall have the right to attend the deposition and the right to be represented by counsel. Depositions shall be taken in the manner provided in civil cases, except that the judge shall preside at the taking of the deposition and shall rule at the time on any objections of the prosecution or the attorney for the defense. The prosecution and the attorney for the defense shall have the right, as at trial, to full

examination and cross-examination of the victim with a developmental disability whose deposition is to be taken. If a deposition taken under this division is intended to be offered as evidence in the proceeding, it shall be filed in the court in which the action is pending and is admissible in the manner described in division (C) of this section.

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

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

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

The defendant shall be permitted to observe and hear the testimony of the victim with a developmental disability giving the deposition on a monitor, shall be provided with an electronic means of immediate communication with the defendant's attorney during the testimony, and shall be restricted to a location from which the defendant cannot be seen or heard by the victim with a developmental disability giving the deposition, except on a monitor provided for that purpose. The victim with a developmental disability giving the deposition shall be provided with a monitor on which the victim can observe, during the testimony, the defendant. The judge, at the judge's discretion, may preside at the deposition by electronic means from outside the room in which the deposition is to be taken. If the judge presides by electronic means, the judge shall be provided with

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

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

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

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

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

(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 the victim with a developmental disability had it been given in the room in which the proceeding is being conducted.

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

(2) Except for good cause shown, the prosecution, victim, or victim's attorney, if applicable, shall file a motion under this division at least seven days before the date of the proceeding. The judge may issue the order upon the motion of the prosecution filed under this section, if the judge determines that the victim with a developmental disability 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 (F) 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 (B)(2) of this section. The judge, at the judge's discretion, may preside during the giving of the testimony by electronic means from outside the room in which it is being given, subject to the limitations set forth in division (B)(2) of this section. To the extent feasible, any person operating the televising equipment shall be hidden from the sight and hearing of the victim with a developmental disability giving the testimony, in a manner similar to that described in division (B)(2) of this section. The defendant shall be permitted to observe and hear the testimony of the victim with a developmental disability giving the testimony on a monitor, shall be provided with an electronic means of immediate communication with the defendant's attorney during the testimony, and shall be restricted to a location from which the defendant cannot be seen or heard by the victim with a developmental disability giving the testimony, except on a monitor provided for that purpose. The victim with a developmental disability giving the testimony shall be provided with a monitor on which the victim with a developmental disability can observe, during the testimony, the defendant.

~~(E)~~(E)(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 victim 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 outside of the room in which the proceeding is being conducted and be recorded for showing in the room in which the proceeding is being conducted before the judge, the jury, if applicable, the defendant, and any other persons who would have been present during the testimony of the victim with a developmental disability had it been given in the room in which the proceeding is being conducted.

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

(2) Except for good cause shown, the prosecution, victim, or victim's attorney, if applicable, shall file a motion under this division at least seven days before the date of the proceeding. The judge may issue the order upon the motion of the prosecution filed under this division, if the judge determines that the victim with a developmental disability is unavailable to testify in the room 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 (F) 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 (B)(2) of this section. To the extent feasible, any person operating the recording equipment shall be hidden from the sight and hearing of the victim with a developmental disability giving the testimony, in a manner similar to that described in division (B)(2) of this section. The defendant shall be permitted to observe and hear the testimony of the victim with a developmental disability who is giving the testimony on a monitor, shall be provided with an electronic means of immediate communication with the defendant's attorney during the testimony, and shall be restricted to a location from which the defendant cannot be seen or heard by the victim with a developmental disability giving the testimony, except on a monitor provided for that purpose. The victim with a developmental disability giving the testimony shall be provided with a monitor on which the victim can observe, during the testimony, the defendant. No order for the taking of testimony by recording shall be issued under this division unless the provisions set forth in divisions (B)(2)(a), (b), (c), and (d) of this section apply to the recording of the testimony.

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

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

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

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

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

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

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

SECTION 3. That section 2930.043 of the Revised Code is hereby repealed.

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

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

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

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

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*



Sub. S. B. No. 16

135th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_ day of \_\_\_\_\_, A. D. 20 \_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_