



Ohio Revised Code

Section 2930.07 Privacy of victim's information.

Effective: July 7, 2023

Legislation: Senate Bill 16

(A) As used in this section:

(1)(a) "Case document" means a document or information in a document, or audio or video recording of a victim of violating a protection order, an offense of violence, or a sexually oriented offense, regarding a case that is submitted to a court, a law enforcement agency or officer, or a prosecutor or filed with a clerk of court, including, but not limited to, pleadings, motions, exhibits, transcripts, orders, and judgments, or any documentation, including audio or video recordings of a victim of violating a protection order, an offense of violence, or a sexually oriented offense, prepared or created by a court, clerk of court, or law enforcement agency or officer, or a prosecutor regarding a case.

(b) "Case document" does not include materials subject to the work product doctrine, materials that by law are subject to privilege or confidentiality, or materials that are otherwise protected or prohibited from disclosure by state or federal law. "Case document" also does not include motor vehicle accident reports submitted to the department of public safety pursuant to section 5502.11 of the Revised Code unless the victim or victim's representative requests redaction pursuant to division (B)(1)(p) of section 2930.04 of the Revised Code.

(2) "Court" has the same meaning as in section 2930.01 of the Revised Code and includes a court of appeals and the supreme court.

(3) "Minor victim" means any person who was under eighteen years of age at the time of the commission of the criminal offense or delinquent act of which the person is a victim.

(4) "Public office" and "public official" have the same meanings as in section 149.011 of the Revised Code.

(5) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.



(B) The victim and victim's representative, if applicable, have the right at any court proceeding, including any juvenile court proceeding, not to testify regarding the victim's address, telephone number, place of employment, or other locating information unless the victim specifically consents or the court determines that the fundamental demands of due process of law in the fair administration of criminal justice prevails over the victim's rights to keep the information confidential.

The court shall make this determination pursuant to an in-camera review. If the court determines that the information shall be disclosed, the court proceeding shall be closed during the disclosure.

(C) Any public office or public official that is charged with the responsibility of knowing the name, address, or other identifying information of a victim or victim's representative as part of the office's or official's duties shall have full and complete access to the name, address, or other identifying information of the victim or victim's representative. That public office or public official shall take measures to prevent the public disclosure of the name, address, or other identifying information of the victim or victim's representative through the use of redaction as set forth in division (D) of this section. Nothing in this section prevents a public agency from maintaining unredacted records of a victim's or victim's representative's name, contact information, and identifying information for its own records and use or a public office or public official from allowing another public office or public official to access or obtain copies of its unredacted records. The release of unredacted records to a public office or official does not constitute a waiver of any exemption or exception pursuant to section 149.43 of the Revised Code. This section prohibits the public release of unredacted case documents pursuant to division (A)(1)(v) of section 149.43 of the Revised Code and division (D) of this section.

(D)(1)(a)(i) On written request of the victim or victim's representative to a law enforcement agency, prosecutor's office, or court, all case documents related to the cases or matters specified by the victim maintained by the entity to whom the victim or victim's representative submitted the request shall be redacted prior to public release pursuant to section 149.43 of the Revised Code to remove the name, address, or other identifying information of the victim.

(ii) If the victim of violating a protection order, an offense of violence, or a sexually oriented offense, or the victim's representative, was unable to complete the form at the time of first contact



with law enforcement pursuant to section 2930.04 of the Revised Code, until the victim's initial interaction with a prosecutor, all case documents related to the cases or matters currently before the court regarding that offense shall be redacted prior to public release pursuant to section 149.43 of the Revised Code to remove the name, address, or other identifying information of the victim.

(b) If the victim or victim's representative uses the victims' rights request form to request redaction, that redaction request applies only to the case or cases to which the form pertains. If the victim requests redaction using some other manner than the victims' rights request form, that written request shall specify the cases or matters to which the request applies.

(2) On written request of a victim or victim's representative to the department of public safety, through the contact information provided under division (B)(1)(p) of section 2930.04 of the Revised Code, a report submitted pursuant to section 5502.11 of the Revised Code as maintained by the department of public safety shall be redacted prior to public release as a public record under section 149.43 of the Revised Code to remove the name, address, or other identifying information of the victim.

(3) If multiple victims are involved in a single case, the public office or official shall take reasonable precautions to protect the information of the victims from other victims, unless all of the victims consent to the release of information.

(E)(1)(a) Once a case is closed or inactive, a victim or victim's attorney, if applicable, may view the recorded forensic interview of a minor victim or developmentally disabled victim upon request. The victim or victim's attorney shall be permitted to view the unredacted forensic interview at the location of the child advocacy center or other agency responsible for the forensic interview. An employee or designee of the child advocacy center or agency shall be present at all times during the victim's or victim's attorney's viewing of the interview. The victim or victim's attorney shall not be permitted to record, copy, photograph, or remove from the location the forensic interview or any materials summarizing, documenting, transcribing, or otherwise associated with the forensic interview. The release of an unredacted copy of any recorded forensic interview to a victim, victim's attorney, or victim's representative pursuant to this division is not a violation of section 2151.421 of the Revised Code.



(b) Once a case is closed or inactive, on written application under seal to the court of common pleas in the county in which the forensic interview was recorded, a victim, victim's attorney, if applicable, or victim's representative may request an unredacted copy of any recorded forensic interview of a minor victim or developmentally disabled victim.

(2) Upon receiving the application, the court shall notify the child advocacy center or other agency responsible for the forensic interview and shall provide the child advocacy center or other agency an opportunity to respond or object to the application. While the application is pending, the child advocacy center or other agency responsible for the forensic interview shall not make available for inspection or otherwise disclose the forensic interview or associated materials to the applicant or any person or entity acting on behalf of the applicant.

(3) The forensic interview shall be made available to the court for an in-camera review.

(4) The court may grant the application only upon an express finding that allowing the applicant to receive an unredacted copy of the forensic interview is in the interest of the victim under the totality of the circumstances.

(F) This section does not apply to any disclosure of the name, address, or other identifying information of a victim that is required to be made in the statewide emergency alert program under section 5502.52 of the Revised Code, missing person alert system, or other similar alert system.

(2) This section does not apply to any disclosure of the name, address, or other identifying information of a victim of a criminal offense or delinquent act that resulted in the death of the victim.

(3) Nothing in this section shall prevent a victim, a victim's representative, or a victim's attorney from receiving a copy of any case document with the victim's name, contact information, and identifying information unredacted. A public office's or official's provision of a copy of a case document with the victim's name, contact information, and identifying information unredacted to a victim, victim's representative, or victim's attorney, if applicable, does not constitute a waiver of any exemption or exception under section 149.43 of the Revised Code.

(4) Nothing in this section shall affect either of the following:



- (a) Any rights of a victim or victim's representative to be provided with notice or to make any written or oral statement under this chapter or other applicable law;
 - (b) The disclosure of the location where the reported criminal offense or delinquent act occurred.
- (5) Nothing in this section prohibits the defendant from including necessary information about the victim in filings with the trial court, court of appeals, or the supreme court. The victim's name and identifying information in the filings is not a public record under section 149.43 of the Revised Code if the victim has requested that the victim's name and identifying information be redacted from public records.
- (6) Nothing in this section prevents a law enforcement agency or prosecutor from providing a victim's preferred contact information to a designated agency that provides victim services and rights notification, and any release of documents or information to a law enforcement officer or public official's designee does not constitute a waiver of a victim's right to redaction under this section.