



Ohio Revised Code Section 2930.072 Victim interviews.

Effective: April 6, 2023

Legislation: House Bill 343 - 134th General Assembly

(A) Unless the victim consents in writing, which may be executed at the time of the interview, the victim shall not be compelled to submit to an interview on any matter, including any charged criminal offense witnessed by the victim and that occurred on the same occasion as the offense against the victim or filed in the same indictment or information or consolidated for trial, that is conducted by the defendant, the defendant's attorney, or an agent of the defendant. Nothing in this section permits a victim to ignore or disregard a court-ordered deposition or a subpoena seeking witness testimony issued pursuant to the Rules of Criminal Procedure.

(B) When a notice of appearance has been filed by the defendant's attorney, the prosecutor shall inform the victim of the defense counsel's name. The prosecutor shall inform the victim of the victim's right to refuse to submit to an interview, or, unless ordered by the court, a request for a deposition by the defendant, the defendant's attorney, or an agent of the defendant. The prosecutor shall also inform the victim of the victim's right to an attorney. A defendant, defendant's attorney, or agent of a defendant who attempts to contact a victim shall first identify self as such.

(C)(1) If the victim consents to an interview or, subject to Criminal Rule 15 or Juvenile Rule 25, as applicable, a deposition, the victim or the victim's attorney, if applicable, and the defendant, the defendant's attorney, or an agent of the defendant shall determine and specify a mutually agreed upon time and place for the interview or deposition, along with any other conditions requested by the victim.

(2) The victim has the right to terminate the interview or deposition at any time or refuse to answer any question during the interview or deposition, unless the deposition has been ordered by the court. If the victim refuses to answer questions during the deposition or terminates the deposition, the deposition may not be used in lieu of trial testimony.

(3) The victim's attorney, if applicable, or the prosecutor, at the request of the victim, has standing to protect the victim from harassment, intimidation, or abuse and, pursuant to that standing, may seek



any appropriate protective order.

(4) The victim may request or the victim's attorney, if applicable, or the prosecutor, with the victim's consent, may request that the deposition be audio or video recorded.

(D) If the defendant or the defendant's attorney comments at trial on the victim's refusal to be interviewed or deposed, the court shall instruct the jury that the victim has the right to refuse an interview or deposition, unless the deposition was ordered by the court.