



Ohio Revised Code

Section 2930.09 Victim's presence at trial.

Effective: April 6, 2023

Legislation: House Bill 343

(A)(1) A victim and victim's representative in a case, if applicable, have the right to be present, during any public proceeding, other than a grand jury proceeding. At any stage of the case at which the victim is present, the court shall permit the victim to be accompanied by an individual to provide support to the victim, a victim advocate and victim representative. The victim, victim's representative, and victim's attorney, if applicable, have the right to be heard by the court at any proceeding in which any right of the victim is implicated. If present, the victim, victim's representative, and victim's attorney, if applicable, have the right to be heard orally, in writing, or both.

(2)(a) If the victim or victim's representative is not present at a court proceeding in which a right of the victim is at issue, the court shall ask the prosecutor all of the following:

(i) Whether the victim and victim's representative, if the victim or victim's representative requested notifications, were notified of the time, place, and purpose of the court proceeding;

(ii) To disclose to the court any and all attempts made to give each victim and victim's representative, if applicable, notice;

(iii) Whether the victim or victim representative were advised that the victim and victim's representative had a right to be heard at the court proceeding;

(iv) Whether the victim and victim representative were conferred with pursuant to section 2930.06 of the Revised Code.

(b) If the court determines that timely notice was not given to the victim and victim's representative, if applicable, or that the victim and victim's representative were not adequately informed of the nature of the court proceeding, or that the prosecutor failed to confer with the victim and victim's representative as required by section 2930.06 of the Revised Code, 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 notify the victim and victim's representative, if applicable, of the time, place, and nature of the court proceeding.

(c) If the victim or victim's representative is not present at a court proceeding in which a right of the victim is at issue, the court may proceed with the hearing if the prosecutor informs the court that the victim and victim's representative, if the victim or victim's representative requested notifications, were notified of the time, place, and purpose of the court proceeding and that the victim or victim's representative had a right to be heard at the court proceeding, and any and all attempts to give each victim and victim's representative, if applicable, notice. The prosecutor shall inform the court of the victim's and victim's representative's, if applicable, position on the matter before the court, if the position is known to the prosecutor.

(B)(1) The victim and victim's representative, if applicable, have the right to be present and be heard at any proceeding in which a negotiated plea for the defendant or alleged juvenile offender will be presented to the court. If present, the victim, victim's representative, and victim's attorney, if applicable, have the right to be heard orally, in writing, or both prior to the acceptance of the plea by the court.

(2) The victim and the victim's representative, if applicable, have a right to elect to not be present at a proceeding in which a negotiated plea for the defendant or alleged juvenile offender will be presented to the court, unless a subpoena was served on the victim or victim's representative, if applicable, compelling the presence of the victim or the victim's representative.

(C) The court shall not accept a negotiated plea agreement if the victim or the victim's representative is absent from the proceeding unless all of the following apply:

(1) The prosecutor advises the court that before requesting and agreeing to a negotiated plea, the prosecutor conferred with the victim and victim's representative, if applicable, pursuant to section 2930.06 of the Revised Code, if the victim or victim's representative requested to confer with the prosecutor.

(2) The prosecutor made reasonable efforts to give the victim and victim's representative, if



applicable, notice of the plea proceedings and to inform the victim and victim's representative of the victim's and victim's representative's right to be present and be heard at the plea proceedings.

(3) The prosecutor discloses to the court any and all attempts made to give each victim and victim's representative, if applicable, notice of the plea agreement, including the offense or delinquent act to which the defendant or alleged juvenile offender will plead guilty, the date that the plea will be presented to the court, and the terms of any sentence or disposition agreed to as part of the negotiated plea.

(4) The prosecutor informs the court of any objection by the victim or victim's representative to the plea agreement.

(5) The prosecutor advises the court that to the best of the prosecutor's knowledge the notice requirements of this chapter have been complied with.

(D) The victim and victim's representative, if applicable, have the right to be present and be heard orally, in writing, or both at any proceeding in which the court conducts a hearing on the post-arrest release of the person accused of committing a criminal offense or delinquent act against the victim or the conditions of that release, including the arraignment or initial appearance.

(E) The victim and victim's representative, if applicable, have the right to be present and be heard orally, in writing, or both at any probation or community control revocation disposition proceeding or any proceeding in which the court is requested to terminate the probation or community control of the person who is convicted of committing a criminal offense or delinquent act against the victim.

(F) The victim and victim's representative, if applicable, have the right to be heard orally, in writing, or both at any proceeding in which the court is requested to modify the terms of probation or community control of a person if the modification will affect the person's contact with or the safety of the victim or if the modification involves restitution or incarceration status.

(G) Nothing in this section requires a prosecutor to disclose victim contact information.