



## Ohio Revised Code

### Section 2930.04 Information provided to victim by law enforcement agency.

Effective: July 7, 2023

Legislation: Senate Bill 16

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(A) The attorney general shall provide access to a sample victim's rights request form, which shall include the information specified in division (B) of this section. The form shall be created in English, Spanish, and Arabic, and any other languages upon request. The 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) 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 complete the form at the time of first contact with law enforcement, if applicable;

(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 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 that allows the victim or victim's representative to request interpretation services and provide the information necessary for the criminal justice system official to provide those services;

(h) Include a section 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 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 provide victims information about available no-cost legal services to help enforce victims' rights.

(m) Provide information for online or print access to the attorney general information card, victim's rights 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 copies;

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



- (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;
- (p) Contain a statement that the victim's 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;
  - (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 ;
- (r) Provide information about the importance of the arraignment process for victim's rights;
- (s) Provide information about the right to refuse interview, deposition and discovery requests from the defendant;
- (t) Provide information about the potential availability of protection orders;
- (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;



(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;

(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) 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)(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 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 failure to complete the form or to request 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 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 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) 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) 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 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, compilation, information card, or other material to 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.