



Ohio Revised Code

Section 2930.06 Prosecutor to confer with victim - court to give notice of proceedings to victim.

Effective: April 6, 2023

Legislation: Senate Bill 288 (GA 134), House Bill 343 (GA 134)

(A)(1) The prosecutor in a case or the prosecutor's designee, to the extent practicable, shall, on the victim's request, confer with the victim and the victim's representative, if applicable, at each of the following stages:

(a) Before pretrial diversion is granted to the defendant or alleged juvenile offender in the case;

(b) Before amending or dismissing an indictment, information, or complaint against that defendant or alleged juvenile offender, unless the amendment to the indictment, information, or complaint is a correction of a procedural defect that is not substantive in nature;

(c) Before agreeing to a negotiated plea for that defendant or alleged juvenile offender;

(d) Before a trial of that defendant by judge or jury;

(e) Before the juvenile court conducts an adjudicatory hearing for that alleged juvenile offender.

(2) If the juvenile court disposes of a case prior to the prosecutor's involvement in the case, the court or a court employee shall notify the victim and the victim's representative in the case, if applicable, that the alleged juvenile offender will be granted pretrial diversion, the complaint against that alleged juvenile offender will be amended or dismissed, or the court will conduct an adjudicatory hearing for that alleged juvenile offender.

(3) At a hearing at any of the stages listed in division (A)(1) of this section, the court shall inquire as to whether the victim or victim's representative, if applicable, requested to confer with the prosecutor, and whether or not the prosecutor conferred with the victim and the victim's representative, if applicable. If the prosecutor fails to confer with the victim and the victim's representative, if applicable, at any of those times, the court shall note on the record the failure and



the prosecutor's reasons for the failure. Except as provided in division (A)(5) of this section, if the court determines that reasonable efforts were not made to confer with the victim and victim's representative, if applicable, or reasonable efforts were not made to provide reasonable and timely notice of the time, place, and nature of the court proceeding to the victim and victim's representative, if applicable, as required by this section or by Ohio Constitution, Article I, Section 10a, 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 provide the required notice to the victim and victim's representative, if applicable. A prosecutor's failure to confer with a victim as required by this division and a court's failure to provide the notice as required by this division do not affect the validity of an agreement between the prosecutor and the defendant or alleged juvenile offender in the case, a pretrial diversion of the defendant or alleged juvenile offender, an amendment or dismissal of an indictment, information, or complaint filed against the defendant or alleged juvenile offender, a plea entered by the defendant or alleged juvenile defender, an admission entered by the defendant or alleged juvenile offender, or any other disposition in the case.

(4) A court shall not dismiss a criminal complaint, charge, information, or indictment or a delinquent child complaint solely at the request of the victim or victim's representative and over the objection of the prosecuting attorney, village solicitor, city director of law, or other chief legal officer responsible for the prosecution of the case.

(5) Nothing in this section prohibits a court from taking any action necessary to ensure that a person charged with an offense is brought to trial within the time required by sections 2945.71 and 2945.72 of the Revised Code and a defendant's constitutional right to a speedy trial.

(B) On request of the victim or the victim's representative, the prosecutor shall keep the victim and the victim's representative, if applicable, apprised of requests and communications from the defendant, alleged juvenile offender, the attorney for the defendant or alleged juvenile offender, or the agent of the defendant or alleged juvenile offender that could affect the victim's privacy rights or safety concerns.

(C) Within fourteen days after a prosecution in a case has been commenced, the prosecutor or a designee of the prosecutor other than a court or court employee promptly shall give the victim and



the victim's representative, if applicable, all of the following information, except that, if the juvenile court disposes of a case prior to the prosecutor's involvement in the case, the court or a court employee promptly shall give the victim and the victim's representative all of the following information:

- (1) The name of the criminal offense or delinquent act with which the defendant or alleged juvenile offender in the case has been charged and the name of the defendant or alleged juvenile offender;
- (2) The file number of the case;
- (3) A clear and concise statement regarding the procedural steps in a criminal prosecution or delinquency proceeding involving a criminal offense or delinquent act similar to the criminal offense or delinquent act with which the defendant or alleged juvenile offender has been charged and the right of the victim and victim's representative to be present during all proceedings held throughout the prosecution of the case;
- (4) A summary of the rights of a victim under this chapter and under Section 10a of Article I of the Ohio Constitution;
- (5) Procedures the victim, the victim's representative, or the prosecutor may follow if the victim becomes subject to threats of violence, harassment, or intimidation by the defendant, alleged juvenile offender, or any other person;
- (6) The name and business telephone number of the office to contact for further information with respect to the case;
- (7) The right of the victim to have a victim's 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 victim's representative may be designated;
- (8) The right of the victim and victim's representative, if applicable, to confer with the prosecutor on request and the procedures the victim or victim's representative shall follow to confer with the prosecutor;



(9) The fact that the victim can seek the advice of an attorney or have legal representation to enforce the victim's rights;

(10) Notice that any notification under division (E) of this section, sections 2930.08 to 2930.15, division (A), (B), or (C) of section 2930.16, sections 2930.17 to 2930.19, and section 5139.56 of the Revised Code will be given to the victim and the victim's representative, if applicable, only if the victim or victim's representative asks to receive the notification and that notice under division (E)(2) or (K) of section 2929.20, division (D) of section 2930.16, division (H) of section 2967.12, division (A)(3)(b) of section 2967.26, division (D)(1) of section 2967.28, or division (A)(2) of section 5149.101 of the Revised Code will be given unless the victim and the victim's representative, if applicable, ask that the notification not be provided;

(11)(a) The victim's rights request form, or a similar form that, at a minimum, contains the required information listed in this section and on the victim's rights request form, that allows the victim and the victim's representative, if applicable, to request applicable rights to which the victim and victim's representative are entitled under this chapter, including notice to the victim and the victim's representative that failure to affirmatively request these rights will be considered a waiver of these rights, but that the victim or victim's representative may request these rights at a later date;

(b) 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 choose to opt out of the notices and rights available pursuant to the Ohio Constitution, Chapter 2930. of the Revised Code, and any other provision of the Revised Code that provides a victim with rights for future offenses by giving a written notification form to the appropriate prosecutor or prosecutor's designee. 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 the applicable notices and rights and may also state that the person is only interested in the applicable notices if restitution is at issue. The form shall be signed by the person or another person with management authority of the business.

(D) Unless a shorter notice period is reasonable under the circumstances, the court shall provide the prosecutor or prosecutor's designee with oral or written notice of any court proceeding not less than ten days prior to that court proceeding unless the parties agree that a shorter notice period is



reasonable under the circumstances.

(E) On the request of the victim or victim's representative, the prosecutor or, if it is a delinquency proceeding and a prosecutor is not involved in the case, the court shall give the victim and the victim's representative, if applicable, notice of the date, time, and place of any criminal or juvenile proceedings in the case and notice of any changes in those proceedings or in the schedule in the case not less than seven days prior to the criminal or juvenile proceedings in the case unless the parties agree that a shorter notice period is reasonable under the circumstances.

(F) A victim or victim's representative who requests notice under division (E) of this section and who elects pursuant to division (B) of section 2930.03 of the Revised Code to receive any further notice from the prosecutor or, if it is a delinquency proceeding and a prosecutor is not involved in the case, the court under this chapter shall keep the prosecutor or the court informed of the victim's or victim's representative's contact information.

(G) A prosecutor, the prosecutor's designee, or a court that is required to notify a victim or victim's representative of hearings, on request, shall attempt a notification and keep a record of attempted notifications in the same manner as described in divisions (D)(1) and (2) of section 2930.16 of the Revised Code.

(H) The prosecutor shall review the victim's rights request form with the victim or victim's representative and obtain the victim's and victim's representative's, if applicable, signatures if the form was not previously completed with law enforcement and shall file this form with the court within seven days after initiation of a criminal prosecution.

The Legislative Service Commission presents the text of this section as a composite of the section as amended by multiple acts of the General Assembly. This presentation recognizes the principle stated in R.C. 1.52(B) that amendments are to be harmonized if reasonably capable of simultaneous operation.