



Ohio Revised Code

Section 2930.16 Notice of incarceration and release date.

Effective: April 6, 2023

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

(A) If a defendant is incarcerated, a victim or victim's representative who has requested to receive notice under this section shall be given notice of the incarceration of the defendant. If an alleged juvenile offender is committed to the temporary custody of a school, camp, institution, or other facility operated for the care of delinquent children or to the legal custody of the department of youth services, a victim or victim's representative who has requested to receive notice under this section shall be given notice of the commitment. Promptly after sentence is imposed upon the defendant or the commitment of the alleged juvenile offender is ordered, the court or the court's designee shall notify the prosecutor in the case and the prosecutor shall notify the victim and the victim's representative, if applicable, of the date on which the defendant will be released, or initially will be eligible for release, from confinement or the prosecutor's reasonable estimate of that date or the date on which the alleged juvenile offender will have served the minimum period of commitment or the prosecutor's reasonable estimate of that date. The prosecutor also shall notify the victim and the victim's representative of the name of the custodial agency of the defendant or alleged juvenile offender and tell the victim and the victim's representative how to contact that custodial agency. If the custodial agency is the department of rehabilitation and correction, the prosecutor shall notify the victim and the victim's representative of the services offered by the office of victims' services pursuant to section 5120.60 of the Revised Code. If the custodial agency is the department of youth services, the prosecutor shall notify the victim and the victim's representative of the services provided by the office of victims' services within the release authority of the department pursuant to section 5139.55 of the Revised Code and the victim's right pursuant to section 5139.56 of the Revised Code to submit a written request to the release authority to be notified of actions the release authority takes with respect to the alleged juvenile offender. The victim and the victim's representative shall keep the custodial agency informed of the victim's or victim's representative's current contact information.

(B)(1) Upon the victim's or victim's representative's request or in accordance with division (D) of this section, the court or the court's designee shall notify the prosecutor in the case and the prosecutor promptly, but not later than seven days after the hearing is scheduled or the application is filed, shall



notify the victim and the victim's representative, if applicable, of any application or hearing for judicial release of the defendant pursuant to section 2929.20 of the Revised Code or of any hearing for judicial release or early release of the alleged juvenile offender pursuant to section 2151.38 of the Revised Code and of the victim's and victim's representative's right to make a statement under those sections. If the court does not hold a hearing or if the victim and victim's representative, if applicable, do not attend the hearing or make a statement, the court shall notify the victim and victim's representative of its ruling in each of those hearings and on each of those applications.

(2) If an offender is sentenced to a prison term pursuant to division (A)(3) or (B) of section 2971.03 of the Revised Code, on the request of the victim or victim's representative or in accordance with division (D) of this section, the court or the court's designee shall notify the prosecutor in the case and the prosecutor promptly shall notify the victim and the victim's representative, if applicable, of any hearing to be conducted pursuant to section 2971.05 of the Revised Code to determine whether to modify the requirement that the offender serve the entire prison term in a state correctional facility in accordance with division (C) of that section, whether to continue, revise, or revoke any existing modification of that requirement, or whether to terminate the prison term in accordance with division (D) of that section. If the court does not hold a hearing or if the victim and victim's representative, if applicable, do not attend the hearing or make a statement, the court shall notify the victim and the victim's representative of any order issued at the conclusion of the hearing.

(C)(1) On first contact with a victim, the custodial agency of a defendant or delinquent child shall verify with the victim and victim's representative, if applicable, that all information and requests are current. If a victim's rights request form was not provided by the prosecutor, the custodial agency shall give the victim and victim's representative, if applicable, the victim's rights request form, or similar form that, at a minimum, contains the required information listed in this section and on the victim's rights request form. A person claiming direct and proximate harm as a result of a criminal offense or delinquent act must affirmatively identify the person's self and request the notifications provided in this section and section 2967.28 of the Revised Code.

(2) Upon the victim's or victim's representative's request made at any time before the particular notice would be due or in accordance with division (D) of this section, the custodial agency of a defendant or alleged juvenile offender shall give the victim and the victim's representative, if applicable, any of the following notices that is applicable:



(a) At least sixty days before the adult parole authority recommends a pardon or commutation of sentence for the defendant or at least sixty days prior to a hearing before the adult parole authority regarding a grant of parole to the defendant, notice of the victim's and victim's representative's right to submit a statement regarding the impact of the defendant's release in accordance with section 2967.12 of the Revised Code and, if applicable, of the victim's and victim's representative's right to appear at a full board hearing of the parole board to give testimony as authorized by section 5149.101 of the Revised Code; and at least sixty days prior to a hearing before the department regarding a determination of whether the inmate must be released under division (C) or (D)(2) of section 2967.271 of the Revised Code if the inmate is serving a non-life felony indefinite prison term, notice of the fact that the inmate will be having a hearing regarding a possible grant of release, the date of any hearing regarding a possible grant of release, and the right of any person to submit a written statement regarding the pending action;

(b) At least sixty days before the defendant is transferred to transitional control under section 2967.26 of the Revised Code, notice of the pendency of the transfer and of the victim's and victim's representative's right under that section to submit a statement regarding the impact of the transfer;

(c) At least sixty days before the release authority of the department of youth services holds a release review, release hearing, or discharge review for the alleged juvenile offender, notice of the pendency of the review or hearing, of the victim's and victim's representative's right to make an oral or written statement regarding the impact of the crime upon the victim or regarding the possible release or discharge, and, if the notice pertains to a hearing, of the victim's right to attend and make statements or comments at the hearing as authorized by section 5139.56 of the Revised Code;

(d) Prompt notice, but not more than three days after the escape, of the defendant's or alleged juvenile offender's escape from a facility of the custodial agency in which the defendant was incarcerated or in which the alleged juvenile offender was placed after commitment, of the defendant's or alleged juvenile offender's absence without leave from a mental health or developmental disabilities facility or from other custody, and of the capture of the defendant or alleged juvenile offender after an escape or absence;

(e) Notice of the defendant's or alleged juvenile offender's death while in confinement or custody



within thirty days of the defendant's or alleged juvenile offender's death;

(f) Notice of the filing of a petition by the director of rehabilitation and correction pursuant to section 2929.20 of the Revised Code requesting the early release of the defendant pursuant to a judicial release under that section within thirty days of the filing of the petition;

(g) Notice of the defendant's or alleged juvenile offender's post-conviction release from confinement or custody, including jail or local custody, and the terms and conditions of the release as soon as the custodial agency becomes aware of the release.

(D)(1) If a defendant is incarcerated for the commission of aggravated murder, murder, or an offense of violence that is a felony of the first, second, or third degree or is under a sentence of life imprisonment or if an alleged juvenile offender has been charged with the commission of an act that would be aggravated murder, murder, or an offense of violence that is a felony of the first, second, or third degree or be subject to a sentence of life imprisonment if committed by an adult, except as otherwise provided in this division, the notices described in divisions (B) and (C) of this section shall be given regardless of whether the victim or victim's representative has requested the notification. The notices described in divisions (B) and (C) of this section shall not be given under this division to a victim or victim's representative if the victim or victim's representative has requested pursuant to division (B)(2) of section 2930.03 of the Revised Code that the victim or victim's representative not be provided the notice. Regardless of whether the victim or victim's representative has requested that the notices described in division (C) of this section be provided or not be provided, the custodial agency shall give notice similar to those notices to the prosecutor in the case, to the sentencing court, to the law enforcement agency that arrested the defendant or alleged juvenile offender if any officer of that agency was a victim of the offense, and to any member of the victim's immediate family who requests notification. If the notice given under this division to the victim and victim's representative is based on an offense committed prior to March 22, 2013, and if the prosecutor or custodial agency has not previously successfully provided any notice to the victim and victim's representative under this division or division (B) or (C) of this section with respect to that offense and the offender who committed it, the notice also shall inform the victim and victim's representative that the victim or victim's representative may request that the victim or victim's representative not be provided any further notices with respect to that offense and the offender who committed it and shall describe the procedure for making that request. If the notice given under this division to the victim and victim's



representative pertains to a hearing regarding a grant of a parole to the defendant, the notice also shall inform the victim and victim's representative that the victim, a member of the victim's immediate family, or the victim's representative may request a victim conference, as described in division (E) of this section, and shall provide an explanation of a victim conference.

The prosecutor or custodial agency may give the notices to which this division applies by any reasonable means, including, but not limited to, regular mail, telephone, and electronic mail. If the prosecutor or custodial agency attempts to provide notice to a victim or victim's representative under this division but the attempt is unsuccessful because the prosecutor or custodial agency is unable to locate the victim or victim's representative, is unable to provide the notice by its chosen method because it cannot determine the mailing address, telephone number, or electronic mail address at which to provide the notice, or, if the notice is sent by mail, the notice is returned, the prosecutor or custodial agency shall make another attempt to provide the notice to the victim or victim's representative. If the second attempt is unsuccessful, the prosecutor or custodial agency shall make at least one more attempt to provide the notice. If the notice is based on an offense committed prior to March 22, 2013, in each attempt to provide the notice to the victim or victim's representative, the notice shall include the opt-out information described in the preceding paragraph. The prosecutor or custodial agency, in accordance with division (D)(2) of this section, shall keep a record of all attempts to provide the notice, and of all notices provided, under this division.

Division (D)(1) of this section, and the notice-related provisions of divisions (E)(2) and (K) of section 2929.20, division (H) of section 2967.12, division (E)(1)(b) of section 2967.19 as it existed prior to the effective date of this amendment, division (A)(3)(b) of section 2967.26, division (D)(1) of section 2967.28, and division (A)(2) of section 5149.101 of the Revised Code enacted in the act in which division (D)(1) of this section was enacted, shall be known as "Roberta's Law."

(2) Each prosecutor and custodial agency that attempts to give any notice to which division (D)(1) of this section applies shall keep a record of all attempts to give the notice. The record shall indicate the person who was to be the recipient of the notice, the date on which the attempt was made, the manner in which the attempt was made, and the person who made the attempt. If the attempt is successful and the notice is given, the record shall indicate that fact. The record shall be kept in a manner that allows public inspection of attempts and notices given to persons other than victims or victims' representatives without revealing the names, addresses, or other identifying information



relating to victims or victims' representatives. The record of attempts and notices given to victims or victims' representatives is not a public record, but the prosecutor or custodial agency shall provide upon request a copy of that record to a prosecuting attorney, judge, law enforcement agency, or member of the general assembly. The record of attempts and notices given to persons other than victims or victims' representatives is a public record. A record kept under this division may be indexed by offender name, or in any other manner determined by the prosecutor or the custodial agency. Each prosecutor or custodial agency that is required to keep a record under this division shall determine the procedures for keeping the record and the manner in which it is to be kept, subject to the requirements of this division.

(E) The adult parole authority shall adopt rules under Chapter 119. of the Revised Code providing for a victim conference, upon request of the victim, a member of the victim's immediate family, or the victim's representative, prior to a parole hearing in the case of a prisoner who is incarcerated for the commission of aggravated murder, murder, or an offense of violence that is a felony of the first, second, or third degree or is under a sentence of life imprisonment. The rules shall provide for, but not be limited to, all of the following:

(1) Subject to division (E)(3) of this section, attendance by the victim, members of the victim's immediate family, the victim's representative, and, if practicable, other individuals;

(2) Allotment of up to one hour for the conference;

(3) A specification of the number of persons specified in division (E)(1) of this section who may be present at any single victim conference, if limited by the department pursuant to division (F) of this section.

(F) The department may limit the number of persons specified in division (E)(1) of this section who may be present at any single victim conference, provided that the department shall not limit the number of persons who may be present at any single conference to fewer than three. If the department limits the number of persons who may be present at any single victim conference, the department shall permit and schedule, upon request of the victim, a member of the victim's immediate family, or the victim's representative, multiple victim conferences for the persons specified in division (E)(1) of this section.



(G) As used in this section, "victim's immediate family" has the same meaning as in section 2967.12 of the Revised Code.

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.