



Ohio Revised Code

Section 2930.071 Subpoena of victim records.

Effective: April 6, 2023

Legislation: House Bill 343 - 134th General Assembly

(A)(1) A defendant who seeks to subpoena records of or concerning the victim shall serve the prosecutor, the victim, and the victim's attorney, if applicable, with a copy of the subpoena.

The prosecutor shall ensure that the defendant is provided the information necessary to effect such service.

(2)(a) Pursuant to Criminal Rule 17, the court, on a motion made promptly and at or before the time specified in the subpoena for compliance, may quash or modify the subpoena if compliance would be unreasonable or oppressive.

(b) Upon the filing of a motion to quash, the court shall conduct a hearing in which the proponent of the subpoena shall prove all of the following:

(i) That the documents are evidentiary and relevant;

(ii) That the documents are not otherwise procurable reasonably in advance of trial by exercise of due diligence;

(iii) That the party cannot properly prepare for trial without such production and inspection in advance of trial and that the failure to obtain such inspection may tend unreasonably to delay the trial;

(iv) That the application is made in good faith and is not a violation of Ohio Rules of Criminal Procedure.

(3) If the court does not quash the subpoena, the court shall conduct an in-camera review of any records as to which a right of privilege has been asserted.



(4) If the court determines that any of the records reviewed in camera are privileged or constitutionally protected, the court shall balance the victim's rights and privileges against the constitutional rights of the defendant. The disclosure of any portion of the records to the prosecutor does not make the records subject to discovery, unless the material is such that due process requires that the prosecutor provide it to the defendant pursuant to the Brady Rule.

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

(C) As used in this section, "Brady Rule" has the same meaning as in section 2743.48 of the Revised Code.