

OHIO VICTIMS' RIGHTS LAWS¹

Constitution

Article I, § 10a, Rights of Victims of Crime

Victims of criminal offenses shall be accorded fairness, dignity, and respect in the criminal justice process, and, as the General Assembly shall define and provide by law, shall be accorded rights to reasonable and appropriate notice, information, access, and protection and to a meaningful role in the criminal justice process. This section does not confer upon any person a right to appeal or modify any decision in a criminal proceeding, does not abridge any other right guaranteed by the Constitution of the United States or this Constitution, and does not create any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any political subdivision, or any officer of the court.

Statutes

Title XXIX, Crimes – Procedure; Chapter 2930, Rights of Victims of Crimes § 2930.01 – Definitions

As used in this chapter:

- (A) “Crime” means any felony or any violation of section 2903.13, 2903.21, 2903.22, 2919.25, or 2921.04 of the Revised Code.
- (B) “Custodial agency” means the department of rehabilitation and correction, a county sheriff, the entity that administers a municipal jail or workhouse, or the entity that administers a multicounty, municipal-county, or multicounty-municipal jail or workhouse in which a defendant is incarcerated, or the department of mental health or other entity to which a defendant found incompetent to stand trial or not guilty by reason of insanity is committed.
- (C) “Defendant” means a person who is charged with or convicted of a crime against a victim.
- (D) “Member of the victim's family” means a spouse, child, stepchild, sibling, parent, stepparent, grandparent, or other relative designated by the victim or by a court pursuant to section 2930.02 of the Revised Code but does not include a person who is charged with or convicted of the crime against the victim or another crime arising from the same conduct, criminal episode, or plan.

¹ Not intended to be exhaustive

- (E) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code and also means the attorney general and, when appropriate, the employees of a prosecutor.
- (F) "Public agency" means any office, agency, department, bureau, or other governmental entity of the state or of any political subdivision of the state.
- (G) "Public official" has the same meaning as in section 2921.01 of the Revised Code.
- (H) "Victim" means a person who is identified as the victim of a crime in a police report or in a complaint, indictment, or information charging the commission of a crime.

§ 2930.02 – Representative of victim

(A)(1) A member of a victim's family or another person may exercise the rights of the victim under this chapter as the victim's representative if either of the following applies:

- (a) The victim is a minor or is incapacitated, incompetent, or deceased.
- (b) Division (A)(1)(a) of this section does not apply, and the victim authorizes the family member or other person to act as the victim's representative.

(2) If more than one person seeks to act as the victim's representative, the court in which the crime is prosecuted may designate one person as the victim's representative. A victim who, pursuant to division (A)(1)(b) of this section, has authorized a member of the victim's family or another person to exercise the rights of the victim as the victim's representative may revoke the authority of that family member or other person to act as the victim's representative.

(B) If a victim's representative is to exercise the rights of a victim, the victim or victim's representative shall notify the prosecutor that the victim's representative is to act for the victim. When a victim or victim's representative has so notified the prosecutor, all notice under this chapter shall be sent only to the victim's representative, all rights under this chapter shall be granted only to the victim's representative, and all references to a victim shall be interpreted to be references to the victim's representative unless the victim informs the notifying authority that the victim also wishes to receive the notices or exercise the rights or unless the victim has revoked the authority of the person who was the victim's representative to act in that capacity pursuant to division (A)(2) of this section and informs the notifying authority of the revocation.

§ 2930.03 – Method of notice

- (A) Notice under this chapter shall be given to a victim by any means reasonably calculated to provide prompt actual notice. Notice may be oral or written.
- (B) A person or agency that is required to furnish notice under this chapter shall give the notice to the victim at the address or telephone number provided by the victim. The victim shall inform the person or agency of any change in the name, address, or telephone number of the victim.
- (C) A person or agency that has furnished information to a victim in accordance with any requirement under this chapter shall notify the victim promptly of any significant changes to that information.

§ 2930.04 – Information provided by law enforcement agency after initial contact with victim

(A) After its initial contact with a victim of a crime, the law enforcement agency responsible for investigating the crime promptly shall give to the victim, in writing, all of the following information:

- (1) An explanation of the victim's rights under this chapter;
- (2) Information about medical, counseling, housing, emergency, and any other services that are available to a victim;
- (3) Information about compensation for victims under the reparations program in sections 2743.51 to 2743.72 of the Revised Code and the name, street address, and telephone number of the agency to contact to apply for an award of reparations under those sections;
- (4) Information about protection that is available to the victim, including protective orders issued by a court.

(B) As soon as practicable after its initial contact with a victim of a crime, the law enforcement agency responsible for investigating the crime shall give to the victim all of the following information:

- (1) The business telephone number of the law enforcement officer assigned to investigate the case;
- (2) The office address and business telephone number of the prosecutor in the case;
- (3) A statement that, if the victim is not notified of the arrest of the offender in the case within a reasonable period of time, the victim may contact the law enforcement agency to learn the status of the case.

(C) To the extent that the information required by this section is provided in the pamphlet 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 that pamphlet, information card, or other material to the victim.

§ 2930.05 Information provided by law enforcement agency after arrest of defendant

(A) Within a reasonable period of time after the arrest of a defendant for a crime, the law enforcement agency that investigates the crime shall give the victim of the crime notice of all of the following:

- (1) The arrest;
- (2) Whether the defendant is eligible for pretrial release;

(3) The telephone number of the law enforcement agency;

(4) The victim's right to telephone the agency to ascertain whether the defendant has been released from custody.

(B) Upon receiving the affidavit of a victim stating that the defendant, or someone acting at the defendant's direction, has committed or threatened to commit acts of violence or intimidation against the victim, the victim's family, or the victim's representative, the prosecutor in the case may file a motion asking the court to revoke the bond or personal recognizance granted to the defendant.

§ 2930.06 – Information provided by prosecutor

(A) The prosecutor in a case, to the extent practicable, shall confer with the victim in the case before pretrial diversion is granted to the defendant in the case, before amending or dismissing a charge against that defendant, before agreeing to a negotiated plea for that defendant, or before a trial of that defendant by judge or jury. The court that tries a criminal case shall note on the record any failure of the prosecutor in the case to confer with the victim in the case at one of those times as well as the prosecutor's reasons for failing to confer with the victim. The prosecutor's failure to confer with the victim as required by this division does not affect the validity of an agreement between the prosecutor and the defendant in the case, a pretrial diversion of the defendant, an amendment or dismissal of a charge filed against the defendant, a plea entered by the defendant, or any other disposition in the case.

(B) After a prosecution in a case has been commenced, the prosecutor in the case, to the extent practicable, promptly shall give the victim all of the following information:

(1) The name of the offense with which the defendant in the case has been charged;

(2) The file number of the case;

(3) A brief statement regarding the procedural steps in a criminal case and the right of the victim to be present during all proceedings held throughout the prosecution of a case;

(4) A summary of the rights of a victim under this chapter;

(5) Procedures the victim may follow if the victim becomes subject to threats or intimidation from the defendant in the case or any other person;

(6) The name of a person to contact for further information with respect to the case;

(7) The right of the victim to have a 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 court will name a representative if the victim so requests.

(C) Upon the request of the victim in a case, the prosecutor in the case shall give the victim notice of any scheduled court proceedings in the case and notice of any changes in the schedule in the case.

(D) A victim who requests notice under this section and who elects to receive any other notice under this chapter shall keep the prosecutor informed of the victim's current address and telephone number until the case is dismissed or terminated, the defendant is acquitted or sentenced, or the appellate process is completed, whichever is the final disposition in the case.

§ 2930.07 Protection of victim

(A) If the prosecutor in a case determines that there are reasonable grounds for the victim in a case to be apprehensive regarding acts or threats of violence or intimidation by the defendant in the case or at the defendant's direction against the victim, the victim's family, or the victim's representative, the prosecutor may file a motion with the court requesting that the victim or other witnesses in the case not be compelled in any phase of the criminal proceeding to give testimony that would disclose the victim's address, place of employment, or similar identifying fact about the victim without the victim's consent. The court shall hold a hearing on the motion in chambers, and a court reporter shall make a record of the proceeding.

(B) The court file or court documents in a case shall not contain the address of the victim in the case or of the victim's representative unless the address is contained in a transcript of the trial or is used to identify the location of the crime. The court file or court documents in a case shall not contain the telephone number of the victim in a case or of the victim's representative unless the number is contained in a transcript of the trial.

§ 2930.08 Notice of potential delays in prosecution of defendant

If practicable, the prosecutor in a case shall inform the victim in the case of a motion, request, or agreement between counsel that may result in a substantial delay in the prosecution of the case. The prosecutor shall inform the court of the victim's objections to the delay, if any, and the court shall consider the victim's objections in ruling on the motion, request, or agreement.

§ 2930.09 Right of victim to be present

A victim in a case may be present whenever the defendant in the case is present during any critical stage of the case against the defendant that is conducted on the record, other than a grand jury proceeding, unless the court determines that exclusion of the victim is necessary to protect the defendant's right to a fair trial. At the victim's request, the court shall permit the victim to be accompanied by an individual to provide support to the victim unless the court determines that exclusion of the individual is necessary to protect the defendant's right to a fair trial.

§ 2930.10 Minimizing contact between victim and defendant

(A) The court that hears a criminal case shall make a reasonable effort to minimize any unwanted contact between the victim in the case, members of the victim's family, the victim's representative, or witnesses for the prosecution and the defendant in the case, members of the defendant's family, or witnesses for the defense before, during, and immediately after court proceedings.

(B) The court shall provide a waiting area for the victim, members of the victim's family, the victim's representative, or witnesses for the prosecution that is separate from the waiting area used by the defendant, members of the defendant's family, and defense witnesses if a separate waiting area is available and the use of the area is practical.

§ 2930.11 Property of victim

(A) The law enforcement agency that has responsibility for investigating a crime shall promptly return to the victim of the crime any property of the victim that was taken in the course of the investigation except as otherwise provided in sections 2933.41 to 2933.43 of the Revised Code. If the ownership of the property is in dispute, the agency shall not return the property until the dispute is resolved.

(B) The law enforcement agency that has responsibility for investigating a crime shall retain any property of the victim of the crime that is needed as evidence in the case, including any weapon used in the commission of the crime, upon the prosecutor's certification of a need to retain the property in lieu of a photograph of the property or of another evidentiary substitute for the property itself.

(C) If the defendant in a case files a motion for the law enforcement agency that has responsibility for investigating a crime to retain property of the victim in the case because the property is needed for the defense in the case, the agency shall retain the property until the court rules on the motion. The court, in making a determination on the motion, shall weigh the victim's need for the property against the defendant's assertion that the property has evidentiary value for the defense. The court shall rule on the motion in a timely fashion.

§ 2930.12 Notice of acquittal or conviction of defendant

At the victim's request, the prosecutor in a case shall give the victim in the case notice of the defendant's acquittal or conviction. If the defendant is convicted, the notice shall include all of the following:

(A) The crimes of which the defendant was convicted;

(B) The address and telephone number of the probation office that is to prepare a presentence investigation report pursuant to section 2951.03 of the Revised Code, and the address and telephone number of the person, if any, who is to prepare a victim impact statement pursuant to section 2947.051 of the Revised Code;

(C) Notice that the victim may make a statement about the impact of the offense to the probation officer who prepares the presentence investigation report or to the person who prepares a victim

impact statement, that a statement included in the report will be made available to the defendant unless the court exempts it from disclosure, and that the court may make the victim impact statement available to the defendant;

(D) Notice of the victim's right to make a statement about the impact of the offense at sentencing;

(E) The date, time, and place of the sentencing hearing;

(F) Any sentence imposed upon the defendant and any modification of that sentence.

§ 2930.13 Victim impact statement; presentence investigation report

(A) If the court orders the preparation of a victim impact statement pursuant to section 2947.051 of the Revised Code, the victim in the case may make a written or oral statement regarding the impact of the offense to the person whom the court orders to prepare the victim impact statement. A statement made by the victim under this section shall be included in the victim impact statement.

(B) If a probation officer is preparing a presentence investigation report concerning the defendant, the victim may make a written or oral statement regarding the impact of the offense to the probation officer for use by that officer in the presentence investigation report. Upon the victim's request, the probation officer shall include a written statement submitted by the victim in the presentence investigation report.

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

(1) An explanation of the nature and extent of any physical, psychological, or emotional harm suffered [*sic.*] by the victim as a result of the crime that is the basis of the case;

(2) An explanation of the extent of any property damage or other economic loss suffered by the victim as a result of the crime that is the basis of the case;

(3) An opinion regarding the extent to which, if any, the victim needs restitution for harm caused by the defendant and information about whether the victim has applied for or received any compensation for loss or damage caused by the crime that is the basis of the case;

(4) The victim's recommendation for an appropriate sanction for the defendant.

(D) The release of a statement made by a victim under division (A) of this section and included in a victim impact statement is governed by section 2947.051 of the Revised Code. The release of a statement made by a victim under division (B) of this section and included in a presentence investigation report is governed by section 2951.03 of the Revised Code.

§ 2930.14 Statement by victim prior to sentencing of defendant

(A) Before imposing sentence upon the defendant for the commission of a crime, the court shall permit the victim of the crime to make a statement concerning the effects of the crime upon the victim, the circumstances surrounding the crime, and the manner in which the crime was perpetrated. At the judge's option, the victim may present the statement in writing prior to the sentencing hearing, orally at the hearing, or both. The court shall give copies of any written statement by a victim to the prosecutor and the defendant.

(B) The court shall consider the victim's statement along with other factors that the court is required to consider in imposing sentence. If the statement includes new material facts upon which the court intends to rely, the court shall continue the sentencing proceeding or take other appropriate action to allow the defendant an adequate opportunity to respond to the new material facts.

§ 2930.15 Notice of appeal by defendant

(A) If the victim of a crime requests notice of the filing of an appeal, the prosecutor in a case in which a defendant is convicted of committing that crime against the victim shall notify the victim if the defendant files an appeal of the conviction. The prosecutor also shall give the victim all of the following information:

- (1) A brief explanation of the appellate process, including the possible disposition of the case;
- (2) Whether the defendant has been released on bail or other recognizance pending the disposition of the appeal;
- (3) The time and place of appellate court proceedings and any subsequent changes in the time and place of those proceedings;
- (4) The result of the appeal.

(B) If a defendant's conviction is reversed and the defendant's case is returned to the trial court for further proceedings, the victim of the crime of which the defendant was convicted may exercise all the rights that the victim previously requested in the case.

§ 2930.16 Notice of incarceration or release of defendant

(A) A victim in a case who pursuant to section 2930.06 of the Revised Code elected to receive any notice specified by this chapter shall be given notice of the incarceration of the defendant in the case. Promptly after sentence is imposed upon the defendant, the prosecutor in the case shall notify the victim of the date on which the defendant will be released from confinement or the prosecutor's reasonable estimate of that date. The prosecutor also shall notify the victim of the name of the custodial agency of the defendant and tell the victim how to contact that custodial agency. The victim shall keep the custodial agency informed of the victim's current address and telephone number.

(B) The prosecutor in a case promptly shall notify the victim in the case of any motion for early release of the defendant in the case, of any motion for modification of the defendant's sentence pursuant to section 2929.51 of the Revised Code, and of the court's ruling on each of those motions.

(C) Upon the victim's request, the custodial agency of a defendant shall give the victim of the defendant any of the following notices that is applicable:

(1) At least three weeks prior to a decision of the governor to grant a pardon or commutation of sentence to the defendant or at least three weeks prior to a hearing before the adult parole authority regarding a grant of parole to the defendant, notice of the victim's right to submit a statement regarding the impact of the defendant's release in accordance with section 2967.12 of the Revised Code;

(2) Notice to the victim at least thirty days before the defendant is granted a furlough under section 2967.26 of the Revised Code or as soon as practicable before the defendant is granted a furlough under 2967.27 of the Revised Code and notice to the victim of the victim's right to submit a statement regarding the impact of the release under those sections;

(3) Notice to the victim at least three weeks before the defendant is permitted to serve a portion of his sentence as a period of electronically monitored early release pursuant to section 5120.073 of the Revised Code;

(4) Prompt notice to the victim of the defendant's escape from a facility in which he was incarcerated or the defendant's absence without leave from a mental health facility or from other custody and of the capture of the defendant after an escape or absence;

(5) Notice to the victim of the defendant's death while in custody;

(6) Notice to the victim of the defendant's release from confinement and the conditions of the release.

§ 2930.17 Statement by victim prior to postsentence probation of defendant

(A) In determining whether to release a defendant from a term of incarceration pursuant to section 2947.061 of the Revised Code, the court shall permit a victim of the defendant to make an additional statement concerning the effects of the crime for which the defendant was incarcerated on the victim, the circumstances surrounding the crime, the manner in which the crime was perpetrated, and the victim's opinion whether the defendant should be released. The victim may make the statement in writing or orally, at the court's discretion. The court shall give the defendant and the adult parole authority a copy of any written impact statement made by the victim under this section.

(B) In deciding whether to release the defendant, the court shall consider a statement made by the victim under this section or section 2930.14 of the Revised Code.

§ 2930.18 Retaliation by employer against victim

No employer of a victim shall discharge, discipline, or otherwise retaliate against the victim, a member of the victim's family, or a victim's representative for participating, at the prosecutor's request, in preparation for a criminal justice proceeding or for attendance, pursuant to a subpoena, at a criminal justice proceeding if the attendance is reasonably necessary to protect the interests of the victim. An employer who knowingly violates this section is in contempt of court.

§ 2930.19 Miscellaneous provisions

(A) In a manner consistent with the duty of a prosecutor to represent the interests of the public as a whole, a prosecutor shall seek compliance with this chapter on behalf of a victim, a member of the victim's family, or the victim's representative.

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

(C) The failure 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 or sentence, or for granting postconviction release to a defendant.

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

(E) If the victim is incarcerated in a state or local correctional facility, 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, public employee, or public agency with a duty under this chapter.